

DEMOLITION HOUSING
Ordinance No. 123189

DEMOLITION HOUSING

The City of Seattle - Legislative Department

Council Bill No. 116642

Council Bill/Ordinance sponsored by: Samy Cannon
TC

An ordinance related to land use and zoning; amending Section 23.40.006 of the Seattle Municipal Code, to allow issuance of a permit for demolition of a residential use in a Single Family zone without first establishing a new use for a lot.

Committee Action:

Date	Recommendation	Vote
11-18-09	APPROVE AS AMENDED	5-0 SC, TB, TR, TG, NL
	- AMENDED NEXT PASSES	3-2 SC, TG, NL - YEA TB, TR - NAY

TC

This file is complete and ready for presentation to Full Council.

Full Council Action:

Date	Decision	Vote
11-23-09	Held to 12/7	
12-7-09	Passed	9-0

Related Legislation File: CF 310170

Date Introduced and Referred: <u>9.8.09</u>	To: (committee): <u>Planning, Land Use</u>
Date Re-referred:	To: (committee): <u>+ Neighborhoods</u>
Date Re-referred:	To: (committee):
Date of Final Action: <u>12-7-09</u>	Date Presented to Mayor: <u>12-8-09</u>
Date Signed by Mayor: <u>12.11.09</u>	Date Returned to City Clerk: <u>12.15.09</u>
Published by Title Only	Date Vetoed by Mayor:
Published in Full Text <input checked="" type="checkbox"/>	Date Passed Over Veto:
Date Veto Published:	Date Returned Without Signature: <u>Law Department</u>
Date Veto Sustained:	

ORDINANCE 123189

AN ORDINANCE related to land use and zoning; amending Section 23.40.006 of the Seattle Municipal Code, to allow issuance of a permit for demolition of a residential use in a Single Family zone without first establishing a new use for a lot.

WHEREAS, Seattle’s Land Use Code prohibits the issuance of a demolition permit for a structure containing housing without first establishing a new use of the lot by permit; and

WHEREAS, the limits placed on the issuance of permits for housing demolition were intended to discourage the demolition of habitable dwellings without reason; and

WHEREAS, the policy of the City is to prevent the loss of affordable housing units when no productive re-use of a lot is anticipated; and

WHEREAS, circumstances have arisen in which the condition of a vacant residential structure has attracted activity and behavior that is undesirable, and allowing the demolition of the structure is a better outcome in a neighborhood than preserving the nuisance; and

WHEREAS, limiting the allowance to demolish a residential structure to Single Family zones effectively limits the number of residential structures to which this ordinance will apply;
NOW, THEREFORE,

BE IT ORDAINED BY THE CITY OF SEATTLE AS FOLLOWS:

Section 1. Section 23.40.006 of the Seattle Municipal Code, which section was last amended by Ordinance 122901, is amended as follows:

23.40.006 Demolition of housing((:))

No demolition permit for a structure containing a dwelling unit shall be issued unless one of the following conditions is satisfied((:)), and provided that no permit for demolition of a structure containing a dwelling unit may be issued if the new use is for non-required parking:



1 A. The structure is a residential use in a Single Family zone that has been unoccupied
2 as rental housing for at least 12 consecutive months, unless such demolition aids expansion of an
3 adjacent non-residential use; or

4
5 ((A)) B. A permit or approval has been issued by the Director according to the
6 procedures set forth in Chapter 23.76, Procedures for Master Use Permits and Council Land Use
7 Decisions, to change the use of the structure or the premises(~~(; provided, that no demolition~~
8 ~~permit for a structure containing a dwelling unit may be issued if the new use is for nonrequired~~
9 ~~parking))); or~~

10
11 ((B)) C. A permit or approval has been issued by the Director to relocate the structure
12 containing a dwelling unit to another lot, whether within the City limits or outside the City limits,
13 to be used, on the new lot, as a dwelling unit; or

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15 ((C)) D. A complete building permit application for construction of a new principal
16 structure on the same lot as the structure to be demolished has been submitted to the Director, the
17 demolition permit application and the building permit application are categorically exempt from
18 review under Chapter 25.05, Environmental Policies and Procedures, the issuance of some other
19 approval is not required by Title 23 or Title 25 as a condition to issuing the demolition permit,
20 and the Director has approved a waste diversion plan pursuant to Section 23.40.007; or


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22 ((D)) E. Demolition of the structure is ordered by the Director for reasons of health and
23 safety under Chapter 22.206 or 22.208 of the Housing and Building Maintenance Code, or under
24 the provisions of the Seattle Building Code,
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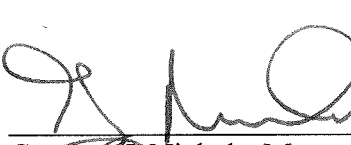
1 Section 2. This ordinance shall take effect and be in force thirty (30) days from and
2 after its approval by the Mayor, but if not approved and returned by the Mayor within ten (10)
3 days after presentation, it shall take effect as provided by Municipal Code Section 1.04.020.

