



SEATTLE CITY COUNCIL

Legislative Summary

CB 119451

Record No.: CB 119451

Type: Ordinance (Ord)

Status: Passed

Version: 2

Ord. no: Ord 125764

In Control: City Clerk

File Created: 01/18/2019

Final Action: 02/06/2019

Title: AN ORDINANCE relating to land use and zoning; adopting a moratorium on the filing, acceptance, processing, and/or approval of applications for development in areas currently used as mobile home parks; declaring an emergency; and establishing an immediate effective date; all by a 3/4 vote of the City Council.

Date

Notes:

Filed with City Clerk:

Mayor's Signature:

Sponsors: Sawant, O'Brien

Vetoed by Mayor:

Veto Overridden:

Veto Sustained:

Attachments: Mayor's Letter on Returning Bill Unsigned

Drafter: Emilia.Sanchez@seattle.gov

Filing Requirements/Dept Action:

History of Legislative File

Legal Notice Published:

☐ Yes

☐ No

Ver- sion:	Acting Body:	Date:	Action:	Sent To:	Due Date:	Return Date:	Result:
1	City Clerk	01/22/2019	sent for review	Council President's Office			
	Action Text: The Council Bill (CB) was sent for review. to the Council President's Office						
	Notes:						
1	Council President's Office	01/22/2019	sent for review	City Council			
	Action Text: The Council Bill (CB) was sent for review. to the City Council						
	Notes:						
1	City Council	01/22/2019	referred	City Council			
	Action Text: The Council Bill (CB) was referred. to the City Council						
	Notes:						
1	City Council	01/28/2019	passed as amended				Pass
	Action Text: The Motion carried, the Council Bill (CB) was passed as amended by the following vote, and the President signed the Bill:						

Notes: ACTION 1:

Motion was made and duly seconded to pass Council Bill 119451.

ACTION 2:

Motion was made by Councilmember Johnson and duly seconded, to amend Council Bill 119451 by substituting Section 5, as shown in Attachment 1 to the Minutes.

ACTION 3:

Motion was made and duly seconded to pass Council Bill 119451 as amended.

In Favor: 8 Councilmember Bagshaw, Council President Harrell, Councilmember Herbold, Councilmember Johnson, Councilmember Juarez, Councilmember Mosqueda, Councilmember O'Brien, Councilmember Sawant

Opposed: 0

- 2 City Clerk 01/28/2019 submitted for Mayor
Mayor's signature
Action Text: The Council Bill (CB) was submitted for Mayor's signature. to the Mayor
Notes:
- 2 Mayor 02/06/2019 returned unsigned
Action Text: The Council Bill (CB) was returned unsigned.
Notes:
- 2 Mayor 02/06/2019 returned City Clerk
Action Text: The Council Bill (CB) was returned. to the City Clerk
Notes:
- 2 City Clerk 02/06/2019 attested by City Clerk
Action Text: The Ordinance (Ord) was attested by City Clerk.
Notes:
-



City of Seattle

FILED
CITY OF SEATTLE
19 FEB -8 AM 10:25
CITY CLERK

February 7, 2019

Monica Martinez Simmons
Seattle City Clerk
600 4th Avenue, 3rd Floor
Seattle, WA 98124

Dear Ms. Martinez Simmons,

I have returned Council Bill 119451 unsigned, understanding it will become law, with significant concerns that the bill does not sufficiently and equitably protect vulnerable communities at risk of displacement, and does not sufficiently protect the needs of the city to equitably add density. Additionally, the truncated consideration and enactment of the bill foreclosed the possibility of broader outreach to key stakeholders and the consideration of more holistic solutions.

This legislation establishes a one-year moratorium on development of areas currently used as mobile home parks. Although I share the Council's goal of protecting low-income and senior community members from displacement from affordable housing, this bill was unfortunately hastily conceived, written, and enacted without the range of thoughtful solutions being debated and considered. The moratorium does not preclude the current property owners from selling the property, evicting tenants, or raising rents.

