



CITY OF SEATTLE

City Council

Agenda

Tuesday, February 8, 2022

2:00 PM

Remote Meeting. Call 253-215-8782; Meeting ID: 586 416 9164; or
Seattle Channel online.

Debora Juarez, Council President

Lisa Herbold, Member

Andrew J. Lewis, Member

Tammy J. Morales, Member

Teresa Mosqueda, Member

Sara Nelson, Member

Alex Pedersen, Member

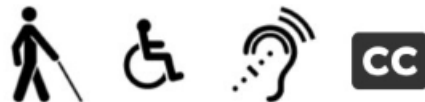
Kshama Sawant, Member

Dan Strauss, Member

Chair Info: 206-684-8805; Debora.Juarez@seattle.gov

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<http://seattle.gov/cityclerk/accommodations>.



CITY OF SEATTLE

City Council Agenda

February 8, 2022 - 2:00 PM

Meeting Location:

Remote Meeting. Call 253-215-8782; Meeting ID: 586 416 9164; or Seattle Channel online.

Committee Website:

<http://www.seattle.gov/council>

Pursuant to Washington State Governor's Proclamation No. 20-28.15 and Senate Concurrent Resolution 8402, this public meeting will be held remotely. Meeting participation is limited to access by the telephone number provided on the meeting agenda, and the meeting is accessible via telephone and Seattle Channel online.

Register online to speak during the Public Comment period at the 2:00 p.m. City Council meeting at

<http://www.seattle.gov/council/committees/public-comment>.

Online registration to speak at the City Council meeting will begin two hours before the 2:00 p.m. meeting start time, and registration will end at the conclusion of the Public Comment period during the meeting. Speakers must be registered in order to be recognized by the Chair.

Submit written comments to all Councilmembers at Council@seattle.gov
Sign-up to provide Public Comment at the meeting at

<http://www.seattle.gov/council/committees/public-comment>

Watch live streaming video of the meeting at

<http://www.seattle.gov/council/watch-council-live>

Listen to the meeting by calling the Council Chamber Listen Line at 253-215-8782 Meeting ID: 586 416 9164

One Tap Mobile No. US: +12532158782,,5864169164#

A. CALL TO ORDER

B. ROLL CALL

C. PRESENTATIONS

D. APPROVAL OF THE AGENDA**E. APPROVAL OF THE CONSENT CALENDAR**

The Consent Calendar consists of routine items. A Councilmember may request that an item be removed from the Consent Calendar and placed on the regular agenda.

1. [Min 364](#) February 1, 2022

Attachments: [City Council Minutes](#)

2. [IRC 335](#) February 8, 2022

Attachments: [Introduction and Referral Calendar](#)

F. PUBLIC COMMENT

Members of the public may sign up to address the Council for up to 2 minutes on matters on this agenda; total time allotted to public comment at this meeting is 20 minutes.

Register online to speak during the Public Comment period at the 2:00 p.m. City Council meeting at <http://www.seattle.gov/council/committees/public-comment>.

Online registration to speak at the City Council meeting will begin two hours before the 2:00 p.m. meeting start time, and registration will end at the conclusion of the Public Comment period during the meeting. Speakers must be registered in order to be recognized by the Chair.

G. PAYMENT OF BILLS

These are the only Bills which the City Charter allows to be introduced and passed at the same meeting.

- [CB 120263](#) AN ORDINANCE appropriating money to pay certain audited claims for the week of January 24, 2022 through January 28, 2022 and ordering payment thereof.

H. COMMITTEE REPORTS

Discussion and vote on Council Bills (CB), Resolutions (Res), Appointments (Appt), and Clerk Files (CF).

CITY COUNCIL:

1. [Res 32041](#) A RESOLUTION expressing the Seattle City Council's support for workers at Starbucks in Seattle who are attempting to form a union, and urging Starbucks to accept card check neutrality.

Supporting**Documents:**[Summary and Fiscal Note](#)[Proposed Amendment 1](#)**PUBLIC ASSETS AND HOMELESSNESS COMMITTEE:**

2. [CB 120264](#) AN ORDINANCE relating to permits in parks; stating a maximum term for permits in parks; clarifying the nature of permissible commercial activities in parks; and amending Sections 18.12.030, 18.12.042, and 18.12.160 of the Seattle Municipal Code.

The Committee recommends that City Council pass the Council Bill (CB).

