

July 14, 2017

## MEMORANDUM

**To:** Planning, Land Use and Zoning (PLUZ) Committee  
**From:** Eric McConaghy and Aly Pennucci, Council Central Staff  
**Subject:** 23<sup>rd</sup> Avenue Rezone Potential Amendments: Council Bills 118981, 118982, 118983 and Resolution 31752

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On July 18, the Planning, Land Use and Zoning (PLUZ) Committee will discuss amendments to Council Bill (CB) 118981, CB 118982, CB 118983, and Resolution 31752. The three bills would rezone land in the Central Area, near the intersections of 23rd Avenue and S Jackson, Cherry and Union streets, to implement a community vision for 23rd Avenue and Mandatory Housing Affordability (MHA) requirements. Resolution 31752 acknowledges the 23rd Avenue Action Plan (Union-Cherry-Jackson) and the 23<sup>rd</sup> Avenue Urban Design Framework (UDF).

This memorandum:

1. Provides a brief summary of the three Council Bills and Resolution 31752;
2. Summarizes and sets out potential amendments to the Council Bills for consideration by PLUZ; and
3. Identifies community concerns and sets out proposed amendments to Resolution 31752 for consideration by PLUZ.

Amendments included with this memo may be modified or abandoned based on Committee discussion, further public comment and ongoing review. At the July 18, PLUZ Committee meeting, the Committee may vote on the proposed amendments and the underlying bills and resolution.

### Background

The Executive transmitted three pieces of legislation to enact land use code changes around the intersections of 23rd Avenue and S Jackson, Cherry and Union streets:

- [CB 118981](#) – 23rd and Cherry node of the 23rd & Union-Jackson Residential Urban Village
- [CB 118982](#) – 23rd and Union node of the 23rd & Union-Jackson Residential Urban Village
- [CB 118983](#) – 23rd and Jackson node of the 23rd & Union-Jackson Residential Urban Village

These three Council Bills reflect proposed land use code changes following a multi-year planning process. The proposed changes would increase commercial and residential development capacity and incorporate new development standards in the planning area. The legislation is intended to increase commercial and residential development capacity near these intersections to (1) achieve the community's vision to strengthen the Central Area's unique identity and community character; (2) help create vibrant and resilient commercial districts with pedestrian friendly mixed-use development; (3) support existing and new businesses and development; (4) provide opportunities for a variety of shops, services and affordable housing;

and (5) support community ownership and equitable development that serves the diverse Central Area community.

In addition, the legislation will implement the MHA program in the planning area, which would require new commercial or multi-family development in the affected zones to contribute to affordable housing. This contribution would be met by including affordable housing within the development or paying into a fund that supports development of affordable housing.

[Resolution 31752](#) accompanies the three bills described above. The resolution (1) acknowledges that the 23rd Avenue Action Plan and UDF was created in partnership between the community and the City; (2) recognizes the tremendous effort and deep commitment of the Central Area community in creating and implementing these plans to achieve the community's goals; and (3) recognizes the ongoing commitment and efforts of the 23rd Avenue Action Community Team (ACT)<sup>1</sup> in taking the lead to implement the Action Plan and the overall Central Area community vision and priorities.

### **Potential Amendments to Council Bills**

Central staff drafted amendments to the Mayor's recommended bills responding to identified issues that can be addressed by changes to the Land Use Code. These issues, which are technical in nature, were identified by Council Staff. To date, there are no substantive amendments that have been identified. The separate amendments can be found in Attachments 1 through 3 to this memo.

### Amendments

→ Make the following changes to CB 118982 (23<sup>rd</sup> and Union):

1. Replace Exhibit A to CB 118981 with a new version to update labels and remove three properties located at the northwest corner of 24<sup>th</sup> and East Union Street from the rezone area. These properties are the subject of a contract rezone that the Council will act on separately, prior to adoption of this Council Bill (*see Attachment 1*).
2. Correct references in the section lead-ins, also called "jingles," to identify ORD 125291 in Sections 3 and 4, to reflect the most recent changes to these Sections of the Land Use Code (LUC), and restore text that was inadvertently omitted from the titles to Table B for 23.58C.040 and Table B for 23.58C.050 (*see Attachment 2*).

