

ORDINANCE No. 119273

COUNCIL BILL No. 112462

*Law Department*

The City of Seattle--Legislative Department

REPORT OF COMMITTEE

AN ORDINANCE relating to the organization of City government, creating an Office of Housing within the Executive Department, renaming the Department of Housing and Human Services as the Human Services Department, establishing the powers and duties of the Office of Housing, reassigning certain housing functions currently performed by the Department of Housing and Human Services to the Office of Housing, creating a new Housing Operating Fund, redesignating the Department of Housing and Human Services Operating Fund, making provisions for transition and carryover, and repealing, amending and adding various provisions throughout the Seattle Municipal Code in connection with the reorganization.

*over 8/27 mc*

Honorable President:

Your Committee on \_\_\_\_\_

to which was referred the within Council Bill No. \_\_\_\_\_ report that we have considered the same and respectfully recommend that the same

*11-298 Budget Committee: Passed As A  
Matthew Chae*

*11-23-98 Full Council: ~~Passed As A~~  
(Excused: McIVER)*

COMPTROLLER FILE No.

Introduced: <i>NOV 16 1998</i>	By: <b>CHOE</b>
Referred: <i>NOV 16 1998</i>	To: <b>BUDGET</b>
Referred:	To:
Referred:	To:
Reported: <i>11-23-98</i>	Second Reading:
Third Reading: <i>11-23-98</i>	Signed: <i>11-23-98</i>
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Vetoed by Mayor:	Veto Published:
Passed over Veto:	Veto Sustained:

*(1)*

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Committee Chair

By: [Signature] MC

**Law Department**

**The City of Seattle - Legislative Department**

Date Reported and Adopted

REPORT OF COMMITTEE

Honorable President:

Your Committee on \_\_\_\_\_

to which was referred the within Council Bill No. \_\_\_\_\_  
report that we have considered the same and respectfully recommend that the same:

11-298 Budget Committee: Passed As Amended  
Matthews Chair

11-23-98 Full Council: ~~Passed~~ 8-0  
(Excused: McIver)

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Committee Chair

IT IS DUE TO THE QUALITY OF THE DOCUMENT.

ORDINANCE 119273

1  
2 AN ORDINANCE relating to the organization of City government; creating an Office of Housing within  
3 the Executive Department; renaming the Department of Housing and Human Services as the  
4 Human Services Department; establishing the powers and duties of the Office of Housing;  
5 reassigning certain housing functions currently performed by the Department of Housing and  
6 Human Services to the Office of Housing; creating a new Housing Operating Fund;  
7 redesignating the Department of Housing and Human Services Operating Fund; making  
8 provisions for transition and transfer; and, repealing, amending and adding various provisions  
9 throughout the Seattle Municipal Code in connection with the reorganization.

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

8 Section 1. Office of Housing Created. From and after January 1, 1999, there shall be a new  
9 office within the Executive Department known as the Office of Housing.

10 Section 2. Department of Housing and Human Services Renamed; Responsibility for Housing  
11 Activities Transferred.

12 A. On and after January 1, 1999, the Department of Housing and Human Services shall be  
13 known as the Human Services Department. From and after that date, except as provided elsewhere in  
14 this or another ordinance, all the functions, responsibilities, agreements, obligations, authorizations,  
15 powers, equipment, records, appropriations, assets, and liabilities of the former Department of Housing  
16 and Human Services pertaining to housing activities shall belong to the Office of Housing and the  
17 Director of Housing is authorized to perform and exercise all City responsibilities, duties, obligations  
18 and powers related to housing activities theretofore belonging to the Director of the Department of  
19 Housing and Human Services, including without limitation any such responsibilities, duties, obligations  
20 and powers that may be created by ordinance after the passage of this ordinance, unless otherwise  
21 expressly stated in the later ordinance.

22 B. For purposes of this ordinance, unless the context otherwise clearly requires, "housing  
23 activities" shall mean housing development; applying for and ensuring compliance with conditions for  
24 loans, grants and other agreements to finance or subsidize housing; housing repair, weatherization and

1 rehabilitation; purchase, sale or lease of property for housing; management of City property held or used  
2 for housing purposes; housing affordability; operating subsidies; assistance to home buyers; and transfer  
3 of development rights. It shall specifically include all programs provided for by Ordinance 117711, or  
4 its successors. Provided, that except as may be provided in any interdepartmental memorandum  
5 approved by the Mayor, "housing activities" shall not include rental assistance, any activities related to  
6 emergency shelters, or administration of federal assistance provided under the Housing Opportunities for  
7 Persons with AIDS program or provided for the homeless under the McKinney Act, even if such  
8 assistance is used for housing purposes described above.

9           Section 3. Current Rules and Policies To Continue.

10           From and after January 1, 1999, all rules, regulations, policies, notices, schedules and  
11 proceedings in effect on that date with respect to City housing activities of the former Department of  
12 Housing and Human Services shall continue to have the same force and effect, unless and until they  
13 expire of their own terms or are superseded, but the powers and responsibilities of the Director of the  
14 Department of Housing and Human Services associated with housing activities shall be vested in and  
15 performed by the Director of the Office of Housing unless otherwise provided by this or another  
16 ordinance.

17           Section 4. Housing Operating Fund Created.

18           There is hereby created a Housing Operating Fund for deposit of funds to be used for operating  
19 expenditures of the Office of Housing.

20           Section 5. Housing and Human Services Operating Fund Redesignated; Authority to Reallocate  
21 Funds.

22           The Housing and Human Services Operating Fund is redesignated as the Human Services  
23 Operating Fund. The Executive Services Director, under the authority of the Mayor, shall reallocate  
24

1 assets and liabilities from the former Housing and Human Services Fund to either the Housing Operating  
2 Fund or the Human Services Operating Fund, in order to effectuate this ordinance.

3 Section 6. Authority and Jurisdiction for Housing Activities Transferred to Director of Housing.

4 From and after January 1, 1999, any requirement of any contract, deed, lease, instrument,  
5 ordinance, rule, plan or policy that the approval, consent, certification or signature of the Director of the  
6 Department of Housing and Human Services be obtained for any purpose related to housing activities  
7 (including without limitation the development, financing, construction, management, purchase, sale,  
8 leasing, affordability or occupancy of housing) shall be satisfied by the approval, consent, certification  
9 or signature, as the case may be, of the Director of Housing or the Director's designee, unless otherwise  
10 expressly provided by ordinance. From and after January 1, 1999, any real property (or interests therein)  
11 used or intended to be used for housing activities under the jurisdiction of the Department of Housing  
12 and Human Services as of December 31, 1998 shall be under the jurisdiction of the Office of Housing.

13 Section 7. Authority over Personnel Matters Designated.

14 From and after January 1, 1999, the Director of the Office of Housing shall have the power to  
15 appoint, assign, supervise, and control all the officers and employees in the Office of Housing, and the  
16 Director of the Human Services Department shall have the power to appoint, assign, supervise, and  
17 control all the officers and employees in the Human Services Department.

18 Section 8. Assignment of Personnel.

19 Except as set forth in this ordinance, the adopted City Budget or other action by ordinance shall  
20 determine the establishment, organization, and reassignment of positions in the Office of Housing and  
21 the Human Services Department.

22 Section 9. Subchapter V, Chapter 3.14 SMC Redesignated. Subchapter V of Chapter 3.14 of the  
23 Seattle Municipal Code is redesignated "Office of Housing."  
24

1           Section 10. Office Created -- Mission Statement A new section 3.14.700 is added to the Seattle  
2 Municipal Code as follows:

3 **3.14.700       Office of Housing Created- Mission**

4           A. There is established in the Executive Department an Office of Housing. The mission of the  
5 Office of Housing is to facilitate the substantial development of housing units for individuals earning  
6 zero to 120% of median income (low to moderate income households) via the identification and  
7 leveraging of public and private resources for such development; to increase the preservation of existing  
8 affordable multi-family and single family housing; and to create and operate an efficient, effective  
9 organizational structure which aids in the accomplishment of this mission.

10           B. The intent of this section is to state generally the mission and activities of the Office. This  
11 section shall not be construed to create, establish or designate any particular class or group of persons  
12 who will or should be especially protected or benefited, nor to create any entitlement to any benefits or  
13 services.

14           Section 11. New Section Added -- Purpose. A new section 3.14.710 is added to the Seattle  
15 Municipal Code as follows:

16 **3.14.710       Office -Purpose.**

17           The Office of Housing is established to develop comprehensive housing policies, programs, and  
18 plans; to act as coordinator and advocate for housing needs; to administrate, coordinate, and operate City  
19 housing policies, programs, and functions. The purposes of the Office of Housing are as follows:

- 20 A. Maintain and increase the City's strong commitment to the preservation and development of low-  
21 income housing;
- 22 B. Increase the supply of all types of housing in ways that enhance community;
- 23 C. Develop strategies for preserving existing, affordable housing units ;

24

1 D. Develop strategies that encourage greater preservation and utilization of existing housing stock to  
2 increase the supply of all types of housing.

3 E. Strengthen partnerships to leverage community resources and public and private dollars;

4 F. Develop leadership and expertise in housing project development, management, and finance in order  
5 to best support community housing efforts.

6 Section 12. New Section Added -- Appointment and Removal of Director. A new section  
7 3.14.720 is added to the Seattle Municipal Code as follows:

8 **3.14.720 Director of the Office of Housing - Appointment - Removal.**

9 The Director of the Office of Housing shall be appointed by the Mayor, subject to confirmation  
10 by a majority vote of all members of the City Council, and may be removed by the Mayor upon filing a  
11 statement of his or her reasons therefor with the City Council. The Director of the Office of Housing  
12 may be referred to as the Director of Housing.

13 Section 13. New Section Added -- Duties of Director. A new section 3.14.730 is added to the  
14 Seattle Municipal Code as follows:

15 **3.14.730 Director-Duties.**

16 Under the direction of the Mayor, the duties of the Director of Housing are as follows:

17 A. Oversee and manage the functions of the Office of Housing as set forth in section 3.14.700

18 B. Such other functions and duties as may be assigned by ordinance.

19 Section 14. New Section Added -- Ancillary Duties. A new section 3.14.740 is added to the  
20 Seattle Municipal Code as follows:

21 **3.14.740 Director-Ancillary duties.**

22 In order to carry out office functions, the Director of Housing shall have the power to:  
23  
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1           A. Appoint, remove, assign, supervise and control officers and employees in the Office of  
2 Housing in accordance with applicable civil service ordinance and rules;

3           B. Manage the preparation of the proposed budget for the Office of Housing; authorize  
4 appropriate expenditures and carry out the adopted budget; supervise the maintenance of adequate  
5 accounting systems and procedures; develop and manage programs; and undertake authorized activities;

6           C. Execute, deliver, indorse, modify, accept, administer, perform and enforce such agreements  
7 (including without limitation agreements for expert and consultant services, interdepartmental  
8 agreements, and agreements with other public entities), instruments, and other documents as he or she  
9 shall deem necessary or appropriate to implement ordinances, policies and programs, consistent with  
10 applicable laws and ordinances;

11           D. Collect amounts owing to the City under housing financing documents and contracts relating  
12 to housing development or to the sale of property for housing, and in the administration of the foregoing,  
13 subordinate liens or other interests of the City, compromise the City's claims or interests, and release  
14 parties and property from obligations and interests in favor of the City, all as he or she shall deem  
15 necessary or appropriate in the interests of the City and subject to applicable laws;

16           F. Grant and modify leases of real property under the jurisdiction of the Office of Housing,  
17 subject to SMC Section 3.24.300. and grant licenses for temporary use of such property, and prescribe  
18 and collect rents or charges therefor;

19           G. Apply to the federal and State governments for funding available for housing, and take all  
20 such actions as may be necessary to comply with federal and State requirements respecting the use of  
21 such funds when they are included in the adopted budget of the City or their acceptance is otherwise  
22 authorized by ordinance;

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1 H. Promulgate and amend, in accordance with the City Administrative Code to the extent  
2 applicable, rules, regulations and policies to carry out Office of Housing activities; provided that no such  
3 rule, regulation or policy shall confer any rights or entitlement upon any person, entity, class or group,  
4 nor undertake any legal duty to any person, entity, class or group.

5 Section 15. New Section -- Submittal of Work Program. A new section 3.14.750 is added to the  
6 Seattle Municipal Code as follows:

7 **3.14.750 Work program to be adopted by City Council.**

8 The annual work program for the Office of Housing, showing anticipated tasks, likely work  
9 products, and approximate assignments of FTEs shall be set by the City Council. The Council's review  
10 of the work program shall be in two (2) steps:

11 A. The Director of Housing shall submit a preliminary proposed work program for the  
12 following year to the City Council no later than October 1 of the current year for review during the  
13 budget process.

14 B. By January 15 the following year, the Director of Housing shall submit a revised  
15 proposed work program to the City Council. During the first quarter, the City Council shall adopt a  
16 resolution setting the final work program for the Office of Housing. This resolution shall guide the work  
17 of the Office throughout the year, and any significant changes to the work shall require Council  
18 approval.

19 Section 16. Chapter 3.20 SMC Redesignated. Chapter 3.20 is redesignated " Human Services  
20 Department."

21 Section 17. SMC 3.20.010 Amended. Section 3.20.010 of the Seattle Municipal Code is  
22 amended as follows:

23 **3.20.010 Department Created - Purpose.**  
24

1           A. There is created a (~~Department of Housing and~~) Human Services Department for the  
2 development of comprehensive (~~(housing and housing related services,)~~) human services (~~(and~~  
3 ~~education))~~) policies and plans; to act as coordinator and advocate for social (~~(and housing))~~ needs and  
4 concerns of the City's population; and for the administration, coordination, planning and operation of  
5 City programs and functions relating to human problems and needs, including without limitation those  
6 of persons who are aged, youth, disabled, (~~(veterans))~~ unemployed and underemployed, homeless, low-  
7 income, have special needs or are otherwise disadvantaged.

8           B. The mission of the (~~Department of Housing and~~) Human Services Department is to  
9 strengthen the ability of all people in the Seattle metropolitan area to live, learn, work and participate in  
10 safe, strong, and caring communities.

11           C. The Department seeks to enhance the quality of life and promote self-reliance, growth, and  
12 development of people. To these ends, the Department will strive to provide resources and services, to  
13 remove barriers to meeting human needs, and to improve public policies.

14           D. The intent of this section is to state generally the mission and activities of the Department.  
15 This section shall not be construed to create, establish, or designate any particular class or group of  
16 persons who will or should be especially protected or benefited, or to create any entitlement to any  
17 benefits or services.

18           Section 18. SMC 3.20.030 Amended. Section 3.20.030 of the Seattle Municipal Code is  
19 amended as follows:

20 **3.20.030 Director-Duties.**

21           The Director shall be the head of the (~~Department of Housing and~~) Human Services  
22 Department, shall be responsible for the administration of the department and shall:  
23  
24

- 1           A. Appoint, remove, supervise and control officers and employees in the ((~~Department of~~  
2 ~~Housing and~~)) Human Services Department in accordance with civil service rules and regulations;
- 3           B. Develop and manage programs providing the services for which the ((~~Department of Housing~~  
4 ~~and~~)) Human Services Department is responsible;
- 5           C. Manage the preparation of the proposed annual budget of the ((~~Department of Housing and~~))  
6 Human Services Department, authorize necessary expenditures and enter into contracts for professional  
7 and expert services in accordance with the annual budget; develop and manage programs, and supervise  
8 development and maintenance of adequate managerial and accounting systems and procedures;
- 9           D. Execute, administer, modify and enforce such agreements and instruments as he or she shall  
10 deem reasonably necessary to implement programs consistent with all applicable laws and ordinances, as  
11 he or she shall deem appropriate for carrying out the responsibilities, functions, and activities of the  
12 Department; apply for grants and donations for departmental programs; and solicit and use volunteer  
13 services;
- 14           E. Promulgate rules and regulations to carry out departmental activities pursuant to the  
15 Administrative Code, SMC Chapter 3.02; and
- 16           F. Have such other and further powers and duties as shall be prescribed by ordinance.

17           Section 19. SMC 3.20.040 Amended. Section 3.20.040 of the Seattle Municipal Code is  
18 amended as follows:

19           **3.20.040 Divisions of the Department.**

20           In implementation of the functions contemplated in Section 3.20.010, the Division on Aging and  
21 Disability Services, the ((~~Housing and~~)) Community Services Division, the Division of Family and  
22 Youth Services, and the Program Support Division are established as divisions of the ((~~Department of~~  
23  
24

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1 ~~Housing and~~) Human Services Department. (~~The Office of Education is established within the~~  
2 ~~Department of Housing and Human Services.~~)

3 Section 20. SMC 3.20.080 Amended. Section 3.20.080 of the Seattle Municipal Code is  
4 amended as follows:

5 **3.20.080 Division created-Purpose.**

6 There is created in the (~~Department of Housing and~~) Human Services Department a Division on  
7 Aging and Disabilities Services to coordinate City programs directed to or affecting adults with  
8 disabilities and the aging; to provide short-term planning and programming related to meeting problems  
9 of adults with disabilities and the aging; to assist the Mayor in development of broad policies focusing  
10 on such problems; to provide liaison with public and private agencies and groups serving or interested in  
11 the aging; to provide staff support to the Technical Advisory Committee on Aging; and to seek and  
12 encourage additional funding sources for programs serving adults with disabilities and the aging.

13 Section 21. SMC 3.20.120 Amended. Section 3.20.120 of the Seattle Municipal Code is  
14 amended as follows:

15 **3.20.120 Director-Created-Duties.**

16 There is created in the (~~Department of Housing and~~) Human Services Department the position  
17 of Director of the Division on Aging and Disability Services to be appointed by the Mayor subject to  
18 confirmation by a majority vote of all members of the City Council, and such Director, whose office  
19 shall not be included in the classified civil service, may be removed by the Mayor upon filing a  
20 statement of his reasons therefor with the City Council. The Director shall be responsible under the  
21 direction of the Mayor for the administration of the Division on Aging and Disability Services, and shall  
22 annually prepare and furnish to the Mayor, City Council, Advisory Committee on Aging, departments of  
23  
24

1 the City and appropriate community organizations a ~~((report of))~~ plan for the activities of the Division  
2 and recommendations for further action.

3 Section 22. SMC 3.60.040 Amended. Section 3.60.040 of the Seattle Municipal Code is  
4 amended as follows:

5 **3.60 40 Annual Cooperative Agreements.**

6 The Mayor is authorized subject to and in accordance with the annual budget of the City to enter  
7 on behalf of the City annual cooperative agreements with King County for the financing and operation  
8 of the functions of the Commission. Mutually agreed upon procedures to accomplish said functions will  
9 be established between the King County Department of Public Health and the ~~((Department of Human  
10 Resources of the))~~ City's Human Services Department.

11 Section 23. SMC 3.68.050 Amended. Section 3.68.050 of the Seattle Municipal Code is  
12 amended as follows:

13 Meetings of the Commission, the minutes of its proceedings, and its findings and  
14 recommendations shall be open to the public unless the Commission directs otherwise. The  
15 ~~((Department of Human Resources))~~ Human Services Department shall provide staff and meeting  
16 facilities for the Commission and maintain its records.

17 Section 24. SMC 3.118.010(B) Amended. Subsection B of section 3.118.010 of the Seattle  
18 Municipal Code is amended as follows:

19 **3.118.010. Applications for approval.**

20 \*\*\*

21 B. The applicant shall submit to the City any additional documents or information as may be requested  
22 by the Mayor, the Director of Housing ~~((and Human Services)),~~ or the President of the City Council to  
23 assist in reviewing the application.

24

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1 Section 25. SMC 3.20.320(E) Amended. Subsection E of section 3.20.320 of the Seattle  
2 Municipal Code is amended as follows:

3 **3.20.320 TDR Bank created.**

4 \*\*\*

5 E. The ~~((Department))~~ Office of Housing ~~((and Human Services))~~ is authorized to negotiate  
6 purchases, leases and/or options of TDRs from landmark performing arts theaters, subject to Council  
7 approval by ordinance and appropriation of funds. Priority consideration shall be given to TDRs from  
8 landmark performing arts theaters with low-income housing that is to be preserved as part of the  
9 rehabilitation under a binding commitment from the owner and all others with interests in the property.  
10 Landmark performing arts theaters with housing shall not be eligible for TDR bank purchases if any on-  
11 site low or low-to-moderate housing is to be eliminated, unless the owner enters into a voluntary  
12 agreement satisfactory to the Director of Housing ~~((and Human Services))~~ that guarantees replacement  
13 of any low-income housing with low-income housing, and any low-to-moderate income housing with  
14 low-to-moderate income housing, that will remain affordable to low- or low-to-moderate income  
15 tenants, as the case may be, or contributes an amount equal to the cost to replace such low- or low-to-  
16 moderate income housing with housing affordable to low- or low-to-moderate income tenants, as the  
17 case may be, in addition to any agreement or contribution made in order to qualify for housing bonus.

18 Section 26. SMC 3.68.070 Amended. Section 3.68.070 of the Seattle Municipal Code is  
19 amended as follows:

20 **3.68.070 Children and Youth Commission Account.**

21 There is hereby established in the General Gift and Donations Trust Fund a special account,  
22 designated the Children and Youth Commission Account. All donations received for the Commission,  
23 revenues from Commission projects or activities, and refunds or other payments to the Commission shall  
24

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1 be separated in the account. Interest on investment of account balances shall accrue to the account.  
2 Expenditures may be made on the account upon vouchers drawn by the Commission Chair or, as  
3 authorized by the Commission, the Director of ~~((Housing and))~~ Human Services Department as its  
4 designee. All necessary appropriations of funds on account are hereby made and authorized.

5 Section 27. SMC 5.78.060 Amended. Section 5.78.060 of the Seattle Municipal Code is  
6 amended as follows:

7 **5.78.060 Expenditures- ~~((Department))~~ Office of Housing ~~((and Human Services))~~.**

8 The Director of ~~((the Department))~~ Housing ~~((and Human Services))~~ is authorized to direct  
9 expenditures for the donations made to that ~~((Department's))~~ Office's programs in the City's Gift  
10 Catalogue or for other housing activities as designated by the donor; and the City Finance Director is  
11 authorized to draw and to pay warrants against said program accounts or subaccounts on vouchers  
12 approved by the Director of Housing ~~((and Human Services))~~ as to payee and purpose.

13 Section 28. New Section Added – Director's Authorization. A new section 5.78.190 is added to  
14 the Seattle Municipal Code as follows:

15 **5.78.190 Expenditures - Human Services Department**

16 The Director of the Human Services Department is authorized to direct expenditures for the  
17 donations made to that Department's programs in the City's Gift Catalogue or for other human services  
18 activities as designated by the donor; and the City Finance Director is authorized to draw and to pay  
19 warrants against said program accounts or subaccounts on vouchers approved by the Human Services  
20 Director as to payee and purpose.

21 Section 29. SMC 21.04.280(B) Amended. Subsection B of section 21.04.280 of the Seattle  
22 Municipal Code is amended as follows:

23 **21.04.280 Certification and funding of water and sewer infrastructure extensions.**

24

1 \*\*\*

2 B. For housing development or redevelopment projects certified by the ((Department)) Office of  
3 Housing ~~((and Human Services))~~ as eligible projects and that are required to construct public  
4 infrastructure, Seattle Public Utilities shall fund the actual cost of the public infrastructure prorated  
5 according to the percentage of dwelling units that will serve households with aggregate annual incomes  
6 no higher than fifty (50) percent of median income; provided that the property owner installs water and  
7 electric meters (or submeters, as applicable) in the eligible project and that all public infrastructure and  
8 all meter work is performed in a manner acceptable to Seattle Public Utilities. An amount equal to such  
9 funding shall be recovered through increased water, wastewater and drainage charges established by  
10 ordinance. The ((Department)) Office of Housing ~~((and Human Services))~~ shall certify only those  
11 projects that meet the criteria of eligible projects and that also demonstrate to the satisfaction of the  
12 ((Department)) Office that the property owner will comply with all applicable state law, including  
13 without limitation public bidding and prevailing wage laws, and with all applicable City law, including  
14 without limitation laws pertaining to the prevention of discrimination and women and minority business  
15 enterprises. The ((Department)) Office of Housing ~~((and Human Services))~~, in agreement with Seattle  
16 Public Utilities, is hereby authorized to develop rules and procedures for certification of, and follow-up  
17 reporting by eligible projects to ensure that they satisfy the intent of the ordinance codified in this  
18 section.

19 \*\*\*

20 Section 30. SMC 21.49.040(B) Amended. Subsection B of section 21.49.040 of the Seattle  
21 Municipal Code is amended as follows:

22 **21.49.040 Residential rate assistance (Schedule 26/27).**

23 \*\*\*

1 B. Applicants for Schedule 26/27 shall verify the information required to certify their eligibility for  
2 residential rate assistance and shall provide such other data as is deemed appropriate upon forms and in  
3 the manner determined by the City's Human Services Department (~~(of Housing and Human Services)~~).

4 \*\*\*

5 Section 31. SMC 21.50.020 Amended. Section 21.52.020 of the Seattle Municipal Code is  
6 amended as follows:

7 **21.52.020 Eligibility-Low-income elderly.**

8 Eligibility for participation in the Conservation Investment Assistance Program shall be  
9 determined by the Human Services Department (~~(of Housing and Human Services)~~) from verified  
10 applications and inspection of each home, and such qualifications shall be based on the following criteria  
11 for the following classes of low- income persons:

12 Low-income Elderly.

13 A. The head of household must own the home and must be sixty-five (65) years of age or older;  
14 and

15 B. Have a gross annual income of less than Five Thousand Six Hundred Seven Dollars  
16 (\$5,607.00), if single, or Seven Thousand Three Hundred Thirty-one Dollars (\$7,331.00), if married; and

17 C. Reside in the Seattle City Light service area, use the home solely for a residence and have  
18 permanently connected electrical heating facilities as the primary source of heat in the residence; and

19 D. The residence of the recipient is without insulation or is equipped with below standard  
20 insulation.

21 Section 32. SMC 21.52.230(B), (D) Amended. Subsections B and D of section 21.52.230 of the  
22 Seattle Municipal Code are amended as follows:

23 **21.52.230 Program components.**

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1  
2 B. Low-Income Weatherization Program ("LIWP"). The LIWP includes the programs  
3 administered by the ~~((Department))~~ Office of Housing ~~((and Human Services))~~ which provide financial  
4 assistance for weatherization of low-income households. The ~~((Department))~~ Office will establish and  
5 administer procedures to screen low-income residents of the City and customers of the City Light  
6 Department to determine their eligibility for the LIWP. The LIWP has the following three (3) programs:

7 1. Low-Income Electric Program ("LIEP"). LIEP shall provide grants to the low-income  
8 customers of the City Light Department (whose primary source of heat is electricity) for the supply and  
9 installation of certain energy conservation measures. The Light Fund shall provide the source of funds  
10 for LIEP. The LIEP Program shall only be available to residential structures of one (1) to four (4)  
11 dwelling units.

12 2. Low-Income Weatherization Assistance ("LIWA") Program. The LIWA Program shall provide  
13 grants for the supply and installation of energy conservation measures to Seattle residents who are  
14 recipients of Aid to Families with Dependent Children (AFDC) and to low-income, fragile, or elderly  
15 Seattle residents whose income is equal to or less than the defined federal eligibility standards and  
16 whose primary heat source is natural gas or oil.

