

Ordinance No. 120318

Council Bill No. 113594

The City of Seattle
Council Bill/Ordinance

AN ORDINANCE relating to land use and zoning, amending Section 23.40.050 of the Seattle Municipal Code, further modifying the Demonstration Program for Innovative Housing Design established by Ordinance 119241 and modified by Ordinances 119368 and 119784, extending the Program by including an additional submittal period.

04-03-01 PASS 3-0

CF No. _____

4-9-01 Pass

Date Introduced:	<u>MAR 19 2001</u>	
Date 1st Referred:	<u>MAR 19 2001</u>	
	To: (committee)	<u>Landlord/Tenant & Land Use Committee</u>
Date Re - Referred:	To: (committee)	
Date Re - Referred:	To: (committee)	
Date of Final Passage:	Full Council Vote:	
<u>4-9-01</u>	<u>8-0</u>	
Date Presented to Mayor:	Date Approved:	
<u>4-9-01</u>	<u>4-16-01</u>	
Date Returned to City Clerk:	Date Published:	T.O. _____ F.T. <input checked="" type="checkbox"/>
<u>4-17-01</u>	<u>7P</u>	
Date Vetoes by Mayor:	Date Veto Published:	
Date Passed Over Veto:	Veto Sustained:	

CECUSA

This file is complete and ready

Law Department

Law Dept. Review

The City of Seattle - Legislative Department

Council Bill/Ordinance sponsored by: _____

NICASTRO

Council Clerk

Committee Action:

04-03-01 PASS 8-0 (UN, RS, MP)

4-9-01 Passed 8-0

(Excused: Melver)

This file is complete and ready for presentation to Full Council.

Committee: _____

(initial/date)

Law Department

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Law Dept. Review

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ORDINANCE 120318

AN ORDINANCE relating to land use and zoning, amending Section 23.40.050 of the Seattle Municipal Code, further modifying the Demonstration Program for Innovative Housing Design established by Ordinance 119241 and modified by Ordinances 119368 and 119784, extending the Program by including an additional submittal period.

WHEREAS, the City Council adopted Ordinance 119241 on November 30, 1998, which established the Demonstration Program for Innovative Housing, and the Mayor signed it on December 2, 1998; and

WHEREAS, the City Council adopted Ordinance 119368 on February 8, 1999, which modified the Demonstration Program, and the Mayor signed it on February 16, 1999; and

WHEREAS, the City Council adopted Ordinance 119784 on November 29, 1999, which modified the Demonstration Program, and the Mayor signed it on December 1, 1999; and

WHEREAS, the submittal deadlines included in these ordinances, January 15, 1999, March 15, 1999, July 1, 1999, and June 1, 2000 have all passed, and the selection decisions have been made; and

WHEREAS, a maximum of 32 demonstration projects were allowed by the ordinances, and only 15 demonstration projects have been selected; and

WHEREAS, the purpose of the Demonstration Program is to test a limited number of innovative residential design solutions, using alternative development standards and processes, and these projects are to be evaluated to determine whether and to what extent each of the projects accomplishes the goals of this program, and whether amendments should be made to the City of Seattle Land Use Code to allow these housing types, development standards and processes throughout the city or in certain parts of the city; and

WHEREAS, the small number of projects makes it difficult to evaluate the demonstration program;

NOW THEREFORE,

BE IT ORDAINED BY THE CITY OF SEATTLE AS FOLLOWS:

Section 1. An additional submittal period for the Demonstration Program for Innovative Housing Design will be added as follows: applications are to be submitted by



1 May 18, 2001, and selection decisions will be made by June 16, 2001. The rest of the
2 project selection process and all other provisions of the Program will be as provided in
3 Ordinance 119241, as amended by Ordinance 119368, except that a maximum of two Type
4 B cottage developments may be selected during this submittal period.