We must create more affordable housing in order to make our city more equitable, diverse, and climate friendly, but an equally undeniable impact of growth in Seattle is that it has led to displacement and gentrification, particularly in communities of color and economically disadvantaged communities. This reality calls for deep community engagement and a holistic response. We should consider many tools, including using MHA funds to protect against displacement, incentivizing housing with a "right of return" for displaced households, working with owners of currently affordable housing to keep the housing in place and rents affordable, and improving protections against evictions. The moratorium does none of these things.

In recent days, my office has started a collaborative dialogue with interested parties in the hopes of forging a voluntary agreement whereby the owners forgo sale and redevelopment for a determined period of time, giving the City an opportunity to work with existing tenants and other stakeholders on longer term, broader solutions. The owners are willing and interested in exploring the options with us. They have been open to and willing to engage in a productive discussion.

Unfortunately, there is not enough time to meet with all parties, explore a range of options or put any agreement in place before the legislation takes effect. Had the prime sponsor of the legislation engaged the property owner several weeks ago when she introduced this legislation, there may have been sufficient time to put such an agreement in place that would have better protected residents from evictions or rent increases. In the coming weeks, I hope to continue the conversations with all interested parties to help resolve both the immediate issues and set a framework for longer term solutions.

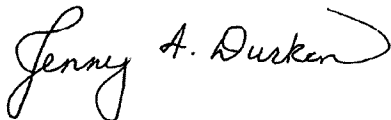
The bill also purports to establish a work program for the Office of Planning and Community Development and the Seattle Department of Construction and Inspections. Because the City Charter vests certain powers exclusively in the Executive, I am considering the current proposed Council "workplan" outlined in Council Bill 119451 as only advisory in nature.

We will be devising a path forward after we have had the opportunity to consult with the affected tenants, the owners, other stakeholders, members of the City Council and a range of affected Executive Departments, including the Office of Planning and Community Development, the Office of Housing, the Seattle Department of Construction and Inspections and the Department of Neighborhoods (none of whom were consulted in this process).

In short, the City should be approaching displacement strategies comprehensively. Instead of one-off development moratoriums, we must look at how regulations, tenant protections, incentives and funding work together to increase housing affordability while preventing and mitigating displacement. We must promote neighborhood stability by continuing our commitment to building affordable housing in locations at high risk of displacement that may also include ground floor spaces for cultural, community and commercial anchors. We must be strategic in acquiring properties to preserve affordability that sometimes exists in the market. We must proactively help longtime residents remain in their neighborhoods while also increasing our supply of housing to mitigate the pressures our growing economy places on our housing stock. We must look at these strategies as a suite of strategies that work together in a balanced way, all with the input of the communities they are meant to serve.

I look forward to working with a broad range of stakeholders and the City Council in developing and implementing these strategies.

Sincerely,

A handwritten signature in black ink that reads "Jenny A. Durkan". The signature is fluid and cursive, with a large, sweeping flourish at the end.

Jenny A. Durkan
Mayor of Seattle

CITY OF SEATTLE

ORDINANCE 125764

COUNCIL BILL 119451

AN ORDINANCE relating to land use and zoning; adopting a moratorium on the filing, acceptance, processing, and/or approval of applications for development in areas currently used as mobile home parks; declaring an emergency; and establishing an immediate effective date; all by a 3/4 vote of the City Council.

BE IT ORDAINED BY THE CITY OF SEATTLE AS FOLLOWS:

Section 1. The City Council ("Council") hereby makes the following legislative findings of fact and declarations:

A. Seattle is facing increasing affordability challenges and many Seattle residents are cost-burdened;

B. Severe housing cost burdens disproportionately impact low-income households;

C. Mobile homes provide affordable shelter for a substantial number of elderly and low-income residents;

D. The few remaining mobile home parks within Seattle are under increased development pressure and the residents of those parks are at risk of being displaced;

E. Similar pressures within the county and region are reducing the number of available sites within and outside Seattle to which mobile homes can relocate;

F. With respect to the affordable housing provided by mobile homes, current development regulations may need to be amended to better advance the housing affordability policies of the City's Comprehensive Plan;

G. A work plan to develop alternative development regulations encouraging preservation of affordable housing provided by the market will inform how the City mitigates development pressure and potential displacement of low-income mobile home residents; and

H. A temporary moratorium is necessary to allow the City to develop that work plan and alternative development regulations.