17 3. Weatherization Urban Development Action Grant ("Weatherization UDAG") Program. The  
18 Weatherization UDAG Program shall provide weatherization loans and grants for the supply and  
19 installation of energy conservation measures to low-income households whose income is greater than  
20 that allowed under the LIWA Program, but less than eighty percent (80%) of the SMSA median family  
21 income and whose primary heat source is oil or natural gas. The Weatherization UDAG Program will be  
22 implemented by contracts between the City and participating lending institutions on terms and  
23  
24

1 conditions deemed appropriate by the Director of Housing (~~and Human Services~~), consistent with the  
2 provisions of the Program.

3 \*\*\*

4 D. (~~Department~~) Office of Housing (~~and Human Services~~). The (~~Department~~) Office of  
5 Housing (~~and Human Services~~) shall encourage weatherization among those residents of Seattle not  
6 served by other components of the CRWP.

7 Section 33. SMC 21.52.250 Amended. Section 21.52.250 of the Seattle Municipal Code is  
8 amended as follows:

9 **21.52.250 Low-income Electric Program (LIEP).**

10 A. The Superintendent and the Director of Housing (~~and Human Services~~) are authorized to enter  
11 into an agreement to implement the LIEP, on terms and conditions deemed appropriate by the  
12 Superintendent and the Director.

13 B. The Director of Housing (~~and Human Services~~) is authorized to provide weatherization  
14 assistance grants to low-income households with electric heat, for the supply and installation of energy  
15 conservation measures by qualified contractors, consistent with this chapter. An energy audit shall be  
16 conducted by City personnel to determine what energy conservation measures are needed in the dwelling  
17 unit. Following installation of the energy conservation measures by a qualified contractor, the work  
18 shall be inspected by City personnel for compliance with federal standards and additional City Light  
19 standards.

20 Section 34. SMC 21.52.260(E) Amended. Subsection E of section 21.52.260 of the Seattle  
21 Municipal Code is amended as follows:

22 **21.52.260 Energy conservation measures described.**

23 \*\*\*

1 E. 1. Pursuant to the rule-making provisions of the Seattle Administrative Code, Ordinance 102228, as  
2 amended, the Superintendent and the Director of ~~((the Department))~~ Housing ~~((and Human Services))~~  
3 may revise the energy conservation measures designated in subsections A and B of this section, provided  
4 the revision does not diminish the cost effectiveness of the measure.

5 2. Pursuant to the rule-making provisions of the Seattle Administrative Code, Ordinance 102228, as  
6 amended, the Superintendent may revise the energy conservation measures designated in subsection C of  
7 this section, provided the revision does not diminish the cost effectiveness of the measure. The energy  
8 conservation measures designated in this Section 21.52.260 shall be added or deleted only by ordinance.

9 Section 35. SMC 21.76.010 Amended. Section 21.76.010 of the Seattle Municipal Code is  
10 amended as follows:

11 **21.76.010 Program established-Purpose-Administration.**

12 A program for credits to partially offset the billings for water, wastewater, drainage, solid waste,  
13 and street utility services for qualified low-income customers is established in order to provide necessary  
14 support for the poor and infirm. Such reductions are intended to offset recent rate increases for such  
15 utilities. The Human Services Department ~~((of Housing and Human Services))~~ is authorized and  
16 directed to administer the program and in such connection may promulgate administrative regulations  
17 from time to time in the manner provided in the Administrative Code (Seattle Municipal Code Chapter  
18 3.02) to carry out the intent and purpose of this chapter.

19 Section 36. SMC 21.76.030(C) Amended. Subsection C of section 21.76.030 of the Seattle  
20 Municipal Code is amended as follows:

21 **21.76.030 Qualification.**

22 \*\*\*  
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1 C. Applicants shall verify such information, and shall provide such other data as is deemed  
2 appropriate upon forms and in the manner determined by the Human Services Department (~~(of Housing~~  
3 ~~and Human Services)~~).

4 Section 37. SMC 21.76.040(B) Amended. Subsection B of Section 21.76.04 of the Seattle  
5 Municipal Code are amended as follows:

6 **SMC 21.76.040 Utility low income rates assistance.**

7 \* \* \*

8 B. Solid Waste. Persons qualified by the Director of (~~(Housing and)~~) the Human Services  
9 Department as eligible recipients of Low Income Rate Assistance (LIRA) shall be granted special rates  
10 in the following amounts (stated in monthly rates). The rates for qualified solid waste customers become  
11 effective September 1, 1994.

12 \* \* \*

13 Section 38. SMC 21.76.050 Amended. Section 21.76.050 of the Seattle Municipal Code is  
14 amended as follows:

15 **21.76.050 Method of receiving credit.**

16 Qualified persons receiving drainage, wastewater, water, solid waste or street utility services  
17 shall receive credits in the amounts prescribed for in Section 21.76.040 or in equivalent amounts should  
18 the billing period be other than monthly; provided, that no qualified person shall receive or accept utility  
19 credits to more than one (1) utility bill for the same billing period. The credits shall be made as follows:

20 A. For qualified persons who do not receive a drainage, wastewater, water, solid waste or street utility  
21 bill directly, the proper credit amount shall be made on the bill as a reduction to the amount which  
22 would otherwise be payable.

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1 B. For qualified persons who do not receive a drainage, wastewater, water, solid waste or street utility  
2 bill directly, but who may pay such utility charges indirectly as part of their rental payment, the proper  
3 credit shall be made in the manner determined by the Director of the Human Services Department (~~(of~~  
4 ~~Housing and Human Services)~~) and the Director of Seattle Public Utilities, including, but not limited to:

5 1. A reduction in the amount otherwise payable on the light bills of those qualified persons who do  
6 not receive drainage, wastewater, water, solid waste or street utility bills but who do receive a light  
7 utility bill,

8 2. The issuance of credit vouchers in the names of qualified persons, provided that the credit vouchers  
9 shall not be redeemed in cash and shall be honored by the City only when applied to the account through  
10 which utility services received by the qualified person are paid.

11 Section 39. SMC 21.76.070 Amended. Section 21.76.070 of the Seattle Municipal Code is  
12 amended as follows:

13 **21.76.070 Violation-Penalty.**

14 Any person knowingly making any false statement or representation to the Human Services  
15 Department (~~(of Housing and Human Services)~~) with intent to secure benefits to which he or she is not  
16 entitled under this chapter shall be guilty of an offense constituting a violation subject to the provisions  
17 of Chapter 12A.02 and 12A.04 of this Code (Seattle Criminal Code) and upon conviction thereof may be  
18 punished by a civil fine or forfeiture not to exceed Five Hundred Dollars (\$500.00).

19 Section 40. SMC 22.220.080(E) Amended. Subsection E of Section 22.220.080 of the Seattle  
20 Municipal Code is amended as follows:

21 E. The Director of Housing (~~(and Human Services)~~) or his or her designee is hereby authorized  
22 to apply to the Director for any departure from the Housing and Building Maintenance Code authorized  
23 by this section. No other person is authorized to make such application.

24

1 Section 41. SMC 22.220.090 Amended. Section 22.220.090 of the Seattle Municipal Code is  
2 amended as follows:

3 **22.220.090 Loans and grants to owners.**

4 A. The Director of Housing (~~and Human Services~~) may authorize loans and grants to owners  
5 and receivers from the Downtown Housing Maintenance Account described in Section 22.220.100  
6 and/or from such Community Development Block Grant funds or other similarly restricted funds as may  
7 have been appropriated for the rehabilitation of rental units downtown or may in the future be  
8 appropriated specifically for the repair of low-income rental units pursuant to this chapter. Such loans  
9 and grants shall be made only for the reasonable cost of repairs necessary to make low-income rental  
10 units habitable and for the reasonable cost of any other repairs to the building in which such units are  
11 located which are necessary to make such units habitable. Such loans and grants shall be made only in  
12 accordance with the criteria set forth in this section.

13 B. The Director of Housing (~~and Human Services~~) may make grants for repairs necessary to  
14 make low-income rental units habitable. The maximum grant amount shall be Three Thousand Dollars  
15 (\$3,000.00) per unit, to be awarded after the owner has committed his or her own maximum contribution  
16 to the repair of a unit.

17 C. The Director of Housing (~~and Human Services~~) may extend loans for the repair of low-  
18 income units as follows:

19 1. The maximum loan amount shall be Six Thousand Dollars (\$6,000.00) per unit.

20 2. The Director of Housing (~~and Human Services~~) may authorize the forgiveness of such loans  
21 at a rate of twenty percent (20%) per year, with a maximum forgiveness of One Thousand Dollars  
22 (\$1,000.00) per year for each year the unit remains available for low-income occupancy, such  
23 forgiveness to continue until the entire amount has been forgiven; provided that the unit continues to be  
24

1 available for low-income occupancy during the entire forgiveness period.

2 3. The loans shall be made with no interest charged while the unit remains available for low-  
3 income occupancy.

4 4. If for any reason the units become unavailable for low- income occupancy, the remainder of  
5 the loan shall be required to be repaid, and in addition the Director of Housing (~~and Human Services~~)  
6 may require the immediate repayment of the remaining balance or said Director of Housing (~~and~~  
7 ~~Human Services~~) and may charge interest on the remaining balance at the then prevailing rate for the  
8 Washington State Housing Finance Commission bond program.

9 D. The total amount of grants and loans authorized under this section shall not exceed Six  
10 Thousand Dollars (\$6,000.00) per unit for any three- (3) year period.

11 E. The Director of Housing (~~and Human Services~~) shall prescribe such additional terms and  
12 conditions of such loans and grants as he or she deems appropriate. Within thirty (30) days of the  
13 effective date of the ordinance codified in this chapter, the Director of Housing (~~and Human Services~~)  
14 shall promulgate regulations describing the circumstances under which loans and grants will be  
15 approved and the general terms and conditions of such loans and grants.

16 Section 42. SMC 22.220.100(C) Amended. Subsection C of section 22.220.100 of the Seattle  
17 Municipal Code is amended as follows:

18 SMC 22.220.100 Downtown Housing Maintenance Account.

19 \*\*\*

20 C. The moneys in the Account are hereby appropriated for the purposes described above and the  
21 City Finance Director is authorized to draw and to pay the necessary warrants upon vouchers approved  
22 by the Director of Housing (~~and Human Services~~) from the appropriated Account.  
23  
24

1 Section 43. SMC 22.220.130(B)-(D), (F) Amended. Subsections B, C, D, and F of section  
2 22.220.130 of the Seattle Municipal Code are amended as follows:

3 **22.220.130 Failure to rent or repair-Administrative investigation and determination.**

4 \*\*\*

5 B. Application for and Determination on Departures.

6 1. If the Director finds low-income rental units that are not habitable, he or she shall notify the  
7 Director of Housing (~~and Human Services~~), who shall have fifteen (15) days to determine if a  
8 departure or departures as authorized in Section 22.220.080 is appropriate and, if so, to recommend such  
9 departures to the Director.

10 C. Determination of Feasibility to Make Units Habitable. After the Director has received and  
11 considered the recommendations of the Director of Housing (~~and Human Services~~) on the requested  
12 departures, if any, he or she shall, using the standards as prescribed in Section 22.220.070, make a  
13 determination as to the feasibility of making the uninhabitable units habitable. The Director may grant,  
14 modify, or deny the recommended departures.

15 D. Issuance of Complaint and Notice.

16 1. If the Director finds that the owner has not made a good-faith effort to rent or that the building  
17 contains low-income rental units that are not habitable but could feasibly be made habitable, he or she  
18 shall serve upon the owner of the building, as shown upon the records of the Department of Records and  
19 Elections of King County, a complaint, identifying the specific low-income rental units which are not  
20 being offered for rent in good faith, the specific uninhabitable low-income rental units that could  
21 feasibly be made habitable, and, where applicable, the corrective action which the owner must take to  
22 make any low-income rental unit habitable and the amount of assistance which may be available to the  
23 owner as determined by the Director of Housing (~~and Human Services~~).

NOTICE: IF THE DOCUMENT IN THIS FRAME IS LESS CLEAR THAN THIS NOTICE  
IT IS DUE TO THE QUALITY OF THE DOCUMENT.

1 The complaint shall be delivered by personal service, registered mail, or certified mail with  
2 return receipt requested, and shall be posted in a conspicuous place on the property. No complaint shall  
3 be issued for uninhabitable units if the owner holds a valid permit for the repairs, alterations, or  
4 improvements necessary to correct the noted deficiencies and is, in the opinion of the Director, making  
5 reasonable progress toward correcting these deficiencies.

6 2. The complaint shall:

7 a. Contain a notice that a hearing will be held before the Director at a specified time and place not  
8 less than ten (10) nor more than thirty (30) days after service of the complaint;

9 b. Explain that all parties have the right to file an answer to the complaint;

10 c. Advise the parties that they may appear in person or by representative and give testimony at the  
11 time and place designated in the complaint; and

12 d. Advise the parties that they may seek relief and present evidence as to whether or not  
13 administrative relief from the strict enforcement of the requirements of this chapter as provided in  
14 Section 22.220.120 should be granted.

15 3. A copy of the complaint shall be filed with the King County Department of Records and Elections.  
16 In addition to serving and posting the complaint, the Director shall mail or cause to be delivered to the  
17 occupants of all rental units and/or commercial units in the building a notice informing the occupants of  
18 the filing of the complaint and advising them of the relevant procedures.

19 \*\*\*

20 F. Report of Director of Housing (~~and Human Services~~) on Request for Administrative Relief.

21 When administrative relief is sought pursuant to Section 22.220.120, the Director shall request from the  
22 Director of Housing (~~and Human Services~~) a report and recommendation analyzing whether  
23 application of the duties from which relief is sought would constitute an unconstitutional taking and the  
24

1 nature of the relief which would be appropriate, if any. The Housing (~~and Human Services~~) Director's  
2 report shall be made available to the owner and to any member of the public who requests it. The owner  
3 and any member of the public shall have fourteen (14) days from the date the report is published to make  
4 comments to the Director concerning the appropriateness of the relief requests.

5 \*\*\*

6 Section 44. SMC 23.22.024 Amended. Section 23.22.024 of the Seattle Municipal Code is  
7 amended as follows:

8 **23.22.024 Distribution of preliminary plans.**

9 If the Director determines that the subdivider has met all the application requirements for the  
10 preliminary plat and that the preliminary plat contains sufficient elements and data to furnish a basis for  
11 its approval or disapproval, the Director shall affix a file number and date of receipt to the application  
12 and promptly forward three (3) copies of the plat and the subdivider's preliminary plans for streets and  
13 other improvements to the Director of Transportation. The Director shall also forward a copy of the  
14 preliminary plat to each of the following:

- 15 A. Director of Public Health;
- 16 B. Superintendent of City Light;
- 17 C. Director of Housing (~~and Human Services~~);
- 18 D. Superintendent of Parks and Recreation;
- 19 E. Director of Seattle Public Utilities;
- 20 F. Chief, Fire Department;
- 21 G. Metropolitan Services Department;

22 who shall review the preliminary plat and, within thirty (30) days, furnish the Director with a report as to  
23 the effect of the proposed subdivision upon the public health, safety and general welfare, and containing  
24

1 their recommendations for approval or disapproval of the preliminary plat. The reports of the Director  
2 of Transportation and the Director of Seattle Public Utilities shall also include a recommendation as to  
3 the extent and type of improvements to be provided in dedicated areas and a preliminary estimate of the  
4 cost of these improvements.

5 Section 45. SMC 23.49.033 Amended. Section 23.49.033 of the Seattle Municipal Code is  
6 amended as follows:

7 **23.49.033 Priority landmark theater TDR from landmark performing arts theaters in certain**  
8 **downtown zones.**

9 A. Definitions. The following definitions shall apply for the purposes of this section:

10 1. "Landmark performing arts theater" is defined in Section 23.84.024.

11 2. "Landmark TDR" is defined in Section 23.84.024.

12 3. "Priority landmark theater TDR" means that portion of the development rights eligible for  
13 transfer from a landmark performing arts theater that the Directors of Housing (~~and Human Services~~)  
14 and Construction and Land Use have approved based on an application by the owner under this section,  
15 and that the owner has committed to sell, lease, or option at a price approved by the Director of Housing  
16 (~~and Human Services~~) based on appraised value.

17 4. "Sending site" means the lot which may qualify as a site from which priority landmark theater  
18 TDR may be transferred.

19 B. Application Procedure.

20 1. Application. Any owner of a structure that is, or might qualify as, a landmark performing arts  
21 theater, may apply for priority landmark theater TDR by submitting an application in such form as  
22 required by the Director of Housing (~~and Human Services~~) and the Landmarks Preservation Board,  
23 with such supporting information as such Director may require, which may include, but is not limited to:  
24

- 1 a. Detailed plans and specifications including architect-certified calculations of the dimensions
- 2 of existing and intended improvements;
- 3 b. Site plan and survey;
- 4 c. Line item rehabilitation budget;
- 5 d. Historical financial information for the operations of the landmark performing arts theater and
- 6 the sending site as a whole;
- 7 e. Pro forma financial information showing the expected results of operations of the landmark
- 8 performing arts theater and the sending site as a whole after the rehabilitation, in reasonable detail and
- 9 based on specified reasonable assumptions;
- 10 f. A detailed analysis of available subsidies and funding sources for rehabilitation, preservation,
- 11 and operation, including tax credits, grants, subsidized loans, and bonus credits for public benefit
- 12 features, including housing (if applicable), including any commitments for financing;
- 13 g. Consultant reports and contracts;
- 14 h. Management plan for the theater.
- 15 2. Review of Application; Agreement Required.
- 16 a. The Director of Housing (~~and Human Services~~) shall analyze any application for priority
- 17 landmark theater TDR in consultation with the Director of DCLU, the Director of Neighborhoods and
- 18 the Landmarks Preservation Board. The Director of Housing (~~and Human Services~~) shall approve a
- 19 specific number of square feet of priority landmark theater TDR, not exceeding the total amount of TDR
- 20 available for transfer under the applicable provisions for the zone in which the site is located, as eligible
- 21 for sale from the site if:
- 22 (i) A structure on the sending site is eligible to qualify as a landmark performing arts theater;
- 23
- 24

1 (ii) The Landmarks Preservation Board and the Director of Housing (~~and Human~~  
2 ~~Services~~) approve the plan of rehabilitation; and

3 (iii) Taking into account all other available sources of funding and incentives, a sale of TDR  
4 is necessary to fill a financing gap in order to permit the owner to rehabilitate the landmark performing  
5 arts theater and to rehabilitate any low- or low-moderate income housing on-site or to replace such  
6 housing off-site, and to have a reasonable expectation of receiving a reasonable economic return from  
7 the owner's investment, as determined by the Director of Housing (~~and Human Services~~).

8 The number of square feet of priority landmark theater TDR may be modified by the Director of  
9 Housing (~~and Human Services~~) on application of the owner or upon a determination by such Director  
10 that any assumptions upon which such determination was based are inaccurate.

11 b. After approval by the Director of Housing (~~and Human Services~~) of priority landmark theater  
12 TDR, the owner shall sign a binding, recordable contract and obtain signatures of all parties holding  
13 interest in the site, including mortgagees, committing the owner:

14 (i) To sell the priority landmark theater TDR based upon the appraised value, at the price  
15 approved by the Director of Housing (~~and Human Services~~), to any purchaser within a specified period  
16 approved by the Director of Housing (~~and Human Services~~) and to use the sales proceeds as required in  
17 subsection E below; and

18 (ii) To impose restrictive covenants and easements on the sending site upon such sale  
19 consistent with the requirements of the applicable sections of Chapter 23.49 and the Public Benefit  
20 Features Rule; and

21 (iii) If a controls and incentives agreement for the theater is not already in effect, to execute a  
22 controls and incentives agreement in form and content approved by the Landmarks Preservation Board,  
23 so as to comply with the definition of landmark performing arts theater in Section 23.84.024.  
24

1 c. The Director of Housing (~~and Human Services~~) shall not approve any priority landmark  
2 theater TDR if the plan of rehabilitation includes the elimination of low-income or low-moderate income  
3 housing or conversion of low-income or low-moderate income housing to another use unless the owner  
4 enters into a voluntary agreement satisfactory to the Director of Housing (~~and Human Services~~) that  
5 guarantees the replacement of such low-income and low-moderate income housing. Provision of low-  
6 income or low-moderate income housing may include new construction, substantial rehabilitation, or  
7 preservation of housing that the Director determines would otherwise be converted to uses other than  
8 low-income or low-moderate income housing. In each case there shall be recorded covenants limiting  
9 the rents and occupancy of the replacement housing for a period of at least twenty (20) years. The  
10 housing shall be in a Downtown zone, except that the Director may approve housing elsewhere in the  
11 downtown Special Objectives Area (SOA), as defined in the City's (~~Comprehensive Housing~~  
12 ~~Affordability Strategy (CHAS)) Consolidated Plan~~, consistent with the goals and policies of the  
13 (~~CHAS~~) Plan (or successor document).

14 C. Public Notice. The Director of Construction and Land Use shall maintain a public record of all  
15 priority landmark theater TDR approved and available for purchase.

16 D. No Use of Other Landmark TDR Until Priority Landmark Theater TDR Has Been Purchased.  
17 Notwithstanding any other provision of the Land Use Code, no permit for a project utilizing Landmark  
18 TDR to obtain the right to build in excess of base FAR shall be issued if:

19 1. At the time the first construction or master use permit application for the project was filed,  
20 priority landmark theater TDR, approved by the Director of Housing (~~and Human Services~~), were  
21 available for purchase; and

22 2. The project does not utilize all available priority landmark theater TDR prior to any use of other  
23 Landmark TDR.

24

1 E. Purchase of Priority Landmark Theater TDR; Use of Sale Proceeds.

2 1. Any person, including the City, may purchase priority landmark theater TDRs from the owner of  
3 the sending lot by complying with the provisions of this section and the Public Benefit Features Rule,  
4 whether or not the purchaser is then the owner of an eligible receiving lot or is an applicant for a permit  
5 to develop downtown real property.

6 Any person purchasing priority landmark theater TDRs other than for transfer to a specific receiving lot,  
7 may, at any time prior to the application for a permit using such TDRs, or after any such permit is denied  
8 or expires unused, retransfer such TDRs by deed to any other person for such consideration as may be  
9 agreed by the parties, subject to approval by the Director of Housing (~~and Human Services~~). Any  
10 purchaser of such TDRs (including any successor or assignee) shall have the right to use such TDRs to  
11 obtain FAR above the applicable base under the Land Use Code provisions in effect on the date of  
12 vesting, under applicable law, of such party's rights with respect to the development of the project  
13 intended to use such TDRs, to the same extent as if the TDRs had been purchased on such date. The  
14 Director of DCLU may require, as a condition of processing any permit application using TDRs or for  
15 the release of any security posted in lieu of a deed for TDRs to the receiving lot, that the owner of the  
16 receiving lot demonstrate that the TDRs have been validly transferred of record to the receiving lot, and  
17 that such owner has recorded in the real estate records a notice of the filing of such permit application,  
18 stating that such TDRs are not available for retransfer.

19 2. Any person acquiring priority landmark theater TDRs shall provide security approved by the  
20 Director of Housing (~~and Human Services~~) in the amount of the "bonus value" for the zone in which the  
21 receiving lot is located, (or, if no receiving lot is identified, then the highest "bonus value" for any zone  
22 where such TDRs may be used), as set forth in the Public Benefits Features Rule, multiplied by the  
23 number of square feet of TDRs to be purchased and on terms acceptable to the Director of Housing (~~and~~  
24

1 ~~Human Services~~)), prior to effectiveness of any transfer and prior to issuance of a mooring permit for any  
2 structure that will use such TDRs. The owner of the sending lot shall be entitled to receive payment only  
3 for the approved rehabilitation of the landmark performing arts theater or for reimbursing other sources  
4 of funds actually used for such purpose, all under terms approved by the Director of Housing (~~and~~  
5 ~~Human Services~~)). In the event that the owner of the sending lot fails to proceed with or complete the  
6 rehabilitation as required and does not become entitled to payment, the use of the TDRs by the purchaser  
7 shall not be impaired, and the payment for the TDRs or proceeds of security therefor shall be paid to the  
8 City, to be used for the preservation of landmarks in such manner as the City Council shall provide by  
9 ordinance.

10 F. Other Landmark TDR. Any Landmark TDR not qualifying as priority landmark theater TDR may  
11 be transferred under the applicable provisions of the Land Use Code and Public Benefit Features Rule,  
12 subject to the preference for priority landmark theater TDR established in this section.

13 G. Review of Determinations. Any owner of a sending site aggrieved by any determination made  
14 under this section may, within fifteen (15) days of mailing of notice of such determination, petition for  
15 review by the Hearing Examiner in accordance with the procedures of Section 23.76.022 for a Type II  
16 land use decision, except as otherwise provided in this subsection. In any such proceeding the  
17 determination of the Director of Housing (~~and Human Services~~) shall be entitled to substantial weight,  
18 and the burden shall be on the owner to prove that such determination is clearly erroneous or contrary to  
19 law.

20 Section 46. SMC 23.49.050(A), (D) Amended. Subsections A and D of section 23.49.050 of the  
21 Seattle Municipal Code are amended as follows:

22 **23.49.050 Downtown Office Core 1, ratios for public benefit features.**

23 A. General Provisions.

24

1 1. No floor area beyond the base FAR shall be granted for any project which causes the destruction of  
2 any designated feature of a Landmark structure, unless authorized by the Landmarks Preservation Board.

3 2. Additional gross floor area may be permitted up to the maximum limits set forth in Section  
4 23.49.048 when low or low-moderate income housing is included in the development proposal and the  
5 following criteria are met:

6 a. Gross floor area equivalent to two (2) times the area of the lot shall be earned either:

7 (1) Through the provision of public benefit features other than housing, or

8 (2) From transfer of development rights from a lot that is an eligible sending site other than based  
9 on its status as a low-income housing TDR site, before a housing bonus, or transfer of development  
10 rights from a lot that is an eligible sending site based solely on its status as a low-income housing TDR  
11 site, may be used.

12 b. The housing bonus shall be granted by the Director based on a finding by the Director of  
13 Housing ~~((and Human Services))~~ that the proposed housing satisfies the Public Benefit Features Rule.

14 3. The Director shall review the design of any public benefit feature in subsection B and determine  
15 whether the feature, as proposed for a specific project, provides a public benefit and is consistent with  
16 the definitions in Chapter 23.84 and the Public Benefit Features Rule.

17 4. Except for housing, human services, child care, landmark performing arts theaters, and off-site open  
18 space permitted under Section 23.49.009, all public benefit features provided in return for a bonus shall  
19 be located on the same lot or abutting public right-of-way as the project in which the bonus floor area is  
20 used.

21 \*\*\*

22 D. When subsidy review is required according to one (1) or more of the above criteria:  
23  
24

1 1. The bonus requested shall be allowed only to the extent that the Director of Housing (~~and Human~~  
2 ~~Services~~) shall determine, pursuant to a subsidy review, that the benefits of such bonus(es), and proceeds  
3 of sale of development rights, if applicable, are reasonably necessary to make economically feasible:

4 a. The provision of the public benefit feature; and

5 b. In the case of a landmark performing arts theater, any replacement by the owner of such theater  
6 of low-income housing or low-to-moderate income housing that is reasonably required to be eliminated  
7 from the lot on which the theater is located to make the preservation and operation of the performing arts  
8 theater economically feasible,

9 and

10 2. The Director of Housing (~~and Human Services~~) may require, as a condition of the bonus, that the  
11 owner of the lot upon which the bonus feature is located agree to limit any other subsidies to be received  
12 for that lot.

