

SUMMARY and FISCAL NOTE*

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** Note that the Summary and Fiscal Note describes the version of the bill or resolution as introduced; final legislation including amendments may not be fully described.*

1. BILL SUMMARY

a. Legislation Title:

AN ORDINANCE relating to land use and zoning; amending Chapter 23.32 of the Seattle Municipal Code at pages 112 and 113 of the Official Land Use Map to rezone land in the 23rd and Cherry node of the 23rd & Union-Jackson Residential Urban Village; and amending Sections 23.45.510, 23.45.512, 23.45.514, and 23.45.517 of the Seattle Municipal Code to implement Mandatory Housing Affordability (MHA).

- b. Summary and background of the Legislation:** This proposed legislation will increase commercial and residential development capacity in the 23rd and Cherry node of the 23rd & Union-Jackson Residential Urban Village to achieve the community’s vision and goals to strengthen the Central Area’s unique identity and community character as identified in the Central Area goals and polices contained in the Neighborhood Plans section of Seattle’s Comprehensive Plan Seattle 2035. These actions will help create vibrant and resilient commercial districts that encourage pedestrian friendly mixed-use development, support existing and new businesses and development, provide opportunities for a variety of shops, services and affordable housing, and support community ownership and equitable development that serves the diverse Central Area community. This legislation is one of three pieces of legislation that would implement zoning changes in the 23rd & Union-Jackson Residential Urban Village.

The proposed rezone will also implement Mandatory Housing Affordability (MHA) requirements. Under MHA, developers will be required to contribute to affordable housing as part of most commercial or residential development. This contribution will be met by including affordable housing within new development or paying into a fund that will support development of affordable housing. The legislation also provides for additional development capacity in the form of an increase in the amount of height or floor area. The result will be increased capacity for new market-rate housing and commercial space and the creation of new rent- and income-restricted housing as Seattle grows, both of which support the City’s growth management and housing policies.

In November 2015, the City Council passed Ordinance 124895 establishing the framework for the commercial component of MHA, which was codified in a new Chapter 23.58B. In August 2016, the City Council passed Ordinance 125108 establishing the framework for the residential component of MHA, which was codified in a new Chapter 23.58C. Together, these pieces of legislation set up the basic parameters and procedural

requirements that apply to commercial and residential development where MHA applies, but did not actually implement the requirements in any area of Seattle.

2. CAPITAL IMPROVEMENT PROGRAM

- a. Does this legislation create, fund, or amend a CIP Project? ___ Yes X No

3. SUMMARY OF FINANCIAL IMPLICATIONS

- a. Does this legislation amend the Adopted Budget? ___ Yes X No
- b. Does the legislation have other financial impacts to the City of Seattle that are not reflected in the above, including direct or indirect, short-term or long-term costs?

The overall financial implications of MHA were included in the fiscal notes accompanying the legislation for the MHA-C and MHA-R frameworks (Ordinances 124895 and 125108). As mentioned in those fiscal notes, implementing the MHA frameworks will likely result in increased workload and potential staffing impacts for SDCI and OH. Below is a description of the incremental impact of this legislation:

Permit Review

Overall, only about 2 percent of the City's future development is expected to be located in the 23rd & Union-Jackson Residential Urban Village, of which this rezone area is a small part. Impacts to permit review time will likely be small relative to areas outside of this Urban Village.

Affordable Housing Funding and Compliance Monitoring

Under MHA, developers will have the option of providing affordable housing units in their building (performance option) or paying into a fund that the City will use to fund affordable housing (payment option). In this area, it is anticipated that 50 percent of residential development will use the performance option. Commercial projects, however, are unlikely to perform on-site, particularly if there is no residential component to their project, though it is unknown whether some developers will choose off-site performance over the payment option. If all commercial projects and half of residential projects use the payment option, we estimate that MHA in the 23rd and Cherry rezone area would generate \$30,000 from commercial development and \$230,000 from residential development over 10 years. This would result in a total of \$260,000 in funding for affordable housing development over 10 years.

Revenue generated by the payment option would likely be leveraged with other sources of funding and awarded to affordable housing developers through OH's existing competitive processes. If the \$260,000 revenue estimate were used exclusively to develop units affordable to households making 60 percent of Area Median Income or less using only 4% Low Income Housing Tax Credits and tax exempt bonds as leverage, it is estimated it would produce about 3 units of affordable housing. Additionally, we

estimate MHA in this area will result in one affordable unit through performance. Combined with units generated through performance, this is a total of 4 units of affordable housing over 10 years.

