

ORDINANCE No. 119241

*we*

COUNCIL BILL No. 112417

The City

AN ORDINANCE establishing the Demonstration Program for Innovative Housing Design and adding a new Section 23.40.050 to the Seattle Municipal Code to implement the Demonstration Program.

Honorable President:

Your Committee on \_\_\_\_\_

to which was referred the within Council report that we have considered the same

*11/3/98*

*11-30-98 Full Co*

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COMPTROLLER FILE No. \_\_\_\_\_

Introduced: <i>10/12/98</i>	By: <i>Drago</i>
Referred: <i>10/12/98</i>	To:
Referred:	To:
Referred:	To:
Reported: <i>11-30-98</i>	Second Reading:
Third Reading: <i>11-30-98</i>	Signed: <i>11-30-98</i>
Presented to Mayor: <i>11-30-98</i>	Approved: <i>DEC 2 1998</i>
Returned to City Clerk: <i>DEC 2 1998</i>	Published: <i>full BMR</i>
Vetoed by Mayor:	Veto Published:
Passed over Veto:	Veto Sustained:

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SMEAG 45 YBP 17703

# The City of Seattle--Legislative Department

## REPORT OF COMMITTEE

Date Reported  
and Adopted

able President:

Committee on

on was referred the within Council Bill No.

that we have considered the same and respectfully recommend that the same:

"12/28 To approve as amended 5-0

30-98 Full Council: Passed As Amended 6-0

(Excused: Conlon, Melver, Pagelee)

Committee Chair

**ORDINANCE** 119241

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4 AN ORDINANCE establishing the Demonstration Program for Innovative Housing design  
5 and adding a new Section 23.40.050 to the Seattle Municipal Code to implement the  
6 Demonstration Program.

7  
8 WHEREAS, the City's Comprehensive Plan, originally adopted in 1994 and most recently  
9 amended in 1997, includes housing goals for accommodating growth and  
10 maintaining affordability, and for encouraging housing diversity and quality; and  
11

12 WHEREAS, the cost of owning or renting housing continues to increase faster than the rate  
13 of inflation, making it increasingly difficult for many of the citizens of Seattle to  
14 afford housing in the city; and  
15

16 WHEREAS, on March 21, 1998, more than 800 citizens, including community activists,  
17 developers, attorneys, small business people, architects, elected officials, lenders,  
18 tenants and landlords, attended the Mayor's Community Conference on Affordable  
19 Housing to discuss possible solutions to the rising cost of housing; and  
20

21 WHEREAS, on April 13, 1998 City Council, with the Mayor concurring, adopted a  
22 resolution that established the City's top budget priorities for the 1999-2000 biennial  
23 budget and the 1999-2004 Capital Improvement Program, which resolution stated  
24 that the "City is committed to developing and implementing an affordable housing  
25 action agenda for both home ownership and rental housing;" and  
26

27 WHEREAS, on May 5, 1998, Mayor Paul Schell published the Housing Action Agenda,  
28 which includes a goal to "increase our community's supply of moderate income  
29 housing and preserve existing affordable housing," including providing opportunities  
30 for innovative housing designs, and evaluating zoning to find opportunities for new  
31 housing; and  
32

33 WHEREAS, AIA (American Institute of Architects) Seattle's Housing Action Task Force  
34 sponsored the "Housing Seattle, Design Demonstration Projects," seeking entries for  
35 a competition of real projects that demonstrate neighborhood-appropriate approaches  
36 to increasing the inventory and quality of affordable housing in Seattle; and on  
37 September 10, 1998, announced the top eleven entries identified as "Should Be  
38 Builts," selected by an interdisciplinary jury representing a broad range of public and  
39 private housing interests and expertise; and  
40

41 WHEREAS, detached accessory dwelling units are a type of housing that several  
42 neighborhood planning groups are considering as an option to accessory dwelling  
43 units only within principal structures; detached units could provide additional

1 flexibility to accommodate such a unit on a site, allowing limited additional density  
2 without significantly changing the appearance of the neighborhood, and could help  
3 home owners afford to stay in their homes or be able to afford to purchase a home;  
4 and  
5

6 WHEREAS, cottage, tandem and small lot single family housing are types of in-fill housing  
7 that several neighborhood planning groups have recognized as providing a housing  
8 option not readily available today that would fit with their neighborhoods' desire for  
9 affordable, home ownership opportunities for a variety of household types; and  
10

11 WHEREAS, when the Design Review process was being developed in the early 1990s, the  
12 issue of allowing additional height through Design Review departures was discussed  
13 at length, but height was eventually determined to be a standard that could be  
14 included in neighborhood-specific guidelines rather than in the citywide program;  
15 however, since that time, Design Review has had four successful years as an  
16 operational program and neighborhood-specific guidelines have yet to be adopted, so  
17 that there has not yet been an opportunity to test the concept of height departures  
18 through design review; and  
19

20 WHEREAS, some neighborhoods, as part of their neighborhood planning effort have  
21 requested that the City consider allowing the Design Review process to be used to  
22 allow existing structures (in addition to the new construction that Design Review is  
23 currently limited to) to use development standard departures available in Design  
24 Review if they are to be redeveloped for residential use; and  
25

26 WHEREAS, the Department of Construction and Land Use will continue to review whether  
27 the Demonstration Program should include demonstration projects to test whether to  
28 allow further flexibility for cottage housing developments in an effort to encourage  
29 such developments and will propose possible amendments to the Demonstration  
30 Program by mid-January 1999;  
31

32 **NOW THEREFORE,**

33  
34 **BE IT ORDAINED BY THE CITY OF SEATTLE AS FOLLOWS:**

35  
36 **Section 1. Establishment of Demonstration Program.**  
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38 This ordinance establishes the Demonstration Program for Innovative Housing Design,  
39 subject to the conditions established below.  
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**Section 2. Purpose.**

The purpose of this Demonstration Program is to use a limited number of projects to test innovative residential design solutions using alternative development standards and processes. The Demonstration Program will allow a limited number of projects that use certain specified housing types, development standards, and processes that are not currently allowed under existing land use regulations, while continuing to be consistent with the City's land use, housing and neighborhood goals. These projects will be evaluated to determine whether and to what extent each of the changes did or can accomplish the goals contained in Section 3 of this ordinance, and therefore, whether amendments should be made to the City of Seattle Land Use Code to allow these housing types, development standard changes and process changes generally.

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**Section 3. Goals.**

The goals of the Demonstration Program are to test new or more flexible regulations and processes in an effort:

1. To encourage housing production, particularly types of housing that are not readily available in Seattle, or are not currently being produced.
2. To stimulate innovative housing design that is consistent with the housing goals of a neighborhood, and that fits in with or improves the character of the neighborhood.
3. To encourage the development of housing that will serve as a catalyst to stimulate housing production, particularly in neighborhoods where new or rehabilitated residential development has been limited.
4. To serve as a model for other neighborhoods, demonstrating housing solutions that could have broader application in other neighborhoods.
5. To increase the diversity of housing types and levels of affordability to meet the varied needs and goals of a neighborhood.

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**Section 4. Types of Housing, Development Standards Changes and Processes to be Tested.**

In order to meet these goals, through the Demonstration Program the Director of the Department of Construction and Land Use will be allowed to modify certain existing Land Use Code requirements in order to test projects in the four categories listed below. In addition, all demonstration projects will be required to go through the Design Review Process. All other regulations and requirements of the Land Use Code will continue to apply except as modified in Section 8 below.

1. Detached Accessory Dwelling Units: A maximum of five units per submittal period for a total of up to ten such units may be allowed in Single Family zones under the Demonstration Program, according to the development standards for accessory structures and accessory dwelling units, some of which standards may be modified through the

1 citywide Design Review Guidelines (adopted by Ordinance 116909) used in the  
2 administrative Design Review process. Additional height above the current height limits for  
3 accessory structures may also be requested and approved through the administrative Design  
4 Review process in order to test the concept of developing accessory units, limited to a single  
5 story, above garages.

6  
7 2. Cottage Housing, Tandem Housing or Small Lot Single Family Development: A  
8 maximum of three projects per submittal period for a total of up to six such projects that will  
9 test these concepts may be allowed under the Demonstration Program in any of the Single  
10 Family zones. Such projects will be developed according to the development standards for  
11 cottage housing, tandem housing or residential small lot single family development  
12 contained in SMC chapter 23.43, except as those standards may be modified as provided in  
13 the citywide Design Review Guidelines used in the Design Review process. Additional  
14 height, up to a maximum of 15 percent over the maximum height allowed for cottage  
15 housing, tandem housing or small lot single family development, may also be granted  
16 through the Design Review process. Under no circumstances, however, may any height  
17 departure be granted that would result in a structure that is higher than the maximum  
18 allowed for single family structures in single family zones other than RSL.

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20 3. Height Above Current Height Limits through Design Review Departures: A  
21 maximum of three projects per submittal period for a total of up to six projects that are either  
22 multifamily development in multifamily zones or are part of a mixed-use development in  
23 commercial zones, additional height up to 15 percent over the maximum height limit  
24 allowed in the zone may be approved through the Demonstration Program, as long as no  
25 additional floors are constructed as a result of this additional height; the overall scale of  
26 development as viewed from the street front has generally not changed; and the structure  
27 remains compatible with the neighborhood and scale of development allowed in the zone.  
28 This departure is to be used to accommodate unusual site or development conditions such as  
29 topographic depressions or design elements that affect height measurement toward the center  
30 of the development, but which generally does not change the height of a structure along the  
31 street front.

32 A height departure under the Demonstration Program cannot be combined with a  
33 height exception for mixed use structures under SMC 23.47.008C3 or C4, nor will a height  
34 departure be granted under the Demonstration Program if the departure requested would  
35 block the views protected by SMC 23.47.008C4c more than an exception granted under that  
36 section would.

37  
38 4. Design Review Process for Development Standard Departures for Existing  
39 Structures: In an effort to encourage the reuse of existing structures, a maximum of three  
40 projects per submittal period for a total of up to six projects that include residential  
41 development in existing structures in multifamily or commercial zones (including mixed-use  
42 development) may be allowed to use the Design Review process to request development  
43 standard departures that are currently only allowed for new development.

**Section 5. Individual Project Selection Process.**

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3 1. Submittal Deadline: There shall be two project submittal periods:  
4 a. Applications submitted by January 15, 1999; selection decisions by  
5 February 12, 1999.  
6 b. Applications submitted by July 1, 1999; selection decisions by August 1,  
7 1999.

8  
9 2. Neighborhood Support and Consistency with Comprehensive Plan and  
10 Neighborhood Plan Goals: The demonstration project must be consistent with the goals of  
11 the Comprehensive Plan. A brief statement of support from a neighborhood organization or  
12 neighborhood planning group, and opinions from a sizable sampling of adjacent neighbors  
13 and property owners, must be submitted with the application. No project shall be expected  
14 to show 100 percent neighborhood concurrence, but shall demonstrate how and when the  
15 proposed project was discussed with community organizations and neighbors adjacent to the  
16 project. If located within a neighborhood planning area, the applicant shall indicate how the  
17 project would further the goals of the neighborhood plan.  
18

19 3. Project Selection Committee: The Department of Construction and Land Use  
20 shall convene a selection committee to include at a minimum, an Urban Design Planner from  
21 the Department of Construction and Land Use and a representative from the Planning  
22 Commission's Housing subcommittee.  
23

24 4. Project Selection Criteria: The following criteria shall be used to rate and select  
25 individual projects to be a part of the Demonstration Program.

26 a. The extent to which the proposed project fulfills the purpose and goals of  
27 the Demonstration Program.

28 b. The extent to which the proposed project furthers the goals of the City's  
29 Comprehensive Plan, the Mayor's Housing Action Agenda and the City's Housing  
30 Framework.

31 c. The extent to which the proposed project supports the goals of the  
32 neighborhood in which the project is located, and the neighborhood plan goals, when  
33 applicable.

34 d. The general level of support from the community organizations and the  
35 neighbors surrounding the proposed project.

36 e. The extent to which the proposed project reduces the per unit costs, is  
37 proposed to result in affordable units, or proposes to add to the diversity of affordability in  
38 the neighborhood.