→ Make the following change to CB 118983 (23<sup>rd</sup> and Jackson):

3. Correct references in the jingle for Section 2 to identify CB 118982, to reflect the most recent changes to this Section of the LUC (*see Attachment 3*).

*There are no amendments proposed to CB 118981 (23<sup>rd</sup> & Cherry) at this time.*

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<sup>1</sup> The 23rd Avenue ACT (Advisory Core team) was formed in March 2013 to work with the City and the Community to develop a vision and create the 23rd Ave Action Plan. The 23rd Avenue ACT consists of local leaders representing a variety of backgrounds. The ACT will continue to work with the community to implement the Plan.

### **Resolution 31752 – Potential Amendments to the Resolution**

Council staff has drafted potential amendments to the resolution that are informed by requests or comments from the Central Area community for work that the City and community can do to improve conditions in the neighborhood, support existing businesses and improve the livability of the neighborhood.

The changes to the resolution are intended to express Council's intent for City action regarding a range of concerns that cannot be resolved by changing the Land Use Code and/or are part of an ongoing planning effort that will be resolved by Land Use Code changes at a future date. Attachment 4 includes draft changes to the resolution; we anticipate the potential for additional amendments based on public input, which may arise after publication of this memo. Additional changes may be presented at the Committee meeting on July 18.