13 Section 47. SMC 23.49.052(D) Amended. Subsection D of 23.49.052 of the Seattle Municipal  
14 Code is amended as follows:

15 **23.49.052 Downtown Office Core 1, transfer of development rights.**

16 \*\*\*

17 D. Transfer of Development Rights Agreements.

18 1. The fee owners of the sending lot shall execute a deed with the written consent of all holders of  
19 encumbrances on the sending lot, unless (in the case of TDR from a low-income housing TDR site)  
20 such consent is waived by the Director of Housing (~~and Human Services~~) or designee for good cause,  
21 which deed shall be recorded in the King County real property records. When TDRs are conveyed to the  
22 owner of a receiving lot described in the deed, then unless otherwise expressly stated in the deed or any  
23 subsequent instrument conveying such lot or the TDRs, the TDRs shall pass with the receiving lot  
24

1 whether or not a structure using such TDRs shall have been permitted or built prior to any conveyance of  
2 the receiving lot. Any subsequent conveyance of TDRs previously conveyed to a receiving lot shall  
3 require the written consent of all parties holding any interest in the receiving lot from which the  
4 conveyance is made. If the TDRs are transferred other than directly from the sending lot to the receiving  
5 lot using the TDRs, then after the initial transfer, all subsequent transfer also shall be by deed, duly  
6 executed, acknowledged and recorded, each referring by King County recording number to the prior  
7 deed.

8 2. Any person may purchase any TDRs that are eligible for transfer between blocks from the owner of  
9 the sending lot by complying with the applicable provisions of this section and the Public Benefit  
10 Features Rule, whether or not the purchaser is then the owner of an eligible receiving lot or is an  
11 applicant for a permit to develop downtown real property. Any person purchasing such TDRs may, at  
12 any time prior to the application for a permit using such TDRs, or after any such permit is denied or  
13 expires unused, retransfer such TDRs by deed to any other person for such consideration as may be  
14 agreed by the parties. Any purchaser of such TDRs (including any successor or assignee) may use such  
15 TDRs to obtain FAR above the applicable base to the extent permitted under the Land Use Code  
16 provisions in effect on the date of vesting, under applicable law, of such person's rights with respect to  
17 the issuance of permits for development of the project intended to use such TDRs, to the same extent as  
18 if the TDRs had been purchased on such date. The Director may require, as a condition of processing  
19 any permit application using TDRs or for the release of any security posted in lieu of a deed for TDRs to  
20 the receiving lot, that the owner of the receiving lot demonstrate that the TDRs have been validly  
21 transferred of record to the receiving lot, and that such owner has recorded in the real estate records a  
22 notice of the filing of such permit application, stating that such TDRs are not available for retransfer.

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1 3. For transfers that are permitted based on the status of the sending lot as a low-income housing  
2 TDR site or a landmark theater/housing TDR site, the owner of the sending lot shall execute and record  
3 an agreement, with the written consent of all holders of encumbrances on the sending lot, unless such  
4 consent is waived by the Director of Housing (~~and Human Services~~) for good cause, to provide for the  
5 maintenance of the required low-income housing on the sending lot for a minimum of twenty (20) years.

6 4. For any transfer that is permitted, or for which the sending lot is granted priority, based on the  
7 status of the sending lot as a landmark performing arts theater, the owner of the sending lot shall sign a  
8 written agreement with the City with the approval of the Landmarks Preservation Board, with the written  
9 consent of all holders of encumbrances on the sending lot, unless such consent is waived by the Director  
10 of Housing (~~and Human Services~~) for good cause. The owner of the sending lot shall agree:

11 a. To maintain the structure in compliance with requirements in such agreement approved by the  
12 Landmarks Preservation Board, for a period of at least forty (40) years; and

13 b. To maintain the primary use of the theater portion of the structure as a performing arts theater for  
14 at least forty (40) years, and for so long thereafter as any of the interior features of the theater portion of  
15 the structure remain subject to controls under the Landmarks Ordinance, Chapter 25.12 of the Seattle  
16 Municipal Code (or successor provisions), unless after the minimum forty (40) year period the owner  
17 demonstrates to the satisfaction of the Landmarks Preservation Board that a change of use is required to  
18 allow the owner a sufficient economic return under the standards then applicable to proceedings for  
19 removal or modification of such controls.

20 In the case of a partial purchase of TDRs by the City for the TDR Bank, the Director of Housing  
21 (~~and Human Services~~) may allow a shorter period of commitment. Any relief that may be granted from  
22 the landmark designation or from any controls or restrictions imposed in connection with that  
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NOTICE: IF THE DOCUMENT IN THIS FRAME IS LESS CLEAR THAN THIS NOTICE  
IT IS DUE TO THE QUALITY OF THE DOCUMENT.

1 designation, under SMC Chapter 25.12 or otherwise, shall not affect the owner's obligations pursuant to  
2 any agreement under this subsection 4.

3 5. For any transfer to which subsection D4 applies, a subsidy review shall be required if at the time of  
4 the transfer, the lot on which the landmark performing arts theater is located:

5 a. Is being or has been used for any off-site bonus; or

6 b. Is subject to any restrictions on the use, occupancy or rents of such property resulting from any  
7 public subsidy of any nature, direct or indirect, including without limitation any tax benefits, or will  
8 become subject to any such restrictions if any such subsidy for which an application has been made is  
9 granted.

10 6. When subsidy review is required according to one (1) or more of the above criteria:

11 a. The transfer of development rights shall be allowed only to the extent that the Director of Housing  
12 ~~((and Human Services))~~ shall determine, pursuant to a subsidy review, that the benefits of such transfer  
13 and the benefits of any off-site bonus, if applicable, are reasonably necessary to make economically  
14 feasible:

15 (i) The preservation of the landmark performing arts theater, and

16 (ii) Any replacement by the owner of such theater of low-income housing or low-to-moderate  
17 income housing that is reasonably required to be eliminated from the sending site to make preservation  
18 and operation of the performing arts theater economically feasible; and

19 b. The Director of Housing ~~((and Human Services))~~ may require, as a condition of the transfer, that  
20 the owner of the lot upon which the landmark performing arts theater is located agree to limit any other  
21 subsidies to be received for that lot.

22 7. A deed conveying TDRs may require or permit the return of the TDRs to the sending lot under  
23 specified conditions, but notwithstanding any such provisions:  
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1 a. The transfer of TDRs to a receiving lot shall remain effective so long as any portion of any  
2 structure for which a permit was issued based upon such transfer remains on the receiving lot; and

3 b. The City shall not be required to recognize any return of TDRs unless it is demonstrated that all  
4 parties in the chain of title have executed, acknowledged and recorded instruments conveying any  
5 interest in the TDRs back to the sending lot.

6 8. Any agreement governing the use or development of the sending lot shall provide that its covenants  
7 or conditions shall run with the land and shall be specifically enforceable by The City of Seattle.

8 Section 48. SMC 23.49.070(A),(D) Amended. Subsections A and D of section 23.49.070 of the  
9 Seattle Municipal Code are amended as follows:

10 **23.49.070 Downtown Office Core 2, ratios for public benefit features.**

11 A. General Provisions.

12 1. No floor area beyond the base FAR shall be granted for any project which causes the destruction of  
13 any designated feature of a Landmark structure unless authorized by the Landmarks Preservation Board.

14 2. Additional gross floor area may be permitted up to the maximum limits set forth in Section  
15 23.49.068 when low or low-moderate income housing is included in the development proposal and the  
16 following criteria are met:

17 a. Gross floor area equivalent to two (2) times the area of the lot shall be earned either:

18 (1) Through the provision of public benefit features other than housing; or

19 (2) From transfer of development rights from a lot that is an eligible sending site other than based  
20 on its status as a low-income housing TDR site; before a housing bonus, or transfer of development  
21 rights from a lot that is an eligible sending site based solely on its status as a low-income housing TDR  
22 site, may be used.

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1 Section 49. SMC 23.49.072(D) Amended. Subsection D of section 23.49.072 of the Seattle  
2 Municipal Code is amended as follows:

3 **23.49.072 Downtown Office Core 2, transfer of development rights.**

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5 D. Transfer of Development Rights Agreements.

6 1. The fee owners of the sending lot shall execute a deed with the written consent of all holders of  
7 encumbrances on the sending lot, unless (in the case of TDRs from a low-income housing TDR site)  
8 such consent is waived by the Director of Housing (~~and Human Services~~) for good cause, which deed  
9 shall be recorded in the King County real property records. When TDRs are conveyed to the owner of a  
10 receiving lot described in the deed, then unless otherwise expressly stated in the deed or any subsequent  
11 instrument conveying such lot or the TDRs, the TDRs shall pass with the receiving lot whether or not a  
12 structure using such TDRs shall have been permitted or built prior to any conveyance of the receiving  
13 lot. Any subsequent conveyance of TDRs to a receiving lot shall require the written consent of all  
14 parties holding any interest in the receiving lot from which the conveyance is made. If the TDRs are  
15 transferred other than directly from the sending lot to the receiving lot using the TDRs, then after the  
16 initial transfer, all subsequent transfers shall also be by deed, duly executed, acknowledged and  
17 recorded, each referring by King County recording number to the prior deed.

18 2. Any person may purchase any TDRs that are eligible for transfer between blocks from the owner of  
19 the sending lot by complying with the applicable provisions of this section and the Public Benefit  
20 Features Rule, whether or not the purchaser is then the owner of an eligible receiving lot or is an  
21 applicant for a permit to develop downtown real property. Any person purchasing such TDRs may, at  
22 any time prior to the application for a permit using such TDRs, or after any such permit is denied or  
23 expires unused, retransfer such TDRs by deed to any other person for such consideration as may be  
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1 agreed by the parties. Any purchaser of such TDRs (including any successor or assignee) may use such  
2 TDR to obtain FAR above the applicable base to the extent permitted under the Land Use Code  
3 provisions in effect on the date of vesting, under applicable law, of such person's rights with respect to  
4 the issuance of permits for development of the project intended to use such TDRs, to the same extent as  
5 if the TDRs had been purchased on such date. The Director may require, as a condition of processing  
6 any permit application using TDRs or for the release of any security posted in lieu of a deed for TDRs to  
7 the receiving lot, that the owner of the receiving lot demonstrate that the TDRs have been validly  
8 transferred of record to the receiving lot, and that such owner has recorded in the real estate records a  
9 notice of the filing of such permit application, stating that such TDRs are not available for retransfer.

10 3. For transfers that are permitted based on the status of the sending lot as a low-income housing TDR  
11 site or a landmark theater/housing TDR site, the owner of the sending lot shall execute and record an  
12 agreement, with the written consent of all holders of encumbrances on the sending lot, unless such  
13 consent is waived by the Director of Housing (~~and Human Services~~) for good cause, to provide for the  
14 maintenance of the required low-income housing on the sending lot for a minimum of twenty (20) years.

15 4. For any transfer that is permitted, or for which the sending lot is granted priority, based on the  
16 status of the sending lot as a landmark performing arts theater, the owner of the sending lot shall sign a  
17 written agreement with the City with the approval of the Landmarks Preservation Board, with the written  
18 consent of all holders of encumbrances on the sending lot, unless such consent is waived by the Director  
19 of Housing (~~and Human Services~~) for good cause. The owner of the sending lot shall agree:

20 a. To maintain the structure in compliance with requirements in such agreement approved by the  
21 Landmarks Preservation Board, for a period of at least forty (40) years; and

22 b. To maintain the primary use of the theater portion of the structure as a performing arts theater for  
23 at least forty (40) years, and for so long thereafter as any of the interior features of the theater portion of  
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1 the structure remain subject to controls under the Landmarks Ordinance, Chapter 25.12 of the Seattle  
2 Municipal Code (or successor provisions), unless after the minimum forty (40) year period the owner  
3 demonstrates to the satisfaction of the Landmarks Preservation Board that a change of use is required to  
4 allow the owner a sufficient economic return under the standards then applicable to proceedings for  
5 removal or modification of such controls.

6 In the case of the partial purchase of TDRs by the City for the TDR Bank, the Director of Housing  
7 ~~((and Human Services))~~ may allow a shorter period of commitment. Any relief that may be granted from  
8 the landmark designation or from any controls or restrictions imposed in connection with that  
9 designation, under SMC Chapter 25.12 or otherwise, shall not affect the owner's obligations pursuant to  
10 any agreement under this subsection 4.

11 5. For any transfer to which subsection D4 applies, a subsidy review shall be required if at the time of  
12 the transfer, the lot on which the landmark performing arts theater is located:

- 13 a. Is being or has been used for any off-site bonus; or  
14 b. Is subject to any restrictions on the use, occupancy or rents of such property resulting from any  
15 public subsidy of any nature, direct or indirect, including without limitation any tax benefits, or will  
16 become subject to any such restrictions if any such subsidy for which an application has been made is  
17 granted.

18 6. When subsidy review is required according to one (1) or more of the above criteria:

- 19 a. The transfer of development rights shall be allowed only to the extent that the Director of  
20 Housing ~~((and Human Services))~~ shall determine, pursuant to a subsidy review, that the benefits of such  
21 transfer and the benefits of any off-site bonus, if applicable, are reasonably necessary to make  
22 economically feasible:

- 23 (i) The preservation of the landmark performing arts theater, and  
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IT IS DONE TO THE QUALITY OF THE DOCUMENT.

1 (ii) Any replacement by the owner of such theater of low-income housing or low-to-moderate  
2 income housing that is reasonably required to be eliminated from the sending lot to make preservation  
3 and operation of the performing arts theater economically feasible; and

4 b. The Director of Housing (~~and Human Services~~) may require, as a condition of the transfer, that  
5 the owner of the lot upon which the landmark performing arts theater is located agree to limit any other  
6 subsidies to be received for that lot.

7 7. A deed conveying TDRs may require or permit the return of the TDRs to the sending lot under  
8 specified conditions, but notwithstanding any such provisions:

9 a. The transfer of TDRs to a receiving lot shall remain effective so long as any portion of any  
10 structure for which a permit was issued based upon such transfer remains on the receiving lot; and

11 b. The City shall not be required to recognize any return of TDRs unless it is demonstrated that all  
12 parties in the chain of title have executed, acknowledged, and recorded instruments conveying any  
13 interest in the TDRs back to the sending lot.

14 8. Any agreement governing the use or development of the sending lot shall provide that its covenants  
15 or conditions shall run with the land and shall be specifically enforceable by The City of Seattle.

16 Section 50. SMC 23.49.100(A) Amended. Subsection A of section 23.49.100 of the Seattle  
17 Municipal Code is amended as follows:

18 **23.49.100 Downtown Retail Core, ratios for public benefit features.**

19 A. General Provisions.

20 1. No floor area beyond the base FAR shall be granted for any project which causes the destruction of  
21 any designated feature of a Landmark structure, unless authorized by the Landmarks Board.

22 2. Additional gross floor area may be permitted up to the "maximum FAR with public benefit features  
23 including housing" described in Section 23.49.098 when low or low- moderate income housing is  
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1 included in the development proposal and the following criteria are met:

2 a. Gross floor area equivalent to two (2) times the area of the lot shall be earned through the  
3 provision of public benefit features other than housing, before a housing bonus may be used.

4 b. The housing bonus shall be granted by the Director based on a finding by the Director of  
5 Housing (~~and Human Services~~) that the proposed housing satisfies the Public Benefit Features Rule.

6 3. The Director shall review the design of any public benefit feature in subsection B to determine  
7 whether the feature, as proposed for a specific project, provides public benefits and is consistent with the  
8 definitions in Chapter 23.84 and the Public Benefit Features Rule.

9 4. Except for housing, human services, landmark performing arts theaters and child care, all public  
10 benefit features provided in return for a bonus shall be located on the same lot or abutting right-of-way  
11 as the project in which the bonus floor area is used.

12 Section 51. SMC 23.49.102(D) Amended. Subsection D of section 23.49.102 of the Seattle  
13 Municipal Code is amended as follows:

14 **23.49.102 Downtown Retail Core, transfer of development rights.**

15 \*\*\*

16 **D. Transfer of Development Rights Agreements.**

17 1. The fee owners of the sending lot shall execute a deed, with the written consent of all holders of  
18 encumbrances on the sending lot, unless (in the case of TDRs from a low-income housing TDR site)  
19 such consent is waived by the Director of Housing (~~and Human Services~~) or his or her designee for  
20 good cause, which deed shall be recorded with the King County real property records. When TDRs are  
21 conveyed to the owner of a receiving lot described in the deed, then unless otherwise expressly stated in  
22 the deed or any subsequent instrument conveying such lots or the TDRs, the TDRs shall pass with the  
23 receiving lot whether or not a structure using such TDRs shall have been permitted or built prior to any  
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1 conveyance of the receiving lot. Any subsequent conveyance of TDRs previously conveyed to a  
2 receiving lot shall require the written consent of all parties holding any interest in the receiving lot from  
3 which the conveyance is made. If the TDRs are transferred other than directly from the sending lot to  
4 the receiving lot using the TDRs, then after the initial transfer, all subsequent transfers shall also be by  
5 deed, duly executed, acknowledged and recorded, each referring by King County recording number to  
6 the prior deed.

7 2. Any person may purchase any TDRs that are eligible for transfer between blocks from the owner of  
8 the sending site by complying with the applicable provisions of this section and the Public Benefit  
9 Features Rule, whether or not the purchaser is then the owner of an eligible receiving site or is an  
10 applicant for a permit to develop downtown real property. Any person purchasing such TDRs may, at  
11 any time prior to the application for a permit using such TDRs, or after any such permit is denied or  
12 expires unused, retransfer such TDRs by deed to any other person for such consideration as may be  
13 agreed by the parties. Any purchaser of such TDRs (including any successor or assignee) may use such  
14 TDRs to obtain FAR above the applicable base to the extent permitted under the Land Use Code  
15 provisions in effect on the date of vesting, under applicable law, of such person's rights with respect to  
16 the issuance of permits for development of the project intended to use such TDRs, to the same extent as  
17 if the TDRs had been purchased on such date. The Director may require, as a condition of processing  
18 any permit application using TDRs or for the release of any security posted in lieu of a deed for TDRs to  
19 the receiving lot, that the owner of the receiving lot demonstrate that the TDRs have been validly  
20 transferred of record to the receiving lot, and that such owner has recorded in the real estate records a  
21 notice of the filing of such permit application, stating that such TDRs are not available for retransfer.

22 3. For transfers that are permitted based on the status of the sending lot as a low-income housing TDR  
23 site or a landmark theater/housing TDR site, the owner of the sending lot shall execute and record an  
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1 agreement, with the written consent of all holders of encumbrances on the sending lot, unless such  
2 consent is waived by the Director of Housing (~~and Human Services~~) for good cause, to provide for the  
3 maintenance of the required low-income housing on the sending lot for a minimum of twenty (20) years.

4 4. A deed conveying TDRs may require or permit the return of the TDRs to the sending lot under  
5 specified conditions, but notwithstanding any such provisions;

6 a. The transfer of TDRs to a receiving lot shall remain effective so long as any portion of any  
7 structure for which a permit was issued based upon such transfer remains on the receiving lot; and

8 b. The City shall not be required to recognize any return of TDRs unless it is demonstrated that all  
9 parties in the chain of title have executed, acknowledged and recorded instruments conveying any  
10 interest in the TDRs back to the sending lot.

11 5. Any agreement governing the use or development of the sending lot shall provide that its covenants  
12 and conditions shall run with the land and shall be specifically enforceable by The City of Seattle.

13 Section 52. SMC 23.49.126(A) Amended. Subsection A of section 23.49.126 of the Seattle  
14 Municipal Code is amended as follows:

15 **23.49.126 Downtown Mixed Commercial, ratios for public benefit features.**

16 A. General Provisions.

17 1. No floor area beyond the base FAR shall be granted for any project which causes the destruction of  
18 any designated feature of a Landmark structure, unless authorized by the Landmarks Preservation Board.

19 2. The Director shall review the design of public benefit features listed in subsection B to determine  
20 whether the feature, as proposed for a specific project, actually provides a public benefit and is  
21 consistent with the definitions in Chapter 23.84 and with the Public Benefit Features Rule. The housing  
22 bonus shall be granted by the Director based on a finding by the Director of the (~~Department~~) Office of  
23 Housing (~~and Human Services~~) that the proposed housing satisfies the Public Benefit Features Rule.

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1 3. Except for housing, human services, child care, and off-site open space permitted under Section  
2 23.49.009, all public benefit features provided in return for a bonus shall be located on the same lot or  
3 abutting public right-of-way as the project in which the bonus floor area is used.

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5 Section 53. SMC 23.49.128(D) Amended. Subsection D of section 23.49.128 of the Seattle  
6 Municipal Code is amended as follows:

7 **23.49.128 Downtown Mixed Commercial, transfer of development rights.**

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9 D. Transfer of Development Rights Agreements.

10 1. The fee owners of the sending lot shall execute a deed, with the written consent of all holders of  
11 encumbrances on the sending lot, unless (in the case of TDRs from a low-income housing TDR site)  
12 such consent is waived by the Director of Housing (~~and Human Services~~) for good cause, which deed  
13 shall be recorded with the King County real property records. When TDRs are conveyed to the owner of  
14 a receiving lot described in the deed, then unless otherwise expressly stated in the deed or any  
15 subsequent instrument conveying such lot or the TDRs, the TDRs shall pass with the receiving lot  
16 whether or not a structure using such TDRs shall have been permitted or built prior to any conveyance of  
17 the receiving lot. Any subsequent conveyance of TDRs previously conveyed to a receiving lot shall  
18 require the written consent of all parties holding any interest in the receiving lot from which the  
19 conveyance is made. If the TDRs are transferred other than directly from the sending lot to the receiving  
20 lot using the TDRs, then after the initial transfer, all subsequent transfers shall also be by deed, duly  
21 executed, acknowledged and recorded, each referring by King County recording number to the prior  
22 deed.

1       2. Any person may purchase any TDRs that are eligible for transfer between blocks from the owner of  
2 the sending site by complying with the applicable provisions of this section and the Public Benefit  
3 Features Rule, whether or not the purchaser is then the owner of an eligible receiving lot or is an  
4 applicant for a permit to develop downtown real property. Any person purchasing such TDRs may, at  
5 any time prior to the application for a permit using such TDRs, or after any such permit is denied or  
6 expires unused, retransfer such TDRs by deed to any other person for such consideration as may be  
7 agreed by the parties. Any purchaser of such TDRs (including any successor or assignee) may use such  
8 TDRs to obtain FAR above the applicable base to the extent permitted under the Land Use Code  
9 provisions in effect on the date of vesting, under applicable law, of such person's rights with respect to  
10 the issuance of permits for development of the project intended to use such TDRs, to the same extent as  
11 if the TDRs had been purchased on such date. The Director may require, as a condition of processing  
12 any permit application using TDRs or for the release of any security posted in lieu of a deed for TDRs to  
13 the receiving lot, that the owner of the receiving lot demonstrate that the TDRs have been validly  
14 transferred of record to the receiving lot, and that such owner has recorded in the real estate records a  
15 notice of the filing of such permit application, stating that such TDRs are not available for retransfer.

16       3. For transfers that are permitted based on the status of the sending lot as a low-income housing TDR  
17 site or a landmark theater/housing TDR site, the owner of the sending lot shall execute and record an  
18 agreement, with the written consent of all holders of encumbrances on the sending lot, unless such  
19 consent is waived by the Director of Housing ~~(and Human Services)~~ or his or her designee for good  
20 cause, to provide for the maintenance of the required low-income housing on the sending lot for a  
21 minimum of twenty (20) years.

22       4. For any transfer that is permitted, or for which the sending lot is granted priority, based on the  
23 status of the sending lot as a landmark performing arts theater, the owner of the sending lot shall sign a  
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1 written agreement with the City with the approval of the Landmarks Preservation Board, with the written  
2 consent of all holders of encumbrances on the sending lot, unless such consent is waived by the Director  
3 of Housing ((and Human Services)) for good cause. The owner of the sending lot shall agree:

4 a. To maintain the structure in compliance with such agreement for a period of at least forty (40)  
5 years; and

6 b. To maintain the primary use of the theater portion of the structure as a performing arts theater for  
7 at least forty (40) years, and for so long thereafter as any of the interior features of the theater portion of  
8 the structure remain subject to controls under the Landmarks Ordinance, Chapter 25.12 of the Seattle  
9 Municipal Code (or successor provisions), unless after the minimum forty (40) year period the owner  
10 demonstrates to the satisfaction of the Landmarks Preservation Board that a change of use is required to  
11 allow the owner a sufficient economic return under the standards then applicable to proceedings for  
12 removal or modification of such controls.

13 In the case of a partial purchase of TDRs by the City for the TDR Bank, the Director of Housing  
14 ((and Human Services)) may allow a shorter period of commitment. Any relief that may be granted  
15 from the landmark designation or from any controls or restrictions imposed in connection with that  
16 designation under SMC Chapter 25.12 or otherwise, shall not affect the owner's obligations to any  
17 agreement under this subsection 4.

18 5. For any transfer to which subsection D4 applies, a subsidy review shall be required if at the time of  
19 the transfer, the lot on which the landmark performing arts theater is located:

20 a. Is being or has been used for any off-site bonus; or

21 b. Is subject to any restrictions on the use, occupancy or rents of such property resulting from any  
22 public subsidy of any nature, direct or indirect, including without limitation any tax benefits, or will  
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1 become subject to any such restrictions if any such subsidy for which an application has been made is  
2 granted.

3 6. When subsidy review is required according to one (1) or more of the above criteria:

4 a. The transfer of development rights shall be allowed only to the extent that the Director of  
5 Housing (~~and Human Services~~) shall determine, pursuant to a subsidy review, that the benefits of such  
6 transfer and the benefits of any off-site bonus, if applicable, are reasonably necessary to make  
7 economically feasible:

8 (i) The preservation of the landmark performing arts theater, and

9 (ii) Any replacement by the owner of such theater of low-income housing or low-to-moderate  
10 income housing that is reasonably required to be eliminated from the sending lot to make preservation  
11 and operation of the performing arts theater economically feasible; and

12 b. The Director of Housing (~~and Human Services~~) may require, as a condition of the transfer, that  
13 the owner of the lot upon which the landmark performing arts theater is located agree to limit any other  
14 subsidies to be received for that lot.

15 7. A deed conveying TDRs may require or permit the return of the TDRs to the sending lot under  
16 specified conditions but notwithstanding any such provisions:

17 a. The transfer of TDRs to a receiving lot shall remain effective so long as any portion of any  
18 structure for which a permit was issued based upon such transfer remains on the receiving lot; and

19 b. The City shall not be required to recognize any return of TDRs unless it is demonstrated that all  
20 parties in the chain of title have executed, acknowledged, and recorded instruments conveying any  
21 interest in the TDRs back to the sending lot.

22 8. Any agreement governing the use or development of the sending lot shall provide that its covenants  
23 and conditions shall run with the land and shall be specifically enforceable by The City of Seattle.

24

1 Section 54. SMC 23.49.152(A) Amended. Subsection A of section 23.49.152 of the Seattle  
2 Municipal Code is amended as follows:

3 **23.49.152 Downtown Mixed Residential, ratios for public benefit features.**

4 A. General Provisions.

5 1. No floor area beyond the base FAR shall be granted for any project which causes the destruction of  
6 any designated feature of a Landmark structure unless authorized by the Landmarks Preservation Board.