In Favor: 5 - Lewis, Mosqueda, Herbold, Juarez, Morales

Opposed: None

Supporting**Documents:**[Summary and Fiscal Note](#)**I. ADOPTION OF OTHER RESOLUTIONS****J. OTHER BUSINESS****K. ADJOURNMENT**



Legislation Text

File #: Min 364, **Version:** 1

February 1, 2022

SEATTLE CITY COUNCIL

600 Fourth Ave. 2nd Floor
Seattle, WA 98104



Journal of the Proceedings of the Seattle City Council

Tuesday, February 1, 2022

2:00 PM

Remote Meeting. Call 253-215-8782; Meeting ID: 586 416 9164; or
Seattle Channel online.

City Council

Debora Juarez, Council President

Lisa Herbold, Member

Andrew J. Lewis, Member

Tammy J. Morales, Member

Teresa Mosqueda, Member

Sara Nelson, Member

Alex Pedersen, Member

Kshama Sawant, Member

Dan Strauss, Member

Chair Info: 206-684-8805; Debora.Juarez@seattle.gov

Pursuant to Washington State Governor's Proclamation No. 20-28.15 and Senate Concurrent Resolution 8402, this public meeting will be held remotely. Meeting participation is limited to access by the telephone number provided on the meeting agenda, and the meeting is accessible via telephone and Seattle Channel online.

A. CALL TO ORDER

The City Council of The City of Seattle met remotely pursuant to Washington State Governor's Proclamation 20-28.15, and guidance provided by the Attorney General's Office, on February 1, 2022, pursuant to the provisions of the City Charter. The meeting was called to order at 2:02 p.m., with Council President Juarez presiding.

B. ROLL CALL

The following Councilmembers were present and participating electronically:

Present: 8 - Juarez, Herbold, Lewis, Mosqueda, Nelson, Pedersen, Sawant, Strauss

Late Arrival: 1 - Morales

C. PRESENTATIONS

There were none.

D. APPROVAL OF THE JOURNAL

[Min 363](#) **January 25, 2022**

Motion was made, duly seconded and carried, to adopt the proposed Minutes by the following vote, and the President signed the Minutes:

In Favor: 8 - Juarez, Herbold, Lewis, Mosqueda, Nelson, Pedersen, Sawant, Strauss

Opposed: None

E. ADOPTION OF INTRODUCTION AND REFERRAL CALENDAR

[IRC 334](#) **February 1, 2022**

Motion was made, duly seconded and carried, to adopt the proposed Introduction and Referral Calendar (IRC) by the following vote:

In Favor: 8 - Juarez, Herbold, Lewis, Mosqueda, Nelson, Pedersen, Sawant, Strauss

Opposed: None

F. APPROVAL OF THE AGENDA

Motion was made, duly seconded and carried, to adopt the proposed Agenda.

Councilmember Morales joined the meeting at 2:05 p.m.

Present: 9 - Juarez, Herbold, Lewis, Morales, Mosqueda, Nelson, Pedersen, Sawant, Strauss

G. PUBLIC COMMENT

The following individuals addressed the Council:

Howard Gale
Shirley Henderson
Xoe Amer
Kate Martin
Michael Vitz-Wong
Margot Stewart
Barbara Phinney
Daniel Kavanaugh
Hannah Swoboda
Ritchie Thai
Mark Taylor-Canfield
Acacia Pottschmidt
Rachel Ybarra
Daniel Wang
Emily McArthur
Sydney Durkin
Aidan Carroll

H. PAYMENT OF BILLS

[CB 120262](#) **AN ORDINANCE appropriating money to pay certain audited claims for the week of January 17, 2022 through January 21, 2022 and ordering the payment thereof.**

Motion was made and duly seconded to pass Council Bill 120262.

The Motion carried, the Council Bill (CB) was passed by the following vote, and the President signed the Council Bill (CB):

In Favor: 9 - Juarez, Herbold, Lewis, Morales, Mosqueda, Nelson, Pedersen, Sawant, Strauss

Opposed: None

I. COMMITTEE REPORTS

CITY COUNCIL:

1. [Appt 02093](#) **Reappointment of Kevin Werner as member, Levy to Move Seattle Oversight Committee, for a term to December 31, 2025.**

Motion was made and duly seconded to confirm Appointment 02093.

The Motion carried, and the Appointment (Appt) was confirmed by the following vote:

In Favor: 9 - Juarez, Herbold, Lewis, Morales, Mosqueda, Nelson, Pedersen, Sawant, Strauss

Opposed: None

ECONOMIC DEVELOPMENT, TECHNOLOGY, AND CITY LIGHT COMMITTEE:

2. [CB 120259](#) **AN ORDINANCE relating to the City Light Department; authorizing and directing the General Manager and Chief Executive Officer of City Light to execute an Interlocal Agreement with the Kalispel Tribe of Indians.**

The Committee recommends that City Council pass the Council Bill (CB).

