



# SEATTLE CITY COUNCIL

## Land Use and Neighborhoods Committee

### Agenda

Wednesday, May 26, 2021

9:30 AM

### Public Hearing

Remote Meeting. Call 253-215-8782; Meeting ID: 586 416 9164; or  
Seattle Channel online.

Dan Strauss, Chair  
Teresa Mosqueda, Vice-Chair  
Debora Juarez, Member  
Andrew J. Lewis, Member  
Alex Pedersen, Member  
M. Lorena González, Alternate

Chair Info: 206-684-8806; [Dan.Strauss@seattle.gov](mailto:Dan.Strauss@seattle.gov)

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**SEATTLE CITY COUNCIL**  
**Land Use and Neighborhoods Committee**  
**Agenda**  
**May 26, 2021 - 9:30 AM**  
**Public Hearing**

**Meeting Location:**

Remote Meeting. Call 253-215-8782; Meeting ID: 586 416 9164; or Seattle Channel online.

**Committee Website:**

<http://www.seattle.gov/council/committees/land-use-and-neighborhoods>

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This meeting also constitutes a meeting of the City Council, provided that the meeting shall be conducted as a committee meeting under the Council Rules and Procedures, and Council action shall be limited to committee business.

*In-person attendance is currently prohibited per Washington State Governor's Proclamation 20-28.15, until the COVID-19 State of Emergency is terminated or Proclamation 20-28 is rescinded by the Governor or State legislature. Meeting participation is limited to access by telephone conference line and online by the Seattle Channel.*

Register online to speak during the Public Comment period at the 9:30 a.m. Land Use and Neighborhoods Committee meeting at <http://www.seattle.gov/council/committees/public-comment>.

Online registration to speak at the Land Use and Neighborhoods meeting will begin two hours before the 9:30 a.m. meeting start time, and registration will end at the conclusion of the Public Comment period during the meeting. Speakers must be registered in order to be recognized by the Chair.

Submit written comments to Councilmember Strauss at [Dan.Strauss@seattle.gov](mailto:Dan.Strauss@seattle.gov)

Sign-up to provide Public Comment at the meeting at <http://www.seattle.gov/council/committees/public-comment>

Watch live streaming video of the meeting at <http://www.seattle.gov/council/watch-council-live>

Listen to the meeting by calling the Council Chamber Listen Line at 253-215-8782 Meeting ID: 586 416 9164  
One Tap Mobile No. US: +12532158782,,5864169164#

Register online to speak at the Public Hearing during the Land Use and Neighborhoods Committee meeting at <http://www.seattle.gov/council/committees/public-comment>.

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*Please Note: Times listed are estimated*

## A. Call To Order

**B. Approval of the Agenda**

**C. Public Comment**

**D. Items of Business**

1. [CB 120079](#) **AN ORDINANCE relating to land use and zoning; adding a new Chapter 23.70 to the Seattle Municipal Code (SMC); amending Chapter 23.32 of the SMC at page 14 of the Official Land Use Map to establish a Mobile Home Park Overlay District; amending Section 23.84A.032 of the SMC; and requesting that the Office of Housing add the census tract in which the Mobile Home Park Overlay District is located to those eligible for the affirmative marketing and community preference policy adopted in the Housing Funding Policies.**

Attachments: [Full Text: CB 120079](#)

Supporting

Documents: [Summary and Fiscal Note](#)

[Central Staff Memo](#)

[Presentation \(5/12/21\)](#)

**Public Hearing**

**Presenter:** Ketil Freeman

Register online to speak at the Public Hearing during the Land Use and Neighborhoods Committee meeting at

<http://www.seattle.gov/council/committees/public-comment>.

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2. [Appt 01917](#) **Appointment of Nick Setten as member, Pike Place Market Preservation and Development Authority Governing Council, for a term to June 30, 2022.**

Attachments: [Appointment Packet](#)

**Briefing, Discussion, and Possible Vote** (20 minutes)

**Presenters:** Mary Bacarella, Executive Director, Colleen Bowman, Chair, Nick Setten, Pike Place Market Preservation and Development Authority; Hannah Smith, Office of Intergovernmental Relations

3. [CB 120086](#) **AN ORDINANCE** relating to the transfer of City property located at 525 North 85th Street; authorizing the conveyance of the property to the Phinney Neighborhood Association, a Washington non-profit corporation, consistent with the intent of Resolution 31856 and to provide for the continued delivery of social services; making findings of fact about the consideration for the transfer; superseding Resolution 31837 for the purposes of this ordinance; and authorizing the Director of Finance and Administrative Services or designee to execute and deliver documents necessary to carry out the conveyance of such property on the terms and conditions of this ordinance.

Attachments: [Att 1 - PNA Transfer Agreement](#)  
[Att 1 Ex A – Subrecipient Agreement](#)  
[Att 1 Ex B - Form of Deed](#)

Supporting Documents: [Summary and Fiscal Note](#)  
[Summary Att A – Map of Greenwood Senior Center](#)  
[Central Staff Memo](#)  
[Presentation](#)

**Briefing, Discussion, and Possible Vote** (30 minutes)

**Presenters:** Andrés Mantilla, Director, Department of Neighborhoods; Rico Quirindongo, Interim Director, Katie Sheehy, Office of Planning and Community Development; Karen Gruen, Finance and Administrative Services; Christi Beckley, Executive Director, Phinney Neighborhood Association; Lish Whitson, Council Central Staff

4. [CB 120081](#) **AN ORDINANCE relating to affordable housing on properties owned or controlled by religious organizations; modifying existing development standards to facilitate creation of affordable housing; amending Section 23.45.504 of the Seattle Municipal Code, renumbering Section 23.44.009 of the Seattle Municipal Code as Section 23.44.007 and Section 23.44.019 as Section 23.44.009; and adding new Sections 23.42.055, 23.44.019, 23.45.550, 23.47A.040, 23.48.100, and 23.49.037 to the Seattle Municipal Code.**

*Supporting  
Documents:*

[Summary and Fiscal Note](#)

[Director's Report](#)

[Presentation](#)

[Central Staff Memo](#)

**Briefing and Discussion** (30 minutes)

**Presenters:** Emily Alvarado, Director, Daniel Murillo, Office of Housing; Rico Quirindongo, Interim Director, Geoff Wentlandt and Nick Welch, Office of Planning and Community Development; Ketil Freeman, Council Central Staff

5. [CB 120083](#) **AN ORDINANCE relating to Seattle’s construction codes; amending Sections 713.13.7 and 1613.1.1 and Table 2902.1 of the 2018 Seattle Building Code, adopted by Ordinance 126278; amending Section R501.4 of the 2018 Seattle Energy Code, adopted by Ordinance 126279; amending Chapter 16 of the Seattle Existing Building Code, adopted by Ordinance 126278; and amending Sections 2.4, 4.5, 4.25, 4.26, and 5.9.1 of the Seattle Boiler and Pressure Vessel Code, adopted by Ordinance 126278.**

Supporting Documents: [Summary and Fiscal Note Presentation \(5/12/21\)](#)

**For Items 5 - 7:**

**Briefing, Discussion and Possible Vote** (30 minutes)

**Presenters:** Micah Chappell, Ede Courtenay, and Steve Frazier, Seattle Department of Construction and Inspections; Ketil Freeman, Council Central Staff

6. [CB 120084](#) **AN ORDINANCE relating to land disturbing activity; updating the Grading Code to align with updates to other codes; and amending Sections 22.170.020, 22.170.050, 22.170.060, 22.170.070, 22.170.080, 22.170.110, and 22.170.190 of the Seattle Municipal Code.**

Supporting Documents: [Summary and Fiscal Note Presentation \(5/12/21\)](#)

**Briefing, Discussion and Possible Vote** (30 minutes)

**Presenters:** Micah Chappell, Ede Courtenay, and Steve Frazier, Seattle Department of Construction and Inspections; Ketil Freeman, Council Central Staff

7. [CB 120085](#) **AN ORDINANCE relating to boiler and steam engine operations; amending Chapter 6.420 of the Seattle Municipal Code.**

*Supporting*

*Documents:* [Summary and Fiscal Note](#)  
[Presentation \(5/12/21\)](#)

**Briefing, Discussion and Possible Vote** (30 minutes)

**Presenters:** Micah Chappell, Ede Courtenay, and Steve Frazier, Seattle Department of Construction and Inspections; Ketil Freeman, Council Central Staff

## **E. Adjournment**



Legislation Text

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**File #:** CB 120079, **Version:** 1

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**CITY OF SEATTLE**

**ORDINANCE \_\_\_\_\_**

**COUNCIL BILL \_\_\_\_\_**

AN ORDINANCE relating to land use and zoning; adding a new Chapter 23.70 to the Seattle Municipal Code (SMC); amending Chapter 23.32 of the SMC at page 14 of the Official Land Use Map to establish a Mobile Home Park Overlay District; amending Section 23.84A.032 of the SMC; and requesting that the Office of Housing add the census tract in which the Mobile Home Park Overlay District is located to those eligible for the affirmative marketing and community preference policy adopted in the *Housing Funding Policies*.

The Full Text is provided as an attachment.

**CITY OF SEATTLE**

**ORDINANCE \_\_\_\_\_**

**COUNCIL BILL \_\_\_\_\_**

AN ORDINANCE relating to land use and zoning; adding a new Chapter 23.70 to the Seattle Municipal Code (SMC); amending Chapter 23.32 of the SMC at page 14 of the Official Land Use Map to establish a Mobile Home Park Overlay District; amending Section 23.84A.032 of the SMC; and requesting that the Office of Housing add the census tract in which the Mobile Home Park Overlay District is located to those eligible for the affirmative marketing and community preference policy adopted in the *Housing Funding Policies*.

WHEREAS, Seattle is facing a housing affordability challenge, evidenced by the fact that 42 percent of the Seattle renters pay more than 30 percent of their income for housing; and

WHEREAS, a detached home with a ground-level entry is an increasingly difficult housing option for moderate- and low-income households to obtain, because townhouses and detached homes rent for roughly twice as much as one-bedroom apartments; and

WHEREAS, physical displacement occurs when new development replaces existing lower-cost housing that does not have the protection of ownership by a non-profit housing provider or public housing authority; and

WHEREAS, to address physical displacement, The City of Seattle (“City”) has promulgated an affirmative marketing and community preference policy in the *Housing Funding Policies*, adopted by Ordinance 125308 and amended by Ordinance 125832, to create opportunities for eligible displaced residents to return to new affordable housing developments in their former neighborhoods; and

WHEREAS, Seattle’s mobile home parks have been in operation for more than 50 years, and continue to provide relatively low-cost housing to approximately 140 households; and

1 WHEREAS, numerous cities in Washington, including Tumwater, Bothell, and Kenmore, have  
2 enacted mobile home park zoning regulations to encourage long-term viability of mobile  
3 home parks as one of several allowed land uses in those zones; and

4 WHEREAS, one of the City’s planning goals under the Growth Management Act, chapter  
5 36.70A RCW, and expressed in the Housing Element of the City’s Comprehensive Plan,  
6 is to make adequate provision for the housing needs of all economic segments of Seattle;  
7 and

8 WHEREAS, in January 2019 the City Council passed Ordinance 125764 placing a one-year  
9 moratorium on development of mobile home parks and requested the Office of Planning  
10 and Community Development to analyze and propose a permanent land-use framework  
11 for mobile home parks; and

12 WHEREAS, to allow additional time for the City to develop a permanent land-use framework  
13 for mobile home parks, the moratorium has been extended for three additional six-month  
14 periods through Ordinances 126006, 126090, and 126241; and

15 WHEREAS, the current moratorium extension will lapse in July 2021; NOW, THEREFORE,

16 **BE IT ORDAINED BY THE CITY OF SEATTLE AS FOLLOWS:**

17 Section 1. Page 14 of the Official Land Use Map, Chapter 23.32, is amended to establish  
18 the Mobile Home Park Overlay District, as shown in Map A for 23.70.004 of the Seattle  
19 Municipal Code.



1 Section 2. A new Chapter 23.70 is added to the Seattle Municipal Code as follows:

2 **Chapter 23.70 MOBILE HOME PARK OVERLAY DISTRICT**

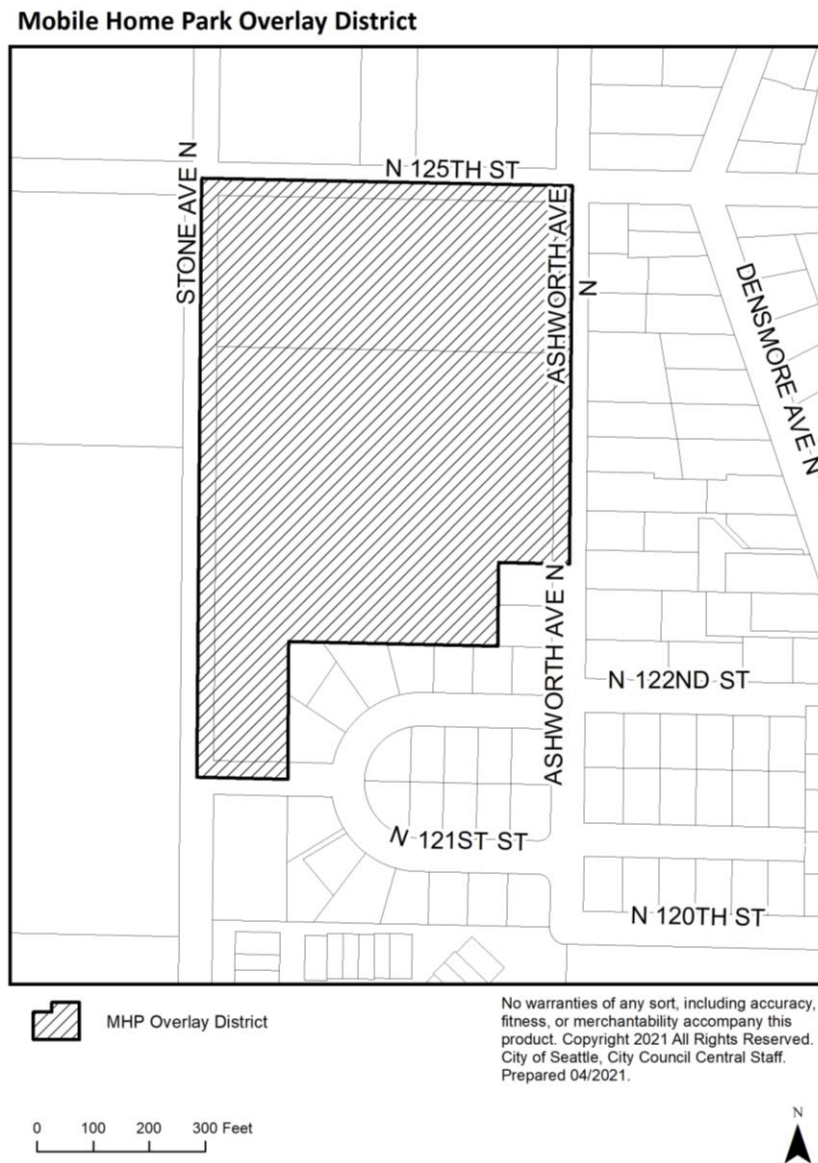
3 **23.70.002 Purpose and intent**

4 The purpose of this Chapter 23.70 is to implement the Comprehensive Plan and provide for the  
5 preservation of existing mobile home parks. Mobile home parks provide a source of lower-cost,  
6 medium-density housing that provides a range of land tenancy options. The Mobile Home Park  
7 Overlay District supports the long-term viability of mobile homes located in mobile home parks,  
8 while allowing a variety of other uses.

9 **23.70.004 Mobile Home Park Overlay District established**

10 There is hereby established, pursuant to Chapter 23.59, the Mobile Home Park Overlay District  
11 as shown on page 14 of the Official Land Use Map, Chapter 23.32, and Map A for 23.70.004.

1 **Map A for 23.70.004: Mobile Home Park Overlay District**



3 **23.70.006 General provisions**

4 A. Replacement of a structure, construction of a new structure, and establishment of a  
5 new use within the Mobile Home Park Overlay District shall comply with the development  
6 standards in this Chapter 23.70.

7 B. Standards specific to redevelopment within the Mobile Home Park Overlay District  
8 apply when 25 percent or more of the mobile homes in a mobile home park are to be replaced

1 (with new mobile homes or one or more non-mobile home uses) pursuant to a single land use or  
2 building permit application or pursuant to multiple land use or building permit applications filed  
3 with the Department within a 365-day period. Any permit issued for replacement of less than 25  
4 percent of the mobile homes with new mobile homes or one or more non-mobile home uses in a  
5 mobile home park shall be conditioned on no additional application to replace a mobile home use  
6 with new mobile homes or one or more non-mobile home uses being filed within 365 days of the  
7 original application.

8 C. Institutions in the Mobile Home Park Overlay District shall meet all development  
9 standards for institutions in the LR1 zone pursuant to Section 23.45.570.

10 **23.70.008 Permitted and prohibited uses**

11 A. Residential uses. Mobile homes and mobile home parks are permitted outright. All  
12 other residential uses are prohibited.

13 B. Non-residential uses. The following non-residential uses are permitted outright. All  
14 other non-residential uses are prohibited.

- 15 1. Community gardens;
- 16 2. Urban farms;
- 17 3. Restaurants;
- 18 4. Sports and recreation uses, indoor or outdoor;
- 19 5. Food processing and craft work;
- 20 6. Medical services;
- 21 7. Offices;
- 22 8. Retail sales, major durables;
- 23 9. Retail sales and services, automotive;

1 10. Flexible-use parking;

2 11. Institutions;

3 12. Religious facilities and schools, elementary or secondary;

4 13. Parks and open space.

5 **23.70.010 Development standards for residential uses**

6 A. Density limits and requirements. The average density of residential units within a  
7 mobile home park shall meet the following requirements:

8 1. Minimum required density: one unit allowed per 5,000 square feet; and

9 2. Maximum allowed density: one unit allowed per 2,400 square feet.

10 B. Height limit. The maximum height for residential structures is 30 feet. The height limit  
11 exceptions and additions of the LR zones pursuant to Section 23.45.514 apply.

12 C. Setbacks and separations. Setbacks shall be from mobile home park lot lines as  
13 follows:

14 1. Minimum of 5 feet from any street lot line; and

15 2. Minimum of 5 feet from any lot line abutting a single-family zone.

16 D. Common amenity areas. Ten percent of the mobile home park lot area not subject to  
17 redevelopment shall be developed as a common amenity area. The common amenity area shall  
18 be physically separate and distinct from yards and landscaped areas that are associated with  
19 individual mobile homes. The required common amenity area shall include one or more of the  
20 following elements:

21 1. Open space for active and/or passive recreation such as children's play area,  
22 ball fields, or flat open lawn areas;

23 2. Improved ADA accessible walking or biking trails;

1                   3. Pools or water features; or

2                   4. Indoor community and gathering spaces, such as a community center,  
3 recreation room, or fitness center.

4 **23.70.012 Development standards for non-residential uses**

5           A. Height limit. The maximum height for any non-residential structure is 40 feet. No  
6 height limit exceptions are allowed other than for smokestacks, chimneys, flagpoles, and  
7 religious symbols for religious institutions.

8           B. Maximum size of use. The maximum size of any non-residential use on any lot in the  
9 Mobile Home Park Overlay District is 5,000 square feet of gross floor area.

10           C. Floor area ratio. The maximum floor area ratio for all non-residential uses on any lot  
11 in the Mobile Home Park Overlay District is two.

12           D. Setbacks and separations. Setbacks shall be as follows.

13                   1. Minimum of 7 feet from any street lot line; and

14                   2. Minimum of 15 feet from any lot line abutting a single-family zone.

15 **23.70.014 Signs**

16 All signs shall comply with the standards and requirements for signs in the residential  
17 commercial (RC) zone pursuant to Section 23.55.024.

18 **23.70.016 Communication utilities**

19           A. Permitted and prohibited locations for major communications utilities are the same as  
20 those specified for single-family zones pursuant to Chapter 23.57.

21           B. Development standards for communications utilities are the same as those specified  
22 for single-family zones pursuant to Chapter 23.57.

1 **23.70.018 Applicability of Chapter 23.58B and Chapter 23.58C**

2 While this Chapter 23.70 is in effect, development or redevelopment within the Mobile Home  
3 Park Overlay is not subject to the provisions of Chapter 23.58B and Chapter 23.58C.

4 **23.70.020 Expiration of overlay**

5 The Mobile Home Park Overlay District established in this Chapter 23.70 shall expire on  
6 January 1, 2051.

7 Section 3. Section 23.84A.032 of the Seattle Municipal Code, last amended by Ordinance  
8 126287, is amended as follows:

9 **23.84A.032 “R”**

10 \* \* \*

11 “Residential use” means any one or more of the following:

12 \* \* \*

13 15. “Mobile home” means a structure that is designed and constructed to be  
14 transportable in one or more sections and built on a permanent chassis, designed to be used as a  
15 dwelling unit without a permanent foundation, and connected to utilities that include plumbing,  
16 heating, and electrical systems. A structure that was transportable at the time of manufacture is  
17 still considered to meet this definition notwithstanding that it is no longer transportable.

18 ~~((15))~~ 16. “Mobile home park” means a tract of land that is rented for the use of  
19 more than one mobile home that is occupied as a dwelling unit.

20 ~~((16))~~ 17. “Multifamily residential use” means a use consisting of two or more  
21 dwelling units in a structure or portion of a structure, excluding accessory dwelling units.

22 ~~((17))~~ 18. “Multifamily residential use, low-income disabled” means a  
23 multifamily residential use in which at least 90 percent of the dwelling units are occupied by

1 one or more persons who have a handicap as defined in the Federal Fair Housing Amendments  
2 Act and who constitute a low-income household.

3 ((18)) 19. “Multifamily residential use, low-income elderly” means a residential  
4 use in which at least 90 percent of the dwelling units are occupied by one or more persons 62 or  
5 more years of age who constitute a low-income household.

6 ((19)) 20. “Multifamily residential use, low-income elderly/low-income  
7 disabled” means a multifamily residential use in which at least 90 percent of the dwelling units  
8 (not including vacant units) are occupied by a low-income household that includes a person  
9 who has a handicap as defined in the Federal Fair Housing Amendment Act or a person 62  
10 years of age or older, as long as the housing qualifies for exemptions from prohibitions against  
11 discrimination against families with children and against age discrimination under all applicable  
12 fair housing laws and ordinances.

13 ((20)) 21. “Permanent supportive housing” means a multifamily residential use,  
14 which is paired with on or off-site voluntary human services to support a person living with a  
15 complex and disabling behavioral health or physical health condition who was experiencing  
16 homelessness or was at imminent risk of homelessness prior to moving into housing:

17 a. In which at least 50 percent of the dwelling units are occupied by  
18 households whose income at original occupancy does not exceed 30 percent of median income  
19 and the remaining dwelling units are occupied by very low-income households at original  
20 occupancy;

21 b. That receives public funding or an allocation of federal low-income  
22 housing tax credits; and

1 c. That is subject to a regulatory agreement, covenant, or other legal  
2 instrument, the duration of which is at least 40 years, recorded on the property title and  
3 enforceable by The City of Seattle, Washington State Housing Finance Commission, State of  
4 Washington, King County, U.S. Department of Housing and Urban Development, or other  
5 similar entity as approved by the Director of Housing.

6 ((21)) 22. “Nursing home” means a use licensed by the State of Washington as a  
7 nursing home, which provides full-time convalescent and/or chronic care for individuals who,  
8 by reason of chronic illness or infirmity, are unable to care for themselves, but that does not  
9 provide care for the acutely ill or surgical or obstetrical services. This definition excludes  
10 hospitals or sanitariums.

11 ((22)) 23. “Rowhouse development” means a multifamily residential use in  
12 which all principal dwelling units on the lot meet the following conditions:

13 a. Each dwelling unit occupies the space from the ground to the roof of  
14 the structure in which it is located;

15 b. No portion of a dwelling unit, except for an accessory dwelling unit or  
16 shared parking garage, occupies space above or below another dwelling unit;

17 c. Each dwelling unit is attached along at least one common wall to at  
18 least one other dwelling unit, with habitable interior space on both sides of the common wall, or  
19 abuts another dwelling unit on a common lot line;

20 d. The front of each dwelling unit faces a street lot line;

21 e. Each dwelling unit provides pedestrian access directly to the street that  
22 it faces; and



1 f. No portion of any other dwelling unit, except for an attached accessory  
2 dwelling unit, is located between any dwelling unit and the street faced by the front of that unit.

3 ((23)) 24. “Single-family dwelling unit” means a detached principal structure  
4 having a permanent foundation, containing one dwelling unit, except that the structure may also  
5 contain one or two attached accessory dwelling units where expressly authorized pursuant to  
6 this Title 23. A detached accessory dwelling unit is not considered a single-family dwelling unit  
7 for purposes of this Chapter 23.84A.

8 ((24)) 25. “Townhouse development” means a multifamily residential use that is  
9 not a rowhouse development, and in which:

10 a. Each dwelling unit occupies space from the ground to the roof of the  
11 structure in which it is located;

12 b. No portion of a dwelling unit occupies space above or below another  
13 dwelling unit, except for an attached accessory dwelling unit and except for dwelling units  
14 constructed over a shared parking garage; and

15 c. Each dwelling unit is attached along at least one common wall to at  
16 least one other dwelling unit, with habitable interior space on both sides of the common wall, or  
17 abuts another dwelling unit on a common lot line.

18 \* \* \*

19 Section 4. The City Council finds that the Mobile Home Park Overlay District is located  
20 in a high displacement risk area identified in *Seattle 2035 Growth and Equity: Analyzing Impacts*  
21 *on Displacement and Opportunity Related to Seattle’s Growth Strategy*. The Council requests  
22 that the Office of Housing add census tract 6, which includes the Mobile Home Park Overlay

1 District, to those areas eligible for the affirmative marketing and community preference policy  
2 adopted in the *Housing Funding Policies* (2019).

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

6 Passed by the City Council the \_\_\_\_\_ day of \_\_\_\_\_, 2021,  
7 and signed by me in open session in authentication of its passage this \_\_\_\_\_ day of  
8 \_\_\_\_\_, 2021.

9 \_\_\_\_\_  
10 President \_\_\_\_\_ of the City Council

11 Approved / returned unsigned / vetoed by me this \_\_\_\_\_ day of \_\_\_\_\_,  
12 2021.

13 \_\_\_\_\_  
14 Jenny A. Durkan, Mayor

15 Filed by me this \_\_\_\_\_ day of \_\_\_\_\_, 2021.

16 \_\_\_\_\_  
17 Monica Martinez Simmons, City Clerk

18 (Seal)

**SUMMARY and FISCAL NOTE\***

<b>Department:</b>	<b>Dept. Contact/Phone:</b>	<b>CBO Contact/Phone:</b>
Legislative	Freeman 48178	NA

\* 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**

**Legislation Title:**

AN ORDINANCE relating to land use and zoning; adding a new Chapter 23.70 to the Seattle Municipal Code (SMC); amending Chapter 23.32 of the SMC at page 14 of the Official Land Use Map to establish a Mobile Home Park Overlay District; amending Section 23.84A.032 of the SMC; and requesting that the Office of Housing add the census tract in which the Mobile Home Park Overlay District is located to those eligible for the affirmative marketing and community preference policy adopted in the *Housing Funding Policies*.

**Summary and background of the Legislation:**

This legislation would enact permanent regulations in the form of a new overlay district to replace a moratorium on mobile home park redevelopment first establish through Ordinance 125764. The overlay district would have more restrictive development standards applicable to redevelopment of existing mobile home parks. Those standards would:

- Limit residential uses to mobile homes and mobile home parks;
- Establish minimum and maximum residential densities;
- Allow some commercial uses but limit the size of those uses;
- Establish height and setback limitations that are consistent with ongoing mobile home park residential uses;
- Require the provision of residential amenity areas, such as outdoor or indoor recreational areas, when 25% or more of a site is redeveloped or undergoes a major renovation; and
- Provide for the expiration of the overlay.

When the overlay lapses the sites could be developed to the densities and with the full range of uses allowed in the underlying C1-55 (M) zone, which allows significantly higher intensity of both residential and commercial use.

The proposal would also request that the Office of Housing add the census tract containing the overlay to those census tracts eligible for participation in the affirmative marketing and community preference policy adopted in the City’s Housing Funding Policies (2019). Those policies provide opportunities for displaced residents to return to affordable housing in their prior neighborhood.

## 2. CAPITAL IMPROVEMENT PROGRAM

Does this legislation create, fund, or amend a CIP Project?      \_\_\_ Yes X No

## 3. SUMMARY OF FINANCIAL IMPLICATIONS

Does this legislation amend the Adopted Budget?      \_\_\_ Yes X No

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?  
No.

**Is there financial cost or other impacts of *not* implementing the legislation?**

Existing mobile home parks house many low-income and senior households. Displacement of low-income residents could increase demand for services provided by affordable housing and human services providers.

## 4. OTHER IMPLICATIONS

- a. **Does this legislation affect any departments besides the originating department?**  
Yes, the Seattle Department of Construction and Inspections and the Office of Housing.
- b. **Is a public hearing required for this legislation?**  
Yes, a hearing has been scheduled for May 26, 2021 in the Council’s Land Use and Neighborhoods Committee
- c. **Is publication of notice with *The Daily Journal of Commerce* and/or *The Seattle Times* required for this legislation?**  
Yes, a hearing notice is required in the *Daily Journal of Commerce*.
- d. **Does this legislation affect a piece of property?**  
The legislation affects property currently in use as mobile home parks. Those properties include the Halcyon mobile home park, located at 12234 Stone Av. N. and the Bella B mobile home park located at 1301 N. 125<sup>th</sup> St.
- e. **Please describe any perceived implication for the principles of the Race and Social Justice Initiative. Does this legislation impact vulnerable or historically disadvantaged communities? What is the Language Access plan for any communications to the public?**  
Mobile home parks offer market rate affordable housing to seniors and low-income households. This legislation reduces the probability that the City’s remaining mobile home parks will be redeveloped while the overlay is in effect.

**f. Climate Change Implications**

**1. Emissions: Is this legislation likely to increase or decrease carbon emissions in a material way?**

The proposed overlay would cover property that was previously used as a landfill from approximately 1954 to 1957. After closure, the site was leveled and capped with soil. Methane gas is produced from the decomposition of landfill debris. Methane is a greenhouse gas that contributes to global warming. By reducing the probability that the remaining two mobile home parks will be redeveloped in the near future, the risk of emission increases from disturbing the capped landfill may be reduced.

**2. Resiliency: Will the action(s) proposed by this legislation increase or decrease Seattle’s resiliency (or ability to adapt) to climate change in a material way? If so, explain. If it is likely to decrease resiliency in a material way, describe what will or could be done to mitigate the effects.**

The current location of two mobile home parks above a former landfill with residents who are members of vulnerable communities reflects an existing environmental equity concern. Reducing the potential for future residential development may mitigate amplification of that concern.

**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)?**

NA

**List attachments/exhibits below:**

May 10, 2021

## MEMORANDUM

**To:** Land Use and Neighborhoods Committee  
**From:** Ketil Freeman, Analyst  
**Subject:** Mobile Home Park Overlay District

---

On May 12, 2021, the Land Use and Neighborhoods (LUN) Committee will have an initial briefing on a proposed Mobile Home Park Overlay District (MHPOD). The MHPOD is proposed as permanent regulations to replace the ongoing moratorium on mobile home park redevelopment initially established through [Ordinance 125764](#).

This memorandum provides the background and regulatory context for the proposed MHPOD, describes what the proposed MHPOD would do, and sets out procedural next steps for consideration of the MHPOD.

### **Background and Regulatory Context**

#### Legislative History

In January 2019, the City passed Ordinance 125764, which established a temporary moratorium on redevelopment of mobile home parks. The temporary moratorium was intended to reduce development pressure on the two mobile home parks remaining in the city, the Halcyon and Bella-Bee, while the City developed a proposal for permanent regulations. At the time the Halcyon was for sale and potential purchasers were analyzing the Halcyon site's redevelopment potential.

Ordinance 125764 also set out a work program for the Seattle Department of Construction and Inspections and the Office of Planning and Community Development to develop proposed permanent regulations for Council consideration by October 2019.

The temporary moratorium was extended for three additional six-month periods through Ordinances [126006](#), [126090](#), and [126241](#). While the Executive did develop a draft proposal, environmental review was not done on that proposal nor was it formally transmitted to the Council for consideration.

#### Site and Vicinity

There are two mobile home parks left in Seattle: the Bella-Bee and the Halcyon. Both mobile home parks are located adjacent to each other in the Bitter Lake Residential Urban Village in a Commercial 1 zone with a 55-foot height limit and M mandatory housing affordability suffix (C1 55 (M)).

Together the mobile home parks are approximately 11 acres in area. The Bella-Bee and the Halcyon have approximately 65 and 76 mobile homes, respectively. The Bella-Bee was developed in 1956. The Halcyon was developed in the mid-1960s. Both mobile home parks are located over a decommissioned landfill. See Figure 1.

Figure 1: Remaining Mobile Home Parks



The Bitter Lake Residential Urban Village is a neighborhood targeted for increased residential growth in the comprehensive plan, *Seattle 2035*. The comprehensive plan establishes a 2035 growth estimate for the Bitter Lake RUV of 1400 units on top of an existing 2015 base of 3,580 units. At the end of the first quarter of 2021, the Bitter Lake RUV had added 192 new units since 2016 with another 226 units that have been permitted but not constructed, which means that the Bitter Lake RUV has achieved approximately 30% of its 2035 growth estimate.<sup>1</sup>

### How Other Jurisdictions Regulate Mobile Home Parks

Redevelopment pressure has caused several Western Washington jurisdictions to provide protections for existing mobile home parks. In 2008, Tumwater enacted mobile home park zoning for six of its 10 mobile home parks. Legal challenges lasted until 2012 when the City prevailed in the US 9th Circuit Court of Appeals. In 1996, Bothell enacted a Mobile Home Park Zoning Overlay that promotes retention of existing mobile home parks that contain rental pads. Kenmore recently passed protective zoning for mobile home parks. Kenmore applies a phased approach that enacts zoning to preserve some of its mobile home parks for 10 years, followed by an upzone and affordability requirements at the end of that period. Kenmore also enacted long-term mobile home park preservation requirements for two of its mobile home parks whose owners were amenable to a long-term mobile home park use.

### Current Regulations Applicable to Mobile Home Parks

While the Land Use Code defines Mobile Home Parks as a land use,<sup>2</sup> most regulation applicable to operation and redevelopment of mobile home parks are set out in [Chapter 22.904](#) of the Building and Construction Codes. These regulations require mobile home park operators to obtain a license from the City, prescribe minimum physical development standards for placement of mobile homes, establish requirements for utility access for each mobile home, and set out relocation requirements for when a mobile home park changes use.

### **Proposed Overlay**

The proposal (see attachment 1) would establish a new overlay district to help preserve the remaining mobile home parks in the city. The overlay district would establish more restrictive development standards applicable to redevelopment of existing mobile home parks. Those standards would:

- Limit residential uses to mobile homes and mobile home parks;
- Establish minimum and maximum residential densities of 1 unit per 5,000 square feet and 1 unit per 2,400 square feet, respectively, to allow for urban densities while ensuring adequate separation for light and air;
- Allow some commercial uses, consistent with the underlying commercial zone designation, but limit the size of those uses with a maximum floor area ratio of 2

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<sup>1</sup> [Urban Center / Village Housing Unit Growth Report. First Quarter 2021.](#)

<sup>2</sup> [Seattle Municipal Code \(SMC\) Section 23.84A.032.](#)



and maximum size limit of 5,000 square feet;

- Establish height and setback limitations that are consistent with ongoing mobile home park residential uses;
- Require the provision of residential amenity areas, such as outdoor or indoor recreational areas, when 25% or more of a site is redeveloped or undergoes a major renovation; and
- Provide for the expiration of the overlay within 50 years.

When the overlay lapses the sites could be developed to the densities and with the full range of uses allowed in the underlying C1-55 (M) zone, which allows significantly higher intensity of both residential and commercial use.

The proposal would also request that the Office of Housing add the census tract containing the overlay to those census tracts eligible for participation in the affirmative marketing and community preference policy adopted in the City's Housing Funding Policies (2019). Those policies provide opportunities for displaced residents to return to affordable housing in their prior neighborhood.

### **Next Steps**

A State Environmental Policy Act (SEPA) threshold determination was published for the proposal on April 26<sup>th</sup>. The SEPA appeal period expires on May 17<sup>th</sup>. The LUN Committee is scheduled to hold a public hearing and may vote on the proposal at its meeting on May 26<sup>th</sup>.

### **Attachments:**

1. Proposed Legislation – SEPA Draft

cc: Dan Eder, Interim Director  
Aly Pennucci, Policy and Budget Manager

**CITY OF SEATTLE**

**ORDINANCE \_\_\_\_\_**

**COUNCIL BILL \_\_\_\_\_**

..title

AN ORDINANCE relating to land use and zoning; adding a new Chapter 23.70 to the Seattle Municipal Code (SMC); amending Chapter 23.32 of the SMC at page 14 of the Official Land Use Map to establish a Mobile Home Park Overlay District; amending Section 23.84A.032 of the SMC; and requesting that the Office of Housing add the census tract in which the Mobile Home Park Overlay District is located to those eligible for the affirmative marketing and community preference policy adopted in the *Housing Funding Policies*.

..body

WHEREAS, Seattle is facing a housing affordability challenge, evidenced by the fact that 42 percent of the Seattle renters pay more than 30 percent of their income for housing; and

WHEREAS, a detached home with a ground-level entry is an increasingly difficult housing option for moderate- and low-income households to obtain, because townhouses and detached homes rent for roughly twice as much as one-bedroom apartments; and

WHEREAS, physical displacement occurs when new development replaces existing lower-cost housing that does not have the protection of ownership by a non-profit housing provider or public housing authority; and

WHEREAS, to address physical displacement the, The City of Seattle (“City”) has promulgated an affirmative marketing and community preference policy in the *Housing Funding Policies*, adopted by Ordinance 125308 and amended by Ordinance 125832, to create opportunities for eligible displaced residents to return to new affordable housing developments in their former neighborhoods; and

WHEREAS, Seattle’s mobile home parks have been in operation for more than 50 years, and continue to provide relatively low-cost housing to approximately 140 households; and

1 WHEREAS, numerous cities in Washington, including Tumwater, Bothell, and Kenmore, have  
2 enacted mobile home park zoning regulations to encourage long-term viability of mobile  
3 home parks as one of several allowed land uses in those zones; and

4 WHEREAS, one of the City’s planning goals under the Growth Management Act, chapter  
5 36.70A RCW, and expressed in the Housing Element of the City’s Comprehensive Plan,  
6 is to make adequate provision for the housing needs of all economic segments of Seattle;  
7 and

8 WHEREAS, in January 2019 the City Council passed Ordinance 125764 placing a one-year  
9 moratorium on development of mobile home parks and requested the Office of Planning  
10 and Community Development to analyze and propose a permanent land-use framework  
11 for mobile home parks, and

12 WHEREAS, to allow additional time for the City to develop a permanent land-use framework  
13 for mobile home parks, the moratorium has been extended for three additional six-month  
14 periods through Ordinances 126006, 126090, and 126241; and

15 WHEREAS, the current moratorium extension will lapse in July 2021; NOW, THEREFORE,

16 **BE IT ORDAINED BY THE CITY OF SEATTLE AS FOLLOWS:**

17 Section 1. The Official Land Use Map, Chapter 23.32 of the Seattle Municipal Code, is  
18 amended to rezone properties identified on page 14 of the Official Land Use Map to the Mobile  
19 Home Park zone, as shown in Map A for 23.70.004 of the Seattle Municipal Code.

20 Section 2. A new Chapter 23.70 is added to the Seattle Municipal Code as follows:

21 **Chapter 23.70 MOBILE HOME PARK OVERLAY DISTRICT**

22 **23.70.002 Purpose and intent**

1           The purpose of this Chapter 23.70 is to implement the Comprehensive Plan and provide  
2 for the preservation of existing mobile home parks. Mobile home parks provide a source of  
3 lower-cost, medium-density housing that provides a range of land tenancy options. The Mobile  
4 Home Park Overlay District supports the long-term viability of mobile homes located in mobile  
5 home parks, while allowing a variety of other uses.

6 **23.70.004 Mobile Home Park Overlay District established**

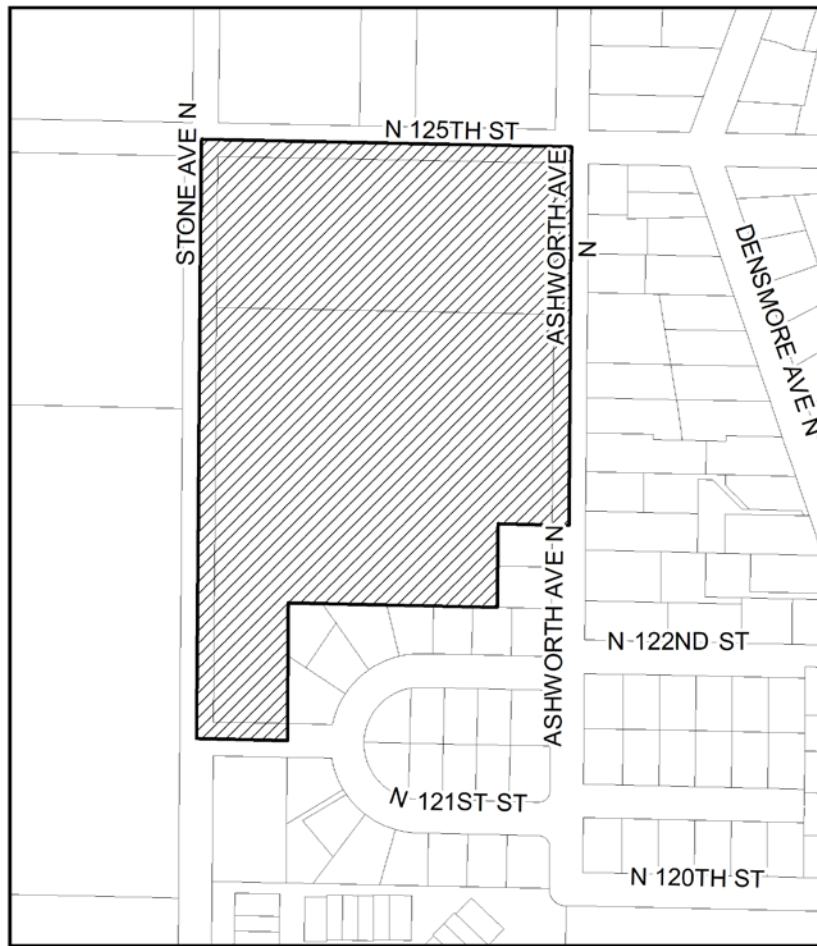
7           There is hereby established, pursuant to Chapter 23.59, the Mobile Home Park Overlay  
8 District as shown on page 14 of the Official Land Use Map, Chapter 23.32, and Map A for  
9 23.70.004.


10 **Map A for 23.70.004: Mobile Home Park Overlay District**

11

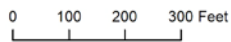


### Mobile Home Park Overlay District



 MHP Overlay District

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1

2

3

### 23.70.006 General provisions

1           A. Replacement of a structure, construction of a new structure, and establishment of a  
2 new use within the Mobile Home Park Overlay District shall comply with the development  
3 standards in this Chapter 23.70.


4           B. Standards specific to redevelopment of a mobile home park apply when 25 percent  
5 or more of the mobile homes in a mobile home park are to be replaced with a non-mobile home  
6 use pursuant to a single land use or building permit application or pursuant to multiple land use  
7 or building permit applications filed with the Department within a 365 day period. Any permit  
8 issued for replacement of less than 25 percent of the mobile homes in a mobile home park shall  
9 be conditioned on no additional application being filed within 365 days of the original  
10 application.

11           C. Institutions in the Mobile Home Park Overlay District shall meet all development  
12 standards for institutions in the LR1 zone pursuant to Section 23.45.570.

13 **23.70.008 Permitted and prohibited uses**

14           A. Residential uses. Mobile homes and mobile home parks are permitted outright. All  
15 other residential uses are prohibited.

16           B. Non-residential uses. The following non-residential uses are permitted outright. All  
17 other non-residential uses are prohibited.

- 
- 18           1. Community gardens;
  - 19           2. Urban farms;
  - 20           3. Restaurants;
  - 21           4. Sports and recreation uses, indoor or outdoor;
  - 22           5. Food processing and craft work;
  - 23           6. Medical services;

- 1                   7. Offices;
- 2                   8. Retail sales, major durables;
- 3                   9. Retail sales and services, automotive;
- 4                   10. Flexible-use parking;
- 5                   11. Institutions;
- 6                   12. Religious facilities and schools, elementary or secondary;
- 7                   13. Parks and open space.

8   **23.70.010 Development standards for residential uses**

9           A. Density limits and requirements

10           1. The density of residential units shall meet the following requirements:

11                   a. Minimum required density: one unit allowed per 5,000 square feet of  
12 lot area; and

13                   b. Maximum allowed density: one unit allowed per 2,400 square feet of lot  
14 area.

15           2. When density calculations result in a fraction of a unit, any fraction up to and  
16 including 0.85 constitutes zero additional units, and any fraction over 0.85 constitutes one  
17 additional unit.

18           B. Height limit. The maximum height for residential structures is 30 feet. The height  
19 limit exceptions and additions of the LR zones pursuant to Section 23.45.514 apply.

20           C. Setbacks and separations. Setbacks shall be from lot lines as follows:

21                   1. Minimum of 7 feet from any street lot line; and

22                   2. Minimum of 10 feet from any lot line abutting a single-family zone.

1 D. Common amenity areas. If a mobile home park is redeveloped, ten percent of the lot  
2 area shall be developed as a common amenity area. The common amenity area shall be  
3 physically separate and distinct from yards and landscaped areas that are associated with  
4 individual mobile homes. The required common amenity area shall be comprised of one or  
5 more of the following elements:

- 6 1. Open space for active and/or passive recreation such as children’s play area,  
7 ball fields, or flat open lawn areas;
- 8 2. Improved ADA accessible walking or biking trails;
- 9 3. Pools or water features; or
- 10 4. Indoor community and gathering spaces, such as a community center,  
11 recreation room, or fitness center.