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5 Passed by the City Council the 7th day of December, 2009, and
6 signed by me in open session in authentication of its passage this

7 7th day of December, 2009.

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9 _____
President _____ of the City Council

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11 Approved by me this 11th day of December, 2009.

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13 
14 _____
15 Gregory J. Nickels, Mayor

16 Filed by me this 15th day of December, 2009.

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18 
19 _____
City Clerk

20 (Seal)



FISCAL NOTE FOR NON-CAPITAL PROJECTS

Department:	Contact Person/Phone:	DOF Analyst/Phone:
Planning and Development	John Skelton/233-3883	Karen Grove/684-5805

Legislation Title:

An ordinance related to land use and zoning; amending Section 23.40.006 of the Seattle Municipal Code, to allow issuance of a permit for demolition of a residential use in a Single Family zone without first establishing a new use for a lot.

Summary of the Legislation: This legislation would exempt property owners in Single Family zones from needing to establish a new use by permit for a property before receiving a permit to demolish a residential structure.

Background:

Over the years, provisions have been enacted to control the unintended consequences land use actions may have on housing affordability. One regulation in particular was established to limit demolition of a structure containing one or more dwelling units until a permit decision was made authorizing a new use permitted on the site. The goal of this regulation was to prevent a reduction in the city's housing stock.

Disallowing the demolition of a structure until a new use is approved may suffice to deter untimely demolition of housing in most zones; however, in Single Family zones it may place a disproportionate burden on a property owner because of the more limited uses that could replace the existing house. Property where owners were not permitted to demolish the structures as desired by the neighborhood deteriorate and attract undesirable activities to the neighborhood.

Therefore, with limitations, the Department of Planning and Development (DPD) is recommending amendments to the Seattle Municipal Code (SMC) Section 23.40.006 to allow demolition of a single family structure in a Single Family zone without needing to first secure a permit for a new structure or use on the lot.

X This legislation does not have any financial implications.



ORDINANCE _____

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WHEREAS, Seattle’s Land Use Code prohibits the issuance of a demolition permit for a structure containing housing without first establishing a new use of the lot by permit; and

WHEREAS, the limits placed on the issuance of permits for housing demolition were intended to discourage the demolition of habitable dwellings without reason; and

WHEREAS, the policy of the City is to prevent the loss of affordable housing units when no productive re-use of a lot is anticipated; and

WHEREAS, circumstances have arisen in which the condition of a vacant residential structure has attracted activity and behavior that is undesirable, and allowing the demolition of the structure is a better outcome in a neighborhood than preserving the nuisance; and

WHEREAS, limiting the allowance to demolish a residential structure to Single Family zones effectively limits the number of residential structures to which this ordinance will apply;
NOW, THEREFORE,

BE IT ORDAINED BY THE CITY OF SEATTLE AS FOLLOWS:

Section 1. Section 23.40.006 of the Seattle Municipal Code, which section was last amended by Ordinance 122901, is amended as follows:

23.40.006 Demolition of housing((:))

No demolition permit for a structure containing a dwelling unit shall be issued unless one of the following conditions is satisfied((:)), and provided that no permit for demolition of a structure containing a dwelling unit may be issued if the new use is for non-required parking:



1 A. The structure is a residential use in a Single Family zone, unless such demolition
2 aids expansion of an adjacent non-residential use.

3 ~~((A))~~ B. A permit or approval has been issued by the Director according to the
4 procedures set forth in Chapter 23.76, Procedures for Master Use Permits and Council Land Use
5 Decisions, to change the use of the structure or the premises ~~((; provided, that no demolition~~
6 ~~permit for a structure containing a dwelling unit may be issued if the new use is for nonrequired~~
7 ~~parking))~~; or

8
9 ~~((B))~~ C. A permit or approval has been issued by the Director to relocate the structure
10 containing a dwelling unit to another lot, whether within the City limits or outside the City limits,
11 to be used, on the new lot, as a dwelling unit; or

12
13 ~~((C))~~ D. A complete building permit application for construction of a new principal
14 structure on the same lot as the structure to be demolished has been submitted to the Director, the
15 demolition permit application and the building permit application are categorically exempt from
16 review under Chapter 25.05, Environmental Policies and Procedures, the issuance of some other
17 approval is not required by Title 23 or Title 2 as a condition to issuing the demolition permit,
18 and the Director has approved a waste diversion plan pursuant to Section 23.40.007; or

19
20
21 ~~((D))~~ E. Demolition of the structure is ordered by the Director for reasons of health and
22 safety under Chapter 22.206 or 22.208 of the Housing and Building Maintenance Code, or under
23 the provisions of the Seattle Building Code.
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1 Section 2. This ordinance shall take effect and be in force thirty (30) days from and
2 after its approval by the Mayor, but if not approved and returned by the Mayor within ten (10)
3 days after presentation, it shall take effect as provided by Municipal Code Section 1.04.020.