7 2. Additional gross floor area may be permitted up to the "maximum FAR with housing" described in  
8 Section 23.49.150 when low or low-moderate housing is included in the development proposal and the  
9 following criteria are met:

10 a. The housing bonus shall be granted only for the production of low or low-moderate housing in a  
11 new structure, or in a rehabilitated structure or portion of a rehabilitated structure which was not in  
12 residential use as of January 1, 1983.

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

14 c. The housing bonus shall be granted by the Director based on a finding by the Director of  
15 Housing (~~and Human Services~~) that the proposed housing satisfies the Public Benefit Features Rule.

16 d. When the housing option as provided in Section 23.49.164 C is used, the housing provided shall  
17 be for low- income households for a period of at least twenty (20) years in order to receive a housing  
18 bonus, and the bonus ratio shall be six (6) square feet of commercial floor area for every square foot of  
19 housing provided.

20 3. The Director shall review the design of any public benefit feature listed in subsection B to  
21 determine whether the feature, as proposed for a specific project, provides public benefits and is  
22 consistent with the definitions in Chapter 23.84 and the Public Benefit Features Rule.

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1 4. Except for housing, human services, child care, and off-site open space permitted under Section  
2 23.49.009, all public benefit features provided in return for a bonus shall be located on the same lot or  
3 abutting public right-of-way as the project in which the bonus floor area is used.

4 \*\*\*

5 Section 55. SMC 23.49.154(D) Amended. Subsection D of section 23.49.154 of the Seattle  
6 Municipal Code is amended as follows:

7 **23.49.154 Downtown Mixed Residential, transfer of development rights.**

8 \*\*\*

9 D. Transfer of Development Rights Agreements.

10 1. The fee owners of the sending and receiving lots shall execute a deed or an agreement, with the  
11 written consent of all holders of encumbrances on the sending lot, unless such consent is waived by the  
12 Director of Housing (~~and Human Services~~) for good cause, which deed or other agreement shall be  
13 recorded with the title to both lots.

14 2. The agreement or deed shall be for a term which equals or exceeds the life of the project on the  
15 receiving lot for which the rights were transferred.

16 3. For transfers that are permitted based on the status of the sending site as a low-income housing  
17 TDR site, the owner of the sending site shall agree, with the written consent of all holders of  
18 encumbrances on the sending site, unless such consent is waived by the Director of Housing (~~and~~  
19 ~~Human Services~~) for good cause, to provide for the maintenance of the required low-income housing on  
20 the sending lot for a minimum of twenty (20) years.

21 4. The agreement or deed shall state that the development rights transferred from the sending lot to  
22 the receiving lot may not be reclaimed unless the project on the receiving lot, or that portion of the  
23 project for which the rights were transferred, is demolished. The deed or agreement shall also provide  
24

1 that its covenants and conditions shall run with the land and shall be specifically enforceable by any  
2 party or by The City of Seattle.

3 Section 56. SMC 23.49.180(B) Amended. Subsection B of section 23.49.180 of the Seattle  
4 Municipal Code is amended as follows:

5 **23.49.180 Pioneer Square Mixed, transfer of development rights.**

6 \*\*\*

7 B. Transfer of Development Rights Between Different Downtown Blocks.

8 1. Development rights shall not be transferred to receiving lots in PSM zones from lots on different  
9 downtown blocks.

10 2. Development rights may be transferred from sending lots in PSM zones to receiving lots in  
11 DOC1, DOC2 and DMC zones located on a different block when the sending lot contains low-income  
12 housing.

13 a. Each structure on the sending lot shall have the greater of fifty percent (50%) of total gross  
14 floor area or the gross floor area in use as low-income housing on January 1, 1983, committed to low-  
15 income housing use.

16 b. Sending lots shall have gross floor area equivalent to at least one (1) FAR in low-income  
17 housing use.

18 c. Principal use surface parking areas shall not be included in the area of the sending lot for  
19 purposes of calculating the amount of development rights which may be transferred. Accessory surface  
20 parking areas shall be included up to a maximum area of one-quarter (1/4) of the footprint of the  
21 structure on the sending lot.

22 d. The low-income housing on the sending lot shall be certified by the Director of Housing ((and  
23 ~~Human Services~~)) as satisfying the Public Benefit Features Rule.

24



1 c. Principal use surface parking areas shall not be included in the area of the sending lot for  
2 purposes of calculating the amount of development rights which may be transferred. Accessory surface  
3 parking areas shall be included up to a maximum area of one-quarter (1/4) of the footprint of the  
4 structure on the sending lot.

5 d. The low-income housing on the sending lot must be certified by the Director of Housing ((and  
6 ~~Human Services~~)) as satisfying the Public Benefit Features Rule.

7 \*\*\*

8 Section 58. SMC 23.49.214(D) Amended. Subsection D of section 23.49.214 of the Seattle  
9 Municipal Code is amended as follows:

10 **23.49.214 Combined lot development.**

11 \*\*\*

12 D. The affordable housing shall be certified by the Director of Housing ((and ~~Human Services~~)) as  
13 satisfying the Public Benefit Features Rule.

14 \*\*\*

15 Section 59. SMC 23.49.240(B) Amended. Subsection B of section 23.49.240 of the Seattle  
16 Municipal Code is amended as follows:

17 **23.49.240 International District Residential, transfer of development rights.**

18 \*\*\*

19 B. Transfer of Development Rights Between Different Downtown Blocks.

20 1. Development rights shall not be transferred to receiving lots in IDR zones from lots on different  
21 downtown blocks.

22 2. Development rights may be transferred from sending lots in IDR zones to receiving lots in the  
23 DOC1, DOC2, and DMC zones, when the sending lot contains low-income housing.

24

1 a. Each structure on the sending lot shall have the greater of fifty percent (50%) of the total gross  
2 floor area, or the gross floor area in use as low-income housing on January 1, 1983, committed to low-  
3 income housing use.

4 b. Sending lots shall have gross floor area equivalent to at least one (1) FAR in low-income housing  
5 use.

6 c. Principal use surface parking areas shall not be included in the area of the sending lot for  
7 purposes of calculating the amount of development rights which may be transferred. Accessory surface  
8 parking areas shall be included up to a maximum area of one-quarter (1/4) of the footprint of the  
9 structure on the sending lot.

10 d. The low-income housing on the sending lot must be certified by the Director of Housing (~~and~~  
11 ~~Human Services~~) as meeting the guidelines of the Public Benefit Features Rule.

12 \*\*\*

13 Section 60. SMC 23.84.024 Amended. Subsection "'Low-income housing TDR site" of section  
14 23.84.024 of the Seattle Municipal Code is amended as follows:

15 **23.84.024 "L."**

16 \*\*\*

17 "Low-income housing TDR site" means a lot meeting the following requirements:

- 18 1. The lot is located in any Downtown zone except PMM, DH-1, and DH-2 zones;
- 19 2. Each structure on the lot shall have the greater of fifty (50) percent of total gross floor area, or the  
20 gross floor area in use as low-income housing on January 1, 1983, committed to low-income housing  
21 use for a minimum of twenty (20) years in accordance with the Public Benefit Features Rule;
- 22 3. The lot has gross floor area equivalent to at least one (1) FAR committed to low-income housing  
23 use for a minimum of twenty (20) years in accordance with the Public Benefit Features Rule; and  
24

1 4. The low-income housing commitment on the lot has been certified by the Director of Housing  
2 ~~((and Human Services))~~ as satisfying the Public Benefit Features Rule.

3 \*\*\*

4 Section 61. SMC 23.84.030 Amended. Subsection "Priority landmark theater TDR" of section  
5 23.84.030 of the Seattle Municipal Code is amended as follows:

6 **23.84.030 "P."**

7 \*\*\*

8 "Priority landmark theater TDR" means that portion of the development rights eligible for transfer  
9 from a landmark performing arts theater that the Directors of Housing ~~((and Human Services))~~, and  
10 Construction and Land Use, have approved based on an application by the owner under this section, and  
11 that the owner has committed to sell, lease, or option at a price approved by the Director of Housing  
12 ~~((and Human Services))~~ based on appraised value.

13 Section 62. Earlier Amendments to be given equal effect. It is the express intent of the City  
14 Council that, in the event another ordinance has heretofore been enacted that amended any section or  
15 subsection of the Seattle Municipal Code amended herein, that earlier amendment should be effectuated  
16 with equal dignity to this ordinance if at all possible in the codification of the Seattle Municipal Code  
17 and by the courts, notwithstanding the use in this ordinance of an obsolete version of that part of the  
18 Seattle Municipal Code on which to show intended amendments.

19 Section 63. Earlier repeals to be given full effect. In the event any section or subsection of the  
20 Seattle Municipal Code purported to be amended herein has heretofore been repealed, that earlier repeal  
21 shall be given full effect, and nothing in this ordinance shall be construed to re-enact or preserve that  
22 section or subsection.

23

24

1           Section 64. Subsequent Ordinances to refer to this ordinance. It is the express intent of the City  
2 Council that, in the event a subsequent ordinance refers to a position or office that was abolished by this  
3 ordinance, that reference shall be deemed to be to the new superseding office or position created by this  
4 ordinance, and shall not be construed to resurrect the old position or office unless the subsequent  
5 ordinance expressly so provides by reference to this ordinance.

6           Section 65. Subsequent amendments to be interpreted in light of this ordinance. It is the express  
7 intent of the City Council that, in the event a subsequent ordinance refers to or amends a section or  
8 subsection of the Seattle Municipal Code amended herein, but the later ordinance fails to account for the  
9 change made by this ordinance, the two sets of amendments should be given effect together if at all  
10 possible.

11           Section 66. Typographical errors to be disregarded. It is the express intent of the City Council  
12 that this ordinance makes only those changes to the Seattle Municipal Code shown by striking out,  
13 inside double parentheses, text to be deleted, and underlining text to be added. To this end, errors in  
14 showing the pre-existing Seattle Municipal Code text are to be disregarded, and no change in the Seattle  
15 Municipal Code is intended thereby.

16           Section 67. Section Headings. The section headings in this ordinance are for reference purposes  
17 only. They have no legal effect, and shall not be codified.

18           Section 68. Ordinance to be published. The City Clerk shall publish in the City's legal  
19 newspaper the title and the first fifteen (15) sections of this ordinance, and a numerical tabulation by  
20 Seattle Municipal Code number or Ordinance number of the sections or subsections that are amended by  
21 sections 16 through 61 of this ordinance as the summary of this ordinance, and state as part of that  
22 publication that the entire text may be examined electronically at <http://clerk.ci.seattle.wa.us> on the  
23  
24

1 Internet, or in paper form at the offices of the City Clerk, First Floor, Seattle Municipal Building, 600  
2 Fourth Avenue, Seattle, WA 98104, or will be mailed upon request.

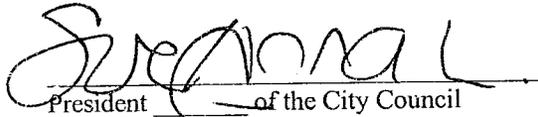
3 Section 1. Severability. The several provisions of this ordinance are declared to be separate and  
4 severable and the invalidity of any clause, sentence, paragraph, subdivision, section, or portion of this  
5 ordinance, or the invalidity of the application thereof to any person or circumstance, shall not affect the  
6 validity of the remainder of this ordinance or the validity of its application to other persons or  
7 circumstances.

8 Section 2. Ratification of consistent prior acts. Any act consistent with the authority and prior to  
9 the effective date of this ordinance is hereby ratified and confirmed.

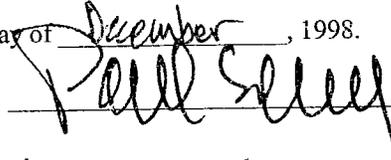
10 Section 3. Effective Date. Sections 1 through 61 of this ordinance shall take effect January 1,  
11 1999.

12 Section 4. This ordinance shall take effect and be in force thirty (30) days from and after its  
13 approval by the Mayor, but if not approved and returned by the Mayor within ten (10) days after  
14 presentation, it shall take effect as provided by Municipal Code Section 1.04.020.

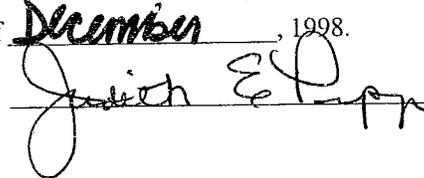
15 Passed by the City Council the 23<sup>rd</sup> day of November, 1998, and signed by me in open  
16 session in authentication of its passage this 23<sup>rd</sup> day of November, 1998.

17   
18 President \_\_\_\_\_ of the City Council

19 Approved by me this 2nd day of December, 1998.

20   
Mayor Paul Schell

21 Filed by me this 2nd day of December, 1998.

22   
23 City Clerk

24 (Seal)

**TITLE AND SECTIONS ONLY PUBLICATION ALONG WITH FIRST FIFTEEN (15) SECTIONS IN FULL.**

The entire text may be examined electronically at <http://clerk.ci.seattle.wa.us> on the Internet, or in paper form at the Office of the City Clerk, 1st Floor, Seattle Municipal Building, 600 - 4th Avenue, Seattle, 98104, or will be mailed at no cost, upon request for two months after this publication. For further information, contact the Seattle City Clerk Office at 684-8344.

**ORDINANCE NO. 119273**

AN ORDINANCE relating to the organization of City government; creating an Office of Housing within the Executive Department; renaming the Department of Housing and Human Services as the Human Service Department; establishing the powers and duties of the Office of Housing; reassigning certain housing functions currently performed by the Department of Housing and Human Services to the Office of Housing; creating a new Housing Operating Fund; redesignating the Department of Housing and Human Services Operating Fund; making provisions for transition and transfer; and, repealing, amending and adding various provisions throughout the Seattle Municipal Code in connection with the reorganization.

**AMENDMENTS TO CODE SECTIONS**

- Section 18 of Ordinance 119273 amended -Section 3.20.030 Director Duties.
- Section 19 of Ordinance 119273 amended -Section 3.20.040 Divisions of the Department
- Section 20 of Ordinance 119273 amended -Section 3.20.080 Division created-Purpose.
- Section 21 of Ordinance 119273 amended -Section 3.20.120 Director-Created-Duties.
- Section 22 of Ordinance 119273 amended -Section 3.60.040 Annual Cooperative Agreements
- Section 23 of Ordinance 119273 amended -Section 3.68.050 Meeting of the Commission.
- Section 24 of Ordinance 119273 amended- Section 3.118.010 Applications for approval
- Section 25 of Ordinance 119273 amended -Section 3.20.320(E) TDR Bank created
- Section 26 of Ordinance 119273 amended -Section 3.68.070 Children and Youth Commission Account.
- Section 27 of Ordinance 119273 amended -Section 5.78.060 Expenditures - Office of Housing.
- Section 28 of Ordinance 119273 add new section -Section 5.78.190 Expenditures - Human Services Department.

Section 29 of Ordinance 119273 amended Section -Section 21.04.280(B) - Certification and funding of water and sewer infrastructure extensions.

Section 30 of Ordinance 119273 amended -Section 21.49.040(B) Residential rate assistance (Schedule 26/27).

Section 31 of Ordinance 119273 amended -Section 21.52.020 Eligibility-Low-income elderly.

Section 32 of Ordinance 119273 amended -Sections 21.52.230(B) and (D) Program components

Section 33 of Ordinance 119273 amended -Section 21.50.250 Low-income Electric Program (LIEP)

Section 34 of Ordinance 119273 amended -Section 21.52.260 Energy conservation measures described.

Section 35 of Ordinance 119273 amended -Section 21.76.010 Program established-Purpose-Administration.

Section 36 of Ordinance 119273 amended -Section 21.76.030(C) Qualification.

Section 37 of Ordinance 119273 amended -Section 21.76.040 Utility low income rates assistance.

Section 38 of Ordinance 119273 amended -Section 21.76.050 Method of receiving credit.

Section 39 of Ordinance 119273 amended -Section 21.76.070 Violation-Penalty.

Section 40 of Ordinance 119273 amended -Section 22.220.080(E).

Section 41 of Ordinance 119273 amended -Section 22.220.090 Loans and grants to owners.

Section 42 of Ordinance 119273 amended -Section 22.220.100(C) Downtown Housing Maintenance Account.

Section 43 of Ordinance 119273 amended -Sections 22.220.130 (B)-(D) and (F) Failure to rent or repair-Administrative investigation and determination.

Section 44 of Ordinance 119273 amended -Section 23.22.024 Distribution of preliminary plans.

Section 45 of Ordinance 119273 amended -Section 23.49.033 Priority landmark theater TDR from landmark performing arts theaters in certain downtown zones.

Section 46 of Ordinance 119273 amended -Sections 23.49.050(A) and (D) Downtown Office Core 1, ratios for public benefit features.

Section 47 of Ordinance 119273 amended -Section 23.49.052(D) Downtown Office Core 1, transfer of development rights.

Section 48 of Ordinance 119273 amended -Section 23.49.070(A) and (D) Downtown Office Core 2, ratios for public benefit features.

Section 49 of Ordinance 119273 amended -Section 23.49.072(D) Downtown Office Core 2, transfer of development rights.

NOTICE: IF THE DOCUMENT IN THIS FRAME IS LESS CLEAR THAN THIS NOTICE  
IT IS DUE TO THE QUALITY OF THE DOCUMENT.

Section 50 of Ordinance 119273 amended -Section 23.49.100(A) Downtown Retail Core, ratios for public benefit features.

Section 51 of Ordinance 119273 amended -Section 23.49.102(D) Downtown Retail Core, transfer of development rights.

Section 52 of Ordinance 119273 amended -Section 23.49.126(A) Downtown Mixed Commercial, ratios for public benefit features.

Section 53 of Ordinance 119273 amended -Section 23.49.128(D) Downtown Mixed Commercial, transfer of development rights.

Section 54 of Ordinance 119273 amended -Section 23.49.152(A) Downtown Mixed Residential, ratios for public benefit features.

Section 55 of Ordinance 119273 amended -Section 23.49.154(D) Downtown Mixed Residential, transfer of development rights.

Section 56 of Ordinance 119273 amended -Section 23.49.180(B) Pioneer Square Mixed, transfer of development rights.

Section 57 of Ordinance 119273 amended -Section 23.49.212(B) International District Mixed, transfer of development rights.

Section 58 of Ordinance 119273 amended -Section 23.49.214(D) Combined lot development.

Section 59 of Ordinance 119273 amended -Section 23.49.240(B) International District Residential, transfer of development rights.

Section 60 of Ordinance 119273 amended -Section 23.84.024 "L."

Section 61 of Ordinance 119273 amended -Section 23.84.030 "P."

NOTICE: IF THE DOCUMENT IN THIS FRAME IS LESS CLEAR THAN THIS NOTICE IT IS DUE TO THE QUALITY OF THE DOCUMENT.



1 rehabilitation; purchase, sale or lease of property for housing; management of City property held or used  
2 for housing purposes; housing affordability; operating subsidies; assistance to home buyers; and transfer  
3 of development rights. Provided, that except as may be provided in any interdepartmental memorandum  
4 approved by the Mayor, "housing activities" shall not include rental assistance, any activities related to  
5 emergency shelters, or administration of federal assistance provided under the Housing Opportunities for  
6 Persons with AIDS program or provided for the homeless under the McKinney Act, even if such  
7 assistance is used for housing purposes described above.

8 Section 3. Current Rules and Policies To Continue.

9 From and after January 1, 1999, all rules, regulations, policies, notices, schedules and  
10 proceedings in effect on that date with respect to City housing activities of the former Department of  
11 Housing and Human Services shall continue to have the same force and effect, unless and until they  
12 expire of their own terms or are superseded, but the powers and responsibilities of the Director of the  
13 Department of Housing and Human Services associated with housing activities shall be vested in and  
14 performed by the Director of the Office of Housing unless otherwise provided by this or another  
15 ordinance.

16 Section 4. Housing Operating Fund Created.

17 There is hereby created a Housing Operating Fund for deposit of funds to be used for operating  
18 expenditures of the Office of Housing.

19 Section 5. Housing and Human Services Operating Fund Redesignated: Authority to Reallocate  
20 Funds.

21 The Housing and Human Services Operating Fund is redesignated as the Human Services  
22 Operating Fund. The Executive Services Director, under the authority of the Mayor, shall reallocate  
23  
24

1 assets and liabilities from the former Housing and Human Services Fund to either the Housing Operating  
2 Fund or the Human Services Operating Fund, in order to effectuate this ordinance.

3 Section 6. Authority and Jurisdiction for Housing Activities Transferred to Director of Housing.

4 From and after January 1, 1999, any requirement of any contract, deed, lease, instrument,  
5 ordinance, rule, plan or policy that the approval, consent, certification or signature of the Director of the  
6 Department of Housing and Human Services be obtained for any purpose related to housing activities  
7 (including without limitation the development, financing, construction, management, purchase, sale,  
8 leasing, affordability or occupancy of housing) shall be satisfied by the approval, consent, certification  
9 or signature, as the case may be, of the Director of Housing or the Director's designee, unless otherwise  
10 expressly provided by ordinance. From and after January 1, 1999, any real property (or interests therein)  
11 used or intended to be used for housing activities under the jurisdiction of the Department of Housing  
12 and Human Services as of December 31, 1998 shall be under the jurisdiction of the Office of Housing.

13 Section 7. Authority over Personnel Matters Designated.

14 From and after January 1, 1999, the Director of the Office of Housing shall have the power to  
15 appoint, assign, supervise, and control all the officers and employees in the Office of Housing, and the  
16 Director of the Human Services Department shall have the power to appoint, assign, supervise, and  
17 control all the officers and employees in the Human Services Department.

18 Section 8. Assignment of Personnel.

19 Except as set forth in this ordinance, the adopted City Budget or other action by ordinance shall  
20 determine the establishment, organization, and reassignment of positions in the Office of Housing and  
21 the Human Services Department.

22 Section 9. Subchapter V, Chapter 3.14 SMC Redesignated. Subchapter V of Chapter 3.14 of the  
23 Seattle Municipal Code is redesignated "Office of Housing."  
24

1           Section 10. Office Created -- Mission Statement A new section 3.14.700 is added to the Seattle  
2 Municipal Code as follows:

3       **3.14.700       Office of Housing Created- Mission**

4           A. There is established in the Executive Department a Office of Housing. The mission of the  
5 Office of Housing is to facilitate the substantial development of housing units for individuals earning  
6 zero to 120% of median income (low to moderate income households) via the identification and  
7 leveraging of public and private resources for such development; to increase the preservation of existing  
8 affordable multi-family and single family housing; and to create and operate an efficient, effective  
9 organizational structure which aids in the accomplishment of this mission.

10          B. The intent of this section is to state generally the mission and activities of the Office. This  
11 section shall not be construed to create, establish or designate any particular class or group of persons  
12 who will or should be especially protected or benefited, nor to create any entitlement to any benefits or  
13 services.

14           Section 11. New Section Added -- Purpose. A new section 3.14.710 is added to the Seattle  
15 Municipal Code as follows:

16       **3.14.710       Office -Purpose.**

17           The office is established to develop comprehensive housing policies, programs, and plans; to act  
18 as coordinator and advocate for housing needs; to administrate, coordinate, and operate City housing  
19 policies, programs, and functions. The purposes of the Office of Housing are as follows:

20          A. Maintain and increase the City's strong commitment to the preservation and development of low-  
21 income housing;

22          B. Increase the supply of housing from shelter to market-rate in ways that enhance community;

23

24

- 1 C. Develop strategies for preserving existing housing units affordable up to 80% of median income,  
2 adjusted for family size, while utilizing existing dollars;
- 3 D. Develop strategies that encourage greater preservation and utilization of existing housing stock to  
4 increase the supply of affordable housing. Such strategies may include, but are not limited to, accessory  
5 dwelling unit development, vacant or abandoned building redevelopment or rehabilitation;
- 6 E. Strengthen partnerships to leverage community resources and public and private dollars;

7 Section 12. New Section Added -- Appointment and Removal of Director. A new section  
8 3.14.720 is added to the Seattle Municipal Code as follows:

9 **3.14.720 Director of the Office of Housing - Appointment - Removal.**

10 The Director of the Office of Housing shall be appointed by the Mayor, subject to confirmation  
11 by a majority vote of all members of the City Council, and may be removed by the Mayor upon filing a  
12 statement of his or her reasons therefor with the City Council. The Director of the Office of Housing  
13 may be referred to as the Director of Housing.

14 Section 13. New Section Added -- Duties of Director. A new section 3.14.730 is added to the  
15 Seattle Municipal Code as follows:

16 **3.14.730 Director-Duties.**

17 Under the direction of the Mayor, the duties of the Director of Housing are as follows:

- 18 A. Oversee and manage the functions of the Office of Housing as set forth in section 3.14.700  
19 B. Such other functions and duties as may be assigned by ordinance.

20 Section 14. New Section Added -- Ancillary Duties. A new section 3.14.740 is added to the  
21 Seattle Municipal Code as follows:

22 **3.14.740 Director-Ancillary duties.**

23 In order to carry out office functions, the Director of Housing shall have the power to:  
24

1           A. Appoint, remove, assign, supervise and control officers and employees in the Office of  
2 Housing in accordance with applicable civil service ordinance and rules;

3           B. Manage the preparation of the proposed budget for the Office of Housing; authorize  
4 appropriate expenditures and carry out the adopted budget; supervise the maintenance of adequate  
5 accounting systems and procedures; develop and manage programs; and undertake authorized activities;

6           C. Execute, deliver, indorse, modify, accept, administer, perform and enforce such agreements  
7 (including without limitation agreements for expert and consultant services, interdepartmental  
8 agreements, and agreements with other public entities), instruments, and other documents as he or she  
9 shall deem necessary or appropriate to implement ordinances, policies and programs, consistent with  
10 applicable laws and ordinances;

11           D. Collect amounts owing to the City under housing financing documents and contracts relating  
12 to housing development or to the sale of property for housing, and in the administration of the foregoing,  
13 subordinate liens or other interests of the City, compromise the City's claims or interests, and release  
14 parties and property from obligations and interests in favor of the City, all as he or she shall deem  
15 necessary or appropriate in the interests of the City and subject to applicable laws;

16           F. Grant and modify leases of real property under the jurisdiction of the Office of Housing,  
17 subject to SMC Section 3.24.300, and grant licenses for temporary use of such property, and prescribe  
18 and collect rents or charges therefor;

19           G. Apply to the federal and State governments for funding available for housing, and take all  
20 such actions as may be necessary to comply with federal and State requirements respecting the use of  
21 such funds when they are included in the adopted budget of the City or their acceptance is otherwise  
22 authorized by ordinance;

23  
24

1 H. Promulgate and amend, in accordance with the City Administrative Code to the extent  
2 applicable, rules, regulations and policies to carry out Office of Housing activities; provided that no such  
3 rule, regulation or policy shall confer any rights or entitlement upon any person, entity, class or group,  
4 nor undertake any legal duty to any person, entity, class or group.