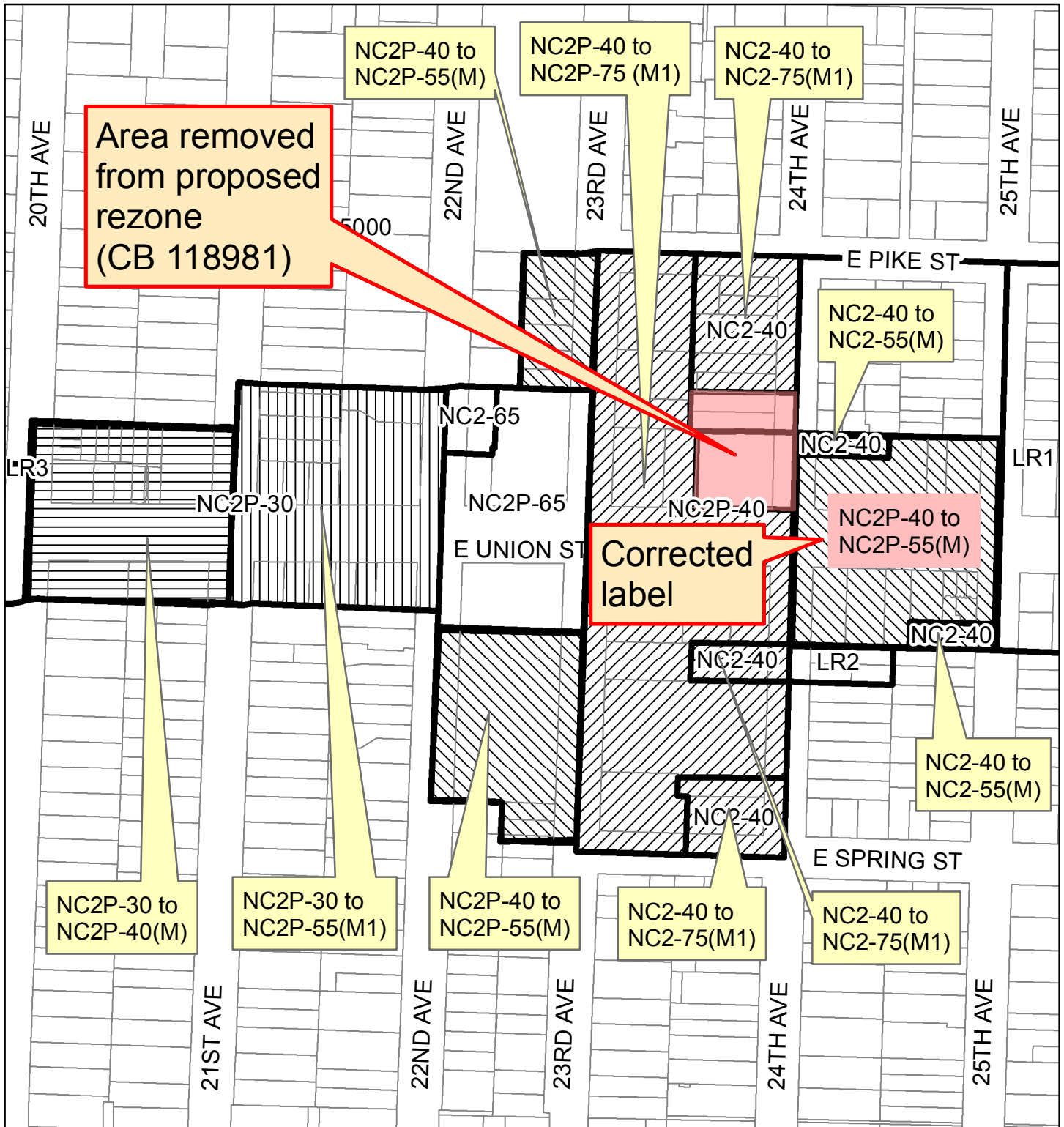
### **Next Steps**

The PLUZ Committee will discuss the potential amendments to the bills and the resolution and may vote on the legislation as early as the PLUZ meeting on July 18 or at the meeting on August 1.

### **Attachments:**

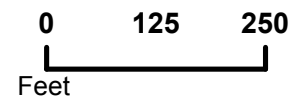
1. Amendment 1: Changes to Exhibit A to CB 118982
2. Amendment 2: Update the jingles in Sections 3 & 4 and update table titles
3. Amendment 3: Update the jingle in Section 2 to CB 118983
4. Potential Amendments to Resolution 31752

cc: Kirstan Arestad, Central Staff Director  
Ketil Freeman, Supervising Analyst



# 23rd and Union Rezone Map

Call-outs show rezones



- Current zoning
- Parcels

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**Attachment 2 – Amendment 2: Amend jingles in Sections 3 & 4 and update table titles**

23<sup>rd</sup> and Union Rezone Potential Amendments: Council Bill 118982

This amendment would correct references in the lead-ins for Sections 3 and 4 and restore text that was inadvertently omitted from the titles to Table B for 23.58C.040 and Table B for 23.58C.050.

Double underlines indicate proposed new language or figures. ~~Double strikeouts~~ indicate language that would be removed from the Council Bill.

Section 3. Table B for 23.58C.040 of the Seattle Municipal Code, which section was last amended by ~~Ordinance 125291~~ [update with “the ordinance introduced as Council Bill [number of Chinatown council bill]” as necessary], Ordinance 125291, is amended as follows:

**23.58C.040 Affordable housing – payment option**

\* \* \*

| <b>Table B for 23.58C.040</b>                             |   |               |  |
|---|---|---------------|--|
| <b>Payment calculation amounts:</b>                       |   |               |  |
| <b>Outside Downtown, SM-SLU, and SM-U <u>85</u> zones</b> |   |               |  |
| <b>Zone</b>   | <b>Payment calculation amount per square foot</b> |               |  |
|   | <b>Low</b>  | <b>Medium</b> | <b>High</b>                            |
| Zones with an (M) suffix                                  | [RESERVED]  | [RESERVED]    | <del>((RESERVED))</del> <u>\$20.75</u> |
| Zones with an (M1) suffix                                 | [RESERVED]  | \$20.00       | <del>((RESERVED))</del> <u>\$29.75</u> |
| Zones with an (M2) suffix                                 | [RESERVED]  | [RESERVED]    | <del>((RESERVED))</del> <u>\$32.75</u> |
| <del>((Footnotes to Table B for 23.58C.040))</del>        |   |               |  |