39 f. The rating given to the project in AIA Seattle's Design Demonstration  
40 Project competition, or other similar competition of innovative housing and quality design  
41 selected by a jury of design professionals and other housing experts.  
42

1 In addition a proposed project should include a description of the extent to which the project  
2 proposed serves as a good test of future code amendments, either for specific types of  
3 neighborhoods or citywide. Projects that may be approved through existing processes and  
4 regulations shall not be accepted as a demonstration project.  
5

6 5. Public Notice. Immediately following the close of each submittal period, DCLU  
7 shall post notice and provide mailed notice to owners of real property within 300 feet of a  
8 proposed demonstration project site, indicating receipt of an application for a demonstration  
9 project. The notice shall also explain the two week public comment period, the selection  
10 process and the process for permit approval for demonstration projects.  
11

12 6. Project Selection Process. The project selection committee shall recommend to  
13 the Director of DCLU proposed projects to be included in the demonstration program. The  
14 final decision whether to include any individual project in the demonstration program shall  
15 be made by the Director. The decision whether a proposed project is included in the  
16 demonstration program is not appealable, although any final decisions on any demonstration  
17 project's MUP application, including design review are appealable as provided in SMC  
18 23.76. In the Director's discretion, the Director may decide to approve fewer than the  
19 maximum number in each category, but may not approve more than the maximum number  
20 specified in each category.  
21

### 22 **Section 6. Design Review Required.**

23  
24 Once selected to be a demonstration project, each project shall be subject to the Design  
25 Review process contained in SMC Chapter 23 and specifically at Chapter 23.41, except as  
26 the process is modified by this ordinance. Category one, detached accessory dwelling units,  
27 shall be reviewed through the administrative Design Review process at SMC 23.41.016; all  
28 other demonstration projects shall be reviewed through the Design Review Board process.  
29 The adopted citywide design guidelines, which were originally developed to apply only to  
30 new multifamily and commercial development, will also be used for the demonstration  
31 projects in the same manner that they are used for other projects subject to Design Review.  
32 No departures shall be granted from the minimum number of parking spaces required; no  
33 departures shall be granted from the maximum density limits allowed for the types of  
34 housing being demonstrated.  
35

### 36 **Section 7. Program Reporting and Evaluation.**

37  
38 At the end of each project selection period, DCLU shall report to City Council on the types  
39 of projects being submitted and selected for the Demonstration Program and the responses to  
40 the neighborhood notice and comment provisions. Within one year of adoption of the  
41 Demonstration Program, DCLU, in conjunction with the Selection Committee, shall prepare  
42 a report to City Council, summarizing the types of projects submitted, types selected, and an  
43 evaluation of how well the proposals have met or are meeting the purpose and goals of the

1 Demonstration Program. A full evaluation of the program shall be conducted within 24  
2 months of the end of the second selection period, or as soon after 24 months that the  
3 demonstration projects have been completed and are occupied so that the effectiveness of  
4 demonstration projects in achieving the goals of the ordinance can be evaluated.  
5

6 Recommendations for code amendments that result from the demonstration projects,  
7 whether to be applied citywide or to carry out the goals of specific neighborhood plans, may,  
8 if appropriate, also be submitted to City Council at that time. If, however, the evaluation of  
9 a portion of this Demonstration Program (e.g., evaluation of one of the four test categories  
10 included in this ordinance) can be completed earlier than the evaluation of the full ordinance,  
11 then that evaluation and any recommended code changes may also be submitted to City  
12 Council at an earlier time.  
13

14 The evaluation of the four categories of projects will include:  
15

16 1. Detached Accessory Dwelling Units:

17 a. What are appropriate development standards for detached ADUs that "fit"  
18 on a single family lot and within a single family neighborhood, but still allow the  
19 development of a livable unit? Is there a minimum lot size that would be appropriate?  
20

21 b. Are ADUs above garages a viable option in terms of cost to construct and  
22 fit in single family neighborhoods?

23 c. What was the cost of construction, whether a new structure or an addition  
24 or remodel of an existing structure?

25 d. What do the neighbors think of this type of housing? What is the reaction  
26 of the residents of the detached ADU in terms of livability of the unit and how it could be  
27 improved?

28 e. Was administrative Design Review cost effective for this type of small  
29 project?

30 f. If Design Review is to be used for this type of development, are additional  
31 design guidelines needed to address more directly the issues relevant to detached ADUs?

32 g. Did this project provide a design concept that would likely be applicable  
33 and acceptable in other neighborhoods?

34 h. What were the positive results of this project? What were the negative  
35 results?

36 i. Were there any unintended consequences that need to be resolved?

37 j. Are there certain neighborhoods or types of neighborhoods that are more  
38 appropriate for this type of housing than others?

39 2. Cottage Housing, Tandem Housing or Small Lot Single Family Development:  
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41 a. Do the development standards that are already in the code work for this  
42 type of development? Should some standards be modified and if so, how?

1                   b. What was the cost of construction? Does this type of development result  
2 in affordable units? What are the factors that help or hinder the affordability of this type of  
3 development?

4                   c. What do the neighbors think of this type of housing? What is the reaction  
5 of the residents of the housing in terms of livability of the unit and how it could be  
6 improved?

7                   d. If Design Review is to be used for this type of development, are additional  
8 design guidelines needed to address more directly the issues relevant to this type of single  
9 family development?

10                  e. Did this project provide a design concept that would likely be applicable  
11 and acceptable in other neighborhoods?

12                  f. What were the positive results of this project? What were the negative  
13 results?

14                  g. Were there any unintended consequences that need to be resolved?

15                  h. Are there certain neighborhoods or types of neighborhoods that are more  
16 appropriate for this type of housing than others?

17  
18                   3. Height Above Current Height Limits through Design Review Departures:

19                   a. Should height departure be allowed through Design Review in all zones?  
20 For all types of residential development? If not, for which zones? For what types of  
21 residential development?  
22

23                   b. Is 15 percent the appropriate amount of departure? For all types of  
24 residential development? For which zones?

25                   c. Does a maximum percentage need to be specified?

26                   d. What were the circumstances or site conditions that prompted the  
27 requested departure?

28                   e. Are there other ways (without having to go through Design Review) to  
29 address the height issue while still resulting in compatible development, such as an  
30 alternative height measurement technique or a general increase in height allowed?

31                   f. Did the flexibility in height reduce the development cost on a per unit  
32 basis? Did it help the affordability of the units?

33                   g. What is the neighborhood response to the allowed departure?

34                   h. Did this project provide a design concept that would likely be applicable  
35 and acceptable in other neighborhoods?

36                   i. What were the positive results of this project? What were the negative  
37 results?

38                   j. Were there any unintended consequences that need to be resolved?

39                   k. Are there certain neighborhoods or characteristics of areas where height  
40 departures would be more appropriate than other areas?  
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1                   4. Design Review Process for Development Standard Departures for Existing  
2 Structures:

- 3
- 4                   a. Did the process allow for enough flexibility to encourage or at least allow  
5 for the reuse of existing structures? If not, what other departures are needed?
- 6                   b. Are additional design guidelines or departures needed to address more  
7 directly the issues relevant to the reuse of existing structures?
- 8                   c. Are there changes in the process that are needed for existing structures  
9 since there isn't such a thing as a pre-design meeting?
- 10                  d. Did the flexibility in development standards reduce the development cost  
11 on a per unit basis? Did it help the affordability of the units?
- 12                  e. What is the neighborhood response to the remodeled development?
- 13                  f. Did this project provide a design concept that would likely be applicable  
14 and acceptable in other neighborhoods?
- 15                  g. What were the positive results of this project? What were the negative  
16 results?
- 17                  h. Were there any unintended consequences that need to be resolved?
- 18                  i. Are there certain neighborhoods or characteristics of neighborhoods where  
19 Design Review for existing buildings would be more appropriate than other neighborhoods?
- 20

21                  **Section 8.** A new Section 23.40.050 is hereby added to the Seattle Municipal Code,  
22 as follows:

23

24                  **23.40.050      Demonstration Program for Innovative Housing Design**

25

26                  A.     Purpose and Intent.

27

28                  The purpose of this section is to establish a Demonstration Program for Innovative Housing  
29 Design. The goals of the Demonstration Program are to test new or more flexible  
30 regulations and processes in an effort:

- 31                   1. To encourage housing production, particularly types of housing that are  
32 not readily available in Seattle, or are not currently being produced.
- 33                   2. To stimulate innovative housing design that is consistent with the housing  
34 goals of a neighborhood, and that fits in with or improves the character of the neighborhood.
- 35                   3. To encourage the development of housing that will serve as a catalyst to  
36 stimulate housing production, particularly in neighborhoods where new or rehabilitated  
37 residential development has been limited.
- 38                   4. To serve as a model for other neighborhoods, demonstrating housing  
39 solutions that could have broader application in other neighborhoods.
- 40                   5. To increase the diversity of housing types and levels of affordability to  
41 meet the varied needs and goals of a neighborhood.
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1                   B.     Scope of Authority to Modify Land Use Code Requirements.  
2

3     Demonstration projects shall be selected and reviewed in accordance with the Demonstration  
4     Program for Innovative Housing Design adopted by Ordinance 119241. Each  
5     demonstration project shall comply with all of the requirements of the Land Use Code  
6     otherwise applicable to the project, except as specified below:

7                   1. Each demonstration project, including single family development and  
8     redevelopment of existing structures, shall be reviewed through the Design Review process  
9     contained in SMC chapter 23.41 and in SMC chapter 23.76. Detached accessory dwelling  
10    unit projects selected in category one of the Demonstration Program shall use the  
11    administrative Design Review process at SMC 23.41.016.

12                  2. A maximum of ten (10) detached accessory dwelling units may be allowed  
13    in Single Family zones contrary to the requirement in SMC 23.44.006(A). For purposes of  
14    this ordinance, a "detached accessory dwelling unit" means an additional room or set of  
15    rooms that are located within a structure accessory to an owner-occupied single family  
16    structure, that is not connected to the principal structure and is designed, arranged, occupied  
17    or intended to be occupied by not more than one household as living accommodations  
18    independent from any other household. Such units must be developed according to the  
19    development standards for accessory structures and accessory dwelling units in Single  
20    Family zones, Sections 23.44.040 and 23.44.041, except that:

21                  a. Contrary to SMC 23.44.041(A)(4) the accessory dwelling unit may  
22    be located in a structure that is detached from the single family dwelling that is the principal  
23    use on the lot; and

24                  b. Additional modifications to the development standards contained  
25    in SMC 23.44.040 and SMC 23.44.041 may be allowed as departures through the Design  
26    Review process under SMC Chapter 23.41.012; and

27                  c. In addition to the development standard departures allowed in  
28    Section 23.41.012, a departure may be allowed for additional height if the accessory  
29    dwelling unit is a single story unit and will be located above a detached garage, provided  
30    that, no height departure may be granted that would result in a structure that is higher than  
31    the maximum allowed for single family structures in single family zones other than lots  
32    zoned Residential Small Lot.

33                  3. A maximum of six (6) projects that include cottage housing, tandem  
34    housing and small lot single family development may be allowed in a Single Family zone,  
35    contrary to the minimum lot area requirements of SMC 23.44.010 and other development  
36    standards contained in SMC 23.44. Such development must comply with the Residential  
37    Small Lot development standards, SMC Chapter 23.43, except that modifications to the  
38    development standards contained in SMC 23.43 may be allowed as departures through the  
39    Design Review process. In addition to the development standard departures allowed under  
40    SMC 23.41.012, departures may also be allowed for:

41                  a. Additional height up to a maximum of fifteen (15) percent over  
42    the maximum allowed by SMC 23.43.012 for cottage housing, by SMC 23.43.010 for  
43    tandem housing and by SMC 23.43.008 for small lot single family development, provided

1 that, no height departure may be granted that would result in a structure that is higher than  
2 the maximum allowed for single family structures in single family zones other than lots  
3 zoned Residential Small Lot.

4 b. The maximum total floor area of each cottage as required by SMC  
5 23.43.012D, as long as the maximum amount of total floor area for the entire cottage  
6 housing development is not increased.

7 4. A maximum of six (6) multifamily demonstration projects in a  
8 multifamily zone or as a part of a mixed-use development project in a commercial zone  
9 outside of downtown, may be granted height departures through the Design Review process,  
10 contrary to SMC 23.41 which, with one exception, does not allow height departures. A  
11 height departure of up to fifteen (15) percent over the maximum height limit of the zone,  
12 may be allowed as long as:

13 a. No additional floors are constructed as a result of this additional  
14 height;

15 b. The overall scale of development as viewed from the street front  
16 has generally not increased; and

17 c. The structure is compatible with the neighborhood, and with the  
18 scale of development allowed in the zone.

