



Legislation Text

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CITY OF SEATTLE

ORDINANCE _____

COUNCIL BILL _____

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).

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. 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

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

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

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

WHEREAS, this robust engagement process with the 23rd Avenue ACT and the broader community resulted in an Action Plan with five priorities: A Destination with a Unique Identity; Connected People and Community; A Great Business Community; Livable Streets for All; and A Healthy and Stable Community; and an Urban Design Framework containing a broad set of recommendations to address community concerns and indicate and provide options for zoning changes in the neighborhood; and

WHEREAS on April 28, 2014 and October 16, 2015, the City Council passed Ordinance 124458 and 124887

respectively, amending the Seattle Comprehensive Plan with updates to the Central Area Neighborhood Planning Element and the Future Land Use Map changes recommended in the 23rd Avenue Action Plan (Union-Cherry-Jackson); and

WHEREAS, the proposed rezones increase the allowed density and intensity of the 23rd and Cherry commercial node to concentrate commercial and residential growth, and support a greater variety of shops, services, and housing including affordable housing; and

WHEREAS, on June 29, 2015, the Office of Planning and Community Development (OPCD) published a Determination of Non-Significance for the proposed rezones that determined that the rezones will not have a significant adverse environmental impact; and

WHEREAS, in September 2014, the City Council adopted Resolution 31546, in which the Council and Mayor proposed that a Seattle Housing Affordability and Livability Agenda (HALA) Advisory Committee be jointly convened by the Council and the Mayor to evaluate potential housing strategies; and

WHEREAS, the HALA Advisory Committee provided final recommendations to the Mayor and City Council on July 13, 2015; and

WHEREAS, the HALA Advisory Committee recommended extensive citywide upzoning of residential and commercial zones and, in connection with such upzones, implementation of a mandatory inclusionary housing requirement for new residential development and commercial linkage fees for new commercial development; and

WHEREAS, the July 13, 2015, Statement of Intent for Basic Framework for Mandatory Inclusionary Housing and Commercial Linkage Fee (commonly referred to as the “Grand Bargain”) states that the mandatory housing affordability requirements for residential and commercial development should achieve a projected production level over 10 years of no less than 6,000 units of housing affordable to households with incomes no greater than 60 percent of median income, and that, if the projected production level falls below the target, all parties agree to develop and consider options to achieve the agreed-upon

production target; and

WHEREAS, in November 2015, the City Council adopted Ordinance 124895, which established the framework for an Affordable Housing Impact Mitigation Program for commercial development; and

WHEREAS, in August 2016, the City Council adopted Ordinance 125108 which established the framework for mandatory housing affordability for residential development; and

WHEREAS, RCW 36.70A.540 authorizes and encourages cities to enact or expand affordable housing incentive programs providing for the development of low-income housing units through development regulations or conditions on rezoning or permit decisions, or both; and

WHEREAS, this ordinance would increase development capacity, in the form of an increase in the amount of height or floor area allowed by zoning, and implement the Affordable Housing Impact Mitigation Program for commercial development and mandatory housing affordability for residential development in the 23rd Avenue Corridor; and

WHEREAS, increased residential development in the 23rd Avenue Corridor will assist in achieving local growth management and housing policies; and

WHEREAS, staff has determined that the increased development capacity provided by this ordinance in the 23rd and Cherry node can be achieved subject to consideration of other regulatory controls on development; and

WHEREAS the Council finds that the proposed rezones meet the Land Use Code rezone criteria contained in Chapter 23.34, Amendments to Official Land Use Map (Rezones), as described in the OPCD Director's Report for this legislation; NOW, THEREFORE,

BE IT ORDAINED BY THE CITY OF SEATTLE AS FOLLOWS:

Section 1. The Official Land Use Map, Section 23.32.016 of the Seattle Municipal Code, is amended to rezone properties identified on pages 112 and 113 of the Official Land Use Map, as shown in Exhibit A attached to this ordinance.

Section 2. Subsection 23.45.510.B of the Seattle Municipal Code, which section was last amended by Ordinance 125272, is amended as follows:

23.45.510 Floor area ratio (FAR) limits

* * *

B. FAR limits in LR zones. FAR limits apply in LR zones as shown in Table A for 23.45.510, provided that if the LR zone designation includes an incentive zoning suffix, then gross floor area may exceed the base FAR as identified in the suffix designation, up to the limits shown in Table A for 23.45.510, if the applicant complies with Chapter 23.58A, Incentive Provisions. In LR zones the following standards apply to the calculation of gross floor area for application of FAR limits:

1. Exterior corridors, breezeways, and stairways that provide building circulation and access to dwelling units or sleeping rooms are included in gross floor area.
2. Balconies, patios, and decks that are associated with a single dwelling unit or sleeping room and that are not used for common circulation, and ground-level walking paths, are excluded from gross floor area.
3. Common walls separating individual rowhouse and townhouse dwelling units are considered to be exterior walls.

