

**CITY OF SEATTLE**  
**ORDINANCE \_\_\_\_\_**  
**COUNCIL BILL \_\_\_\_\_**

AN ORDINANCE relating to land use and zoning; amending the Official Land Use Map, SMC 23.32.016, at pages 112 and 113 to rezone land in the 23rd & Union-Jackson Residential Urban Village; amending Sections 23.47A.009, 23.58A.014 and 23.58A.024 of the Seattle Municipal Code to adopt development standards for certain properties in the 23rd & Union-Jackson Residential Urban Village, and provide additional standards for off-site performance for affordable housing.

WHEREAS, Seattle maintains a commitment to a true partnership between neighborhoods and government in building innovative planning structures, visionary neighborhood plans and effective Action Plans; and

WHEREAS, in 1998, the City Council recognized the Central Area Neighborhood Plan; and

WHEREAS, the Central Area has a long history of welcoming people with different backgrounds and is centrally located neighborhood whose community is an inclusive multicultural fabric, and

WHEREAS, Central Area is the historic home of the African American Community in Seattle, the Black/African American population within the Central Area 23rd Ave. @ S Jackson-Union Urban Village declined from 64% in 1990 to 28% in 2010, while the White population increased from 16% to 44% in the same time period (census data); and

WHEREAS, from early 2013 through 2014, the Department of Planning and Development (DPD) and Department of Neighborhoods (DON) conducted significant public outreach, including to historically underrepresented communities, in the Central Area; and

WHEREAS, over 2,000 community members representing a cross section of the Central Area residents, business owners and stakeholders played an integral role in the planning process, as evidenced by 93 workshops and meetings that resulted in the creation of the 23rd Ave Action Plan (Union-Cherry-Jackson), the 23<sup>rd</sup> Ave (Union- Cherry- Jackson) Urban Design Framework, and proposed rezones for these three community nodes that reflect the visions of the Comprehensive Plan Central Area Neighborhood Planning Element; and

WHEREAS, on September 27, 2014, over 1,000 diverse community members, including those who continue to call the Central Area home even though they may now live elsewhere, returned to attend the Central Area Block Party and provide feedback on the 23rd Ave Action Plan (Union-Cherry-Jackson), Urban Design Framework (UDF) and proposed rezones; and

1  
2 WHEREAS, the community has demonstrated an on-going commitment to the 23rd Ave Action  
3 Plan (Union-Cherry-Jackson) as indicated by the 23rd Avenue Action Community Team  
4 (ACT), a community group who include the multiple interests and voices of the Central  
5 Area and who have been working together over the last two years to guide and lead the  
6 implementation of the Comprehensive Plan and visions of the Action Plan;  
7

8 WHEREAS on April 28, 2014, the City Council passed Ordinance 124458 amending the Seattle  
9 Comprehensive Plan to incorporate changes to the goals and policies in the Central Area  
10 Neighborhood Planning Element and the changes to the Future Land Use Map that were  
11 developed during the planning process of the 23rd Ave Action Plan (Union-Cherry-  
12 Jackson).  
13

14 WHEREAS on XXXX, 2015, the City Council passed Ordinance XXXXXX amending the  
15 Seattle Comprehensive Plan to incorporate additional changes to the goals and policies in  
16 the Central Area Neighborhood Planning Element and the Future Land Use Map which  
17 when combined with the 2014 Comprehensive Plan amendments reflect the overall  
18 community vision for the 23rd Ave community nodes at Union, Cherry and Jackson, and  
19 the Central Area; and  
20

21 WHEREAS the Council finds that the proposed rezone meets the Land Use Code rezone criteria  
22 contained in Chapter 23.34, Amendments to Official Land Use Map (Rezones)., as  
23 described in the DPD Director’s Report for this legislation; NOW, THEREFORE,  
24

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

26 Section 1. The Official Land Use Map, Chapter 23.32 of the Seattle Municipal Code, is  
27 amended to rezone properties identified on pages 112 and 113 of the Official Land Use Map, as  
28 shown on Exhibits A attached to this Ordinance.

