



CITY OF SEATTLE

City Council

Agenda

Monday, July 20, 2020

2:00 PM

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

M. Lorena González, President

Lisa Herbold, Member

Debora Juarez, Member

Andrew J. Lewis, Member

Tammy J. Morales, Member

Teresa Mosqueda, Member

Alex Pedersen, Member

Kshama Sawant, Member

Dan Strauss, Member

Chair Info: 206-684-8809; Lorena.González@seattle.gov

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



CITY OF SEATTLE

City Council Agenda

July 20, 2020 - 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>

In-person attendance is currently prohibited per Washington State Governor's Proclamation No. 20-28.7 through August 1, 2020. Meeting participation is limited to access by telephone conference line and Seattle Channel online.

Register online to speak during the Public Comment periods 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 each 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 JOURNAL**

[Min 290](#) July 13, 2020

Attachments: [Minutes](#)

E. ADOPTION OF INTRODUCTION AND REFERRAL CALENDAR (IRC)

Introduction and referral to Council committees of Council Bills (CB), Resolutions (Res), Appointments (Appt), and Clerk Files (CF) for committee recommendation.

[IRC 264](#) July 20, 2020

Attachments: [Introduction and Referral Calendar](#)

F. APPROVAL OF THE AGENDA**G. PUBLIC COMMENT ON INTRODUCTION AND REFERRAL CALENDAR (IRC) & 2020 CITY COUNCIL WORK PROGRAM**

*Members of the public may sign up to address the Council for up to 2 minutes on matters on the **Introduction and Referral Calendar (IRC)** and the **2020 City Council Work Program**. The total time allotted for this public comment period is up to 20 minutes.*

H. PUBLIC COMMENT ON ITEMS FOR FINAL ACTION TODAY

*Members of the public may sign up to address the Council for up to 2 minutes on matters on the Agenda for final action listed under **Committee Reports and Adoption of Other Resolutions**; total time allotted to this public comment is up to 20 minutes.*

I. PAYMENT OF BILLS

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

[CB 119834](#) AN ORDINANCE appropriating money to pay certain audited claims for the week of July 6, 2020 through July 10, 2020 and ordering the payment thereof.

J. COMMITTEE REPORTS

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

SELECT BUDGET COMMITTEE:

1. [CB 119812](#) AN ORDINANCE amending Ordinance 126000, which adopted the 2020 Budget; making appropriations from the Emergency Fund for public assistance during the COVID-19 civil emergency; making an appropriation from the General Fund for public assistance during the civil emergency; and making appropriations from the Revenue Stabilization Fund for public assistance during the civil emergency; all by a 3/4 vote of the City Council.

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

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

Opposed: None

Supporting Documents:

[Summary and Fiscal Note](#)

[Proposed Amendment 1](#)

[Proposed Amendment 2](#)

2. [Res 31957](#) A RESOLUTION establishing spending details by year and program area for the spending plan adopted by the ordinance introduced as Council Bill 119811 that established the authorized uses of the proceeds generated from the payroll expense tax authorized by the ordinance introduced as Council Bill 119810.

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

In Favor: 8 - Mosqueda, Herbold, González , Juarez, Lewis, Morales, Sawant, Strauss

Opposed: None

Abstain: 1 - Pedersen

Attachments: [Att 1 - Proposed Spending Plan v2](#)

Supporting Documents:

[Summary and Fiscal Note](#)

[Proposed Amendment 1](#)

CITY COUNCIL:

3. [CB 119828](#) AN ORDINANCE relating to Seattle Public Utilities; authorizing the General Manager/CEO of Seattle Public Utilities or designee to acquire by negotiation or eminent domain (condemnation) four separate parcels of land and all other necessary property rights owned by JSO Legacy Properties, LLC; John S. Roach as his separate property, and BNSF Railway Company, all located within Blocks 25 and 26 and vacated Court Street of the recorded plat of South Seattle, for water operations general purposes, and to execute, accept, and record deeds and conveyance documents and agreements deemed by the General Manager/CEO to be necessary to this transaction on behalf of the City; placing the conveyed real properties under the jurisdiction of Seattle Public Utilities; authorizing payment of all other costs associated with the acquisition; and ratifying and confirming certain prior acts.

Attachments: [Att 1 - Legal Description of King County Parcels #786610-1010 and #788610-0916](#)
[Att 2 - Map of Parcel King County Parcels #788610-1010 and #788610-0916](#)
[Att 3 - Legal Description of King County Parcel #788610-0917](#)
[Att 4 – Map of Parcel King County Parcel #788610-0917](#)
[Att 5 - Legal Description of a Portion of King County Parcels #788610-0915](#)
[Att 6 - Map of a Portion of King County Parcel #788610-0915](#)

Supporting Documents: [Summary and Fiscal Note v2](#)
[Summary Ex A - Site Location Map](#)
[Summary Ex B - Site Properties Map](#)
[Central Staff Memo](#)
[Affidavit of Mailing](#)

4. [CB 119829](#) AN ORDINANCE relating to commercial tenancies; temporarily prohibiting the enforcement of personal liability provisions in commercial leases or other rental agreements; declaring an emergency; and establishing an immediate effective date; all by a 3/4 vote of the City Council.

Supporting Documents:

[Summary and Fiscal Note](#)
[Proposed Amendment 1](#)

5. [CB 119832](#) AN ORDINANCE relating to floodplains; adopting interim regulations consistent with the Federal Emergency Management Agency (FEMA) regulations; adopting updated National Flood Insurance Rate Maps to allow individuals to continue to obtain flood insurance through FEMA's Flood Insurance Program; and amending Chapter 25.06 and Section 25.09.030 of the Seattle Municipal Code.

Attachments: [Ex 1 - The Flood Insurance Study for King County Washington](#)
[Ex 2 - Flood Insurance Rate Maps](#)

Supporting Documents:

[Summary and Fiscal Note](#)
[Seattle Department of Construction and Inspections Memo](#)

K. ADOPTION OF OTHER RESOLUTIONS

L. OTHER BUSINESS

M. ADJOURNMENT



Legislation Text

File #: Min 290, **Version:** 1

July 13, 2020

SEATTLE CITY COUNCIL

600 Fourth Ave. 2nd Floor
Seattle, WA 98104



Journal of the Proceedings of the Seattle City Council

Monday, July 13, 2020

2:00 PM

Remote Meeting. Call 253-215-8782; Meeting ID: 586 416 9164; or
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City Council

M. Lorena González, President

Lisa Herbold, Member

Debora Juarez, Member

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Alex Pedersen, Member

Kshama Sawant, Member

Dan Strauss, Member

Chair Info: 206-684-8809; Lorena.González@seattle.gov

In-person attendance is currently prohibited per Washington State Governor's Proclamation No. 20-28.7 through August 1, 2020. Meeting participation is limited to access by telephone conference line 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 20-28.7 and guidance provided by the Attorney General's Office, on July 13, 2020, pursuant to the provisions of the City Charter. The meeting was called to order at 2:01 p.m., with Council President González presiding.

B. ROLL CALL

The following Councilmembers were present and participating electronically:

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

Late Arrival: 1 - Morales

By unanimous consent, the Council Rules were suspended to allow Councilmembers to participate and vote at City Council and Committee meetings by electronic means through August 1, 2020.

C. PRESENTATIONS

There were none.

D. APPROVAL OF THE JOURNAL

[Min 288](#)

June 29, 2020

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 - González , Herbold, Juarez, Lewis, Mosqueda, Pedersen, Sawant, Strauss

Opposed: None

[Min 289](#)

July 6, 2020

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 - González , Herbold, Juarez, Lewis, Mosqueda, Pedersen, Sawant, Strauss

Opposed: None

E. ADOPTION OF INTRODUCTION AND REFERRAL CALENDAR

[IRC 263](#)

July 13, 2020

ACTION 1:

Motion was made and duly seconded to adopt the proposed Introduction and Referral Calendar.

ACTION 2:

Motion was made by Councilmember González, duly seconded and carried, to amend the sponsorship to Resolution 31957, by adding Councilmembers González, Herbold, Juarez, Lewis, Strauss, and Sawant as sponsors.

Councilmember Morales joined the meeting at 2:06 p.m.

ACTION 3:

Motion was made and duly seconded to adopt the proposed Introduction and Referral Calendar as amended.

The Motion carried, and the Introduction & Referral Calendar (IRC) was adopted as amended by the following vote:

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

Opposed: None

F. APPROVAL OF THE AGENDA

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

G. PUBLIC COMMENT

Jazzlyn Huerta addressed the Council regarding a non-Agenda item.

McKenna Lux addressed the Council regarding Agenda item 3, Resolution 31955.

Elena Perez addressed the Council regarding Agenda item 3, Resolution 31955.

Karen Toering addressed the Council regarding Agenda item 3, Resolution 31955.

Roble Musse addressed the Council regarding Agenda item 3, Resolution 31955.

Abdi Fayoke addressed the Council regarding Agenda item 3, Resolution 31955.

Emily Merrill addressed the Council regarding Agenda item 3, Resolution 31955.

Aspen Blain addressed the Council regarding a non-Agenda item.

Abdulkhik Hashi addressed the Council regarding Agenda item 3, Resolution 31955.

Frank Rizzo addressed the Council regarding a non-Agenda item.

H. PAYMENT OF BILLS

[CB 119830](#) **AN ORDINANCE appropriating money to pay certain audited claims for the week of June 29, 2020 through July 3, 2020 and ordering the payment thereof.**

Motion was made and duly seconded to pass Council Bill 119830.

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

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

Opposed: None

I. COMMITTEE REPORTS

CITY COUNCIL:

1. [CB 119826](#) **AN ORDINANCE relating to grant funds from non-City sources; authorizing the Director of the Seattle Department of Transportation to accept specified grants and execute related agreements for and on behalf of the City; amending Ordinance 126000, which adopted the 2020 Budget, including the 2020-2025 Capital Improvement Program (CIP); changing appropriations for the Seattle Department of Transportation; revising allocations and spending plans for certain projects in the 2020-2025 CIP; and ratifying and confirming certain prior acts.**

Motion was made and duly seconded to pass Council Bill 119826.

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

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

Opposed: None

2. [CB 119815](#) **AN ORDINANCE relating to the Seattle Monorail, authorizing the Director of the Seattle Center Department to execute a second amendment to the easement agreement with Westlake Center, LLC previously authorized by Ordinance 113272; providing additional easement area for improvement and expansion of the Monorail station platform; granting rights to install and maintain ticket kiosks and commercial and informational signage; and ratifying and confirming certain prior acts.**

Motion was made and duly seconded to pass Council Bill 119815.

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

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

Opposed: None

3. [Res 31955](#) **A RESOLUTION reaffirming The City of Seattle’s support of unbanked money transfer operators and the immigrant communities they serve.**

Motion was made and duly seconded to adopt Resolution 31955.

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

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

Opposed: None

4. [Res 31950](#) **A RESOLUTION relating to the Department of Parks and Recreation; authorizing the Superintendent of Parks and Recreation to act as the authorized representative/agent on behalf of The City of Seattle and to legally bind The City of Seattle with respect to certain projects for which the City seeks grant funding assistance managed through the Recreation and Conservation Office.**

Motion was made and duly seconded to adopt Resolution 31950.

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

In Favor: 8 - González , Herbold, Juarez, Lewis, Morales, Pedersen, Sawant, Strauss

Opposed: None

Absent(NV): 1 - Mosqueda

5. [Appt 01585](#) **Appointment of Tyrone Grandison as member, Community Technology Advisory Board, for a term to December 31, 2021.**

ACTION 1:

Motion was made and duly seconded to confirm Appointment 01585.

ACTION 2:

Motion was made by Councilmember Pedersen, duly seconded and carried, to amend Appointment 01585, Notice of Appointment, by substituting version 2 for version 1.

ACTION 3:

Motion was made and duly seconded to confirm Appointment 01585 as amended.

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

In Favor: 9 - González , Herbold, Juarez, Lewis, Morales, Mosqueda, 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 2:54 p.m.

Jodee Schwinn, Deputy City Clerk

Signed by me in Open Session, upon approval of the Council, on July 20, 2020.

M. Lorena González, Council President of the City Council

Monica Martinez Simmons, City Clerk



Legislation Text

File #: IRC 264, Version: 1

July 20, 2020



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 119834	AN ORDINANCE appropriating money to pay certain audited claims for the week of July 6, 2020 through July 10, 2020 and ordering the payment thereof.	City Council
<u>By: Strauss</u>		
2. Res 31958	A RESOLUTION approving a Memorandum of Agreement with Seattle Pacific University regarding the establishment, composition, and rules for a Citizens Advisory Committee for preparation of a Major Institution Master Plan for Seattle Pacific University.	City Council
<u>By: Strauss</u>		
3. Res 31959	A RESOLUTION approving a Memorandum of Agreement with Seattle Central College regarding the establishment, composition, and rules for a Citizens Advisory Committee for preparation of a Major Institution Master Plan for Seattle Central College.	City Council
<u>By: Strauss</u>		
4. Appt 01586	Appointment of Patience Manzezulu Malaba as member, Seattle Planning Commission, for a term to April 15, 2021.	City Council
<u>By: Strauss</u>		
5. Appt 01587	Appointment of Katherine Idziorek as member, Seattle Planning Commission, for a term to April 15, 2022.	City Council
<u>By: Strauss</u>		
6. Appt 01588	Appointment of Lauren Squires as member, Seattle Planning Commission, for a term to April 15, 2022.	City Council
<u>By: Strauss</u>		
7. CB 119835	AN ORDINANCE relating to land use and zoning; correcting typographical errors, correcting section references, clarifying regulations, and making minor amendments; amending Sections 22.214.040, 22.214.050, 23.22.062, 23.22.100, 23.24.040, 23.24.045, 23.28.030, 23.40.060, 23.41.004, 23.41.012, 23.42.048, 23.42.112, 23.44.008,	Land Use and Neighborhoods Committee

23.44.010, 23.44.014, 23.44.016, 23.44.026, 23.44.041,
23.45.506, 23.45.518, 23.45.522, 23.45.545, 23.47A.008,
23.47A.012, 23.47A.013, 23.48.005, 23.48.020, 23.48.025,
23.48.220, 23.48.225, 23.48.245, 23.48.720, 23.48.724,
23.48.740, 23.49.008, 23.49.011, 23.49.014, 23.49.056,
23.49.166, 23.52.008, 23.54.015, 23.54.025, 23.54.030,
23.54.040, 23.58C.040, 23.58D.006, 23.66.342, 23.69.032,
23.73.009, 23.73.012, 23.84A.004, 23.84A.032,
23.84A.036, 23.86.007, 23.90.018, and 25.09.060 of the
Seattle Municipal Code; and adding a new Section
23.48.007 to the Seattle Municipal Code.



Legislation Text

File #: CB 119834, Version: 1

CITY OF SEATTLE

ORDINANCE _____

COUNCIL BILL _____

AN ORDINANCE appropriating money to pay certain audited claims for the week of July 6, 2020 through July 10, 2020 and ordering the payment thereof.

BE IT ORDAINED BY THE CITY OF SEATTLE AS FOLLOWS:

Section 1. Payment of the sum of \$21,654,602.66 on PeopleSoft 9.2 mechanical warrants numbered 4100354570 - 4100356103 plus manual or cancellation issues for claims, E-Payables of \$58,973.89 on PeopleSoft 9.2 9100006682 - 9100006726 and Electronic Financial Transactions (EFT) in the amount of \$25,941,791.04 are presented for ratification by the City Council per RCW 42.24.180.

Section 2. Payment of the sum of \$53,235,423.18 on City General Salary Fund mechanical warrants numbered 51336107- 51336290 plus manual warrants, agencies warrants, and direct deposits numbered 290001 - 292701 representing Gross Payrolls for payroll ending date July 7, 2020 as detailed in the Payroll Summary Report for claims against the City which were audited by the Auditing Committee and reported by said committee to the City Council July 16, 2020 consistent with appropriations heretofore made for such purpose from the appropriate Funds, is hereby approved.

Section 3. Any act consistent with the authority of this ordinance taken prior to its effective date is hereby ratified and confirmed.

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 20th day of July 2020, and signed by me in open session in authentication of its passage this 20th of July 2020.

President _____ of the City Council

Approved by me this _____ day of _____, 2020.

Jenny A. Durkan, Mayor

Filed by me this _____ day of _____, 2020.

Monica Martinez Simmons, City Clerk

(Seal)



Legislation Text

File #: CB 119812, **Version:** 2

CITY OF SEATTLE

ORDINANCE _____

COUNCIL BILL _____

AN ORDINANCE amending Ordinance 126000, which adopted the 2020 Budget; making appropriations from the Emergency Fund for public assistance during the COVID-19 civil emergency; making an appropriation from the General Fund for public assistance during the civil emergency; and making appropriations from the Revenue Stabilization Fund for public assistance during the civil emergency; all by a 3/4 vote of the City Council.

WHEREAS, on March 11, 2020, the World Health Organization announced that the novel coronavirus (COVID-19) is officially a global pandemic; and

WHEREAS, on February 29, 2020 the Washington Governor issued Proclamation 20-05, proclaiming a state of emergency for all counties throughout the state of Washington in response to new cases of COVID-19, and

WHEREAS, on March 13, 2020 the President of the United States declared a national state of emergency in response to the COVID-19 pandemic; and

WHEREAS, on March 25, 2020 the Washington Governor issued Proclamation 20-25, prohibiting all people in Washington State from leaving their homes and all non-essential businesses in Washington State from conducting business (“Stay Home - Stay Healthy Proclamation”); and

WHEREAS, these actions are appropriate for public health reasons but result in severe economic impacts on businesses, families and individuals in Seattle; and

WHEREAS, these impacts are felt most strongly by people with low incomes who have become unemployed or had their work hours severely reduced; and

WHEREAS, federal and state assistance to people with low incomes will not be sufficient to meet their basic

needs during this public health and financial crisis; and

WHEREAS, without additional support, many people with low incomes will face severe financial hardship which will have significant negative impacts, including but not limited to public health impacts, greater housing insecurity, as well as impacts to small businesses and the local economy; and

WHEREAS, the City will use general fund balance and emergency funds in 2020 to support programs and services that support immigrant communities, small businesses, and the housing needs of low-income households, and people experiencing homelessness or housing insecurity in 2020, to be repaid with proceeds from the new tax collected in 2021; and

WHEREAS, regarding use of the proceeds of these appropriations for emergency financial assistance in response to the COVID-19 civil emergency, the City Council has determined that there is no viable alternative available for advancing a core City objective during a time of civil emergency; and

WHEREAS, after accounting for 2020 deposits the currently available Emergency Fund balance is \$66.9 million and the currently available Revenue Stabilization Account balance is \$60.8 million; and

WHEREAS, the City Budget Director reported on April 22, 2020 that the General Fund had an unanticipated year-end balance of \$18.6 million; and

WHEREAS, the affordable housing crisis, homelessness emergency, and now the COVID-19 pandemic and related economic and unemployment emergencies, in Seattle are deeply impacting the lives of people throughout Seattle and the region and disproportionately harms people of color, immigrants, the LGBTQIA community, indigenous peoples' communities, disabled community members, and women, who already struggle against entrenched inequality; NOW, THEREFORE,

BE IT ORDAINED BY THE CITY OF SEATTLE AS FOLLOWS:

Section 1. Findings. The City Council finds that:

A. On March 3, 2020, the Mayor proclaimed that a civil emergency exists in the City of Seattle related to the COVID-19 virus.

B. On March 11, 2020, the Governor of Washington State and the Local Health Officer for Public Health - Seattle & King County issued parallel orders prohibiting gatherings of 250 people or more for social, spiritual and recreational activities in King County.

C. On March 13, 2020, the Governor of Washington state issued an emergency order announcing all K-12 schools in Washington to be closed from March 17, 2020 through June 19, 2020 to combat the spread of the disease.

D. On March 13, 2020, the President of the United States declared a national emergency to allow the government to marshal additional resources to combat the virus.

E. On March 23, 2020, the Governor of Washington State issued an emergency order (“the Stay Home, Stay Safe” order) announcing that “[a]ll people in Washington State shall immediately cease leaving their home or place of residence except: (1) to conduct or participate in essential activities, and/or (2) for employment in essential business services.”

F. As of June 11, 2020, the Washington State Department of Health confirmed 25,171 cases of COVID-19 and 1,204 deaths caused by the virus in Washington State, with 8,611 confirmed cases and 586 deaths caused by the virus in King County.

G. The COVID-19 crisis has had a significant impact on the local economy impacting the retail, restaurant, construction, gig economy, and other industries resulting in layoffs and reduced work hours for a significant percentage of this workforce and loss of income for small businesses. These impacts are being felt most strongly by low income workers, people of color, immigrants, and members of the LGBTQIA community, who have become unemployed or had their work hours severely reduced and will have both immediate and long-term impacts.

H. There are at least 38,000 businesses in the City of Seattle employing a minimum of 655,000 individuals. Since the Governor of Washington closed or limited operations of many businesses in the state beginning in March, the statewide unemployment rate went from 5.1 percent in March to 15.4 percent in April.

This equates to 199,000 individuals in March, and 610,000 individuals in April who are unemployed. In the Seattle/Bellevue/Everett area, the unemployment rate went from 5.6 percent in March to 14.5 percent in April. This equates to 96,000 individuals in March and 248,000 individuals in April who are unemployed. Rising unemployment will put more and more Seattle households, particularly low-income households, in financial peril.

I. The impacts of the COVID-19 crisis on the economy, employment, job retention, child care, and businesses has resulted in: restaurants, bars, and other businesses being forced to close; workers being unable to go to work because of illness; the need to care for children home from day care or school or for other family members without paid sick or safe time; and reduced business income due to reduced demand as businesses struggle during the state of emergency proclaimed by Mayor Durkan on March 3, 2020. These impacts have led to a temporary closure of many businesses, which will struggle to reopen.

J. The impacts of the forced closure of businesses will be felt most by small businesses and nonprofits, which typically have smaller profit margins, smaller cash reserves, and less access to capital than larger for-profit businesses.

K. Providing financial assistance to small business owners and operators, including owners of family child care businesses, is necessary to prevent small businesses from having to close permanently due to the hardship associated with government-mandated full or partial closure of their businesses, or requirements to implement new businesses practices and physical modifications to the business to meet public health guidance, during and after the COVID-19 crisis. Such assistance shall provide economic benefits to the public by saving or creating jobs, maintaining access to child care so workers who have children at home can return to work, moderating impacts to local tax revenue by supporting continued operations of small businesses, and ensuring that businesses can modify operations as necessary to comply with public health guidance.

L. Federal and state assistance is inaccessible to many people with low-incomes, to many small businesses, and is being delayed for many others, and will not be sufficient to meet their basic needs during the

COVID-19 public health and financial crisis. In addition, federal assistance provided to small businesses, including child care providers, may not allow flexibility in terms of non-payroll costs that can be covered, timeline for expending funds, etc. Therefore, additional and immediate financial support to small businesses and people with low-incomes is necessary to help meet their basic needs and to help minimize impacts to public health as well as the local economy.

M. On March 12, 2020, the Governor issued Proclamation 20-08 closing schools in King, Snohomish, and Pierce Counties. The next day, he issued Proclamation 20-09 expanding the closing of schools to require the statewide closure of K-12 public and private schools until April 24, 2020 and then extended such orders again until June 19, 2020.

N. On June 11, 2020, the Governor issued Proclamation 20.09.2 allowing a phased re-opening of schools subject to the requirements of the Washington State Department of Health's K-12 Schools - Summer 2020 Guidance and the Re-opening K-12 Fall 2020-2021 Guidance.

O. The science of COVID-19 will evolve over the summer and into the school year, and the trajectory of disease in Washington State and Seattle specifically may require changes to the public health response and adds uncertainty to when the re-opening of schools full-time will occur.

P. The closure of schools increased the need for childcare for first responders, healthcare workers, and other essential front-line employees as they combat the COVID-19 emergency, and as other non-essential businesses are beginning to re-open workers who are required to return to work before schools re-open full time will add to increased need for childcare for all workers.

Q. The economic impacts from the COVID-19 emergency are drastic and immediate but are also expected to last much longer than the civil shut-down emergency itself.

R. Data from the 2012-2016 American Community Survey (ACS) shows that: over 60,000 households in Seattle with incomes at or below 80 percent of AMI are cost burdened, paying more than 30 percent of their income for rent and utilities; and 29,000 households with incomes at or below 50 percent of area AMI are

severely cost burdened, paying over 50 percent of their income for rent and utilities, and, as a result, are at potential risk of homelessness.

S. The 2019 point-in-time count of people experiencing homelessness in King County found in Seattle at least 3,558 individuals who are living unsheltered in addition to at least 4,239 more individuals who are experiencing homelessness but are sheltered, for a total of at least 7,797 individuals who are experiencing homelessness in Seattle.

T. The Centers for Disease Control and Prevention recommend against removing encampments while there is community spread of COVID-19 unless there is adequate housing available, defined as individual housing and non-congregate shelter options.

U. There may be circumstances in which moving people is necessary, even in a pandemic, but in those limited cases such activity should be planned and implemented with great care and appropriate individual housing or temporary alternative workable living arrangements made available.

V. The COVID-19 emergency poses a serious threat to the housing stability of households who are unable to pay rent due to this crisis. The United Way of King County, with funding provided by the City and other partners, expanded their Home Base program to provide emergency rental assistance to households in King County during the COVID-19 emergency. Over 2,500 applications have been submitted by low-income households in Seattle in need of rental assistance.

W. Investments in the programs and services described in this ordinance will help counteract the economic and health impacts caused by the COVID-19 crisis by investing in low-income communities, small businesses, and other services that will be needed by people who saw significant reductions in income due to employment changes and business closures or reductions stemming from the crisis.

X. The City's Adopted 2020 Budget fully appropriates all available municipal revenues to address the many and varied needs of the community.

Y. At an April 22 presentation to the Select Budget Committee, the City Budget Director stated that a

“Rapid Recovery” in City General Fund finances from the COVID 19 civil emergency would result in a \$100 million or 7 percent reduction in General Fund revenues available for City spending priorities in 2020, and further stated that a “Slow Recovery” scenario would result in a \$186 million or 13 percent reduction in General Fund revenues and about \$113 million reduction in other general government revenues in 2020, for a total reduction of about \$300 million in 2020. Additional information provided by the City Budget office anticipates the budget gap expected in 2020 due to increased spending addressing COVID-19 related needs and reduced General Fund resources.

Z. A new payroll tax authorized through Council Bill 119810 is anticipated to provide new and sufficient revenues to replenish the Emergency Fund and Revenue Stabilization Fund in 2021.

Section 2. In order to pay for expenses and obligations to address the economic impacts caused by the COVID-19 epidemic that could not have been anticipated at the time of making the 2020 Budget, appropriations for the following items in the 2020 Budget are increased from the funds shown, as follows:

Item	Department	Fund	Budget Summary Level/BCL Code	Amount
2.1	Executive (Office of Economic Development)	Emergency Fund (10102)	Business Services (BO-ED-X1D00)	\$14,448,000
2.2	Department of Education and Early Learning	Revenue Stabilization Fund (00166)	Early Learning (BO-EE-IL100)	\$3,612,000
2.3	Human Services Department	Emergency Fund (10102)	Addressing Homelessness (BO-HS-H3000)	\$32,643,800
2.4	Executive (Office of Housing)	Emergency Fund (10102)	Homeownership & Sustainability (BO-HU-2000)	\$1,708,200
2.5	Executive (Office of Housing)	Revenue Stabilization Fund (00166)	Multifamily Housing (BO-HU-3000)	\$1,721,600
2.6	Executive (Office of Immigrant and Refugee Affairs)	Emergency Fund (10102)	Office of Immigrant and Refugee Affairs (BO-IA-X1N00)	\$18,100,000

2.7	Executive (Office of Sustainability & Environment)	Revenue Stabilization Fund (00166)	Office of Sustainability and Environment (BO-SE-X1000)	\$13,545,000
Grand Total				\$85,778,600

Section 3. The City Council (“Council”) intends to replenish the Emergency Fund and Revenue Stabilization Fund as described in the ordinance introduced as Council Bill 119811 in 2021 using proceeds received from the tax authorized in Council Bill 119810.

Section 4. The appropriations in Section 2 of this ordinance, amending the 2020 Adopted Budget, shall be subject to the following provisos:

A. Of the funding appropriated to the Office of Economic Development’s Business Services (BO-ED-X1D00) Budget Summary Level in the 2020 Adopted Budget, \$14.45 million of the funds shall be used to address the economic hardship small business owners and their employees, and nonprofit organizations and their employees, experience due to loss of business income, grant funding reductions, layoffs and reduced work hours for a significant percentage of this workforce as a result of the COVID-19 crisis and may be used for no other purpose. Up to five percent of these funds may be used for expenditures incurred by the department to administer the investments. The Council intends that this funding will be allocated as follows:

1. \$14.1 million to provide financial assistance to small business owners or operators and nonprofit organizations, with preference to brick and mortar small businesses, that would be used to reduce the economic hardship caused by COVID-19 crisis and assist small businesses and nonprofit organizations to comply with public health guidelines, thereby protecting the local economy by reducing the number of businesses or nonprofits that are permanently closed and jobs permanently lost due to the short- and long-term economic impacts caused by COVID-19.
2. \$315,000 to provide training, referral services, and technical assistance to support businesses, including assistance in preparing applications for federal or state loans or grants that provide direct financial assistance to small businesses to prepare such businesses for the road to recovery.
3. The Council further intends that:
 - a. Up to \$10,000 in financial assistance may be provided to any single eligible small business owner or nonprofit organization under this proviso.
 - b. Assistance should be prioritized for businesses and nonprofit organizations who commit to not reducing wages and benefits provided prior to the COVID-19 emergency, and for business and nonprofit organizations who have historically, or recently, been unable to access other forms of assistance through state or federal programs available to support businesses, including businesses owned by Black, Indigenous, and people of color and those with limited English proficiency, and businesses in the creative industry. Any awards to those in the creative industry should be made in partnership with advocates in

the creative industry sphere.

- c. For purposes of this proviso, an eligible “small business” is defined as a business with ten or fewer full time equivalent employees (FTEs) and an eligible “nonprofit organization” is a nonprofit with ten or fewer FTEs that provides community services that protect or enhance the health, safety, environment, or general welfare of people who live or work in Seattle.
- d. The Executive should develop eligibility criteria for small businesses who have been economically impacted by the COVID-19 crisis and for whom such assistance will provide economic benefits to the public by saving or creating jobs, moderating impacts to local tax revenue by supporting continue operations of small businesses and ensuring that businesses can modify operations as necessary to comply with public health guidance.

B. Of the funding appropriated to the Department of Education and Early Learning’s Early Learning (BO-EE-IL100) Budget Summary Level in the 2020 Adopted Budget, \$3.61 million of the funds shall be used to address the economic hardship child care providers and their employees experience due to loss of income, layoffs and reduced work hours for a significant percentage of this workforce as a result of the COVID-19 crisis and may be used for no other purpose. Up to five percent of these funds may be used for expenditures incurred by the department to administer the investments. The Council intends that:

1. Up to \$10,000 in financial assistance may be provided to (1) any single eligible family child care provider and (2) other licensed child care providers that adhere to labor laws and has a commitment to labor harmony, under this proviso.
2. Up to \$500 in financial assistance may be provided to any single eligible family, friends, and neighbors (FFN) child care provider under this proviso.
3. Assistance should be prioritized for child care providers who commit to not reducing wages and benefits provided prior to the COVID-19 emergency, and for providers who have historically, or recently, been unable to access other forms of assistance through state or federal programs available to support businesses.
4. For purposes of this ordinance (1) family child care is generally defined as licensed child care for mixed-age children and youth (0-12 years) provided by individuals operating in residential homes; and (2) FFN child care is generally defined as an individual who is exempt from child care licensing requirements and provides in-home child care. FFN providers include grandparents, aunts and uncles, elders, older siblings, friends, neighbors, and others who help families by providing child care.
5. The Executive should develop eligibility criteria for child care providers who have been economically impacted by the COVID-19 crisis and for whom such assistance will provide economic benefits to the public by saving or creating jobs, providing essential child care services as people return to work, and ensuring that child care providers can modify operations as necessary to comply with public health guidance.

C. Of the funding appropriated to the Human Services Department’s Addressing Homelessness (BO-HS

-H3000) Budget Summary Level in the 2020 Adopted Budget, \$32.64 million of the funds shall be used to address housing insecurity by funding housing programs and services that support low-income households and people experiencing homelessness and may be used for no other purpose. Furthermore, none of the money so appropriated may be spent by the Department on congregate shelter. Up to five percent of these funds may be used for expenditures incurred by the department to administer the investments. The Council intends that the City will partner with CBOs that have a history of trust and success in reaching low-income communities and people experiencing homelessness, including experience reaching those who are traditionally marginalized or typically face barriers to enrolling in assistance programs, such as, but not limited to, language barriers, and other historically marginalized communities, to distribute the funds as follows:

1. \$19.5 million for existing homelessness prevention programs and rental assistance programs that serve individuals and families such as the United Way of King County's Home Base program and other programs to provide rental assistance; and
2. \$10.8 million for shelter de-intensification activities and housing or shelter options for unsheltered homeless individuals and families in non-congregate settings, including costs for new tiny homes, acquiring or leasing hotels or motels or other buildings, or extending leases on such facilities. At least \$3.6 million of this funding shall be used to establish four or five new or expanded tiny home village; and
3. \$2.35 million to support the ongoing service and operation costs of shelter providers. Eligible service and operating costs can include, but are not limited to: personal protective equipment, overtime or premium pay for staff, food service, or cleaning supplies.

- D. Of the funding appropriated to the Office of Housing's Homeownership & Sustainability (BO-HU-2000) Budget Summary Level in the 2020 Adopted Budget, \$1.1 million of the funds shall be used for mortgage counseling and foreclosure prevention programs, including costs for housing counselors, legal aid, service coordination, and direct financial assistance. The Council intends that the City will partner with CBOs that have a history of trust and success in reaching low-income communities, including experience reaching those who are traditionally marginalized or typically face barriers to enrolling in assistance programs, such as, but not limited to, language barriers, and other historically marginalized communities. Up to five percent of these funds may be used for expenditures incurred by the department to administer the investments.
- E. Of the funding appropriated to the Office of Housing's Multifamily Housing (BO-HU-3000) Budget Summary Level in the 2020 Adopted Budget, \$2.35 million of the funds shall be used for programs that support the ongoing service and operation costs of nonprofit affordable housing providers. Eligible service and operating costs can include, but are not limited to: personal protective equipment, overtime or premium pay for staff, food service, or cleaning supplies. Up to five percent of these funds may be used for expenditures incurred by the department to administer the investments.
- F. Of the funding appropriated to the Office of Immigrant and Refugee Affairs' (BO-IA-X1N00) Budget Summary Level in the 2020 Adopted Budget, \$17.05 million shall be for (1) direct financial assistance to Seattle's low-income immigrant and refugee workers and households who have experienced the economic impacts caused by the COVID-19 crisis, and (2) to advise potential recipients of this temporary financial assistance to ensure it will not impact the recipients eligibility for, or result in loss of, any other income-tested benefits; and may be used for no other purpose. Furthermore, \$1.05 million shall be for programs and services that provide language access support

for low-income people who need help accessing and understanding federal, state and local assistance programs and may be spent for no other purpose. Up to 11 percent of these funds may be used for expenditures incurred by the department to administer the investments. The Council intends the following:

1. Prior to the expenditure of any funds for direct financial assistance, the Executive will partner with CBOs who have a history of trust and success in reaching immigrant and refugee communities to provide such assistance, such as the organizations who worked with the City to distribute emergency grocery vouchers.
2. Assistance should include direct cash assistance, including pre-paid debit or credit cards, or other services to assist with basic living expenses. The maximum amount of financial assistance provided per individual will not exceed \$1,000.
3. CBOs will determine the eligibility, including criteria to confirm income eligibility, prioritizing those who experience structural or institutional barriers to accessing support from the government (e.g. language barriers, risk of deportation), are ineligible for other federal or state emergency assistance, or are receiving such assistance in a limited or delayed manner that does not meet their needs, or those who have had or whose families have had adverse health impacts from COVID. Requests for documentation of eligibility should comply with Seattle Municipal Code Section 4.18.015, should not impose an unnecessary burden on those applying for assistance, and should not unnecessarily delay the approval and distribution process.

G. Of the funding appropriated to the Office of Sustainability and Environment's Office of Sustainability and Environment (BO-SE-X1000) Budget Summary Level in the 2020 Adopted Budget, \$13.6 million shall be used to continue and expand the Emergency Grocery Voucher program to allow more people participating in existing City programs to be served by this program and may be used for no other purpose. Existing City programs include, but are not limited to: Fresh Bucks, Utility Discount Program, Early Childhood Education and Assistance Program, Child Care Assistance Program, and the portion of the Seattle Preschool Program and the Pathway to Seattle Preschool Program that provide services to households that qualify for free tuition. Up to five percent of these funds may be used for expenditures incurred by the department or the CBOs to administer the investments.

The Council intends that vouchers will be made available for use at grocery stores participating in the existing Emergency Grocery Voucher program and expanded to include other community grocers and farmers markets. The Council intends that the Executive will work with CBOs that currently enroll people in the Fresh Bucks program to expand the use of vouchers by identifying culturally appropriate neighborhood grocers to participate in the voucher program.

Section 5. The Council intends to consider additional actions to support small businesses through a future ordinance that could reduce business and occupation tax obligations for certain small businesses.

Section 6. Severability. The provisions of this ordinance are declared to be separate and severable. The invalidity of any clause, sentence, paragraph, subdivision, section, or portion of this ordinance, or the invalidity

of its application to any person or circumstance, does not affect the validity of the remainder of this ordinance or the validity of its application to other persons or circumstances.

Section 7. 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 a 3/4 vote of all the members of the City Council the _____ day of _____, 2020, and signed by me in open session in authentication of its passage this _____ day of _____, 2020.

President _____ of the City Council

Approved by me this _____ day of _____, 2020.

Jenny A. Durkan, Mayor

Filed by me this _____ day of _____, 2020.

Monica Martinez Simmons, City Clerk

(Seal)

SUMMARY and FISCAL NOTE*

Department:	Dept. Contact/Phone:	CBO Contact/Phone:
Legislative	Aly Pennucci/Traci Ratzliff	

* 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 amending Ordinance 126000, which adopted the 2020 Budget; making appropriations from the Emergency Fund for public assistance during the COVID-19 civil emergency; making an appropriation from the General Fund for public assistance during the civil emergency; and making appropriations from the Revenue Stabilization Fund for public assistance during the civil emergency; all by a 3/4 vote of the City Council.

Summary and background of the Legislation: This legislation appropriates \$86 million in 2020 funding - \$66.3 million from the Emergency Fund and \$19.5 million from the Revenue Stabilization Fund - to provide funding that addresses the economic impacts caused by the COVID-19 epidemic for small businesses, low-income and low-wage individuals and families, and immigrants and refugees. See Attachment 1 Summary Table for full description of the proposed spending of the \$86 million.

A new payroll tax authorized through Council Bill 119810 is anticipated to provide new and sufficient revenues to replenish the Emergency Fund and Revenue Stabilization Fund in 2021.

2. CAPITAL IMPROVEMENT PROGRAM

Does this legislation create, fund, or amend a CIP Project? ___ Yes x 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.

Project Name:	Project I.D.:	Project Location:	Start Date:	End Date:	Total Project Cost Through 2025:

3. SUMMARY OF FINANCIAL IMPLICATIONS

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

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

Appropriation change (\$):	General Fund \$		Other \$	
	2020	2021	2020	2021
Emergency Fund			\$66.3 million	
Revenue Stabilization Fund			\$19.5 million	
Total			\$85.8 million	

Estimated revenue change (\$):	Revenue to General Fund		Revenue to Other Funds	
	2020	2021	2020	2021
Positions affected:	No. of Positions		Total FTE Change	
	2020	2021	2020	2021

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

Is there financial cost or other impacts of *not* implementing the legislation? Small businesses, low income individuals and families and immigrant and refugees' households are suffering significant impacts from the COVID-19 crisis. Funding provide to date by the state and federal governments is inadequate to meet the immediate needs of these businesses and households. Therefore, additional resources are needed to meet identified needs.

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.

3.a. Appropriations

This legislation adds, changes, or deletes appropriations.

If this box is checked, please complete this section. If this box is not checked, please proceed to Revenues/Reimbursements.

Item	Department	Fund	Budget Summary Level/BCL Code	Amount
2.1	Office of Economic Development	Emergency Fund (10102)	Business Services (BO-ED-X1D00)	\$14,448,000
2.2	Department of Education and Early Learning	Revenue Stabilization Fund (00166)	Early Learning (BO-EE-IL100)	\$3,612,000
2.3	Human Services Department	Emergency Fund (10102)	Addressing Homelessness (BO-HS-H3000)	\$32,643,800
2.4	Office of Housing	Emergency Fund (10102)	Homeownership & Sustainability (BO-HU-2000)	\$1,082,000
2.5	Office of Housing	Revenue Stabilization Fund (00166)	Multifamily Housing (BO-HU-3000)	\$2,347,800
2.6	Office of Immigrant and Refugee Affairs	Emergency Fund (10102)	Office of Immigrant and Refugee Affairs (BO-IA-X1N00)	\$18,100,000

2.7	Office of Sustainability & Environment	Revenue Stabilization Fund (00166)	Office of Sustainability and Environment (BO-SE-X1000)	\$13,545,000
Grand Total				\$85,778,600

Is this change one-time or ongoing? Possibly one-time

Please explain any complicated scenarios – e.g. three-year funding agreement but not permanent ongoing.

Appropriations Notes:

3.b. Revenues/Reimbursements

This legislation adds, changes, or deletes revenues or reimbursements.

If this box is checked, please complete this section. If this box is not checked, please proceed to Positions.

Anticipated Revenue/Reimbursement Resulting from this Legislation:

Fund Name and Number	Dept	Revenue Source	2020 Revenue	2021 Estimated Revenue
TBD	TBD	Payroll Tax		\$86 million
TOTAL				

This table should reflect revenues/reimbursements that are a direct result of this legislation. In the event that the issues/projects associated with this ordinance/resolution have revenues or reimbursements that were, or will be, received because of previous or future legislation or budget actions, please provide details in the Notes section below. Do the revenue sources have match requirements? If so, what are they?

Is this change one-time or ongoing?

Please explain any complicated scenarios – e.g. three-year funding agreement but not permanent ongoing.

Revenue/Reimbursement Notes:

Emergency Fund and Revenue Stabilization Fund will be repaid with revenues generated The new payroll taxes. These revenues are anticipated in 2021.

3.c. Positions

This legislation adds, changes, or deletes positions.

If this box is checked, please complete this section. If this box is not checked, please proceed to Other Implications.

Total Regular Positions Created, Modified, or Abrogated through this Legislation, Including FTE Impact:

Position # for Existing Positions	Position Title & Department*	Fund Name & #	Program & BCL	PT/FT	2020 Positions	2020 FTE	Does it sunset? (If yes, explain below in Position Notes)
TOTAL							

* *List each position separately*

This table should only reflect the actual number of positions created by this legislation. In the event that positions have been, or will be, created as a result of previous or future legislation or budget actions, please provide details in the Notes section below.

Position Notes:

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.). **Yes.** Five percent for the appropriations for each department are included to support the cost to implement and administer the programs as described in Attachment 1

b. Is a public hearing required for this legislation? No

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

c. Does this legislation require landlords or sellers of real property to provide information regarding the property to a buyer or tenant? No

If yes, please describe the measures taken to comply with RCW 64.06.080.

d. Is publication of notice with *The Daily Journal of Commerce* and/or *The Seattle Times* required for this legislation? No

e. Does this legislation affect a piece of property? No

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? What is the Language Access plan for any communications to the public?

This legislation will provide funding to assist low income households (disproportionately represented by people of color), immigrant and refugee households, and small businesses significantly impacted by the COVID-19 pandemic. The loss of employment, health impacts, etc. related to the COVID-19 pandemic are having significant impacts for these households and businesses. State and Federal assistance is inadequate to meet the immediate needs and therefore the City must step in to provide resources to assist.

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). See Attachment 1 for summary of outcomes to be achieved with funding.

List attachments/exhibits below:

Attachment 1 – Summary of 2020 Proposed Spending Direct COVID Relief

Attachment 1 – Summary of 2020 Proposed Spending Direct COVID Relief

Program/Activity	Program Description	% of total	2020 Spending ¹	Potential Impacts
Small Business Support	Small Business Stabilization Fund - Child Care	4.2%	\$3.6 million	\$10k grants to about 340 child care providers
	Small Business Stabilization Fund - small businesses	16.4%	\$14.1 million	\$10k grants to about 1,300 small businesses
	Training, referral services, and technical assistance to support businesses	0.4%	\$0.3 million	
	<i>Small Business Support - subtotal</i>	21%	\$18 million	
Immediate Housing	Homelessness prevention programs & Rental assistance programs such as the United Way of King County’s Home Base program	22%	\$19 million	1-month of rental assistance to 9,700 households (HH) or 3-months of rental assistance to about 3,300 households
	Shelter de-intensification and housing or shelter options for unsheltered homeless individuals in non-congregate settings (e.g. tiny homes, hotels or motels)	13%	\$11 million	If all used for tiny homes, create about 5-7 new villages
	Mortgage counseling and foreclosure prevention programs	1%	\$1 million	Mortgage assistance to about 35 households
	Programs that support the ongoing service and operation costs of nonprofit affordable housing & shelter providers	6%	\$5 million	
	<i>Immediate Housing - subtotal</i>	42%	\$36 million	
Immigrant and Refugee Support	Direct financial assistance for immigrant and refugee households	20%	\$17 million	Provide \$1,000 in financial assistance to about 16,200 households
	Language access support for people who need help accessing and understanding assistance programs	1%	\$1 million	
	<i>Immigrant and Refugee Support- subtotal</i>	21%	\$18 million	
Food Security Programs	Continuation or expansion of the Emergency Grocery Voucher program	16%	\$14 million	2-months of grocery vouchers (\$400/month) to about 16,000 households
	<i>Food Security - subtotal</i>	16%	\$14 million	
TOTAL ANNUAL SPENDING:		100%	\$86 million	

¹ The investments assume about five percent of funds will be needed to implement and administer these investments; if the full 5% is not needed to administer the funds, anything funds may be used for the direct programs and services described.

Amendment 1 to Council Bill (CB) 119812

Full Council – July 20, 2020

Sponsor: Councilmember Strauss

Amendatory language shown in track changes ~~track changes~~

Amend Section 4, page 10, lines 18-27, as follows:

Section 4. The appropriations in Section 2 of this ordinance, amending the 2020

Adopted Budget, shall be subject to the following provisos:

- A. Of the funding appropriated to the Office of Economic Development’s Business Services (BO-ED-X1D00) Budget Summary Level in the 2020 Adopted Budget, \$14.45 million of the funds shall be used to address the economic hardship small business owners and their employees, and nonprofit organizations and their employees, experience due to loss of business income, grant funding reductions, layoffs and reduced work hours for a significant percentage of this workforce as a result of the COVID-19 crisis and may be used for no other purpose. Up to five percent of these funds may be used for expenditures incurred by the department to administer the investments. The Council intends that this funding will be allocated as follows:
1. \$14.1 million to provide financial assistance to small business owners or operators and nonprofit organizations, with preference to brick and mortar small businesses, that would be used to reduce the economic hardship caused by COVID-19 crisis and assist small businesses and nonprofit organizations to comply with public health guidelines, thereby protecting the local economy by reducing the number of businesses or nonprofits that are permanently closed and jobs permanently lost due to the short- and long-term economic impacts caused by COVID-19.
 2. \$315,000 to provide training, referral services, and technical assistance to support businesses, including assistance in preparing applications for federal or state loans or grants that provide direct financial assistance to small businesses to prepare such businesses for the road to recovery.
 3. The Council further intends that:
 - a. Up to \$10,000 in financial assistance may be provided to any single eligible small business owner or nonprofit organization under this proviso.
 - b. Assistance should be prioritized for businesses and nonprofit organizations who commit to not reducing wages and benefits provided prior to the COVID-19 emergency, and for business and nonprofit organizations who

have historically, or recently, been unable to access other forms of assistance through state or federal programs available to support businesses, including businesses owned by Black, Indigenous, and people of color and those with limited English proficiency, and businesses in the creative industry. Any awards to those in the creative industry should be made in partnership with advocates in the creative industry sphere.

- c. For purposes of this proviso, an eligible “small business” is defined as a business with ~~ten~~25 or fewer full time equivalent employees (FTEs) and an eligible “nonprofit organization” is a nonprofit with ~~ten~~25 or fewer FTEs that provides community services that protect or enhance the health, safety, environment, or general welfare of people who live or work in Seattle.
- d. The Executive should develop eligibility criteria for small businesses who have been economically impacted by the COVID-19 crisis and for whom such assistance will provide economic benefits to the public by saving or creating jobs, moderating impacts to local tax revenue by supporting continue operations of small businesses and ensuring that businesses can modify operations as necessary to comply with public health guidance. Criteria should include consideration of equitably distributing financial assistance to small businesses and nonprofit organizations located in neighborhoods across Seattle. Further, businesses that have previously received financial assistance from the City’s Small Business Stabilization Fund are not eligible for additional assistance.

* * *

Effect: This amendment expands eligibility criteria to allow small businesses and nonprofits with up to 25 FTEs (rather than 10 FTEs) to qualify for assistance. In addition, the amendment adds direction to the Executive to include criteria to achieve an equitable distribution of funds for businesses throughout Seattle and to ensure that businesses that previously received support from the Small Business Stabilization Fund are not eligible for a second award.

Amendment 2 to Council Bill (CB) 119812

Full Council – July 20, 2020

Sponsor: Councilmember Strauss

Amendatory language shown in track changes ~~track changes~~

Amend Section 2 page 8, as follows:

Section 2. In order to pay for expenses and obligations to address the economic impacts caused by the COVID-19 epidemic that could not have been anticipated at the time of making the 2020 Budget, appropriations for the following items in the 2020 Budget are increased from the funds shown, as follows:

Item	Department	Fund	Budget Summary Level/BCL Code	Amount
2.1	Executive (Office of Economic Development)	Emergency Fund (10102)	Business Services (BO-ED-X1D00)	\$14,448,000
<u>2.2</u>	<u>Executive (Office of Economic Development)</u>	<u>Revenue Stabilization Fund (00166)</u>	<u>Business Services (BO-ED-X1D00)</u>	<u>\$4,700,000</u>
2.2	Department of Education and Early Learning	Revenue Stabilization Fund (00166)	Early Learning (BO-EE-IL100)	\$3,612,000
2.3	Human Services Department	Emergency Fund (10102)	Addressing Homelessness (BO-HS-H3000)	\$32,643,800
2.4	Executive (Office of Housing)	Emergency Fund (10102)	Homeownership & Sustainability (BO-HU-2000)	\$1,708,200
2.5	Executive (Office of Housing)	Revenue Stabilization Fund (00166)	Multifamily Housing (BO-HU-3000)	\$1,721,600
2.6	Executive (Office of Immigrant and Refugee Affairs)	Emergency Fund (10102)	Office of Immigrant and Refugee Affairs (BO-IA-X1N00)	\$18,100,000

This amendment assumes passage of Amendment 1 to CB 119812.

2.7	Executive (Office of Sustainability & Environment)	Revenue Stabilization Fund (00166)	Office of Sustainability and Environment (BO-SE-X1000)	\$13,545,000
Grand Total				\$85,778,600 \$90,478,600

Section 3. The City Council (“Council”) intends to replenish the Emergency Fund and Revenue Stabilization Fund as described in the ordinance introduced as Council Bill 119811 in 2021 using proceeds received from the tax authorized in Council Bill 119810.

Amend Section 4, page 10, line 5, as follows:

Section 4. The appropriations in Section 2 of this ordinance, amending the 2020 Adopted Budget, shall be subject to the following provisos:

A. Of the funding appropriated to the Office of Economic Development’s Business Services (BO-ED-X1D00) Budget Summary Level in the 2020 Adopted Budget, \$14.45 million of the funds shall be used to address the economic hardship small business owners and their employees, and nonprofit organizations and their employees, experience due to loss of business income, grant funding reductions, layoffs and reduced work hours for a significant percentage of this workforce as a result of the COVID-19 crisis and may be used for no other purpose. Up to five percent of these funds may be used for expenditures incurred by the department to administer the investments. The Council intends that this funding will be allocated as follows:

1. ~~\$14.4~~18.8 million to provide financial assistance to small business owners or operators and nonprofit organizations, with preference to brick and mortar small businesses, that would be used to reduce the economic hardship caused by COVID-19 crisis and assist small businesses and nonprofit organizations to comply with public health guidelines, thereby protecting the local economy by reducing the number of businesses or nonprofits that are permanently closed and jobs permanently lost due to the short- and long-term economic impacts caused by COVID-19.
2. \$315,000 to provide training, referral services, and technical assistance to support businesses, including assistance in preparing applications for federal or state loans or grants that provide direct financial assistance to small businesses to prepare such businesses for the road to recovery.
3. The Council further intends that:

- a. Up to \$10,000 in financial assistance may be provided to any single eligible small business owner or nonprofit organization under this proviso.
- b. Assistance should be prioritized for businesses and nonprofit organizations who commit to not reducing wages and benefits provided prior to the COVID-19 emergency, and for business and nonprofit organizations who have historically, or recently, been unable to access other forms of assistance through state or federal programs available to support businesses, including businesses owned by Black, Indigenous, and people of color and those with limited English proficiency, and businesses in the creative industry. Any awards to those in the creative industry should be made in partnership with advocates in the creative industry sphere.
- c. For purposes of this proviso, an eligible “small business” is defined as a business with ten or fewer full time equivalent employees (FTEs) and an eligible “nonprofit organization” is a nonprofit with ten or fewer FTEs that provides community services that protect or enhance the health, safety, environment, or general welfare of people who live or work in Seattle.
- d. The Executive should develop eligibility criteria for small businesses who have been economically impacted by the COVID-19 crisis and for whom such assistance will provide economic benefits to the public by saving or creating jobs, moderating impacts to local tax revenue by supporting continue operations of small businesses and ensuring that businesses can modify operations as necessary to comply with public health guidance.

* * *

Effect: This amendment adds \$4.7 million spending from the reserve funds to provide additional support for small businesses and nonprofit organization, increasing. This would increase the total amount of spending authorized by CB 119812 for small business relief from \$14.1 million to \$18.8 million, increasing total spending in 2020 to \$90.5 million. If this amendment is adopted, an amendment to Resolution 31957 will be necessary to reflect the increased spending.

If this amendment is adopted, and CB , the reserve funds would have revised balances as follows:

2020 Amounts	EMF	RSF	Total
Beginning Balance (2020 Adopted Budget)	\$66,900,000	\$60,800,000	\$127,700,000
CB 119812	(\$66,900,000)	(\$18,878,600)	(\$85,778,600)
CB 119825 - Rebalancing Package	\$0	(\$29,030,000)	(\$29,030,000)
CM Strauss AM 1 to CB 119812	\$0	(\$4,700,000)	(\$4,700,000)
Revised Balances after Am 2	\$0	\$8,191,400	\$8,191,400



Legislation Text

File #: Res 31957, Version: 2

CITY OF SEATTLE

RESOLUTION _____

A RESOLUTION establishing spending details by year and program area for the spending plan adopted by the ordinance introduced as Council Bill 119811 that established the authorized uses of the proceeds generated from the payroll expense tax authorized by the ordinance introduced as Council Bill 119810.

WHEREAS, on July 6, 2020, the City Council (“Council”) adopted the ordinance introduced as Council Bill

(CB) 119810, authorizing the collection of a new payroll expense tax (“payroll tax”) to be imposed

beginning January 2021; and

WHEREAS, the new payroll tax is anticipated to generate about \$214.3 million in proceeds in 2021, as shown

in the spending plan included as Attachment 1 to this ordinance; and

WHEREAS, on July 6, 2020, the Council adopted the ordinance introduced as CB 119811, establishing the

categories of spending authorized for use of the proceeds generated from the payroll tax; and

WHEREAS, the affordable housing crisis, homelessness emergency, and now the COVID-19 pandemic and

related economic and unemployment emergencies, in Seattle are deeply impacting the lives of people

throughout Seattle and the region and disproportionately harms people of color, immigrants, the

LGBTQ community, indigenous peoples’ communities, disabled community members, and women,

who already struggle against entrenched inequality; and

WHEREAS, the City is committed to advocating and working with public and private funders of housing to

modify housing policies to support development of housing with enhanced green building and labor

standards; and

WHEREAS, the new tax will generate significant funds that will increase the construction and preservation of

new permanently affordable housing units for low-income households to address the housing

affordability and homelessness crisis, will contribute to reducing Seattle's climate pollution, and will in the process support living-wage jobs, and in doing so will help the City make the necessary changes to shift Seattle's economy to be more equitable and ecologically sustainable; and

WHEREAS, the new payroll tax is expected to provide new and sufficient revenues to allow the City, in 2021, to replenish emergency funds used in 2020 to make public assistance available to households and businesses impacted by the COVID-19 civil emergency and to provide resources to maintain services and provide longer terms solutions to address the inequities exacerbated by the COVID-19 crisis; NOW, THEREFORE,

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

Section 1. Proceeds from the new payroll tax imposed by the ordinance introduced as CB 119810 may only be used for investments in the spending categories established in the ordinance introduced as CB 119811 and as further described in this resolution and summarized in Attachment 1 to this resolution. The Council intends that the investments described in this resolution are equitably distributed throughout the City, including funding programs serving low-wage working people, families, and individuals, homeless individuals and families, Black, Indigenous, People of Color (BIPOC) and other historically marginalized communities who have faced barriers to equitable access to housing, employment, and other opportunities, and small businesses owners, who live or work in neighborhoods across the City.

A. In 2021, the first \$86 million may be used to replenish the City's Emergency Fund and Revenue Stabilization Fund balance that was reduced in 2020 to fund programs that address the economic impacts caused by COVID-19. Any remaining proceeds from the payroll tax are intended to be used as follows:

1. Up to five percent to administer the payroll tax and to administer the investments described in subsections 1.A.2 and 1.A.3 of this resolution. If less than five percent of remaining funds are needed for implementation and administration, any remaining funds may be used for other programs and services

described in subsections 1.A.2 through 1.A.3 of this resolution.

2. Seventy-five percent may be used to (1) provide continuity of services and programs administered or supported by the City prior to the COVID-19 crises that, absent the support from the payroll tax revenue, would see a reduction in funding; and (2) funding to support increased costs and the expansion of services and programs administered or funded by the City that support low-income communities, immigrant and refugee communities, people experiencing homelessness or housing insecurity, people experiencing food insecurity, and to fund other City programs and services that address the needs of low-income households and small businesses. It is the Council's intent that funding is prioritized for investments in services and programs that service lower-income neighborhoods.

3. Twenty percent may be used to extend funding for programs and services that received funding in 2020 as described in the ordinance introduced as Council Bill 119812.

B. In all subsequent years, the proceeds from the payroll tax will be allocated as described in an implementation plan required by the ordinance introduced as CB 119811, with the first plan adopted in 2021 for spending in years 2022 and 2023. The intent is to allocate funding as follows:

1. Administration. Up to five percent of the proceeds may be used to administer the payroll tax and to administer the investments described in subsections 1.B.2 through 1.B.5 of this resolution, and to evaluate the effectiveness of at least those investments described in subsection 1.B.4 of this resolution. If less than five percent of remaining funds are needed for administration and evaluation, any remaining funds may be used for other programs and services described in subsections 1.B.2 through 1.B.5 of this resolution.

2. Housing and services. Sixty-two percent of the proceeds may be used as follows:

a. Eight-two percent of the funds for housing and services may be used for (1) capital costs associated with the construction or acquisition of rental housing serving households with incomes at or below 30 percent of area median income (AMI), but may be used to support housing serving households with incomes at or below 60 percent of AMI, when required to support the operational costs of a proposed housing

project. Such housing shall include, but is not limited to, housing serving people with disabilities, the elderly, low-wage working people, homeless individuals and families, and families with children; (2) operating and services costs of rental housing serving households with incomes at or below 30 percent of AMI; and (3) associated infrastructure to support the ongoing operations costs for the housing, such as maintenance, retrofitting, and energy efficient upgrades to support the housing. In addition, the Council requests that the Executive works with organizations representing renters and those representing landlords to determine the need for a new rental assistance program. This should include considering programs designed to: help those most in need, that reduce the application burden on tenants, that preserves the tenancy for the long-term and prevents evictions, that preserves naturally occurring, quality, affordable housing, and examines the role that smaller landlords may play in providing safe, affordable housing. A recommendation for such a program, including a cost/benefit analysis of investing in rental assistance and appropriate cap on the amount of rental assistance allowed from the underlying fund source, should be included in the implementation plan submitted to the Council in 2021, as required by the ordinance introduced as CB 119811; and

b. Thirteen percent of the funds for housing and services may be used for a community focused acquisition, development, and program support fund to affirmatively further fair housing and to address past discriminatory policies and practices, such as redlining, restrictive racial covenants, and other discriminatory practices that have resulted in certain populations and neighborhoods prospering at the expense of others. The goal is to create additional affordable units in the Central Area and other impacted communities within the first ten years. Such housing should include a mix of unit types (studios, and one-, two-, and three-bedroom units). Consistent with the City's Housing Funding Policies as adopted by Ordinance 125308 and amended by Ordinance 125852 in 2019, owners are required to affirmatively market affordable rental and homeownership housing, taking proactive steps to promote fair access and equal opportunity, so that individuals of similar economic levels in the same housing market area have a range of housing choices regardless of their race, familial status, disability or other protected class status. Owners shall require

community preference for a portion of the housing units to address displacement, provided it can be done consistent with fair housing legal principles. Housing owners with units subject to required tenant referral arrangements, including, for example King County's Coordinated Entry for All system, will continue to receive referrals through the system approved by service funders. The Office of Housing is expected to administer this fund in consultation with the Office of Planning and Community Development's Equitable Development Initiative (EDI) team, including seeking input from the permanent EDI advisory committee.

c. Five percent of the funds for housing and services may be used for permanently affordable homeownership opportunities serving households with incomes at or below 80 percent of AMI. Funds will assist households who are at risk of displacement from their communities or who have faced barriers to equitably accessing homeownership in all parts of the due to past discriminatory policies and practices, such as redlining, mortgage lending discrimination, or restrictive racial covenants. Funds may be used for homeowner loans, program support costs, or other costs related to the development of permanently affordable homes.

d. It is the Council's intent that new construction of housing projects funded with the payroll tax will be built consistent with the City's Housing Funding Policies as adopted by Ordinance 125852, and are consistent with the following:

i. Requirements and goals that advance labor equity outcomes, such as: the payment of prevailing wages, apprenticeship utilization, and employment of Women and Minority Owned Businesses. Imposing additional requirements including, but not limited to: preferred entry to apprenticeship programs, requirements for pre-apprenticeship, mentoring or other training programs, and utilization of workers from economically distressed areas, will be considered for new construction housing projects based on the results of the evaluation of the 2nd and Mercer housing pilot project, expected in mid-2021. The implementation plan that will be adopted by the City Council in 2021 will guide spending for 2022 and 2023, and may impose further labor equity-related requirements for new construction projects and recommend any needed

amendments to the City's Housing Funding Policies to impose such requirements.

ii. Prioritize projects that advance equitable development goals and address displacement, including those proposed or supported by local, community-based, non-profit organizations that are culturally relevant and historically rooted, particularly when the project site is in an area that is at high risk for displacement.

iii. Utilize well-located publicly owned properties to achieve cost savings for affordable housing development through reduced or no-cost land transfers, favorable purchase terms, and efficient funding and disposition processes.

iv. Housing projects funded entirely with this tax will be constructed with building systems that do not rely on the use of fossil fuels. Eliminating use of fossil fuels in building operations has strong climate benefits, such as reducing greenhouse gas emissions, but may result in higher construction costs. Because other funding sources that can leverage the City's investments in affordable housing often prioritize funding projects with lower construction costs, this requirement may impact the ability to compete for those funds. The City will work with other public and private entities that fund affordable housing development to align funding policies that support development of housing designed to reduce building emissions and reduce reliance on fossil fuels.

3. Equitable Development Initiative. Nine percent of the proceeds may be used to support the Equitable Development Initiative (EDI). Funding may be used to support community-initiated equitable development projects that advance economic mobility and opportunity, prevent residential, commercial, and cultural displacement, build on local cultural assets, promote transportation mobility and connectivity, develop healthy and safe neighborhoods, and enable equitable access to all neighborhoods. Funds would be appropriated to the Office of Planning and Community Development and allocated through the EDI's existing established funding process for awarding EDI grants. This funding may be used to support both the non-housing and affordable housing components of EDI projects; this shall include funding to support community

capacity development, real estate development, and other EDI grant categories. Investments in EDI projects that include an affordable housing component will be prioritized. In addition, criteria for distribution of this funding (or EDI funds) should include prioritizing projects sponsored by organizations with diverse representation on their boards, i.e. includes board members who reflect the communities these projects will serve.

4. Economic revitalization. Fifteen percent of the proceeds may be used to support local businesses and tourism to spur the local economic recovery, and to provide economic stability for the city's workforce. Investments will prioritize programs and services that diversify the local economy and improve job quality. This should include investing in labor-management training programs and partnerships with organizations whose work focuses on innovative workforce strategies that support and create jobs with strong pay and benefits and provide workforce training, and aligns with the Green New Deal (GND) spending category described in this resolution. This funding is intended to address the economic hardship small business owners and their employees, and nonprofit organizations and their employees, have experienced due to loss of business income, grant funding reductions, increased operational costs, etc., as a result of the COVID-19 emergency. This will include:

a. At least \$650,000 in 2022 to contract with an organization with expertise and experience in developing a plan and can act as a catalyst to launch programs and services that will help transition a just local economy that provides stable, safe, and healthy family sustaining jobs, and advance the goals of the GND. The Council expects that, in 2021, the Executive will convene a group that includes, but is not limited to, representatives from City departments, labor organizations, small businesses, and advocates for Seattle's GND, to develop the scope of work and to select a firm to carry out this work in 2022.

b. Funding to support worker training and retraining programs for workers (1) in industries disproportionately harmed by the economic impacts from the COVID-19 emergency; (2) entering new jobs industries that are growing or are expected in the future; and (3) who are in jobs that may be displaced

to due to implementation of new policies or regulations, such as workers whose jobs currently depend on the fossil fuel industry and whose jobs may be displaced as the City implements GND strategies. This should include programs that assist workers who are transitioning between professions to ensure that such a transition offers comparable or improved pay and benefits.

c. Funding to invest in nonprofits, micro businesses, small businesses, and mid-sized businesses disproportionately impacted by the COVID-19 crisis. Funding may also be used to support business organizations, and nonprofit organizations, for activities that enable those businesses or nonprofit organizations to stay in or, if already displaced, to return to their communities and promote and support business districts and tourism. Spending will focus on prioritizing an equitable distribution of these supports, with preference to fund businesses, business organizations, and nonprofit organizations:

i. That provide a safe, healthy, and economically beneficial working environment for their employees by providing a safe working environment that includes, but is not limited to: codes of conduct, health care benefits, educational benefits, retirement benefits, and living wage standards;

ii. From marginalized Seattle communities such as those led by Black, Indigenous, and People of Color (BIPOC), immigrant and refugee communities and those with limited English proficiency, LGBTQIA+ communities, and low-income communities;

iii. That have experienced economic hardships as a result of the COVID-19 emergency; and

iv. That have business models that support the City of Seattle's goals to eliminate climate pollution by 2030.

The Council intends that businesses, business organizations, and nonprofit organizations throughout the City will be eligible to apply and that the preference categories described in this resolution are not intended to dissuade any eligible business from applying for funds.

d. Funding to support outreach, education, and technical assistance programs to ensure

that businesses, business organizations, and nonprofit organizations are well positioned to compete for funding and to ensure that programs and services support the needs of these organizations.

5. Green New Deal. Nine percent of the proceeds may be used for investments that advance Seattle's Green New Deal (GND) as described in Resolution 31895. Specific investment proposals are expected to be informed by recommendations from the GND Oversight Board and stakeholders representing (1) communities historically most harmed by economic, racial, and environmental injustice; and (2) workers who are in jobs that may be displaced as a result of implementation of this resolution, along with their unions, to work with them on just transition recommendations that have the objective of eliminating economic harm to affected workers. Investments will focus on contracting with entities that provide a safe, healthy, and economically beneficial working environment and who adhere to labor laws and have a commitment to labor harmony for their employees and provide a path to living wage jobs. Investments will be prioritized in communities disproportionately burdened by pollution and environmental hazards identified through analysis of socioeconomic and population health risk factors. The specific program areas prioritized for use of these funds includes:

a. Transitioning housing units in single-family and multifamily residential buildings from the use of natural gas and heating oil to electricity, and other strategies to improve the overall energy efficiency of these buildings;

b. Investing in job training programs to equip workers with the necessary skills to thrive in a green economy and ensure a just transition for workers whose jobs currently depend on the fossil fuel industry or who have been impacted by the COVID-19 economic and unemployment crisis, and prepare new workers to support the transition to renewable energy jobs; and

c. Funding to support outreach, education, and technical assistance programs. The Executive is expected to partner with community based organizations to design and implement outreach, education, and technical assistance programs that have a history of trust and success in reaching low-income

and low-wage communities, Black, Indigenous (American Indian / Alaskan Native), and People of Color, and immigrant, refugee, and limited English proficiency communities.

d. Funding to support the GND Oversight Board, including staffing costs and providing compensation to board members if participation on the board presents a financial hardship, as described in Seattle Municipal Code subsection 3.14.979.E.

Section 2. Oversight on the services and programs supported by the payroll tax and the impacts of this tax on the number of jobs and businesses in the City shall be provided by the Payroll Tax Oversight Committee pursuant to Section 3.35.100 of the Seattle Municipal Code.

Adopted by the City Council the _____ day of _____, 2020, and signed by me in open session in authentication of its adoption this _____ day of _____, 2020.

President _____ of the City Council

Filed by me this _____ day of _____, 2020.

Monica Martinez Simmons, City Clerk

(Seal)

Attachments:

Jump Start Seattle –Proposed Spending Plan Details

2021 Proposed Spending			
Program/Activity	Program Description	%	\$
Replenish Emergency Fund	Replenish the City’s Emergency Fund balance that was reduced in 2020 to fund programs that address the economic impacts caused by COVID-19.		\$86 million
Continuity of Services	Provide continuity of services and programs administered or supported by the City prior to the COVID-19 crises that, absent the support from the payroll tax revenue, would see a reduction in funding; and funding to support increased costs and the expansion of services and programs administered or funded by the City that support low-income communities.	75% ¹	\$96 million
COVID Relief - continued	Continue funding for programs and services that received funding in 2020 to provide public assistance to low-income households and small businesses impacted by the COVID-19 emergency.	20% ¹	\$26 million
	Start-up costs and ongoing administration ²	5% ¹	\$6 million
TOTAL ANNUAL SPENDING:		100%¹	\$214 million
2022 + Beyond Proposed Spending (based on the payroll tax revenue estimate)			
Housing and Services	<ul style="list-style-type: none"> - 82% for construction or acquisition of rental housing serving 0-60% of Area Median Income (AMI) prioritizing serving 0-30% of AMI, including operating and services costs serving 0-30% of AMI; and - 13% for a community driven fund to invest in projects that affirmatively further fair housing and to address past discriminatory policies and practices - 5% for affordable homeownership programs serving households with incomes up to 80% of AMI 	62%	\$135 million
Equitable Development Initiative	Funding for the Equitable Development Initiative (EDI) to support the non-housing and affordable housing components of EDI projects with a goal of at least \$20 million annually.	9%	\$20 million
Economic Revitalization	Funding to support local businesses and tourism to spur the local economic recovery, and to provide economic stability for the city’s workforce.	15%	\$33 million
Green New Deal	For investments that advance Seattle’s Green New Deal as described in Resolution 31895.	9%	\$20 million
	Start-up costs and ongoing administration	5%	\$11 million
TOTAL ANNUAL SPENDING:		100%	\$219 million

¹ After replenishing the emergency fund

² In 2021, the admin costs are not applied to the \$86 million to replenish the emergency funds

2022 + Beyond Proposed Spending (based on the payroll tax revenue goal)³			
Housing and Services	<ul style="list-style-type: none"> - 82% for construction or acquisition of rental housing serving 0-60% of Area Median Income (AMI) prioritizing serving 0-30% of AMI, including operating and services costs serving 0-30% of AMI; and - 13% for a community driven fund to invest in projects that affirmatively further fair housing and to address past discriminatory policies and practices - 5% for affordable homeownership programs serving households with incomes up to 80% of AMI 	62%	\$153 million
Equitable Development Initiative	Funding for the Equitable Development Initiative (EDI) to support the non-housing and affordable housing components of EDI projects with a goal of at least \$20 million annually.	9%	\$22 million
Economic Revitalization	Funding to support local businesses and tourism to spur the local economic recovery, and to provide economic stability for the city’s workforce.	15%	\$37 million
Green New Deal	For investments that advance Seattle’s Green New Deal as described in Resolution 31895.	9%	\$22 million
	Start-up costs and ongoing administration	5%	\$12 million
TOTAL ANNUAL SPENDING:		100%	\$246 million

³ Due to data limitations, the estimate for the Jump Start Seattle tax authorized through the ordinance introduced as Council Bill 119810 does not include incremental revenue that may be generated from a portion of the rates on any businesses with payroll of \$1 billion and above. This table illustrates the spending breakdown using the sponsor’s revenue goal that assumes those businesses with payroll of \$1 billion and above will result in about \$28 million of additional revenue annually in 2022.

SUMMARY and FISCAL NOTE*

Department:	Dept. Contact/Phone:	CBO Contact/Phone:
Legislative	Aly Pennucci/Traci Ratzliff – 4-8148 and 4-8153	

** 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 establishing spending details by year and program area for the spending plan adopted by the ordinance introduced as Council Bill 119811 that established the authorized uses of the proceeds generated from the payroll expense tax authorized by the ordinance introduced as Council Bill 119810.

Summary and background of the Legislation: On July 6, 2020, the City Council adopted Council Bill (CB) 119810, authorizing the collection of a new payroll expense tax to be imposed beginning January 2021. The new payroll tax is anticipated to generate about \$214.3 million in proceeds in 2021, as shown in the spending plan included as Attachment 1 to that resolution. On July 6, 2020, the Council also adopted the ordinance CB 119811, establishing the categories of spending authorized for use of the proceeds generated from the payroll tax and stating the intent to adopt a resolution that includes more detail on the spending of these proceeds by year and program area for 2021, and 2022 and beyond. This resolution provides that information. See Attachment 1 to this resolution for further detail.

2. CAPITAL IMPROVEMENT PROGRAM

Does this legislation create, fund, or amend a CIP Project? ___ Yes ___x___ 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? No, because no actual appropriations are being made with this legislation but will be made as part of 2021 budget process.

Is there financial cost or other impacts of *not* implementing the legislation? No, because appropriations are not being made with this legislation but will be made as part of 2021 budget process.

4. OTHER IMPLICATIONS

- a. **Does this legislation affect any departments besides the originating department?** No, because no appropriations are being made with this legislation but will be made as part of 2021 budget process.
- b. **Is a public hearing required for this legislation?** No
- 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?** No
- e. **Does this legislation affect a piece of property?** No
- 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? What is the Language Access plan for any communications to the public?** If spending in 2021 and 2022 and beyond as described in the Attachment to the ordinance is authorized in future budgets, it will provide much needed housing, services, business support, etc. specifically intended to assist low income communities that include vulnerable and historically disadvantaged communities. Further, it allocates funding under the housing and services spending category specifically to be invested in projects that address past discriminatory policies and practices, such as redlining, restrictive racial covenants, and other discriminatory practices that have resulted in certain populations and neighborhoods prospering at the expense of others
- 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).** Yes several potential new programs will be funded with this revenue. Expected goals and outcomes for these programs will be fleshed out in a proposed implementation plan that will be developed by the Executive and submitted to the Council for approval in mid-2021.

Amendment 1 to Resolution 31957

Full Council – July 20, 2020

Sponsor: Councilmember Strauss

Amendatory language shown in track changes ~~track changes~~

Amend Section 1, page 2, line 13, to RES 31957 as follows:

Section 1. Proceeds from the new payroll tax imposed by the ordinance introduced as CB 119810 may only be used for investments in the spending categories established in the ordinance introduced as CB 119811 and as further described in this resolution and summarized in Attachment 1 to this resolution.

A. In 2021, the first ~~\$86~~91 million may be used to replenish the City’s Emergency Fund and Revenue Stabilization Fund balance that was reduced in 2020 to fund programs that address the economic impacts caused by COVID-19. Any remaining proceeds from the payroll tax are intended to be used as follows:

* * *

Amend Attachment 1 to RES 31957 as shown on the last page of this amendment.

Effect: Modifies Resolution 31957 to increase the allocation of payroll tax revenues that will be needed in 2021 to replenish the reserve funds reduced in 2020 to support the spending authorized in the COVID Relief Bill (CB 119812). This would increase the total amount to \$91 million in 2021 to replenish funds and reduce the other categories of spending. This amendment is only needed if Full Council Amendment 2 to CB 119812 is adopted.

Jump Start Seattle –Proposed Spending Plan Details

2021 Proposed Spending			
Program/Activity	Program Description	%	\$
Replenish Emergency Fund	Replenish the City’s Emergency Fund balance that was reduced in 2020 to fund programs that address the economic impacts caused by COVID-19.		\$ 86 <u>91</u> million
Continuity of Services	Provide continuity of services and programs administered or supported by the City prior to the COVID-19 crises that, absent the support from the payroll tax revenue, would see a reduction in funding; and funding to support increased costs and the expansion of services and programs administered or funded by the City that support low-income communities.	75% ¹	\$ 96 <u>93</u> million
COVID Relief - continued	Continue funding for programs and services that received funding in 2020 to provide public assistance to low-income households and small businesses impacted by the COVID-19 emergency.	20% ¹	\$ 26 <u>25</u> million
	Start-up costs and ongoing administration ²	5% ¹	\$6 million
TOTAL ANNUAL SPENDING:		100%¹	\$214 million
2022 + Beyond Proposed Spending (based on the payroll tax revenue estimate)			
Housing and Services	<ul style="list-style-type: none"> - 90% for construction or acquisition of rental housing serving 0-60% of Area Median Income (AMI) prioritizing serving 0-30% of AMI, including operating and services costs serving 0-30% of AMI; and - 10% for a community driven fund to invest in projects that affirmatively further fair housing and to address past discriminatory policies and practices 	60%	\$131 million
Equitable Development Initiative	Funding for the Equitable Development Initiative (EDI) to support the non-housing and affordable housing components of EDI projects with a goal of at least \$20 million annually.	9%	\$20 million
Economic Revitalization	Funding to support local businesses and tourism to spur the local economic recovery, and to provide economic stability for the city’s workforce.	17%	\$37 million

¹ After replenishing the emergency fund

² In 2021, the admin costs are not applied to the \$86 million to replenish the emergency funds

Green New Deal	For investments that advance Seattle’s Green New Deal as described in Resolution 31895.	9%	\$20 million
	Start-up costs and ongoing administration	5%	\$11 million
TOTAL ANNUAL SPENDING:		100%	\$219 million

2022 + Beyond Proposed Spending (based on the payroll tax revenue goal)³			
Housing and Services	<ul style="list-style-type: none"> - 90% for construction or acquisition of rental housing serving 0-60% of Area Median Income (AMI) prioritizing serving 0-30% of AMI, including operating and services costs serving 0-30% of AMI; and - 10% for a community driven fund to invest in projects that affirmatively further fair housing and to address past discriminatory policies and practices 	60%	\$148 million
Equitable Development Initiative	Funding for the Equitable Development Initiative (EDI) to support the non-housing and affordable housing components of EDI projects with a goal of at least \$20 million annually.	9%	\$22 million
Economic Revitalization	Funding to support local businesses and tourism to spur the local economic recovery, and to provide economic stability for the city’s workforce.	17%	\$42 million
Green New Deal	For investments that advance Seattle’s Green New Deal as described in Resolution 31895.	9%	\$22 million
	Start-up costs and ongoing administration	5%	\$12 million
TOTAL ANNUAL SPENDING:		100%	\$246 million

³ Due to data limitations, the estimate for the Jump Start Seattle tax authorized through the ordinance introduced as Council Bill 119810 does not include incremental revenue that may be generated from a portion of the rates on any businesses with payroll of \$1 billion and above. This table illustrates the spending breakdown using the sponsor’s revenue goal that assumes those businesses with payroll of \$1 billion and above will result in about \$28 million of additional revenue annually in 2022.



Legislation Text

File #: CB 119828, Version: 1

CITY OF SEATTLE

ORDINANCE _____

COUNCIL BILL _____

AN ORDINANCE relating to Seattle Public Utilities; authorizing the General Manager/CEO of Seattle Public Utilities or designee to acquire by negotiation or eminent domain (condemnation) four separate parcels of land and all other necessary property rights owned by JSO Legacy Properties, LLC; John S. Roach as his separate property, and BNSF Railway Company, all located within Blocks 25 and 26 and vacated Court Street of the recorded plat of South Seattle, for water operations general purposes, and to execute, accept, and record deeds and conveyance documents and agreements deemed by the General Manager/CEO to be necessary to this transaction on behalf of the City; placing the conveyed real properties under the jurisdiction of Seattle Public Utilities; authorizing payment of all other costs associated with the acquisition; and ratifying and confirming certain prior acts.

WHEREAS, since 2006 Seattle Public Utilities (SPU) has leased property to store excavation material and spoils required for water infrastructure repairs; and

WHEREAS, SPU desires to acquire property to create its own storage and spoils yard to ensure unrestricted material availability, and

WHEREAS, after SPU conducted an extensive search and evaluation of properties, it has found suitable property for its south storage and spoils yard; and

WHEREAS, RCW 8.12.030, 35.67.020, and 35.92.020 authorize The City of Seattle (City) to purchase or condemn property for utility or general municipal purposes; and

WHEREAS, the City Council has determined that the property legally described below meets SPU’s needs for a site for a south storage and spoils yard; and

WHEREAS, the City approved a project in the Adopted 2015-2020 Capital Improvement Program Budget to address acquisition of a south storage and spoils yard; NOW, THEREFORE,

BE IT ORDAINED BY THE CITY OF SEATTLE AS FOLLOWS:

Section 1. Public convenience and necessity require the property identified in the records of the King County Assessor as Parcel Numbers 788610-1010, 788610-0916, 788610-0917, and a portion of 788610-0915, situated in the City of Seattle, County of King, State of Washington, together with all rights, privileges, and other property thereto, legally described and depicted in Attachments 1, 2, 3, 4, 5, and 6 to this ordinance to be acquired through negotiation or eminent domain (condemnation), for public use; namely for but not limited to Seattle Public Utilities water operations general purposes.

Section 2. The General Manager/CEO of Seattle Public Utilities or the General Manager/ CEO's designee is authorized on behalf of The City of Seattle (City): to negotiate and to enter into agreements to acquire the four properties in Section 1 of this ordinance and, upon payment of just compensation, to accept and record deeds and other necessary instruments on behalf of the City; to provide relocation assistance to the extent required by law to the occupants of the properties; and to enter into agreements with the existing owners and tenants as needed to facilitate the successful acquisition of the properties.

Section 3. The Seattle City Attorney is authorized to commence and prosecute proceedings in the manner provided by law to condemn, take, damage, and appropriate in fee simple the real property or other property rights described in Section 1 of this ordinance, after just compensation has been made or paid into court for the owners thereof in the manner provided by law. The Seattle City Attorney is further authorized to stipulate for the purpose of minimizing damages.

Section 4. The property acquisition provided for by this ordinance shall be paid from the \$5,700,000 authorized by Ordinance 126000 for BSL Code BC-SU-C410B, Master Project C600405 - S. Spoils Yard Purchase - Mead Street.

Section 5. The four properties, when acquired by The City, shall be placed under the jurisdiction of Seattle Public Utilities and designated for water operations general purposes.

Section 6. Any act consistent with the authority of this ordinance taken after its passage and prior to its effective date is ratified and confirmed.

Section 7. 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 _____, 2020, and signed by me in open session in authentication of its passage this ____ day of _____, 2020.

President _____ of the City Council

Approved by me this _____ day of _____, 2020.

Jenny A. Durkan, Mayor

Filed by me this _____ day of _____, 2020.