Table A for 23.45.510 FAR in LR zones¹					
Zone	Location	Category of residential use²			
	Outside or inside urban centers, urban villages, and the Station Area Overlay District	Cottage housing developments and single-family dwelling units	Rowhouse developments³	Townhouse developments³	Apartments³
LR1	Either outside or inside	1.1	1.0 or 1.2	0.9 or 1.1	1.0
LR2	Either outside or inside	1.1	1.1 or 1.3	1.0 or 1.2	1.1 or 1.3
LR3	Outside	1.1	1.2 or 1.4	1.1 or 1.3	1.3 or 1.5 ⁴

	Inside	1.1	1.2 or 1.4	1.2 or 1.4	1.5 or 2.0
Footnotes to Table A for 23.45.510 ¹ FAR limits for LR((+)) zones with a mandatory housing affordability suffix are shown in subsection 23.45.517.B.1. ² If more than one type of residential use is provided on a lot, the FAR limit for each residential use is the higher FAR limit for each residential use in this Table A for 23.45.510 only if the conditions in subsection 23.45.510.C are satisfied for all residential uses on the lot. ³ The higher FAR limit applies if the project meets the standards of subsection 23.45.510.C. ⁴ On lots that abut a street with frequent transit service, the higher FAR limit is 1.6.					

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Section 3. Subsection 23.45.512.A of the Seattle Municipal Code, which section was last amended by Ordinance 125272, is amended as follows:

23.45.512 Density limits-LR zones

A. The minimum lot area per dwelling unit in LR zones for cottage housing developments, townhouse developments, and apartments is shown on Table A for 23.45.512, except as provided in subsections 23.45.512.B, 23.45.512.C, 23.45.512.D, 23.45.512.E, and 23.45.512.G.

Zone	Units allowed per square foot of lot area by category of residential use ²			
	Cottage housing development ³ and single-family dwelling unit ⁴	Rowhouse development	Townhouse development ⁵	Apartment ⁶
LR1 ⁶	1/1,600	1/1,600 or no limit ⁷	1/2,200 or 1/1,600	1/2,000 duplexes and triplexes only
LR2	1/1,600	No limit	1/1,600 or no limit	1/1,200 or no limit
LR3	1/1,600	No limit	1/1,600 or no limit	1/800 or no limit

Footnotes for Table A for 23.45.512 ¹ Density limits for LR((+)) zones with a mandatory housing affordability suffix are shown in subsection 23.45.517.C. ² When density calculations result in a fraction of a unit, any fraction up to and including 0.85 constitutes zero additional units, and any fraction over 0.85 constitutes one additional unit. ³ See Section 23.45.531 for specific regulations about cottage housing developments. ⁴ One single-family residence meeting the standards of subsection 23.45.510.C may be built on a lot that is existing as of April 19, 2011, and has an area of less than 1,600 square feet. ⁵ For townhouse developments that meet the standards of subsection 23.45.510.C, the higher density shown is permitted in LR1 zones, and there is no density limit in LR2 and LR3 zones. ⁶ For apartments that meet the standards of subsection 23.45.510.C, there is no density limit in LR2 and LR3 zones. ⁷ The density limit for rowhouse development in LR1 zones applies only on lots less than 3,000 square feet in size.

* * *

Section 4. Subsection 23.45.514.A of the Seattle Municipal Code, which section was last amended by Ordinance 125272, is amended as follows:

23.45.514 Structure height

A. Subject to the additions and exceptions allowed as set forth in this Section 23.45.514, the height limits for principal structures permitted in LR zones are as shown on Table A for 23.45.514.

Table A for 23.45.514 Structure height for Lowrise zones (in feet)¹				
Housing type	LR1	LR2	LR3 outside urban urban villages, and Overlay Districts	LR3 in urban centers urban villages, and Area Overlay Districts
Cottage housing developments	18	18	18	18
Rowhouse and townhouse developments	30	30	30	30
Apartments	30	30	30	40 ⁽⁺⁾ ²

Footnotes for Table A for 23.45.514 —¹Height limits for LR zones with a mandatory housing affordability subsection 23.45.517.D. ⁽⁺⁾²The height limit is 30 feet on the portions of lots that are within 50 feet of a zoned lot, unless the lot in the LR zone is separated from a single-family zoned lot by a street.