29 Section 2. Section 23.47A.009 of the Seattle Municipal Code, last amended by Council  
30 Bill 124378, is amended as follows:

31 **23.47A.009 Standards applicable to specific areas**

32 A. Resolution of standards conflicts. To the extent there is a conflict between this  
33 Section 23.47A.009 and other sections of Title 23, the provisions of this Section 23.47A.009  
34 apply.

35 B. West Seattle Junction Hub Urban Village. The following provisions apply to  
36 development in the NC3 85(4.75) zone.

37 \* \* \*

1                   4. Setback and ~~((S))~~separation ~~((R))~~requirements~~((:))~~

2                               a. The following standards apply to structures greater than 250 feet in  
3 width measured parallel to a north-south street lot line:

4                                       1) A minimum separation of 30 feet is required between structures  
5 that are adjacent to the same north-south street lot line; and

6                                       2) A minimum setback of 15 feet is required from side lot lines  
7 that are not street side lot lines and that separate lots that abut the same north-south street lot line;  
8 and

9                                       3) Structures permitted in required setback and separation areas  
10 pursuant to subsections 23.47.A.009.F ~~((A.4.a and A.4.b are:))~~

11   a) ~~Decks with open railings may project up to 5 feet into~~  
12 ~~the required setback or separation area if they are no lower than 20 feet above existing or~~  
13 ~~finished grade. Decks may cover no more than 20 percent of the total setback or separation area.~~

14   b) ~~Eaves, cornices and gutters may project no more than 18~~  
15 ~~inches from the structure façade.~~

16   c) ~~Ramps or other devices necessary for access for the~~  
17 ~~disabled and elderly that meet Seattle Building Code, Chapter 11, are permitted.~~

18   d) ~~Stairs or ramps to accommodate changes in grade are~~  
19 ~~permitted.~~

20   e) ~~Underground structures are permitted.~~

21   f) ~~Within the setback area identified in subsection~~  
22 ~~23.47A.009.A.4.b, unenclosed porches or steps for residential units no higher than 4 feet above~~  
23 ~~the grade at the street lot line closest to the porch are permitted.))~~