\* \* \*

Section 4. Table B for 23.58C.050 of the Seattle Municipal Code, which section was last amended by ~~Ordinance 125291~~ [update with “the ordinance introduced as Council Bill [number of Chinatown council bill]” as necessary], Ordinance 125291, is amended as follows:

**23.58C.050 Affordable housing – performance option**

\* \* \*

| <b>Table B for 23.58C.050</b>                             |   |               |  |
|---|---|---------------|--|
| <b>Performance calculation amounts:</b>                   |   |               |  |
| <b>Outside Downtown, SM-SLU, and SM-U <u>85</u> zones</b> |   |               |  |
| <b>Zone</b>   | <b>Percentage set-aside per total number of units to be developed in each structure</b> |               |  |
|   | <b>Low</b>  | <b>Medium</b> | <b>High</b>                              |
| Zones with an (M) suffix                                  | [RESERVED]  | [RESERVED]    | (( <del>[RESERVED]</del> )) <u>7.0%</u>  |
| Zones with an (M1) suffix                                 | [RESERVED]  | 9.0%          | (( <del>[RESERVED]</del> )) <u>10.0%</u> |
| Zones with an (M2) suffix                                 | [RESERVED]  | [RESERVED]    | (( <del>[RESERVED]</del> )) <u>11.0%</u> |
| ((Footnotes to Table B for 23.58C.050))                   |   |               |  |

\* \* \*

**Attachment 3 – Amendment 3: Amend the jingle in Section 2**

23<sup>rd</sup> and Jackson Rezone Potential Amendments: Council Bill 118983

This amendment would correct references in the lead-in for Section 2 to identify CB 118982.

Double underlines indicate proposed new language. ~~Double strikeouts~~ indicate language that would be removed from the Council Bill.

Section 2. Section 23.47A.009 of the Seattle Municipal Code, last amended by the ordinance introduced as Council Bill ~~OPCD 23rd Ave and Union Rezone~~, the ordinance introduced as Council Bill 118982, is amended as follows:

**23.47A.009 Standards applicable to specific areas**

\* \* \*

**Attachment 4 - Potential Amendments to Resolution 31752**

Quanlin Hu/Eric McConaghy/Aly Pennucci  
OPCD MHA 23rd Avenue Action Plan, UDF and 23rd Avenue ACT RES  
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**CITY OF SEATTLE**

**RESOLUTION \_\_\_\_\_**

..title

A RESOLUTION recognizing the extensive efforts of the Central Area community to create the 23rd Avenue Action Plan (Union-Cherry-Jackson) and Urban Design Framework (UDF), the commitment and efforts of the 23rd Avenue Action Community Team (23rd Avenue ACT), for taking the lead to implement Central Area community vision and priorities as reflected by these plans, and identifying actions of the City and its partners to work with the community to implement these plans.

..body

WHEREAS, the Central Area is the historic home of the African American community in Seattle, and the 23rd & Union-Jackson Urban Village remains the heart of the African American community within the Central Area. However, according to 2010 U.S. Census data, the Black/African American population within the 23rd & Union-Jackson Urban Village declined from 64 percent in 1990 to 28 percent in 2010, while the white population increased from 16 percent to 44 percent in the same time period; and

WHEREAS, the Central Area is a diverse and inclusive neighborhood with a rich history of civic engagement on matters affecting the Central Area; and

WHEREAS, The City of Seattle is committed to strong partnerships building with communities engaged in inclusive and innovative community planning, visionary neighborhood plans, and effective action plans; and

WHEREAS, in 1998, the City Council recognized the Central Area Neighborhood Plan; and

WHEREAS, in 2013 and 2014, the Office of Planning and Community Development (OPCD, previously the Department of Planning and Development) and Department of Neighborhoods (DON) conducted significant public outreach in the Central Area, including outreach to historically underrepresented communities with focus on the community nodes along 23rd Avenue at Union, Cherry, and Jackson Streets; and