12 **23.70.012 Development standards for non-residential uses**

13 A. Height limit. The maximum height for any non-residential structure is 40 feet. No  
14 height limit exceptions are allowed other than for smokestacks, chimneys, flagpoles, and  
15 religious symbols for religious institutions.

16 B. Maximum size of use. The maximum size of any non-residential use on any lot in  
17 the Mobile Home Park Overlay District is 5,000 square feet of gross floor area.

18 C. Floor area ratio. If a mobile home park is redeveloped, the maximum floor area ratio  
19 for all non-residential uses is two.

20 D. Setbacks and separations. Setbacks shall be from lot lines as follows.

- 21 1. Minimum of 7 feet from any street lot line; and
- 22 2. Minimum of 15 feet from any lot line abutting a single-family zone.

23 **23.70.014 Signs**



1 All signs shall comply with the standards and requirements for signs in the residential  
2 commercial (RC) zone pursuant to Section 23.55.024.

3 **23.70.016 Communication utilities**

4 A. Permitted and prohibited locations for major communications utilities are the same as  
5 those specified for single-family zones pursuant to Chapter 23.57.

6 B. Development standards for communications utilities are the same as those specified  
7 for single-family zones pursuant to Chapter 23.57.

8 **23.70.018 Applicability of Chapter 23.58B and Chapter 23.58C**

9 While this Chapter 23.70 is in effect, the requirements of Chapter 23.58B and Chapter  
10 23.58C shall not apply to new development or redevelopment within the overlay.

11 **23.70.020 Expiration of overlay**

12 The Mobile Home Park Overlay District established in this Chapter 23.70 shall expire on  
13 January 1, 2040.

14 Section 3. Section 23.84A.032 of the Seattle Municipal Code, last amended by Ordinance  
15 126287, is amended as follows:

16 **23.84A.032 “R”**

17 \* \* \*

18 “Residential use” means any one or more of the following:

19 \* \* \*

20 15. “Mobile home” means a structure that is designed and constructed to be  
21 transportable in one or more sections and built on a permanent chassis, designed to be used as a  
22 dwelling unit without a permanent foundation, and connected to utilities that include plumbing.

1 heating, and electrical systems. A structure that was transportable at the time of manufacture is  
2 still considered to meet this definition notwithstanding that it is no longer transportable.

3 ((15)) 16. "Mobile home park" means a tract of land that is rented for the use of  
4 more than one mobile home that is occupied as a dwelling unit.

5 ((16)) 17. "Multifamily residential use" means a use consisting of two or more  
6 dwelling units in a structure or portion of a structure, excluding accessory dwelling units.

7 ((17)) 18. "Multifamily residential use, low-income disabled" means a  
8 multifamily residential use in which at least 90 percent of the dwelling units are occupied by  
9 one or more persons who have a handicap as defined in the Federal Fair Housing  
10 Amendments Act and who constitute a low-income household.

11 ((18)) 19. "Multifamily residential use, low-income elderly" means a  
12 residential use in which at least 90 percent of the dwelling units are occupied by one or more  
13 persons 62 or more years of age who constitute a low-income household.

14 ((19)) 20. "Multifamily residential use, low-income elderly/low-income  
15 disabled" means a multifamily residential use in which at least 90 percent of the dwelling  
16 units (not including vacant units) are occupied by a low-income household that includes a  
17 person who has a handicap as defined in the Federal Fair Housing Amendment Act or a  
18 person 62 years of age or older, as long as the housing qualifies for exemptions from  
19 prohibitions against discrimination against families with children and against age  
20 discrimination under all applicable fair housing laws and ordinances.

21 ((20)) 21. "Permanent supportive housing" means a multifamily residential use,  
22 which is paired with on or off-site voluntary human services to support a person living with a

1 complex and disabling behavioral health or physical health condition who was experiencing  
2 homelessness or was at imminent risk of homelessness prior to moving into housing:

3 a. In which at least 50 percent of the dwelling units are occupied by  
4 households whose income at original occupancy does not exceed 30 percent of median  
5 income and the remaining dwelling units are occupied by very low-income households at  
6 original occupancy;

7 b. That receives public funding or an allocation of federal low-income  
8 housing tax credits; and

9 c. That is subject to a regulatory agreement, covenant, or other legal instrument,  
10 the duration of which is at least 40 years, recorded on the property title and enforceable by The  
11 City of Seattle, Washington State Housing Finance Commission, State of Washington, King  
12 County, U.S. Department of Housing and Urban Development, or other similar entity as  
13 approved by the Director of Housing.

14 ~~((21))~~ 22. "Nursing home" means a use licensed by the State of Washington as  
15 a nursing home, which provides full-time convalescent and/or chronic care for individuals  
16 who, by reason of chronic illness or infirmity, are unable to care for themselves, but that does  
17 not provide care for the acutely ill or surgical or obstetrical services. This definition excludes  
18 hospitals or sanitariums.

19 ~~((22))~~ 23. "Rowhouse development" means a multifamily residential use in  
20 which all principal dwelling units on the lot meet the following conditions:

21 a. Each dwelling unit occupies the space from the ground to the roof of  
22 the structure in which it is located;

1                                   b. No portion of a dwelling unit, except for an accessory dwelling unit  
2 or shared parking garage, occupies space above or below another dwelling unit;

3                                   c. Each dwelling unit is attached along at least one common wall to at  
4 least one other dwelling unit, with habitable interior space on both sides of the common wall,  
5 or abuts another dwelling unit on a common lot line;

6                                   d. The front of each dwelling unit faces a street lot line;

7                                   e. Each dwelling unit provides pedestrian access directly to the street  
8 that it faces; and

9                                   f. No portion of any other dwelling unit, except for an attached  
10 accessory dwelling unit, is located between any dwelling unit and the street faced by the front  
11 of that unit.

12                                ~~((23))~~ 24. "Single-family dwelling unit" means a detached principal structure  
13 having a permanent foundation, containing one dwelling unit, except that the structure may  
14 also contain one or two attached accessory dwelling units where expressly authorized  
15 pursuant to this Title 23. A detached accessory dwelling unit is not considered a single-family  
16 dwelling unit for purposes of this Chapter 23.84A.

17                                ~~((24))~~ 25. "Townhouse development" means a multifamily residential use that  
18 is not a rowhouse development, and in which:

19                                   a. Each dwelling unit occupies space from the ground to the roof of the  
20 structure in which it is located;

21                                   b. No portion of a dwelling unit occupies space above or below another  
22 dwelling unit, except for an attached accessory dwelling unit and except for dwelling units  
23 constructed over a shared parking garage; and



1 Overlay District, to those areas eligible for the affirmative marketing and community preference  
2 policy adopted in the *Housing Funding Policies* (2019).

3 Section 4. This ordinance shall take effect and be in force 30 days after its approval by  
4 the Mayor, but if not approved and returned by the Mayor within ten days after presentation, it  
5 shall take effect as provided by Seattle Municipal Code Section 1.04.020.

6 Passed by the City Council the \_\_\_\_\_ day of \_\_\_\_\_, 2021,  
7 and signed by me in open session in authentication of its passage this \_\_\_\_\_ day of  
8 \_\_\_\_\_, 2021.

9 \_\_\_\_\_  
10 President \_\_\_\_\_ of the City Council

11 Approved / returned unsigned / vetoed by me this \_\_\_\_\_ day of \_\_\_\_\_,  
12 2021.

13 \_\_\_\_\_  
14 Jenny A. Durkan, Mayor

15 Filed by me this \_\_\_\_\_ day of \_\_\_\_\_, 2021.

16 \_\_\_\_\_  
17 Monica Martinez Simmons, City Clerk

18 (Seal)



SEATTLE CITY COUNCIL  
**CENTRAL STAFF**

# Proposed Mobile Home Park Overlay District

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KETIL FREEMAN, ANALYST

LAND USE AND NEIGHBORHOODS COMMITTEE

MAY 12, 2021

# Legislative History

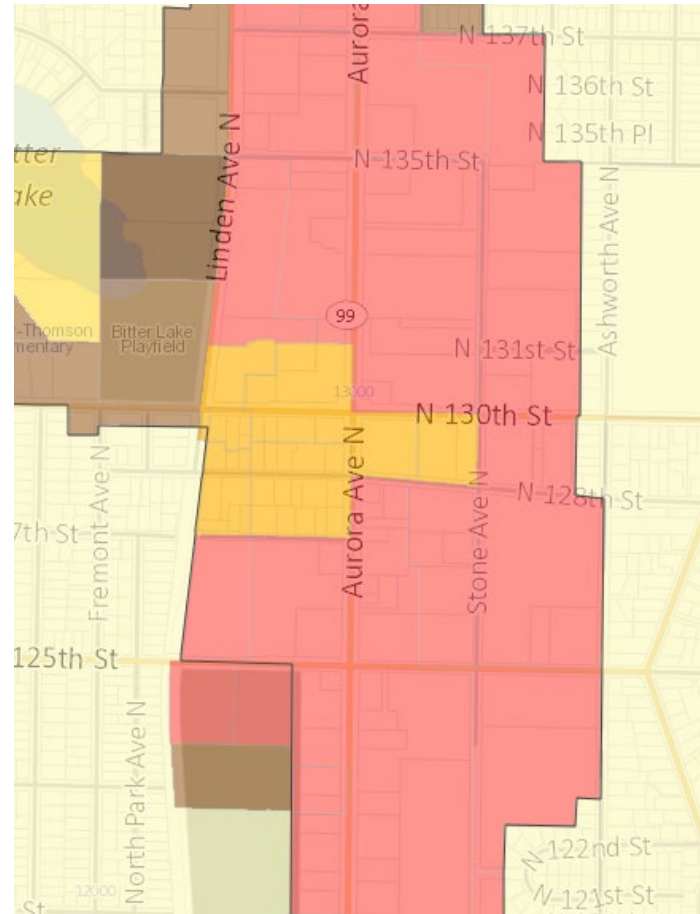
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- January 2019 - Council passes Ordinance 125764, one-year moratorium on redevelopment of mobile home parks
  - Intended to reduce development pressure on remaining two mobile home parks in the city
- Temporary moratorium extended for three additional six-month periods through Ordinances 126006, 126090, and 126241
- April 2020 - Council publishes SEPA threshold determination on proposed Mobile Home Park Overlay District



# Background and Regulatory Context

- Two remaining parks:  
(1) Bella-Bee and (2)  
Halcyon
- Located in the Bitter  
Lake Residential Urban  
Village
- Bella-Bee – 3.8 Acres,  
65 Homes
- Halcyon – 7.6 acres, 76  
homes
- Zoned Commercial



# How Other Jurisdictions Preserve Mobile Home Parks

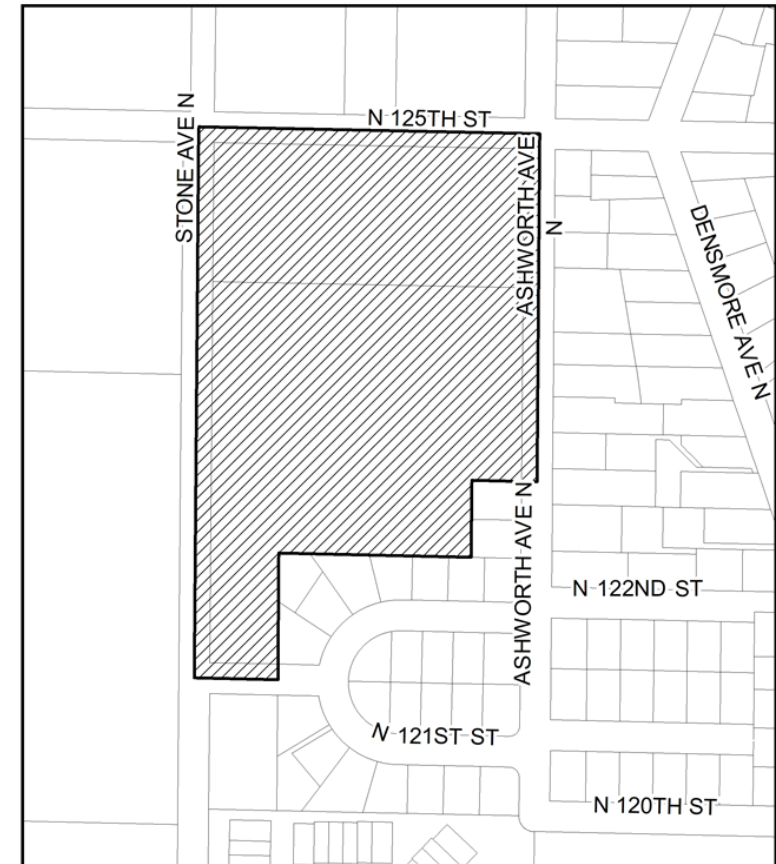
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- Tumwater – Mobile home park zone created in 2008, applies to six of Tumwater's 10 mobile home parks
- Bothell – Mobile home park overlay created in 1996 to promote retention of parks with rental lots
- Kenmore – Phased zoning with a 10-year horizon for certain mobile home parks, longer term protection two mobile home parks, passed in 2019

# Proposed Overlay District

- A zoning overlay district to help preserve the remaining mobile home parks:
  - Limit residential uses to mobile homes and mobile home parks
  - Establish minimum and maximum residential densities
  - Allow some commercial uses but limit the size of those uses
  - Establish height and setback limitations that are consistent with ongoing mobile home park residential uses
  - Require the provision of residential amenity areas, such as outdoor or indoor recreational areas, when 25% or more of a site is redeveloped or undergoes a major renovation
  - Provide for the expiration of the overlay within 50 years

Mobile Home Park Overlay District



 MHP Overlay District

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0 100 200 300 Feet

N

# Next Steps

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- SEPA appeal period ends – May 17
- Public hearing and possible committee recommendation – May 26
- Possible Full Council vote – June 2
- Current moratorium expires – July 10

# Questions?



Legislation Text

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**File #:** Appt 01917, **Version:** 1

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Appointment of Nick Setten as member, Pike Place Market Preservation and Development Authority Governing Council, for a term to June 30, 2022.

The Appointment Packet is provided as an attachment.





# City of Seattle Boards & Commissions Notice of Appointment

<b>Appointee Name:</b> Nick Setten		
<b>Board/Commission Name:</b> Pike Place Market PDA		<b>Position Title:</b> Member
<input checked="" type="checkbox"/> <b>Appointment</b> OR <input type="checkbox"/> <b>Reappointment</b>		<b>Council Confirmation required?</b> <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
<b>Appointing Authority:</b> <input checked="" type="checkbox"/> Council <input type="checkbox"/> Mayor <input checked="" type="checkbox"/> Other: <i>The PDA Council, as authorized in the Rules and Regulations, filled the seat left vacant by Constituency Seat #4</i>	<b>Date Appointed:</b> 3/25/2021	<b>Term of Position: *</b> <sup>HS</sup> <del>3/25/2021</del> 7/1/2018 to 6/30/2022  <input checked="" type="checkbox"/> <i>Serving remaining term of a vacant position</i>
<b>Residential Neighborhood/Council District:</b> Belltown	<b>Zip Code:</b> 98121	<b>Contact Phone No.:</b> [REDACTED]
<b>Background:</b> Nick has served on the Constituency Board since 2017, as board member at Large, Vice Chair, and currently interim Secretary. Since 2011 he has worked in the Market as tour guide, and worked with PDA leadership and others to develop the current rules and regulations regarding guided tours. Nick is an ardent student of the Market's history and story, and currently serves on the board for the Friends of the Market, on which he serves largely on the Education and Advocacy committees. He has created a number of different tours to access the history of the Market, including culinary tours, a self-guided tour of Market Architecture for HistoryLink, and a series of tours of the Down Under held by the PDA to bring attention to the Down Under for the Love in the Market event in Feb 2020. From 2019 until March 2020 Nick worked at the Market Information Booth. In 2017, he co-produced a unique exhibition of historical Market photographs taken by John Stamets, video of which can be found on YouTube. Nick love's the Market, in particular the complex system of relationships it has throughout the city and the way it serves as a microcosm for the urban experience generally. This year the Market celebrates the 50th anniversary of the Seattle citizens' demand that this Public Market stay Public, and Nick believes it is more important than ever to serve the Public by ensuring inclusivity in this organization.		
<b>Authorizing Signature (original signature):</b> <i>Colleen Bowman</i>		<b>Appointing Signatory:</b> <i>Colleen Bowman</i> PDA Council Chair

\*Term begin and end date is fixed and tied to the position and not the appointment date.

# NICK SETTEN

## Core Skills

- Public speaking
- Creative problem solving
- Microsoft Office Suite & OSX
- Customer Service
- Event management
- Project management
- Client-driven & historical research
- Expertise in Pike Place Market history

## Employment

**ZHL Connections Specialist/ Zillow Group/ Jan 2021 - present**

**Seasonal Sales Associate/ Filson/ Nov 2020 – Jan 2021**

- Retail sales at historic Seattle outdoor outfitter

**Market Information Specialist & Concierge/ Visit Seattle, Seattle, WA/ Jan 2019 – Mar 2020**

- As the face & voice of Visit Seattle, provided hotel, restaurant & cultural recommendations
- Managed general inbox and answered phone calls & in-person questions
- Managed inventory of partner brochures & collateral
- Collaborated on creation of team training activities
- Provided first line of IT help for Concierge team
- Became member of Seattle Hotel Concierge Association & Seattle Concierge Guild

**Customer Service/Sales/ Marketspice, Seattle, WA/ Mar 8 2019 – Jan 19, 2020**

- Retail sales at iconic specialty spice shop

**Tour Guide Manager and Senior Tour Guide/ Savor Seattle Food Tours, Seattle, WA/ 2010 – 2018**

- Researched, wrote, tested & implemented new tour offerings
- Managed hiring, onboarding, & disciplinary process for staff, up to 25 per season
- As manager, maintained employee schedule & implemented employee success programs
- Formed and maintained relationships with 50+ small business partners to develop tours
- Created monthly calendar of training & team building activities
- Increased sales by consistently maintaining 5-star reviews
- Maintained and updated Google Sites internal knowledge base

**Sales Attendant/ Bodies...The Exhibition, Seattle WA/ 2009 – 2010**

- Honored with Employee of the Month October 2009
- Peer to Peer sales in exhibition gift shop



## **Flagship Store Manager and Salesperson/ Utilikilts, Seattle, WA/ 2003 – 2009**

- Engaged with customers on-site and over the phone
- Managed [info@utilikilts.com](mailto:info@utilikilts.com) email inbox
- Oversaw daily maintenance, inventory management, scheduling, & employee discipline
- Managed booths at high-traffic special events

## **Freelance**

### **Writer & Researcher/ 2020**

- Researched and wrote Pike Place Market architecture tour for HistoryLink.org

## **Volunteer**

### **Board Member/ The Friends of the Market, Seattle, WA/ 2017 - Present**

- Coordinated, scheduled & contracted with speakers for 2018 OSHER course in conjunction with UW
- Member of Education Committee and Advocacy Committees

### **Vice Chair/ Pike Place Market Constituency, Seattle, WA/ 2017 - Present**

- Board Member-At-Large: 2017 – 2019
- Vice Chair: 2019 – 2020
- Secretary 2020 - Present
- Parliamentary Procedures and Open Government certification
- Enhanced community engagement by collaborating on the development and launch of monthly newsletter
- Oversaw an intern from the University of Washington.
- Managed 2019 public election process.
- Intending to run for PDA Representative role in 2020.
- Transcription and recording of bimonthly meeting minutes.

### **Pike Place Market Foundation, Seattle, WA/ 2015 – Present**

- Keynote speaker at 2016 Care for the Market Luncheon.
- Volunteer for and regularly represent the Foundation at fundraising events
- Fully planned, researched and executed an historical photography exhibition & lecture series to celebrate the Market's 110<sup>th</sup> anniversary:  
<https://www.youtube.com/watch?v=rfT9EMaiXr8&t=47s>

### **Texas Foundation for Archaeological and Historical Research/ 2008-2009**

- Team Building: Worked collaboratively with an international team at this Archaeological Field School program held in Sveti Nikole, Macedonia

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## Education

**Western Washington University**, Bellingham, WA/ 2003 - 2007

BA major in Ancient History, minor in Classical Studies, 3.6 GPA

# Pike Place Market Preservation and Development Authority

August 2020

12 Members: Pursuant to RCW 35.21.730 and Seattle Municipal Code 3.110; all subject to City Council confirmation, 4-year terms:

- 4 Mayor-appointed
- 8 Other Appointing Authority-appointed (specify): (4) Constituency and (4) PDA Governing Council

## Roster:

*D	**G	RD	Position No.	Position Title	Name	Term Begin Date	Term End Date	Term #	Appointed By
6	M	7	1.	Member	JJ McKay	7/1/18	6/30/22	1	Mayor
6	M	3	2.	Member	Paul Neal	7/1/17	6/30/21	1	Governing Council
	M	7	3.	Member	Devin McComb	7/1/17	6/30/21	1	Mayor
6	M	7	4.	Member	Nick Setten	7/1/18	6/30/22	1	Constituency
6	M	N/A	5.	Member	Mark Brady	7/1/17	6/30/21	1	Constituency
1	M		6.	Member	Ray Ishii	7/1/19	6/30/23	1	Governing Council
1	M	7	7.	Member	Gundeep Signh	7/1/20	6/30/24	1	Mayor
8	M	3	8.	Member	Abraham Dairi	7/1/18	6/30/22	1	Governing Council
	M		9.	Member	Gordon McIntyre	7/1/20	6/30/24	1	Constituency
5	M		10.	Member	David Ghoddousi	7/1/19	6/30/23	5	Constituency
6	F		11.	Member	Patrice Barrentine	7/1/20	6/30/24	2	Governing Council
6	F	7	12.	Member	Colleen Bowman	7/1/19	6/30/23	2	Mayor

## SELF-IDENTIFIED DIVERSITY CHART

	(1)		(2)		(3)		(4)		(5)		(6)		(7)		(8)		(9)	
	Men	Women	Transgender	Unknown	Asian	Black/ African American	Hispanic/ Latino	American Indian/ Alaska Native	Other	Caucasian/ Non- Hispanic	Pacific Islander	Middle Eastern	Multiracial					
Mayor	3	1			1					2								
Gov. Council	3	1			1					2		1						
Other	4								1	1								
Total	9	2			2				1	5		1						

## Key:

- \*D List the corresponding Diversity Chart number (1 through 9)
  - \*\*G List gender, M= Male, F= Female, T= Transgender, NB= Non-Binary O= Other U= Unknown
  - RD Residential Council District number 1 through 7 or N/A
- Diversity information is self-identified and is voluntary.



Legislation Text

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File #: CB 120086, Version: 1

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CITY OF SEATTLE

ORDINANCE \_\_\_\_\_

COUNCIL BILL \_\_\_\_\_

AN ORDINANCE relating to the transfer of City property located at 525 North 85th Street; authorizing the conveyance of the property to the Phinney Neighborhood Association, a Washington non-profit corporation, consistent with the intent of Resolution 31856 and to provide for the continued delivery of social services; making findings of fact about the consideration for the transfer; superseding Resolution 31837 for the purposes of this ordinance; and authorizing the Director of Finance and Administrative Services or designee to execute and deliver documents necessary to carry out the conveyance of such property on the terms and conditions of this ordinance.

WHEREAS, in 1977, The City of Seattle (“City”) purchased a medical clinic on an approximately 22,000-square-foot site located at 525 North 85th Street (“Greenwood Senior Center”) for use as a neighborhood senior center; and

WHEREAS, the purchase money for the Greenwood Senior Center included funds from a community development block grant from the United States Department of Housing and Urban Development and from an award of Referendum 29 funds as administered by the State of Washington Department of Social and Health Services; and

WHEREAS, in 1987 Greenwood Senior Center, Inc. (“GSC, Inc.”), purchased the 3,171-square-foot parcel abutting the east boundary of the Greenwood Senior Center to provide parking for the users of the Greenwood Senior Center; and

WHEREAS, in 1987 the City entered into a long-term mutual and offsetting benefit lease (“GSC Lease”) with Senior Services of Seattle/King County and GSC, Inc., both organizations being non-profit corporations and operating as joint tenants, pursuant to which the tenants paid no cash rent in exchange for a commitment to use the Greenwood Senior Center to provide offsetting public benefits in the form of

senior services, and which then converted to a month-to-month lease; and

WHEREAS, in 2006, GSC, Inc., and the Phinney Neighborhood Association (PNA), a Washington non-profit corporation, merged, with the PNA acquiring all of GSC, Inc.'s right, title, and interest in (a) the GSC Lease (including GSC, Inc.'s standing as a month-to-month tenant), and (b) the 3,171-square-foot parcel abutting the east boundary of the Greenwood Senior Center; and

WHEREAS, pursuant to those certain *Procedures for Evaluation of the Reuse and Disposal of the City's Real Property* ("Disposition Procedures"), as first adopted by Resolution 29799 and amended by Resolutions 30862 and 31837, in May 2015 the Department of Finance and Administrative Services (FAS) declared the Greenwood Senior Center excess to its needs; and

WHEREAS, in 2016 and 2017, pursuant to the Disposition Procedures, FAS conducted public outreach with respect to the proposed conveyance of the Greenwood Senior Center to the PNA, and in doing so identified no opposition to such conveyance; and

WHEREAS, a portion of the funding for the City's acquisition of the Greenwood Senior Center was provided by Washington State Social and Health Services Facilities 1972 bonds ("1972 Bonds"); and

WHEREAS, RCW 43.83.410 permits public bodies to transfer property and facilities acquired and constructed with the 1972 Bonds to non-profit agencies in exchange for the promise to continuously operate services benefitting the public on the site without further consideration; and

WHEREAS, as a month-to-month tenant, PNA has continued to use and currently uses and occupies the Greenwood Senior Center property in exchange for mutual and offsetting benefits in the form of social services to older adult residents of the Greenwood neighborhood, including senior programs, classes, events, daily hot lunch program, and social activities; and

WHEREAS, in 2018 in Resolution 31856, City Council stated its intention to collaborate with the Executive with the goal of transferring certain properties to non-profit organizations, including PNA, in exchange for commitments to provide services to the community; and

WHEREAS, pursuant to that certain 2019 *Memorandum of Agreement Implementing Criteria for Initiating Transfer of Mutually Offsetting Facilities to Tenants*, by and amongst six City of Seattle departments and offices (the Department of Finance and Administrative Services, the Office of Planning and Community Development, the Department of Neighborhoods, the Office of Economic Development, the Office of Housing, and the Human Services Department), an interdepartmental team within the City has determined that the proposed new property owner, PNA, in all material respects meets the transfer criteria established by the City for transferring property to tenants who have been operating properties under mutually and offsetting benefit lease agreements; and

WHEREAS, FAS and the PNA have entered into an agreement regarding the consideration, terms, and conditions for the City's conveyance of the Greenwood Senior Center to the PNA, subject to the City Council's authorization; NOW, THEREFORE,

**BE IT ORDAINED BY THE CITY OF SEATTLE AS FOLLOWS:**

Section 1. As used in this ordinance, the "Greenwood Senior Center" means the real property and all easements, privileges, and appurtenant improvements on a site of approximately 21,987 square feet located at 525 North 85th Street and legally described as follows:

THE NORTH HALF OF LOT 2; AND THE EAST 60 FEET OF LOT 3; BLOCK 19, OSNER'S SECOND ADDITION TO SEATTLE, ACCORDING TO THE PLAT THEREOF RECORDED IN VOLUME 12 OF PLATS, PAGE 3, IN KING COUNTY, WASHINGTON, EXCEPT THE SOUTH 110 FEET OF SAID PORTION OF LOT 3.

SITUATE IN THE COUNTY OF KING, STATE OF WASHINGTON

Section 2. The Director of Finance and Administrative Services ("Director") or the Director's designee is authorized to convey the Greenwood Senior Center to the Phinney Neighborhood Association (PNA), a Washington non-profit corporation, for consideration and on the terms and conditions described under the Agreement for the Transfer of Real Property between The City of Seattle and the Phinney Neighborhood Association ("PNA Transfer Agreement"), included as Attachment 1 to this ordinance. The Director is

authorized to enter into a Subrecipient Agreement in the form of Exhibit A to the PNA Transfer Agreement (“Subrecipient Agreement”) and convey title by deed substantially in the form of the Quitclaim Deed Conveying Determinable Estate with Covenants (“Deed”) that is included as Exhibit B to the PNA Transfer Agreement.

Section 3. The City Council finds that (i) the environmental and use covenants in the Deed, (ii) the Subrecipient Agreement requiring compliance with federal funding requirements, and (iii) the reversion of the property to the City if it is not used for the purposes required in the Deed together are sufficient consideration for the transfer of the property to the PNA consistent with the terms of RCW 43.83.410.

Section 4. The City Council finds that the property interests in 525 North 85th Street that are authorized to be conveyed to the PNA on the terms of this ordinance are consistent with municipal purposes, and therefore the surplus property procedures of Resolution 31837 are superseded for the purposes of this ordinance.

Section 5. The Director or the Director’s designee is authorized to negotiate, execute, deliver, and record, for and on behalf of the City, any and all documents and agreements necessary or advisable to carry out the conveyance of the Greenwood Senior Center consistent with the terms and conditions of the PNA Transfer Agreement.

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 \_\_\_\_\_, 2021, and signed by me in open session in authentication of its passage this \_\_\_\_\_ day of \_\_\_\_\_, 2021.

\_\_\_\_\_  
President \_\_\_\_\_ of the City Council

Approved / returned unsigned / vetoed this \_\_\_\_\_ day of \_\_\_\_\_, 2021.

\_\_\_\_\_

Jenny A. Durkan, Mayor

Filed by me this \_\_\_\_\_ day of \_\_\_\_\_, 2021.

\_\_\_\_\_

Monica Martinez Simmons, City Clerk

(Seal)

**Attachments:**

- Attachment 1 - Agreement for the Transfer of Real Property between The City of Seattle and the Phinney Neighborhood Association
- Exhibit A - Form of Subrecipient Agreement
- Exhibit B - Form of Quitclaim Deed Conveying Determinable Estate with Covenants



## AGREEMENT FOR THE TRANSFER OF REAL PROPERTY (the “Agreement”)

EFFECTIVE DATE: \_\_\_\_\_ (see Section 9.G.B. for provisions governing the Effective Date)

### PARTIES

- THE CITY OF SEATTLE, a Washington municipal corporation (the “City”) acting by and through its Department of Finance and Administrative Services; and
- PHINNEY NEIGHBORHOOD ASSOCIATION, a Washington nonprofit corporation (the “PNA”).

### RECITALS

- A. The City owns that certain real property having a street address of 525 North 85<sup>th</sup> Street, Seattle, WA 98103, and legally described as follows:

The north half of Lot 2; and the east 60 feet of Lot 3; Block 19, Osner’s Second Addition to Seattle, according to the plat thereof recorded in Volume 12 of Plats, page 3, in King County, Washington, EXCEPT the south 110 feet of said portion of Lot 3.

Situate in the City of Seattle, County of King, State of Washington,

which real property, including appurtenant improvements, is referred to in this Agreement as the “Real Property.”

- B. Effective January 1, 1987, the City, as landlord, and the Greenwood Senior Center, a Washington non-profit corporation, as tenant, entered into that certain *Mutual and Offsetting Benefit Lease Agreement*, whereby the City leased the Real Property to the Greenwood Senior Center (the “Lease”).
- C. The PNA is the successor-in-interest to the Greenwood Senior Center under the Lease. The initial term of the Lease expired and as of the Effective Date, PNA occupies the Real Property on a month-to-month basis on the terms and conditions of the Lease for the purposes of operating a senior center.
- D. The City acquired the Real Property, in part, using funds provided through the 1972 social and health services bond issuance of the State of Washington (“Ref. 29 Bonds”).
- E. Under RCW 43.83.410, public bodies are authorized to transfer real property acquired or improved through Ref. 29 Bonds to nonprofit corporations organized to provide individuals with social and health services subject to certain promises and covenants.

- F. In addition to funding provided under Ref. 29 Bonds, City’s acquisition of the Real Property was funded, in part, by a United States Community Development Block Grant, and as a result City’s transfer of the Real Property is subject to certain federal requirements.
- G. Pursuant to City of Seattle Resolution 31856 and that certain 2019 *Memorandum of Agreement/Implementing Criteria for Initiating Transfer of Mutually Offsetting Facilities to Tenants* by and amongst various City of Seattle departments and offices, an interdepartmental team within the City of Seattle has determined that the PNA in all material respects meets the transfer criteria established by the City for transferring property to tenants who have been operating properties under mutually and offsetting benefit lease agreements.
- H. Consistent with the intent of Resolution 31856, the City and PNA mutually desire to enter into a binding agreement for the City’s transfer and conveyance of the Real Property to PNA.

## AGREEMENT

In consideration of the mutual covenants and promises contained herein, and for other good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, the City and PNA agree as follows:

1. The **RECITALS** are made a part of this Agreement.
2. **TRANSFER OF THE PROPERTY.** Subject to the terms and conditions of this Agreement, the City shall transfer and convey to PNA, and PNA agrees to accept from the City, the Real Property together with any and all personal property owned by the City and located within or used in connection with the Real Property, including any and all furniture, furnishings, fixtures, appliances, heating, air conditioning and cooling units or systems, sign and boilers. Such personal property, together with the Real Property, is collectively referred to in this Agreement as the “**Property**”.
3. **CONSIDERATION.** Consideration for the City’s transfer and conveyance of the Property to PNA shall be as provided in this Section 3.
  - A. **Covenants.** PNA shall promise and covenant, for and on behalf of itself and its successors and heirs, as follows:
    - i. PNA shall use the Property to continuously provide and operate social services to the public with a focus on meeting the social, physical, and mental health and welfare needs of seniors. Additionally, if PNA redevelops the Property or otherwise expands or constructs additional improvements on the Property, the improvements shall be dedicated to providing social services, which may be combined with affordable housing.

- ii. PNA shall assume all environmental risk associated with the property and shall indemnify the City from all environmental liabilities arising from the Property. In the event ownership of the Property reverts to the City, PNA’s obligation shall not apply to the extent any environmental liability that results from any release, contamination or occurrence that occurs after the date of any reversion if the release or contamination is through no fault or action of PNA or its employees, agents, contractors, licensees, tenants, or invitees.
- iii. Title shall automatically revert to the City if (i) the Subrecipient Agreement (defined below) is terminated for material default under its terms, or (ii) if the Property is not used to meet a national objective set forth in 24 CFR section 570.208 for the recapture period required under the Subrecipient Agreement, or (iii) if the Property reverts under the terms of RCW 43.83.410.
- iv. PNA’s covenants and promises shall be included in the Deed (defined in Section 8) and shall run with the land and shall bind future owners of the Property. PNA shall not sell the Property except as permitted under the Deed.

**B. Subrecipient Agreement.** On or before Closing, PNA shall execute a Subrecipient Agreement in the form attached as **Exhibit A** (“**Subrecipient Agreement**”).

**4. “AS-IS”; CITY DISCLOSURE STATEMENT; PNA ACKNOWLEDGEMENT OF CERTAIN CONDITIONS.**

**A. AS-IS Condition.** PNA is in possession of the Property, is familiar with the Property and understands its limitations and defects. Therefore, except as expressly set forth in this Agreement:

- i. PNA acknowledges that City is transferring and conveying the Property “**AS-IS**” with all faults, and that City makes no representations or warranties regarding the Property or its suitability for PNA’s intended use, and that City will convey the Property and PNA will accept the Property subject to any defects, including but not limited to easements, encroachments or claims for adverse possession, whether known or unknown, matters of public record, and off-record liens, if any.
- ii. Neither City nor any agent, employee, officer, director, attorney, broker, contractor, representative or property manager of City has made, and City specifically disclaims, any warranties, representations or guaranties of any kind or character, express or implied, statutory, oral or written, past, present or future, with respect to the Property.
- iii. PNA acknowledges that it has not relied upon and will not rely upon, either directly or indirectly, any representation or warranty of City (except those provided for in this Agreement) or any of its respective agents, employees,

officers, directors, attorneys, brokers, contractors, representatives or property managers and acknowledges that no such representations have been made.

- iv. The Property is conveyed subject to all existing easements, covenants, restrictions, conditions, reservations, exceptions, and agreements, recorded and unrecorded, and the City makes no warranties of any kind as to the title of the Property.

**B.** City will furnish a Seller disclosure statement, as required pursuant to RCW CH. 64.06.

**C.** PNA acknowledges receipt of the following: (i) GeoEngineers' Greenwood Senior Center Property Phase I Environmental Site Assessment dated September 11, 2013, and (ii) the SoundEarth Letter Report dated February 20, 2015.

## **5. REPRESENTATIONS AND WARRANTIES**

**A. City's Representations and Warranties.** For purposes of the representations and warranties in subsections 5.a.i.-v., "the City Representative" is Karen Gruen. City represents and warrants to PNA as of the Effective Date, as follows:

- i. Seller is a municipal corporation duly organized and validly existing under the laws of the state of Washington.
- ii. City has the authority to enter into this Agreement and, as of Closing, to complete the transaction contemplated by this Agreement.
- iii. Entering into this Agreement does not conflict with any other contract or legal obligation of Seller.
- iv. To the best of City Representative's knowledge, there are no actions, suits or other legal proceedings pending or threatened against City with respect to the Property.
- v. The City Representative has not received written notice that City is in default under any covenants, easements, deeds, regulations, laws, rules, ordinances, orders, or restrictions affecting or encumbering the Property.

**B. PNA's Representations and Warranties.** PNA hereby represents and warrants to City that as of the Effective Date:

- i. PNA is a duly organized and validly existing entity under the laws of the State of Washington.

- ii. PNA has obtained all necessary approvals to enter into this Agreement, and, as of Closing, to complete the transaction contemplated by this Agreement.
- iii. Entering into the Agreement does not conflict with any other contract or legal obligation of PNA.
- iv. PNA is in possession of the Property and PNA has not granted any other party, affiliate, subtenant, or licensee a right to use and possession of the Property in a manner that conflicts with the use under the Deed or the Subrecipient Agreement.
- v. PNA (a) has not filed a petition in bankruptcy, (b) is not the subject of a petition in bankruptcy, (c) does not have a trustee or receiver appointed with respect to PNA's assets, (d) has not assigned assets for the benefit of creditors, (e) has not received notice of default, trustee's sale, foreclosure or forfeiture.

**6. ACCESS AND DUE DILIGENCE.** As of the Effective Date, the PNA is in possession of the Property pursuant to the Lease and has sufficient access to the Property and information regarding the Property to enable PNA to complete due diligence prior to entering into this Agreement without need of an additional due diligence period.

**7. ESCROW.** The Parties appoint Chicago Title Company, 701 Fifth Avenue, Suite 2700, Seattle WA 98104 as the Escrow Agent (referred to elsewhere in this Agreement as the "Escrow Agent") for the transfer and conveyance of the Property.

**8. FORM OF DEED.** At Closing, City shall convey the Property to PNA by quitclaim deed in the form attached as **Exhibit B** (the "**Deed**").

## **9. CONDITIONS TO CITY'S AND PNA'S PERFORMANCE**

**A. City's Closing Conditions.** The obligation of the City to close the transaction contemplated by this Agreement is subject to the following closing conditions, any of which the City may waive, in whole or in part:

- i. PNA shall have delivered to Escrow Agent all funds, documents and instruments required to be delivered by PNA hereunder.
- ii. PNA shall have performed in all material respects all covenants and obligations required by this Agreement to be performed by PNA on or prior to Closing.
- iii. PNA's representations and warranties in Section 5 of this Agreement are true and correct as of the Closing date.

**B. PNA's Closing Conditions.** PNA's obligation to close the transaction contemplated by this Agreement is subject to the following closing conditions, any of which PNA may waive in whole or in part:

- i. Ratification of this Agreement by the PNA’s board of directors.
- ii. City shall have delivered to Escrow Agent all documents and instruments required to be delivered by City hereunder.
- iii. City shall have performed in all material respects all covenants and obligations required to be performed by City on or prior to Closing.
- iv. City’s representations and warranties in Section 5 of this Agreement are true and correct as of the Closing date.

**10. CLOSING; CLOSING DELIVERABLES; CLOSING COSTS/PRORATIONS;  
OBLIGATION FOR LEASEHOLD EXCISE TAX**

**A. Closing.**

- i. The Closing Date will be a mutually agreed-upon date following the effective date of a Seattle City Council ordinance authorizing the transfer of the Property; ; provided that, City may extend the Closing Date for up to ninety (90) days if needed to secure the necessary authorizing legislation.
- ii. “**Closing**” will be deemed to have been completed when the Deed is recorded by the King County Recorder’s Office.

**B. City’s Closing Deliverables.** On or before the Closing Date, City shall deposit with Escrow Agent the following:

- i. The Deed, executed by the City;
- ii. The City’s executed counterpart of the Subrecipient Agreement;
- iii. Certification that City’s representations and warranties are true and correct;
- iv. Real Estate Excise Tax Affidavit in form required by law;
- v. Seller’s certification of Non-Foreign Status under Foreign Investment in Real Property Tax Act (26 U.S.C. 1445); and
- vi. Any mutually agreed-upon assignment of services contracts.

**C. PNA’s Closing Deliverables.** On or before the Closing Date, PNA shall deposit with the Escrow Agent the following:

- i. Certification that PNA’s representations and warranties are true and correct as of Closing;
- ii. Executed Subrecipient Agreement;
- iii. Executed Real Estate Excise Tax Affidavit in form required by law; and
- iv. PNA’s executed acceptance of Deed.

**D. Closing Costs/Prorations.**

- i. PNA and the City shall share equally all costs associated with the transfer and conveyance of the Property, including recording fees and real estate excise tax (if any). PNA shall be responsible for the cost of an owner’s policy of title insurance (whether it provides standard coverage or extended coverage).
- ii. Real and personal property taxes, assessments, and charges payable in the year of Closing will be pro-rated as of Closing Date. PNA acknowledges that pursuant to RCW 84.36.010 the Real Property is not currently subject to property tax because City is a public entity, and that the Real Property will become subject to taxation when PNA acquires it. City calls PNA’s attention to the fact that the Real Property is subject to miscellaneous charges (e.g., a charge for surface water), even though Property is exempt from taxation pursuant to RCW 84.36.010(1). Such miscellaneous charges will be pro-rated at Closing.
- iii. **Leasehold Excise Tax.** In the event the State of Washington makes any demand upon the City for payment of leasehold excise taxes resulting from the PNA’s occupation of the Property under the Lease (including possession of the Property by the PNA’s predecessors-in-interest under the Lease) or withholds funds due to the City to enforce collection of leasehold excise taxes, the PNA shall, at its sole expense, defend and indemnify the City from all such demands, and if necessary repay City for all sums expended by the City, or withheld by the State from the City, in connection with such taxation; provided that this shall not prevent PNA from contesting such action, at PNA’s sole cost. The obligations of this Section shall survive Closing.

**E. RELEASE AND INDEMNITY.** City’s willingness to enter into this Agreement is conditioned, in part, on PNA’s agreement to take the Property AS-IS and PNA’s covenant to release and indemnify City from environmental liabilities arising from the Property as provided under the terms and conditions of the environmental covenant in the Deed.

## F. BROKERS

The City represents and warrants that, in the context of the transaction contemplated by this Agreement, it is not represented by a real estate broker. Similarly, PNA represents and warrants that in the context of the transaction contemplated by this Agreement, it is not represented by a real estate broker. If any person or entity makes a claim for a brokerage commission or finder's fee of any kind, then the party through whom or on whose behalf such services are claimed shall defend and indemnify the other party from any claims, costs or fees for unpaid broker's fees or commissions.

## G. MISCELLANEOUS

- A. Notices.** Any notice required or permitted to be delivered under this Agreement must be in writing and will be deemed given on the earlier of actual receipt or (i) when delivered, if delivered by hand during regular business hours, (ii) three (3) days after being sent by United States Postal Service, registered or certified mail, postage prepaid, return receipt requested and first class mail, postage prepaid, or (iii) the next business day if sent by a reputable national overnight express mail service that provides tracing and proof of receipt or refusal of items mailed. Notices to City and/or PNA shall be delivered as follows:

If to City:       THE CITY OF SEATTLE  
Department of Finance and Administrative  
Services  
Attn: Karen Gruen, Director Real Estate Services  
700 Fifth Avenue, Suite 5200  
P.O. Box 94689  
Seattle, WA 98124-4689  
Telephone: 206-733-9238

With Copy sent via email to:  
Rebecca Keith  
Seattle City Attorney's Office  
Rebecca.Keith@seattle.gov

Note: If delivering notice to City by hand pursuant to subsection (i) above, notice must be delivered to the City's street address; if sending notice by U.S. Mail pursuant to subsection (ii) above, notice must be sent to the City's P.O. Box; and if sending notice by overnight express mail service pursuant to subsection (iii) above, notice must be delivered to the City's street address.



If to PNA: PHINNEY NEIGHBORHOOD ASSOCIATION  
Attention: Christi Beckley, Executive Director  
6532 Phinney Avenue North  
Seattle, WA 98103  
Telephone: 206-783-2244

- B. Effective Date.** The “**Effective Date**” of this Agreement is the date the last party to execute this Agreement executes it, as represented by the date appearing below each party’s signature. Each party authorizes the endorsement of such date for administrative reference in the space provided in the Agreement’s heading.
- C. Entire Agreement.** This Agreement, including exhibits, constitutes the entire agreement of the City and PNA with respect to the Property and supersedes all written or oral agreements or undertakings. This Agreement may be modified only pursuant to a writing signed by both parties.
- D. Negotiated Agreement.** This Agreement has been negotiated by the parties and each party has had the opportunity to review it with legal counsel and to participate in the drafting. It shall be construed according to the fair intent of the language as a whole, and not for or against either party as the drafting party.
- E. No Assignment.** PNA may not assign its interest in this Agreement to any other party, without the City’s prior written consent, which the City may withhold in its sole and absolute discretion.
- F. No Third-Party Beneficiaries.** Nothing in this Agreement, whether express or implied, is intended to confer any rights or remedies on any person other than the parties to this Agreement, nor is anything in this Agreement intended to relieve or discharge the obligation or liability of any third-party, nor shall any provision give any third-party any right of subrogation or action against any party to this Agreement.
- G. Attorney Fees.** In the case of any legal action or dispute arising under this Agreement, each party will bear its own attorney fees and costs.
- H. Further Acts.** City and PNA will each execute and deliver such additional documents and instruments and take such further actions as may be reasonably necessary to carry out the Agreement’s terms and conditions.
- I. Time** is of the essence.
- J. Subject to the Approval of the Seattle City Council.** Final decisions regarding the disposal of the City’s real property require authorization by the Seattle City Council.

