

Ordinance No. 124307

Council Bill No. ~~11787~~ 11787

AN ORDINANCE relating to land use and zoning, amending Section 23.45.516 of the Seattle Municipal Code to modify the criteria for lots eligible for additional height in Midrise zones.

### The City of Seattle – Legislative Department

Council Bill/Ordinance sponsored by: Richard Conlin

#### Committee Action:

Date	Recommendation	Vote
9/19/13	pass	2-0 RC, MO

#### Related Legislation File:

Date Introduced and Referred: <u>8-5-13</u>	To: (committee): <u>Planning, Land Use and Sustainability Committee</u>
Date Re-referred:	To: (committee):
Date Re-referred:	To: (committee):
Date of Final Action: <u>9/30/13</u>	Date Presented to Mayor: <u>10/1/13</u>
Date Signed by Mayor: <u>10-8-13</u>	Date Returned to City Clerk: <u>10-8-13</u>
Published by Title Only <input checked="" type="checkbox"/>	Date Vetoes by Mayor:
Published in Full Text	
Date Veto Published:	Date Passed Over Veto:
Date Veto Sustained:	Date Returned Without Signature:

This file is complete and ready for presentation to Full Council. RC 9/19/13

#### Full Council Action:

Date	Decision	Vote
Sept. 30, 2013	Passed	9-0

*Law Department*

**CITY OF SEATTLE**  
**ORDINANCE** 124307  
**COUNCIL BILL** 117877

AN ORDINANCE relating to land use and zoning, amending Section 23.45.516 of the Seattle Municipal Code to modify the criteria for lots eligible for additional height in Midrise zones.

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

Section 1. Section 23.45.516 of the Seattle Municipal Code, last amended by Ordinance 124172, is amended as follows:

**23.45.516 Additional height and extra residential floor area in Midrise and Highrise zones**

A. General. Definitions in Section 23.58A.004 apply in this Section 23.45.516 unless otherwise specified. According to the provisions of this Section 23.45.516, Section 23.45.526, and Chapter 23.58A:

1. In MR, MR/85, and HR zones, extra residential floor area may be permitted up to the maximum limits allowed by Section 23.45.510; and

2. In MR and HR zones, additional height, above the base height limit, is permitted for structures that qualify for extra residential floor area, up to the maximum limits allowed by Sections 23.45.514 and 23.45.516.

B. Eligible lots. The following lots are eligible for extra residential floor area and, except in MR/85 zones, additional height:

1. Lots in MR or MR/85 zones in urban villages, urban centers and the Station Area Overlay District, except when the lot abuts a lot zoned single-family or is directly across an alley from a lot zoned single-family; and

2. Lots in HR zones((τ))

\* \* \*



1 Section 2. This ordinance shall take effect and be in force 30 days after its approval by  
2 the Mayor, but if not approved and returned by the Mayor within ten days after presentation, it  
3 shall take effect as provided by Seattle Municipal Code Section 1.04.020.

4 Passed by the City Council the 30<sup>th</sup> day of September, 2013, and  
5 signed by me in open session in authentication of its passage this  
6 30<sup>th</sup> day of September, 2013.

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

10 Approved by me this 8<sup>th</sup> day of October, 2013.

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13 Michael McGinn, Mayor

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15 Filed by me this 8<sup>th</sup> day of October, 2013.

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18 Monica Martinez Simmons, City Clerk

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20 (Seal)

**FISCAL NOTE FOR NON-CAPITAL PROJECTS**

<b>Department:</b>	<b>Contact Person/Phone:</b>	<b>CBO Analyst/Phone:</b>
Planning & Development	Brennon Staley 684-4625	Melissa Lawrie 684-5805

**Legislation Title:**

AN ORDINANCE relating to land use and zoning, amending Section 23.45.516 of the Seattle Municipal Code to modify the criteria for lots eligible for additional height in Midrise zones.

**Summary of the Legislation:**

This legislation would modify the criteria that lots must meet to be eligible for additional height in Midrise Zones. Currently, all Midrise-zoned lots in urban villages, urban centers and Station Area Overlay Districts are eligible for the bonus. This amendment would exclude lots that abut a single-family zoned lot or are directly across an alley from a single-family zoned lot.

**Background:**

This amendment is in response to comments received from the public that the additional height and floor area obtained through these incentives could be resulting in development that is incompatible with existing single-family zones that are immediately adjacent to the property.

DPD determined that parcels abutting or directly across an alley from single-family zoned lots represent about 11% of all Midrise incentive-eligible lots and about 21% of the incentive-eligible lots that are potentially redevelopable. Specific numbers are shown below.