19 d. A height exception under SMC 23.47.008C3 or C4 will not be  
20 requested as part of the project; and

21 e. If private views protected by SMC 23.47.008C4c will be blocked  
22 by the demonstration project, no additional height greater than the additional height that  
23 could be granted by a height exception under SMC 23.47.008C4c may be granted by a  
24 height departure under the demonstration program.

25 5. A maximum of six (6) residential projects in an existing structure in  
26 multifamily or commercial zones outside of downtown, including mixed-use development,  
27 may use the Design Review process. Development standard departures currently allowed  
28 only for new development under SMC 23.41.012 may be granted for the redevelopment of  
29 these existing structures.

30  
31 C. Vesting.

32  
33 For purposes of the Demonstration Program, all projects selected as demonstration projects  
34 are subject to the vesting of development rights and Master Use Permit expiration rules  
35 applicable to projects subject to Design Review contained in SMC 23.76.026 C.

36  
37 D. Master Use Permit Expiration.

38  
39 For purposes of the Demonstration Program, all projects selected as demonstration projects  
40 are subject to the Master Use Permit expiration rules applicable to Master Use Permits with  
41 a Design Review component contained at SMC 23.76.032 A1f.  
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E. Master Use Permit Renewal.

For purposes of the Demonstration Program, all projects that are selected as demonstration projects are subject to the Master Use Permit renewal standards contained at SMC 23.76.032 B1 and 2 only; the renewal standards in SMC 23.76.032 B3 shall not apply to demonstration projects.

F. Cancellation, Renewal and Reestablishment of Building Permit Applications.

All projects that are chosen as demonstration projects must comply with all applicable provisions of the Seattle Building Code, except as follows:

1. Cancellation of Permit Application. For purposes of this Demonstration Program and for purposes of the cancellation of permit application standards contained in Section 106.6.4 of the Seattle Building Code, all projects selected as demonstration projects shall be considered to be projects that are vested to prior Land Use Code provisions and ones which do not conform to the codes currently in effect.

2. Renewal of Building Permits. For purposes of this Demonstration Program, Section 106.9.2 of the Seattle Building Code does not apply and building permits for projects selected as demonstration projects shall not be renewed unless:

a. The building official determines that the permit complies, or is modified to comply, with the code or codes in effect on the date of application renewal; or

b. The work authorized by the permit is substantially underway and progressing at a rate approved by the building official. "Substantially underway" means that work such as excavation, inspections, and installation of framing, electrical, mechanical and finish work is being completed on a continuing basis.

c. Commencement or completion of the work authorized by the permit was delayed by litigation, appeals, strikes or other causes related to the work authorized by the permit, beyond the permit holder's control; and

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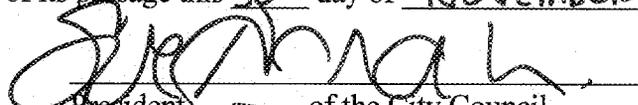
1 d. For any demonstration project in a landslide-prone area, the  
2 requirements of SMC 25.09.345 also apply.

3 3. Reestablishment of Expired Building Permit. For purposes of this  
4 Demonstration Program, no building permit that has expired and not been renewed pursuant  
5 to subsection F2 above, shall be reestablished. The exception to section 106.9.3 of the  
6 Seattle Building Code does not apply.

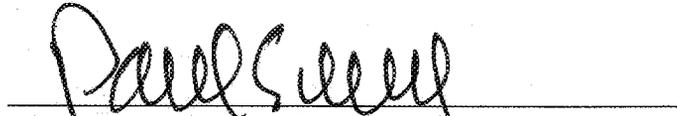
7  
8 **Section 9.** The provisions of this ordinance are declared to be separate and  
9 severable. The invalidity of any particular provision shall not affect the validity of any other  
10 provision.

11  
12 **Section 10.** This ordinance shall take effect and be in force thirty (30) days from and  
13 after its approval by the Mayor, but if not approved and returned by the Mayor within ten  
14 (10) days after presentation, it shall take effect as provided by Municipal Code Section  
15 1.04.020.

16  
17  
18 Passed by the City Council the 30<sup>th</sup> day of November, 1998, and signed by me  
19 in open session in authentication of its passage this 30<sup>th</sup> day of November, 1998.

20  
21   
22 President \_\_\_\_\_ of the City Council

23  
24  
25  
26 Approved by me this 2nd day of December, 1998.

27  
28   
29 \_\_\_\_\_  
30 Mayor

31  
32  
33 Filed by me this 2nd day of December, 1998.

34  
35   
36 \_\_\_\_\_  
37 City Clerk

38  
39 (SEAL)  
40



# City of Seattle

Paul Schell, Mayor

## Department of Construction and Land Use

R. F. Krochalis, Director

### MEMORANDUM

**TO:** Sue Donaldson, City Council President

**FROM:**   
Rick Krochalis

**DATE:** October 12, 1998

**SUBJECT:** Proposed Ordinance: Demonstration Program for Innovative Housing Design

#### Transmittal

I am pleased to transmit for City Council consideration legislation to establish a unique program, the Demonstration Program for Innovative Housing Design, and to amend the Land Use Code accordingly.

#### Background and Recommendation

In order to further the housing goals of the Comprehensive Plan, to consider ways to accommodate some of the housing types discussed by citizens as part of their neighborhood planning effort, and to create another tool to use to encourage creative housing options, the Demonstration Program was developed. The proposed program is intended to allow the design and development of housing that will test types of housing and development standards or review processes that are not currently allowed in Seattle – concepts that we have been hearing about from neighborhoods, from designers, developers and citizens with an interest in improving the range of housing options available in Seattle.

The goals of the program are to :

1. To encourage housing production, particularly types of housing that are not readily available in Seattle, or are not currently being produced.
2. To stimulate innovative housing design that is consistent with the housing goals of a neighborhood, and that fits in with or improves the character of the neighborhood.
3. To encourage the development of housing that will serve as a catalyst to stimulate housing production, particularly in neighborhoods where new or rehabilitated residential development has been limited.

4. To serve as a model for other neighborhoods, demonstrating housing solutions that could have broader application in other neighborhoods.
5. To increase the diversity of housing types and levels of affordability to meet the varied needs and goals of a neighborhood.

The number and types of projects, development standards or processes to be tested are limited to the following four categories (up to five projects in each of the four categories may be tested):

1. Allow detached accessory dwelling units in Single Family zones
2. Allow cottage housing, tandem housing or small lot single family development in Single Family zones
3. Allow limited height departures through Design Review
4. Allow Design Review process to be used for existing structures

All projects will be required to be approved through the Design Review process. Periodic reports to Council will be prepared to report on the types of projects submitted and selected for the program. The program will be evaluated for how well the goals of the Demonstration Program are being met. In addition, each of the four categories of projects will be evaluated against specific characteristics that are being tested with this proposal.

#### **SEPA Environmental Determination**

DCLU has completed environmental review and issued a Determination of Non-Significance (no environmental impact statement required) on October 8, 1998. The appeal period ends October 23, 1998.

#### **Public Hearing Scheduled**

A public hearing for this legislation has been scheduled before the City Council's Business, Economic and Community Development Committee on Monday, October 19, 1998 at 5:30 pm in the City Council Chamber.

#### **Cost of Implementation**

The cost of implementation of this proposed legislation will be covered with existing resources. There would be one-time implementation costs to cover staff training, copying of ordinances, and printing of new Land Use Code pages. There may also be up to 20 more Design Review projects than without the proposal, although some of the sites may have included Design Review proposals even without the program.

If you have questions about the proposed legislation, please contact Diane Sugimura, DCLU, 233-3882.



PUBLIC HEARING SIGN-UP SHEET  
Housing Demonstration Ordinance

INFORMATION ON THIS SIGN-UP SHEET IS PUBLIC RECORD

#	(PLEASE PRINT) NAME	ORGANIZATION	(OPTIONAL) ADDRESS	ZIP	(OPTIONAL) PHONE/FAX
	Kara Black	Coal Community	525 N. 62nd St.	98103	789-3574
	Michelle LaSalle	"	511 "	"	
	Marcin Zudilow	WHPacificThresholds	Buss Medna WA 98039		426-828-2862
	Michael Lois	The Housing Partnership	1363 31st Ave So	98144	425-453-5123
	Robert Mose	MITHUN PARTNERS	2211 FEDERAL AVE E	98102	206-324-7925
	VINCENT FERRESE				206-971-5602
	John Kucher	THRESHOLD HOUSING SONRISE HEIGHTS FAIRFIELD HOUSING	1904 3rd AVE #800	98101	(206) 461-7434
	RHOA STOCKWELL		7324 26th SW	98106	932-1345
	Christine Gregory	Lighton Springs ADU	8540 Interlake Ave N Seattle	98103	(206) 523-0977
	Rena - Thomas	MITHUN PARTNERS	8540 1/2 Interlake Ave N Seattle	98103	(206) 523-5408
	FUL KEARNEY	ARCHITECT	414 OLIVE WAY #500 SEATTLE	98101	206 625 5344
	CHAP POWENS	MITHUN PARTNERS ADU	8540 INTERLAKE AVE N. SEATTLE	98103	206 523 - 0777



## ORDINANCE

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1  
2  
3  
4 AN ORDINANCE establishing the Demonstration Program for Innovative Housing  
5 Design and adding a new Section 23.40.050 to the Seattle Municipal Code to  
6 implement the Demonstration Program.  
7

8 WHEREAS, the City's Comprehensive Plan, originally adopted in 1994 and most  
9 recently amended in 1997, includes housing goals for accommodating growth and  
10 maintaining affordability, and for encouraging housing diversity and quality; and  
11

12 WHEREAS, the cost of owning or renting housing continues to increase faster than the  
13 rate of inflation, making it increasingly difficult for many of the citizens of Seattle  
14 to afford housing in the city; and  
15

16 WHEREAS, on March 21, 1998, more than 800 citizens, including community activists,  
17 developers, attorneys, small business people, architects, elected officials, lenders,  
18 tenants and landlords, attended the Mayor's Community Conference on  
19 Affordable Housing to discuss possible solutions to the rising cost of housing; and  
20

21 WHEREAS, on April 13, 1998 City Council, with the Mayor concurring, adopted a  
22 resolution that established the City's top budget priorities for the 1999-2000  
23 biennial budget and the 1999-2004 Capital Improvement Program, which  
24 resolution stated that the "City is committed to developing and implementing  
25 an affordable housing action agenda for both home ownership and rental  
26 housing;" and  
27

28 WHEREAS, on May 5, 1998, Mayor Paul Schell published the Housing Action Agenda,  
29 which includes a goal to "increase our community's supply of moderate income  
30 housing and preserve existing affordable housing," including providing  
31 opportunities for innovative housing designs, and evaluating zoning to find  
32 opportunities for new housing; and  
33

34 WHEREAS, detached accessory dwelling units are a type of housing that several  
35 neighborhood planning groups are considering as an option to accessory  
36 dwelling units only within principal structures; detached units could provide  
37 additional flexibility to accommodate such a unit on a site, allowing limited  
38 additional density without significantly changing the appearance of the  
39 neighborhood, and could help home owners afford to stay in their homes or be  
40 able to afford to purchase a home; and  
41

42 WHEREAS, cottage, tandem and small lot single family housing are types of in-fill housing  
43 that several neighborhood planning groups have recognized as providing a housing

1 option not readily available today that would fit with their neighborhoods' desire for  
2 affordable, home ownership opportunities for a variety of household types; and  
3

4 WHEREAS, when the Design Review process was being developed in the early 1990s,  
5 the issue of allowing additional height through Design Review departures was  
6 discussed at length, but height was eventually determined to be a standard that  
7 could be included in neighborhood-specific guidelines rather than in the citywide  
8 program; however, since that time, Design Review has had four successful years as  
9 an operational program and neighborhood-specific guidelines have yet to be  
10 adopted, so that there has not yet been an opportunity to test the concept of height  
11 departures through design review; and  
12