**K. Governing Law; Jurisdiction and Venue.** This Agreement shall be governed by the laws of the State of Washington. Jurisdiction and venue shall be in the Superior Court for the State of Washington – King County.

**L. Counterparts and Facsimile Signatures.** This Agreement may be executed in one or more counterparts, each of which shall be deemed an original and all of which, when taken together, shall be deemed to be one agreement. This Agreement may be executed pursuant to original or facsimile copies of signatures, with the same effect as if the parties had signed the document pursuant to original signature.

**CITY:**

THE CITY OF SEATTLE  
Department of Finance and Administrative  
Services

By: \_\_\_\_\_  
Michelle Reed

Title: Chief Operating Officer

Date: \_\_\_\_\_

**PNA:**

PHINNEY NEIGHBORHOOD  
ASSOCIATION, a Washington nonprofit  
corporation

By: \_\_\_\_\_

Printed Name: Christi Beckley

Title: Executive Director

Date: \_\_\_\_\_

## EXHIBIT A

### SUBRECIPIENT AGREEMENT

This Subrecipient Agreement is by and between the following parties:

- THE CITY OF SEATTLE, a first-class charter city of the State of Washington (the “**City**”) acting by and through its Department of Finance and Administrative Services; and
- THE PHINNEY NEIGHBORHOOD ASSOCIATION, a Washington nonprofit corporation (the “**PNA**”).

**EFFECTIVE DATE:** \_\_\_\_\_, 2021 (see Section 19).

#### RECITALS

- A. The City and the PNA are parties to that certain Agreement for the Transfer of Real Property (the “**Transfer Agreement**”) which governs the transfer of the following, real property from the City to the PNA:

The north half of Lot 2; and the east 60 feet of Lot 3; Block 19, Osner’s Second Addition to Seattle, according to the plat thereof recorded in Volume 12 of Plats, page 3, in King County, Washington, EXCEPT the south 110 feet of said portion of Lot 3.

Situate in the City of Seattle, County of King, State of Washington

Elsewhere in this Subrecipient Agreement, such real property is referred to as the “**Property**”.

- B. Available records show that the City acquired the Property in 1977 for \$412,420.00. Approximately 74% of the acquisition cost of the Property was funded with proceeds from a Department of Housing and Urban Development (“**HUD**”) community development block grant and the balance was funded by 1972 social and health services bond issuance of the State of Washington (“Ref. 29 Bonds”).
- C. In partial consideration for the City’s transfer of the Property to PNA, and to comply with the provisions of 24 CFR section 570.503 applicable to the transfer of the Property and as provided under the Transfer Agreement, the City and the PNA enter into this Subrecipient Agreement.

## AGREEMENT

- 1. Term.** This Subrecipient Agreement (“Agreement”) shall be for a term of fifteen years beginning on the Effective Date, provided that any provision which by its express terms or reasonable context is intended to survive the expiration or termination of the Agreement shall continue in effect as provided, including but not limited to Sections 8 and 16.
- 2. Statement of Work.** As required pursuant to 24 CFR 570.503(b)(1), during the fifteen-year term of this Agreement, the PNA shall deliver services at the Property as further described in **Attachment A** attached and made a part of this Agreement.
- 3. Disposition of Program Income.** As provided under 24 CFR 570.504, PNA shall either (i) remit to the City any program income it receives during the fifteen-year term of this Agreement or (ii) retain program income and use it for program purposes in compliance with all applicable regulations and requirements. Program income is as defined under 24 CFR 570.500.
- 4. Records and Reports.** Pursuant to 24 CFR 570.503(b)(2) and 24 CFR 570.504(c), on or before each anniversary of the Effective Date, the PNA shall furnish the City with a sufficiently detailed report to provide the City with a sound basis to:
  - a. monitor whether the PNA has delivered the services required under Section 2; and
  - b. identify all the activities undertaken with any program income received by the PNA during the fifteen-year term of this Agreement.
- 5. Uniform Administrative Requirements.** Pursuant to 24 CFR 570.503(b)(4), the PNA shall comply with applicable uniform requirements as described in 24 CFR 570.502.
- 6. Other Program Requirements.**
  - a. Pursuant to 24 CFR section 570.503(b)(5), the PNA shall carry out each of its activities in compliance with all Federal laws and regulations described in subpart K, as such requirements may be amended from time to time, except as provided in 24 CFR 570.503 (b)(5)(i-ii).
  - b. PNA shall comply with all requirements of 2 CFR Part 200, except as otherwise provided under 24 CFR 570.502 (a).

- c. The requirements of 24 CFR Part 570 Subpart K, as amended from time to time, are hereby incorporated and made part of this Agreement.

## **7. Default, Suspension and Termination.**

- a. If PNA violates or fails to keep or perform any term, provision, covenant, or any obligation of this Agreement, such failure or violation shall be a “default”. PNA shall be in “material default” under this Agreement in any of the following circumstances:
  - i. if PNA is in default and such default continues or has not been remedied to the City’s reasonable satisfaction within thirty (30) days after written notice has been provided to PNA, provided that if the nature of the default is such that it cannot be cured within thirty (30) days, PNA shall not be in material default if PNA commences a cure within thirty days and thereafter diligently pursues the cure to completion; or
  - ii. if PNA files or is the subject of a petition in bankruptcy, or if a trustee or receiver is appointed for PNA’s assets or if PNA makes an assignment for the benefit of creditors, or if PNA is adjudicated insolvent, or becomes subject to any proceeding under any bankruptcy or insolvency law whether domestic or foreign; or
  - iii. if HUD determines that PNA has materially failed to comply with a federal term or condition applicable to this Agreement beyond any applicable notice and cure period.
- b. If PNA is in material default under this Agreement, in addition to any other right permitted at law or equity, the City reserves the right take any other action provided for under 24 CFR 85.43, as amended or supplemented from time to time, including but not limited to termination of this Agreement, which shall result in reversion of the Property to the City under the deed by which the City conveyed the Property to PNA.

## **8. Reversion of Assets; Use of Property for National Objective; Survival of Remedies.**

- a. As required by 24 CFR 570.503(b)(7), upon the expiration of this Agreement, the PNA shall transfer to the City any CDBG funds on hand at the time of expiration and any accounts receivable attributable to the use of CDBG funds.
- b. As required by 24 CFR section 570.503(b)(7)(i), the PNA shall use the Property to meet one of the national objectives set forth in 24 CFR section 570.208 for five full years after the expiration of this Agreement.
- c. As required by 24 CFR section 570.503(b)(7)(ii), if the Property is not used to meet one of national objectives set forth in 24 CFR section 570.208 for five years after

expiration of this Agreement, the Property shall revert to the City as provided under the deed by which the City conveyed the Property to PNA.

- d.** PNA’s obligations under this Section 8 shall survive the expiration of this Agreement.
- 9. Right of Entry.** The City may, during the PNA’s regular business hours, enter the building on the Property for purposes of verifying that the PNA is using the Property to deliver the services as required pursuant to the paragraph above with the caption “Statement of Work”; provided that, the City’s right of entry is conditioned on the City giving the PNA not less than 48-hours’ prior written notice of the time and date of such entry and verification.
- 10. Nondiscrimination; Delivery of Certificate of Compliance with Civil Rights Act.** PNA shall comply with all applicable equal employment opportunity and nondiscrimination laws of the United States, the State of Washington, and The City of Seattle, including but not limited to Chapters 14.04, 14.10 and 20.42 of the Seattle Municipal Code, as they may be amended from time to time. On or before the Effective Date, the PNA shall deliver to the City a fully executed certificate of assurance of compliance with the Civil Rights Act of 1964 and Section 504 of the Rehabilitation Act of 1973 in the form of **Attachment B**, which is made incorporated into this Agreement.
- 11. Lobbying.** PNA hereby certifies and agrees as follows, in accordance with 31 U.S.C. Section 1352, to the best of its knowledge and belief:
  - a.** No Federal appropriated funds have been paid or will be paid, by or on behalf of PNA, to any person for influencing or attempting to influence an officer or employee of any agency, a member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection with the awarding of any Federal contract, the making of any Federal loan, the entering into of any cooperative agreement, and the extension, continuation, renewal, amendment, or modification of any Federal contract, grant, loan, or cooperative agreement.
  - b.** If any funds other than Federal appropriated funds have been paid or will be paid to any person for influencing or attempting to influence an officer or employee of any PNA, a member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection with this Federal contract, grant, loan, or cooperative agreement, it will complete and submit Standard Form-LLL, "Disclosure Form to Report Lobbying," in accordance with its instructions.
  - c.** It will require that the language of this section be included in the award documents for sub-awards at all tiers (including subcontracts, sub-grants, and contracts under grants, loans and cooperative agreements) and that all sub-recipients shall certify and disclose accordingly.

This certification is a material representation of fact upon which reliance was placed when this transaction was made or entered into. Submission of this certification is a prerequisite for making or entering into this transaction by Section 1352, title 31, U. S. Code. Any person who fails to file the required certification shall be subject to a civil penalty of not less than \$10,000 and not more than \$100,000 for each such failure.

## **12. Audit Requirement.**

- a.** If PNA is a nonprofit organization receiving a total of \$750,000 or more in federal direct or indirect funds, PNA shall comply with the provisions of Uniform Administrative Requirements, Cost Principles, and Audit Requirements for Federal Awards; 2 CFR 200. To this end, PNA shall have an audit conducted by an independent certified public accountant in accordance with Government Auditing Standards. The auditor shall determine whether:
  - i.** The financial statements of PNA present fairly its financial position and the results of its operations in accordance with generally accepted accounting principles.
  - ii.** PNA has an internal control structure to provide reasonable assurance that PNA is managing federal awards in compliance with applicable laws and regulations, and controls that ensure compliance with the laws and regulations that could have a material impact on the financial statements; and
  - iii.** PNA has complied with laws and regulations that may have a direct and material effect on its financial statement amounts and on each major federal program.
- b.** Audit reports must be prepared at the completion of the audit. The audit report shall state that the audit was made in accordance with the provisions of Uniform Administrative Requirements, Cost Principles, and Audit Requirements for Federal Awards; 2 CFR 200. The audit report shall be made up of at least the following three parts:
  - i.** The financial statements and a schedule of federal awards and the auditor's report on the statements and the schedule.
  - ii.** A written report of the independent auditor's understanding of the internal control structure and the assessment of control risk.
  - iii.** An auditor report on compliance.
- c.** If PNA receives less than \$750,000 per year it is exempt from federal audit requirements, but records must be available for review by appropriate officials.

- d. No audit costs shall be allowable costs if audits required by Uniform Administrative Requirements, Cost Principles, and Audit Requirements for Federal Awards; 2 CFR 200 have not been made or have been made but not in accordance with Uniform Administrative Requirements, Cost Principles, and Audit Requirements for Federal Awards; 2 CFR 200.425. In cases of continued inability or unwillingness to have a proper audit in accordance with Uniform Administrative Requirements, Cost Principles, and Audit Requirements for Federal Awards; 2 CFR 200, PNA will be subject to appropriate sanction.
- e. If an audit is required, it shall be done annually. Audits shall be completed within six (6) months of the end of PNA’s fiscal year. A copy of the audit report shall be submitted to the City of Seattle – Human Services Department within thirty (30) days after the completion of the audit. In addition to the audit report, PNA shall provide a copy of the audit management letter and a report of its comments on the findings and recommendations in the report, including a plan for corrective action if necessary. Resolution of all findings must be made within six (6) months of the receipt of the audit report.
- f. Use of small audit firms and audit firms owned and controlled by socially and economically disadvantaged individuals is encouraged.

**13. Attorney fees.** Each party shall bear its own attorney fees and costs.

**14. Notices.** Any notice required or permitted to be delivered under this Sub-Recipient Agreement must be in writing and shall be deemed given on the earlier of actual receipt or (i) when delivered, if delivered by hand during regular business hours, (ii) three (3) days after being sent by United States Postal Service, registered or certified mail, postage prepaid, return receipt requested and first class mail, postage prepaid, or (iii) the next business day if sent by a reputable national overnight express mail service that provides tracing and proof of receipt or refusal of items mailed. Notices to the City and/or Purchaser shall be delivered as follows:

If to the City:

THE CITY OF SEATTLE  
Department of Finance and Administrative  
Services  
Attn: Karen Gruen  
700 Fifth Avenue, Suite 5200  
P.O. Box 94689  
Seattle, WA 98124-4689  
Telephone: 206-733-9238



Note: If delivering notice by hand pursuant to subsection (i) above, notice must be delivered to the City’s street address; if sending notice by U.S. Mail pursuant to subsection (ii) above, notice must be sent to the City’s P.O. Box; and if sending notice by overnight express mail service pursuant to subsection (iii) above, notice must be delivered to the City’s street address.

If to the PNA:

PHINNEY NEIGHBORHOOD  
ASSOCIATION  
Attention: Christi Beckley, Executive Director  
6532 Phinney Avenue North  
Seattle, WA 98103  
Telephone: 206-783-2244

**15. Compliance with Laws.** As a subrecipient of a community development block grant, the PNA shall comply with the requirements of Title 24 of the Code of Federal Regulations, Part 570 (the Housing and Urban Development regulations concerning community development block grants), as may be amended during the Term. The PNA shall also comply with all other applicable federal, state and local laws, regulations and policies governing the Property and its conveyance to the PNA. The PNA shall also utilize the Property to supplement rather than supplant funds and property otherwise available to the PNA.

**16. Indemnification.** PNA shall defend, indemnify, and hold the City, its elected officials and employees harmless from and against any and all losses, allegations, claims, actions, suits, charges, costs, fees and judgments whatsoever, including reasonable attorney’s fees, to the extent arising out of (i) the PNA’s performance of this Agreement, including any performance of the services or obligations of this Agreement by PNA’s subcontractors, subrecipients, agents, employees, or representatives, and (ii) any breach of this Agreement by PNA, including but not limited to failure to comply with any requirements of the applicable federal regulations, HUD, City, and/or other applicable federal, state and/or municipal laws, statutes, regulations, and/or requirements. The obligations under this Section shall survive the expiration of this Agreement for the period of legal limitation applicable to any claim that to which PNA’s obligations under this Section apply.

**17. Insurance.** PNA retains all responsibilities and shall bear all costs and liabilities of any kind related to the ownership, operation, upkeep, and maintenance of the Property and the provision of the services under this Agreement, including the maintenance of liability insurance coverage with a liability limit of not less than \$1,000,000 per occurrence and \$1,000,000 in the aggregate. Such insurance shall name the City as an additional insured, shall provide for at least thirty (30) days’ notice to the City before cancellation, and shall provide that the act or omission of one insured will not invalidate the policy as to the other

insured party. The parties release and relieve the other and waive their entire right to recovery for loss or damage to the extent that the loss or damage is covered by insurance.

**18. Assignment.** The PNA may not voluntarily or involuntarily, directly or indirectly, sell, transfer, assign, pledge or otherwise dispose of, or mortgage, pledge, hypothecate or otherwise encumber, or permit or suffer any encumbrances of, all or any part of its rights or obligations hereunder, without the City’s prior written approval, which shall not be unreasonably withheld.

**19. Effective Date.** When used in this Agreement, the term “**Effective Date**” is the date the deed conveying title to the Property from the City to the PNA is recorded in the records of the King County Recorder. Each party authorizes the endorsement of such date for administrative reference in the space provided in the Agreement’s heading.

**20. Counterparts.** This Agreement may be executed in counterparts, each of which when taken together shall form a complete Agreement.

**CITY:**

THE CITY OF SEATTLE, a first-class charter city of the State of Washington acting by and through its Department of Finance and Administrative Services

By: \_\_\_\_\_

Printed Name: Michelle Reed

Title: Chief Operating Officer, Department of Finance and Administrative Services

**PNA:**

THE PHINNEY NEIGHBORHOOD ASSOCIATION, a Washington nonprofit corporation

By: \_\_\_\_\_

Printed Name: Christi Beckley

Title: Executive Director

**[Attachments A and B follow]**

**Attachment A**  
**To**  
**Phinney Neighborhood Association Subrecipient Agreement**

**PHINNEY NEIGHBORHOOD ASSOCIATION SCOPE OF SERVICE AND STATEMENT OF WORK**

Greenwood Senior Center (GSC), a program of the Phinney Neighborhood Association (PNA) will offer programs and social services at the Property that provide an opportunity for thousands of seniors each year to enhance physical fitness, mental stimulation, emotional well-being and social connections. In addition, all classes will be open to people of all ages, as the PNA strives to offer intergenerational programming at all of its sites, including the Property.

The collection of services in this statement will be offered without discrimination to all members of the community seeking to participate in the services at the Property (also referred to in this attachment as the Greenwood Senior Center). During the term of the Subrecipient Agreement, the PNA will provide the following types of activities and services at levels comparable to services provided during 2019 unless otherwise approved by the City, recognizing that the types and levels of services will vary to some extent over the term of the Subrecipient Agreement. PNA will be responsive to the community's needs and interests, and will respond accordingly by adapting programming in a manner consistent with the requirements of the Subrecipient Agreement. In 2019, GSC served 2,435 individuals over age 50, and another 1046 under age 50 at the Property.

**Food and Nutrition Programming**

GSC offers programs geared toward addressing the dietary and nutritional challenges faced by seniors including a daily community dining lunch program in partnership with another nonprofit, and a once weekly dinner and nutrition classes. In 2019, there were 245 nutrition and food activities at the Property.

**Health Promotion, Wellness, and Fitness**

Senior programming has a strong emphasis in health promotion, wellness and fitness. Some of the offerings include ongoing classes and one-time activities. These currently include: Zumba Gold, line dancing, yoga, yoga for osteoarthritis, tai chi, walking groups, low impact exercise and stretching. In 2019, there were 824 activities at the Property in health promotion, wellness, and fitness.

**Education, Recreation, Socialization, and Personal Growth**

PNA offers many education and recreation activities and classes each month. They include computer classes, cell phone mentoring, computer mentoring, and resume classes. Art classes include watercolor and drawing, printmaking, coloring for relaxation, senior stitchers and jewelry making. PNA has speakers on a range of subjects including history

and the humanities. We offer many opportunities for social connection and personal growth including elder culture groups, book groups, movie afternoon, current events group and special topics. Our members also have opportunities to volunteer and stay engage with greater community including our Talk Time Program, our community garden group, and volunteering in the community. In 2019, there were 923 activities at the Property in education, recreation, socialization, and personal growth.

### **Social Services and Support Groups**

GSC has a strong and healthy social services program. Headed by our licensed social worker, programs include one-on-one counseling, family consultations and 9 monthly support groups. The GSC also has a program for people with a diagnosed memory loss including The Gathering Place, a Tuesday and Thursday enrichment program. We also have a Memory Loss Chorus, an Alzheimer’s Café and always an additional special program each quarter. Our social worker provides support for caregivers through her counseling and support groups, and twice a year offers Powerful Tools for Caregivers, a six week class that gives tools to support caregivers. This year we are beginning a collaboration with a homeless women’s shelter to provide a support group for homeless, aging women. In 2019, there were 297 activities in social services and support groups.

### **Community Gathering and Meeting Spaces**

Rooms at the GSC are available for hourly rentals, in-kind exchanges, and occasionally free use to community groups. Spaces are available for a variety of purposes, including educational, events, meetings, seminars, and retreats. Use of space is open to anyone, regardless of race, religion, sexual orientation, or special abilities. In 2019, PNA rented to 56 groups and individuals.

**Attachment B  
Form of Certificate of  
Assurance of Compliance**

**ASSURANCE OF COMPLIANCE  
WITH  
TITLE VI OF THE CIVIL RIGHTS ACT OF 1964  
AND  
SECTION 504 OF THE REHABILITATION ACT OF 1973**

The Agency provides this assurance in consideration of and for the purpose of obtaining federal grants, loans and contracts (except contracts of insurance or guaranty), property, discounts or other federal financial assistance as an Agency to the City.

The Agency assures that it will comply with:

1. Title VI of the Civil Rights Act of 1964, as amended, 42 USC 2000d et. seq., which prohibits discrimination on the basis of race, color or national origin in programs and activities receiving federal financial assistance.
2. Section 504 of the Rehabilitation Act of 1973, as amended, 29 USC 794, which prohibits discrimination on the basis of handicap in programs and activities receiving federal financial assistance, and regulations thereunder, 24 CFR Part 8.

The Agency agrees that compliance with this Assurance constitutes a condition of continued receipt of federal financial assistance and that it is binding upon the applicant, its successors, transferees and assignees for the period during which such assistance is provided. The Agency further assures that all Consultants, subcontractors, sub-grantees or others with whom it arranges to provide services or benefits in connection with programs or activities are not discriminating in violation of the above statutes, regulations, guidelines and standards. In the event of failure to comply, the Agency understands that the contract can be terminated and the Agency denied the right to receive further assistance.

**CERTIFICATION**

***I, the undersigned, do hereby certify under penalty of perjury that I am authorized to sign this certification on behalf of the Agency.***

\_\_\_\_\_  
Authorized Official Signature

\_\_\_\_\_  
Date

PHINNEY NEIGHBORHOOD ASSOCIATION, a Washington non-profit corporation  
Agency Name

6532 Phinney Avenue North, Seattle, WA 98103  
Address (Street, State, Zip Code)

**Exhibit B**  
**Form of Deed**

**Return Address:**

PHINNEY NEIGHBORHOOD ASSOCIATION  
Attention: Christi Beckley, Executive Director  
6532 Phinney Avenue North  
Seattle, WA 98103

**Please print or type information WASHINGTON STATE RECORDER’S Cover Sheet  
(RCW 65.04)**

<p><b>Document Title(s)</b> (or transactions contained therein): (all areas applicable to your document <b>must</b> be filled in)</p> <p style="text-align: center;">1. QUIT CLAIM DEED CONVEYING DETERMINABLE ESTATE WITH COVENANTS</p>
<p><b>Reference Number(s) of Documents assigned or released:</b></p> <p style="text-align: center;">NONE</p>
<p><b>Grantor(s)</b> (Last name, first name, initials)</p> <p>CITY OF SEATTLE, a Washington municipal corporation</p>
<p><b>Grantee(s)</b> (Last name first, then first name and initials)</p> <p>PHINNEY NEIGHBORHOOD ASSOCIATION, a Washington non-profit corporation</p>
<p><b>Legal description</b> (abbreviated: i.e. lot, block, plat or section, township, range)</p> <p>N ½ of 2 and E 60 FT of 3, Block 19, Osner’s 2d Add, King County, WA</p>
<p><b>Assessor’s Property Tax Parcel/Account Number</b>      <input type="checkbox"/> Assessor Tax # not yet assigned</p> <p>643050-0322</p>
<p>The Auditor/Recorder will rely on the information provided on the form. The staff will not read the document to verify the accuracy or completeness of the indexing information provided herein.</p>

**QUIT CLAIM DEED CONVEYING DETERMINABLE ESTATE WITH COVENANTS**  
(the “**Deed**”)

This Deed conveys real property located in King County, Washington legally described as follows:

THE NORTH HALF OF LOT 2; AND THE EAST 60 FEET OF LOT 3; BLOCK 19, OSNER’S SECOND ADDITION TO SEATTLE, ACCORDING TO THE PLAT THEREOF RECORDED IN VOLUME 12 OF PLATS, PAGE 3, IN KING COUNTY, WASHINGTON, EXCEPT THE SOUTH 110 FEET OF SAID PORTION OF LOT 3.

Situate in the City of Seattle, County of King, State of Washington (the “Property”).

For good and valuable consideration, the receipt of which is hereby acknowledged, **THE CITY OF SEATTLE (“Grantor”)**, a Washington municipal corporation, hereby conveys and quitclaims to the **PHINNEY NEIGHBORHOOD ASSOCIATION (“Grantee”)**, a Washington non-profit corporation, all Grantor’s right, title and interest in the Property, other than the rights expressly reserved in this Deed, for: (i) so long as the Property is used as a non-profit senior center to provide social services in compliance with the Covenant for Use of the Property in Section B below; and (ii) so long as any additional development or expansion of improvements on the Property is limited to improvements dedicated to senior services facilities, affordable housing, or both; and at such time when the Property is no longer used as provided in this Deed, the Property shall revert to Grantor and its heirs and successors. By acceptance of this Deed and signature below, the Grantee hereby binds itself and its successors and assigns, grantees, and lessees forever to use the Property as provided in this Deed, and further covenants as follows:

A. Environmental Covenant

1. The Property is conveyed AS-IS, WHERE-IS, WITH-ALL-FAULTS, AND WITHOUT ANY REPRESENTATION OR WARRANTY WHATSOEVER, EXPRESS OR IMPLIED, AS TO ITS CONDITION, ENVIRONMENTAL OR OTHERWISE, OR ITS SUITABILITY OR SUFFICIENCY FOR THE GRANTEE’S INTENDED USES AND PURPOSES. Grantee acknowledges that adverse physical, economic or other conditions (including without limitation, adverse environmental soils and ground-water conditions), either latent or patent, may exist on the Property. Grantee assumes Grantor’s responsibility for all environmental conditions of the Property, known or unknown, including but not

limited to responsibility, if any, for investigation, removal or remediation actions relating to the presence, release or threatened release of any Hazardous Substance (defined below) or other environmental contamination relating to the Property. Grantee also hereby releases and shall indemnify, defend, and hold Grantor and its past, present and future officials, employees, and agents, harmless from and against any and all claims, demands, penalties and costs assessed by any regulatory agency, fees, damages, losses, expenses (including but not limited to attorneys' fees, contractors' and consultants' fees and costs), and liabilities arising out of, or in any way connected with, the condition of the Property, including but not limited to any alleged or actual past, present or future presence, release or threatened release of any Hazardous Substance in, on, under or emanating from the Property, or any portion thereof or improvement thereon, from any cause whatsoever; it being intended that Grantee shall so indemnify Grantor and such personnel without regard to any fault or responsibility of Grantor or Grantee. The obligation to complete all environmental investigation, removal or remediation of the Property and the acknowledgement, release and indemnification touch and concern the Property, restrict the use of the Property, constitute an assessment against the Property and are intended to run with the land and bind Grantee and Grantee's heirs, successors and assigns, and inure to the benefit of Grantor and its successors and assigns.

2. For purposes of this Environmental Covenant, the term "Hazardous Substance" shall mean petroleum products and compounds containing them; flammable materials; radioactive materials; polychlorinated biphenyls ("PCBs") and compounds containing them; asbestos or asbestos-containing materials in any friable form; underground or above-ground storage tanks; or any substance or material that is now or hereafter becomes regulated under any federal, state, or local statute, ordinance, rule, regulation, or other law relating to environmental protection, contamination or cleanup.
3. Grantee's release shall include both claims by Grantee against Grantor and cross-claims against Grantor by Grantee based upon claims made against Grantee by any and all third parties. The obligation to indemnify and defend shall include, but not be limited to, any liability of Grantor to any and all federal, state or local regulatory agencies or other persons or entities for remedial action costs and natural resources damages claims. The obligation to complete all environmental investigation, removal or remediation of the Property and the acknowledgement, release and indemnification touch and concern the Property, restrict the use of the Property, constitute an assessment against the Property and are intended to run with the land and bind Grantee and Grantee's heirs, successors and assigns, and inure to the benefit of Grantor and its successors and assigns. This release means that Grantee accepts the Property "as-is, where-is and with-all-faults," and that Grantee assumes all responsibility of Grantor to investigate, remove and remediate any environmental conditions on the Property and has no recourse against Grantor or any of its officers, employees or agents for any claim or liability with respect to the Property.
4. Grantor shall have the right to defend itself and seek from Grantee recovery of any damages, liabilities, settlement awards and defense costs and expenses incurred by Grantor if Grantee does not accept unconditionally Grantor's tender to Grantee of the duty to investigate, remove and/or remediate environmental conditions on the Property and/or defend and indemnify Grantor against any such claim, suit, demand, penalty, fee, damages, losses, cost



or expense. This Covenant shall apply regardless of whether or not Grantee is culpable, negligent or in violation of any law, ordinance, rule or regulation. This Covenant is not intended, nor shall it, release, discharge or affect any rights or causes of action that Grantor or Grantee may have against any other person or entity, except as otherwise expressly stated herein, and each of the parties reserves all such rights including, but not limited to, claims for contribution or cost recovery relating to any Hazardous Substance in, on, under or emanating from the Property.

**B. Covenants Regarding Use of the Property:**

1. The Property shall be continuously owned and used by a non-profit organization that shall use the Property to provide social services for the public, focusing on needs of seniors. Additionally, the Property shall be used in compliance with the Subrecipient Agreement between The City of Seattle and Phinney Neighborhood Association dated as of the same date herein (the “Subrecipient Agreement”) for the full term of the Subrecipient Agreement, including the five year recapture period following its expiration.
2. Title shall automatically revert to the City if the Property is not owned and used by a non-profit organization to provide social services programs for the public or if the Subrecipient Agreement is terminated early for material default.
3. For purposes of this Deed, “social services” means services consistent with the Subrecipient Agreement (during its term) and RCW 43.83.410. For purposes of this Deed, “affordable housing” means housing development that creates and maintains housing units on the Property with a mix of units that are affordable to households with income levels up to 80% of area median income and with a majority of units serving households with incomes up to 60% of adjusted median income.
4. Services targeted to meet the needs of seniors may include but not be limited to:
  - a. Health services and wellness programs;
  - b. Assistance and support for accessing benefits available to low-income seniors;
  - c. Low cost meals and nutritional support;
  - d. Fitness and recreation programs;
  - e. Social and educational gatherings; and
  - f. Affordable housing.
5. Grantee is authorized to sell the Property only if all the following conditions are satisfied: (a) the sale must be subject to prior written approval by the Grantor and, if applicable, the State of Washington; (b) all proceeds from such a sale must be applied to the purchase price of a different property or properties of equal or greater value than the Property; and (c) (i) any new property or properties must be used for the purposes stated in Section B and the new property or properties must be available for use within one year of sale or (ii) the nonprofit organization must enter into an agreement with Grantor to reimburse Grantor for the value of the Property at the time of the sale if the nonprofit organization ceases to use the new property for the purposes described in Section B.1.

6. Nothing herein shall preclude use of the Property for fundraising activities to benefit the primary purposes of the Grantee.

C. Additional Covenants

1. With the prior written consent of Grantee (which shall not be unreasonably withheld), Grantor shall have the right to enter the Property during weekday business hours for the purpose of making inspections of the property to determine if there is compliance by Grantee with the terms of this Deed. Grantee shall not request inspection more than annually unless Grantee has reasonable cause to believe there is a violation of one or more covenant in this Deed.
2. After expiration of the Subrecipient Agreement, the Grantee shall annually, no later than March 31, if requested in writing by the Director, submit to the Director of Finance and Administrative Services, or the head of any successor agency, certification that it has used the Property consistent with the covenants and limitations of this Deed.
3. If the Property reverts to Grantor, then Grantor will execute in favor of Grantee a Deed covenant release, notice of reversion, or similar document relating to such reversion that will include environmental covenants which will be effective on a prospective basis after the date of such reversion or reconveyance to release Grantee from any subsequent environmental liabilities, excluding any environmental conditions that may have been created or caused by Grantee while it owned the Property.
4. Grantee shall use the Property in compliance with all municipal, county, state and federal laws, ordinances and regulation and shall comply with all applicable equal employment opportunity and nondiscrimination laws of the United States, the State of Washington, and The City of Seattle, including but not limited to Chapters 14.04, 14.10 and 20.42 of the Seattle Municipal Code, as they may be amended from time to time, and rules, regulations, orders and directives of the associated administrative agencies and their officers.
5. Grantee shall comply with all applicable provisions of the Americans with Disabilities Act of 1990 (ADA) in use of the Property and provision of services required by this Deed.
6. Grantee shall not deny an otherwise qualified individual any services anticipated by or required under this Agreement on the grounds of race, color, sex, religion, national origin, creed, marital status, age, sexual orientation, political ideology, ancestry, or the presence of any sensory, mental or physical handicap. Grantee shall not discriminate on any of the foregoing grounds in the awarding of any contract, in the provision of services required by this Deed.

D. Notice and Remedy

1. The provisions in this Section D shall apply following the expiration of the Subrecipient Agreement and shall not in any way amend, limit, or otherwise require the Grantor to take any action with respect to the reversion of the Property to Grantor and Grantor's heirs and assigns at such time as the Property is no longer used as provided in the granting clause above and Section B. This section applies to any breach of one of more of the Covenants in Section A and C ("Deed Requirement").
2. If Grantor reasonably determines that the Grantee is in violation of any Deed Requirement or that a violation is likely to occur, Grantor shall give written notice to Grantee of such violation and demand specific corrective action in writing sufficient to cure the violation.
3. Grantor may bring an action as provided in Section D.4 if Grantee:
  - a. Fails to cure a violation of any Deed Requirement within thirty (30) days after receipt of written notice thereof from Grantor; or
  - b. Under circumstances where the violation cannot reasonably be cured within the thirty (30) day period, fails to begin curing such violation within the thirty (30) day period, or fails to diligently pursue the cure to completion.
4. Grantor may bring an action at law or in equity, or both, to enforce the terms of the Deed Requirement, to enjoin the violation, ex parte as necessary and as allowed under the applicable civil rules, by temporary or permanent injunction. All such actions for injunctive relief may be taken without Grantor being required to post bond or provide other security.
5. Grantor's remedies described in this Section D shall be cumulative and shall be in addition to all remedies now or hereafter existing at law or in equity.
6. Enforcement of the Deed Requirements shall be at the discretion of the Grantor in accordance with the terms of this Section D. Any forbearance by Grantor to exercise its rights under this Deed shall not be deemed or construed to be a waiver by Grantor of such term or of any of Grantor's rights under this Deed, including the reversion of the Property. Grantor's delay or omission in the exercise of any right or remedy upon any breach by Grantee shall not impair such right or remedy or be construed as a waiver.
7. Nothing contained in this Section D shall be construed to entitle Grantor to bring any action against Grantee to abate, correct, or restore any condition on the Property or to recover damages for any injury to or change in the Property resulting from actions by a trespasser upon the Property or causes beyond Grantee's control, including, without limitation, civil unrest, epidemic, natural disaster, fire, flood, storm, pest infestation, earth movement, and climate change, and from any prudent action taken by Grantee under emergency conditions to prevent, abate, or mitigate significant injury to the Property resulting from such causes. The Property is conveyed subject to all existing easements, covenants, restrictions, conditions, reservations, exceptions, and agreements, recorded and unrecorded, and the Grantor makes no warranties of any kind as to the title of the Property.

The Property is conveyed subject to all existing easements, covenants, restrictions, conditions, reservations, exceptions and agreements, recorded and unrecorded, and the Grantor makes no warranties of any kind as to the title of the Property.

IN WITNESS WHEREOF, the parties have caused this instrument to be executed.

<p><b>GRANTOR:</b> THE CITY OF SEATTLE, a Washington municipal corporation</p> <p>By: _____ Michelle Reed</p> <p>Title: Chief Operating Officer, Finance and Administrative Services</p> <p>Date: _____</p>	<p><b>GRANTEE:</b> Phinney Neighborhood Association, a Washington non-profit corporation</p> <p>By: _____ Christi Beckley</p> <p>Title: Executive Director</p> <p>Date: _____</p>
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This Quit Claim Deed is executed and delivered pursuant to City of Seattle Ordinance \_\_\_\_\_.

Page \_\_\_ of \_\_\_

[Notary page follows]

STATE OF WASHINGTON )

) ss.

COUNTY OF KING )

On this \_\_\_\_ day of \_\_\_\_\_, 2021, before me, the undersigned, a Notary Public in and for the State of Washington, duly commissioned and sworn, personally appeared **Michelle Reed** known to me (or proved to me on the basis of satisfactory evidence) to be the **Chief Operating Officer of Finance and Administrative Services of The City of Seattle**, the municipal corporation named in and which executed the foregoing document, and stated on oath that he was authorized to execute the foregoing document on behalf of said municipal corporation and signed the same as the free and voluntary act and deed of said municipal corporation for the uses and purposes therein mentioned.

WITNESS my hand and official seal hereto affixed the day and year in this certificate above written.

\_\_\_\_\_  
Name: \_\_\_\_\_  
NOTARY PUBLIC in and for the State of  
Washington, residing at \_\_\_\_\_  
My commission expires: \_\_\_\_\_

STATE OF WASHINGTON )

) ss.

COUNTY OF KING )

On this \_\_\_\_ day of \_\_\_\_\_, 2021, before me, personally appeared **Christi Beckley**, to me known to be the \_\_\_\_\_ of **Phinney Neighborhood Association**, the Washington non-profit corporation who executed the foregoing instrument, and acknowledged the same to be the free and voluntary act and deed of said corporation for the uses and purposes therein mentioned, and on oath stated that \_\_\_\_\_ was authorized to execute such document for and on behalf of said corporation.

WITNESS my hand and official seal hereto affixed the day and year written above in this certificate.

\_\_\_\_\_  
Name: \_\_\_\_\_  
NOTARY PUBLIC in and for the State of  
Washington, residing at \_\_\_\_\_  
My commission expires: \_\_\_\_\_

**SUMMARY and FISCAL NOTE\***

<b>Department:</b>	<b>Dept. Contact/Phone:</b>	<b>CBO Contact/Phone:</b>
Finance and Administrative Services	Karen Gruen 206-733-9238	Jennifer Breeze 206-256-5972

*\* 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**

**Legislation Title:**

AN ORDINANCE relating to the transfer of City property located at 525 North 85th Street; authorizing the conveyance of the property to the Phinney Neighborhood Association, a Washington non-profit corporation, consistent with the intent of Resolution 31856 and to provide for the continued delivery of social services; making findings of fact about the consideration for the transfer; superseding Resolution 31837 for the purposes of this ordinance; and authorizing the Director of Finance and Administrative Services or designee to execute and deliver documents necessary to carry out the conveyance of such property on the terms and conditions of this ordinance.

**Summary and background of the Legislation:**

For many years, the City has contemplated conveying title to certain senior centers/community centers, each to its non-profit operator, so long as the operator demonstrates the capacity to own and operate the property. The City is now prepared to move forward with the transfer of title on one such property to its non-profit operator, Phinney Neighborhood Association (PNA), pursuant to City Council Resolution 31856 for Mutual and Offsetting Benefit Properties.

In 1977, the City of Seattle (“City”) purchased a medical clinic on an approximately 22,000-square-foot site located at 525 North 85th Street for use as a neighborhood senior center (“Greenwood Senior Center”). The purchase money included funds from a community development block grant from the United States Department of Housing and Urban Development and from an award of Referendum 29 funds as administered by the State of Washington Department of Social and Health Services.

In 1987 the City entered into a long-term mutual and offsetting benefit lease (“GSC Lease”) with Senior Services of Seattle/King County and Greenwood Senior Center, Inc. (“GSC, Inc.”), both organizations being non-profit corporations and operating as joint tenants, pursuant to which the tenants paid no cash rent in exchange for a commitment to use the Greenwood Senior Center to provide off-setting public benefits in the form of senior services and which then converted to a month-to-month lease.

In 2006, the GSC, Inc. and the Phinney Neighborhood Association, a Washington non-profit corporation (“PNA”), merged, with the PNA acquiring all of the GSC, Inc.’s right, title, and interest in the GSC Lease (including the GSC Inc.’s standing as a month-to-month tenant).

Pursuant to those certain *Procedures for Evaluation of the Reuse and Disposal of the City's Real Property*, as first adopted by Resolution 29799 and amended by Resolutions 30862 and 31837 ("Disposition Procedures"), in May 2015 FAS declared the Greenwood Senior Center excess to its needs. In 2016 and 2017 pursuant to the Disposition Procedures, FAS conducted public outreach with respect to the proposed conveyance of the Greenwood Senior Center to the PNA. The outreach identified no opposition to the proposed conveyance.

Purchase money for the Greenwood Senior Center came in part from the Washington State Social and Health Services Facilities 1972 bonds ("1972 Bonds"). RCW 43.83.410 permits the transfer of property acquired with 1972 Bonds to non-profit agencies without consideration, so long as the transferee uses the property to furnish services benefitting the public.

As a month-to-month tenant under the GSC Lease, PNA continues to use the Greenwood Senior Center for purposes of furnishing social services to older, adult residents of the Greenwood neighborhood. Services furnished include classes, events, daily hot lunch program, and social activities.

Pursuant to City Council resolution 31856 as adopted in 2018, the City Council declared its intent to collaborate with the Executive in transferring properties subject to mutual and offsetting benefit ("MOB") leases. Each property would be transferred to its non-profit operator. Consideration would be in the form of a promise from the non-profit operator to use the property to provide social services benefitting the community.

The 2019 *Memorandum of Agreement Implementing Criteria for Initiating Transfer of Mutually Offsetting Facilities to Tenants*, by and amongst six, City of Seattle departments and offices, charged an interdepartmental team with determining whether a tenant under a MOB lease met the criteria for the conveyance of the leased premises. This team recently determined that the PNA met such criteria and is thus eligible to take title to the Greenwood Senior Center.

FAS and the PNA have agreed to the terms and conditions governing the City's conveyance of the Greenwood Senior Center to the PNA. The agreement remains subject to the City Council's approval.

## 2. CAPITAL IMPROVEMENT PROGRAM

Does this legislation create, fund, or amend a CIP Project?       Yes  No

## 3. SUMMARY OF FINANCIAL IMPLICATIONS

Does this legislation amend the Adopted Budget?       Yes  No

**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?**  
Conveying title to the Greenwood Senior Center to its nonprofit operator the Phinney Neighborhood Association in exchange for a commitment to furnish needed social services

or a combination of social services and affordable housing means that the City will forego the monetary value of these properties in its citywide real estate holdings. In 2020, the King County Assessor assigned a value of \$4.9 million to the Greenwood Senior Center.

**Is there financial cost or other impacts of *not* implementing the legislation?**

The financial impact of not conveying the property to the Phinney Neighborhood Association is that the City would continue to be responsible for the cost of maintenance. For example, for 2019 and 2020, the City spent \$11,600 and \$3,500, respectively, to maintain the Greenwood Senior Center. Conveying the Greenwood Senior Center to the Phinney Neighborhood Association would allow the City to avoid estimated maintenance costs of \$7,550 for each of 2021 and 2022.

#### **4. OTHER IMPLICATIONS**

**a. Does this legislation affect any departments besides the originating department?**

Yes. Representatives from six departments and offices were participants on an interdepartmental team tasked with overseeing the disposition of properties subject to Mutual and Offsetting Benefit leases, such as the lease for the Greenwood Senior Center.

**b. Is a public hearing required for this legislation?**

No. While no public hearings are required or have been held to date, discussion of this legislation will be held before the City Council's Finance and Housing Committee and/or full City Council.

**c. Is publication of notice with *The Daily Journal of Commerce* and/or *The Seattle Times* required for this legislation?**

No. However, the disposition of the Greenwood Senior Center triggered a review under the State Environmental Policy Act pursuant to Washington Administrative Code section 197-11-800(5)(b). A notice of the determination of non-significance issued by FAS was published on July 31, 2017 in the Seattle Daily Journal of Commerce.

**d. Does this legislation affect a piece of property?**

Yes. See map attached to this fiscal note.

**e. Please describe any perceived implication for the principles of the Race and Social Justice Initiative. Does this legislation impact vulnerable or historically disadvantaged communities? What is the Language Access plan for any communications to the public?**

The impact of the legislation is limited to vesting the property's title in its non-profit operator, with no disruption to the ongoing delivery of social services.

However, an underlying principle of MOB property transfers is that it brings control of these properties closer to the communities and clients they serve. Greenwood Senior Center has historically served the vulnerable elder community in Greenwood. Transferring this property



is a community priority and this transfer is aligned with City priorities such as community wealth building and community ownership.

No language access plan was prepared as outreach for the disposition pre-dates the 2017 Executive Order requiring such a plan.

**f. Climate Change Implications**

**1. Emissions: Is this legislation likely to increase or decrease carbon emissions in a material way?**

No impact is expected.

**2. Resiliency: Will the action(s) proposed by this legislation increase or decrease Seattle's resiliency (or ability to adapt) to climate change in a material way? If so, explain. If it is likely to decrease resiliency in a material way, describe what will or could be done to mitigate the effects.**

No impact is expected.

**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)?**

Not applicable.

**List attachments/exhibits below:**

Summary Attachment A – Depiction of the location of the Greenwood Senior Center

### Depiction of the location of the Greenwood Senior Center



#### Greenwood Senior Center PMA 145

Feet 0 20 40 80 120 Feet



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No guarantee of any part implied, including accuracy, completeness or fitness of use February 2017

- Site:** 21,987 square feet (City property); 3,171 square feet (PNA property)
- Zoning:** NC2-55 (M)
- Building area:** 9,587 square feet

May 21, 2021

## MEMORANDUM

**To:** Land Use and Neighborhoods Committee  
**From:** Lish Whitson, Analyst  
**Subject:** Council Bill 120086 – Transfer of the Greenwood Senior Center to the Phinney Neighborhood Center

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On May 26, 2021, the Land Use and Neighborhoods Committee will discuss and may vote on [Council Bill 120086](#), which would transfer ownership of the [Greenwood Senior Center](#) (GSC) from the Department of Finance and Administrative Services (FAS) to the [Phinney Neighborhood Association](#) (PNA), which has managed the GSC since 2006. The property, at 525 N 85<sup>th</sup> Street, was acquired by the City in 1978 to be used as a senior center and has been kept in that use ever since. CB 120086 would transfer the property to the PNA with a subrecipient agreement and quit claim deed with covenants to ensure that the property continues to be used for social services with a focus on meeting the social, physical and mental health welfare needs of seniors.