In Favor: 5 - Nelson, Juarez, Herbold, Sawant, Strauss

Opposed: None

The Council Bill (CB) was passed by the following vote, and the President signed the Council Bill (CB):

In Favor: 9 - Juarez, Herbold, Lewis, Morales, Mosqueda, Nelson, Pedersen, Sawant, Strauss

Opposed: None

- 3. [CB 120260](#) **AN ORDINANCE** relating to the City Light Department; authorizing the Department to accept as sole owner of fiber cable and associated facilities previously shared with the University of Washington; and ratifying and confirming certain prior acts.

The Committee recommends that City Council pass the Council Bill (CB).

In Favor: 5 - Nelson, Juarez, Herbold, Sawant, Strauss

Opposed: None

The Council Bill (CB) was passed by the following vote, and the President signed the Council Bill (CB):

In Favor: 9 - Juarez, Herbold, Lewis, Morales, Mosqueda, Nelson, Pedersen, Sawant, Strauss

Opposed: None

- 4. [Res 32040](#) **A RESOLUTION** relating to the City Light Department; affirming the City Light Department’s Clean Energy Implementation Plan as required under Washington State’s Clean Energy Transformation Act.

The Committee recommends that City Council adopt the Resolution (Res).

In Favor: 5 - Nelson, Juarez, Herbold, Sawant, Strauss

Opposed: None

The Resolution (Res) was adopted by the following vote, and the President signed the Resolution (Res):

In Favor: 9 - Juarez, Herbold, Lewis, Morales, Mosqueda, Nelson, Pedersen, Sawant, Strauss

Opposed: None

J. ADOPTION OF OTHER RESOLUTIONS

There were none.

K. OTHER BUSINESS

There was none.

L. ADJOURNMENT

There being no further business to come before the Council, the meeting was adjourned at 2:39 p.m.

Linda Barron, Deputy City Clerk

Signed by me in Open Session, upon approval of the Council, on February 8, 2022.

Debra Juarez, Council President of the City Council

Monica Martinez Simmons, City Clerk



Legislation Text

File #: IRC 335, **Version:** 1

February 8, 2022



Introduction and Referral Calendar

List of proposed Council Bills (CB), Resolutions (Res), Appointments (Appt) and Clerk Files (CF) to be introduced and referred to a City Council committee

Record No.	Title	Committee Referral
<u>By: Mosqueda</u>		
1. CB 120263	AN ORDINANCE appropriating money to pay certain audited claims for the week of January 24, 2022 through January 28, 2022 and ordering payment thereof.	City Council
<u>By: No Sponsor Required</u>		
2. CF 314489	Full unit lot subdivision of 13th Avenue Townhomes, to subdivide one parcel into 12 unit lots at 1118 and 1122 13th Avenue (Project 3038128-LU Type III).	City Council
<u>By: Strauss</u>		
3. CB 120265	AN ORDINANCE relating to land use regulation of home occupations; extending for six months interim development controls established by Ordinance 126293 to allow home-based businesses to operate with fewer limitations during the COVID-19 civil emergency; and ratifying and confirming certain prior acts.	Land Use Committee
<u>By: Morales</u>		
4. Appt 02094	Reappointment of Allan Nyaribo as member, Seattle Human Rights Commission, for a term to January 22, 2024.	Neighborhoods, Education, Civil Rights, and Culture Committee
<u>By: Morales</u>		
5. Appt 02095	Reappointment of Julia A. Ismael as member, Seattle Human Rights Commission, for a term to January 22, 2024.	Neighborhoods, Education, Civil Rights, and Culture Committee



Legislation Text

File #: CB 120263, Version: 1

CITY OF SEATTLE

ORDINANCE _____

COUNCIL BILL _____

AN ORDINANCE appropriating money to pay certain audited claims for the week of January 24, 2022 through January 28, 2022 and ordering payment thereof.

BE IT ORDAINED BY THE CITY OF SEATTLE AS FOLLOWS:

Section 1. Payment of the sum of \$18,110,810.92 on PeopleSoft 9.2 mechanical warrants numbered 4100543774- 4100545594 plus manual or cancellation issues for claims, E-Payables of \$51,845.06 on PeopleSoft 9.2 9100011128- 9100011159 and Electronic Financial Transactions (EFT) in the amount of \$81,993,198.00 are presented for ratification by the City Council per RCW 42.24.180.