5 Section 15. New Section.-- Submittal of Work Program. A new section 3.14.750 is added to the  
6 Seattle Municipal Code as follows:

7 **3.14.750 Work program to be adopted by City Council.**

8 The annual work program for the Office of Housing, showing anticipated tasks, likely work  
9 products, and approximate assignments of FTEs, shall be set by the City Council. The Council's review  
10 of the work program shall be in two (2) steps:

11 A. The Director of Housing shall submit a preliminary proposed work program for the  
12 following year to the City Council no later than October 1 of the current year for review during the  
13 budget process.

14 B. By January 15 the following year, the Director of Housing shall submit a revised  
15 proposed work program to the City Council. During the first quarter, the City Council shall adopt a  
16 resolution setting the final work program for the Office of Housing. This resolution shall guide the work  
17 of the Office throughout the year, and any significant changes to the work shall require Council  
18 approval.

19 Section 16. Chapter 3.20 SMC Redesignated. Chapter 3.20 is redesignated "Human Services  
20 Department."

21 Section 17. SMC 3.20.010 Amended. Section 3.20.010 of the Seattle Municipal Code is  
22 amended as follows:

23 **3.20.010 Department Created - Purpose.**  
24

1 A. There is created a ~~((Department of Housing and))~~ Human Services Department for the  
2 development of comprehensive ~~((housing and housing related services,))~~ human services ~~((and~~  
3 ~~education))~~ policies and plans; to act as coordinator and advocate for social ~~((and housing))~~ needs and  
4 concerns of the City's population; and for the administration, coordination, planning and operation of  
5 City programs and functions relating to human problems and needs, including without limitation those  
6 of persons who are aged, youth, disabled, ~~((veterans))~~ unemployed and underemployed, homeless, low-  
7 income, have special needs or are otherwise disadvantaged.

8 B. The mission of the ~~((Department of Housing and))~~ Human Services Department is to  
9 strengthen the ability of all people in the Seattle metropolitan area to live, learn, work and participate in  
10 safe, strong, and caring communities.

11 C. The Department seeks to enhance the quality of life and promote self-reliance, growth, and  
12 development of people. To these ends, the Department will strive to provide resources and services, to  
13 remove barriers to meeting human needs, and to improve public policies.

14 D. The intent of this section is to state generally the mission and activities of the Department.  
15 This section shall not be construed to create, establish, or designate any particular class or group of  
16 persons who will or should be especially protected or benefited, or to create any entitlement to any  
17 benefits or services.

18 Section 18. SMC 3.20.030 Amended. Section 3.20.030 of the Seattle Municipal Code is  
19 amended as follows:

20 **3.20.030 Director-Duties.**

21 The Director shall be the head of the ~~((Department of Housing and))~~ Human Services  
22 Department, shall be responsible for the administration of the department and shall:  
23  
24

1           A. Appoint, remove, supervise and control officers and employees in the ((~~Department of~~  
2 ~~Housing and~~)) Human Services Department in accordance with civil service rules and regulations;

3           B. Develop and manage programs providing the services for which the ((~~Department of Housing~~  
4 ~~and~~)) Human Services Department is responsible;

5           C. Manage the preparation of the proposed annual budget of the ((~~Department of Housing and~~))  
6 Human Services Department, authorize necessary expenditures and enter into contracts for professional  
7 and expert services in accordance with the annual budget; develop and manage programs, and supervise  
8 development and maintenance of adequate managerial and accounting systems and procedures;

9           D. Execute, administer, modify and enforce such agreements and instruments as he or she shall  
10 deem reasonably necessary to implement programs consistent with all applicable laws and ordinances, as  
11 he or she shall deem appropriate for carrying out the responsibilities, functions, and activities of the  
12 Department; apply for grants and donations for departmental programs; and solicit and use volunteer  
13 services;

14           E. Promulgate rules and regulations to carry out departmental activities pursuant to the  
15 Administrative Code, SMC Chapter 3.02; and

16           F. Have such other and further powers and duties as shall be prescribed by ordinance.

17           Section 19. SMC 3.20.040 Amended. Section 3.20.040 of the Seattle Municipal Code is  
18 amended as follows:

19 **3.20.040 Divisions of the Department.**

20           In implementation of the functions contemplated in Section 3.20.010, the Division on Aging and  
21 Disability Services, the ((~~Housing and~~)) Community Services Division, the Division of Family and  
22 Youth Services, and the Program Support Division are established as divisions of the ((~~Department of~~  
23  
24

1 ~~Housing and)) Human Services Department. ((The Office of Education is established within the~~  
2 ~~Department of Housing and Human Services.))~~

3 Section 20. SMC 3.20.080 Amended. Section 3.20.080 of the Seattle Municipal Code is  
4 amended as follows:

5 **3.20.080 Division created-Purpose.**

6 There is created in the ~~((Department of Housing and))~~ Human Services Department a Division on  
7 Aging and Disabilities Services to coordinate City programs directed to or affecting adults with  
8 disabilities and the aging; to provide short-term planning and programming related to meeting problems  
9 of adults with disabilities and the aging; to assist the Mayor in development of broad policies focusing  
10 on such problems; to provide liaison with public and private agencies and groups serving or interested in  
11 the aging; to provide staff support to the Technical Advisory Committee on Aging; and to seek and  
12 encourage additional funding sources for programs serving adults with disabilities and the aging.

13 Section 21. SMC 3.20.120 Amended. Section 3.20.120 of the Seattle Municipal Code is  
14 amended as follows:

15 **3.20.120 Director-Created-Duties.**

16 There is created in the ~~((Department of Housing and))~~ Human Services Department the position  
17 of Director of the Division on Aging and Disability Services to be appointed by the Mayor subject to  
18 confirmation by a majority vote of all members of the City Council, and such Director, whose office  
19 shall not be included in the classified civil service, may be removed by the Mayor upon filing a  
20 statement of his reasons therefor with the City Council. The Director shall be responsible under the  
21 direction of the Mayor for the administration of the Division on Aging and Disability Services, and shall  
22 annually prepare and furnish to the Mayor, City Council, Advisory Committee on Aging, departments of  
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1 the City and appropriate community organizations a ~~((report of))~~ plan for the activities of the Division  
2 and recommendations for further action.

3 Section 22. SMC 3.60.040 Amended. Section 3.60.040 of the Seattle Municipal Code is  
4 amended as follows:

5 **3.60.040 Annual Cooperative Agreements.**

6 The Mayor is authorized subject to and in accordance with the annual budget of the City to enter  
7 on behalf of the City annual cooperative agreements with King County for the financing and operation  
8 of the functions of the Commission. Mutually agreed upon procedures to accomplish said functions will  
9 be established between the King County Department of Public Health and the ~~((Department of Human  
10 Resources of the))~~ City's Human Services Department.

11 Section 23. SMC 3.68.050 Amended. Section 3.68.050 of the Seattle Municipal Code is  
12 amended as follows:

13 Meetings of the Commission, the minutes of its proceedings, and its findings and  
14 recommendations shall be open to the public unless the Commission directs otherwise. The  
15 ~~((Department of Human Resources))~~ Human Services Department shall provide staff and meeting  
16 facilities for the Commission and maintain its records.

17 Section 24. SMC 3.118.010(B) Amended. Subsection B of section 3.118.010 of the Seattle  
18 Municipal Code is amended as follows:

19 **3.118.010. Applications for approval.**

20 \*\*\*  
21 B. The applicant shall submit to the City any additional documents or information as may be requested  
22 by the Mayor, the Director of Housing ~~((and Human Services))~~, or the President of the City Council to  
23 assist in reviewing the application.  
24



1 be separated in the account. Interest on investment of account balances shall accrue to the account.  
2 Expenditures may be made on the account upon vouchers drawn by the Commission Chair or, as  
3 authorized by the Commission, the Director of ~~((Housing and))~~ Human Services Department as its  
4 designee. All necessary appropriations of funds on account are hereby made and authorized.

5 Section 27. SMC 5.78.060 Amended. Section 5.78.060 of the Seattle Municipal Code is  
6 amended as follows:

7 **5.78.060 Expenditures- ~~((Department))~~ Office of Housing ~~((and Human Services))~~.**

8 The Director of ~~((the Department))~~ Housing ~~((and Human Services))~~ is authorized to direct  
9 expenditures for the donations made to that ~~((Department's))~~ Office's programs in the City's Gift  
10 Catalogue or for other housing activities as designated by the donor; and the City Finance Director is  
11 authorized to draw and to pay warrants against said program accounts or subaccounts on vouchers  
12 approved by the Director of Housing ~~((and Human Services))~~ as to payee and purpose.

13 Section 28. New Section Added – Director's Authorization. A new section 5.78.190 is added to  
14 the Seattle Municipal Code as follows:

15 **5.78.190 Expenditures - Human Services Department**

16 The Director of the Human Services Department is authorized to direct expenditures for the  
17 donations made to that Department's programs in the City's Gift Catalogue or for other human services  
18 activities as designated by the donor; and the City Finance Director is authorized to draw and to pay  
19 warrants against said program accounts or subaccounts on vouchers approved by the Human Services  
20 Director as to payee and purpose.

21 Section 29. SMC 21.04.280(B) Amended. Subsection B of section 21.04.280 of the Seattle  
22 Municipal Code is amended as follows:

23 **21.04.280 Certification and funding of water and sewer infrastructure extensions.**

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1 \*\*\*

2 B. For housing development or redevelopment projects certified by the ((Department)) Office of  
3 Housing ((and Human Services)) as eligible projects and that are required to construct public  
4 infrastructure, Seattle Public Utilities shall fund the actual cost of the public infrastructure prorated  
5 according to the percentage of dwelling units that will serve households with aggregate annual incomes  
6 no higher than fifty (50) percent of median income; provided that the property owner installs water and  
7 electric meters (or submeters, as applicable) in the eligible project and that all public infrastructure and  
8 all meter work is performed in a manner acceptable to Seattle Public Utilities. An amount equal to such  
9 funding shall be recovered through increased water, wastewater and drainage charges established by  
10 ordinance. The ((Department)) Office of Housing ((and Human Services)) shall certify only those  
11 projects that meet the criteria of eligible projects and that also demonstrate to the satisfaction of the  
12 ((Department)) Office that the property owner will comply with all applicable state law, including  
13 without limitation public bidding and prevailing wage laws, and with all applicable City law, including  
14 without limitation laws pertaining to the prevention of discrimination and women and minority business  
15 enterprises. The ((Department)) Office of Housing ((and Human Services)), in agreement with Seattle  
16 Public Utilities, is hereby authorized to develop rules and procedures for certification of, and follow-up  
17 reporting by eligible projects to ensure that they satisfy the intent of the ordinance codified in this  
18 section.

19 \*\*\*

20 Section 30. SMC 21.49.040(B) Amended. Subsection B of section 21.49.040 of the Seattle  
21 Municipal Code is amended as follows:

22 **21.49.040 Residential rate assistance (Schedule 26/27).**

23 \*\*\*

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1 B. Applicants for Schedule 26/27 shall verify the information required to certify their eligibility for  
2 residential rate assistance and shall provide such other data as is deemed appropriate upon forms and in  
3 the manner determined by the City's Human Services Department (~~(of Housing and Human Services)~~).

4 \*\*\*

5 Section 31. SMC 21.50.020 Amended. Section 21.52.020 of the Seattle Municipal Code is  
6 amended as follows:

7 **21.52.020 Eligibility-Low-income elderly.**

8 Eligibility for participation in the Conservation Investment Assistance Program shall be  
9 determined by the Human Services Department (~~(of Housing and Human Services)~~) from verified  
10 applications and inspection of each home, and such qualifications shall be based on the following criteria  
11 for the following classes of low-income persons:

12 **Low-income Elderly.**

13 A. The head of household must own the home and must be sixty-five (65) years of age or older;

14 and

15 B. Have a gross annual income of less than Five Thousand Six Hundred Seven Dollars  
16 (\$5,607.00), if single, or Seven Thousand Three Hundred Thirty-one Dollars (\$7,331.00), if married; and

17 C. Reside in the Seattle City Light service area, use the home solely for a residence and have  
18 permanently connected electrical heating facilities as the primary source of heat in the residence; and

19 D. The residence of the recipient is without insulation or is equipped with below standard  
20 insulation.

21 Section 32. SMC 21.52.230(B), (D) Amended. Subsections B and D of section 21.52.230 of the  
22 Seattle Municipal Code are amended as follows:

23 **21.52.230 Program components.**

\*\*\*

1  
2 B. Low-Income Weatherization Program ("LIWP"). The LIWP includes the programs  
3 administered by the ~~((Department))~~ Office of Housing ~~((and Human Services))~~ which provide financial  
4 assistance for weatherization of low-income households. The ~~((Department))~~ Office will establish and  
5 administer procedures to screen low-income residents of the City and customers of the City Light  
6 Department to determine their eligibility for the LIWP. The LIWP has the following three (3) programs:

7 1. Low-Income Electric Program ("LIEP"). LIEP shall provide grants to the low-income  
8 customers of the City Light Department (whose primary source of heat is electricity) for the supply and  
9 installation of certain energy conservation measures. The Light Fund shall provide the source of funds  
10 for LIEP. The LIEP Program shall only be available to residential structures of one (1) to four (4)  
11 dwelling units.

12 2. Low-Income Weatherization Assistance ("LIWA") Program. The LIWA Program shall provide  
13 grants for the supply and installation of energy conservation measures to Seattle residents who are  
14 recipients of Aid to Families with Dependent Children (AFDC) and to low-income, fragile, or elderly  
15 Seattle residents whose income is equal to or less than the defined federal eligibility standards and  
16 whose primary heat source is natural gas or oil.

17 3. Weatherization Urban Development Action Grant ("Weatherization UDAG") Program. The  
18 Weatherization UDAG Program shall provide weatherization loans and grants for the supply and  
19 installation of energy conservation measures to low-income households whose income is greater than  
20 that allowed under the LIWA Program, but less than eighty percent (80%) of the SMSA median family  
21 income and whose primary heat source is oil or natural gas. The Weatherization UDAG Program will be  
22 implemented by contracts between the City and participating lending institutions on terms and  
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1 conditions deemed appropriate by the Director of Housing ((and Human Services)), consistent with the  
2 provisions of the Program.

3 \*\*\*

4 D. ((Department)) Office of Housing ((and Human Services)). The ((Department)) Office of  
5 Housing ((and Human Services)) shall encourage weatherization among those residents of Seattle not  
6 served by other components of the CRWP.

7 Section 33. SMC 21.52.250 Amended. Section 21.52.250 of the Seattle Municipal Code is  
8 amended as follows:

9 **21.52.250 Low-income Electric Program (LIEP).**

10 A. The Superintendent and the Director of Housing ((and Human Services)) are authorized to enter  
11 into an agreement to implement the LIEP, on terms and conditions deemed appropriate by the  
12 Superintendent and the Director.

13 B. The Director of Housing ((and Human Services)) is authorized to provide weatherization  
14 assistance grants to low-income households with electric heat, for the supply and installation of energy  
15 conservation measures by qualified contractors, consistent with this chapter. An energy audit shall be  
16 conducted by City personnel to determine what energy conservation measures are needed in the dwelling  
17 unit. Following installation of the energy conservation measures by a qualified contractor, the work  
18 shall be inspected by City personnel for compliance with federal standards and additional City Light  
19 standards.

20 Section 34. SMC 21.52.260(E) Amended. Subsection E of section 21.52.260 of the Seattle  
21 Municipal Code is amended as follows:

22 **21.52.260 Energy conservation measures described.**

23 \*\*\*

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1 E. 1. Pursuant to the rule-making provisions of the Seattle Administrative Code, Ordinance 102228, as  
2 amended, the Superintendent and the Director of ~~((the Department))~~ Housing ~~((and Human Services))~~  
3 may revise the energy conservation measures designated in subsections A and B of this section, provided  
4 the revision does not diminish the cost effectiveness of the measure.

5 2. Pursuant to the rule-making provisions of the Seattle Administrative Code, Ordinance 102228, as  
6 amended, the Superintendent may revise the energy conservation measures designated in subsection C of  
7 this section, provided the revision does not diminish the cost effectiveness of the measure. The energy  
8 conservation measures designated in this Section 21.52.260 shall be added or deleted only by ordinance.

9 Section 35. SMC 21.76.010 Amended. Section 21.76.010 of the Seattle Municipal Code is  
10 amended as follows:

11 **21.76.010 Program established-Purpose-Administration.**

12 A program for credits to partially offset the billings for water, wastewater, drainage, solid waste,  
13 and street utility services for qualified low-income customers is established in order to provide necessary  
14 support for the poor and infirm. Such reductions are intended to offset recent rate increases for such  
15 utilities. The Human Services Department ~~((of Housing and Human Services))~~ is authorized and  
16 directed to administer the program and in such connection may promulgate administrative regulations  
17 from time to time in the manner provided in the Administrative Code (Seattle Municipal Code Chapter  
18 3.02) to carry out the intent and purpose of this chapter.

19 Section 36. SMC 21.76.030(C) Amended. Subsection C of section 21.76.030 of the Seattle  
20 Municipal Code is amended as follows:

21 **21.76.030 Qualification.**

22 \*\*\*  
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1 C. Applicants shall verify such information, and shall provide such other data as is deemed  
2 appropriate upon forms and in the manner determined by the Human Services Department (~~(of Housing~~  
3 ~~and Human Services)~~).

4 Section 37. SMC 21.76.040(B) Amended. Subsection B of Section 21.76.04 of the Seattle  
5 Municipal Code are amended as follows:

6 **SMC 21.76.040 Utility low income rates assistance.**

7 \* \* \*

8 B. Solid Waste. Persons qualified by the Director of (~~(Housing and)~~) the Human Services  
9 Department as eligible recipients of Low Income Rate Assistance (LIRA) shall be granted special rates  
10 in the following amounts (stated in monthly rates). The rates for qualified solid waste customers become  
11 effective September 1, 1994.

12 \* \* \*

13 Section 38. SMC 21.76.050 Amended. Section 21.76.050 of the Seattle Municipal Code is  
14 amended as follows:

15 **21.76.050 Method of receiving credit.**

16 Qualified persons receiving drainage, wastewater, water, solid waste or street utility services  
17 shall receive credits in the amounts prescribed for in Section 21.76.040 or in equivalent amounts should  
18 the billing period be other than monthly; provided, that no qualified person shall receive or accept utility  
19 credits to more than one (1) utility bill for the same billing period. The credits shall be made as follows:

20 A. For qualified persons who do not receive a drainage, wastewater, water, solid waste or street utility  
21 bill directly, the proper credit amount shall be made on the bill as a reduction to the amount which  
22 would otherwise be payable.

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1 B. For qualified persons who do not receive a drainage, wastewater, water, solid waste or street utility  
2 bill directly, but who may pay such utility charges indirectly as part of their rental payment, the proper  
3 credit shall be made in the manner determined by the Director of the Human Services Department ((of  
4 ~~Housing and Human Services~~)) and the Director of Seattle Public Utilities, including, but not limited to:

5 1. A reduction in the amount otherwise payable on the light bills of those qualified persons who do  
6 not receive drainage, wastewater, water, solid waste or street utility bills but who do receive a light  
7 utility bill,

8 2. The issuance of credit vouchers in the names of qualified persons, provided that the credit vouchers  
9 shall not be redeemed in cash and shall be honored by the City only when applied to the account through  
10 which utility services received by the qualified person are paid.

11 Section 39. SMC 21.76.070 Amended. Section 21.76.070 of the Seattle Municipal Code is  
12 amended as follows:

13 **21.76.070 Violation-Penalty.**

14 Any person knowingly making any false statement or representation to the Human Services  
15 Department ((of ~~Housing and Human Services~~)) with intent to secure benefits to which he or she is not  
16 entitled under this chapter shall be guilty of an offense constituting a violation subject to the provisions  
17 of Chapter 12A.02 and 12A.04 of this Code (Seattle Criminal Code) and upon conviction thereof may be  
18 punished by a civil fine or forfeiture not to exceed Five Hundred Dollars (\$500.00).

19 Section 40. SMC 22.220.080(E) Amended. Subsection E of Section 22.220.080 of the Seattle  
20 Municipal Code is amended as follows:

21 E. The Director of Housing ((and ~~Human Services~~)) or his or her designee is hereby authorized  
22 to apply to the Director for any departure from the Housing and Building Maintenance Code authorized  
23 by this section. No other person is authorized to make such application.

24

1 Section 41. SMC 22.220.090 Amended. Section 22.220.090 of the Seattle Municipal Code is  
2 amended as follows:

3 **22.220.090 Loans and grants to owners.**

4 A. The Director of Housing (~~and Human Services~~) may authorize loans and grants to owners  
5 and receivers from the Downtown Housing Maintenance Account described in Section 22.220.100  
6 and/or from such Community Development Block Grant funds or other similarly restricted funds as may  
7 have been appropriated for the rehabilitation of rental units downtown or may in the future be  
8 appropriated specifically for the repair of low-income rental units pursuant to this chapter. Such loans  
9 and grants shall be made only for the reasonable cost of repairs necessary to make low-income rental  
10 units habitable and for the reasonable cost of any other repairs to the building in which such units are  
11 located which are necessary to make such units habitable. Such loans and grants shall be made only in  
12 accordance with the criteria set forth in this section.

13 B. The Director of Housing (~~and Human Services~~) may make grants for repairs necessary to  
14 make low-income rental units habitable. The maximum grant amount shall be Three Thousand Dollars  
15 (\$3,000.00) per unit, to be awarded after the owner has committed his or her own maximum contribution  
16 to the repair of a unit.

17 C. The Director of Housing (~~and Human Services~~) may extend loans for the repair of low-  
18 income units as follows:

19 1. The maximum loan amount shall be Six Thousand Dollars (\$6,000.00) per unit.

20 2. The Director of Housing (~~and Human Services~~) may authorize the forgiveness of such loans  
21 at a rate of twenty percent (20%) per year, with a maximum forgiveness of One Thousand Dollars  
22 (\$1,000.00) per year for each year the unit remains available for low-income occupancy, such  
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1 forgiveness to continue until the entire amount has been forgiven; provided that the unit continues to be  
2 available for low-income occupancy during the entire forgiveness period.

3 3. The loans shall be made with no interest charged while the unit remains available for low-  
4 income occupancy.

5 4. If for any reason the units become unavailable for low- income occupancy, the remainder of  
6 the loan shall be required to be repaid, and in addition the Director of Housing (~~and Human Services~~)  
7 may require the immediate repayment of the remaining balance or said Director of Housing (~~and~~  
8 ~~Human Services~~), and may charge interest on the remaining balance at the then prevailing rate for the  
9 Washington State Housing Finance Commission bond program.

10 D. The total amount of grants and loans authorized under this section shall not exceed Six  
11 Thousand Dollars (\$6,000.00) per unit for any three- (3) year period.

12 E. The Director of Housing (~~and Human Services~~) shall prescribe such additional terms and  
13 conditions of such loans and grants as he or she deems appropriate. Within thirty (30) days of the  
14 effective date of the ordinance codified in this chapter, the Director of Housing (~~and Human Services~~)  
15 shall promulgate regulations describing the circumstances under which loans and grants will be  
16 approved and the general terms and conditions of such loans and grants.

17 Section 42. SMC 22.220.100(C) Amended. Subsection C of section 22.220.100 of the Seattle  
18 Municipal Code is amended as follows:

19 SMC 22.220.100 Downtown Housing Maintenance Account.

20 \*\*\*

21 C. The moneys in the Account are hereby appropriated for the purposes described above and the  
22 City Finance Director is authorized to draw and to pay the necessary warrants upon vouchers approved  
23 by the Director of Housing (~~and Human Services~~) from the appropriated Account.

1 Section 43. SMC 22.220.130(B)-(D), (F) Amended. Subsections B, C, D, and F of section  
2 22.220.130 of the Seattle Municipal Code are amended as follows:

3 **22.220.130 Failure to rent or repair-Administrative investigation and determination.**

4 \*\*\*

5 B. Application for and Determination on Departures.

6 1. If the Director finds low-income rental units that are not habitable, he or she shall notify the  
7 Director of Housing (~~and Human Services~~), who shall have fifteen (15) days to determine if a  
8 departure or departures as authorized in Section 22.220.080 is appropriate and, if so, to recommend such  
9 departures to the Director.

10 C. Determination of Feasibility to Make Units Habitable. After the Director has received and  
11 considered the recommendations of the Director of Housing (~~and Human Services~~) on the requested  
12 departures, if any, he or she shall, using the standards as prescribed in Section 22.220.070, make a  
13 determination as to the feasibility of making the uninhabitable units habitable. The Director may grant,  
14 modify, or deny the recommended departures.

15 D. Issuance of Complaint and Notice.

16 1. If the Director finds that the owner has not made a good-faith effort to rent or that the building  
17 contains low-income rental units that are not habitable but could feasibly be made habitable, he or she  
18 shall serve upon the owner of the building, as shown upon the records of the Department of Records and  
19 Elections of King County, a complaint, identifying the specific low-income rental units which are not  
20 being offered for rent in good faith, the specific uninhabitable low-income rental units that could  
21 feasibly be made habitable, and, where applicable, the corrective action which the owner must take to  
22 make any low-income rental unit habitable and the amount of assistance which may be available to the  
23 owner as determined by the Director of Housing (~~and Human Services~~).

24

1 The complaint shall be delivered by personal service, registered mail, or certified mail with  
2 return receipt requested, and shall be posted in a conspicuous place on the property. No complaint shall  
3 be issued for uninhabitable units if the owner holds a valid permit for the repairs, alterations, or  
4 improvements necessary to correct the noted deficiencies and is, in the opinion of the Director, making  
5 reasonable progress toward correcting those deficiencies.

6 2. The complaint shall:

7 a. Contain a notice that a hearing will be held before the Director at a specified time and place not  
8 less than ten (10) nor more than thirty (30) days after service of the complaint;

9 b. Explain that all parties have the right to file an answer to the complaint;

10 c. Advise the parties that they may appear in person or by representative and give testimony at the  
11 time and place designated in the complaint; and

12 d. Advise the parties that they may seek relief and present evidence as to whether or not  
13 administrative relief from the strict enforcement of the requirements of this chapter as provided in  
14 Section 22.220.120 should be granted.

15 3. A copy of the complaint shall be filed with the King County Department of Records and Elections.  
16 In addition to serving and posting the complaint, the Director shall mail or cause to be delivered to the  
17 occupants of all rental units and/or commercial units in the building a notice informing the occupants of  
18 the filing of the complaint and advising them of the relevant procedures.

19 \*\*\*

20 F. Report of Director of Housing (~~and Human Services~~) on Request for Administrative Relief.

21 When administrative relief is sought pursuant to Section 22.220.120, the Director shall request from the  
22 Director of Housing (~~and Human Services~~) a report and recommendation analyzing whether  
23 application of the duties from which relief is sought would constitute an unconstitutional taking and the  
24

1 nature of the relief which would be appropriate, if any. The Housing ~~((and Human Services))~~ Director's  
2 report shall be made available to the owner and to any member of the public who requests it. The owner  
3 and any member of the public shall have fourteen (14) days from the date the report is published to make  
4 comments to the Director concerning the appropriateness of the relief requests.