Overall, MHA in the 23rd and Cherry node of the 23rd & Union-Jackson Urban Village is expected to produce a very small amount of the citywide affordable housing production. However, MHA will increase the total revenue collected which will result in a corresponding increase in the amount of OH lending and asset management activity. In addition, OH expects a significant upfront workload for program development related to on-site and off-site performance projects.

- c. **Is there financial cost or other impacts of *not* implementing the legislation?**
 If the legislation is not adopted, less affordable housing will be generated.

3.e. Revenues/Reimbursements

 This legislation adds, changes, or deletes revenues or reimbursements.

Anticipated Revenue/Reimbursement Resulting from this Legislation:

Fund Name and Number	Dept	Revenue Source	2017 Revenue	2018 Estimated Revenue
Low Income Housing Fund, 16400	OH	Payment-in-lieu from development projects	0	\$0 - \$26,000
TOTAL				\$0 - \$26,000

Is this change one-time or ongoing?

The legislation would require new development in the affected area to contribute to affordable housing by providing affordable housing units on site or providing payment to OH’s low income housing fund in lieu of performance. The requirement would be permanent, but the extent to which the City would receive revenue in any given year will be subject to the amount and scale of development that occurs and the degree to which developers choose to use the payment option rather than the performance option. Payments would be made at the time a building permit is issued for a project.

Revenue/Reimbursement Notes:

The program is estimated to result in \$260,000 in payments from the 23rd & Union-Jackson Urban Village over 10 years. Given the length of permitting and the slowing construction market, it is very possible that the City will not receive any funding in 2018. Consequently, a range of \$0-\$26,000 is provided.

OH’s adopted budget already assumes revenue from MHA, including the 23rd & Union-Jackson Urban Village in 2018, so the revenue from this legislation is already anticipated in the 2018 endorsed budget.

4. OTHER IMPLICATIONS

- a. Does this legislation affect any departments besides the originating department?**
Fiscal impacts, described herein, are primarily on the Office of Housing (OH) and Seattle Department of Construction and Inspections (SDCI). Other departments that may be impacted are the Office of Civil Rights (OCR) and, during the implementation phase, the Office of Planning & Community Development (OPCD), and the Department of Neighborhoods (DON).
- b. Is a public hearing required for this legislation?**
Yes. A public hearing is expected to be held in the middle of 2017.
- c. Does this legislation require landlords or sellers of real property to provide information regarding the property to a buyer or tenant?**
No.
- d. Is publication of notice with *The Daily Journal of Commerce* and/or *The Seattle Times* required for this legislation?**
Publication is required in the Daily Journal of Commerce.
- e. Does this legislation affect a piece of property?**
The legislation will apply to residential, live-work, and commercial development in select zones in the 23rd & Union-Jackson Urban Village.
- f. Please describe any perceived implication for the principles of the Race and Social Justice Initiative. Does this legislation impact vulnerable or historically disadvantaged communities?**
MHA is a critical step in furthering City goals for racial and social justice since it is an important piece of the City's plan to address housing affordability. Communities of color are disproportionately burdened by increasing housing costs.

Analysis of displacement suggests MHA will reduce displacement as the legislation will result in additional affordable and market-rate housing and is not likely to increase the likelihood that new properties will redevelop. Rather, the legislation will tend to encourage development that would otherwise occur to be incrementally larger.

The locational criteria for expenditure of MHA payment dollars and OH's Housing Funding Policies emphasizes housing choice, access to opportunity and community development investments, and preventing displacement. OH will encourage affordable housing locations that afford low-income residents the access to jobs, quality education, parks and open space, and services. Affordable housing development will continue to support community development investments that improve quality of life in low-income communities and help mitigate displacement of low-income residents in locations where new development is driving up housing prices. Access to transit is a priority, since transportation costs are second only to housing costs for a majority of low-income

households, many of whom do not own a car. Over half of the households served by providers of City-funded low-income housing are households of color. MHA enables the City to strategically locate affordable housing in neighborhoods to serve lower income households where displacement risk is high and where other community development efforts and investments clearly support the City's RSJI principles.

Inclusion of affordable housing within new market rate development in Seattle's fast-growing neighborhoods is another important way to increase access to opportunity for low-income households.

g. If this legislation includes a new initiative or a major programmatic expansion: What are the specific long-term and measurable goal(s) of the program? How will this legislation help achieve the program's desired goal(s).

The goal of MHA citywide is to produce 6,000 net new units of affordable housing over 10 years, when fully implemented. It is projected that implementation of MHA in the 23rd and Cherry node of the 23rd & Union-Jackson Urban Village will generate about 4 of these units. OH is developing a tracking process for measuring progress toward this goal.

h. Other Issues: None.

List attachments/exhibits below: None.