This is the third of three agreements the Executive has developed to transfer City-owned properties to non-profits with which the City has had mutual and offsetting benefits lease agreements (MOB).<sup>1</sup> These transfers are in response to [Resolution 31856](#), which asked the Executive to prepare agreements to transfer MOB properties to their tenants. Consistent with Resolution 31856, the Council recently approved the transfer of [Byrd Barr Place](#) and the [Central Area Senior Center](#) to their tenants.

This memorandum provides information on the Greenwood Senior Center and describes the agreements that would be approved by CB 120086.

### **Greenwood Senior Center**

The GSC, a former medical clinic at 525 N 85<sup>th</sup> Street in the Greenwood neighborhood, was [acquired](#) by the City in 1978 for use as a senior center in 1978. Funding for the acquisition and renovation of the GSC included funding from Washington State Referendum 29 and Community Development Block Grants (CDBG). These funding sources include requirements that the City ensure that the property continue to be used for public purposes. Because of the CDBG funding, the PNA will become a “subrecipient” of the property under federal law.

The GSC is a two-story 9,587 structure on a 21,987 square foot lot. The property is zoned Neighborhood Commercial 2-55 with a Mandatory Housing Affordability suffix (NC2-55 (M)), allowing mixed-use development up to 55 feet.

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<sup>1</sup> Mutual and Offsetting Benefit (MOB) leases allow the tenants of a City-owned building to pay the City rent, in whole or in part, through the public services they provide.

In 1980, the City [contracted](#) with Senior Centers and Services, Inc. to manage the new senior center. An MOB lease with Senior Services Center, Inc. was [signed](#) in 1987. In 2006, the PNA and Senior Services merged. Since 2006, the PNA has managed the GSC and provided services to seniors in Greenwood and surrounding areas under a month-to-month MOB lease. In addition to managing the GSC, the PNA owns an abutting parcel that provides some parking for the center.

### **Council Bill 120086**

CB 120086 would transfer ownership of 525 N 85<sup>th</sup> Street as-is to PNA at no cost to PNA for ongoing use for social service activities through a [Transfer Agreement](#), a [Subrecipient Agreement](#), and a [Quit Claim Deed with Covenants](#).

These agreements require continuous use of the property to “provide and operate social services to the public with a focus on meeting the social, physical, and mental health and welfare needs of seniors.” The intended uses of the property are identified in the deed as including, but not being limited to:

- a. Health services and wellness programs;
- b. Assistance and support for accessing benefits available to low-income seniors;
- c. Low-cost meals and nutritional support;
- d. Fitness and recreation programs;
- e. Social and educational gatherings; and
- f. Affordable housing.<sup>2</sup>

If the property is redeveloped, it would be required to continue to be used for social services and could include affordable housing.<sup>3</sup> PNA would indemnify the City against any environmental liabilities resulting from the property.

Under the terms of the agreements and federal and state law, ownership of the property would revert to the City if:

1. the PNA becomes in “material default” of the terms of the subrecipient agreement as described in section 7 of the agreement;
2. the property stops being used to meet a [national objective](#) during the term of the subrecipient agreement, or in the five-year period following its end;<sup>4</sup> or

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<sup>2</sup> Additional information about these activities is included in a Scope of Service and Statement of Work attached to the subrecipient agreement.

<sup>3</sup> “Affordable housing” is defined in section B.3. of the Deed as being affordable to households earning up to 80% of area median income (AMI), with a majority of units affordable to households with incomes up to 60% AMI.

<sup>4</sup> The subrecipient agreement will be in effect for fifteen years. Under federal law, the requirement that the property be used for national objectives continues for an additional five years after the end of the term of the subrecipient agreement.

3. pursuant to the Revised Code of Washington (RCW) section [43.83.410](#), the property stops being used for social services.

Under its MOB agreement with the City, the PNA does not pay cash rent, and instead provides services in lieu of rent. If the property is not transferred, FAS anticipates that it would need to spend an average of \$7,550 a year in 2021 and following years to maintain the property.

CB 120086 would transfer ownership of the property to PNA ensuring continuing community ownership of the facility and continued use of the facility for social service activities. The transfer would vest ownership in the property in its non-profit operator, bringing greater control over the operations of the center to the community it serves, while ensuring its continued use as a senior center. It would also have the benefit of relieving the City's maintenance obligations.

### **Next Steps**

A vote on CB 120086 is currently scheduled for a possible vote at the Land Use and Neighborhoods Committee meeting on May 26, 2021. If approved in committee, it could be voted on by the City Council as early as June 2. The bill would authorize the Director of the Department of Finance and Administrative Services to sign the attached agreements with PNA, granting them possession of the property this year.

cc: Dan Eder, Interim Director  
Aly Pennucci, Policy and Budget Manager

# *Greenwood Senior Center Transfer* Mutual and Offsetting Benefit Building

May 26, 2021

*Andres Mantilla, Rico Quirindongo, Karen Gruen, Katie Sheehy*



**Seattle**  
Neighborhoods

# Background

- Six “Mutual and Offsetting Benefit” Buildings – a City-owned building leased to a community organization in exchange for providing community services
- Over the last several years, an interdepartmental team worked with 3 initial organizations for transfer:
  - Central Area Senior Center (transfer finalized in late 2020)
  - Byrd Barr Place (transfer finalized in late 2020)
  - Greenwood Senior Center – Phinney Neighborhood Association
- Ongoing work with the South Park Neighborhood Center.

# Background - Organizational Criteria

- In June 2019, City IDT established *Organizational Readiness Criteria* to assess capacity of MOB tenant organization to take on building:
  - Statement of Interest
  - Organizational Eligibility
  - Public Benefit
  - Development Eligibility
  - State of Organizational Operations
  - Facility Operations
  - Long-Term Building System Replacement
  - Community Consultation



# Phinney Neighborhood Association and Greenwood Senior Center

- GSC purchased in 1977 with a combination of state bonds and CDBG funds
- PNA was founded in 1980 with federal block grant. Now serves over 2500 community members
- In 1987, the City and PNA entered into a Mutual and Offsetting Benefit Lease agreement



# Key Points of Transfer Agreement

- PNA will continue to provide and operate social services to the public with a focus on seniors
- PNA assumes all environmental risk and indemnifies City from environmental liabilities
- If PNA redevelops the property or otherwise expands or constructs additional improvements, the improvements shall be for the provision of social services, which may be combined with affordable housing
- Property shall revert to the City if property is not used to meet objective



Legislation Text

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**File #:** CB 120081, **Version:** 1

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**CITY OF SEATTLE**

**ORDINANCE \_\_\_\_\_**

**COUNCIL BILL \_\_\_\_\_**

AN ORDINANCE relating to affordable housing on properties owned or controlled by religious organizations; modifying existing development standards to facilitate creation of affordable housing; amending Section 23.45.504 of the Seattle Municipal Code, renumbering Section 23.44.009 of the Seattle Municipal Code as Section 23.44.007 and Section 23.44.019 as Section 23.44.009; and adding new Sections 23.42.055, 23.44.019, 23.45.550, 23.47A.040, 23.48.100, and 23.49.037 to the Seattle Municipal Code.

WHEREAS, Seattle has an acute shortage of and need for housing affordable to households with low incomes, particularly extremely low-income households; and

WHEREAS, roughly one in seven Seattle households pays more than 30 percent of their income toward housing costs, a phenomenon called housing cost burden, which leaves very little to pay for other basic necessities like food, transportation, healthcare, and child care; and

WHEREAS, housing cost burden is particularly high for Black households, half of which in 2018 paid more than 30 percent of their income toward housing costs; and

WHEREAS, from 2006 to 2018 the share of rental housing in Seattle affordable to low-, very low-, and extremely low-income households fell from more than 80 percent to less than half; and

WHEREAS, in 2019, with support from leaders in Seattle's religious communities, the Washington State Legislature adopted Substitute House Bill 1377 (SHB 1377), requiring cities and counties to allow additional residential density for long-term affordable housing on property owned or controlled by a religious organization; and

WHEREAS, Seattle's faith institutions have a long history of supporting and creating affordable housing for low-income families and individuals, with the help of the City's housing levy and other public funds;

and

WHEREAS, religious organizations own property in multifamily, mixed-use, and single-family zones throughout Seattle, including many underdeveloped sites that could be feasible for affordable housing, provided adequate development capacity is available; and

WHEREAS, the City, through the Office of Housing, has helped finance hundreds of affordable rental apartments on land availed by faith-based organizations; and

WHEREAS, while religious organizations may be motivated, as a matter of mission, to redevelop their land into affordable housing, their property may not be ideal for residential development under existing regulations if, among other reasons, it lacks sufficient development capacity for a financially feasible multifamily project; and

WHEREAS, existing land use policy can increase the cost of affordable housing development, delay project delivery, introduce uncertainty into feasibility calculations, restrict areas of the city where affordable housing investment is viable, limit the opportunity to leverage scarce land available for affordable housing, or render a project altogether infeasible, particularly for projects seeking public funding; and

WHEREAS, several faith institutions have expressed interest in redeveloping their property with long-term affordable housing under the provisions required under SHB 1377; NOW, THEREFORE,

**BE IT ORDAINED BY THE CITY OF SEATTLE AS FOLLOWS:**

Section 1. A new Section 23.42.055 is added to the Seattle Municipal Code as follows:

**23.42.055 Low-income housing on property owned or controlled by a religious organization**

A. This Section 23.42.055 establishes the requirements for developments using alternative development standards for low-income housing on property owned or controlled by a religious organization where allowed by the provisions of the zone.

B. Eligible property. The property must be owned or controlled by a religious organization at the date of the permit application.

C. Affordability requirements

1. Eligible households. All dwelling units or congregate residence sleeping rooms permitted pursuant to this Section 23.42.055 shall serve only:

a. For rental units, households with incomes no greater than 80 percent of median income, adjusted by household size.

b. For ownership units, households with incomes no greater than 80 percent of median income, adjusted by household size.

2. Duration. The obligation to provide dwelling units meeting the requirements of subsection 23.42.055.B shall last for a period of 50 years from the date of the certificate of occupancy or, if a certificate of occupancy is not required, from the date of the final building permit inspection for the development to which this Section 23.42.055 applies.

3. Affordable rent. Monthly rent shall not exceed 30 percent of 80 percent of median income. For purposes of this subsection 23.44.055.C.3, "monthly rent" includes a utility allowance for heat, gas, electricity, water, sewer, and refuse collection, to the extent such items are not paid for tenants by the owner, and any recurring fees that are required as a condition of tenancy.

4. Affordable sale price

a. Affordable price - initial sales. The initial affordable sale price must be an amount in which total ongoing housing costs do not exceed 30 percent of 80 percent of median income. The Director of Housing will establish by rule the method for calculating the initial sale price including standard assumptions for determining upfront housing costs, including the down payment, and ongoing housing costs, which must include mortgage principal and interest payments, homeowner's insurance payments, homeowner or condominium association dues and assessments, and real estate taxes and other charges included in county tax billings. The Director of Housing may establish by rule a maximum down payment amount.

b. Affordable price - resales. Eligible households for purchase of an ownership unit

subsequent to the initial sale must have incomes no greater than 80 percent of median income at initial occupancy. The Office of Housing will establish by rule the formula for calculating maximum affordable prices for sales subsequent to the initial sale to allow modest growth in homeowner equity while maintaining long-term affordability for future buyers.

D. Agreement. As a condition of building permit issuance for a development according to this Section 23.42.055, the property owner and the City must enter into an agreement in a form acceptable to the City that includes housing covenants consistent with this Section 23.42.055 and the final plan set approved by the Department. The agreement must be recorded on the title of the property on which the low-income housing development is located.

E. Applicability. The alternative development standards for low-income housing on property owned or controlled by a religious organization that are available in each zone may be applied to projects that vested according to Section 23.76.026, prior to the effective date of this ordinance in accordance with subsection 23.76.026.G.

Section 2. Section 23.44.009 of the Seattle Municipal Code, enacted by Ordinance 125791, is renumbered to 23.44.007:

**~~((23.44.009))~~ 23.44.007 Mandatory Housing Affordability in RSL zones**

RSL zones that have a mandatory housing affordability suffix are subject to the provisions of Chapters 23.58B and 23.58C.

Section 3. Section 23.44.019 of the Seattle Municipal Code, enacted by Ordinance 125791, is renumbered to 23.44.009:

**~~((23.44.019))~~ 23.44.009 Design standards in RSL zones**

In RSL zones, the following provisions apply:

A. Pedestrian access at least 3 feet in width shall be provided between each principal structure and the street. This access may be over a driveway and may cross any required yards or interior separation. The

pedestrian access may be part of a driveway, provided that the pathway is differentiated from the driveway by pavement color, texture, or similar technique.

B. Each dwelling unit with a street-facing facade that is located within 40 feet of a street lot line shall have a pedestrian entry on that street-facing facade. The pedestrian entry shall be marked with a covered stoop, porch, or other similar architectural entry feature.

Section 4. A new Section 23.44.019 is added to the Seattle Municipal Code as follows:

**23.44.019 Alternative development standards for low-income housing on property owned or controlled by a religious organization**

In lieu of meeting development standards contained in subsection 23.44.010.A (minimum lot area), subsection 23.44.010.C (maximum lot coverage), subsection 23.44.011.B (floor area), subsection 23.44.012.A (height), and Section 23.44.017 (density), a proposed development that meets the requirements of Section 23.42.055 and subsection 23.44.019.A may elect to meet the alternative development standards in subsection 23.44.019.B through subsection 23.44.019.F.

A. Lot requirements

1. Development on a lot that meets one of the following criteria, but does not meet the additional requirements in subsection 23.44.019.A.2, may meet the alternative development standards in subsection 23.44.019.B and subsection 23.44.019.D through subsection 23.44.019.F:

- a. The lot has or abuts a lot with a religious facility or other use accessory to a religious facility; or
- b. The lot area is 10,000 square feet or greater; or
- c. The lot is in an RSL zone.

2. Development on a lot that meets the following additional requirements may meet the alternative development standards in subsection 23.44.019.C and subsection 23.44.019.D through subsection 23.44.019.F:

a. The lot area is 10,000 square feet or greater;

b. The lot is in an urban village, within 1/4 mile (1,320 feet) of an urban village, or within 1/4 mile (1,320 feet) of a transit stop or station served by a frequent transit route on the map required by subsection 23.54.015.B.4; and

c. The lot meets one of the following locational criteria:

1) The lot abuts, is located on a block front with, or is located across a right-of-way from a zone not designated a single-family zone; or

2) No lot line is located within 50 feet of a single-family dwelling unit.

B. Proposed development on lots meeting the criteria in subsection 23.44.019.A.1 but not subsection 23.44.019.A.2 may meet the following development standards:

1. The minimum lot area per dwelling unit is 1,500 square feet in SF 5000, SF 7200, and SF 9600 zones and 1,200 square feet in RSL zones.

2. The maximum lot coverage is 50 percent of lot area in SF 5000, SF 7200, and SF 9600 zones and 65 percent in RSL zones.

3. The maximum FAR limit is 1.0 in SF 5000, SF 7200, and SF 9600 zones and 1.2 in RSL zones. The applicable FAR limit applies to the total chargeable floor area of all structures on the lot.

4. In SF 5000, SF 7200, and SF 9600 zones, the maximum height for a proposed development that exceeds the maximum lot coverage limit in subsection 23.44.010.C is 22 feet. The maximum height for all other developments is 30 feet.

C. Proposed development on lots meeting the criteria in subsection 23.44.019.A.2 may meet the following development standards:

1. The minimum lot area per dwelling unit is 400 square feet.

2. The maximum lot coverage is 50 percent of lot area in SF 5000, SF 7200, and SF 9600 zones and 65 percent in RSL zones.



3. The maximum height limit is 40 feet in SF 5000, SF 7200, and SF 9600 zones and 50 feet in RSL zones.

4. The maximum FAR limit is 2.0 in SF 5000, SF 7200, and SF 9600 zones and 3.0 in RSL zones. The applicable FAR limit applies to the total chargeable floor area of all structures on the lot.

D. Permitted uses. In addition to the uses listed in Section 23.44.006, the following uses are permitted outright on lots meeting the requirements of this Section 23.44.019: apartments, cottage housing development, rowhouse development, and townhouse development.

E. Setback requirements. In addition to the yard requirements of Section 23.44.014, the following standards apply:

1. No structure shall be closer than 10 feet to a side lot line of an abutting single-family-zoned lot.

2. No structure shall be closer than 20 feet to a rear lot line of an abutting single-family-zoned lot.

3. No structure shall be closer than 5 feet to any lot line.

F. Maximum facade length. The maximum combined length of all portions of a facade within 20 feet of a lot line of an abutting single-family-zoned lot may not exceed 40 feet. Maximum facade length shall be measured as described in Section 23.86.015.

Section 5. Section 23.45.504 of the Seattle Municipal Code, last amended by Ordinance 125558, is amended as follows:

#### **23.45.504 Permitted and prohibited uses**

A. All uses are permitted outright, prohibited, or permitted as a conditional use according to Table A for 23.45.504 and this Section 23.45.504. Uses not referred to in Table A for 23.45.504 are prohibited, unless otherwise indicated in this Chapter 23.45 or Chapters 23.51A, 23.51B, or 23.57. Communication utilities and accessory communication devices, except as exempted in Section 23.57.002, are subject to the regulations in

this Chapter 23.45 and additional regulations in Chapter 23.57. Public facilities are subject to the regulations in Section 23.51A.004.

B. All permitted uses are allowed as a principal use or as an accessory use, unless otherwise indicated in this Chapter 23.45.

<b>Table A for 23.45.504 Permitted and ((Prohibited-Uses)) prohibited uses</b>		
	<b>Permitted and prohibited uses by zone</b>	
<b>Uses</b>	<b>LR1, LR2, and LR3</b>	<b>MR and HR</b>
A. Residential use except as listed	P	P
A.1. Congregate residence	X/P <sup>1</sup>	P/X <sup>2</sup>
B. Institutions	P/CU <sup>3</sup>	P/CU <sup>3</sup>
C. Uses in existing or former public		
C.1. Child care centers, preschools, schools, educational and vocational adult evening education classes, non-profit community centers, community projects and similar uses in existing or former	P	P
C.2. Other non-school uses in existing schools	Permitted pursuant to procedures established in Chapter 23.78	Permitted pursuant to procedures established in Chapter 23.78
D. Park and ride facilities		
D.1. Park and ride facilities on surface	X/CU <sup>4</sup>	X/CU <sup>4</sup>
D.2. Park and ride facilities in parking structures	X/P <sup>5</sup>	X/P <sup>5</sup>
E. Parks and playgrounds including	P	P
F. Ground-floor commercial uses	RC/P <sup>6</sup>	RC/P <sup>6,7</sup>
G. Medical service uses other than commercial uses	P/X (( <sup>7</sup> )) <sup>8</sup>	P/CU/X (( <sup>7</sup> )) <sup>8</sup>
H. Uses not otherwise permitted in parking structures	CU	CU
I. Cemeteries	P/X (( <sup>8</sup> )) <sup>9</sup>	P/X (( <sup>8</sup> )) <sup>9</sup>
J. Community gardens	P	P
K. Parking, flexible-use	X/P (( <sup>9</sup> )) <sup>10</sup>	P (( <sup>9</sup> )) <sup>10</sup>
L. All other uses	X	X

Footnotes to Table A for 23.45.504 <sup>1</sup> Congregate residences that are owned by a college or university; or charity; or are licensed by the State and provide on-site supportive services for seniors or persons with disabilities include meal service, cleaning service, health services, or similar. <sup>2</sup> Congregate residences that are owned by a not-for-profit entity or charity; or are licensed by the State and provide on-site supportive services are permitted only in locations within urban villages and urban centers. Supportive services include meal service, health services, and other services. <sup>3</sup> Supportive services include meal service, health services, and other services. Development standards are permitted outright; all others are administrative conditional uses pursuant to Section 23.45.504. <sup>4</sup> Prohibited in Station Area Overlay Districts (SAODs); conditional uses are permitted pursuant to Section 23.45.506 on surface parking existing as of January 1, 2017. <sup>5</sup> Prohibited in LR1 and LR2 zones, including low-rise zones, except prohibited in the SAOD. <sup>6</sup> Permitted in development that meets the requirements of Section 23.45.504. <sup>7</sup> Subject to subsection 23.45.504.E except in zones that include an RC designation. <sup>8</sup> Subject to subsection 23.45.504.F. <sup>9</sup> Prohibited in LR1 and LR2 zones. Permitted outright in all other zones existing as of January 1, 2017; permitted outright in garages; subject to Section 23.54.026. P = Permitted outright. C = Conditional use. RC = Conditional use areas zoned Residential Commercial (RC), and subject to the provisions of the RC zone, Chapter 23.46 X

\* \* \*

E. Ground-floor commercial use

1. Drive-in businesses are prohibited, as either a principal or accessory use.
2. The following uses are permitted as ground-floor commercial uses in ((Midrise)) MR and ((Highrise)) HR zones pursuant to Section 23.45.532:

Highrise)) HR zones pursuant to Section 23.45.532:

- a. Business support services;
- b. Food processing and craft work;
- c. General sales and services;
- d. Medical services;
- e. Offices;
- f. Restaurants; and
- g. Live-work with one of the uses permitted in this subsection 23.45.504.E as the

permitted commercial use.

F. Existing cemeteries are permitted to continue in use. New cemeteries are prohibited and existing cemeteries are prohibited from expanding. For purposes of this ((section)) Section 23.45.504, a change in a cemetery boundary is not considered an expansion in size and is permitted provided that:

1. ~~((the))~~ The change does not increase the net land area occupied by the cemetery;

2. ~~((the))~~ The land being added to the cemetery is contiguous to the existing cemetery and is not separated from the existing cemetery by a public street or alley whether or not improved; and

3. ~~((the))~~ The use of the land being added to the cemetery will not result in the loss of housing.

G. Except as provided in subsections 23.45.504.G.1 and 23.45.504.G.2 below, medical service uses other than permitted ground-floor commercial uses are prohibited.

1. Medical service uses in HR zones may be permitted as administrative conditional uses pursuant to subsection 23.45.506.F.

2. Medical service uses meeting the development standards for institutions are permitted outright on property conveyed by a deed from the City that, at the time of conveyance, restricted the property's use to a health care or health-related facility.

H. Fences and free-standing walls of utility services uses shall be set back from the street lot line by an average of 7 feet~~((7))~~ and be no less than 5 feet from the street lot line at any point. Landscaping shall be provided between the fence or wall and the street lot line. The Director may reduce this setback after finding that the reduced setback will not significantly increase project impacts, including but not limited to noise, odor, and the scale of the structure in relation to nearby buildings. Acceptable methods to reduce fence or wall impacts include changes in the height, design or construction of the fence or wall, including the use of materials, architectural detailing, artwork, vegetated trellises, decorative fencing, or similar features to provide visual interest facing the street lot line. Fences and walls may obstruct or allow views to the interior of a site. Where site dimensions and conditions allow, applicants are encouraged to provide both a landscaped setback between the fence or wall and the right-of-way, and a fence or wall that provides visual interest facing the street lot line, through the height, design or construction of the fence or wall, including the use of materials, architectural detailing, artwork, vegetated trellises, decorative fencing, or similar features.

Section 6. A new Section 23.45.550 is added to the Seattle Municipal Code as follows:

**23.45.550 Alternative development standards for low-income housing on property owned or controlled by a religious organization**

In lieu of meeting development standards contained in subsections 23.45.510.B and 23.45.510.C (floor area), subsections 23.45.512.A and 23.45.512.B (density), and subsections 23.45.514.A and 23.45.514.B (height), a proposed development that meets the requirements of Section 23.42.055 may elect to meet the alternative development standards in this Section 23.45.550.

A. Floor area

1. Development permitted pursuant to Section 23.42.055 is subject to the FAR limits as shown in

Table A for 23.45.550.

<b>Zone</b>	<b>Base FAR</b>	<b>Maximum additional exempt FAR<sup>1</sup></b>
LR1	1.5	0.3
LR2	1.8	0.3
LR3 outside urban centers and urba	2.5	0.5
LR3 inside urban centers and urban	3.25	0.5
MR	5.0	0.5
HR	16	1.0

Footnote to Table A for 23.45.550 <sup>1</sup> Gross floor area for uses listed in subsection 23.45.550.B.2 are exempt

2. In addition to the FAR exemptions in subsection 23.45.510.D, an additional FAR exemption up to the total amount specified in Table A for 23.45.550 is allowed for any combination of the following floor area:

- a. Floor area in units with two or more bedrooms and a minimum net unit area of 850 square feet;
- b. Floor area of a religious facility; and
- c. Floor area in a structure designated as a Landmark pursuant to Chapter 25.12; and

d. Any floor area in a development located within 1/4 mile (1,320 feet) of a transit stop or station served by a frequent transit route as defined in subsection 23.54.015.B.4.

3. Split-zoned lots

a. On lots located in two or more zones, the FAR limit for the entire lot shall be the highest FAR limit of all zones in which the lot is located, provided that:

- 1) At least 65 percent of the total lot area is in the zone with the highest FAR limit;
- 2) No portion of the lot is located in a single-family zone; and
- 3) A minimum setback of 10 feet applies for any lot line that abuts a lot in a single-family zone.

b. For the purposes of this subsection 23.45.550.A.3, the calculation of the percentage of a lot or lots located in two or more zones may include lots that abut and are in the same ownership at the time of the permit application.

B. Maximum height

1. Development permitted pursuant to Section 23.42.055 is subject to the height limits as shown in Table B for 23.45.550.

<b>Zone</b>	<b>Height limit (in feet)</b>
LR1	40
LR2	50
LR3 outside urban centers and urban villages	55
LR3 inside urban centers and urban villages	65
MR	95
HR	480

2. Split-zoned lots

a. On lots located in two or more zones, the height limit for the entire lot shall be the

highest height limit of all zones in which the lot is located, provided that:

- 1) At least 65 percent of the total lot area is in the zone with the highest height limit;
- 2) No portion of the lot is located in a single-family zone; and
- 3) A minimum setback of 10 feet applies for any lot line that abuts a lot in a single-family zone.

b. For the purposes of this subsection 23.45.550.B.2, the calculation of the percentage of a lot or lots located in two or more zones may include lots that abut and are in the same ownership at the time of the permit application.

C. Density limits. Development permitted pursuant to this Section 23.45.550 is not subject to the standards of subsections 23.45.512.A and 23.45.512.B.

Section 7. A new Section 23.47A.040 is added to the Seattle Municipal Code as follows:

**23.47A.040 Alternative development standards for low-income housing on property owned or controlled by a religious organization**

In lieu of meeting development standards contained in subsections 23.47A.012.A (height) and 23.47A.013.A (floor area), a proposed development that meets the requirements of Section 23.42.055 may elect to meet the alternative development standards in this Section 23.47A.040.

A. Maximum height

1. The applicable height limit for development permitted pursuant to Section 23.42.055 in NC zones and C zones as designated on the Official Land Use Map, Chapter 23.32 is increased as shown in Table A for 23.47A.040.

<b>Mapped height limit (in feet)</b>	<b>Height limit (in feet)</b>
30	55
40	75

55	85
65	95
75	95
85	145
95	145
145	200
200	240

2. Split-zoned lots

a. On lots located in two or more zones, the height limit for the entire lot shall be the highest height limit of all zones in which the lot is located, provided that:

- 1) At least 65 percent of the total lot area is in the zone with the highest height limit;
- 2) No portion of the lot is located in a single-family zone; and
- 3) A minimum setback of 10 feet applies for any lot line that abuts a lot in a single-family zone.

b. For the purposes of this subsection 23.47A.040.A.2, the calculation of the percentage of a lot or lots located in two or more zones may include lots that abut and are in the same ownership at the time of the permit application.

B. Floor area

1. Development permitted pursuant to Section 23.42.055 is subject to the FAR limits as shown in Table B for 23.47A.040.

<b>Table B for 23.47A.040 FAR limits for development permitted pursuant to Section 23.42.055</b>			
<b>Mapped height limit (in feet)</b>	<b>FAR limit for development that does not exceed mapped height limit</b>	<b>FAR limit for development that exceeds mapped height limit</b>	<b>Maximum additional exempt FAR<sup>1</sup></b>
30	2.75	3.25	0.5
40	3.5	4.5	0.5
55	4.25	5.25	0.5
65	5.25	5.75	0.5



75	5.75	5.75	0.5
85	6.25	7.0	1.0
95	6.5	7.0	1.0
145	7.25	8.0	1.0
200	8.5	9.0	1.0
Footnote to Table A for 23.47A.040 <sup>1</sup> Gross floor area for uses listed in subsection 23.47A.040.B.2 are exempt from FAR calculations up to this amount.			

2. In addition to the FAR exemptions in subsection 23.47A.013.B, an additional FAR exemption up to the total amount specified in Table B for 23.47A.040 is allowed for any combination of the following floor area:

- a. Floor area in units with two or more bedrooms and a minimum net unit area of 850 square feet;
- b. Floor area of a religious facility;
- c. Floor area in a structure designated as a Landmark pursuant to Chapter 25.12; and
- d. Any floor area in a development located within 1/4 mile (1,320 feet) of a transit stop or station served by a frequent transit route as defined in subsection 23.54.015.B.4.

3. Split-zoned lots

- a. On lots located in two or more zones, the FAR limit for the entire lot shall be the highest FAR limit of all zones in which the lot is located, provided that:
  - 1) At least 65 percent of the total lot area is in the zone with the highest FAR limit;
  - 2) No portion of the lot is located in a single-family zone; and
  - 3) A minimum setback of 10 feet applies for any lot line that abuts a lot in a single-family zone.
- b. For the purposes of this subsection 23.47A.040.B.3, the calculation of the percentage of a lot or lots located in two or more zones may include lots that abut and are in the same ownership at the time of the permit application.

C. Upper-level setback. An upper-level setback of 8 feet from the lot line is required for any street-facing facade for portions of a structure exceeding the mapped height limit designated on the Official Land Use Map, Chapter 23.32.

Section 8. A new Section 23.48.100 is added to the Seattle Municipal Code as follows:

**23.48.100 Alternative development standards for low-income housing on property owned or controlled by a religious organization**

A proposed development that meets the requirements of Section 23.42.055 may achieve additional height and FAR as provided in this Section 23.48.100.

A. Maximum height. The applicable maximum height limit for residential uses in development permitted pursuant to Section 23.42.055 in Seattle Mixed zones is increased by the following amounts:

1. For zones with a mapped maximum height limit of 85 feet or less, 20 feet.
2. For zones with a mapped maximum height limit greater than 85 feet, 40 feet.

B. Floor area. The applicable maximum FAR limit for residential uses in development permitted pursuant to Section 23.42.055 in Seattle Mixed zones is increased by the following amounts:

1. For zones with a mapped maximum residential height limit of 85 feet or less, 1.5 FAR.
2. For zones with a mapped maximum residential height limit greater than 85 feet, 3.0 FAR.

Section 9. A new Section 23.49.037 is added to the Seattle Municipal Code as follows:

**23.49.037 Alternative development standards for low-income housing on property owned or controlled by a religious organization**

In lieu of meeting development standards contained in 23.49.008.A (height) and 23.49.011.A.1 (floor area), a proposed development that meets the affordability and eligibility requirements of Section 23.42.055 may elect to meet the alternative development standards in this Section 23.49.037.

A. Maximum height. The applicable maximum height limit for residential uses in development permitted pursuant to Section 23.42.055 in Downtown zones is increased by the following amounts:

1. For zones with a mapped maximum height limit of 85 feet or less, 20 feet.
2. For zones with a mapped maximum height limit greater than 85 feet, 40 feet.

B. Floor area. The applicable maximum FAR limit for residential uses in development permitted pursuant to Section 23.42.055 in Downtown zones is increased by the following amounts:

1. For zones with a mapped maximum height limit of 85 feet or less, 1.5 FAR.
2. For zones with a mapped maximum height limit greater than 85 feet, 3.0 FAR.

Section 10. 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 \_\_\_\_\_, 2021, and signed by me in open session in authentication of its passage this \_\_\_\_\_ day of \_\_\_\_\_, 2021.

\_\_\_\_\_  
President \_\_\_\_\_ of the City Council

Approved / returned unsigned / vetoed this \_\_\_\_\_ day of \_\_\_\_\_, 2021.

\_\_\_\_\_  
Jenny A. Durkan, Mayor

Filed by me this \_\_\_\_\_ day of \_\_\_\_\_, 2021.

---

Monica Martinez Simmons, City Clerk

(Seal)

## SUMMARY and FISCAL NOTE\*

<b>Department:</b>	<b>Dept. Contact/Phone:</b>	<b>CBO Contact/Phone:</b>
OPCD	Nick Welch, 206-684-8203	Christie Parker, 206-684-5211

*\* 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**

**Legislation Title:** AN ORDINANCE relating to affordable housing on properties owned or controlled by religious organizations; modifying existing development standards to facilitate creation of affordable housing; amending Section 23.45.504 of the Seattle Municipal Code, renumbering Section 23.44.009 of the Seattle Municipal Code as Section 23.44.007 and Section 23.44.019 as Section 23.44.009; and adding new Sections 23.42.055, 23.44.019, 23.45.550, 23.47A.040, 23.48.100, and 23.49.037 to the Seattle Municipal Code.

**Summary and background of the Legislation:** To fulfill State requirements, address displacement, and support community resilience, Office of Planning and Community Development (OPCD) is proposing a suite of Land Use Code changes that would provide a development bonus for the construction of affordable housing on property owned or controlled by a religious organization. For qualifying affordable housing developments on religious organization sites, the proposal would increase maximum height, density, and/or floor area limits to allow more affordable homes than existing zoning would allow. The development bonus would range from allowing additional homes (and no height increase) in single-family zones, to 1-3 additional floors in most multifamily and mixed-use zones, to a maximum of six floors in zones with height limits above 85 feet. In accordance with SHB 1377, all housing developed under the proposed provisions must be affordable to households with incomes under 80 percent of area median income (AMI) for 50 years.

### **2. CAPITAL IMPROVEMENT PROGRAM**

**Does this legislation create, fund, or amend a CIP Project?** \_\_\_ Yes **X** No

### **3. SUMMARY OF FINANCIAL IMPLICATIONS**

**Does this legislation amend the Adopted Budget?** \_\_\_ Yes **X** No

**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 legislation would have no direct financial impacts to the City. Most if not all affordable housing projects eligible for the proposed provisions would likely require public funding from Office of Housing (OH) or another funding source. The legislation could therefore slightly increase the number of funding applications OH receives through its Notice of Funding Availability (NOFA) process.

This legislation would likely require changes to Accela, the cost for which is expected to be less than \$10,000 and will be paid for by Seattle Department of Constructions and Inspections (SDCI).

**Is there financial cost or other impacts of *not* implementing the legislation?**

The City is required under State law to provide a density bonus for affordable housing on religious organization properties. Failure to implement this or similar legislation could invite legal challenges that the City is neglecting an obligation to fulfill its statutory requirements.

#### **4. OTHER IMPLICATIONS**

**a. Does this legislation affect any departments besides the originating department?**

The legislation would affect and has been developed in partnership with the Office of Housing. As noted above, the legislation could increase the feasibility of affordable housing development on religious organization property, which in turn could increase applications for OH funds. The legislation could slightly alter the permit review process for SDCI by creating a new set of standards for affordable housing on religious organization-owned property. It may require a change in Accela to allow the Office of Housing to track affordable homes created under this new policy like OH does for other units required by the Land Use Code to be affordable. This impact would be minimal (less than \$10,000) and could include:

- 1) **A new document type** to support applicant upload of an agreement showing the intent to provide affordable housing in accordance with the religious property ordinance.
- 2) **A new custom list** to identify which ordinance is applicable given the multiple affordable housing ordinances in development at the moment.
- 3) **A new report** may be necessary but is unlikely to be complex, especially if the custom list in #2 is completed.

**b. Is a public hearing required for this legislation?**

A public hearing will be required under SMC 23.76.062 because this legislation would amend Title 23 and is a Type V Council land use decision.

**c. Is publication of notice with *The Daily Journal of Commerce* and/or *The Seattle Times* required for this legislation?**

Yes. At least one public hearing will be held during the City Council's deliberative process. Public notice was required in *The Daily Journal of Commerce* and the City's Land Use Information Bulletin of the comment and appeal period for our environmental review under SEPA.

**d. Does this legislation affect a piece of property?**

No. The legislation would not directly affect any specific piece of property but would modify the type and amount of affordable housing development allowed on certain properties owned

or controlled by religious organizations. Our analysis of King County Assessor data suggests that religious organizations currently own about 700 parcels in Seattle.

**e. Please describe any perceived implication for the principles of the Race and Social Justice Initiative. Does this legislation impact vulnerable or historically disadvantaged communities? What is the Language Access plan for any communications to the public?**

The legislation would provide a new tool to address the challenges of housing affordability and displacement, both of which disproportionately impact BIPOC communities. The Black population in the Central Area has dramatically decreased from more than 70% of the neighborhood's residents in the 1970s to less than one-fifth of the neighborhood's population today. Black faith organizations in the Central Area have advocated for affordable housing development on their property as a strategy to address displacement, strengthen community ties, and maintain community ownership in the neighborhood. When implemented with the support of public funds and tools like community preference, the proposed policy helps address historic and current injustices resulting from institutionalized racist practices by supporting community-driven and community-owned development.

Materials about this proposal on the [OPCD website](#) can be translated. OPCD and OH are planning to send information by mail to properties owned by religious organizations with information in the seven Tier 1 languages identified by OIRA.

**f. Climate Change Implications**

**1. Emissions: Is this legislation likely to increase or decrease carbon emissions in a material way?**

The legislation is not likely to have a material effect on carbon emissions. To the extent that the legislation facilitates incrementally more or larger affordable housing development in Seattle, the legislation could marginally increase the number of Seattle residents, specifically lower-income households, able to live in compact neighborhoods where they can meet their daily needs without the use of a vehicle.

**2. Resiliency: Will the action(s) proposed by this legislation increase or decrease Seattle's resiliency (or ability to adapt) to climate change in a material way? If so, explain. If it is likely to decrease resiliency in a material way, describe what will or could be done to mitigate the effects.**

No.

**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).**

Not applicable.

**List attachments/exhibits below:**

None



Affordable Housing on Religious  
Organization Property

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# Directors' Report

MAY 2021



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Dear neighbor,

For decades, Seattle's faith institutions have been valuable partners in our mission to increase affordable housing for low-income families and individuals. Many religious organizations and their non-profit development partners have built affordable homes with the help of the City's housing levy and other public funds. But more untapped opportunities remain.

Now more than ever, we must use every available tool to increase the availability of affordable homes for those experiencing homelessness, housing insecurity, or displacement.

To help advance these opportunities, in 2019 leaders from religious communities across Washington spearheaded the effort to pass a state law requiring cities to allow more homes when religious institutions undertake affordable housing projects. Today, we continue to work with them to refine local implementation of that state law.

Seattle has a long track record of investing in affordable housing in every corner of Seattle. This proposal is particularly exciting, not only because it can help our valuable public resources extend to more homes, but also because these properties are found across our city. We look forward to partnering with religious organizations to provide a range of solutions to meet our many needs — from the studio apartment with supports for a veteran who has experienced homelessness, to a family-sized home that lets a preschool teacher and her children remain in the city they love.

For those of you who have provided such valuable input so far, thank you for your continued feedback as we finalize this proposal. And for those new to this conversation, we invite your comments as we refine the options outlined in this plan.

Regards,



**Emily Alvarado, Director**  
Seattle Office of Housing



**Rico Quirindongo, Interim Director**  
Seattle Office of Planning and  
Community Development

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## Introduction

In fulfillment of State requirements in Substitute House Bill 1377 ([SHB 1377](#)), adopted in 2019, the Office of Housing (OH) and Office of Planning and Community Development (OPCD) seek to implement a new tool to simplify faith institutions' efforts to construct affordable housing and other community-supportive uses on their property. Coupled with the City's longstanding commitment to invest in affordable housing production, this new tool could also improve certain projects' financial feasibility and promote City priorities related to affordable housing, equitable development, and prevention of displacement, each of which is identified in Comprehensive Plan goals and policies.

The practice of building affordable housing on property owned by religious organizations is not new. The City, through OH, has already helped finance hundreds of affordable rental apartments on land availed by faith-based organizations. SHB 1377's emphasis on real estate owned by religious organizations recognizes their demonstrated interest in using land for mission-driven purposes, especially when congregations decrease in size, move to new locations, outgrow their present buildings, or determine that portions of their property, such as parking lots, exceed their needs.

While religious organizations may be motivated, as a matter of mission, to redevelop their land for affordable housing, their property may not be ideal for residential development under existing regulations. Many sites, for example, lack sufficient development capacity to support a financially feasible multifamily project. Land use policy can thus increase the cost of development, delay project delivery, introduce uncertainty into feasibility calculations, or render a project altogether infeasible, particularly for projects seeking public funding.

OPCD and OH have jointly prepared legislation that would amend development standards in the Land Use Code (Title 23 of the Seattle Municipal Code). These amendments would:

- Encourage affordable housing development on properties owned or controlled by religious organizations
- Help faith institutions repurpose their real estate assets to support their missions and address their congregations' changing needs
- Allow additional density for long-term affordable housing on religious organization property
- Provide greater flexibility for community-supportive uses on religious organization property

The proposal incorporates feedback gathered through outreach and engagement with faith-based organizations, housing developers, and other stakeholders. Several religious organizations in Seattle are at various stages of exploring redevelopment of their property, including some that must pursue standalone zoning changes in order to successfully compete for City funding for affordable housing development. OPCD has conducted an associated environmental analysis under the State Environmental Policy Act (SEPA), and the Seattle Department of Construction and Inspections (SDCI) has made a determination of non-significance. This report contains a summary of the proposal and an assessment of its potential effects.

## Background

### Policy background

In 2019, the Washington State Legislature adopted SHB 1377, requiring cities to allow additional density for long-term, income-restricted affordable housing on property owned or controlled by religious organizations, consistent with local needs. The requirement applies to all municipalities planning under the Growth Management Act (GMA), which includes Seattle. SHB 1377 stipulates that all housing developed with this additional density must be affordable to households with incomes at or below 80 percent of area median income (AMI) for at least 50 years. The required term of affordability would continue to apply regardless of whether the religious organization continues to own the property.

Seattle's local needs for affordable housing are enormous. Despite recent historic levels of investment in income-restricted rental and for-sale housing, Seattle nevertheless has a thoroughly documented acute shortage of housing affordable to low-income households, particularly extremely low-income households. From 2006 to 2018, the share of rental housing in Seattle affordable to households with extremely low, very low, and low incomes fell from more than 80 percent to less than half. About one in seven Seattle residents pays more than 30 percent of their income toward housing costs, a phenomenon called housing cost burden, which leaves very little to pay for other basic necessities, like food, transportation, healthcare, and childcare. Housing cost burden is particularly high among renter households in Seattle (44 percent), especially Black renter households, 58 percent of whom experience housing cost burden.

Under SHB 1377, a city must develop policies to implement the legislation's requirements after receiving a request from a religious organization for an increase in density for affordable housing development. After receiving several such requests, including a funding application in response to an OH Notice of Funding Availability (NOFA), City staff began working on local implementation of SHB 1377 through the proposed land use legislation described in this report. The Mayor expects to transmit legislation to the City Council in the first quarter of 2021.

### Community engagement

Beginning in 2020, OH and OPCD engaged with religious organizations, affordable housing developers, and other stakeholders to understand how flexibility in development standards could support their efforts to secure public financing for development of long-term affordable housing and help faith institutions address displacement and other community needs.

### Faith organizations exploring redevelopment

Both OH and OPCD have been contacted by and met with various congregations, faith institutions, and broader faith-based organizations considering, exploring, or pursuing redevelopment of their property in neighborhoods across Seattle. Some faith institutions are experiencing a decline in membership and have facilities or portions of their property that are underutilized and could be repurposed to provide affordable housing. Other faith institutions

are outgrowing their current space and are exploring redevelopment as a way to expand and co-locate their facility with affordable housing.

The following themes emerged from City staff conversations with Seattle faith organizations:

- Along with affordable housing, faith-based organizations expressed interest in developing community-supportive spaces, such as office space for faith institutions or non-profit organizations, space for childcare or other human services, and commercial space for community-based small businesses.
- Given the competitive environment for public subsidy and other financial support necessary for affordable and community-responsive development, representatives from faith institutions identified several key strategies for supporting project feasibility and capacity to successfully access financing. These included technical assistance, partnerships with experienced affordable housing developers, a predictable regulatory environment, and additional development capacity.
- Faith-based organizations regularly emphasized their intent to engage directly with neighbors and other community members to ensure future development would be responsive to community needs and desires.

### Neighborhood-based efforts in the Central District

Opportunities for redevelopment of sites owned by religious organizations are present citywide, but nowhere is the interest in marrying housing affordability with real estate opportunities presented by faith communities more pronounced than in Seattle's historically Black Central District. For example, the Central District is home to the Lutheran Church of the Good Shepherd, which together with low-income housing developer LIHI (Low Income Housing Institute) applied to OH for housing funds and was key to initiating SHB 1377 implementation in Seattle. The church and LIHI are seeking a contract rezone to secure funding and proceed with the project in the absence of the proposed code changes. But had this proposal already been in place, the necessary additional development capacity would have been available by right, averting the need for this time-consuming, costly, and unpredictable step. Considering the details of this proposed affordable housing project has provided an excellent example of the types of obstacles faced by these kinds of redevelopment efforts.

The Central District is also an area of focus for the Nehemiah Initiative, established in 2018.<sup>1</sup> As a faith-based community development initiative seeking to address the impacts of gentrification and combat displacement in the Central District, the organization supports congregations as they consider development of their property as a strategy to maintain their place in the community and advance their missions. The Nehemiah Initiative estimates that seven of the largest historically Black churches in the Central District own more than seven acres of land, with a total appraised value of nearly \$70 million. However, these churches would need significant financial, technical, and regulatory support to feasibly achieve their development or redevelopment goals.

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<sup>1</sup> Several churches participating in the Nehemiah Initiative already have affordable housing assets in OH's financial portfolio, including FAME Housing Association's Bryant Manor (currently under redevelopment) and Goodwill Association's Aridell Mitchell Home and Norman Mitchell Manor.