Section 2. Any act consistent with the authority of this ordinance taken prior to its effective date is hereby ratified and confirmed.

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

Passed by the City Council the 8th day of February, 2022, and signed by me in open session in authentication of its passage this 8th day of February, 2022.

President _____ of the City Council

Approved / returned unsigned / vetoed this ____ day of _____, 2022.

Bruce A. Harrell, Mayor

Filed by me this _____ day of _____, 2022.

Monica Martinez Simmons, City Clerk

(Seal)



Legislation Text

File #: Res 32041, **Version:** 1

CITY OF SEATTLE

RESOLUTION _____

A RESOLUTION expressing the Seattle City Council’s support for workers at Starbucks in Seattle who are attempting to form a union, and urging Starbucks to accept card check neutrality.

WHEREAS, union representation has important benefits for workers, particularly for workers of color,

including better pay, benefits, working conditions, and job security. The Union Members - 2020 report released by the U.S. Bureau of Labor Statistics on January 22, 2021, found that in 2020 “[n]onunion workers had median weekly earnings that were 84 percent of earnings for workers who were union members”; and

WHEREAS, on December 6, 2021, *Bloomberg* reported that U.S. corporations are amassing record profits, explaining that “third-quarter after-tax corporate profits from current production amounted to 11% of gross domestic product, ... more profits in the three months ended in September than ever before. Not just in dollar terms-something that happens frequently-but as a share of the economy”; and

WHEREAS, on October 28, 2021, Starbucks issued a press release claiming “Record Q4 and Full Year Fiscal 2021 Results,” and “Consolidated net revenues of \$29.1 billion increased 24% (21% on a 52-week basis) from the prior year”; and

WHEREAS, on September 2, 2021, Gallup reported 68 percent of adults in the U.S. support labor unions, the highest approval rate since 1965, and 77 percent of young adults (18- to 34-year-olds) support unions; and

WHEREAS, in December 2021, workers employed at two Starbucks locations in Buffalo, New York, successfully voted to unionize into Starbucks Workers United, an affiliate of the Service Employees

International Union (SEIU), and are currently fighting for a first contract; and

WHEREAS, Starbucks executives are notorious for opposing the unionization of their workforce, employing tactics that workers have described as “union busting”; and

WHEREAS, on October 13, 2021, WIVB, the CBS affiliate in Buffalo, New York, reported that Starbucks “closed two of its Buffalo-area stores that are attempting to become the first locations in the country to unionize”; and

WHEREAS, on October 29, 2021, CNBC reported that the National Labor Relations Board ruled in favor of Starbucks Workers United, when Starbucks attempted to prohibit individual stores from holding unionization votes; and

WHEREAS, on November 4, 2021, *Bloomberg* reported that “Pro-union employees have alleged that in recent weeks Starbucks deployed out-of-town managers to visit their stores and try to dissuade them from unionizing. The employees said they were pressured to attend meetings in which company representatives warned that organizing could lead to the loss of some benefits”; and

WHEREAS, baristas working at the Starbucks located at 101 Broadway East in Seattle’s Capitol Hill have reported that they and their coworkers are attempting to organize into the union, Starbucks Workers United, and have requested support from elected officials to demand Starbucks “let the workers freely decide without any interference, threats, or intimidation”; and

WHEREAS, Seattle Starbucks workers are demanding a voice in their workplace and a seat at the table to negotiate wages, benefits, and working conditions, health and safety protections, adequate staffing, seniority pay, and a living wage; NOW, THEREFORE,

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF SEATTLE THAT:

Section 1. The Seattle City Council supports Starbucks workers who are organizing to form a union in Seattle. The Seattle City Council believes that this unionization drive will benefit not only Starbucks workers, but all workers in Seattle.

Section 2. The Seattle City Council urges Starbucks to do the same and accept card check neutrality and allow their workforce to discuss unionization free from threats, intimidation, anti-union propaganda, and lawsuits. If Starbucks workers in Seattle unionize, the Seattle City Council urges Starbucks to bargain a fair contract such that the workers can have good standards of living and the company's overwhelming wealth does not flow just to the top executives and shareholders.

Section 3. The Seattle City Council recommends all workers in Seattle organize into unions to collectively fight for better wages, benefits, and working conditions.

Adopted by the City Council the _____ day of _____, 2022, and signed by me in open session in authentication of its adoption this _____ day of _____, 2022.

President _____ of the City Council

Filed by me this _____ day of _____, 2022.