* * *

Section 5. Section 23.45.517 of the Seattle Municipal Code, enacted by Ordinance 125267, is amended as follows:

23.45.517 Multifamily zones with a mandatory housing affordability suffix

The following standards apply to multifamily zones with a mandatory housing affordability suffix, which include (M), (M1), and (M2):

A. Affordable housing requirements. Development is subject to the provisions of Chapters 23.58B and 23.58C.

B. Floor area ratio (FAR)

1. FAR limits for LR1 and LR2 zones with a mandatory housing affordability suffix are shown in Table A for 23.45.517.

Table A for 23.45.517 FAR limits for LR1 and LR2 zones with mandatory housing affordability suffix					
Zone	Location	Category of residential use ⁽⁴⁾			
	Outside or inside urban centers, urban villages, and the Station Area Overlay District	Cottage housing developments and single-family dwelling units	Rowhouse developments	Townhouse developments	Apartments
LR1	((Outside or inside urban centers, urban villages, and the Station Area Overlay District) Either outside or inside	1.3	1.3	1.2	1.2
LR2	Either outside or inside	1.3	1.4	1.4	1.4
((Footnotes to Table A for 23.45.517 ⁴ Accessory dwelling units and detached accessory dwelling units are not subject to the provisions of Chapter 23.58C.))					

2. The base and maximum FAR limit for MR zones with a mandatory housing affordability

suffix is 4.5.

C. Density limit((-))

1. The minimum lot area per dwelling unit for cottage housing developments, rowhouse developments, townhouse developments, and apartments in LR1 and LR2 zones with a mandatory housing affordability suffix is shown on Table B for 23.45.517. ((The limit on the number of dwelling units permitted in an apartment in the LR1 zone in subsection 23.45.512.D does not apply to a LR1 zone with a mandatory housing affordability suffix.))

2. The limit on the number of dwelling units permitted in an apartment in the LR1 zone in subsection 23.45.512.D does not apply to a LR1 zone with a mandatory housing affordability suffix.

Table B for 23.45.517 Density limits in LR1 and LR2 zones with mandatory housing affordability suffix				
Zone	Units allowed per square foot of lot area by category of residential use^{1, 2}			
	Cottage housing development³ and single-family dwelling unit⁴	Rowhouse development	Townhouse development	Apartment
LR1	No limit	No limit	1/1,600	No limit ⁽⁵⁾
LR2	No limit	No limit	No limit	No limit

Footnotes to Table B for 23.45.517 ¹ When density calculations result in a fraction of a unit, any fraction up to and including 0.85 constitutes zero additional units, and any fraction over 0.85 constitutes one additional unit. ² Accessory dwelling units and detached accessory dwelling units are not subject to the provisions of Chapter 23.58C. ³ See Section 23.45.531 for specific regulations about cottage housing developments. ⁴ One single-family residence meeting the standards of subsection 23.45.510.C may be built on a lot that is existing as of April 19, 2011, and has an area of less than 1,600 square feet. (⁵ The limit on the number of dwelling units permitted in an apartment in the LR1 zone in subsection 23.45.512.D does not apply to a LR1 zone with a mandatory housing affordability suffix.)

D. Structure height((-))

1. The height limits for principle structures permitted in LR1 and LR2 zones with a mandatory housing suffix are as shown on Table C for 23.45.517, subject to the additions and exceptions allowed as set

forth in subsection 23.45.514.C through subsection 23.45.514.J.

Table C for 23.45.517 Structure height in LR1 and LR2 zones with mandatory housing affor		
Housing type	LR1	LR2
Cottage housing developments	18	18
Rowhouse and townhouse devel	30	40
Apartments	30	40

2. The ((maximum)) height limit for principal structures permitted in MR zones with a mandatory housing affordability suffix is 80 feet, subject to the additions and exceptions allowed as set forth in subsections 23.45.514.C, 23.45.514.H, 23.45.514.I, and 23.45.514.J.

E. Green building performance. Applicants for development in LR1 and LR2 zones with a mandatory housing affordability suffix shall make a commitment that the proposed development will meet the green building standard and shall demonstrate compliance with that commitment, all in accordance with Chapter 23.58D.

Section 6. 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 _____ day of _____, 2017, and signed by me in open session in authentication of its passage this _____ day of _____, 2017.

President _____ of the City Council

Approved by me this _____ day of _____, 2017.

Edward B. Murray, Mayor

Filed by me this _____ day of _____, 2017.

Monica Martinez Simmons, City Clerk

(Seal)

Exhibit:
Exhibit A - 23rd Ave and Cherry Rezone Map