Monica Martinez Simmons, City Clerk

(Seal)

Attachments:

- Attachment 1 - Legal Description of Parcels #786610-1010 and #788610-0916
- Attachment 2 - Map of Parcels #788610-1010 and #788610-0916
- Attachment 3 - Legal Description of Parcel # 788610-0917
- Attachment 4 - Map of Parcel # 788610-0917
- Attachment 5 - Legal Description Portion of Parcel # 788610-0915
- Attachment 6 - Map of Portion of Parcel # 788610-0915

Attachment 1
Legal Description of King County Parcels #786610-1010 and #788610-0916

THOSE PORTIONS OF LOTS 1 AND 2, BLOCK 25, AND LOTS 1 TO 6, INCLUSIVE, BLOCK 26, SOUTH SEATTLE, ACCORDING TO THE PLAT THEREOF RECORDED IN VOLUME 1 OF PLATS, PAGE 35, IN KING COUNTY, WASHINGTON, AND OF ADJACENT VACATED COURT STREET, AS COLORED IN SOLID PINK ON THE BLUE PRINT ATTACHED TO AND MADE A PART OF THAT CERTAIN DEED EXECUTED DECEMBER 21, 1923 BY NORTHERN PACIFIC RAILWAY COMPANY, A WISCONSIN CORPORATION, TO ANNIE NIXON HOULAHAN, A WIDOW, RECORDED JANUARY 2, 1924 IN VOLUME 1222 OF DEEDS, PAGE 28 UNDER AUDITOR'S FILE NO. 1817532. MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT A POINT ON THE SOUTH LINE OF SAID BLOCK 26, DISTANT 15.00 FEET EASTERLY, MEASURED AT RIGHT ANGLES FROM THE CENTER LINE OF THE FRANCHISE GRANTED TO THE NORTHERN PACIFIC RAILWAY COMPANY BY ORDINANCE NO. 9118 OF THE CITY OF SEATTLE, AMENDED BY ORDINANCE NO. 12018 OF SAID CITY, COVERING 'SHORE LINE' TRACTS;

THENCE NORTH 4°18'58" EAST PARALLEL WITH SAID RAILROAD RIGHT-OF-WAY 390.00 FEET, MORE OR LESS, TO THE SOUTHERLY LINE OF THE SPOKANE STREET INTERCHANGE RIGHT-OF-WAY;

THENCE EASTERLY ALONG SAID SOUTHERLY LINE TO THE WESTERLY RIGHT-OF-WAY LINE OF INTERSTATE HIGHWAY I-5;

THENCE SOUTHERLY ALONG SAID WESTERLY LINE TO ITS INTERSECTION WITH THE EAST LINE OF SAID BLOCK 26;

THENCE SOUTHERLY ALONG SAID EASTERLY LINE OF BLOCK 26 TO THE NORTH LINE OF SOUTH CHARLESTOWN STREET;

THENCE WESTERLY ALONG SAID NORTH LINE TO THE POINT OF BEGINNING;

EXCEPTING AND RESERVING A RIGHT-OF-WAY 9 FEET IN WIDTH ON EACH SIDE OF THE CENTER LINES OF THE SPUR TRACTS OF THE RAILWAY COMPANY CONSTRUCTED OVER AND ACROSS SAID PREMISES, SAID CENTER LINES BEING SHOWN IN RED ON SAID BLUE PRINT;

TOGETHER WITH THAT PORTION OF VACATED 9TH AVENUE ABUTTING BLOCK 26, SOUTH SEATTLE, ACCORDING TO THE PLAT THEREOF, RECORDED IN VOLUME 1 OF PLATS. PAGE 35, IN KING COUNTY, WASHINGTON, DESCRIBED AS FOLLOWS:

BEGINNING AT THE SOUTHEAST CORNER OF LOT 1, BLOCK 26, SOUTH SEATTLE, ACCORDING TO THE PLAT THEREOF, RECORDED IN VOLUME 1 OF PLATS. PAGE 35, IN KING COUNTY, WASHINGTON;

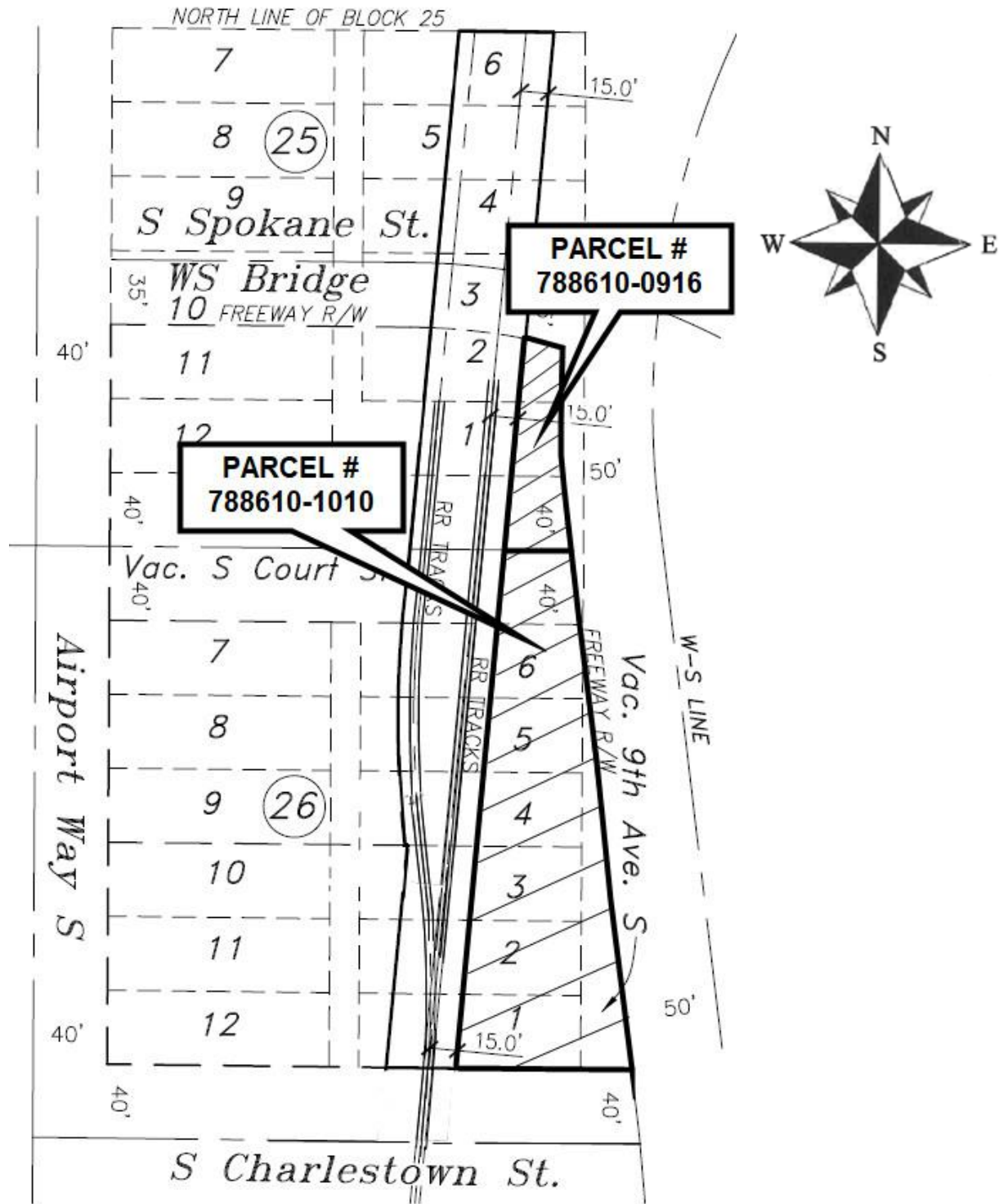
THENCE NORTHERLY ALONG THE EAST LINE OF SAID BLOCK 26, TO ITS INTERSECTION OF THE WEST LINE OF INTERSTATE HIGHWAY I-5;

THENCE SOUTHERLY ALONG THE WESTERLY LINE OF SAID INTERSTATE HIGHWAY I-5 TO ITS INTERSECTION WITH THE NORTHERLY LINE OF SOUTH CHARLESTOWN STREET PRODUCED EASTERLY;

THENCE WESTERLY ALONG SAID NORTH LINE OF SOUTH CHARLESTOWN STREET PRODUCED TO THE POINT OF BEGINNING.

Attachment 2
Map of Parcel King County Parcels #788610-1010 and #788610-0916

PORTION OF SW 1/4 of NE ¼, SEC. 17, TWP 24N, R 4 E, W.M., King County, WA



Attachment 3
Legal Description of King County Parcel #788610-0917

Parcel 1:

All of Lot 10 and the North 33 feet of Lot 11, Block 25, South Seattle, according to the plat recorded in volume 1 of plats, page 35, in King County, Washington.

Those portions of Lot 3 and the North 33 feet of Lot 2 in said block lying Westerly of a line parallel with and distant 8.5 feet Westerly, measured at right angles, from the center line of the most Westerly spur track as now constructed in said block;

That portion of the alley in said block vacated by Ordinance No. 45130, lying between the produced South lines of the North 33 feet of Lots 11 and 2 and the produced North lines of Lots 3 and 10, more particularly described as follows:

Commencing at the Northwest corner of said Lot 10;
Thence South along the East line of Airport Way 73 feet;
Thence East of a line 7 feet North of and parallel with the South line of said Lots 11 and 2, a distance of 170 feet to a point Westerly, measured at right angles, from the center line of the most Westerly spur track of Northern Pacific Railway Company as now constructed in said block;
Thence Northerly on a direct line parallel with said center line 73.25 feet to a point of the North line of said Lot 3;
Thence West along the North line of said Lots 3 and 10, 176.58 feet to the point of beginning;

EXCEPT that portion thereof conveyed to the State of Washington for Primary State Highway No. 1 by deed recorded under Auditor's file no. 5835982,

Parcel 2:

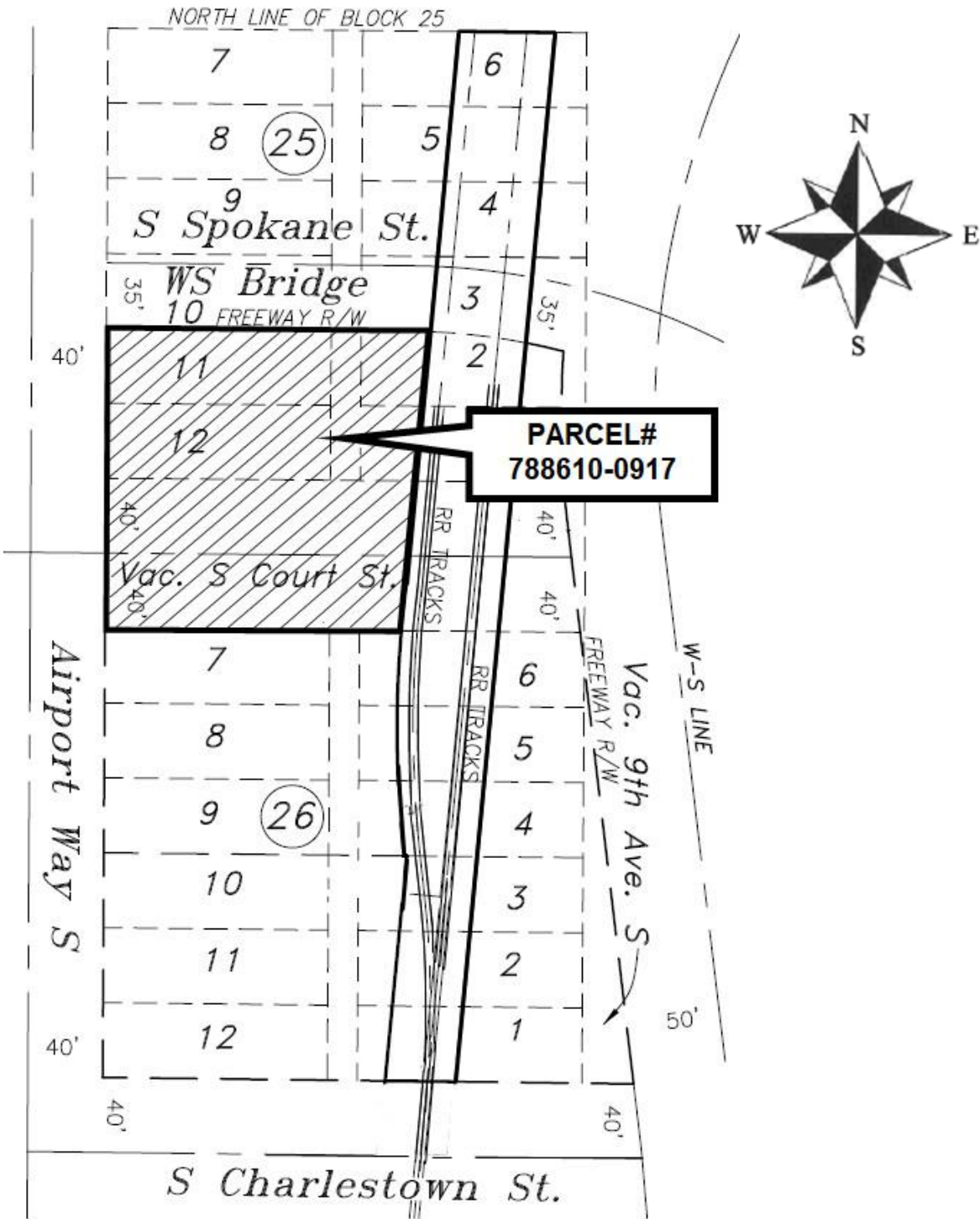
All of Lot 12 and the South 7 feet of Lot 11 and that portion of Lot 1 and the South 7 feet of Lot 2, in Block 25, South Seattle, according to the plat recorded in volume 1 of plats, page 35, in King County, Washington, lying Westerly of line drawn parallel to and distant 8.5 feet Westerly (measured at right angles) from the center line of the most Westerly Spur track as constructed across said Block on June 17, 1949;

Together with that portion of vacated alley in said block adjoining the above described property;

And together with all that portion of the 80 feet vacated Court Street lying between Blocks 25 and 26, South Seattle, and lying between the East line of Airport Way (formerly 8th Avenue South) and a line parallel or concentric with and distant 8.5 feet Westerly (measured at right angles and/or radially) from the center line of said spur track.

Attachment 4
Map of Parcel King County Parcel #788610-0917

PORTION OF SW 1/4 of NE ¼, SEC. 17, TWP 24N, R 4 E, W.M., King County, WA



Attachment 5
Legal Description of a Portion of King County Parcels #788610-0915

PARCEL A:

ALL THAT PORTION OF RAILWAY COMPANY'S RIGHT-OF-WAY LYING WITHIN THE FOLLOWING DESCRIBED PROPERTY:

BLOCK 25, PLAN OF SOUTH SEATTLE, ACCORDING TO THE PLAT THEREOF RECORDED IN VOLUME 1 OF PLATS, PAGE 35, IN KING COUNTY, WASHINGTON;

TOGETHER WITH THAT PORTION OF SOUTH COURT STREET ON THE SOUTH WHICH ATTACHED BY OPERATIONS OF LAW PURSUANT TO CITY OF SEATTLE ORDINANCE NUMBER 45130;

EXCEPT THOSE PORTIONS CONVEYED ON THE WEST BY DEED(S) RECORDED UNDER RECORDING NUMBERS 3636560 AND 3928412;

EXCEPT THOSE PORTIONS CONVEYED ON THE EAST BY DEED(S) RECORDED UNDER RECORDING NUMBER 1817532; AND

ALL THAT PORTION OF RAILWAY COMPANY'S RIGHT-OF-WAY LYING WITHIN THE FOLLOWING DESCRIBED PROPERTY:

BLOCK 26, PLAN OF SOUTH SEATTLE, ACCORDING TO THE PLAT THEREOF RECORDED IN VOLUME 1 OF PLATS, PAGE 35, IN KING COUNTY, WASHINGTON;

TOGETHER WITH THAT PORTION OF SOUTH COURT STREET ON THE NORTH WHICH ATTACHED BY OPERATIONS OF LAW PURSUANT TO CITY OF SEATTLE ORDINANCE NUMBER 45130;

EXCEPT THOSE PORTIONS CONVEYED ON THE WEST BY DEED(S) RECORDED UNDER RECORDING NUMBER(S) 3565340 AND 4094628;

EXCEPT THOSE PORTIONS CONVEYED ON THE EAST BY DEED(S) RECORDED UNDER RECORDING NUMBER 1817532.

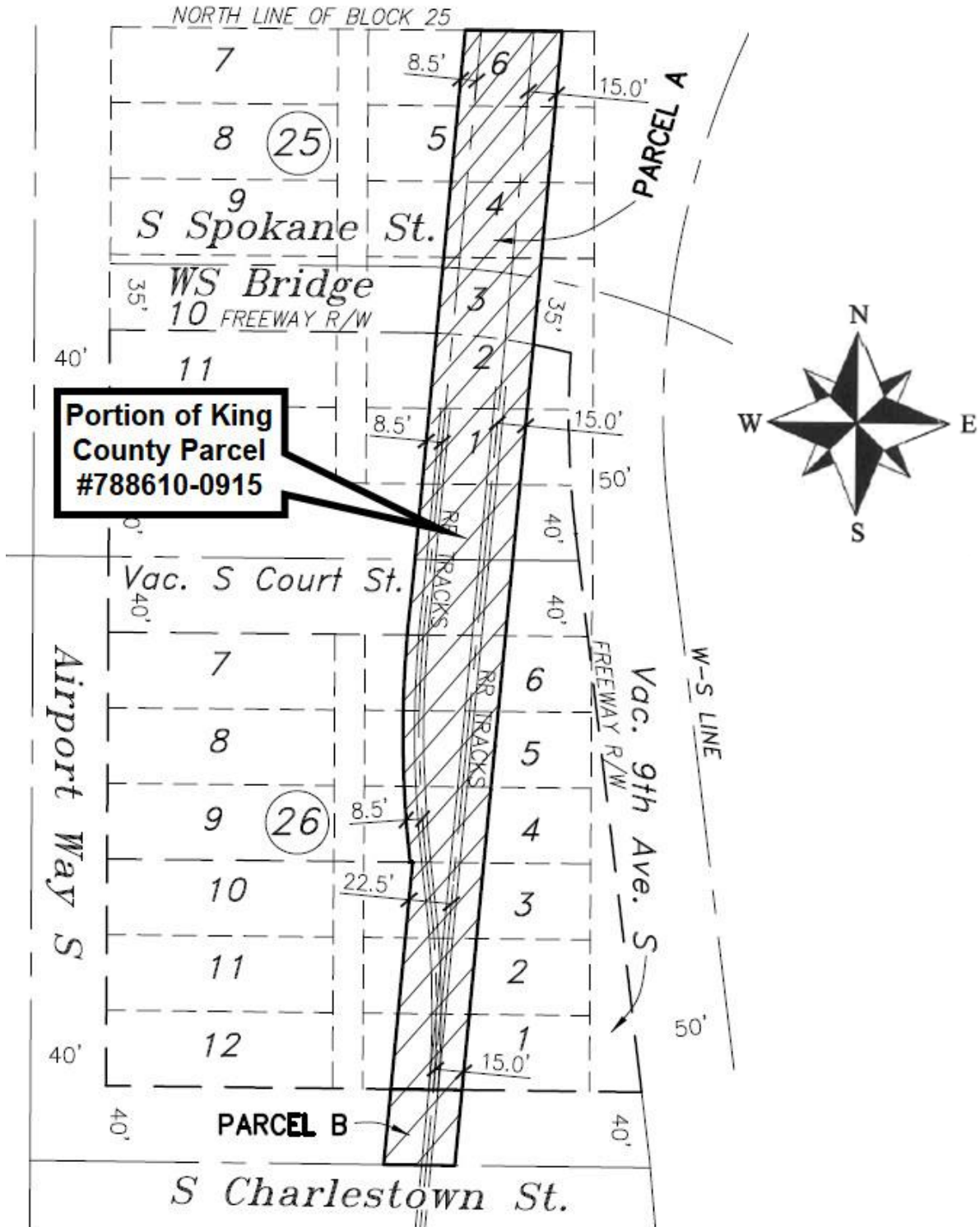
PARCEL B:

THAT PORTION OF THE NORTH HALF OF UN-VACATED S. CHARLESTOWN ST. THAT, UPON VACATION, WOULD ATTACH BY OPERATION OF LAW TO THAT PORTION OF BLOCK 26 LYING WITHIN THE RAILWAY COMPANY'S RIGHT-OF-WAY.

EXHIBIT B ATTACHED AND BY THIS REFERENCE MADE A PART HEREOF.

Attachment 6
Map of a Portion of King County Parcel #788610-0915

PORTION OF SW 1/4 of NE 1/4, SEC. 17, TWP 24N, R 4 E, W.M., King County, WA



SUMMARY and FISCAL NOTE*

Department:	Dept. Contact/Phone:	CBO Contact/Phone:
Seattle Public Utilities (SPU)	John Ovitt/4-5975	Akshay Iyengar/4-0716

** 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 Seattle Public Utilities; authorizing the General Manager/CEO of Seattle Public Utilities or designee to acquire by negotiation or eminent domain (condemnation) four separate parcels of land and all other necessary property rights owned by JSO Legacy Properties, LLC; John S. Roach as his separate property, and BNSF Railway Company, all located within Blocks 25 and 26 and vacated Court Street of the recorded plat of South Seattle, for water operations general purposes, and to execute, accept, and record deeds and conveyance documents and agreements deemed by the General Manager/CEO to be necessary to this transaction on behalf of the City; placing the conveyed real properties under the jurisdiction of Seattle Public Utilities; authorizing payment of all other costs associated with the acquisition; and ratifying and confirming certain prior acts.

Summary and background of the Legislation: Seattle Public Utilities (SPU) has been renting property for its use as a material and spoils yard for over 14 years. This highly used facility is vital to efficient installation, maintenance and repair of water infrastructure.

During the past 14 years SPU has attempted to identify suitable property to replace the rented property. The four properties that are subject to this legislation is the result of that effort. SPU has entered into Purchase and Sale Agreements to purchase four contiguous parcels to be combined into one site to be utilized as a materials and storage yard. The purchases are from willing sellers for a combined purchase price of just over \$5 million.

SPU had the parcels appraised and all the agreed upon purchase and sale prices are within or below the appraised valuation range.

A materials and storage yard requires industrial-zoned property. Proximity to SPU’s Operations Control Center in south Seattle is important for field crew efficiency.

Purchasing this parcel presents an opportunity for the utility to meet its need for a south materials and storage yard. Funding for this proposed property acquisition provided for by this ordinance is in the 2020 Adopted Budget.

At the request of the sellers, for tax reasons, the ordinance includes language authorizing condemnation.

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?

The capital expense to purchase property will remove the O&M obligation to lease which, over time, will reduce the cost of operations.

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

SPU will always need a materials and spoils yard. Not implementing this legislation will result in SPU continuing to lease property for this function. Leasing the property will result in paying more in the long term as compared to purchasing this property which will pay for itself over time and will lead to lowering SPU water operating costs.

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. **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. Notice of the planned final action shall be given by publication in the legal newspaper with the largest circulation in the jurisdiction where such property is located once a week for two successive weeks before the final action. A second publication must also be given in the legal newspaper routinely used by the potential contemnor, where such newspaper does not also have the largest circulation in the jurisdiction.
- e. **Does this legislation affect a piece of property?**
Yes: See attachment to this document for a map.
- 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? What is the Language Access plan for any communications to the public?

The action has been evaluated by SPU's Environmental Justice and Social Equity staff using the Racial Equity Toolkit who found no adverse impact.

- 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 is not a new initiative or expansion.

List attachments/exhibits below:

Summary Exhibit A – Site Location Map

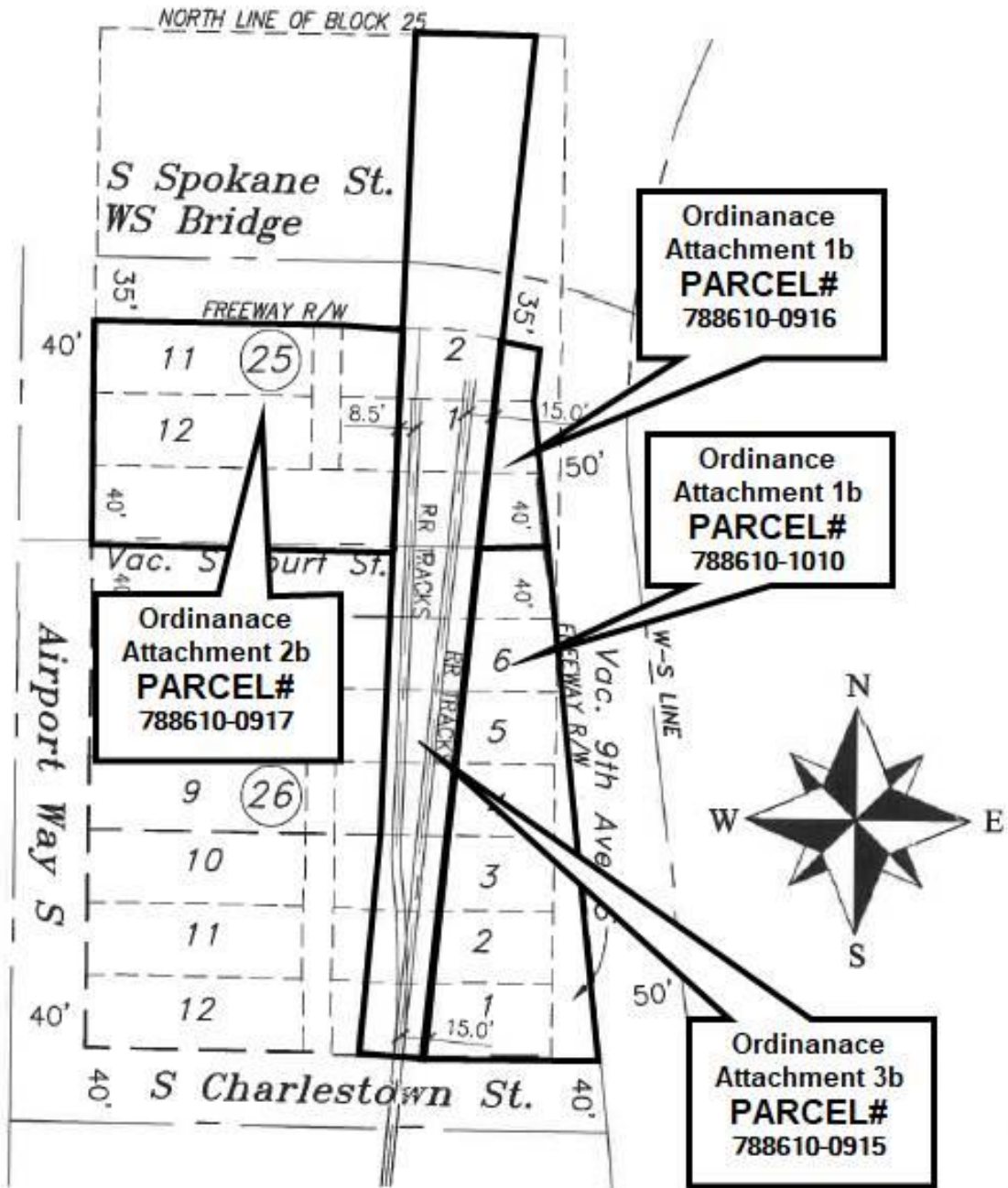
Summary Exhibit B – Site Properties Map

Exhibit A
Site Location Map



Exhibit B
Site Properties Map

POR. OF SW 1/4 NE 1/4, SEC. 17, T 24 N, R 4 E, W.M.



July 16, 2020

MEMORANDUM

To: Seattle City Councilmembers
From: Brian Goodnight, Analyst
Subject: Council Bill 119828: South Spoils Yard Acquisitions

On July 20, 2020, the Council will discuss and possibly vote on [Council Bill \(CB\) 119828](#), proposed legislation that would authorize Seattle Public Utilities (SPU) to acquire four properties to be used to create a material and spoils storage yard for water system projects. This memo provides background information on the purpose of the acquisitions and describes the acquisition details.

Background

Since 2006, SPU has leased property in South Seattle near 1st Avenue S. and S. Mead St. to store excavation material and spoils related to water infrastructure projects. A materials storage facility is necessary for the efficient installation, maintenance, and repair of the City's water infrastructure. In performing work on water infrastructure, including pipeline ruptures, SPU crews must have immediate access to backfill material to fill excavations. Additionally, the storage yard is used to store excavated soils and concrete or other paving remnants until those materials can be properly recycled or disposed.

During this 14-year period, SPU has been interested in acquiring suitable property that could be used as the permanent location for materials storage in South Seattle. The property must be industrial-zoned and be located near SPU's Operations Control Center for crew efficiency. SPU has a similar material storage facility in North Seattle, co-located with its North Operations Center, for servicing projects in the northern portion of the city.

In late 2017, SPU launched a property search and, after evaluating multiple options, in mid-2019 identified the properties that are the subject of this legislation. Once the suitability of the properties was confirmed, SPU contractors conducted environmental assessments and appraisals on the properties. The department believes that owning the material storage facility will reduce its operating costs over the long term by eliminating the leasing costs for the current property and the potential for those costs to rise in the future.

Property Acquisitions

In late 2019, SPU reached agreement with three property owners for the purchase of four parcels located near Airport Way S. and S. Spokane St. The four parcels are able to be combined into one site to act as the storage yard, are located approximately one-half of a mile south of SPU's Operations Control Center, and the agreed upon purchase prices are all within or below the appraised valuation ranges.

Maps of the parcels are attached to CB 119828 as:

- [Attachment 2](#)
- [Attachment 4](#)
- [Attachment 6](#)

The combined cost of the acquisitions, approximately \$4.7 million, would be funded entirely by SPU's Water Fund. Additionally, that cost is within the approved appropriation authority for the department's Capital Improvement Program project, titled Operation Facility – Construction, which would also fund the necessary redevelopment of the site. Lastly, although the purchases are occurring with willing sellers, Section 3 of the bill would authorize the City Attorney to commence proceedings to acquire the properties by condemnation if necessary. This provision has been included in the bill at the request of the sellers for tax purposes.

cc: Kirstan Arestad, Executive Director
Dan Eder, Deputy Director

Filed with the Office of the
City Clerk on July 15, 2020
at 8:00 a.m.

Clerk Filing Stamp

**CERTIFICATE OF MAILING AND PUBLICATION OF NOTICE FOR
CB #119828**

I, Judith L. Cross, Director, SPU Real Property Services hereby certify as follows:

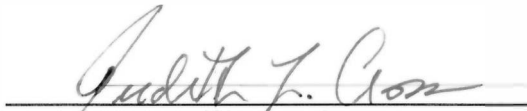
(Check all that apply below.)

1. On the 7th day of July, 2020 I mailed via US Postal Service Certified Mail a
 notice of condemnation or
 other _____,
a true and correct representative copy of which is attached and designated as
Attachment A, to those persons whose names and addresses appear on the
attached list as Attachment B.
2. For condemnation legislation: The notice designated in Attachment A constitutes
adequate notice to property owners, pursuant to RCW 8.12 and 8.25, that the
City may take final action to authorize condemnation of the subject property.
3. The notice designated in Attachment A was published in the Seattle Times on July
9th & July 13th 2020 and the Daily Journal of Commerce on July 7th & July 13th 2020.
4. This Certificate of Mailing and Publication and complete Attachments A and B
are hereby filed with the City Clerk of the City of Seattle.

Dated this 14th day of July, 2020.

The City of Seattle, Washington

Judith L. Cross



(Signature)

Director, SPU Real Property Services

Seattle Public Utilities

206-386-1814

ATTACHMENT A
CERTIFICATE OF MAILING AND PUBLICATION OF NOTICE
FOR COUNCIL BILL # 11982



July 7, 2020

Cathy Benton
Jones Lang LaSalle Brokerage, Inc.
4200 Buckingham Rd., Ste. 110
Fort Worth Texas 76155

Notice of Seattle City Council Final Action to Adopt an Ordinance Authorizing Condemnation (Eminent Domain) of real property located in the City of Seattle, Washington.

Dear Ms. Benton,

The purpose of this Notice is to inform you that the City of Seattle City Council is expected to vote on an ordinance, which, if approved, will authorize the acquisition of BNSF Railway Company real property, identified as a portion of King County Parcel Number **788610-0915**, located in the City of Seattle, Washington, and legally described in the attached EXHIBIT A to this letter. A copy of the proposed ordinance is enclosed for your information.

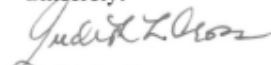
This ordinance, if adopted, will contain authorization for the City to acquire your property through negotiation or, if necessary, condemnation, as part of the Seattle Public Utilities Water Operations South Materials and Spoils Yard Complex Project.

You are identified by the tax rolls of King County as an owner of record whose property may be affected by this legislation. The City is required by RCW 8.25.290 to provide each property owner of record for each property potentially affected by the ordinance with formal written notice 15 days before the City takes final action authorizing condemnation of property. The time, date, and place of the final action on the ordinance are described below.

The proposed ordinance will be presented for final action and potential adoption to the Seattle City Council as Council Bill 119828 in a remote meeting on Monday, July 20, 2020 at 2:00 PM. Access to the meeting is available by calling the Council Chamber Listen Line at 206-684-8566 or accessing Seattle Council live weblink (<http://www.seattle.gov/council/councillive.htm>).

For further information contact:
Bob Gambill
SPU Real Property Service
Bob.gambill@seattle.gov
Voice: 206-684-5969
Fax: 206-615-1215

Sincerely,


Judith L. Cross
Director of Real Property Services

**ATTACHMENT A
CERTIFICATE OF MAILING AND PUBLICATION OF NOTICE
FOR COUNCIL BILL # 119828**

STATE OF WASHINGTON -- KING COUNTY

--SS.

386112

No.

SPU:ACCOUNTS PAYABLE

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:NOTICE OF FINAL ACTION

was published on

07/07/20


The amount of the fee charged for the foregoing publication is the sum of \$87.96.



Affidavit of Publication


Subscribed and sworn to before me on

07/07/2020


Notary public for the State of Washington,
residing in Seattle

**ATTACHMENT A
CERTIFICATE OF MAILING AND PUBLICATION OF NOTICE
FOR COUNCIL BILL # 119828**

State of Washington, King County

City of Seattle

City of Seattle

**SEATTLE PUBLIC UTILITIES
DEPARTMENT**

**Notice of Final Action by the Seattle
City Council authorizing property
acquisition by negotiation and/or eminent domain (condemnation).**

Property location:

9th AVENUE S. 98134, A Portion of King
County Parcel Number 788610-0915

3626 AIRPORT WAY S 98134, King
County Parcel Number 788610-0917

820 S CHARLESTOWN ST 98134, King
County Parcel Number 788610-1010

9th AVENUE S. 98134, King County
Parcel Number 788610-0916.

As required by State law, the City of Seattle is publishing notice of the date, time, and location of the final action at which the City will decide whether to authorize condemnation of the above-described properties. The proposed ordinance will be presented for final action and potential adoption to the Seattle City Council as Council Bill 119828 in a remote meeting on Monday, July 20, 2020 at 2:00 PM. Access to the meeting is available by calling the Council Chamber Listen Line at 206-684-8566 or accessing Seattle Council live weblink (<http://www.seattle.gov/council/councillive.htm>)

All persons claiming an interest in the property may appear and be heard on the date and time identified before adoption of Council Bill 119828. All sessions are open to the public.

For further information contact:

Bob Gambill

SPU Real Property Service

Bob.gambill@seattle.gov

Voice: 206-684-5969

Fax: 206-615-1215

Date of publication in the Seattle Daily
Journal of Commerce, July 7, 2020.

7/7(386112)

**ATTACHMENT A
CERTIFICATE OF MAILING AND PUBLICATION OF NOTICE
FOR COUNCIL BILL # 119828**

STATE OF WASHINGTON -- KING COUNTY

--ss.

386303

No.

SPU:ACCOUNTS PAYABLE

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.

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CT:FINAL ACTION

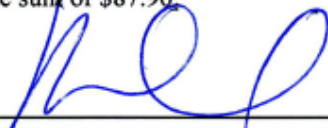
was published on

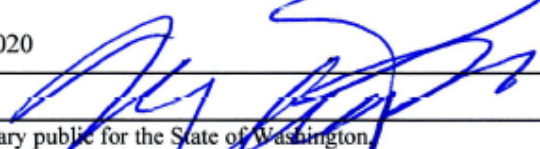
07/13/20

The amount of the fee charged for the foregoing publication is the sum of \$87.96.



Affidavit of Publication



Subscribed and sworn to before me on
07/13/2020


Notary public for the State of Washington
residing in Seattle

ATTACHMENT A
CERTIFICATE OF MAILING AND PUBLICATION OF NOTICE
FOR COUNCIL BILL # 119828

State of Washington, King County

City of Seattle

SEATTLE PUBLIC UTILITIES
DEPARTMENT

Notice of Final Action by the Seattle City Council authorizing property acquisition by negotiation and/or eminent domain (condemnation).

Property location:

9th AVENUE S. 98134, A Portion of King County Parcel Number 788610-0915

3626 AIRPORT WAY S 98134, King County Parcel Number 788610-0917

820 S CHARLESTOWN ST 98134, King County Parcel Number 788610-1010

9th AVENUE S. 98134, King County Parcel Number 788610-0916.

As required by State law, the City of Seattle is publishing notice of the date, time, and location of the final action at which the City will decide whether to authorize condemnation of the above-described properties. The proposed ordinance will be presented for final action and potential adoption to the Seattle City Council as Council Bill 119828 in a remote meeting on Monday, July 20, 2020 at 2:00 PM. Access to the meeting is available by calling the Council Chamber Listen Line at 206-684-8566 or accessing Seattle Council live weblink (<http://www.seattle.gov/council/councillive.htm>)

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For further information contact:

Bob Gambill

SPU Real Property Service

Bob.gambill@seattle.gov

Voice: 206-684-5969

Fax: 206-615-1215

Date of publication in the Seattle Daily Journal of Commerce, July 13, 2020.

7/13(386303)

ATTACHMENT A

CERTIFICATE OF MAILING AND PUBLICATION OF NOTICE FOR COUNCIL BILL # 11982



July 7, 2020

Jason & Sydney Ostrem
JSO Legacy Properties LLC
6770 Rockway Hills Drive
Cave Creek, AZ 85331

Notice of Seattle City Council Final Action to Adopt an Ordinance Authorizing Condemnation (Eminent Domain) of real property located at 820 W. Charlestown St., Seattle, WA in the City of Seattle, Washington.

Dear Mr. and Mrs. Ostrem,

The purpose of this Notice is to inform you that the City of Seattle City Council is expected to vote on an ordinance, which, if approved, will authorize the acquisition of your real property, identified as King County Parcel Numbers **788610-0916** and **788610-1010**, located in the City of Seattle, Washington, and legally described in the attached EXHIBIT A to this letter. A copy of the proposed ordinance is enclosed for your information.

This ordinance, if adopted, will contain authorization for the City to acquire your property through negotiation or, if necessary, condemnation, as part of the Seattle Public Utilities Water Operations South Materials and Spoils Yard Complex Project.

You are identified by the tax rolls of King County as an owner of record whose property may be affected by this legislation. The City is required by RCW 8.25.290 to provide each property owner of record for each property potentially affected by the ordinance with formal written notice 15 days before the City takes final action authorizing condemnation of property. The time, date, and place of the final action on the ordinance are described below.

The proposed ordinance will be presented for final action and potential adoption to the Seattle City Council as Council Bill 119828 in a remote meeting on Monday, July 20, 2020 at 2:00 PM. Access to the meeting is available by calling the Council Chamber Listen Line at 206-684-8566 or accessing Seattle Council live weblink (<http://www.seattle.gov/council/councillive.htm>).

For further information contact:
Bob Gambill
SPU Real Property Service
Bob.gambill@seattle.gov
Voice: 206-684-5969
Fax: 206-615-1215

Sincerely,

A handwritten signature in cursive script that reads "Judith L. Cross".

Judith L. Cross
Director of Real Property Services

ATTACHMENT A

CERTIFICATE OF MAILING AND PUBLICATION OF NOTICE FOR COUNCIL BILL # 119828



July 7, 2020

John S. Roach
3626 Airport Way S.
Seattle, WA 98108

Notice of Seattle City Council Final Action to Adopt an Ordinance Authorizing Condemnation (Eminent Domain) of real property located at 3626 Airport Way S., Seattle, WA in the City of Seattle, Washington.

Dear Mr. Roach,

The purpose of this Notice is to inform you that the City of Seattle City Council is expected to vote on an ordinance, which, if approved, will authorize the acquisition of your real property, identified as King County Parcel Number **988610-0917**, located in the City of Seattle, Washington, and legally described in the attached EXHIBIT A to this letter. A copy of the proposed ordinance is enclosed for your information.

This ordinance, if adopted, will contain authorization for the City to acquire your property through negotiation or, if necessary, condemnation, as part of the Seattle Public Utilities Water Operations South Materials and Spoils Yard Complex Project.

You are identified by the tax rolls of King County as an owner of record whose property may be affected by this legislation. The City is required by RCW 8.25.290 to provide each property owner of record for each property potentially affected by the ordinance with formal written notice 15 days before the City takes final action authorizing condemnation of property. The time, date, and place of the final action on the ordinance are described below.

The proposed ordinance will be presented for final action and potential adoption to the Seattle City Council as Council Bill 119828 in a remote meeting on Monday, July 20, 2020 at 2:00 PM. Access to the meeting is available by calling the Council Chamber Listen Line at 206-684-8566 or accessing Seattle Council live weblink (<http://www.seattle.gov/council/councillive.htm>).

For further information contact:
Bob Gambill
SPU Real Property Service
Bob.gambill@seattle.gov
Voice: 206-684-5969
Fax: 206-615-1215

Sincerely,

A handwritten signature in cursive script that reads "Judith L. Cross".

Judith L. Cross
Director of Real Property Services

**ATTACHMENT A
 CERTIFICATE OF MAILING AND PUBLICATION OF NOTICE
 FOR COUNCIL BILL # 119828**

The Seattle Times

Seattle Public Utilities
 Josh Campbell
 700 5th Ave
 Seattle Municipal Tower Ste 4900
 Seattle, WA 98124-4018

Re: Advertiser Account # 146957

Agency Account #: 0

Ad #: 950696

Agency Name:

Affidavit of Publication

STATE OF WASHINGTON
 Counties of King and Snohomish

The undersigned, on oath states that he/she is an authorized representative of The Seattle Times Company, publisher of The Seattle Times of general circulation published daily in King and Snohomish Counties, State of Washington. The Seattle Times has been approved as a legal newspaper by others of the Superior Court of King and Snohomish Counties.

The notice, in the exact form annexed, was published in the regular and entire issue of said paper or papers and distributed to its subscribers during all of the said period.

Newspaper and Publication Date(s)	
Seattle Times	07/09/20

Agent MAUREEN E DEGGAN Signature Maureen E Deggan

FRANKIE FLIGHT
 Notary Public
 State of Washington
 License Number 19110383
 My Commission Expires
 November 04, 2023

Subscribed and sworn to before me on 07/09/20
 DATE

Frankie Flight
 (Notary Signature)

Frankie Flight

(Notary Signature) Notary Public in and for the State of Washington, residing at Seattle

**ATTACHMENT A
CERTIFICATE OF MAILING AND PUBLICATION OF NOTICE
FOR COUNCIL BILL # 119828**

The Seattle Times

Re: Advertiser Account # 146957

Ad #: 950696

Agency Account #: 0

Agency Name:

AD TEXT

**City of Seattle
SEATTLE PUBLIC UTILITIES
DEPARTMENT
Notice of Final Action by the Seattle City
Council authorizing property acquisition
by negotiation and/or eminent domain
(condemnation).**

Property location:
9th AVENUE S, 98134, A Portion of King
County Parcel Number 788610-0915
3626 AIRPORT WAY S 98134, King County
Parcel Number 788610-0917
820 S CHARLESTOWN ST 98134, King
County Parcel Number 788610-1010
9th AVENUE S, 98134, King County Parcel
Number 788610-0916.

As required by State law, the City of Seattle is publishing notice of the date, time, and location of the final action at which the City will decide whether to authorize condemnation of the above-described properties. The proposed ordinance will be presented for final action and potential adoption to the Seattle City Council as Council Bill 119828 in a remote meeting on Monday, July 20, 2020 at 2:00 PM. Access to the meeting is available by calling the Council Chamber Listen Line at 206-684-8566 or accessing Seattle Council live weblink (<http://www.seattle.gov/council/councillive.htm>)
All persons claiming an interest in the property may appear and be heard on the date and time identified before adoption of Council Bill 119828. All sessions are open to the public.

For further information contact:
Bob Gambill
SPU Real Property Service
Bob.gambill@seattle.gov
Voice: 206-684-5969
Fax: 206-615-1215

**ATTACHMENT A
CERTIFICATE OF MAILING AND PUBLICATION OF NOTICE
FOR COUNCIL BILL # 119828**

The Seattle Times | MONDAY, JULY 13, 2020

**City of Seattle
SEATTLE PUBLIC UTILITIES
DEPARTMENT**

**Notice of Final Action by the Seattle City
Council authorizing property acquisition
by negotiation and/or eminent domain
(condemnation).**

Property location:

9th AVENUE S. 98134, A Portion of King
County Parcel Number 788610-0915
3626 AIRPORT WAY S 98134, King County
Parcel Number 788610-0917
820 S CHARLESTOWN ST 98134, King
County Parcel Number 788610-1010
9th AVENUE S. 98134, King County Parcel
Number 788610-0916.

As required by State law, the City of Seattle is publishing notice of the date, time, and location of the final action at which the City will decide whether to authorize condemnation of the above-described properties. The proposed ordinance will be presented for final action and potential adoption to the Seattle City Council as Council Bill 119828 in a remote meeting on Monday, July 20, 2020 at 2:00 PM. Access to the meeting is available by calling the Council Chamber Listen Line at 206-684-8566 or accessing Seattle Council live weblink (<http://www.seattle.gov/council/councillive.htm>)

All persons claiming an interest in the property may appear and be heard on the date and time identified before adoption of Council Bill 119828. All sessions are open to the public.

For further information contact:

Bob Gambill
SPU Real Property Service
Bob.gambill@seattle.gov
Voice: 206-684-5969
Fax: 206-615-1215

ATTACHMENT B
CERTIFICATE OF MAILING AND PUBLICATION OF NOTICE
FOR COUNCIL BILL # 119828

John S. Roach
3626 Airport Way S.
Seattle, WA 98108

Jason & Sydney Ostrem
JSO Legacy Properties LLC
6770 Rockway Hills Drive
Cave Creek, AZ 85331

Cathy Benton
Jones Lang LaSalle Brokerage, Inc.
Agent for BNSF Railroad
4200 Buckingham Rd., Ste. 110
Fort Worth Texas 76155



Legislation Text

File #: CB 119829, Version: 1

CITY OF SEATTLE

ORDINANCE _____

COUNCIL BILL _____

AN ORDINANCE relating to commercial tenancies; temporarily prohibiting the enforcement of personal liability provisions in commercial leases or other rental agreements; declaring an emergency; and establishing an immediate effective date; all by a 3/4 vote of the City Council.

WHEREAS, the coronavirus disease 19 (COVID-19) outbreak was declared a pandemic by the World Health Organization on March 11, 2020; and

WHEREAS, on February 29, 2020 the Washington Governor issued Proclamation 20-05, proclaiming a state of emergency for all counties throughout the state of Washington in response to new cases of COVID-19; and

WHEREAS, on March 13, 2020 the President of the United States declared a national state of emergency in response to the COVID-19 pandemic; and

WHEREAS, on March 25, 2020 the Washington Governor issued Proclamation 20-25, prohibiting all people in Washington State from leaving their homes and all non-essential businesses in Washington State from conducting business (“Stay Home - Stay Healthy Proclamation”); and

WHEREAS, these actions are appropriate for public health reasons but result in severe economic impacts on businesses, families, and individuals in Seattle; and

WHEREAS, these actions in conjunction with self-distancing means cancellations of large events, a decrease in the number of people patronizing places of business, and the temporary closure of many small businesses and not-for-profit organizations, resulting in the loss of income for businesses in multiple industries, including the service and entertainment industries; and

WHEREAS, the economic disruptions caused by COVID-19 will increase the likelihood of businesses and nonprofits struggling to meet existing financial commitments; and

WHEREAS, meeting existing rent obligations are a continuing financial burden on small businesses and not-for-profits and threaten their viability; and

WHEREAS, small businesses and non-profits have reported that their landlords are threatening to come after their personal assets and hold liable other guarantors on lease agreements; and

WHEREAS, the Council recognizes that tenants already at risk of losing their businesses during an unprecedented pandemic should not also be at risk of losing their homes or other personal assets; and

WHEREAS, losing both business and personal assets could have devastating impacts on both the tenant and the economy; and

WHEREAS, The City of Seattle has a heightened interest in preventing more small businesses or non-profits from closing; NOW, THEREFORE,

BE IT ORDAINED BY THE CITY OF SEATTLE AS FOLLOWS:

Section 1. The City Council finds and declares that:

A. On February 29, 2020, Governor Inslee proclaimed a State of Emergency for all counties throughout the State of Washington as a result of the confirmed person-to-person spread of COVID-19 in Washington State.

B. The COVID-19 disease, caused by a virus that spreads easily from person to person and which may cause serious injury and death, has spread throughout King County and the City of Seattle.

C. On March 3, 2020, Mayor Durkan issued a Proclamation of Civil Emergency declaring a civil emergency within the City of Seattle based on the confirmed spread of COVID-19 in King County and resulting deaths.

D. On March 11, 2020, the Governor of Washington State and the Local Health Officer for Public Health - Seattle & King County issued parallel orders prohibiting gatherings of 250 people or more for social,

spiritual and recreational activities in King County.

E. On March 13, 2020, the Governor of Washington state issued an emergency order announcing all K-12 schools in Washington to be closed from March 17, 2020 through June 19, 2020 to combat the spread of the disease.

F. On March 16, 2020, Washington Governor Jay Inslee and the Public Health - Seattle & King County Local Health Officer issued parallel orders temporarily shutting down restaurants, bars, and other entertainment and food establishments, except for take-out food.

G. In recognition of the danger that hospitals may become overwhelmed with COVID-19 patients unless the spread of the disease is slowed, on March 23, 2020, Governor Inslee imposed a stay-home order throughout Washington State prohibiting all people in the State from leaving their homes or participating in gatherings with only limited exceptions for participating in essential activities or essential business services.

H. On April 2, 2020, Washington Governor Jay Inslee extended the “Stay Home - Stay Healthy” proclamation through May 4, 2020.

I. On May 1, 2020, Washington Governor Jay Inslee extended the “Stay Home - Stay Healthy” proclamation through May 31, 2020 in recognition that the worldwide COVID-19 pandemic and its progression in Washington State continue to threaten the life and health of our people as well as the economy of Washington State, and remain a public disaster affecting life, health, property or the public peace.

J. On May 4, 2020, Washington Governor Jay Inslee announced a “Safe Start” plan that reopens Washington’s economy in phases and has restrictions on the seating capacity of restaurants during three of the four phases and physical distancing for high-risk populations and worksites during all four phases.

K. As of June 11, 2020, the Washington State Department of Health confirmed 25,171 cases of COVID-19 and 1,204 deaths caused by the virus in Washington State, with 8,611 confirmed cases and 586 deaths caused by the virus in King County.

L. There are at least 38,000 businesses in the City of Seattle employing a minimum of 655,000

individuals. Since the Governor of Washington closed or limited operations of many businesses in the state beginning in March, the statewide unemployment rate went from 5.1 percent in March to 15.4 percent in April. This equates to 199,000 individuals in March, and 610,000 individuals in April who are unemployed. In the Seattle/Bellevue/Everett area, the unemployment rate went from 5.6 percent in March to 14.5 percent in April. This equates to 96,000 individuals in March and 248,000 individuals in April who are unemployed.

M. The impacts of the COVID-19 crisis on the economy, employment, job retention, child care, and businesses has resulted in: restaurants, bars, and other businesses being forced to close; workers being unable to go to work because of illness; the need to care for children home from day care or school or for other family members without paid sick or safe time; and reduced business income due to reduced demand as businesses struggle during the state of emergency proclaimed by Mayor Durkan on March 3, 2020. These impacts have led to a temporary closure of many businesses, which will struggle to reopen, and who still have to pay rent under their lease agreements.

N. This legislation is necessary to respond to the COVID-19 public health emergency because this legislation prevents putting at risk personal assets in addition to business assets, which will maintain stability and decrease the likelihood of homelessness.

Section 2. A provision in a commercial lease or other commercial rental agreement that makes the tenant or one or more persons who are not the tenant wholly or partially personally liable for payment of rent, utility expenses, taxes, fees, or charges relating to routine building maintenance for the leased premises is not enforceable if:

- A. The civil emergency proclaimed by the Mayor on March 3, 2020 has not been terminated;
- B. The tenant is a small business or non-profit; and
- C. The tenant's business or non-profit was required to close or cease operations or was subject to in-person limitations under Gubernatorial Proclamations 20-07, 20-11, 20-13, 20-14, 20-24, 20-25, 20-25.1, 20.25.2, 20.25.3, 20.25.4, or any subsequent extensions.

Section 3. For the purposes of this ordinance, “small business” means any business entity, including a corporation, partnership, or other legal entity, that (1) is owned and operated independently from all other businesses (a franchisee with five or fewer franchise units shall be considered owned and operated independently from its franchisor); (2) has fifty or fewer employees per establishment or premises; (3) is neither: a general sales and service business with ten or more establishments in operation located anywhere in the world; nor an entertainment use business with five or more establishments in operation located anywhere in the world.

Section 4. For purposes of this ordinance, a “nonprofit” means an entity that: (1) is a “not for profit corporation” or “nonprofit corporation” under RCW 24.03.005(16) or is designated a “public benefit not for profit corporation” or “public benefit nonprofit corporation” under RCW 24.03.490; and (2) holds tax-exempt status under 26 U.S.C. § 501(c)(3).

Section 5. Based on the findings of fact set forth in Section 1 of this ordinance, the Council finds and declares that this ordinance is a public emergency ordinance, which shall take effect immediately and is necessary for the immediate preservation of the public peace, health and safety.

Section 6. By reason of the findings set out in Section 1, and the emergency that is hereby 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 the members of the City Council the _____ day of _____, 2020, and signed by me in open session in authentication of its passage this _____ day of _____, 2020.

President _____ of the City Council

Approved by me this _____ day of _____, 2020.

Jenny A. Durkan, Mayor

Filed by me this _____ day of _____, 2020.

Monica Martinez Simmons, City Clerk

(Seal)

SUMMARY and FISCAL NOTE*

Department:	Dept. Contact/Phone:	CBO Contact/Phone:
LEG	Venkataraman/4-5382	

** 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 commercial tenancies; temporarily prohibiting the enforcement of personal liability provisions in commercial leases or other rental agreements; 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: Due to the COVID-19 crisis and its economic impacts, many small businesses and non-profits are struggling to meet rent. Commercial leases can contain provisions that allow a landlord to go after a tenant’s or a 3rd party that guarantees the tenant’s obligations personal assets. To prevent the crisis from having further far-reaching economic impacts by allowing a landlord to access not only the tenant and 3rd party’s business assets but also their personal assets, this emergency legislation prohibits enforcement of provisions that would allow personal liability.

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?

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

No

Is there financial cost 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

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 hearing(s) have been held to date, and/or what public hearing(s) are planned/required in the future?

No

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

If yes, please describe the measures taken to comply with RCW 64.06.080.

No

d. 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

e. 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

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? 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.

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.

No

List attachments/exhibits below:

Amendment 1
to
CB 119829 – Personal Liability in Commercial Leases
Sponsor: CM Lewis

Splits up under what circumstances a business or non-profit is eligible for relief

Amend the following as shown:

Section 2. A provision in a commercial lease or other commercial rental agreement that makes the tenant or one or more persons who are not the tenant wholly or partially personally liable for payment of rent, utility expenses, taxes, fees, or charges relating to routine building maintenance for the leased premises is not enforceable if the tenant is a small business or non-profit and:

A. The civil emergency proclaimed by the Mayor on March 3, 2020 has not been terminated and the tenant's business or non-profit was subject to in-person limitations pursuant to Gubernatorial Proclamations 20-07, 20-13, 20-14, 20-24, 20-25, 20-25.1, 20-25.2, 20-25.3, 20-25.4, 20-25.5, 20-25.6 or any subsequent extensions; or

B. ~~The tenant is a small business or non-profit; and~~

~~C.~~ The tenant's business or non-profit ~~was required to close~~ or ceased operations ~~or was subject to in-person limitations under~~ pursuant to Gubernatorial Proclamations 20-07, ~~20-11,~~ 20-13, 20-14, 20-24, 20-25, 20-25.1, ~~20-25.2, 20-25.3, 20-25.4,~~ 20-25.5, 20-25.6 or any subsequent extensions.

Effect: This amendment would provide relief during the period of the emergency for any business or non-profits subject to in person limitations under the Governor's proclamation. It would provide relief permanently, rather than just during the period of the emergency, for businesses or non-profits that closed because of the Governor's proclamations.



Legislation Text

File #: CB 119832, **Version:** 1

CITY OF SEATTLE

ORDINANCE _____

COUNCIL BILL _____

AN ORDINANCE relating to floodplains; adopting interim regulations consistent with the Federal Emergency Management Agency (FEMA) regulations; adopting updated National Flood Insurance Rate Maps to allow individuals to continue to obtain flood insurance through FEMA's Flood Insurance Program; and amending Chapter 25.06 and Section 25.09.030 of the Seattle Municipal Code.

WHEREAS, the City is required to update its floodplain development regulations to regulate development in special flood hazard areas in accordance with standards established by the National Flood Insurance Program and the Washington State Department of Ecology and areas identified as flood-prone in subsection 25.09.012.B of the Seattle Municipal Code; NOW, THEREFORE,

BE IT ORDAINED BY THE CITY OF SEATTLE AS FOLLOWS:

Section 1. The City Council finds and declares that:

A. On February 19, 2020, the Federal Emergency Management Agency (FEMA) informed the City that it must adopt updated regulations and updated Flood Insurance Rate Map (FIRM) panels and Flood Insurance Study (FIS) with an effective date prior to August 19, 2020 in order to maintain its standing in the National Flood Insurance Program (NFIP) program, which is a necessary precondition for residents to be eligible to obtain Flood Insurance.

B. The Seattle Department of Construction and Inspections (SDCI) worked closely with FEMA administrator in developing these proposed amendments.

C. SDCI was still working with the FEMA Administrator to obtain FEMA's review and concurrence of the proposed amendments as recently as July 6, 2020.

D. It is necessary to adopt these regulations on an interim basis to maintain the City's standing in FEMA's NFIP program, enabling citizens to continue to be eligible for flood insurance while preventing development incompatible with City goals related to development in the floodplains.

E. The Council has the authority to establish interim measures pursuant to the authority granted by Article 11, Section 11 of the Washington State Constitution, the Growth Management Act, RCW 36.70A.390, and *Matson v. Clark County*, 79 Wn. App. 641 (1995).

Section 2. Chapter 25.06 of the Seattle Municipal Code, last amended by Ordinance 125781, is amended as follows:

CHAPTER 25.06 FLOODPLAIN DEVELOPMENT

25.06.010 Title((-))

This (~~chapter~~) Chapter 25.06 shall be known and may be cited as the "~~(Seattle)~~ Floodplain Development (~~Ordinance~~) Regulations."

25.06.020 Purpose

The purpose of this Chapter 25.06 is to regulate development in (~~areas of~~) special flood hazard areas and flood-prone areas as defined in subsection 25.09.012.B in accordance with standards established by the National Flood Insurance Program and the Washington State Department of Ecology (~~and areas identified as flood-prone in subsection 25.09.012.B~~). This Chapter 25.06 is intended to promote the public health, safety, and welfare and is not intended to protect or benefit any individual or any class or group of persons specifically, or to create or form the basis for any liability on the part of the City or its officers, employees, or agents in connection with administration of this Chapter 25.06. This Chapter 25.06 shall be administered by affected City departments and interpreted to accomplish its stated purpose.

25.06.022 Warning and disclaimer of liability

The degree of flood protection required by the Floodplain Development Regulations is considered reasonable for regulatory purposes and is based on scientific and engineering considerations. Larger floods can and will

occur on occasions. Flood heights may be increased by man-made or natural causes. This Chapter 25.06 does not imply that land outside the special flood hazard areas or outside flood-prone areas as defined in subsection 25.09.012.B or uses permitted within such areas will be free from flooding or flood damages. The Floodplain Development Regulations shall not create liability on the part of The City of Seattle, any officer, or employee thereof, or the Federal Insurance Administration, for any flood damages that result from reliance on this Chapter 25.06 or any administrative decision lawfully made under it.

25.06.030 Definitions

Unless specifically defined (~~((below))~~) in this Section 25.06.030, words or phrases used in this Chapter 25.06 shall be interpreted to give them the meaning they have in common usage. For purposes of this Chapter 25.06(~~(;~~ the following words or phrases are defined as set out below)):

“Alteration of watercourse” means any action that will change the location of the channel occupied by water within the banks of any portion of a riverine waterbody.

~~((A:)) "Area of shallow flooding" means ((a designated AO or AH Zone on the Flood Insurance Rate Map (FIRM). The base flood depths range from one (1) to three (3) feet; a clearly defined channel does not exist; the path of flooding is unpredictable and indeterminate; and, velocity flow may be evident. AO is characterized as sheet flow and AH indicates ponding.))~~ a designated zone AO on a community's Flood Insurance Rate Map (FIRM) with one percent or greater annual chance of flooding to an average depth of 1 to 3 feet where a clearly defined channel does not exist, where the path of flooding is unpredictable, and where velocity flow may be evident. Such flooding is characterized by ponding or sheet flow. Also referred to as the sheet flow area.

~~((B:)) "Area of special flood hazard” or “special flood hazard area” means the land ((subject to a one (1) percent or greater chance of flooding in any given year. Designation on the Flood Insurance Rate Map (FIRM) for areas of special flood hazard always includes the letters A or V.))~~ in the floodplain within Seattle subject to a one percent or greater chance of flooding in any given year. It is shown on the Flood Insurance Rate Map

(FIRM) as zone A, AO, AE, VE.

"ASCE 24" means the most recently published version of ASCE 24, Flood Resistant Design and Construction, published by the American Society of Civil Engineers.

"Base flood" means the flood having a one percent chance of being equaled or exceeded in any given year (also referred to as the "100-year flood").

~~((C:))~~ "Base flood ~~((level))~~ elevation (BFE)" ~~((and))~~ or "base flood ~~((elevation))~~ level" ~~((both))~~ means the level or elevation above mean sea level, as calculated by reference to the vertical datum for Seattle under Section 1.20.020, ~~((of floodwaters in a particular area during flood having a one percent chance of occurring in any given year))~~ to which floodwater is anticipated to rise during the base flood.

"Basement" means any area of the building having its floor sub-grade (below ground level) on all sides.

"Breakaway wall" means a wall that is not part of the structural support of the building and is intended through its design and construction to collapse under specific lateral loading forces, without causing damage to the elevated portion of the building or supporting foundation system.

"Coastal high hazard area" means an area of special flood hazard extending from offshore to the inland limit of a primary frontal dune along an open coast and any other area subject to high velocity wave action from storms or seismic sources. The area is designated on the FIRM as zone V1-30, VE, or V.

"Community" means any state, or area or political subdivision thereof, or any Indian tribe or authorized tribal organization or Alaska Native village or authorized native organization, that has authority to adopt and enforce floodplain management regulations for the areas within its jurisdiction.

~~((D:))~~ "Critical facility" means a facility for which even a slight chance of flooding might be too great. Critical facilities include~~((:))~~ but are not limited to schools, nursing homes, hospitals, police, fire and emergency response installations, ~~((nonresidential))~~ and installations ~~((which))~~ that produce, use, or store hazardous materials or hazardous waste.

~~((E:))~~ "Development" means any man-made change to improved or unimproved real estate, including

but not limited to buildings or other structures, mining, dredging, filling, grading, paving, excavation or drilling operations, or storage equipment or materials.

((F-)) "Director" means the Director of the Seattle Department of Construction and Inspections (SDCI).

As used in this Chapter 25.06, the term includes authorized representatives of the Director of the Seattle Department of Construction and Inspections.

((G-)) "Flood" or "flooding" means:

1. ((a)) A general and temporary condition of partial or complete inundation of normally dry land areas from:

((1-)) a. The overflow of inland or tidal waters; and/or

((2-)) b. The unusual and rapid accumulation of runoff of surface waters from any source.

2. Mudslides (i.e. mudflows) that are proximately caused by flooding as defined in subsection G.1.b of this definition and area kin to a river of liquid and flowing mud on the surfaces of normally dry land areas, as when earth is carried by a current of water and deposited along the path of the current.

3. The collapse or subsidence of land along the shore of a lake or other body of water as a result of erosion or undermining caused by waves or currents of water exceeding anticipated cyclical levels or suddenly caused by an unusually high water level in a natural body of water, accompanied by a severe storm, or by an unanticipated force of nature, such as flash flood or an abnormal tidal surge, or by some similarly unusual and unforeseeable event which results in flooding as defined in subsection G.1.a of this definition.

"Flood elevation study" means an examination, evaluation, and determination of flood hazards and, if appropriate, corresponding water surface elevations, or an examination, evaluation, and determination of mudslide (i.e., mudflow) and/or flood-related erosion hazards. Also known as a Flood Insurance Study (FIS).

((H-)) "Flood Insurance Rate Map (FIRM)" means the ~~((Flood Insurance Study for King County, Washington and incorporated areas, dated May 16, 1995, with accompanying Flood Insurance Rate Maps, that has delineated both the areas of special flood hazards and the risk premium zones applicable to The City of~~

~~Seattle, or as otherwise required by the Department of Homeland Security))~~ official map of a community on which the Federal Insurance Administrator has delineated both the special hazard areas and the risk premium zones applicable to the community. A FIRM that has been made available digitally is called a Digital Flood Insurance Rate Map (DFIRM).

~~((I. "Flood Insurance Study" means the official report, entitled "The Flood Insurance Study for King County, Washington and Incorporated Areas," dated May 16, 1995, provided by the Federal Insurance Administration, that includes flood profiles, the Flood Boundary Floodway Map, and the water surface elevation of the base flood.))~~

"Flood proofing" means any combination of structural and nonstructural additions, changes, or adjustments to structures that reduce or eliminate risk of flood damage to real estate or improved real property, water and sanitary facilities, structures, and their contents. Flood proofed structures are those that have the structural integrity and design to be impervious to floodwater below the base flood elevation.

"Floodplain or flood-prone area" means any land area susceptible to being inundated by water from any source. See "Flood or flooding".

"Floodplain administrator" means the official or officials designated by the Seattle Municipal Code to administer and enforce Seattle's floodplain development regulations.

"Floodplain variance" means a grant of relief by a community from the terms of a floodplain management regulation.

~~((F-))~~ "Floodway" means the channel of a river or other watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than ~~((one foot (1'))~~) a designated height. Also referred to as "Regulatory floodway".

"Functionally dependent use" means a use that cannot perform its intended purpose unless it is located or carried out in close proximity to water. The term includes only docking facilities, port facilities that are necessary for the loading and unloading of cargo or passengers, and ship building and ship repair facilities, and

does not include long-term storage or related manufacturing facilities.

“Highest adjacent grade” means the highest natural elevation of the ground surface prior to construction next to the proposed walls of a structure.

“Historic structure” means any structure that is:

1. Listed individually in the National Register of Historic Places (a listing maintained by the Department of the Interior) or preliminarily determined by the Secretary of the Interior as meeting the requirements for individual listing on the National Register;

2. Certified or preliminarily determined by the Secretary of the Interior as contributing to the historical significance of a registered historic district or a district preliminarily determined by the Secretary to qualify as a registered historic district;

3. Individually listed on a state inventory of historic places in states with historic preservation programs that have been approved by the Secretary of Interior; or

4. Individually listed on a local inventory of historic places in communities with historic preservation programs that have been certified either:

a. By an approved state program as determined by the Secretary of the Interior, or

b. Directly by the Secretary of the Interior in states without approved programs.

~~((K-))~~ "Lowest floor" means the lowest floor of the lowest enclosed area (including basement). An unfinished or flood-resistant enclosure, usable solely for parking of vehicles, building access or storage, in an area other than a basement area, is not considered a building's lowest floor, provided that such enclosure is not built so as to render the structure in violation of applicable nonelevation design requirements of subsection ~~((A2 of Section))~~ 25.06.110.A.2.

~~((L-))~~ "Manufactured home" means a structure, transportable in one ~~((1))~~ or more sections, ~~((which))~~ that is built on a permanent chassis and is designed for use with or without a permanent foundation when connected to the required utilities. The term "manufactured home" ~~((also includes travel trailers and other~~

~~similar vehicles placed on a site for greater than one hundred eighty (180) consecutive days))~~ does not include a "recreational vehicle".

~~((M.))~~ "Manufactured home park" or "manufactured home subdivision" means a parcel (or contiguous parcels) of land divided into two ~~((2))~~ or more manufactured home lots for rent or sale.

"Mean sea level" means, for purposes of the National Flood Insurance Program, the vertical datum to which base flood elevations shown on a community's FIRM are referenced.

~~((N.))~~ "New construction" means structures for which the ~~((the ordinance codified in this chapter.))~~ start of construction ~~((the ordinance codified in this chapter.))~~ commenced on or after the effective date of ~~((the ordinance codified in this chapter.))~~ floodplain management regulations adopted by a community and includes any subsequent improvements to such structures.

~~((O.))~~ "Recreational vehicle" means a vehicle that is (a) built on a single chassis; (b) ~~((four hundred (400)))~~ 400 square feet or less in area when measured at the largest horizontal projection; (c) designed to be self-propelled or permanently towable by a light-duty truck; and (d) designed primarily not for use as a permanent dwelling but as temporary living quarters for recreational, camping, travel, or seasonal use.

~~((P.))~~ "Start of construction" means and includes substantial improvement, and means the date the building permit was issued, provided the actual start of construction, repair, reconstruction, rehabilitation, addition, placement, or other improvement was within ~~((one hundred eighty (180)))~~ 180 days of the permit issuance date. The "actual start" means either the first placement of permanent construction of a structure on a site, such as the pouring of slabs or footings, the installation of piles, the construction of columns, or any work beyond the stage of excavation, or the placement of a manufactured home on a foundation. "Permanent construction" does not include ~~((site))~~ land preparation, such as a clearing, grading, or filling; nor does it include the installation of streets and/or walkways; nor does it include excavation for a basement, footings, piers, or foundation or the erection of temporary forms; nor does it include the installation on the property of accessory buildings, such as garages or sheds not occupied as dwelling units or not part of the main structure. For substantial improvement, the actual start of construction means the first alteration of any wall, ceiling,

floor, or other structural part of a building, whether or not that alteration affects the external dimensions of the building.

~~((Q.)) "Structure" means ((anything that is built or constructed, an edifice or building of any kind, or any piece of work artificially built up or composed of parts joined together in some definite manner.))~~ a walled and roofed building, including a gas or liquid storage tank, that is principally above ground, as well as a manufactured home.

“Substantial damage” means damage of any origin sustained by a structure whereby the cost of restoring the structure to its before damaged condition would equal or exceed 50 percent of the market value of the structure before the damage occurred.

~~((R. 1.)) "Substantial improvement" means any ((repair, reconstruction or improvement of a structure, the cost of which equals or exceeds fifty (50) percent of the market value of the structure either:~~

- ~~a. Before the improvement or repair is started; or~~
- ~~b. If the structure has been damaged and is being restored, before the damage occurred.~~

~~2. For the purpose of this definition, a "substantial improvement" commences when the first alteration on any wall, ceiling, floor or other structural part of the building is made, whether or not that alteration affects the external dimensions of the structure. The term does not, however, include either:~~

- ~~a. Any project for improvement of a structure to comply with existing state or local health, sanitary or safety code specifications which are solely necessary to assure safe living conditions; or~~
- ~~b. Any alteration of a structure which is listed on the National Register of Historic Places or a State Inventory of Historic Places, which is designated as a landmark pursuant to SMC Chapter 25.12 or which is included in a landmark or historic district.))~~

reconstruction, rehabilitation, addition, or other improvement of a structure, the cost of which equals or exceeds 50 percent of the market value of the structure before the “start of construction” of the improvement. This term includes structures that have incurred “substantial damage,” regardless of the actual repair work performed. The term does not include either:

1. Any project for improvement of a structure to correct previously identified existing violations of state or local health, sanitary, or safety code specifications that have been identified by the local code enforcement official and that are the minimum necessary to assure safe living conditions; or

2. Any alteration of a historic structure, provided that the alteration will not preclude the structure's continued designation as a historic structure.

25.06.040 Applicability

This Chapter 25.06 shall apply to all ~~((areas of))~~ special flood hazard~~((s))~~ areas and flood-prone areas as defined in subsection 25.09.012.B as identified in Section 25.06.050 within the jurisdiction of The City of Seattle. ~~((This Chapter 25.06 shall also apply to flood-prone areas as defined in subsection 25.09.012.B that are not located within areas of))~~ special flood hazards, as provided in this Chapter 25.06 by cross reference to subsection ~~25.09.012.B.))~~ Floodplain regulations include provisions in this Chapter 25.06 and provisions in Title 22 that address the risk of flooding.

25.06.044 Abrogation and greater restrictions

This Chapter 25.06 is not intended to repeal, abrogate, or impair any existing easements, covenants, or deed restrictions. However, where this Chapter 25.06 and another ordinance, easement, covenant, or deed restriction conflict or overlap, whichever imposes the more stringent restrictions shall prevail.

25.06.045 Interpretation

In the interpretation and application of this Chapter 25.06, all provisions shall be:

- A. Considered as minimum requirements;
- B. Liberally construed to provide the maximum flood protection; and
- C. Deemed neither to limit nor repeal any other powers granted under state statutes.

25.06.050 Identification of ~~((areas of))~~ special flood hazard areas

A. The ~~((Areas of))~~ special flood hazard ~~((in The City of Seattle are))~~ areas as identified by the Federal Insurance Administrator~~((ion))~~ in a scientific and engineering report entitled "The Flood Insurance Study for

King County, Washington and Incorporated Areas," dated ~~((May 16, 1995,))~~ August 19, 2020, and any revisions thereto, with ~~((an))~~ accompanying Flood Insurance Rate Maps (FIRMs), ~~((which))~~ dated August 19, 2020, and any revisions thereto ("the Maps"). The study and the Maps are included as Exhibit 1 and 2 to this ordinance, respectively, and are ~~((hereby))~~ adopted by reference and declared to be a part of this Chapter 25.06. These mapped areas are special flood hazard areas. The study and the Maps shall be maintained on file at the Seattle Department of Construction and Inspections and Seattle ~~((Public Utilities))~~ Department of Transportation.

B. If the FIRM boundaries are not clear, SDCI shall interpret the exact location of the boundaries of the special flood hazard areas based on actual field conditions. These determination of boundary locations can be formally interpreted through a FEMA Letter of Map Change consistent with the standards of Section 60.6 of the Rules and Regulations of the National Flood Insurance Program (44 CFR Section 60.6).

C. Special flood hazard areas also include flood-prone areas as defined in subsection 25.09.012.B.

25.06.060 Floodplain development approval required~~((:))~~

Construction or development shall not be undertaken within any ~~((area of))~~ special flood hazard area and flood-prone areas as defined in subsection 25.09.012.B as established in Section 25.06.050 without approval under this ~~((chapter))~~ Chapter 25.06. For development where no other permit or authorization from The City of Seattle or its departments or agencies is necessary to begin or to accomplish the work, the approval shall be documented by issuance of a floodplain development permit. For development where some other permit or authorization from The City of Seattle or its departments or agencies is required to begin or accomplish the work, including but not limited to development performed by City departments, the floodplain development approval shall be incorporated in such other permit or authorization.

25.06.070 Application for floodplain development approval or license

Application for a floodplain development approval, license, or permit ~~((for floodplain development approval))~~ shall be made on forms furnished by the ~~((Administrators))~~ floodplain administrator. The application ~~((shall))~~

may include, but ((shall)) is not ((be)) limited to, plans drawn to scale showing the nature, location, dimensions, and elevations of the area in question; existing or proposed structures, fill, storage of materials, drainage facilities, and the location of the foregoing. Specifically, the following information is required:

A. Elevation prepared by a licensed surveyor or a registered professional ((civil)) engineer in relation to mean sea level, as calculated based on the vertical datum for Seattle under Section 1.20.020, of the lowest floor (including basement) of all structures recorded on a current elevation certificate with Section B completed by the floodplain administrator;

B. Elevation prepared by a licensed surveyor or a registered professional ((civil)) engineer in relation to mean sea level, as calculated based on the vertical datum for Seattle under Section 1.20.020, to which any structure has been or will be floodproofed;

C. ~~((Certification))~~ Where a structure is to be flood proofed, certification by a registered professional ((civil)) engineer or architect that the floodproofing methods for any nonresidential structure meet the floodproofing criteria in Section 25.06.110; ~~((and))~~

D. Description of the extent to which any watercourse will be altered or relocated as a result of the proposed development ~~((:))~~ ; and

E. Where a structure is proposed in a V, V1-30, or VE zone, a V-zone designation design certificate;

F. Where development is proposed in a floodway, an engineering analysis indicating no rise of the Base Flood Elevation; and

G. Any other such information that may be reasonably required by the floodplain administrator in order to review the application.

25.06.080 Designation of ~~((Administrators.))~~ administrators

~~((Each City department which has responsibility for review and approval of any development or which performs any development in areas of special flood hazard in The City of Seattle is designated as an Administrator of this chapter and shall approve or deny floodplain development proposals only in accordance~~

~~with the provisions of this chapter. Each Administrator shall be responsible for enforcing the provisions of this chapter as they apply to that Administrator's jurisdiction. The Director shall approve or deny applications for floodplain development licenses in accordance with the provisions of this chapter.))~~

The Director of the Department of Construction and Inspections or designee is appointed as the floodplain administrator charged to administer, implement, and enforce this Chapter 25.06 by granting or denying development permits, approvals or licenses in accordance with its provisions for all areas within Seattle except for areas in the City's public right-of-way. For all areas in the City's public right-of-way, the Director of Seattle Department of Transportation or designee is appointed to administer, implement, and enforce this Chapter 25.06 by granting or denying development and use permits in Title 15 in accordance with this Chapter 25.06.

25.06.090 Functions of the ~~((Administrators))~~ administrators

~~((Functions of the Administrators under this Chapter 25.06 shall include the following))~~ Duties of the Director of the Department of Construction and Inspections and the Director of Seattle Department of Transportation shall include but not be limited to:

A. Reviewing development proposals to determine that:

1. ~~((the))~~ The requirements of this ~~((chapter))~~ Chapter 25.06 have been satisfied;

~~((B. Review development proposals to determine that all necessary))~~ 2. All required state and federal permits have been obtained ~~((from those federal, state or local governmental agencies from))~~ for which prior approval is required;

3. The site is reasonably safe from flooding; and

4. The proposed development is not located in the floodway. If located in the floodway, assure the encroachment provisions of Section 25.06.120 are met;

B. Notify the Federal Emergency Management Agency when annexations occur in the special flood hazard area;

C. When base flood elevation data has not been provided in A or V zones in accordance with Section

25.06.050, the floodplain administrator shall obtain, review, and reasonably utilize any base flood elevation and floodway data available from a federal, state, or other source, in order to administer Sections 25.06.110 and 25.06.120;

D. Where base flood elevation data is provided through the ~~((Flood Insurance Study))~~ FIS, FIRM, or required ~~((and obtained))~~ through subsection 25.06.090.C ~~((above))~~, obtain and maintain a record of the actual (as-built) elevation (in relation to mean sea level as calculated based on the vertical datum for Seattle under Section 1.20.020) of the lowest floor, including basement, of all new or substantially improved structures, and indicate whether or not the structure contains a basement;

E. Documentation of the elevation of the bottom of the lowest horizontal structural member in VE zones;

~~((E.))~~ F. For all new or substantially improved floodproofed nonresidential structures where base flood elevation data is provided through the FIS, FIRM, or as required in subsection 25.06.100.D.4:

1. ~~((Verify and))~~ Obtain and maintain a record of the ~~((actual))~~ elevation (in relation to mean sea level ~~((as calculated based on the National Geodetic Vertical Datum,))~~ to which the structure was flood proofed; and

2. Maintain the floodproofing certifications required in subsection ~~((C of Section))~~ 25.06.070.C;

~~((F.))~~ G. Maintain for public inspection all records pertaining to the provisions of this ~~((chapter))~~ Chapter 25.06, including all floodplain variance actions with justification for their issuance;

H. Obtain and maintain a record of improvement and damage calculations;

~~((G.))~~ I. Whenever a watercourse is to be altered or relocated:

1. Notify ~~((affected))~~ adjacent communities and the Washington State Department of Ecology prior to any alteration or relocation of a watercourse, and submit evidence of such notification to the Federal Insurance Administration through appropriate notification and means; and

~~((H.))~~ 2. Require that ~~((maintenance is provided within the altered or relocated portion of such~~

~~watercourse so that~~) the flood-carrying capacity (~~(is not diminished;)~~) of the altered or relocated portion of the watercourse is maintained.

25.06.100 General standards

In all (~~areas of~~) special flood hazard(~~(s)~~) areas and (~~in all other~~) flood-prone areas defined in subsection 25.09.012.B, the following standards are required:

A. Anchoring

1. All new construction and substantial improvements, including those related to manufactured homes, shall be anchored to prevent flotation, collapse, or lateral movement of the structure resulting from hydrodynamic and hydrostatic loads including the effects of buoyancy.

2. All manufactured homes shall be anchored to prevent flotation, collapse, or lateral movement of the structure and shall be installed using methods and practices that minimize flood damage. Anchoring methods may include, but are not limited to, use of over-the-top or frame ties to ground anchors.

B. Construction materials and methods

1. All new construction and substantial improvements shall be constructed with materials and utility equipment resistant to flood damage.

2. All new construction and substantial improvements shall be constructed using methods and practices that minimize flood damage.

3. Electrical, heating, ventilation, plumbing, air-conditioning equipment, and other service facilities shall be designed and/or otherwise elevated or located, to prevent water from entering or accumulating within the components during conditions of flooding.

C. Utilities

1. All new and replacement water supply systems shall be designed to eliminate or minimize infiltration of floodwaters into the system.

2. Water wells shall be located outside the floodway.

3. New and replacement sanitary sewage systems shall be designed to eliminate or minimize infiltration of floodwaters into the systems and discharge from the systems into floodwaters.

~~((3-))~~ 4. On-site waste disposal systems shall be located to avoid impairment to them or contamination from them during flooding.

D. Subdivision and short plat proposals

1. All subdivision and short plat proposals shall be consistent with the need to minimize flood damage.

2. All subdivision and short plat proposals shall have public utilities and facilities, such as sewer, gas, electrical, and water systems, located and constructed to minimize flood damage.

3. All subdivision and short plat proposals shall have adequate drainage to ~~((minimize))~~ reduce exposure to flood damage.

4. ~~((If base flood elevation data has not been provided or is not available from another authoritative source, the applicant shall provide such data for subdivision proposals and other proposed developments that contain at least 50 lots or five acres, whichever is less.))~~ Where a subdivision or a short plat proposal or other proposed development contains greater than 50 lots or greater than 5 acres, base flood elevation data shall be included as part of the application.

E. ~~((If))~~ Where elevation data is not available, ~~((either through))~~ whether from the ~~((most current map provided by the Federal Emergency Management Agency (FEMA) for administration of the National Flood Insurance Program))~~ FIS, the FIRM, or ((from)) another authoritative source as listed in subsection 25.06.090.G, applications for floodplain development shall be reviewed to assure that proposed construction shall be made reasonably safe from flooding. The evaluation of reasonableness shall include consideration of historical data, high water marks, photographs of past flooding, and similar information if available.

25.06.110 Standards involving base flood elevations

~~((If))~~ In all special flood hazard areas and flood-prone areas as defined in subsection 25.09.012.B, where base

flood elevation data has been provided under Section 25.06.050 or subsection 25.06.090.C, the standards of subsections 25.06.110.A through 25.06.110.~~((E))~~H apply ~~((to areas of special flood hazards and to flood-prone areas defined in subsection 25.09.012.B)).~~

A. Residential construction

1. In AE zones or other A zoned areas where the BFE has been determined or can be reasonably obtained, ~~((N))~~new construction and substantial improvement of any residential structure shall have the lowest floor, including basement, elevated to 2 feet or more above base flood elevation. Mechanical equipment and utilities shall be waterproof or elevated at least 2 feet above the BFE.

2. New construction and substantial improvement of any residential structure in an AO zone shall meet the requirements in Title 22 under Section 25.06.040.

3. New construction and substantial improvement of any residential structure in an unnumbered A zone for which a BFE is not available and cannot be reasonably obtained shall be reasonably safe from flooding, but in all cases the lowest floor shall be at least two feet above the highest adjacent grade.

4. New construction and substantial improvement of any residential structure in a VE zone shall meet the requirements in Title 22 under Section 25.06.040.

5. Fully enclosed areas below the lowest floor that are subject to flooding are prohibited or shall be designed to automatically equalize hydrostatic flood forces on exterior walls by allowing for the entry and exit of floodwaters. Designs for meeting this requirement either are required to be certified by a registered professional civil engineer or architect or are required to meet or exceed the following minimum criteria:

- a. ~~((A))~~ Have a minimum of two openings having a total net area of not less than 1 square inch for every square foot of enclosed area subject to flooding shall be provided;
- b. The bottom of all openings shall be no higher than 1 foot above grade; and
- c. Openings may be equipped with screens, louvers, valves, or other coverings or devices ~~((if))~~ provided that they permit the automatic entry and exit of floodwaters.

d. A garage attached to a residential structure, constructed with the garage floor slab below the BFE, must be designed to allow for the automatic entry and exit of floodwaters.

B. ~~((Non-residential and live-work unit construction.))~~ New construction and substantial improvement of any commercial, industrial, or other non-residential structure ~~((, including a structure with one or more live-work units, shall either have the lowest floor, including basement, elevated to 2 feet or more above the level of the base flood elevation or, together with attendant utility and sanitary facilities,))~~ shall ~~((;))~~ meet the requirements of subsection 25.06.110.B.1 or 25.06.110.B.2.

~~((1. Be floodproofed so that below 2 feet above the base flood level the structure is watertight with walls substantially impermeable to the passage of water;~~

~~2. Have structural components capable of resisting hydrostatic and hydrodynamic loads and effects of buoyancy;~~

~~3. Be certified by a registered professional civil engineer that the design and methods of construction are in accordance with accepted standards of practice for meeting provisions of this subsection 25.06.110.B based on the civil engineer's development or review of the structural design, specifications and plans.))~~

1.

a. In AE or other A zoned areas where the BFE has been determined or can be reasonably obtained, new construction and substantial improvement of any commercial, industrial, or other nonresidential structure shall have the lowest floor, including basement, elevated one foot or more above the BFE, or elevated as required by ASCE 24, whichever is greater. Mechanical equipment and utilities shall be waterproofed or elevated at least 1 foot above the BFE, or as required by ASCE 24, whichever is greater.

b. If located in an AO zone, the structure shall meet the requirements in Title 22 under Section 25.06.040.

c. If located in an unnumbered A zone for which a BFE is not available and cannot be

reasonably obtained, the structure shall be reasonably safe from flooding, but in all cases the lowest floor shall be at least 2 feet above the highest adjacent grade.

d. If located in a VE zone, the structure shall meet the requirements in Title 22 under Section 25.06.040.

e. Fully enclosed areas below the lowest floor that are subject to flooding are prohibited or shall be designed to automatically equalize hydrostatic flood forces on exterior walls by allowing for the entry and exit of floodwaters. Designs for meeting this requirement must either be certified by a registered professional engineer or architect or must meet or exceed the following minimum criteria:

i. Have a minimum of two openings with a total net area of not less than 1 square inch for every square foot of enclosed area subject to flooding;

ii. The bottom of all openings shall be no higher than 1 foot above grade;

iii. Openings may be equipped with screens, louvers, valves, or other coverings or devices; or a registered engineer or architect may design and certify engineered openings, provided that they permit the automatic entry and exit of floodwater; and

iv. A garage attached to a residential structure, constructed with the garage floor slab below the BFE, must be designed to allow for the automatic entry and exit of floodwaters.