13 WHEREAS, some neighborhoods, as part of their neighborhood planning effort have  
14 requested that the City consider allowing the Design Review process to be used to  
15 allow existing structures (in addition to the new construction that Design Review  
16 is currently limited to) to use development standard departures available in Design  
17 Review if they are to be redeveloped for residential use; and  
18

19 **NOW THEREFORE,**

20 **BE IT ORDAINED BY THE CITY OF SEATTLE AS FOLLOWS:**

21  
22  
23  
24 **Section 1. Establishment of Demonstration Program.**  
25

26 This ordinance establishes the Demonstration Program for Innovative Housing Design,  
27 subject to the conditions established below.  
28

29 **Section 2. Purpose.**  
30

31 The purpose of this Demonstration Program is to use a limited number of projects to test  
32 innovative residential design solutions using alternative development standards and  
33 processes. The Demonstration Program will allow a limited number of projects that use  
34 certain specified housing types, development standards, and processes that are not currently  
35 allowed under existing land use regulations, while continuing to be consistent with the  
36 City's land use, housing and neighborhood goals. These projects will be evaluated to  
37 determine whether and to what extent each of the changes did or can accomplish the goals  
38 contained in Section 3 of this ordinance, and therefore, whether amendments should be made  
39 to the City of Seattle Land Use Code to allow these housing types, development standard  
40 changes and process changes generally.  
41  
42  
43

1                   **Section 3. Goals.**

2  
3           The goals of the Demonstration Program are to test new or more flexible regulations and  
4 processes in an effort:

- 5           1. To encourage housing production, particularly types of housing that are not  
6 readily available in Seattle, or are not currently being produced.  
7           2. To stimulate innovative housing design that is consistent with the housing goals  
8 of a neighborhood, and that fits in with or improves the character of the neighborhood.  
9           3. To encourage the development of housing that will serve as a catalyst to stimulate  
10 housing production, particularly in neighborhoods where new or rehabilitated residential  
11 development has been limited.  
12           4. To serve as a model for other neighborhoods, demonstrating housing solutions  
13 that could have broader application in other neighborhoods.  
14           5. To increase the diversity of housing types and levels of affordability to meet the  
15 varied needs and goals of a neighborhood.

16  
17                   **Section 4. Types of Housing, Development Standards Changes and Processes to**  
18 **be Tested.**

19  
20           In order to meet these goals, through the Demonstration Program the Director of the  
21 Department of Construction and Land Use will be allowed to modify existing Land Use  
22 Code requirements in order to test projects in the four categories listed below. In addition,  
23 all demonstration projects would be required to go through the Design Review Process. All  
24 other regulations and requirements of the Land Use Code would continue to apply except as  
25 modified in Section 8 below. (Up to five projects in each of the four categories could  
26 become test projects.).

27  
28           1. Detached Accessory Dwelling Units: A maximum of five such units will be  
29 allowed in Single Family zones under the Demonstration Program, according to the  
30 development standards for accessory structures and accessory dwelling units, some of which  
31 standards may be modified through the citywide Design Review Guidelines (adopted by  
32 Ordinance 116909) used in the Design Review process. Additional height above the current  
33 height limits for accessory structures could also be requested and approved through the  
34 Design Review process in order to test the concept of developing accessory units, limited to  
35 a single story, above garages.

36  
37           2. Cottage Housing, Tandem Housing or Small Lot Single Family Development: A  
38 total of five such projects that will test these concepts may be allowed under the  
39 Demonstration Program in any of the Single Family zones. Such projects will be developed  
40 according to the development standards for cottage housing, tandem housing or residential  
41 small lot single family development contained in SMC chapter 23.43, except as those  
42 standards may be modified as provided in the citywide Design Review Guidelines used in  
43 the Design Review process.

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3. Height Above Current Height Limits through Design Review Departures: For a total of five projects that are either multifamily development in multifamily zones or are part of a mixed-use development in commercial zones, additional height up to 15 percent over the maximum height limit allowed in the zone may be approved through the Demonstration Program, as long as no additional floors are constructed as a result of this additional height; the overall scale of development as viewed from the street front has generally not changed, and the structure remains compatible with the neighborhood and scale of development allowed in the zone. This departure is to be used to accommodate unusual site or development conditions such as topographic depressions or design elements that affect height measurement toward the center of the development, but which generally does not change the height of a structure along the street front.

4. Design Review Process for Development Standard Departures for Existing Structures: In an effort to encourage the reuse of existing structures, up to a total of five projects that include residential development in existing structures in multifamily or commercial zones (including mixed-use development) will be allowed to use the Design Review process and will be allowed to request development standard departures that are currently only allowed for new development.

#### Section 5. Individual Project Selection Process.

1. Submittal Deadline: There shall be two project submittal periods:
  - a. Applications submitted by February 1, 1999; selection decisions by March 1, 1999.
  - b. Applications submitted by August 1, 1999; selection decisions by September 1, 1999.

***[NOTE: These dates may be revised, depending on the adoption date of this ordinance establishing the Demonstration Program.]***

2. Neighborhood Support and Consistency with Comprehensive Plan and Neighborhood Plan Goals: The demonstration project must be consistent with the goals of the Comprehensive Plan, and the applicant must have a neighborhood sponsor who has no financial interest in the project. A brief statement of support from a neighborhood organization, neighborhood planning group, or a sizable sampling of adjacent neighbors and/or property owners must be submitted with the application. No project shall be expected to show 100 percent neighborhood concurrence, but should demonstrate how and when the proposed project was discussed with community organizations or neighbors adjacent to the project. If located within a neighborhood planning area, the applicant shall indicate how the project would further the goals of the neighborhood plan.

1           3. Project Selection Committee: The Department of Construction and Land Use  
2 shall convene a selection committee to include as a minimum, an Urban Design Planner  
3 from the Department of Construction and Land, and a representative from the Planning  
4 Commission's Housing subcommittee.  
5

6           4. Project Selection Criteria: The following criteria shall be used to rate and select  
7 individual projects to be a part of the Demonstration Program.

8               a. The extent to which the proposed project fulfills the purpose and goals of  
9 the Demonstration Program.

10              b. The extent to which the proposed project furthers the goals of the City's  
11 Comprehensive Plan, the Mayor's Housing Action Agenda and the City's Housing  
12 Framework.

13              c. The extent to which the proposed project supports the goals of the  
14 neighborhood in which the project is located, and the neighborhood plan goals, when  
15 applicable.

16              d. The general level of support from the community organizations and the  
17 neighbors surrounding the proposed project.

18              e. The extent to which the proposed project reduces the per unit costs, is  
19 proposed to result in affordable units, or proposes to add to the diversity of affordability in  
20 the neighborhood.  
21

22 In addition a proposed project should include a description of the extent to which the project  
23 proposed serves as a good test of future code amendments, either for specific types of  
24 neighborhoods or citywide. Projects that may be approved through existing processes and  
25 regulations shall not be accepted as a demonstration project.  
26

### 27           **Section 6. Design Review Required.**

28  
29 Once selected to be a demonstration project, each project shall be subject to the Design  
30 Review process contained in SMC Chapter 23.41, except as the process is modified by this  
31 ordinance. The adopted citywide design guidelines, which were originally developed to  
32 apply only to new multifamily and commercial development, will also be used for the  
33 demonstration projects in the same manner that they are used for other projects subject to  
34 Design Review.  
35

### 36           **Section 7. Program Reporting and Evaluation.**

37  
38 At the end of each project selection period, DCLU shall report to City Council on the types  
39 of projects being submitted and selected for the Demonstration Program. Within one year of  
40 adoption of the Demonstration Program, DCLU, in conjunction with the Selection  
41 Committee, shall prepare a report to City Council, summarizing the types of projects  
42 submitted, types selected, and an evaluation of how well the proposals have met or are  
43 meeting the purpose and goals of the Demonstration Program. A full evaluation of the

1 program shall be conducted within 24 months of the end of the second selection period, or as  
2 soon after 24 months that the demonstration projects have been completed and are occupied  
3 so that the effectiveness of demonstration projects in achieving the goals of the ordinance  
4 can be evaluated. Recommendations for code amendments that result from the  
5 demonstration projects, whether to be applied citywide or to carry out the goals of specific  
6 neighborhood plans, may, if appropriate, also be submitted to City Council at that time.  
7

8 The evaluation of the four categories of projects will include:  
9

10 1. Detached Accessory Dwelling Units:  
11

12 a. What are appropriate development standards for detached ADUs that "fit"  
13 on a single family lot and within a single family neighborhood, but still allow the  
14 development of a livable unit? Is there a minimum lot size that would be appropriate?

15 b. Are ADUs above garages a viable option in terms of cost to construct and  
16 fit in single family neighborhoods?

17 c. What was the cost of construction, whether a new structure or an addition  
18 or remodel of an existing structure?

19 d. What do the neighbors think of this type of housing? What is the reaction  
20 of the residents of the detached ADU in terms of livability of the unit and how it could be  
21 improved?

22 e. Was Design Review cost effective for this type of small project? Would  
23 an administrative Design Review process have been just as effective, and less costly?

24 f. If Design Review is to be used for this type of development, are additional  
25 design guidelines needed to address more directly the issues relevant to detached ADUs?

26 g. Did this project provide a design concept that would likely be applicable  
27 and acceptable in other neighborhoods?

28 h. What were the positive results of this project? What were the negative  
29 results?

30 i. Were there any unintended consequences that need to be resolved?

31 j. Should detached ADUs be allowed in all single family areas? Should  
32 they be limited to specific neighborhoods and if so, which?  
33

34 2. Cottage Housing, Tandem Housing or Small Lot Single Family Development:  
35

36 a. Do the development standards that are already in the code work for this  
37 type of development? Should some standards be modified and if so, how?

38 b. What was the cost of construction? Does this type of development result  
39 in affordable units? What are the factors that help or hinder the affordability of this type of  
40 development?

41 c. What do the neighbors think of this type of housing? What is the reaction  
42 of the residents of the housing in terms of livability of the unit and how it could be  
43 improved?

1 d. If Design Review is to be used for this type of development, are additional  
2 design guidelines needed to address more directly the issues relevant to this type of single  
3 family development?

4 e. Did this project provide a design concept that would likely be applicable  
5 and acceptable in other neighborhoods?

6 f. What were the positive results of this project? What were the negative  
7 results?

8 g. Were there any unintended consequences that need to be resolved?

9 h. Should cottage, tandem and/or small lot single family residential  
10 development be allowed in all single family zones? Should this type of development be  
11 limited to certain types of single family areas, and if so, which type?  
12

13 3. Height Above Current Height Limits through Design Review Departures:  
14

15 a. Should height departure be allowed through Design Review in all zones?  
16 For all types of residential development? If not, for which zones? For what types of  
17 residential development?

18 b. Is 15 percent the appropriate amount of departure? For all types of  
19 residential development? For which zones?

20 c. Does a maximum percentage need to be specified?

21 d. What were the circumstances or site conditions that prompted the  
22 requested departure?

23 e. Are there other ways (without having to go through Design Review) to  
24 address the height issue while still resulting in compatible development, such as an  
25 alternative height measurement technique or a general increase in height allowed?

26 f. Did the flexibility in height reduce the development cost on a per unit  
27 basis? Did it help the affordability of the units?

28 g. What is the neighborhood response to the allowed departure?

29 h. Did this project provide a design concept that would likely be applicable  
30 and acceptable in other neighborhoods?

31 i. What were the positive results of this project? What were the negative  
32 results?

33 j. Were there any unintended consequences that need to be resolved?  
34

35 4. Design Review Process for Development Standard Departures for Existing  
36 Structures:  
37

38 a. Did the process allow for enough flexibility to encourage or at least allow  
39 for the reuse of existing structures? If not, what other departures are needed?

40 b. Are additional design guidelines or departures needed to address more  
41 directly the issues relevant to the reuse of existing structures?

42 c. Are there changes in the process that are needed for existing structures  
43 since there isn't such a thing as a pre-design meeting?

