

2/ ORDINANCE No. 114007

Law Department

3/ COUNCIL BILL No. 100737

The City of

AN ORDINANCE relating to land use and zoning requirements; amending Section 23.49.152 and 23.49.164 of the Seattle Municipal Code to allow longer walls in certain circumstances when low or moderate income housing is preserved for forty years and to provide for a housing bonus when low-income housing is preserved in the DMR zone.

Honorable President:

Your Committee on Urban

to which was referred the within Council report that we have considered the same

5/12/88 Do Pass

COMPTROLLER FILE No.

Introduced: MAY 09 1988	By: KRAABEL
Referred: MAY 09 1988	To: HUMAN DEVELOPMENT
Referred:	To:
Referred:	To:
Reported: MAY 24 1988	Second Reading: MAY 31 1988
Third Reading: MAY 31 1988	Signed: MAY 31 1988
Presented to Mayor: MAY 31 1988	Approved:
Returned to City Clerk: JUN 17 1988	Published:
Vetoed by Mayor:	Veto Published:
Passed over Veto:	Veto Sustained:

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Department

The City of Seattle--Legislative Department

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Date Reported
and Adopted

REPORT OF COMMITTEE

President:

Committee on Urban Redevelopment

Area referred to within Council Bill No. 106737

we have considered the same and respectfully recommend that the same:

Do Pass as Amended (2-0; PK, GB)

Vote 7-0



Committee Chair

ORDINANCE 114007

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3 AN ORDINANCE relating to land use and zoning requirements; amending Section
4 23.49.152 and 23.49.164 of the Seattle Municipal Code to allow longer
5 walls in certain circumstances when low or moderate income housing is
6 preserved for forty years and to provide for a housing bonus when low-
7 income housing is preserved in the DMR zone.

8
9 BE IT ORDAINED BY THE CITY OF SEATTLE AS FOLLOWS:

10
11 Section 1. That Section 23.49.152 of the Seattle Municipal Code, as last
12 amended by Ordinance 112303, is amended to read as follows:

13
14 23.49.152 Downtown Mixed Residential, ratios for public benefit features.

15
16 A. General Provisions.

17
18 1. No floor area beyond the base FAR shall be granted for any project
19 which causes:

20
21 a. The destruction of any designated feature of a Landmark struc-
22 ture unless authorized by the Landmarks Board; or

23
24 b. On lots not located in DMR/R eighty-five foot (85') height
25 districts, the demolition on the project lot of housing which has been
26 occupied any time since January 1, 1974, if actions equivalent to total
27 housing replacement, as defined by the Public Benefit Features Rule, are
28 not taken. Housing replacement in excess of that required by the
provisions of the Housing Replacement Ordinance, not to exceed seventy-five
percent (75%) of the gross floor area of the replacement housing provided,
may be used to qualify for a housing bonus under the Public Benefit
Features Rule. A housing replacement bonus may be granted even if no other
public benefit features are provided on the project lot.

2. Additional gross floor area may be permitted up to the maximum FAR
with housing bonus described in Section 23.49.150 when affordable housing is
included in the development proposal and the following criteria are met:

a. The housing bonus shall be granted only for the direct
production of affordable housing in a new structure, or in a rehabilitated
structure or portion of a rehabilitated structure which was not in
residential use as of January 1, 1983.

1 C. Housing Option

- 2 1. On lots with structures which contained low or moderate income
3 housing on or before the effective date of this ordinance, and
4 which meet the requirements of subsection C4, the maximum length of
5 portions of structures above an elevation of sixty-five feet which
6 are located less than twenty feet from a street lot line shall not
7 exceed one hundred twenty feet per block front. This maximum
8 length shall be measured parallel to the street property line.
9 Portions of structures, measured parallel to the street lot line,
10 which are located twenty feet or more from the street lot line,
11 shall have no maximum limit.
- 12 2. When the housing option is used, no portions of the structure may
13 be located in the area within twenty feet of the intersection of
14 street property lines between elevations of sixty-five and one
15 hundred twenty five feet.
- 16 3. When the housing option is used, each floor in portions of
17 structures between elevations of sixty-five and one-hundred
18 twenty-five feet shall have a maximum gross floor area of twenty-
19 five thousand square feet or the lot coverage limitation whichever
20 is less.
- 21 4. In order to use the housing option, housing on the lot shall be
22 subject to an agreement with the City which contains the following
23 conditions and any other provisions necessary to insure compliance:
- 24 a. The demolition or change of use of the housing shall be
25 prohibited for not less than forty years from the date a
26 certificate of occupancy is issued for the commercial
27 development on the lot; and
- 28 b. If the housing is or was rental housing on or before the
 effective date of this ordinance, it shall be used as rental

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housing for not less than forty years from the date a certificate of occupancy is issued for the commercial development on the lot; and

c. The structure will be brought up to and maintained in conformance with the Housing and Building Maintenance Code; and

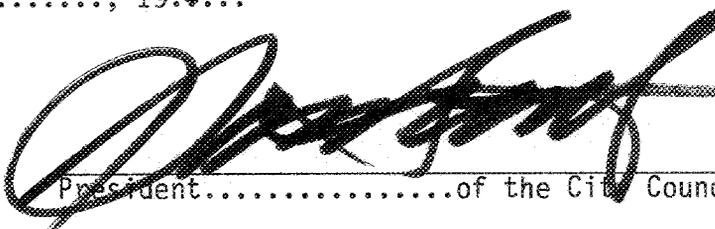
d. Housing that is or was low-income housing on or before the effective date of this ordinance, it shall be maintained as low income housing, and all other units shall be used as moderate income housing for not less than forty years from the date a certificate of occupancy is issued for the commercial development on the lot.

e. Housing which is preserved according to the provisions of this Section shall not qualify for a downtown housing bonus or for transfer of development rights.