1 WHEREAS, in March 2013, the 23rd Avenue Action Community Team (ACT) was formed to  
2 work in partnership with the City and the community to hold the Central Area vision  
3 while balancing the different interests of the community. The 23rd Avenue ACT consists  
4 of local leaders representing diverse backgrounds: over 50 percent are Black/African  
5 American, over 30 percent are small business owners, and over 50 percent are long-time  
6 Central Area residents. They have worked together to oversee the creation and  
7 implementation of the 23rd Avenue Action Plan (Union-Cherry-Jackson), the  
8 amendments to the Comprehensive Plan Central Area Neighborhood Planning Element,  
9 the Urban Design Framework (UDF), and proposed rezones; and

10 WHEREAS, under the 23rd Avenue ACT's leadership, over 2,000 Central Area residents,  
11 business owners, and stakeholders have been engaged in 93 public workshops and  
12 meetings to create the 23rd Avenue Action Plan (Union-Cherry-Jackson), the UDF, and  
13 proposed rezones for these three community nodes that reflect the vision of the  
14 Comprehensive Plan Central Area Neighborhood Planning Element; and

15 WHEREAS, on September 27, 2014, the 23rd Avenue ACT organized the first annual Central  
16 Area Block Party. Over 1,000 diverse community members, including many who once  
17 called the Central Area home, met to celebrate a very successful planning effort and offer  
18 additional comments on the proposed 23rd Avenue Action Plan (Union-Cherry-Jackson),  
19 UDF, and rezones; and

20 WHEREAS, this robust engagement process with the 23rd Avenue ACT and the broader  
21 community resulted in an Action Plan with five priorities: a destination with a unique  
22 identity, connected people and community, a great business community, livable streets  
23 for all, and a healthy and stable community. The Action Plan seeks to coordinate existing

1 and anticipated public and private investments in the Central Area to achieve the  
2 community's vision; and a UDF containing a broad set of recommendations to address  
3 community concerns and indicate and provide options for zoning changes in the  
4 neighborhood; and

5 WHEREAS, on April 28, 2014, and October 12, 2015, the City Council passed Ordinances  
6 124458 and 124887 respectively, amending the Seattle Comprehensive Plan with updates  
7 to the Central Area Neighborhood Planning Element and the Future Land Use Map  
8 changes recommended in the 23rd Avenue Action Plan (Union-Cherry-Jackson); and

9 WHEREAS, after four years as community leaders and stewards, the 23rd Avenue ACT continue  
10 to work with other community groups to transform the Action Plan from a vision into  
11 actions that advance economic vitality, cultural legacy, and social equity of the Central  
12 Area; NOW, THEREFORE,

13 **BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF SEATTLE, THE**  
14 **MAYOR CONCURRING, THAT:**

15 Section 1. The City acknowledges the 23rd Avenue Action Plan (Union-Cherry-Jackson)  
16 and Urban Design Framework (UDF) as created in partnership between the community and the  
17 City, and identified as the latest versions are attached hereto as Exhibit A and Exhibit B  
18 respectively. The City recognizes the tremendous effort and deep commitment of the Central  
19 Area community in creating and implementing these plans to achieve the community's goals.

20 Section 2. The City recognizes the ongoing commitment and efforts of the 23rd Avenue  
21 ACT in taking the lead to implement the Action Plan and the overall Central Area community  
22 vision and priorities.

1           Section 3. The City recognizes the potential for displacement as property in the Central  
2 Area undergoes public and private development. As property values and rents increase citywide,  
3 the City is committed to careful consideration of the racial and social justice impacts in decisions  
4 regarding public investments.

5           Section 4. The City recognizes the importance of the Central Area as the historic home  
6 of the African American community in Seattle and as a diverse and inclusive neighborhood with  
7 a variety of businesses, housing types, community organizations and institutions. The City is  
8 committed to collaborating with Central Area residents and community organizations, including,  
9 but not limited to, the 23rd Avenue Act, Historic Central Area Arts and Cultural District, Central  
10 Area Collaborative, Africatown-Central District Preservation and Development Association,  
11 Black Community Impact Alliance, Central Area Land Use Review Committee, and the African  
12 American Veterans Group of Washington, to take the following actions to manage growth and  
13 change in a manner that supports this rich history and furthers the community’s vision expressed  
14 in the 23rd Avenue Action Plan:

15           A. Continued engagement with the community and consideration of the 23rd Avenue  
16 Action Plan and the UDF to help inform future land use changes in the Central Area, including  
17 the upcoming citywide rezones to implement MHA.