5 **Section 2.** Subsection B of Section 23.40.050 of the Seattle Municipal Code,
6 which Section was last amended by Ordinance 119784, is further amended as follows:

7 **23.40.050 Demonstration program for innovative housing design.**

8 * * *

9 B. Scope of Authority to Modify Land Use Code Requirements. Demonstration
10 projects shall be selected and reviewed in accordance with the demonstration program for
11 innovative housing design adopted by Ordinance 119241, as modified and amended by
12 Ordinances 119368, 119784 and 120318. Each demonstration project shall comply with
13 all of the requirements of the Land Use Code otherwise applicable to the project, except as
14 specified below:

15 1. Each demonstration project, including single-family development and
16 redevelopment of existing structures, shall be reviewed through the design review process
17 contained in SMC Chapter 23.41 and in SMC Chapter 23.76. Detached accessory dwelling
18 unit projects selected in Category one of the demonstration program shall use the
19 administrative design review process at SMC Section 23.41.016.

20 2. A maximum of ten (10) detached accessory dwelling units may be
21 allowed in single-family zones contrary to the requirement in SMC Section 23.44.006 A.
22 For purposes of this section, a "detached accessory dwelling unit" means an additional room
23 or set of rooms that are located within a structure accessory to an owner-occupied single-



1 family structure, that is not connected to the principal structure and is designed, arranged,
2 occupied or intended to be occupied by not more than one (1) household as living
3 accommodations independent from any other household. Such units must be developed
4 according to the development standards for accessory structures and accessory dwelling
5 units in single-family zones, Sections 23.44.040 and 23.44.041, except that:

6 a. Contrary to SMC Section 23.44.041 A4 the accessory dwelling
7 unit may be located in a structure that is detached from the single-family dwelling that is the
8 principal use on the lot; and

9 b. Additional modifications to the development standards contained
10 in SMC Section 23.44.040 and SMC Section 23.44.041 may be allowed as departures
11 through the design review process under SMC Section 23.41.012; and

12 c. In addition to the development standard departures allowed in
13 Section 23.41.012, a departure may be allowed for additional height up to a maximum of
14 two (2) stories, in order to accommodate detached accessory dwelling units in a single story
15 unit above a detached garage and other detached accessory dwelling units of a similar
16 height; provided that, no height departure may be granted that would result in a structure
17 that is higher than the maximum allowed for single-family structures in single-family zones
18 other than lots zoned residential small lot.

19 3. A maximum of ten (10) projects that include cottage housing, tandem
20 housing or small lot single-family development may be allowed in a single-family zone,
21 contrary to the minimum lot area requirements of SMC Section 23.44.010 and other
22 development standards contained in SMC Chapter 23.44. Such development must comply
23 with the residential small lot development standards, SMC Chapter 23.43, except that



1 modifications to the development standards contained in SMC Chapter 23.43 may be
2 allowed as departures through the design review process as follows:

3 a. A maximum of six (6) of these projects will be designated as Type
4 A projects. For these Type A projects, in addition to the development standard departures
5 allowed under SMC Section 23.41.012, departures may also be allowed for:

6 (1) Additional height up to a maximum of fifteen (15) percent
7 over the maximum allowed by SMC Section 23.43.012 for cottage housing, by SMC Section
8 23.43.010 for tandem housing and by SMC Section 23.43.008 for small lot single-family
9 development; provided that, no height departure may be granted that would result in a
10 structure that is higher than the maximum allowed for single-family structures in single-
11 family zones other than lots zoned residential small lot;

12 (2) The maximum total floor area of each cottage as required
13 by SMC Section 23.43.012D, as long as the maximum amount of total floor area for the
14 entire cottage housing development is not increased.