4 Passed by the City Council the ____ day of _____, 2009, and
5 signed by me in open session in authentication of its passage this
6 ____ day of _____, 2009.

8 _____
9 President _____ of the City Council

10 Approved by me this ____ day of _____, 2009.

11 _____
12 Gregory J. Nickels, Mayor

13 Filed by me this ____ day of _____, 2009.

14 _____
15 City Clerk

16 (Seal)

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THIS VERSION IS NOT ADOPTED





City of Seattle

Gregory J. Nickels, Mayor

Office of the Mayor

August 25, 2009

Honorable Richard Conlin
President
Seattle City Council
City Hall, 2nd Floor

Dear Council President Conlin:

I am pleased to transmit the attached proposed Council Bill containing amendments to the Land Use Code that will exempt the demolition of residential structures in single family zones from the requirement of first securing a change of use or other permit to re-construct or use the property.

I determined these amendments were necessary after visiting properties in the Delridge neighborhood where single family structures had deteriorated and the property owners, who had no intention of reusing the structures or the lots in the foreseeable future, were not permitted to demolish the structures as desired by the neighborhood. In the meantime, the properties attract undesirable activities to the neighborhood. While the attached Bill retains the Code's intent to deter the unnecessary demolition of residential structures until such time as the property is slated to be redeveloped, preserving Seattle's housing stock as long as possible, it will allow us to address competing priorities when they arise.

Thank you for your consideration of this legislation. If you have questions regarding this proposal, please contact John Skelton at 233-3883.

Sincerely,

A large, stylized handwritten signature in black ink, appearing to read "Greg Nickels".

GREG NICKELS
Mayor of Seattle

cc: Honorable Members of the Seattle City Council

600 Fourth Avenue, 7th Floor, P.O. Box 94749, Seattle, WA 98124-4749

Tel: (206) 684-4000, TDD: (206) 684-8811 Fax: (206) 684-5360, E:mail: mayors.office@seattle.gov

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STATE OF WASHINGTON – KING COUNTY

--SS.

248449
CITY OF SEATTLE, CLERKS OFFICE

No.

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.

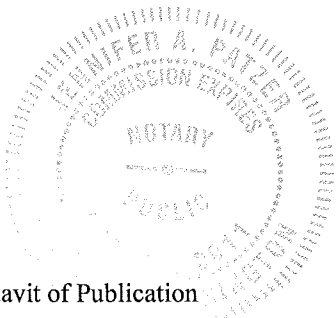
The notice in the exact form annexed, was published in regular issues of The Daily Journal of Commerce, which was regularly distributed to its subscribers during the below stated period. The annexed notice, a

CT:123189 ORDINANCE

was published on

12/17/09

The amount of the fee charged for the foregoing publication is the sum of \$ 148.58, which amount has been paid in full.



[Handwritten Signature]

Subscribed and sworn to before me on

12/17/09

[Handwritten Signature]

Notary public for the State of Washington,
residing in Seattle

Affidavit of Publication

State of Washington, King County

City of Seattle

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A. The structure is a residential use in a Single Family zone that has been unoccupied as rental housing for at least 12 consecutive months, unless such demolition aids expansion of an adjacent non-residential use; or

((A)) B. A permit or approval has been issued by the Director according to the procedures set forth in Chapter 23.76, Procedures for Master Use Permits and Council Land Use Decisions, to change the use of the structure or the premises((c- provided, that no demolition permit for a structure containing a dwelling unit may be issued if the new use is for nonrequired parking)); or

((B)) C. A permit or approval has been issued by the Director to relocate the structure containing a dwelling unit to another lot; whether within the City limits or outside the City limits, to be used, on the new lot, as a dwelling unit; or

((C))D. A complete building permit application for construction of a new principal structure on the same lot as the structure to be demolished has been submitted to the Director, the demolition permit application and the building permit application are categorically exempt from review under Chapter 25.05, Environmental Policies and Procedures, the issuance of some other approval is not required by Title 23 or Title 25 as a condition to issuing the demolition permit, and the Director has approved a waste diversion plan pursuant to Section 23.40.007; or

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Passed by the City Council the 7th day of December, 2009, and signed by me in open session in authentication of its passage this 7th day of December, 2009.

Richard Conlin

President of the City Council

Approved by me this 11th day of December, 2009.

Gregory J. Nickels, Mayor

Filed by me this 15th day of December, 2009.

Publication ordered by the City Clerk
Date of publication in the Seattle Daily
Journal of Commerce, December 17, 2009.
12/17(248449)