Section 2. The Council hereby adopts a moratorium on the filing, acceptance, processing, and/or approval of any application to establish a new principal or accessory use, or change a principal or accessory use, for any site currently used as a mobile home park, as defined in Section 23.84A.032 of the Seattle Municipal Code.

Section 3. The moratorium set forth in this ordinance shall be in effect for a period of one year from the date this ordinance is effective and shall automatically expire after the one-year period unless the same is extended as provided by statute, or unless terminated sooner by the Council.

Section 4. Pursuant to RCW 36.70A.390, the Council will hold a public hearing within 60 days of adoption of this moratorium to take public testimony and consider adopting further findings.

Section 5. Under RCW 36.70A.390, the Council approves the following work plan for the development of regulations to address the issues in this ordinance and directs the Office of Planning and Community Development and the Seattle Department of Construction and Inspections to transmit proposed legislation for referral to the Planning, Land Use and Zoning (PLUZ) Committee of the Council by September 30, 2019.

Analyze Current Land Uses and Development Trends, Draft Legislation, and Conduct State Environmental Policy Act (SEPA) Review on Proposed Regulations	February 2019 to May 2019
Report to PLUZ Committee on Preliminary Options for Consideration	April 2019
Publish SEPA Threshold Determination	June 2019
Mayor Transmits Legislation to Council	September 2019

Council Deliberations and Public Hearing on Proposed Permanent Controls	October 2019 to December 2019
Permanent Controls Effective	January 2020

1 Section 6. Under Seattle Municipal Code Section 25.05.880, the Council finds that an
2 exemption from conducting State Environmental Protection Act (SEPA) review before adopting
3 a moratorium is necessary to prevent new vesting of development rights leading to development
4 that would displace existing mobile home park tenants. SEPA review of any permanent
5 regulations modifying existing regulations will be conducted according to the work plan in
6 Section 5 of this ordinance.

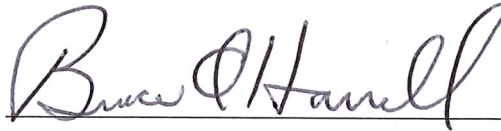
7 Section 7. Based on the authority of RCW 36.70A.390 and the findings in Section 1 of
8 this ordinance, Section 23.76.062 of the Seattle Municipal Code is waived for the adoption of
9 this ordinance.

10 Section 8. Based on the findings of fact set forth in Section 1 of this ordinance, the City
11 Council hereby finds and declares that this ordinance is a public emergency ordinance, which
12 shall take effect immediately and is necessary for the protection of the public health, safety, and
13 welfare. The City Council may, in its sole discretion, renew said moratorium for one or more six-
14 month period in accordance with state law.

15 Section 9. The provisions of this ordinance are declared to be separate and severable. The
16 invalidity of any clause, sentence, paragraph, subdivision, section, or portion of this ordinance,
17 or the invalidity of its application to any person or circumstance, does not affect the validity of
18 the remainder of this ordinance or the validity of its application to other persons or
19 circumstances.

Section 10. By reason of the findings set out in this ordinance, and the emergency that is declared to exist, this ordinance shall become effective immediately upon its passage by a 3/4 vote of the Council, and its approval by the Mayor, as provided by Article 4, subsection 1(I) of the Charter of the City.

Passed by a 3/4 vote of all members of the City Council the 28th day of January, 2019, and signed by me in open session in authentication of its passage this 28th day of January, 2019.



President _____ of the City Council

Approved by me this _____ day of _____, 2019.

**Returned Unsigned
by Mayor**

Jenny A. Durkan, Mayor

Filed by me this 6th day of February, 2019.