5 \*\*\*

6 Section 44. SMC 23.22.024 Amended. Section 23.22.024 of the Seattle Municipal Code is  
7 amended as follows:

8 **23.22.024 Distribution of preliminary plans.**

9 If the Director determines that the subdivider has met all the application requirements for the  
10 preliminary plat and that the preliminary plat contains sufficient elements and data to furnish a basis for  
11 its approval or disapproval, the Director shall affix a file number and date of receipt to the application  
12 and promptly forward three (3) copies of the plat and the subdivider's preliminary plans for streets and  
13 other improvements to the Director of Transportation. The Director shall also forward a copy of the  
14 preliminary plat to each of the following:

- 15 A. Director of Public Health;
- 16 B. Superintendent of City Light;
- 17 C. Director of Housing ~~((and Human Services))~~;
- 18 D. Superintendent of Parks and Recreation;
- 19 E. Director of Seattle Public Utilities;
- 20 F. Chief, Fire Department;
- 21 G. Metropolitan Services Department;

22 who shall review the preliminary plat and, within thirty (30) days, furnish the Director with a report as to  
23 the effect of the proposed subdivision upon the public health, safety and general welfare, and containing  
24

1 their recommendations for approval or disapproval of the preliminary plat. The reports of the Director  
2 of Transportation and the Director of Seattle Public Utilities shall also include a recommendation as to  
3 the extent and type of improvements to be provided in dedicated areas and a preliminary estimate of the  
4 cost of these improvements.

5 Section 45. SMC 23.49.033 Amended. Section 23.49.033 of the Seattle Municipal Code is  
6 amended as follows:

7 **23.49.033 Priority landmark theater TDR from landmark performing arts theaters in certain**  
8 **downtown zones.**

9 A. Definitions. The following definitions shall apply for the purposes of this section:

10 1. "Landmark performing arts theater" is defined in Section 23.84.024.

11 2. "Landmark TDR" is defined in Section 23.84.024.

12 3. "Priority landmark theater TDR" means that portion of the development rights eligible for  
13 transfer from a landmark performing arts theater that the Directors of Housing (~~and Human Services~~)  
14 and Construction and Land Use have approved based on an application by the owner under this section,  
15 and that the owner has committed to sell, lease, or option at a price approved by the Director of Housing  
16 (~~and Human Services~~) based on appraised value.

17 4. "Sending site" means the lot which may qualify as a site from which priority landmark theater  
18 TDR may be transferred.

19 B. Application Procedure.

20 1. Application. Any owner of a structure that is, or might qualify as, a landmark performing arts  
21 theater, may apply for priority landmark theater TDR by submitting an application in such form as  
22 required by the Director of Housing (~~and Human Services~~) and the Landmarks Preservation Board,  
23 with such supporting information as such Director may require, which may include, but is not limited to:

24

- 1 a. Detailed plans and specifications including architect-certified calculations of the dimensions
- 2 of existing and intended improvements;
- 3 b. Site plan and survey;
- 4 c. Line item rehabilitation budget;
- 5 d. Historical financial information for the operations of the landmark performing arts theater and
- 6 the sending site as a whole;
- 7 e. Pro forma financial information showing the expected results of operations of the landmark
- 8 performing arts theater and the sending site as a whole after the rehabilitation, in reasonable detail and
- 9 based on specified reasonable assumptions;
- 10 f. A detailed analysis of available subsidies and funding sources for rehabilitation, preservation,
- 11 and operation, including tax credits, grants, subsidized loans, and bonus credits for public benefit
- 12 features, including housing (if applicable), including any commitments for financing;
- 13 g. Consultant reports and contracts;
- 14 h. Management plan for the theater.

15 2. Review of Application; Agreement Required.

- 16 a. The Director of Housing (~~and Human Services~~) shall analyze any application for priority
- 17 landmark theater TDR in consultation with the Director of DCLU, the Director of Neighborhoods and
- 18 the Landmarks Preservation Board. The Director of Housing (~~and Human Services~~) shall approve a
- 19 specific number of square feet of priority landmark theater TDR, not exceeding the total amount of TDR
- 20 available for transfer under the applicable provisions for the zone in which the site is located, as eligible
- 21 for sale from the site if:

- 22 (i) A structure on the sending site is eligible to qualify as a landmark performing arts theater;
- 23
- 24

1 (ii) The Landmarks Preservation Board and the Director of Housing (~~and Human~~  
2 ~~Services~~) approve the plan of rehabilitation; and

3 (iii) Taking into account all other available sources of funding and incentives, a sale of TDR  
4 is necessary to fill a financing gap in order to permit the owner to rehabilitate the landmark performing  
5 arts theater and to rehabilitate any low- or low-moderate income housing on-site or to replace such  
6 housing off-site, and to have a reasonable expectation of receiving a reasonable economic return from  
7 the owner's investment, as determined by the Director of Housing (~~and Human Services~~).

8 The number of square feet of priority landmark theater TDR may be modified by the Director of  
9 Housing (~~and Human Services~~) on application of the owner or upon a determination by such Director  
10 that any assumptions upon which such determination was based are inaccurate.

11 b. After approval by the Director of Housing (~~and Human Services~~) of priority landmark theater  
12 TDR, the owner shall sign a binding, recordable contract and obtain signatures of all parties holding  
13 interest in the site, including mortgagees, committing the owner:

14 (i) To sell the priority landmark theater TDR based upon the appraised value, at the price  
15 approved by the Director of Housing (~~and Human Services~~), to any purchaser within a specified period  
16 approved by the Director of Housing (~~and Human Services~~) and to use the sales proceeds as required in  
17 subsection E below; and

18 (ii) To impose restrictive covenants and easements on the sending site upon such sale  
19 consistent with the requirements of the applicable sections of Chapter 23.49 and the Public Benefit  
20 Features Rule; and

21 (iii) If a controls and incentives agreement for the theater is not already in effect, to execute a  
22 controls and incentives agreement in form and content approved by the Landmarks Preservation Board,  
23 so as to comply with the definition of landmark performing arts theater in Section 23.84.024.

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1 c. The Director of Housing (~~and Human Services~~) shall not approve any priority landmark  
2 theater TDR if the plan of rehabilitation includes the elimination of low-income or low-moderate income  
3 housing or conversion of low-income or low-moderate income housing to another use unless the owner  
4 enters into a voluntary agreement satisfactory to the Director of Housing (~~and Human Services~~) that  
5 guarantees the replacement of such low-income and low-moderate income housing. Provision of low-  
6 income or low-moderate income housing may include new construction, substantial rehabilitation, or  
7 preservation of housing that the Director determines would otherwise be converted to uses other than  
8 low-income or low-moderate income housing. In each case there shall be recorded covenants limiting  
9 the rents and occupancy of the replacement housing for a period of at least twenty (20) years. The  
10 housing shall be in a Downtown zone, except that the Director may approve housing elsewhere in the  
11 downtown Special Objectives Area (SOA), as defined in the City's ((Comprehensive Housing  
12 Affordability Strategy (CHAS))) Consolidated Plan, consistent with the goals and policies of the  
13 ((CHAS)) Plan (or successor document).

14 C. Public Notice. The Director of Construction and Land Use shall maintain a public record of all  
15 priority landmark theater TDR approved and available for purchase.

16 D. No Use of Other Landmark TDR Until Priority Landmark Theater TDR Has Been Purchased.  
17 Notwithstanding any other provision of the Land Use Code, no permit for a project utilizing Landmark  
18 TDR to obtain the right to build in excess of base FAR shall be issued if:

19 1. At the time the first construction or master use permit application for the project was filed,  
20 priority landmark theater TDR, approved by the Director of Housing (~~and Human Services~~), were  
21 available for purchase; and

22 2. The project does not utilize all available priority landmark theater TDR prior to any use of other  
23 Landmark TDR.

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1 E. Purchase of Priority Landmark Theater TDR; Use of Sale Proceeds.

2 1. Any person, including the City, may purchase priority landmark theater TDRs from the owner of  
3 the sending lot by complying with the provisions of this section and the Public Benefit Features Rule,  
4 whether or not the purchaser is then the owner of an eligible receiving lot or is an applicant for a permit  
5 to develop downtown real property.

6 Any person purchasing priority landmark theater TDRs other than for transfer to a specific receiving lot,  
7 may, at any time prior to the application for a permit using such TDRs, or after any such permit is denied  
8 or expires unused, retransfer such TDRs by deed to any other person for such consideration as may be  
9 agreed by the parties, subject to approval by the Director of Housing (~~and Human Services~~). Any  
10 purchaser of such TDRs (including any successor or assignee) shall have the right to use such TDRs to  
11 obtain FAR above the applicable base under the Land Use Code provisions in effect on the date of  
12 vesting, under applicable law, of such party's rights with respect to the development of the project  
13 intended to use such TDRs, to the same extent as if the TDRs had been purchased on such date. The  
14 Director of DCLU may require, as a condition of processing any permit application using TDRs or for  
15 the release of any security posted in lieu of a deed for TDRs to the receiving lot, that the owner of the  
16 receiving lot demonstrate that the TDRs have been validly transferred of record to the receiving lot, and  
17 that such owner has recorded in the real estate records a notice of the filing of such permit application,  
18 stating that such TDRs are not available for retransfer.

19 2. Any person acquiring priority landmark theater TDRs shall provide security approved by the  
20 Director of Housing (~~and Human Services~~) in the amount of the "bonus value" for the zone in which the  
21 receiving lot is located, (or, if no receiving lot is identified, then the highest "bonus value" for any zone  
22 where such TDRs may be used), as set forth in the Public Benefits Features Rule, multiplied by the  
23 number of square feet of TDRs to be purchased and on terms acceptable to the Director of Housing (~~and~~  
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1 ~~Human Services~~)), prior to effectiveness of any transfer and prior to issuance of a shoring permit for any  
2 structure that will use such TDRs. The owner of the sending lot shall be entitled to receive payment only  
3 for the approved rehabilitation of the landmark performing arts theater or for reimbursing other sources  
4 of funds actually used for such purpose, all under terms approved by the Director of Housing (~~and~~  
5 ~~Human Services~~)). In the event that the owner of the sending lot fails to proceed with or complete the  
6 rehabilitation as required and does not become entitled to payment, the use of the TDRs by the purchaser  
7 shall not be impaired, and the payment for the TDRs or proceeds of security therefor shall be paid to the  
8 City, to be used for the preservation of landmarks in such manner as the City Council shall provide by  
9 ordinance.

10 F. Other Landmark TDR. Any Landmark TDR not qualifying as priority landmark theater TDR may  
11 be transferred under the applicable provisions of the Land Use Code and Public Benefit Features Rule,  
12 subject to the preference for priority landmark theater TDR established in this section.

13 G. Review of Determinations. Any owner of a sending site aggrieved by any determination made  
14 under this section may, within fifteen (15) days of mailing of notice of such determination, petition for  
15 review by the Hearing Examiner in accordance with the procedures of Section 23.76.022 for a Type II  
16 land use decision, except as otherwise provided in this subsection. In any such proceeding the  
17 determination of the Director of Housing (~~and Human Services~~) shall be entitled to substantial weight,  
18 and the burden shall be on the owner to prove that such determination is clearly erroneous or contrary to  
19 law.

20 Section 46. SMC 23.49.050(A), (D) Amended. Subsections A and D of section 23.49.050 of the  
21 Seattle Municipal Code are amended as follows:

22 **23.49.050 Downtown Office Core 1, ratios for public benefit features.**

23 A. General Provisions.

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1 1. No floor area beyond the base FAR shall be granted for any project which causes the destruction of  
2 any designated feature of a Landmark structure, unless authorized by the Landmarks Preservation Board.

3 2. Additional gross floor area may be permitted up to the maximum limits set forth in Section  
4 23.49.048 when low or low-moderate income housing is included in the development proposal and the  
5 following criteria are met:

6 a. Gross floor area equivalent to two (2) times the area of the lot shall be earned either:

7 (1) Through the provision of public benefit features other than housing, or

8 (2) From transfer of development rights from a lot that is an eligible sending site other than based  
9 on its status as a low-income housing TDR site, before a housing bonus, or transfer of development  
10 rights from a lot that is an eligible sending site based solely on its status as a low-income housing TDR  
11 site, may be used.

12 b. The housing bonus shall be granted by the Director based on a finding by the Director of  
13 Housing ~~((and Human Services))~~ that the proposed housing satisfies the Public Benefit Features Rule.

14 3. The Director shall review the design of any public benefit feature in subsection B and determine  
15 whether the feature, as proposed for a specific project, provides a public benefit and is consistent with  
16 the definitions in Chapter 23.84 and the Public Benefit Features Rule.

17 4. Except for housing, human services, child care, landmark performing arts theaters, and off-site open  
18 space permitted under Section 23.49.009, all public benefit features provided in return for a bonus shall  
19 be located on the same lot or abutting public right-of-way as the project in which the bonus floor area is  
20 used.

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22 D. When subsidy review is required according to one (1) or more of the above criteria:  
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1 1. The bonus requested shall be allowed only to the extent that the Director of Housing (~~and Human~~  
2 ~~Services~~) shall determine, pursuant to a subsidy review, that the benefits of such bonus(es), and proceeds  
3 of sale of development rights, if applicable, are reasonably necessary to make economically feasible:

4 a. The provision of the public benefit feature; and

5 b. In the case of a landmark performing arts theater, any replacement by the owner of such theater  
6 of low-income housing or low-to-moderate income housing that is reasonably required to be eliminated  
7 from the lot on which the theater is located to make the preservation and operation of the performing arts  
8 theater economically feasible,

9 and

10 2. The Director of Housing (~~and Human Services~~) may require, as a condition of the bonus, that the  
11 owner of the lot upon which the bonus feature is located agree to limit any other subsidies to be received  
12 for that lot.

13 Section 47. SMC 23.49.052(D) Amended. Subsection D of 23.49.052 of the Seattle Municipal  
14 Code is amended as follows:

15 **23.49.052 Downtown Office Core 1, transfer of development rights.**

16 \*\*\*

17 D. Transfer of Development Rights Agreements.

18 1. The fee owners of the sending lot shall execute a deed with the written consent of all holders of  
19 encumbrances on the sending lot, unless (in the case of TDR from a low-income housing TDR site)  
20 such consent is waived by the Director of Housing (~~and Human Services~~) or designee for good cause,  
21 which deed shall be recorded in the King County real property records. When TDRs are conveyed to the  
22 owner of a receiving lot described in the deed, then unless otherwise expressly stated in the deed or any  
23 subsequent instrument conveying such lot or the TDRs, the TDRs shall pass with the receiving lot  
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1 whether or not a structure using such TDRs shall have been permitted or built prior to any conveyance of  
2 the receiving lot. Any subsequent conveyance of TDRs previously conveyed to a receiving lot shall  
3 require the written consent of all parties holding any interest in the receiving lot from which the  
4 conveyance is made. If the TDRs are transferred other than directly from the sending lot to the receiving  
5 lot using the TDRs, then after the initial transfer, all subsequent transfer also shall be by deed, duly  
6 executed, acknowledged and recorded, each referring by King County recording number to the prior  
7 deed.

8 2. Any person may purchase any TDRs that are eligible for transfer between blocks from the owner of  
9 the sending lot by complying with the applicable provisions of this section and the Public Benefit  
10 Features Rule, whether or not the purchaser is then the owner of an eligible receiving lot or is an  
11 applicant for a permit to develop downtown real property. Any person purchasing such TDRs may, at  
12 any time prior to the application for a permit using such TDRs, or after any such permit is denied or  
13 expires unused, retransfer such TDRs by deed to any other person for such consideration as may be  
14 agreed by the parties. Any purchaser of such TDRs (including any successor or assignee) may use such  
15 TDRs to obtain FAR above the applicable base to the extent permitted under the Land Use Code  
16 provisions in effect on the date of vesting, under applicable law, of such person's rights with respect to  
17 the issuance of permits for development of the project intended to use such TDRs, to the same extent as  
18 if the TDRs had been purchased on such date. The Director may require, as a condition of processing  
19 any permit application using TDRs or for the release of any security posted in lieu of a deed for TDRs to  
20 the receiving lot, that the owner of the receiving lot demonstrate that the TDRs have been validly  
21 transferred of record to the receiving lot, and that such owner has recorded in the real estate records a  
22 notice of the filing of such permit application, stating that such TDRs are not available for retransfer.  
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NOTICE: IF THE DOCUMENT IN THIS FRAME IS LESS CLEAR THAN THIS NOTICE  
IT IS DUE TO THE QUALITY OF THE DOCUMENT.

1 3. For transfers that are permitted based on the status of the sending lot as a low-income housing  
2 TDR site or a landmark theater/housing TDR site, the owner of the sending lot shall execute and record  
3 an agreement, with the written consent of all holders of encumbrances on the sending lot, unless such  
4 consent is waived by the Director of Housing (~~and Human Services~~) for good cause, to provide for the  
5 maintenance of the required low-income housing on the sending lot for a minimum of twenty (20) years.

6 4. For any transfer that is permitted, or for which the sending lot is granted priority, based on the  
7 status of the sending lot as a landmark performing arts theater, the owner of the sending lot shall sign a  
8 written agreement with the City with the approval of the Landmarks Preservation Board, with the written  
9 consent of all holders of encumbrances on the sending lot, unless such consent is waived by the Director  
10 of Housing (~~and Human Services~~) for good cause. The owner of the sending lot shall agree:

11 a. To maintain the structure in compliance with requirements in such agreement approved by the  
12 Landmarks Preservation Board, for a period of at least forty (40) years; and

13 b. To maintain the primary use of the theater portion of the structure as a performing arts theater for  
14 at least forty (40) years, and for so long thereafter as any of the interior features of the theater portion of  
15 the structure remain subject to controls under the Landmarks Ordinance, Chapter 25.12 of the Seattle  
16 Municipal Code (or successor provisions), unless after the minimum forty (40) year period the owner  
17 demonstrates to the satisfaction of the Landmarks Preservation Board that a change of use is required to  
18 allow the owner a sufficient economic return under the standards then applicable to proceedings for  
19 removal or modification of such controls.

20 In the case of a partial purchase of TDRs by the City for the TDR Bank, the Director of Housing  
21 (~~and Human Services~~) may allow a shorter period of commitment. Any relief that may be granted from  
22 the landmark designation or from any controls or restrictions imposed in connection with that  
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IT IS DUE TO THE QUALITY OF THE DOCUMENT.

1 designation, under SMC Chapter 25.12 or otherwise, shall not affect the owner's obligations pursuant to  
2 any agreement under this subsection 4.

3 5. For any transfer to which subsection D4 applies, a subsidy review shall be required if at the time of  
4 the transfer, the lot on which the landmark performing arts theater is located:

5 a. Is being or has been used for any off-site bonus; or

6 b. Is subject to any restrictions on the use, occupancy or rents of such property resulting from any  
7 public subsidy of any nature, direct or indirect, including without limitation any tax benefits, or will  
8 become subject to any such restrictions if any such subsidy for which an application has been made is  
9 granted.

10 6. When subsidy review is required according to one (1) or more of the above criteria:

11 a. The transfer of development rights shall be allowed only to the extent that the Director of Housing  
12 ((and Human Services)) shall determine, pursuant to a subsidy review, that the benefits of such transfer  
13 and the benefits of any off-site bonus, if applicable, are reasonably necessary to make economically  
14 feasible:

15 (i) The preservation of the landmark performing arts theater, and

16 (ii) Any replacement by the owner of such theater of low-income housing or low-to-moderate  
17 income housing that is reasonably required to be eliminated from the sending site to make preservation  
18 and operation of the performing arts theater economically feasible; and

19 b. The Director of Housing ((and Human Services)) may require, as a condition of the transfer, that  
20 the owner of the lot upon which the landmark performing arts theater is located agree to limit any other  
21 subsidies to be received for that lot.

22 7. A deed conveying TDRs may require or permit the return of the TDRs to the sending lot under  
23 specified conditions, but notwithstanding any such provisions:  
24

1 a. The transfer of TDRs to a receiving lot shall remain effective so long as any portion of any  
2 structure for which a permit was issued based upon such transfer remains on the receiving lot; and

3 b. The City shall not be required to recognize any return of TDRs unless it is demonstrated that all  
4 parties in the chain of title have executed, acknowledged and recorded instruments conveying any  
5 interest in the TDRs back to the sending lot.

6 8. Any agreement governing the use or development of the sending lot shall provide that its covenants  
7 or conditions shall run with the land and shall be specifically enforceable by The City of Seattle.

8 Section 48. SMC 23.49.070(A),(D) Amended. Subsections A and D of section 23.49.070 of the  
9 Seattle Municipal Code are amended as follows:

10 **23.49.070 Downtown Office Core 2, ratios for public benefit features.**

11 A. General Provisions.

12 1. No floor area beyond the base FAR shall be granted for any project which causes the destruction of  
13 any designated feature of a Landmark structure unless authorized by the Landmarks Preservation Board.

14 2. Additional gross floor area may be permitted up to the maximum limits set forth in Section  
15 23.49.068 when low or low-moderate income housing is included in the development proposal and the  
16 following criteria are met:

17 a. Gross floor area equivalent to two (2) times the area of the lot shall be earned either:

18 (1) Through the provision of public benefit features other than housing; or

19 (2) From transfer of development rights from a lot that is an eligible sending site other than based  
20 on its status as a low-income housing TDR site; before a housing bonus, or transfer of development  
21 rights from a lot that is an eligible sending site based solely on its status as a low-income housing TDR  
22 site, may be used.

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1 Section 49. SMC 23.49.072(D) Amended. Subsection D of section 23.49.072 of the Seattle  
2 Municipal Code is amended as follows:

3 **23.49.072 Downtown Office Core 2, transfer of development rights.**

4 \*\*\*

5 D. Transfer of Development Rights Agreements.

6 1. The fee owners of the sending lot shall execute a deed with the written consent of all holders of  
7 encumbrances on the sending lot, unless (in the case of TDRs from a low-income housing TDR site)  
8 such consent is waived by the Director of Housing ((and Human Services)) for good cause, which deed  
9 shall be recorded in the King County real property records. When TDRs are conveyed to the owner of a  
10 receiving lot described in the deed, then unless otherwise expressly stated in the deed or any subsequent  
11 instrument conveying such lot or the TDRs, the TDRs shall pass with the receiving lot whether or not a  
12 structure using such TDRs shall have been permitted or built prior to any conveyance of the receiving  
13 lot. Any subsequent conveyance of TDRs to a receiving lot shall require the written consent of all  
14 parties holding any interest in the receiving lot from which the conveyance is made. If the TDRs are  
15 transferred other than directly from the sending lot to the receiving lot using the TDRs, then after the  
16 initial transfer, all subsequent transfers shall also be by deed, duly executed, acknowledged and  
17 recorded, each referring by King County recording number to the prior deed.

18 2. Any person may purchase any TDRs that are eligible for transfer between blocks from the owner of  
19 the sending lot by complying with the applicable provisions of this section and the Public Benefit  
20 Features Rule, whether or not the purchaser is then the owner of an eligible receiving lot or is an  
21 applicant for a permit to develop downtown real property. Any person purchasing such TDRs may, at  
22 any time prior to the application for a permit using such TDRs, or after any such permit is denied or  
23 expires unused, retransfer such TDRs by deed to any other person for such consideration as may be  
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1 agreed by the parties. Any purchaser of such TDRs (including any successor or assignee) may use such  
2 TDR to obtain FAR above the applicable base to the extent permitted under the Land Use Code  
3 provisions in effect on the date of vesting, under applicable law, of such person's rights with respect to  
4 the issuance of permits for development of the project intended to use such TDRs, to the same extent as  
5 if the TDRs had been purchased on such date. The Director may require, as a condition of processing  
6 any permit application using TDRs or for the release of any security posted in lieu of a deed for TDRs to  
7 the receiving lot, that the owner of the receiving lot demonstrate that the TDRs have been validly  
8 transferred of record to the receiving lot, and that such owner has recorded in the real estate records a  
9 notice of the filing of such permit application, stating that such TDRs are not available for retransfer.

10 3. For transfers that are permitted based on the status of the sending lot as a low-income housing TDR  
11 site or a landmark theater/housing TDR site, the owner of the sending lot shall execute and record an  
12 agreement, with the written consent of all holders of encumbrances on the sending lot, unless such  
13 consent is waived by the Director of Housing (~~and Human Services~~) for good cause, to provide for the  
14 maintenance of the required low-income housing on the sending lot for a minimum of twenty (20) years.

15 4. For any transfer that is permitted, or for which the sending lot is granted priority, based on the  
16 status of the sending lot as a landmark performing arts theater, the owner of the sending lot shall sign a  
17 written agreement with the City with the approval of the Landmarks Preservation Board, with the written  
18 consent of all holders of encumbrances on the sending lot, unless such consent is waived by the Director  
19 of Housing (~~and Human Services~~) for good cause. The owner of the sending lot shall agree:

20 a. To maintain the structure in compliance with requirements in such agreement approved by the  
21 Landmarks Preservation Board, for a period of at least forty (40) years; and

22 b. To maintain the primary use of the theater portion of the structure as a performing arts theater for  
23 at least forty (40) years, and for so long thereafter as any of the interior features of the theater portion of  
24

1 the structure remain subject to controls under the Landmarks Ordinance, Chapter 25.12 of the Seattle  
2 Municipal Code (or successor provisions), unless after the minimum forty (40) year period the owner  
3 demonstrates to the satisfaction of the Landmarks Preservation Board that a change of use is required to  
4 allow the owner a sufficient economic return under the standards then applicable to proceedings for  
5 removal or modification of such controls.

6 In the case of the partial purchase of TDRs by the City for the TDR Bank, the Director of Housing  
7 ((and Human Services)) may allow a shorter period of commitment. Any relief that may be granted from  
8 the landmark designation or from any controls or restrictions imposed in connection with that  
9 designation, under SMC Chapter 25.12 or otherwise, shall not affect the owner's obligations pursuant to  
10 any agreement under this subsection 4.

11 5. For any transfer to which subsection D4 applies, a subsidy review shall be required if at the time of  
12 the transfer, the lot on which the landmark performing arts theater is located:

- 13 a. Is being or has been used for any off-site bonus; or
- 14 b. Is subject to any restrictions on the use, occupancy or rents of such property resulting from any  
15 public subsidy of any nature, direct or indirect, including without limitation any tax benefits, or will  
16 become subject to any such restrictions if any such subsidy for which an application has been made is  
17 granted.

18 6. When subsidy review is required according to one (1) or more of the above criteria:

- 19 a. The transfer of development rights shall be allowed only to the extent that the Director of  
20 Housing ((and Human Services)) shall determine, pursuant to a subsidy review, that the benefits of such  
21 transfer and the benefits of any off-site bonus, if applicable, are reasonably necessary to make  
22 economically feasible:

- 23 (i) The preservation of the landmark performing arts theater, and

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1 (ii) Any replacement by the owner of such theater of low-income housing or low-to-moderate  
2 income housing that is reasonably required to be eliminated from the sending lot to make preservation  
3 and operation of the performing arts theater economically feasible; and

4 b. The Director of Housing (~~and Human Services~~) may require, as a condition of the transfer, that  
5 the owner of the lot upon which the landmark performing arts theater is located agree to limit any other  
6 subsidies to be received for that lot.

7 7. A deed conveying TDRs may require or permit the return of the TDRs to the sending lot under  
8 specified conditions, but notwithstanding any such provisions:

9 a. The transfer of TDRs to a receiving lot shall remain effective so long as any portion of any  
10 structure for which a permit was issued based upon such transfer remains on the receiving lot; and

11 b. The City shall not be required to recognize any return of TDRs unless it is demonstrated that all  
12 parties in the chain of title have executed, acknowledged, and recorded instruments conveying any  
13 interest in the TDRs back to the sending lot.