2. If the requirements of subsection 25.06.110.B.1 are not met, then new construction and substantial improvement of any commercial, industrial, or other nonresidential structure shall meet all of the following requirements:

a. Be dry floodproofed so that below 1 foot or more above the base flood level the structure is watertight with walls substantially impermeable to the passage of water or dry flood proofed to the elevation required by ASCE 24, whichever is greater;

b. Have structural components capable of resisting hydrostatic and hydrodynamic loads and effects of buoyancy;

c. Be certified by a registered professional engineer or architect that the design and methods of construction are in accordance with accepted standards of practice for meeting provisions of this subsection 25.06.110.B.2 based on their development and/or review of the structural design, specifications and plans. Such certifications shall be provided to the official as set forth in subsection 25.06.070.C.

d. Non-residential structures ((or structures with one or more live-work units)) that are elevated, not floodproofed, shall meet the same standards for space below the lowest floor as set out in subsection 25.06.110.A.((2-above))5.

C. Critical facilities. Construction of new critical facilities shall be located outside the limits of the ((~~areas of~~)) special flood hazard area and outside the limits of all other flood-prone areas as defined in Chapter 25.09 where possible. Construction of new critical facilities shall be permissible within ((~~areas of~~)) special flood hazard area and all other flood-prone areas as defined in Chapter 25.09 if no feasible alternative site is available. Critical facilities constructed within ((~~areas of~~)) special flood hazard area and all other flood-prone areas as defined in Chapter 25.09 shall have the lowest floor elevated to 3 feet above the level of the base flood elevation at the site. Floodproofing and sealing measures shall be taken so that toxic substances will not be displaced by or released into floodwaters. Access routes to all critical facilities shall be elevated to or above the level of the base flood elevation to the extent possible.

D. Manufactured homes. All manufactured homes ((~~within Zones A1-30, AH, and AE on the FIRM or within all other flood-prone areas as defined in Chapter 25.09~~)) to be placed or substantially improved on sites shall be elevated on a permanent foundation ((~~so~~)) such that the lowest floor of the manufactured home is elevated 2 feet or more above the base flood elevation and shall be securely anchored to an adequately anchored foundation system ((~~in accordance with the provisions of subsection 25.06.100.A~~)) to resist flotation, collapse, and lateral movement.

E. Recreational vehicles. Recreational vehicles placed on sites within ((~~areas of~~)) special flood hazard areas or flood-prone areas as defined in subsection 25.09.012.B shall ((~~be~~)):

1. ~~((On))~~ Be on the site for fewer than 180 consecutive days; or
2. ~~((Fully))~~ Be fully licensed and ready for highway use, on their wheels or jacking system, attached to the site only by quick disconnect type utilities and security devices, and be without permanently attached additions; or
3. Meet the requirements for manufactured homes specified in subsection 25.06.110.D(~~(, above~~
)).

F. Enclosed area below the lowest floor. If buildings or manufactured homes are constructed or substantially improved with fully enclosed areas below the lowest floor, the areas shall be used solely for parking of vehicles, building access, or storage.

G. If a project will alter the BFE or boundaries of the special flood hazard area or the flood-prone area as defined in subsection 25.09.012.B, then the project proponent shall provide engineering documentation and analysis regarding the proposed change and:

1. If the change to the BFE or boundaries of the special flood hazard area would normally require a Letter of Map Change, then the project proponent shall initiate, and receive approval of, a Conditional Letter of Map Revision (CLOMR) prior to approval of the development permit. The project shall be constructed in a manner consistent with the approved CLOMR.

2. If a CLOMR application is made, then the project proponent shall also submit the full CLOMR documentation package to the floodplain administrator to be attached to the floodplain development permit, including all required property owner notifications.

H. Livestock sanctuary areas. Elevated areas for the for the purpose of creating a flood sanctuary for livestock are allowed on farm units where livestock is allowed. Livestock flood sanctuaries shall be sized appropriately for the expected number of livestock and be elevated at least 1 foot above BFE to protect livestock. Proposals for livestock flood sanctuaries shall meet all procedural and substantive requirements of this Chapter 25.06.

25.06.120 Standards for floodways

~~((Areas))~~ Located within special flood hazard areas established in Section 25.06.050 are areas designated as floodways ~~((are areas of special flood hazard established in Section 25.06.050. The following provisions apply to development in designated floodways))~~ . Since the floodway is an extremely hazardous area due to the velocity of floodwaters that can carry debris, and increase erosion potential, the following provisions apply:

A. Encroachments, including fill, new construction, substantial improvements, and other development, are prohibited unless certification by a registered professional civil engineer is provided demonstrating through hydrologic and hydraulic analyses performed in accordance with standard engineering practice that the proposed encroachment will not result in any increase in flood levels during the occurrence of the base flood discharge.

B. Construction or reconstruction of residential structures is prohibited within designated floodways, except for:

~~((1-repairs))~~ 1. Repairs, reconstruction, or improvements to a structure ~~((which))~~ that do not increase the ground-floor area; and

~~((2-repairs))~~ 2. Repairs, reconstruction, or improvements to a structure, the cost of which does not exceed ~~((fifty-))~~50~~((%))~~ percent of the market value of the structure either:

~~((a-before))~~ a. Before the repair, reconstruction, or repair is started, or

~~((b-if))~~ b. If the structure has been damaged, and is being restored, before the damage occurred. ~~((Work done on structures to comply with))~~ Any project for improvement of a structure to correct existing violations of state or local health, sanitary, or safety codes ~~((s;))~~ specifications that have been identified by the local code enforcement official and that are the minimum necessary to assure safe living conditions, or to structures identified as historic or landmark structures may be excluded from the ~~((fifty-))~~50~~((%))~~ percent requirement.

C. If the certification of subsection 25.06.120.A ~~((of this section above))~~ is obtained, all new

construction and substantial improvements shall comply with all applicable flood hazard reduction provisions of this ~~(chapter)~~ Chapter 25.06.

25.06.130 Standards for shallow flooding areas~~(-)~~

Areas designated as AO zones on the ~~(Flood Insurance Rate Maps)~~ FIRMs are areas of shallow flooding. The following provisions apply to such areas of shallow flooding:

A. New construction and substantial improvements of residential structures within AO zones shall have the lowest floor (including basement) elevated above the highest grade adjacent to the building ~~((one-(1)))~~ 1 foot or more above the depth number specified on the FIRM, or if no depth number is specified, at least ~~((two-(2)))~~ 2 feet.

B. New construction and substantial improvements of nonresidential structures ~~((with one-(1) or more live-work units))~~ within AO zones shall either (1) have the lowest floor (including basement) elevated above the highest adjacent grade of the building site ~~((one-(1)))~~ 1 foot or more above the depth number specified on the FIRM, or if not depth number is specified, at least ~~((two-(2)))~~ 2 feet; or (2) together with attendant utility and sanitary facilities, be completely floodproofed so that any space below the level specified in ~~((subsection))~~ (1) ~~((above))~~ is watertight with walls substantially impermeable to the passage of water and with structural components having the capability of resisting hydrostatic and hydrodynamic loads and effects of buoyancy. If floodproofing is used, compliance with these standards must be certified by a registered professional engineer or architect.

C. Adequate drainage paths around structures on slopes to guide floodwaters around and away from proposed structures shall be required.

25.06.135 AE and A1-30 zones with base flood elevations but no floodways

In AE and A1-30 FIRM designated zones with identified BFEs but no identified floodways, new construction, substantial improvements, or other development (including fill) is prohibited unless the applicant can demonstrate that the cumulative effect of the proposed development, when combined with all other existing and

anticipated development, will not increase the water surface elevation of the base flood more than 1 foot at any point within the community.

25.06.136 Floodplain variances

The floodplain variance criteria set forth in this Section 25.06.136 are based on the general principle of zoning law that floodplain variances pertain to a piece of property and are not personal in nature. A floodplain variance may be granted for a parcel of property with physical characteristics so unusual that complying with the requirements of this Chapter 25.06 would create an exceptional hardship to the applicant or the surrounding property owners. The characteristics must be unique to the property and not be shared by adjacent parcels. The unique characteristic must pertain to the land itself, not to the structure, its inhabitants, or the property owners. It is the duty of the Director to help protect its citizens from flooding. This need is so compelling and the implications of the cost of insuring a structure built below the base flood elevation are so serious that floodplain variances from the flood elevation or from other requirements in this Chapter 25.06 are quite rare. The long-term goal of preventing and reducing flood loss and damage can only be met if floodplain variances are strictly limited. Therefore, the floodplain variance guidelines provided in this Chapter 25.06 are more detailed and contain multiple provisions that must be met before a floodplain variance can be properly granted. The criteria are designed to screen out those situations in which alternatives other than a floodplain variance are more appropriate.

A. Requirements for floodplain variances

1. Floodplain variances shall only be issued:

a. Upon a determination that the granting of a floodplain variance will not result in increased flood heights, additional threats to public safety, extraordinary public expense, create nuisances, cause fraud on or victimization of the public, or conflict with existing local laws or ordinances;

b. For the repair, rehabilitation, or restoration of historic structures upon a determination that the proposed repair or rehabilitation will not preclude the structure's continued designation as a historic

structure and the floodplain variance is the minimum necessary to preserve the historic character and design of the structure;

c. Upon a determination that the floodplain variance is the minimum necessary, considering the flood hazard, to afford relief;

d. Upon a showing of good and sufficient cause;

e. Upon a determination that failure to grant the floodplain variance would result in exceptional hardship to the applicant;

f. Upon a showing that the use cannot perform its intended purpose unless it is located or carried out in close proximity to water. This includes only facilities defined as a “Functionally dependent use” under Section 25.06.030.

2. Floodplain variances shall not be issued within any floodway if any increase in flood levels during the base flood discharge would result.

3. Generally, floodplain variances may be issued for new construction and substantial improvements to be erected on a lot of one-half acre or less in size contiguous to and surrounded by lots with existing structures constructed below the BFE, provided the procedures of this Chapter 25.06 have been fully considered. As the lot size increases beyond one-half acre, the technical justification required for issuing the floodplain variance increases.

B. Floodplain variance criteria. In considering floodplain variance applications, the Director shall consider all technical evaluations, all relevant factors, all standards specified in other sections of this Chapter 25.06, and:

1. The danger that materials may be swept onto other lands to the injury of others;

2. The danger to life and property due to flooding or erosion damage;

3. The susceptibility of the proposed facility and its contents to flood damage and the effect of such damage on the individual owner;

4. The importance of the services provided by the proposed facility to the community;

5. The necessity to the facility of a waterfront location, where applicable;

6. The availability of alternative locations for the proposed use, which are not subject to flooding or erosion damage;

7. The compatibility of the proposed use with existing and anticipated development;

8. The relationship of the proposed use to the comprehensive plan and floodplain management program for that area;

9. The safety of access to the property in time of flood for ordinary and emergency vehicles;

10. The expected heights, velocity, duration, rate of rise, and sediment transport of the flood waters expected at the site; and

11. The costs of providing governmental services during and after flood conditions, including maintenance and repair of public utilities and facilities, such as sewer, gas, electrical, water system, and streets and bridges.

C. Additional requirements for the issuance of a floodplain variance

1. Any applicant to whom a floodplain variance is granted shall be given written notice over the signature of a community official that:

a. The issuance of a floodplain variance to construct a structure below the BFE will result in increased premium rates for flood insurance up to amounts as high as \$25 for \$100 of insurance coverage, and

b. Such construction below the BFE increases risks to life and property.

2. The floodplain administrator shall maintain a record of all floodplain variance actions, including justification for their issuance.

3. The floodplain administrator shall condition the floodplain variance as needed to ensure that the requirements and criteria of this Chapter 25.06 are met.

4. Floodplain variances as interpreted in the National Flood Insurance Program are based on the general zoning law principle that they pertain to a physical piece of property; they are not personal in nature and do not pertain to the structure, its inhabitants, economic circumstances, or financial circumstances. They primarily address small lots in densely populated residential neighborhoods. As such, floodplain variances from flood elevations should be quite rare.

25.06.140 Penalties for noncompliance((:))

No development shall occur in a~~((n area of))~~ special flood hazard area or a flood-prone area as defined in subsection 25.09.012.B in The City of Seattle without full compliance with the terms of this ~~((chapter))~~ Chapter 25.06 and other applicable regulations. Any person who violates this ~~((chapter))~~ Chapter 25.06 or fails to comply with any of its requirements shall be subject to a cumulative civil penalty in the amount of ~~((Fifty Dollars (\$50.00)))~~ \$500 per day for each day from the date the violation began until the date compliance with the requirements of this ~~((chapter))~~ Chapter 25.06 is achieved. Nothing ~~((herein))~~ contained in this Chapter 25.06 shall prevent The City of Seattle from taking such other lawful action as is necessary to prevent or remedy any violation.

25.06.150 Wetlands management((:))

To the maximum extent possible, development shall avoid the short-term and long-term adverse impacts associated with the destruction or modification of wetlands, especially development ~~((which))~~ that limits or disrupts the ability of wetland to alleviate flooding impacts. The ~~((Administrators))~~ floodplain administrators shall implement the following process:

- A. Review proposals for development within areas of special flood hazard for their possible impacts on wetlands located within such areas;
- B. Ensure that development activities in or around wetlands do not negatively affect public safety, health, and welfare by disrupting the wetland's ability to reduce flood and storm drainage; and
- C. Request technical assistance from the Washington State Department of Ecology in identifying

wetland areas.

Section 3. Section 25.09.030 of the Seattle Municipal Code, last amended by Ordinance 125292, is amended as follows:

25.09.030 Location of environmentally critical areas and buffers

A. Environmentally critical areas are defined in Section 25.09.012, and buffers are described in Sections 25.09.090 and 25.09.160. Environmentally critical areas are mapped whenever possible. These maps are advisory except as follows:

1. The maps adopted as designations for geologically hazardous areas in subsections 25.09.012.A.5, 25.09.012.A.6, and 25.09.012.A.7;
2. The FEMA maps showing areas of special flood hazard defined in subsection 25.06.030(~~(B)~~);
3. Areas mapped or designated by the Washington Department of Fish and Wildlife (WDFW) in subsections 25.09.012.D.1 and 25.09.012.D.2; and
4. The delineations in the maps for peat settlement-prone areas in subsection 25.09.012.A.5 for parcels 50,000 square feet or less.

The Director may update or amend the maps by Director's Rule.

* * *

Section 4. The provisions of this ordinance are declared to be separate and severable. If any clause, sentence, paragraph, subdivision, section, subsection, or portion of this ordinance, or the application thereof to any hiring entity, gig worker, person, or circumstance, is held to be invalid, it shall not affect the validity of the remainder of this ordinance, or the validity of its application to other persons or circumstances.

Section 5. 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 _____, 2020, and signed by
me in open session in authentication of its passage this _____ day of _____, 2020.

President _____ of the City Council

Approved by me this _____ day of _____, 2020.

Jenny A. Durkan, Mayor

Filed by me this _____ day of _____, 2020.

Monica Martinez Simmons, City Clerk

(Seal)

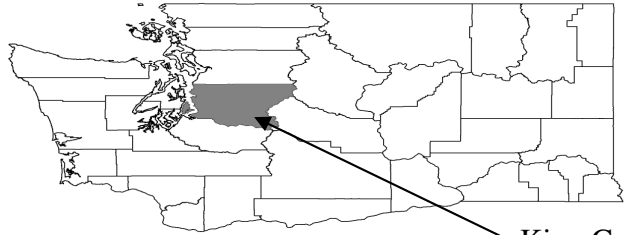
Exhibit 1 - The Flood Insurance Study for King County Washington

Exhibit 2 - Flood Insurance Rate Maps

FLOOD INSURANCE STUDY



KING COUNTY, WASHINGTON AND INCORPORATED AREAS



King County

Volume 5 of 5

COMMUNITY NAME	COMMUNITY NUMBER	COMMUNITY NAME	COMMUNITY NUMBER
*ALGONA, CITY OF	530072	*MEDINA, CITY OF	530315
AUBURN, CITY OF	530073	*MERCER ISLAND, CITY OF	530083
*BEAUX ARTS VILLAGE, TOWN OF	530242	MUCKLESHOOT INDIAN TRIBE	530165
BELLEVUE, CITY OF	530074	NEWCASTLE, CITY OF	530134
BLACK DIAMOND, CITY OF	530272	NORMANDY PARK, CITY OF	530084
BOTHELL, CITY OF	530075	NORTH BEND, CITY OF	530085
BURIEN, CITY OF	530321	PACIFIC, CITY OF	530086
CARNATION, CITY OF	530076	REDMOND, CITY OF	530087
*CLYDE HILL, CITY OF	530279	RENTON, CITY OF	530088
COVINGTON, CITY OF	530339	SAMMAMISH, CITY OF	530337
DES MOINES, CITY OF	530077	SEATAC, CITY OF	590320
DUVALL, CITY OF	530282	SEATTLE, CITY OF	530089
ENUMCLAW, CITY OF	530319	SHORELINE, CITY OF	530327
FEDERAL WAY, CITY OF	530322	SKYKOMISH, TOWN OF	530236
*HUNTS POINT, TOWN OF	530288	SNOQUALMIE, CITY OF	530090
ISSAQUAH, CITY OF	530079	*SNOQUALMIE INDIAN TRIBE	530066
KENMORE, CITY OF	530336	TUKWILA, CITY OF	530091
KENT, CITY OF	530080	WOODINVILLE, CITY OF	530324
KING COUNTY, UNINCORPORATED AREAS	530071	*YARROW POINT, TOWN OF	530309
KIRKLAND, CITY OF	530081		
LAKE FOREST PARK, CITY OF	530082		
*MAPLE VALLEY, CITY OF	530078		

*No Special Flood Hazard Areas Identified

REVISED DATE: AUGUST 19, 2020



Federal Emergency Management Agency

Flood Insurance Study Number
53033CV005B

**NOTICE TO
FLOOD INSURANCE STUDY USERS**

Communities participating in the National Flood Insurance Program have established repositories of flood hazard data for floodplain management and flood insurance purposes. This Flood Insurance Study (FIS) report may not contain all data available within the Community Map Repository. Please contact the Community Map Repository for any additional data.

The Federal Emergency Management Agency (FEMA) may revise and republish part or all of this FIS report at any time. In addition, FEMA may revise part of this FIS report by the Letter of Map Revision process, which does not involve republication or redistribution of the FIS report. Therefore, users should consult with community officials and check the Community Map Repository to obtain the most current FIS report components.

Selected Flood Insurance Rate Map panels for this community contain information that was previously shown separately on the corresponding Flood Boundary and Floodway Map panels (e.g., floodways, cross sections). In addition, former flood hazard zone designations have been changed as follows:

<u>Old Zone(s)</u>	<u>New Zone</u>
A1 through A30	AE
V1 through V30	VE
B	X
C	X

Initial Countywide FIS Effective Date: September 29, 1989

Revised Countywide Date(s): May 16, 1995
May 20, 1996
March 30, 1998
November 8, 1999
December 6, 2001
April 19, 2005
August 19, 2020

ATTENTION: On FIRM panels 53033C0663G, 53033C0664G, 53033C0957G, 53033C0959G, 53033C0966G, 53033C0967G, 53033C0969G, 53033C0976G, 53033C0977G, 53033C0978G, 53033C0979G, 53033C0986G, 53033C0988G, 53033C1232G, 53033C1251G, 53033C1253G, and 53033C1254G the Green River (except Horseshoe Bend, Fenster, Muellen, Potter, Neeley, and Hammakami) levees have not been demonstrated by the community or levee owners to meet the requirements of Section 65.10 of the NFIP regulations in 44 CFR as it relates to the levee's capacity to provide 1-percent- annual -chance flood protection. The subject areas are identified on FIRM panels (with notes and bounding lines) and in the FIS report as potential areas of flood hazard data changes based on further review.

FEMA has updated the levee analysis and mapping procedures for non-accredited levees. Until such time as FEMA is able to initiate a new flood risk project to apply the new procedures, the flood hazard information on the aforementioned FIRM panels that are affected by the Green River (except Horseshoe Bend, Fenster, Muellen, Potter, Neeley, and Hammakami) levees are being added as a snapshot of the prior previously effective information presented on the FIRMs and FIS reports dated May 16, 1995. As indicated above, it is expected that affected flood hazard data within the subject area could be significantly revised. This may result in floodplain boundary changes, 1-percent- annual -chance flood elevation changes, and/or changes to flood hazard zone designations. The effective FIRM panels (and the FIS report) will again be revised at a later date to update the flood hazard information associated with the Green River (except Horseshoe Bend) levees when FEMA is able to initiate and complete a new flood risk project to apply the updated levee analysis and mapping procedures.

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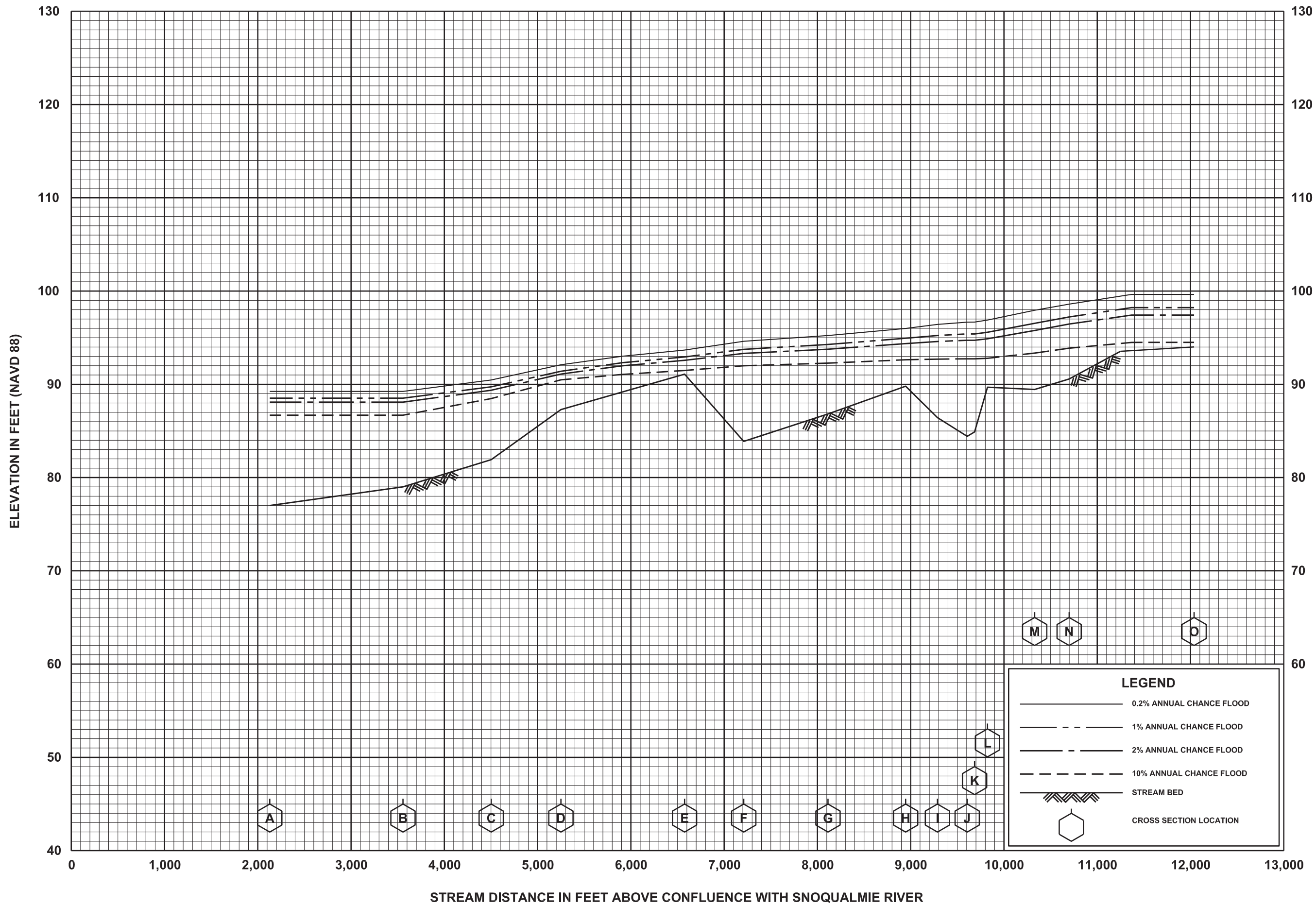
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Flood Insurance Rate Map Index

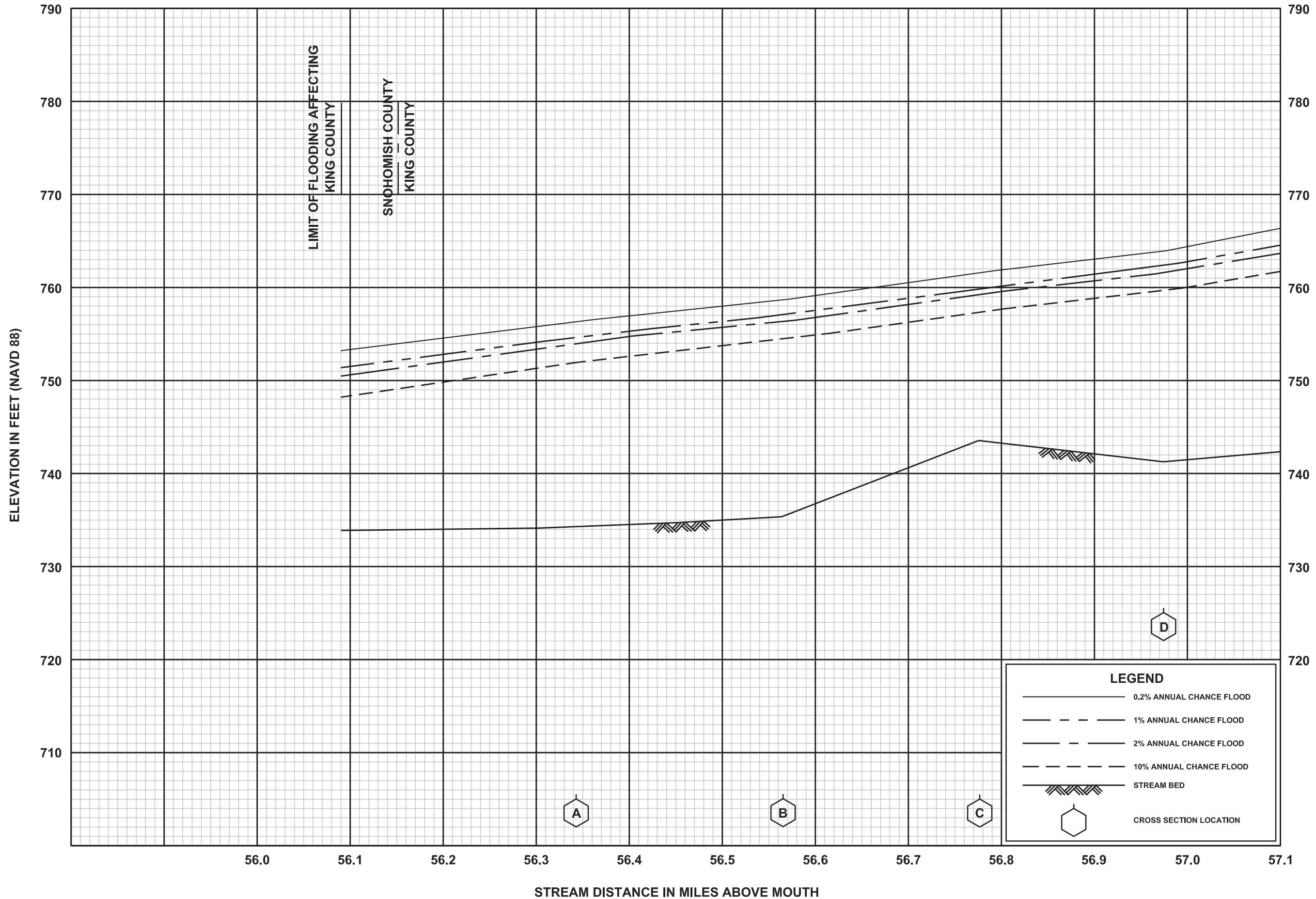
Flood Insurance Rate Maps



FLOOD PROFILES
SNOQUALMIE OVERFLOW REACH 6

FEDERAL EMERGENCY MANAGEMENT AGENCY
KING COUNTY, WA
AND INCORPORATED AREAS

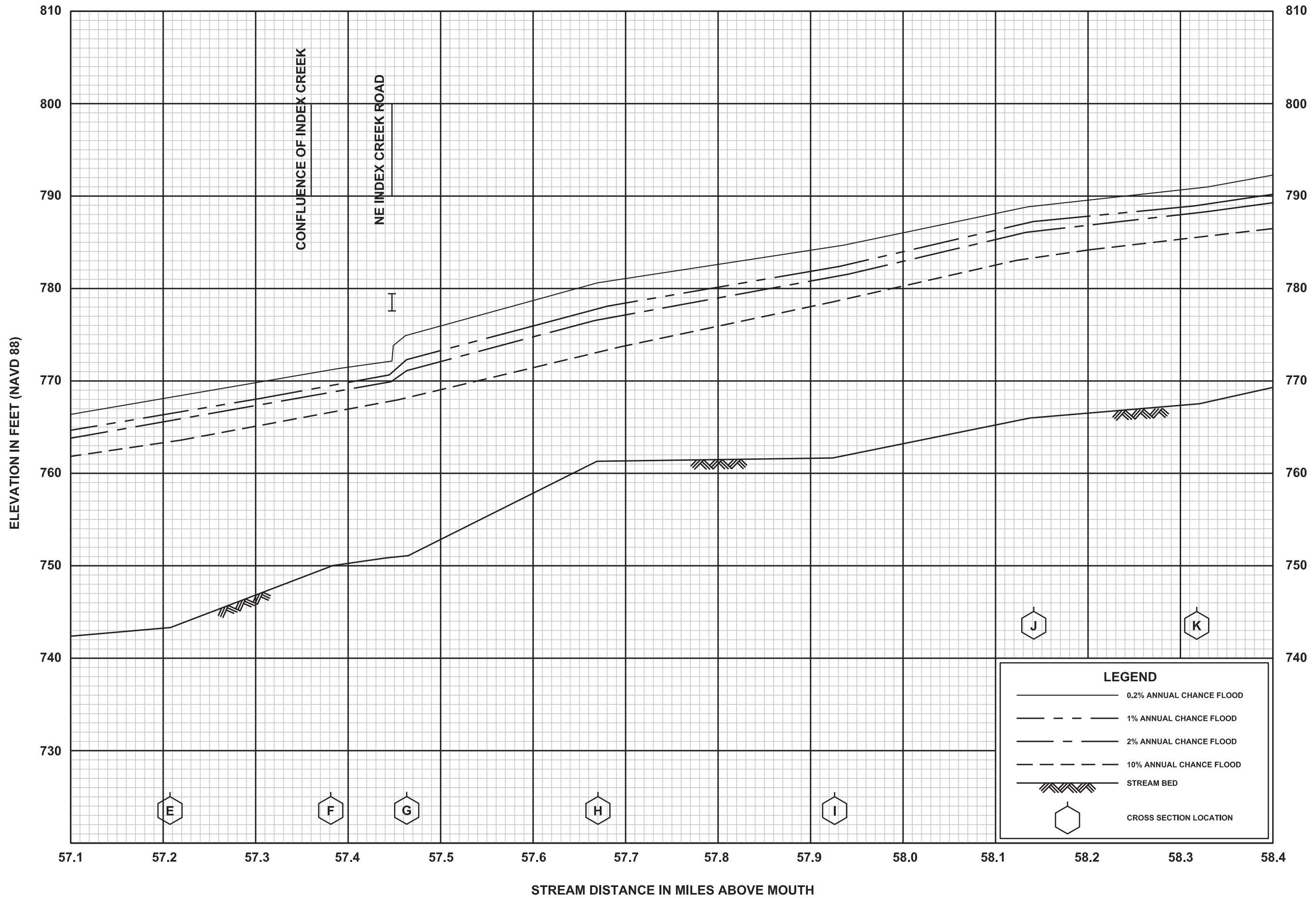
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FLOOD PROFILES
SOUTH FORK SKYKOMISH RIVER

FEDERAL EMERGENCY MANAGEMENT AGENCY
KING COUNTY, WA
AND INCORPORATED AREAS

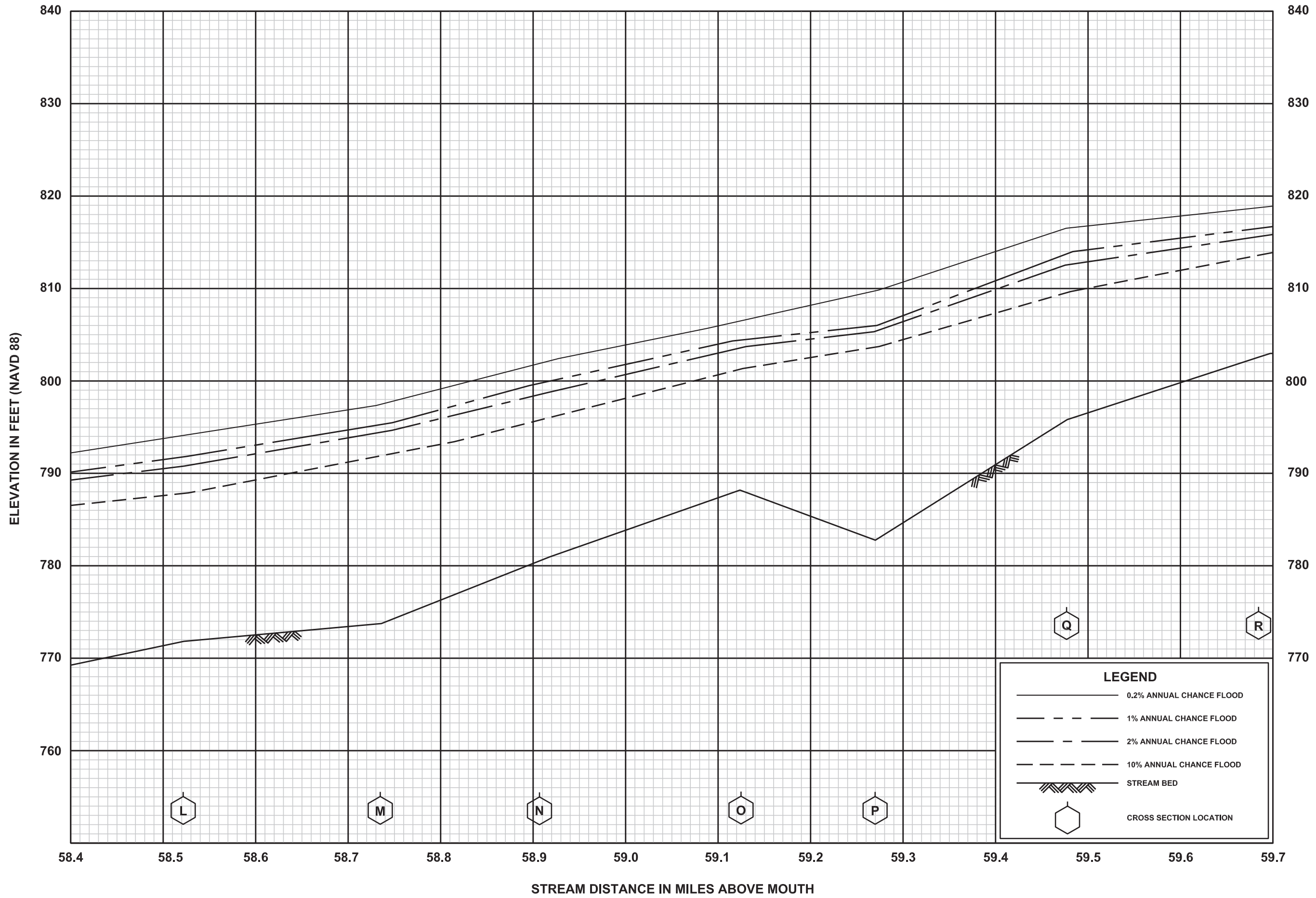
223P



FLOOD PROFILES
SOUTH FORK SKYKOMISH RIVER

FEDERAL EMERGENCY MANAGEMENT AGENCY
KING COUNTY, WA
AND INCORPORATED AREAS

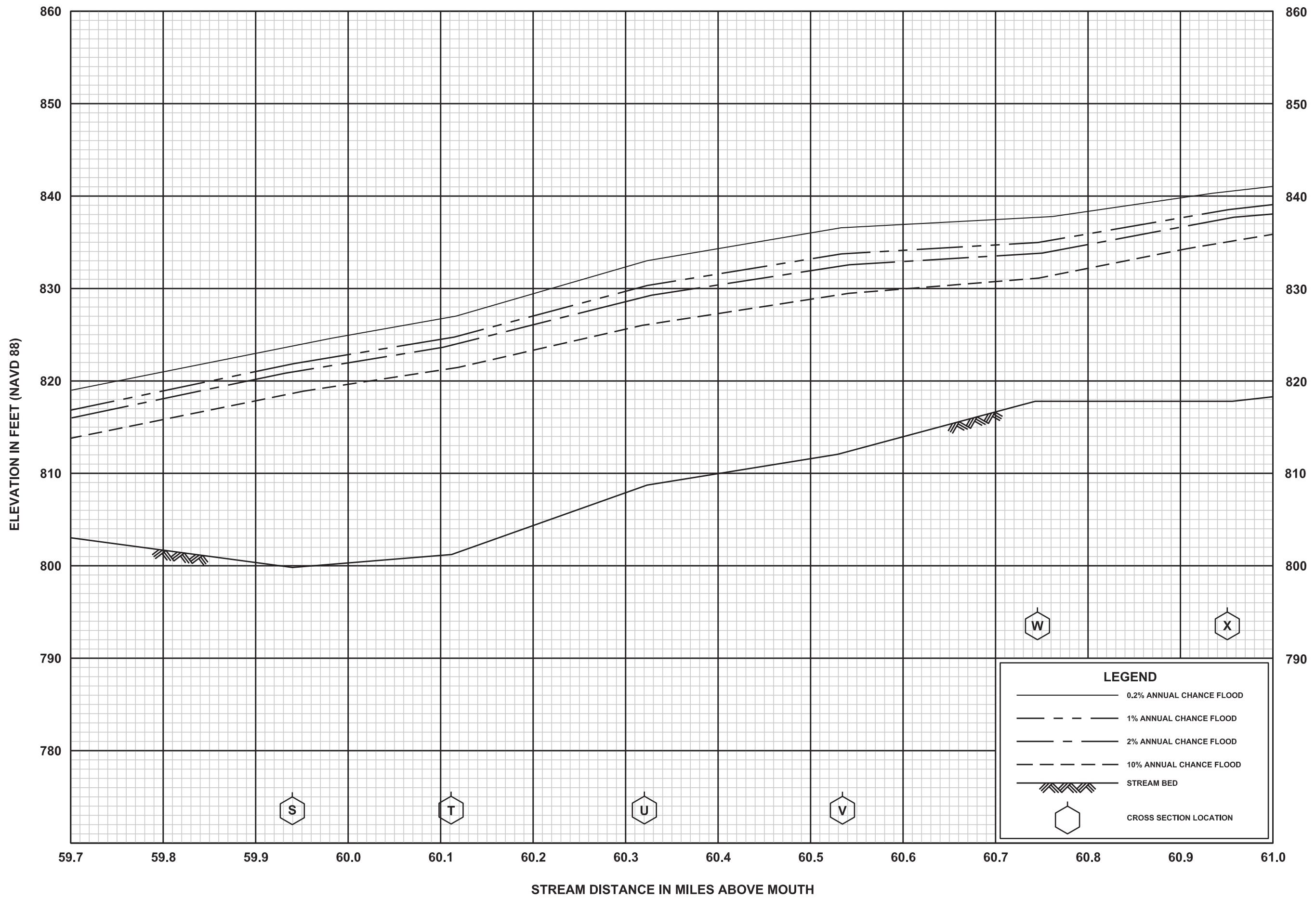
224P



FLOOD PROFILES
SOUTH FORK SKYKOMISH RIVER

FEDERAL EMERGENCY MANAGEMENT AGENCY
KING COUNTY, WA
AND INCORPORATED AREAS

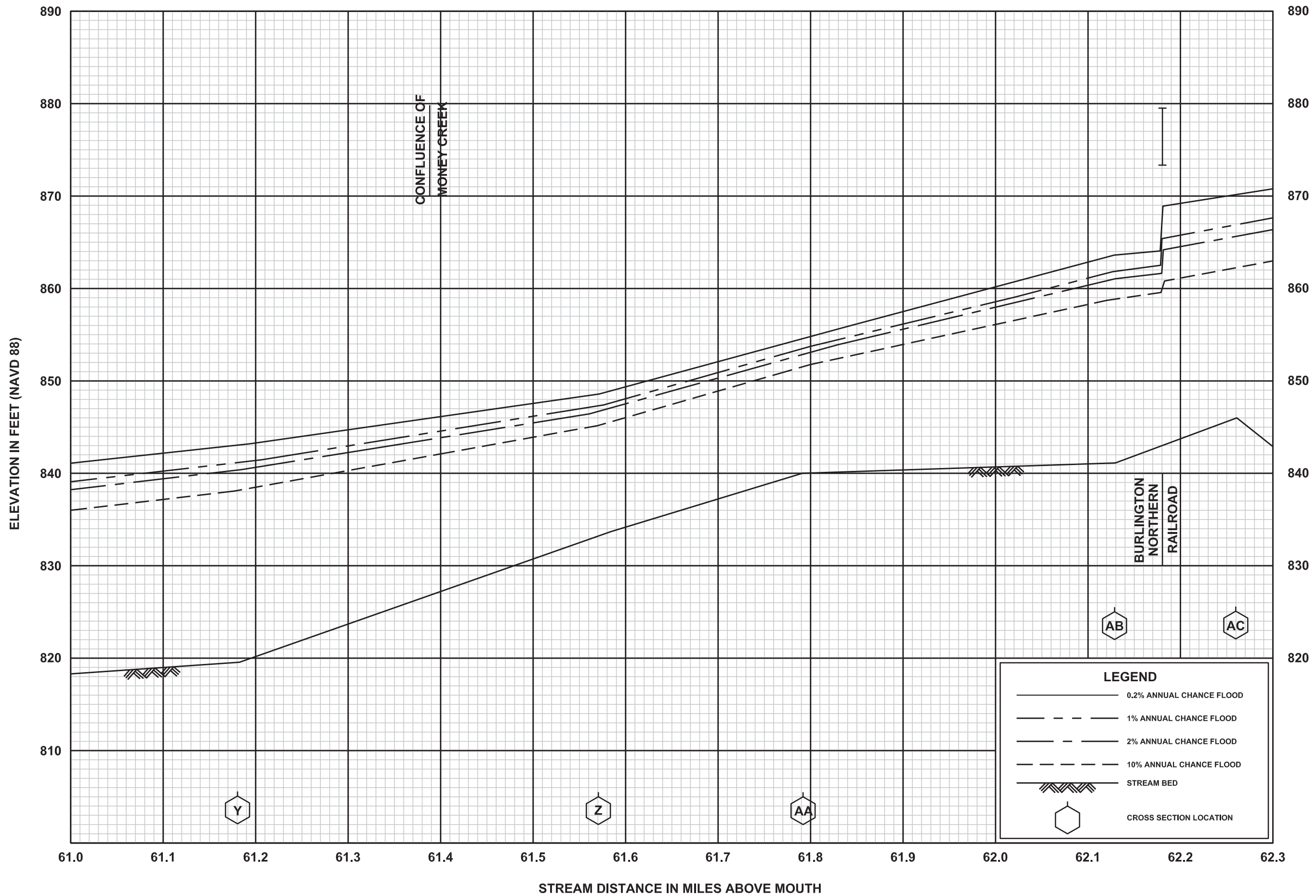
225P



FLOOD PROFILES
SOUTH FORK SKYKOMISH RIVER

FEDERAL EMERGENCY MANAGEMENT AGENCY
KING COUNTY, WA
AND INCORPORATED AREAS

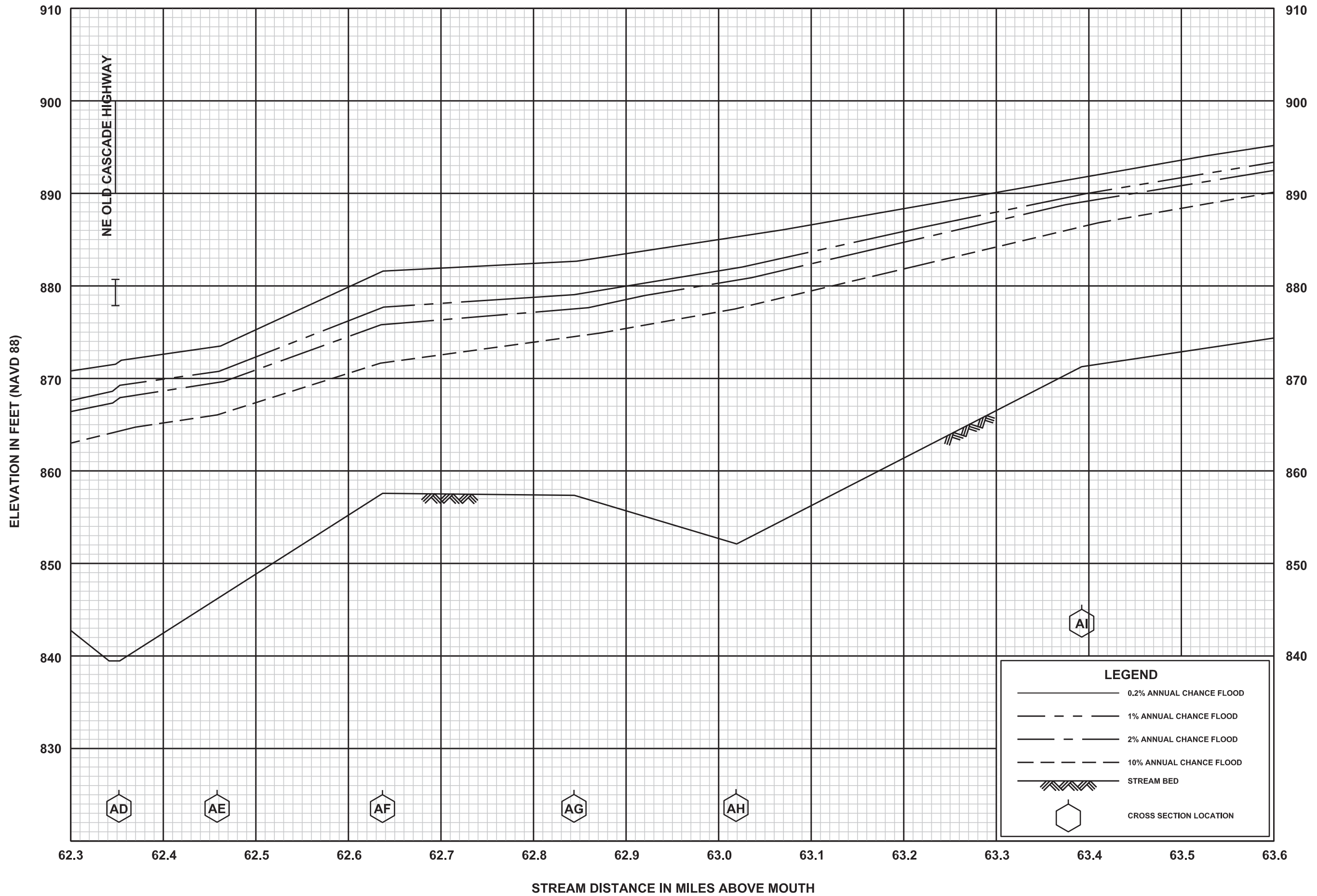
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FLOOD PROFILES
SOUTH FORK SKYKOMISH RIVER

FEDERAL EMERGENCY MANAGEMENT AGENCY
KING COUNTY, WA
AND INCORPORATED AREAS

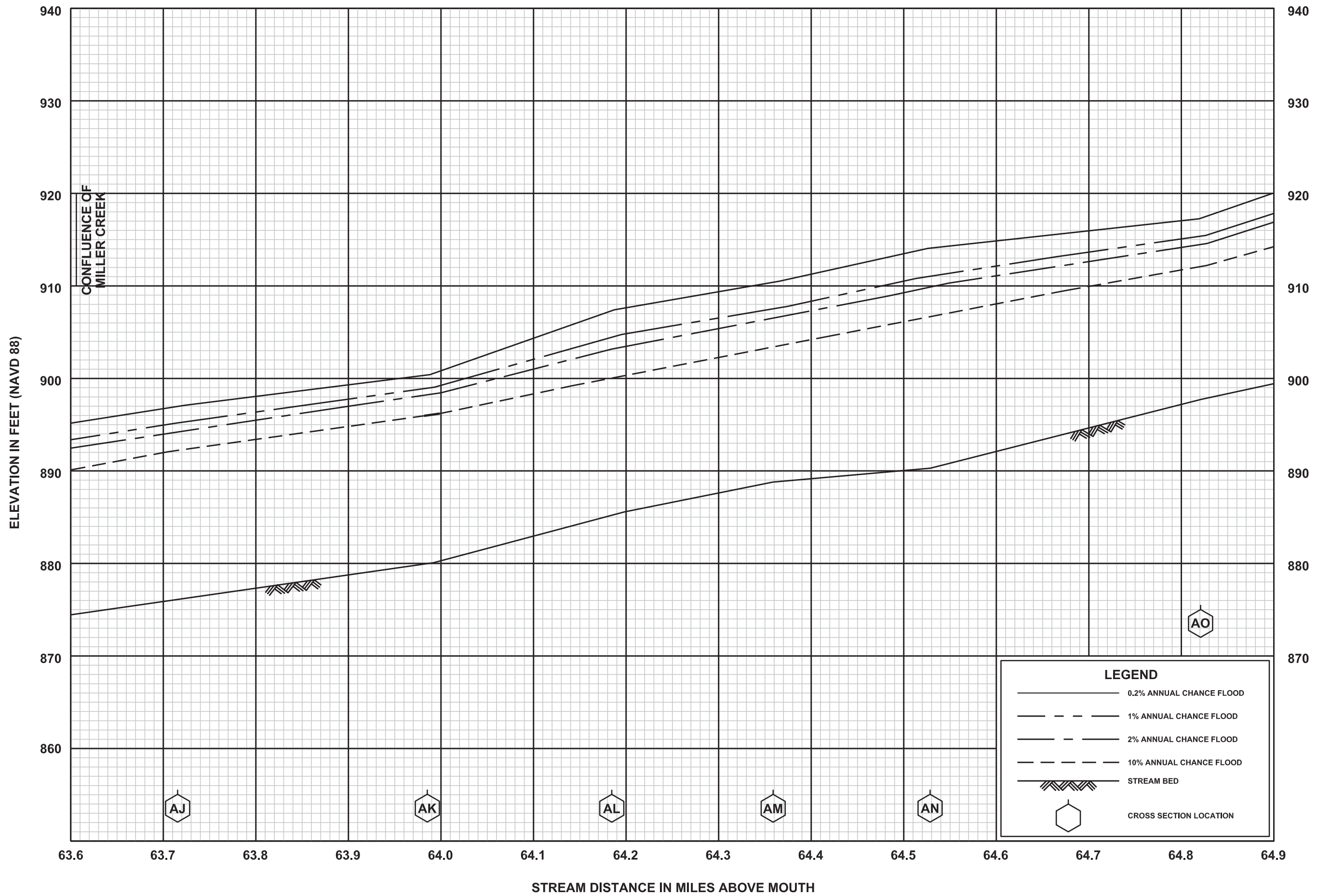
227P



FLOOD PROFILES
SOUTH FORK SKYKOMISH RIVER

FEDERAL EMERGENCY MANAGEMENT AGENCY
KING COUNTY, WA
AND INCORPORATED AREAS

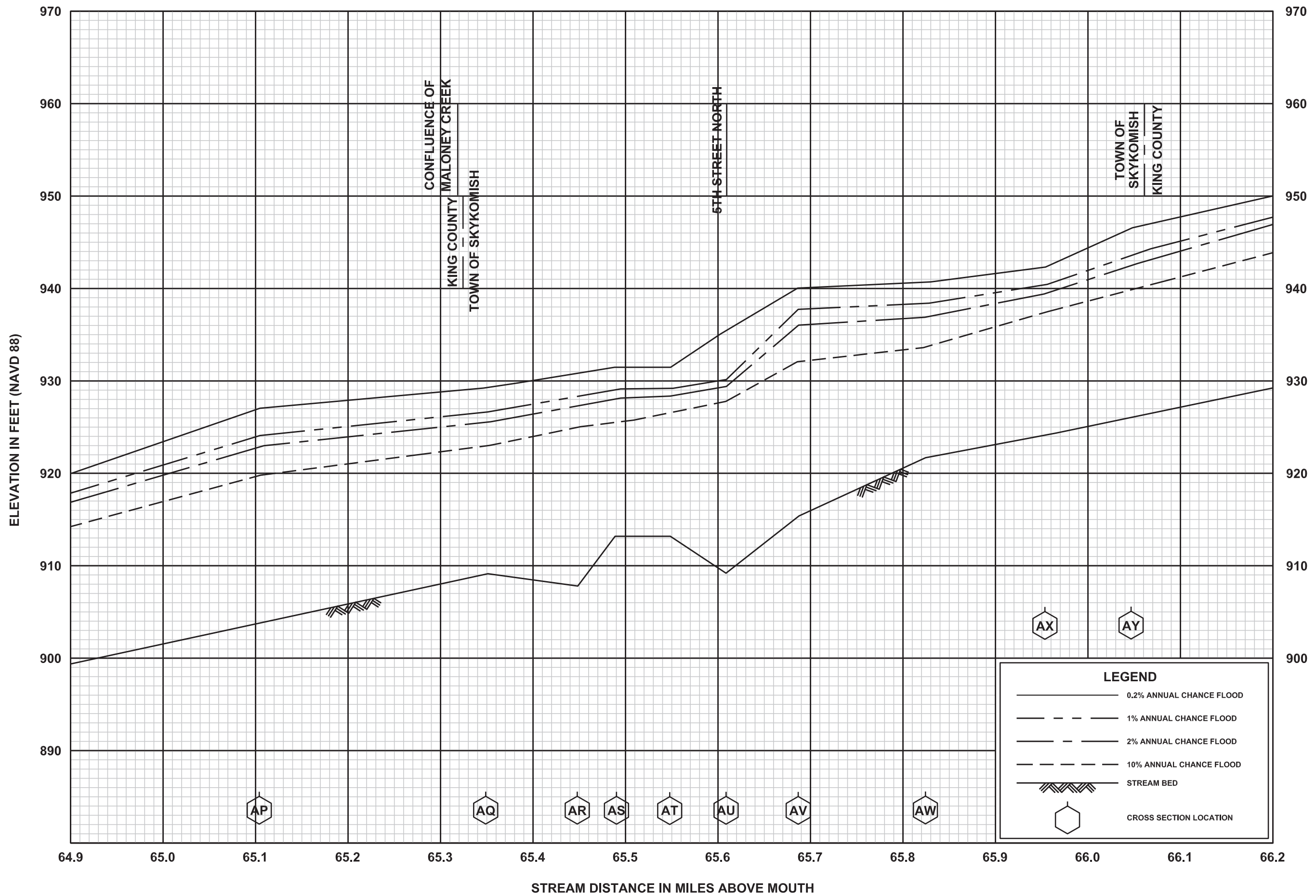
228P



FLOOD PROFILES
SOUTH FORK SKYKOMISH RIVER

FEDERAL EMERGENCY MANAGEMENT AGENCY
KING COUNTY, WA
AND INCORPORATED AREAS

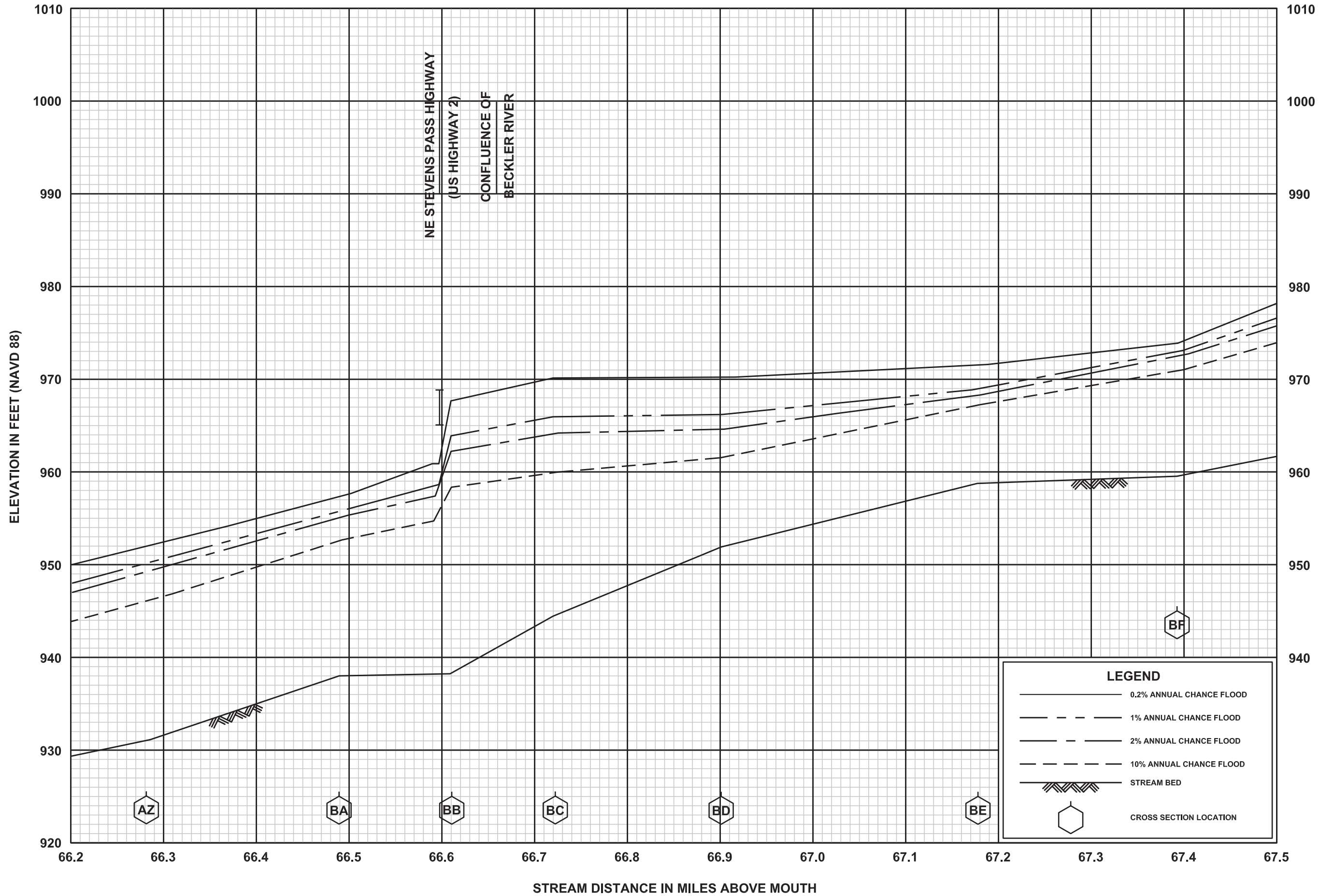
229P



FLOOD PROFILES
SOUTH FORK SKYKOMISH RIVER

FEDERAL EMERGENCY MANAGEMENT AGENCY
KING COUNTY, WA
AND INCORPORATED AREAS

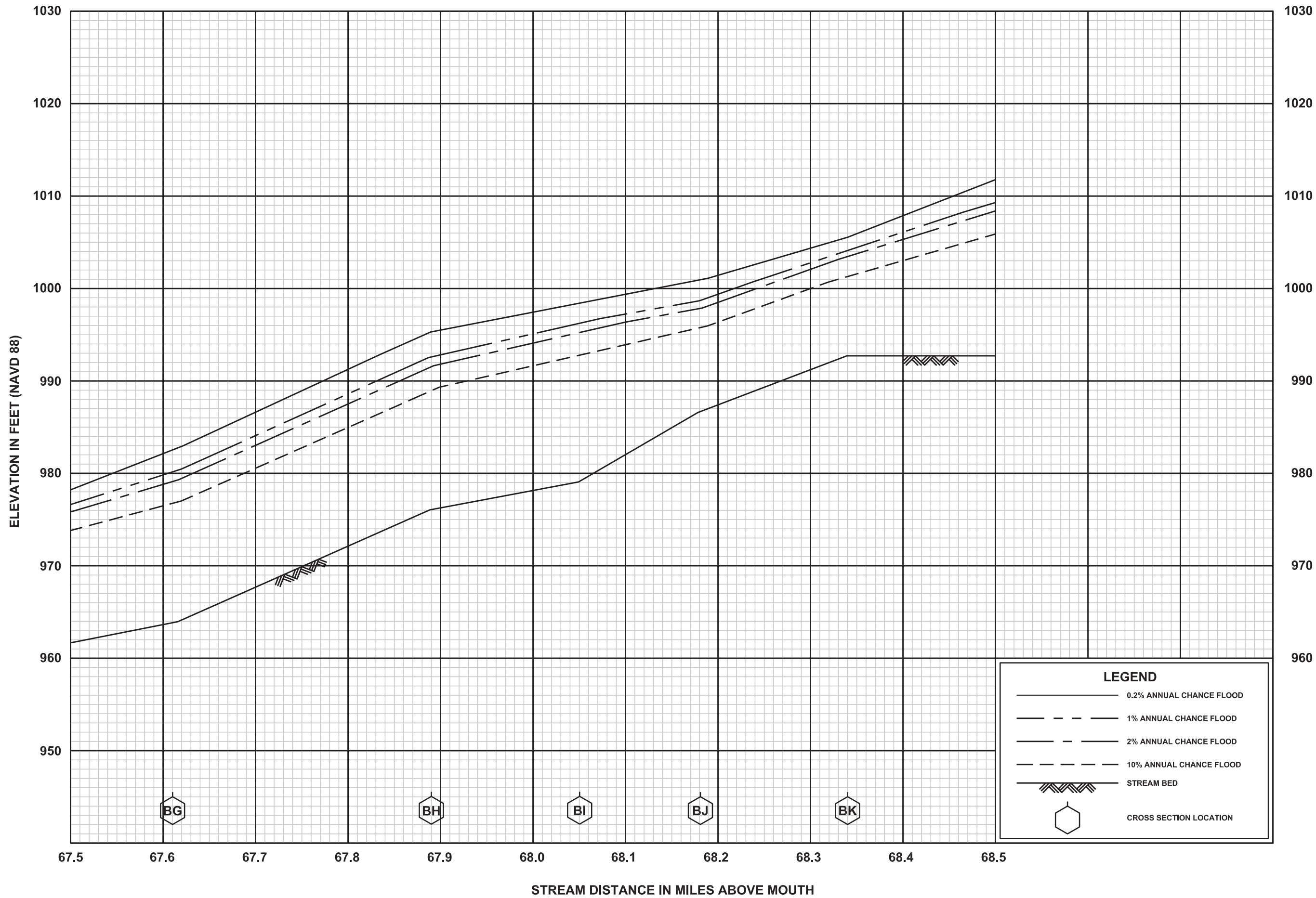
230P



FLOOD PROFILES
SOUTH FORK SKYKOMISH RIVER

FEDERAL EMERGENCY MANAGEMENT AGENCY
KING COUNTY, WA
AND INCORPORATED AREAS

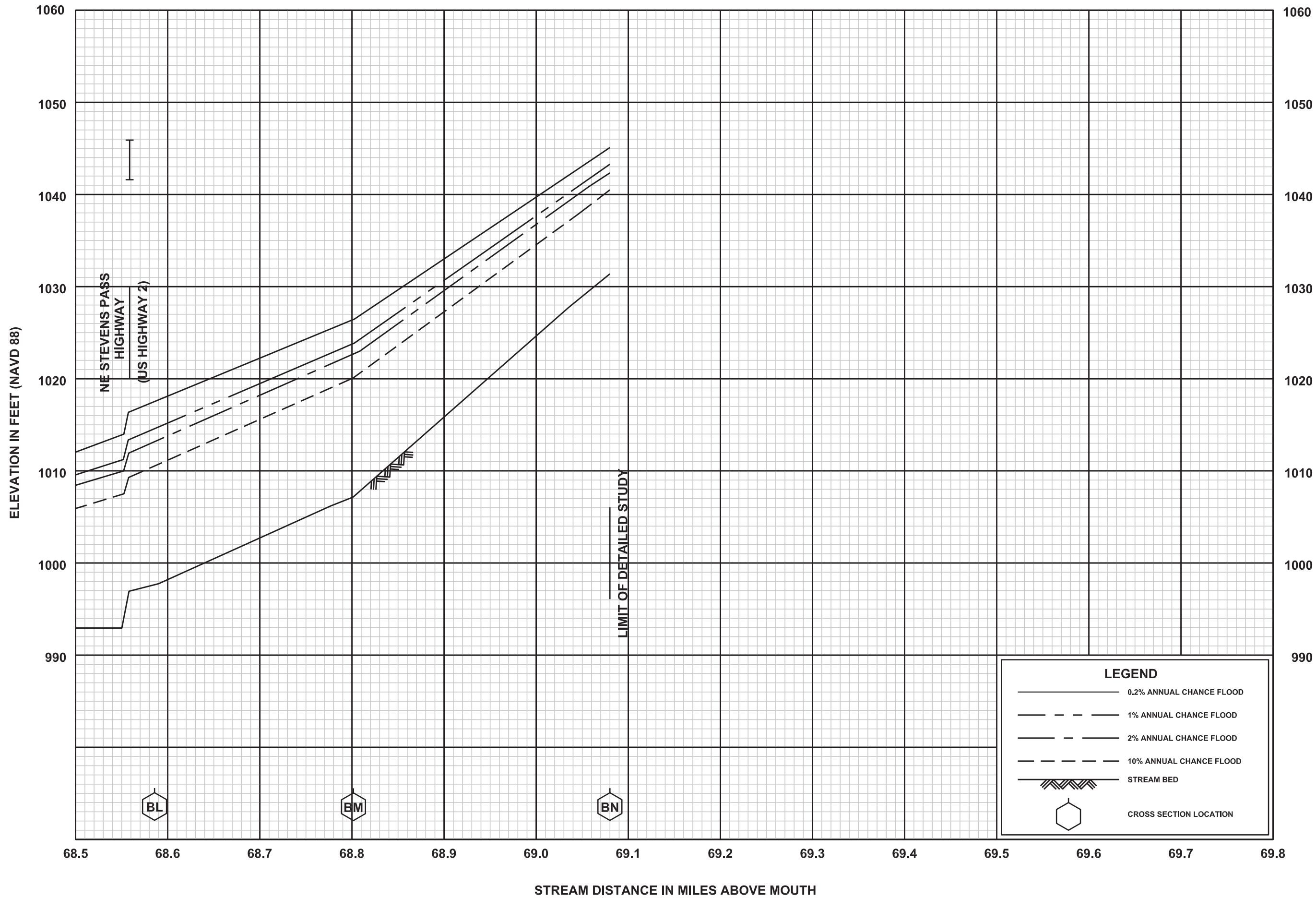
231P



FLOOD PROFILES
SOUTH FORK SKYKOMISH RIVER

FEDERAL EMERGENCY MANAGEMENT AGENCY
KING COUNTY, WA
AND INCORPORATED AREAS

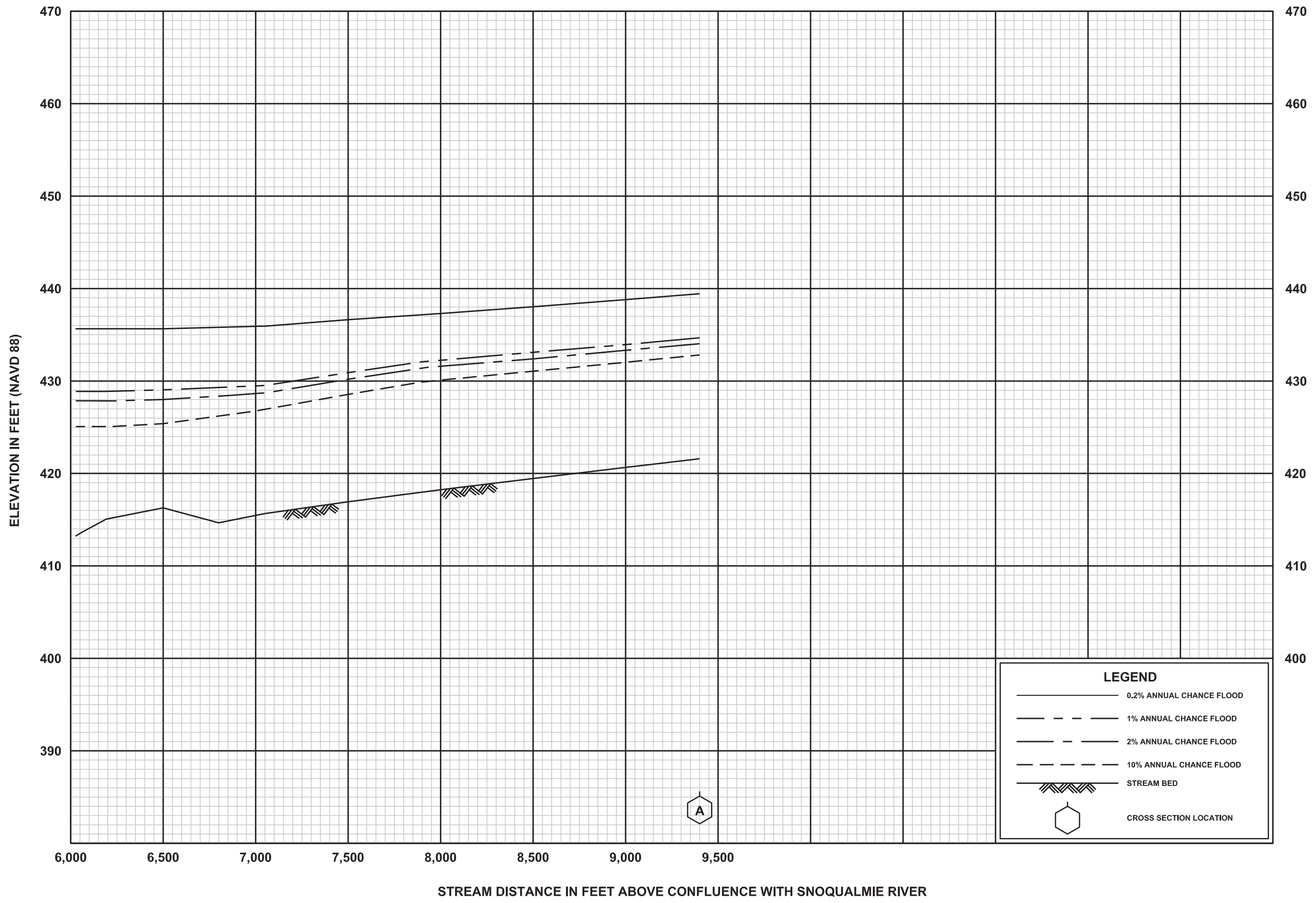
232P



FLOOD PROFILES
SOUTH FORK SKYKOMISH RIVER

FEDERAL EMERGENCY MANAGEMENT AGENCY
KING COUNTY, WA
 AND INCORPORATED AREAS

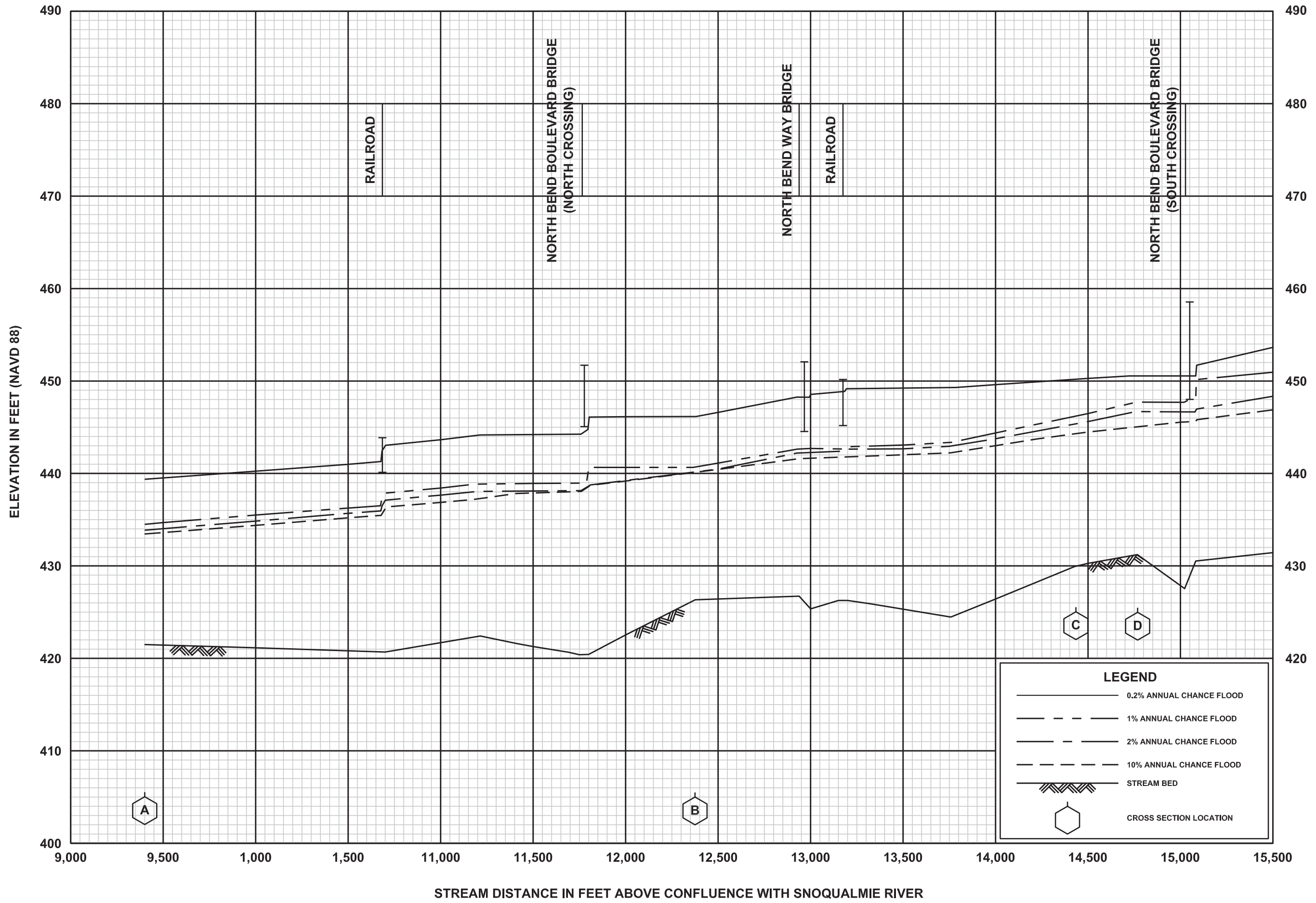
233P



FLOOD PROFILES
SOUTH FORK SNOQUALMIE RIVER (WITHOUT LEVEES)

FEDERAL EMERGENCY MANAGEMENT AGENCY
KING COUNTY, WA
 AND INCORPORATED AREAS

234P

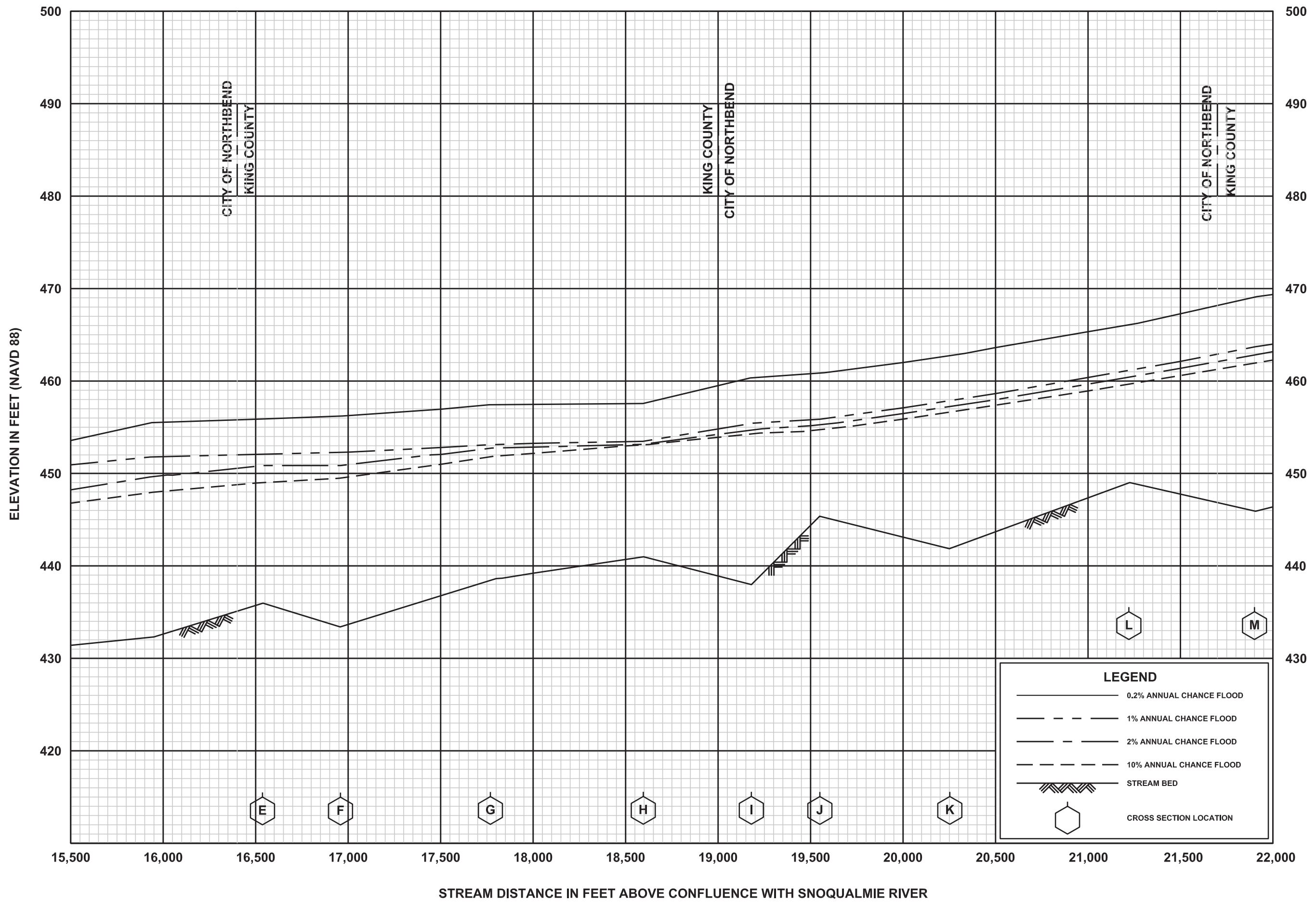


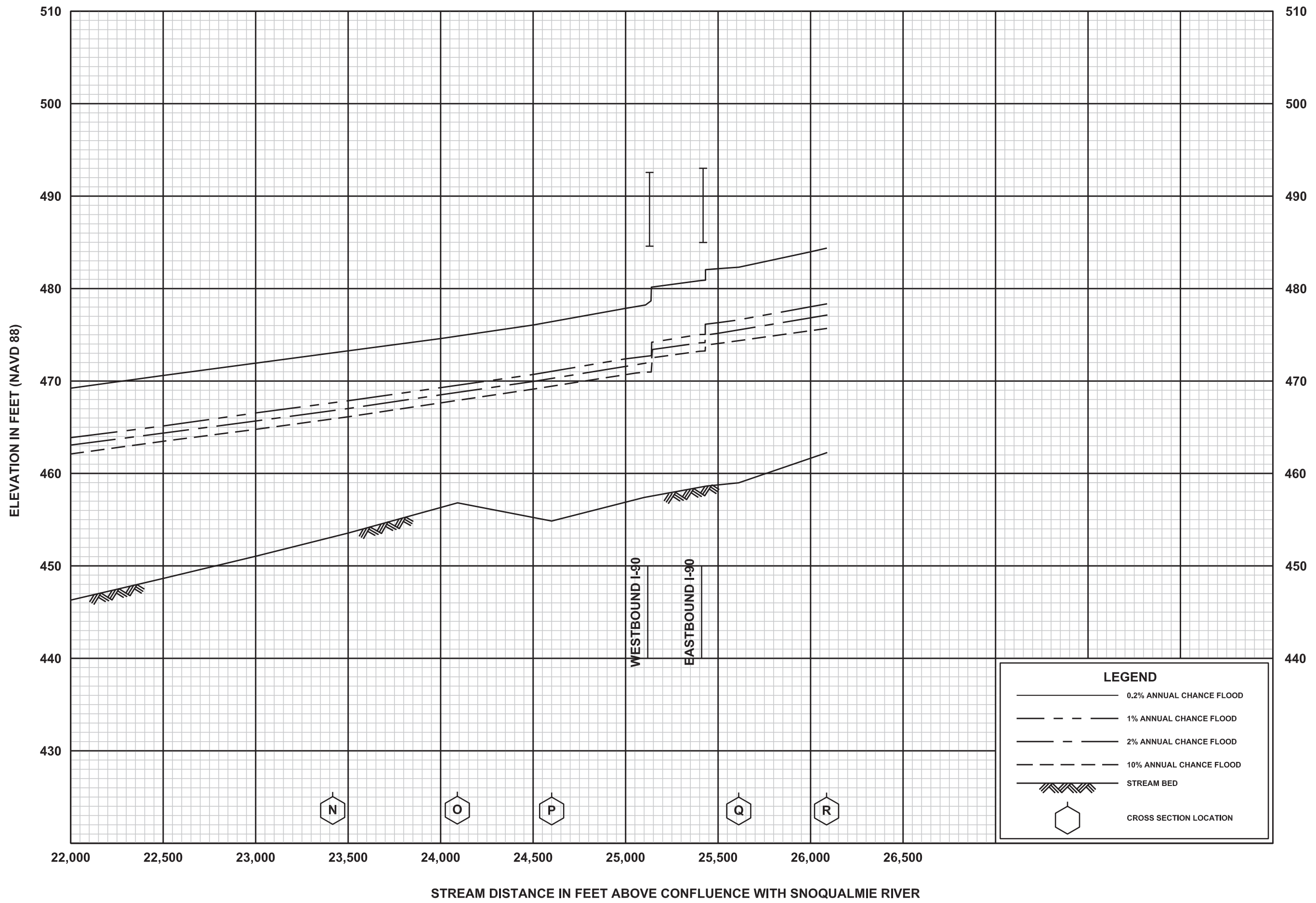
FLOOD PROFILES

SOUTH FORK SNOQUALMIE RIVER (WITH LEVEES)

FEDERAL EMERGENCY MANAGEMENT AGENCY
KING COUNTY, WA
 AND INCORPORATED AREAS

235P

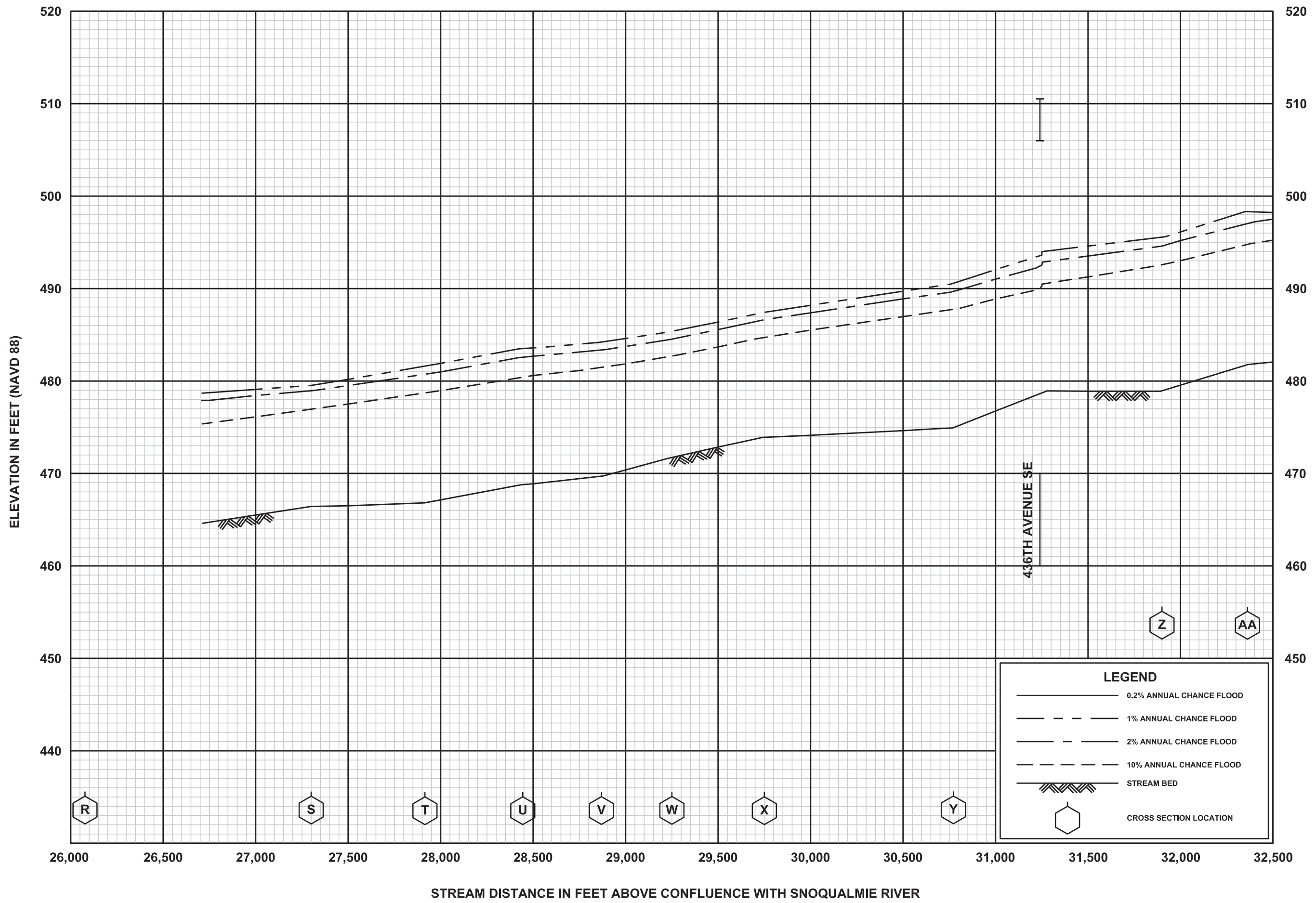




FLOOD PROFILES
SOUTH FORK SNOQUALMIE RIVER (WITH LEVEES)