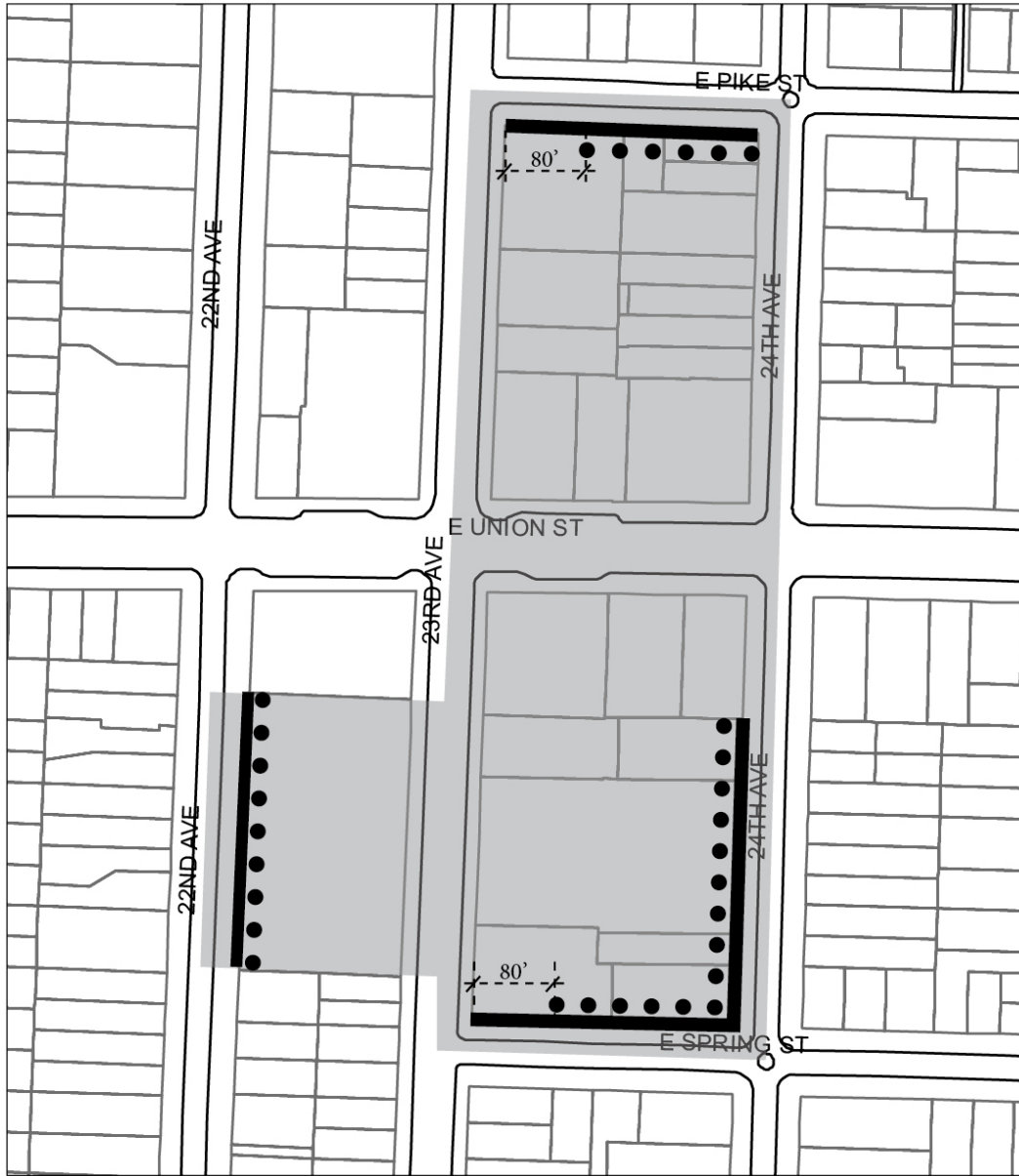
24   \* \* \*

25                   C. Reserved.

26                   D. Roosevelt Urban Village. The following provisions apply within the area shown on  
27 Map A for 23.47A.009.



**Standards Applicable to Specific Areas: 23<sup>rd</sup> & Union**



**Map B for 23.47A.009: Standards Applicable to Specific Areas: 23rd & Union**



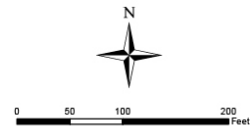
Area where 23rd & Union specific development standards apply



Street frontage where ground level and upper level setbacks are required



Street level residential uses are required



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1. Setback requirements. Setbacks are required in the area shown on Map B for 23.47A.009 as follows:

a. A minimum street level setback of 5 feet along the length of the street property line unless a larger setback is required by subsection 23.47A.008.D.2; and

b. a minimum upper level setback of 15 feet for all portions of a structure above a height of 35 feet above the average sidewalk grade.

c. Structures permitted in required setbacks are subject to 23.47A.009.F:

2. Street level residential uses. Street level residential uses are required in area shown on Map C for 23.47A.009 except for the portion of East Pike Street and East Spring Street within 80 feet of the property line on 23rd Avenue. Street frontage may contain uses accessory to a residential use including but not limited to residential access, open space or required amenity space.

F. Structures permitted in required setback and separation areas are as follows:

1. In West Seattle Junction Hub Urban Village, Roosevelt Urban Village, and 23rd and Union node of the 23rd & Union-Jackson Residential Urban Village, permitted structures include:

a. Balconies and decks with open railings may project up to 5 feet into the required setback area if they are no lower than 20 feet above existing or finished grade. Decks may cover no more than 20 percent of the total setback area.

b. Stoops or porches providing direct access to individual housing units may project up to 5 feet into the required ground level setback area, except that portions of stoops or porches not more than 2.5 feet in height from existing or finished grade, whichever is lower, may extend to a street lot line. The 2.5 foot height limit for stoops or porches does not apply to guard rails or hand rails. Such stoops or porches shall cover no more than 20 percent of the total ground level setback area.

c. Eaves, cornices, fireplaces, chimneys, and gutters may project no more than 18 inches into the setback.

d. Ramps or other devices necessary for access for the disabled and elderly that meet Seattle Building Code, Chapter 11.

e. Stairs or ramps to accommodate changes in grade

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f. Underground structures.