- 1 d. Did the flexibility in development standards reduce the development cost  
2 on a per unit basis? Did it help the affordability of the units?  
3 e. What is the neighborhood response to the remodeled development?  
4 f. Did this project provide a design concept that would likely be applicable  
5 and acceptable in other neighborhoods?  
6 g. What were the positive results of this project? What were the negative  
7 results?  
8 h. Were there any unintended consequences that need to be resolved?  
9

10  
11 **Section 8.** A new Section 23.40.050 is hereby added to the Seattle Municipal Code,  
12 as follows:  
13

14 **23.40.050 Demonstration Program for Innovative Housing Design**  
15

16 A. Purpose and Intent  
17

18 The purpose of this section is to establish a Demonstration Program for Innovative Housing  
19 Design. The goals of the Demonstration Program are to test new or more flexible  
20 regulations and processes in an effort:

- 21 1. To encourage housing production, particularly types of housing that are  
22 not readily available in Seattle, or are not currently being produced.  
23 2. To stimulate innovative housing design that is consistent with the housing  
24 goals of a neighborhood, and that fits in with or improves the character of the neighborhood.  
25 3. To encourage the development of housing that will serve as a catalyst to  
26 stimulate housing production, particularly in neighborhoods where new or rehabilitated  
27 residential development has been limited.  
28 4. To serve as a model for other neighborhoods, demonstrating housing  
29 solutions that could have broader application in other neighborhoods.  
30 5. To increase the diversity of housing types and levels of affordability to  
31 meet the varied needs and goals of a neighborhood.  
32

33 B. Scope of Authority to Modify Land Use Code Requirements.  
34

35 Up to twenty (20) demonstration projects shall be selected and reviewed in accordance with  
36 the Demonstration Program for Innovative Housing Design adopted by Ordinance  
37 \_\_\_\_\_. All demonstration projects shall comply with all of the requirements of the  
38 Land Use Code otherwise applicable to the project, except as specified below:

- 39 1. All demonstration projects, including single family development and  
40 redevelopment of existing structures, shall be reviewed through the Design Review process  
41 contained in SMC chapter 23.41 and in SMC chapter 23.76.  
42 2. Up to five (5) detached accessory dwelling units may be allowed in Single  
43 Family zones contrary to the requirement in SMC 23.44.006(A). Such units must be

1 developed according to the development standards for accessory structures and accessory  
2 dwelling units in Single Family zones, Sections 23.44.040 and 23.44.041, except that

3 a. Contrary to SMC 23.44.041(A)(4) the accessory dwelling unit may  
4 be located in a structure that is detached from the single family dwelling that is the principal  
5 use on the lot; and

6 b. Additional modifications to the development standards contained  
7 in SMC 23.44.040 and SMC 23.44.041 may be allowed as departures through the Design  
8 Review process under SMC 23.41.012; and

9 c. In addition to the development standard departures allowed in  
10 Section 23.41.012, a departure may be allowed for additional height if the accessory  
11 dwelling unit is a single story unit and will be located above a detached garage, contrary to  
12 the requirements of SMC 23.44.010 that limits accessory structures in required yards to  
13 twelve (12) feet.

14 3. Cottage housing, tandem housing and small lot single family  
15 development. Up to five (5) projects that include small lot single family development,  
16 cottage housing or tandem housing may be allowed in any Single Family zone, contrary to  
17 the minimum lot area requirements of SMC 23.44.010 and other development standards  
18 contained in SMC 23.44. Such development must comply with the Residential Small Lot  
19 development standards, SMC Chapter 23.43, except that modifications to the development  
20 standards contained in SMC 23.43 may be allowed as departures through the Design Review  
21 process under SMC 23.41.012.

22 4. Up to five (5) multifamily projects in a multifamily zone or as a part of a  
23 mixed-use development project in a commercial zone outside of downtown, may request  
24 height departures through the Design Review process, contrary to SMC 23.41 which, with  
25 one exception, does not allow height departures. A height departure of up to fifteen (15)  
26 percent over the maximum height limit of the zone, may be allowed as long as:

27 a. No additional floors are constructed as a result of this additional  
28 height;

29 b. The overall scale of development as viewed from the street front  
30 has generally not increased; and

31 c. The structure is compatible with the neighborhood, and with the  
32 scale of development allowed in the zone.

33 5. For a maximum of five (5) residential projects in an existing structure in  
34 multifamily or commercial zones outside of downtown, including mixed-use development,  
35 may use the Design Review process. Development standard departures currently allowed  
36 only for new development under SMC 23.41.012 may be allowed for the redevelopment of  
37 these existing structures.

38  
39 C. Vesting.

40  
41 For purposes of the Demonstration Program, all projects selected as demonstration projects  
42 are subject to the vesting of development rights and Master Use Permit expiration rules  
43 applicable to projects subject to Design Review contained in SMC 23.76.026 C.

1  
2 D. Master Use Permit Expiration.  
3

4 For purposes of the Demonstration Program, all projects selected as demonstration projects  
5 are subject to the Master Use Permit expiration rules applicable to Master Use Permits with  
6 a Design Review component contained at SMC 23.76.032 A1f.  
7

8 E. Master Use Permit Renewal.  
9

10 For purposes of the Demonstration Program, all projects that are selected as demonstration  
11 projects, the Master Use Permit renewal standards contained at SMC 23.76.032 B1 and 2  
12 only are applicable; the renewal standards in SMC 23.76.032 B3 shall not apply to  
13 demonstration projects.  
14

15 F. Cancellation, Renewal and Reestablishment of Building Permit Applications.  
16

17 All projects that are chosen as demonstration projects must comply with all applicable  
18 provisions of the Seattle Building Code, except as follows:

19 1. Cancellation of Permit Application. For purposes of this Demonstration  
20 Program and for purposes of the cancellation of permit application standards contained in  
21 Section 106.6.4 of the Seattle Building Code, all projects selected as demonstration projects  
22 shall be considered to be projects that are vested to prior Land Use Code provisions and ones  
23 which do not conform to the codes currently in effect.

24 2. Renewal of Building Permits. For purposes of this Demonstration  
25 Program, Section 106.9.2 of the Seattle Building Code does not apply and building permits  
26 for projects selected as demonstration projects shall not be renewed unless:

27 a. The building official determines that the permit complies, or is  
28 modified to comply, with the code or codes in effect on the date of application renewal; or  
29 b. The work authorized by the permit is substantially underway and  
30 progressing at a rate approved by the building official. "Substantially underway" means that  
31 work such as excavation, inspections, and installation of framing, electrical, mechanical and  
32 finish work is being completed on a continuing basis.

33 c. Commencement or completion of the work authorized by the  
34 permit was delayed by litigation, appeals, strikes or other causes related to the work  
35 authorized by the permit, beyond the permit holder's control; and

36 d. For any demonstration project in a landslide-prone area, the  
37 requirements of SMC 25.09.345 also apply.

38 3. Reestablishment of Expired Building Permit. For purposes of this  
39 Demonstration Program, no building permit that has expired and not been renewed pursuant  
40 to subsection 2 above, shall be reestablished. The exception to section 106.9.3 of the Seattle  
41 Building Code does not apply.  
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**Section 9.** The provisions of this ordinance are declared to be separate and severable. The invalidity of any particular provision shall not affect the validity of any other provision.

**Section 10.** This ordinance shall take effect and be in force thirty (30) days from and after its approval by the Mayor, but if not approved and returned by the Mayor within ten (10) days after presentation, it shall take effect as provided by Municipal Code Section 1.04.020.

Passed by the City Council the \_\_\_\_ day of \_\_\_\_\_, 1998, and signed by me in open session in authentication of its passage this \_\_\_\_ day of \_\_\_\_\_, 1998.

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

Approved by me this \_\_\_\_ day of \_\_\_\_\_, 1998.

\_\_\_\_\_  
Mayor

Filed by me this \_\_\_\_ day of \_\_\_\_\_, 1998.

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

(SEAL)

## ORDINANCE

1  
2  
3  
4 AN ORDINANCE establishing the Demonstration Program for Innovative Housing design  
5 and adding a new Section 23.40.050 to the Seattle Municipal Code to implement the  
6 Demonstration Program.

7  
8 WHEREAS, the City's Comprehensive Plan, originally adopted in 1994 and most recently  
9 amended in 1997, includes housing goals for accommodating growth and  
10 maintaining affordability, and for encouraging housing diversity and quality; and  
11

12 WHEREAS, the cost of owning or renting housing continues to increase faster than the rate  
13 of inflation, making it increasingly difficult for many of the citizens of Seattle to  
14 afford housing in the city; and  
15

16 WHEREAS, on March 21, 1998, more than 800 citizens, including community activists,  
17 developers, attorneys, small business people, architects, elected officials, lenders,  
18 tenants and landlords, attended the Mayor's Community Conference on Affordable  
19 Housing to discuss possible solutions to the rising cost of housing; and  
20

21 WHEREAS, on April 13, 1998 City Council, with the Mayor concurring, adopted a  
22 resolution that established the City's top budget priorities for the 1999-2000 biennial  
23 budget and the 1999-2004 Capital Improvement Program, which resolution stated  
24 that the "City is committed to developing and implementing an affordable housing  
25 action agenda for both home ownership and rental housing;" and  
26

27 WHEREAS, on May 5, 1998, Mayor Paul Schell published the Housing Action Agenda,  
28 which includes a goal to "increase our community's supply of moderate income  
29 housing and preserve existing affordable housing," including providing opportunities  
30 for innovative housing designs, and evaluating zoning to find opportunities for new  
31 housing; and  
32

33 WHEREAS, AIA (American Institute of Architects) Seattle's Housing Action Task Force  
34 sponsored the "Housing Seattle, Design Demonstration Projects," seeking entries for  
35 a competition of real projects that demonstrate neighborhood-appropriate approaches  
36 to increasing the inventory and quality of affordable housing in Seattle; and on  
37 September 10, 1998, announced the top eleven entries identified as "Should Be  
38 Builts," selected by an interdisciplinary jury representing a broad range of public and  
39 private housing interests and expertise; and  
40

41 WHEREAS, detached accessory dwelling units are a type of housing that several  
42 neighborhood planning groups are considering as an option to accessory dwelling  
43 units only within principal structures; detached units could provide additional

1 flexibility to accommodate such a unit on a site, allowing limited additional density  
2 without significantly changing the appearance of the neighborhood, and could help  
3 home owners afford to stay in their homes or be able to afford to purchase a home;  
4 and  
5

6 WHEREAS, cottage, tandem and small lot single family housing are types of in-fill housing  
7 that several neighborhood planning groups have recognized as providing a housing  
8 option not readily available today that would fit with their neighborhoods' desire for  
9 affordable, home ownership opportunities for a variety of household types; and  
10

11 WHEREAS, when the Design Review process was being developed in the early 1990s, the  
12 issue of allowing additional height through Design Review departures was discussed  
13 at length, but height was eventually determined to be a standard that could be  
14 included in neighborhood-specific guidelines rather than in the citywide program;  
15 however, since that time, Design Review has had four successful years as an  
16 operational program and neighborhood-specific guidelines have yet to be adopted, so  
17 that there has not yet been an opportunity to test the concept of height departures  
18 through design review; and  
19

20 WHEREAS, some neighborhoods, as part of their neighborhood planning effort have  
21 requested that the City consider allowing the Design Review process to be used to  
22 allow existing structures (in addition to the new construction that Design Review is  
23 currently limited to) to use development standard departures available in Design  
24 Review if they are to be redeveloped for residential use; and  
25

26 **NOW THEREFORE,**

27 **BE IT ORDAINED BY THE CITY OF SEATTLE AS FOLLOWS:**

28  
29  
30  
31 **Section 1. Establishment of Demonstration Program.**

32  
33 This ordinance establishes the Demonstration Program for Innovative Housing Design,  
34 subject to the conditions established below.  
35

36 **Section 2. Purpose.**

37  
38 The purpose of this Demonstration Program is to use a limited number of projects to test  
39 innovative residential design solutions using alternative development standards and  
40 processes. The Demonstration Program will allow a limited number of projects that use  
41 certain specified housing types, development standards, and processes that are not currently  
42 allowed under existing land use regulations, while continuing to be consistent with the  
43 City's land use, housing and neighborhood goals. These projects will be evaluated to

1 determine whether and to what extent each of the changes did or can accomplish the goals  
2 contained in Section 3 of this ordinance, and therefore, whether amendments should be made  
3 to the City of Seattle Land Use Code to allow these housing types, development standard  
4 changes and process changes generally.  
5

### 6 **Section 3. Goals.**

7  
8 The goals of the Demonstration Program are to test new or more flexible regulations and  
9 processes in an effort:

- 10 1. To encourage housing production, particularly types of housing that are not  
11 readily available in Seattle, or are not currently being produced.
- 12 2. To stimulate innovative housing design that is consistent with the housing goals  
13 of a neighborhood, and that fits in with or improves the character of the neighborhood.
- 14 3. To encourage the development of housing that will serve as a catalyst to stimulate  
15 housing production, particularly in neighborhoods where new or rehabilitated residential  
16 development has been limited.
- 17 4. To serve as a model for other neighborhoods, demonstrating housing solutions  
18 that could have broader application in other neighborhoods.
- 19 5. To increase the diversity of housing types and levels of affordability to meet the  
20 varied needs and goals of a neighborhood.  
21

### 22 **Section 4. Types of Housing, Development Standards Changes and Processes to** 23 **be Tested.**

24  
25 In order to meet these goals, through the Demonstration Program the Director of the  
26 Department of Construction and Land Use will be allowed to modify certain existing Land  
27 Use Code requirements in order to test projects in the four categories listed below. In  
28 addition, all demonstration projects will be required to go through the Design Review  
29 Process. All other regulations and requirements of the Land Use Code will continue to  
30 apply except as modified in Section 8 below.  
31

32 1. Detached Accessory Dwelling Units: A maximum of five units per submittal  
33 period for a total of up to ten such units may be allowed in Single Family zones under the  
34 Demonstration Program, according to the development standards for accessory structures  
35 and accessory dwelling units, some of which standards may be modified through the  
36 citywide Design Review Guidelines (adopted by Ordinance 116909) used in the  
37 administrative Design Review process. Additional height above the current height limits for  
38 accessory structures may also be requested and approved through the administrative Design  
39 Review process in order to test the concept of developing accessory units, limited to a single  
40 story, above garages.  
41

42 2. Cottage Housing, Tandem Housing or Small Lot Single Family Development: A  
43 maximum of three projects per submittal period for a total of up to six such projects that will

1 test these concepts may be allowed under the Demonstration Program in any of the Single  
2 Family zones. Such projects will be developed according to the development standards for  
3 cottage housing, tandem housing or residential small lot single family development  
4 contained in SMC chapter 23.43, except as those standards may be modified as provided in  
5 the citywide Design Review Guidelines used in the Design Review process. Additional  
6 height, up to a maximum of 15 percent over the maximum height allowed for cottage  
7 housing, tandem housing or small lot single family development, may also be granted  
8 through the Design Review process. Under no circumstances, however, may any height  
9 departure be granted that would result in a structure that is higher than the maximum  
10 allowed for single family structures in single family zones other than RSL.

11  
12 3. Height Above Current Height Limits through Design Review Departures: A  
13 maximum of three projects per submittal period for a total of up to six projects that are either  
14 multifamily development in multifamily zones or are part of a mixed-use development in  
15 commercial zones, additional height up to 15 percent over the maximum height limit  
16 allowed in the zone may be approved through the Demonstration Program, as long as no  
17 additional floors are constructed as a result of this additional height; the overall scale of  
18 development as viewed from the street front has generally not changed; and the structure  
19 remains compatible with the neighborhood and scale of development allowed in the zone.  
20 This departure is to be used to accommodate unusual site or development conditions such as  
21 topographic depressions or design elements that affect height measurement toward the center  
22 of the development, but which generally does not change the height of a structure along the  
23 street front.

24 A height departure under the Demonstration Program cannot be combined with a  
25 height exception for mixed use structures under SMC 23.47.008C3 or C4, nor will a height  
26 departure be granted under the Demonstration Program if the departure requested would  
27 block the views protected by SMC 23.47.008C4c more than an exception granted under that  
28 section would.

29  
30 4. Design Review Process for Development Standard Departures for Existing  
31 Structures: In an effort to encourage the reuse of existing structures, a maximum of three  
32 projects per submittal period for a total of up to six projects that include residential  
33 development in existing structures in multifamily or commercial zones (including mixed-use  
34 development) may be allowed to use the Design Review process to request development  
35 standard departures that are currently only allowed for new development.

### 36 **Section 5. Individual Project Selection Process.**

- 37  
38  
39 1. Submittal Deadline: There shall be two project submittal periods:  
40 a. Applications submitted by January 15, 1999; selection decisions by  
41 February 12, 1999.  
42 b. Applications submitted by July 1, 1999; selection decisions by August 1,  
43 1999.

1  
2           2. Neighborhood Support and Consistency with Comprehensive Plan and  
3 Neighborhood Plan Goals: The demonstration project must be consistent with the goals of  
4 the Comprehensive Plan. A brief statement of support from a neighborhood organization or  
5 neighborhood planning group, and opinions from a sizable sampling of adjacent neighbors  
6 and property owners, must be submitted with the application. No project shall be expected  
7 to show 100 percent neighborhood concurrence, but shall demonstrate how and when the  
8 proposed project was discussed with community organizations and neighbors adjacent to the  
9 project. If located within a neighborhood planning area, the applicant shall indicate how the  
10 project would further the goals of the neighborhood plan.

11  
12           3. Project Selection Committee: The Department of Construction and Land Use  
13 shall convene a selection committee to include at a minimum, an Urban Design Planner from  
14 the Department of Construction and Land Use and a representative from the Planning  
15 Commission's Housing subcommittee.

16  
17           4. Project Selection Criteria: The following criteria shall be used to rate and select  
18 individual projects to be a part of the Demonstration Program.

19               a. The extent to which the proposed project fulfills the purpose and goals of  
20 the Demonstration Program.

21               b. The extent to which the proposed project furthers the goals of the City's  
22 Comprehensive Plan, the Mayor's Housing Action Agenda and the City's Housing  
23 Framework.

24               c. The extent to which the proposed project supports the goals of the  
25 neighborhood in which the project is located, and the neighborhood plan goals, when  
26 applicable.

27               d. The general level of support from the community organizations and the  
28 neighbors surrounding the proposed project.

29               e. The extent to which the proposed project reduces the per unit costs, is  
30 proposed to result in affordable units, or proposes to add to the diversity of affordability in  
31 the neighborhood.

32               f. The rating given to the project in AIA Seattle's Design Demonstration  
33 Project competition, or other similar competition of innovative housing and quality design  
34 selected by a jury of design professionals and other housing experts.

35  
36 In addition a proposed project should include a description of the extent to which the project  
37 proposed serves as a good test of future code amendments, either for specific types of  
38 neighborhoods or citywide. Projects that may be approved through existing processes and  
39 regulations shall not be accepted as a demonstration project.

40  
41           5. Public Notice. Immediately following the close of each submittal period, DCLU  
42 shall post notice and provide mailed notice to owners of real property within 300 feet of a  
43 proposed demonstration project site, indicating receipt of an application for a demonstration

1 project. The notice shall also explain the two week public comment period, the selection  
2 process and the process for permit approval for demonstration projects.  
3

4 **6. Project Selection Process.** The project selection committee shall recommend to  
5 the Director of DCLU proposed projects to be included in the demonstration program. The  
6 final decision whether to include any individual project in the demonstration program shall  
7 be made by the Director. The decision whether a proposed project is included in the  
8 demonstration program is not appealable, although any final decisions on any demonstration  
9 project's MUP application, including design review are appealable as provided in SMC  
10 23.76. In the Director's discretion, the Director may decide to approve fewer than the  
11 maximum number in each category, but may not approve more than the maximum number  
12 specified in each category.  
13

#### 14 **Section 6. Design Review Required.**

15  
16 Once selected to be a demonstration project, each project shall be subject to the Design  
17 Review process contained in SMC Chapter 23 and specifically at Chapter 23.41, except as  
18 the process is modified by this ordinance. Category one, detached accessory dwelling units,  
19 shall be reviewed through the administrative Design Review process at SMC 23.41.016; all  
20 other demonstration projects shall be reviewed through the Design Review Board process.  
21 The adopted citywide design guidelines, which were originally developed to apply only to  
22 new multifamily and commercial development, will also be used for the demonstration  
23 projects in the same manner that they are used for other projects subject to Design Review.  
24 No departures shall be granted from the minimum number of parking spaces required; no  
25 departures shall be granted from the maximum density limits allowed for the types of  
26 housing being demonstrated.  
27

#### 28 **Section 7. Program Reporting and Evaluation.**

29  
30 At the end of each project selection period, DCLU shall report to City Council on the types  
31 of projects being submitted and selected for the Demonstration Program and the responses to  
32 the neighborhood notice and comment provisions. Within one year of adoption of the  
33 Demonstration Program, DCLU, in conjunction with the Selection Committee, shall prepare  
34 a report to City Council, summarizing the types of projects submitted, types selected, and an  
35 evaluation of how well the proposals have met or are meeting the purpose and goals of the  
36 Demonstration Program. A full evaluation of the program shall be conducted within 24  
37 months of the end of the second selection period, or as soon after 24 months that the  
38 demonstration projects have been completed and are occupied so that the effectiveness of  
39 demonstration projects in achieving the goals of the ordinance can be evaluated.  
40

41 Recommendations for code amendments that result from the demonstration projects,  
42 whether to be applied citywide or to carry out the goals of specific neighborhood plans, may,  
43 if appropriate, also be submitted to City Council at that time. If, however, the evaluation of

1 a portion of this Demonstration Program (e.g., evaluation of one of the four test categories  
2 included in this ordinance) can be completed earlier than the evaluation of the full ordinance,  
3 then that evaluation and any recommended code changes may also be submitted to City  
4 Council at an earlier time.  
5

6 The evaluation of the four categories of projects will include:  
7

8 1. Detached Accessory Dwelling Units:

9 a. What are appropriate development standards for detached ADUs that "fit"  
10 on a single family lot and within a single family neighborhood, but still allow the  
11 development of a livable unit? Is there a minimum lot size that would be appropriate?  
12

13 b. Are ADUs above garages a viable option in terms of cost to construct and  
14 fit in single family neighborhoods?  
15

16 c. What was the cost of construction, whether a new structure or an addition  
17 or remodel of an existing structure?  
18

19 d. What do the neighbors think of this type of housing? What is the reaction  
20 of the residents of the detached ADU in terms of livability of the unit and how it could be  
21 improved?  
22

23 e. Was administrative Design Review cost effective for this type of small  
24 project?  
25

26 f. If Design Review is to be used for this type of development, are additional  
27 design guidelines needed to address more directly the issues relevant to detached ADUs?  
28

29 g. Did this project provide a design concept that would likely be applicable  
30 and acceptable in other neighborhoods?  
31

32 h. What were the positive results of this project? What were the negative  
33 results?  
34

35 i. Were there any unintended consequences that need to be resolved?  
36

37 j. Are there certain neighborhoods or types of neighborhoods that are more  
38 appropriate for this type of housing than others?  
39

40 2. Cottage Housing, Tandem Housing or Small Lot Single Family Development:  
41

42 a. Do the development standards that are already in the code work for this  
43 type of development? Should some standards be modified and if so, how?  
44

45 b. What was the cost of construction? Does this type of development result  
46 in affordable units? What are the factors that help or hinder the affordability of this type of  
47 development?  
48

49 c. What do the neighbors think of this type of housing? What is the reaction  
50 of the residents of the housing in terms of livability of the unit and how it could be  
51 improved?  
52

53 d. If Design Review is to be used for this type of development, are additional  
54 design guidelines needed to address more directly the issues relevant to this type of single  
55 family development?  
56

- 1 e. Did this project provide a design concept that would likely be applicable  
2 and acceptable in other neighborhoods?  
3 f. What were the positive results of this project? What were the negative  
4 results?  
5 g. Were there any unintended consequences that need to be resolved?  
6 h. Are there certain neighborhoods or types of neighborhoods that are more  
7 appropriate for this type of housing than others?  
8

9 3. Height Above Current Height Limits through Design Review Departures:  
10

- 11 a. Should height departure be allowed through Design Review in all zones?  
12 For all types of residential development? If not, for which zones? For what types of  
13 residential development?  
14 b. Is 15 percent the appropriate amount of departure? For all types of  
15 residential development? For which zones?  
16 c. Does a maximum percentage need to be specified?  
17 d. What were the circumstances or site conditions that prompted the  
18 requested departure?  
19 e. Are there other ways (without having to go through Design Review) to  
20 address the height issue while still resulting in compatible development, such as an  
21 alternative height measurement technique or a general increase in height allowed?  
22 f. Did the flexibility in height reduce the development cost on a per unit  
23 basis? Did it help the affordability of the units?  
24 g. What is the neighborhood response to the allowed departure?  
25 h. Did this project provide a design concept that would likely be applicable  
26 and acceptable in other neighborhoods?  
27 i. What were the positive results of this project? What were the negative  
28 results?  
29 j. Were there any unintended consequences that need to be resolved?  
30 k. Are there certain neighborhoods or characteristics of areas where height  
31 departures would be more appropriate than other areas?  
32

33 4. Design Review Process for Development Standard Departures for Existing  
34 Structures:  
35

- 36 a. Did the process allow for enough flexibility to encourage or at least allow  
37 for the reuse of existing structures? If not, what other departures are needed?  
38 b. Are additional design guidelines or departures needed to address more  
39 directly the issues relevant to the reuse of existing structures?  
40 c. Are there changes in the process that are needed for existing structures  
41 since there isn't such a thing as a pre-design meeting?  
42 d. Did the flexibility in development standards reduce the development cost  
43 on a per unit basis? Did it help the affordability of the units?