In recent years, the Nehemiah Initiative has partnered with the University of Washington's College of Built Environments on several interdisciplinary studios focused on options to retain ownership of real estate assets that historically Black churches hold in the Central District. City engagement with leaders from the Nehemiah Initiative, as well as students and faculty involved in the Nehemiah Studio, informed our understanding of the faith community's potential to substantially advance equity and affordability through implementation of SHB 1377 and the real estate, design, and planning needs of several participating churches.

## Public outreach

Since August 2020, OH and OPCD have maintained and regularly posted updates to a project website focused on the proposed policies. In November 2020, OH and OPCD produced a narrated video that provides background on the overall legislative process, explains the proposed policies under consideration, and offers opportunities for involvement. The City sends communications to its mailing list for this specific effort and includes updates in departmental newsletters. City departments also communicate about this project through several social media channels. In December 2020, the Mayor's Office issued a news release on this proposal, which generated media reporting. In March 2020, OPCD completed its environmental review of the proposed legislation under the State Environmental Policy Act (SEPA), which included publication of a Determination of Non-Significance (DNS), notice in the City's Land Use Information Bulletin and the *Daily Journal of Commerce*, and a 21-day comment and appeal period.



## Case studies

While the proposed policies will increase the likelihood that a religious organization can feasibly pursue redevelopment projects that feature affordable housing, there is precedent for this kind of partnership. The Seattle area has several recent examples of affordable housing constructed on land owned by religious organizations. Three recent examples of OH-funded affordable multifamily rental projects are highlighted below, along with a rowhouse project in Mount Vernon, Washington, that illustrates the potential for affordable homeownership projects as well. These projects demonstrate the type and scale of development that has already occurred on land owned by religious organizations.

While none required special zoning actions to enable the projects to proceed, additional development capacity could have increased the number of affordable homes created. Moreover, inquiries and funding applications from other religious organizations evidence the potential for other projects of similar scope and scale to proceed — provided adequate development capacity is available.





### Arbora Court

Completed in 2015, Arbora Court is a six-story affordable housing development in the University District. Constructed on a former surface parking lot owned by University Christian Church, it contains 133 studio, one-, two-, and three-bedroom affordable apartments, plus onsite services, a community room, and a playground. The congregation actively championed the project from its earliest days, partnering with developer Bellwether Housing to shape the eventual design and ensure inclusion of family-sized units and 40 homes reserved for people experiencing homelessness.



### Compass Broadview

Located in north Seattle, Compass Broadview is a 58-unit affordable housing development on a former surface parking lot owned by Luther Memorial Church, which continues to own and operate its church on an adjacent site. With half the units reserved for extremely low-income people and the remainder for households with incomes no more than half of the area median, the building provides apartments ranging from studios to three-bedroom units in a residential area of north Seattle.



### Compass Dekko Place

In 2015, Gethsemane Lutheran Church completed a renovation and expansion of its original facility in downtown Seattle, an example of faith-based affordable housing development in a dense urban context. Fifty affordable homes, including four reserved for adults with developmental disabilities, are co-located with a chapel, sanctuary, and ground-floor space for community services the church supports.



### Villa Santa Maria

Completed in 2007 by Catholic Housing Services, Villa Santa Maria is located outside Seattle in Mount Vernon, Washington. It provides a useful example of ground-related attached housing developed by a faith-based organization. This type of housing could provide permanently affordable homeownership options.

## Proposal summary

### Eligibility for the proposed policies

A new section in SMC Chapter 23.42 would establish eligibility requirements for development pursuing additional development potential through this proposed tool. Specific land use standards would vary by zone, as described below, and would be established in the respective chapter for each zone category.

### Affordability requirements

All housing developed under these proposed land use standards must remain affordable for at least 50 years for households whose incomes are no more than 80 percent of AMI. As the City expects these projects will require public funding, OH would complete ongoing regulatory compliance monitoring with other projects in its portfolio. The table at right shows income limits at 80 percent of AMI for various household sizes. Affordable housing developed under the proposed policy can include both rental and/or for-sale housing. For rental housing, monthly rent and utilities cannot exceed 30 percent of 80 percent of AMI; these maximum rental amounts are shown at right. For ownership housing developed with this tool, the initial affordable sales price must be an amount in which total ongoing housing costs do not exceed 30 percent of 80 percent of AMI. The minimum required term of affordability is a covenant that would run with the land and continue to apply regardless of whether the religious organization sells the property.

Income limits (2019)		
Family size	80% AMI	50% AMI
1 person	\$61,800	\$38,570
2 people	\$70,600	\$44,300
3 people	\$79,450	\$49,800
4 people	\$88,250	\$55,350

Affordable rent with utilities		
Unit size	80% AMI	50% AMI
Studio	\$1,545	\$968
1 bedroom	\$1,655	\$1,038
2 bedrooms	\$1,986	\$1,245
3 bedrooms	\$2,295	\$1,439

While the State legislation establishes a minimum affordability level, OH anticipates that religious organizations that use this legislation would require City funding. As a result, the City may require, depending on the type of project proposed, a deeper level of affordability and, in the case of for-sale development, permanent affordability for all future sales.

### Property owned or controlled by a religious organization

The proposed development standards would apply to construction of affordable housing meeting the criteria described above on property owned or controlled by a religious organization, as defined in RCW 35.21.915. SDCI would administer this eligibility requirement through the permitting process similarly to existing policies in SMC Chapter 23.42.054 that allow transitional encampments on property owned or controlled by a religious organization.

### Development standards

The size and form of development in Seattle is typically regulated by maximum limits on height, floor area, and density; required setbacks at and above street level; and other standards like

modulation requirements that affect the design of new structures. These regulations are established in Title 23 of the Seattle Municipal Code, often called the Land Use Code. These regulations also establish the uses that are allowed to occur on a given property according to its zoning. In residential zones, for example, commercial uses like retail and office are typically not allowed, though certain exceptions may apply.

The proposed legislation would implement a suite of land use code changes that increase the amount of affordable housing that can be developed on a property owned or controlled by a religious organization. In most zones, this increase would occur primarily through modifications to maximum height and floor area ratio (FAR) limits. Specific changes to development standards vary by zone, detailed below, and would be implemented through amendments to SMC Chapters 23.44, 23.45, 23.47A, 23.48, and 23.49.

#### Floor area ratio

Floor area ratio (FAR) is the ratio of a building's total square footage (floor area) to the size of the piece of land on which it is constructed. For example, if a building is subject to an FAR limit of 0.5, then the total square footage of the constructed building must be no more than half the area of the parcel itself. If the lot is 5,000 square feet, then the square footage of the building cannot exceed 2,500 square feet.

### Multifamily, Commercial, and Neighborhood Commercial zones

In multifamily and mixed-use zones, the proposal would allow additional development potential primarily through increases in maximum height and floor area ratio (FAR) limits. In most zones, the proposal would allow one to three additional stories of development compared to existing standards. Zones with this degree of change represent the majority of land area where multifamily and mixed-use development is allowed in Seattle. In some zones with higher current height limits, the proposal would allow four to six additional stories. No reductions in setback or design requirements are proposed.

Commercial and Neighborhood Commercial zones currently have a required upper-level setback for portions of a structure above 75 feet. The proposal would establish an additional upper-level setback of at least eight feet for any portion of a structure that exceeds the current height limit. For example, in an NC-40 zone, the height limit would increase to 75 feet, and any stories that exceed 40 feet would be required to recede at least eight feet from the property line to reduce their visual prominence from street level.



Current standards		Proposed standards for affordable housing on property owned or controlled by a religious organization		Floor area exempt from FAR if located in urban village or near frequent transit <sup>2</sup>		
		Height (feet)	FAR	FAR amount		
<b>Multifamily Residential zones</b>						
LR1	30	1.3	40	1.5	Up to 0.3	
LR2	40	1.4-1.6	50	1.8	Up to 0.3	
LR3	outside UV	40	1.8	55	2.5	Up to 0.5
	inside UV	50	2.3	65	3.25	Up to 0.5
MR	80	4.5	95	5.0	Up to 0.5	
HR	440	15	480	16	Up to 1.0	
<b>Commercial and Neighborhood Commercial zones</b>						
NC-30 / C-30	30	2.5	55	3.25	Up to 0.5	
NC-40 / C-40	40	3.0	75	4.5	Up to 0.5	
NC-55 / C-55	55	3.75	85	5.25	Up to 0.5	
NC-65 / C-65	65	4.5	95	5.75	Up to 0.5	
NC-75 / C-75	75	5.5	95	5.75	Up to 0.5	
NC-85 / C-85	85	5.75	145	7.0	Up to 1.0	
NC-95 / C-95	95	6.25	145	7.0	Up to 1.0	
NC-145 / C-145	145	7.0	200	8.0	Up to 1.0	
NC-200 / C-200	200	8.25	240	9.0	Up to 1.0	

In Commercial and Neighborhood Commercial zones, the proposal would increase height and FAR limits for affordable housing development. Some of the additional FAR would be available only for development that exceeds the current height limit, which would help address the potential bulk of future development.

- For zones with height limits under 85 feet, the height limit would increase by two or three stories. For development that does not exceed the current height limit, the proposal would provide an increase of 0.5-1.0 FAR, depending on the zone. The remaining additional FAR would be available (up to the maximum FAR listed above) only for development that exceeds the current height limit.
- For zones with current height limits of 85 and 95 feet, the proposal would allow development up to 145 feet. The FAR limit would increase to 7.0, with up to 1.0 FAR exempt for certain uses or under certain locational criteria. For development that does not exceed the current height limit, up to 1.0 additional FAR would be available; the remaining increase in FAR would be available only for development that exceeds the current height limit. Development above 85 feet is subject to building code provisions that require higher-cost steel and concrete construction, which could affect the likelihood that development projects maximize this additional height.
- In zones that already allow tower development of 14-20 stories, the proposal would allow up to 4-6 additional stories of development.

<sup>2</sup> Floor area exempt for certain uses: family-size housing, religious facility use, or preservation or adaptive reuse of existing landmark or historic structure.

## Flexibility for community uses

The proposal would provide an FAR exemption available for certain uses and in certain locations. Eligible uses include family-size housing (defined as two-bedroom units of at least 850 square feet), a religious facility, preservation or adaptive reuse of an existing landmark or historic structure, or location within one quarter-mile of a transit stop or station served by a frequent transit route.

In multifamily residential zones, small ground-floor spaces would be allowed for non-residential uses that support community goals. These spaces would be subject to existing standards for Residential-Commercial zones in SMC Chapter 23.46, which include limits on the size of the space, signage requirements, and noise standards. This change could allow an office associated with the religious institution that owns the property; small retail, like a corner grocer; arts and cultural space; or other small-scale commercial uses.

## Single-family zones

In single-family zones, the proposal would modify maximum density and FAR limits to allow construction of additional housing units in a form and at a scale similar to what is allowed under existing zoning.

Zone	Eligibility for additional development potential <sup>3</sup>		Current standards			Proposed standards for affordable housing on property owned or controlled by a religious organization		
	Type of use	Minimum site area	FAR	Density	Lot coverage	FAR	Density	Lot coverage <sup>4</sup>
<b>SF 5000, SF 7200, SF 9600</b>	Religious facility or other use associated with a religious facility on or abutting the site	10,000 square feet	0.5	1 unit per 5,000-9,600 sq. ft.	<i>Lots 5,000 sq. ft. and larger: 35 percent</i>  <i>Lots under 5,000 sq. ft.: 1,000 sq. ft. + 15 percent of lot area</i>	1.0	1 unit per 1,500 sq. ft.	50 percent
<b>RSL</b>	All property owned or controlled by a religious organization		0.75	1 unit per 2,000 sq. ft.	50 percent	1.2	1 unit per 1,200 sq. ft.	65 percent

In Residential Small Lot (RSL) zones, the proposed changes for affordable housing would be available on all properties owned or controlled by a religious organization. The proposal would increase the maximum FAR limit from 0.75 and to 1.2 and allow up to one housing unit per 1,200 square feet of lot area. The lot coverage limit would increase from 50 percent to 65 percent. No changes are proposed to yard requirements or the existing maximum height limit of 30 feet, so while additional affordable housing units could be created under the proposal, the scale of development would resemble what is allowed under current standards.

In SF 5000, SF 7200, and SF 9600 zones, the proposed changes to allow more affordable housing would be limited to sites owned or controlled by a religious organization that 1) have or abut a religious facility use or other use associated with or accessory to a religious facility, or 2) are at least 10,000 square feet in area. Under the proposal, these sites could develop to a maximum

3 In SF zones, either criterion (type of use or minimum site area) would make a site owned or controlled by a religious organization eligible for the proposed provisions.

4 Increase in lot coverage available only for development that does not exceed 22 feet in height.

FAR of 1.0, an increase from the current limit of 0.5. The proposal would allow one home per 1,500 square feet of lot area.

Siting requirements would apply that limit where structures could be located on the property with respect to neighboring lots. In addition to existing yard requirements, which would continue to apply, dwelling units would be not allowed within 10 feet of a side lot line or 20 feet of a rear lot line of an abutting a single-family-zoned lot. A maximum façade width limit of 40 feet would apply within 20 feet of any lot line.

No increase is proposed in existing maximum height limits of 30 feet for single-family zones. Development would be limited to 22 feet in height if exceeding the existing lot coverage limit of 35 percent up to the proposed maximum of 50 percent for SF zones.

### **Large sites in single-family zones**

For certain large sites in SF and RSL zones owned by religious organizations and meeting several criteria, the proposal would allow additional development capacity beyond the standards described above for long-term income-restricted affordable housing. This would encourage affordable housing on certain sites in single-family zones where factors like proximity to frequent transit, proximity or adjacency to higher-scale zones, or the site's size or locational characteristics provide infrastructure, access, and scale compatibility suitable to accommodate greater residential density.

Criteria for using these provisions would include development of 100 percent affordable housing, lot area of at least 10,000 square feet, a current use of a religious facility or other use directly associated with a religious facility, proximity to frequent transit service or an urban village boundary, and close proximity to a larger-scale or higher-intensity zone. Sites whose lot lines are all located at least 50 feet from a single-family dwelling unit would also be eligible if not located close to a higher-intensity zone.

In these situations, additional increases in maximum height, FAR, and density limits to facilitate additional construction of affordable housing could be allowed. In SF zones, these increases would not exceed an upper limit of a height of four stories and FAR of 2.0. In RSL zones, these increases would not exceed an upper limit of a height of five stories and FAR of 2.5.

### **Seattle Mixed and Downtown zones**

While most property owned by religious institutions is located in the zones described above, some sites are located in Seattle Mixed (SM) and Downtown zones. About two percent of land owned by religious organizations is located in SM zones, and two percent in Downtown zones. This amounts to about 10 acres in total.

SM zones are located primarily in South Lake Union, the U District, and Uptown, with smaller SM areas in North Rainier and Interbay/Dravus. Development standards in these areas and in Downtown vary substantially zone to zone, with some zones regulated primarily by height, some by FAR, and others by floor plate size limits or setback requirements. Further, zones that allow highrise tower development typically include distinct height limits for the podium and tower portions of the structure.

Given the variety and complexity of development standards in SM and Downtown zones, the proposal may allow additional density for affordable housing on religious organization-owned sites through a more generalized relative increase in height and floor area limits. For the purposes of environmental review, this analysis considers increases in height and floor area limits of up to 20 feet and up to 1.5 FAR for development where the current applicable height limit is 85 feet or less, and up to 40 feet and 3.0 FAR for zones where the current applicable height limit is greater than 85 feet. Some zones have different height limits for different use types. The percentage increases would apply to development in each height category. The following table details this approach for several representative SM and Downtown zones where religious organizations currently own property but is not an exhaustive list of all affected zones in these areas.

Development type	Proposed standards for affordable housing on property owned or controlled by a religious organization	
	Height limit increase	FAR increase
Development with height limits up to 85 feet	Up to 20 feet	Up to 1.5
Development with height limits greater than 85 feet	Up to 40 feet	Up to 3.0

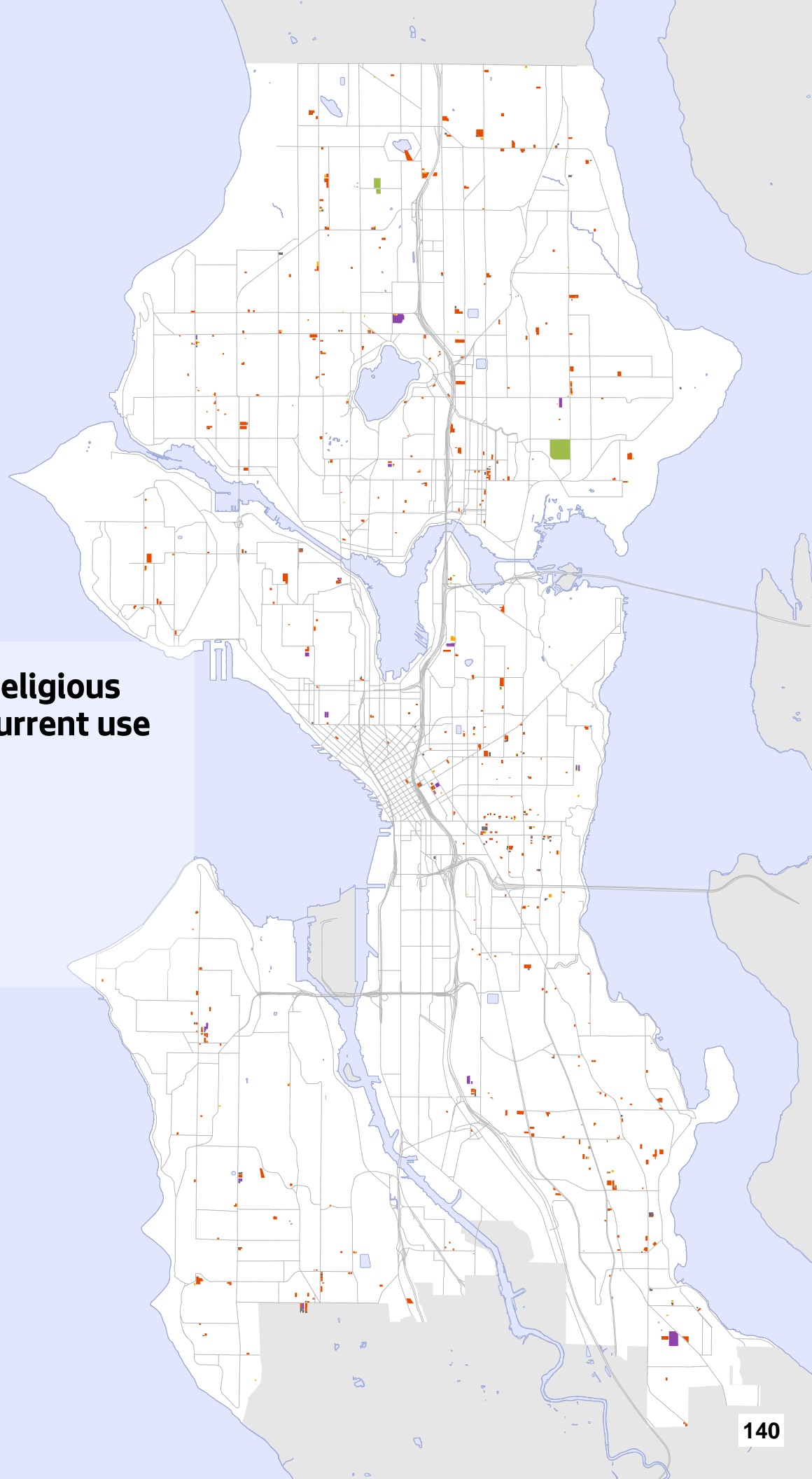
### Split-zoned sites

While most lots in Seattle are located entirely within a single zone, some have two or more zoning designations, a phenomenon called split zoning. For religious organizations pursuing affordable housing development, split zoning can complicate building design, increase project cost by requiring the development to conform to different height limits and setback requirements, and reduce the number of affordable homes that can be constructed. Further, to resolve split zoning, a religious property owner may seek a contract rezone to unify the zoning for their site, introducing a time-consuming, costly, and unpredictable step in the development process that delays project delivery.

To address this barrier to affordable housing construction, the proposal would allow the development standards of the most intensive zone to be applied to any portion of a lot or lots owned by a religious organization that comprises 35 percent or less of the total lot area, provided that no portion of the lot or lots is located in a single-family zone. This could result in structures that are taller, have more floor area, and contain more housing units than would otherwise be allowed under existing zoning and the provisions described above. A minimum setback of 10 feet would be required for any lot line that abuts a single-family-zoned lot. Existing setback requirements of the zone would also continue to apply. Based on our analysis of parcels owned by religious organizations, this flexibility would apply on only approximately 10 split-zoned sites, only some of which would meet the 35 percent lot area threshold mentioned earlier.

### Parcels owned by religious organizations by current use

- Religious facility
- Cemetery
- School
- Residential
- Other





## Analysis

### Affected areas

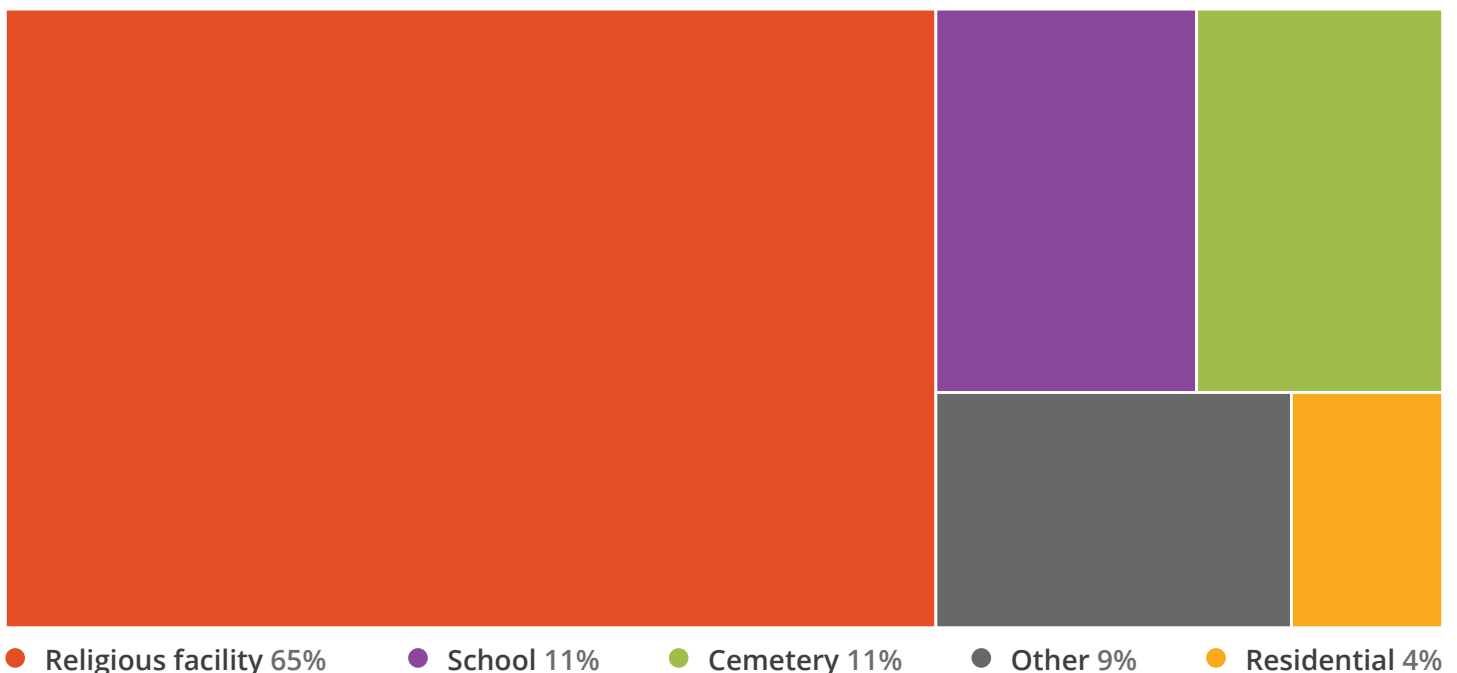
The proposal would modify the uses and types of development allowed on parcels owned or controlled by religious organizations in zones that already allow residential development. Religious organizations own property throughout Seattle. Parcels owned by faith institutions vary in size, including large, relatively underdeveloped tracts of land and small infill sites. These parcels are also located in most zones, including throughout single-family residential zones and throughout multifamily and mixed-use zones.

The following charts show the results of analysis of parcel data from the King County Assessor. It includes data related to the following set of parcels in Seattle:

- 1 Parcels where the current use is "religious facility" (65 percent of parcels analyzed)<sup>5</sup>
- 2 Other parcels owned by taxpayers through (1) (35 percent of parcels analyzed)

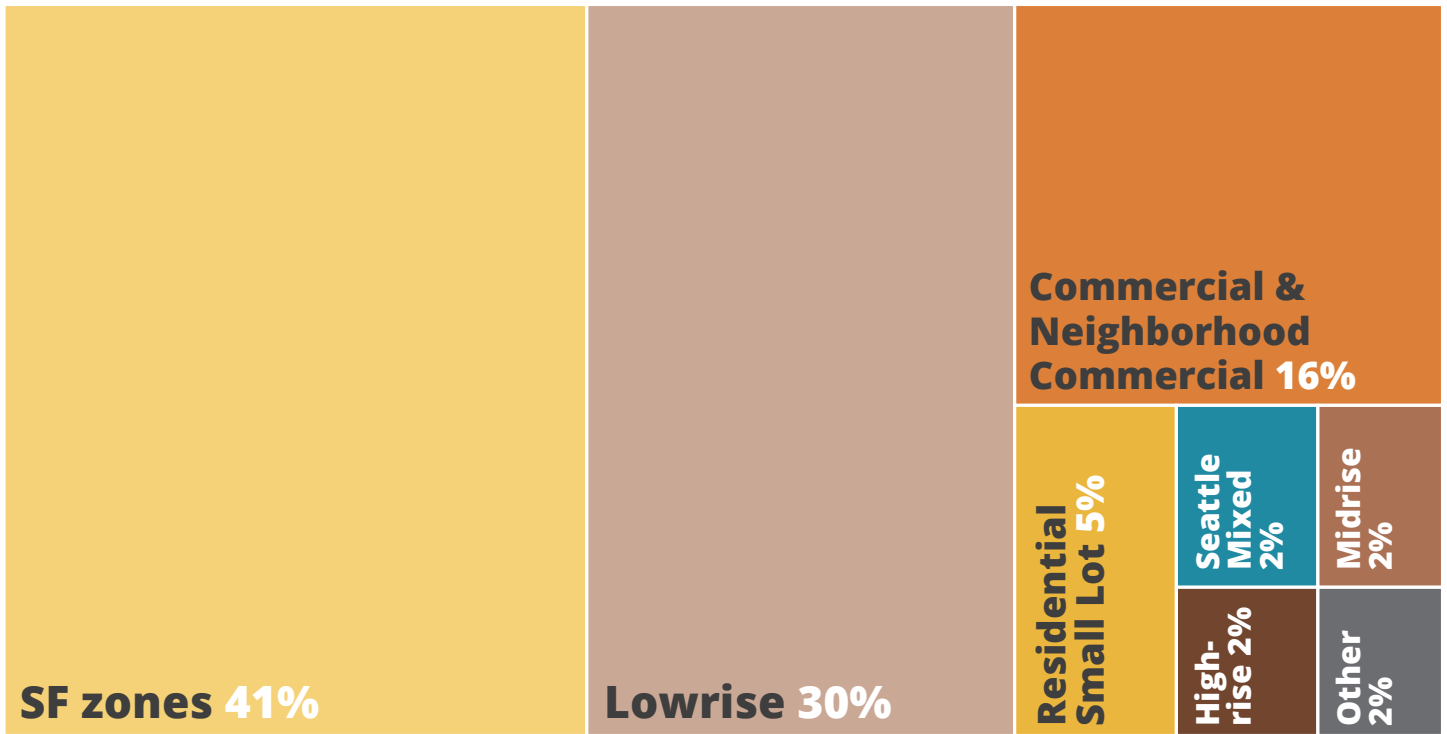
An example of the parcels included in (2) could be a parcel owned by a religious organization where the current use is "office." A total of 692 parcels comprising 396 acres are included in this analysis, out of almost 185,000 total parcels and 37,000 total parcel acres in Seattle. This amounts to roughly one percent of land in Seattle. The charts on this and the following page show the distribution of property that religious organizations own by zone category and use. The subsequent tables summarize by urban village and zone category the number of parcels and land area that these properties represent.

### Parcels owned by religious organizations by current use



5 Religious facility use is identified as "Church / welfare / religious services" in King County property data.

Parcels owned by religious organizations by zone category



### Parcels owned by religious organizations by urban village

Urban village	Parcels	Percent of total	Parcel area (acres)	Percent of total
23rd & Union-Jackson	81	12%	18.1	5%
Admiral	3	0%	1.6	0%
Aurora-Licton Springs	5	1%	1.5	0%
Ballard	11	2%	6.6	2%
Ballard-Interbay-Northend	1	0%	1.3	0%
Capitol Hill	10	1%	2.4	1%
Columbia City	10	1%	3.1	1%
Crown Hill	6	1%	1.8	0%
Downtown	11	2%	2.8	1%
First Hill-Capitol Hill	31	4%	11.2	3%
Fremont	2	0%	1.2	0%
Green Lake	5	1%	1.5	0%
Greenwood-Phinney Ridge	2	0%	1.6	0%
Lake City	5	1%	2.1	1%
Madison-Miller	15	2%	3.8	1%
Morgan Junction	1	0%	0.3	0%
Mt Baker	11	2%	4.5	1%
North Beacon Hill	6	1%	1.3	0%
Othello	25	4%	10.4	3%
Rainier Beach	8	1%	4.6	1%
Roosevelt	1	0%	2.8	1%
South Lake Union	5	1%	1.2	0%
South Park	4	1%	0.8	0%
University Community	26	4%	9.5	2%
Upper Queen Anne	6	1%	3.6	1%
Uptown	10	1%	3.9	1%
Wallingford	5	1%	2.4	1%
West Seattle Junction	14	2%	6.8	2%
Westwood-Highland Park	24	3%	10.2	3%
Outside urban villages	358	52%	275.1	70%
<b>Total</b>	<b>692</b>	<b>100%</b>	<b>395.7</b>	<b>100%</b>

Land owned by religious organizations (number of parcels)

Parcel size (square feet)	Single-Family			Multifamily						Mixed-use										Seattle Mixed							Other zones	Total
	SF	RSL	Total	LR1	LR2	LR3	MR	HR	Total	NC-30 / C-30	NC-40 / C-40	NC-55 / C-55	NC-65 / C-65	NC-75 / C-75	NC-85 / C-85	NC-95 / C-95	NC-125 / C-125	NC-200 / C-200	Total	SM-SLU	SM-U	SM-UP	SM-NR	SM-RB	SM-D	Total		
0-5,000	37	5	42	1-	12	28	5	2	57	-	3	15	2	4	-	-	-	-	24	-	-	1	-	1	-	2	3	128
5,001-10,000	68	1-	78	8	29	35	-	4	76	-	1	16	-	9	-	2	-	1	29	3	-	1	-	-	-	4	4	191
10,001-15,000	29	7	36	4	11	15	1	3	34	-	-	8	1	4	-	1	-	-	14	1	2	3	-	1	-	7	1	92
15,001-20,000	34	5	39	4	5	1-	1	2	22	-	-	9	-	3	-	1	-	1	14	1	1	-	-	-	-	2	-	77
20,001-25,000	31	2	33	3	2	4	2	-	11	-	-	4	1	1	-	-	-	-	6	-	-	-	-	-	-	-	1	51
25,001-30,000	9	-	9	1	3	5	1	-	1-	-	-	3	-	-	-	-	-	-	3	-	-	-	-	-	-	-	2	24
30,001-40,000	2-	1	21	1	2	6	-	-	9	-	2	8	-	-	-	-	-	1	11	-	1	-	-	-	-	1	-	42
40,001-50,000	15	1	16	1	3	-	1	1	6	-	-	1	-	2	-	-	-	-	3	-	-	-	-	-	-	-	-	25
> 50,000	42	2	44	1	2	4	4	1	12	-	-	2	-	2	-	-	-	-	4	-	-	1	-	-	-	1	1	62
<b>Total</b>	<b>285</b>	<b>33</b>	<b>318</b>	<b>33</b>	<b>69</b>	<b>107</b>	<b>15</b>	<b>13</b>	<b>237</b>	<b>0</b>	<b>6</b>	<b>66</b>	<b>4</b>	<b>25</b>	<b>0</b>	<b>4</b>	<b>0</b>	<b>3</b>	<b>108</b>	<b>5</b>	<b>4</b>	<b>6</b>	<b>0</b>	<b>2</b>	<b>0</b>	<b>17</b>	<b>12</b>	<b>692</b>
<b>Share of total</b>	41%	5%	46%	5%	10%	15%	2%	2%	34%	0%	1%	10%	1%	4%	0%	1%	0%	0%	16%	1%	1%	1%	0%	0%	0%	2%	2%	100%

Land area owned by religious organizations (acres)

Parcel size (square feet)	Single-Family			Multifamily						Mixed-use										Seattle Mixed							Other zones	Total
	SF	RSL	Total	LR1	LR2	LR3	MR	HR	Total	NC-30 / C-30	NC-40 / C-40	NC-55 / C-55	NC-65 / C-65	NC-75 / C-75	NC-85 / C-85	NC-95 / C-95	NC-125 / C-125	NC-200 / C-200	Total	SM-SLU	SM-U	SM-UP	SM-NR	SM-RB	SM-D	Total		
0-5,000	3.4	0.5	3.9	0.9	1.0	2.4	0.5	0.2	5.0	-	0.3	1.1	0.2	0.4	-	-	-	-	1.9	-	-	0.1	-	0.1	-	0.2	0.1	11.1
5,001-10,000	11.3	1.8	13.0	1.5	4.7	5.7	-	0.7	12.6	-	0.2	2.6	-	1.7	-	0.4	-	0.2	5.0	0.5	-	0.2	-	-	-	0.7	0.6	31.9
10,001-15,000	8.3	2.0	10.3	1.1	3.1	4.7	0.3	1.0	10.2	-	-	2.2	0.3	1.0	-	0.3	-	-	3.8	0.3	0.6	0.9	-	0.3	-	2.1	0.3	26.6
15,001-20,000	13.8	2.1	15.8	1.6	2.0	4.1	0.4	0.8	8.8	-	-	3.6	-	1.2	-	0.4	-	0.4	5.7	0.4	0.4	-	-	-	-	0.8	-	31.1
20,001-25,000	15.9	1.0	16.9	1.6	1.0	2.0	1.0	-	5.6	-	-	2.0	0.5	0.5	-	-	-	-	3.0	-	-	-	-	-	-	-	0.5	26.1
25,001-30,000	6.0	-	6.0	0.6	2.0	3.2	0.6	-	6.5	-	-	2.0	-	-	-	-	-	-	2.0	-	-	-	-	-	-	-	1.3	15.7
30,001-40,000	15.8	0.8	16.7	0.9	1.5	5.0	-	-	7.4	-	1.7	6.6	-	-	-	-	-	0.9	9.2	-	0.8	-	-	-	-	0.8	-	34.0
40,001-50,000	15.7	0.9	16.6	1.1	3.1	-	0.9	1.1	6.3	-	-	1.1	-	2.1	-	-	-	-	3.2	-	-	-	-	-	-	-	-	26.1
> 50,000	151.7	2.7	154.4	1.9	4.0	11.1	7.1	1.4	25.5	-	-	5.3	-	4.4	-	-	-	-	9.8	-	-	2.1	-	-	-	2.1	1.3	193.1
<b>Total</b>	<b>241.8</b>	<b>11.8</b>	<b>253.6</b>	<b>11.2</b>	<b>22.5</b>	<b>38.2</b>	<b>11.0</b>	<b>5.1</b>	<b>88.0</b>	<b>-</b>	<b>2.1</b>	<b>26.4</b>	<b>0.9</b>	<b>11.4</b>	<b>-</b>	<b>1.1</b>	<b>-</b>	<b>1.4</b>	<b>43.5</b>	<b>1.2</b>	<b>1.7</b>	<b>3.2</b>	<b>-</b>	<b>0.4</b>	<b>-</b>	<b>6.6</b>	<b>4.1</b>	<b>395.7</b>
<b>Share of total</b>	61%	3%	64%	3%	6%	10%	3%	1%	22%	0%	1%	7%	0%	3%	0%	0%	0%	0%	11%	0%	0%	1%	0%	0%	0%	2%	1%	100%

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## Urban design examples

On certain eligible sites owned by religious organizations, the policies described earlier could result in new structures that are larger, are taller, and contain more housing units than otherwise allowed. As part of our environmental review, we evaluate how the policies described earlier could affect height, bulk, and scale. The following urban design analysis supplements the discussion of impacts in our SEPA checklist.

We examine current and potential future development outcomes on religious organization-owned sites in five hypothetical scenarios:

**Scenario A:** Lowrise 1

**Scenario B:** Lowrise 3

**Scenario C:** Neighborhood Commercial 40 (NC-40)

**Scenario D:** Neighborhood Commercial 65 (NC-65)

**Scenario E:** Single Family

We chose these scenarios because, collectively, these zones account for a substantial portion of land owned by religious organizations and represent some of the largest potential scale changes that could result from the proposals.

## Scenario A: Lowrise 1

This scenario envisions a 6,000-square-foot infill site owned by a religious organization in a Lowrise 1 (LR1) zone. The site is located in the middle of the block. Lowrise Multifamily zones allow housing types like townhouses, rowhouses, and apartments.

Under current standards, development in an LR1 zone is limited to three stories in height. The total size of new structures is regulated by the maximum FAR limit of 1.3. Setback requirements ensure new structures are a certain distance from adjacent properties and the street.

Under the proposal, affordable housing on sites owned or controlled by a religious organization could be up to four stories tall, contain more floor area, and include more homes. The FAR limit would increase to 1.5, with 0.3 additional FAR available for certain uses, including family-size housing, childcare, and preservation of a Landmark structure.

New development could also include small ground-floor commercial spaces, like an office or corner grocery store. Existing requirements for small commercial spaces in Residential-Commercial zones ([SMC Chapter 23.46](#)) would also apply here. These standards include limits on the size of the commercial space, signage requirements, and noise standards.

The first image illustrates four townhouses, each three stories tall and about 1,900 square feet in size. Townhouses and rowhouses are more common in LR1 zones, in part because of the 30-foot height limit.

The second image illustrates a four-story apartment building that could be developed under the proposal. With an average unit size of 600 square feet, the building would include 18 apartments affordable to low-income households. The building also includes a small ground-floor commercial space.

Lowrise 1	Current standards	Proposed standards for affordable housing on property owned or controlled by a religious organization
<b>Height limit</b>	30 feet	40 feet
<b>Maximum FAR, including floor area exempt for certain community-supportive uses</b>	1.3	1.8
<b>Required setbacks (vary by housing type)</b>	Front: 5-7 feet; rear: 5-15 feet; side: 0-7 feet	No change
<b>Family-size unit requirement</b>	1 of 4 units must be 2BR and 850 sq. ft.; a 3BR unit can take the place of two 2BR units	No unit size requirement
<b>Parking</b>	No minimum in urban villages and areas served by frequent transit; otherwise 1 space per dwelling unit  No minimum for affordable housing at or below 80% AMI	No change
<b>Ground-floor commercial use</b>	Not allowed	Allowed, subject to development standards for Residential-Commercial zones (SMC Chapter 23.46)



*Under current rules, this site could have four townhouses, each three stories tall and 1,900 square feet in size.*



*Under the proposal, this site could have a four-story building with 18 affordable one- and two-bedroom apartments.*



## Scenario B: Lowrise 3

This scenario considers development in a Lowrise 3 (LR3) zone on a 15,000-square-foot corner site in an urban village. Apartment development is common in LR3 zones, and the proposal would likely continue that housing form.

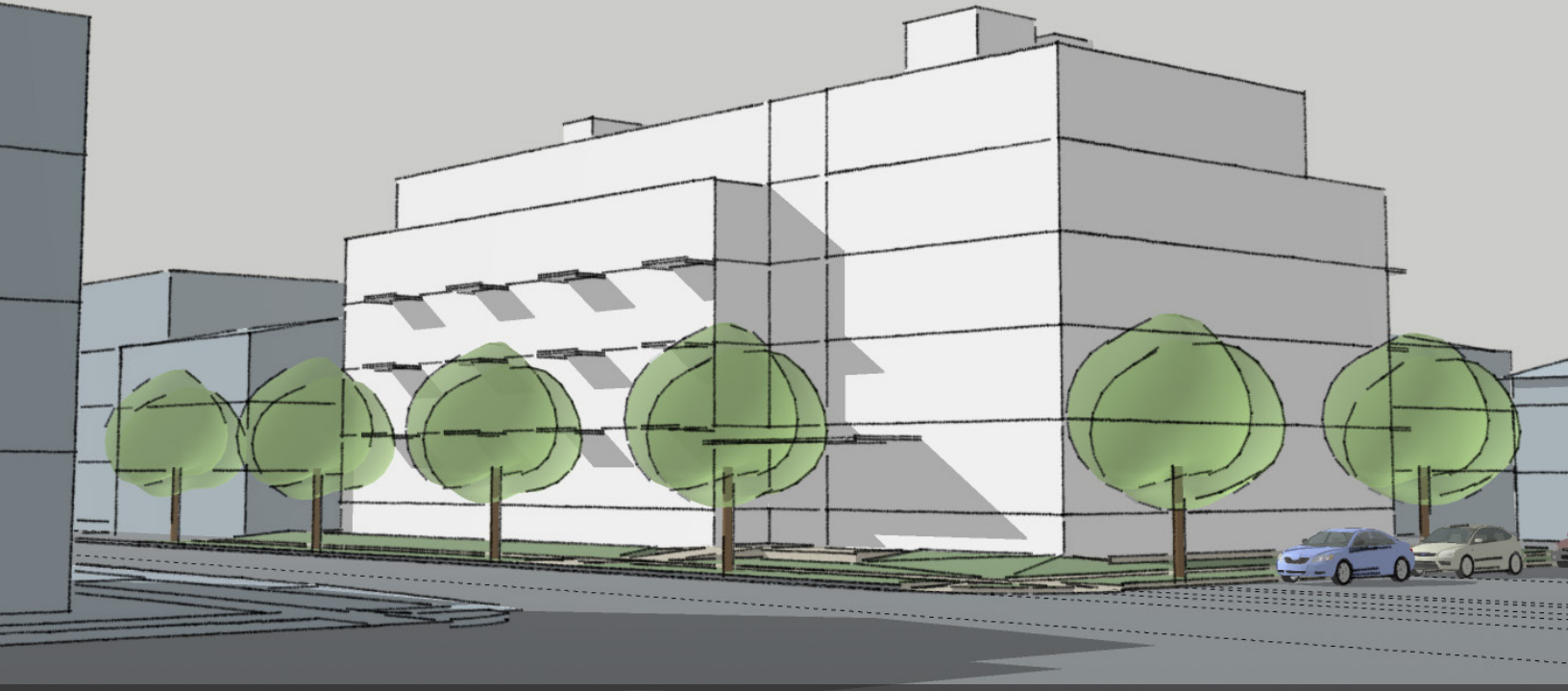
Currently, LR3 zones have a height limit of 40 feet outside urban villages and 50 feet in urban villages. The proposal under consideration would increase the height limit to 65 feet, which would generally allow one additional story compared to current standards. Current FAR limits of 1.8 and 2.3 outside and inside urban villages, respectively, would increase to 2.5 and 3.25. Similar to LR1 zones, an additional increment of 0.5 FAR would be exempt for floor area for certain community-supportive uses.

The first image shows a five-story residential development built under current rules surrounded by a mix of three- to five-story buildings, which is typical in many LR3 areas. Assuming an average unit size of 600 square feet, this building could have about 58 apartments.

The second image illustrates affordable housing development that would be possible under the proposal on sites owned or controlled by religious organizations. It would contain about 93 affordable apartments, some of which could be designed for families or larger households. The building illustrated here is one story taller and has a slightly larger floor plan, which lets the development maximize the allowable FAR under the proposal.

Like the LR1 scenario discussed above, new buildings could have small ground-floor commercial uses, as permitted in Residential-Commercial zones under [SMC Chapter 23.46](#). This is reflected in the yellow shaded area on the ground floor of the second image.

Lowrise 3	Current standards		Proposed standards for affordable housing on property owned or controlled by a religious organization	
	Outside UV	Inside UV	Outside UV	Inside UV
<b>Height limit</b>	40 feet	50 feet	55 feet	65 feet
<b>Maximum FAR, including floor area exempt for certain community-supportive uses</b>	1.3	1.8	3.0	3.75
<b>Required setbacks (vary by housing type)</b>	Front: 5-7 feet; rear: 0-15 feet; side: 0-7 feet		No change	
<b>Parking</b>	No minimum in urban villages and areas served by frequent transit; otherwise 1 space per dwelling unit  No minimum for affordable housing at or below 80% AMI		No change	
<b>Ground-floor commercial use</b>	Not allowed		Allowed, subject to development standards for Residential-Commercial zones (SMC Chapter 23.46)	



*Under current rules, this site could have a five-story apartment building with about 58 apartments.*



*Under the proposal, the site could be one story taller and include about 93 apartments reserved for low-income households.*

## Scenario C: Neighborhood Commercial 40

Neighborhood Commercial (NC) zones allow a wide mix of uses, including residential and commercial. This scenario illustrates current and proposed development standards on a 16,000-square-foot site in an NC-40 zone, a common zoning designation in urban villages and along arterial streets in Seattle. Similar development outcomes would also be possible in a Commercial 40 (C-40) zone, which shares many standards with NC-40 zones, including maximum height and FAR limits.

Under current rules, development in an NC-40 zone is limited to 40 feet in height and a maximum FAR of 3.0. The first image illustrates a four-story mixed-use building developed under these standards. Shaded in yellow, the ground floor has commercial uses, such as retail, restaurant, or office space. Three stories of residential development above could contain about 60 apartments based on an average unit size of 600 square feet.