15 b. A maximum of four (4) of these projects will be designated as
16 Type B projects. For Type B projects, all of which must be in cottage housing
17 developments, in addition to the development standard departures allowed under SMC
18 Section 23.41.012 and the departures allowed pursuant to SMC Section 23.40.050 B3a for
19 Type A projects, departures may also be allowed:

20 (1) For increased density beyond that allowed by SMC
21 Section 23.43.012B1 when the additional dwelling units are located above garages in
22 accessory structures in the cottage housing development, and the maximum increase in
23 dwelling unit density allowed by this demonstration project is fifty (50) percent above that
24 allowed by the current density limits contained in SMC Section 23.43.012B1; and



1 (2) For additional height for accessory structures beyond the
2 twelve (12) feet allowed by SMC Section 23.43.040A3, when the accessory structure
3 contains a garage with above-garage dwelling units, up to a maximum of fifteen (15) percent
4 over the maximum allowed by SMC Section 23.43.012C for principal structures in cottage
5 housing developments; provided that, no height departure may be granted that would result
6 in an accessory structure that is higher than the maximum allowed for single-family
7 structures in single-family zones other than lots zoned residential small lot.

8 4. A maximum of six (6) multifamily demonstration projects in a
9 multifamily zone or as a part of a mixed-use development project in a commercial zone
10 outside of downtown, may be granted height departures through the design review process,
11 contrary to SMC Chapter 23.41 which, with one (1) exception, does not allow height
12 departures. A height departure of up to fifteen (15) percent over the maximum height limit
13 of the zone, may be allowed as long as:

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

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

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

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

22 e. If private views protected by SMC Section 23.47.008 C4c will be
23 blocked by the demonstration project, no additional height greater than the additional height



1 that could be granted by a height exception under SMC Section 23.47.008 C4c may be
2 granted by a height departure under the demonstration program.

3 5. A maximum of six (6) residential projects in an existing structure in
4 multifamily or commercial

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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 Section 23.41.012 may be granted for the redevelopment of these existing structures.

* * *

Section 3. 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 4. Any act pursuant to the authority and prior to the effective date of this ordinance is hereby ratified and confirmed.

Section 5. 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 9th day of April, 2001, and signed by me in open session in authentication of its passage this 9th day of April, 2001.

Margaret L. Pappas
President of the City Council

Approved by me this 16th day of APRIL, 2001.

Paul Schell
Paul Schell, Mayor

Filed by me this 23 day of April, 2001.

Judith E. Pappas
City Clerk

(SEAL)





City of Seattle

Paul Schell, Mayor

Department of Design, Construction and Land Use

R. F. Krochalis, Director

MEMORANDUM

TO: Council President Margaret Pageler
Via Margaret Klockars, Law Department

FROM: Rick Krochalis, Director *RK*

DATE: March 6, 2001

SUBJECT: Proposed New Submittal Period for the Housing Demonstration Program

I am pleased to transmit to you the attached ordinance proposing an additional submittal period for the Demonstration Program for Innovative Housing. The new ordinance would allow submittals in all housing categories up to May 18, 2001 with decisions made by June 16, 2001.

As you know, the Demonstration Program was originally adopted by Ordinance 119241 on November 30, 1998, and was subsequently amended by Ordinance 119368 on February 8, 1999 and Ordinance 119784 on November 29, 1999. The ordinances established submittal deadlines of January 15, 1999, March 15, 1999, July 1, 1999, and June 1, 2000, and selection decisions have been made for those submittal periods.

To date, a total of 15 demonstration projects have been selected for development. These include eight detached accessory dwelling units (ADUs), five residential small lot and cottage developments and two height departures through Design Review. The ordinances allowed for a maximum of 32 projects (10 detached ADUs, 10 cottage/tandem/residential small lot developments, 6 height departures through Design Review, and 6 development standard departure processes using Design Review for existing buildings).

The purpose of the Demonstration Program was to test a limited number of innovative residential design solutions, using alternative development standards and processes. These projects were to be evaluated to determine whether and to what extent each of the projects accomplished the goals of this program. Following the evaluations would be a determination of whether amendments should be made to the Land Use Code to allow these housing types, development standard changes and process changes more generally throughout the city, or in certain parts of the city. The small number of selected projects makes it difficult to fully evaluate the demonstration program. Therefore, this ordinance would extend the program to allow for more demonstration projects to be tested.