18           B. The Council requests that the Office of Planning and Community Development  
19 (OPCD) and the Department of Construction and Inspections (SDCI) completes the work with  
20 the Central Area Design Guideline Coalition to:

21           1. Create neighborhood design guidelines for future development to reflect the  
22 Central Area identity;

1                   2. Prepare recommendations for the geographic boundaries and the composition  
2 of a new Central Area Design Review Board; and

3                   3. Submit legislation for consideration that would enact these Land Use Code  
4 changes to the City Council by December, 2017. If OPCD and SDCI are unable to deliver  
5 legislation by the end of 2017, the Council requests that OPCD and SDCI submit a status report  
6 at that time that identifies any outstanding issues that need to be resolved, and a timeline for  
7 completion.

8                   C. Identify opportunities to build capacity among Central Area based community  
9 organizations to take a leadership role in the development process and promote opportunities for  
10 community ownership and benefits in redevelopment projects in the Central Area. This includes,  
11 but is not limited to:

12                   1. Continued support for the Equitable Development Initiative (EDI), including  
13 continuing to work in a timely manner to develop projects like the William Grose Cultural  
14 Innovation Center and to use EDI funds to build capacity among local community organizations  
15 to develop those projects.

16                   2. Exploring opportunities for the re-use of City-owned property and/or City  
17 partnership and support for re-use of property owned by other public entities and neighborhood  
18 institutions for new affordable housing, affordable commercial/retail and non-profit community  
19 uses in the neighborhood and opportunities to support community land-trusts.

20                   3. Furthering the Office of Housing’s efforts to encourage proposals that: use  
21 innovative financial or project delivery structures, such as projects that capitalize on partnerships  
22 between community-based organizations with local expertise and larger companies with  
23 development expertise, and that direct construction jobs and other economic opportunities to

1 community based firms and to low-income persons residing in the community where the project  
2 is located.

3 4. Working with residents and business owners of the Central Area to identify  
4 opportunities to coordinate with neighboring property owners, the local development  
5 community, and lending institutions to redevelop their property in a manner that allows them to  
6 build wealth and continue to live and/or operate businesses in the Central Area.

7 5. Working with community organizations and other government agencies to  
8 identify and implement services that support older adults aging in place in the Central Area,  
9 including programs that provide technical and financial assistance for property taxes and  
10 property maintenance, health care services and accessible public transportation

11 D. Continue to support existing repair and weatherization programs and pursue policies  
12 to provide assistance to homeowners with financial hardships that threaten their housing.

13 E. Work with local businesses, community organizations, and customers to promote  
14 economic development and commercial stability in order to establish and grow small, local and  
15 culturally-relevant businesses in the Central Areas as guided by the Central Area Community  
16 Revitalization Plan, the 23rd Avenue Action Plan and the Commercial Affordability Action Plan.

17 Toward this goal, the Council requests that the Office of Economic Development continues to  
18 provide and expand upon opportunities for financial and technical assistance to local businesses  
19 in the Central Area.

20 F. Continue to support the work of the Historic Central Area Arts and Cultural District to  
21 preserve African and African-American legacy in the Central Area and sustain and strengthen  
22 the physical identity and sense of place for cultural relevancy.

1           G. Maintain support for the efforts of the Office of Housing’s work with Central Area  
2 properties participating in the Multifamily Tax Exemption (MFTE) and MHA programs to  
3 affirmatively market vacancies to Central Area residents who are at risk of displacement, and to  
4 community organizations with ties to former residents who would like to return to the Central  
5 area, to promote fair access to City-supported housing.