14 8. Any agreement governing the use or development of the sending lot shall provide that its covenants  
15 or conditions shall run with the land and shall be specifically enforceable by The City of Seattle.

16 Section 50. SMC 23.49.100(A) Amended. Subsection A of section 23.49.100 of the Seattle  
17 Municipal Code is amended as follows:

18 **23.49.100 Downtown Retail Core, ratios for public benefit features.**

19 A. General Provisions.

20 1. No floor area beyond the base FAR shall be granted for any project which causes the destruction of  
21 any designated feature of a Landmark structure, unless authorized by the Landmarks Board.

1 2. Additional gross floor area may be permitted up to the "maximum FAR with public benefit features  
2 including housing" described in Section 23.49.098 when low or low- moderate income housing is  
3 included in the development proposal and the following criteria are met:

4 a. Gross floor area equivalent to two (2) times the area of the lot shall be earned through the  
5 provision of public benefit features other than housing, before a housing bonus may be used.

6 b. The housing bonus shall be granted by the Director based on a finding by the Director of  
7 Housing (~~and Human Services~~) that the proposed housing satisfies the Public Benefit Features Rule.

8 3. The Director shall review the design of any public benefit feature in subsection B to determine  
9 whether the feature, as proposed for a specific project, provides public benefits and is consistent with the  
10 definitions in Chapter 23.84 and the Public Benefit Features Rule.

11 4. Except for housing, human services, landmark performing arts theaters and child care, all public  
12 benefit features provided in return for a bonus shall be located on the same lot or abutting right-of-way  
13 as the project in which the bonus floor area is used.

14 Section 51. SMC 23.49.102(D) Amended. Subsection D of section 23.49.102 of the Seattle  
15 Municipal Code is amended as follows:

16 **23.49.102 Downtown Retail Core, transfer of development rights.**

17 \*\*\*

18 **D. Transfer of Development Rights Agreements.**

19 1. The fee owners of the sending lot shall execute a deed, with the written consent of all holders of  
20 encumbrances on the sending lot, unless (in the case of TDRs from a low-income housing TDR site)  
21 such consent is waived by the Director of Housing (~~and Human Services~~) or his or her designee for  
22 good cause, which deed shall be recorded with the King County real property records. When TDRs are  
23 conveyed to the owner of a receiving lot described in the deed, then unless otherwise expressly stated in  
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1 the deed or any subsequent instrument conveying such lots or the TDRs, the TDRs shall pass with the  
2 receiving lot whether or not a structure using such TDRs shall have been permitted or built prior to any  
3 conveyance of the receiving lot. Any subsequent conveyance of TDRs previously conveyed to a  
4 receiving lot shall require the written consent of all parties holding any interest in the receiving lot from  
5 which the conveyance is made. If the TDRs are transferred other than directly from the sending lot to  
6 the receiving lot using the TDRs, then after the initial transfer, all subsequent transfers shall also be by  
7 deed, duly executed, acknowledged and recorded, each referring by King County recording number to  
8 the prior deed.

9 2. Any person may purchase any TDRs that are eligible for transfer between blocks from the owner of  
10 the sending site by complying with the applicable provisions of this section and the Public Benefit  
11 Features Rule, whether or not the purchaser is then the owner of an eligible receiving site or is an  
12 applicant for a permit to develop downtown real property. Any person purchasing such TDRs may, at  
13 any time prior to the application for a permit using such TDRs, or after any such permit is denied or  
14 expires unused, retransfer such TDRs by deed to any other person for such consideration as may be  
15 agreed by the parties. Any purchaser of such TDRs (including any successor or assignee) may use such  
16 TDRs to obtain FAR above the applicable base to the extent permitted under the Land Use Code  
17 provisions in effect on the date of vesting, under applicable law, of such person's rights with respect to  
18 the issuance of permits for development of the project intended to use such TDRs, to the same extent as  
19 if the TDRs had been purchased on such date. The Director may require, as a condition of processing  
20 any permit application using TDRs or for the release of any security posted in lieu of a deed for TDRs to  
21 the receiving lot, that the owner of the receiving lot demonstrate that the TDRs have been validly  
22 transferred of record to the receiving lot, and that such owner has recorded in the real estate records a  
23 notice of the filing of such permit application, stating that such TDRs are not available for retransfer.

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1 3. For transfers that are permitted based on the status of the sending lot as a low-income housing TDR  
2 site or a landmark theater/housing TDR site, the owner of the sending lot shall execute and record an  
3 agreement, with the written consent of all holders of encumbrances on the sending lot, unless such  
4 consent is waived by the Director of Housing ((and Human Services)) for good cause, to provide for the  
5 maintenance of the required low-income housing on the sending lot for a minimum of twenty (20) years.

6 4. A deed conveying TDRs may require or permit the return of the TDRs to the sending lot under  
7 specified conditions, but notwithstanding any such provisions;

8 a. The transfer of TDRs to a receiving lot shall remain effective so long as any portion of any  
9 structure for which a permit was issued based upon such transfer remains on the receiving lot; and

10 b. The City shall not be required to recognize any return of TDRs unless it is demonstrated that all  
11 parties in the chain of title have executed, acknowledged and recorded instruments conveying any  
12 interest in the TDRs back to the sending lot.

13 5. Any agreement governing the use or development of the sending lot shall provide that its covenants  
14 and conditions shall run with the land and shall be specifically enforceable by The City of Seattle.

15 Section 52. SMC 23.49.126(A) Amended. Subsection A of section 23.49.126 of the Seattle  
16 Municipal Code is amended as follows:

17 **23.49.126 Downtown Mixed Commercial, ratios for public benefit features.**

18 A. General Provisions.

19 1. No floor area beyond the base FAR shall be granted for any project which causes the destruction of  
20 any designated feature of a Landmark structure, unless authorized by the Landmarks Preservation Board.

21 2. The Director shall review the design of public benefit features listed in subsection B to determine  
22 whether the feature, as proposed for a specific project, actually provides a public benefit and is  
23 consistent with the definitions in Chapter 23.84 and with the Public Benefit Features Rule. The housing  
24

1 bonus shall be granted by the Director based on a finding by the Director of the ((Department)) Office of  
2 Housing ((and Human Services)) that the proposed housing satisfies the Public Benefit Features Rule.

3 3. Except for housing, human services, child care, and off-site open space permitted under Section  
4 23.49.009, all public benefit features provided in return for a bonus shall be located on the same lot or  
5 abutting public right-of-way as the project in which the bonus floor area is used.

6 \*\* \*

7 Section 53. SMC 23.49.128(D) Amended. Subsection D of section 23.49.128 of the Seattle  
8 Municipal Code is amended as follows:

9 **23.49.128 Downtown Mixed Commercial, transfer of development rights.**

10 \*\*\*

11 D. Transfer of Development Rights Agreements.

12 1. The fee owners of the sending lot shall execute a deed, with the written consent of all holders of  
13 encumbrances on the sending lot, unless (in the case of TDRs from a low-income housing TDR site)  
14 such consent is waived by the Director of Housing ((and Human Services)) for good cause, which deed  
15 shall be recorded with the King County real property records. When TDRs are conveyed to the owner of  
16 a receiving lot described in the deed, then unless otherwise expressly stated in the deed or any  
17 subsequent instrument conveying such lot or the TDRs, the TDRs shall pass with the receiving lot  
18 whether or not a structure using such TDRs shall have been permitted or built prior to any conveyance of  
19 the receiving lot. Any subsequent conveyance of TDRs previously conveyed to a receiving lot shall  
20 require the written consent of all parties holding any interest in the receiving lot from which the  
21 conveyance is made. If the TDRs are transferred other than directly from the sending lot to the receiving  
22 lot using the TDRs, then after the initial transfer, all subsequent transfers shall also be by deed, duly  
23  
24

1 executed, acknowledged and recorded, each referring by King County recording number to the prior  
2 deed.

3 2. Any person may purchase any TDRs that are eligible for transfer between blocks from the owner of  
4 the sending site by complying with the applicable provisions of this section and the Public Benefit  
5 Features Rule, whether or not the purchaser is then the owner of an eligible receiving lot or is an  
6 applicant for a permit to develop downtown real property. Any person purchasing such TDRs may, at  
7 any time prior to the application for a permit using such TDRs, or after any such permit is denied or  
8 expires unused, retransfer such TDRs by deed to any other person for such consideration as may be  
9 agreed by the parties. Any purchaser of such TDRs (including any successor or assignee) may use such  
10 TDRs to obtain FAR above the applicable base to the extent permitted under the Land Use Code  
11 provisions in effect on the date of vesting, under applicable law, of such person's rights with respect to  
12 the issuance of permits for development of the project intended to use such TDRs, to the same extent as  
13 if the TDRs had been purchased on such date. The Director may require, as a condition of processing  
14 any permit application using TDRs or for the release of any security posted in lieu of a deed for TDRs to  
15 the receiving lot, that the owner of the receiving lot demonstrate that the TDRs have been validly  
16 transferred of record to the receiving lot, and that such owner has recorded in the real estate records a  
17 notice of the filing of such permit application, stating that such TDRs are not available for retransfer.

18 3. For transfers that are permitted based on the status of the sending lot as a low-income housing TDR  
19 site or a landmark theater/housing TDR site, the owner of the sending lot shall execute and record an  
20 agreement, with the written consent of all holders of encumbrances on the sending lot, unless such  
21 consent is waived by the Director of Housing ((and Human Services)) or his or her designee for good  
22 cause, to provide for the maintenance of the required low-income housing on the sending lot for a  
23 minimum of twenty (20) years.

24

1 4. For any transfer that is permitted, or for which the sending lot is granted priority, based on the  
2 status of the sending lot as a landmark performing arts theater, the owner of the sending lot shall sign a  
3 written agreement with the City with the approval of the Landmarks Preservation Board, with the written  
4 consent of all holders of encumbrances on the sending lot, unless such consent is waived by the Director  
5 of Housing (~~and Human Services~~) for good cause. The owner of the sending lot shall agree:

6 a. To maintain the structure in compliance with such agreement for a period of at least forty (40)  
7 years; and

8 b. To maintain the primary use of the theater portion of the structure as a performing arts theater for  
9 at least forty (40) years, and for so long thereafter as any of the interior features of the theater portion of  
10 the structure remain subject to controls under the Landmarks Ordinance, Chapter 25.12 of the Seattle  
11 Municipal Code (or successor provisions), unless after the minimum forty (40) year period the owner  
12 demonstrates to the satisfaction of the Landmarks Preservation Board that a change of use is required to  
13 allow the owner a sufficient economic return under the standards then applicable to proceedings for  
14 removal or modification of such controls.

15 In the case of a partial purchase of TDRs by the City for the TDR Bank, the Director of Housing  
16 (~~and Human Services~~) may allow a shorter period of commitment. Any relief that may be granted  
17 from the landmark designation or from any controls or restrictions imposed in connection with that  
18 designation under SMC Chapter 25.12 or otherwise, shall not affect the owner's obligations to any  
19 agreement under this subsection 4.

20 5. For any transfer to which subsection D4 applies, a subsidy review shall be required if at the time of  
21 the transfer, the lot on which the landmark performing arts theater is located:

22 a. Is being or has been used for any off-site bonus; or  
23  
24

1        b. Is subject to any restrictions on the use, occupancy or rents of such property resulting from any  
2 public subsidy of any nature, direct or indirect, including without limitation any tax benefits, or which  
3 become subject to any such restrictions if any such subsidy for which an application has been made is  
4 granted.

5        6. When subsidy review is required according to one (1) or more of the above criteria:

6            a. The transfer of development rights shall be allowed only to the extent that the Director of  
7 Housing (~~and Human Services~~) shall determine, pursuant to a subsidy review, that the benefits of such  
8 transfer and the benefits of any off-site bonus, if applicable, are reasonably necessary to make  
9 economically feasible:

10            (i) The preservation of the landmark performing arts theater, and

11            (ii) Any replacement by the owner of such theater of low-income housing or low-to-moderate  
12 income housing that is reasonably required to be eliminated from the sending lot to make preservation  
13 and operation of the performing arts theater economically feasible; and

14            b. The Director of Housing (~~and Human Services~~) may require, as a condition of the transfer, that  
15 the owner of the lot upon which the landmark performing arts theater is located agree to limit any other  
16 subsidies to be received for that lot.

17        7. A deed conveying TDRs may require or permit the return of the TDRs to the sending lot under  
18 specified conditions but notwithstanding any such provisions:

19            a. The transfer of TDRs to a receiving lot shall remain effective so long as any portion of any  
20 structure for which a permit was issued based upon such transfer remains on the receiving lot; and

21            b. The City shall not be required to recognize any return of TDRs unless it is demonstrated that all  
22 parties in the chain of title have executed, acknowledged, and recorded instruments conveying any  
23 interest in the TDRs back to the sending lot.

24

1 8. Any agreement governing the use or development of the sending lot shall provide that its covenants  
2 and conditions shall run with the land and shall be specifically enforceable by The City of Seattle.

3 Section 54. SMC 23.49.152(A) Amended. Subsection A of section 23.49.152 of the Seattle  
4 Municipal Code is amended as follows:

5 **23.49.152 Downtown Mixed Residential, ratios for public benefit features.**

6 A. General Provisions.

7 1. No floor area beyond the base FAR shall be granted for any project which causes the destruction of  
8 any designated feature of a Landmark structure unless authorized by the Landmarks Preservation Board.

9 2. Additional gross floor area may be permitted up to the "maximum FAR with housing" described in  
10 Section 23.49.150 when low or low-moderate housing is included in the development proposal and the  
11 following criteria are met:

12 a. The housing bonus shall be granted only for the production of low or low-moderate housing in a  
13 new structure, or in a rehabilitated structure or portion of a rehabilitated structure which was not in  
14 residential use as of January 1, 1983.

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

16 c. The housing bonus shall be granted by the Director based on a finding by the Director of  
17 Housing ((and Human Services)) that the proposed housing satisfies the Public Benefit Features Rule.

18 d. When the housing option as provided in Section 23.49.164 C is used, the housing provided shall  
19 be for low- income households for a period of at least twenty (20) years in order to receive a housing  
20 bonus, and the bonus ratio shall be six (6) square feet of commercial floor area for every square foot of  
21 housing provided.

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1 3. The Director shall review the design of any public benefit feature listed in subsection B to  
2 determine whether the feature, as proposed for a specific project, provides public benefits and is  
3 consistent with the definitions in Chapter 23.84 and the Public Benefit Features Rule.

4 4. Except for housing, human services, child care, and off-site open space permitted under Section  
5 23.49.009, all public benefit features provided in return for a bonus shall be located on the same lot or  
6 abutting public right-of-way as the project in which the bonus floor area is used.

7 \*\*\*

8 Section 55. SMC 23.49.154(D) Amended. Subsection D of section 23.49.154 of the Seattle  
9 Municipal Code is amended as follows:

10 **23.49.154 Downtown Mixed Residential, transfer of development rights.**

11 \*\*\*

12 **D. Transfer of Development Rights Agreements.**

13 1. The fee owners of the sending and receiving lots shall execute a deed or an agreement, with the  
14 written consent of all holders of encumbrances on the sending lot, unless such consent is waived by the  
15 Director of Housing (~~and Human Services~~) for good cause, which deed or other agreement shall be  
16 recorded with the title to both lots.

17 2. The agreement or deed shall be for a term which equals or exceeds the life of the project on the  
18 receiving lot for which the rights were transferred.

19 3. For transfers that are permitted based on the status of the sending site as a low-income housing  
20 TDR site, the owner of the sending site shall agree, with the written consent of all holders of  
21 encumbrances on the sending site, unless such consent is waived by the Director of Housing (~~and~~  
22 ~~Human Services~~) for good cause, to provide for the maintenance of the required low-income housing on  
23 the sending lot for a minimum of twenty (20) years.

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1 parking areas shall be included up to a maximum area of one-quarter (1/4) of the footprint of the  
2 structure on the sending lot.

3 d. The low-income housing on the sending lot shall be certified by the Director of Housing (~~and~~  
4 ~~Human Services~~) as satisfying the Public Benefit Features Rule.

5 3. Development rights may be transferred from sending lots in the PSM zone to receiving lots  
6 located on different downtown blocks in the DOC1, DOC2 and DMC zones from a sending lot which is  
7 proposed for infill development and was vacant as of January 1, 1984.

8 a. Lots with structures subject to abatement orders on or before January 1, 1984, and surface  
9 parking areas, including lots with minor structures accessory to parking operations, shall be considered  
10 vacant for the purpose of this section.

11 b. The transfer of development rights may not occur until a certificate of occupancy has been  
12 issued for the project proposed on the vacant lot.

13 \*\*\*

14 Section 57. SMC 23.49.212(B) Amended. Subsection B of section 23.49.212 of the Seattle  
15 Municipal Code is amended as follows:

16 **23.49.212 International District Mixed, transfer of development rights.**

17 \*\*\*

18 B. Transfer of Development Rights Between Lots on Different Blocks.

19 1. Development rights shall not be transferred to receiving lots in IDM zones from lots on different  
20 downtown blocks.

21 2. Development rights may be transferred from sending lots in IDM zones to receiving lots in  
22 DOC1, DOC2, and DMC zones when the sending lot contains low-income housing.

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1 a. Each structure on the sending lot shall have the greater of fifty percent (50%) of the total gross  
2 floor area, or the gross floor area in use as low-income housing on January 1, 1983, committed to low-  
3 income housing use.

4 b. Sending lots shall have gross floor area equivalent to at least one (1) FAR in low-income  
5 housing use.

6 c. Principal use surface parking areas shall not be included in the area of the sending lot for  
7 purposes of calculating the amount of development rights which may be transferred. Accessory surface  
8 parking areas shall be included up to a maximum area of one-quarter (1/4) of the footprint of the  
9 structure on the sending lot.

10 d. The low-income housing on the sending lot must be certified by the Director of Housing ((and  
11 Human Services)) as satisfying the Public Benefit Features Rule.

12 \*\*\*

13 Section 58. SMC 23.49.214(D) Amended. Subsection D of section 23.49.214 of the Seattle  
14 Municipal Code is amended as follows:

15 **23.49.214 Combined lot development.**

16 \*\*\*

17 D. The affordable housing shall be certified by the Director of Housing ((and Human Services)) as  
18 satisfying the Public Benefit Features Rule.

19 \*\*\*

20 Section 59. SMC 23.49.240(B) Amended. Subsection B of section 23.49.240 of the Seattle  
21 Municipal Code is amended as follows:

22 **23.49.240 International District Residential, transfer of development rights.**

23 \*\*\*

24

1 B. Transfer of Development Rights Between Different Downtown Blocks.

2 1. Development rights shall not be transferred to receiving lots in IDR zones from lots on different  
3 downtown blocks.

4 2. Development rights may be transferred from sending lots in IDR zones to receiving lots in the  
5 DOC1, DOC2, and DMC zones, when the sending lot contains low-income housing.

6 a. Each structure on the sending lot shall have the greater of fifty percent (50%) of the total gross  
7 floor area, or the gross floor area in use as low-income housing on January 1, 1983, committed to low-  
8 income housing use.

9 b. Sending lots shall have gross floor area equivalent to at least one (1) FAR in low-income housing  
10 use.

11 c. Principal use surface parking areas shall not be included in the area of the sending lot for  
12 purposes of calculating the amount of development rights which may be transferred. Accessory surface  
13 parking areas shall be included up to a maximum area of one-quarter (1/4) of the footprint of the  
14 structure on the sending lot.

15 d. The low-income housing on the sending lot must be certified by the Director of Housing (~~and~~  
16 ~~Human Services~~) as meeting the guidelines of the Public Benefit Features Rule.

17 \*\*\*

18 Section 60. SMC 23.84.024 Amended. Subsection ""Low-income housing TDR site" of section  
19 23.84.024 of the Seattle Municipal Code is amended as follows:

20 **23.84.024 "L."**

21 \*\*\*

22 "Low-income housing TDR site" means a lot meeting the following requirements:

23 1. The lot is located in any Downtown zone except PMM, DH-1, and DH-2 zones;

24



1           Section 63. Earlier repeals to be given full effect. In the event any section or subsection of the  
2 Seattle Municipal Code purported to be amended herein has heretofore been repealed, that earlier repeal  
3 shall be given full effect, and nothing in this ordinance shall be construed to re-enact or preserve that  
4 section or subsection.

5           Section 64. Subsequent Ordinances to refer to this ordinance. It is the express intent of the City  
6 Council that, in the event a subsequent ordinance refers to a position or office that was abolished by this  
7 ordinance, that reference shall be deemed to be to the new superseding office or position created by this  
8 ordinance, and shall not be construed to resurrect the old position or office unless the subsequent  
9 ordinance expressly so provides by reference to this ordinance.

10          Section 65. Subsequent amendments to be interpreted in light of this ordinance. It is the express  
11 intent of the City Council that, in the event a subsequent ordinance refers to or amends a section or  
12 subsection of the Seattle Municipal Code amended herein, but the later ordinance fails to account for the  
13 change made by this ordinance, the two sets of amendments should be given effect together if at all  
14 possible.

15          Section 66. Typographical errors to be disregarded. It is the express intent of the City Council  
16 that this ordinance makes only those changes to the Seattle Municipal Code shown by striking out,  
17 inside double parentheses, text to be deleted, and underlining text to be added. To this end, errors in  
18 showing the pre-existing Seattle Municipal Code text are to be disregarded, and no change in the Seattle  
19 Municipal Code is intended thereby.

20          Section 67. Section Headings. The section headings in this ordinance are for reference purposes  
21 only. They have no legal effect, and shall not be codified.

22          Section 68. Ordinance to be published. The City Clerk shall publish in the City's legal  
23 newspaper the title and the first fifteen (15) sections of this ordinance, and a numerical tabulation by  
24

1 Seattle Municipal Code number or Ordinance number of the sections or subsections that are amended by  
2 sections \_\_ through \_\_ of this ordinance as the summary of this ordinance, and state as part of that  
3 publication that the entire text may be examined electronically at <http://clerk.ci.seattle.wa.us> on the  
4 Internet, or in paper form at the offices of the City Clerk, First Floor, Seattle Municipal Building, 600  
5 Fourth Avenue, Seattle, WA 98104, or will be mailed upon request.

6 Section 69. Severability. The several provisions of this ordinance are declared to be separate  
7 and severable and the invalidity of any clause, sentence, paragraph, subdivision, section, or portion of  
8 this ordinance, or the invalidity of the application thereof to any person or circumstance, shall not affect  
9 the validity of the remainder of this ordinance or the validity of its application to other persons or  
10 circumstances.

11 Section 70. Ratification of consistent prior acts. Any act consistent with the authority and prior  
12 to the effective date of this ordinance is hereby ratified and confirmed.

13 Section 71. Effective Date. Sections \_\_ through \_\_ of this ordinance shall take effect January 1,  
14 1999. (These blanks here and in what is at the moment section 61 can't be filled in until we have the  
15 ordinance text finalized.)

16 Section 72. This ordinance shall take effect and be in force thirty (30) days from and after its  
17 approval by the Mayor, but if not approved and returned by the Mayor within ten (10) days after  
18 presentation, it shall take effect as provided by Municipal Code Section 1.04.020.

19 Passed by the City Council the \_\_\_\_ day of \_\_\_\_\_, 1998, and signed by me in open  
20 session in authentication of its passage this \_\_\_\_ day of \_\_\_\_\_, 1998.

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

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Approved by me this \_\_\_\_ day of \_\_\_\_\_, 1998.

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\_\_\_\_\_  
Mayor Paul Schell

Filed by me this \_\_\_\_\_ day of \_\_\_\_\_, 1998.

\_\_\_\_\_  
City Clerk

(Seal)

STATE OF WASHINGTON - KING COUNTY

100349  
City of Seattle, City Clerk

-ss.

No. CODE

Affidavit of Publication

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

CTOT: 119273 & INDEX

was published on

12/23/98

The amount of the fee charged for the foregoing publication is the sum of \$ \_\_\_\_\_, which amount has been paid in full.

Subscribed and sworn to before me on

12/23/98

Notary Public for the State of Washington,  
residing in Seattle

# City of Seattle

## TITLE AND SECTIONS ONLY PUBLICATION ALONG WITH FIRST FIFTEEN (15) SECTIONS IN FULL

The entire text may be examined electronically at <http://seattlelink.ci.seattle.wa.us> on the Internet, or in paper form at the Office of the Clerk, 1st Floor, Seattle Municipal Building, 400 4th Avenue, Seattle, 98104, or will be mailed at no cost, upon request for two months after this publication. For further information, contact the Seattle City Clerk Office at 684-8344.

### ORDINANCE NO. 119273

AN ORDINANCE relating to the organization of City government; creating an Office of Housing within the Executive Department; remaining in the Department of Housing and Human Services or the Human Services Department; establishing the powers and duties of the Office of Housing; reassigning certain housing functions currently performed by the Department of Housing; creating a new Housing Operating Fund; redefining the Department of Housing and Human Services Operating Fund; making provisions for transition and transfer; and, repealing, amending and adding various provisions throughout the Seattle Municipal Code in connection with the reorganization.

### AMENDMENTS TO CODE SECTIONS

Section 18 of Ordinance 119273 amended - SECTION 3.20.030 DIRECTOR DUTIES.

Section 19 of Ordinance 119273 amended - SECTION 3.20.040 DIVISION OF THE DEPARTMENT.

Section 20 of Ordinance 119273 amended - SECTION 3.20.080 DIVISION CREATED PURPOSE.

Section 21 of Ordinance 119273 amended - SECTION 3.20.120 DIRECTOR-CREATED DUTIES.

Section 22 of Ordinance 119273 amended - SECTION 3.40.040 ANNUAL COOPERATIVE AGREEMENTS.

Section 23 of Ordinance 119273 amended - SECTION 3.60.050 MEETING OF THE COMMISSION.

Section 24 of Ordinance 119273 amended - SECTION 3.60.010 APPLICATIONS FOR APPROVAL.

Section 25 of Ordinance 119273 amended - SECTION 3.20.320(C) TDR BANK CREATION.

Section 26 of Ordinance 119273 amended - SECTION 3.68.070 CHILDREN AND YOUTH COMMISSION ACCOUNT.

Section 27 of Ordinance 119273 amended - SECTION 5.76.060 EXPENDITURES - OFFICE OF HOUSING.

Section 28 of Ordinance 119273 add new section - SECTION 5.78.190 EXPENDITURES - HUMAN SERVICES DEPARTMENT.

Section 29 of Ordinance 119273 amended - SECTION 21.04.200(B) CERTIFICATION AND FUNDING OF WATER AND SEWER INFRASTRUCTURE EXPANSIONS.

Section 30 of Ordinance 119273 amended - SECTION 21.49.040(C) RESIDENTIAL RATE ASSISTANCE (SCHEDULE 2073).

Section 31 of Ordinance 119273 amended - SECTION 21.52.020 ELIGIBILITY-LOW-INCOME ELDERLY.

Section 32 of Ordinance 119273 amended - SECTIONS 21.52.200(B) AND (D) PROGRAM COMPONENTS.

Section 33 of Ordinance 119273 amended - SECTION 21.50.250 LOW-INCOME ELECTRIC PROGRAM (LIEP).

Section 34 of Ordinance 119273 amended - SECTION 21.53.250 ENERGY CONSERVATION MEASURES DESCRIBED.

Section 35 of Ordinance 119273 amended - SECTION 21.76.010 PROGRAM ESTABLISHED-PURPOSE-ADMINISTRATION.