	Incentive-Eligible Parcels Abutting or Directly Across an Alley from a SF zoned lot	Total Incentive- Eligible Parcels	Percentage
All lots	20.6 acres	189.1 acres	11%
Redevelopable lots only	12.5 acres	58.5 acres	21%

Given that the incentive can increase the floor area of a development by about 25% (from an FAR of 3.2 to 4.25), this amendment would reduce the total development capacity of Midrise zones by about 5%.

Please check one of the following:

**This legislation does not have any financial implications.**

**This legislation has financial implications.**



**Other Implications:**

- a) **Does the legislation have indirect financial implications, or long-term implications?**  
Yes. This legislation may reduce the amount of floor area in Midrise developments that about a single-family zoned lot or are directly across an alley from a single-family zoned lot. These developments may pay slightly lower permit fees.
- b) **What is the financial cost of not implementing the legislation?**  
None.
- c) **Does this legislation affect any departments besides the originating department?**  
No.
- d) **What are the possible alternatives to the legislation that could achieve the same or similar objectives?**  
No.
- e) **Is a public hearing required for this legislation?**  
Yes. The City Council will hold a hearing as part of their consideration of the legislation.
- f) **Is publication of notice with *The Daily Journal of Commerce* and/or *The Seattle Times* required for this legislation?**  
The notice for the Council public hearing will be published in the DJC.
- g) **Does this legislation affect a piece of property?**  
This legislation would affect the development regulations for various properties in the city zoned Midrise.
- h) **Other Issues:** None.

**List attachments to the fiscal note below:** None.





City of Seattle  
Office of the Mayor

July 30, 2013

Honorable Sally J. Clark  
President  
Seattle City Council  
City Hall, 2<sup>nd</sup> Floor

Dear Council President Clark:

I am pleased to transmit the attached proposed Council Bill, that excludes certain Midrise-zoned lots from using height and floor area bonuses if they are adjacent to single-family zoned lots. This legislation is intended to help ensure increased appropriate transitions in height and floor area between Midrise and single-family zones.

In 2009, the City Council adopted Ordinance 123209, which updated the City's multifamily zoning regulations and implemented a zoning incentive for multifamily properties that provide affordable housing. This incentive allows additional development potential in Midrise-zoned lots in urban villages, urban centers, and the Station Area Overlay Districts. While this incentive is appropriate in many areas, recent development proposals suggest that the incentive can result in buildings that do not provide a good transition well with adjacent single-family zones.

This proposal will help to ensure that new midrise buildings better fit the character of our existing neighborhoods. Thank you for your consideration of this legislation. Should you have questions, please contact Brennon Staley at 206-684-4625.

Sincerely,

Michael McGinn  
Mayor of Seattle

cc: Honorable Members of the Seattle City Council



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STATE OF WASHINGTON -- KING COUNTY

--SS.

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303586

No.

CITY OF SEATTLE, CLERKS OFFICE

**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 12<sup>th</sup> day of June, 1941, approved as a legal newspaper by the Superior Court of King County.

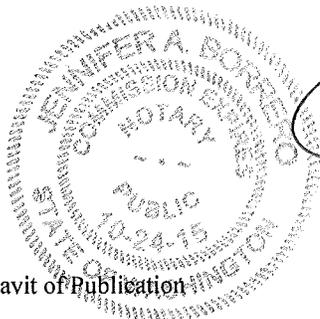
The notice in the exact form annexed, was published in regular issues of The Daily Journal of Commerce, which was regularly distributed to its subscribers during the below stated period. The annexed notice, a

CT:124304-320 TITLE ONLY

was published on

10/17/13

The amount of the fee charged for the foregoing publication is the sum of \$272.25 which amount has been paid in full.



Affidavit of Publication

*[Signature]*  
Subscribed and sworn to before me on

*[Signature]*  
10/17/2013

*[Signature]*  
Notary public for the State of Washington,  
residing in Seattle

## City of Seattle

The full text of the following legislation, passed by the City Council on September 30, 2013, and published below by title only, will be mailed upon request, or can be accessed at <http://clerk.seattle.gov>. For information on upcoming meetings of the Seattle City Council, please visit <http://www.seattle.gov/council/calendar>. Contact: Office of the City Clerk at (206) 684-8344.

### ORDINANCE NO. 124304

AN ORDINANCE repealing Chapter 6.255, relating to the distribution of yellow pages phone books, and amending Section 6.202.280 of the Seattle Municipal Code.

### ORDINANCE NO. 124305

AN ORDINANCE relating to land use and zoning; amending Sections 23.49.178 and 23.66.140 of the Seattle Municipal Code to allow development in Pioneer Square meeting certain requirements to attain a maximum height of 130 feet if a freestanding manufactured public restroom structure is acquired and installed and amending provisions for green building performance and rooftop features.

### ORDINANCE NO. 124306

AN ORDINANCE establishing a five-year SoDo (South of Downtown) Parking and Business Improvement Area; levying special assessments upon owners of property within the area; providing for the deposit of revenues in a special account and expenditures therefrom; providing for collection of and penalties for delinquencies; providing for the establishment of a Ratepayers Advisory Board; providing for an implementation agreement with a Program Manager; and ratifying and confirming certain acts related thereto.

### ORDINANCE NO. 124307

AN ORDINANCE relating to land use and zoning, amending Section 23.45.516 of the Seattle Municipal Code to modify the criteria for lots eligible for additional height in Midrise zones.

### ORDINANCE NO. 124308

AN ORDINANCE relating to City real property; authorizing the transfer of jurisdiction of certain property in Block 1, Wenzel Addition to the City of Seattle, commonly referred to as 1125 North 98th Street, from the Department of Information Technology to the City Light Department for electric system purposes; and authorizing the payment of true and full value by the City Light Department to the Department of Information Technology for this transfer.

### ORDINANCE NO. 124309

AN ORDINANCE related to the 2013 Budget; amending Ordinance 124058, which adopted the 2013 Budget, including the 2013-2018 Capital Improvement Program (CIP); changing appropriations to various departments and budget control levels, and from various funds in the Budget; adding new projects; revising project allocations for certain projects in the 2013-2018 CIP; creating positions; and ratifying and confirming certain prior acts; all by a 3/4 vote of the City Council.

## State of Washington, King County

### ORDINANCE NO. 124310

AN ORDINANCE authorizing, in 2013, acceptance of funding from non-City sources; authorizing the heads of the Executive Department, Seattle Police Department, Human Services Department, Department of Planning and Development, Department of Parks and Recreation, Department of Finance and Administrative Services, Department of Transportation, Seattle City Light, and Seattle Public Utilities to accept specified grants and private funding and to execute, deliver, and perform corresponding agreements; and ratifying and confirming certain prior acts.

### ORDINANCE NO. 124311

AN ORDINANCE authorizing acceptance of donations from public and private sources in support of University District planning efforts, and increasing appropriation authority in the 2013 Adopted Budget contingent upon receipt of said donations; and ratifying and confirming certain prior acts.

### ORDINANCE NO. 124312

AN ORDINANCE relating to rental registration and inspection; amending the title of Chapter 22.214 and Sections 22.214.010, 22.214.020, 22.214.030, 22.214.040, 22.214.045, 22.214.050, 22.214.060, 22.214.080, and 22.214.085; amending previously non-codified section 16 of Ordinance 124011; and adding new sections 22.214.086 and 22.214.087.

### ORDINANCE NO. 124313

AN ORDINANCE relating to Seattle Public Utilities; prohibiting certain recyclable materials from disposal in commercial garbage; and amending subsections A and B of Section 21.36.082 of the Seattle Municipal Code.

### ORDINANCE NO. 124314

AN ORDINANCE authorizing the Director of Finance and Administrative Services to enter into a lease agreement with the Port of Seattle, a Washington municipal corporation, for yard space to store jet grout spoils from the Elliott Bay Seawall Project, and ratifying and confirming certain prior acts.

### ORDINANCE NO. 124315

AN ORDINANCE relating to the Department of Finance and Administrative Services; authorizing the Director of the Department of Finance and Administrative Services to execute an amendment to a lease last authorized by Ordinance 122662, extending the City's lease of office space at 220 Third Avenue South in Seattle from PTL Property LP; and ratifying and confirming certain prior acts.

### ORDINANCE NO. 124316

AN ORDINANCE authorizing the Director of Finance and Administrative Services to enter into a lease agreement with Block 24 Seattle, LTD, L.P. for office space

in the Bank of America Fifth Avenue Plaza, for office use by various City Departments.

### ORDINANCE NO. 124317

AN ORDINANCE relating to City employment; authorizing the execution of a memorandum of understanding between the City of Seattle, City Light Department and the International Brotherhood of Electrical Workers, Local 77; and ratifying and confirming prior acts.

### ORDINANCE NO. 124318

AN ORDINANCE relating to City employment; authorizing execution of a collective bargaining agreement between the City of Seattle and the Seattle Police Dispatchers' Guild to be effective January 1, 2012 through December 31, 2013; providing payment therefor; and ratifying and confirming prior acts.

### ORDINANCE NO. 124319

AN ORDINANCE relating to City employment commonly referred to as the Second Quarter 2013 Employment Ordinance; designating positions as exempt from Civil Service status, amending Seattle Municipal Code Section 4.13.010, renaming a discretionary pay program, and ratifying and confirming prior acts; all by a 2/3 vote of the City Council.

### ORDINANCE NO. 124320

AN ORDINANCE appropriating money to pay certain audited claims and ordering the payment thereof.

Date of publication in the Seattle Daily Journal of Commerce, October 17, 2013.  
10/17(303586)