The Determination of Non-Significance on the Demonstration Program for Innovative Housing Design, published on October 8, 1998, will also apply to the proposed ordinance allowing the additional submittal period. No substantive changes have been made to the Demonstration Program.

A public hearing on this ordinance has been scheduled for Tuesday, March 20, 2001 at 9:30 am in the Council Chamber. Please contact Jory Phillips of DCLU at 386-9761 if you have any questions.

Attachment



Director's Report

Demonstration Program for Innovative Housing Design

Proposed Additional Selection Period— March 6, 2001

Program Background

In late 1998, the City adopted Ordinance 119241, establishing the Demonstration Program for Innovative Housing Design. The program has since been amended twice, once to allow for the demonstration of Type B cottage housing developments with above-garage carriage units, and once to add an additional submittal period in the year 2000. The purpose of the program is to allow a limited number of projects to be built to test innovative residential design solutions, using alternative development standards and processes. The program allows for development not currently allowed under existing regulations, while continuing to be consistent with the City's land use, housing and neighborhood goals.

As established in the original Demonstration Program ordinance, criteria for project selection include:

- Goals of the Demonstration Program
- City goals
- Neighborhood goals
- Neighborhood support
- Affordability
- Competition
- Test case for future code amendments.

As part of the process, a yellow land use sign with project information is posted at each application site, and the same project information is mailed to property owners and residents within 300 feet of the proposal site. The public is allowed to submit comments before the selection committee makes a determination whether the proposal should be selected to become a Demonstration Project. Once selected, each project must go through the Design Review process as well as the standard City permitting processes.

Selected Demonstration Projects

There have been three submittal periods for the Demonstration Program, including two in 1999 and one June 1, 2000. A selection committee composed of one Planning Commissioner, one former Planning Commissioner, and one DCLU Urban Design Planner examines the proposals and makes a selection recommendation to the Director.



The Determination of Non-Significance on the Demonstration Program for Innovative Housing Design, published on October 8, 1998, will also apply to the proposed ordinance allowing the additional submittal period. No substantive changes have been made to the Demonstration Program.

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Attachment



STATE OF WASHINGTON – KING COUNTY

--SS.

130724
City of Seattle, Clerk's Office

No. ORDINANCE IN FULL

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:120318/ORD IN FULL

was published on

05/03/01



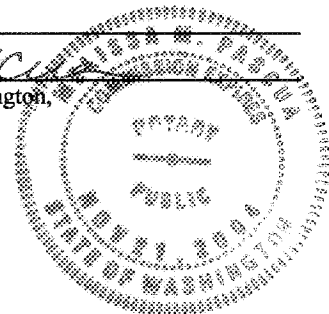
Subscribed and sworn to before me on

05/03/01



Notary public for the State of Washington,
residing in Seattle

Affidavit of Publication



State of Washington, King County

City of Seattle

ORDINANCE 120318

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WHEREAS, the purpose of the Demonstration Program is to test a limited number of innovative residential design solutions, using alternative development standards and processes, and these projects are to be evaluated to determine whether and to what extent each of the projects accomplishes the goals of this program, and whether amendments should be made to the City of Seattle Land Use Code to allow these housing types, development standards and processes throughout the city or in certain parts of the city; and

WHEREAS, the small number of projects makes it difficult to evaluate the demonstration program;

NOW THEREFORE,

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SECTION 2. Subsection B of Section 23.40.050 of the Seattle Municipal Code, which Section was last amended by Ordinance 119784, is further amended as follows:

23.40.050 DEMONSTRATION PROGRAM FOR INNOVATIVE HOUSING DESIGN.

B. Scope of Authority to Modify Land Use Code Requirements. Demonstration projects shall be selected and reviewed in accordance with the demonstration program for innovative housing design adopted by Ordinance 119241, as modified and amended by Ordinances 119368, 119784 and 120318. Each demonstration project shall comply with all of the requirements of the Land Use Code otherwise applicable to the project, except as specified below:

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