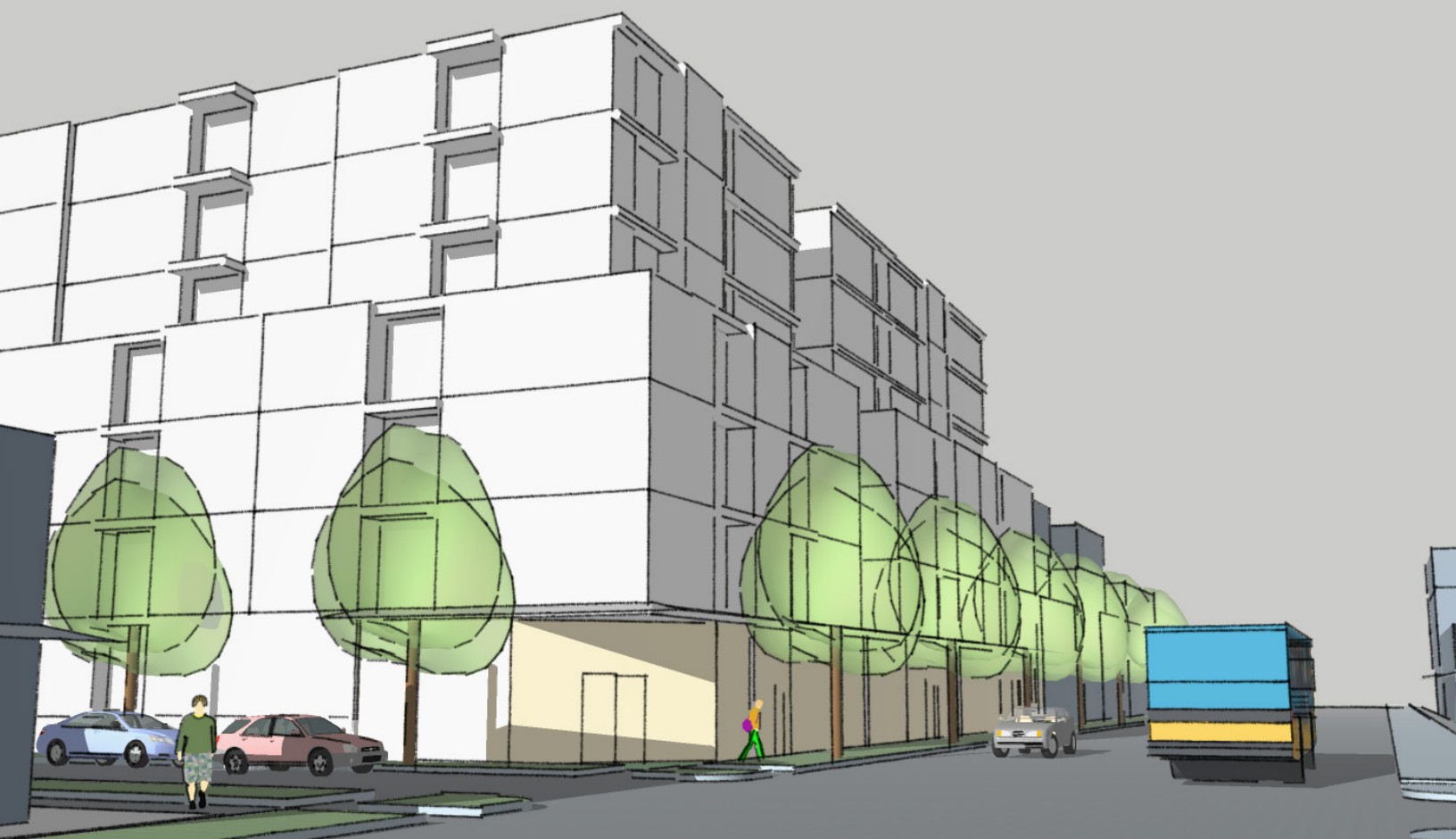
On properties owned by a religious organization, the policy under consideration would allow three more stories for affordable housing development by increasing the height limit up to 75 feet and the FAR limit to a maximum of 5.0, if the development includes the same community-supportive uses described earlier for Lowrise zones. This scenario is illustrated in the second image. An upper-level setback would apply to any stories above the existing height limit (i.e., 40 feet), requiring a portion of the building to recede from the property line to reduce their prominence from street level. This additional development would allow up to 114 affordable homes to be constructed.

Neighborhood Commercial 40	Current standards	Proposed standards for affordable housing on property owned or controlled by a religious organization
<b>Height limit</b>	40 feet	75 feet
<b>Floor area ratio (FAR)</b>	3.0	Up to 5.0
<b>Upper-level setback</b>	Required abutting residential zones and street-facing facades	8-foot setback also required for portions of structure above base height limit
<b>Parking</b>	No minimum in urban villages and areas served by frequent transit; otherwise 1 space per dwelling unit  No minimum for affordable housing at or below 80% AMI	No change





*Under current rules, this zone would allow a four-story mixed-use building that includes about 60 apartments.*



*Under the proposal, this development could include three additional stories and a total of up to 114 affordable homes.*

## Scenario D: Neighborhood Commercial 65

This scenario considers another Neighborhood Commercial zone. In an NC-65 zone, development currently is limited to 65 feet in height and a maximum FAR of 4.5. The first image illustrates a six-story development on an 8,500-square-foot midblock site surrounded by other three- to six-story buildings along an arterial street. The development could contain about 63 apartments based on an average unit size of 600 square feet.

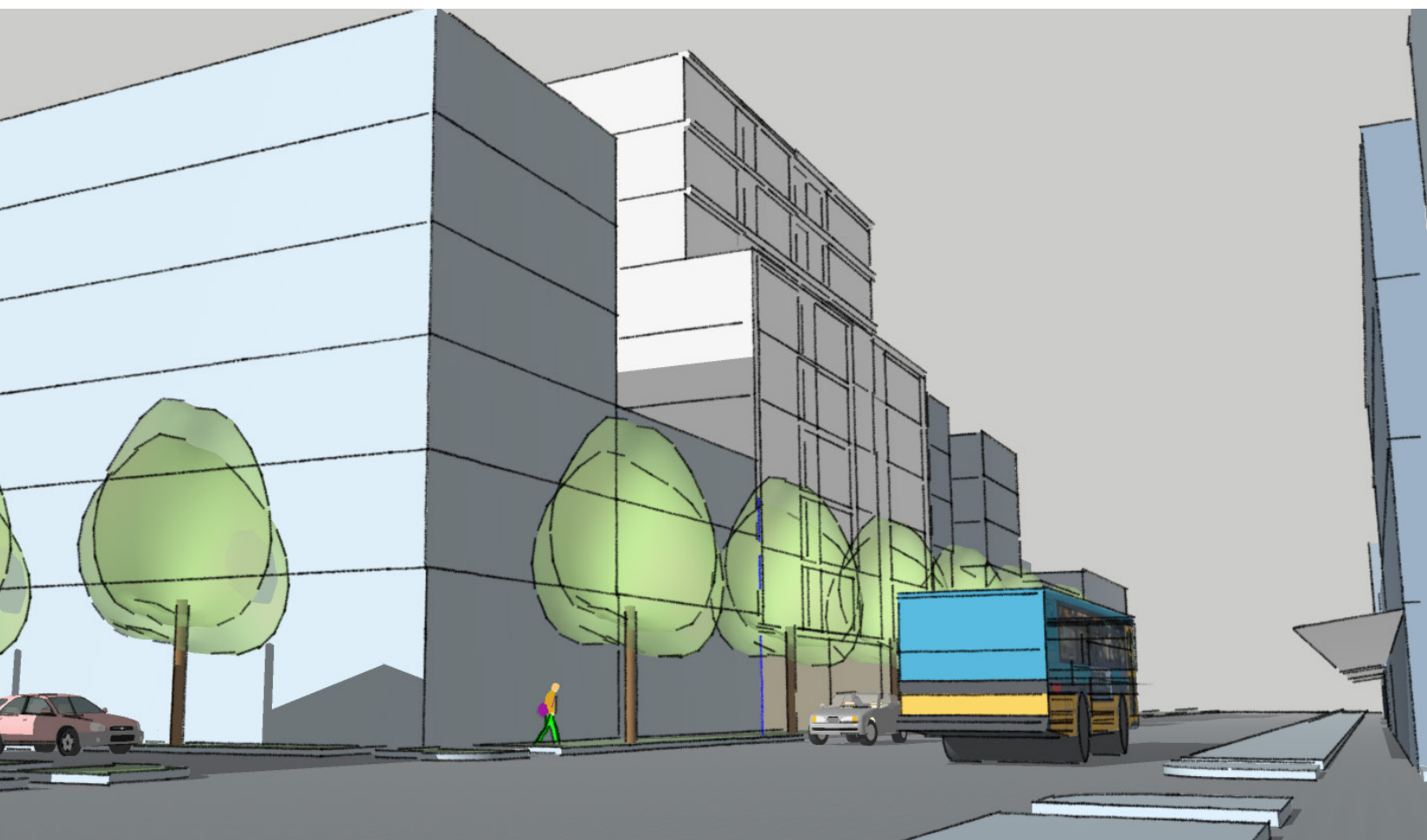
If this site were owned or controlled by a religious organization, the proposal would allow up to three additional stories of long-term affordable housing. This additional development would allow 25 more apartments for a total of 88 affordable homes. The same upper-level setback described earlier would apply in this zone, requiring the three upper stories to recede eight feet from the property line.

Buildings that exceed eight stories have different construction type requirements. It is possible that some development on religious organization-owned sites in an NC-65 zone would not achieve the maximum height of 95 feet or nine stories. For the purposes of our environmental analysis, we consider the most intensive scenario illustrated on the next page.

Neighborhood Commercial 65	Current standards	Proposed standards for affordable housing on property owned or controlled by a religious organization
<b>Height limit</b>	65 feet	95 feet
<b>Floor area ratio (FAR)</b>	4.5	Up to 6.25
<b>Upper-level setback</b>	Required abutting residential zones and street-facing facades	8-foot setback also required for portions of structure above base height limit
<b>Parking</b>	No minimum in urban villages and areas served by frequent transit; otherwise 1 space per dwelling unit  No minimum for affordable housing at or below 80% AMI	No change



*Under current rules, NC-65 zones would allow a six-story development of about 63 apartments.*



*Under the proposal, three additional stories would increase the number of homes on this site to about 88, all of them affordable.*



## Scenario E: Single-Family Residential

This scenario examines development outcomes that could occur under the proposal in a single-family residential zone. Single-family zones include SF zones (SF 5000, SF 7200, and SF 9600) and Residential Small Lot (RSL) zones. All RSL zones are located in urban villages.

In single-family zones, the proposal would modify maximum density and FAR limits to allow construction of additional affordable homes in a form and at a scale similar what is already allowed under existing zoning. No changes are proposed to the existing height limit (30 feet plus five additional feet for a pitched roof) or to existing yard requirements.

This scenario envisions a roughly 16,000-square-foot property owned by a religious organization in an SF 5000 zone, the most prevalent single-family zone in terms of land area. In this scenario, the organization currently has a religious facility on a portion of the site, with surface parking occupying the remaining area. The top image on the following page illustrates this existing condition.

If redeveloped under current regulations, this property could be redeveloped with up to three detached houses, each three stories tall and up to 3,000 square feet in size, based on the applicable density, height, and floor area limits for this zone. No affordability requirements would apply. The second image on the following page illustrates redevelopment under current standards.

SF zones		Current standards	Proposed standards for affordable housing on property owned or controlled by a religious organization
<b>Lot requirements</b>		—	Eligible sites must have or abut a religious facility use, other use associated with a religious facility, or a lot area of 10,000 sq. ft. or greater
<b>Density limit</b>		1 unit per 5,000-9,600 sq. ft.	1 unit per 1,500 sq. ft.
<b>Height limit</b>		30 feet plus 5 feet for pitched roof	For development exceeding 35 percent lot coverage, 22 feet plus 5 feet for pitched roof For all other development, 30 feet plus 5 feet for pitched roof
<b>Floor area ratio (FAR)</b>		0.5	1.0
<b>Lot coverage</b>		Lots 5,000 square feet and larger: 35 percent of lot area Lots under 5,000 square feet: 15 percent of lot area + 1,000 square feet	No change for development exceeding 22 feet in height 50 percent for development that does not exceed 22 feet in height
<b>Yards and setbacks</b>	<b>Front</b>	20 feet or the average of the front yards of the single-family structures on either side, whichever is less	No reduction in existing yard requirements.
	<b>Side</b>	5 feet	Additional siting requirements would apply. No dwelling unit can be located less than 10 feet from a side lot line or 20 feet from a rear lot line of an abutting a single-family-zoned lot.
	<b>Rear</b>	25 feet or 20 percent of lot depth, whichever is less, except that it may never be less than 10 feet 2	
<b>Maximum facade length</b>		—	A maximum facade length limit of 40 feet applies within 20 feet of a lot line of an abutting single-family-zoned lot.
<b>Parking</b>		1 space per dwelling unit No minimum for affordable housing at or below 80% AMI	No change



*In this scenario, a faith organization has its facility on a 15,000-square-foot corner lot, much of it devoted to surface parking.*



*Under current regulations, this site could be redeveloped with three detached houses, each up to 3,000 square feet in size.*



In one redevelopment scenario enabled by the proposal, a religious organization could preserve its existing facility and add affordable housing on the adjacent surface parking lot. The first image on the following page envisions such a scenario, with a two-story apartment building containing 10 affordable one- and two-bedroom homes. Additional siting and clustering standards would require the apartment to be set back further from streets and neighboring properties than existing yard standards otherwise require.

Another possibility is a development that includes ground-related housing such as townhomes. The second image on the next page envisions a redevelopment of the entire property with 10-11 townhomes, four facing each street and two or three toward the back of the site. While the apartments are more likely to be rental housing, a townhouse redevelopment could produce for-sale homes that create affordable homeownership opportunities, particularly in neighborhoods where housing costs are out of reach to most Seattle-area residents. The siting and clustering requirements mentioned above would apply and are illustrated in this scenario also.



*The proposal could enable the religious organization to convert its underused surface parking to affordable apartments.*



*Under the proposal, the religious organization could also develop permanently affordable for-sale housing, like townhomes.*

If fully redeveloped, this site could also include up to 11 apartments. The images on the following page envision such a scenario. This could unfold as a two-story apartment building (top image) that, by limiting its height to no more than 25 feet, is able to cover up to 50 percent of the lot. Or it could result in a three-story apartment building (lower image) that must adhere to the existing lot coverage limit of 35 percent.

In both scenarios, additional siting and clustering standards would require the apartment building to set back further from adjacent streets and neighboring properties than otherwise required. All units in the apartment building would be affordable for at least 50 years to households with incomes of at most 80 percent of AMI.

The proposal would not modify existing off-street parking requirements. Under existing regulations, affordable housing generally has no minimum requirement for off-street parking.





*On this site, the proposal could facilitate up to 11 affordable apartments in a two-story building.*



*Alternatively, a three-story affordable apartment building would be allowed provided it adheres to a smaller footprint.*

## Comprehensive Plan consistency

These proposed policies would advance City goals and priorities for housing affordability, housing choice, and context-sensitive development. The proposal would maintain consistency with guidance in Seattle 2035, the City's Comprehensive Plan. Selected goals and policies in the Comprehensive Plan that identify and support the objectives of the proposal include:

- H 1.7** Support the development and preservation of affordable housing in areas with a high risk of displacement through tools and actions such as land banking, public or non-profit acquisition of affordable buildings, and new affordable and mixed-income development.
- H 2.4** Encourage use of vacant or underdeveloped land for housing and mixed-use development, and promote turning vacant housing back into safe places to live.
- H 3.3** Encourage the development of family-sized housing affordable for households with a broad range of incomes in areas with access to amenities and services.
- H 3.5** Allow additional housing types in areas that are currently zoned for single-family development inside urban villages; respect general height and bulk development limits currently allowed while giving households access to transit hubs and the diversity of goods and services that those areas provide.
- H G5** Make it possible for households of all income levels to live affordably in Seattle, and reduce over time the unmet housing needs of lower-income households in Seattle.
- H 5.3** Promote housing affordable to lower-income households in locations that help increase access to education, employment, and social opportunities, while supporting a more inclusive city and reducing displacement from Seattle neighborhoods or from the city as a whole.
- H 5.7** Consider that access to frequent transit may lower the combined housing and transportation costs for households when locating housing for lower-income households.
- LU G1** Achieve a development pattern consistent with the urban village strategy, concentrating most new housing and employment in urban centers and villages, while also allowing some infill development compatible with the established context in areas outside centers and villages.
- LU 7.2** Use a range of single-family zones to
  - maintain the current low-height and low-bulk character of designated single-family areas;
  - limit development in single-family areas or [areas] that have environmental or infrastructure constraints;
  - allow different densities that reflect historical development patterns; and
  - respond to neighborhood plans calling for redevelopment or infill development that maintains the single-family character of the area but also allows for a greater range of housing types.

- LU 7.3** Consider allowing redevelopment or infill development of single-family areas inside urban centers and villages, where new development would maintain the low height and bulk that characterize the single-family area, while allowing a wider range of housing types such as detached accessory units, cottage developments or small duplexes or triplexes.
- LU 7.10** Reflect the character of existing low-density development through the regulation of scale, siting, structure orientation, and setbacks.
- LU 7.12** Emphasize measures that can increase housing choices for low-income individuals and families when considering changes to development standards in single-family areas.
- LU 14.5** Use incentives, including the transfer of development rights, to encourage property owners and developers to restore or reuse designated landmark structures and specified structures in designated districts.
- LU 14.9** Identify historic resources that can be successfully used to meet the city's housing goals.

## Recommendation

OH and OPCD recommend adoption of the proposed amendments to development standards in the Land Use Code. The proposal will support faith institutions' efforts to construct affordable housing and fulfill other community needs on their property; improve the financial and construction feasibility of affordable housing projects; and advance City goals related to affordable housing, equitable development, and displacement prevention, as established in Comprehensive Plan goals and policies.



# Affordable Housing on Religious Organization Property

May 26, 2021

Office of Housing  
Office of Planning and Community Development



City of Seattle



# Today's briefing

- Origin of this proposal
- Eligibility and affordability requirements
- What we heard from stakeholders
- Summary of proposed Land Use Code changes
- Potential impact

# A new affordable housing tool to help faith communities address displacement and support affordability.

## What does it do?

Create flexibility in our land use rules to support religious organizations redeveloping their property with long-term income- and rent-restricted housing.

## How did it arise?

Faith organizations advocated for a state bill, adopted in 2019, requiring cities to allow additional density for affordable housing on religious organization land. This local tool would fulfill the requirements of SHB 1377.

## Why focus on faith organizations?

- Direction from state legislation (RCW 36.70A.545)
- Supporting their low-income neighbors aligns with mission
- Underdeveloped land throughout Seattle

SUBSTITUTE HOUSE BILL 1377

AS AMENDED BY THE SENATE

Passed Legislature - 2019 Regular Session

State of Washington      66th Legislature      2019 Regular Session

By House Housing, Community Development & Veterans (originally sponsored by Representatives Walen, Barkis, Jenkin, Harris, Springer, Macri, Wylie, Ryu, Reeves, Robinson, Griffey, Appleton, Bergquist, Jenkins, Tharinger, Slatter, Kloba, Doglio, Goodman, Leavitt, Ormsby, and Santos)

READ FIRST TIME 02/08/19.

1      AN ACT Relating to affordable housing development on religious  
2 organization property; adding a new section to chapter 35.63 RCW;  
3 adding a new section to chapter 35A.63 RCW; adding a new section to  
4 chapter 36.70A RCW; and adding a new section to chapter 44.28 RCW.

5      BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

6      **NEW SECTION. Sec. 1.** A new section is added to chapter 35.63  
7 RCW to read as follows:

8      (1) A city planning under this chapter must allow an increased  
9 density bonus consistent with local needs for any affordable housing  
10 development of any single-family or multifamily residence located on  
11 real property owned or controlled by a religious organization  
12 provided that:

13      (a) The affordable housing development is set aside for or  
14 occupied exclusively by low-income households;

15      (b) The affordable housing development is part of a lease or  
16 other binding obligation that requires the development to be used  
17 exclusively for affordable housing purposes for at least fifty years,  
18 even if the religious organization no longer owns the property; and

19      (c) The affordable housing development does not discriminate  
20 against any person who qualifies as a member of a low-income  
21 household based on race, creed, color, national origin, sex, veteran

p. 1      SHB 1377.PL

# Eligibility & affordability

**For development using this new tool, the state bill establishes the following requirements:**

- Property must be owned or controlled by a religious organization
- All housing created must be income-restricted
- Housing can be rental or ownership
- 80 percent of area median income (AMI)
- Affordability term of at least 50 years, including if property is sold

# Engagement

## Stakeholders

- Faith organizations exploring redevelopment
- Neighborhood-based efforts in the Central District
- Affordable housing developers
- Public outreach

## What we heard

- Desire to include community spaces
- Need for financial, technical, and regulatory support
- Intent to engage directly with community

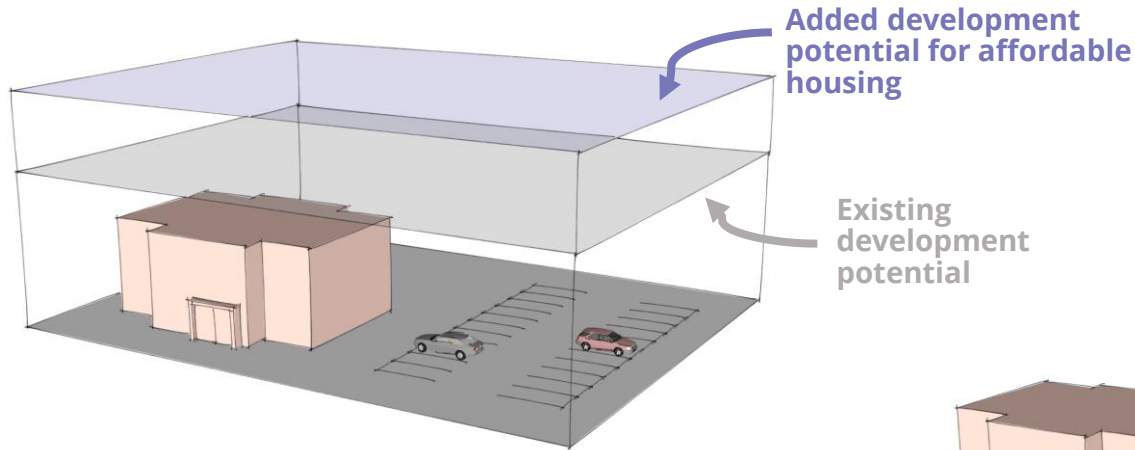


Ebenezer A.M.E. Zion Church, Central Area

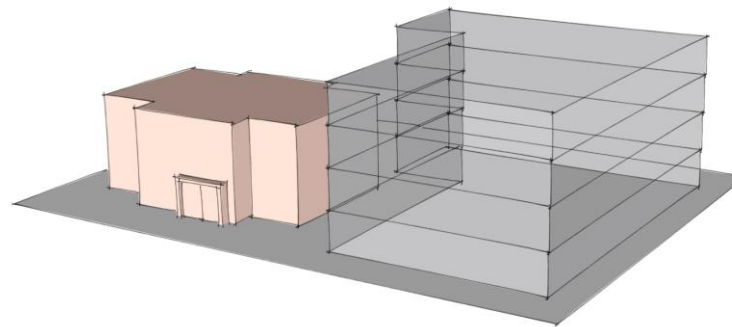
# Faith-owned property

- Located throughout Seattle
- Variety in property size
- About 1% of Seattle land
- This new affordable housing tool would be available citywide, tailored to specific zones and contexts
- Completed environmental analysis as part of SEPA process, with public hearing scheduled June 23

# How it works

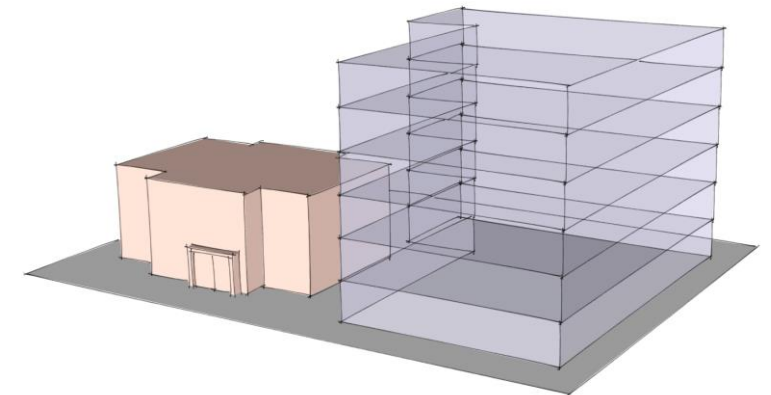


**A religious organization may have a portion of land they want to redevelop, like an underused surface parking lot.**



**Currently, development on faith-owned land is limited to the height and size allowed under existing zoning.**

**With this new tool, additional height and floor area helps faith organizations compete more effectively for public funds and build more affordable housing than otherwise possible.**



# Proposal summary

## Development options for affordable housing on religious organization property

Zone type	Under existing zoning...	Under the proposal...
<b>Multifamily zones</b>	<ul style="list-style-type: none"><li>• Maximum height 3-8 stories</li></ul>	<ul style="list-style-type: none"><li>• 1 additional floor</li></ul>
<b>Mixed-use commercial zones</b>	<ul style="list-style-type: none"><li>• Maximum height 3-8 stories</li></ul>	<ul style="list-style-type: none"><li>• 1-3 additional floors</li></ul>
<b>Zones with height limits above 85 feet</b>	<ul style="list-style-type: none"><li>• Maximum height 12-44 stories</li></ul>	<ul style="list-style-type: none"><li>• Up to 6 additional floors</li></ul>
<b>Single-family zones</b>	<ul style="list-style-type: none"><li>• Maximum height 3 stories</li><li>• Maximum density 1 unit per 2,000-9,600 square feet of lot area</li></ul>	<ul style="list-style-type: none"><li>• No change in height*</li><li>• 1 unit per 1,250-1,500 sq ft of lot area</li><li>• Housing type flexibility (e.g., affordable for-sale townhomes)</li></ul>

\* on certain large sites near more intensive zones or frequent transit, up to 1 additional floor



# Potential impact

- Helps faith institutions repurpose their real estate assets to support their missions and address their congregations' changing needs
- Increases project financial feasibility and creates a more predictable regulatory environment
- Responds to community stability and anti-displacement work by organizations
- Helps maximize outcomes when faith-owned land is available for affordable housing



Good Shepherd Supportive Housing



# Thank you

SEATTLE  
CITY HALL

May 26, 2021

Office of Housing  
Office of Planning and Community Development



City of Seattle 173

May 24, 2021

## MEMORANDUM

**To:** Land Use and Neighborhoods Committee  
**From:** Ketil Freeman, Analyst  
**Subject:** Council Bill 120081 – Affordable Housing on Religious Organization Property

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On May 26, 2021, the Land Use and Neighborhoods (LUN) Committee will have an initial briefing on [Council Bill \(CB\) 120081](#). CB 120081 would implement [Substitute House Bill \(SHB\) 1377](#) by creating a density bonus for affordable housing development on property owned or controlled by religious organizations.

This memorandum (1) provides background on enabling statutory authority, (2) briefly describes what the bill would do, (3) provides a preliminary issue identification, and (4) sets out next steps.

### Enabling Statutory Authority

Substitute House Bill 1377 was enacted in 2019. Portions of the bill applicable to jurisdictions planning under the Growth Management Act, like Seattle, are now codified in [RCW 36.70A.545](#).

Among other things, RCW 36.70A.545 requires that local jurisdictions, “must allow an increased density bonus consistent with local needs for any affordable housing development of any single-family or multifamily residence located on property owned or controlled by a religious organization...”<sup>1</sup> and “may develop policies to implement this section if it receives a request from a religious organization...”<sup>2</sup> The statute further requires that:

- All residential development in a project utilizing the bonus must be affordable to lower income households,<sup>3</sup> defined as households with an adjusted income of less than 80 percent of the area median income (AMI), regardless of whether a unit is owned or rented;<sup>4</sup> and
- The residential development must remain affordable for at least 50 years.<sup>5</sup>

The statute applies to new development as well as rehabilitation of existing affordable housing development.<sup>6</sup> For the purposes of the statute, a religious organization is defined by: “the federally protected practice of a recognized religious assembly, school, or institution that owns

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<sup>1</sup> RCW 36.70A.545(1).

<sup>2</sup> RCW 36.70A.545(2).

<sup>3</sup> RCW 36.70A.545(1)(a).

<sup>4</sup> RCW 36.70A.545(7)(b).

<sup>5</sup> RCW 36.70A.545(1)(b).

<sup>6</sup> RCW 36.70A.545(6).

or controls real property.”<sup>7</sup> This is the same definition applicable to religious organizations that host homeless encampments under the authority of [RCW 36.01.290](#).

**Council Bill 120081**

CB 120081 was developed by the Office of Planning and Community Development (OPCD) and the Office of Housing (OH) in response to requests from religious organizations. As proposed, the bill would establish eligibility requirement and bonus provisions for properties owned or controlled by religious organizations that are redeveloped with affordable housing. Affordability levels would be the minimum established by statute – all residential units affordable to households at 80 percent of AMI or below for at least 50 years.

General bonus provisions are provided in the table below. For more detail, see [Affordable Housing on Religious Organization Property, Director’s Report](#). May 2021.

Zone Type	Proposed Bonus for Most Zones
Single-family <sup>8</sup>	<ul style="list-style-type: none"> <li>• An additional 0.5 Floor Area Ratio (FAR) of development capacity</li> <li>• A 15 percent increase to lot coverage maximums</li> <li>• All subject to some site size and locational requirements for eligible parcels</li> </ul>
Multifamily zones <sup>9</sup>	<ul style="list-style-type: none"> <li>• An additional floor</li> <li>• An additional 0.2 – 1.0 FAR</li> <li>• Up to 0.3 to 0.5 FAR exemption for development in urban centers and villages and within a quarter mile of frequent transit service</li> </ul>
Commercial Zones with Heights up to 85 Feet <sup>10</sup>	<ul style="list-style-type: none"> <li>• Two additional floors</li> <li>• An additional 0.25 – 1.5 FAR</li> <li>• Up to 0.5 FAR exemption for development in urban centers and villages and within a quarter mile of frequent transit service</li> </ul>
Commercial Zones with Heights Greater than 85 Feet <sup>11</sup>	<ul style="list-style-type: none"> <li>• Four to six additional floors</li> <li>• An additional 0.75 – 1.75 FAR</li> <li>• Up to 1.0 FAR exemption for development in urban centers and villages and within a quarter mile of frequent transit service</li> </ul>
Downtown and Seattle Mixed Zones <sup>12</sup>	<ul style="list-style-type: none"> <li>• For zones with heights up to 85 Feet, two additional floors and an additional 1.5 FAR</li> <li>• For zones with heights greater than 85 feet, four additional floors and an additional 3.0 FAR</li> </ul>

<sup>7</sup> RCW 36.70A.545(7)(c).

<sup>8</sup> Director’s Report, p.13.

<sup>9</sup> Ibid p. 12.

<sup>10</sup> Id.

<sup>11</sup> Id.

<sup>12</sup> Id. p. 15

The proposal would also allow development standards for bonus development to apply to less intensively zoned portions of split zoned lots, provided that the less intensively zoned portion of the lot comprises 35 percent or less of the total development area and is not in a Single-family zone;<sup>13</sup> and allow small-scale commercial development with participating affordable housing development in Lowrise multifamily zones.<sup>14</sup>

### **Preliminary Issue identification**

Because the LUN Committee meeting on June 9 is cancelled, this memorandum sets out some preliminary issues with discussion for Committee consideration.

1. Level of Affordability and Term. The enabling statute establishes a minimum affordability level of 80 percent of AMI and a 50-year term. The Comprehensive Plan identifies that lower income households are more likely to have a housing cost-burden. Some affordable housing regulatory and incentive programs establish lower thresholds for rental housing. Specifically, the Mandatory Housing Affordability - Residential (MHA-R) program establishes minimum affordability levels of 60 percent of AMI for rental housing and 80 percent of AMI for owned housing, at initial occupancy, and sets a 75-year term for units provided through the performance option.<sup>15</sup> An 80 percent of AMI affordability level provides affordable housing at a higher affordability level than is typically provided by the market in new development and is more likely to generate revenue for religious organizations and development partners. As a practical matter, many developments likely to take advantage of the bonus would require additional funding, most of which could only be used to develop rental units affordable to households with incomes of 60 percent of AMI or lower.

*Should the 80 percent of area median income affordability threshold be lower; should there be different thresholds based on type of residential tenure; and should the term of affordability be longer?*

2. Design Review. Design Review is not required for development in Single-family zones.<sup>16</sup> However, to recognize height, bulk, and scale impacts at zone transitions, there are lower design review thresholds for projects on properties that abut Single-family zones.<sup>17</sup> CB 120081 would allow development of a scale in Single-family zones that would be subject to Design Review if developed in multifamily zones abutting Single-family zones. Affordable housing development is exempt from Design Review during the Covid-19 civil emergency. Normally affordable housing projects that exceed size thresholds are subject to administrative design review.

*Should participating projects in Single-family zones be subject to Design Review?*

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<sup>13</sup> Id. p.15.

<sup>14</sup> Id. p.13.

<sup>15</sup> SMC [23.58.B.050](#) and [23.58C.050](#).

<sup>16</sup> [SMC 23.41.004](#).

<sup>17</sup> Ibid at Table A.

3. “Owned or Controlled” Eligibility Standard. For transitional encampments, which are shorter duration land uses with a height, bulk and scale that is typically less than that allowed by the underlying zone, the City has recognized short term leasehold interests, partnership agreements, and contracts for fiscal sponsorship with religious organizations as qualifying means to establish control of property. Development that could be possible under the proposed bonus for religious organizations would be of longer duration with a greater appearance of height, bulk and scale.

*Should the City define “controlled by a religious organization” for the purposes of establishing eligible developments?*

### **Next Steps**

The LUN Committee is scheduled to hold a public hearing and may vote on the bill at its meeting on June 23<sup>rd</sup>.

cc: Dan Eder, Interim Director  
Aly Pennucci, Policy and Budget Manager





Legislation Text

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File #: CB 120083, Version: 1

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CITY OF SEATTLE

ORDINANCE \_\_\_\_\_

COUNCIL BILL \_\_\_\_\_

AN ORDINANCE relating to Seattle's construction codes; amending Sections 713.13.7 and 1613.1.1 and Table 2902.1 of the 2018 Seattle Building Code, adopted by Ordinance 126278; amending Section R501.4 of the 2018 Seattle Energy Code, adopted by Ordinance 126279; amending Chapter 16 of the Seattle Existing Building Code, adopted by Ordinance 126278; and amending Sections 2.4, 4.5, 4.25, 4.26, and 5.9.1 of the Seattle Boiler and Pressure Vessel Code, adopted by Ordinance 126278.

**BE IT ORDAINED BY THE CITY OF SEATTLE AS FOLLOWS:**

Section 1. Section 713.13.7 of the Seattle Building Code, adopted by Ordinance 126278, is amended to read as follows:

**[S] 713.13.7 Chute venting and roof termination.** The full diameter of waste and linen chutes shall extend a minimum of 3 feet (0.92 m) above the building roof and be gravity vented per NFPA 82.

**Exceptions:**

1. Waste and linen chutes are permitted to be mechanically ventilated by an exhaust fan in lieu of gravity venting. The exhaust fan shall be located outside the building at the top of the chute.
2. Where the trash chute does not extend to the ~~((upper))~~ highest floor of the building below the roof, the trash chute shall be permitted to ~~((gravity))~~ vent to a sidewall louver termination by gravity venting or mechanical venting. The horizontal extension of the trash chute shall ~~((be the full diameter of))~~ have the same cross-sectional area as the chute and shall be enclosed in rated construction equal to the rating of the shaft enclosure. ~~((Where the chute is mechanically ventilated per *International Mechanical Code* Section 515 the blast cap shall terminate behind the louver and the exhaust fan and duct connection will be enclosed in the rated shaft.))~~ No operable openings shall be located within 10 feet of the sidewall louver termination.

Section 2. Section 1613.1.1 of the Seattle Building Code, adopted by Ordinance 126278, is amended to read as follows:

**[S] 1613.1.1 Presubmittal conference.** At least 60 days prior to submittal of a building permit application that contains the construction documents for any structural component of the building, the applicant shall arrange a presubmittal conference with the structural engineer of record and the *building official* to review the proposed building structural system when an alternate procedure is used under the provisions in Section 104.4 or 104.5. The purpose of the meeting is to obtain conceptual approval from the *building official* of the proposed structural system.

**Note:** Projects using non-linear response history analysis methods or using an alternative lateral force resisting system are subject to peer review in accordance with Section ((1613.4.3)) 1613.4.2, and ASCE 7 Sections 12.2.1.1 and 16.1.1. Peer reviews require lengthy lead time prior to permit application and issuance. Applicants should contact the building official prior to the start of structural design.

Section 3. Table 2902.1 of the Seattle Building Code, adopted by Ordinance 126278, is amended to read as follows:

**[W][S][P] TABLE 2902.1  
MINIMUM NUMBER OF REQUIRED PLUMBING FIXTURES<sup>a</sup>  
(See Sections 2902.1.1 and 2902.2)**

No.	CLASSIFICATION	OCCUPANCY	DESCRIPTION	WATER CLOSING		LAVATORIES		BATH TUBS/ SHOWERS
				Male	Female	Male	Female	
1	Assembly	A-1 <sup>d</sup>	Theaters and other buildings for the performing arts and motion pictures <sup>d</sup>	1 per 12	1 per 6	1 per 200		-
		A-2 <sup>d</sup>	Nightclubs, bars, taverns, dance halls and buildings for similar purposes <sup>d</sup>	1 per 40	1 per 40	1 per 75		-

		Restaurants, banquet halls and food courts <sup>d</sup>	1 per 75	1 per 75	1 per 200	-
		((Casino gaming areas	1 per 100 for the first 400 and 1 per 250 for the remainder exceeding 400	1 per 50 for the first 400 and 1 per 150 for the remainder exceeding 400	1 per 250 for the first 750 and 1 per 500 for the remainder exceeding 750	-))
	A-3 <sup>d</sup>	Auditoriums without permanent seating, art galleries, exhibition halls, museums, lecture halls, libraries, arcades and gymnasiums <sup>d</sup>	1 per 121	1 per 65	1 per 200	-
		Passenger terminals and transportation facilities <sup>d</sup>	1 per 50	1 per 50	1 per 750	-
		Places of worship and other religious services <sup>d</sup>	1 per 15	1 per 75	1 per 200	-
	A-4	Coliseums, arenas, skating rinks, pools and tennis courts for indoor sporting events and activities	1 per 75 for the first 1,500 and 1 per 120 for the remainder exceeding 1,500	1 per 40 for the first 1,500 and 1 per 60 for the remainder exceeding 1,500	1 per 200	1 per 150
	A-5	Stadiums, amusement parks, bleachers and grandstands for outdoor sporting events and activities <sup>f</sup>	1 per 75 for the first 1,500 and 1 per 120 for the remainder exceeding 1,500	1 per 40 for the first 1,500 and 1 per 60 for the remainder exceeding 1,500	1 per 200	1 per 150



2	Business	<u>B</u>	Buildings for the transaction of business, professional services, other services involving merchandise, office buildings, banks, light industrial, (( <del>ambulatory care</del> )) and similar uses	1 per 25 for the 50 and 1 per 50 the remainder exceeding 50	1 per 40 for the 80 and 1 per 80 the remainder exceeding 80	-
3	Educational	<u>E<sup>e</sup></u>	Educational facilities	1 per 35	1 per 25 1 per 85	1 per 50
4	Factory and industrial	<u>F-1 and F-2</u>	Structures in which occupants are engaged in work fabricating, assembly or processing of products or materials	1 per 100	1 per 100	See footnote g
5	Institutional	<u>I-1</u>	(( <del>Custodial</del> )) Residential care facilities	1 per 10	1 per 10	1 per 8
		<u>I-2</u>	(( <del>Medical care recipients in hospitals and nursing homes</del> )) Hospitals, ambulatory nursing home care recipient <sup>b</sup>	1 per room <sup>c</sup>	1 per room <sup>c</sup>	1 per 15
			Employees (( <del>in hospitals and nursing homes</del> )) other than residential care <sup>b</sup>	1 per 25	1 per 35	-
			Visitors (( <del>in hospitals and nursing homes</del> )) other than residential care	1 per 75	1 per 100	-
		<u>I-3</u>	Prisons <sup>b</sup>	1 per cell	1 per cell	1 per 15

		<u>I-3</u>	Reformatories, detention centers and correctional centers <sup>b</sup>	1 per 15	1 per 15	1 per 15
			Employees in (( <del>reformatories</del> )) reformatories, detention centers and correctional centers <sup>b</sup>	1 per 25	1 per 35	-
		<u>I-4</u>	Adult day care and child day care	1 per 15	1 per 15	1
6	Mercantile	<u>M</u>	Retail stores, service stations, shops, salesrooms, markets and shopping centers	1 per 500	1 per 750	-
7	Residential	<u>R-1</u>	Hotels, motels, boarding houses (transient)	1 per sleeping u	1 per sleeping u	1 per sleepin g unit
		<u>R-2</u>	Dormitories, fraternities, sororities and boarding houses (not transient)	1 per 10	1 per 10	1 per 8
		<u>R-2</u>	Apartment house	1 per dwelling u	1 per dwelling u	1 per dwellin g unit
		<u>R-3</u>	One- and two-family dwellings and lodging houses with five or fewer guestrooms	1 per dwelling u	1 per 10	1 per dwellin g unit
			Congregate living facilities with 16 or fewer persons	1 per 10	1 per 10	1 per 8
8	Storage	<u>S-1 S-2</u>	Structures for the storage of goods, warehouses, storehouses and freight depots, low and moderate hazard	1 per 100	1 per 100	See footnot e g

Section 4. Section R501.4 of the Seattle Energy Code, adopted by Ordinance 126279, is amended to read as

follows:

[S] **R501.4 Compliance.** *Alterations, repairs, additions* and changes of occupancy to, or relocation of, existing buildings and structures shall comply with the provisions for *alterations, repairs, additions* and changes of occupancy or relocation, respectively, in this code and the *International Residential Code, International Building Code, International Existing Building Code, International Fire Code, International Fuel Gas Code, International Mechanical Code, Uniform Plumbing Code, International Property Maintenance Code, and ((NFPA 70)) Seattle Electrical Code.*

Section 5. Chapter 16 of the Seattle Existing Building Code, adopted by Ordinance 126278, is amended to read as follows:

**CHAPTER 16 REFERENCED STANDARDS**

\* \* \*

ASME	American Society of Mechanical Engineers Two Park Avenue New York, NY 10016
<del>((ASME A17.1-2016/ CSA B44-16))</del> <u>A17.1/CSA B44-2019:</u>	<del>Safety Code for Elevators and Escalators 305.8.2 ((,902.1.2))</del>
<del>((A17.3-2015:</del>	<del>Safety Code for Existing Elevators and Escalators 902.1.2))</del>
<u>A18.1- ((2014)) 2017:</u>	<u>Safety Standard for Platform Lifts and Stairway Chair Lifts 305.8.3</u>

\* \* \*

Section 6. Section 2.4 of the Seattle Boiler and Pressure Vessel Code, adopted by Ordinance 126278, is amended to read as follows:

**2.4 Terms not defined.** When a definition is not found below, the definitions of terms found in the codes and standards listed in Section 3.1 of this code shall govern.

\* \* \*

**AUTOMATIC CERTIFICATION PERMIT** means a permit used to modify the licensed attendance requirements for a specific boiler. (See Steam Engineer and Boiler ~~((Fireman))~~ Operator License Law, Seattle

Municipal Code Chapter 6.420.)

\* \* \*

**BOILER, CERTIFIED AS AUTOMATIC** means a boiler that complies with Section 4.25 of this code, has an automatic certification permit that passed final inspection and is used to modify the licensed attendant requirements for a specific boiler. (See “Steam Engineer and Boiler (~~Fireman~~) Operator License Law”, Seattle Municipal Code Chapter 6.420).

**BOILER, CERTIFIED AS MONITORED** means a boiler that complies with Section 4.26 of this code and is used to modify the licensed attendant requirements for a specific boiler. (See “Steam Engineer and Boiler (~~Fireman~~) Operator License Law”, Seattle Municipal Code Chapter 6.420.)

\* \* \*

**LICENSED OPERATOR** means a person licensed to operate boilers in accordance with the Seattle Steam Engineer and Boiler (~~Fireman~~) Operator License Law, SMC Chapter 6.420.

\* \* \*

Section 7. Section 4.5 of the Seattle Boiler and Pressure Vessel Code, adopted by Ordinance 126278, is amended to read as follows:

**4.5 Emergency repairs.** In the case of (~~an~~) emergency, the installation or repair of any boiler or pressure vessel or auxiliary equipment may be made without first applying for a permit. The code official shall be given notice by email or voicemail of the work performed within 24 hours or one business day from the time when the emergency work was started. Permit applications shall be submitted within the later of 24 hours or one working day from the start of the emergency work or as directed by the code official.

Section 8. Section 4.25 of the Seattle Boiler and Pressure Vessel Code, adopted by Ordinance 126278, is amended to read as follows:

**4.25 Boilers certified as automatic.** The Seattle Steam Engineer and Boiler (~~Fireman~~) Operator License Law, Seattle Municipal Code Chapter 6.420, provides for reduced attendance requirements for boilers that are

certified as automatic. Boilers certified as automatic are required to have the following:

1. Control and limit devices as set forth in Table 4.25 or as certified by the manufacturer if approved by the code official to be equivalent.
2. Feed water systems not requiring manual operation.
3. Stack temperature gauges.
4. Oil temperature and oil suction pressure gauges and/or high and low gas pressure gauges, as applicable.
5. The original equipment manufacturer's operating and installation manual, together with electrical schematics or diagrams.
6. Boilers 12.5 MM BTU/H and greater. All boilers certified as automatic of 12,500,000 Btu/h input and greater shall also comply with the installation requirements of the current edition of NFPA 85, Boiler and Combustion Systems Hazards Code.
7. Solid fuel boilers. The code official may approve solid-fuel-fired boilers that meet the safety requirements for automatic gas- or oil-fired boilers.