FEDERAL EMERGENCY MANAGEMENT AGENCY
KING COUNTY, WA
 AND INCORPORATED AREAS

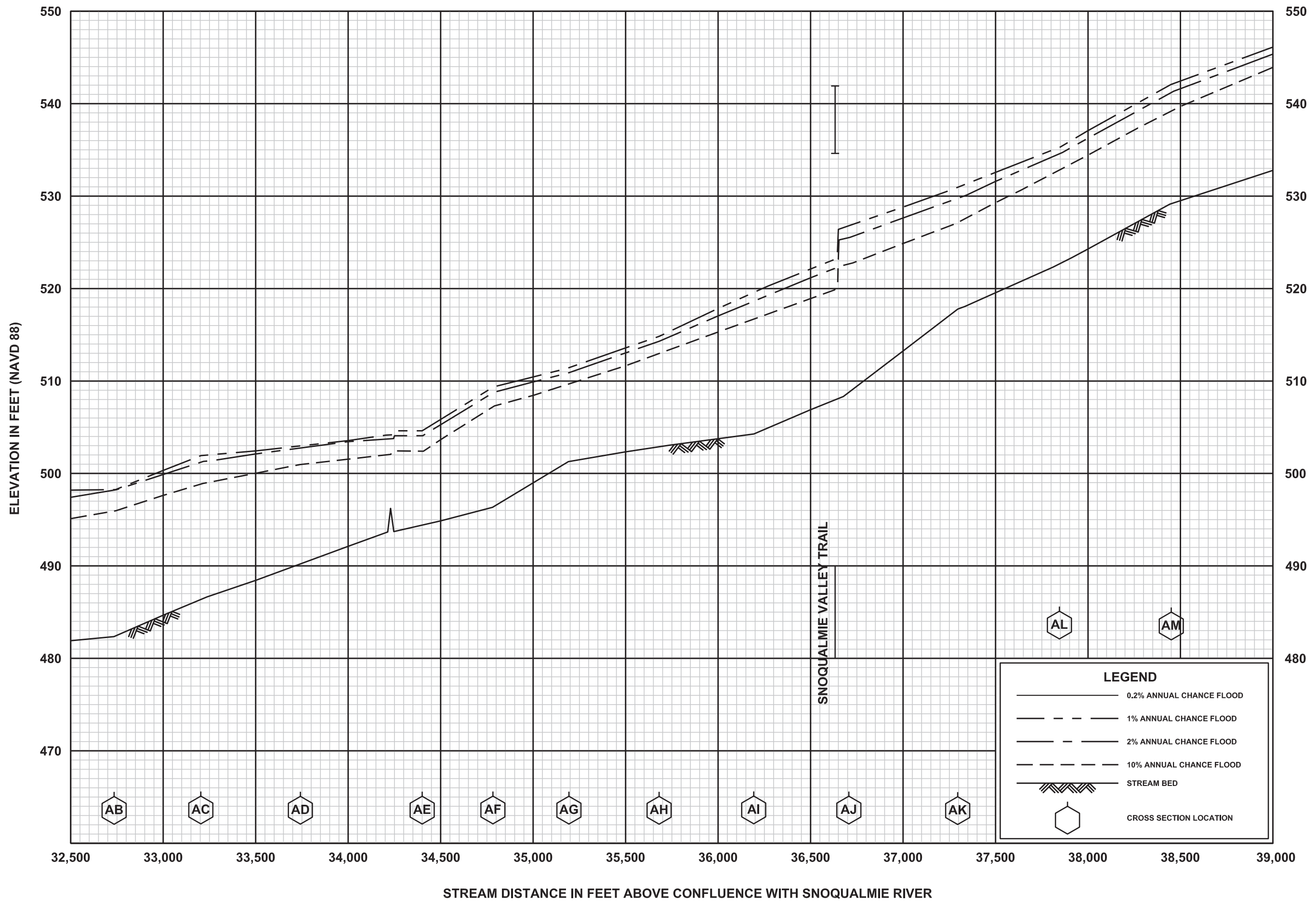
237P



FLOOD PROFILES
SOUTH FORK SNOQUALMIE RIVER (WITH LEVEES)

FEDERAL EMERGENCY MANAGEMENT AGENCY
KING COUNTY, WA
AND INCORPORATED AREAS

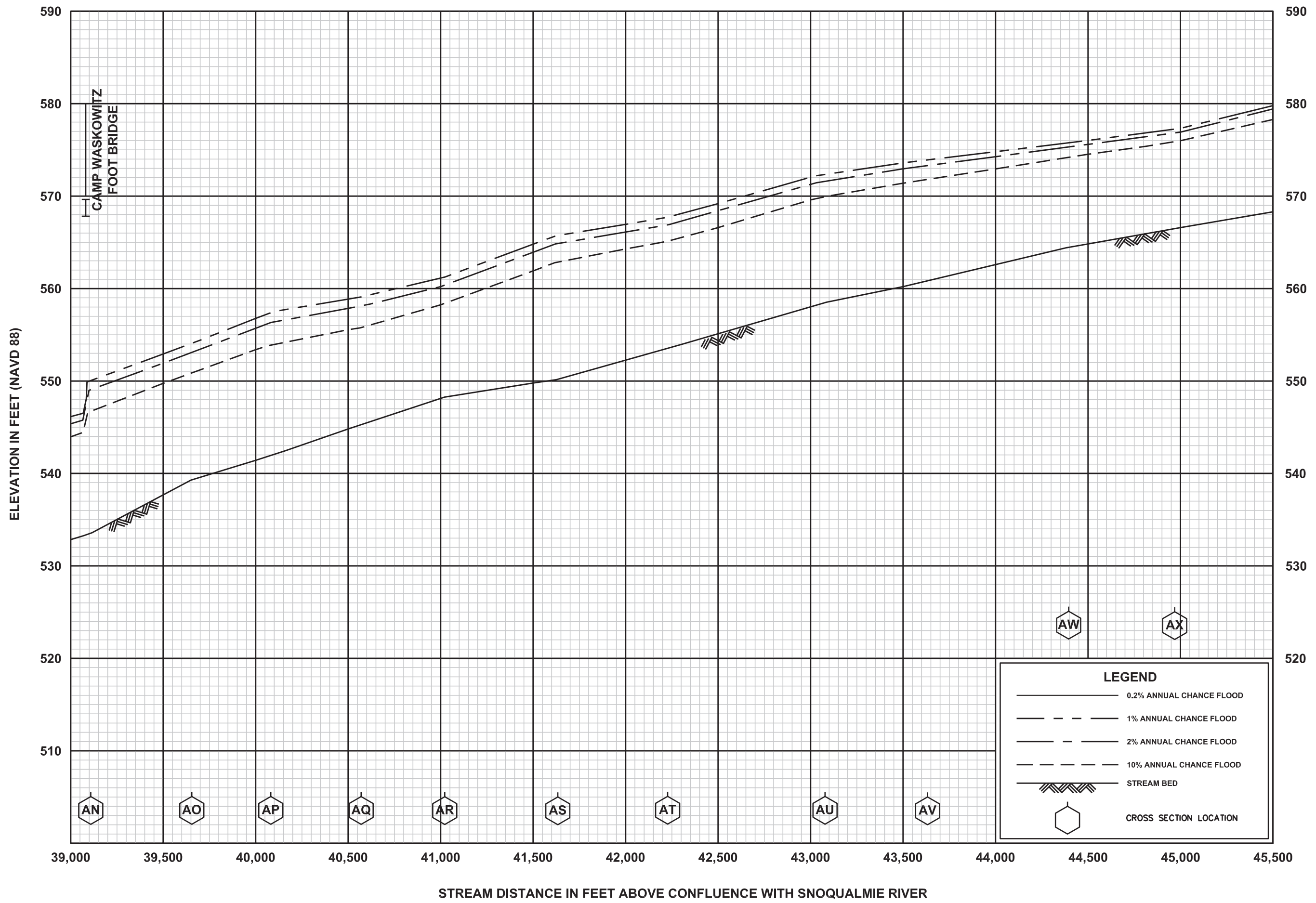
238P



FLOOD PROFILES
SOUTH FORK SNOQUALMIE RIVER (WITH LEVEES)

FEDERAL EMERGENCY MANAGEMENT AGENCY
KING COUNTY, WA
AND INCORPORATED AREAS

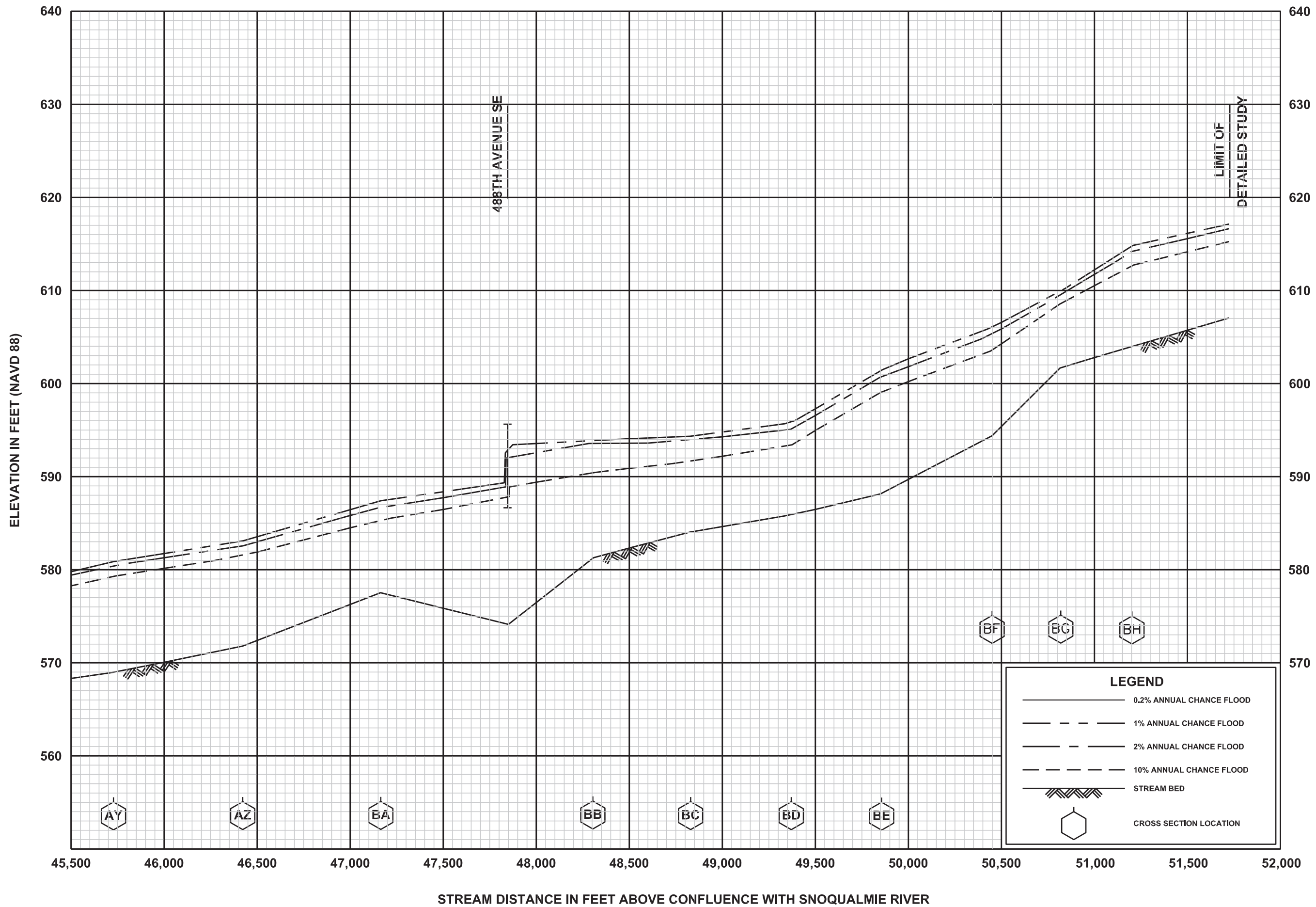
239P



FLOOD PROFILES
SOUTH FORK SNOQUALMIE RIVER (WITH LEVEES)

FEDERAL EMERGENCY MANAGEMENT AGENCY
KING COUNTY, WA
 AND INCORPORATED AREAS

240P



FLOOD PROFILES

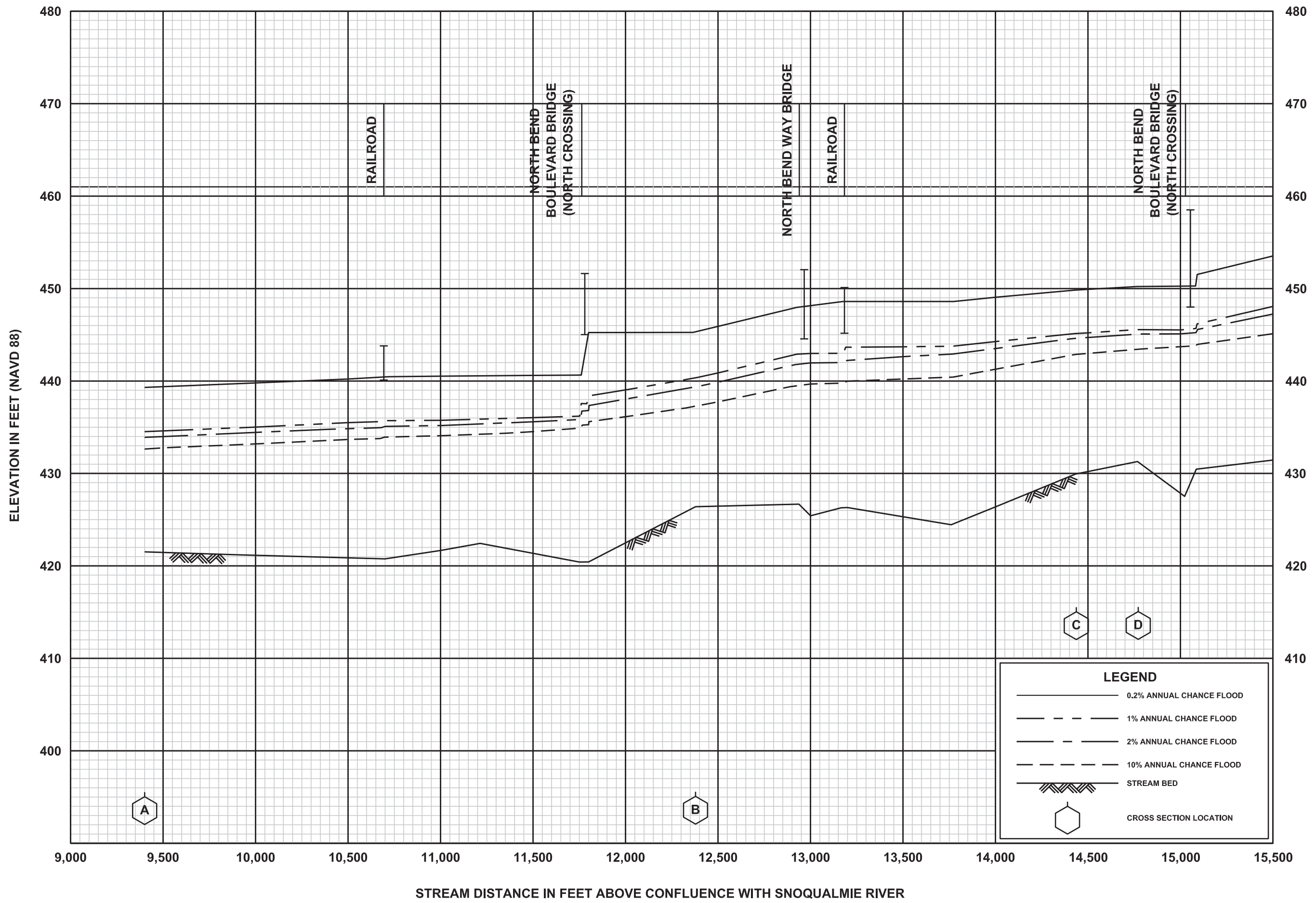
SOUTH FORK SNOQUALMIE RIVER (WITH LEVEES)

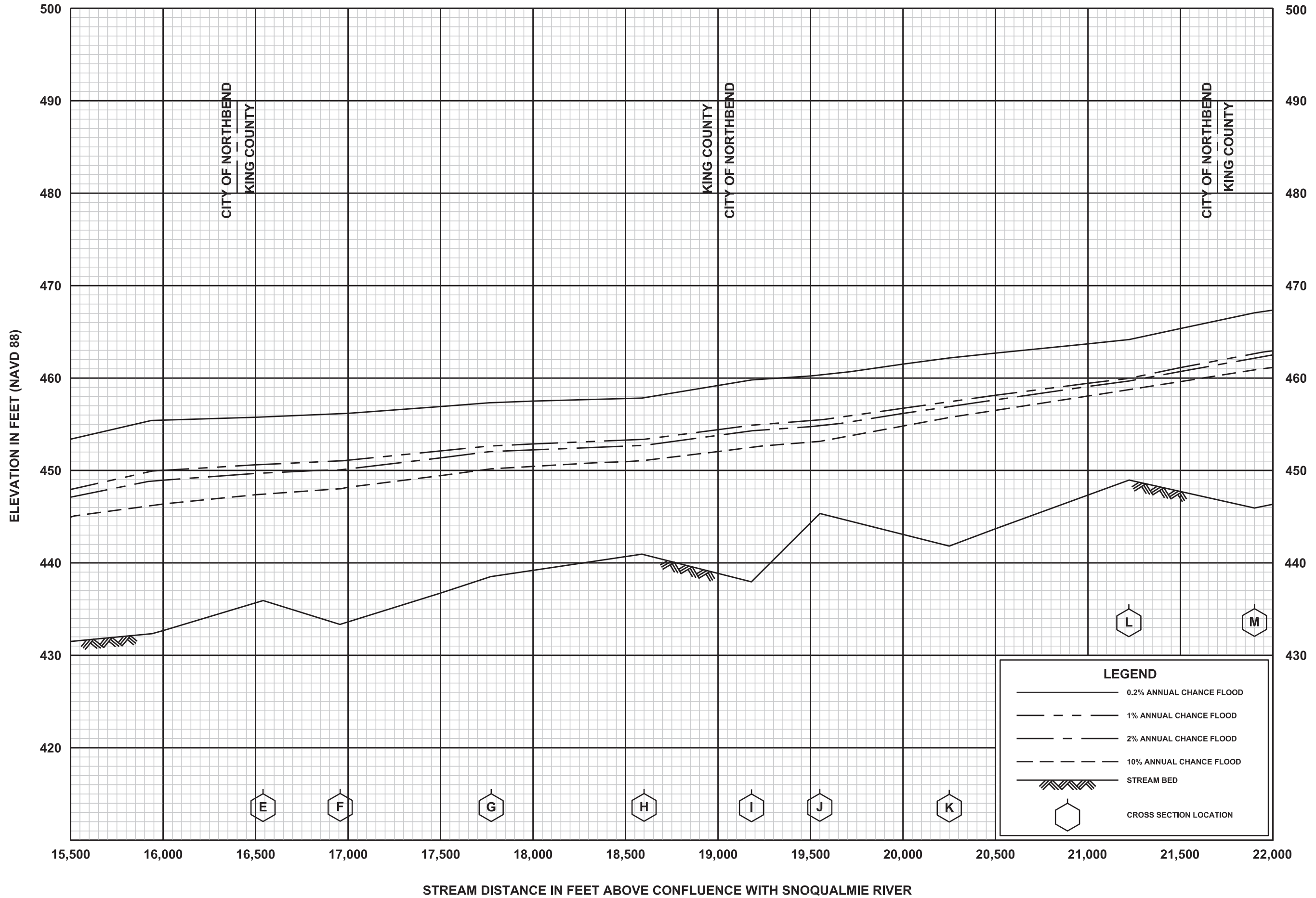
FEDERAL EMERGENCY MANAGEMENT AGENCY

KING COUNTY, WA

AND INCORPORATED AREAS

241P

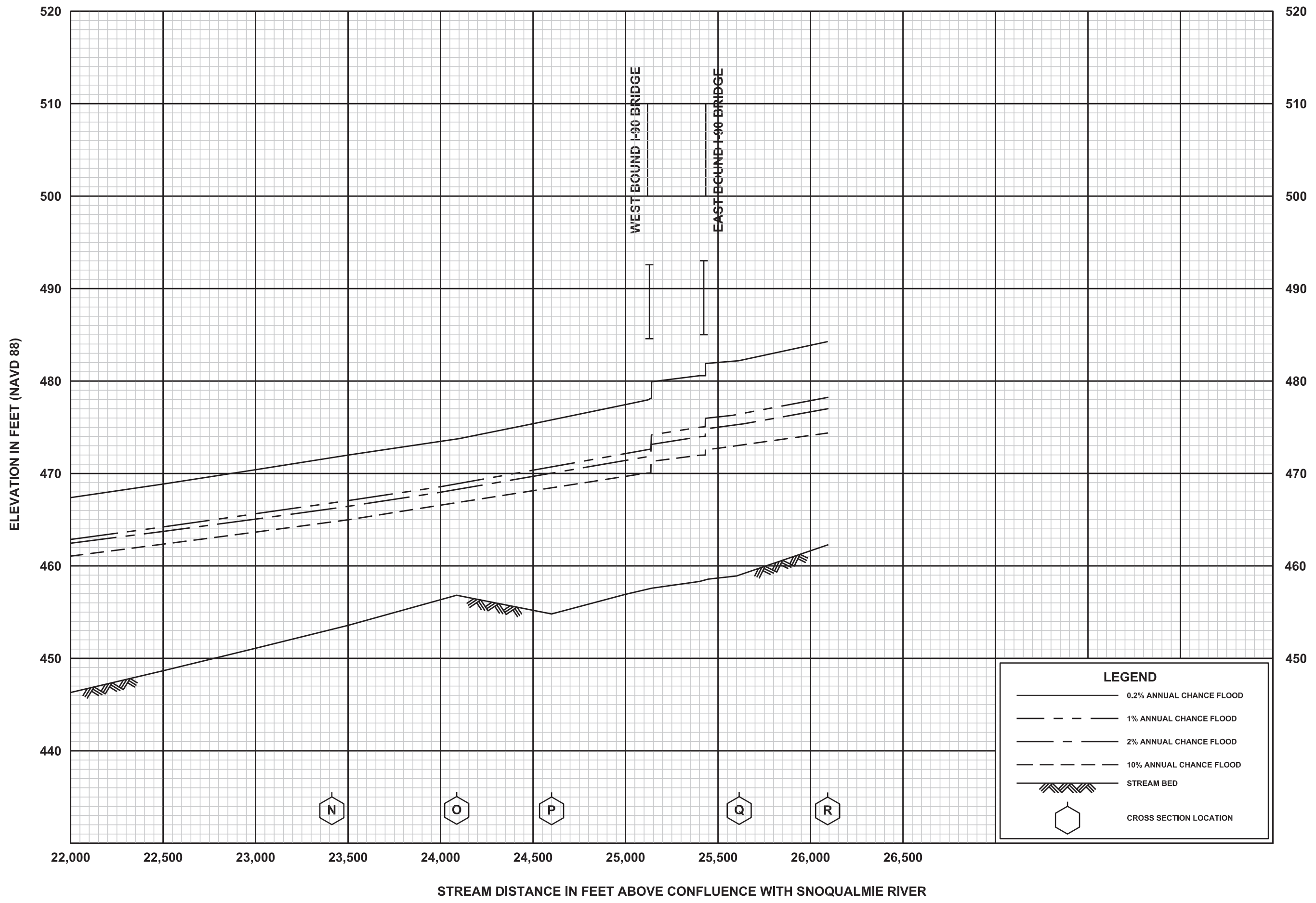




FLOOD PROFILES
SOUTH FORK SNOQUALMIE RIVER (WITHOUT LEFT LEVEE)

FEDERAL EMERGENCY MANAGEMENT AGENCY
KING COUNTY, WA
AND INCORPORATED AREAS

243P

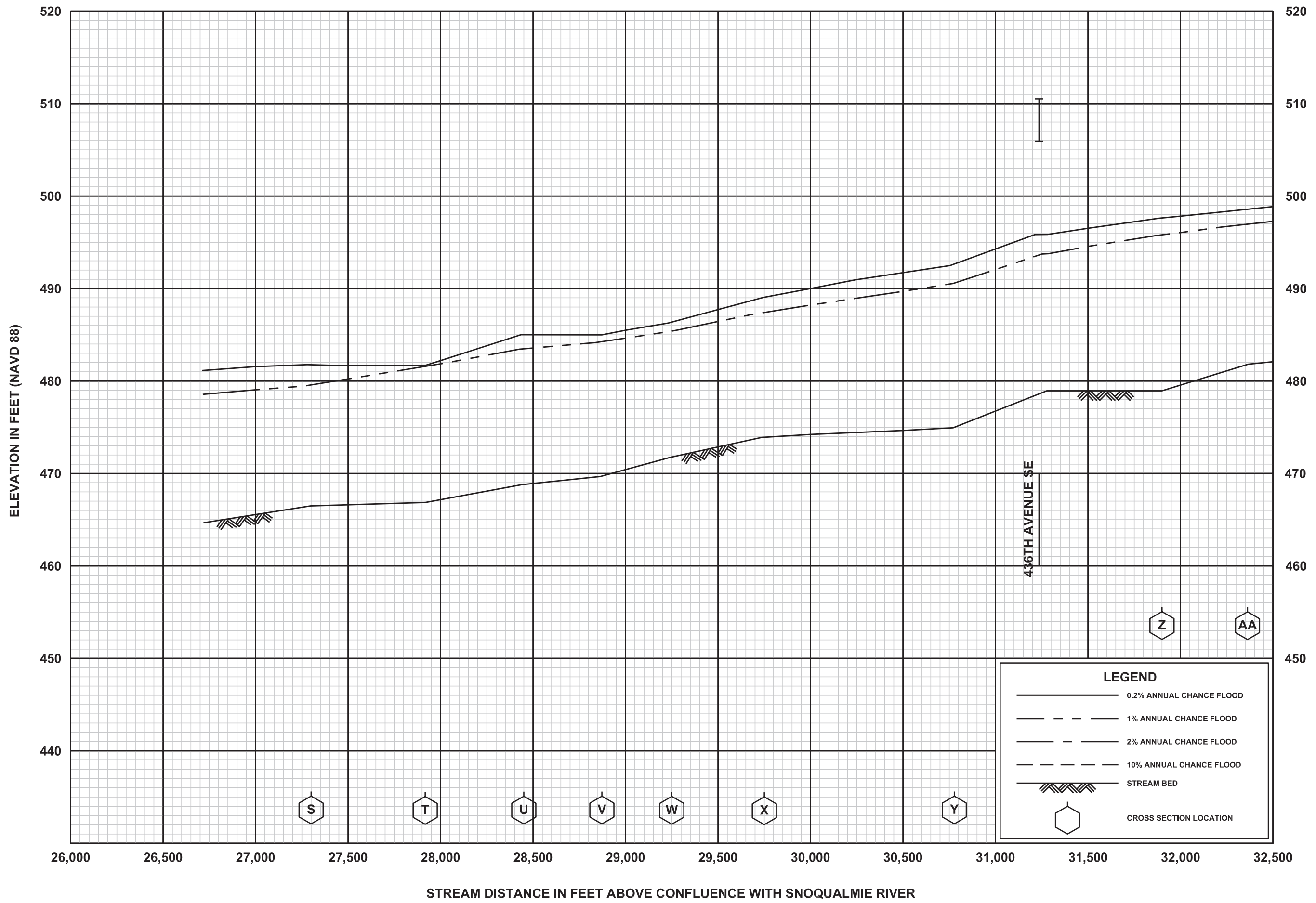


FLOOD PROFILES

SOUTH FORK SNOQUALMIE RIVER (WITHOUT LEFT LEVEE)

FEDERAL EMERGENCY MANAGEMENT AGENCY
KING COUNTY, WA
 AND INCORPORATED AREAS

244P



FLOOD PROFILES

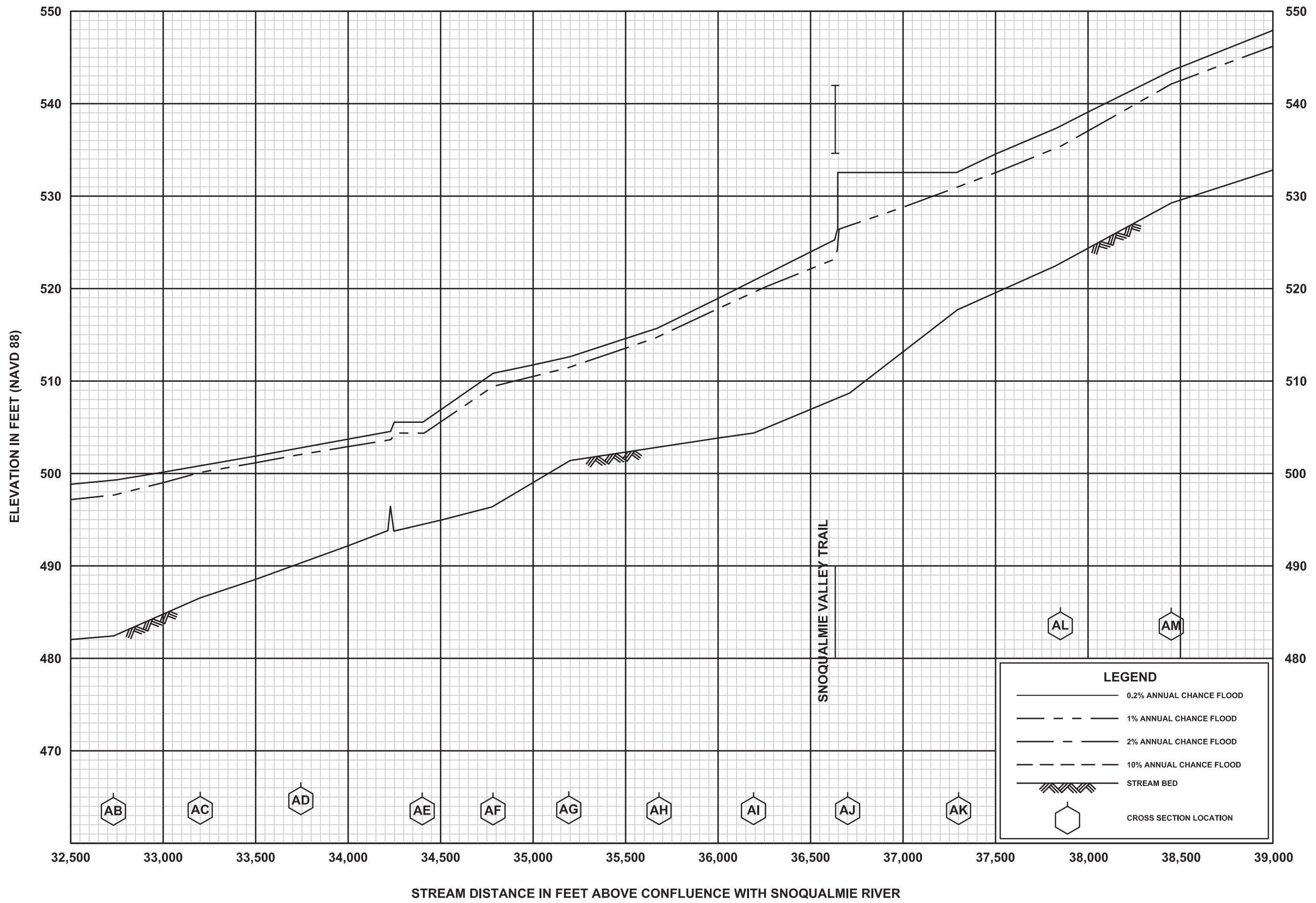
SOUTH FORK SNOQUALMIE RIVER (WITHOUT LEFT LEVEE)

FEDERAL EMERGENCY MANAGEMENT AGENCY

KING COUNTY, WA

AND INCORPORATED AREAS

245P

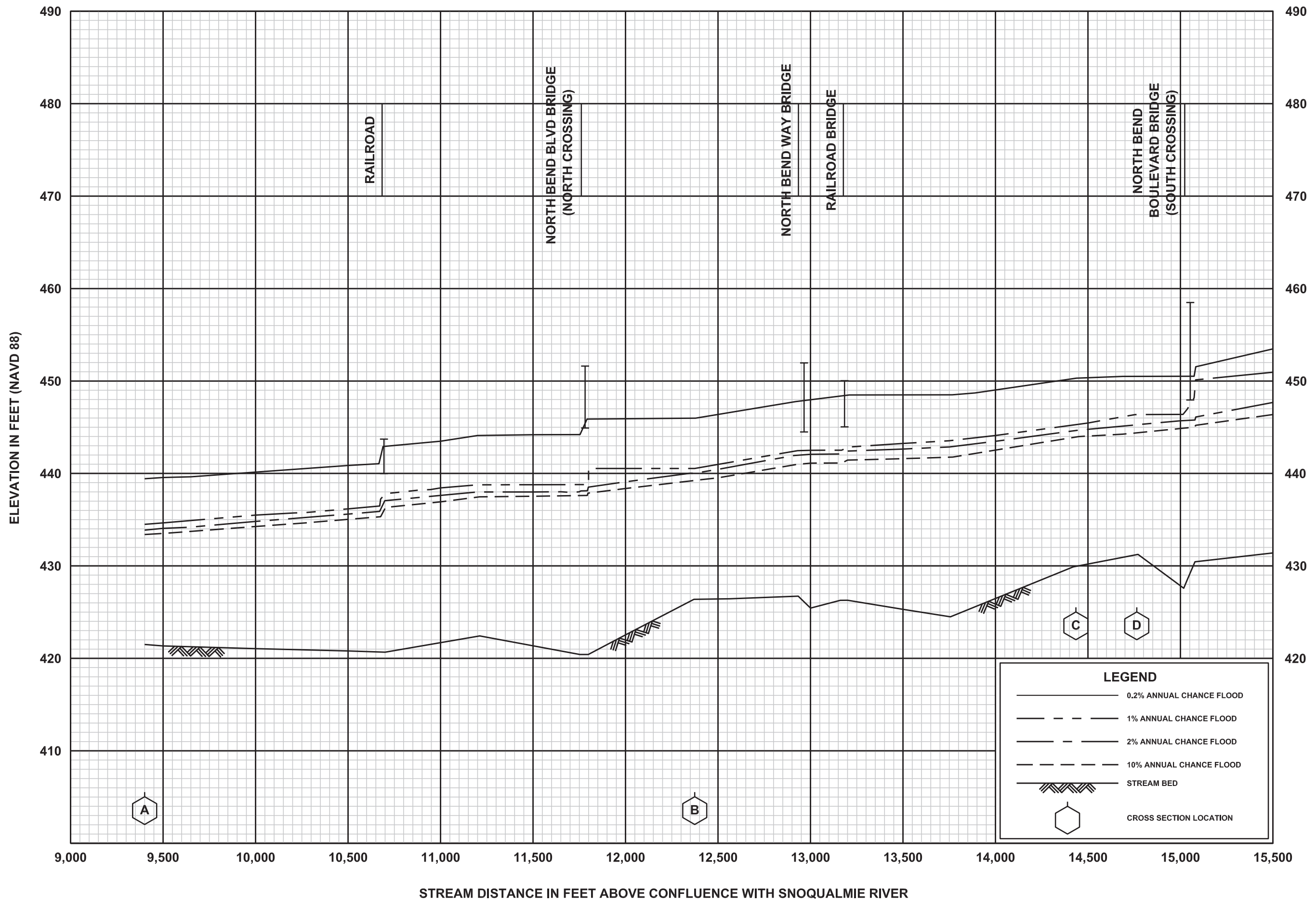


FLOOD PROFILES

SOUTH FORK SNOQUALMIE RIVER (WITHOUT LEFT LEVEE)

FEDERAL EMERGENCY MANAGEMENT AGENCY
KING COUNTY, WA
 AND INCORPORATED AREAS

246P



FLOOD PROFILES

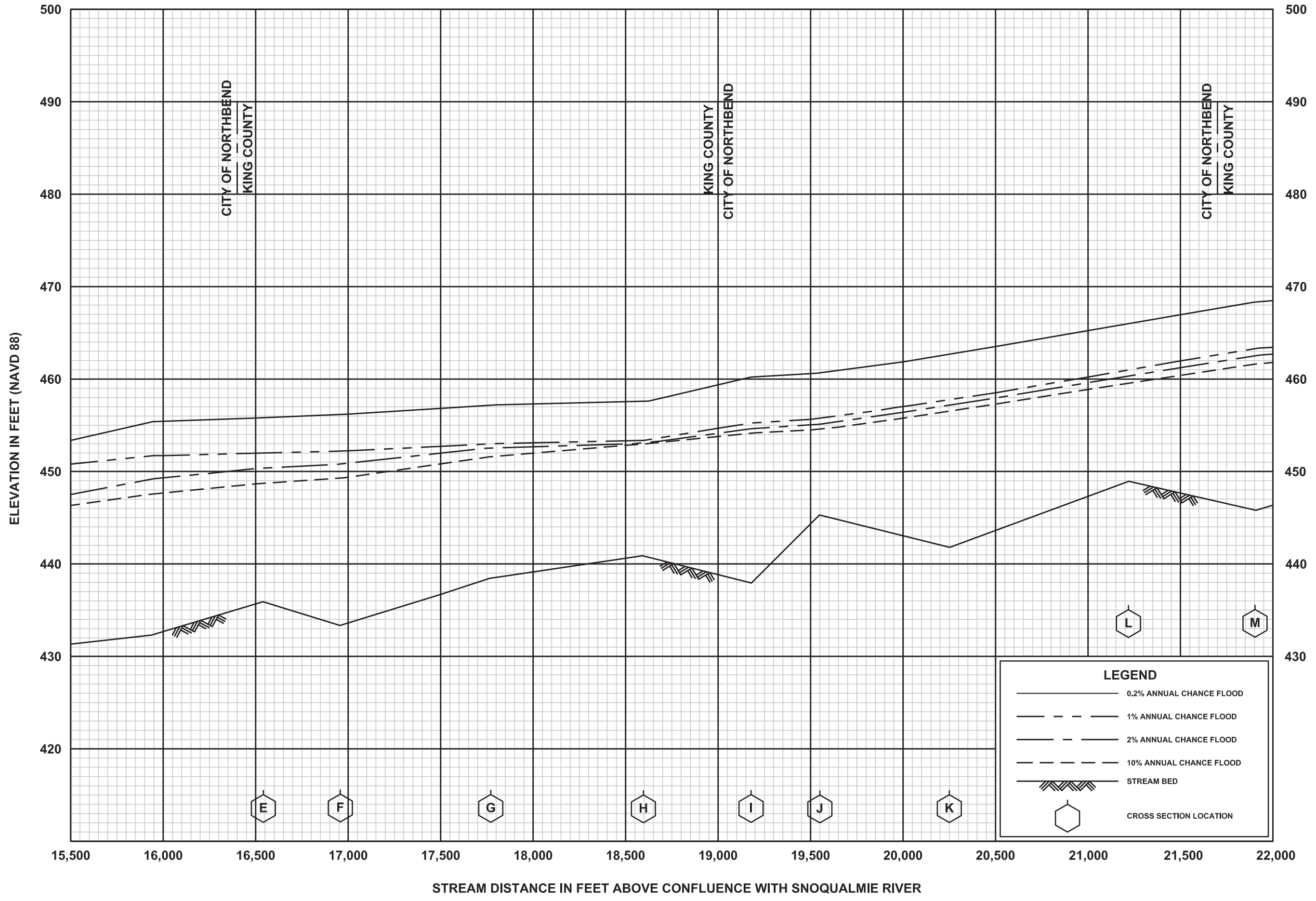
SOUTH FORK SNOQUALMIE RIVER (WITHOUT RIGHT LEVEE)

FEDERAL EMERGENCY MANAGEMENT AGENCY

KING COUNTY, WA

AND INCORPORATED AREAS

247P

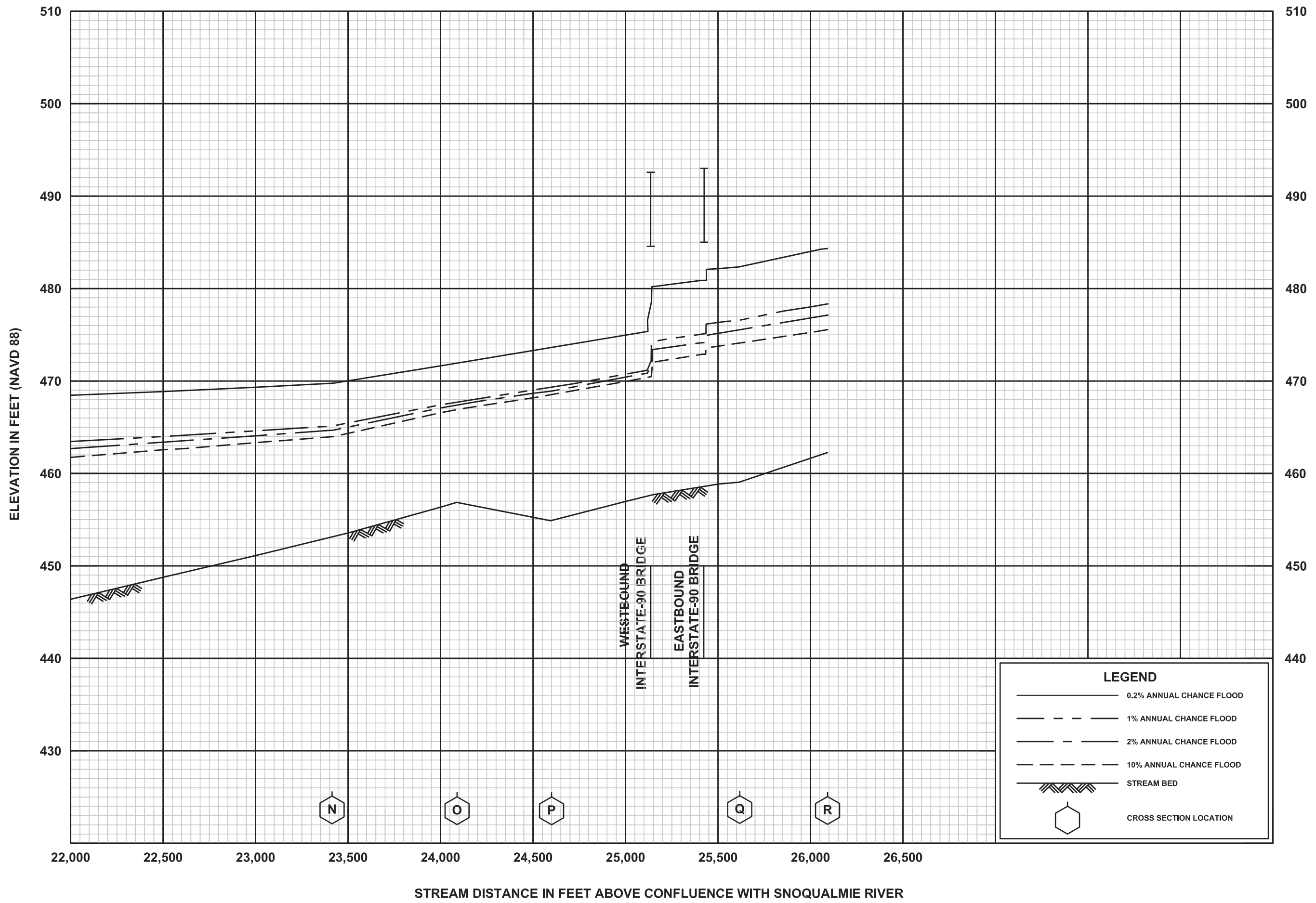


FLOOD PROFILES

SOUTH FORK SNOQUALMIE RIVER (WITHOUT RIGHT LEVEE)

FEDERAL EMERGENCY MANAGEMENT AGENCY
KING COUNTY, WA
 AND INCORPORATED AREAS

248P

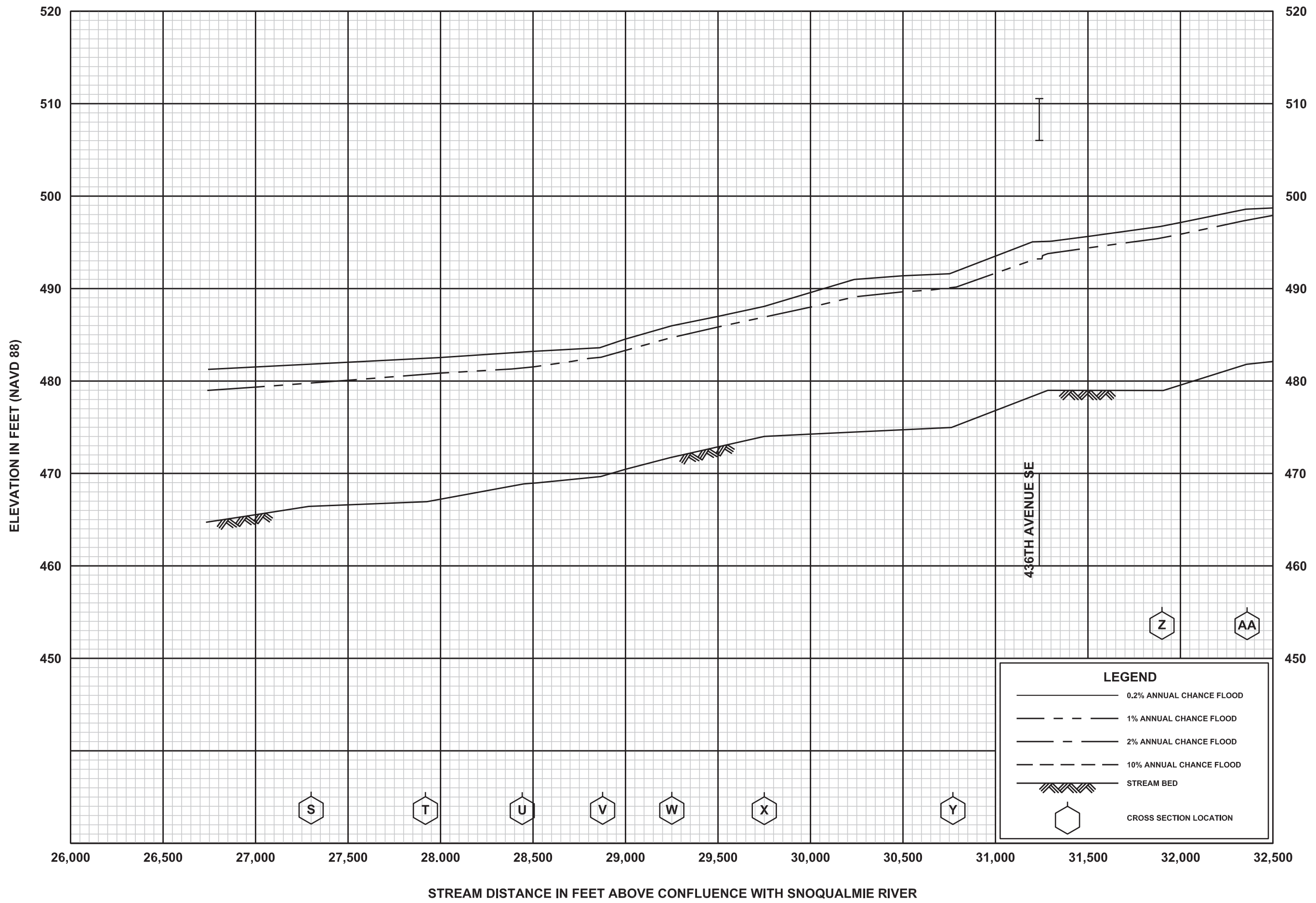


FLOOD PROFILES

SOUTH FORK SNOQUALMIE RIVER (WITHOUT RIGHT LEVEE)

FEDERAL EMERGENCY MANAGEMENT AGENCY
KING COUNTY, WA
 AND INCORPORATED AREAS

249P

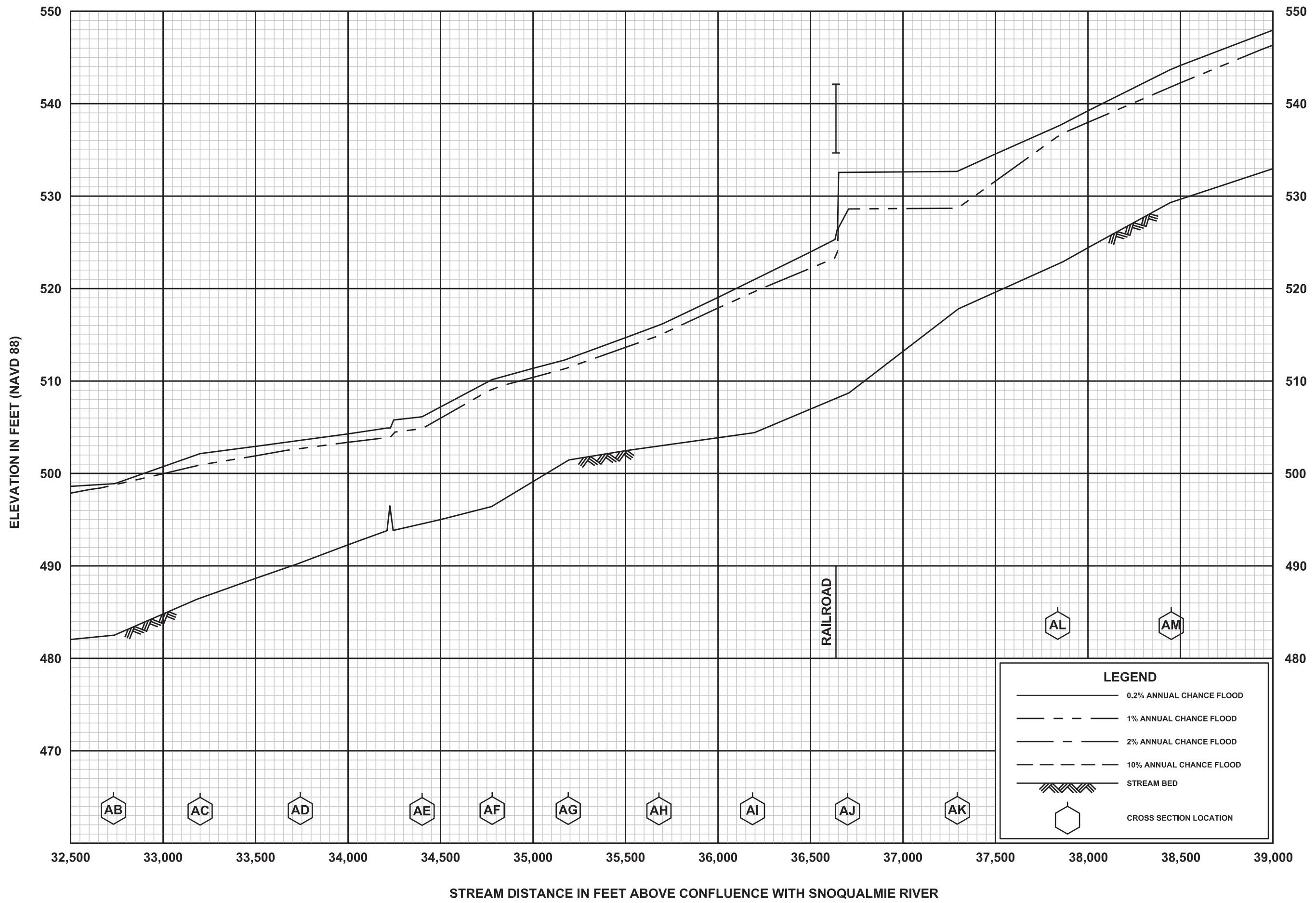


FLOOD PROFILES

SOUTH FORK SNOQUALMIE RIVER (WITHOUT RIGHT LEVEE)

FEDERAL EMERGENCY MANAGEMENT AGENCY
KING COUNTY, WA
 AND INCORPORATED AREAS

250P

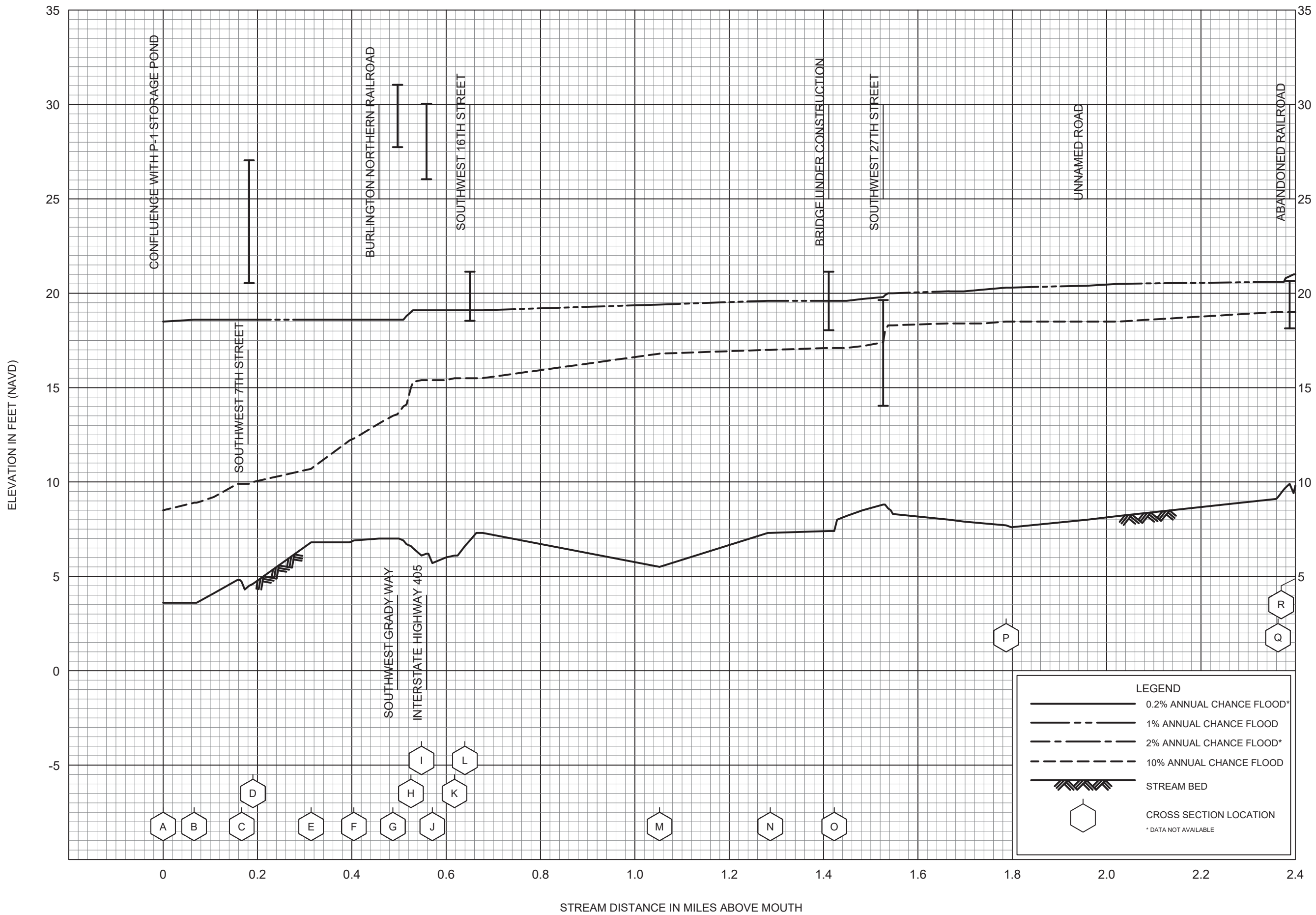


FLOOD PROFILES

SOUTH FORK SNOQUALMIE RIVER (WITHOUT RIGHT LEVEE)

FEDERAL EMERGENCY MANAGEMENT AGENCY
KING COUNTY, WA
 AND INCORPORATED AREAS

251P



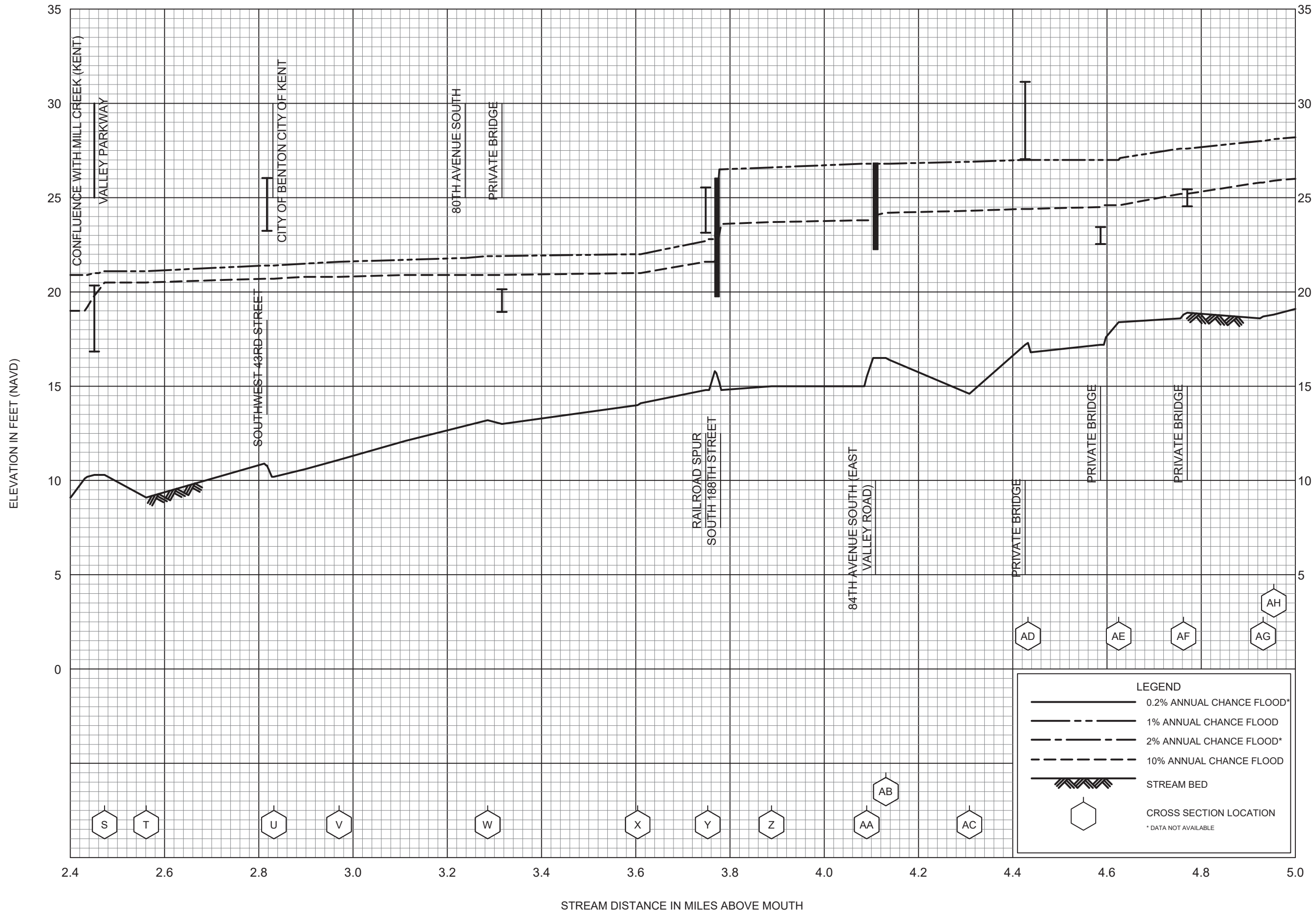
FLOOD PROFILES

SPRINGBROOK CREEK

FEDERAL EMERGENCY MANAGEMENT AGENCY

KING COUNTY, WA
AND INCORPORATED AREAS

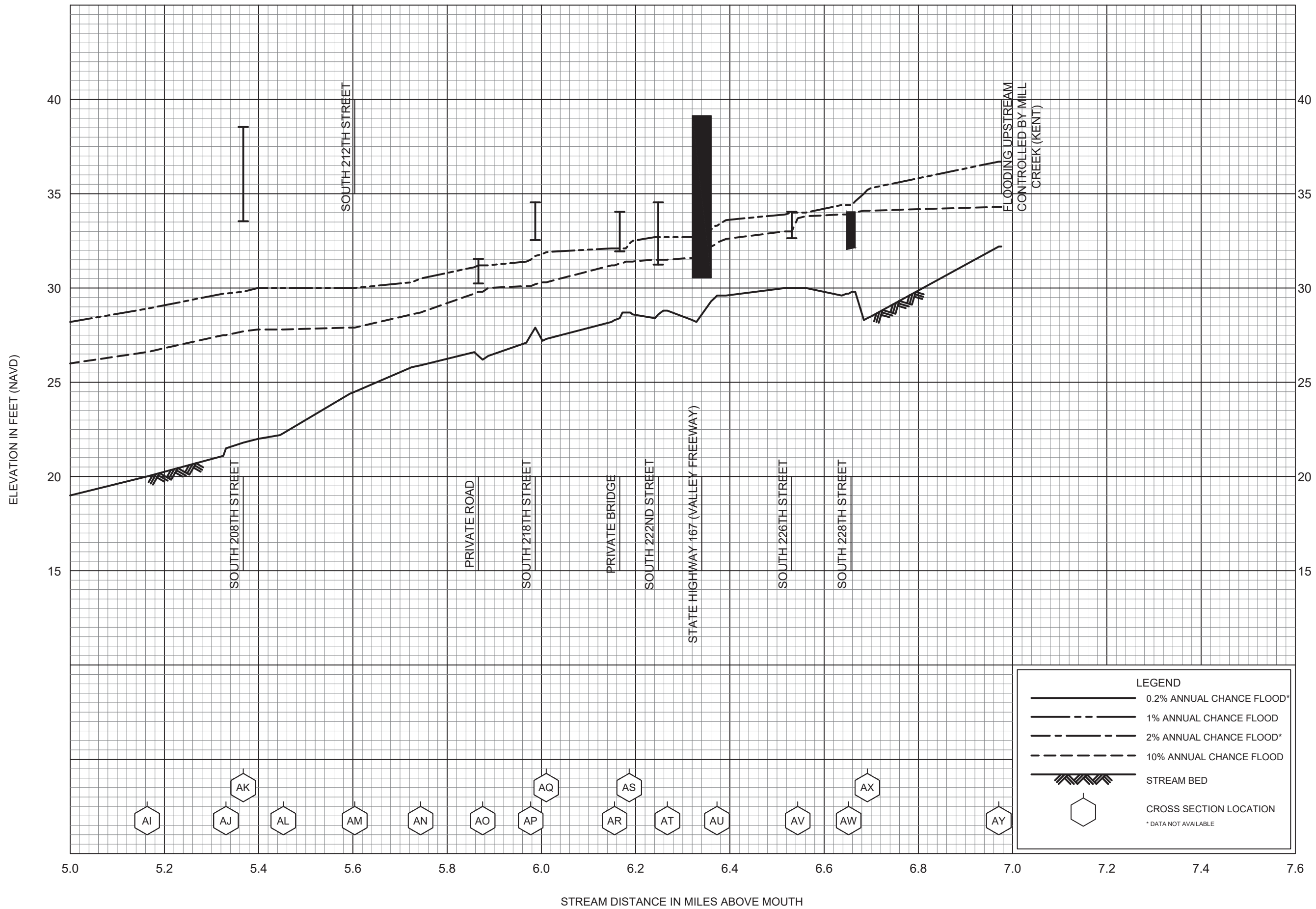
252P



FLOOD PROFILES

SPRINGBROOK CREEK

FEDERAL EMERGENCY MANAGEMENT AGENCY
KING COUNTY, WA
 AND INCORPORATED AREAS



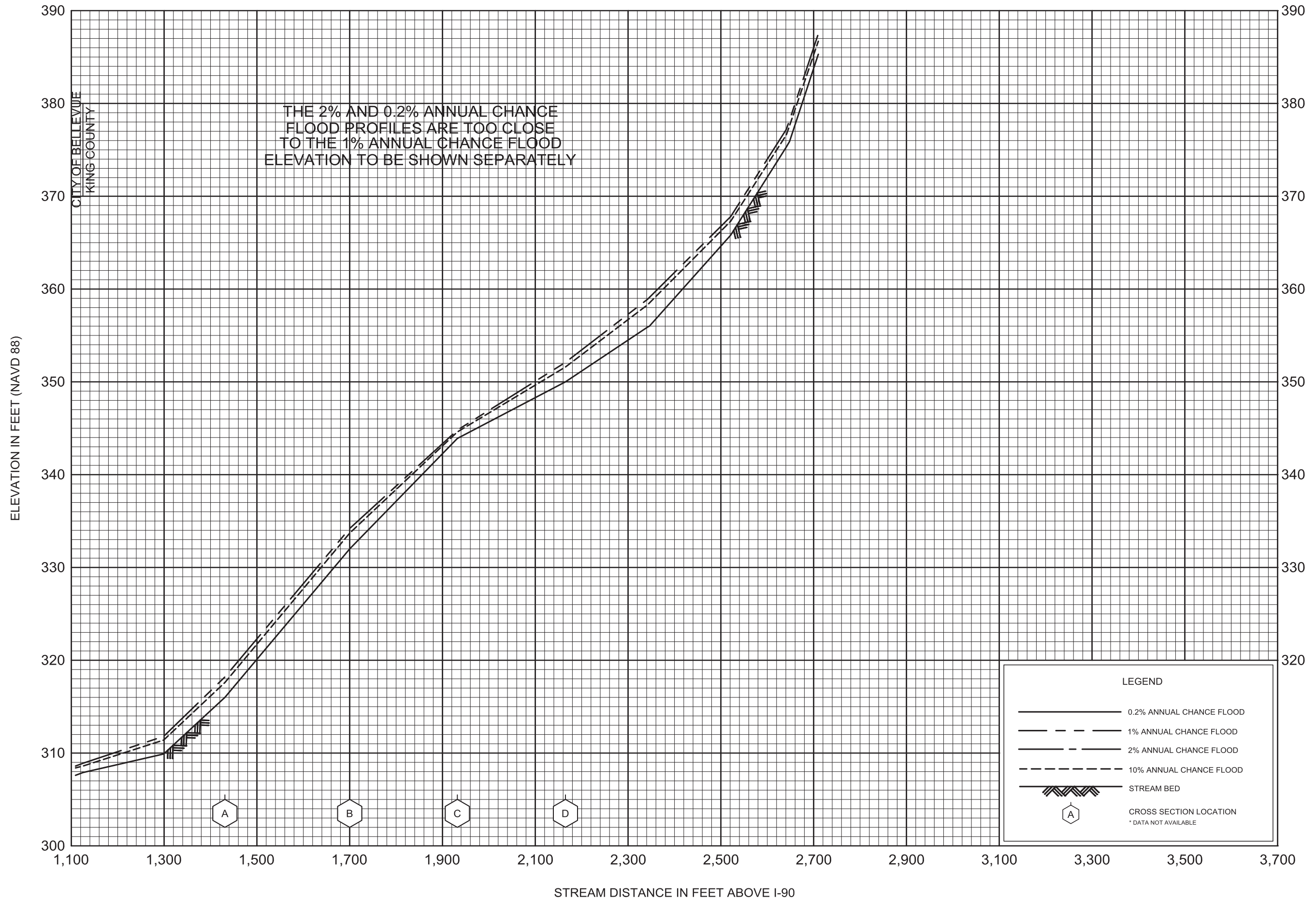
FLOOD PROFILES

SPRINGBROOK CREEK

FEDERAL EMERGENCY MANAGEMENT AGENCY

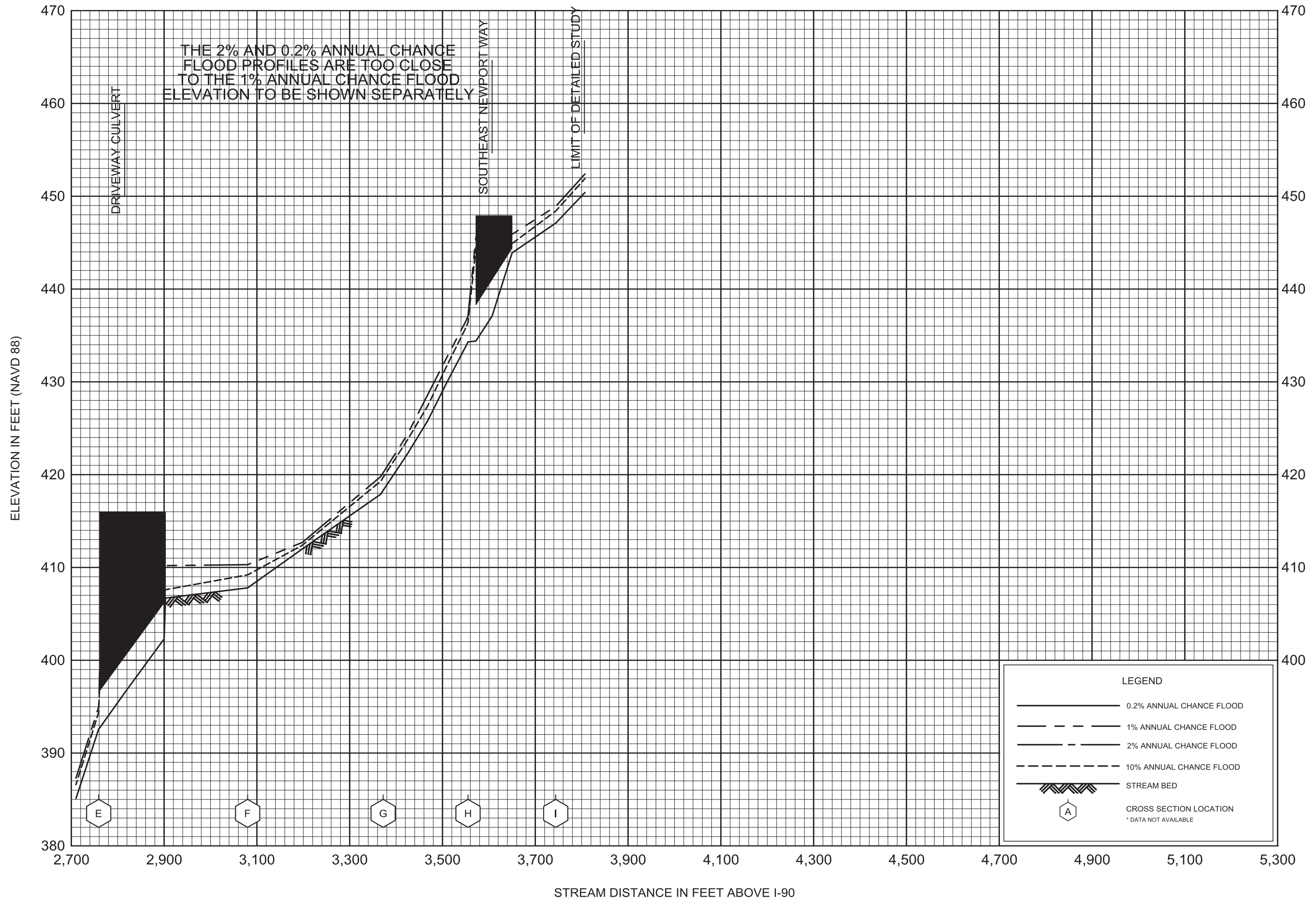
KING COUNTY, WA
AND INCORPORATED AREAS

254P



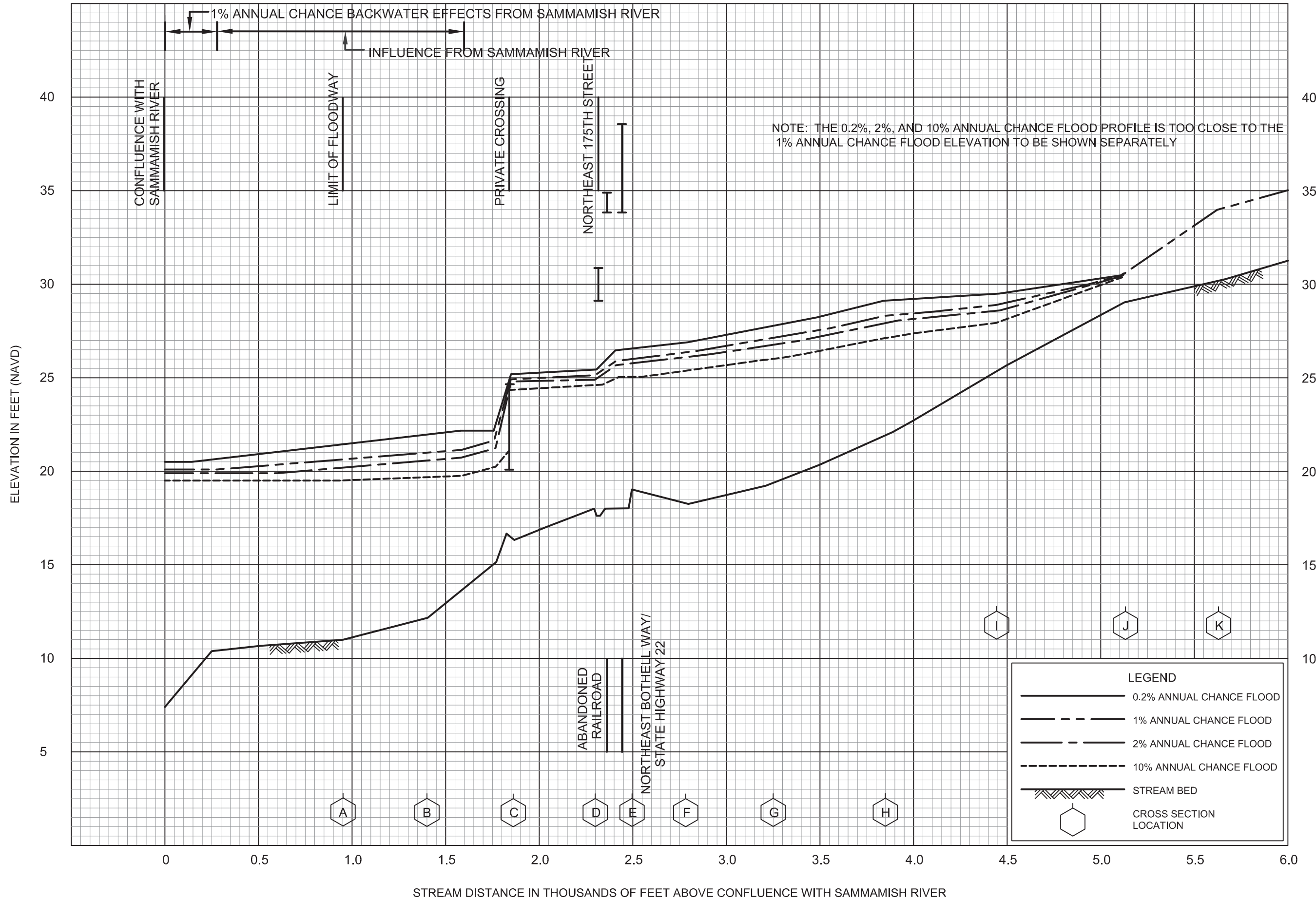
FLOOD PROFILES
SQUIBB CREEK (UPPER VASA CREEK)

FEDERAL EMERGENCY MANAGEMENT AGENCY
KING COUNTY, WA
AND INCORPORATED AREAS



FLOOD PROFILES
SQUIBB CREEK (UPPER VASA CREEK)