Section 3. This ordinance shall take effect and be in force thirty days from and after its passage and approval by the Mayor; otherwise it shall take effect at the time it shall become a law under the provisions of the City Charter.

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Passed by the City Council the 31st day of May....., 1988,
and signed by me in open session in authentication of its passage this
31st day of May....., 1988..



President.....of the City Council

Approved by me this..... day of, 19.....

Mayor

Filed by me this 17th day of June....., 1988..

Attest: Norman J. Brooks

City Comptroller and City Clerk

(SEAL)

Published _____ By Margaret Carter

Deputy Clerk

Office Of The Mayor
City of Seattle

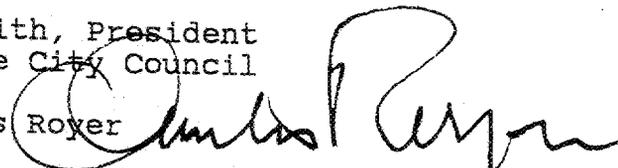
Charles Royer, Mayor



June 15, 1988

M E M O R A N D U M

TO: Sam Smith, President
Seattle City Council

FROM: Charles Royer 

SUBJECT: Council Bill Number 106737

I am returning this legislation unsigned. This legislation was passed by the Council on May 31, but was not received in my office until yesterday, June 14. Thus, it is beyond the 10-day period in which I have to sign it before it becomes law.

In addition, there is an error concerning the housing bonus ratio in Section A.2.d, on line 7 of the second page, which should read "6" instead of "4."

I understand the Council plans on passing an amended ordinance correcting this error. When this is done, I will be happy to sign it.

Affidavit of Publication

City of Seattle ORDINANCE 114007

AN ORDINANCE relating to land use and zoning requirements; amending Section 23.49.152 and 23.49.164 of the Seattle Municipal Code to allow longer walls in certain circumstances when low or moderate income housing is preserved for forty years and to provide for a housing bonus when low-income housing is preserved in the DMR zone.

BE IT ORDAINED BY THE CITY OF SEATTLE AS FOLLOWS:

Section 1. That Section 23.49.152 of the Seattle Municipal Code, as last amended by Ordinance 112303, is amended to read as follows:

23.49.152 Downtown Mixed Residential ratios for public benefit features.

A. General Provisions.

1. No floor area beyond the base FAR shall be granted for any project which causes:

a. The destruction of any designated feature of a landmark structure unless authorized by the Landmarks Board; or

b. On lots not located in DMR/R eighty-five foot (85') height districts, the demolition on the project lot of housing which has been occupied any time since January 1, 1974, if actions equivalent to total housing replacement, as defined by the Public Benefit Features Rule, are not taken. Housing replacement in excess of that required by the provisions of the Housing Replacement Ordinance, not to exceed seventy-five percent (75%) of the gross floor area of the replacement housing provided, may be used to qualify for a housing bonus under the Public Benefit Features Rule. A housing replacement bonus may be granted even

if no other public benefit features are provided on the project lot.

2. Additional gross floor area may be permitted up to the maximum FAR with housing bonus described in Section 23.49.150 when affordable housing is included in the development proposal and the following criteria are met:

a. The housing bonus shall be granted only for the direct production of affordable housing in a new structure, or in a rehabilitated structure or portion of a rehabilitated structure which was not in residential use as of January 1, 1983.

b. The housing shall be located in a DMR zone.

c. The housing bonus shall be granted by the Director based on a finding by the Director of Community Development that the proposed housing satisfies the requirements of the Public Benefit Features Rule.

D. WHEN THE HOUSING OPTION AS PROVIDED IN SECTION 23.49.164C IS USED, THE HOUSING PROVIDED SHALL BE FOR LOW INCOME HOUSEHOLDS FOR A PERIOD OF AT LEAST TWENTY (20) YEARS IN ORDER TO RECEIVE A HOUSING

STATE OF WASHINGTON KING COUNTY—SS.

The undersigned, on oath states that he is an authorized representative of The Daily Journal of Commerce, a daily newspaper, which newspaper is a legal newspaper of general circulation and it is now and has been for more than six months prior to the date of publication hereinafter referred to, published in the English language continuously as a daily newspaper in Seattle, King County, Washington, and it is now and during all of said time was printed in an office maintained at the aforesaid place of publication of this newspaper. The Daily Journal of Commerce was on the 12th day of June, 1941, approved as a legal newspaper by the Superior Court of King County.

The notice in the exact form annexed, was published in regular issues of The Daily Journal of Commerce, which was regularly distributed to its subscribers during the below

stated period. The annexed notice, a

Ordinance No. 114007

was published on July 7, 1988

A. Spurr

Subscribed and sworn to before me on

July 7, 1988

Yvonne Summers
Notary Public for the State of Washington,
residing in Seattle.