Monica Martinez Simmons, City Clerk

(Seal)

SUMMARY and FISCAL NOTE*

Department:	Dept. Contact/Phone:	CBO Contact/Phone:
LEG	Ted Virdone / 206-518-0382	N/A

** 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: A RESOLUTION expressing the Seattle City Council’s support for workers at Starbucks in Seattle who are attempting to form a union, and urging Starbucks to accept card check neutrality.

Summary and Background of the Legislation:

This resolution expresses the Seattle City Council’s support for workers at Starbucks in Seattle who are attempting to form a union, and urges Starbucks to accept card check neutrality.

In December 2021, workers employed at two Starbucks locations in Buffalo, NY, successfully voted to unionize into Starbucks Workers United, an affiliate of the Service Employees International Union (SEIU), and are currently fighting for a first contract

Since then, Starbucks workers at three locations in Seattle, in addition to other locations around the country have begun attempting to unionize as well.

Starbucks executives are notorious for opposing the unionization of their workforce, employing tactics that workers have described as “union busting.” On October 13, 2021, WIVB, the CBS affiliate in Buffalo, NY, reported that Starbucks “closed two of its Buffalo-area stores that are attempting to become the first locations in the country to unionize.” On October 29, 2021, CNBC reported that the National Labor Relations Board ruled in favor of Starbucks Workers United, when Starbucks attempted to prohibit individual stores from holding unionization votes. On November 21, 2021, Bloomberg reported that “Pro-union employees have alleged that in recent weeks Starbucks deployed out-of-town managers to visit their stores and try to dissuade them from unionizing. The employees said they were pressured to attend meetings in which company representatives warned that organizing could lead to the loss of some benefits

Baristas working at the Starbucks located at 101 Broadway East in Seattle’s Capitol Hill have reported that they and their coworkers are attempting to organize into the union, Starbucks Workers United, and have requested support from elected officials to demand Starbucks “let the workers freely decide without any interference, threats, or intimidation.”

2. CAPITAL IMPROVEMENT PROGRAM

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

If yes, please fill out the table below and attach a new (if creating a project) or marked-up (if amending) CIP Page to the Council Bill. Please include the spending plan as part of the attached CIP Page. If no, please delete the table.

3. SUMMARY OF FINANCIAL IMPLICATIONS

Does this legislation amend the Adopted Budget?

___ Yes X No

If there are no changes to appropriations, revenues, or positions, please delete the table below.

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?

If so, describe the nature of the impacts. This could include increased operating and maintenance costs, for example.

No

Are there financial costs or other impacts of *not* implementing the legislation?

Estimate the costs to the City of not implementing the legislation, including estimated costs to maintain or expand an existing facility or the cost avoidance due to replacement of an existing facility, potential conflicts with regulatory requirements, or other potential costs or consequences.

No

If there are no changes to appropriations, revenues, or positions, please delete sections 3.a., 3.b., and 3.c. and answer the questions in Section 4.

4. OTHER IMPLICATIONS

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

If so, please list the affected department(s) and the nature of the impact (financial, operational, etc.).

No

b. Is a public hearing required for this legislation?

If yes, what public hearings have been held to date, and/or what public hearings are planned/required in the future?

No

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

For example, legislation related to sale of surplus property, condemnation, or certain capital projects with private partners may require publication of notice. If you aren't sure, please check with your lawyer. If publication of notice is required, describe any steps taken to comply with that requirement.

No

d. Does this legislation affect a piece of property?

If yes, and if a map or other visual representation of the property is not already included as an exhibit or attachment to the legislation itself, then you must include a map and/or other visual representation of the property and its location as an attachment to the fiscal note. Place a note on the map attached to the fiscal note that indicates the map is intended for illustrative or informational purposes only and is not intended to modify anything in the legislation.

No

e. Please describe any perceived implication for the principles of the Race and Social Justice Initiative. Does this legislation impact vulnerable or historically disadvantaged communities? What is the Language Access plan for any communications to the public?

If yes, please explain how this legislation may impact vulnerable or historically disadvantaged communities. Using the racial equity toolkit is one way to help determine the legislation's impact on certain communities. If any aspect of the legislation involves communication or outreach to the public, please describe the plan for communicating with non-English speakers.

Unionization gives workers more power to negotiate a contract with decent wages, benefits, and working conditions.

f. Climate Change Implications

1. Emissions: Is this legislation likely to increase or decrease carbon emissions in a material way?

Please provide a qualitative response, considering net impacts. Are there potential carbon emissions impacts of not implementing the proposed legislation? Discuss any potential intersections of carbon emissions impacts and race and social justice impacts, if not previously described in Section 4.e.