Section 36 of Ordinance 119273 amended - SECTION 21.76.030(C) QUALIFICATION.

Section 37 of Ordinance 119273 amended - SECTION 21.76.040 UTILITY LOW INCOME RATES ASSISTANCE.

Section 38 of Ordinance 119273 amended - SECTION 21.60.900 METHOD OF RECEIVING CREDIT.

Section 39 of Ordinance 119273 amended - SECTION 21.76.070 VIOLATION-PENALTY.

Section 40 of Ordinance 119273 amended - SECTION 22.220.080(B).

Section 41 of Ordinance 119273 amended - SECTION 22.220.090 LOANS AND GRANTS TO OWNERS.

Section 42 of Ordinance 119273 amended - SECTION 22.220.100(C) DOWNTOWN HOUSING MAINTENANCE ACCOUNT.

Section 43 of Ordinance 119273 amended - SECTIONS 22.220.130 (B)(4) AND (D) FAILURE TO REPAIR OR REPAIR ADMINISTRATIVE INVESTIGATION AND DETERMINATION.

Section 44 of Ordinance 119273 amended - SECTION 23.22.024 DISTRIBUTION OF PRELIMINARY PLANS.

Section 45 of Ordinance 119273 amended - SECTION 23.49.030 PRIORITY LANDMARK THEATER TRD FROM LANDMARK PERFORMING ARTS THEATERS IN CERTAIN DOWNTOWN ZONES.

Section 46 of Ordinance 119273 amended - SECTIONS 23.49.050(A) AND (D) DOWNTOWN OFFICE CORE 1, RATIOS FOR PUBLIC BENEFIT FEATURES.

Section 47 of Ordinance 119273 amended - SECTION 23.49.052(D) DOWNTOWN OFFICE CORE 1, TRANSFER OF DEVELOPMENT RIGHTS.

Section 48 of Ordinance 119273 amended - SECTION 23.49.070(A) AND (D) DOWNTOWN OFFICE CORE 1, RATIOS FOR PUBLIC BENEFIT FEATURES.

Section 49 of Ordinance 119273 amended - SECTION 23.49.072(D) DOWNTOWN OFFICE CORE 2, TRANSFER OF DEVELOPMENT RIGHTS.

Section 50 of Ordinance 119273 amended - SECTION 23.49.100(A) DOWNTOWN RETAIL CORE, RATIOS FOR PUBLIC BENEFIT FEATURES.

Section 51 of Ordinance 119273 amended - SECTION 23.49.100(B) DOWNTOWN RETAIL CORE, TRANSFER OF DEVELOPMENT RIGHTS.

Section 52 of Ordinance 119273 amended - SECTION 23.49.120(A) DOWNTOWN MIXED COMMERCIAL, RATIOS FOR PUBLIC BENEFIT FEATURES.

Section 53 of Ordinance 119273 amended - SECTION 23.49.120(D) DOWNTOWN MIXED COMMERCIAL, TRANSFER OF DEVELOPMENT RIGHTS.

Section 54 of Ordinance 119273 amended - SECTION 23.49.120(E) DOWNTOWN MIXED COMMERCIAL, TRANSFER OF DEVELOPMENT RIGHTS.

Section 55 of Ordinance 119273 amended - SECTION 23.49.120(F) DOWNTOWN MIXED COMMERCIAL, TRANSFER OF DEVELOPMENT RIGHTS.

Section 56 of Ordinance 119273 amended - SECTION 23.49.120(G) DOWNTOWN MIXED COMMERCIAL, TRANSFER OF DEVELOPMENT RIGHTS.

Section 57 of Ordinance 119273 amended - SECTION 23.49.120(H) DOWNTOWN MIXED COMMERCIAL, TRANSFER OF DEVELOPMENT RIGHTS.

Section 58 of Ordinance 119273 amended - SECTION 23.49.120(I) DOWNTOWN MIXED COMMERCIAL, TRANSFER OF DEVELOPMENT RIGHTS.

Section 59 of Ordinance 119273 amended - SECTION 23.49.120(J) DOWNTOWN MIXED COMMERCIAL, TRANSFER OF DEVELOPMENT RIGHTS.

Services Operating Fund, making provisions for transition and transfer, and, repealing, amending, and adding various provisions throughout the Seattle Municipal Code in connection with the reorganization.

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

Section 1. Office of Housing Created. From and after January 1, 1999, there shall be a new office within the Executive Department known as the Office of Housing.

Section 2. Department of Housing and Human Services Renamed; Responsibility Housing Activities Transferred.

A. On and after January 1, 1999, the Department of Housing and Human Services shall be known as the Human Services Department. From and after that date, except as provided elsewhere in this or another ordinance, all the functions, responsibilities, agreements, obligations, authorizations, powers, equipment, records, appropriations, assets, and facilities of the former Department of Housing and Human Services pertaining to housing activities shall belong to the Office of Housing and the Director of Housing is authorized to incur any expense all City responsibilities, duties, obligations and powers related to housing activities therefore. From and after that date, the Department of Housing and Human Services, including without limitation any such responsibilities, duties, obligations and powers that may be created by ordinance after the effective date of this ordinance, unless otherwise expressly stated in the later ordinance.

B. For purposes of this ordinance, unless the context otherwise clearly requires, "housing activities" shall mean housing development, applying for and ensuring compliance with conditions for loans, grants and other agreements to finance or subsidize housing, housing specific, organization and rehabilitation, purchase, sale or lease of property for housing, management of City property held for use for housing purposes, housing affordability, operating subsidies, assistance to tenants, owners, and transfer of development rights. It shall specifically include all programs provided for by Ordinance 117711, or its successors. Provided, that except as may be provided in any interdepartmental memorandum approved by Mayor, "housing activities" shall not include rental assistance, any activities related to emergency shelters, or administration of federal assistance provided under the Housing Opportunities for Persons with AIDS program or provided for the homeless under the McKinney Act, even if such assistance is used for housing purposes described above.

### Section 3. Current Rules and Policies To Continue.

From and after January 1, 1999, all rules, regulations, policies, notices, schedules and proceedings in effect on that date with respect to City housing activities of the former Department of Housing and Human Services shall continue to have the same force and effect, unless and where they expire of their own terms or are superseded, but the new powers and responsibilities of the Director of the Department of Housing and Human Services associated with housing activities shall be vested in and performed by the Director of the Office of Housing unless otherwise provided by this or another ordinance.

### Section 4. Housing Operating Fund Created.

There is hereby created a Housing Operating Fund for deposit funds to be used for operating expenditures of the Office of Housing.

### Section 5. Housing and Human Services Operating Fund Redesignated; Authority to Reallocate Funds.

The Housing and Human Services Operating Fund is redesignated as the Human Services Operating Fund. The Executive Services Director, and the authority, by the Mayor, shall reallocate assets and liabilities from the former Housing and Human Services Fund to the Human Services Operating Fund, in order to effectuate this ordinance.

### Section 6. Authority and Jurisdiction for Housing Activities Transferred to Director of Housing.

From and after January 1, 1999, any requirement of any contract, deed, lease, instrument, ordinance, rule, plan or policy that the approval, consent, certification or signature of the Director of the Department of Housing and Human Services be obtained for any purpose related to housing activities (including without limitation the development, financing, construction, management, purchase, sale, leasing, affordability or occupancy of housing) shall be satisfied by the approval, consent, certification or signature of the case may be, of the Director of Housing or the Director's designee, unless otherwise expressly provided by ordinance. From and after January 1, 1999, any real property for interests therein used or intended to be used for housing activities under the jurisdiction of the Department of Housing and Human Services as of December 31, 1998 shall be under the jurisdiction of the Office of Housing.

### Section 7. Authority over Personnel Matters Designated.

From and after January 1, 1999, the Director of the Office of Housing shall have the power to appoint, assign, supervise, and control all the officers and employees in the Office of Housing, and the Director of the Human Services Department shall have the power to appoint, assign, supervise, and control all the officers and employees in the Human Services Department.

### Section 8. Assignment of Personnel.

Except as set forth in this ordinance, the adopted City Budget or other action by ordinance shall determine the establishment, organization and reassignment of positions in the Office of Housing and the Human Services Department.

### Section 9. Subchapter M, Chapter 3.14 SMC Redesignated; Subchapter M, Chapter 3.14 of the Seattle Municipal Code is Redesignated "Office of Housing."

Section 10. Office Created - Mission Statement. A new section 3.14.700 is added to the Seattle Municipal Code as follows:

### 3.14.700 OFFICE OF HOUSING CREATED - MISSION.

A. There is established in the Executive Department an Office of Housing. The mission of the Office of Housing is to facilitate the substantial development of housing units for individuals earning zero to 120% of median income (low to moderate income households) via identification and leveraging of public and private resources for such development; to increase the preservation of existing affordable multi-family and single family housing; and to create and operate an efficient, effective organizational structure which aids in the accomplishment of this mission.

B. The intent of this section is to state generally the mission and activities of the Office. This section shall not be construed to create, establish or designate any particular class or groups of persons who will or should be especially protected or benefited by the provisions of this ordinance.

removed by the Mayor upon filing a statement of his or her reasons therefor with the City Council. The Director of the Office of Housing may be referred to as the Director of Housing.

Section 13. New Section Added - Duties of Director. A new section 3.14.730 is added to the Seattle Municipal Code as follows:

### 3.14.730 DIRECTOR - DUTIES.

Under the direction of the Mayor, the duties of the Director of Housing are as follows:

A. Oversee and manage the functions of the Office of Housing as set forth in section 3.14.700.

B. Such other functions and duties as may be assigned by ordinance.

Section 14. New Section Added - Ancillary Duties. A new section 3.14.740 is added to the Seattle Municipal Code as follows:

### 3.14.740 DIRECTOR - ANCILLARY DUTIES.

In order to carry out office functions, the Director of Housing shall have the power to:

A. Appoint, remove, assign, supervise and control all the officers and employees in the Office of Housing in accordance with applicable civil service ordinance and rules;

B. Manage the preparation of the proposed budget for the Office of Housing; authorize appropriate expenditures and carry out the adopted budget; supervise the maintenance of adequate accounting systems and procedures; develop and manage programs; and undertake authorized activities;

C. Execute, deliver, enforce, modify, accept, administer, perform and enforce such agreements (including without limitation agreements for expert and consultant services, interdepartmental agreements, and agreements with other public entities), instruments, and other documents as he or she shall deem necessary or appropriate to implement ordinances, policies and programs, consistent with applicable laws and ordinances;

D. Collect amounts owing to the City under housing financing documents and contracts relating to housing development or to the sale of property for housing, and in the administration of the foregoing, subordinate all other interests in the City, compromise the City's claims or interests, and release parties and property from obligations and interests in favor of the City, all as he or she shall deem necessary or appropriate to the interests of the City and subject to applicable laws;

F. Grant and modify leases of real property under the jurisdiction of the Office of Housing, subject to SMC Section 3.14.300, and grant licenses for temporary use of such property, and prescribe and collect rents or charges therefor.

G. Apply to the federal and State governments for funding available for housing, and take all such actions as may be necessary to comply with federal and State requirements respecting the use of such funds when they are included in the adopted budget of the City or their acceptance is otherwise authorized by ordinance;

H. Promulgate and amend, in accordance with the City Administrative Code, rules and policies to carry out Office of Housing activities, provided that no such regulations or policy shall confer any rights or entitlement upon any person, entity, class or group, nor undertake any legal duty to any person, entity, class or group.

### Section 15. New Section - Submittal of Work Program. A new section 3.14.750 is added to the Seattle Municipal Code as follows:

### 3.14.750 WORK PROGRAM TO BE ADOPTED BY CITY COUNCIL.

This annual work program for the Office of Housing, showing anticipated tasks, likely work products, and approximate assignments of FTEs shall be set by the City Council. The Council's review of the work program shall be in two (2) steps:

A. The Director of Housing shall submit a preliminary proposed work program for the following year to the City Council no later than October 1 of the current year for review during the budget process.

B. By January 15 of the following year, the Director of Housing shall submit a revised proposed work program to the City Council. During the first quarter, the City Council shall adopt a resolution setting the final work program for the Office of Housing. This resolution shall guide the work of the Office throughout the year, and any significant changes to the work shall require Council approval.

### Section 16. Chapter 3.20 SMC Redesignated; Chapter 3.20 is Redesignated "Human Services Department."

Section 17. SMC 3.20.010 Amended. Section 3.20.010 of the Seattle Municipal Code is amended as follows:

### 3.20.010 DEPARTMENT CREATED - PURPOSE.

Purification ordered by JUDITH PIPIN, City Clerk.

Date of official publication in Daily Journal of Commerce, Seattle, December 23, 1998. 11223109349

NOTICE: IF THE DOCUMENT IN THIS FRAME IS LESS CLEAR THAN THIS NOTICE IT IS DUE TO THE QUALITY OF THE DOCUMENT.

...and the Director of Housing is authorized to perform and exercise all City responsibilities, duties, obligations and powers related to housing activities...

AMENDMENTS TO CODE SECTIONS

Section 18 of Ordinance 119273 amended - SECTION 3.20.030 DIRECTOR DUTIES.

Section 19 of Ordinance 119273 amended - SECTION 3.20.040 DIVISION OF THE DEPARTMENT.

Section 20 of Ordinance 119273 amended - SECTION 3.20.050 DIVISION CREATED PURPOSE.

Section 21 of Ordinance 119273 amended - SECTION 3.20.120 DIRECTOR CREATED DUTIES.

Section 22 of Ordinance 119273 amended - SECTION 3.20.040 ANNUAL COOPERATIVE AGREEMENTS.

Section 23 of Ordinance 119273 amended - SECTION 3.20.050 MEETING OF THE COMMISSION.

Section 24 of Ordinance 119273 amended - SECTION 3.20.110.010 APPLICABILITY FOR APPLICABLE.

Section 25 of Ordinance 119273 amended - SECTION 3.20.320(D) TDR BANK CREATION.

Section 26 of Ordinance 119273 amended - SECTION 3.20.070 CHILDREN AND YOUTH COMMISSION ACCOUNT.

Section 27 of Ordinance 119273 amended - SECTION 3.20.060 EX-PENDITURES - OFFICE OF HOUSING.

Section 28 of Ordinance 119273 and new section - SECTION 3.20.190 EXPENDITURES - HUMAN SERVICES DEPARTMENT.

Section 29 of Ordinance 119273 amended - SECTION 3.20.110.010 (21.04.200) - CERTIFICATION AND FUNDING OF WATER AND SEWER INFRASTRUCTURE EXTENSIONS.

Section 30 of Ordinance 119273 amended - SECTION 3.20.040 (H) RESIDENTIAL RATE ASSISTANCE (SCHEDULE 7027).

Section 31 of Ordinance 119273 amended - SECTION 3.20.020 ELIGIBILITY-LOW-INCOME ELDERLY.

Section 32 of Ordinance 119273 amended - SECTIONS 3.20.230(B) AND 3.20.240 PROGRAM COMPONENTS.

Section 33 of Ordinance 119273 amended - SECTION 3.20.280 LOW-INCOME ELECTRIC PROGRAM (P).

Section 34 of Ordinance 119273 amended - SECTION 3.20.260 ENERGY CONSERVATION MEASURES DESCRIBED.

Section 35 of Ordinance 119273 amended - SECTION 3.20.010 TRIGRAM - ESTABLISHED-PURPOSE-ADMINISTRATION.

Section 36 of Ordinance 119273 amended - SECTION 3.20.030(C) QUALIFICATION.

Section 37 of Ordinance 119273 amended - SECTION 3.20.040 (H) LOW INCOME RATES ASSISTANCE.

Section 38 of Ordinance 119273 amended - SECTION 3.20.060 METHOD OF RECEIVING CREDIT.

Section 39 of Ordinance 119273 amended - SECTION 3.20.070 VIOLATION-PENALTY.

Section 40 of Ordinance 119273 amended - SECTION 3.20.080(B).

Section 41 of Ordinance 119273 amended - SECTION 3.20.090 LOANS AND GRANTS TO OWNERS.

Section 42 of Ordinance 119273 amended - SECTION 3.20.100(D) DOWNTOWN HOUSING MAINTENANCE ACCOUNT.

Section 43 of Ordinance 119273 amended - SECTIONS 3.20.130 (B), (D) and (F) FAILING TO REPORT OR REPAIR ADMINISTRATIVE INVESTIGATION AND DETERMINATION.

Section 44 of Ordinance 119273 amended - SECTION 3.20.024 DISTRIBUTION OF PRELIMINARY PLANS.

Section 45 of Ordinance 119273 amended - SECTION 3.20.033 PRIORITY LANDMARK THEATER TDR FROM LANDMARK PERFORMING ARTS THEATERS IN CERTAIN DOWNTOWN ZONES.

Section 46 of Ordinance 119273 amended - SECTIONS 3.20.050(A) and (D) DOWNTOWN OFFICE CORE RATIOS FOR PUBLIC BENEFIT FEATURES.

Section 47 of Ordinance 119273 amended - SECTION 3.20.050(D) DOWNTOWN OFFICE CORE 1 TRANSFER OF DEVELOPMENT RIGHTS.

Section 48 of Ordinance 119273 amended - SECTION 3.20.070(A) AND (D) DOWNTOWN OFFICE CORE 2 RATIOS FOR PUBLIC BENEFIT FEATURES.

Section 49 of Ordinance 119273 amended - SECTION 3.20.070(D) DOWNTOWN OFFICE CORE 2 TRANSFER OF DEVELOPMENT RIGHTS.

Section 50 of Ordinance 119273 amended - SECTION 3.20.100(A) DOWNTOWN RETAIL CORNER DEVELOPMENT FOR PUBLIC BENEFIT FEATURES.

Section 51 of Ordinance 119273 amended - SECTION 3.20.100(D) DOWNTOWN RETAIL CORNER TRANSFER OF DEVELOPMENT RIGHTS.

Section 52 of Ordinance 119273 amended - SECTION 3.20.120(A) DOWNTOWN MIXED COMMERCIAL RATIOS FOR PUBLIC BENEFIT FEATURES.

Section 53 of Ordinance 119273 amended - SECTION 3.20.120(D) DOWNTOWN MIXED COMMERCIAL TRANSFER OF DEVELOPMENT RIGHTS.

Section 54 of Ordinance 119273 amended - SECTION 3.20.120(A) DOWNTOWN MIXED RESIDENTIAL RATIOS FOR PUBLIC BENEFIT FEATURES.

Section 55 of Ordinance 119273 amended - SECTION 3.20.150(D) DOWNTOWN MIXED RESIDENTIAL TRANSFER OF DEVELOPMENT RIGHTS.

Section 56 of Ordinance 119273 amended - SECTION 3.20.150(B) PIONEER SQUARE MIXED TRANSFER OF DEVELOPMENT RIGHTS.

Section 57 of Ordinance 119273 amended - SECTION 3.20.210(B) INTERNATIONAL DISTRICT MIXED TRANSFER OF DEVELOPMENT RIGHTS.

Section 58 of Ordinance 119273 amended - SECTION 3.20.210(D) COMBINED LOT DEVELOPMENT.

Section 59 of Ordinance 119273 amended - SECTION 3.20.210(D) INTERNATIONAL DISTRICT RESIDENTIAL TRANSFER OF DEVELOPMENT RIGHTS.

Section 60 of Ordinance 119273 amended - SECTION 3.20.024 "L".

Section 61 of Ordinance 119273 amended - SECTION 3.20.030 "P".

ORDINANCE NO. 119273

AN ORDINANCE relating to the organization of City government creating an Office of Housing within the Executive Department; reorganizing the Department of Housing and Human Services as the Human Services Department; establishing the powers and duties of the Office of Housing; reassigning certain housing functions currently performed by the Department of Housing and Human Services to the Office of Housing; creating a new Housing Operating Fund; redesignating the Department of Housing and Human

ing and the Director of Housing is authorized to perform and exercise all City responsibilities, duties, obligations and powers related to housing activities...

1. For purposes of this ordinance, unless the context otherwise clearly requires, "housing activities" shall mean housing development, applying for and securing compliance with conditions for loans, grants or assistance to finance, subsidize housing, housing repair, weatherization, and rehabilitation; purchase, sale or lease of property for housing; management of City property held or used for housing purposes; housing affordability; operating subsidies; assistance to home buyers and tenants of development rights. It shall specifically include all programs provided for by Ordinance 117411, or its successor. Provided that except as may be provided in any interdepartmental memorandum approved by the Mayor, "housing activities" shall not include rental assistance, any activities related to emergency shelter, or administration of federal assistance provided under the Housing Opportunity for Persons with AIDS program or provided for the homeless under the McKinney Act, even if such assistance is used for housing purposes described above.

Section 3 Current Rules and Policies To Continue.

From and after January 1, 1999, all rules, regulations, policies, notices, schedules and proceedings in effect on that date with respect to City housing activities of the former Department of Housing and Human Services shall continue to have the same force and effect, unless and until they expire of their own terms or are superseded, but the powers and responsibilities of the Director of the Department of Housing and Human Services associated with housing activities shall be vested in and performed by the Director of the Office of Housing unless otherwise provided by this or another ordinance.

Section 4 Housing Operating Fund Created.

There is hereby created a Housing Operating Fund for deposit of funds to be used for operating expenditures of the Office of Housing.

Section 5 Housing and Human Services Operating Fund Redesignated, Authority to Allocate Funds.

The Housing and Human Services Operating Fund is redesignated as the Human Services Operating Fund. The Executive Services Director, under the authority of the Mayor, shall reallocate assets and liabilities from the former Housing and Human Services Fund to either the Housing Operating Fund or the Human Services Operating Fund, in order to effectuate this ordinance.

Section 6 Authority and Jurisdiction for Housing Activities Transferred to Director of Housing.

From and after January 1, 1999, any requirement of any contract, deed, lease, instrument, ordinance, rule, plan or policy that the approval, consent, certification or signature of the Director of the Department of Housing and Human Services is obtained for any purpose related to housing activities shall continue to have the same force and effect, unless otherwise expressly provided by ordinance. From and after January 1, 1999, any real property (or interests therein) used or intended to be used for housing activities under the jurisdiction of the Department of Housing and Human Services as of December 31, 1998 shall be under the jurisdiction of the Office of Housing.

Section 7 Authority over Personnel Matters Designated.

From and after January 1, 1999, the Director of the Office of Housing shall have the power to appoint, assign, supervise, and control all the officers and employees of the Office of Housing, and the Director of the Human Services Department shall have the power to appoint, assign, supervise, and control all the officers and employees in the Human Services Department.

Section 8 Assignment of Personnel.

Except as set forth in this ordinance, the adopted City Budget or other actina by ordinance shall determine the establishment, organization, and reassignment of positions in the Office of Housing and the Human Services Department.

Section 9 Supervisor V. Chapter 3.14 of the Seattle Municipal Code is redesignated "Office of Housing."

Section 10, Office Created - Mission Statement. A new section 3.14.700 is added to the Seattle Municipal Code as follows:

3.14.700 OFFICE OF HOUSING CREATED - MISSION.

There is established in the Executive Department an Office of Housing. The mission of the Office of Housing is to facilitate the substantial development of housing units for individuals earning zero to 125% of median income (low to moderate income households) via the identification and leveraging of public and private resources for such development; to increase the preservation of existing affordable multi-family and single family housing; and to create and operate an efficient, effective organizational structure which aids in the accomplishment of this mission.

B. The intent of this section is to state generally the mission and activities of the Office. This section shall not be construed to create, establish or designate any particular class or groups of persons who will or should be especially protected or benefited, nor to create any entitlement to any benefits or services.

Section 11, New Section Added - Purpose. A new section 3.14.710 is added to the Seattle Municipal Code as follows:

3.14.710 OFFICE - PURPOSE.

The Office of Housing is established to develop and promote housing policies, programs and services. It shall act as coordinator and advocate in housing needs; to administer and coordinate the City housing policy, programs, and functions. The purposes of the Office of Housing are as follows:

A. Maintain and increase the City's strong commitment to the preservation and development of low-income housing;

B. Increase the supply of all types of housing in ways that enhance community;

C. Develop strategies for preserving existing affordable housing units;

D. Develop strategies that encourage greater preservation and utilization of existing housing stock to increase the supply of all types of housing;

E. Strengthen partnerships to leverage community resources and public and private dollars;

F. Develop leadership and expertise in housing project development, management, and finance in order to best support community housing efforts.

Section 12, New Section Added - Appointment and Removal of Director. A new section 3.14.720 is added to the Seattle Municipal Code as follows:

3.14.720 DIRECTOR OF THE OFFICE OF HOUSING - APPOINTMENT - REMOVAL.

The Director of the Office of Housing shall be appointed by the Mayor, subject to confirmation by a majority vote of all members of the City Council, and may be

activities. C. Execute, deliver, endorse, modify, accept, administer, perform and enforce such agreements (including without limitation agreements for repair and construction services, interdepartmental agreements, and agreements with other public entities, instrumental, and other documents on file or shall deem necessary or appropriate to implement ordinances, policies and programs consistent with applicable laws and ordinances;

D. Conduct matters relating to the City under housing financing agreements and contracts relating to housing development or to the sale of property for housing, and in the administration of the foregoing, subordinate liens or other interests of the City; suppress the City's claims or interests, and release parties and property from obligations and interests in favor of the City, or as the City may determine to be appropriate in the interests of the City and subject to applicable laws;

F. Grant and modify licenses of real property under the jurisdiction of the Office of Housing, subject to SMC Section 3.20.300, and grant licenses for temporary use of such property, and prescribe and collect rents or charges therefor;

G. Apply to the federal and State governments for funding available for housing, and take all such actions as may be necessary to comply with federal and State requirements respecting the use of such funds when they are included in the adopted budget of the City or their acceptance is otherwise authorized by ordinance;

H. Promulgate and amend in accordance with the City Administrative Code to the extent applicable, rules, regulations and policies to carry out Office of Housing activities; provided that no such rules, regulations or policy shall confer any rights or entitlement upon any person, entity, class or group, nor implicate any legal duty to any person, entity, class or group.

Section 15, New Section - Submittal of Work Program. A new section 3.14.750 is added to the Seattle Municipal Code as follows:

3.14.750 WORK PROGRAM TO BE ADOPTED BY CITY COUNCIL.

The annual work program for the Office of Housing, showing anticipated tasks, likely work products, and approximate assignments of FTEs shall be set by the City Council. The Council's review of the work program shall be in two (2) steps:

A. The Director of Housing shall submit a preliminary proposed work program for the City Council no later than October 1 of the current year for review during the budget process.

B. By January 15 of the following year, the Director of Housing shall submit a revised proposed work program to the City Council. During the first quarter, the City Council shall adopt a resolution setting the final work program for the Office of Housing. This resolution shall guide the work of the Office throughout the year, and any significant changes to the work shall require Council approval.

Section 16, Chapter 3.20 SMC Redesignated, Chapter 3.20 is redesignated "Human Services Department."

Section 17, SMC 3.20.010 Amended. Section 3.20.010 of the Seattle Municipal Code is amended as follows:

3.20.010 DEPARTMENT CREATED - PURPOSE.

Publication ordered by JUDITH PIP-PIN, City Clerk.

Date of official publication in Daily Journal of Commerce, Seattle, December 23, 1998. (S20000340)

NOTICE: IF THE DOCUMENT IN THIS FRAME IS LESS CLEAR THAN THIS NOTICE IT IS DUE TO THE QUALITY OF THE DOCUMENT.