FEDERAL EMERGENCY MANAGEMENT AGENCY
KING COUNTY, WA
AND INCORPORATED AREAS



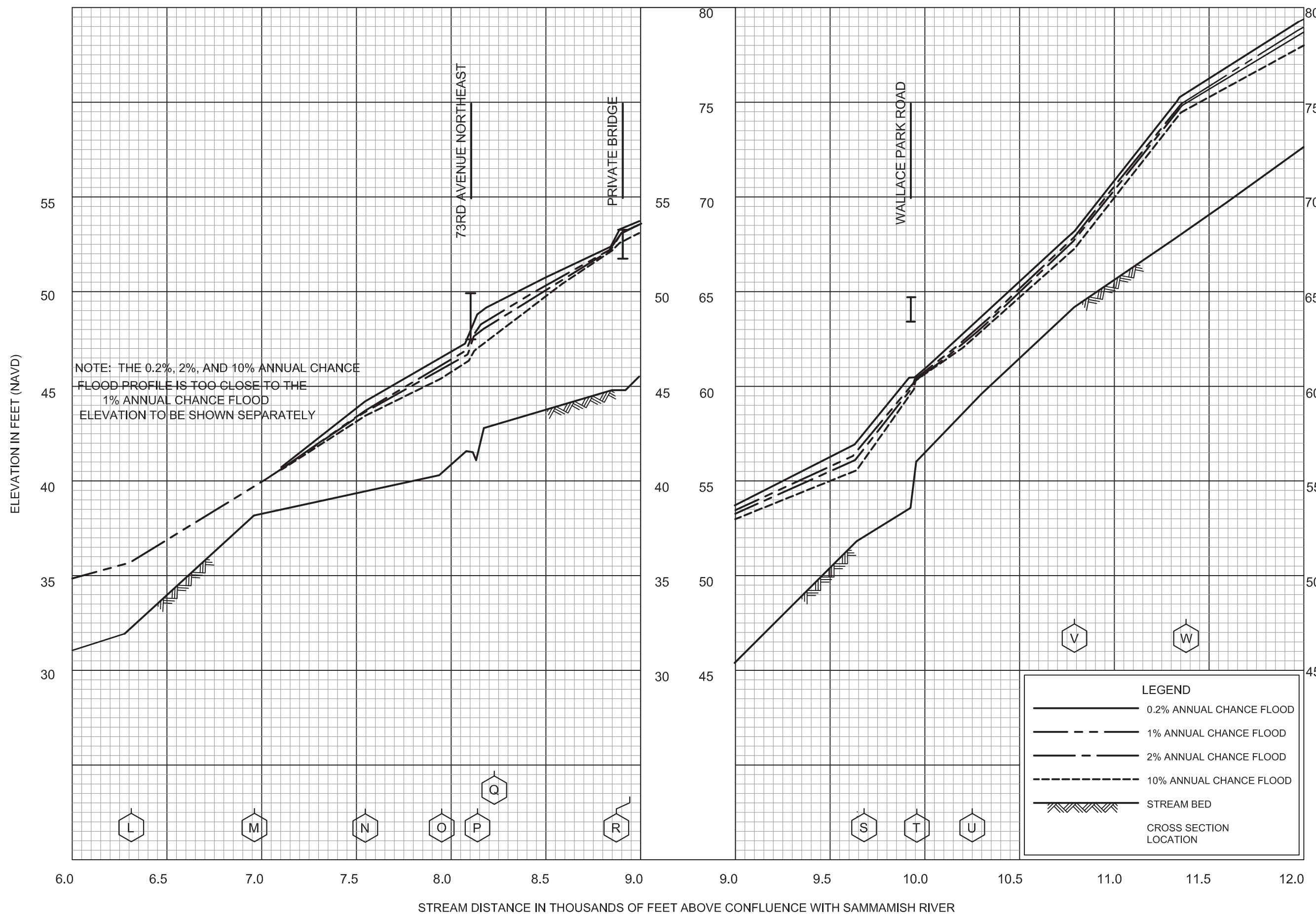
FLOOD PROFILES

SWAMP CREEK

FEDERAL EMERGENCY MANAGEMENT AGENCY

KING COUNTY, WA
AND INCORPORATED AREAS

257P



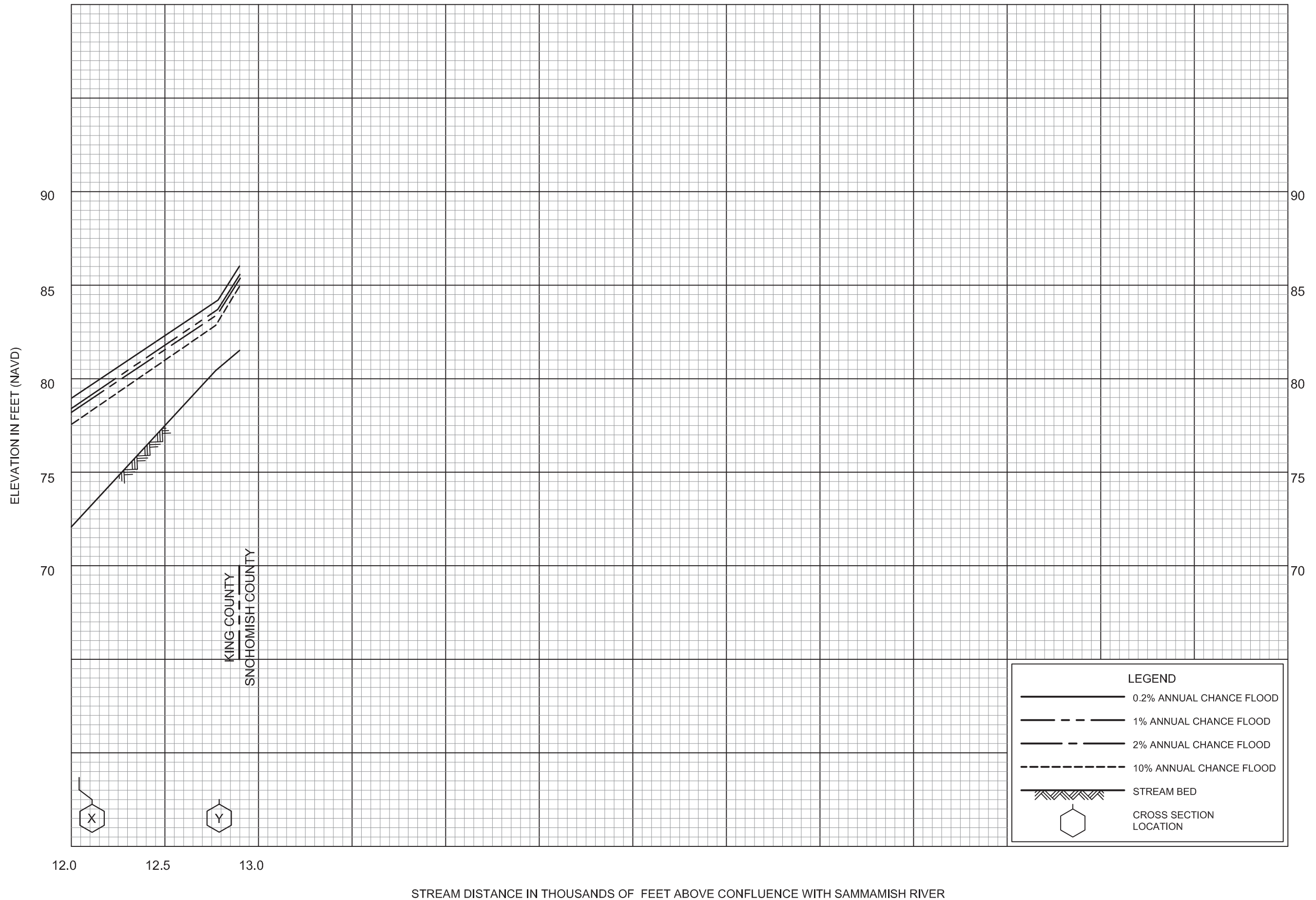
FLOOD PROFILES

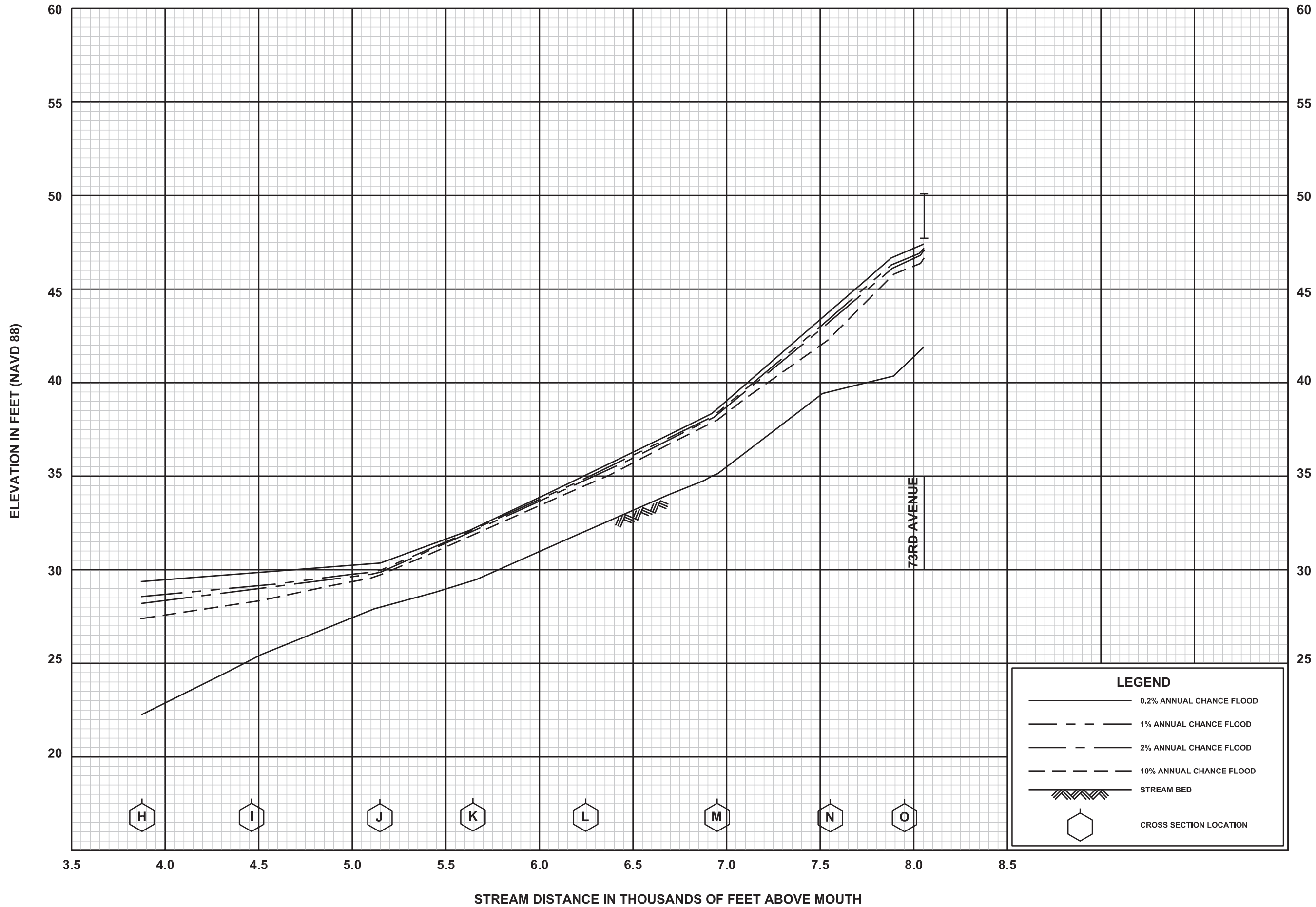
SWAMP CREEK

FEDERAL EMERGENCY MANAGEMENT AGENCY

KING COUNTY, WA
AND INCORPORATED AREAS

258P





FLOOD PROFILES

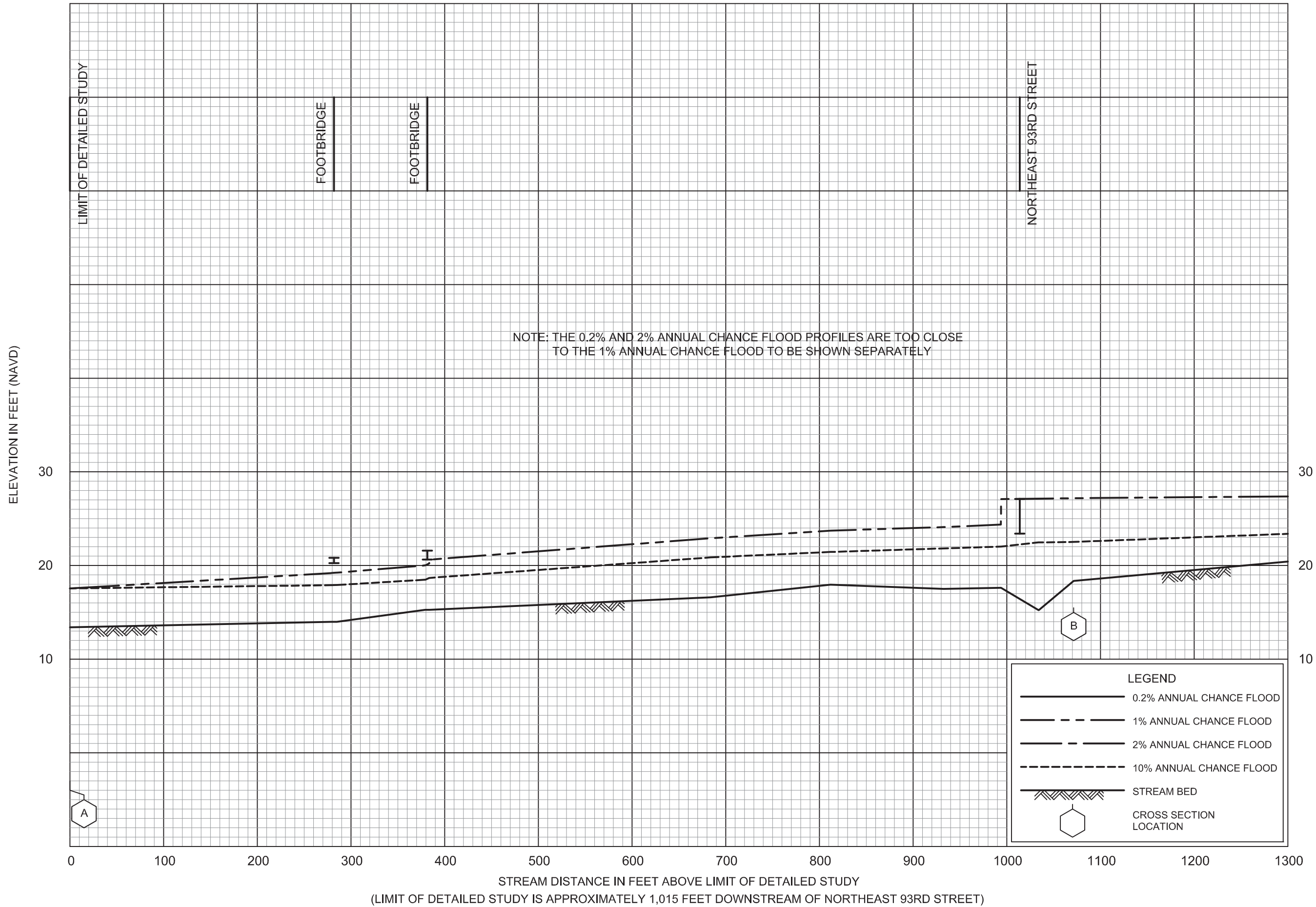
SWAMP CREEK - OVERBANK

FEDERAL EMERGENCY MANAGEMENT AGENCY

KING COUNTY, WA

AND INCORPORATED AREAS

260P

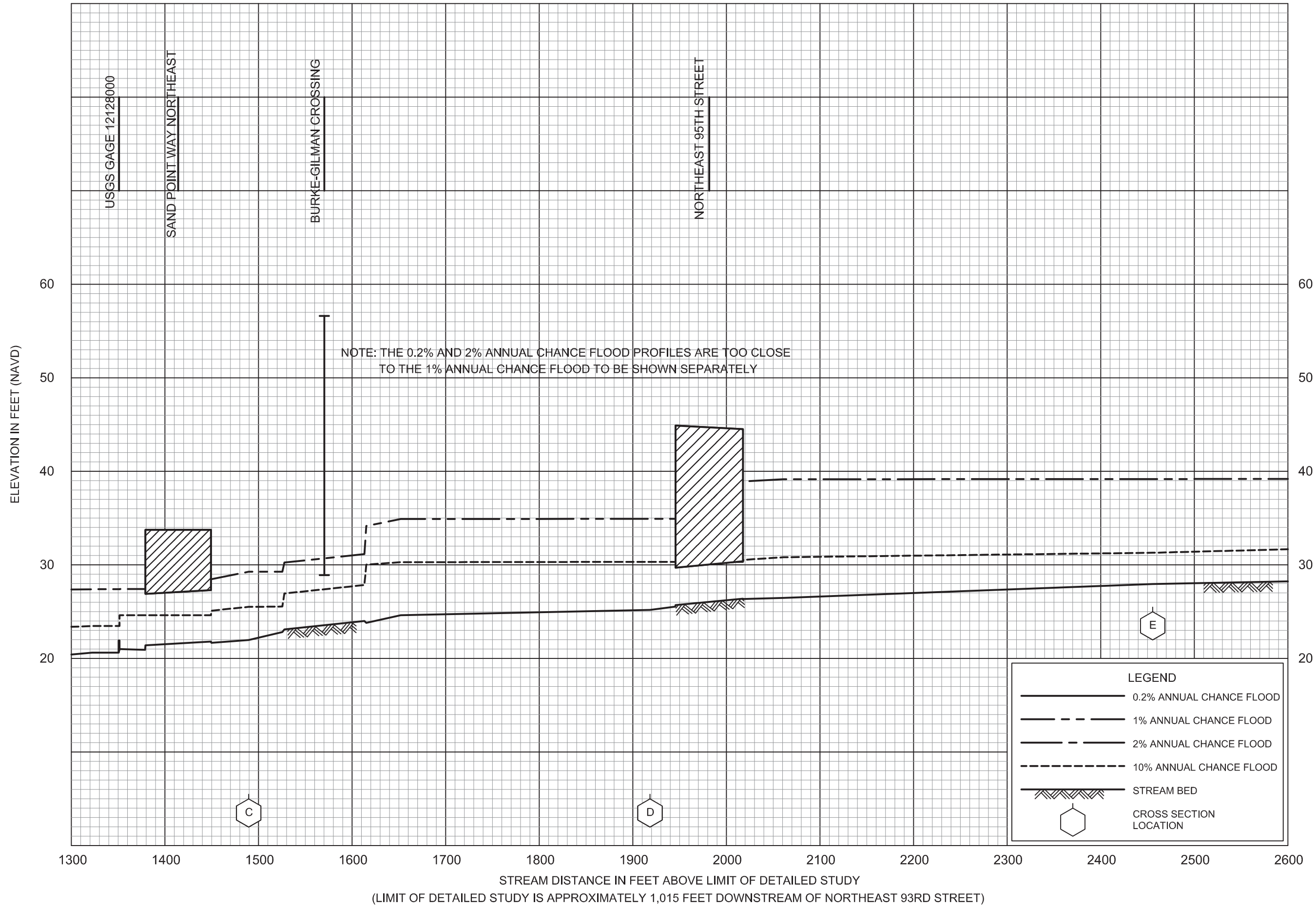


FLOOD PROFILES

THORNTON CREEK MAINSTEM/NORTH BRANCH

FEDERAL EMERGENCY MANAGEMENT AGENCY
KING COUNTY, WA
 AND INCORPORATED AREAS

261P

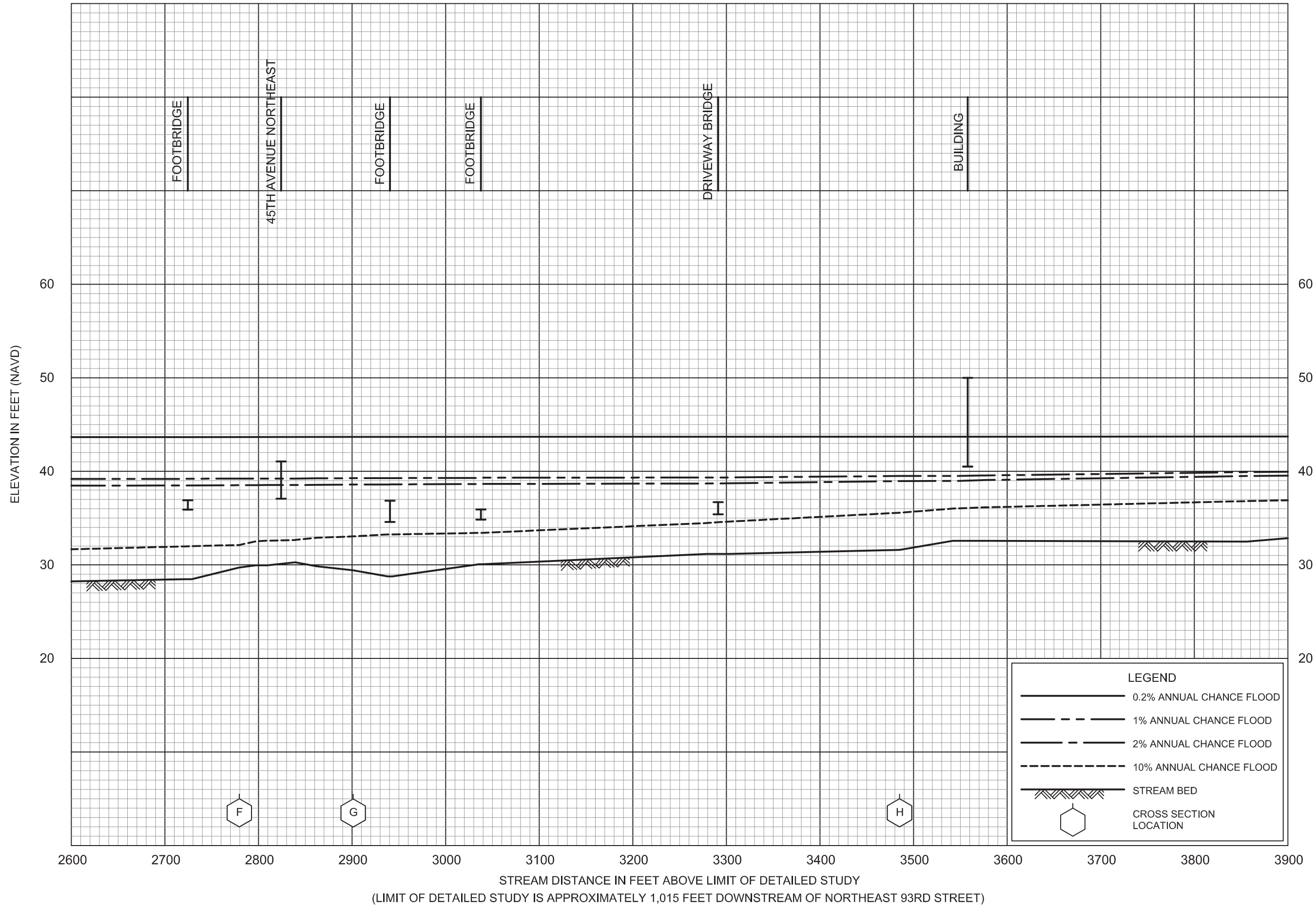


FLOOD PROFILES

THORNTON CREEK MAINSTEM/NORTHRANCH

FEDERAL EMERGENCY MANAGEMENT AGENCY
KING COUNTY, WA
 AND INCORPORATED AREAS

262P



STREAM DISTANCE IN FEET ABOVE LIMIT OF DETAILED STUDY
 (LIMIT OF DETAILED STUDY IS APPROXIMATELY 1,015 FEET DOWNSTREAM OF NORTHEAST 93RD STREET)

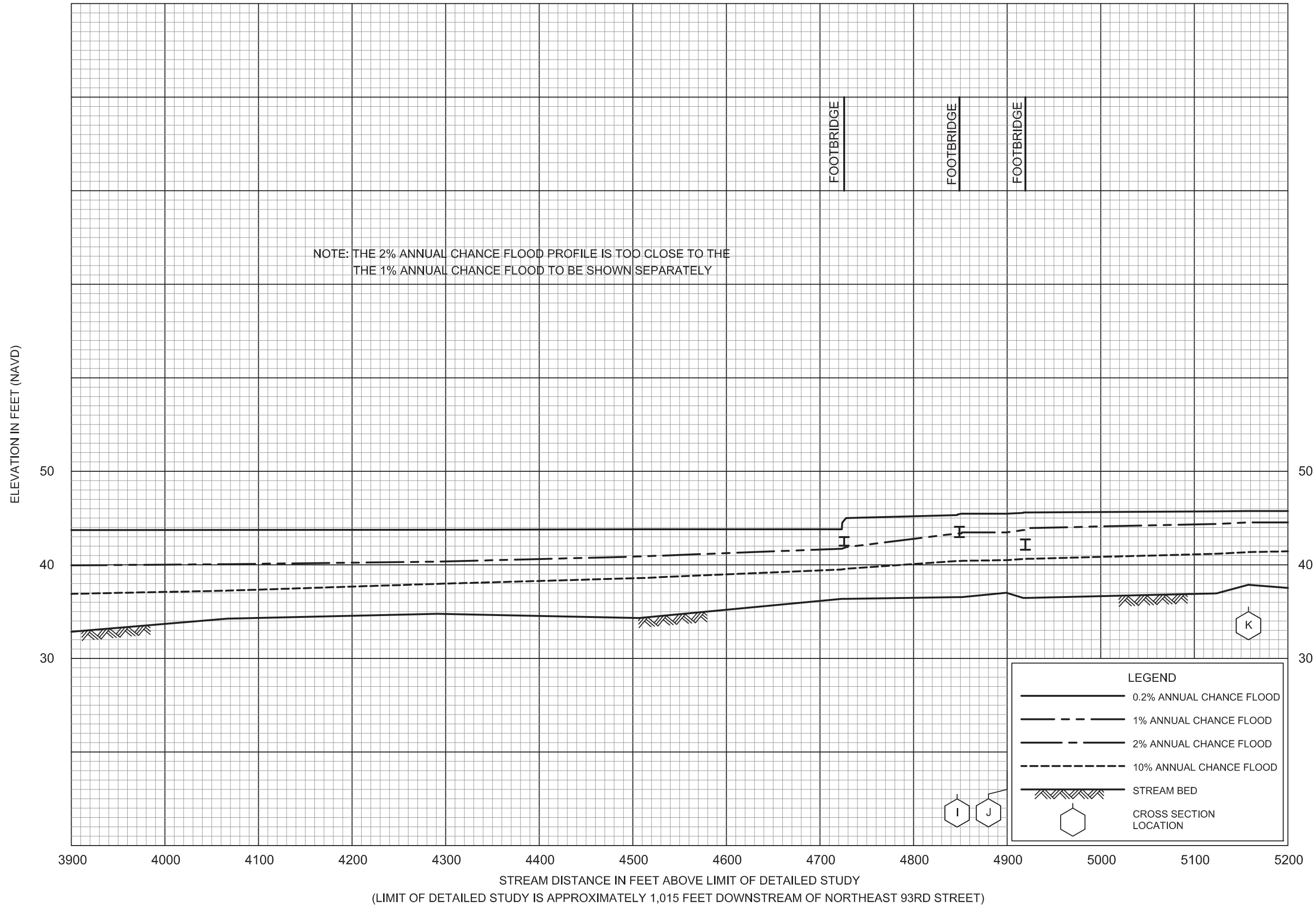
FLOOD PROFILES

THORNTON CREEK MAINSTEM/NORTH BRANCH

FEDERAL EMERGENCY MANAGEMENT AGENCY

KING COUNTY, WA
 AND INCORPORATED AREAS

263P

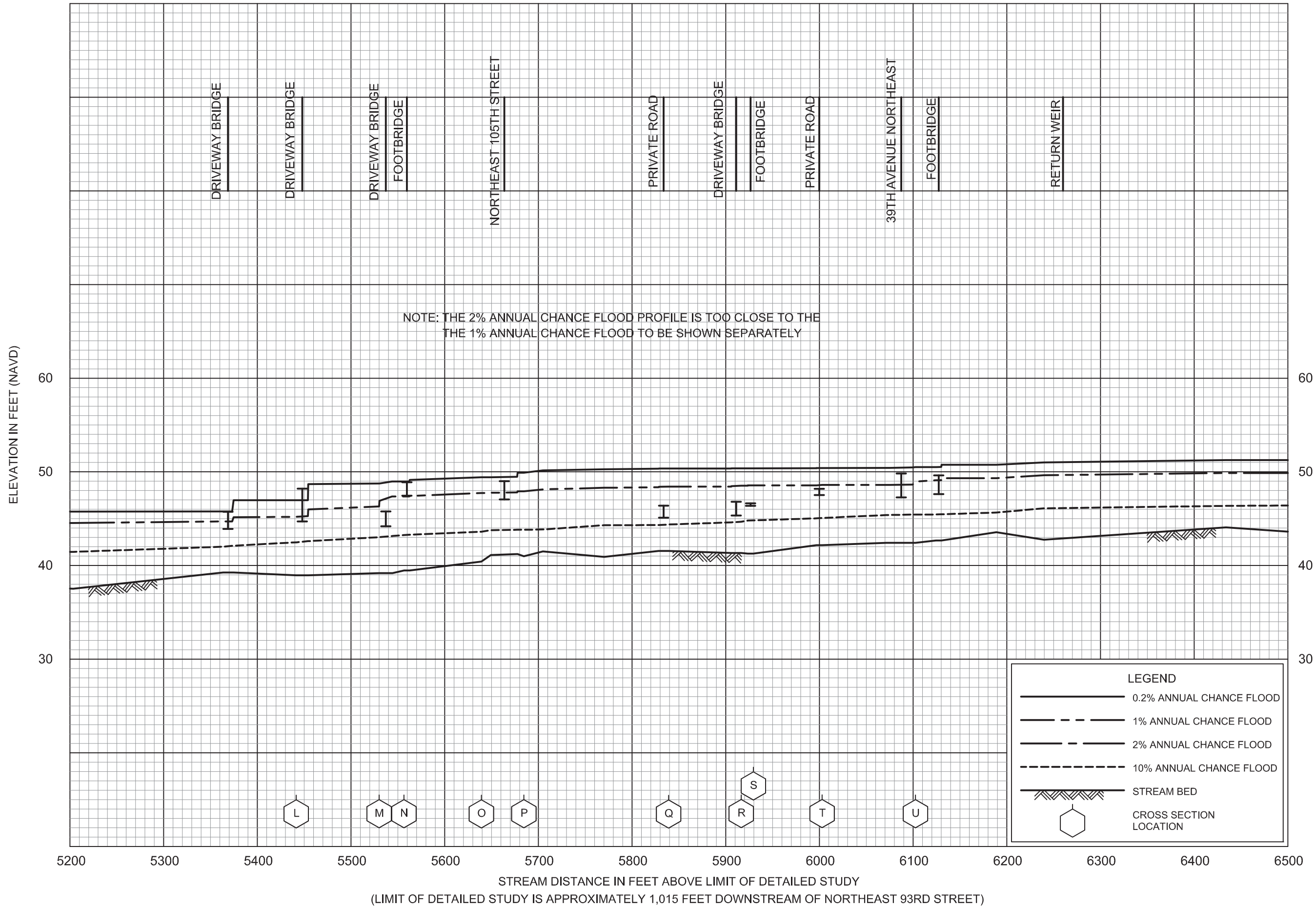


FLOOD PROFILES

THORNTON CREEK MAINSTEM/NORTH BRANCH

FEDERAL EMERGENCY MANAGEMENT AGENCY
 KING COUNTY, WA
 AND INCORPORATED AREAS

264P



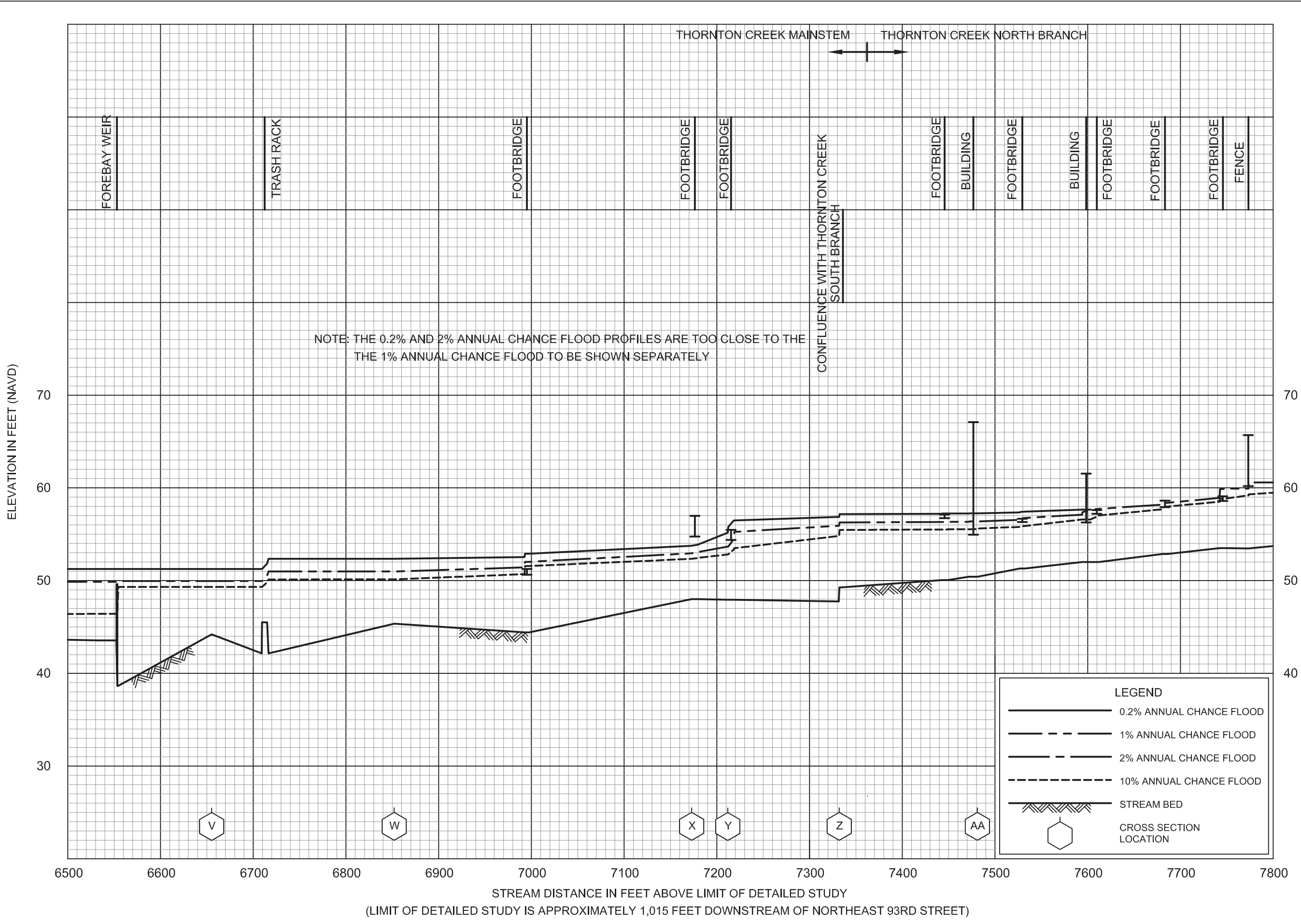
FLOOD PROFILES

THORNTON CREEK MAINSTEM/NORTH BRANCH

FEDERAL EMERGENCY MANAGEMENT AGENCY

KING COUNTY, WA
AND INCORPORATED AREAS

265P



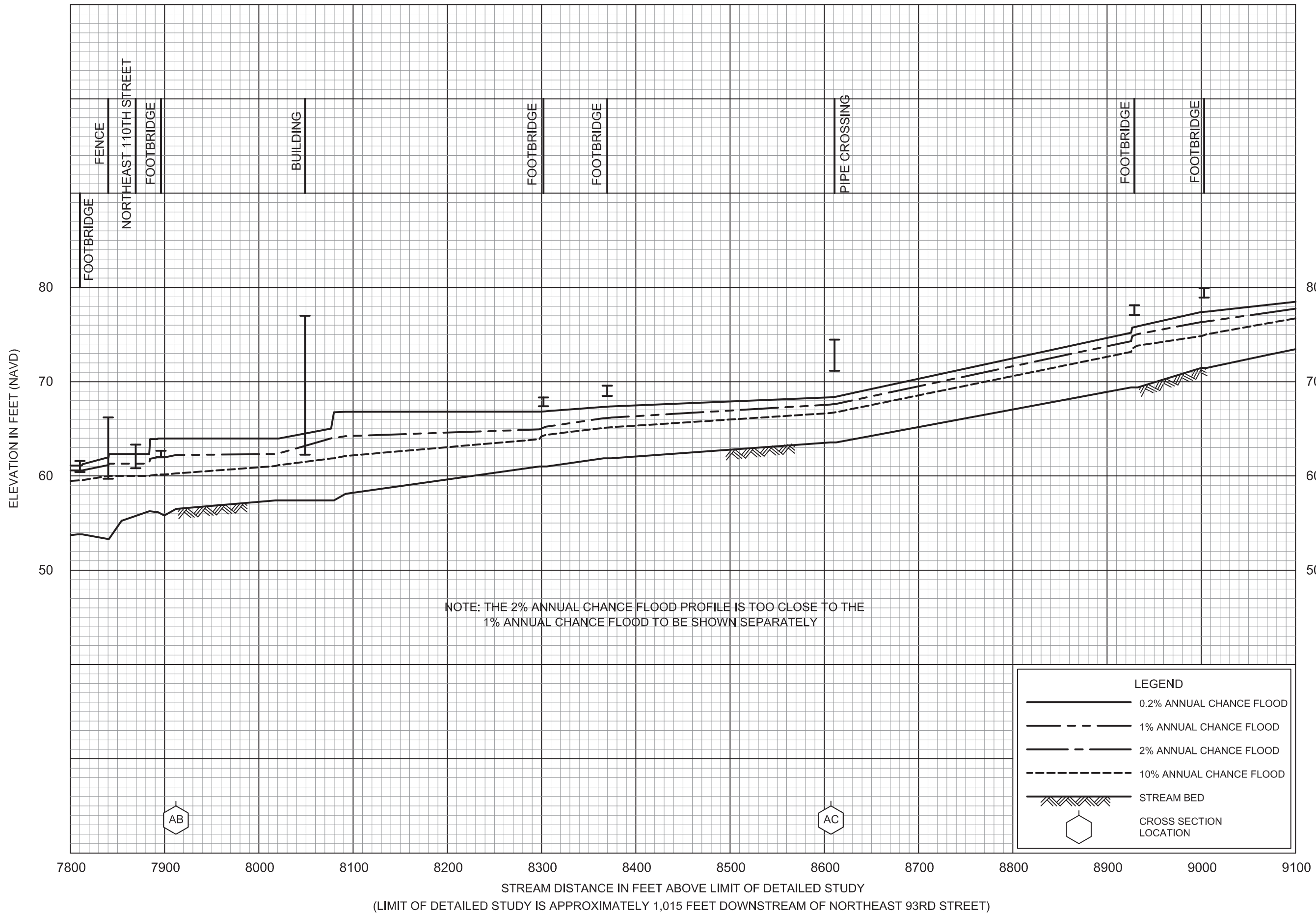
FLOOD PROFILES

THORNTON CREEK MAINSTEM/NORTH BRANCH

FEDERAL EMERGENCY MANAGEMENT AGENCY

KING COUNTY, WA
AND INCORPORATED AREAS

266P



STREAM DISTANCE IN FEET ABOVE LIMIT OF DETAILED STUDY
(LIMIT OF DETAILED STUDY IS APPROXIMATELY 1,015 FEET DOWNSTREAM OF NORTHEAST 93RD STREET)

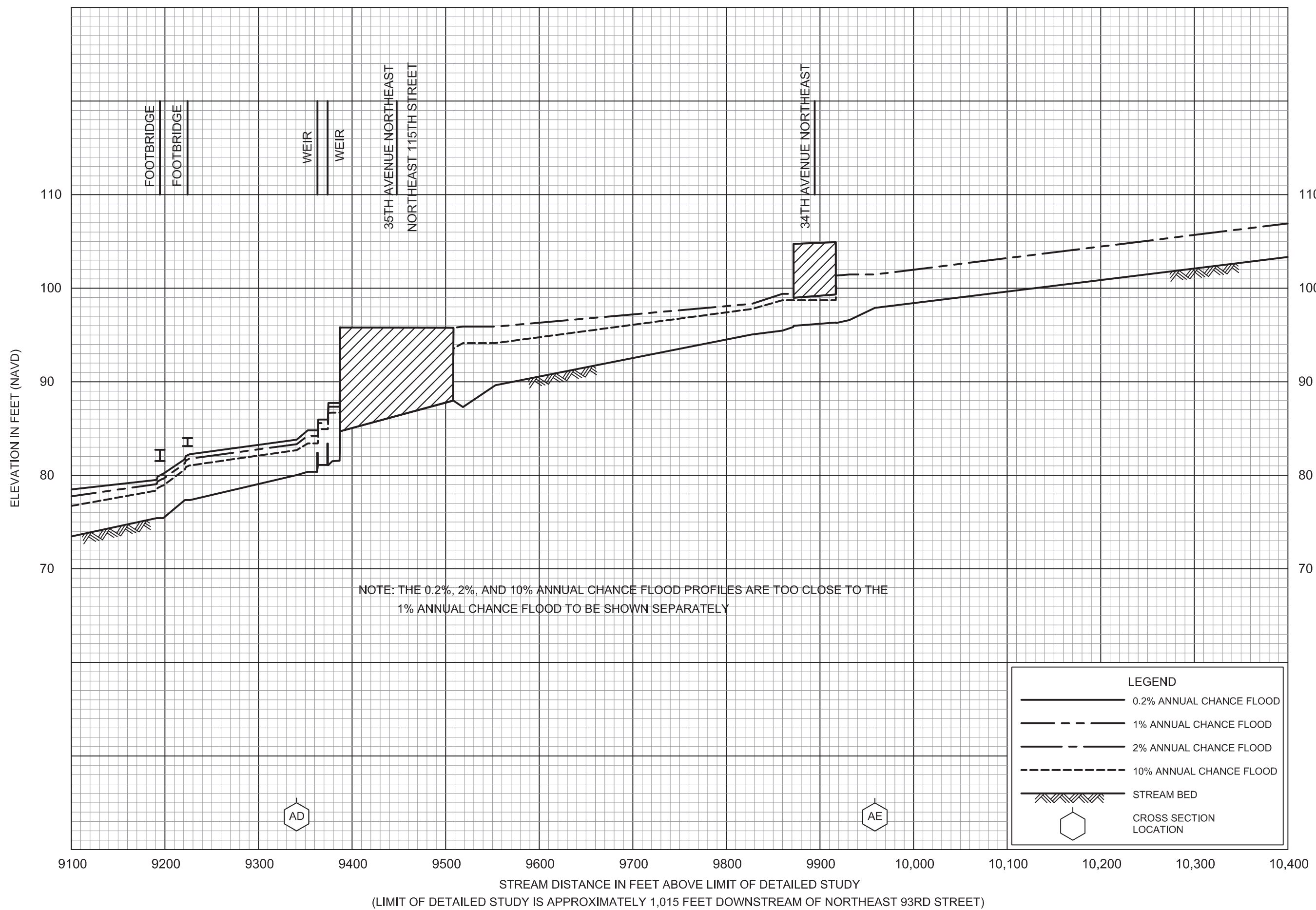
FLOOD PROFILES

THORNTON CREEK MAINSTEM/NORTH BRANCH

FEDERAL EMERGENCY MANAGEMENT AGENCY

KING COUNTY, WA
AND INCORPORATED AREAS

267P

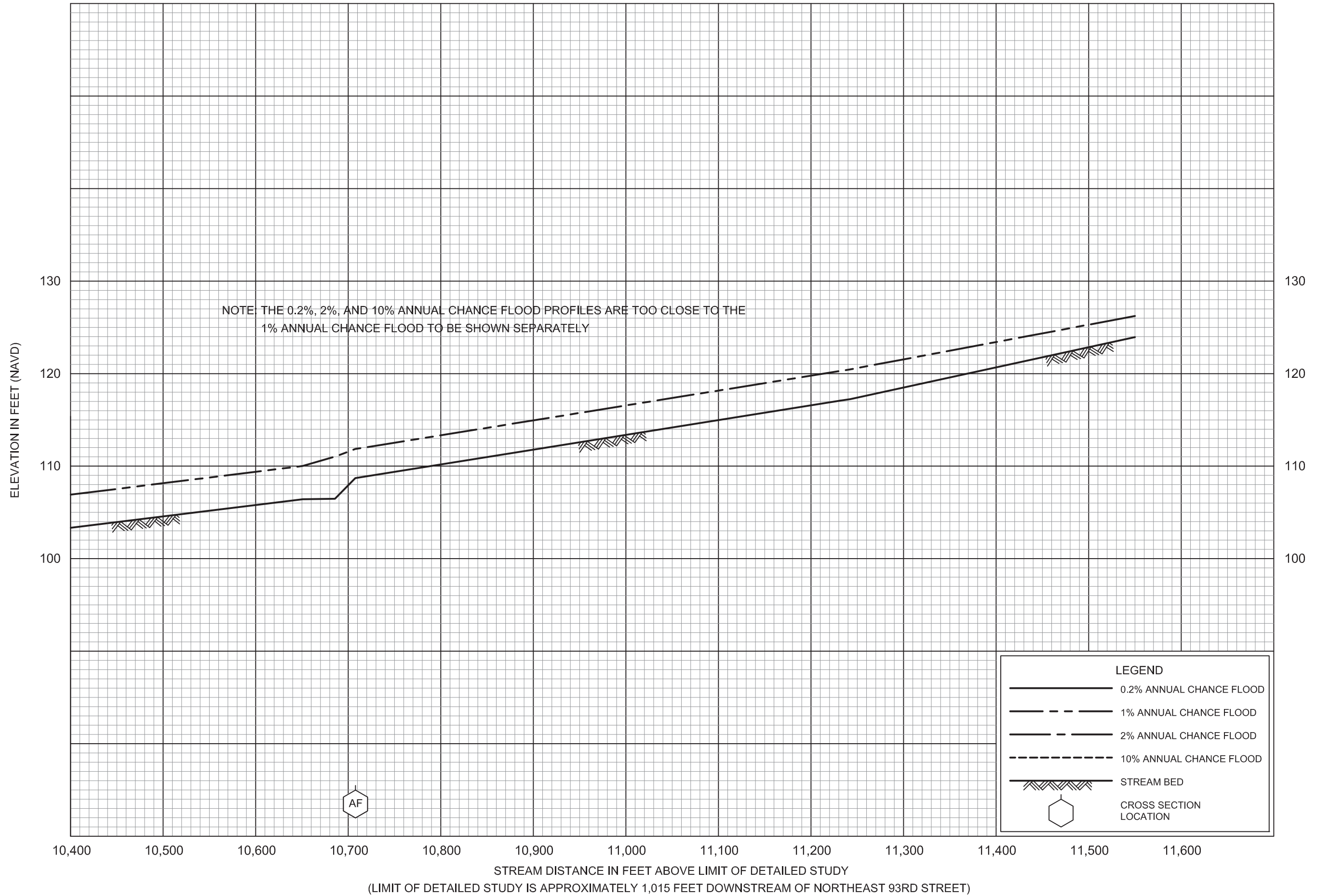


FLOOD PROFILES

THORNTON CREEK MAINSTEM/NORTH BRANCH

FEDERAL EMERGENCY MANAGEMENT AGENCY
 KING COUNTY, WA
 AND INCORPORATED AREAS

268P



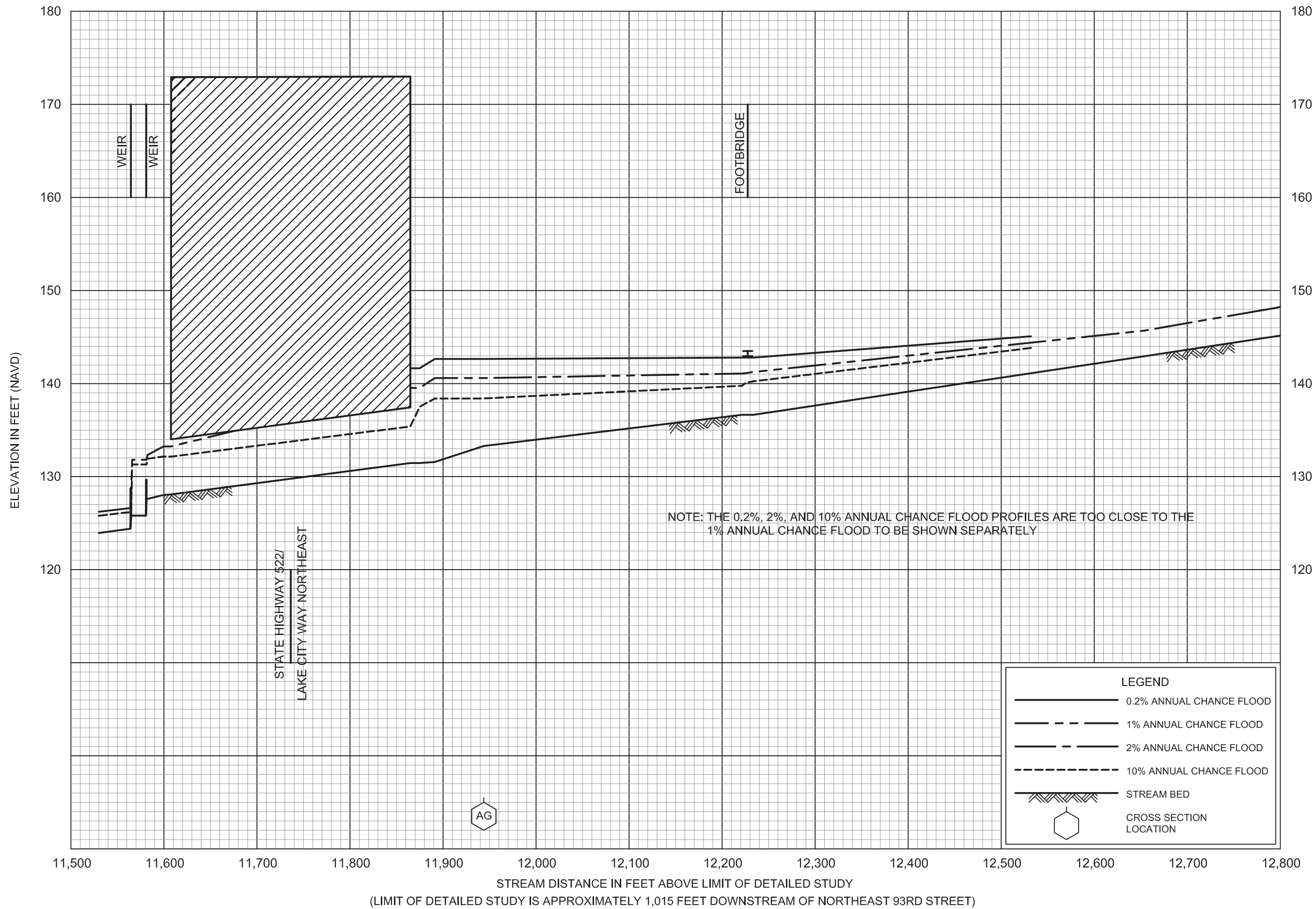
FLOOD PROFILES

THORNTON CREEK MAINSTEM/NORTH BRANCH

FEDERAL EMERGENCY MANAGEMENT AGENCY

KING COUNTY, WA
AND INCORPORATED AREAS

269P



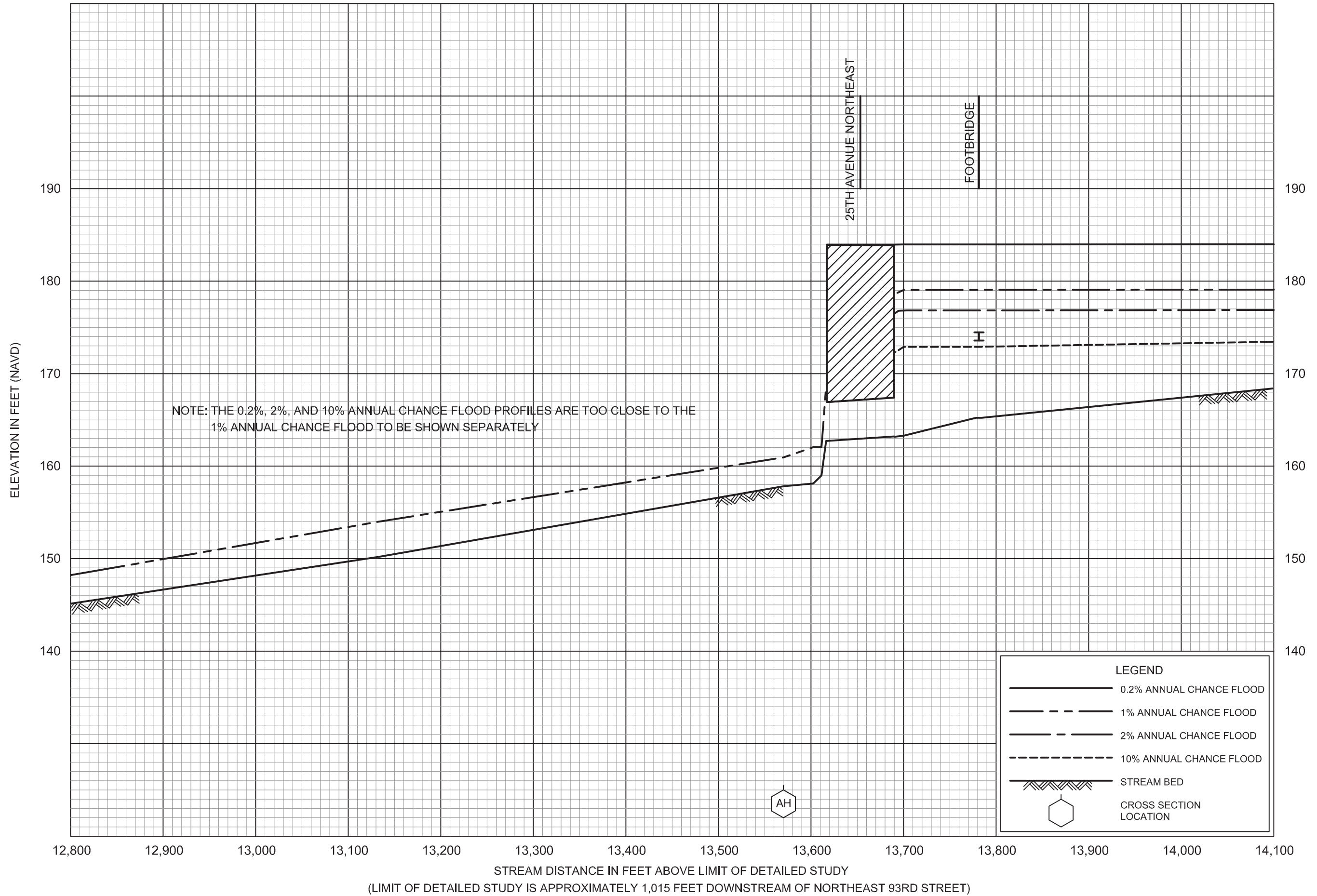
FLOOD PROFILES

THORNTON CREEK MAINSTEM/NORTH BRANCH

FEDERAL EMERGENCY MANAGEMENT AGENCY

KING COUNTY, WA
AND INCORPORATED AREAS

270P



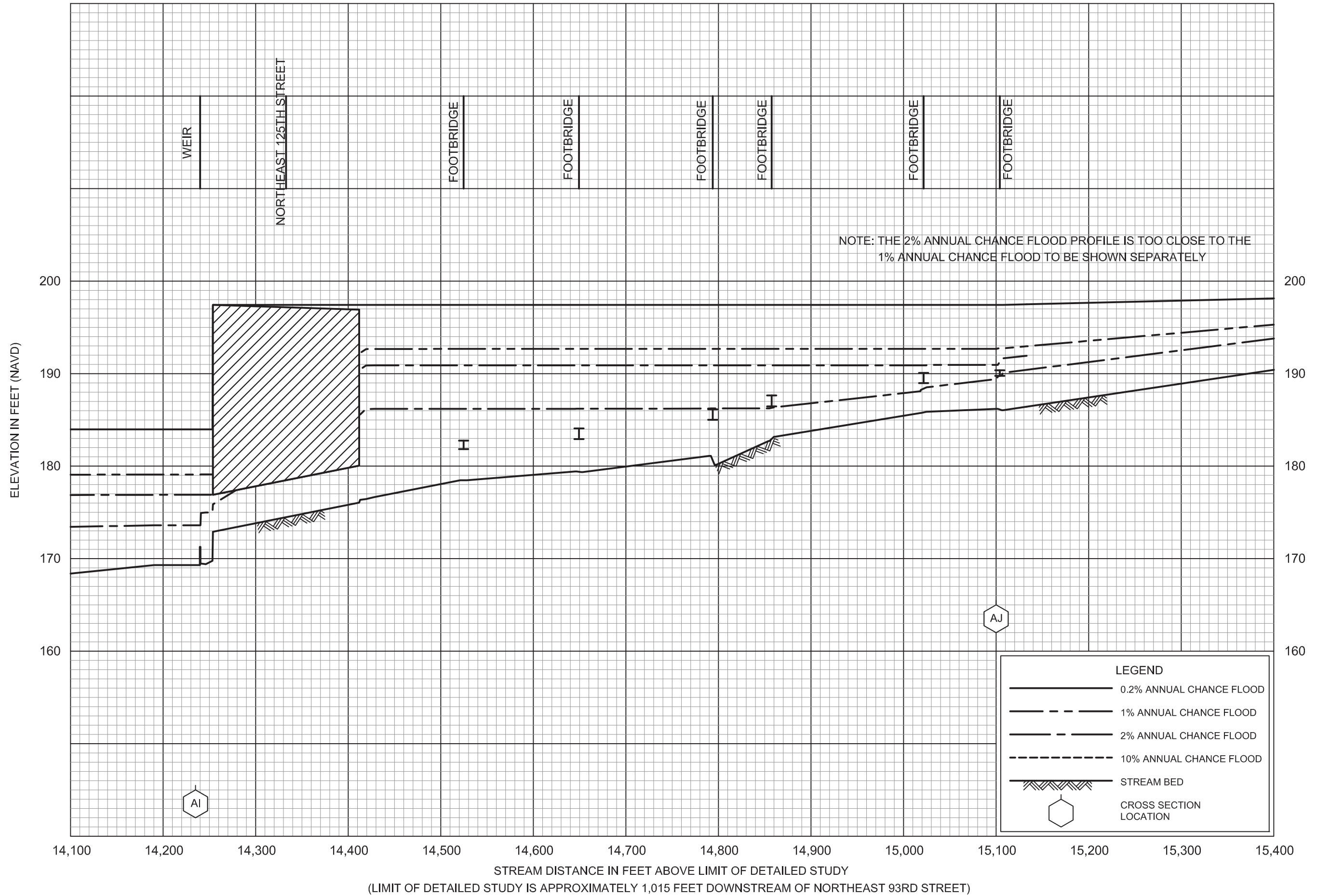
FLOOD PROFILES

THORNTON CREEK MAINSTEM/NORTH BRANCH

FEDERAL EMERGENCY MANAGEMENT AGENCY

KING COUNTY, WA
AND INCORPORATED AREAS

271P

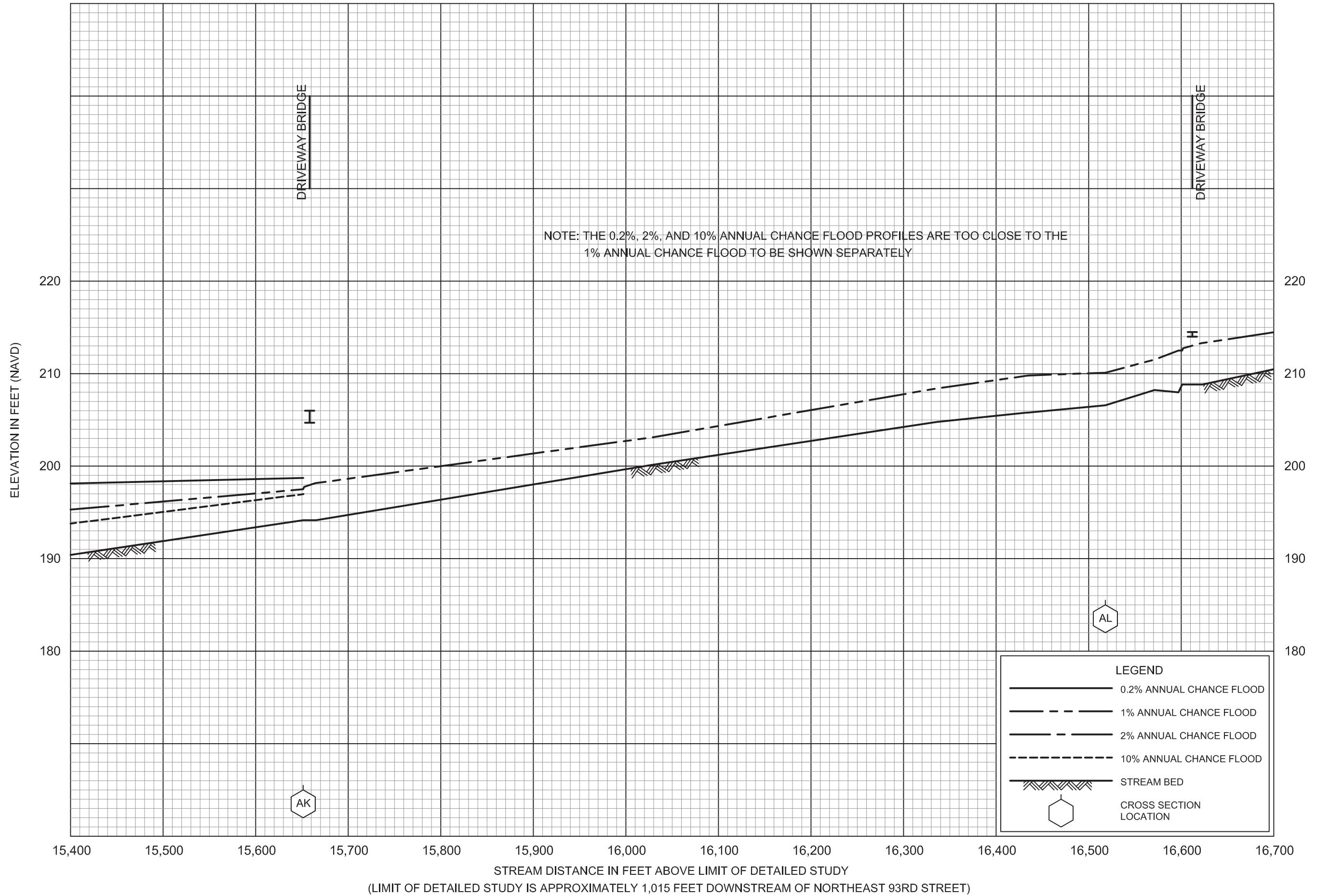


FLOOD PROFILES

THORNTON CREEK MAINSTEM/NORTH BRANCH

FEDERAL EMERGENCY MANAGEMENT AGENCY
KING COUNTY, WA
 AND INCORPORATED AREAS

272P



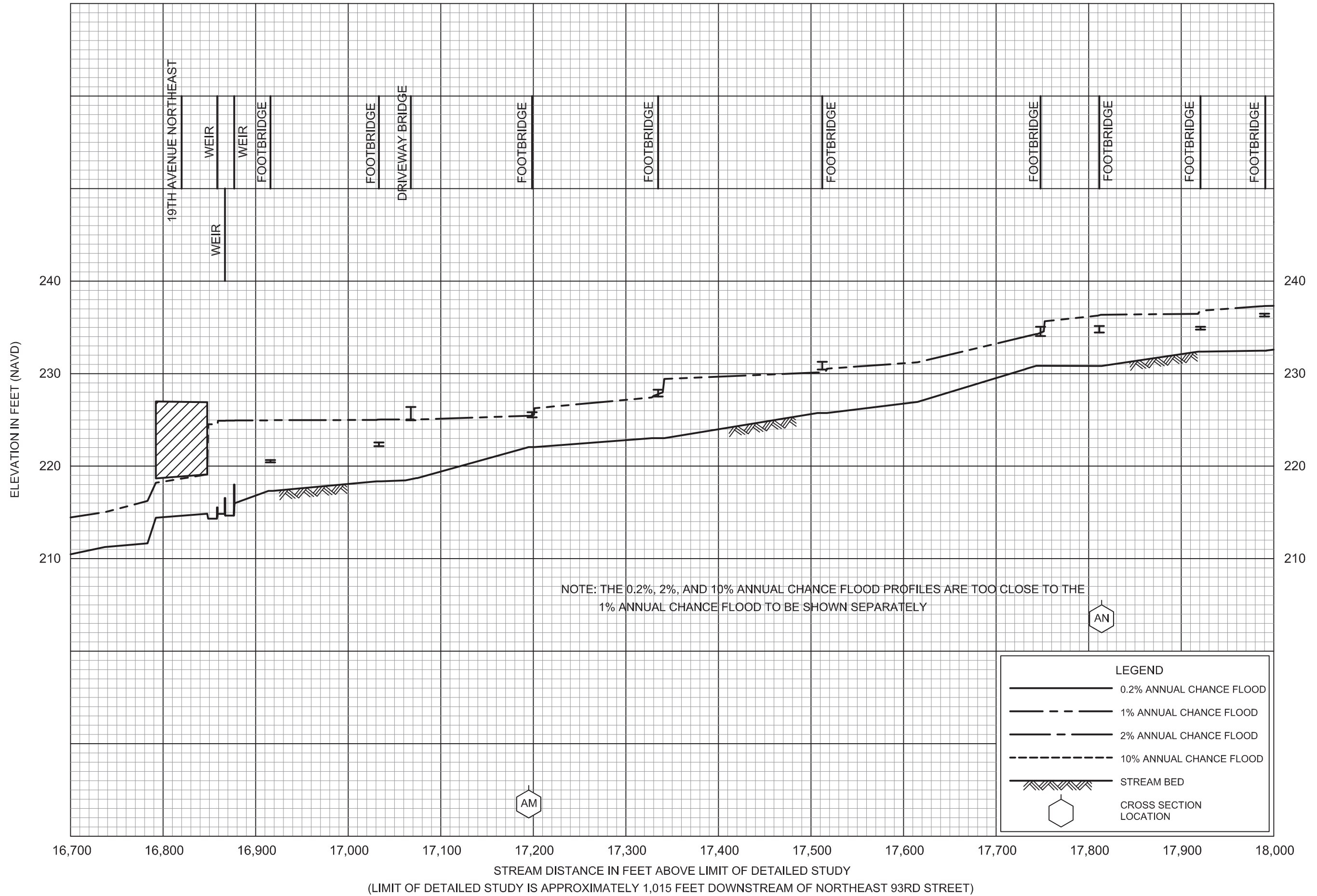
FLOOD PROFILES

THORNTON CREEK MAINSTEM/NORTH BRANCH

FEDERAL EMERGENCY MANAGEMENT AGENCY

KING COUNTY, WA
AND INCORPORATED AREAS

273P



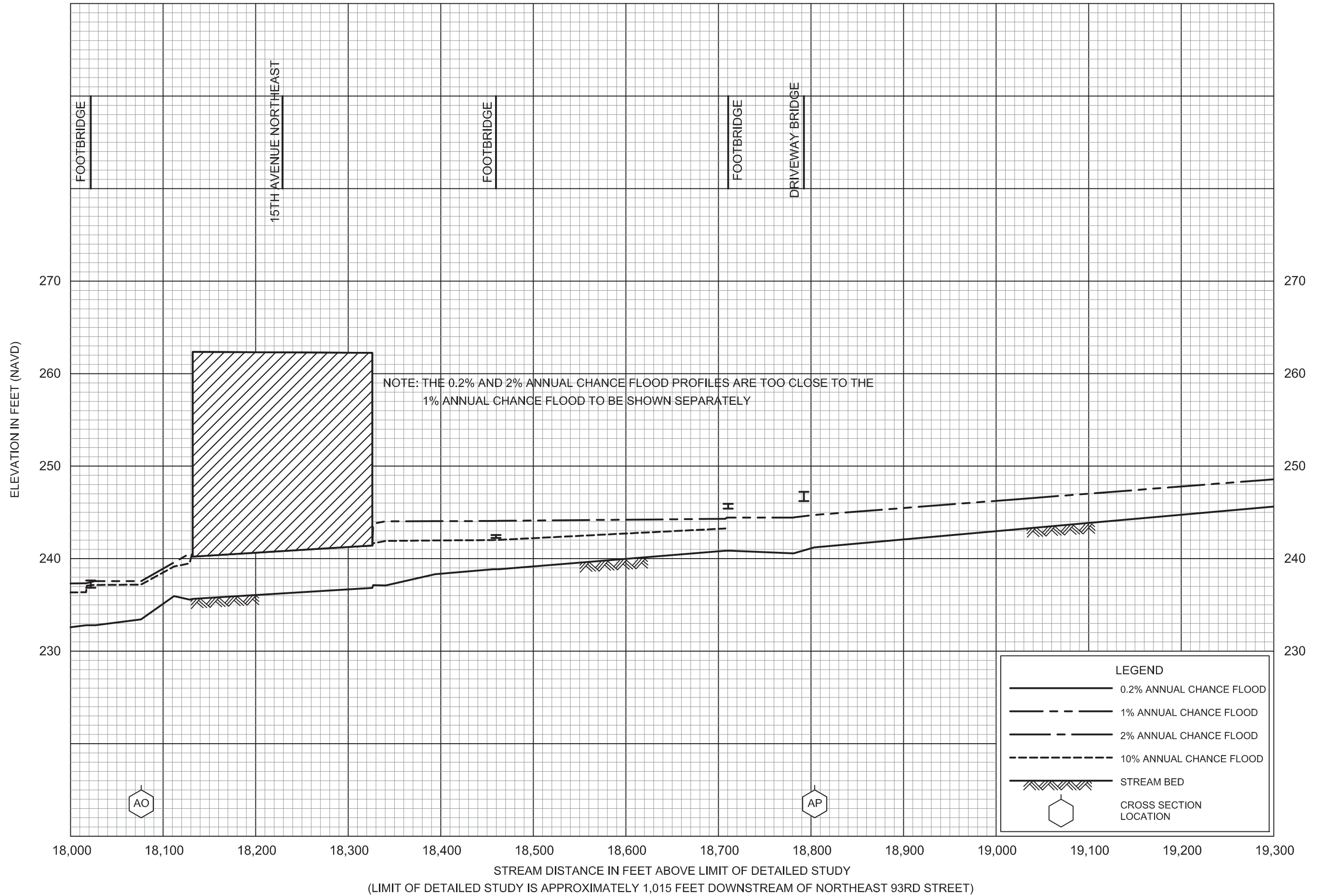
FLOOD PROFILES

THORNTON CREEK MAINSTEM/NORTH BRANCH

FEDERAL EMERGENCY MANAGEMENT AGENCY

KING COUNTY, WA
AND INCORPORATED AREAS

274P

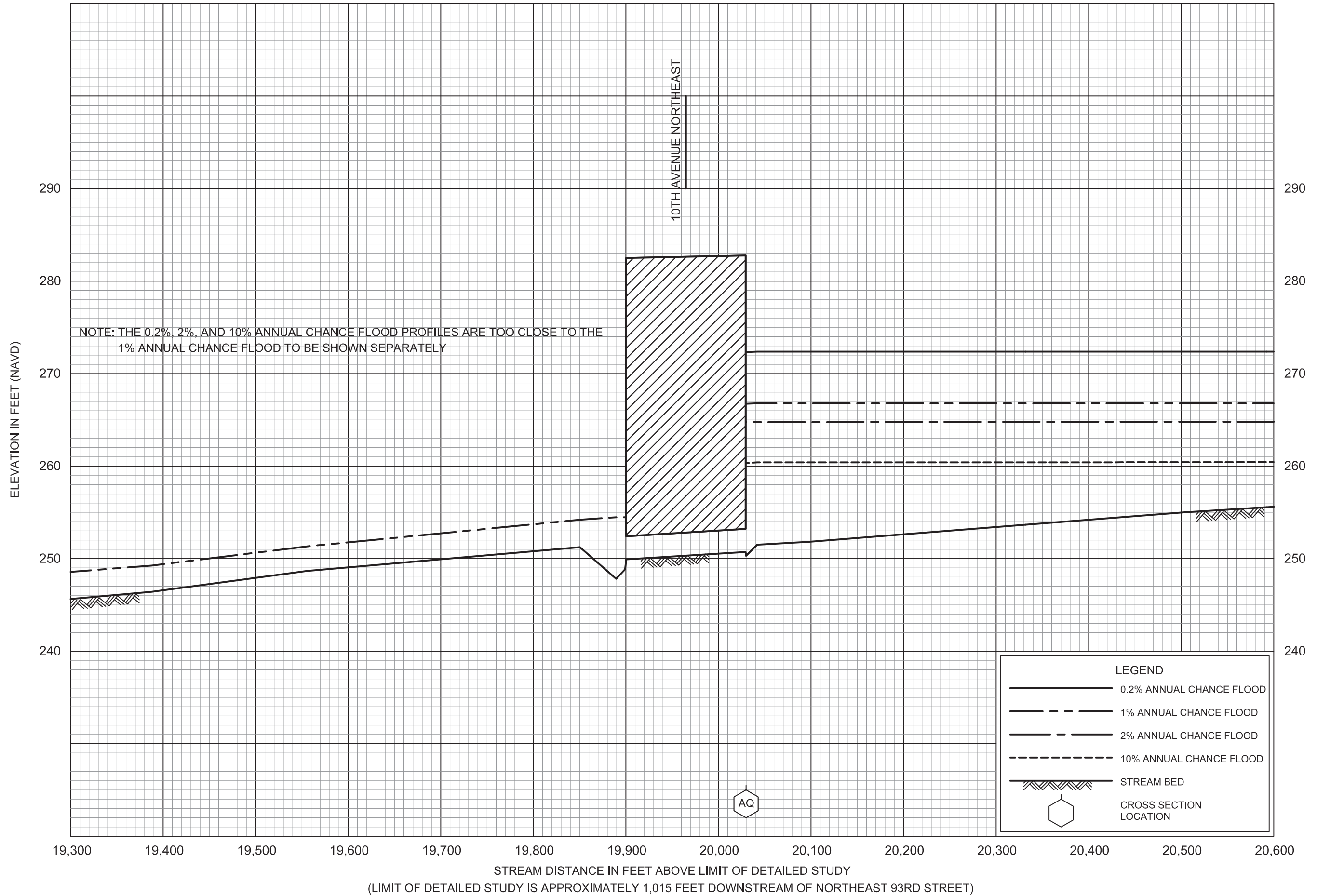


FLOOD PROFILES

THORNTON CREEK MAINSTEM/NORTH BRANCH

FEDERAL EMERGENCY MANAGEMENT AGENCY
 KING COUNTY, WA
 AND INCORPORATED AREAS

275P

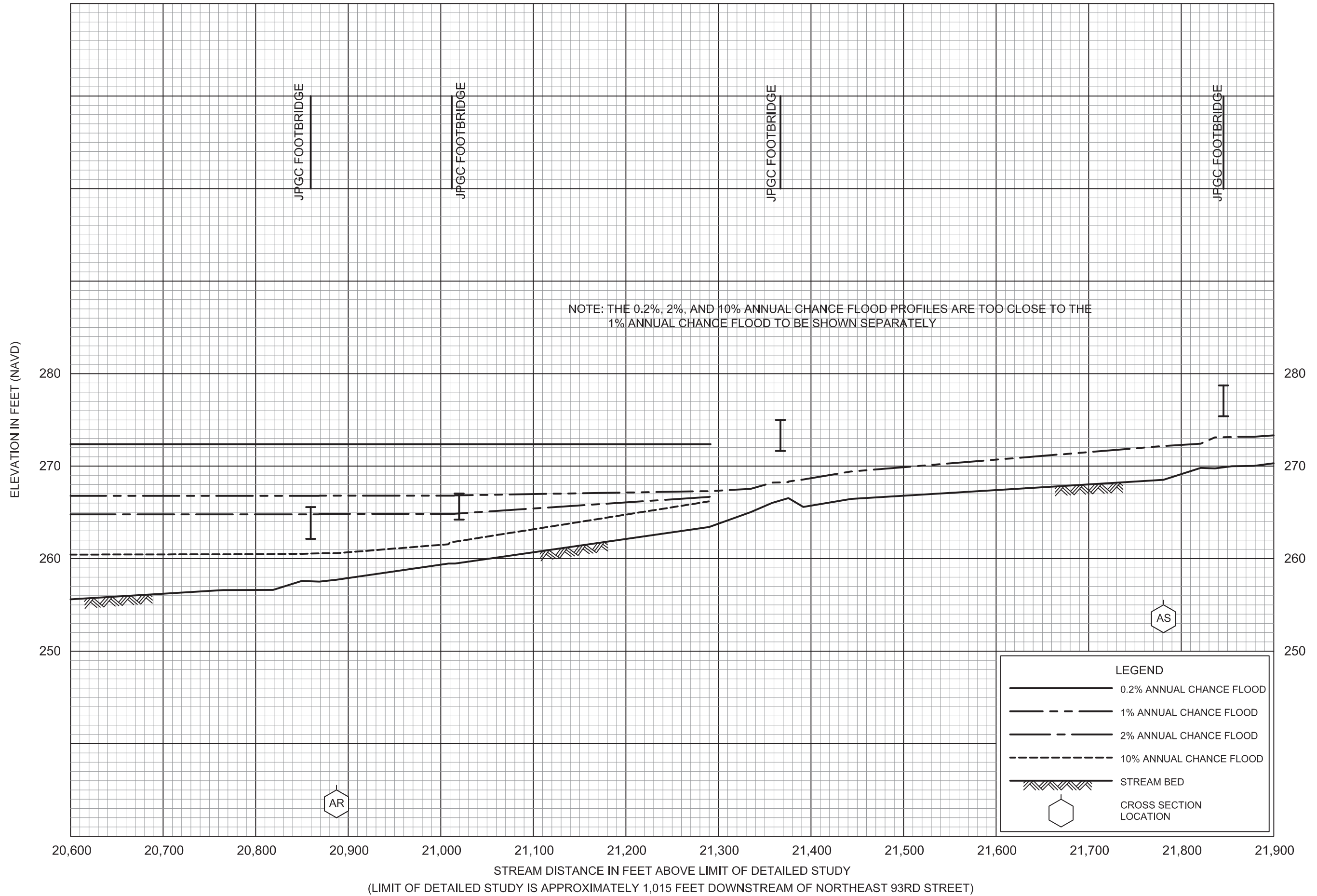


FLOOD PROFILES

THORNTON CREEK MAINSTEM/NORTH BRANCH

FEDERAL EMERGENCY MANAGEMENT AGENCY
 KING COUNTY, WA
 AND INCORPORATED AREAS

276P

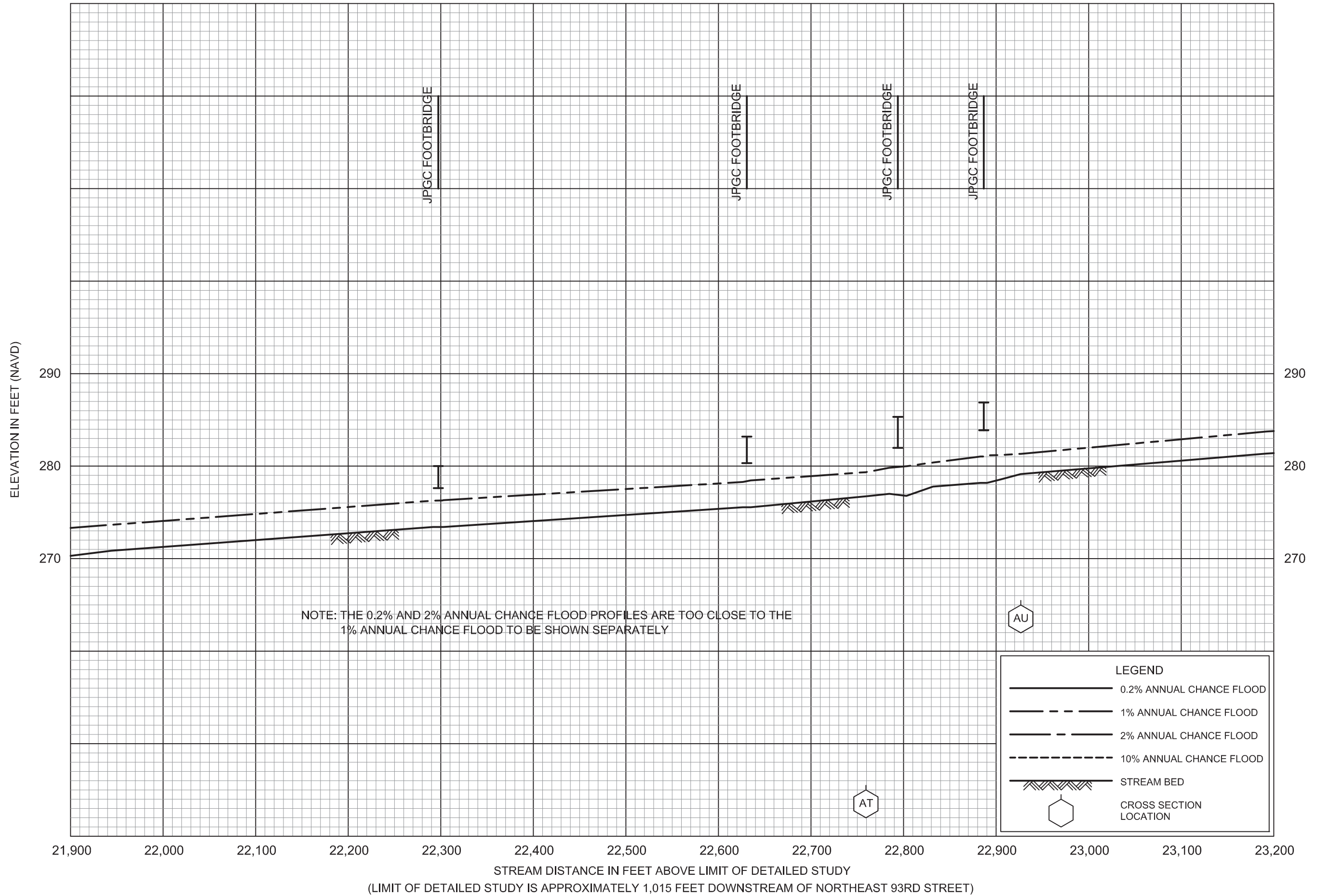


FLOOD PROFILES

THORNTON CREEK MAINSTEM/NORTH BRANCH

FEDERAL EMERGENCY MANAGEMENT AGENCY
KING COUNTY, WA
AND INCORPORATED AREAS

277P



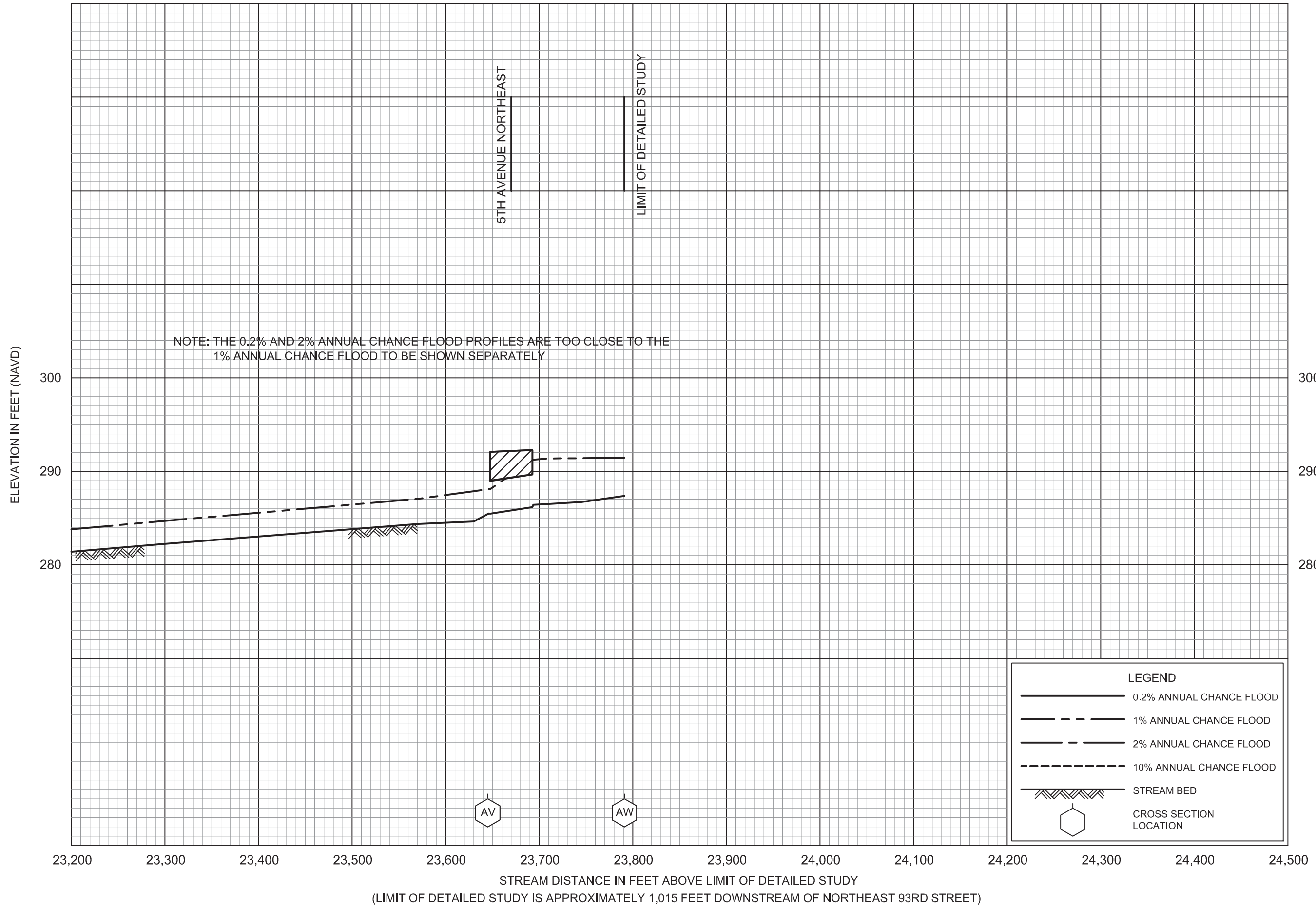
FLOOD PROFILES

THORNTON CREEK MAINSTEM/NORTH BRANCH

FEDERAL EMERGENCY MANAGEMENT AGENCY

KING COUNTY, WA
AND INCORPORATED AREAS

278P

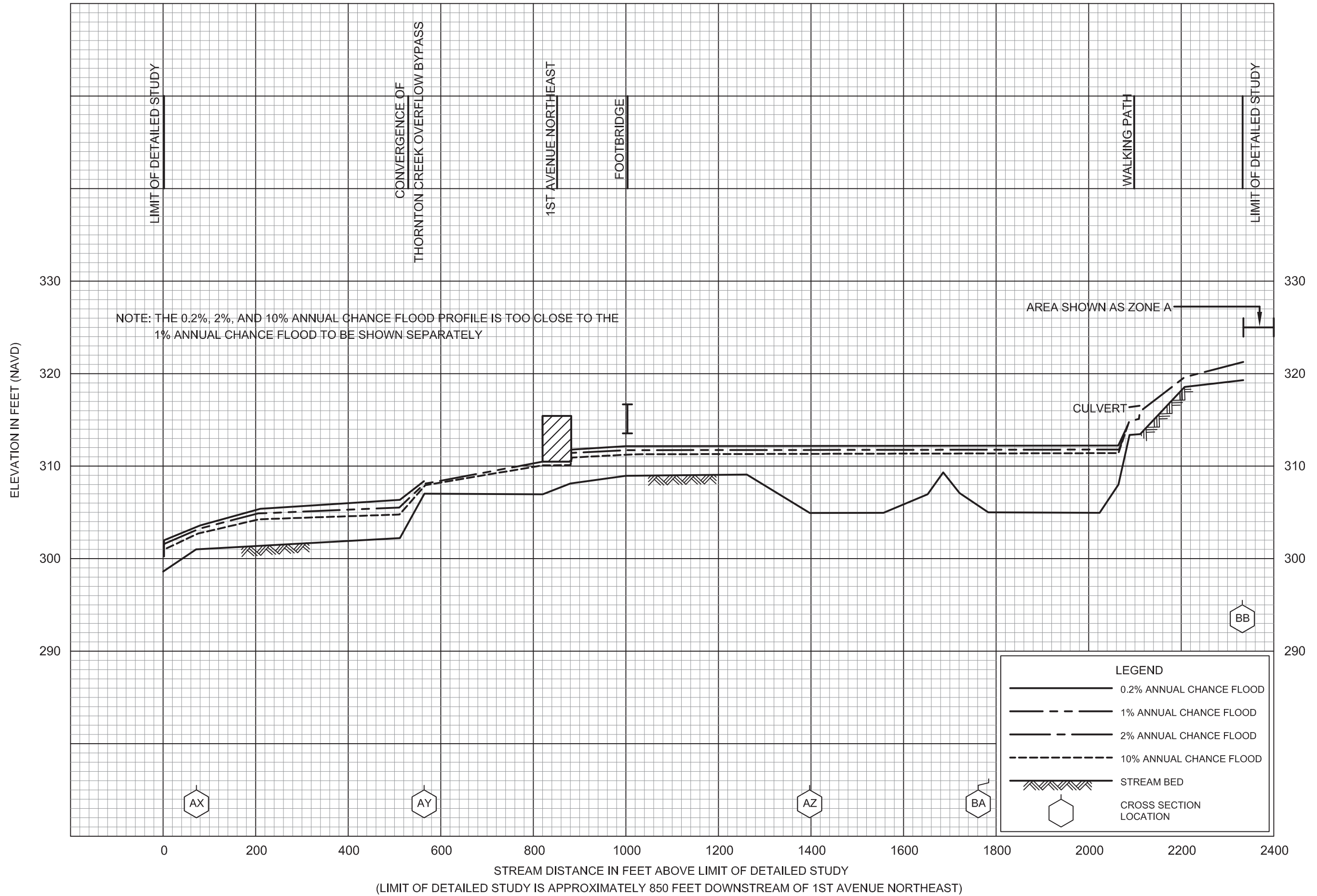


FLOOD PROFILES

THORNTON CREEK MAINSTEM/NORTH BRANCH

FEDERAL EMERGENCY MANAGEMENT AGENCY
 KING COUNTY, WA
 AND INCORPORATED AREAS

279P



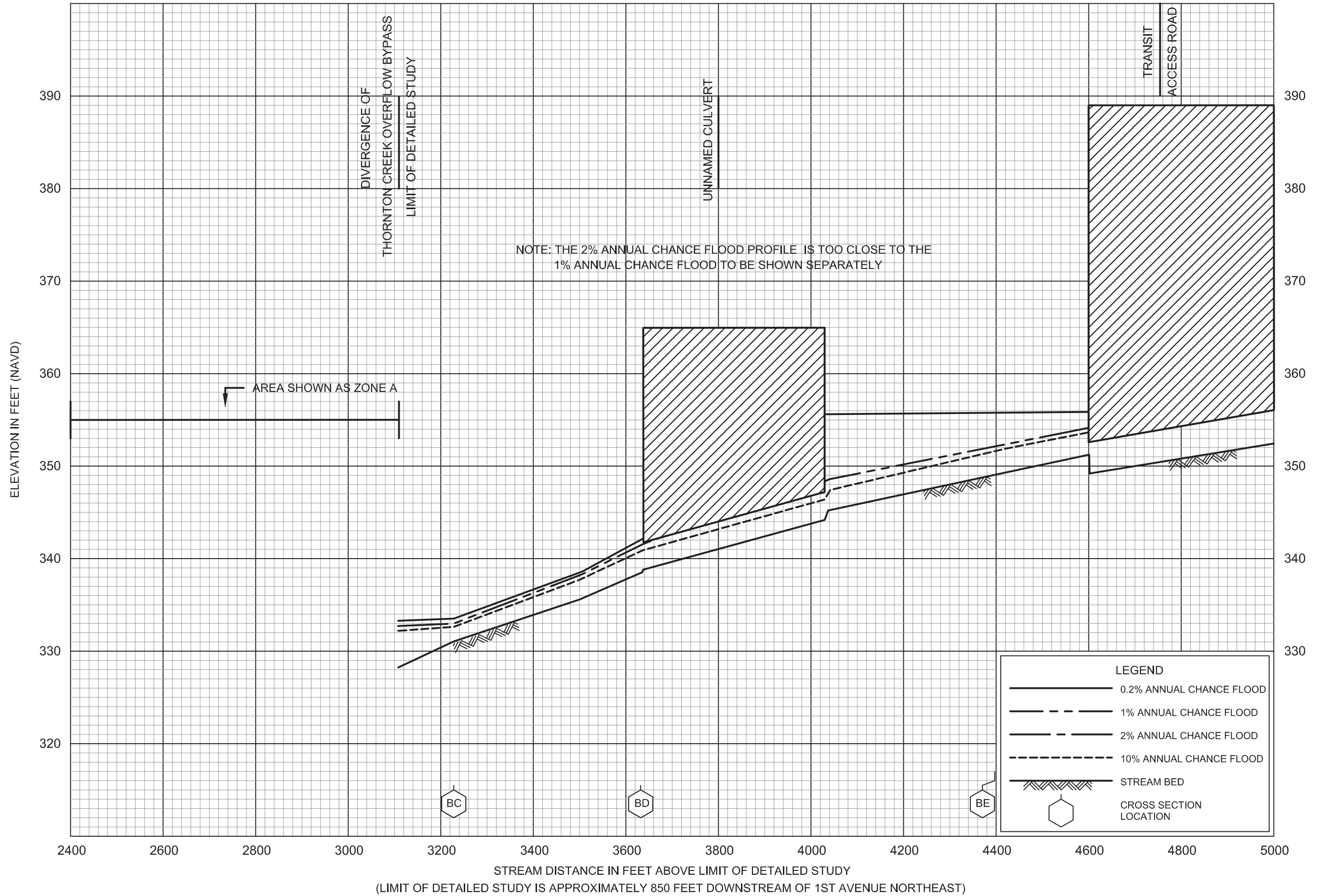
FLOOD PROFILES

THORNTON CREEK MAINSTEM/NORTH BRANCH

FEDERAL EMERGENCY MANAGEMENT AGENCY

KING COUNTY, WA
AND INCORPORATED AREAS

280P



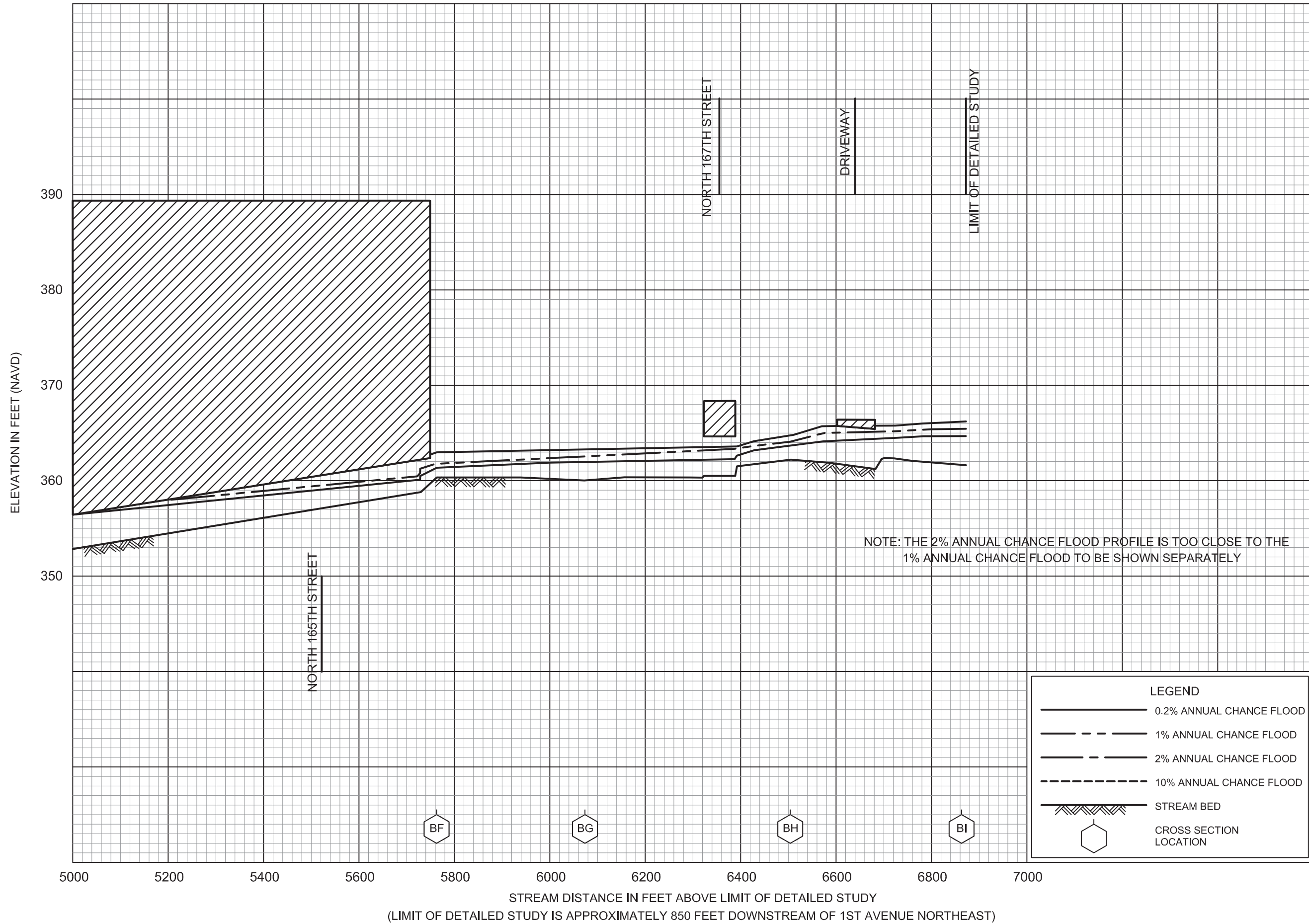
STREAM DISTANCE IN FEET ABOVE LIMIT OF DETAILED STUDY
(LIMIT OF DETAILED STUDY IS APPROXIMATELY 850 FEET DOWNSTREAM OF 1ST AVENUE NORTHEAST)