2. In addition to subsection 23.47A.009.F.1, in Roosevelt Urban Village, fences no greater than 4 feet in height are permitted in the required ground level setback, and up to 2 feet of additional height for architectural features such as arbors or trellises on the top of a fence is permitted. Fence height may be averaged along sloping grades for each 4 foot long segment of the fence, but in no case may any portion of the fence exceed 6 feet in height.

3. In addition to subsection 23.47A.009.F.1, in West Seattle Junction Hub Urban Village, unenclosed porches or steps for residential units no higher than 4 feet above the grade at the street lot line closest to the porch are permitted.

Section 3. Section 23.58A.014 of the Seattle Municipal Code, last amended by Ordinance 124172, is amended as follows:

**23.58A.014 Bonus residential floor area for affordable housing**

\* \* \*

B. Performance option

\* \* \*

7. Additional standards for on-site performance. If the affordable housing is provided within the development using the bonus residential floor area, the affordable housing shall be completed and ready for occupancy at or before the time when a certificate of occupancy is issued for any other units in the development using the bonus residential floor area, and as a condition to any right of the applicant to such a certificate of occupancy.

8. Additional standards for off-site performance. If the affordable housing is not provided within the development using the bonus residential floor area, it may be provided off-site according to the following standards:

a. ~~((Developments that use b))~~ Bonus residential floor area within specific neighborhoods:

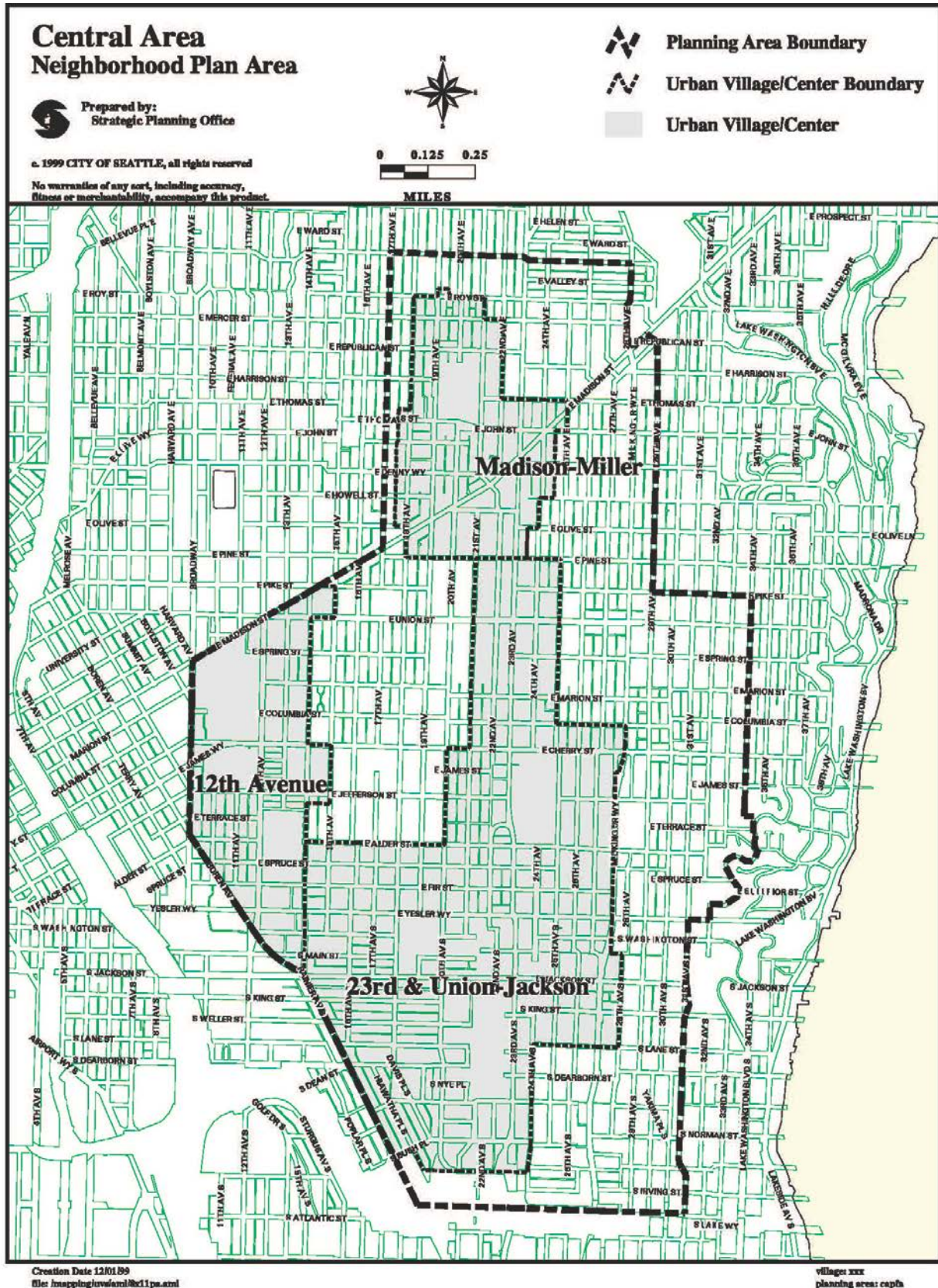
1) Development within the South Lake Union Urban Center must provide off-site affordable housing within the South Lake Union Urban Center.