Monica Martinez Simmons, City Clerk

(Seal)

SUMMARY and FISCAL NOTE*

Department:	Dept. Contact/Phone:	CBO Contact/Phone:
LEG	Freeman 206.684.8178	NA

** Note that the Summary and Fiscal Note describes the version of the bill or resolution as introduced; final legislation including amendments may not be fully described.*

1. BILL SUMMARY

Legislation Title:

AN ORDINANCE relating to land use and zoning; adopting a moratorium on the filing, acceptance, processing, and/or approval of applications for development in areas currently used as mobile home parks; declaring an emergency; and establishing an immediate effective date; all by a 3/4 vote of the City Council.

Summary and background of the Legislation:

This legislation would establish (1) a temporary one-year moratorium on redevelopment of existing mobile home parks and (2) establish a work program for developing regulations that Council could consider to stabilize existing mobile home communities.

Manufactured homes are a source of market rate affordable housing. The Halcyon manufactured home park is located in northwest Seattle within the Bitter-Lake Haller-Lake Residential Urban Village in a commercial zone. A developer has approached the City with preliminary plans to redevelop the Halcyon with close to 200 town houses.

Regionally, other jurisdictions are developing regulations to stabilize mobile home communities. In August 2018 Portland, Oregon amended its Comprehensive Plan and development regulations to make it more difficult for manufactured home parks to be redeveloped. Among other things the amendments (1) established a “manufactured dwelling park” residential zone; (2) established development incentives, including density incentives, to encourage existing manufactured home parks to maintain their land use; and (3) established procedural standards whereby the City could consider allowing conversion of existing manufactured home parks to another use.

2. CAPITAL IMPROVEMENT PROGRAM

Does this legislation create, fund, or amend a CIP Project? ☐ Yes ☒ No

3. SUMMARY OF FINANCIAL IMPLICATIONS

Does this legislation amend the Adopted Budget? ☐ Yes ☒ No

Does the legislation have other financial impacts to the City of Seattle that are not reflected in the above, including direct or indirect, short-term or long-term costs?

The legislation establishes a work program for the Office of Planning and Community Development and the Seattle department of Construction and Inspections. Implementing the

work program will require staff resources from both departments, which could preclude them from working on other Council or Mayoral initiatives.

Is there financial cost or other impacts of *not* implementing the legislation?

Existing mobile home parks house many low-income and senior household. Displacement of low-income residents could increase demand for services provided by affordable housing and human services providers.

4. OTHER IMPLICATIONS

a. Does this legislation affect any departments besides the originating department?

Yes, the Seattle Department of Construction and Inspections and the Office of Planning and Community Development.

b. Is a public hearing required for this legislation?

A public hearing is required within 60-days after passage of the bill

c. Does this legislation require landlords or sellers of real property to provide information regarding the property to a buyer or tenant?

No.

d. Is publication of notice with *The Daily Journal of Commerce* and/or *The Seattle Times* required for this legislation?

Yes, hearing notice is required in the Daily Journal of Commerce.

e. Does this legislation affect a piece of property?

The legislation affects property currently in use as mobile home parks. Those properties include, at least, the Halcyon mobile home park, located at 12234 Stone Av N, and a mobile home park immediately

f. Please describe any perceived implication for the principles of the Race and Social Justice Initiative. Does this legislation impact vulnerable or historically disadvantaged communities?

Mobile home parks offer market rate affordable housing to seniors and low-income households. This legislation establishes a moratorium to allow the City to explore options for stabilizing those communities.

g. If this legislation includes a new initiative or a major programmatic expansion: What are the specific long-term and measurable goal(s) of the program? How will this legislation help achieve the program's desired goal(s).

NA

List attachments/exhibits below:

STATE OF WASHINGTON -- KING COUNTY

--SS.