- 1 e. What is the neighborhood response to the remodeled development?  
2 f. Did this project provide a design concept that would likely be applicable  
3 and acceptable in other neighborhoods?  
4 g. What were the positive results of this project? What were the negative  
5 results?  
6 h. Were there any unintended consequences that need to be resolved?  
7 i. Are there certain neighborhoods or characteristics of neighborhoods where  
8 Design Review for existing buildings would be more appropriate than other neighborhoods?  
9

10 **Section 8.** A new Section 23.40.050 is hereby added to the Seattle Municipal Code,  
11 as follows:

12  
13 **23.40.050 Demonstration Program for Innovative Housing Design**

14  
15 A. Purpose and Intent.

16  
17 The purpose of this section is to establish a Demonstration Program for Innovative Housing  
18 Design. The goals of the Demonstration Program are to test new or more flexible  
19 regulations and processes in an effort:

- 20 1. To encourage housing production, particularly types of housing that are  
21 not readily available in Seattle, or are not currently being produced.  
22 2. To stimulate innovative housing design that is consistent with the housing  
23 goals of a neighborhood, and that fits in with or improves the character of the neighborhood.  
24 3. To encourage the development of housing that will serve as a catalyst to  
25 stimulate housing production, particularly in neighborhoods where new or rehabilitated  
26 residential development has been limited.  
27 4. To serve as a model for other neighborhoods, demonstrating housing  
28 solutions that could have broader application in other neighborhoods.  
29 5. To increase the diversity of housing types and levels of affordability to  
30 meet the varied needs and goals of a neighborhood.  
31

32 B. Scope of Authority to Modify Land Use Code Requirements.

33  
34 Demonstration projects shall be selected and reviewed in accordance with the Demonstration  
35 Program for Innovative Housing Design adopted by Ordinance \_\_\_\_\_. Each  
36 demonstration project shall comply with all of the requirements of the Land Use Code  
37 otherwise applicable to the project, except as specified below:

- 38 1. Each demonstration project, including single family development and  
39 redevelopment of existing structures, shall be reviewed through the Design Review process  
40 contained in SMC chapter 23.41 and in SMC chapter 23.76. Detached accessory dwelling  
41 unit projects selected in category one of the Demonstration Program shall use the  
42 administrative Design Review process at SMC 23.41.016.

1                   2. A maximum of ten (10) detached accessory dwelling units may be allowed  
2 in Single-Family zones contrary to the requirement in SMC 23.44.006(A). For purposes of  
3 this ordinance, a "detached accessory dwelling unit" means an additional room or set of  
4 rooms that are located within a structure accessory to an owner-occupied single family  
5 structure, that is not connected to the principal structure and is designed, arranged, occupied  
6 or intended to be occupied by not more than one household as living accommodations  
7 independent from any other household. Such units must be developed according to the  
8 development standards for accessory structures and accessory dwelling units in Single  
9 Family zones, Sections 23.44.040 and 23.44.041, except that:

10                   a. Contrary to SMC 23.44.041(A)(4) the accessory dwelling unit may  
11 be located in a structure that is detached from the single family dwelling that is the principal  
12 use on the lot; and

13                   b. Additional modifications to the development standards contained  
14 in SMC 23.44.040 and SMC 23.44.041 may be allowed as departures through the Design  
15 Review process under SMC Chapter 23.41.012; and

16                   c. In addition to the development standard departures allowed in  
17 Section 23.41.012, a departure may be allowed for additional height if the accessory  
18 dwelling unit is a single story unit and will be located above a detached garage, provided  
19 that, no height departure may be granted that would result in a structure that is higher than  
20 the maximum allowed for single family structures in single family zones other than lots  
21 zoned Residential Small Lot.

22                   3. A maximum of six (6) projects that include cottage housing, tandem  
23 housing and small lot single family development may be allowed in a Single Family zone,  
24 contrary to the minimum lot area requirements of SMC 23.44.010 and other development  
25 standards contained in SMC 23.44. Such development must comply with the Residential  
26 Small Lot development standards, SMC Chapter 23.43, except that modifications to the  
27 development standards contained in SMC 23.43 may be allowed as departures through the  
28 Design Review process. In addition to the development standard departures allowed under  
29 SMC 23.41.012, departures may also be allowed for:

30                   a. Additional height up to a maximum of fifteen (15) percent over  
31 the maximum allowed by SMC 23.43.012 for cottage housing, by SMC 23.43.010 for  
32 tandem housing and by SMC 23.43.008 for small lot single family development, provided  
33 that, no height departure may be granted that would result in a structure that is higher than  
34 the maximum allowed for single family structures in single family zones other than lots  
35 zoned Residential Small Lot.

36                   b. The maximum total floor area of each cottage as required by SMC  
37 23.43.012D, as long as the maximum amount of total floor area for the entire cottage  
38 housing development is not increased.

39                   4. A maximum of six (6) multifamily demonstration projects in a  
40 multifamily zone or as a part of a mixed-use development project in a commercial zone  
41 outside of downtown, may be granted height departures through the Design Review process,  
42 contrary to SMC 23.41 which, with one exception, does not allow height departures. A

1 height departure of up to fifteen (15) percent over the maximum height limit of the zone,  
2 may be allowed as long as:

3 a. No additional floors are constructed as a result of this additional  
4 height;

5 b. The overall scale of development as viewed from the street front  
6 has generally not increased; and

7 c. The structure is compatible with the neighborhood, and with the  
8 scale of development allowed in the zone.

9 d. A height exception under SMC 23.47.008C3 or C4 will not be  
10 requested as part of the project; and

11 e. If private views protected by SMC 23.47.008C4c will be blocked  
12 by the demonstration project, no additional height greater than the additional height that  
13 could be granted by a height exception under SMC 23.47.008C4c may be granted by a  
14 height departure under the demonstration program.

15 5. A maximum of six (6) residential projects in an existing structure in  
16 multifamily or commercial zones outside of downtown, including mixed-use development,  
17 may use the Design Review process. Development standard departures currently allowed  
18 only for new development under SMC 23.41.012 may be granted for the redevelopment of  
19 these existing structures.

20  
21 C. Vesting.

22  
23 For purposes of the Demonstration Program, all projects selected as demonstration projects  
24 are subject to the vesting of development rights and Master Use Permit expiration rules  
25 applicable to projects subject to Design Review contained in SMC 23.76.026 C.

26  
27 D. Master Use Permit Expiration.

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29 For purposes of the Demonstration Program, all projects selected as demonstration projects  
30 are subject to the Master Use Permit expiration rules applicable to Master Use Permits with  
31 a Design Review component contained at SMC 23.76.032 A1f.

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33 E. Master Use Permit Renewal.

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35 For purposes of the Demonstration Program, all projects that are selected as demonstration  
36 projects are subject to the Master Use Permit renewal standards contained at SMC 23.76.032  
37 B1 and 2 only; the renewal standards in SMC 23.76.032 B3 shall not apply to demonstration  
38 projects.

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40 F. Cancellation, Renewal and Reestablishment of Building Permit Applications.

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42 All projects that are chosen as demonstration projects must comply with all applicable  
43 provisions of the Seattle Building Code, except as follows:

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1. Cancellation of Permit Application. For purposes of this Demonstration Program and for purposes of the cancellation of permit application standards contained in Section 106.6.4 of the Seattle Building Code, all projects selected as demonstration projects shall be considered to be projects that are vested to prior Land Use Code provisions and ones which do not conform to the codes currently in effect.

2. Renewal of Building Permits. For purposes of this Demonstration Program, Section 106.9.2 of the Seattle Building Code does not apply and building permits for projects selected as demonstration projects shall not be renewed unless:

- a. The building official determines that the permit complies, or is modified to comply, with the code or codes in effect on the date of application renewal; or
- b. The work authorized by the permit is substantially underway and progressing at a rate approved by the building official. "Substantially underway" means that work such as excavation, inspections, and installation of framing, electrical, mechanical and finish work is being completed on a continuing basis.
- c. Commencement or completion of the work authorized by the permit was delayed by litigation, appeals, strikes or other causes related to the work authorized by the permit, beyond the permit holder's control; and

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1 d. For any demonstration project in a landslide-prone area, the  
2 requirements of SMC 25.09.345 also apply.

3 3. Reestablishment of Expired Building Permit. For purposes of this  
4 Demonstration Program, no building permit that has expired and not been renewed pursuant  
5 to subsection F2 above, shall be reestablished. The exception to section 106.9.3 of the  
6 Seattle Building Code does not apply.

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8 **Section 9.** The provisions of this ordinance are declared to be separate and  
9 severable. The invalidity of any particular provision shall not affect the validity of any other  
10 provision.

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12 **Section 10.** This ordinance shall take effect and be in force thirty (30) days from and  
13 after its approval by the Mayor, but if not approved and returned by the Mayor within ten  
14 (10) days after presentation, it shall take effect as provided by Municipal Code Section  
15 1.04.020.

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17  
18 Passed by the City Council the \_\_\_\_\_ day of \_\_\_\_\_, 1998, and signed by me  
19 in open session in authentication of its passage this \_\_\_\_\_ day of \_\_\_\_\_, 1998.

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21  
22 \_\_\_\_\_  
23 President \_\_\_\_\_ of the City Council

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26 Approved by me this \_\_\_\_\_ day of \_\_\_\_\_, 1998.

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29 \_\_\_\_\_  
30 Mayor

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33 Filed by me this \_\_\_\_\_ day of \_\_\_\_\_, 1998.

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36 \_\_\_\_\_  
37 City Clerk

38  
39 (SEAL)

STATE OF WASHINGTON - KING COUNTY

100158  
City of Seattle, City Clerk

—ss.

No. FULL ORDINAN

Affidavit of Publication

The undersigned, on oath states that he is an authorized representative of The Daily Journal of Commerce, a daily newspaper, which newspaper is a legal newspaper of general circulation and it is now and has been for more than six months prior to the date of publication hereinafter referred to, published in the English language continuously as a daily newspaper in Seattle, King County, Washington, and it is now and during all of said time was printed in an office maintained at the aforesaid place of publication of this newspaper. The Daily Journal of Commerce was on the 12th day of June, 1941, approved as a legal newspaper by the Superior Court of King County.

The notice in the exact form annexed, was published in regular issues of The Daily Journal of Commerce, which was regularly distributed to its subscribers during the below stated period. The annexed notice, a

CT:ORD 119241

was published on

12/15/98

The amount of the fee charged for the foregoing publication is the sum of \$ \_\_\_\_\_, which amount has been paid in full.

*R. Patterson*

Subscribed and sworn to before me on

12/15/98

*McClintock*

Notary Public for the State of Washington,  
residing in Seattle

# Department City of Seattle

## ORDINANCE NO. 119241

AN ORDINANCE establishing the Demonstration Program for Innovative Housing design and adding a new Section 23.49.050 to the Seattle Municipal Code to implement the Demonstration Program.