FLOOD PROFILES

THORNTON CREEK MAINSTEM/NORTH BRANCH

FEDERAL EMERGENCY MANAGEMENT AGENCY
KING COUNTY, WA
AND INCORPORATED AREAS

281P

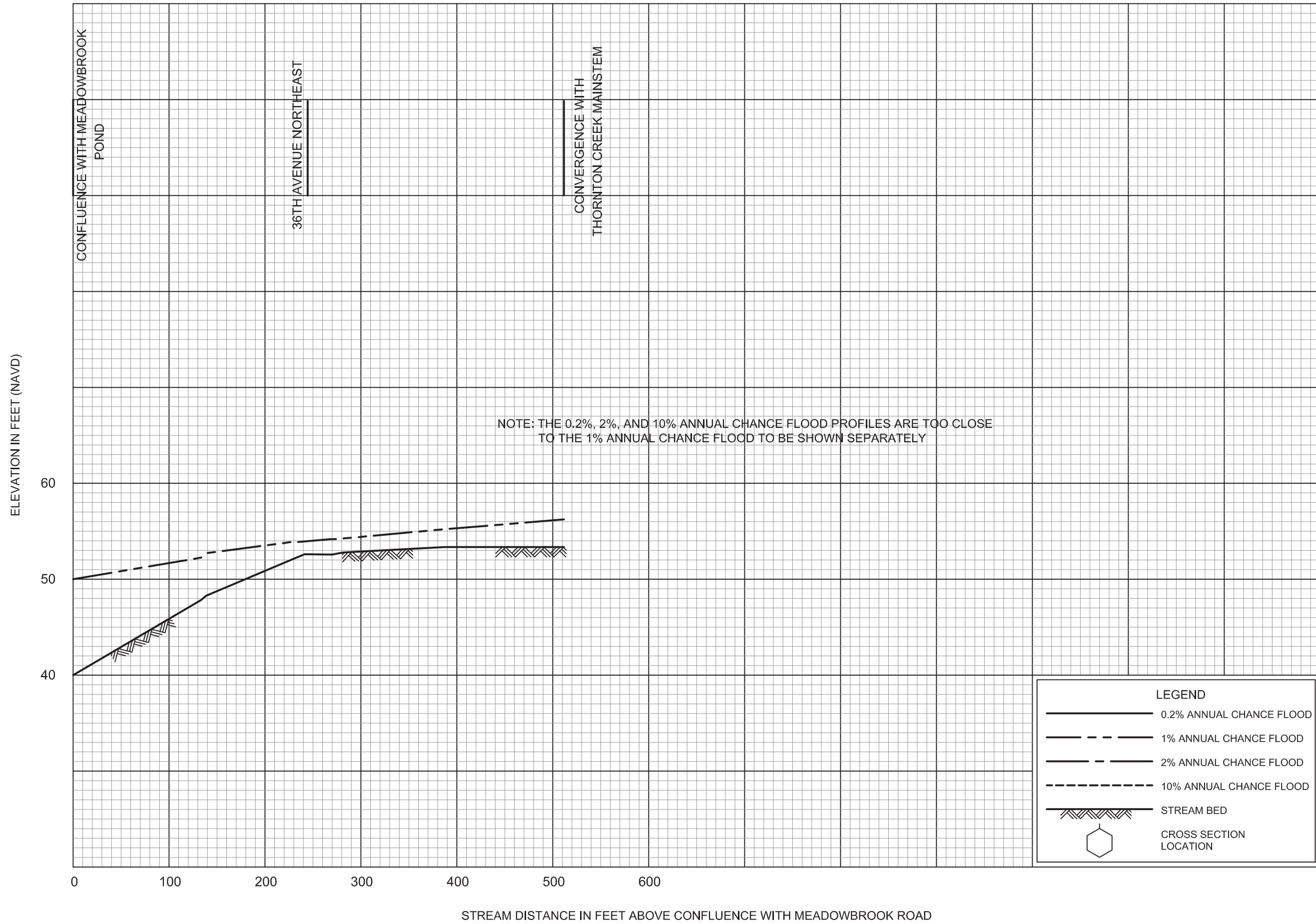


FLOOD PROFILES

THORNTON CREEK MAINSTEM/NORTH BRANCH

FEDERAL EMERGENCY MANAGEMENT AGENCY
KING COUNTY, WA
 AND INCORPORATED AREAS

282P

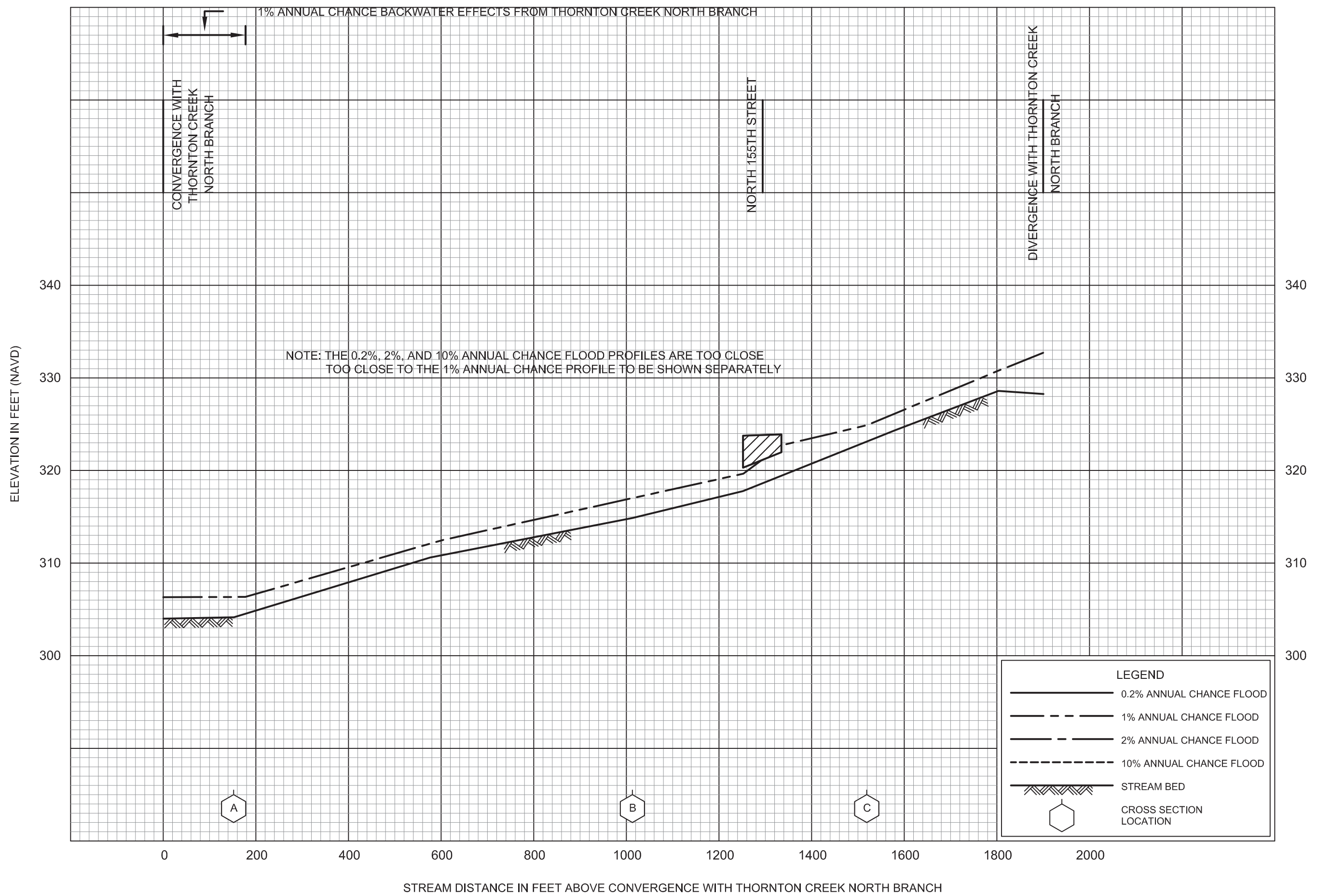


FLOOD PROFILES

THORNTON CREEK OVERFLOW

FEDERAL EMERGENCY MANAGEMENT AGENCY
KING COUNTY, WA
 AND INCORPORATED AREAS

283P

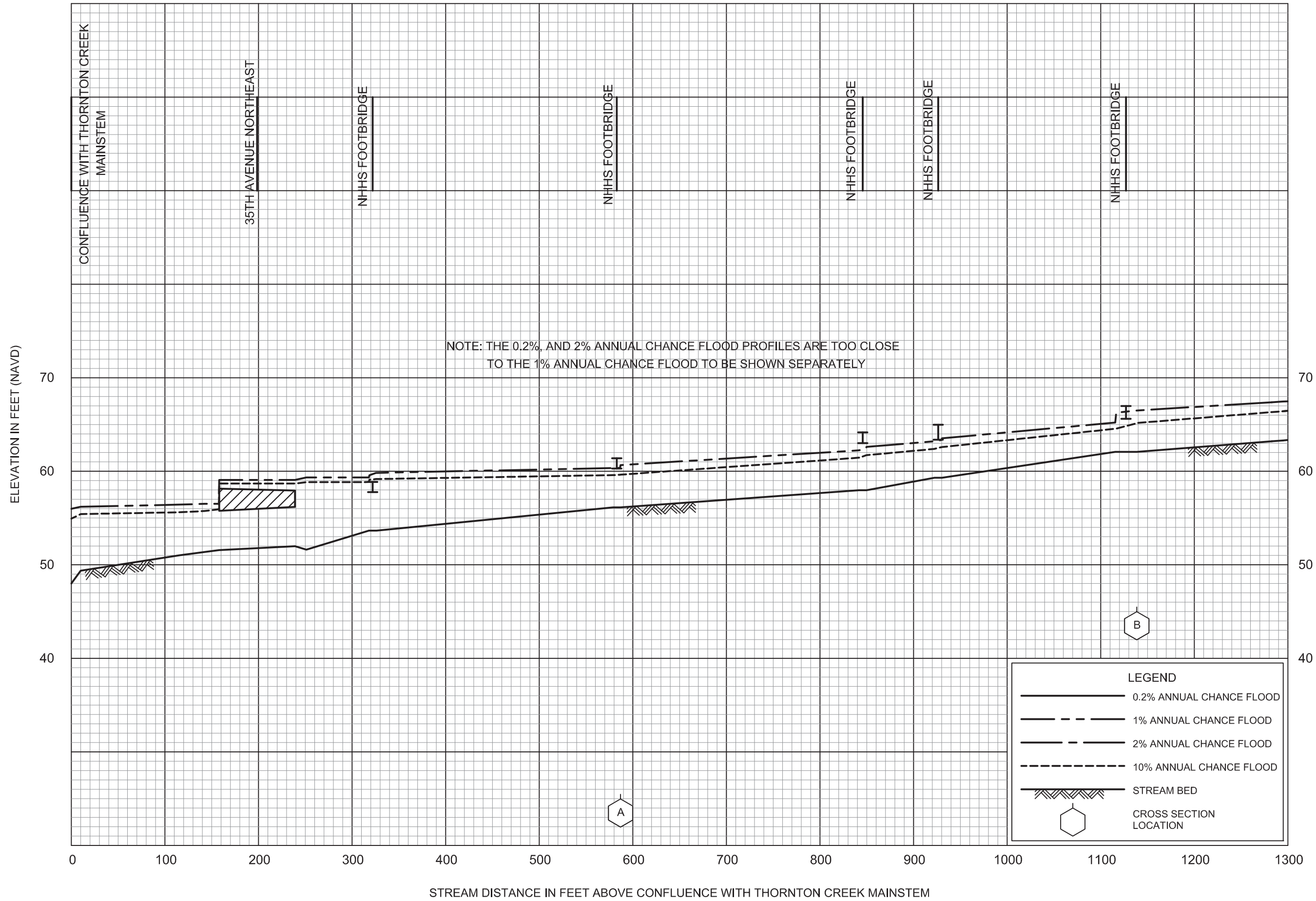


FLOOD PROFILES

THORNTON CREEK OVERFLOW BYPASS

FEDERAL EMERGENCY MANAGEMENT AGENCY
KING COUNTY, WA
 AND INCORPORATED AREAS

284P

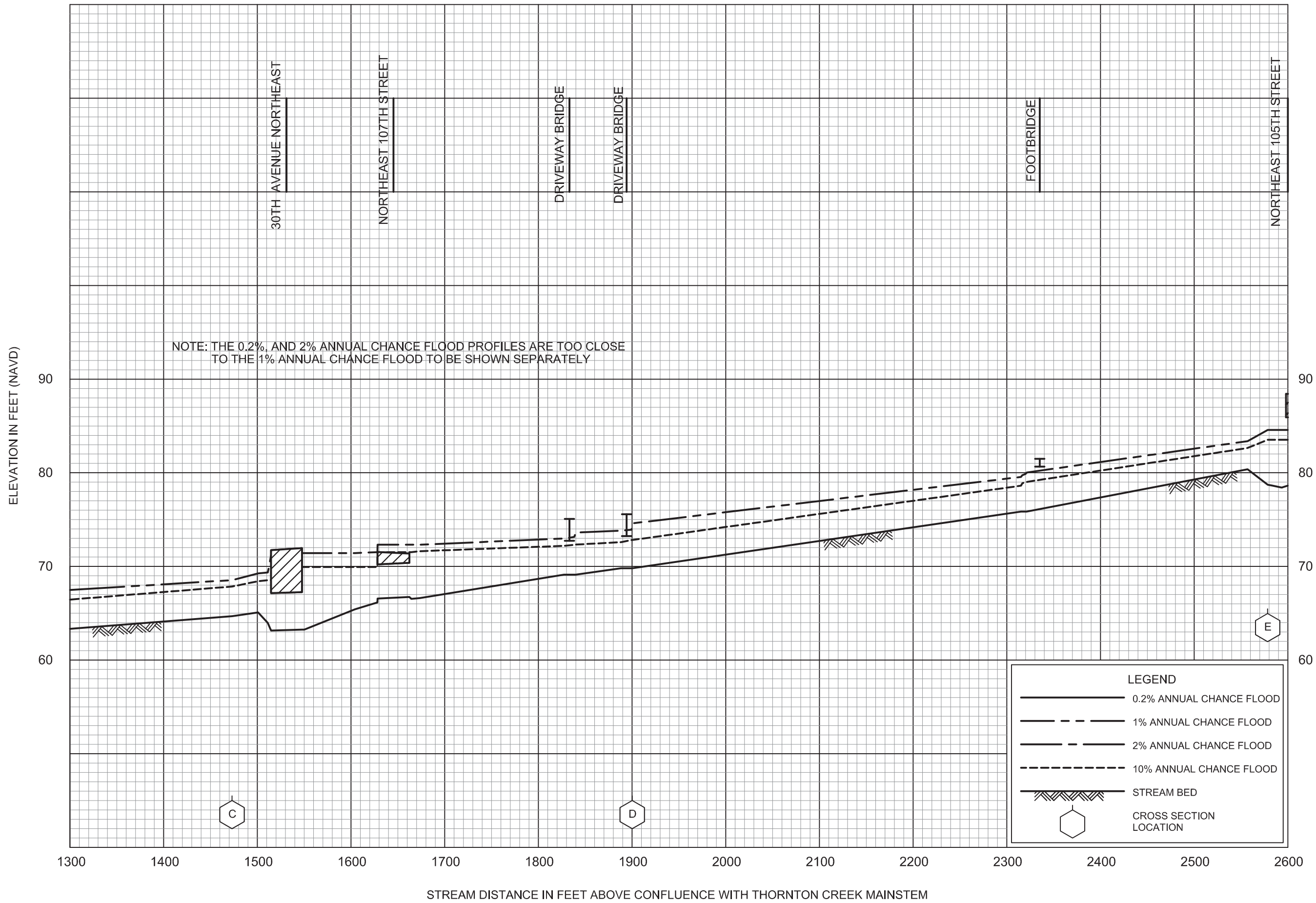


FLOOD PROFILES

THORNTON CREEK SOUTH BRANCH

FEDERAL EMERGENCY MANAGEMENT AGENCY
 KING COUNTY, WA
 AND INCORPORATED AREAS

285P

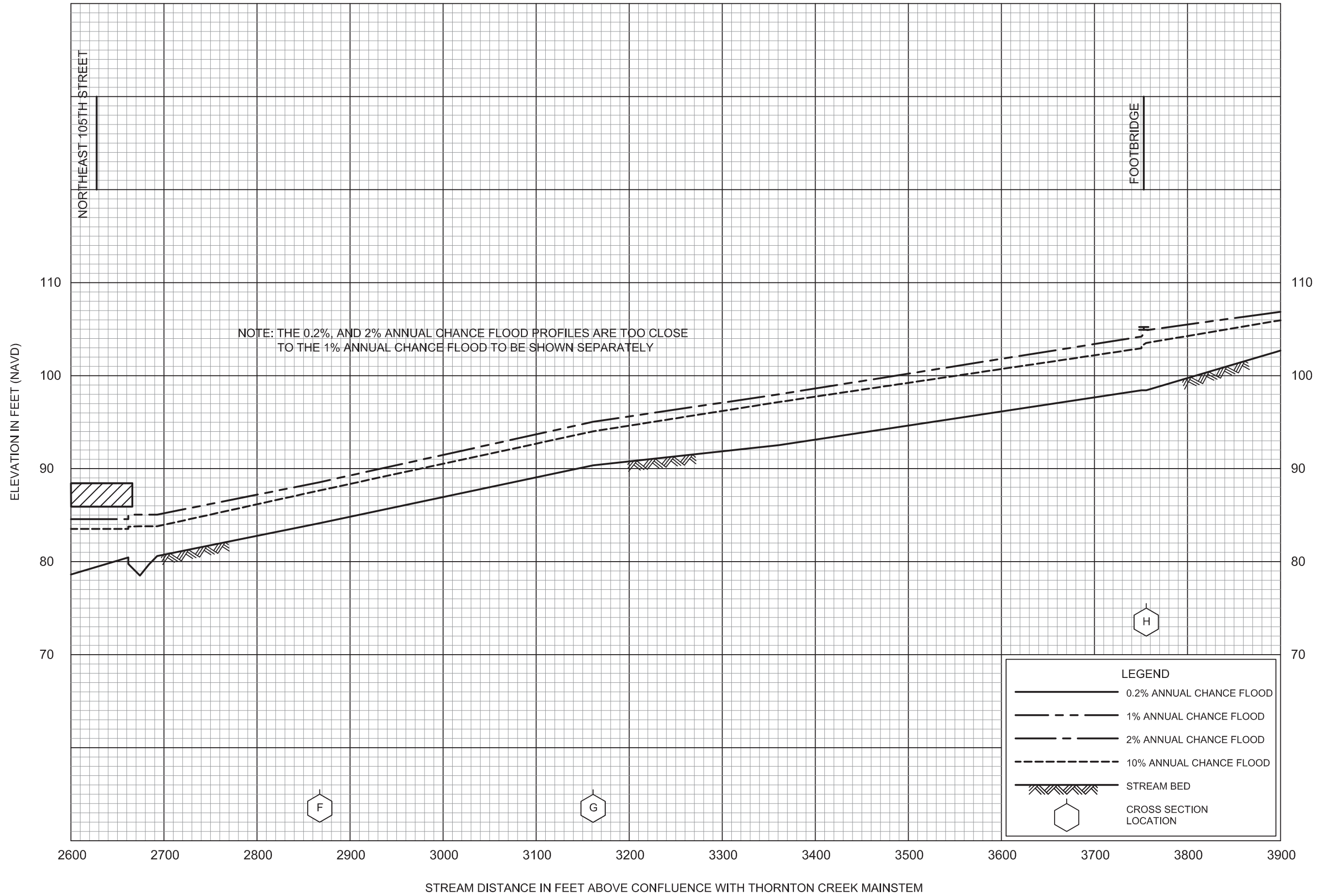


FLOOD PROFILES

THORNTON CREEK SOUTH BRANCH

FEDERAL EMERGENCY MANAGEMENT AGENCY
 KING COUNTY, WA
 AND INCORPORATED AREAS

286P



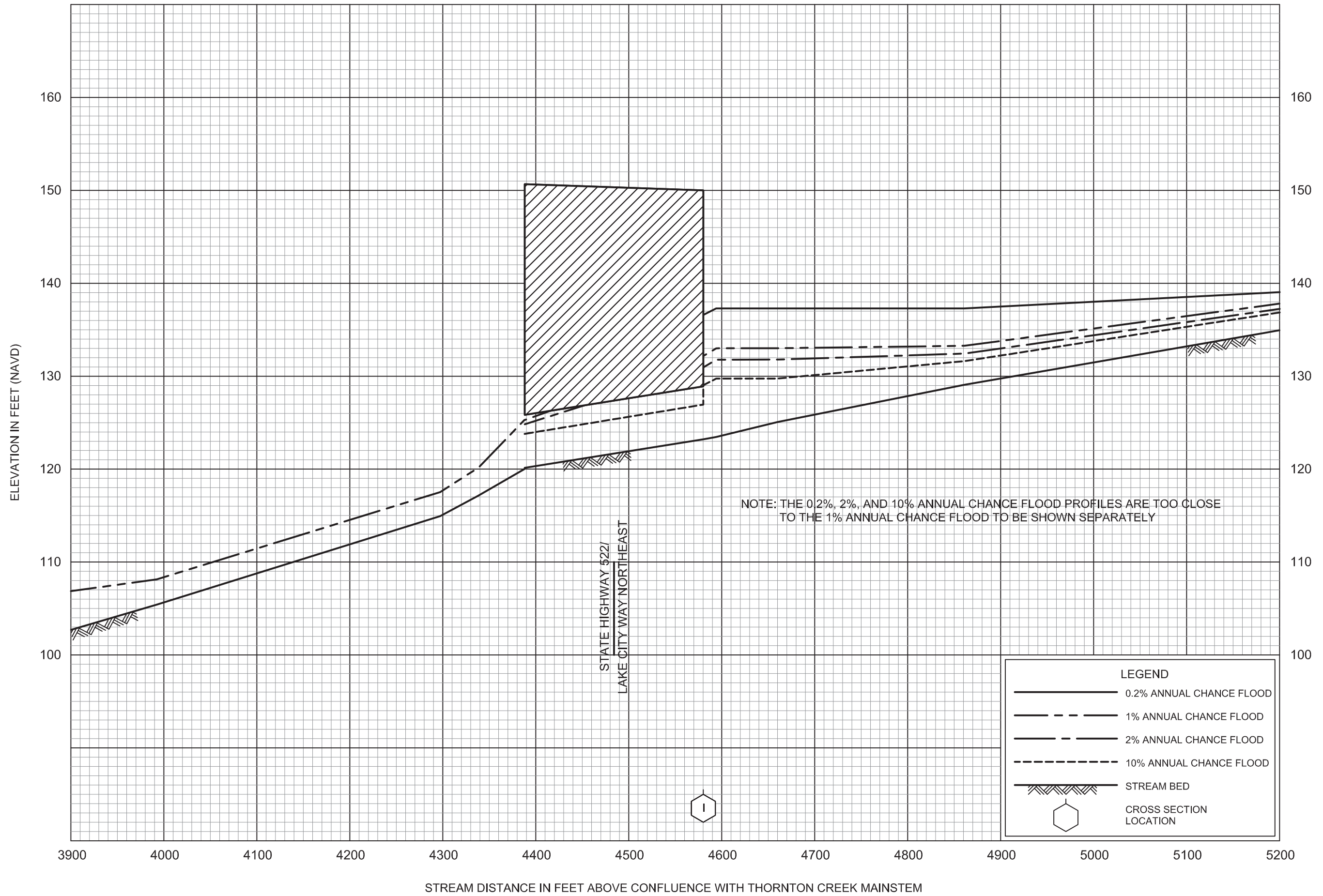
FLOOD PROFILES

THORNTON CREEK SOUTH BRANCH

FEDERAL EMERGENCY MANAGEMENT AGENCY

KING COUNTY, WA
AND INCORPORATED AREAS

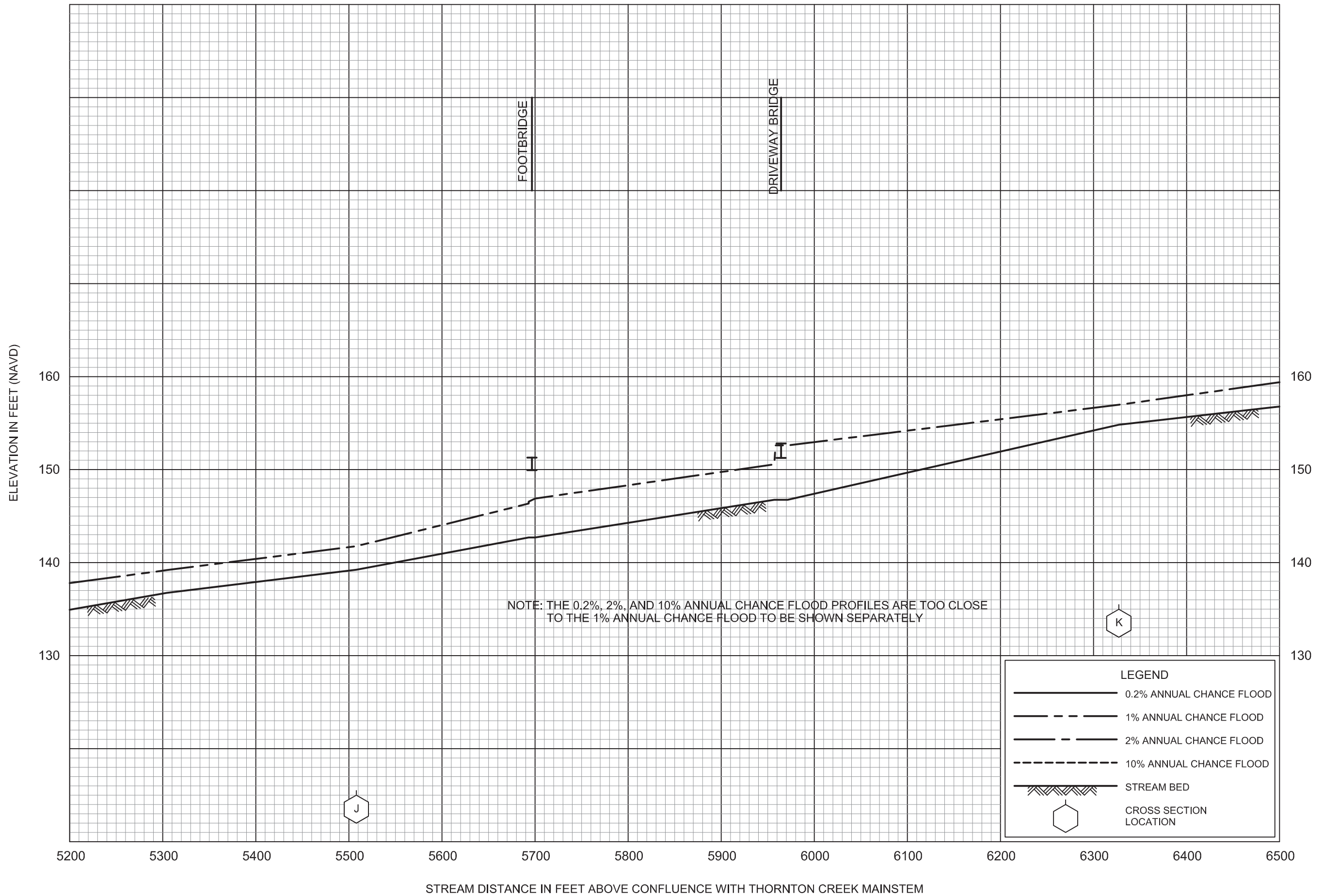
287P



FLOOD PROFILES
THORNTON CREEK SOUTH BRANCH

FEDERAL EMERGENCY MANAGEMENT AGENCY
KING COUNTY, WA
AND INCORPORATED AREAS

288P



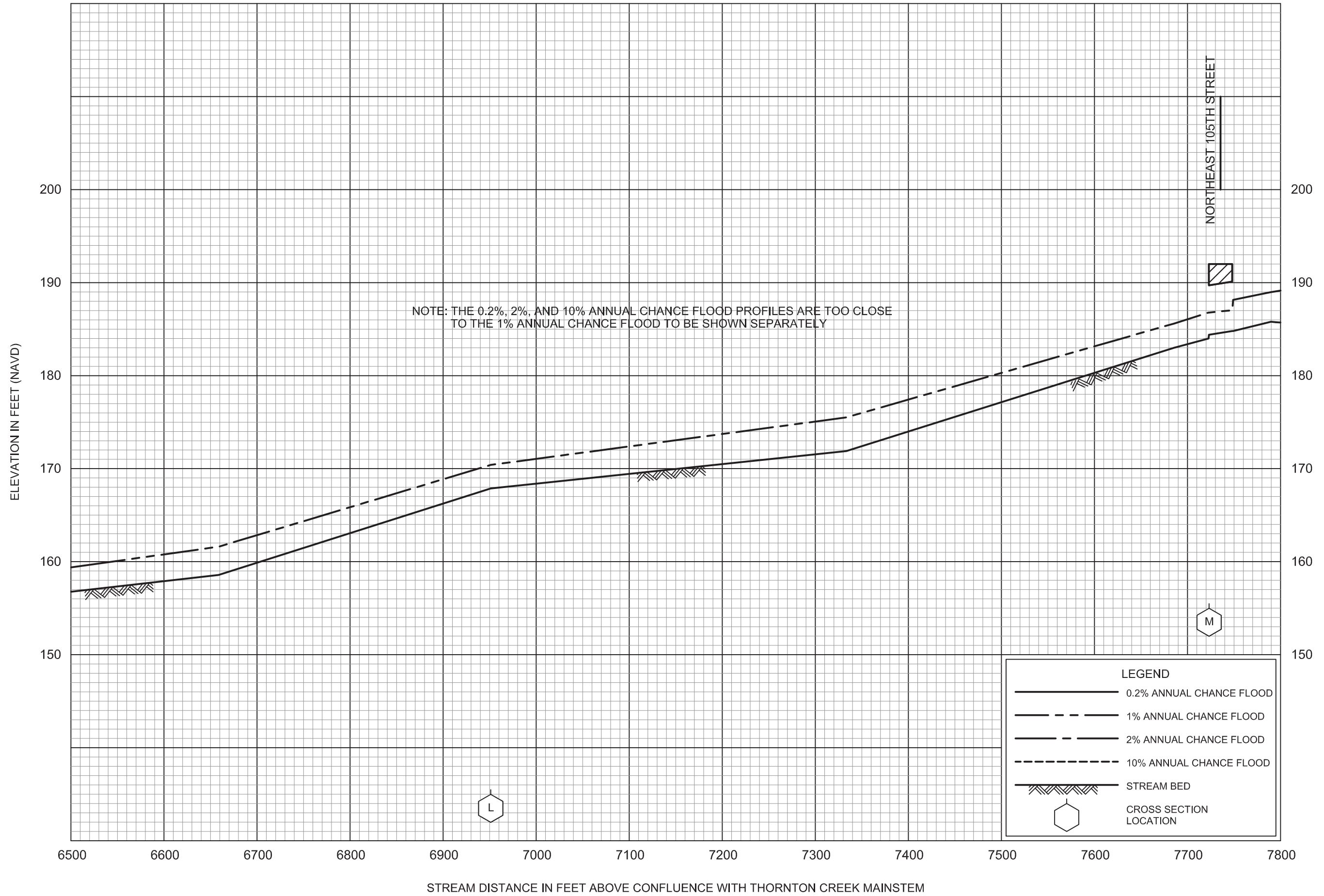
FLOOD PROFILES

THORNTON CREEK SOUTH BRANCH

FEDERAL EMERGENCY MANAGEMENT AGENCY

KING COUNTY, WA
AND INCORPORATED AREAS

289P



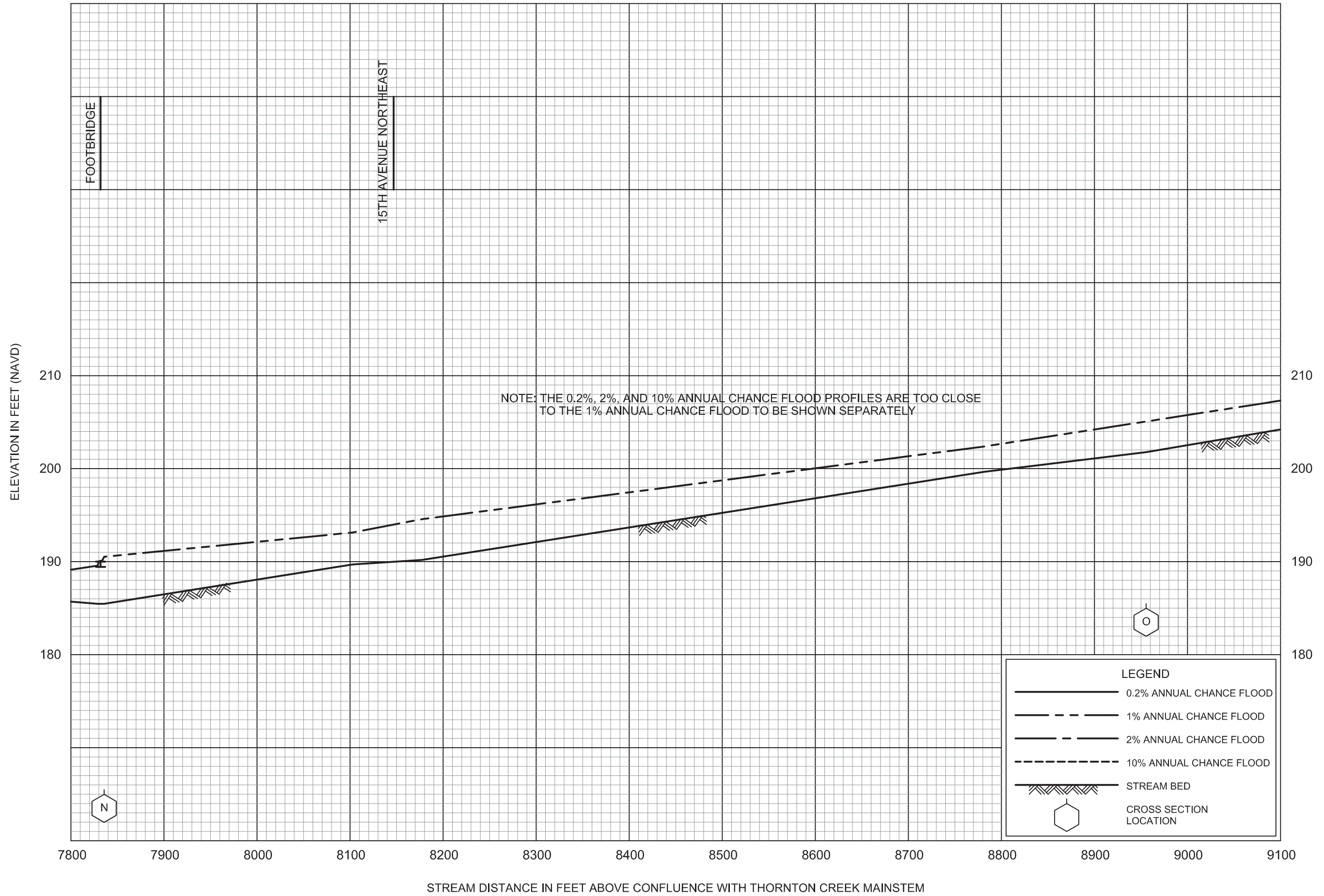
FLOOD PROFILES

THORNTON CREEK SOUTH BRANCH

FEDERAL EMERGENCY MANAGEMENT AGENCY

KING COUNTY, WA
AND INCORPORATED AREAS

290P



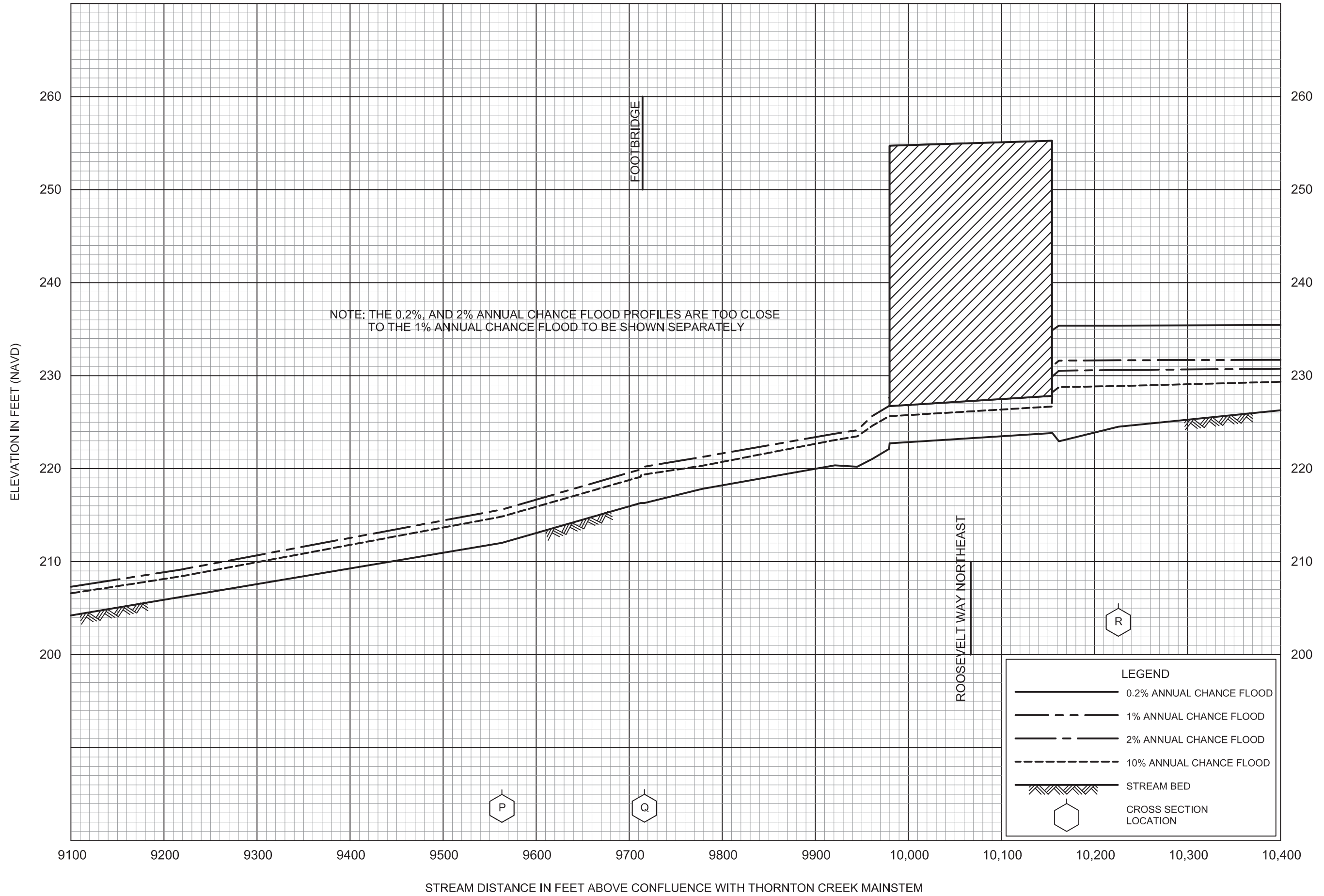
FLOOD PROFILES

THORNTON CREEK SOUTH BRANCH

FEDERAL EMERGENCY MANAGEMENT AGENCY

KING COUNTY, WA
AND INCORPORATED AREAS

291P



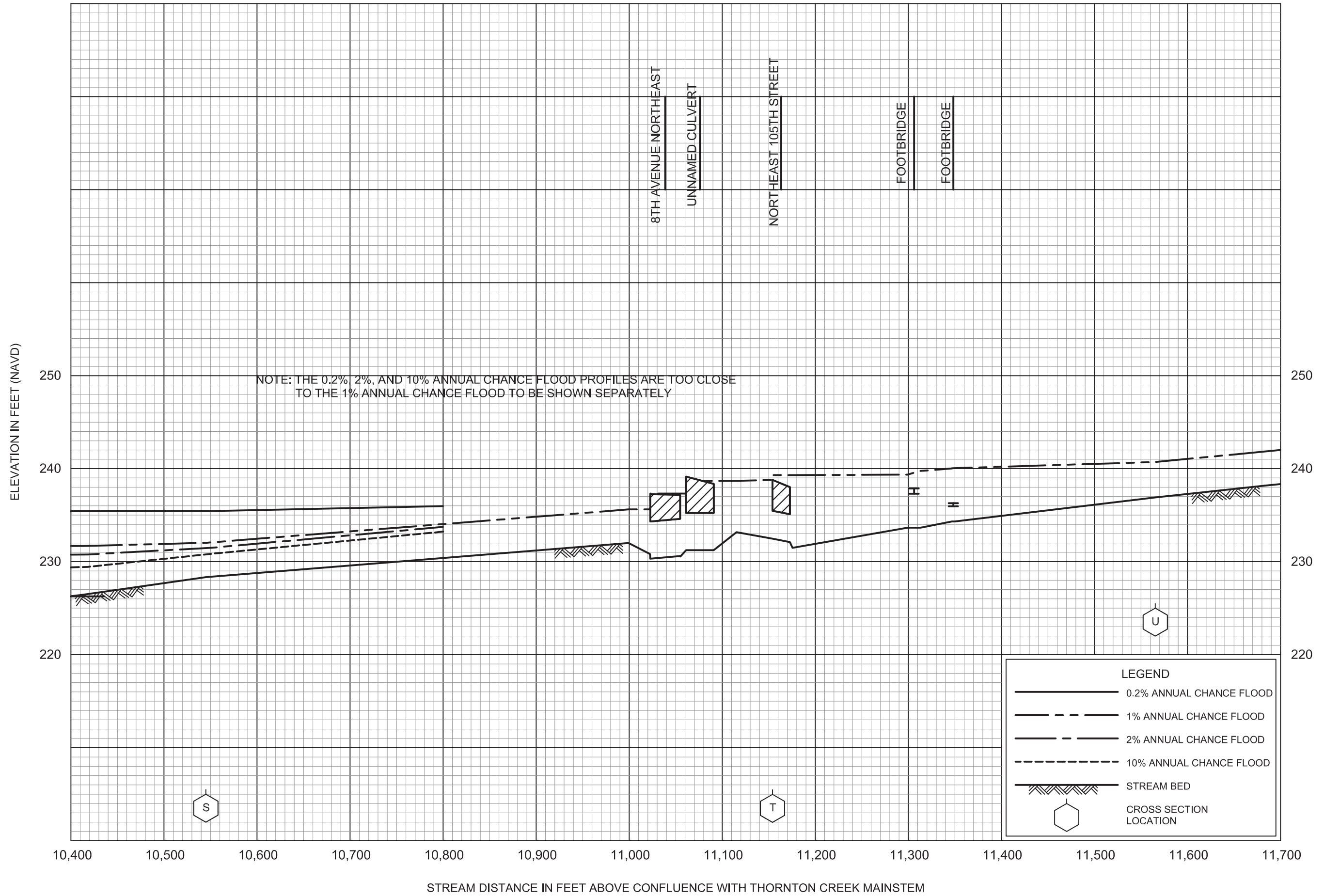
FLOOD PROFILES

THORNTON CREEK SOUTH BRANCH

FEDERAL EMERGENCY MANAGEMENT AGENCY

KING COUNTY, WA
AND INCORPORATED AREAS

292P



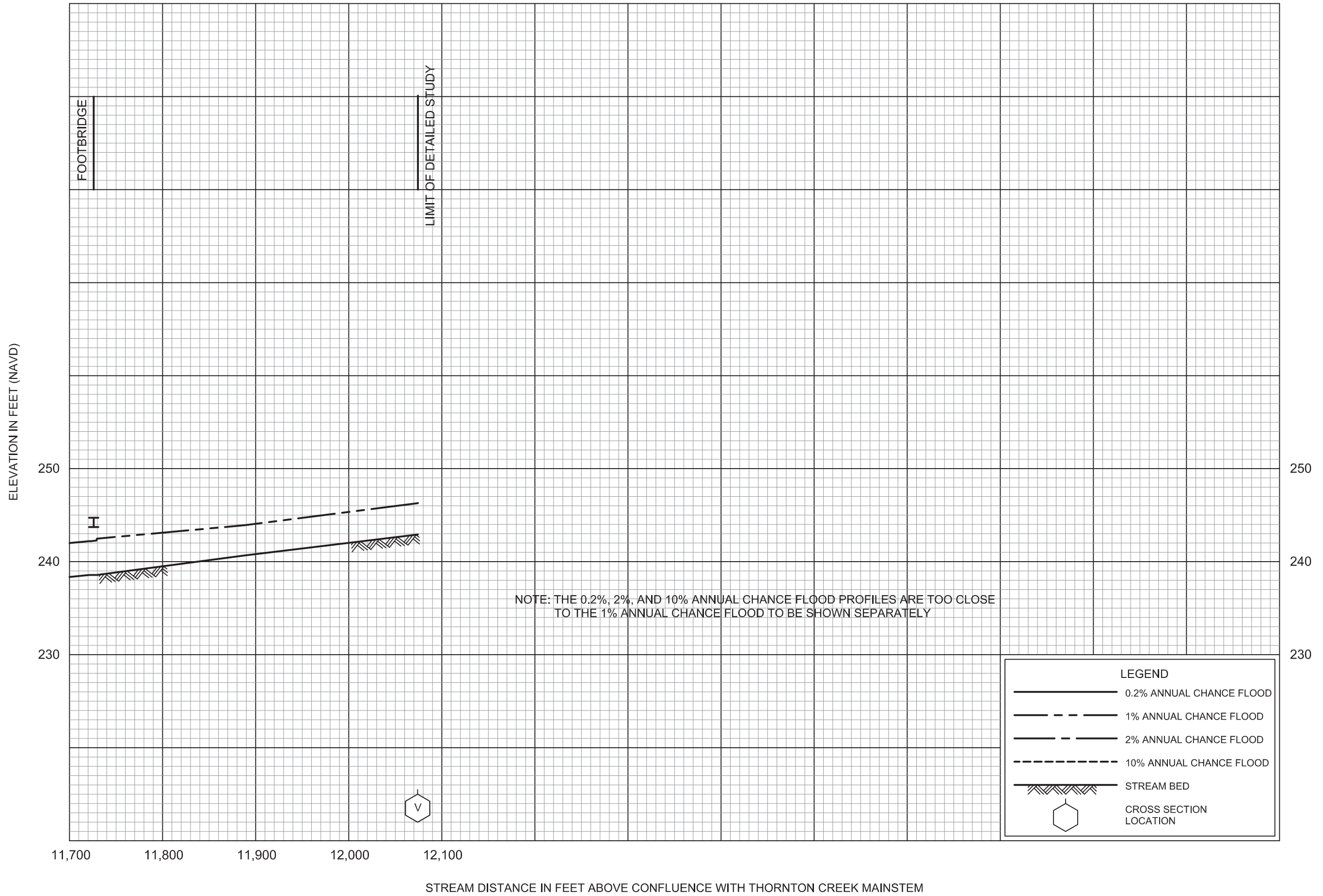
FLOOD PROFILES

THORNTON CREEK SOUTH BRANCH

FEDERAL EMERGENCY MANAGEMENT AGENCY

KING COUNTY, WA
AND INCORPORATED AREAS

293P



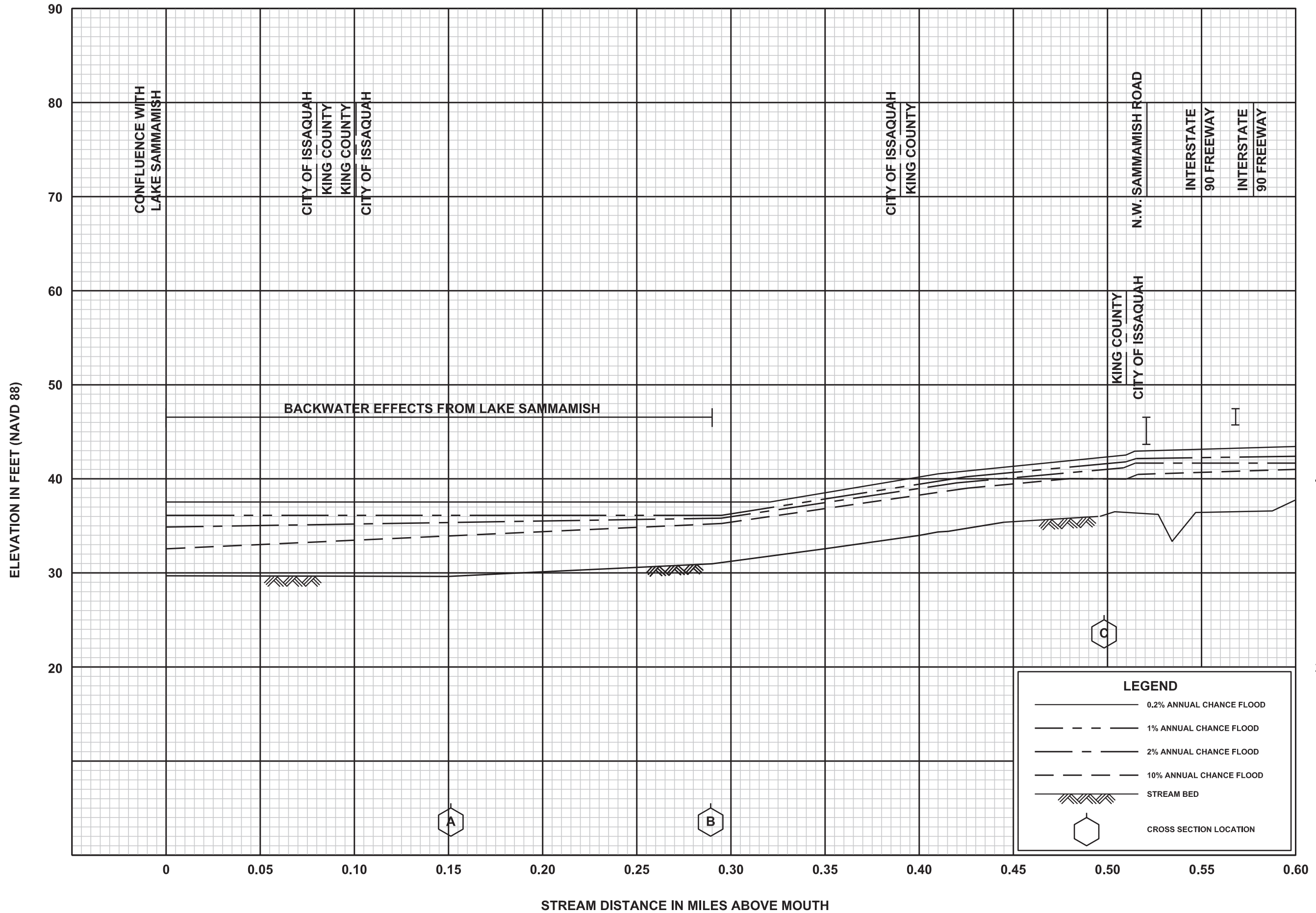
FLOOD PROFILES

THORNTON CREEK SOUTH BRANCH

FEDERAL EMERGENCY MANAGEMENT AGENCY

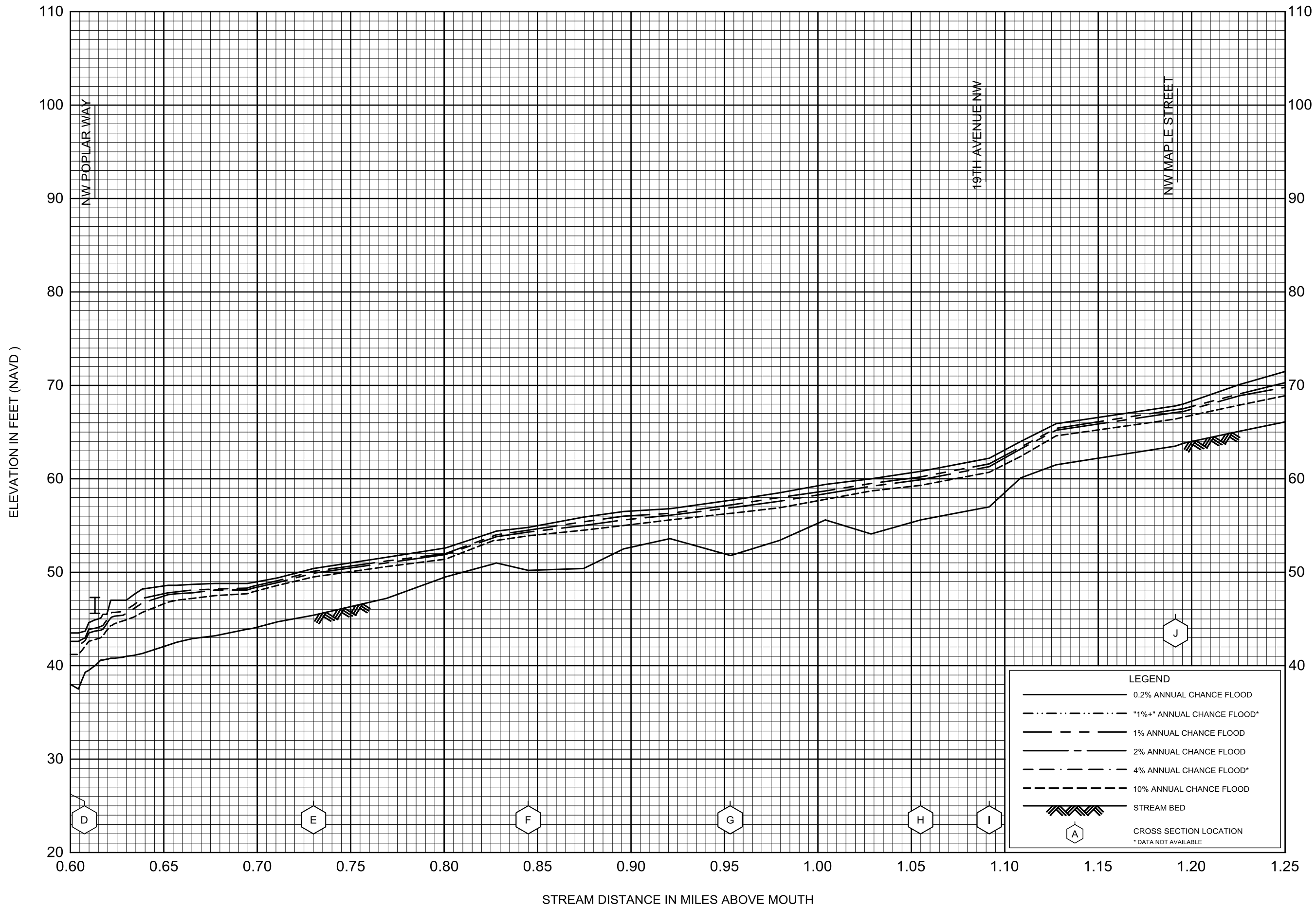
KING COUNTY, WA
AND INCORPORATED AREAS

294P



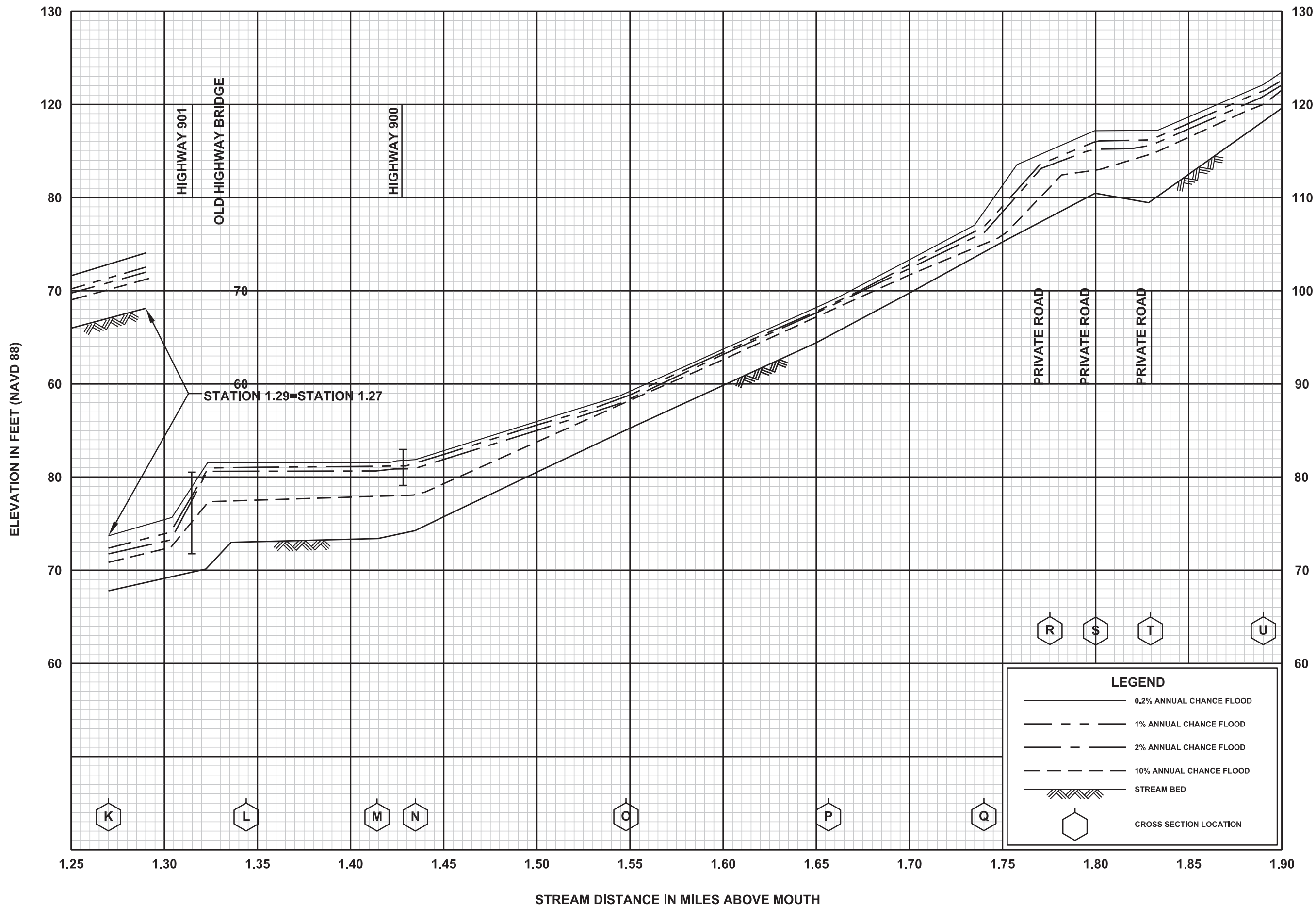
FLOOD PROFILES
TIBBETTS CREEK

FEDERAL EMERGENCY MANAGEMENT AGENCY
KING COUNTY, WA
AND INCORPORATED AREAS



FLOOD PROFILES
TIBBETTS CREEK

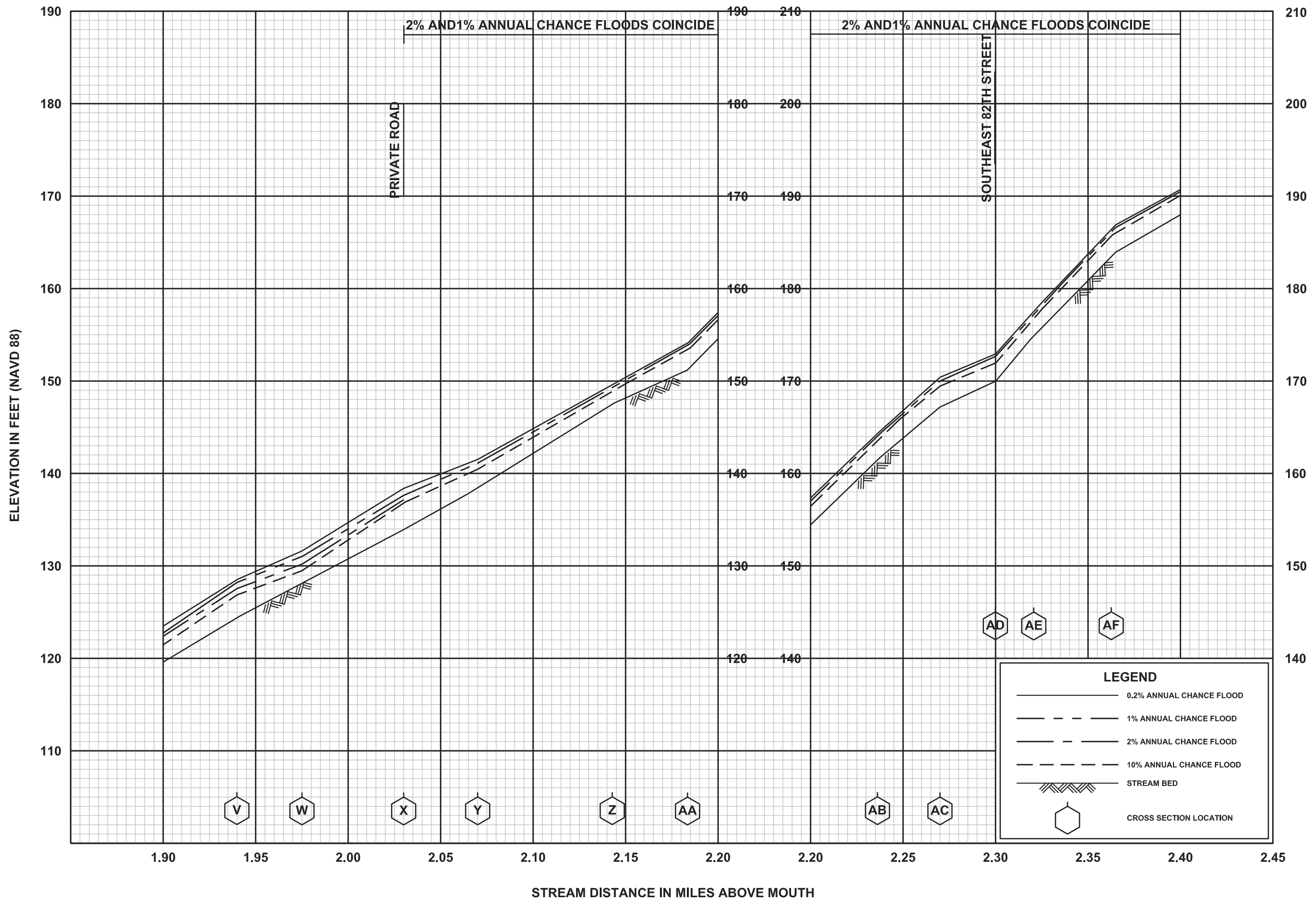
FEDERAL EMERGENCY MANAGEMENT AGENCY
KING COUNTY, WA
AND INCORPORATED AREAS



FLOOD PROFILES
TIBBETTS CREEK

FEDERAL EMERGENCY MANAGEMENT AGENCY
KING COUNTY, WA
AND INCORPORATED AREAS

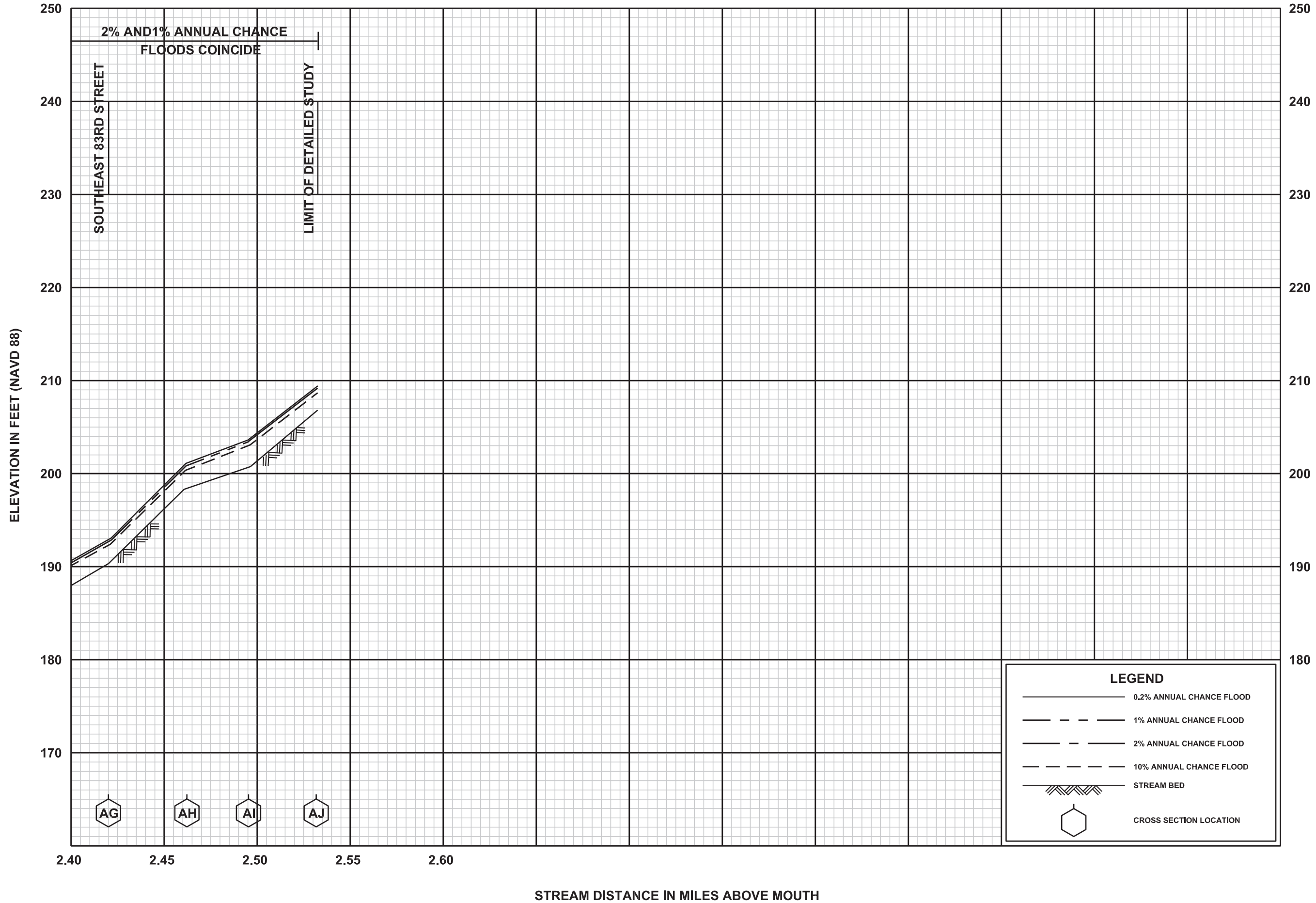
297P

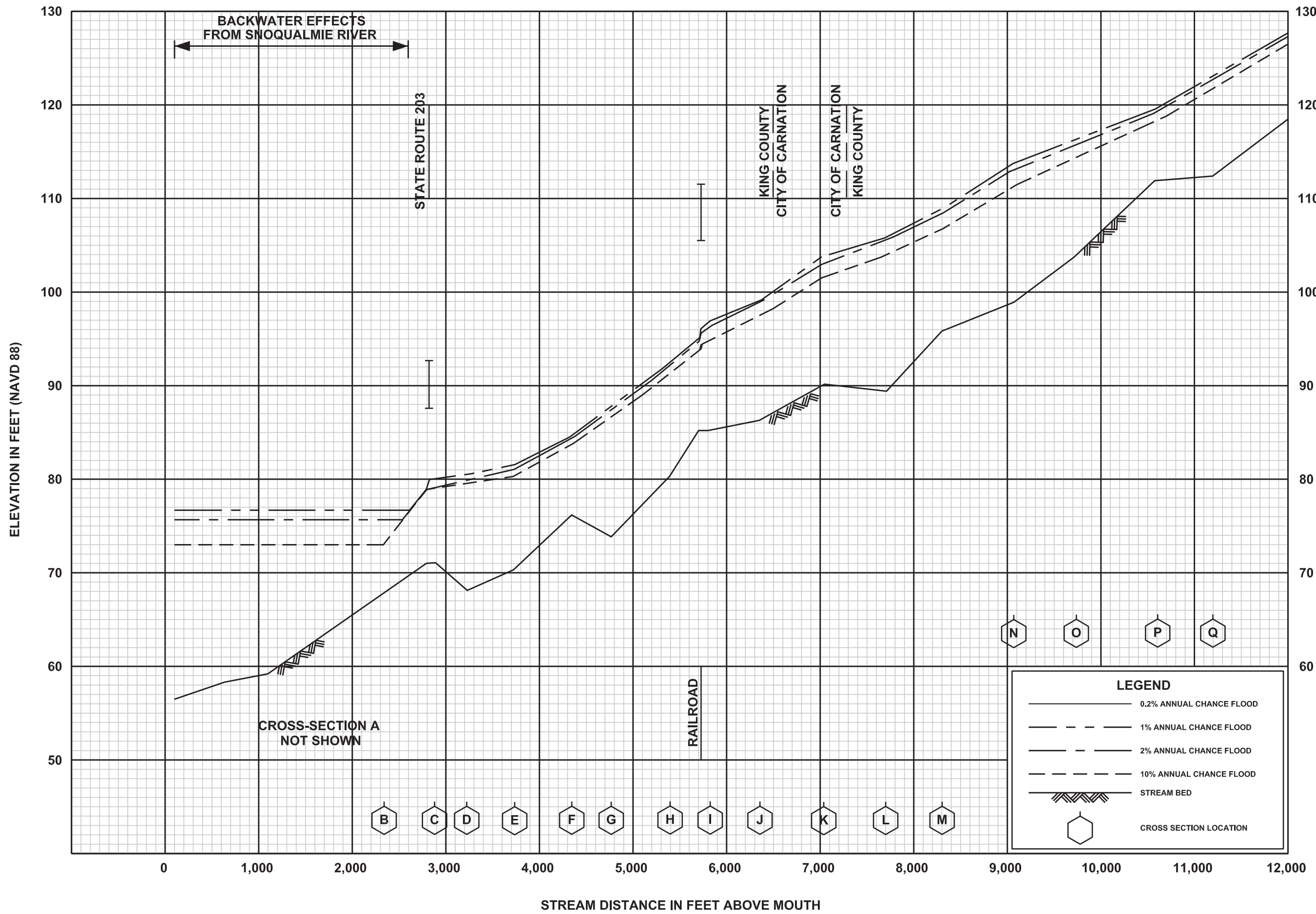


**FLOOD PROFILES
TIBBETTS CREEK**

FEDERAL EMERGENCY MANAGEMENT AGENCY
KING COUNTY, WA
AND INCORPORATED AREAS

298P

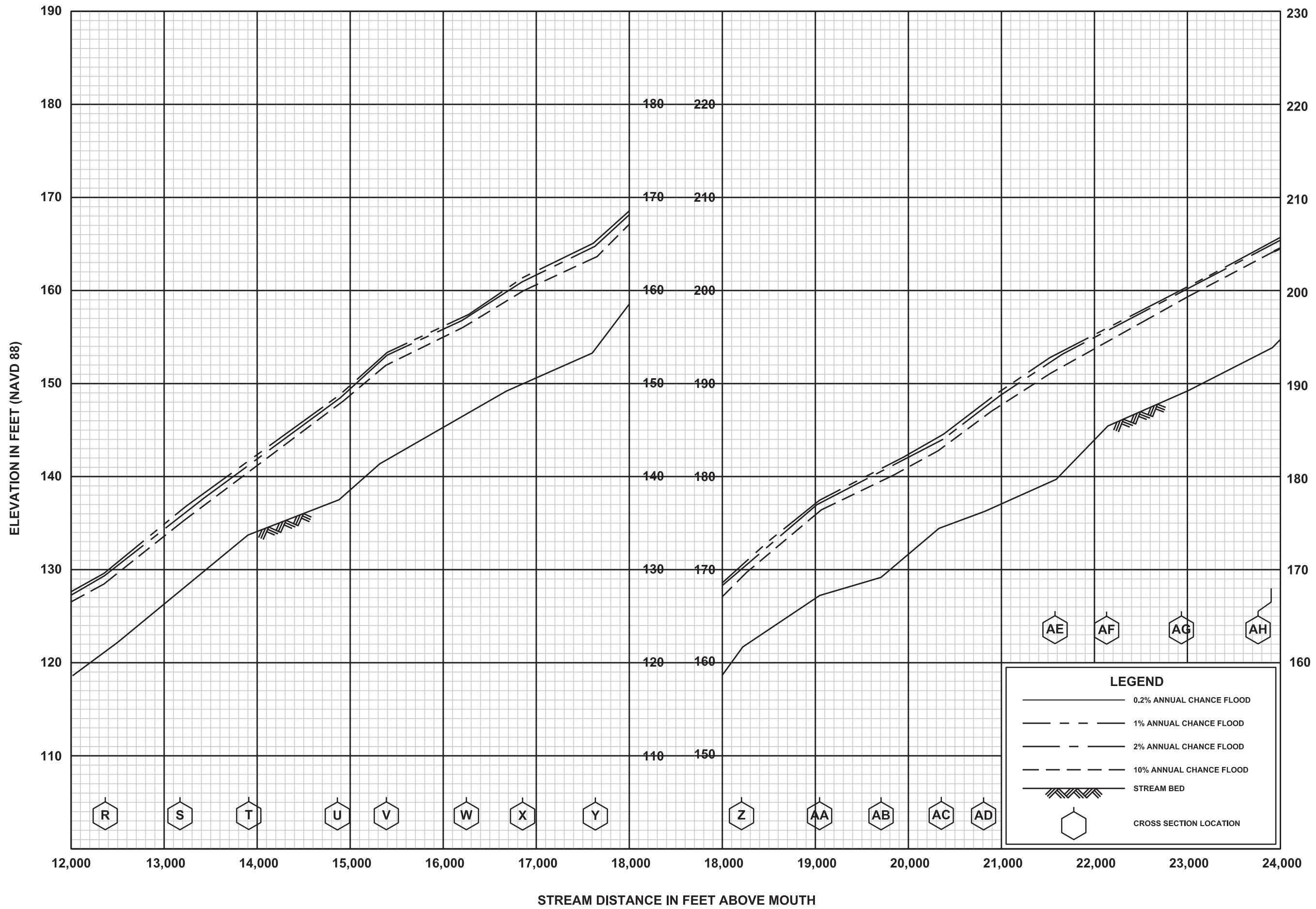




FLOOD PROFILES
TOLT RIVER (WITH LEVEES)

FEDERAL EMERGENCY MANAGEMENT AGENCY
KING COUNTY, WA
AND INCORPORATED AREAS

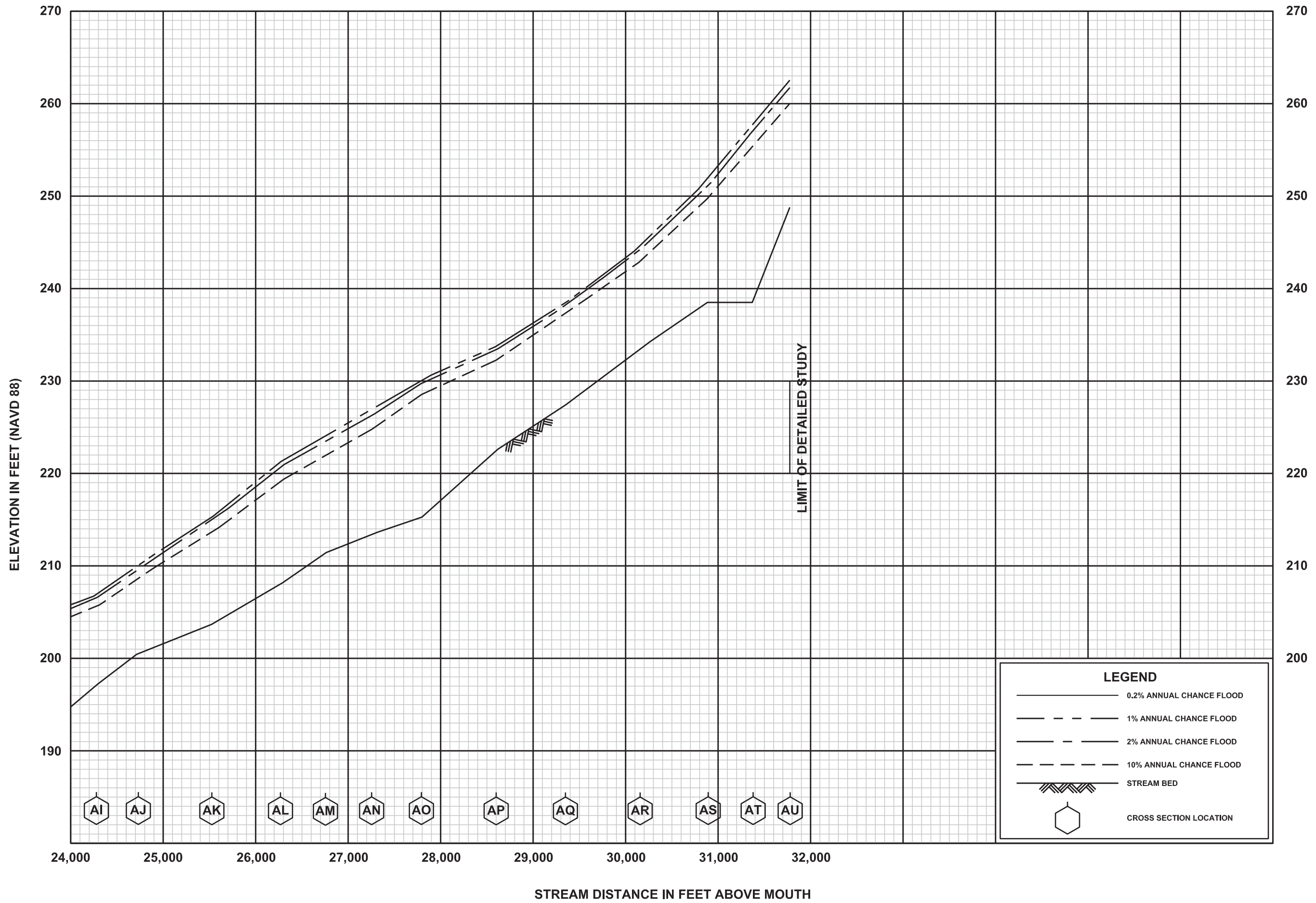
300P



FLOOD PROFILES
TOLT RIVER (WITH LEVEES)