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2) Development within the 23rd & Union-Jackson Residential  
Urban Village shall provide off-site affordable housing within the Central Area shown on  
Map A for 23.58A.014.

Map A for 23.58A.014 – Central Area Neighborhood Plan Area





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2                    b. Outside areas in 23.58A.014.B.8.a ~~the South Lake Union Urban~~, the  
3 applicant shall demonstrate to the satisfaction of the Director of Housing that the off-site  
4 affordable housing is located within the same urban center or village as the development using  
5 the bonus residential floor area or within 1 mile of the development using the bonus residential  
6 floor area or that it is infeasible for the off-site affordable housing to be located within this area.  
7 If the affordable housing is not located within the same urban center or village as the  
8 development using the bonus residential floor area or within 1 mile of the development using the  
9 bonus residential floor area, it shall be:

10                    1) located within Seattle city limits and within 0.5 mile of a light  
11 rail or bus rapid transit station; or

12                    2) if the applicant demonstrates that providing the affordable  
13 housing in such a location is also infeasible, then the Director of Housing may allow the  
14 affordable housing to be provided within the Seattle city limits and within 0.25 mile of a bus or  
15 streetcar stop.

16                    ((b))c. The applicant shall provide to the City an irrevocable letter of  
17 credit, or other sufficient security approved by the Director of Housing, prior to issuance and as a  
18 condition of issuance of any permit after the first building permit for the development using the  
19 bonus residential floor area and before any permit for any construction activity other than for  
20 excavation and shoring for the development is issued, unless completion of the affordable  
21 housing has already been documented to the satisfaction of the Director of Housing and the  
22 affordable housing is subject to recorded restrictions satisfactory to the Director of Housing. The  
23 letter of credit or other security shall be in an amount equal to the Payment Option amount  
24 calculated according to provisions in subsection 23.58A.014.C, plus an amount equal to interest  
25 on such payment. The Director of Housing is authorized to adopt, by rule, terms and conditions  
26 of such security including the amount of security and rate of annual interest, conditions on which

1 the City shall have a right to draw on the letter of credit or other security, and terms should the  
2 City become entitled to realize on any such security.

3 ((e))d. Any failure of the affordable housing to satisfy the requirements of  
4 this subsection 23.58A.014.B shall not affect the right to maintain or occupy the bonus  
5 residential floor area if the Director of Housing certifies to the Director that either:

6 1) the applicant has provided the City with a letter of credit or  
7 other sufficient security pursuant to subsection 23.58A.014.B.8.b; or

8 2) there have been recorded one or more agreements or instruments  
9 satisfactory to the Director of Housing providing for occupancy and affordability restrictions on  
10 affordable housing with the minimum floor area determined under this Section 23.58A.014, all  
11 affordable housing has been completed, and the affordable housing is on a different lot from the  
12 bonus residential floor area or is in one or more condominium units separate from the bonus  
13 residential floor area under condominium documents acceptable to the Director of Housing.