370538

No. 125760,61,62,64,65,66,67

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 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:TITLE ONLY ORDINANCES

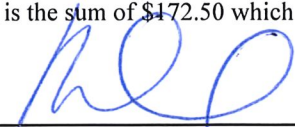
was published on

02/20/19

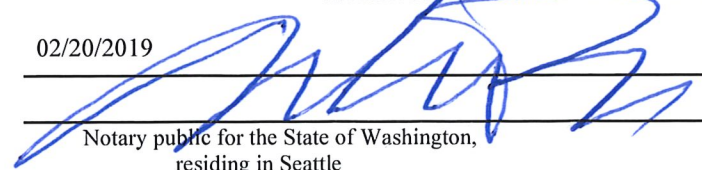
The amount of the fee charged for the foregoing publication is the sum of \$172.50 which amount has been paid in full.



Affidavit of Publication


Subscribed and sworn to before me on

02/20/2019


Notary public for the State of Washington,
residing in Seattle

State of Washington, King County

City of Seattle

The full text of the following legislation, passed by the City Council on January 28, 2019, and published below by title only, will be mailed upon request, or can be accessed at <http://seattle.legistar.com>. For information on upcoming meetings of the Seattle City Council, please visit <http://www.seattle.gov/council/calendar>.

Ordinance 125760

Council Bill 119447

AN ORDINANCE relating to the Central Waterfront Improvement Program and the LID Improvements identified herein; establishing Local Improvement District No. 6751 ("Waterfront LID") and ordering the carrying out of the proposed LID Improvements, as a component of the Seattle Central Waterfront Improvement Program in accordance with Resolution 31812; providing that payment for the LID Improvements be made in part by special assessments upon the property in the Waterfront LID, payable by the mode of "payment by bonds"; creating a local improvement fund; authorizing the issuance of local improvement bonds; and providing for inter-fund loans and for the issuance and sale of short-term financing instruments, and ratifying and confirming certain prior acts, all by a two-thirds vote of the City Council at a regular meeting.

Ordinance 125761

Council Bill 119448

AN ORDINANCE relating to the funding, operations, and management for Central Waterfront improvements; identifying philanthropic funding for construction and operations and maintenance and safety and security of public spaces on the Central Waterfront; identifying a timeline for philanthropic fundraising and contributions; authorizing the Seattle Department of Transportation and the Department of Parks and Recreation to execute a two-year pilot agreement in preparation for a long-term agreement with Friends of Waterfront Seattle to operate and manage public spaces on the Central Waterfront; dissolving the Central Waterfront Steering Committee; and creating the Central Waterfront Oversight Committee.

Ordinance 125762

Council Bill 119449

AN ORDINANCE relating to a protest waiver agreement between and among the City, the Waterfront Park Conservancy, and certain property owners affected by the proposed Waterfront Local Improvement District; approving the agreement and authorizing the Director of the Office of the Waterfront and Civic Projects and the Superintendent of the Department of Parks and Recreation to execute the agreement and implement its terms.

Ordinance 125764

Council Bill 119451

AN ORDINANCE relating to land use and zoning; adopting a moratorium on the filing, acceptance, processing, and/or approval of applications for development in areas currently used as mobile home parks; declaring an emergency; and establishing an immediate effective date; all by a 3/4 vote of the City Council.

Ordinance 125765

Council Bill 119452

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

Ordinance 125766

Council Bill 119446

AN ORDINANCE relating to the Department of Parks and Recreation and Seattle Public Utilities; transferring partial jurisdiction of portions of park land and park boulevards within Discovery Park from

the Department of Parks and Recreation to Seattle Public Utilities for maintenance, repair, replacement, and operation of public water and sanitary sewer infrastructure, associated underground pipes, hydrants, and limited surface ancillary facilities; and finding that transfer of partial jurisdiction meets the requirements of Ordinance 118477, which adopted Initiative 42.

Ordinance 125767

Council Bill 119353

AN ORDINANCE relating to the City Light Department; declaring certain real property rights surplus to the needs of the City Light Department; authorizing the sale of an easement for sidewalk purposes to Snohomish County; and accepting the payment of fair market value for the easement.

Date of publication in the Seattle Daily Journal of Commerce, February 20, 2019.

2/20(370538)