

CITY OF SEATTLE
ORDINANCE 126854
COUNCIL BILL 120581

AN ORDINANCE relating to Design Review for affordable housing; adopting temporary regulations to exempt housing projects that meet Mandatory Housing Affordability requirements using on-site performance units from Design Review, and allowing permit applicants for all housing subject to Full Design Review the option of complying with Design Review pursuant to Administrative Design review; amending Section 23.41.004 of the Seattle Municipal Code; and adopting a work plan.

BE IT ORDAINED BY THE CITY OF SEATTLE AS FOLLOWS:

Section 1. Section 23.41.004 of the Seattle Municipal Code, last amended by Ordinance 126741, is amended as follows:

23.41.004 Applicability

E. Temporary provisions

1. Developments with units provided on-site to comply with Chapter 23.58C through the performance option

a. A development proposal subject to design review under subsection 23.41.004.A that is complying with Chapter 23.58C solely through the performance option by providing affordable units on-site according to Section 23.58C.050.C shall be exempt from design review if the applicant files a valid and complete building permit application electing the exemption while this ordinance is in effect.

b. A development proposal subject to design review under subsection 23.41.004.A that is complying with Chapter 23.58C solely through the performance option by providing affordable units on-site according to Section 23.58C.050.C that is vested according to

1 Section 23.76.026 prior to the effective date of this ordinance may elect to be processed as
2 allowed by Section 23.41.004.E.

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4 rescinded for a development proposal that changes from the performance option to the payment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

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

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

13 2. Low-income housing

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

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

21 Section 2. The Council approves the following work plan for the development of
22 permanent regulations to address the matters in this ordinance, as well as other design review-
23 related matters as appropriate:

WORK PLAN:

Outreach on proposed permanent legislation	January 2, 2024 – February 12, 2024
Draft permanent legislation and conduct SEPA review on draft permanent legislation	February 12, 2024 – April 15, 2024
Mayor Transmits Legislation to Council	April 17, 2024
Council Deliberations and Public Hearing on Proposed Legislation	May 2024
Legislation Effective	By August 12, 2024

Section 3. This ordinance shall be automatically repealed without subsequent Council action 24 months after it becomes effective.

Section 4. The provisions of this ordinance are declared to be separate and severable. If any clause, sentence, paragraph, subdivision, section, subsection, or portion of this ordinance is held to be invalid, it shall not affect the validity of the remainder of this ordinance, or the validity of its application to other persons or circumstances.

Section 5. This ordinance shall take effect and be in force 30 days after its approval by the Mayor, but if not approved and returned by the Mayor within ten days after presentation, it shall take effect as provided by Seattle Municipal Code Section 1.04.020.

Passed by the City Council the 5th day of July, 2023,
and signed by me in open session in authentication of its passage this 5th day of
July, 2023.



President Pro Tem of the City Council

☒ Approved / ☐ returned unsigned / ☐ vetoed this 14th day of July, 2023.



Bruce A. Harrell, Mayor

Filed by me this 14th day of July, 2023.



Scheereen Dedman, City Clerk

(Seal)