FEDERAL EMERGENCY MANAGEMENT AGENCY
KING COUNTY, WA
AND INCORPORATED AREAS

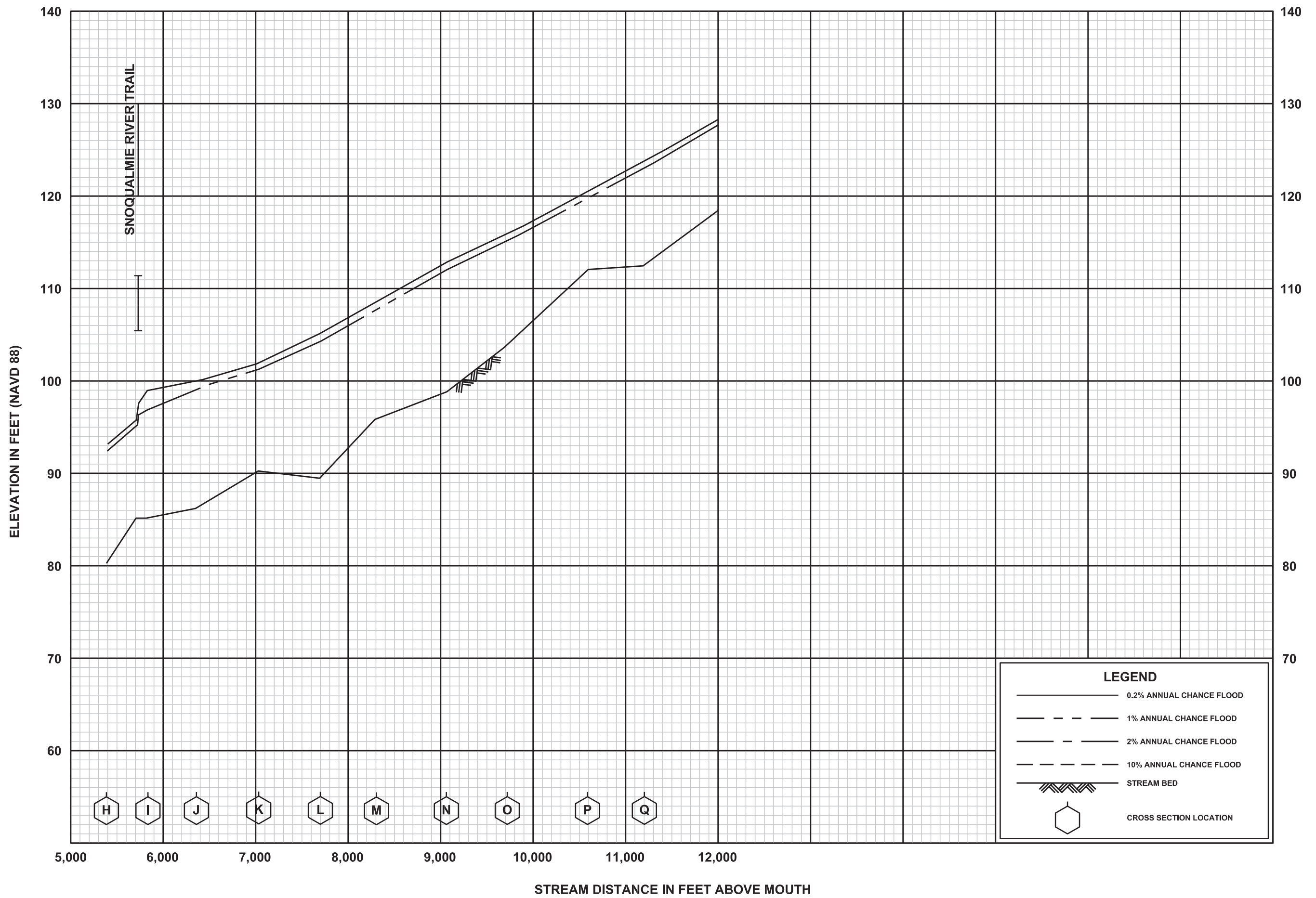
301P



**FLOOD PROFILES
TOLT RIVER (WITH LEVEES)**

FEDERAL EMERGENCY MANAGEMENT AGENCY
KING COUNTY, WA
AND INCORPORATED AREAS

302P

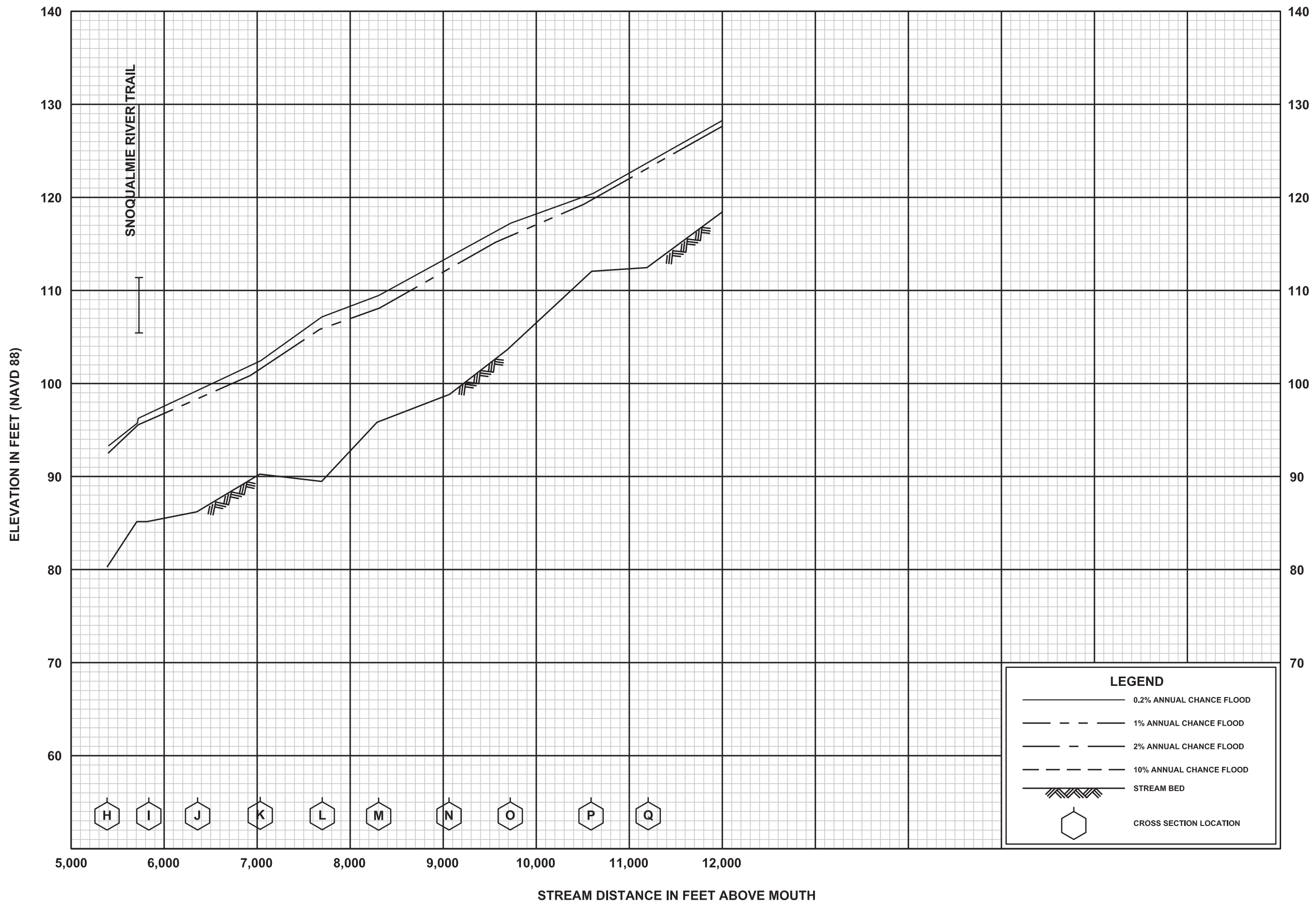


FLOOD PROFILES

TOLT RIVER (WITHOUT LEFT LEVEE)

FEDERAL EMERGENCY MANAGEMENT AGENCY
KING COUNTY, WA
 AND INCORPORATED AREAS

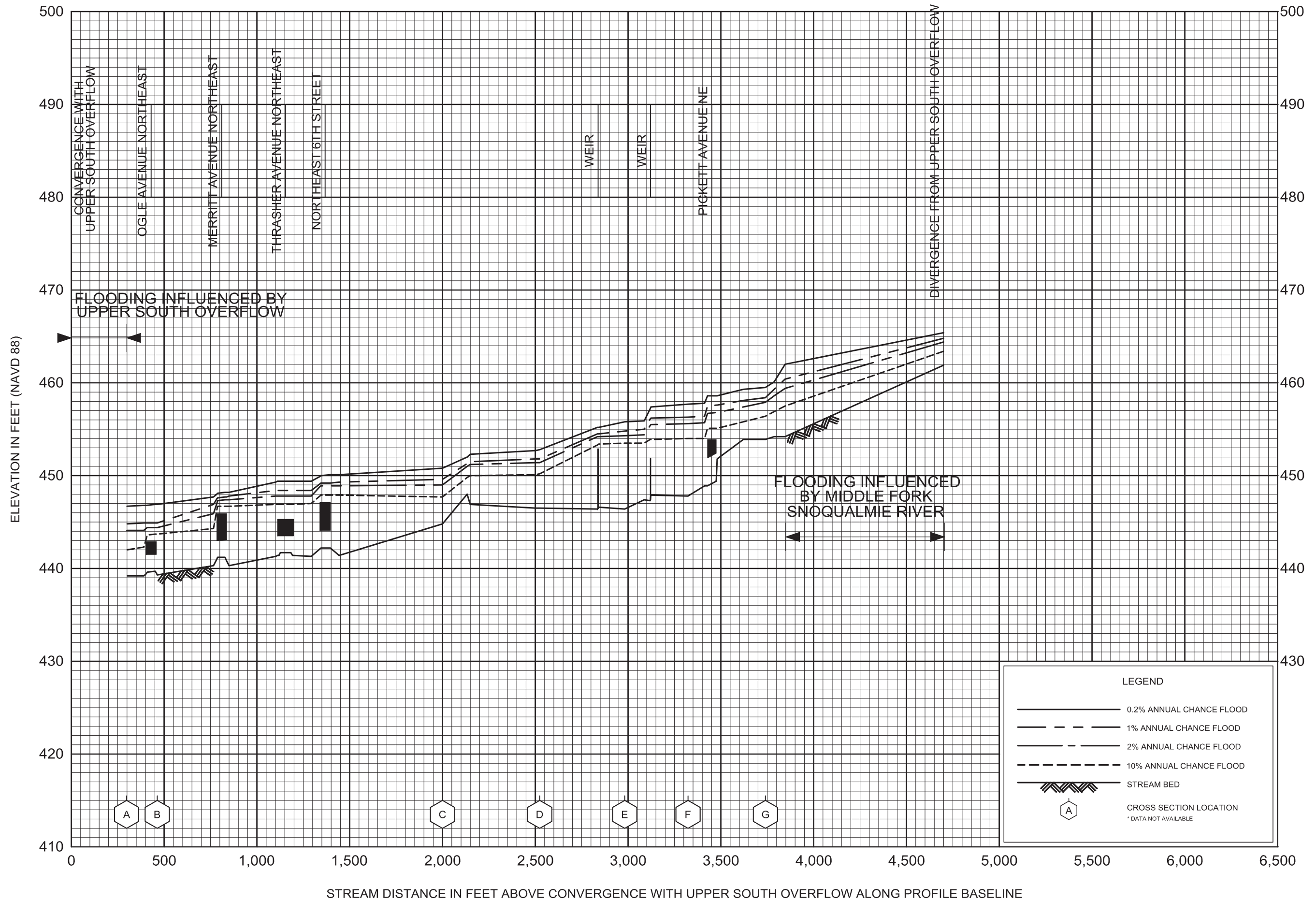
303P



FEDERAL EMERGENCY MANAGEMENT AGENCY
KING COUNTY, WA
AND INCORPORATED AREAS

FLOOD PROFILES
TOLT RIVER (WITHOUT RIGHT LEVEE)

304P

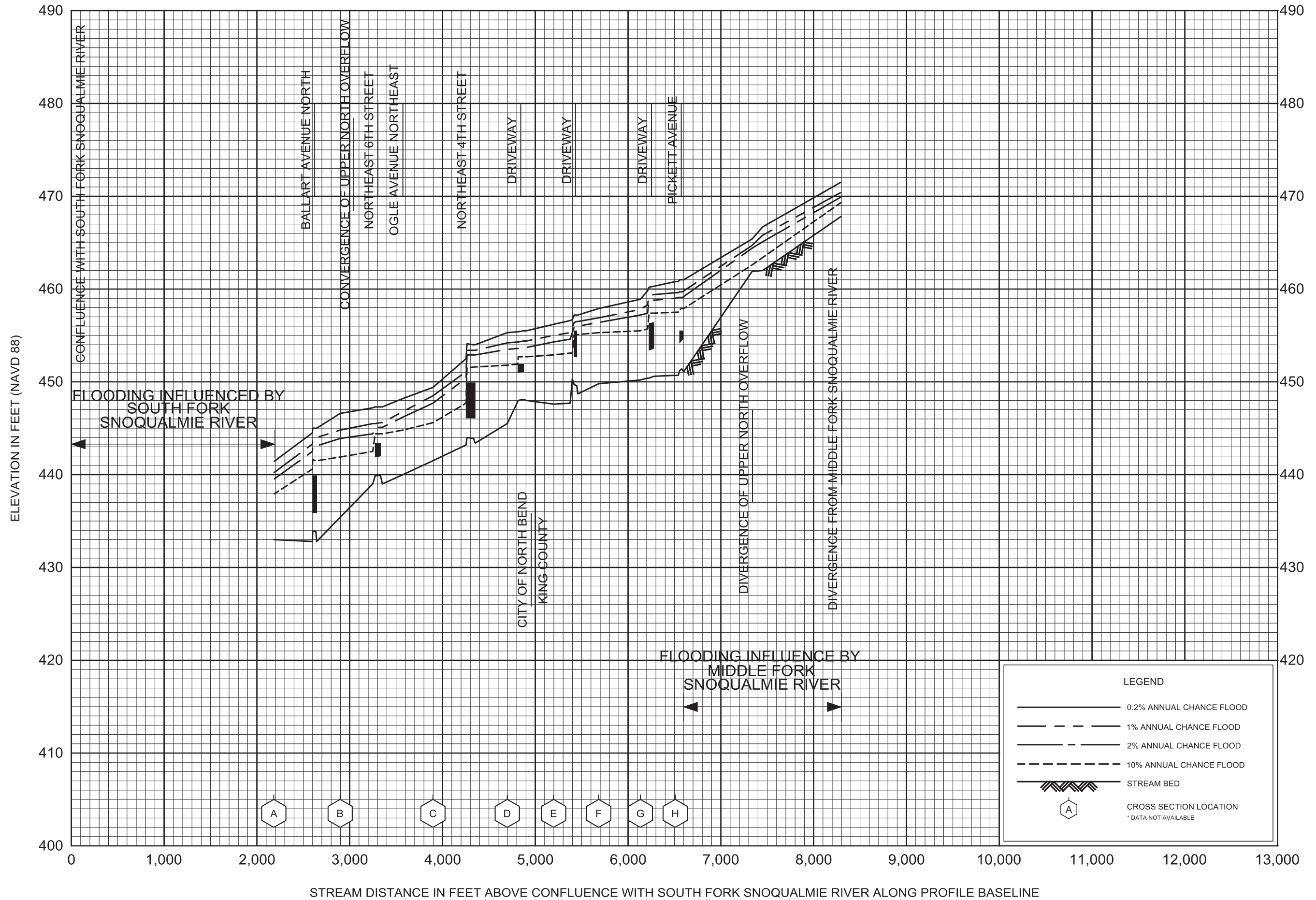


FLOOD PROFILES

UPPER NORTH OVERFLOW

FEDERAL EMERGENCY MANAGEMENT AGENCY

KING COUNTY, WA
AND INCORPORATED AREAS

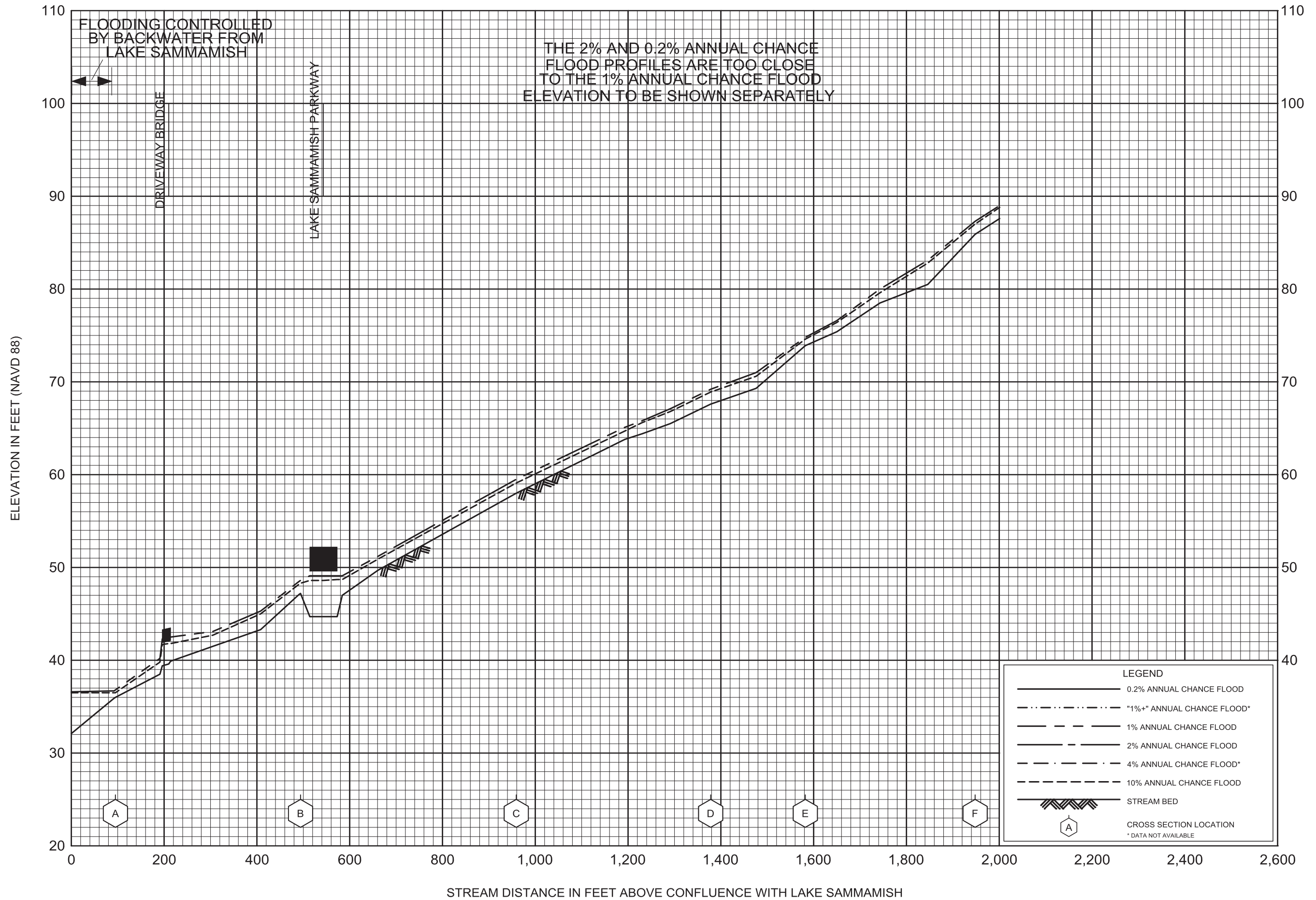


FLOOD PROFILES

UPPER SOUTH OVERFLOW

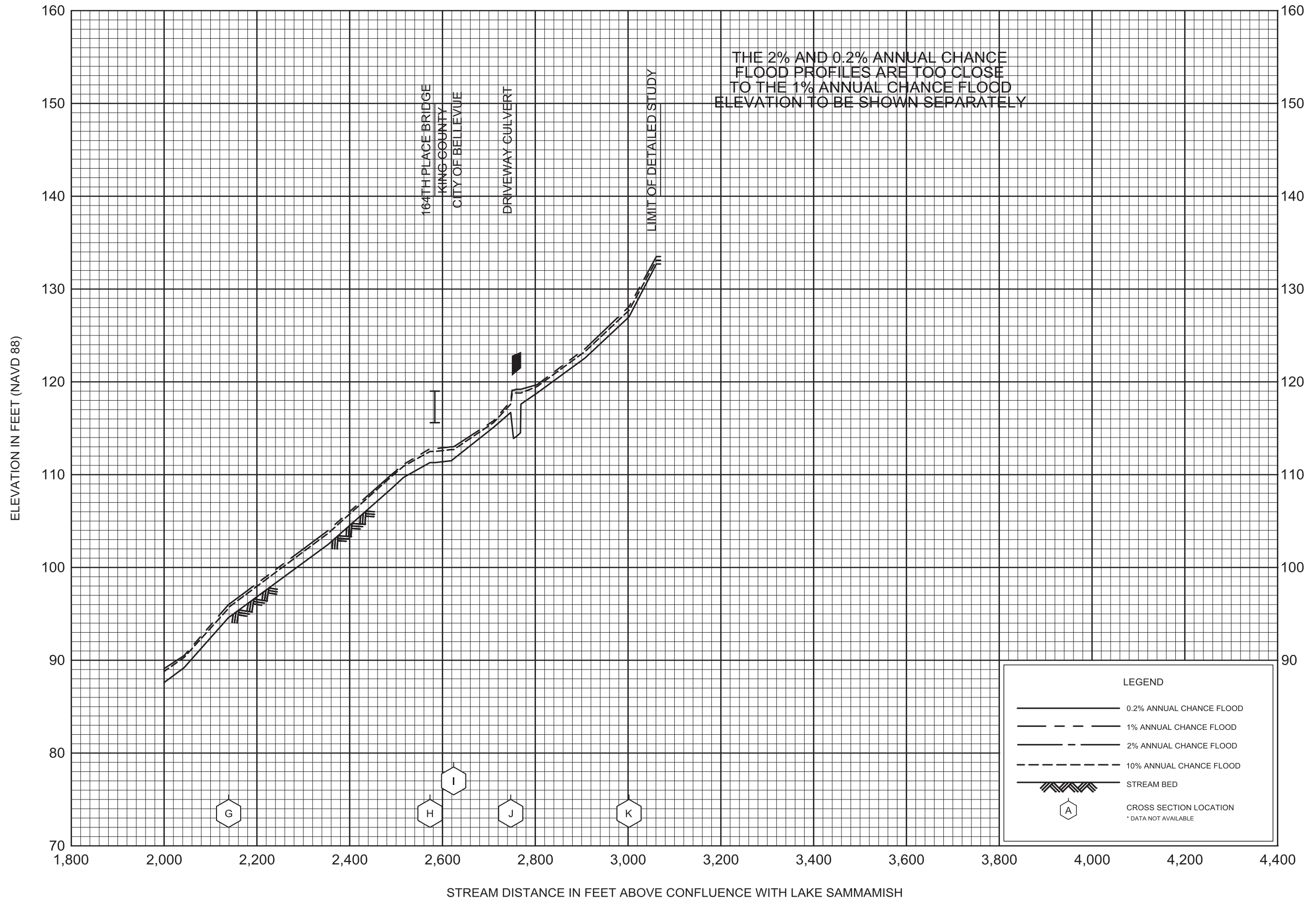
FEDERAL EMERGENCY MANAGEMENT AGENCY

KING COUNTY, WA
AND INCORPORATED AREAS



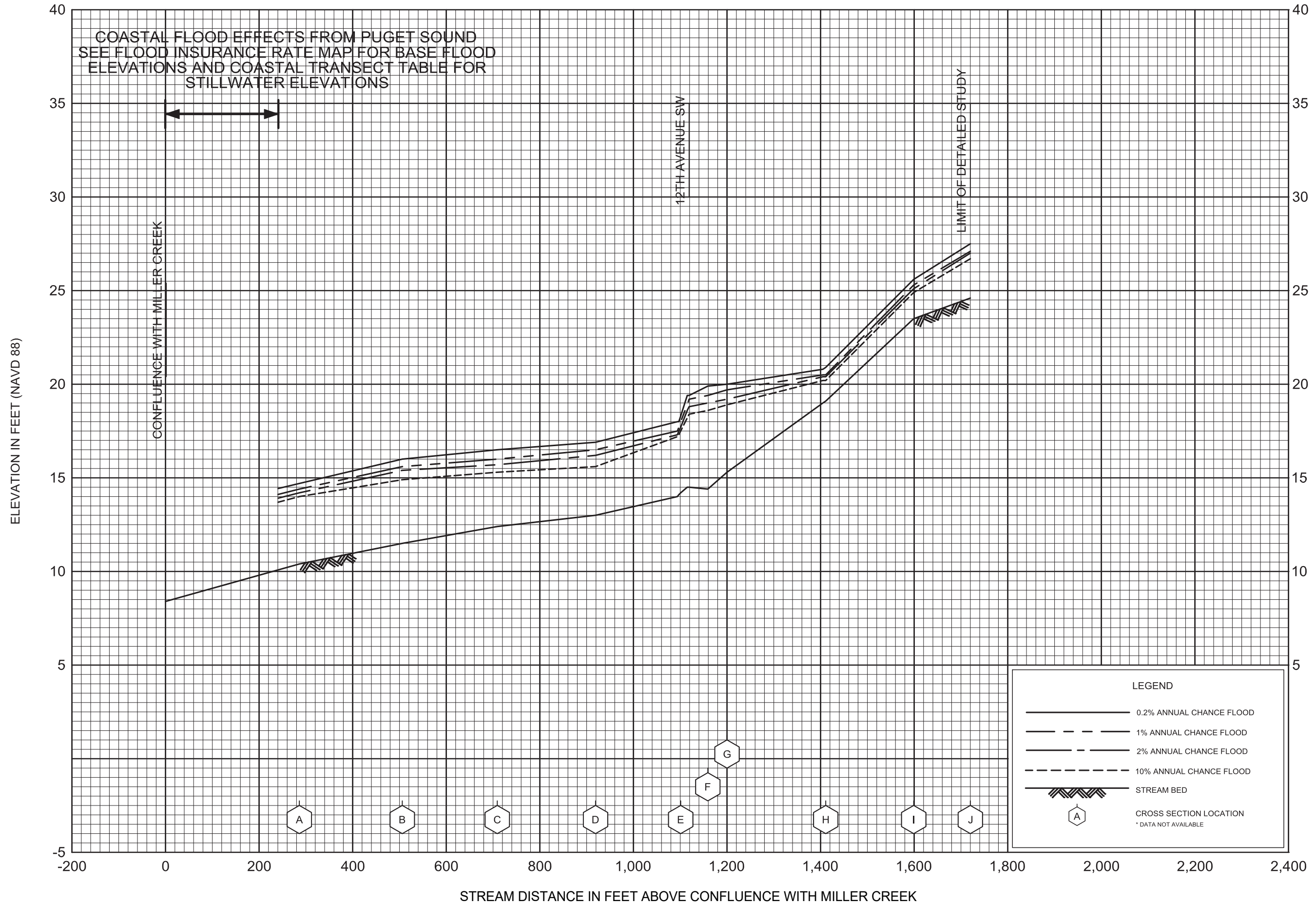
FLOOD PROFILES
VASA CREEK (LOWER VASA CREEK)

FEDERAL EMERGENCY MANAGEMENT AGENCY
KING COUNTY, WA
 AND INCORPORATED AREAS



FLOOD PROFILES
VASA CREEK (LOWER VASA CREEK)

FEDERAL EMERGENCY MANAGEMENT AGENCY
KING COUNTY, WA
AND INCORPORATED AREAS

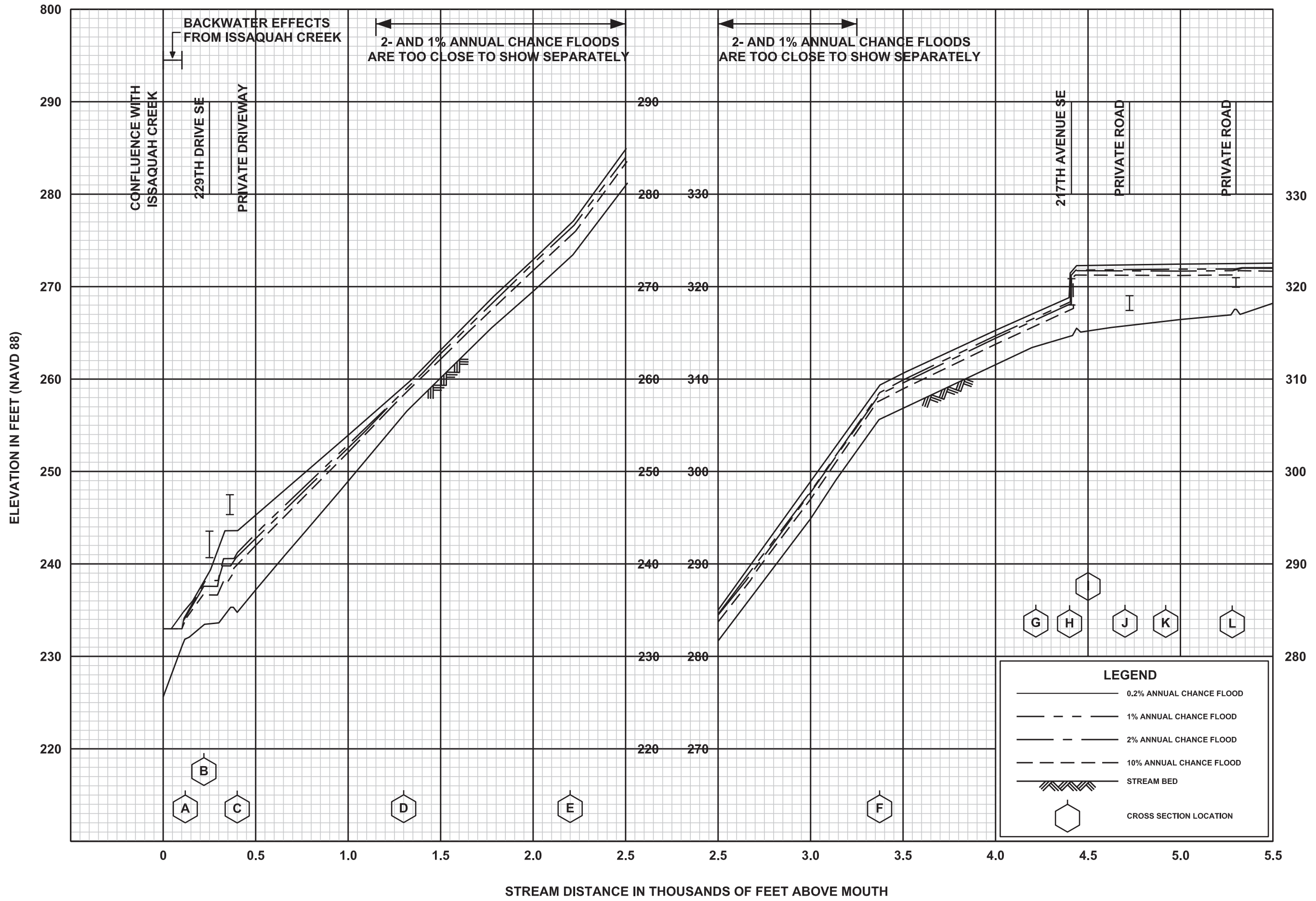


FLOOD PROFILES

WALKER CREEK

FEDERAL EMERGENCY MANAGEMENT AGENCY

KING COUNTY, WA
AND INCORPORATED AREAS



FLOOD PROFILES

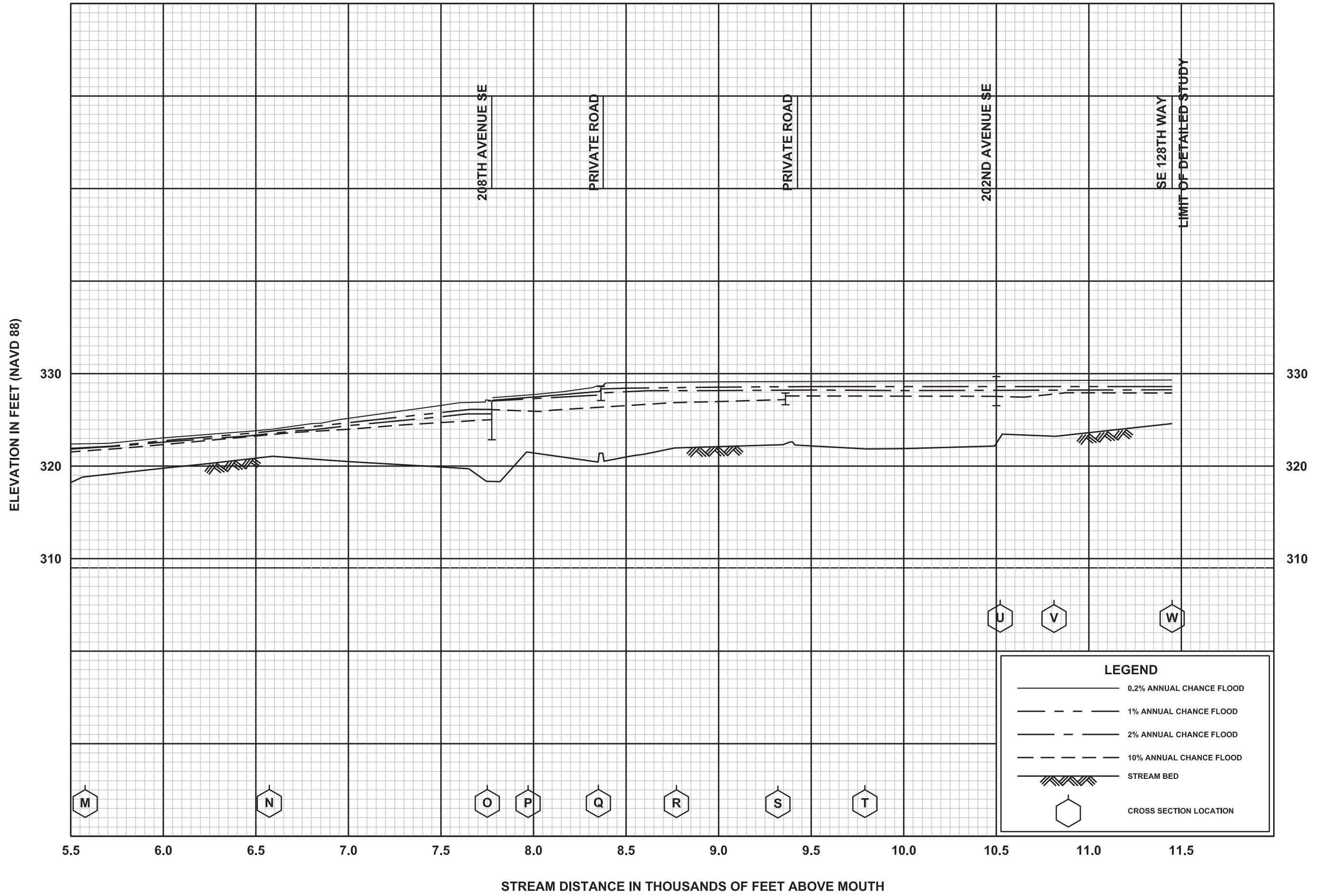
WEST FORK ISSAQUAH CREEK

FEDERAL EMERGENCY MANAGEMENT AGENCY

KING COUNTY, WA

AND INCORPORATED AREAS

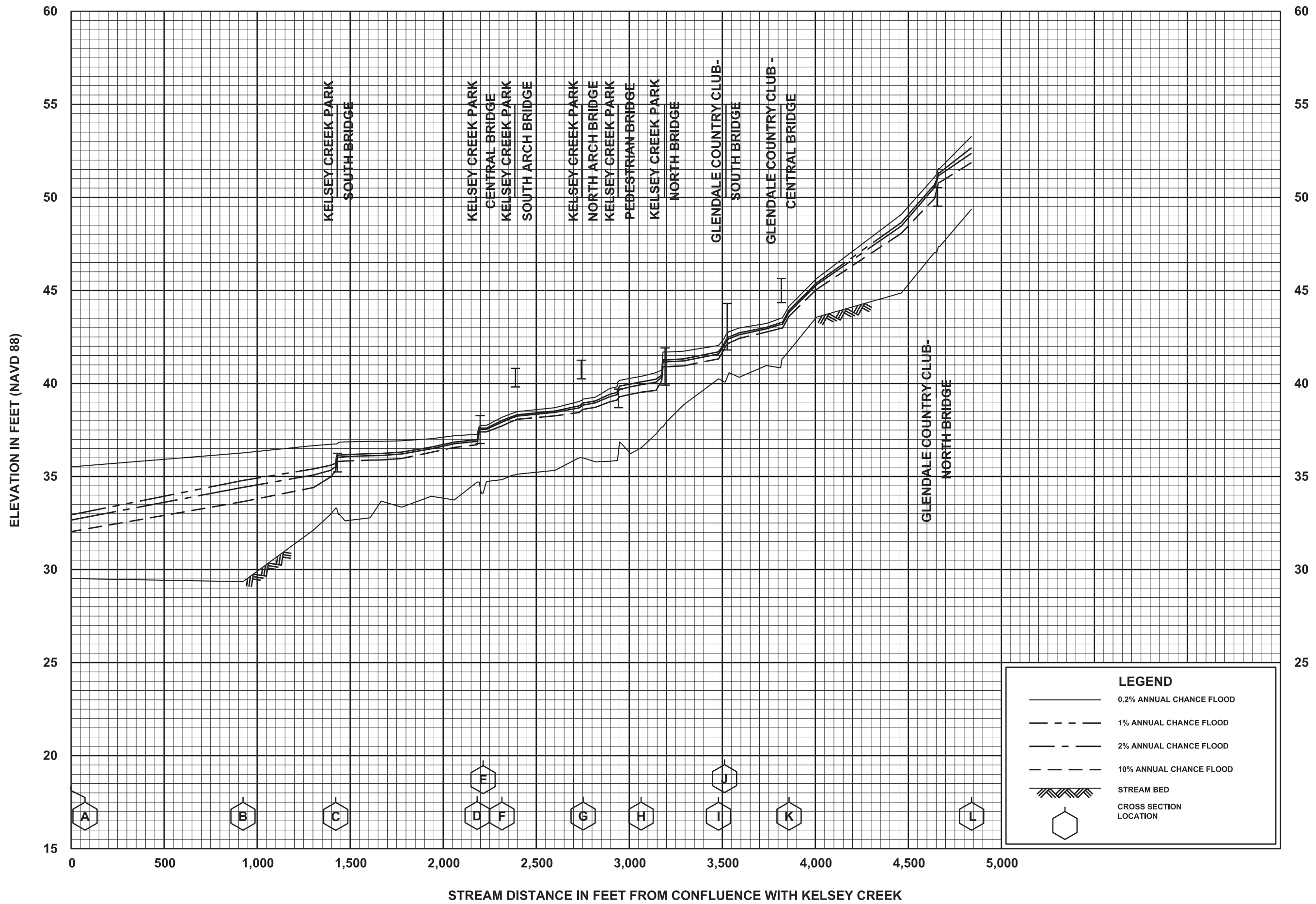
310P



FLOOD PROFILES
WEST FORK ISSAQUAH CREEK

FEDERAL EMERGENCY MANAGEMENT AGENCY
KING COUNTY, WA
 AND INCORPORATED AREAS

311P



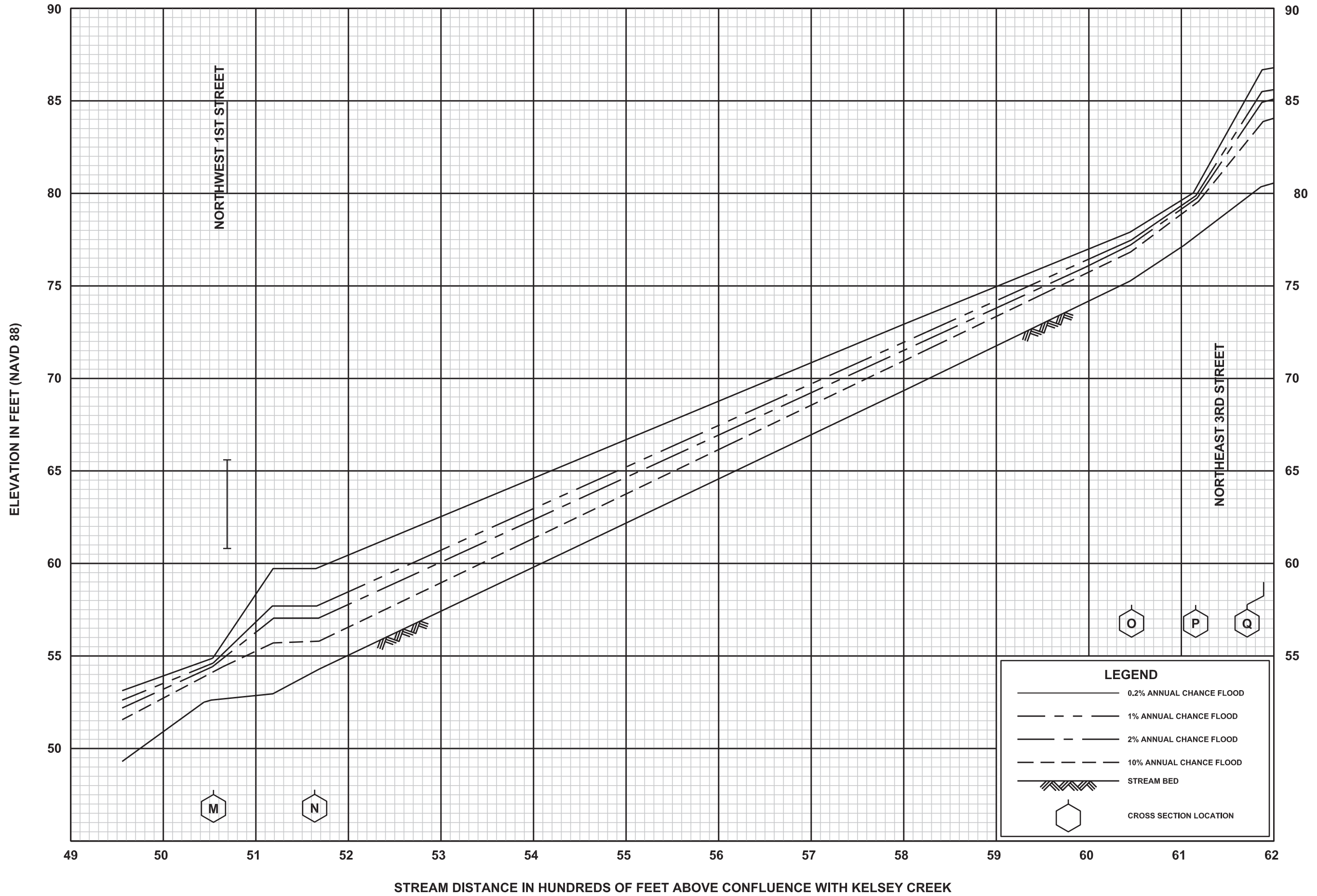
FLOOD PROFILES

WEST TRIBUTARY KELSEY CREEK

FEDERAL EMERGENCY MANAGEMENT AGENCY

KING COUNTY, WA
AND INCORPORATED AREAS

312P



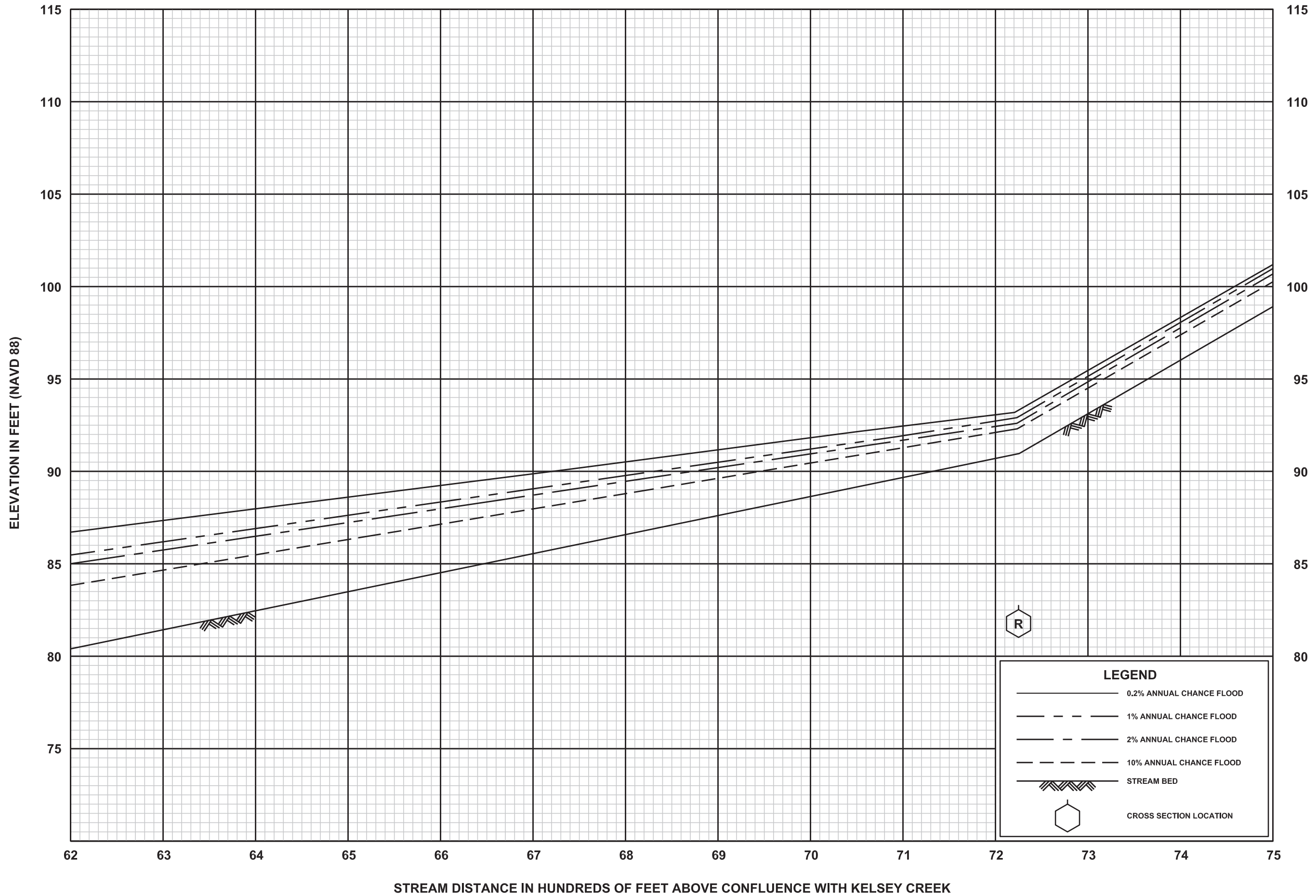
FLOOD PROFILES

WEST TRIBUTARY KELSEY CREEK

FEDERAL EMERGENCY MANAGEMENT AGENCY

KING COUNTY, WA
AND INCORPORATED AREAS

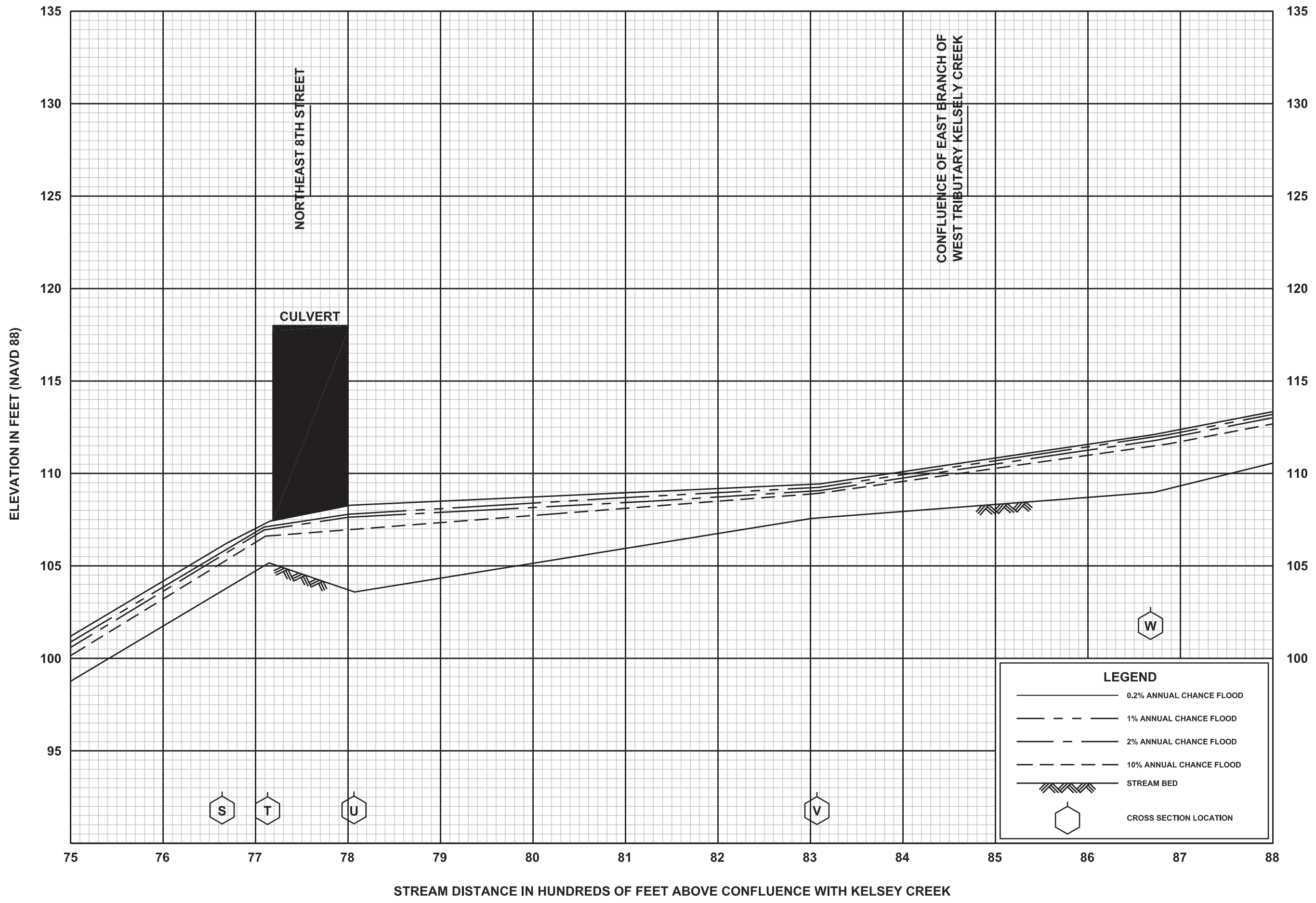
313P



**FLOOD PROFILES
WEST TRIBUTARY KELSEY CREEK**

FEDERAL EMERGENCY MANAGEMENT AGENCY
KING COUNTY, WA
AND INCORPORATED AREAS

314P



FLOOD PROFILES

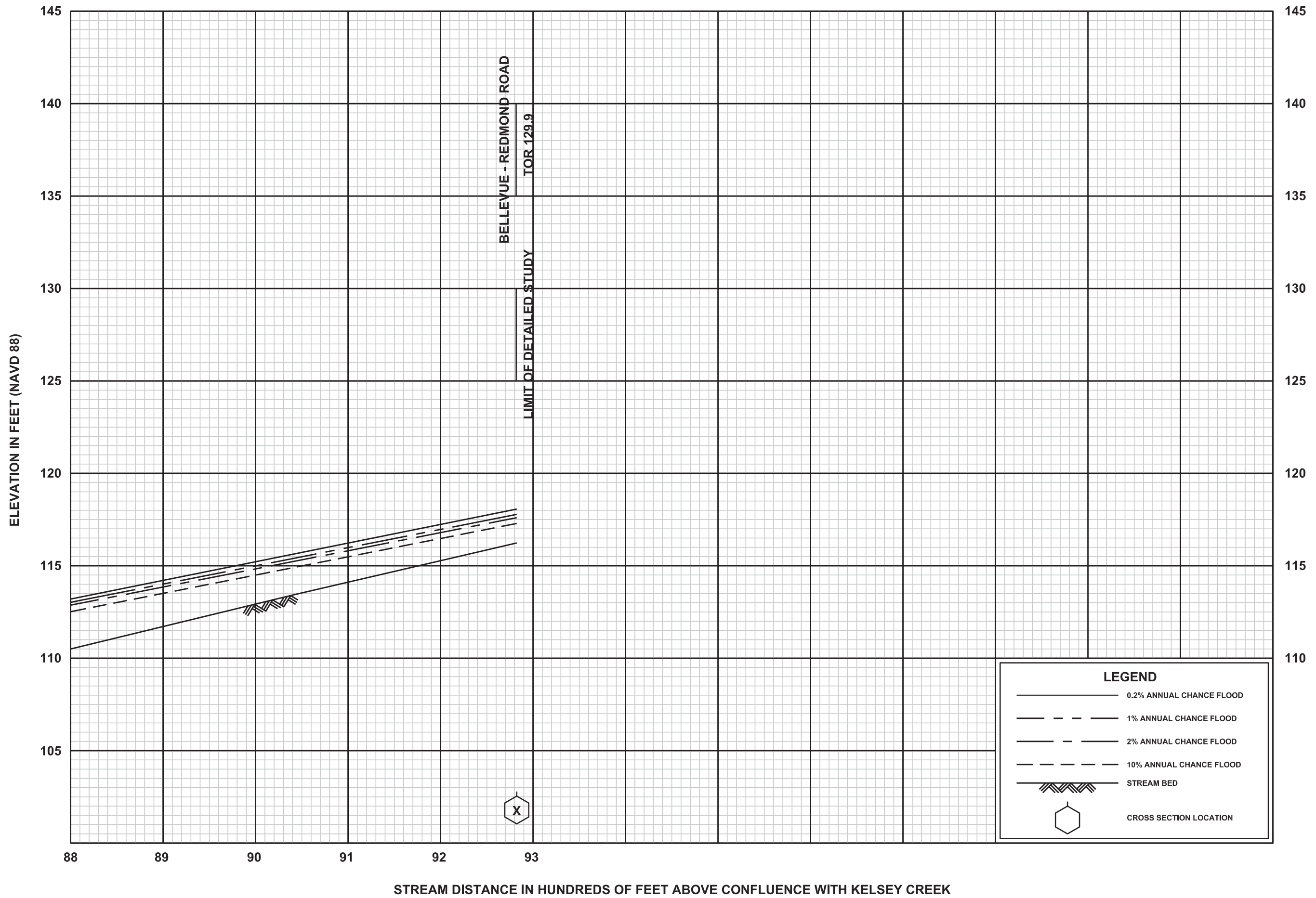
WEST TRIBUTARY KELSEY CREEK

FEDERAL EMERGENCY MANAGEMENT AGENCY

KING COUNTY, WA

AND INCORPORATED AREAS

315P



FLOOD PROFILES

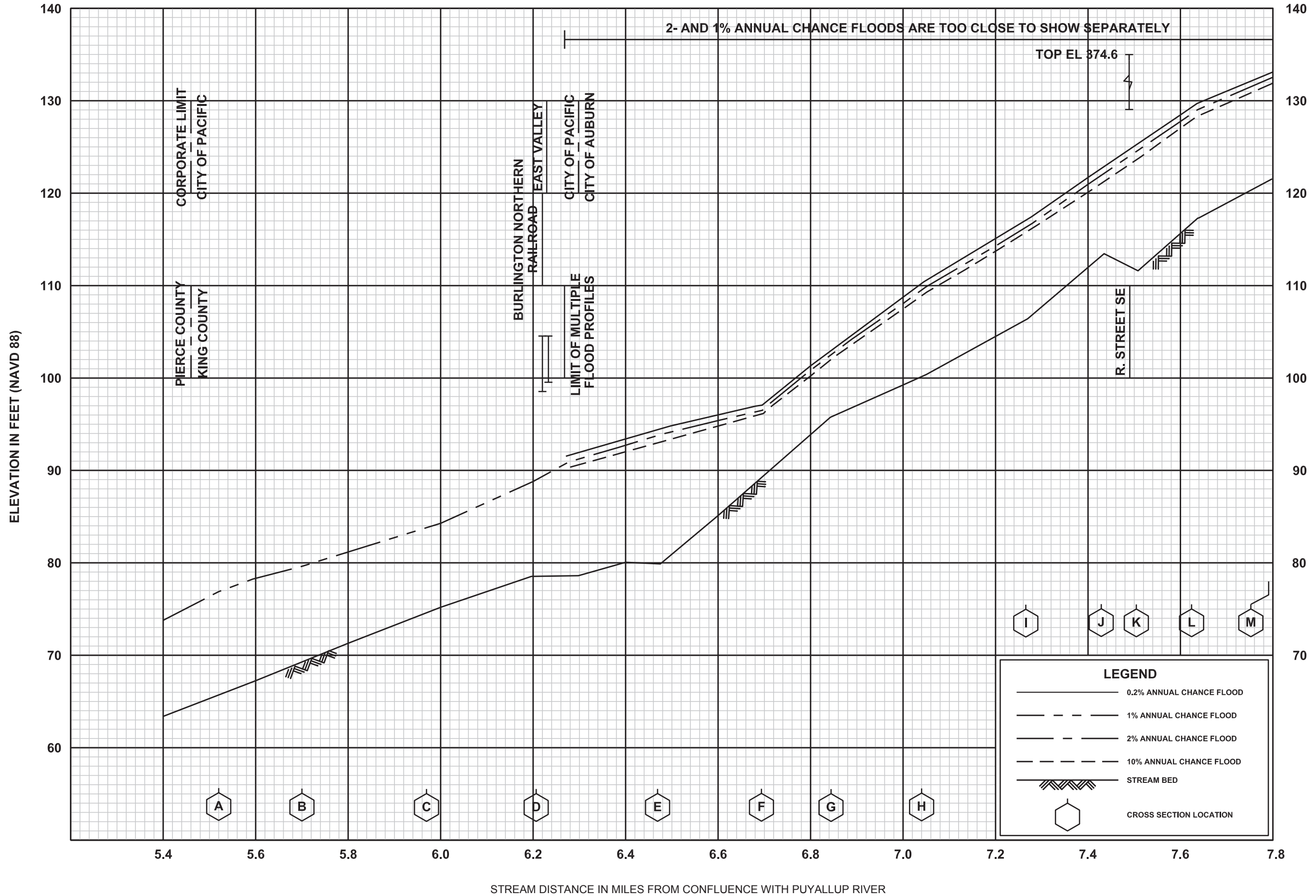
WEST TRIBUTARY KELSEY CREEK

FEDERAL EMERGENCY MANAGEMENT AGENCY

KING COUNTY, WA

AND INCORPORATED AREAS

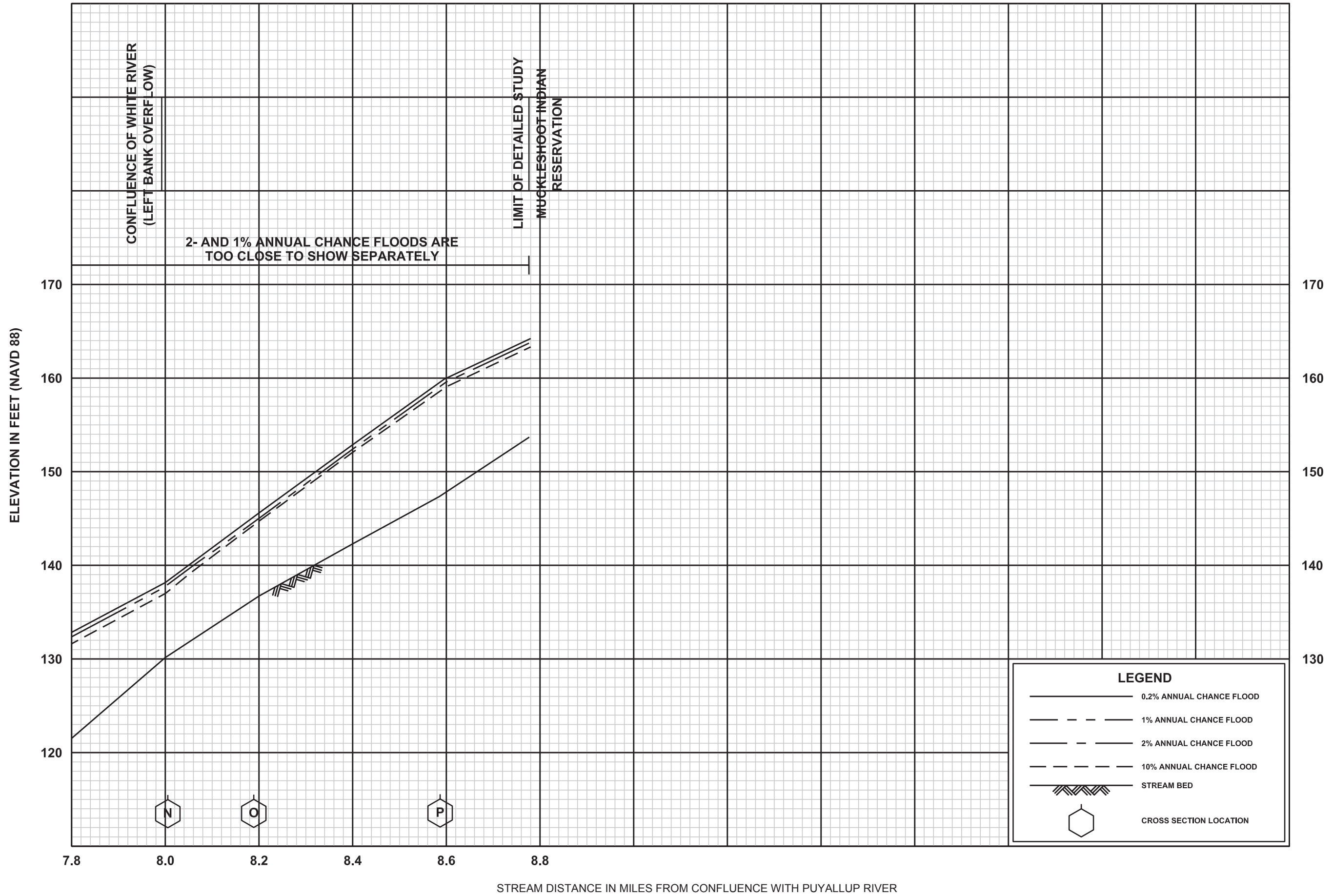
316P



**FLOOD PROFILES
WHITE RIVER**

FEDERAL EMERGENCY MANAGEMENT AGENCY
KING COUNTY, WA
AND INCORPORATED AREAS

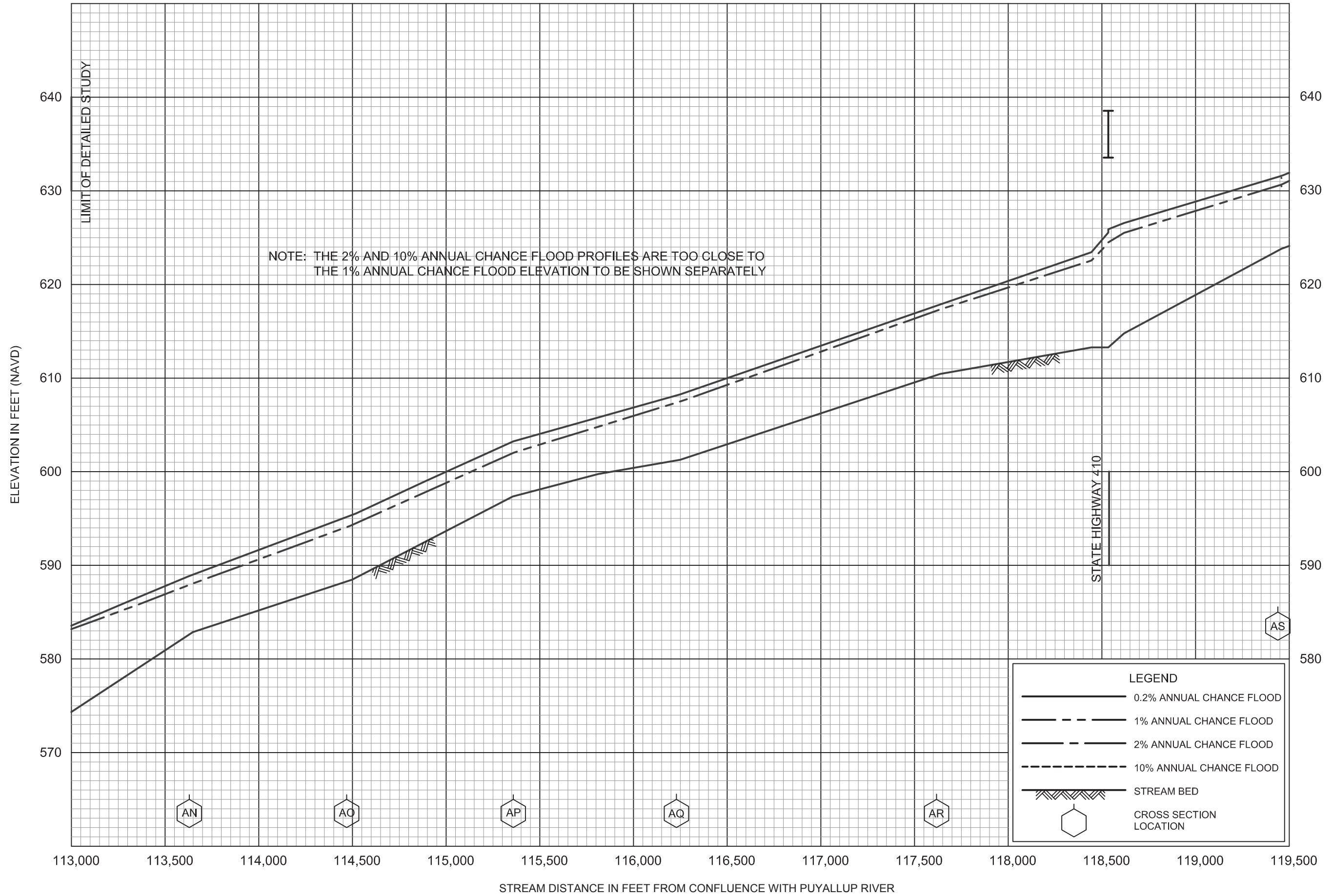
317P



FLOOD PROFILES
WHITE RIVER

FEDERAL EMERGENCY MANAGEMENT AGENCY
KING COUNTY, WA
AND INCORPORATED AREAS

318P



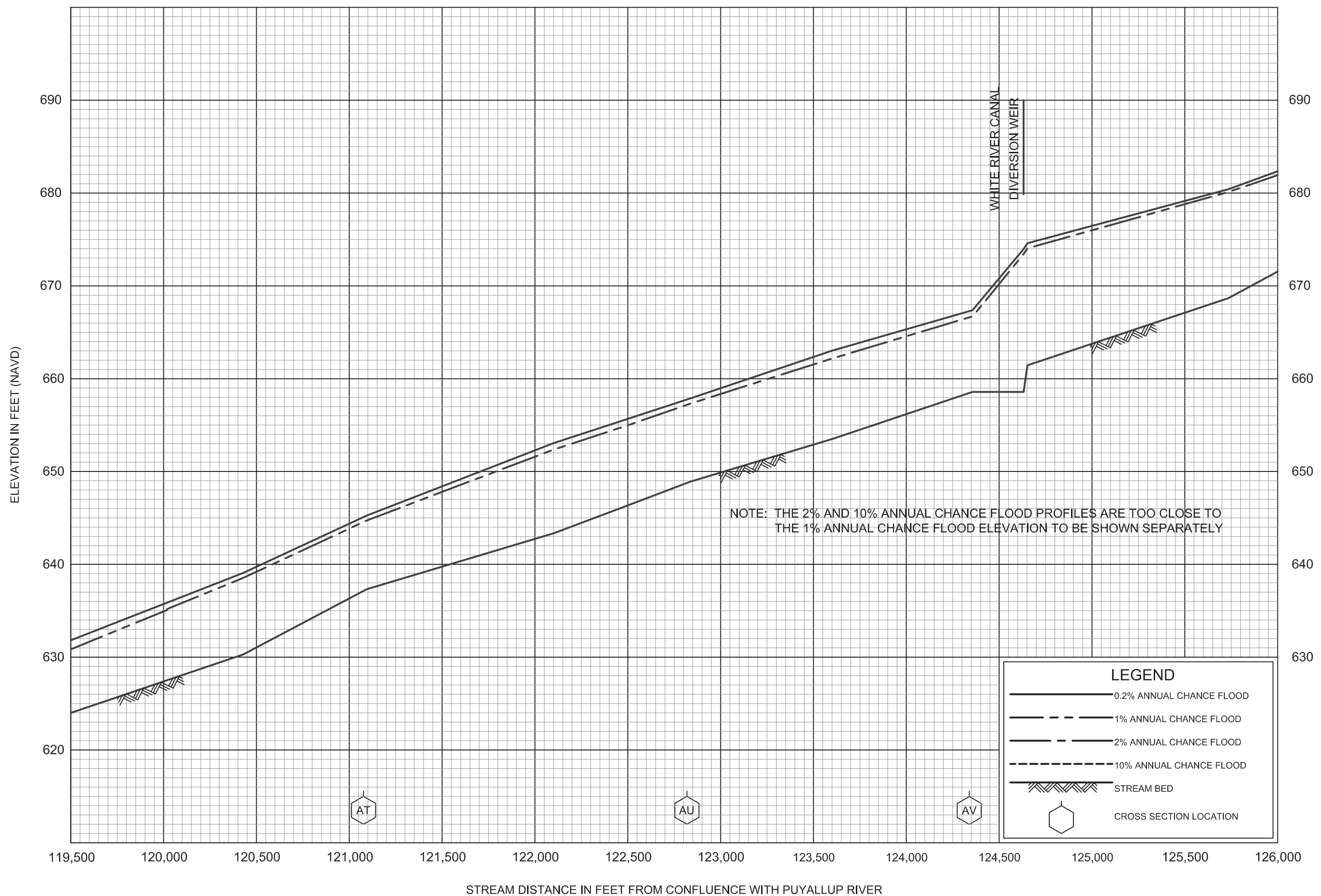
FLOOD PROFILES

WHITE RIVER

FEDERAL EMERGENCY MANAGEMENT AGENCY

KING COUNTY, WA
AND INCORPORATED AREAS

319P

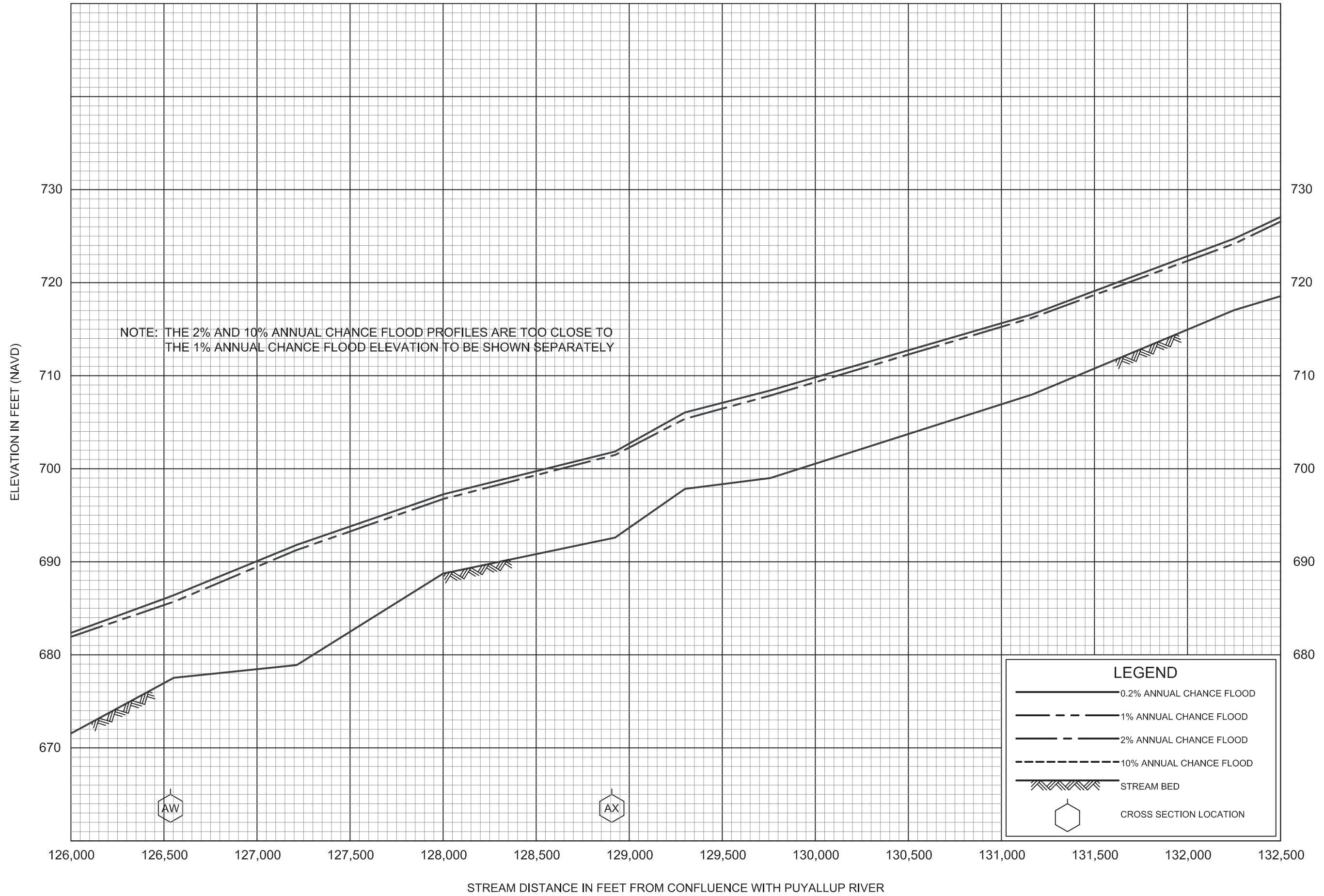


FLOOD PROFILES

WHITE RIVER

FEDERAL EMERGENCY MANAGEMENT AGENCY
KING COUNTY, WA
AND INCORPORATED AREAS

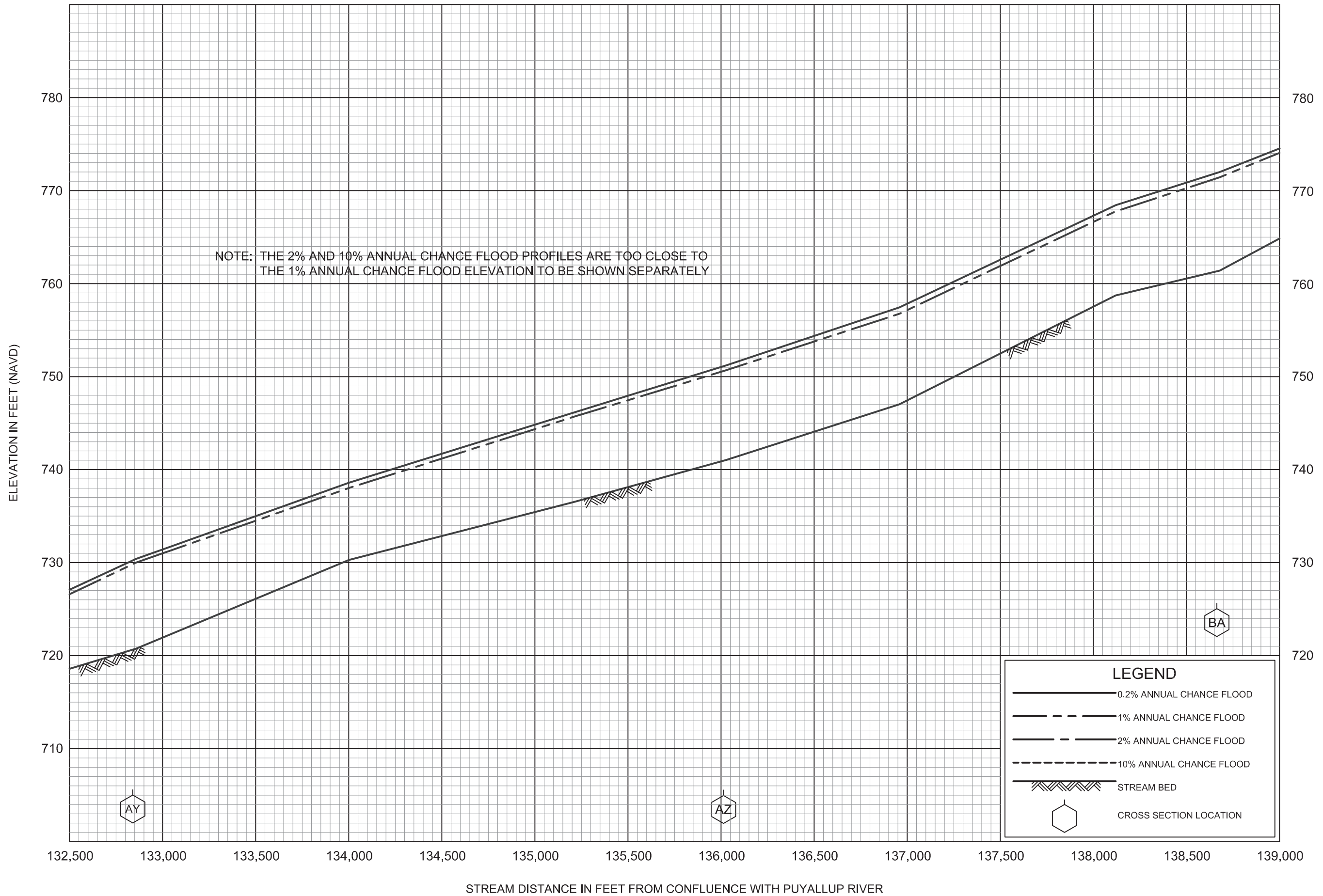
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FLOOD PROFILES
WHITE RIVER

FEDERAL EMERGENCY MANAGEMENT AGENCY
KING COUNTY, WA
AND INCORPORATED AREAS

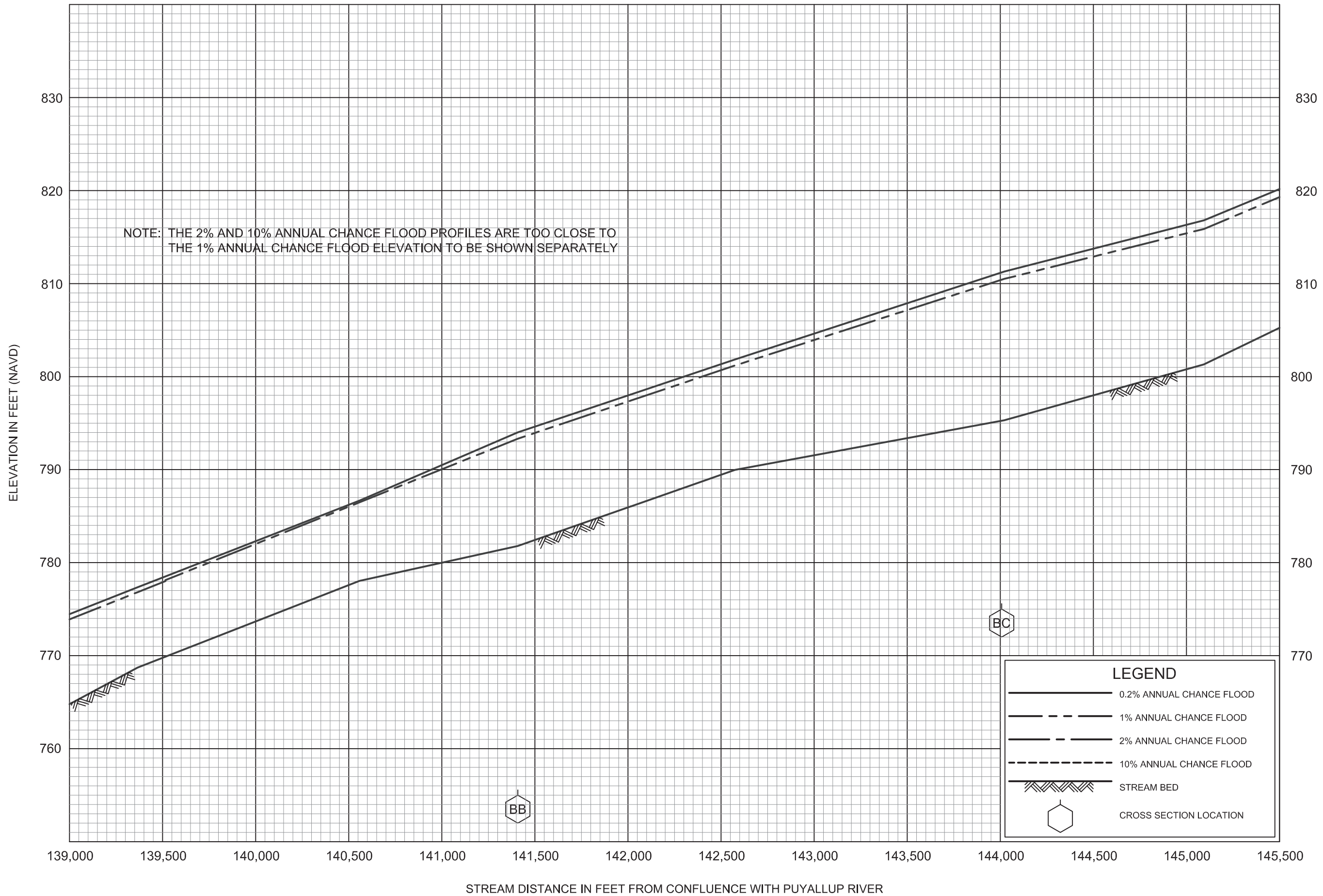
321P



FLOOD PROFILES
WHITE RIVER

FEDERAL EMERGENCY MANAGEMENT AGENCY
KING COUNTY, WA
 AND INCORPORATED AREAS

322P



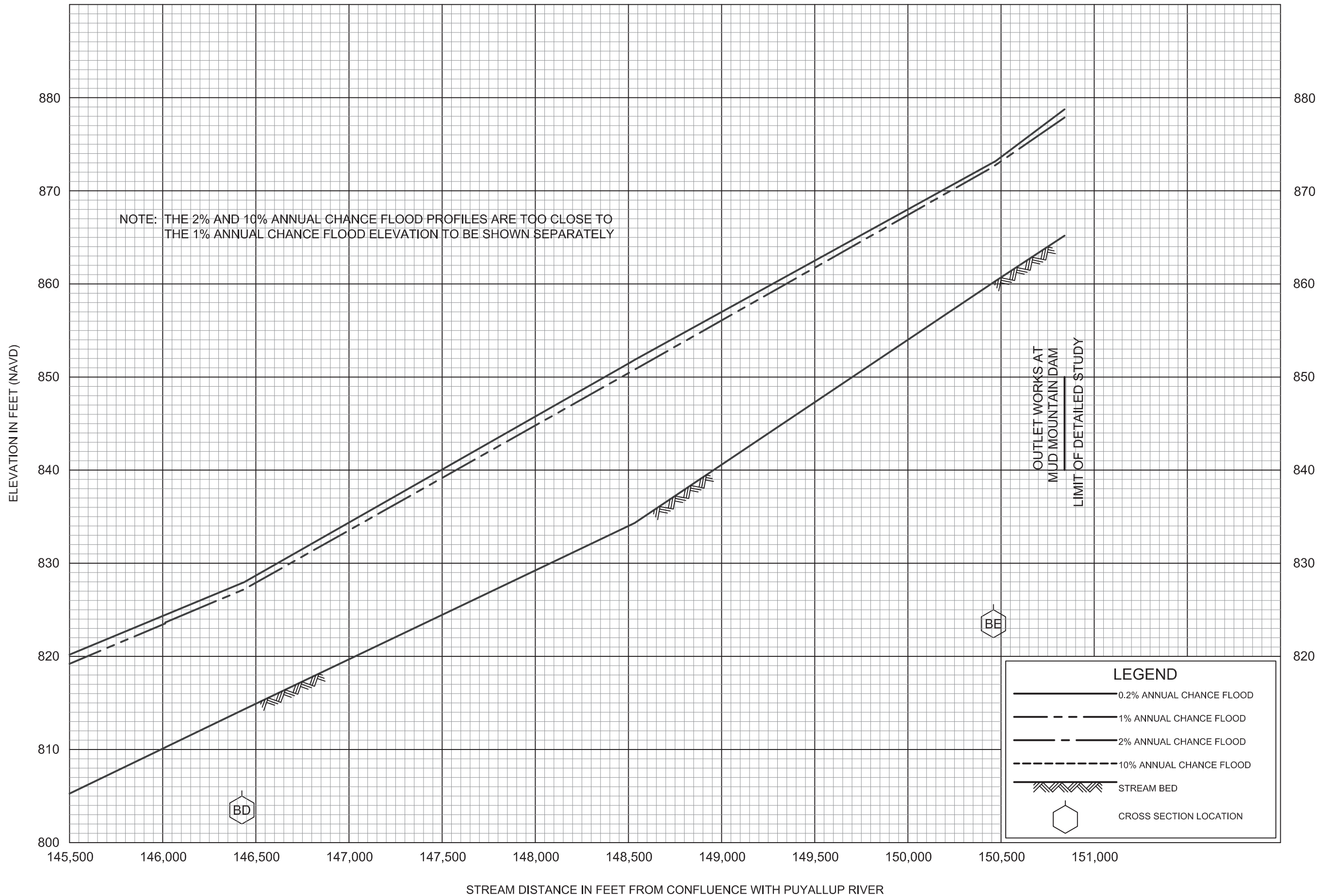
FLOOD PROFILES

WHITE RIVER

FEDERAL EMERGENCY MANAGEMENT AGENCY

KING COUNTY, WA
AND INCORPORATED AREAS

323P



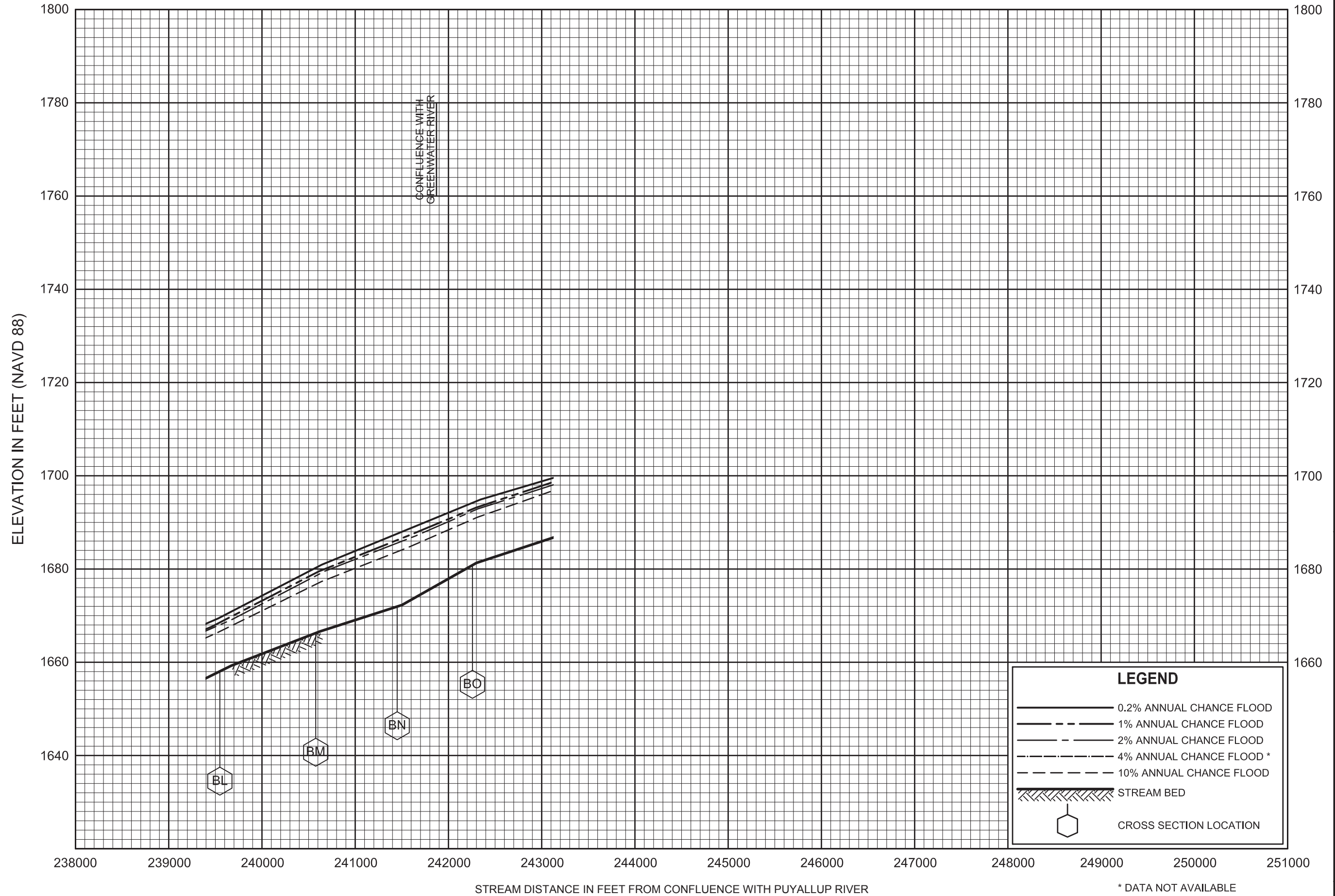
FLOOD PROFILES

WHITE RIVER

FEDERAL EMERGENCY MANAGEMENT AGENCY

KING COUNTY, WA
AND INCORPORATED AREAS

324P



LEGEND

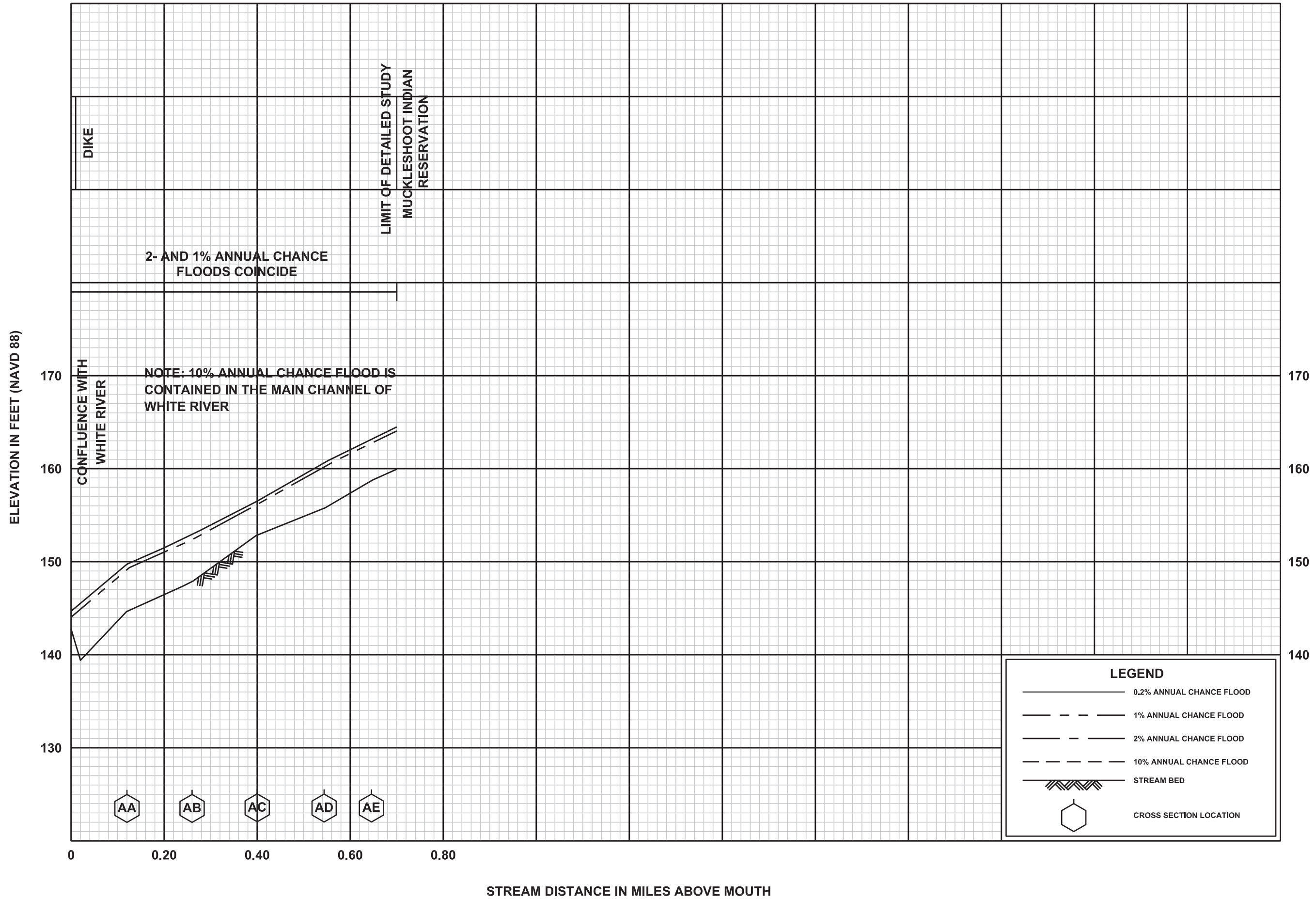
- 0.2% ANNUAL CHANCE FLOOD
- - - 1% ANNUAL CHANCE FLOOD
- · - · 2% ANNUAL CHANCE FLOOD
- · - · - · 4% ANNUAL CHANCE FLOOD *
- · - · - · - · 10% ANNUAL CHANCE FLOOD
- ▨ STREAM BED
- ⬡ CROSS SECTION LOCATION