WHEREAS, the City's Comprehensive Plan, originally adopted in 1994 and most recently amended in 1997, includes housing goals for accommodating growth and maintaining affordability, and for encouraging housing diversity and quality, and

WHEREAS, the cost of owning or renting housing continues to increase faster than the rate of inflation, making it increasingly difficult for many of the citizens of Seattle to afford housing in the city; and

WHEREAS, on March 21, 1998, more than 800 citizens, including community activists, developers, attorneys, small business people, architects, elected officials, lenders, tenants and landlords, attended the Mayor's Community Conference on Affordable Housing to discuss possible solutions to the rising cost of housing; and

WHEREAS, on April 13, 1998 City Council, with the Mayor concurring, adopted a resolution that established the City's top budget priorities for the 1999-2000 biennial budget and the 1999-2004 Capital Improvement Program, which resolution stated that the "City is committed to developing and implementing an affordable housing action agenda for both home ownership and rental housing"; and

WHEREAS, on May 5, 1998, Mayor Paul Schell published the Housing Action Agenda, which includes a goal to "increase our community's supply of moderate income housing and preserve existing affordable housing," including providing opportunities for innovative housing designs, and evaluating zoning to find opportunities for new housing; and

WHEREAS, AIA (American Institute of Architects) Seattle's Housing Action Task Force sponsored the "Housing Seattle, Design Demonstration Project," seeking entries for a competition of real projects that demonstrate neighborhood-appropriate approaches to increasing the inventory and quality of affordable housing in Seattle; and on September 10, 1998, announced the top eleven entries identified as "Should Be Built," selected by an interdisciplinary jury representing a broad range of public and private housing interests and expertise; and

WHEREAS, detached accessory dwelling units are a type of housing that several neighborhood planning groups are considering as an option to accessory dwelling units only within principal structures; detached units could provide additional flexibility to accommodate such a unit on a site, allowing limited additional density without significantly changing the appearance of the neighborhood; and could help home owners afford to stay in their homes or be able to afford to purchase a home; and

WHEREAS, cottage, tandem and small lot single family housing are types of in-fill housing that several neighborhood planning groups have recognized as providing a housing option not readily available today that would fit with their neighborhoods' desire for affordable, home ownership opportunities for a variety of household types; and

WHEREAS, when the Design Review process was being developed in the early 1990s, the issue of allowing additional height through Design Review departures was discussed at length, but height was eventually determined to be a standard that could be included in neighborhood-specific guidelines rather than in the citywide program; however, since that time, Design Review has had four successful years as an operational program and neighborhood-specific guidelines have yet to be adopted, so that there has not yet been an opportunity to test the concept of height departures through design review; and

WHEREAS, some neighborhoods, as part of their neighborhood planning effort have requested that the City consider allowing the Design Review process to be used to allow existing structures (in addition to the new construction that Design Review is currently limited to) to use development standard departures available in Design Review if they are to be redeveloped for

Over a century the Daily Journal has been serving the legal community by publication of daily court reports.

12/15/98 99866

height allowed for cottage housing, tandem housing or small lot single family development, may also be granted through the Design Review process. Under no circumstances, however, may any height departure be granted that would result in a structure that is higher than the maximum allowed for single family structures in single family zones other than RSL.

3. HEIGHT ABOVE CURRENT HEIGHT LIMITS THROUGH DESIGN REVIEW DEPARTURES. A maximum of three projects per submittal period for a total of up to six projects that are either multifamily development in multifamily zones or are part of mixed-use development in commercial zones, additional height up to 15 percent over the maximum height limit allowed in the zones, additional height up to 15 percent over the maximum height limit allowed in the zones may be approved through the Demonstration Program, as long as no additional floors are constructed as a result of this additional height, the overall scale of development as viewed from the street front has generally not changed, and the structure remains compatible with the neighborhood and scale of development allowed in the zones. This departure is to be used to accommodate unusual site or development conditions such as topographic depressions or design elements that affect height measurement toward the center of the development, but which generally does not change the height of a structure along the street front.

A height departure under the Demonstration Program cannot be combined with a height exception for mixed use structures under SMC 23.47.006C3 or C4, nor will a height departure be granted under the Demonstration Program if the departure requested would block the view protected by SMC 23.47.008C4 more than an exception granted under the section would.

4. DESIGN REVIEW PROCESS FOR DEVELOPMENT STANDARD DEPARTURES FOR EXISTING STRUCTURES. In an effort to encourage the reuse of existing structures, a maximum of three projects per submittal period for a total of up to six projects that include residential development in existing structures in multifamily or commercial zones (including mixed-use development) may be allowed to use the Design Review process to request development standard departures that are currently only allowed for new development.

### SECTION 5. INDIVIDUAL PROJECT SUBMITTAL DEADLINE.

1. SUBMITTAL DEADLINE. There shall be two project submittal periods.

a. Applications submitted by January 15, 1999, selection decisions by February 12, 1999.

b. Applications submitted by July 1, 1999, selection decisions by August 1, 1999.

2. NEIGHBORHOOD SUPPORT AND CONSISTENCY WITH COMPREHENSIVE PLAN GOALS AND NEIGHBORHOOD PLAN GOALS. The demonstration project must be consistent with the goals of the Comprehensive Plan. A brief statement of support from a neighborhood organization or neighborhood planning group, and opinions from a sizable sampling of adjacent neighbors and property owners, must be submitted with the application. No project shall be expected to show 100 percent neighborhood concurrence, but shall demonstrate how and when the proposed project was discussed with community organizations and neighbors adjacent to the project. If located within a neighborhood planning area, the applicant shall indicate how the project would further the goals of the neighborhood plan.

3. PROJECT SELECTION COMMITTEE. The Department of Construction and Land Use shall convene a selection committee to include at a minimum, an Urban Design Planner from the Department of Construction and Land Use and a representative from the Planning Commission's Housing subcommittee.

4. PROJECT SELECTION CRITERIA. The following criteria shall be used to rate and select individual projects to be a part of the Demonstration Program.

a. The extent to which the proposed project fulfills the purpose and goals of the Demonstration Program.

b. The extent to which the proposed project furthers the goals of the City's Comprehensive Plan, the Mayor's Housing Action Agenda and the City's Housing Framework.

projects will include:

### 1. DETACHED ACCESSORY DWELLING UNITS.

a. What are appropriate development standards for detached ADUs that fit on a single family lot and within a single family neighborhood, but still allow the development of a livable unit? Is there a minimum lot size that would be appropriate?

b. Are ADUs above garages a viable option in terms of costs to construct and fit in single family neighborhoods?

c. What was the cost of construction, whether a new structure or an addition or remodel of an existing structure?

d. What do the neighbors think of this type of housing? What is the reaction of the residents of the detached ADU in terms of livability of the unit and how it could be improved?

e. Was administrative Design Review cost effective for this type of small project?

f. If Design Review is to be used for this type of development, are additional design guidelines needed to address more directly the issues relevant to detached ADUs?

g. Did this project provide a design concept that would likely be applicable and acceptable in other neighborhoods?

h. What were the positive results of this project? What were the negative results?

i. Were there any unintended consequences that need to be resolved?

j. Are there certain neighborhoods or types of neighborhoods that are more appropriate for this type of housing than others?

### 2. COTTAGE HOUSING, TANDEM HOUSING OR SMALL LOT SINGLE FAMILY DEVELOPMENT.

a. Do the development standards that are already in the code work for this type of development? Should some standards be modified and if so, how?

b. What was the cost of construction? Does this type of development result in affordable units? What are the factors that help or hinder the affordability of this type of development?

c. What do neighbors think of this type of housing? What is the reaction of the residents of the housing in terms of livability of the unit and how it could be improved?

d. If Design Review is to be used for this type of development, are additional design guidelines needed to address more directly the issues relevant to this type of single family development?

e. Did this project provide a design concept that would likely be applicable and acceptable in other neighborhoods?

f. What were the positive results of this project? What were the negative results?

g. Were there any unintended consequences that need to be resolved?

h. Are there certain neighborhoods or types of neighborhoods that are more appropriate for this type of housing than others?

### 3. HEIGHT ABOVE CURRENT HEIGHT LIMITS THROUGH DESIGN REVIEW DEPARTURES.

a. Should height departure be allowed through Design Review in all zones? For all types of residential development? If not, for which zones? For what types of residential development?

b. Is 15 percent the appropriate amount of departure? For all types of residential development? For which zones?

c. Does a maximum percentage need to be specified?

d. What were the circumstances or site conditions that prompted the requested departure?

e. Are there other ways (without having to go through Design Review) to address the height issue while still resulting in compatible development, such as an alternative height measurement technique or a general increase in height allowed?

f. Did the flexibility in height reduce the development cost on a per unit basis? Did it help the affordability of the units?

g. What is the neighborhood response to the allowed departure?

h. Did this project provide a design concept that would likely be applicable and acceptable in other neighborhoods?

i. What were the positive results of this project? What were the negative results?

j. Were there any unintended consequences that need to be resolved?

k. Are there certain neighborhoods or characteristics of areas where height departures would be more appropriate than other areas?

### 4. DESIGN REVIEW PROCESS FOR DEVELOPMENT STANDARD DEPARTURES FOR EXISTING STRUCTURES.

a. Did the process allow for enough flexibility to encourage or at least allow for

ward departures allowed in Section 23.41.012, a departure may be allowed for additional height if the accessory dwelling unit is a single story unit and will be located above a detached garage, provided that no height departure may be granted that would result in a structure in single family zones other than lots zoned Residential Small Lot.

3. A maximum of six (6) projects that include cottage housing, tandem housing and small lot single family development may be allowed in a Single Family zone, contrary to the minimum lot area requirements of SMC 23.44.010 and other development standards contained in SMC 23.44. Such development must comply with the Residential Small Lot development standards, SMC Chapter 23.43, except that modifications to the development standards contained in SMC 23.43 may be allowed as departures through the Design Review process. In addition to the development standard departures allowed under SMC 23.41.012, departures may also be allowed for:

a. Additional height up to a maximum of fifteen (15) percent over the maximum allowed by SMC 23.43.012 for cottage housing, by SMC 23.43.010 for tandem housing and by SMC 23.43.008 for small lot single family development, provided that no height departure may be granted that would result in a structure that is higher than the maximum allowed for single family structures in single family zones other than lots zoned Residential Small Lot.

b. The maximum total floor area of each cottage as required by SMC 23.43.012D, as long as the maximum amount of total floor area for the entire cottage housing development is not increased.

4. A maximum of six (6) multifamily demonstration projects in a multifamily zone or as a part of a mixed-use development project in a commercial zone outside of downtown, may be granted height departures through the Design Review process, contrary to SMC 23.41 which, with one exception, does not allow height departures. A height departure of up to fifteen (15) percent over the maximum height limit of the zone, may be allowed as long as:

a. No additional floors are constructed as a result of this additional height;

b. The overall scale of development as viewed from the street front has generally not increased; and

c. The structure is compatible with the neighborhood, and with the scale of development allowed in the zone.

d. A height exception under SMC 23.47.006C3 or C4 will not be requested as part of the project; and

e. If private views protected by SMC 23.47.008C4 will be blocked by the demonstration project, no additional height greater than the additional height that could be granted by a height exception under SMC 23.47.008C4 may be granted by a height departure under the demonstration program.

5. A maximum of six (6) residential projects in an existing structure in multifamily or commercial zones outside of downtown, including mixed-use development, may use the Design Review process. Development standard departures currently allowed only for new development under SMC 23.41.012 may be granted for the redevelopment of these existing structures.

### C. Vesting.

For purposes of the Demonstration Program, all projects selected as demonstration projects are subject to the vesting of development rights and Master Use Permit expiration rules applicable to projects subject to Design Review contained in SMC 23.76.026 C.

### D. Master Use Permit Expiration.

For purposes of the Demonstration Program, all projects selected as demonstration projects are subject to the Master Use Permit expiration rules applicable to Master Use Permits with a Design Review component contained at SMC 23.76.032 A11.

### E. Master Use Permit Renewal.

For purposes of the Demonstration Program, all projects that are selected as demonstration projects are subject to the Master Use Permit renewal standards contained at SMC 23.76.032 B1 and 2 only; the renewal standards in SMC 23.76.032 B3 shall not apply to demonstration projects.

### F. Cancellation, Renewal and Reestablishment of Building Permit Applications.

All projects that are chosen as demonstration projects must comply with all applicable provisions of the Seattle Building Code, except as follows:

1. Cancellation of Permit Application. For purposes of this Demonstration Program, and for purposes of the cancellation of permit application standards contained in Section 106.6.4 of the Seattle Building Code, all projects selected as demonstration projects shall be considered to be projects that are vested to prior Land Use