No

2. Resiliency: Will the action(s) proposed by this legislation increase or decrease Seattle's resiliency (or ability to adapt) to climate change in a material way? If so, explain. If it is likely to decrease resiliency in a material way, describe what will or could be done to mitigate the effects.

Describe the potential climate resiliency impacts of implementing or not implementing the proposed legislation. Discuss any potential intersections of climate resiliency and race and social justice impacts, if not previously described in Section 4e.

No

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)?

This answer should highlight measurable outputs and outcomes.

N/A

Summary Attachments:

Amendment 1 to Starbucks Unionization Resolution (Res 32041)

Sponsor: Councilmember Mosqueda

Add recital on the existing representation of Washington Starbucks baristas and industry adjacent workers

On page 3, on line 1, amend the recitals as shown below:

WHEREAS, thousands of Washington Starbucks baristas and industry adjacent workers are already organized into unions and represented by Unite HERE 8, Teamsters 117, and UFCW 21. These workers stand in solidarity with their siblings in their effort to join them in the labor movement to have a voice on the job and wages and benefits governed by a collective bargaining agreement.

Effect: This amendment would add context to the recitals by referencing the existing representation of many Washington Starbucks baristas and industry adjacent workers.



Legislation Text

File #: CB 120264, Version: 1

CITY OF SEATTLE

ORDINANCE _____

COUNCIL BILL _____

AN ORDINANCE relating to permits in parks; stating a maximum term for permits in parks; clarifying the nature of permissible commercial activities in parks; and amending Sections 18.12.030, 18.12.042, and 18.12.160 of the Seattle Municipal Code.

WHEREAS, in the last ten years, the City of Seattle has seen an increase in requests to use Seattle Parks and Recreation (“Department”) properties for commercial activities, including fitness boot camps, outdoor educational classes, and food vending; and

WHEREAS, concession contracts and use permits are awarded through a competitive process, with park activation and enhancement as the primary criteria; and

WHEREAS, the City seeks to further clarify permit and concession contract requirements while confirming the department’s authority and responsibility to maintain City parks as safe and welcoming spaces for all park users; NOW, THEREFORE,

BE IT ORDAINED BY THE CITY OF SEATTLE AS FOLLOWS:

Section 1. Section 18.12.030 of the Seattle Municipal Code, last amended by Ordinance 118607, is amended as follows:

18.12.030 Definitions-Rules of construction((-))

A. Unless clearly inconsistent with the context in which used, the following definitions apply:

1. “Adequate leash” means a leash of (~~eight (8)~~) 8 feet in length or shorter.
2. “Aquarium” means a facility with artificial habitats containing aquatic or other forms of life

for purposes of research, recreation, conservation, education, or viewing.

3. “At large” means a dog or other animal inside ~~((The City of))~~ Seattle, off the premises of the owner, and not under control by adequate leash.

4. “Camp” means: to remain overnight~~((;))~~ ; to erect a tent or other shelter~~((;))~~ ; or to use sleeping equipment, a vehicle, or a trailer camper, for the purpose of or in such a way as will permit remaining overnight.

5. “City park zone” means:

a. A group of parks determined by the Superintendent to be so related to one another geographically or by function, or both, that the Superintendent determines that, generally, exclusion from one park would be ineffective without exclusion from the other or others. A park can be part of more than one City park zone.

b. A city park that is not included in a City park zone defined in subsection 18.12.030.A.5 is itself a City park zone.

6. “Commercial activity” means any activity conducted for monetary or commercial gain including the sale of all goods, liquids, edibles (including food vending), or services, and the marketing of those goods or services. “Commercial activity” includes, but is not limited to, providing individual or group lessons, classes, or activities that have a fee or other monetary barrier to entry. Commercial activity also includes any lesson, class, or commercial activity taking place on department property that is associated with any trade, occupation, profession, business, or franchise or are offered to promote products or services. “Commercial activity” does not include activities conducted on the City’s behalf or in conjunction with the City, such as those provided pursuant to a concession agreement or agreement for services. Examples of commercial activity include but are not limited to boot camps, running clubs, and workout groups offered only to paying participants.

~~((6))~~ 7. “Felony violation” means the violation of a criminal law, the conviction of which would:

a. Carry a maximum sentence in excess of one ~~((4))~~ year’s imprisonment; or

b. Constitute a felony in Title 9A of the Revised Code of Washington.

~~((7))~~ 8. “Knowingly” means to act when:

a. One is aware of a fact, facts, circumstances, or result described by a statute or ordinance defining an offense; or

b. One has information ~~((which))~~ that would lead a reasonable person in the same situation to believe that facts exist, which facts are described by a statute or ordinance defining an offense.