Section 9. Section 4.26 of the Seattle Boiler and Pressure Vessel Code, adopted by Ordinance 126278, is amended to read as follows:

**4.26 Boilers certified as monitored.** Boilers certified as monitored shall comply with the reduced attendance requirements allowed by the Seattle Steam Engineer and Boiler ((Fireman)) Operator License Law, Seattle Municipal Code Chapter 6.420. The boiler owner or lessee is responsible for compliance with this Section 4.26.

\* \* \*

Section 10. Section 5.9.1 of the Seattle Boiler and Pressure Vessel Code, adopted by Ordinance 126278, is amended to read as follows:

**5.9 Operation of boilers and pressure vessels.**

**5.9.1. Operation.** Boilers and pressure vessels shall be operated and maintained by an appropriately

licensed boiler operator as required by the Seattle Steam Engineer and Boiler (~~Fireman~~) Operator License Law, Seattle Municipal Code Chapter 6.420.

\* \* \*

Section 11. 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 \_\_\_\_\_, 2021, and signed by me in open session in authentication of its passage this \_\_\_\_\_ day of \_\_\_\_\_, 2021.

\_\_\_\_\_  
President \_\_\_\_\_ of the City Council

Approved / returned unsigned / vetoed this \_\_\_\_\_ day of \_\_\_\_\_, 2021.

\_\_\_\_\_  
Jenny A. Durkan, Mayor

Filed by me this \_\_\_\_\_ day of \_\_\_\_\_, 2021.

\_\_\_\_\_  
Monica Martinez Simmons, City Clerk

(Seal)

**SUMMARY and FISCAL NOTE\***

<b>Department:</b>	<b>Dept. Contact/Phone:</b>	<b>CBO Contact/Phone:</b>
SDCI	Micah Chappell, 206-256-5157	Christie Parker 206-684-5211

*\* 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**

**Legislation Title:** AN ORDINANCE relating to Seattle’s construction codes; amending Sections 713.13.7 and 1613.1.1 and Table 2902.1 of the 2018 Seattle Building Code, adopted by Ordinance 126278; amending Section R501.4 of the 2018 Seattle Energy Code, adopted by Ordinance 126279; amending Chapter 16 of the Seattle Existing Building Code, adopted by Ordinance 126278; and amending Sections 2.4, 4.5, 4.25, 4.26, and 5.9.1 of the Seattle Boiler and Pressure Vessel Code, adopted by Ordinance 126278.

**Summary and background of the Legislation:**

This legislation adopts errata to the 2018 Seattle Construction Codes, which consists of Codes from the International Code Council (ICC), National Fire Protection Association (NFPA), and International Association of Plumbing and Mechanical Officials (IAPMO), with Seattle amendments.

The Seattle Construction Codes -- building, residential, existing building, mechanical, fire, plumbing, energy, electrical, fuel gas, boiler, and elevator -- are a vital component of providing a safe, healthy, livable community, and every three years, as changes occur at the national and state levels, our local codes are also refined to meet or exceed those standards.

This legislation includes adoption of proposed errata for Seattle’s construction codes to clarify regulations, adopt amendments consistent with Washington State regulations, and make technical corrections from omissions and errors.

**2. CAPITAL IMPROVEMENT PROGRAM**

**Does this legislation create, fund, or amend a CIP Project?**      \_\_\_ Yes X No

**3. SUMMARY OF FINANCIAL IMPLICATIONS**

**Does this legislation amend the Adopted Budget?**      \_\_\_ Yes X No

**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?**  
No other fiscal impacts.

**Is there financial cost or other impacts of *not* implementing the legislation?**  
No other fiscal impacts.

#### 4. OTHER IMPLICATIONS

- a. Does this legislation affect any departments besides the originating department?**  
This legislation will adopt errata to Seattle construction codes that require all departments that will build or renovate buildings in the city of Seattle to comply with the 2018 codes.
- b. Is a public hearing required for this legislation?**  
No, a public hearing is not required for this legislation.
- c. Is publication of notice with *The Daily Journal of Commerce* and/or *The Seattle Times* required for this legislation?**  
No, a publication of notice is not required for this legislation.
- d. Does this legislation affect a piece of property?**  
The legislation will adopt errata to Seattle construction codes that affect construction, alteration, and demolition of structures on any property but is not directed at any specific property.
- e. Please describe any perceived implication for the principles of the Race and Social Justice Initiative. Does this legislation impact vulnerable or historically disadvantaged communities? What is the Language Access plan for any communications to the public?**  
No impact on vulnerable or historically disadvantaged communities is anticipated.
- f. Climate Change Implications**
- 1. Emissions: Is this legislation likely to increase or decrease carbon emissions in a material way?**  
This legislation will have no effect on carbon emissions.
  - 2. Resiliency: Will the action(s) proposed by this legislation increase or decrease Seattle's resiliency (or ability to adapt) to climate change in a material way? If so, explain. If it is likely to decrease resiliency in a material way, describe what will or could be done to mitigate the effects.**  
This legislation will have no effect on climate change.
- 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)?**  
No new initiatives or programmatic expansions are included in this legislation.

**List attachments/exhibits below:**

N/A



# Changes to 2021 Seattle Grading Code, Steam Engineer and Boiler Operator License Law Update, and Seattle Construction Codes Errata



Photo by Tim Durkan



**Seattle** Department of  
Construction & Inspections

LUN Committee  
May, 2021

# SDCI PURPOSE AND VALUES

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## Our Purpose

Helping people build a safe, livable, and inclusive Seattle.

## Our Values

- Equity
- Respect
- Quality
- Integrity
- Service

# SEATTLE CODE UPDATES

- 2021 Seattle Grading Code Update
- Steam Engineer and Boiler Operators License Law Update
- Seattle Construction Codes Errata





# INTENT OF THE GRADING CODE UPDATE

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- The primary intent of this update is to align with the 2021 Seattle Stormwater Code update.
- SDCI provided outreach and public comment opportunities for the Grading Code by presenting the suggested changes to the development community as part of the extensive outreach done for the 2021 Stormwater Code.
- We addressed all comments and incorporated the suggestions for the most impactful changes.

# 2021 GRADING CODE CHANGES

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- Threshold Revisions
- Definition Clarifications
- Exemption Changes



# THRESHOLD REVISIONS

## 22.170.060 – Grading Permit Required (Thresholds)

- **Changed** Land Disturbing Activity from 1 acre to 5,000 square feet
- **Changed** New Plus Replace Hard Surface from 2,000 square feet to 750 square feet
- **Added** extracting groundwater (e.g., dewatering wells for construction or remediation)

	2016 Drainage Review Thresholds	2021 Drainage Review Thresholds	Current Grading Permit Threshold	New Grading Permit Threshold
Land Disturbing Activity Area	750 SF	5,000 SF 	1 acre	5,000 SF 
New Plus Replaced Hard Surface Area	750 SF	750 SF	2,000 SF	750 SF 

# DEFINITION CLARIFICATIONS

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## 22.170.050 – Definitions

- **Revised** “Impervious Surface” to “Hard Surface” throughout Grading Code and refer to Stormwater Code for the definition.
- **Revised** “potentially hazardous location” to include any state or federal list or database that indicates potential contamination.

# EXEMPTION CHANGES

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## 22.170.060.B – Exemptions

- **Changed** the utility exemption. New installation will not be exempt in ECAs or for new stormwater systems for short plats and subdivision.
- **Removed** exemption for underground storage tank removal/replacement.
- ~~**Revised** exemption for work on railroads. Not applicable if activity triggers Drainage Review per the Stormwater Code.~~

Note: the lined-out revision was contested by the Port of Seattle and BNSF. SDCI, SPU, and the Seattle Attorney's Office concurred with their comment and deleted the revision, as requested



# STEAM AND BOILER OPERATOR UPDATE

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- Ordinance last updated in 2006
- In 2018 the licensing application and issuance process was moved to the Accela platform, necessitating a rewrite of 6.420.040
- Many editorial changes to update to the current legislative format and switch to gender-neutral language
- SDCI personnel and the Steam License Advisory Board reviewed the ordinance for needed updates
- All updates were approved by the Steam License Advisory Board

# STEAM LICENSE ADVISORY BOARD

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Representing Licensed Steam Engineers

Terry Chapin (Chair) – Retired Grade I Steam Engineer/Washington State Board of Boiler Rules Chair

Ted Carroll – Grade II Boiler Supervisor - Seattle Public Schools

Representing Owners/Managers

Mick Reeves – Enwave Plant Manager

Kenny Lind – Fred Hutchinson Cancer Research Center

Aaron Kessler – Grade II Boiler Supervisor – All Temp Mechanical

Representing the General Public

Christian Dube – Western Washington Stationary Engineers Training Trust

Corey Drury – Port of Seattle

Heath Robinette – IUOE Local 302

# SEATTLE CONSTRUCTION CODES ERRATA

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This legislation includes adoption of proposed errata for Seattle's construction codes to clarify regulations, adopt amendments consistent with Washington State regulations, and make technical corrections from omissions and errors.

- Provides the correct Plumbing Fixture Table for SBC.
- Provides corrected language in various sections that had errors or omissions.
- Provides corrected section or code references.
- Correctly adopts code language to align with the State.

# QUESTIONS?

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Legislation Text

File #: CB 120084, Version: 1

CITY OF SEATTLE

ORDINANCE \_\_\_\_\_

COUNCIL BILL \_\_\_\_\_

AN ORDINANCE relating to land disturbing activity; updating the Grading Code to align with updates to other codes; and amending Sections 22.170.020, 22.170.050, 22.170.060, 22.170.070, 22.170.080, 22.170.110, and 22.170.190 of the Seattle Municipal Code.

**BE IT ORDAINED BY THE CITY OF SEATTLE AS FOLLOWS:**

Section 1. Section 22.170.020 of the Seattle Municipal Code, enacted by Ordinance 123107, is amended as follows:

**22.170.020 Scope**

This code applies to all grading and other land disturbing activity, including addition and replacement of ((~~impervious~~)) hard surface, within the City of Seattle; to the maintenance and protection of grades, slopes, and soil stability; and to the correction of hazards related to any of the foregoing.

Section 2. Section 22.170.050 of the Seattle Municipal Code, last amended by Ordinance 125248, is amended as follows:

**22.170.050 Definitions**

\* \* \*

"Development" means land disturbing activity or the addition or replacement of ((~~impervious~~)) hard surface.

\* \* \*

~~("Impervious surface" means any surface exposed to rainwater from which most water runs off. Common impervious surfaces include, but are not limited to, roof tops, walkways, patios, driveways, formal~~

~~planters, parking lots or storage areas, concrete or asphalt paving, permeable paving, gravel surfaces subjected to vehicular traffic, compact gravel, packed earthen materials, and oiled macadam or other surfaces which similarly impede the natural infiltration of stormwater. Open, uncovered retention/detention facilities shall not be considered as impervious surfaces for the purposes of determining whether the thresholds for application of minimum requirements are exceeded. Open, uncovered retention/detention facilities shall be considered impervious surfaces for purposes of stormwater modeling.))~~

“Hard surface” means “hard surface” as defined in Section 22.801.090.

\* \* \*

"Land disturbing activity" means any activity resulting in a movement of earth, or a change in the existing soil cover, both vegetative and nonvegetative, or the existing topography. Land disturbing activities include, but are not limited to, clearing, grading, filling, excavation, or addition of new or the replacement of (~~impervious~~) hard surface. Compaction, excluding hot asphalt mix, that is associated with stabilization of structures and road construction shall also be considered a land disturbing activity. Vegetation maintenance practices are not considered land disturbing activities.

\* \* \*

"Potentially hazardous location" includes:

1. (~~All sites on the Hazardous Sites List compiled by the Washington State Department of Ecology pursuant to WAC 173-340-330 or any successor rule, or listed on the National Priorities List by the U.S. Environmental Protection Agency pursuant to the federal Comprehensive Environmental Response, Compensation and Liability Act (CERCLA), commonly known as the Superfund statute. When a site is no longer on either list, or when the owner otherwise establishes contamination does not pose a present or potential threat to human health or the environment, the site will no longer be considered a potentially hazardous location.)) Any site on a list, register, or database compiled by the U.S. Environmental Protection Agency (EPA) or the Washington State Department of Ecology (Ecology) for investigation, cleanup, or other action~~

regarding contamination under any federal or state environmental law. When EPA or Ecology removes the site from the list, register, or database, or when the Director or the Director of SPU determines the owner has otherwise established the contamination does not pose a present or potential threat to human health or the environment, the site will no longer be considered a potentially hazardous location.

2. When designated by the Director, existing and abandoned solid waste disposal sites; and facilities for hazardous waste treatment, storage, or disposal, all as defined by the federal Solid Waste Disposal Act, 42 U.S.C. 6901, et seq.

\* \* \*

"Replaced (~~((impervious))~~) hard surface" or "replacement of (~~((impervious))~~) hard surface" means (~~for structures, the removal and replacement of impervious surface down to the foundation. For other impervious surface, the impervious surface that is removed down to earth material and a new impervious surface is installed~~) those terms as defined in Section 22.801.190.

"Site" means the lots or parcels, or portions of street, highway, or other rights-of-way, or contiguous combination thereof, where a permit for the addition or replacement of (~~((impervious))~~) hard surface or the undertaking of land disturbing activity has been issued or where any such work is proposed or performed. For roadway projects, the length of the project site and the right-of-way boundaries define the site.

\* \* \*

Section 3. Section 22.170.060 of the Seattle Municipal Code, enacted by Ordinance 123107, is amended as follows:

**22.170.060 Grading (~~((Permit Required))~~) permit required**

A. Grading (~~((Permit Required))~~) permit required. Except as otherwise specifically provided in this code, a grading permit shall be obtained from the Director before commencing any activity for which a permit is required as specified in subsection 22.170.060.A. The required grading permit may be a component of a building permit, and, in this case, a separate grading permit is not required. The provisions of this (~~chapter~~)

code apply to both a separate grading permit and a grading permit that is a component of a building permit except as expressly otherwise stated. Actions exempt from the requirement for a grading permit are specified in subsection 22.170.060.B.

1. General. A grading permit is required prior to any of the actions in subsection 22.170.060.A.1, whether or not the site is subject to any other provision of subsection 22.170.060.A:

a. Changing existing grade at any location more than 4 feet measured vertically, if the combined volume of excavation, filling, and other movement of earth material on a site is more than 50 cubic yards;

b. Changing the existing grade at any location more than 4 feet measured vertically, if the grading will result in a permanent slope steeper than 3 horizontal to 1 vertical;

c. Changing the existing grade at any location more than 4 feet measured vertically, if there will be a temporary slope steeper than 1 horizontal to 1 vertical;

d. Any grading if the combined volume of excavation, filling, and other movement of earth material exceeds 500 cubic yards;

e. ~~((One acre))~~ 5,000 square feet or more of land disturbing activity on a site;

f. ~~((Two thousand))~~ 750 square feet or more of new plus replaced ~~((impervious))~~ hard surface.

g. Extracting groundwater from a well dewatering system.

2. Shoreline District. In the Shoreline District as established in Section 23.60A.010 a grading permit is required:

a. If there will be any grading of lands covered by water;

b. If there will be any land disturbing activity within 100 feet of the ordinary high water mark; or

c. If the combined volume of excavation, filling, and other movement of earth material is



more than 25 cubic yards in the area between 100 and 200 feet of the ordinary high water mark.

3. Environmentally ~~((Critical Areas))~~ critical areas and ~~((Buffers))~~ buffers. A grading permit is required for:

a. Any land disturbing activity in riparian corridors, wetlands, wetland buffers, and shoreline buffers;

b. Land disturbing activity in liquefaction-prone areas, abandoned landfills, seismic hazards areas, peat settlement-prone areas, and volcanic hazard areas, if any threshold in subsection 22.170.060.A.1 is met or exceeded;

c. Land disturbing activity in any ~~((Environmentally Critical Area))~~ environmentally critical area not listed in subsections 22.170.060.A.3.a and 22.170.060.A.3.b, if the combined volume of excavation, filling, and other movement of earth material is more than 25 cubic yards or grading reaches any threshold in subsection 22.170.060.A.1.

4. Potentially ~~((Hazardous Locations))~~ hazardous locations. A grading permit is required for any volume of excavation, filling, or other movement of earth material in potentially hazardous locations as defined in Section 22.170.050.

5. ~~((In-Place Ground Modification))~~ In-place ground modification. A grading permit is required for any in-place ground modification. The Director may waive the requirement for a grading permit if the Director determines the in-place ground modification will be insignificant in amount or type.

6. Temporary ~~((Stockpiles))~~ stockpiles. A grading permit is required for temporary stockpiles that meet or exceed any applicable threshold of subsection 22.170.060.A.1 through 22.170.060.A.5 and that are not located on sites for which a valid grading permit has been issued.

7. Grading ~~((Near Public Places))~~ near public places. A grading permit is required to excavate or fill in excess of 3 feet, measured vertically, on private property within any area between the vertical prolongation of the margin of a public place, and a 100 percent slope line (45 degrees from a horizontal line)

from the existing elevation of the margin of a public place to the proposed elevation of the private property. See Sections 15.44.020 and 15.44.030.

B. Exemptions. A grading permit is not required for the activities listed in this subsection 22.170.060.B.

1. Activity conducted in the public right of way by a City agency, or under a street use permit that specifically authorizes the activity;
2. Excavation and filling of cemetery graves;
3. Exploratory excavations that comply with the requirements of subsection 22.170.190.N;
4. Operation of sewage treatment plant sludge settling ponds;
5. Operation of surface mines for the extraction of mineral and earth materials subject to the regulations and under a permit of the State of Washington;
6. Stockpiling and handling of earth material when the earth material is consumed or produced in a process that is the principal use of the site and that complies with the requirements of subsection 22.170.190.M;
7. Maintenance or reconstruction of active tracks and yards of a railroad in interstate commerce within its existing right-of-way;
8. Maintenance or reconstruction of the facilities of parks and playgrounds including work required for the protection, repair, replacement, or reconstruction of any existing paths, trails, sidewalks, public improvement or public or private utility, and the stockpiling of material for these maintenance and reconstruction activities;
9. Excavation and filling of post holes;
10. Trenching and backfilling for the ~~((installation,))~~ reconstruction or repair of existing utilities on property other than a public right-of-way that includes replacing the ground surface with in-kind material or materials with similar runoff characteristics;
11. Trenching and backfilling the installation of utilities on property other than a public right-of-

way or an environmentally critical area that includes replacing the ground surface with in-kind material or materials with similar runoff characteristics, except that installation of drainage systems and facilities for short plats and subdivisions that are subject to subsection 22.805.010.D are not exempt;

12. Grading done as part of a City public works project (see also Section 22.800.070);

~~((12.))~~ 13. Public works and other publicly funded activities on property owned by public entities, when all of the following conditions are satisfied:

a. Stormwater discharges from the property do not enter the public drainage control system or the public combined sewer system;

b. The project will not undercut or otherwise endanger adjacent property; and

c. The Director has waived grading permit requirements by interagency agreement~~((:))~~ ;

~~((13. Underground storage tank removal and replacement that is subject to regulation by a state or federal agency, unless any grading is done on a potentially hazardous location. See subsection 22.170.060.A.))~~

14. Development undertaken by the Washington State Department of Transportation in state highway right-of-way that complies with standards established pursuant to ~~((Chapter))~~ chapter 173-270 ((Washington Administrative Code, the Puget Sound Highway Runoff Program)) WAC;

15. On-site work required for construction, repair, repaving, replacement, or reconstruction of an existing road, street, or utility installation in a public right-of-way~~((:))~~ ;

16. Pavement maintenance practices with no change to drainage patterns or existing discharge points limited to the following activities;

a. Pothole and square cut patching;

b. Overlaying existing asphalt or concrete or brick pavement with asphalt or concrete without expanding the area of coverage;

c. Shoulder grading;

d. Reshaping or regrading drainage ditches;

e. Crack sealing; and

f. Vegetation maintenance.

C. Compliance (~~(Required)~~) required. All grading and other land disturbing activity, whether or not it requires a grading permit, shall comply with the provisions of this code, the Stormwater Code, and all other applicable laws.

Section 4. Section 22.170.070 of the Seattle Municipal Code, enacted by Ordinance 123107, is amended as follows:

**22.170.070 Application (~~(Requirements for Grading Permits)~~) requirements for grading permits**

\* \* \*

B. Plans and (~~(Information Required.)~~) information required

1. Projects (~~(Requiring Plans)~~) requiring plans. The information listed in subsection 22.170.070.B.2 shall be provided on plans submitted with each application for a grading permit.

Exceptions:

a. When the only grading included in an application is for an approved drainage control plan (~~(the information required in subsection 22.170.070.B is not required)~~) , a separate grading plan is not required if all information in subsection 22.170.070.B.2 is shown on the drainage control plan.

b. When the only grading included in an application for a building permit is excavation and replacement of earth material within an area 4 feet or less from the footing lines of a building or structure, (~~(plans are)~~) the grading plan is not required, except that the applicant shall show the location of temporary stockpiles and the slope of temporary cuts on the site plan.

c. A separate grading plan may be omitted if all information in subsection 22.170.070.B.2 is shown on the site plan and drainage control plans and preparation by a civil engineer or stamping by a geotechnical engineer is required.

d. The work will be permitted by the Seattle Department of Transportation and a separate grading plan may be omitted if the work is in the right-of-way and all information in subsection 22.170.070.B.2 is shown on the right-of-way plans.

2. Requirements for ~~((Plans))~~ plans. The following information shall be submitted with applications for grading permits requiring plans.

a. A general vicinity map and legal description of the site;

b. A site plan ~~((showing:))~~ as required by the director of the department that will issue the permit;

~~((1) location of existing buildings and structures, easements, utilities and other surface and above-ground improvements on the site;~~

~~2) the approximate location of all buildings, structures, impervious surface and other improvements on adjacent land;~~

~~3) the location of existing and planned temporary and permanent drainage control facilities, existing and proposed drainage discharge points, watercourses, drainage patterns, environmentally critical areas, and areas of standing water;~~

~~4) the approximate location, type and size of trees and other vegetation on the site;~~

~~5) designation of trees and vegetation to be removed, and the minimum distance between tree trunks and the nearest excavation and/or fill; and~~

~~6) areas where equipment traffic will be permitted and excluded;))~~

c. A grading plan showing:

1) An estimate of the total combined volume of excavation, filling, and other movement of earth material;

2) A topographic ~~((map))~~ plan, including cross-sections of the site and adjacent

property, showing the ~~((present))~~ existing and proposed contours of the land at not more than 2-foot contour intervals, and the location and amount of all temporary stockpiles and excavations. On steeper sites, the Director may authorize plans to show a contour interval greater than 2 feet but in no case more than a 5-foot interval. The information relating to adjacent properties may be approximated;

3) A bar scale and north arrow;

4) The limits of proposed land disturbance;

5) Existing and proposed retaining walls, rockeries, and all other features that create sudden grade changes. Proposed retaining walls and rockeries shall include top and bottom elevations at the ends, high points, and at least every 25 feet along the feature;

6) Location of existing and proposed buildings, structures, hard surface, and other improvements on the site;

7) The approximate location of all buildings, structures, hard surface, and other improvements on adjacent land;

8) The location of existing and proposed drainage control facilities, drainage discharge points, watercourses, drainage patterns, and areas of standing water;

9) Environmentally critical areas and associated setbacks and buffers;

10) Non-disturbance areas;

11) The approximate location, type, and size of trees and other vegetation on the site;

12) Designation of trees and vegetation to be removed, and the minimum distance between tree trunks and the nearest excavation and/or fill; and

13) Areas where equipment traffic will be permitted and excluded;

d. A drainage control plan as set forth in ~~((SMC))~~ Chapter 22.807 ~~((, except when the grading is limited to the area providing for vehicular and pedestrian access to the building or to the temporary~~

stockpiling of excavated material)).

3. ~~((Number Required. If a grading permit is sought as a component of another permit, the minimum number of plan sets required for the grading permit application shall be the same as the number of plan sets required for the other permit application. If only a grading permit is sought, the applicant shall submit at least 3 sets of plans. Additional sets may be required by the Director.~~

4. ~~Clarity of Plans.))~~ Clarity of plans. Plans shall be drawn to a clearly indicated and commonly accepted scale ~~((upon substantial paper such as blueprint quality or standard drafting paper. Tissue paper, poster board or cardboard will not be accepted))~~ and shall include a bar scale. The plans shall be of ~~((microfilm))~~ legible print quality and limited to a minimum size of ~~((18))~~ 11 inches by ~~((18))~~ 17 inches and a maximum size of 41 inches by 54 inches.

~~((5. Preparation by Civil Engineer.))~~ 4. Preparation by civil engineer. The grading plans shall be prepared by, or under the direction of, a licensed civil engineer for all applications where the total amount of materials graded is more than 2,500 cubic yards. The Director may require that grading plans for lesser quantities be prepared by or under the direction of a licensed civil engineer for sites such as, but not limited to, those in geologic hazard areas and areas with known erosion problems.

~~((6. Stamping by Geotechnical Engineer.))~~ 5. Stamping by geotechnical engineer. When required by the Director in accordance with the provisions of this code, the grading plans shall be reviewed and stamped by the geotechnical engineer who performed the geotechnical investigation to indicate that the plans conform to the conclusions and recommendations of the investigation.

\* \* \*

Section 5. Section 22.170.080 of the Seattle Municipal Code, enacted by Ordinance 123107, is amended as follows:

**22.170.080 Financial ~~((Assurance and Covenants))~~ assurance and covenants**

As a condition precedent to issuance of any grading permit provided for in this code, the Director may require

an applicant to submit financial assurances and a covenant as provided in this Section 22.170.080.

A. Insurance.

1. The Director may require the owner(s) or contractor to carry liability and property damage insurance against bodily injury, death, disability, property damage, and/or loss from or related to land disturbing activities or resulting conditions, or operation of equipment on or about the property, naming the City as an additional insured, covering any occurrence prior to determination by the Director that the requirements of the grading permit have been met. The amount and policy terms shall be commensurate with the risks as determined by the Director. The Director may require proof that the insurance is in effect prior to issuance of a grading permit.

2. The Director may also require the owner(s) to maintain a policy of general public liability insurance against personal injury, death, property damage, and/or loss from activities conducted pursuant to the grading permit, or conditions caused by grading activities, and naming the City as an additional insured. The policy shall be in an amount and on terms that the Director determines to be commensurate with the risks. It shall cover a period of not more than ten years from the date of issuance of a Certificate of Occupancy or finalization of the grading permit. A certificate evidencing the insurance shall be filed with the Director before issuance of a grading permit.

3. The insurance policy shall provide that the City will be notified of cancellation of the policy at least 30 days prior to cancellation. The notice shall be sent to the Director and to the Risk Management Division in the Department of Finance and Administrative Services and shall state the insured's name and the property address. If a property owner's insurance is canceled and not replaced ten days prior to a lapse in coverage, the Director may order that any further work under a grading permit stop, or issue a notice of violation, or the grading permit and any interrelated permit or approval may be revoked, including a Certificate of Occupancy or approval for occupancy.

\* \* \*



Section 6. Section 22.170.110 of the Seattle Municipal Code, last amended by Ordinance 124105, is amended as follows:

**22.170.110 Granting or denial of grading permits**

A. Granting

1. If the Director finds that an application for a grading permit complies with the requirements of this code and rules promulgated hereunder, that the fees specified in the Fee Subtitle have been paid, and that the applicant has satisfied all other conditions precedent imposed by or pursuant to this code, the Stormwater Code, and rules promulgated under those codes, the Director shall issue a permit to the applicant. A permit may be granted with or without conditions. Conditions may include, but are not limited to: restricting grading work to specific seasons, months or weather conditions; limiting vegetation removal; sequencing of work; requiring that recommendations contained in the geotechnical investigation are followed; requiring observation by a licensed civil or geotechnical engineer; requiring special inspection pursuant to Section 22.170.130; requiring structural safeguards; specifying methods of erosion, sedimentation, and drainage control; specifying methods for maintenance of slope stability; retaining existing trees; requiring revegetation and grass seeding and/or long term maintenance activities; requiring compliance with Chapter 25.09, Regulations for Environmentally Critical Areas, Chapter 23.60A, Shoreline Master Program, and other regulations of the City or other agencies with jurisdiction.

2. The Director may require that plans and specifications be stamped and signed by a licensed civil engineer or geotechnical engineer to indicate that the grading and proposed structure comply with the conclusions and recommendations of any required investigation or report.

3. Minimal risk. In geologic hazard areas and steep slope erosion hazard areas as identified in Chapter 25.09, the geotechnical/civil engineer who prepared the soils analysis and report may be required to submit a letter stating that:

a. The plans and specifications conform to the recommendations of the soils analysis and

report; and

b. So long as conditions stated in the soils report are satisfied, areas disturbed by construction will be stabilized, the risk of damage to the proposed development or to adjacent properties from soil instability will be minimal, and the proposed grading and development will not increase the potential for soil movement.

\* \* \*

Section 7. Section 22.170.190 of the Seattle Municipal Code, last amended by Ordinance 124952, is amended as follows:

**22.170.190 General requirements**

\* \* \*

I. Amendment with organic matter. Areas that have been cleared, graded, or compacted and that have not been covered by ((impervious)) hard surface, incorporated into a drainage facility, or engineered as structural fill or slope shall be amended with organic matter prior to final inspection.

\* \* \*

Section 8. 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 \_\_\_\_\_, 2021, and signed by me in open session in authentication of its passage this \_\_\_\_\_ day of \_\_\_\_\_, 2021.

\_\_\_\_\_  
President \_\_\_\_\_ of the City Council

Approved / returned unsigned / vetoed this \_\_\_\_\_ day of \_\_\_\_\_, 2021.

\_\_\_\_\_  
Jenny A. Durkan, Mayor

Filed by me this \_\_\_\_\_ day of \_\_\_\_\_, 2021.

\_\_\_\_\_  
Monica Martinez Simmons, City Clerk

(Seal)

## SUMMARY and FISCAL NOTE\*

<b>Department:</b>	<b>Dept. Contact/Phone:</b>	<b>CBO Contact/Phone:</b>
Construction and Inspections	Micah Chappell 206-256-5157	Christie Parker 206-684-5211

*\* 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**

**Legislation Title:** AN ORDINANCE relating to land disturbing activity; updating the Grading Code to align with updates to other codes; and amending Sections 22.170.020, 22.170.050, 22.170.060, 22.170.070, 22.170.080, 22.170.110, and 22.170.190 of the Seattle Municipal Code.

**Summary and background of the Legislation:** This legislation adopts the 2021 Seattle Grading Code. SDCI is revising SMC 22.170 to align relevant thresholds, definitions, and exemptions with the concurrent 2021 Seattle Stormwater Code update to SMC 22.800-22.808. The Grading Code was last updated in January 2009. The update is occurring to ensure compliance with Seattle’s National Pollution Distribution Elimination System (NPDES) permit and to ensure compliance with Ecology’s Stormwater Management Manual for Western Washington. The updates to this code are minimal:

#### **Threshold adjustments**

- The Grading Code will require a grading permit when there is 5,000 square feet or more of land disturbing activity on a site, rather than 1 acre. This is consistent with Ecology’s expectations for management of large projects and aligns with current thresholds in the Stormwater Code.
- The Grading Code will require a grading permit when there is 750 square feet of new plus replaced hard surface, rather than 2000 square feet. This is consistent with Ecology’s expectations for management of hard surfaces and aligns with current thresholds in the Stormwater Code.
- The Grading Code will require a grading permit when extracting groundwater.

#### **Definition adjustments**

- The term “impervious surface” is replaced by “hard surface” as defined in SMC Section 22.801.090, which defines “hard surface” as an impervious surface, a permeable pavement, or a vegetated roof.
- “Development” means land disturbing activity or the addition or replacement of hard surface, rather than impervious surface.
- “Potentially hazardous location” is broadened to include any site on a list, register, or database compiled by EPA or Ecology for investigation, cleanup, or other action regarding contamination under any federal or state environmental law, rather than being defined as a location on Ecology’s Hazardous Sites List or on Superfund sites. When EPA or Ecology removes the site from the list, register or database, or when the Director of SDCI or the Director of SPU determines the owner has otherwise established the

contamination does not pose a present or potential threat to human health or the environment, the site will no longer be considered a potentially hazardous location.

### **New Exemptions**

- Trenching and backfilling for the reconstruction or repair of existing utilities on property other than a public right-of-way that includes replacing the ground surface with in-kind material or materials with similar runoff characteristics.
- Trenching and backfilling for the installation of utilities on property other than a public right-of-way or an Environmentally Critical Area that includes replacing the ground surface with in-kind material or materials with similar runoff characteristics, with the exception that installation of drainage systems and facilities for Short Plats and Subdivisions that are subject to SMC 22.805.010.D are not exempt.

### **Eliminated Exemptions**

- Underground storage tank removal subject to state or federal regulation is no longer exempt.

The update also includes various clarifications of grading plan requirements, and includes a new requirement that the geotechnical/civil engineer who prepares the soils analysis and report may need to submit a letter attesting that the risk of damage to proposed development or adjacent properties is minimal.

## **2. CAPITAL IMPROVEMENT PROGRAM**

Does this legislation create, fund, or amend a CIP Project? \_\_\_ Yes X No

## **3. SUMMARY OF FINANCIAL IMPLICATIONS**

Does this legislation amend the Adopted Budget? \_\_\_ Yes X No

**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?**

No

**Is there financial cost or other impacts of not implementing the legislation?**

Yes. If Seattle is audited by the Washington State Department of Ecology, it may be determined that the City is out of compliance with our NPDES permit requirements and the Stormwater Management Manual for Western Washington if this update does not occur. There are significant fines associated with lack of compliance.

#### 4. OTHER IMPLICATIONS

- a. **Does this legislation affect any departments besides the originating department?** The legislation will require that all departments that build or renovate buildings in the city of Seattle comply with the 2021 codes.
- b. **Is a public hearing required for this legislation?** No.
- c. **Is publication of notice with The Daily Journal of Commerce and/or The Seattle Times required for this legislation?** No.
- d. **Does this legislation affect a piece of property?** The legislation will affect large grading projects and projects with new plus replaced hard surface area greater than 750 square feet; however, it is not directed at any specific property.
- e. **Please describe any perceived implication for the principles of the Race and Social Justice Initiative. Does this legislation impact vulnerable or historically disadvantaged communities? What is the Language Access plan for any communications to the public?** We perceive no impacts to vulnerable or historically disadvantaged communities. The SDCI communications director will ensure that all public messaging regarding the update utilizes plain language.
- f. **Climate Change Implications**
1. **Emissions: Is this legislation likely to increase or decrease carbon emissions in a material way?** Not in a substantial manner but it will provide enhanced environmental protections to the City's receiving water bodies. See 4f.2 below.
  2. **Resiliency: Will the action(s) proposed by this legislation increase or decrease Seattle's resiliency (or ability to adapt) to climate change in a material way?** This update will increase the amount of On-Site Stormwater Management Best Management Practices (OSM BMPs) installed in the City (See Seattle Stormwater Code for OSM requirements). OSM provides runoff volume and pollutant mitigation. While some OSM BMPs provide carbon emission reduction, the primary impact is the reduction of pollutants introduced to the City's receiving waters.
- 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).**  
This legislation does not include any new initiatives or major expansion of any program.

**List attachments/exhibits below:**

# Changes to 2021 Seattle Grading Code, Steam Engineer and Boiler Operator License Law Update, and Seattle Construction Codes Errata



Photo by Tim Durkan



**Seattle** Department of  
Construction & Inspections

LUN Committee  
May, 2021

# SDCI PURPOSE AND VALUES

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## Our Purpose

Helping people build a safe, livable, and inclusive Seattle.

## Our Values

- Equity
- Respect
- Quality
- Integrity
- Service



# SEATTLE CODE UPDATES

- 2021 Seattle Grading Code Update
- Steam Engineer and Boiler Operators License Law Update
- Seattle Construction Codes Errata



# INTENT OF THE GRADING CODE UPDATE

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- The primary intent of this update is to align with the 2021 Seattle Stormwater Code update.
- SDCI provided outreach and public comment opportunities for the Grading Code by presenting the suggested changes to the development community as part of the extensive outreach done for the 2021 Stormwater Code.
- We addressed all comments and incorporated the suggestions for the most impactful changes.

# 2021 GRADING CODE CHANGES

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- Threshold Revisions
- Definition Clarifications
- Exemption Changes



# THRESHOLD REVISIONS

## 22.170.060 – Grading Permit Required (Thresholds)

- **Changed** Land Disturbing Activity from 1 acre to 5,000 square feet
- **Changed** New Plus Replace Hard Surface from 2,000 square feet to 750 square feet
- **Added** extracting groundwater (e.g., dewatering wells for construction or remediation)

	2016 Drainage Review Thresholds	2021 Drainage Review Thresholds	Current Grading Permit Threshold	New Grading Permit Threshold
Land Disturbing Activity Area	750 SF	5,000 SF 	1 acre	5,000 SF 
New Plus Replaced Hard Surface Area	750 SF	750 SF	2,000 SF	750 SF 

# DEFINITION CLARIFICATIONS

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## 22.170.050 – Definitions

- **Revised** “Impervious Surface” to “Hard Surface” throughout Grading Code and refer to Stormwater Code for the definition.
- **Revised** “potentially hazardous location” to include any state or federal list or database that indicates potential contamination.

# EXEMPTION CHANGES

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## 22.170.060.B – Exemptions

- **Changed** the utility exemption. New installation will not be exempt in ECAs or for new stormwater systems for short plats and subdivision.
- **Removed** exemption for underground storage tank removal/replacement.
- ~~**Revised** exemption for work on railroads. Not applicable if activity triggers Drainage Review per the Stormwater Code.~~

Note: the lined-out revision was contested by the Port of Seattle and BNSF. SDCI, SPU, and the Seattle Attorney's Office concurred with their comment and deleted the revision, as requested

# STEAM AND BOILER OPERATOR UPDATE

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- Ordinance last updated in 2006
- In 2018 the licensing application and issuance process was moved to the Accela platform, necessitating a rewrite of 6.420.040
- Many editorial changes to update to the current legislative format and switch to gender-neutral language
- SDCI personnel and the Steam License Advisory Board reviewed the ordinance for needed updates
- All updates were approved by the Steam License Advisory Board

# STEAM LICENSE ADVISORY BOARD

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Representing Licensed Steam Engineers

Terry Chapin (Chair) – Retired Grade I Steam Engineer/Washington State Board of Boiler Rules Chair

Ted Carroll – Grade II Boiler Supervisor - Seattle Public Schools

Representing Owners/Managers

Mick Reeves – Enwave Plant Manager

Kenny Lind – Fred Hutchinson Cancer Research Center

Aaron Kessler – Grade II Boiler Supervisor – All Temp Mechanical

Representing the General Public

Christian Dube – Western Washington Stationary Engineers Training Trust

Corey Drury – Port of Seattle

Heath Robinette – IUOE Local 302



# SEATTLE CONSTRUCTION CODES ERRATA

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This legislation includes adoption of proposed errata for Seattle's construction codes to clarify regulations, adopt amendments consistent with Washington State regulations, and make technical corrections from omissions and errors.

- Provides the correct Plumbing Fixture Table for SBC.
- Provides corrected language in various sections that had errors or omissions.
- Provides corrected section or code references.
- Correctly adopts code language to align with the State.

# QUESTIONS?

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Legislation Text

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File #: CB 120085, Version: 1

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CITY OF SEATTLE

ORDINANCE \_\_\_\_\_

COUNCIL BILL \_\_\_\_\_

AN ORDINANCE relating to boiler and steam engine operations; amending Chapter 6.420 of the Seattle Municipal Code.

**BE IT ORDAINED BY THE CITY OF SEATTLE AS FOLLOWS:**

Section 1. Chapter 6.420 of the Seattle Municipal Code, last amended by the ordinance introduced as Council Bill 119992, is amended as follows:

**CHAPTER 6.420 STEAM ENGINEERS AND BOILER ((FIREMEN)) OPERATORS**

**6.420.010 Scope, purpose, and authority ((-))**

The regulation and licensing of steam engineers and boiler ((firemen)) operators and the operation of boilers and steam engines are governed by this Chapter 6.420.

The purpose of this Chapter 6.420 is to provide standards for safe operation of boilers and steam engines.

The Director of the Seattle Department of Construction and Inspections is authorized to implement and enforce all the provisions of this Chapter 6.420.

**6.420.020 Unlawful activities ((-))**

A. It is unlawful to have charge of, or operate, or permit anyone to have charge of, or operate, any boiler or steam engine without a license issued under this ((chapter)) Chapter 6.420.

B. It is unlawful to hire or contract with a person who does not have a license issued under this ((chapter)) Chapter 6.420 to have charge of, or operate, any boiler or steam engine.

C. It is unlawful for any person to knowingly:

1. Prevent or attempt to prevent any person licensed under this ~~((chapter))~~ Chapter 6.420 from performing any act required to be performed by this ~~((chapter))~~ Chapter 6.420; or

2. Require or attempt to require any person licensed under this ~~((chapter))~~ Chapter 6.420 to perform any act prohibited by this ~~((chapter))~~ Chapter 6.420.

D. It is unlawful to fail to abide by a stop work order issued by the Director.

### **6.420.030 Definitions ((-))**

Words and phrases used in this ~~((chapter))~~ Chapter 6.420 have the following meanings:

“Boiler” means a closed vessel in which water is heated, steam is generated, steam is superheated, or any combination thereof, under pressure or vacuum by the direct application of heat. The term “boiler” also includes fired units for heating or vaporizing liquids other than water where these systems are complete within themselves.

“Boiler plant” means one ~~((+))~~ or more boilers and connecting piping and vessels within the same premises.

“Boiler supervisor” means a steam engineer Grade I, II, or III who has passed additional examinations as required by the Director pursuant to the provisions of this ~~((chapter))~~ Chapter 6.420.

“BHP” means brake horsepower.

“Certified automatic boiler” means a boiler equipped with certain controls and limit devices as required by the Seattle Boiler Code, and for which the Director has finalized an Automatic Certification Application Permit.

“Certified monitored boiler” is a certified automatic boiler that meets the requirements ~~((of Section 330))~~ of the Seattle Boiler Code and for which the Director has finalized a Monitored Certification Application Permit.

“City Boiler Inspector” means a City of Seattle Boiler/Pressure Systems Inspector employed by the

Department.

“Department” means the Seattle Department of Construction and Inspections.

“Director” means the Director of the Seattle Department of Construction and Inspections and authorized representatives.

“Hoist and portable boiler” means a boiler used to provide steam for the operation of various types of equipment such as floating cranes, piledrivers, and other similar types of equipment used in the construction industry.

“Hot-water supply boiler” is a boiler having a volume exceeding ~~((one hundred twenty (120)))~~ 120 gallons, or a heat input exceeding ~~((two hundred thousand (200,000)))~~ 200,000 BTU per hour, or a water temperature exceeding ~~((two hundred ten (210)))~~ 210 degrees Fahrenheit but not exceeding a temperature of ~~((two hundred fifty (250)))~~ 250 degrees Fahrenheit, ~~((or))~~ and a pressure not exceeding ~~((one hundred sixty (160)))~~ 160 psi, that provides hot water to be used externally to itself.

“kBtuh” means thousand BTU per hour.

“Low-pressure hot-water heating boiler” is a boiler from which hot water is circulated for heating purposes at pressures not exceeding ~~((one hundred sixty (160)))~~ 160 psi and temperatures not exceeding ~~((two hundred fifty (250)))~~ 250 degrees Fahrenheit, that provides hot water to be used externally to itself.

“Low-pressure steam-heating boiler” is a boiler furnishing steam at pressures not exceeding ~~((fifteen (15)))~~ 15 psi.

“Nonregenerative system” is a system in which the heat rejected by an engine is lost to the atmosphere.

“Out of service.” A boiler is “out of service” if it is manually shut down for inspection, maintenance, or repair, except for limited repairs and adjustments as set forth in Section ~~((6.420.150))~~ 6.420.120.

“Potable water heater” (fired, electric, solar, and indirect) is a closed vessel in which water is heated by the combustion of fuels, electricity, or any other source, and withdrawn for use external to the system. Potable water heaters do not exceed any of the following criteria or capacities: a nominal water-containing capacity of

~~((one hundred twenty (120)))~~ 120 gallons, a heat input of ~~((two hundred thousand (200,000)))~~ 200,000 BTU per hour, an operating temperature of ~~((two hundred ten (210)))~~ 210 degrees Fahrenheit, and a pressure of ~~((one hundred sixty (160)))~~ 160 psi.

“Power hot-water boiler” (high-temperature water boiler) is a boiler used for heating water or liquid to a pressure exceeding ~~((one hundred sixty (160)))~~ 160 psi or to a temperature exceeding ~~((two hundred fifty (250)))~~ 250 degrees Fahrenheit.

“Power steam boiler” is a boiler in which steam or other vapor is generated at pressures exceeding ~~((fifteen (15)))~~ 15 psi. For purposes of this ~~((chapter))~~ Chapter 6.420, the term shall not include a small power boiler.

“psi” means pounds per square inch.

“Regenerative system” is a system in which the heat rejected by an engine is used in a boiler.

“Seattle Boiler Code” is the Seattle Boiler and Pressure Vessel Code (Title 22, Subtitle ~~((IVA))~~ IVB of the Seattle Municipal Code).

“Small power boiler” is a power steam boiler with pressures not exceeding ~~((one hundred fifty (150)))~~ 150 psi and not exceeding ~~((eight hundred thousand (800,000)))~~ 800,000 BTU per hour heat input.

“Steam engine” means all prime movers using vapors from a boiler for motive power, steam-driven compressors, and steam pumps except steam pumps and similar auxiliaries used only as appurtenances for the operation of a boiler.