14 ((e))e. Unless and until the Director of Housing shall certify as set forth in  
15 subsection 23.58A.014.B.8.c, it shall be a continuing permit condition, whether or not expressly  
16 stated, for each development obtaining bonus residential floor area based on the provision of  
17 housing to which this Section 23.58A.014 applies, that the affordable housing shall be  
18 maintained in compliance with the terms of this Section 23.58A.014 and any applicable  
19 provisions of the zone, as documented to the satisfaction of the Director of Housing.

20 \* \* \*

21 Section 4. Section 23.58A.024 of the Seattle Municipal Code, last amended by  
22 Ordinance 124378, is amended as follows:

23 **23.58A.024 - Bonus non-residential floor area for affordable housing and child care**

24 \* \* \*

25 B. Performance option for housing

26 \* \* \*

1           7. Additional standards for on-site performance. If the affordable housing is  
2 provided within the development using the bonus non-residential floor area, the affordable  
3 housing shall be completed and ready for occupancy at or before the time when a certificate of  
4 occupancy is issued for any chargeable floor area in the development using the bonus non-  
5 residential floor area, and as a condition to any right of the applicant to such a certificate of  
6 occupancy.

7           8. Additional standards for off-site performance. If the affordable housing is not  
8 provided within the development using the bonus non-residential floor area, it may be provided  
9 off-site according to the following standards:

10           a. ~~((Developments that use b))~~ Bonus non-residential floor area within  
11 specific neighborhoods:

12                       1) Development within the South Lake Union Urban Center shall  
13 provide off-site affordable housing within the South Lake Union Urban Center or within one  
14 mile of the development using the bonus non-residential floor area and no more than 0.25 mile  
15 from the South Lake Union Urban Center boundary.

16                       2) Development within the 23rd & Union-Jackson Residential  
17 Urban Village shall provide off-site affordable housing within the Central Area shown on Map A  
18 for 23.58A.014.

19           b. Outside areas in 23.58A.024.B.8.a ~~((of the South Lake Union Urban))~~,  
20 the applicant shall demonstrate to the satisfaction of the Director of Housing that the off-site  
21 affordable housing is located within the same urban center or village as the development using  
22 the bonus residential floor area or within one mile of the development using the bonus non-  
23 residential floor area or that it is infeasible for the off-site affordable housing to be located within  
24 this area. If the affordable housing is not located within the same urban center or village as the  
25 development using the bonus residential floor area or within one mile of the development using  
26 the bonus non-residential floor area, it shall be located either:



1 affordable housing has been completed, and the affordable housing is on a different lot from the  
2 bonus nonresidential floor area or is in one or more condominium units separate from the bonus  
3 development under condominium documents acceptable to the Director of Housing.

4 ((e))e. Unless and until the Director of Housing certifies as set forth in  
5 subsection 23.58A.024.B.8.c, it shall be a continuing permit condition, whether or not expressly  
6 stated, for each development obtaining bonus nonresidential floor area based on the provision of  
7 housing to which this Section 23.58A.024 applies, that the affordable housing shall be  
8 maintained in compliance with the terms of this Section 23.58A.024 and any applicable  
9 provisions of the zone, as documented to the satisfaction of the Director of Housing.

10 \* \* \*

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

14 Passed by the City Council the \_\_\_\_ day of \_\_\_\_\_, 2015, and  
15 signed by me in open session in authentication of its passage this  
16 \_\_\_\_ day of \_\_\_\_\_, 2015.

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

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21 Approved by me this \_\_\_\_ day of \_\_\_\_\_, 2015.

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24 Edward B. Murray, Mayor

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Filed by me this \_\_\_\_ day of \_\_\_\_\_, 2015.

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

(Seal)

Attachment:

Exhibit A: 23rd & Union-Jackson Residential Urban Village – Union Rezone

### Exhibit A: 23rd Ave Action Plan (Union-Cherry-Jackson)-Union Rezone

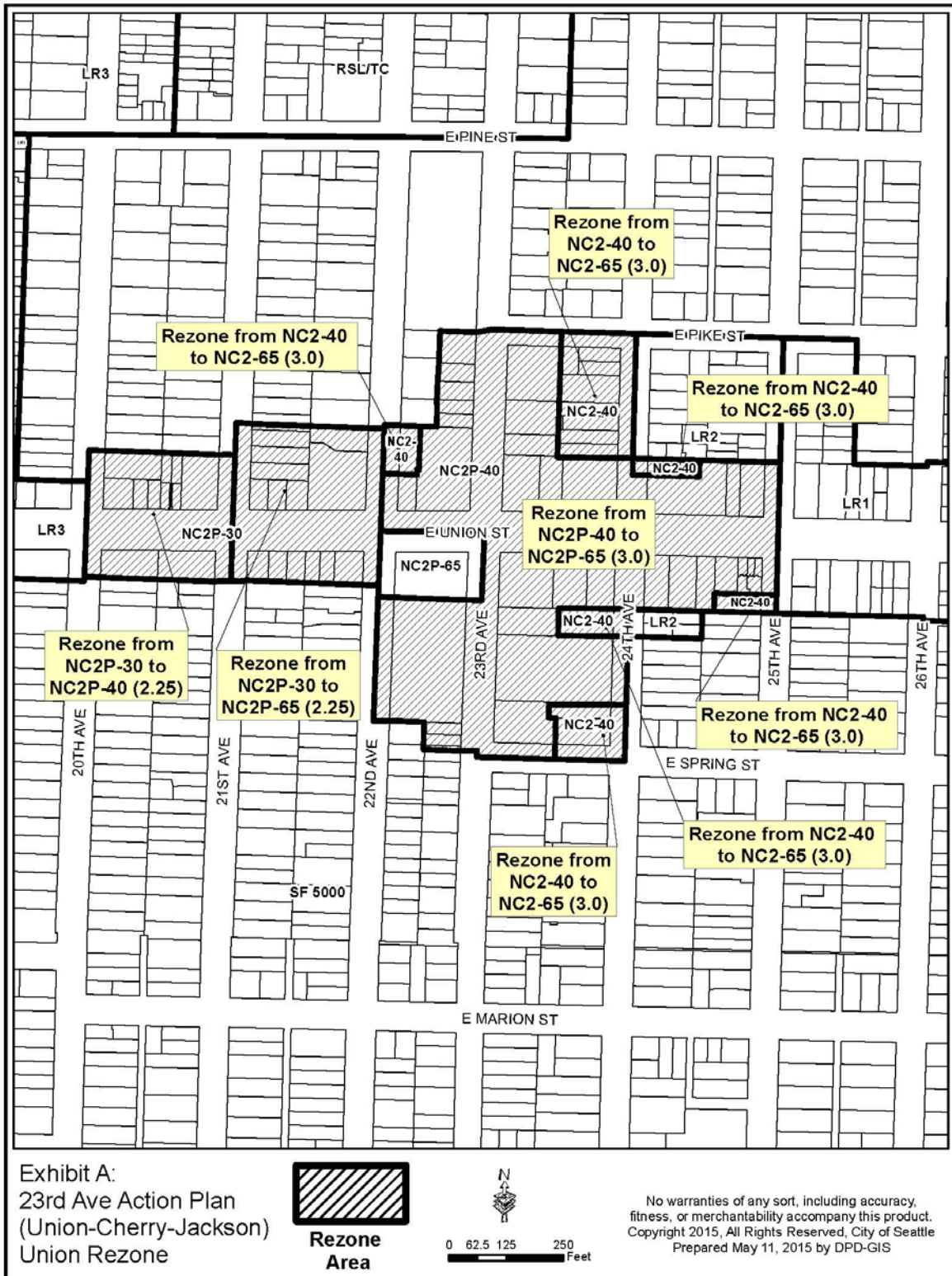


Exhibit A:  
23rd Ave Action Plan  
(Union-Cherry-Jackson)  
Union Rezone



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