~~((8))~~ 9. “Off-leash area” means an area designated in subsection ~~((B of Section))~~ 18.12.080.B where dogs, and no other animal, shall be allowed to run at large.

~~((9))~~ 10. “Park” means all parks and bodies of water contained therein, squares, drives, parkways, boulevards, trails, golf courses, museums, aquaria, zoos, beaches, playgrounds, playfields, botanical gardens, greenbelts, parking lots, community centers~~((:))~~, and other park, recreation, and open space areas, ~~((and))~~ buildings, and facilities comprising the parks and recreation system of the City under the management and control of the Superintendent.

~~((10))~~ 11. “Park rule” for purposes of Section 18.12.278 means those particular rules or codes of conduct the Superintendent has adopted and has designated, by rule, as those for which a violation may lead to exclusion from a park under Section 18.12.278.

~~((11))~~ 12. “Recreation program” means any program or activity conducted, sponsored, or assisted by Seattle Parks and Recreation, whether or not it occurs in a park.

~~((12))~~ 13. “Superintendent” means the Superintendent of Parks and Recreation of the City and authorized agents of the Superintendent, who may include, without limitation, the Chief of Police of The City of Seattle and ~~((his or her))~~ the Chief’s subordinate officers, Seattle Animal Control Officers, and staff of Seattle Parks and Recreation.

~~((13))~~ 14. “Superintendent’s Hearing Officer” means the individual who is the Superintendent of Parks and Recreation and each person or panel of persons on whom the Superintendent has conferred

responsibility to conduct the hearing authorized in ~~((Section))~~ subsection 18.12.278.E.

~~((14))~~ 15. “Violation” means an act or omission or combination thereof that is contrary to any park rule or any civil or criminal provision of the Revised Code of Washington or the Seattle Municipal Code proven by a preponderance of the evidence.

~~((15))~~ 16. “Weapon violation” means possession ~~((of))~~ or use of a weapon in violation of Chapter 9.41 of the Revised Code of Washington or Chapter 12A.14 of the Seattle Municipal Code.

~~((16))~~ 17. “Zoo” means a zoological garden where animals are kept for purposes of research, recreation, conservation, education, or viewing.

~~((17))~~ 18. “Zoo exhibit” means an area in the Zoo reserved for the purpose of exhibiting Zoo animals.

B. Wherever consistent with the context of this ~~((chapter))~~ Chapter 18.12, words in the present, past, or future tenses shall be construed to be interchangeable with each other, words in the singular number shall be construed to include the plural, and words in the masculine gender shall apply to the feminine and neuter genders.

Section 2. Section 18.12.042 of the Seattle Municipal Code, enacted by Ordinance 113860, is amended as follows:

18.12.042 Permit system~~(())~~

The Superintendent may establish a permit system and require a permit for:

A. Reserving any room or part of a community center, athletic field, picnic facility, stage, or other defined area of a park for a certain time or series of times; and granting the exclusive use thereof during the time reserved;

B. Posting any signs, posters, or notices; placing or erecting any structure or obstruction of any kind within a park, whether temporary or permanent; engaging in competitions involving a vehicle, boat, aircraft, or animal, or launching or landing aircraft or airborne conveyance; or cutting or removing any tree or plant

material;

C. Making any improvement to or in a park or constructing a public work;

D. Conducting a commercial activity of any type, including providing a service, product, or activity within a park;

~~E. ((using))~~ Using any outdoor electrical power outlet; or laying cables or extending wires in or over a park; or using any park or facility during the hours it is closed to the public;

~~((E))~~ E. Making any use of a park or recreational facility for an event that differs in kind from the use and enjoyment of the park or recreational facilities by the general public of the premises.

No permit is required of park employees acting in the scope and course of their duties. Exemptions may be made for abutting owners, who maintain park boulevards, with respect to the area maintained; for concessionaires as to the area under concession; and as to governmental officials acting under authority of law. Issuance of a permit shall be subject to payment of such fees or charges as required by ordinance or authorized by resolution of the City Council.

A permit for an event may authorize the placing of temporary signs, posters, or notices reasonably related thereto.

All permits shall be wholly of a temporary nature, shall ~~((best))~~ vest no permanent right, and may be removed upon ~~((thirty (30)))~~ 30 days' notice or, if the permit so states, upon shorter notice. The Superintendent is authorized to issue permits consistent with this Section 18.12.042 for a term not to exceed one year.