**FLOOD PROFILES
WHITE RIVER**

FEDERAL EMERGENCY MANAGEMENT AGENCY
KING COUNTY, WA
AND INCORPORATED AREAS

325P

* DATA NOT AVAILABLE

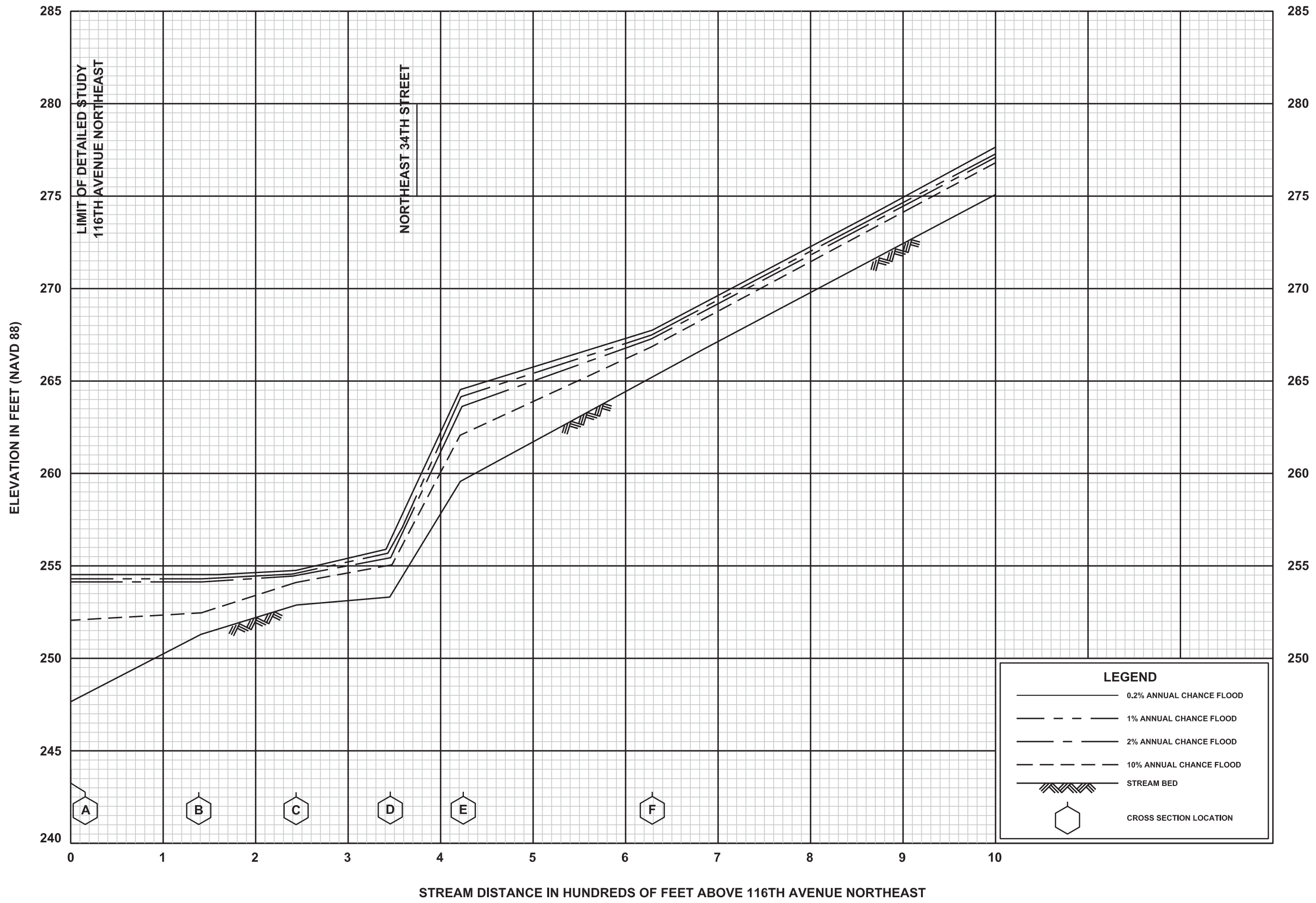


FLOOD PROFILES

WHITE RIVER (LEFT BANK OVERFLOW)

FEDERAL EMERGENCY MANAGEMENT AGENCY
KING COUNTY, WA
 AND INCORPORATED AREAS

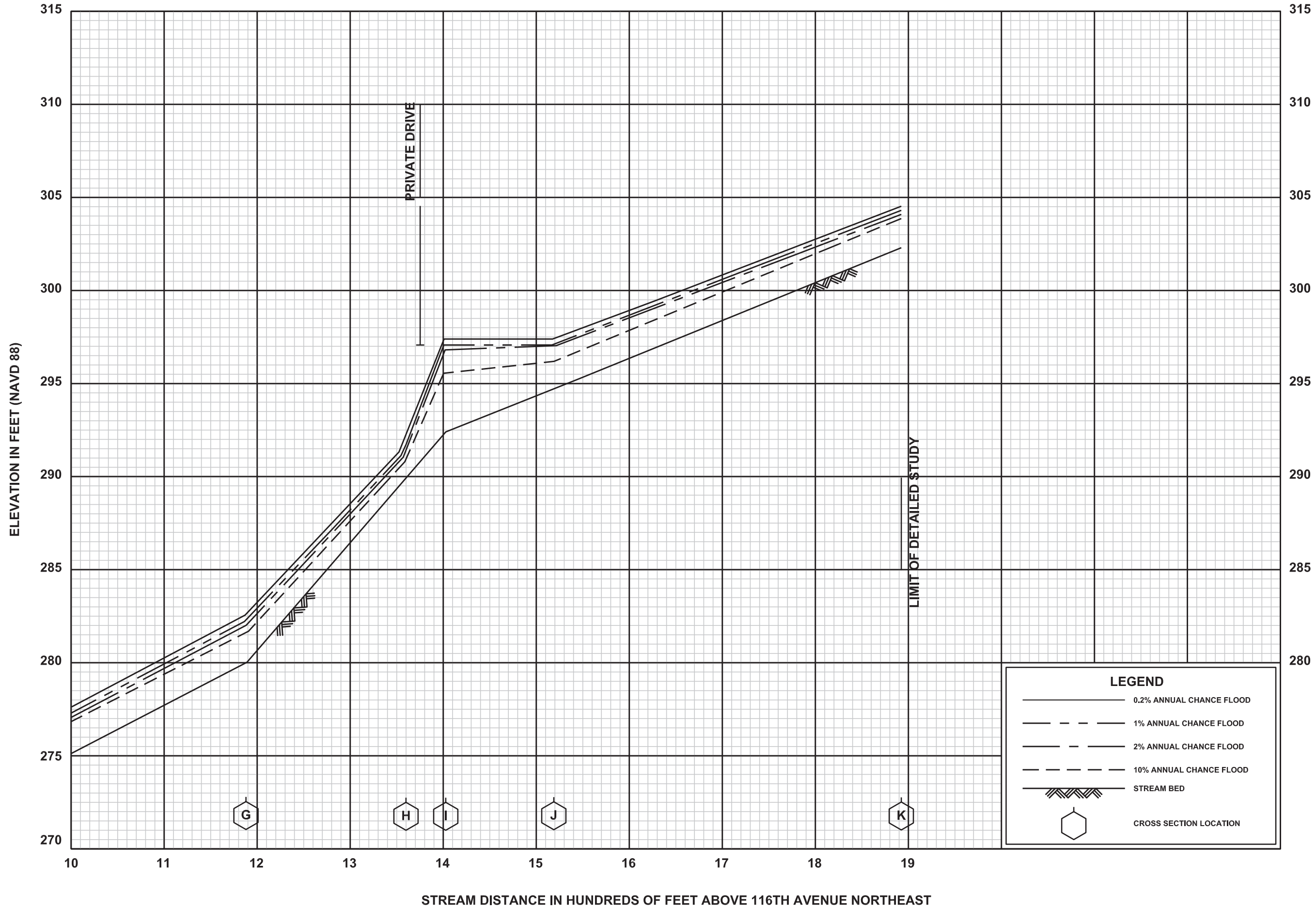
326P



**FLOOD PROFILES
YARROW CREEK**

FEDERAL EMERGENCY MANAGEMENT AGENCY
KING COUNTY, WA
AND INCORPORATED AREAS

327P



FLOOD PROFILES
YARROW CREEK

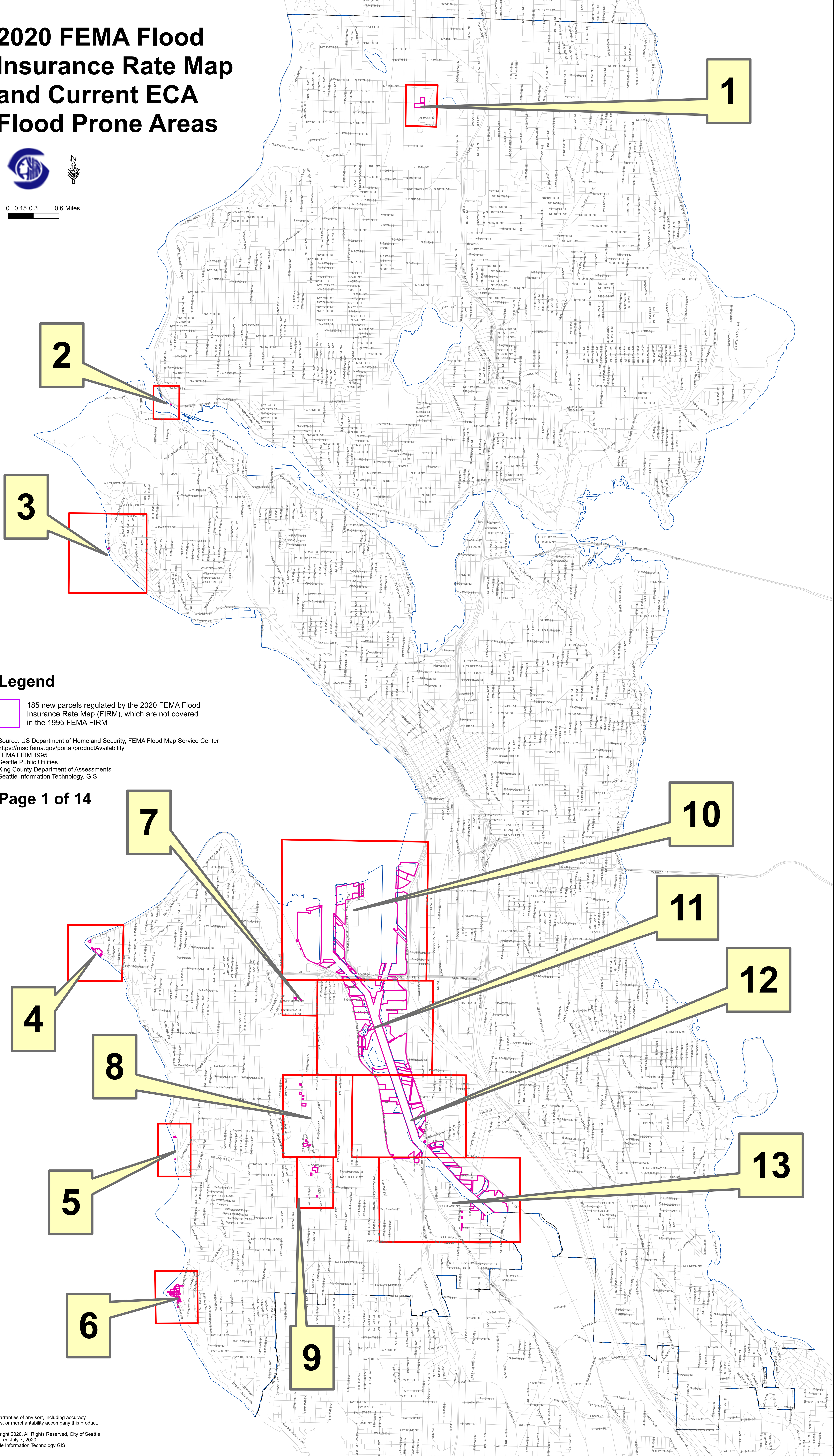
FEDERAL EMERGENCY MANAGEMENT AGENCY
KING COUNTY, WA
AND INCORPORATED AREAS

328P

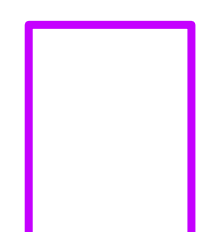
2020 FEMA Flood Insurance Rate Map and Current ECA Flood Prone Areas



0 0.15 0.3 0.6 Miles



Legend

 185 new parcels regulated by the 2020 FEMA Flood Insurance Rate Map (FIRM), which are not covered in the 1995 FEMA FIRM

Source: US Department of Homeland Security, FEMA Flood Map Service Center
<https://msc.fema.gov/portal/productAvailability>
FEMA FIRM 1995
Seattle Public Utilities
King County Department of Assessments
Seattle Information Technology, GIS

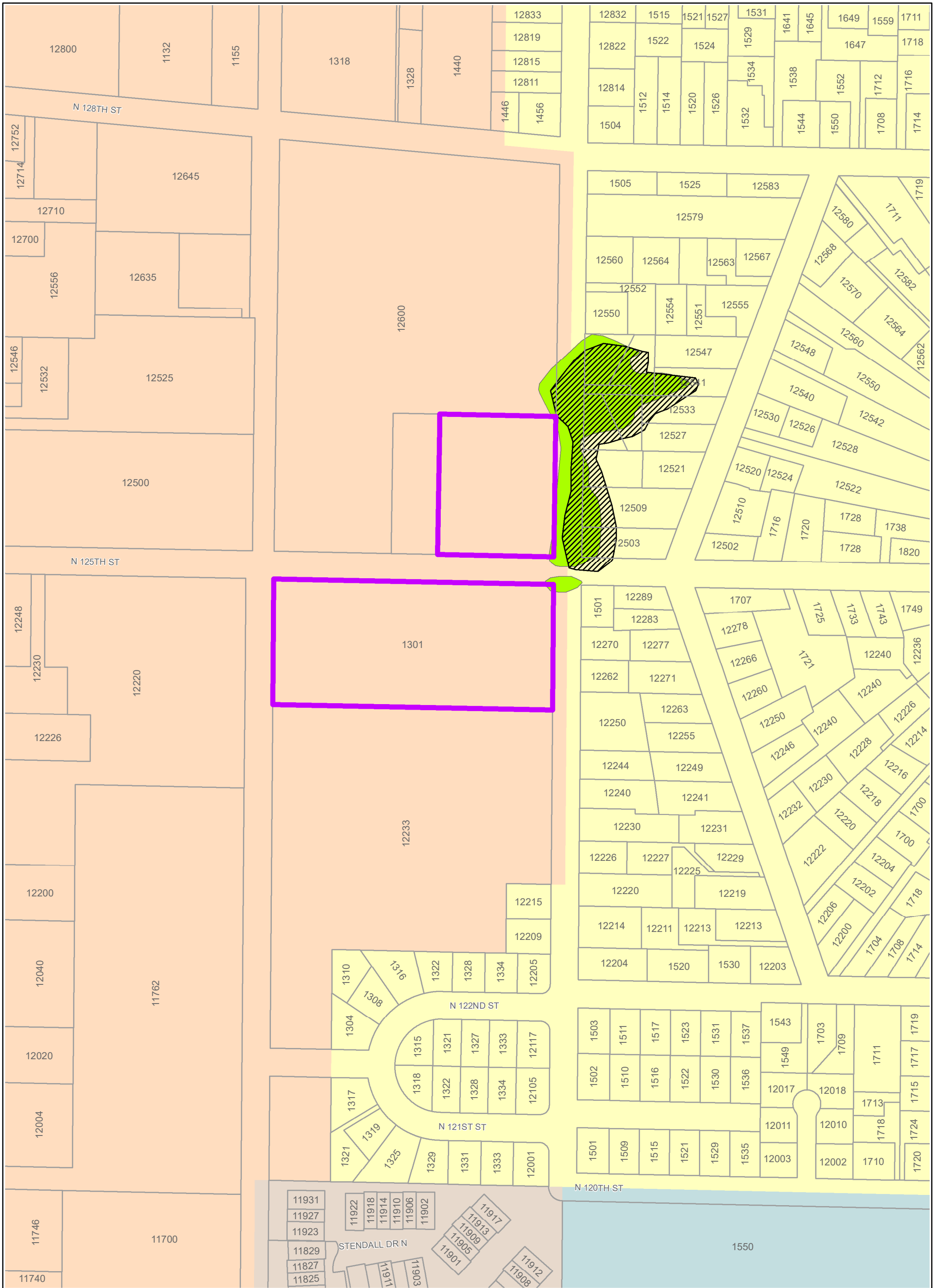
Page 1 of 14

Haller Lake area




New parcels regulated from the 2020 FEMA Flood Insurance Rate Map




0 55 110 220 Feet




 2020 FEMA Flood Insurance Rate Map and ECA Flood Prone Areas

 1995 FEMA Flood Insurance Rate Map and ECA Flood Prone Areas

-  Downtown
-  Commercial/Mixed Use
-  Multi-Family
-  Single Family

-  Manufacturing/Industrial
-  Master Planned Community
-  Major Institutions

 10' **Contour elevations derived from 2016 LIDAR**


 12'

 14'

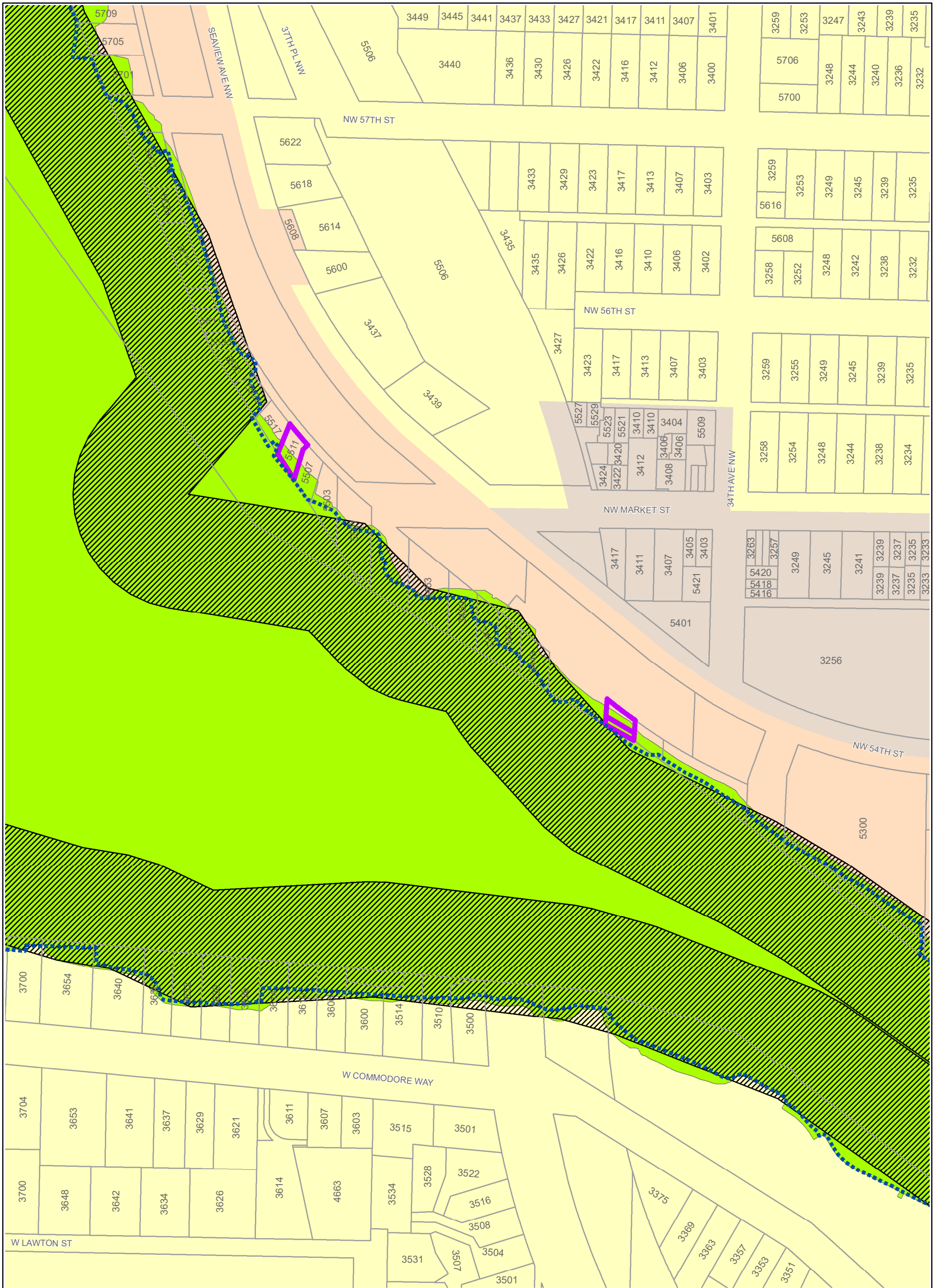
 Shoreline



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 New parcels regulated from the 2020 FEMA Flood Insurance Rate Map




0 45 90 180 Feet




 2020 FEMA Flood Insurance Rate Map and ECA Flood Prone Areas

 1995 FEMA Flood Insurance Rate Map and ECA Flood Prone Areas

-  Downtown
-  Commercial/Mixed Use
-  Multi-Family
-  Single Family

-  Manufacturing/Industrial
-  Master Planned Community
-  Major Institutions


-  10' Contour elevations derived from 2016 LIDAR
-  12'
-  14'

 Shoreline



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West Point and Magnolia Bluff area


 New parcels regulated from the 2020 FEMA Flood Insurance Rate Map




0 137.5 275 550 Feet



 2020 FEMA Flood Insurance Rate Map and ECA Flood Prone Areas

 1995 FEMA Flood Insurance Rate Map and ECA Flood Prone Areas

-  Downtown
-  Commercial/Mixed Use
-  Multi-Family
-  Single Family

-  Manufacturing/Industrial
-  Master Planned Community
-  Major Institutions


-  10' Contour elevations derived from 2016 LIDAR
-  12'
-  14'

 Shoreline

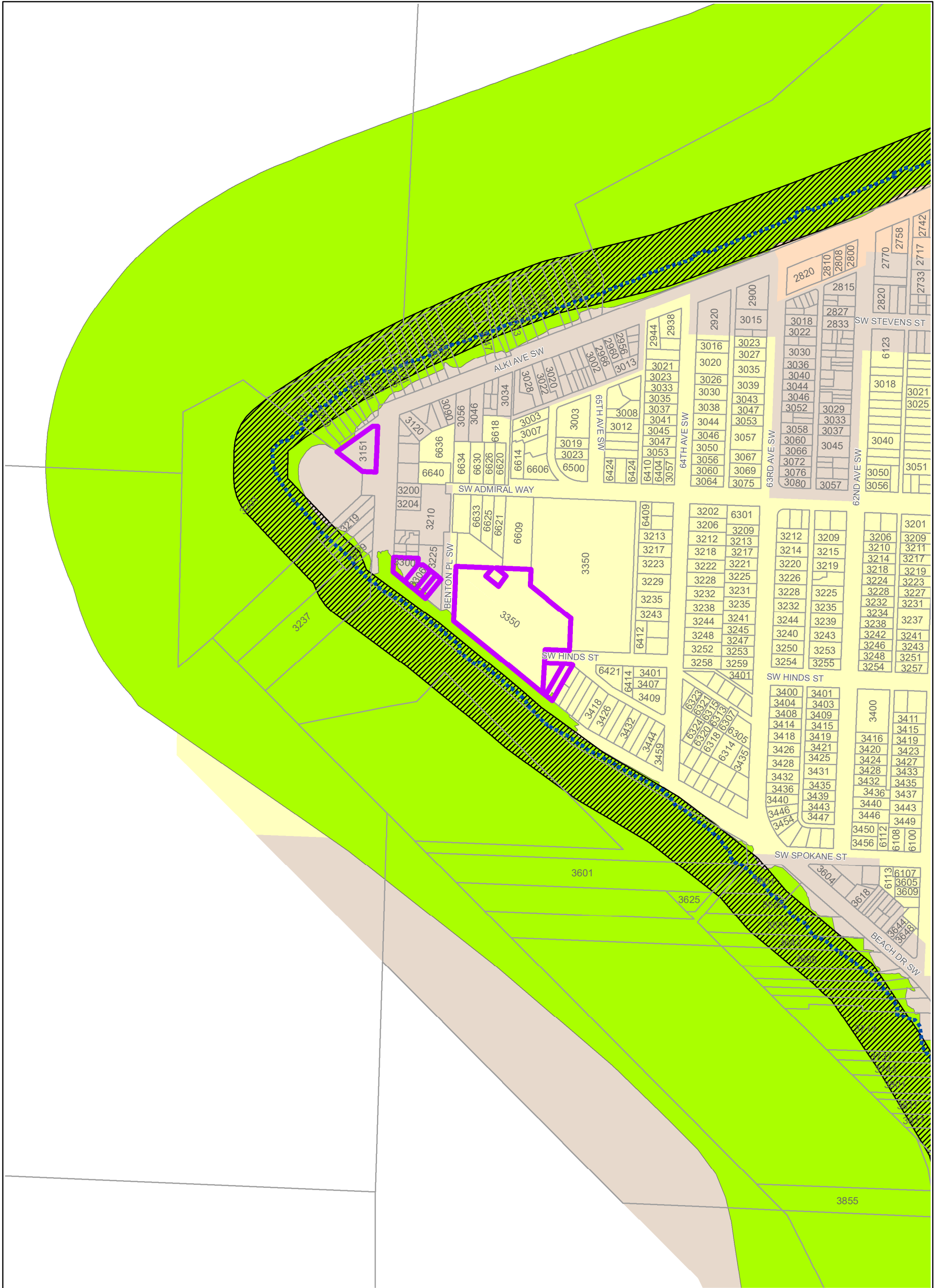



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Alki Point and Beach Drive SW

 New parcels regulated from the 2020 FEMA Flood Insurance Rate Map




0 95 190 380 Feet



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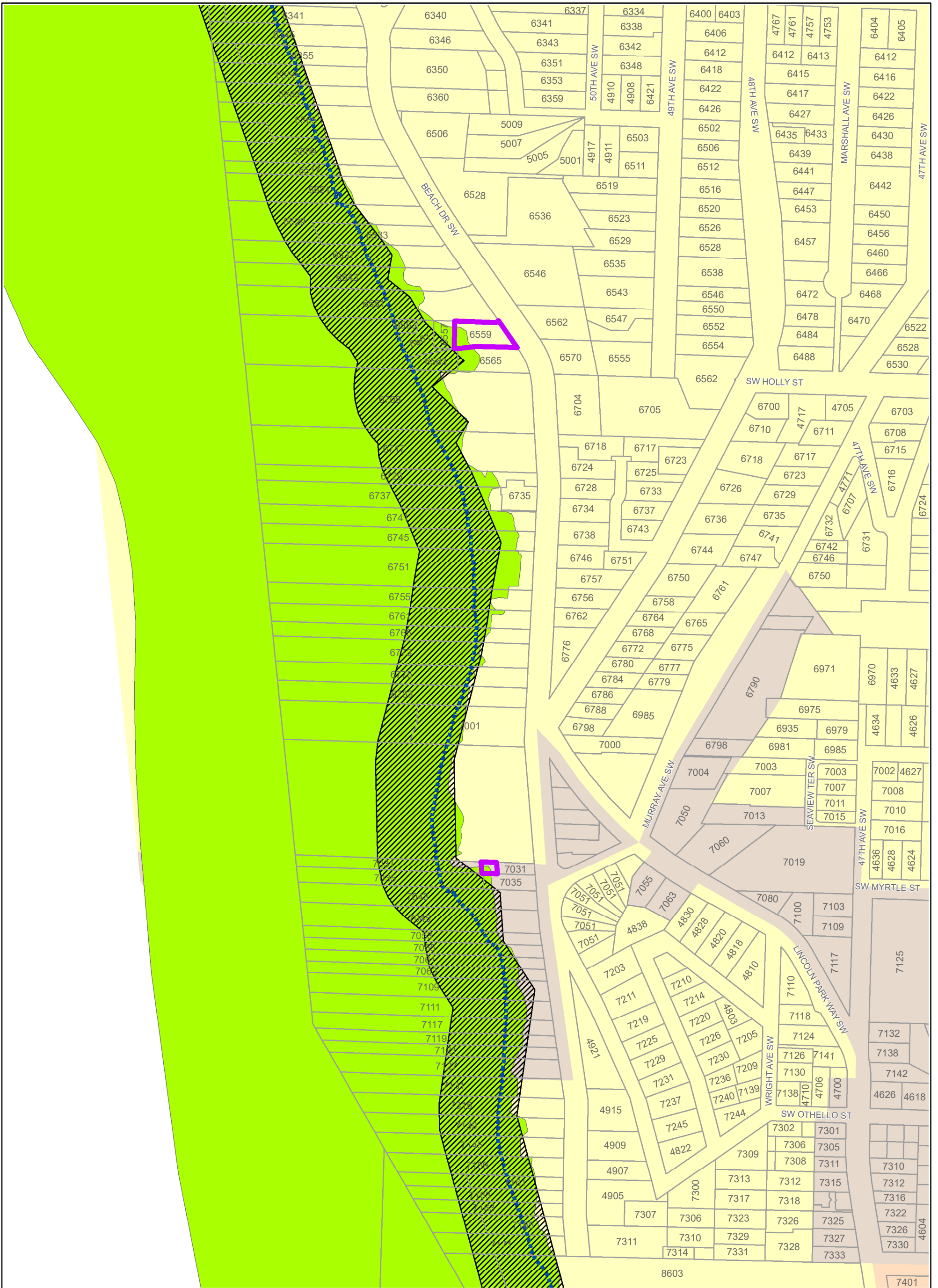


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Fauntleroy Ferry area


 New parcels regulated from the 2020 FEMA Flood Insurance Rate Map




0 65 130 260 Feet




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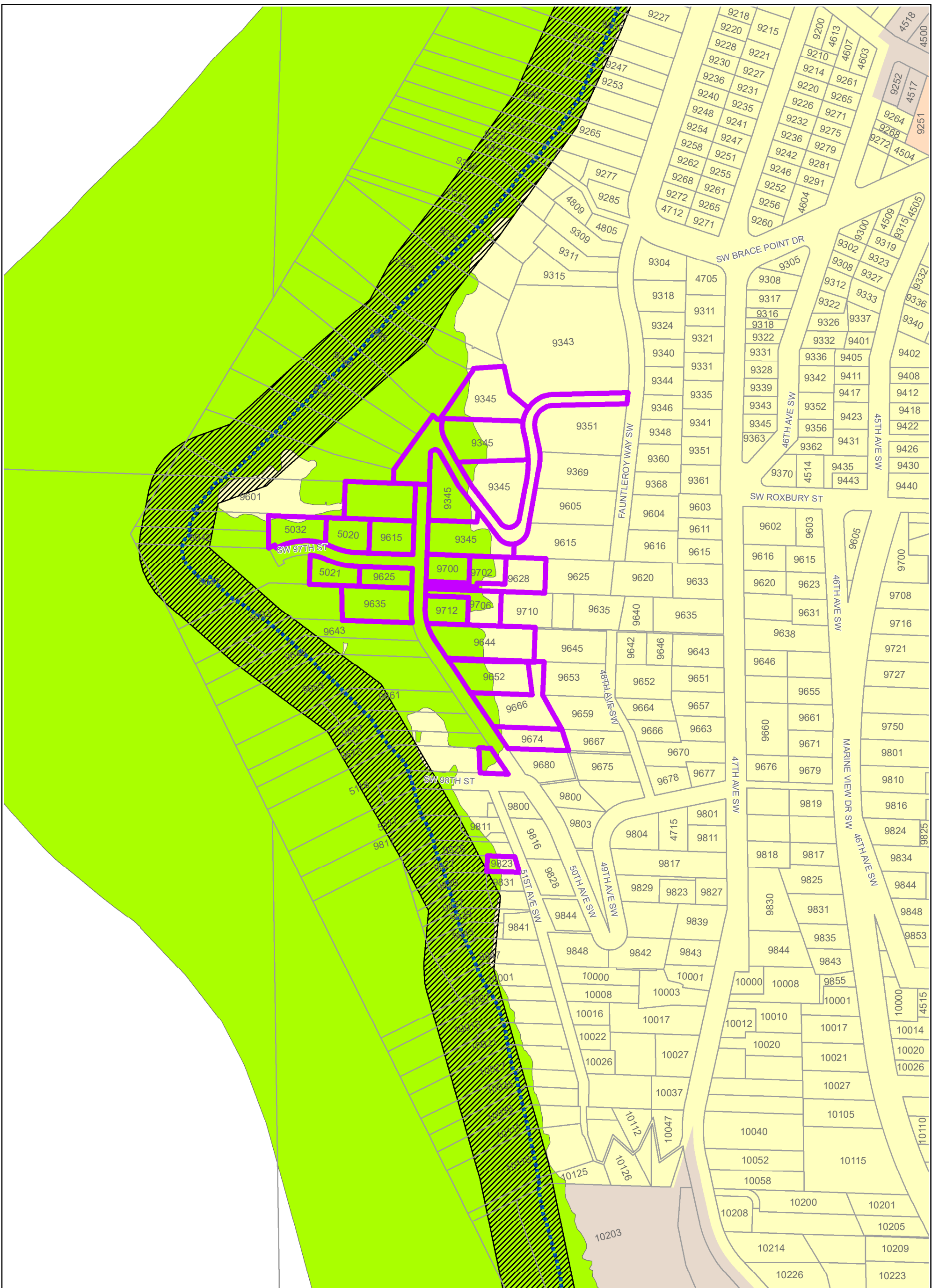
 Shoreline




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


0 75 150 300 Feet



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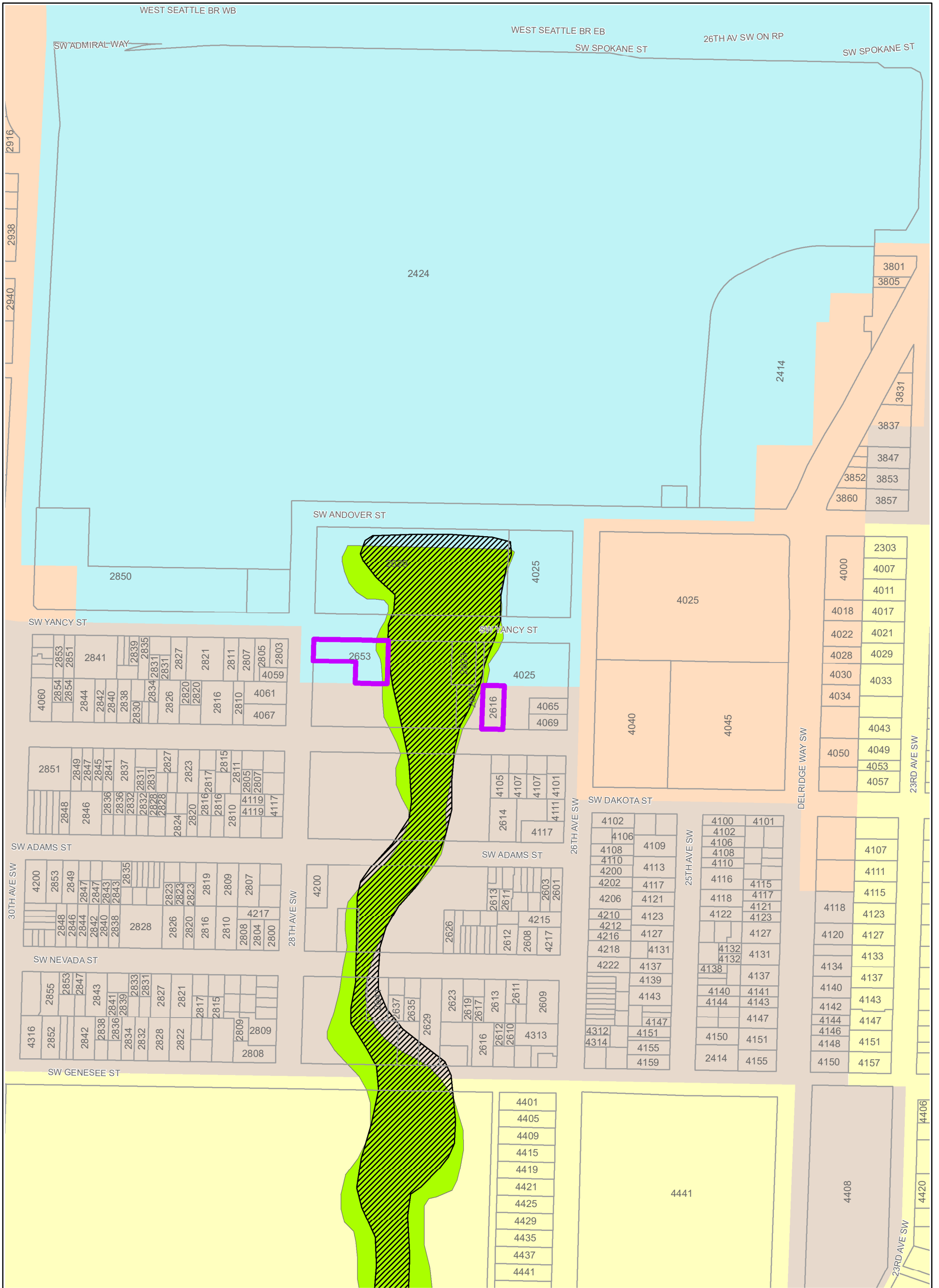
 Shoreline





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 New parcels regulated from the 2020 FEMA Flood Insurance Rate Map


0 60 120 240 Feet




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
 Downtown


 Commercial/Mixed Use


 Multi-Family


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 Manufacturing/Industrial

 Master Planned Community

 Major Institutions

 10' Contour elevations derived from 2016 LIDAR

 12'


 14'

 Shoreline

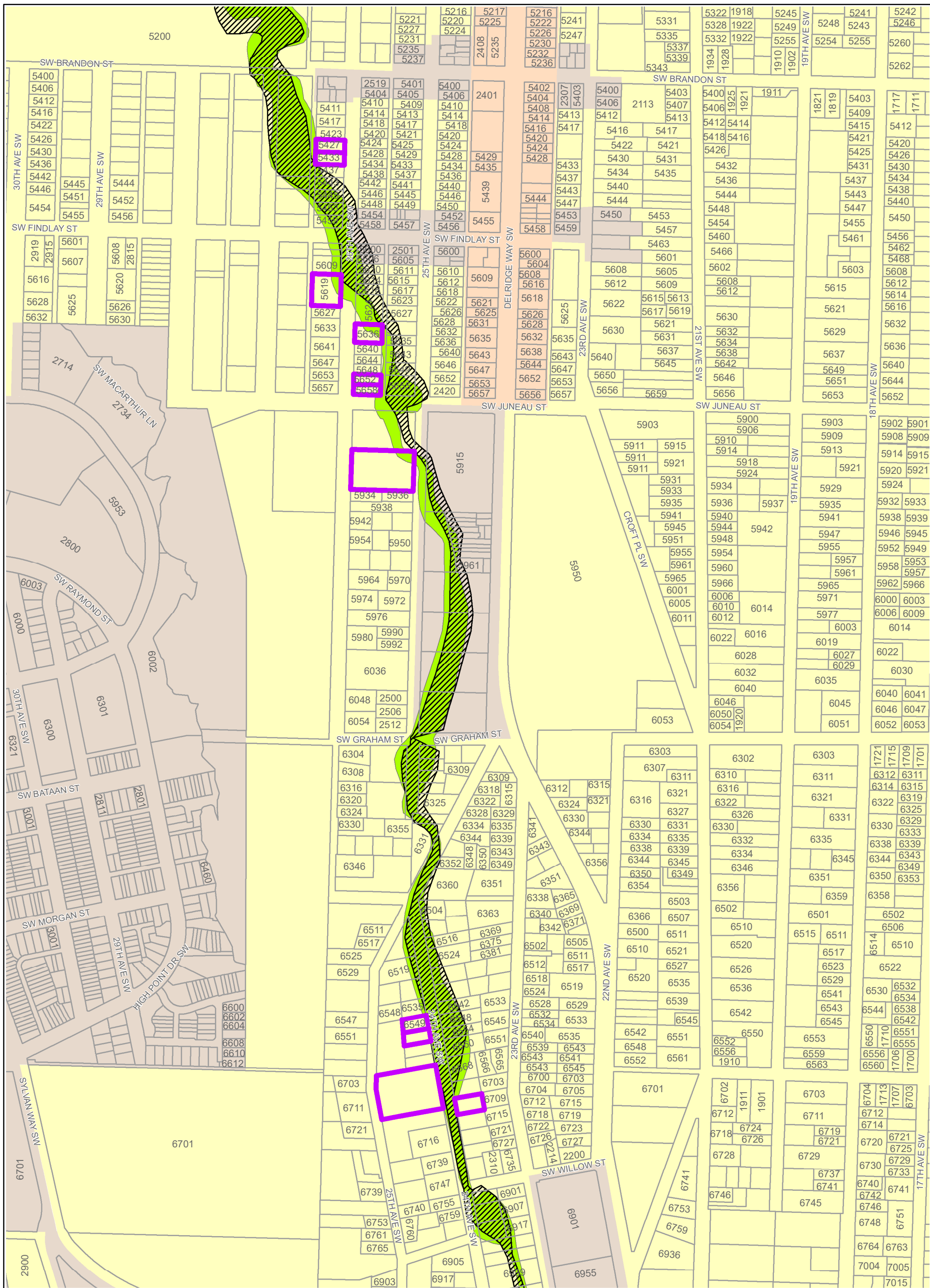


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
Longfellow Creek (2 of 3)





 New parcels regulated from the 2020 FEMA Flood Insurance Rate Map




0 105 210 420 Feet



 2020 FEMA Flood Insurance Rate Map and ECA Flood Prone Areas

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 12'
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 Shoreline



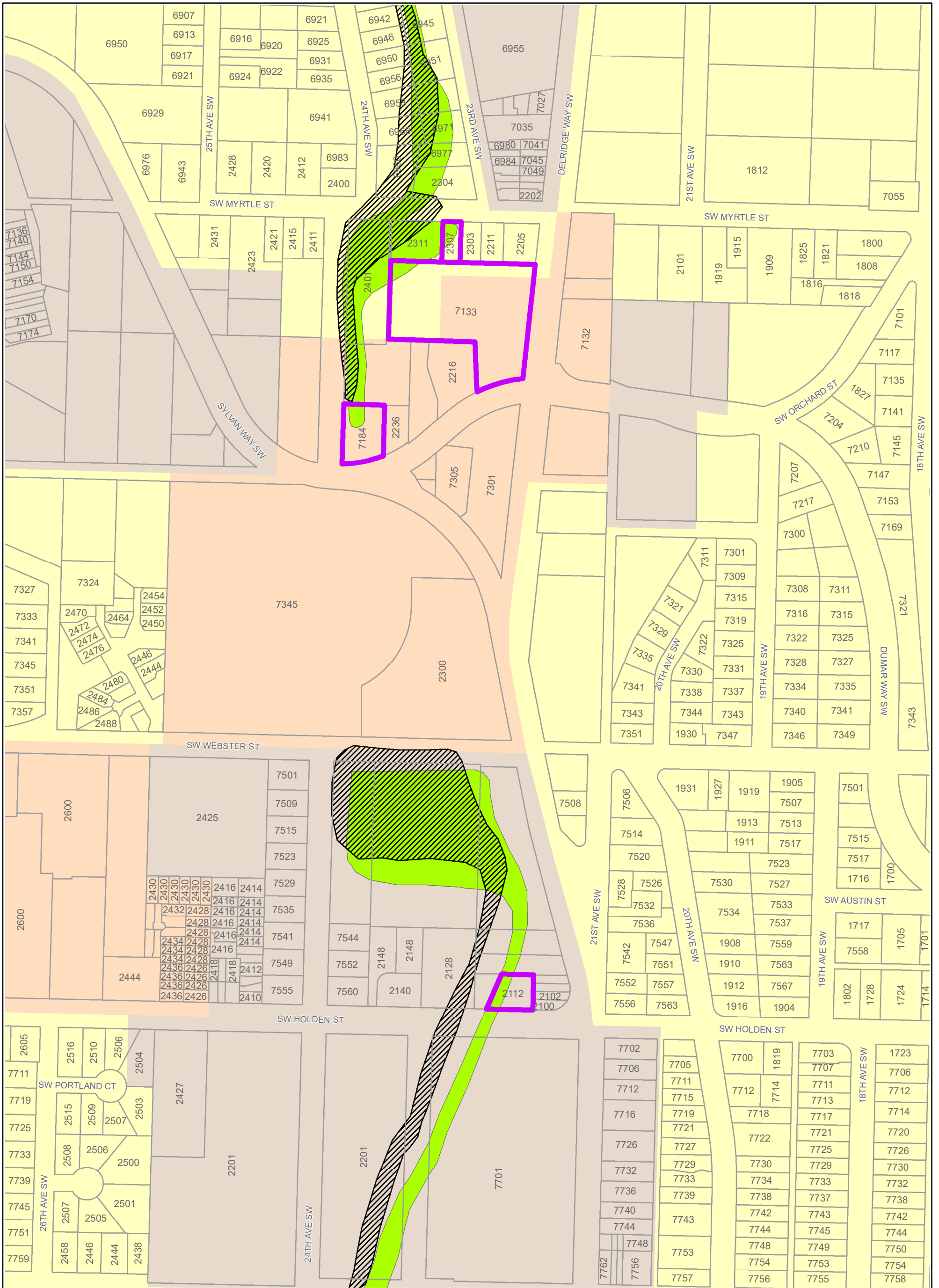
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Longfellow Creek (3 of 3)



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


0 65 130 260 Feet



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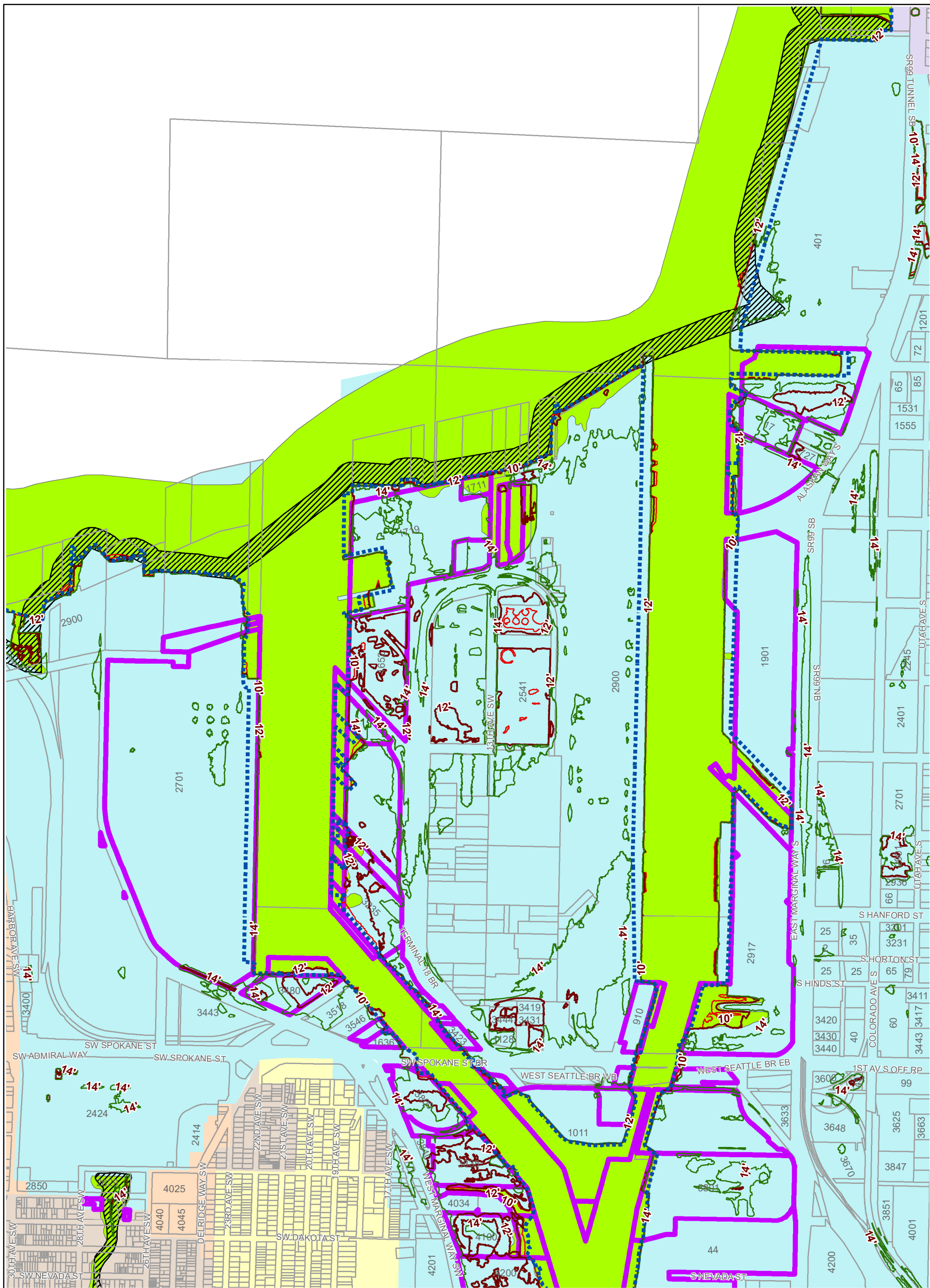
 Shoreline





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 New parcels regulated from the 2020 FEMA Flood Insurance Rate Map


0 250 500 1,000 Feet





 2020 FEMA Flood Insurance Rate Map and ECA Flood Prone Areas


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
 Downtown


 Commercial/Mixed Use

 Multi-Family

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 Manufacturing/Industrial

 Master Planned Community

 Major Institutions

 Shoreline

 10'


 12'

 14'

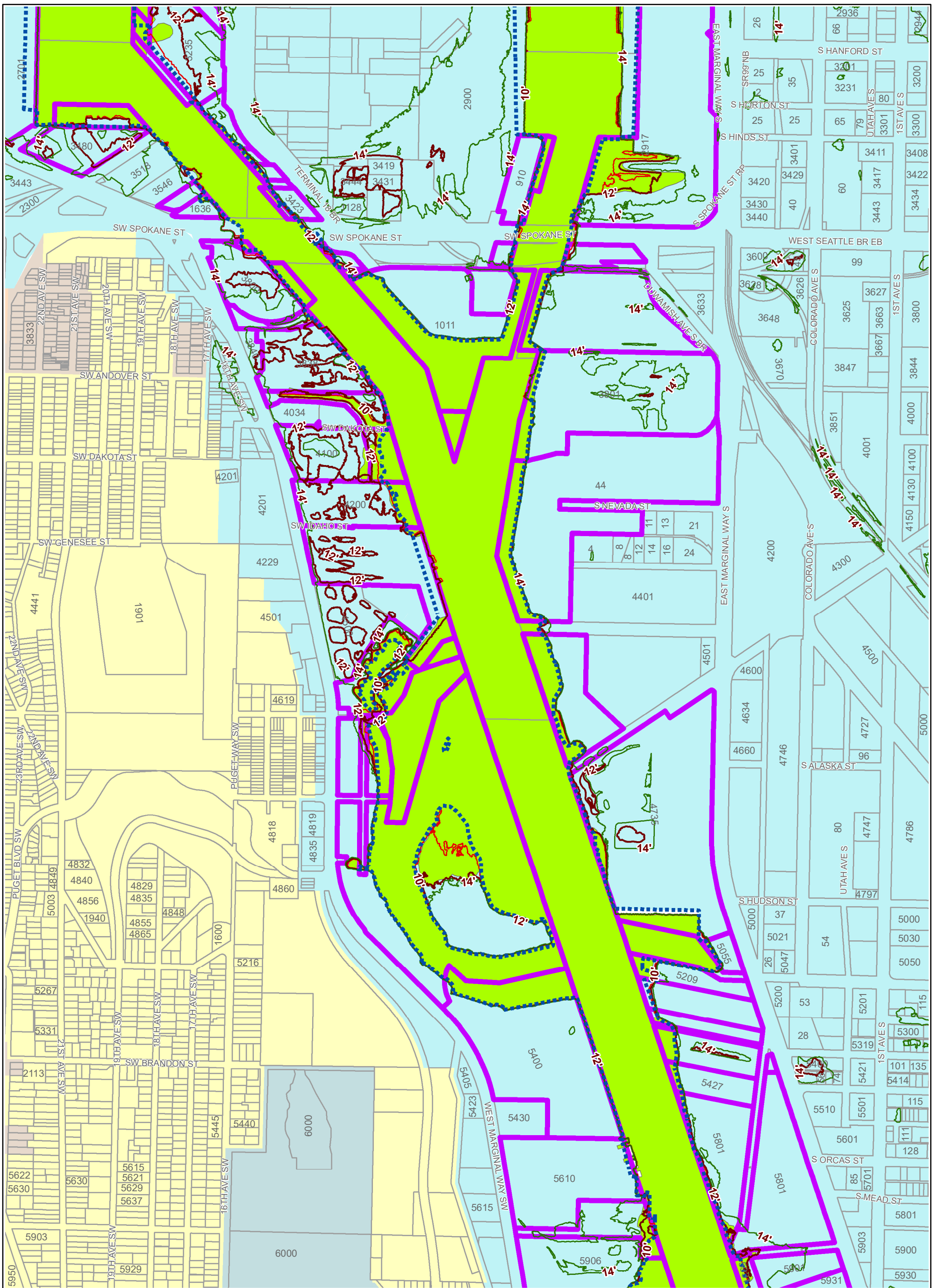
Contour elevations derived from 2016 LIDAR




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 New parcels regulated from the 2020 FEMA Flood Insurance Rate Map




0 205 410 820 Feet




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 Shoreline

 10' **Contour elevations derived from 2016 LIDAR**

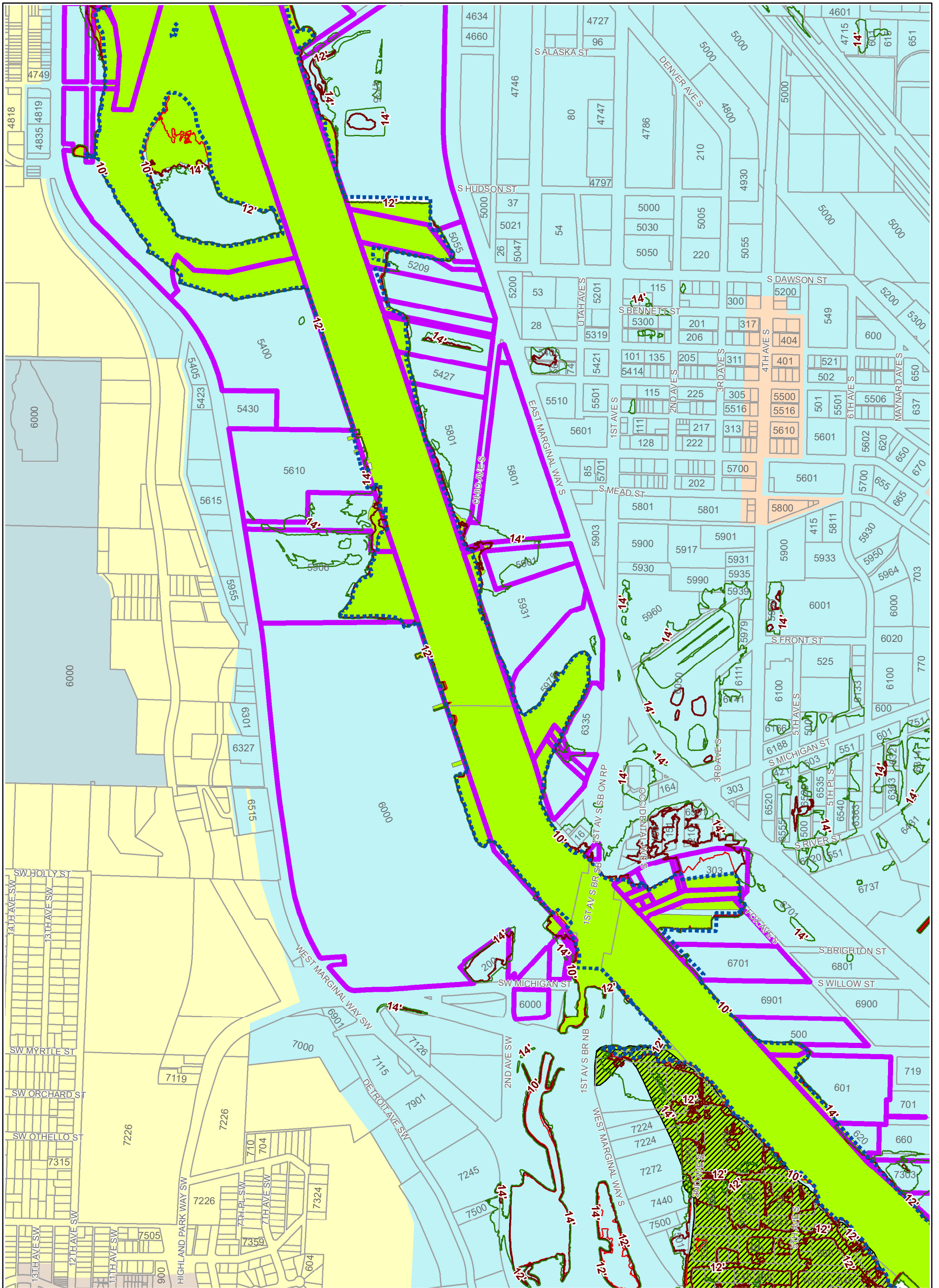
 12'


 14'


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
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
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
 Downtown


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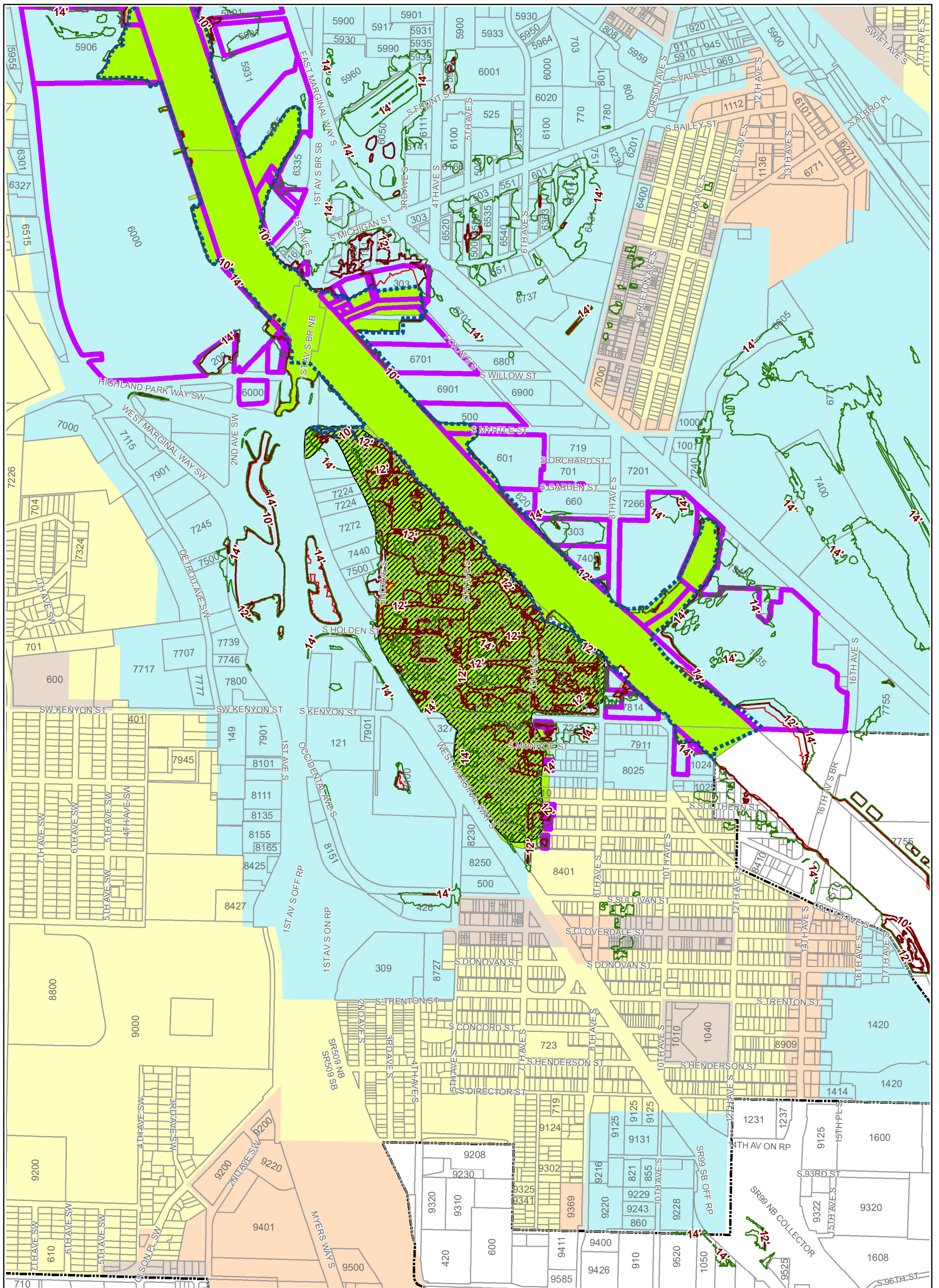
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Contour elevations derived from 2016 LIDAR







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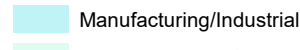
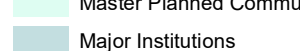

0 250 500 1,000 Feet





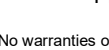
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SUMMARY and FISCAL NOTE*

Department:	Dept. Contact/Phone:	CBO Contact/Phone:
LEG	Ketil Freeman /4-8178	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 floodplains; adopting interim regulations consistent with the Federal Emergency Management Agency (FEMA) regulations; adopting updated National Flood Insurance Rate Maps to allow individuals to continue to obtain flood insurance through FEMA’s Flood Insurance Program; and amending Chapter 25.06 and Section 25.09.030 of the Seattle Municipal Code.

Summary and background of the Legislation:

This proposal is to adopt interim legislation as allowed by state growth management laws. Interim legislation would be in place for six months so that the City’s floodplain mapping and standards would be consistent with federal law and must be in effect by August 19. These regulations would be in place while SDCI develops permanent regulations.

The interim regulations would implement updates to flood prone area mapping and development standards applicable to permit applications for construction on property within these areas. The Federal Emergency Management Agency (FEMA) is requiring these updates. FEMA has been requiring these types of updates across the country, and recently published a final updated flood map for King County. This map (called the Flood Insurance Rate Map) identifies properties that are at risk of flooding and is used to determine which properties are required to have flood insurance. The updated FEMA map is now considered final and is set to go into effect on August 19th.

As part of the same effort, federal law requires each local jurisdiction to update their local floodplain regulations to comply with the new FEMA map and other related federal policies. Seattle’s floodplain regulations, which contain building codes and other standards that make residents, homes, and businesses safer from flooding, must be updated by the date the new FEMA maps go into effect.

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. While the updated mapping would include approximately 185 additional properties, additional permit applications that would be reviewed using existing and updated development standards is anticipated to be minimal. Existing SDCI staff is sufficient to review permit applications and costs will be recovered by existing permit fees. Updated maps accompanying the legislation have already been prepared.

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

No financial costs to the City are anticipated. If the City does not meet this deadline, property owners in floodplains may not be able to purchase new flood insurance or renew an existing policy. FEMA may also withhold grants from the City and other measures.

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. 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?

No.

e. Does this legislation affect a piece of property?

The legislation will apply to approximately 2,190 properties along the Puget Sound coast, the Duwamish River, and certain streams. The current floodplain regulations apply to approximately 2,005 properties so the updated mapping would include approximately 185 additional properties beyond those properties covered by the existing floodplain regulations.

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? What is the Language Access plan for any communications to the public?

Nationally, areas with more minority residents tend to have a greater share of unmapped flood risk. While FEMA's new maps better reflect that risk, some property owners will need to purchase flood insurance, which low-income property owners may struggle to afford. The City's floodplain regulations are consistent with the federal requirements for flood insurance.

- 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).**

No new initiative or major programmatic expansion is proposed.



Date: July 8, 2020
To: Councilmember Dan Strauss, Chair, Land Use and Neighborhoods Committee
From: Mike Podowski, Manager; Maggie Glowacki, Senior Planner
Subject: FEMA Floodplain Interim Legislation

Proposal Summary

SDCI recommends that the City Council adopt the Federal Emergency Management Agency (FEMA) required map and development standard updates as interim regulations as allowed by the Washington State Growth Management Act. These provisions allow for regulations to be in place for six months, while SDCI develops recommendations for permanent regulations. Environmental review would not be conducted for the interim regulations, as allowed by SEPA, due to FEMA's required deadline and penalties, and would be conducted for the permanent regulations.

A second phase is required to prepare permanent regulations. This second phase would also be an opportunity to address additional measures including social justice, equity, and likely sea level rise and other impacts of climate change. As part of this process SDCI would provide notice to all impacted properties and conduct public outreach in preparing its recommendations to the Mayor and City Council. Recommendations are anticipated in six months.

Background

On February 19, 2020, FEMA published a Flood Hazard Determination finalizing the adoption of new Flood Insurance Rate Maps (FIRMs) and a Flood Insurance Study (FIS) for all jurisdictions in King County, including Seattle. FEMA's adoption of the new FIRM and FIS requires that each jurisdiction must update their regulations within six months with this new information in order to comply with the National Flood Insurance Program (NFIP). August 19, 2020 is the required date for all jurisdictions within King County to adopt the new FIRM and FIS.

Local FEMA officials also completed an audit of Seattle's floodplain regulations and issued a 32-page report in mid-March that directs the minimum updates for Seattle by their deadline. This June, FEMA provided final direction to the City on the content for legislation to update Seattle's floodplain regulations for compliance with their requirements.

In addition to adopting the new FIRM and FIS, the City of Seattle must have floodplain regulations that apply to the new maps that did not apply to the existing 1995 FIRM and FIS. These requirements come from the NFIP regulations in Title 44 of the Code of Federal Regulations (CFR). Specifically, 44 CFR 60.3 (d & e) contains regulations for coastal high hazard flood zones, which were not identified on the 1995 maps. These coastal flood zones are designated as VE* zones on the new FIRM.

*Definitions of FEMA Flood Zone Designations: <https://snmapmod.snco.us/fmm/document/fema-flood-zone-definitions.pdf>

What this Means for Seattle Property Owners

Flood Insurance. Flood Insurance for FEMA mapped property is required by lenders for mortgages that are backed by the federal government and for mortgages that are issued by federally insured lending institutions for residential property owners and for commercial property owners, respectively. Flood insurance is available from insurance companies for; 1) policies that are backed by FEMA; 2) policies that are not; and 3) an option from Washington state. Coverage and rates vary; however, industry provided information states that FEMA backed coverage is generally less expensive and more comprehensive than

other options. The average cost of a FEMA backed floor insurance policy for residential property owners in Washington state is reported as an average of \$699 per year nationally in 2019.

If Seattle is deemed by FEMA to be out of compliance with their requirements FEMA would consider the City on probation or suspended. Communities under probation could be suspended from participation in the National Flood Insurance Program as described in 44 CFR 59.24 with the following implications:

- The penalty for not adopting the 2020 FIRM and FIS by August 19, 2020 is that the City would be considered by FEMA to be on probation and could be suspended from participation in the National Flood Insurance Program as described in 44CFR 59.24.
- While on probation, existing flood insurance policies still in effect will be subject to an additional premium of \$50 per year for residential property.
- Properties in flood hazard areas not being eligible for new grants, loans, mortgage insurance or other services provided through HUD, SBA, FHA, VA, and other Federal programs.

Development Standards. Requirements for New Development. Properties within areas mapped as special flood hazard areas are required to meet standards intended to protect the lives of occupants and mitigate damage to property and buildings. The standards vary by the specific flood zone designations, characteristics of the property, and the nature of the development proposed. Generally, the requirements include:

1. The elevation that the first floor of a new structure must be built at to keep the first story above anticipated flood levels;
2. Structures must be engineered to withstand wind from anticipated storms; and
3. Structures must be engineered to withstand flood waters should anticipated flood levels be exceeded.

The flood plain development standards can lead to higher construction costs than would be encountered if developing in areas not considered flood zones.

Summary of the proposed amendments.

Summary of Amendments to SMC Chapter 25.06, Floodplain Regulations
New Definitions to Add to Section 25.06.030 as Required by 44 CFR 59.1
<p>The following are highlights of the definitions (see the ordinance for the full content): Basement: Any area of the building having its floor sub-grade (below ground level) on all sides. Coastal High Hazard Area: An area of special flood hazard extending from offshore to the inland limit of a primary frontal dune along an open coast and any other area subject to high velocity wave action from storms or seismic sources. The area is designated on the FIRM as zone V1-30, VE or V. Flood elevation study: An examination, evaluation and determination of flood hazards and, if appropriate, corresponding water surface elevations, or an examination, evaluation and determination of mudslide (i.e., mudflow) and/or flood-related erosion hazards. Also known as a Flood Insurance Study (FIS). Floodplain or flood-prone area: Any land area susceptible to being inundated by water from any source. See "Flood or flooding."</p>

Floodplain administrator: The community official designated by title to administer and enforce the floodplain management regulations.

Floodplain Variance: A grant of relief by a community from the terms of a floodplain management regulation.

Flood proofing: Any combination of structural and nonstructural additions, changes, or adjustments to structures which reduce or eliminate risk of flood damage to real estate or improved real property, water and sanitary facilities, structures, and their contents. Flood proofed structures are those that have the structural integrity and design to be impervious to floodwater below the Base Flood Elevation.

Functionally dependent use: A use which cannot perform its intended purpose unless it is located or carried out in close proximity to water. The term includes only docking facilities, port facilities that are necessary for the loading and unloading of cargo or passengers, and ship building and ship repair facilities, and does not include long-term storage or related manufacturing facilities.

Highest adjacent grade: The highest natural elevation of the ground surface prior to construction next to the proposed walls of a structure.

Historic structure: Any structure that is:

- 1) Listed individually in the National Register of Historic Places (a listing maintained by the Department of Interior) or preliminarily determined by the Secretary of the Interior as meeting the requirements for individual listing on the National Register;
- 2) Certified or preliminarily determined by the Secretary of the Interior as contributing to the historical significance of a registered historic district or a district preliminarily determined by the Secretary to qualify as a registered historic district;
- 3) Individually listed on a state inventory of historic places in states with historic preservation programs which have been approved by the Secretary of Interior; or
- 4) Individually listed on a local inventory of historic places in communities with historic preservation programs that have been certified either:
 - a) By an approved state program as determined by the Secretary of the Interior, or
 - b) Directly by the Secretary of the Interior in states without approved programs.

Mean Sea Level: For purposes of the National Flood Insurance Program, the vertical datum to which Base Flood Elevations shown on a community's Flood Insurance Rate Map are referenced.

Substantial Damage: Damage of any origin sustained by a structure whereby the cost of restoring the structure to its before damaged condition would equal or exceed 50 percent of the market value of the structure before the damage occurred.

New Definitions to Add to Section 25.06.030 for Clarification as Recommended by FEMA and City of Seattle

ASCE 24: The most recently published version of ASCE 24, Flood Resistant Design and Construction, published by the American Society of Civil Engineers.

Breakaway wall: A wall that is not part of the structural support of the building and is intended through its design and construction to collapse under specific lateral loading forces, without causing damage to the elevated portion of the building or supporting foundation system.

Community means any state, or area or political subdivision thereof, or any Indian tribe or authorized tribal organization or Alaska Native village or authorized native organization, that has authority to adopt and enforce floodplain management regulations for the areas within its jurisdiction.

Definitions to Amend in Section 25.06.030 as Required by 44 CFR 59.1

Area of shallow flooding: A designated zone AO, AH, AR/AO or AR/AH (or VO) on a community's Flood Insurance Rate Map (FIRM) with a one percent or greater annual chance of flooding to an average depth of one to three feet where a clearly defined channel does not exist, where the path of flooding is

unpredictable, and where velocity flow may be evident. Such flooding is characterized by ponding or sheet flow. Also referred to as the sheet flow area.

Area of special flood hazard: The land in the floodplain within a community subject to a 1 percent or greater chance of flooding in any given year. It is shown on the Flood Insurance Rate Map (FIRM) as zone A, AO, AH, A1-30, AE, A99, AR (V, VO, V1-30, VE). "Special flood hazard area" is synonymous in meaning with the phrase "area of special flood hazard".

Base Flood Elevation (BFE): The elevation to which floodwater is anticipated to rise during the base flood. **Critical Facility:** A facility for which even a slight chance of flooding might be too great. Critical facilities include (but are not limited to) schools, nursing homes, hospitals, police, fire and emergency response installations, and installations which produce, use, or store hazardous materials or hazardous waste.

Flood or Flooding:

- 1) A general and temporary condition of partial or complete inundation of normally dry land areas from:
 - a) The overflow of inland or tidal waters.
 - b) The unusual and rapid accumulation or runoff of surface waters from any source.
 - c) Mudslides (i.e., mudflows) which are proximately caused by flooding as defined in paragraph (1)(b) of this definition and are akin to a river of liquid and flowing mud on the surfaces of normally dry land areas, as when earth is carried by a current of water and deposited along the path of the current.
- 2) The collapse or subsidence of land along the shore of a lake or other body of water as a result of erosion or undermining caused by waves or currents of water exceeding anticipated cyclical levels or suddenly caused by an unusually high water level in a natural body of water, accompanied by a severe storm, or by an unanticipated force of nature, such as flash flood or an abnormal tidal surge, or by some similarly unusual and unforeseeable event which results in flooding as defined in paragraph (1)(a) of this definition.

Flood Insurance Rate Map (FIRM): The official map of a community, on which the Federal Insurance Administrator has delineated both the special hazard areas and the risk premium zones applicable to the community. A FIRM that has been made available digitally is called a Digital Flood Insurance Rate Map (DFIRM).

Floodway: The channel of a river or other watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than a designated height. Also referred to as "Regulatory Floodway."

New construction: For the purposes of determining insurance rates, structures for which the "start of construction" commenced on or after the effective date of an initial Flood Insurance Rate Map or after December 31, 1974, whichever is later, and includes any subsequent improvements to such structures. For floodplain management purposes, "new construction" means structures for which the "start of construction" commenced on or after the effective date of a floodplain management regulation adopted by a community and includes any subsequent improvements to such structures.

Start of construction: Includes substantial improvement and means the date the building permit was issued, provided the actual start of construction, repair, reconstruction, rehabilitation, addition, placement, or other improvement was within 180 days from the date of the permit. The actual start means either the first placement of permanent construction of a structure on a site, such as the pouring of slab or footings, the installation of piles, the construction of columns, or any work beyond the stage of excavation; or the placement of a manufactured home on a foundation. Permanent construction does not include land preparation, such as clearing, grading, and filling; nor does it include the installation of streets and/or walkways; nor does it include excavation for a basement, footings, piers, or foundations or the erection of temporary forms; nor does it include the installation on the property of accessory buildings, such as garages or sheds not occupied as dwelling units or not part of the main structure. For a substantial

improvement, the actual start of construction means the first alteration of any wall, ceiling, floor, or other structural part of a building, whether or not that alteration affects the external dimensions of the building.

Structure: For floodplain management purposes, a walled and roofed building, including a gas or liquid storage tank, that is principally above ground, as well as a manufactured home.

Substantial improvement: Any reconstruction, rehabilitation, addition, or other improvement of a structure, the cost of which equals or exceeds 50 percent of the market value of the structure before the "start of construction" of the improvement. This term includes structures which have incurred "substantial damage," regardless of the actual repair work performed. The term does not, however, include either:

- 1) Any project for improvement of a structure to correct previously identified existing violations of state or local health, sanitary, or safety code specifications that have been identified by the local code enforcement official and that are the minimum necessary to assure safe living conditions; or
- 2) Any alteration of a "historic structure," provided that the alteration will not preclude the structure's continued designation as a "historic structure."

New Development Standards Required by 44 CFR 60.3

25.06.044 Abrogation and greater restrictions
 This Chapter 25.06 is not intended to repeal, abrogate, or impair any existing easements, covenants, or deed restrictions. However, where this Chapter 25.06 and another ordinance, easement, covenant, or deed restriction conflict or overlap, whichever imposes the more stringent restrictions shall prevail.

25.06.045 Interpretation
 In the interpretation and application of this Chapter 25.06, all provisions shall be:

- A. Considered as minimum requirements;
- B. Liberally construed to provide the maximum flood protection; and
- C. Deemed neither to limit nor repeal any other powers granted under state statutes.

25.06.135 AE and A1-30 zones with base flood elevations but no floodways
 In AE and A1-30 FIRM designated zones with identified base flood elevations but no identified floodways, new construction, substantial improvements, or other development (including fill) is prohibited unless the applicant can demonstrate that the cumulative effect of the proposed development, when combined with all other existing and anticipated development, will not increase the water surface elevation of the base flood more than 1 foot at any point within the community.

25.06.136 Floodplain variances
 Includes the allowance and criteria for a variance from the floodplain regulations.

Standards to Amend Required by 44 CFR 60.3

25.06.050 Identification of special flood hazard areas
 Replaces the 1995 Flood Insurance Rate Map and Flood Insurance Study reference in 25.06. with the 2020 Flood Insurance Rate Map and Flood Insurance Study.

25.06.070 Application for floodplain development approval or license
 Includes requirement for the new VE (coastal flood hazard areas).

25.06.090 Functions of the administrators
 Clearly state the responsibilities of floodplain administrator functions including not allowing development in the floodway, requiring development is safe from flooding, notifying when annexations occur in special flood hazard areas and obtain and maintain records for floodplain development permits.

<p>25.06.100 General standards Include examples of anchoring methods that can be used and clearly states that wells cannot be located in floodways.</p>
<p>25.06.110 Standards involving base flood elevations Clearly state the development standards for residential structures and for non-residential structures in all flood zones (AE, A, AO, and VE); Clearly state that the building code provisions for flood protection apply to residential and non-residential development; Include specific standards for garages constructed below the base flood elevation allowing automatic entry and exit of floodwaters; and Include provisions on what is allowed in enclosed areas below the lowest floor of structures Include standards for changes to the base flood elevation or boundaries to a special flood hazard area, Include livestock sanctuary areas.</p>
<p>Standards to Amend for Clarification</p>
<p>25.06.080 Designation of administrators Clearly state that the Directors' of SDCI and SDOT are the flood plain administrators.</p>
<p>25.06.120 Standards for floodways Clearly state that development in the floodway is extremely hazardous and that any improvement to existing structures is the minimum necessary to assure safe living conditions.</p>
<p>Amendment to Align with Seattle Building and Residential Codes</p>
<p>25.06.140 Penalties for noncompliance Increase the civil penalty amount for violations from \$50/day to \$500/day.</p>
<p>Amend Floodplain Maps as Required by FEMA</p>
<p>Current floodplain maps that are based on FEMA's 1995 maps would be updated with FEMA's 2020 maps.</p>
<p>185 new parcels would be regulated with the majority of the new parcels near Harbor Island and the Duwamish River.</p>

Property Impacted by the Required Changes to Coastal Flood Zone Designations

Currently, flood zones are the mapped areas identified in the 1995 FEMA maps and those Environmentally Critical Areas identified by Seattle Public Utilities with flooding conditions. Properties within the flood zones mapped by FEMA are subject to the flood insurance and both of these areas are subject to the development standards as mentioned in the previous section of this report. Currently the applicable development standards are contained in the Floodplain Regulations, Chapter 25.06 of the Seattle Municipal Code (SMC) as well as in the Seattle Building and Residential codes, Title 22, SMC and the ASCE 24, Flood Resistant Design and Construction, published by the American Society of Civil Engineers. The FEMA required updates to the development standards would be in the Floodplain Regulations.

The FEMA required updates to floodplain maps are shown on Exhibit 2 of the Council Bill in comparison to the areas currently mapped. The maps show the location of newly included properties located throughout the city with the majority of newly designated properties along the Duwamish River from Harbor Island to the southern boundaries of the City. The Duwamish is newly designed as both the VE, coastal flood zone areas and AE areas where the base flood elevation is provided by FEMA, as part of this update.

The potential impacts regarding the need for floodplain standards on the new parcels outlined in purple on the maps shown on Exhibit 2 of the Council Bill along Harbor Island and the Duwamish will generally be limited to the newly mapped green areas as well as the areas with an elevation of 12-ft or lower. Therefore, a relatively small area within these parcels will be impacted.

Parcels Impacted by the Current and Updated maps

The legislation would apply to approximately 2,190 properties along the Puget Sound coast, the Duwamish River, and certain streams. The current floodplain regulations apply to approximately 2,005 properties. The updated mapping would include approximately 185 additional properties beyond those properties covered by the existing floodplain regulations.

Closing

Thank you for considering this legislation. We are available to answer any questions you may have.