#### **6.420.040 Applications and examinations ((:))**

A. Persons desiring a license, or change of limitation as described in Section 6.420.070, shall make written application to the Director on forms provided by the Director. Applications shall be accompanied by ~~((a receipt showing payment of the required examination fee as required by the Fee Subtitle, Chapter 22.900E))~~ an affidavit attesting to the applicant’s training and experience, and other supporting credentials as may be necessary to determine the applicant’s fitness. Proof of experience is not required for Grade V or Small Power

Boiler Operator licenses.

B. Applicants for an operator's license shall pass an examination administered by the Director, ~~((, and shall show to the satisfaction of the Director that they meet the minimum qualifications for one of the grades of license specified in Table A of Section 6.420.070.))~~ The examination fee in Section 22.900E.050 shall be paid in advance and shall be assessed each time the examination is administered.

C. Examinations shall be practical in their character and shall relate to those matters that will fairly test the minimum capacity, skill, experience, and competence of each person examined to safely operate and properly care for boilers and steam engines, within the scope of the license sought.

~~((D. The Director may require affidavits regarding an applicant's character, training, experience and record, and such other supporting credentials as may be necessary to determine the applicant's fitness.))~~

D. An applicant who successfully completes the examination and shows to the satisfaction of the Director that they meet the minimum qualifications for one of the grades of license specified in Table A of Section 6.420.070, shall be issued the appropriate license upon payment of the license fee in Section 22.900E.050.

E. The Director shall refuse to certify the applicant for a steam engineer's or boiler ~~((fireman's))~~ operator's license if the result of the examination is such that the Director determines the applicant does not have sufficient knowledge of, and experience in, the care or operation of boilers or steam engines, or if the applicant is found to be unfit to operate boilers or steam engines safely. ~~((The action of the Director shall be final.))~~

F. It is sufficient cause to refuse a steam engineer's or boiler ~~((fireman's))~~ operator's license, or any renewal thereof, if the applicant, through neglect or incompetence while in charge of a boiler or steam engine, has caused serious damage to property or has endangered the lives of others.

**6.420.050 Exemptions from license requirements ((:))**

A steam engineer's or boiler ~~((fireman's))~~ operator's license is not required of any person in charge of, or

operating, the following:

- A. Any boiler or steam engine subject to federal regulations;
- B. Any boiler not subject to reinspection by the Seattle Boiler Code;
- C. Low-pressure hot water, low-pressure steam and hot-water supply boiler plants having inputs of less than ~~((two million five hundred thousand (2,500,000)))~~ 2,500,000 BTU per hour;
- D. Any boiler having an input of less than ~~((one hundred thousand (100,000)))~~ 100,000 BTU per hour and a maximum pressure of ~~((one hundred (100)))~~ 100 pounds per square inch or less;
- E. Potable water heaters;
- F. Ancillary equipment that may be connected to the operation of a boiler or boiler system such as, but not limited to, pumps, filters, pre-heaters, heat exchangers, and related pressure vessels;
- G. Non-regenerative gas turbines; ~~(( ))~~ or
- H. Boiler equipment being installed by and under the control of the boiler manufacturer or the manufacturer's representative, a boiler installation contractor, or a boiler or burner installer making the installation under the manufacturer's written instructions and recommendations.

**6.420.060 Periodic refresher training required ~~(( ))~~**

All persons licensed according to this ~~((chapter))~~ Chapter 6.420 shall attend an approved refresher course every five ~~((5))~~ years. A document indicating proof of completion of the approved refresher course shall be provided to the Director.

**6.420.070 Grades of licenses and limitations ~~(( ))~~**

A. The grades of steam engineer~~((s<sup>2</sup>))~~ and boiler ~~((firemen's))~~ operator licenses are as follows:

- Grade I Boiler Supervisor
- Grade II Boiler Supervisor
- Grade III Boiler Supervisor
- Grade I Steam Engineer



- Grade II Steam Engineer
- Grade III Steam Engineer
- Grade IV Boiler ((Fireman)) Operator
- Small Power Boiler ((Fireman)) Operator
- Grade V Boiler ((Fireman)) Operator

B. License Limitations. The Director may impose limitations on licenses restricting the licensee to the operation and maintenance of particular equipment at a stated location, or to the operation and maintenance of a certain class of boilers or steam engines, or to specified permitted services in connection with the operation and maintenance of boilers and steam engines. Limitations shall be based upon the applicant’s qualifications and shall be reasonably related to the protection of the public in the safe operation and maintenance of boilers and steam engines. Limitations may include, but are not limited to, the following:

1. Operation of boilers only.
2. Operation of electric boilers only.
3. Operation of hot water boilers only.
4. Work at one ((+)) address only.

C. Applicants for a license shall possess the minimum qualifications for each grade of license as specified in Table A for 6.420.070.

<b>Table A for 6.420.070-Qualifications for Steam Engineer and Boiler ((Fireman)) <u>Operator</u> Licenses</b>	
<b>Grade of License ((<del>applied for:</del>) <u>Applied For</u></b>	<b>Minimum Qualifications</b>
Grade I Boiler Supervisor	At least one year of experience as a Grade I Steam Engine <u>Boiler Supervisor</u> pursuant to the provisions of this <del>(</del> 6.420.
Grade II Boiler Supervisor	At least one year of experience as a Grade II Steam Engine <u>Boiler Supervisor</u> pursuant to the provisions of this <del>(</del> 6.420.
Grade III Boiler Supervisor	At least one year of experience as a Grade III Steam Engine <u>Boiler Supervisor</u> pursuant to the provisions of this <del>(</del> <del>(ordinance))</del> Chapter 6.420.

Grade I Steam Engineer	1. At least five years of employment in a position directly related to the operation of boilers, or 2. Educational substitution allowed by Section 6.420.080.A, <del>((item 1,))</del> plus three years of experience. Licenses shall be limited to boilers only unless the applicant has at least one year of experience in the operation of steam engines.
Grade II Steam Engineer	1. At least four years of employment in a position directly related to the operation of boilers, or 2. Educational substitution allowed by Section 6.420.080.A, <del>((item 1,))</del> plus two years of experience. Licenses shall be limited to boilers only unless the applicant has at least one year of experience in the operation of steam engines.
Grade III Steam Engineer	1. At least three years of employment in a position directly related to the operation of boilers, or 2. Educational substitution allowed by Section 6.420.080.A, <del>((item 1,))</del> plus one year of experience. Licenses shall be limited to boilers only unless the applicant has at least one year of experience in the operation of steam engines.
Grade IV Boiler <del>((Fireman))</del> Operator	1. At least one year of employment in a position directly related to the operation of boilers, or 2. Allowable educational experience as allowed by Section 6.420.080.A or 6.420.080.B, <del>((item 2,))</del> Licenses shall be limited to boilers only unless the applicant has at least one year of experience in the operation of steam engines.
Small Power Boiler <del>((Fireman))</del> Operator	No previous experience required.
Grade V Boiler <del>((Fireman))</del> Operator	No previous experience required.

**6.420.080 Allowable educational substitution for experience ~~((:))~~**

The educational qualifications described in this ~~((section))~~ Section 6.420.080 may substitute for the work experience required by Section 6.420.070, when approved by the Director.

A. Graduation from a recognized school of technology with a curriculum approved by the Steam Licensing Advisory Board.

B. Completion of a training course in the fundamentals of boiler operation approved by the Director may be substituted for one ~~((1))~~ year of boiler operating experience. The course shall include at least ~~((forty))~~ 40 hours of classroom work and either:

1. Eighty ~~((80))~~ hours of on-site training relating to the care and operation of boilers under the direct supervision of a steam engineer with a license of Grade I, II, or III; or

2. Forty ~~((40))~~ hours of lab work at a facility approved by the Director.

#### 6.420.090 Special license ~~((:))~~

A. Those who have been employed at least two ~~((2))~~ years as licensed steam engineers or boiler ~~((firemen))~~ operators operating a boiler plant may apply for a special license if the capacity of the plant is enlarged or changed beyond the limits of their license. The special license shall permit the licensee to operate only such plant. The Director shall make an investigation of the changed boiler plant conditions together with such examination of the applicant as may be necessary to determine whether the applicant is qualified under this ~~((chapter))~~ Chapter 6.420 to operate the enlarged or changed boiler plant. When the investigation and examination reveal that the applicant is qualified to operate the plant in its changed condition, the Director shall approve the application and issue a special license.

B. Special licenses may be renewed only once. At the expiration of the renewed license, licensees shall upgrade their licenses in accordance with the requirements of Section 6.420.070. If upgrades are not applied for, the licenses shall revert to the grade held prior to the issuance of the special license.

#### 6.420.095 Reciprocity ~~((:))~~

The Director may establish procedures for recognizing ~~((gas piping mechanic))~~ steam engineer and boiler operator licenses issued by other jurisdictions whose licensing programs satisfy the purposes of this ~~((chapter))~~ Chapter 6.420.

#### 6.420.100 Observation and inspection of boilers ~~((:))~~

A. The minimum requirements for operation and inspection of each type and capacity of equipment are as set forth in this Section 6.420.100 and Tables ~~((B and C of this Section))~~ A and B for 6.420.100.

B. Constant attendance. When constant attendance is required by this ~~((chapter))~~ Chapter 6.420, the engineer or boiler ~~((fireman))~~ operator in charge of a boiler, boiler plant, or steam engine shall not leave the boiler room or engine room when the boiler or steam engine is being operated without first either stopping the steam engine and shutting off all sources of heat in the boiler, or being relieved by a person duly licensed under

this ~~((chapter))~~ Chapter 6.420.

Exception: The steam engineer or boiler ~~((fireman))~~ operator may take an occasional break without stopping the engine, shutting down the boiler or being relieved. In no case may any break last more than ~~((twenty (20)))~~ 20 minutes.

C. Checked by boiler supervisor. When this chapter requires a boiler to be checked by a boiler supervisor, the boiler supervisor shall inspect all controls and safety devices pursuant to the requirements of ~~((Section))~~ subsection 6.420.120.D, as a minimum.

D. Checked by licensed operator. When this ~~((chapter))~~ Chapter 6.420 requires a boiler to be checked by a licensed operator, a person holding a license issued under this ~~((chapter))~~ Chapter 6.420 shall perform a physical examination of the boiler or engine to ensure proper operation and maintenance pursuant to the requirements of Sections 6.420.110 and 6.420.150, as a minimum.

E. Twice daily check. When this ~~((chapter))~~ Chapter 6.420 requires twice daily checks, the inspections that are required to be recorded in the boiler logbook by Section 6.420.110 shall be performed at least two ~~((2))~~ two times each day. The first check of the day shall be made not less than eight ~~((8))~~ eight hours after the last recorded check of the previous day; the second check of the day shall be made at least six ~~((6))~~ six hours after the first recorded check of the day. Additional checks may be made to ensure safe operation of a boiler. Twice daily checks may not be performed by a Boiler Supervisor unless the Boiler Supervisor is a full time employee of the boiler owner.

F. Check once every two ~~((2))~~ two hours. When this ~~((chapter))~~ Chapter 6.420 requires a check every two ~~((2))~~ two hours, a physical examination of the boiler or engine to ensure proper operation and maintenance pursuant to the requirements of Sections 6.420.110 and 6.420.150, as a minimum, shall be made at least once every two ~~((2))~~ two hours.

G. For purposes of Tables ~~((B and C))~~ A and B for 6.420.100, the input ratings of boilers shall be computed as follows:

1. For gas, propane, and similar burners, the rating shall be equal to the burner input as rated and labeled by the burner manufacturer. Where actual fuel flow during burner operation at the maximum firing rate can be reliably measured, the burner input may be computed by such method.

2. For oil burners, the rating shall be equal to the gallons-per-hour rating of the fuel nozzle or nozzles.

3. For electric boilers, the rating shall be equal to the electrical input in KW as rated and labeled by the boiler manufacturer.

4. In the case of multiple fuel burners, the rating shall be the greater of all computed inputs.

5. For boilers in battery (connected to a common header), the rating shall be the cumulative input, as measured in ((paragraphs 1, 2, 3, or 4 above)) subsections 6.420.100.G.1 through 6.420.100.G.4. For boilers in battery wired so that only a single boiler can operate at a given time, the license requirement shall be determined by the most restrictive individual license requirement for any boiler in the battery.

6. For regenerative systems, the BHP of the prime mover (gas turbine, engine, etc.) will determine the grade for downstream recovery boilers and steam turbines.

H. All checks of boilers pursuant to the requirements of this ((chapter)) Chapter 6.420 shall be logged and recorded as set forth in Section 6.420.110.

Table ((B)) A for 6.420.100 License Requirements ((For)) for Operation of Power Boilers and Steam Engines	
Type of Boiler	Minimum License Requirement
A. All Boilers	
0-100 psi and 0-100 kBtuh input	No license required
B. Electric Boilers	
Not exceeding 1.5 cu. ft. and not exceeding 100 psi	No license required
C. All Boilers except Small Power Boilers	
Less than 1,000 kBtuh input each; not certified as Automatic. No more than 2 steam boilers on same header. <sup>1</sup>	Check by a Grade IV Boiler ((Fireman)) Operator or two hours
D. Small Power Boilers	

Maximum 800 kBtuh input; not certified as Automatic. No more than 2 steam boilers on same header	Semiannual check by a Grade III Boiler Supervisor and daily checks by a Small Power Boiler ((Fireman)) Operator or a Small Power Boiler ((Fireman)) Operator on pre
E. Boilers ((certified)) Certified as Automatic	
1. Maximum 20,000 kBtuh input. No more than 2 steam boilers on same header with a combined capacity no more than 20,000 kBtuh <sup>1</sup>	Check by a Grade IV Boiler ((Fireman)) Operator on two hours
2. More than 20,000 to 50,000 kBtuh input	Check by a Grade III Steam Engineer once every two
3. More than 50,000 to 300,000 kBtuh input	Check by a Grade II Steam Engineer once every two
4. More than 300,000 kBtuh input	Check by a Grade I Steam Engineer once every two
F. Boilers ((certified)) Certified as Monitored	
1. Maximum 20,000 kBtuh input. No more than 2 steam boilers on same header with a combined capacity no more than 20,000 kBtuh <sup>1</sup>	Monthly checks by a Grade III Boiler Supervisor and daily checks by a Grade IV Boiler ((Fireman)) Operator
2. More than 20,000 to 50,000 kBtuh input	Monthly checks by a Grade III Boiler Supervisor and daily checks by a Grade III Steam Engineer
3. More than 50,000 to 300,000 kBtuh input	Monthly checks by a Grade II Boiler Supervisor and daily checks by a Grade II Steam Engineer; or Weekly by a Grade II Boiler Supervisor and twice daily checks by a Grade III Steam Engineer.
4. More than 300,000 kBtuh input	Monthly checks by a Grade I Boiler Supervisor and daily checks by a Grade I Steam Engineer; or Weekly by a Grade I Boiler Supervisor and twice daily checks by a Grade II Steam Engineer.
G. All ((other boilers)) Other Boilers	
1. Maximum 20,000 kBtuh input. No more than 2 steam boilers on same header with a combined capacity no more than 20,000 kBtuh <sup>1</sup>	Constant attendance by a Grade IV Boiler ((Fireman)) Operator
2. More than 20,000 to 50,000 kBtuh input	Constant attendance by a Grade III Steam Engineer
3. More than 50,000 to 300,000 kBtuh input	Constant attendance by a Grade II Steam Engineer
4. More than 300,000 kBtuh input	Constant attendance by a Grade I Steam Engineer
H. Steam ((engines)) Engines	
1. Maximum 250 BHP	Constant attendance by a Grade III Steam Engineer or same attendance requirements as the boiler serving the

2. More than 250 to 1,500 BHP	Constant attendance by a Grade II Steam Engineer or same attendance requirements as the boiler serving the engine
3. More than 1,500 BHP	Constant attendance by a Grade I Steam Engineer or same attendance requirements as the boiler serving the engine

<b>Table ((C)) B for 6.420.100 License Requirements for Operation of Low Pressure Boilers</b>	
<b>((TYPE OF BOILER)) <u>Type of Boiler</u></b>	<b>((MINIMUM LICENSE REQUIRED)) <u>Minimum License Required</u></b>
<b>A. All types of boilers</b>	
<b>((0-)) <u>Less than 2,500 kBtuh input</u></b>	No license required
<b>B. Boilers Not Certified as Automatic or Monitored</b>	
1. 2,500 to 5000 kBtuh max input. <b>((No boilers in battery-))</b>	Grade V Boiler <b>((Fireman)) <u>Operator</u></b> on premises
2. More than 5,000 to 20,000 kBtuh max input. No more than 2 steam boilers on same header with a combined capacity no greater than 20,000 kBtuh. <sup>1</sup>	Constant attendance by a Grade IV Boiler <b>((Fireman)) <u>Operator</u></b>
3. More than 20,000 to 50,000 kBtuh max input.	Constant attendance by a Grade III Steam Engineer
4. More than 50,000 to 300,000 kBtuh max input.	Constant attendance by a Grade II Steam Engineer
5. More than 300,000 kBtuh max input.	Constant attendance by a Grade I Steam Engineer
<b>C. Boilers <b>((ertified)) <u>Certified</u> as Automatic</b></b>	
1. 2,500 to 5000 kBtuh max input	Monthly checks by a Grade III Boiler Supervisor, or quarterly checks by a Grade III Boiler Supervisor and daily checks by a Grade V Boiler <b>((Fireman)) <u>Operator</u></b> or Grade V Boiler <b>((Fireman)) <u>Operator</u></b> on premises
2. More than 5000 kBtuh to 20,000 kBtuh max input. No more than 2 steam boilers on same header with a combined capacity no more than 20,000 kBtuh <sup>1</sup>	Quarterly checks by a Grade III Boiler Supervisor and daily checks by a Grade IV Boiler <b>((Fireman)) <u>Operator</u></b>
3. More than 20,000 kBtuh-50,000 kBtuh max input.	Quarterly checks by a Grade III Boiler Supervisor and daily checks by a Grade III Steam Engineer
4. More than 50,000 kBtuh to 300,000 kBtuh max input.	Quarterly checks by a Grade II Boiler Supervisor and daily checks by a Grade II Steam Engineer.
5. Over 300,000 kBtuh max input.	Quarterly checks by a Grade I Boiler Supervisor and daily checks by a Grade I Steam Engineer
<b>D. Boilers <b>((ertified)) as Monitored</b></b>	
1. 2,500 to 5000 kBtuh max input.	Quarterly checks by a Grade III Boiler Supervisor.

2. More than 5,000 to 20,000 kBtuh max input. No more than 2 steam boilers on same header with a combined capacity no more than 20,000 kBtuh <sup>1</sup>	Semiannual checks by a Boiler Supervisor and twice checks by a Grade IV Boiler ((Fireman)) Operator.
3. More than 20,000 to 50,000 kBtuh max input. <sup>1</sup>	Semiannual checks by a Boiler Supervisor and twice checks by a Grade III Steam Engineer.
4. More than 50,000 to 300,000 kBtuh max input.	Semiannual checks by a Grade II Boiler Supervisor and twice daily checks by a Grade II Steam Engineer; or ((Semiannual)) Quarterly checks by a Grade II Boiler Supervisor and twice daily checks by a Grade III Steam Engineer.
5. Over 300,000 kBtuh max input.	Semiannual checks by a Grade I Boiler Supervisor and daily checks by a Grade I Steam Engineer; or ((Semiannual)) Quarterly checks by a Grade I Boiler Supervisor and daily checks by a Grade II Steam Engineer.

Footnote to Tables ((B and C)) A and B for 6.420.100: A Grade IV Boiler ((Fireman)) Operator may operate more than two ((2)) steam or vapor boilers with a greater combined capacity when the ((fireman)) operator is the head ((fireman)) operator on duty and under the direct on-site supervision of a licensed steam engineer for the purpose of training. The boilers shall not exceed the capacity permitted by the license of the supervising engineer.

**6.420.110 Duties of steam engineers and boiler ((firemen)) operators ((-))**

Licensed steam engineers and boiler ((firemen)) operators shall perform the following duties in connection with the operation and maintenance of boilers and steam engines:

A. Test the operation of the boiler and its control and safety devices periodically on a routine basis in accordance with nationally recognized standards and/or boiler and control manufacturer’s written recommendations;

B. Maintain and operate the equipment in a safe manner and according to nationally recognized standards such as those recommended by the American Society of Mechanical Engineers for boilers and as adopted by the Director;

C. Prepare and maintain a boiler log book and record, at least daily or as otherwise required by this ((



~~chapter~~) Chapter 6.420, such pertinent boiler readings and data as may be recommended by the boiler manufacturer, nationally recognized standards, or required by the Boiler Inspector and/or the senior license holder or other authorized person in charge of the boiler operation. The boiler logbook shall be kept on the premises at all times and be available for inspection by the City Boiler Inspector.

**6.420.120 Duties of boiler supervisors ((-))**

Boiler supervisors shall perform the duties listed in this ((section)) Section 6.420.120 in connection with the supervision of automatic and monitored boilers.

A. Prepare boiler logbooks with the name, telephone numbers, email address, if any, and home and business addresses of the boiler supervisor on the front cover. The boiler logbooks shall be kept on the premises and be available for inspection by the City Boiler Inspector.

B. Determine the proper light-off, operating, and shutdown procedures and clearly set forth such procedures in the inside front cover of the boiler logbooks. Determine proper firing rate and the set point or operating limits of all safety devices required on automatic or monitored boilers by the Seattle Boiler Code. Boiler supervisors shall clearly mark such set point or limits in the inside back cover of the boiler logbooks.

C. Determine the list of pertinent boiler data entries to be recorded in the boiler logbooks by the boiler owners or the owners' designated representatives and list such entries on the inside back cover. This list shall include such items as any unusual conditions observed, including safety shutdowns, repairs required, adjustments required and adjustments made. All entries shall be made in the boiler logbook and shall include the signature of the person making such readings, observations, or adjustments. It is lawful to cross out words or sentences which should be changed or corrected but erasures are prohibited. The boiler supervisor's written instructions shall include the above signature requirement and the prohibition of erasures.

D. Examine each boiler and boiler logbook in accordance with the frequency of examinations required by Section 6.420.100. Examination shall include the testing of all control devices required for automatic boilers by the Seattle Boiler Code and the testing of monitoring systems when used.

E. If a boiler is a certified monitored boiler as defined in Section 6.420.030:

1. The boiler supervisor shall cause signals to be sent to the monitoring station to test the reliability of the monitoring equipment and the response of the monitoring station.

2. The boiler supervisor shall report all failures of either the equipment or the response to the City Boiler Inspector within ~~((twenty-four (24)))~~ 24 hours. Such report shall be in writing.

F. Boiler supervisors shall inspect and test all other controls on the boiler and shall flush the low-water cutoffs, if applicable, to assure that all control devices are in safe and proper operation. They shall permit continued automatic boiler operation only if their examination, inspection, and testing indicate that the boiler is in a safe operating condition.

G. No modification, revisions, or alterations to a boiler or its control devices shall be made except under a boiler supervisor's supervision except:

1. Restoration of control devices to original factory operating conditions at the set point or within the operating limits determined by the boiler supervisor as set forth in the boiler logbook; ~~((;))~~ or

2. Repair or adjustment of the burner system for viscosity changes or to correct fuel-air ratios to restore proper operation at the firing rate indicated in the boiler logbook by the boiler supervisor; ~~((;))~~ or

3. Repair or adjustment of any other system not directly related to the primary safety controls or to the pressure vessel to restore such systems to proper operating conditions. Entries of such repairs or adjustments shall be made in the boiler logbook and shall include the signature of those making such repairs or adjustments.

H. Attend all startups of an automatic boiler out of service after corrective work other than limited adjustments or repairs by others as set forth in subsection 6.420.120.G has been performed on the boiler, its firing equipment, or its control and safety devices. The boiler supervisor shall remain in constant attendance until:

1. The boiler has reached its preset operating range of pressure; ~~((;))~~ and

2. The primary controls and safety devices have been proved; ~~((5))~~ and
3. The boiler is acceptable to ~~((him/her))~~ the boiler supervisor for continued operation.

Boiler supervisors are not required to be in attendance during light-off of original boiler equipment being installed by and under the control of the boiler manufacturer or the manufacturer's representative, by a boiler installation contractor or boiler or burner installer making such installation under the manufacturer's written instructions and recommendations. Boiler supervisors are not required to be in attendance during light-off following adjustment or authorized boiler or burner manufacturer alterations made by the above representative, contractor, or installer within the guarantee or warranty time period during which time the representative, contractor, or installer is obligated to render such service. The representative, contractor, or installer shall furnish the boiler supervisor with recommended set points or operating limits of all control devices and recommended firing rates as well as other pertinent data in writing. The representative, contractor, or installer shall record all subsequent changes, adjustments, alterations, or recommendations in the boiler logbook and shall sign the logbook.

I. Provide for a substitute boiler supervisor to attend to boilers in the boiler supervisor's charge when ~~((he/she))~~ the boiler supervisor is unable to respond to trouble calls. The boiler supervisor shall list the names, email address, if any, home and business telephone numbers, and addresses of substitute boiler supervisors on the front of the boiler logbooks.

J. Respond to trouble calls in accordance with the following:

1. Make verbal contact with the licensed operator, boiler owner, or the owner's representative within two ~~((2))~~ hours of a trouble call from such person, and
2. Have the capability of being present at a boiler site within four ~~((4))~~ hours on a trouble call from that site.

K. A boiler supervisor may not act as both boiler supervisor and the licensed operator except when:

1. The boiler supervisor is a full-time employee of the boiler owner/user; or ~~((5))~~

2. The licensed operator is unavailable due to vacation, illness, or similar temporary circumstances.

#### 6.420.150 Reporting of defective boilers ((-))

A. Before operating any boiler, steam engineers and boiler ~~((firemen))~~ operators shall examine the ~~((boiler permit))~~ Certificate of Inspection issued for the boiler to see that the ~~((permit))~~ certificate is in force. If the ~~((permit))~~ certificate has expired, the steam engineer or boiler ~~((fireman))~~ operator shall notify ~~((his/her))~~ the steam engineer's or boiler operator's employer. If the ~~((permit))~~ certificate has been expired for more than ~~((ninety (90)))~~ 90 days, the steam engineer or boiler ~~((fireman))~~ operator shall also notify the City Boiler Inspector of the date of expiration. The steam engineer or boiler ~~((fireman))~~ operator shall note the pressure allowed by the permit and shall test the operation of the boiler and its control and safety devices for proper operation.

B. Whenever the steam engineer or boiler ~~((fireman))~~ operator believes any part of a boiler or steam engine to be in defective or potentially unsafe condition, the steam engineer or boiler ~~((fireman))~~ operator shall report the fact to ~~((his/her))~~ the steam engineer's or boiler operator's employer in writing. If immediate corrective action is not taken, the steam engineer or boiler ~~((fireman))~~ operator shall report such defective or potentially unsafe conditions to the City Boiler Inspector.

C. The City Boiler Inspector shall thereupon investigate the ~~((same))~~ defective or potentially unsafe conditions reported under subsection 6.420.150.B, and report any lack of proper care on the part of any licensed person to the employer and the Director.

D. Steam engineers and boiler ~~((firemen))~~ operators shall report to their employers and to the City Boiler Inspector any damage or injury to any boiler or steam engine under their charge or care which affects the safe operation of the boiler or steam engine. The boiler and any parts thereof shall not be removed or disturbed before an inspection has been made by a department inspector unless for the purpose of saving life. Failure to make such reports shall be sufficient cause for the suspension or revocation of the license of the person in

charge.

E. It is the duty of all licensed steam engineers and boiler (~~(firemen)~~) operators to report serious negligence in the care of boilers and steam engines to their employers and the City Boiler Inspector.

#### **6.420.180 Licenses to be posted or carried ((-))**

All licensed steam engineers and boiler (~~(firemen)~~) operators on duty shall display their licenses in a conspicuous place in the room where the boiler or steam engine is located. Licenses shall be effective only for the operation of the plant where they are displayed. When the posting of their licenses is not practicable, steam engineers and boiler (~~(firemen)~~) operators shall carry their licenses on their persons, and on demand shall exhibit the licenses. Boiler supervisors shall display legible copies of their licenses in the logbook of each boiler they supervise, pursuant to the requirements of Section 6.420.120.

#### **6.420.190 Posting of regulations ((-))**

A copy of this (~~(chapter)~~) Chapter 6.420 or a condensed version thereof shall be posted by the employer in every boiler and engine room where licensed operators or boiler supervisors are required.

#### **6.420.200 License expiration and renewal ((-))**

A. All licenses shall expire at midnight on September 30 of each year.

B. Licenses shall not be transferred or assigned.

C. Licenses may be renewed annually upon payment of the renewal fee. Renewals shall specify the same grade and be subject to such conditions or limitations as may be provided under the license to be renewed. Licensed persons desiring a renewal must also meet the requirements of Section 6.420.060.

D. The Director may refuse to renew a license if the license holder demonstrates neglect or incompetence in the care and operation of boilers pursuant to this code.

E. Licenses that have been expired for more than one (~~((1))~~) year shall not be renewed until the licensee has passed an examination administered in accordance with this (~~(chapter)~~) Chapter 6.420.

#### **6.420.210 Revocation of license ((-))**

A. Any license issued pursuant to this ~~((chapter))~~ Chapter 6.420 may be revoked by the Director if any of the following is found:

1. The licensee has misrepresented facts related to the operation of any boiler or steam engine;
2. The licensee has provided false information on an application for a license governed by ~~((the chapter))~~ this Chapter 6.420;
3. The licensee fails an examination administered according to Section 6.420.040;
4. The licensee demonstrates neglect or incompetence in the care and operation of boilers pursuant to this code; or
5. The existence of special circumstances that warrant revocation in the interests of public safety and welfare.

Licenses that have been revoked may be reinstated only after the applicant passes an examination administered according to this ~~((chapter))~~ Chapter 6.420.

B. Whenever the Director determines that there are grounds for revoking a license, the Director may issue a notice of revocation and stop work order. The notice shall be served by personal service in the manner set forth in RCW 4.28.080 for service of a summons or sent by first class mail to the licensee.

C. Unless a request for review before the Director is made in accordance with this ~~((subsection))~~ Section 6.420.210, the notice shall become the final order of the Director. A request for review is an administrative remedy that must be exhausted before judicial review of the decision may be sought.

D. Any person aggrieved by a notice issued by the Director pursuant to this section may obtain a review of the notice by delivering to the Department such request in writing within ten ~~((10))~~ days of the date of service of the notice. For purposes of this subsection 6.420.210.D, service shall be complete at the time of personal service, or if mailed, three days from the date of mailing. When the last day of the period so computed is a Saturday, Sunday, or federal or City holiday, the period shall run until ~~((five (5:00)))~~ 5 p.m. on the next business day. The request shall be in writing, and upon receipt of the request, the Director shall notify any

persons served the notice of the deadline for submitting additional information in the form of written material for the review, which shall be within ten ~~((10))~~ days after the request is received. Before the deadline for submission of information, any person aggrieved by or interested in the notice (including any persons served the notice) may submit any additional information in the form of written material to the Director for consideration as part of the review.

1. The review will be made by the Steam License Advisory Board. The Steam License Advisory Board will review all additional information received by the submission deadline. ~~((for submission of information.))~~ The Board may also request clarification of information received. After review of the additional information, the Steam License Advisory Board may recommend that the Director:

- a. Sustain the notice of revocation;
- b. Withdraw the notice; or
- c. Continue the review to a date certain for receipt of additional information.

2. Recommendations of the Board shall be in writing; shall be mailed to the Director and the appellant; and shall apply only to the case being heard.

3. The Director shall issue an Order and shall cause the same to be sent by first class mail to the person or persons named on the notice and any other person that has requested notice of the decision.

4. Any person who has standing to file an appeal with the Hearing Examiner may file such an appeal within ten ~~((10))~~ days of issuance of the Order of the Director.

#### **6.420.220 Steam License Advisory Board ~~((,))~~**

A. The Director shall appoint a Steam License Advisory Board consisting of as many as nine ~~((9))~~ members for ~~((four (4)))~~ four-year terms. The terms shall be staggered so that no more than three ~~((3))~~ board members' terms expire in the same year.

B. The Steam License Advisory Board shall consist of up to three ~~((3))~~ persons who are, or have been, licensed as a steam engineer or boiler ~~((fireman))~~ operator; up to three ~~((3))~~ persons owning boilers or

managing boilers for owners; and up to three ~~((3))~~ persons from the general public.

C. The Steam License Advisory Board shall advise and assist the Director in the administration of the steam engineer's and boiler ~~((fireman's))~~ operator's license program. The Director is authorized to define the duties of and prescribe the procedure for the Board. The Steam License Advisory Board may recommend to the Director revisions to this ~~((chapter))~~ Chapter 6.420.

#### **6.420.240 Inspections ~~(( ))~~**

Licensees shall have their license card available while engaged in the care or operation of any boiler or steam engine and shall present the card at the request of the Director. The Director may conduct periodic inspections of licensees to determine compliance with these regulations.

#### **6.420.250 Stop work orders ~~(( ))~~**

If the Director finds any condition or work is in violation of this ~~((chapter))~~ Chapter 6.420, the Director may issue a stop work order. The order shall describe the violation in writing. It shall be posted on the premises or served on any person responsible for the condition or work. It is unlawful for any person to engage in or to cause any work subject to the order to be done until authorization from the Director is received.

#### **6.420.260 Notice of violation ~~(( ))~~**

A. Notice. If, after investigation, the Director determines that there has been a violation of this code not resulting in revocation of a license, the Director may serve a notice of violation upon the person responsible for the action or condition. The notice of violation may state the requirements violated, what corrective action, if any, is necessary to comply with the standards or requirements, and set a reasonable time for compliance. The notice may be served upon the responsible person by personal service according to RCW 4.28.080 for service of a summons or by regular first class mail, addressed to the last known address of such person. The notice of violation shall be considered an Order of the Director.

B. Other remedies. Nothing in this ~~((subsection))~~ Section 6.420.260 shall be deemed to limit or preclude any action or proceeding pursuant to Section 6.420.250, ~~((of this chapter,))~~ and nothing in this ~~((section))~~



Section 6.420.260 shall be deemed to obligate or require the Director to issue a notice of violation prior to the imposition of civil or criminal penalties.

C. Review by the Director. Any person affected by a notice of violation issued by the Director pursuant to this ~~((chapter))~~ Chapter 6.420 may obtain a review of the notice by requesting such review in writing within ten ~~((10))~~ days after service of the notice. Service shall be complete at the time of personal service, or if mailed, ~~((on the date of mailing))~~ three days from the date of mailing. When the last day of the period computed is a Saturday, Sunday, or federal or City holiday, the period shall run until ~~((five (5:00)))~~ 5 p.m. of the next business day. Upon receipt of a request, the Director shall notify the person requesting the review of the date, time, and place of the Director's review. The review shall be not less than ten ~~((10))~~ nor more than ~~((twenty (20)))~~ 20 days after the request is received, unless otherwise agreed by the person requesting the review. Any person affected by the notice of violation may submit additional information to the Director for consideration on or before the date of the review.

A representative of the Director who is familiar with the case and the applicable regulations will conduct the review. The Director's representative will consider any information presented and in the Department's file. After the review, the Director shall issue an Order of the Director that may:

1. Sustain the notice of violation; or
2. Withdraw the notice of violation; or
3. Amend the notice of violation; or
4. Continue the review to a future date.

The Director shall issue an order within a reasonable time after the conclusion of the review. The Director shall mail the order by regular first-class mail to the person or persons named in the notice of violation.

#### **6.420.270 Penalties ~~((:))~~**

A. Civil ~~((Penalties))~~ penalties. Any failure to comply with the provisions of this ~~((chapter))~~ Chapter

6.420 shall be subject to a cumulative civil penalty in an amount not to exceed ~~((Five Hundred Dollars (\$500)))~~ \$500 per day for each violation from the date the violation occurs or begins until compliance is achieved. The amount of the penalty shall be based upon factors including, but not limited to, severity of violation and history of violations. In cases where the Director has issued a notice of violation, the violation will be deemed to begin, for purposes of determining the number of days of violation, on the date compliance is required by the notice of violation.

The penalty imposed by this ~~((section))~~ Section 6.420.270 shall be collected by civil action brought in the name of the City. The Director shall notify the City Attorney in writing of the name of any person subject to the penalty, and the City Attorney shall, with the assistance of the Director, take appropriate action to collect the penalty. In any civil action for a penalty, the City has the burden of providing by a preponderance of the evidence that a violation exists or existed; the issuance of the notice of violation or of an order following a review by the Director is not itself evidence that a violation exists.

B. Alternative ~~((Criminal Penalty))~~ criminal penalty. Any person who violates or fails to comply with this ~~((chapter))~~ Chapter 6.420 shall be guilty of a gross misdemeanor subject to the provisions of Chapters 12A.02 and 12A.04, except that absolute liability shall be imposed for such a violation or failure to comply and none of the mental states described in Section 12A.04.030 need be proved. The Director ~~((my))~~ may request the City Attorney to prosecute such violations criminally as an alternative to the civil procedure outlined in this ~~((chapter))~~ Chapter 6.420.

#### **6.420.280 Additional relief ((-))**

The Director may seek legal or equitable relief to enjoin any acts or practices and abate any condition which constitutes a violation of this ~~((chapter))~~ Chapter 6.420 when civil or criminal penalties are inadequate to effect compliance.

#### **6.420.290 Existing licenses continued ((-))**

Anyone holding a license under Chapter ~~((6.230))~~ 6.420, and in effect at the time the ordinance ~~((codified in~~

~~this chapter~~) introduced as Council Bill 120085 becomes effective, shall be entitled to continue to operate under that license subject to all the provisions of this ~~((chapter))~~ Chapter 6.420.

**6.420.300 Application of other provisions ((-))**

The licenses provided for in this ~~((chapter))~~ Chapter 6.420 are subject to the general provisions of the Seattle License Code set forth in Chapters 6.02 and 6.202. In the event of a conflict between the provisions of Chapters 6.02 and 6.202 and this ~~((chapter))~~ Chapter 6.420, the provisions of this ~~((chapter))~~ Chapter 6.420 shall control.

Section 2. 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 \_\_\_\_\_, 2021, and signed by me in open session in authentication of its passage this \_\_\_\_ day of \_\_\_\_\_, 2021.

\_\_\_\_\_  
President \_\_\_\_\_ of the City Council

Approved / returned unsigned / vetoed this \_\_\_\_\_ day of \_\_\_\_\_, 2021.

\_\_\_\_\_  
Jenny A. Durkan, Mayor

Filed by me this \_\_\_\_\_ day of \_\_\_\_\_, 2021.

\_\_\_\_\_

Monica Martinez Simmons, City Clerk

(Seal)

## SUMMARY and FISCAL NOTE\*

<b>Department:</b>	<b>Dept. Contact/Phone:</b>	<b>CBO Contact/Phone:</b>
SDCI	Micah Chappell 206-256-5157	Christie Parker 206-684-5211

*\* 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**

**Legislation Title:** AN ORDINANCE relating to boiler and steam engine operations; amending Chapter 6.420 of the Seattle Municipal Code.

**Summary and background of the Legislation:**

Chapter 6.420, Steam Engineer and Boiler Operator licensing, was last updated in 2006. Since that update, SDCI has moved this licensing program online. The municipal code needs to be updated to align with this change and legislative format changes. SDCI staff and the Steam License Advisory Board identified sections that need routine updates as well as these substantive changes:

6.420.040 Applications and Examinations

The legislation clarifies the procedure for application, examination, and issuance of licenses for applicant. The legislation requires applications to include an affidavit attesting to the applicant’s training, experience or other credentials unless the application is for a Grade V or Small Power Boiler Operator license; the legislation also requires examination fees to be paid in advance.

6.420.050 Exemptions from license requirements

The legislation adds an exemption from license requirements for individuals installing boilers under the manufacturer’s written instructions and recommendations. Individuals responsible for the daily operation and adjustment of boilers will still be licensed.

Table A for 6.420.070—Qualifications for Steam Engineer and Boiler Operator Licenses

The legislation adds alternate minimum qualifications for Grade I and Grade II Boiler Supervisors.

Table B for 6.420.100—License Requirements for Operation of Low-Pressure Boilers

The legislation makes the following changes:

- Eliminates conflicting language related to BTU inputs between the table and the exemption for licensing of individuals installing low-pressure boilers in 6.420.050 C;
- Removes text in row B1 in order to allow boilers “in battery” (multiple boilers connected to the same header); and
- Corrects alternate licensing requirements in rows D4 and D5 by increasing the number of “checks” by Grade I and Grade II Boiler Supervisors from semiannual to quarterly.

## 2. CAPITAL IMPROVEMENT PROGRAM

Does this legislation create, fund, or amend a CIP Project?       Yes  No

## 3. SUMMARY OF FINANCIAL IMPLICATIONS

Does this legislation amend the Adopted Budget?       Yes  No

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?

No other fiscal impacts.

Is there financial cost or other impacts of *not* implementing the legislation?

No other fiscal impacts.

## 4. OTHER IMPLICATIONS

- a. Does this legislation affect any departments besides the originating department?  
This legislation regulates the operation of boilers and steam engines for all departments that operate them.
- b. Is a public hearing required for this legislation?  
No, a public hearing is not required for this legislation.
- c. Is publication of notice with *The Daily Journal of Commerce* and/or *The Seattle Times* required for this legislation?  
No, a publication of notice is not required for this legislation.
- d. Does this legislation affect a piece of property?  
This legislation will affect the operation of boilers and steam engines at any property but is not directed at any specific property.
- e. Please describe any perceived implication for the principles of the Race and Social Justice Initiative. Does this legislation impact vulnerable or historically disadvantaged communities? What is the Language Access plan for any communications to the public?  
No impact on vulnerable or historically disadvantaged communities is anticipated.
- f. Climate Change Implications
1. Emissions: Is this legislation likely to increase or decrease carbon emissions in a material way?  
This legislation will have no effect on carbon emissions.
  2. Resiliency: Will the action(s) proposed by this legislation increase or decrease Seattle's resiliency (or ability to adapt) to climate change in a material way? If so, explain. If it is likely to decrease resiliency in a material way, describe what will or could be done to mitigate the effects.

This legislation will have no effect on climate change.

- 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)?**

No new initiatives or programmatic expansions are included in this legislation.

**List attachments/exhibits below:**

# Changes to 2021 Seattle Grading Code, Steam Engineer and Boiler Operator License Law Update, and Seattle Construction Codes Errata



Photo by Tim Durkan



**Seattle** Department of  
Construction & Inspections

LUN Committee  
May, 2021



# SDCI PURPOSE AND VALUES

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## Our Purpose

Helping people build a safe, livable, and inclusive Seattle.

## Our Values

- Equity
- Respect
- Quality
- Integrity
- Service

# SEATTLE CODE UPDATES

- 2021 Seattle Grading Code Update
- Steam Engineer and Boiler Operators License Law Update
- Seattle Construction Codes Errata



# INTENT OF THE GRADING CODE UPDATE

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- The primary intent of this update is to align with the 2021 Seattle Stormwater Code update.
- SDCI provided outreach and public comment opportunities for the Grading Code by presenting the suggested changes to the development community as part of the extensive outreach done for the 2021 Stormwater Code.
- We addressed all comments and incorporated the suggestions for the most impactful changes.

# 2021 GRADING CODE CHANGES

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- Threshold Revisions
- Definition Clarifications
- Exemption Changes



# THRESHOLD REVISIONS

## 22.170.060 – Grading Permit Required (Thresholds)

- **Changed** Land Disturbing Activity from 1 acre to 5,000 square feet
- **Changed** New Plus Replace Hard Surface from 2,000 square feet to 750 square feet
- **Added** extracting groundwater (e.g., dewatering wells for construction or remediation)

	2016 Drainage Review Thresholds	2021 Drainage Review Thresholds	Current Grading Permit Threshold	New Grading Permit Threshold
Land Disturbing Activity Area	750 SF	5,000 SF 	1 acre	5,000 SF 
New Plus Replaced Hard Surface Area	750 SF	750 SF	2,000 SF	750 SF 

# DEFINITION CLARIFICATIONS

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## 22.170.050 – Definitions

- **Revised** “Impervious Surface” to “Hard Surface” throughout Grading Code and refer to Stormwater Code for the definition.
- **Revised** “potentially hazardous location” to include any state or federal list or database that indicates potential contamination.

# EXEMPTION CHANGES

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## 22.170.060.B – Exemptions

- **Changed** the utility exemption. New installation will not be exempt in ECAs or for new stormwater systems for short plats and subdivision.
- **Removed** exemption for underground storage tank removal/replacement.
- ~~**Revised** exemption for work on railroads. Not applicable if activity triggers Drainage Review per the Stormwater Code.~~

Note: the lined-out revision was contested by the Port of Seattle and BNSF. SDCI, SPU, and the Seattle Attorney's Office concurred with their comment and deleted the revision, as requested

# STEAM AND BOILER OPERATOR UPDATE

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- Ordinance last updated in 2006
- In 2018 the licensing application and issuance process was moved to the Accela platform, necessitating a rewrite of 6.420.040
- Many editorial changes to update to the current legislative format and switch to gender-neutral language
- SDCI personnel and the Steam License Advisory Board reviewed the ordinance for needed updates
- All updates were approved by the Steam License Advisory Board



# STEAM LICENSE ADVISORY BOARD

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Representing Licensed Steam Engineers

Terry Chapin (Chair) – Retired Grade I Steam Engineer/Washington State Board of Boiler Rules Chair

Ted Carroll – Grade II Boiler Supervisor - Seattle Public Schools

Representing Owners/Managers

Mick Reeves – Enwave Plant Manager

Kenny Lind – Fred Hutchinson Cancer Research Center

Aaron Kessler – Grade II Boiler Supervisor – All Temp Mechanical

Representing the General Public

Christian Dube – Western Washington Stationary Engineers Training Trust

Corey Drury – Port of Seattle

Heath Robinette – IUOE Local 302

# SEATTLE CONSTRUCTION CODES ERRATA

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This legislation includes adoption of proposed errata for Seattle's construction codes to clarify regulations, adopt amendments consistent with Washington State regulations, and make technical corrections from omissions and errors.

- Provides the correct Plumbing Fixture Table for SBC.
- Provides corrected language in various sections that had errors or omissions.
- Provides corrected section or code references.
- Correctly adopts code language to align with the State.

# QUESTIONS?

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