Section 3. Section 18.12.160 of the Seattle Municipal Code, enacted by Ordinance 106615, is amended as follows:

18.12.160 ~~((Sale of merchandise))~~ Commercial activity in parks-Concession contract or permit required~~((~~

~~((It is unlawful to sell or attempt to sell any merchandise, liquid, edible, or any other tangible or intangible thing, right, privilege or claim in any park without having an authorized concession contract or use permit to do~~

~~se-))~~ It is unlawful to conduct any commercial activity as defined in Section 18.12.030, or provide any service, product, or activity for which there is a charge, in any park, without having an authorized concession contract or use permit to do so, signed or issued by the Superintendent.

Section 4. This ordinance shall take effect and be in force 30 days after its approval by the Mayor, but if not approved and returned by the Mayor within ten days after presentation, it shall take effect as provided by Seattle Municipal Code Section 1.04.020.

Passed by the City Council the _____ day of _____, 2022, and signed by me in open session in authentication of its passage this _____ day of _____, 2022.

President _____ of the City Council

Approved // returned unsigned // vetoed this _____ day of _____, 2022.

Bruce A. Harrell, Mayor

Filed by me this _____ day of _____, 2022.

Monica Martinez Simmons, City Clerk

(Seal)

SUMMARY and FISCAL NOTE*

Department:	Dept. Contact/Phone:	CBO Contact/Phone:
Parks and Recreation	Amy Hamaker/684-0902	Justin Hellier/

** 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

L Legislation Title: AN ORDINANCE relating to permits in parks; stating a maximum term for permits in parks; clarifying the nature of permissible commercial activities in parks; and amending Sections 18.12.030, 18.12.042 and 18.12.160 of the Seattle Municipal Code.

Summary and background of the Legislation: Based on the changing nature of commercial activity requests and in consultation with the City Attorney’s Office, this legislation amends language in the Seattle Municipal Code to clarify permit and concession contract requirements while confirming the department’s authority and responsibility to maintain city parks as a safe and welcoming space for all park users.

Updates:

Section 18.12.030: Definitions. Adds definition of Commercial Activity

Section 18.12.042: Permit System. Clarifies that a permit is required for commercial activity of any type, including providing a service, product or activity within a park. Includes language that permits may be issued for a term not to exceed one year consistent with existing SPR policies and procedures.

Section 18.12.160: Commercial Activity: Update language to be consistent with 18.12.030 and 18.12.042 and removes unclear language.

Background: In the past 10 years, Seattle Parks and Recreation has seen an increased demand from businesses wishing to operate commercial enterprises on SPR property. These ventures include: fitness classes, educational nature classes and food vending.

The City Attorney’s Office advised that current language in the Seattle Municipal Code should be amended to add language: specific to commercial activity including service, product and activity; and to require the issuance of a permit for commercial activities. This additional language allows for a continuance of short-term (less than one year) use permits for food vending and activity-related commercial programming that enhance and activate the park.

SPR has worked to activate underutilized parks and enhance park goers’ experience by permitting seasonal concession activities that align with its values of “healthy people, healthy environment, and strong communities.” Outreach is directed to underserved populations resulting in 90% of permittees self-identifying as WMBE. Pilot programs included activation at South Park Plaza and promoting opportunities to underserved parks in Southeast Seattle.

2. CAPITAL IMPROVEMENT PROGRAM

Does this legislation create, fund, or amend a CIP Project? ___ Yes __X__ No

3. SUMMARY OF FINANCIAL IMPLICATIONS

Does this legislation amend the Adopted Budget? ___ Yes __X__ 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?
No

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

Not implementing this legislation could jeopardize SPR's authority to issue concession permits based on the interpretation of the existing language by the Law Department.

4. OTHER IMPLICATIONS

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

No

b. Is a public hearing required for this legislation?

No

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

No

d. Does this legislation affect a piece of property?

No

e. Please describe any perceived implication for the principles of the Race and Social Justice Initiative. Does this legislation impact vulnerable or historically disadvantaged communities? What is the Language Access plan for any communications to the public?

Traditionally, seasonal vendors in parks have been 80-90% WMBE. The business opportunities afforded by the vending program tends to attract small- and first-time business owners. Application and website materials contain language access information.

f. Climate Change Implications

1. Emissions: Is this legislation likely to increase or decrease carbon emissions in a material way?

No

2. Resiliency: Will the action(s) proposed by this legislation increase or decrease Seattle's resiliency (or ability to adapt) to climate change in a material way? If so,

explain. If it is likely to decrease resiliency in a material way, describe what will or could be done to mitigate the effects.

No.

- 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).**

N/A

List attachments/exhibits below: