

CITY OF SEATTLE

ORDINANCE _____

COUNCIL BILL _____

..title

AN ORDINANCE relating to land use and zoning; adding a new Chapter 23.70 to the Seattle Municipal Code (SMC); amending Chapter 23.32 of the SMC at page 14 of the Official Land Use Map to establish a Mobile Home Park Overlay District; amending Section 23.84A.032 of the SMC; and requesting that the Office of Housing add the census tract in which the Mobile Home Park Overlay District is located to those eligible for the affirmative marketing and community preference policy adopted in the *Housing Funding Policies*.

..body

WHEREAS, Seattle is facing a housing affordability challenge, evidenced by the fact that 42

percent of Seattle renters pay more than 30 percent of their income for housing; and

WHEREAS, a detached home with a ground-level entry is an increasingly difficult housing

option for moderate- and low-income households to obtain, because townhouses and

detached homes rent for roughly twice as much as one-bedroom apartments; and

WHEREAS, physical displacement occurs when new development replaces existing lower-cost

housing that does not have the protection of ownership by a non-profit housing provider

or public housing authority; and

WHEREAS, to address physical displacement, The City of Seattle (“City”) has promulgated an

affirmative marketing and community preference policy in the *Housing Funding Policies*,

adopted by Ordinance 125308 and amended by Ordinance 125832, to create opportunities

for eligible displaced residents to return to new affordable housing developments in their

former neighborhoods; and

WHEREAS, Seattle’s mobile home parks have been in operation for more than 50 years, and

continue to provide relatively low-cost housing to approximately 140 households; and

1 WHEREAS, numerous cities in Washington, including Tumwater, Bothell, and Kenmore, have
2 enacted mobile home park zoning regulations to encourage long-term viability of mobile
3 home parks as one of several allowed land uses in those zones; and

4 WHEREAS, the remaining two mobile home parks in the City are located in the Bitter Lake
5 urban village; and

6 WHEREAS, the zone designation applicable to those mobile home parks is Commercial 1 with a
7 55-foot height limit and M mandatory housing affordability suffix; and

8 WHEREAS, one of the City’s planning goals under the Growth Management Act, chapter
9 36.70A RCW, and expressed in the Housing Element of the City’s Comprehensive Plan,
10 is to make adequate provision for the housing needs of all economic segments of Seattle;
11 and

12 WHEREAS, in January 2019 the City Council passed Ordinance 125764, placing a one-year
13 moratorium on development of mobile home parks, and requested the Office of Planning
14 and Community Development to analyze and propose a permanent land-use framework
15 for mobile home parks; and

16 WHEREAS, to allow additional time for the City to develop a permanent land-use framework
17 for mobile home parks, the moratorium has been extended for four additional six-month
18 periods through Ordinances 126006, 126090, 126241, and 126362; and

19 WHEREAS, on December 6, 2021, the City Council passed Council Bill 120213, which, if
20 approved by the Mayor, would extend the moratorium to the earlier of the effective date
21 of this Council Bill or six months from the effective date of Council Bill 120213;

22 NOW, THEREFORE,

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

1 Section 1. Page 14 of the Official Land Use Map, Chapter 23.32, is amended to establish
2 the Mobile Home Park Overlay District, as shown in Map A for 23.70.004 of the Seattle
3 Municipal Code.

4 Section 2. A new Chapter 23.70 is added to the Seattle Municipal Code as follows:

5 **Chapter 23.70 MOBILE HOME PARK OVERLAY DISTRICT**

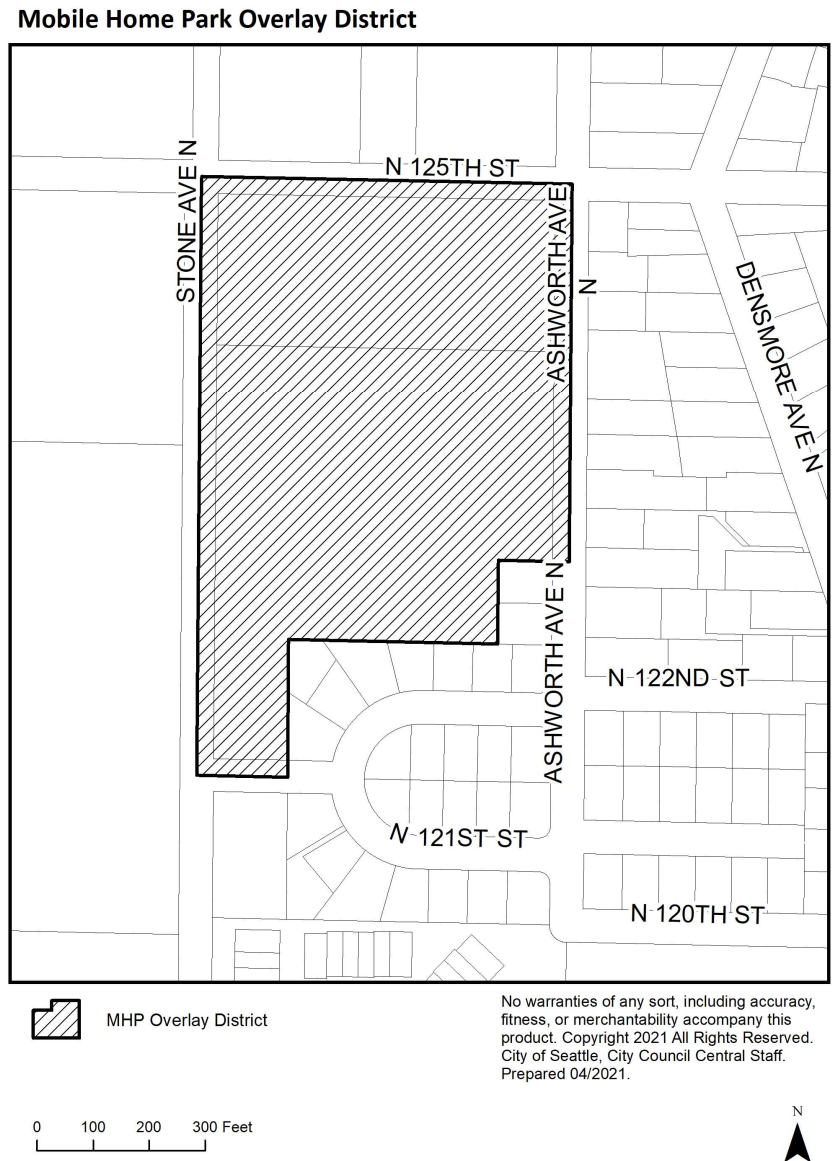
6 **23.70.002 Purpose and intent**

7 The purpose of this Chapter 23.70 is to implement the Comprehensive Plan and provide for the
8 preservation of existing mobile home parks. Mobile home parks provide a source of lower-cost,
9 medium-density housing that provides a range of land tenancy options. The Mobile Home Park
10 Overlay District supports the long-term viability of mobile homes located in mobile home parks,
11 while allowing a variety of other uses.

12 **23.70.004 Mobile Home Park Overlay District established**

13 There is hereby established, pursuant to Chapter 23.59, the Mobile Home Park Overlay District
14 as shown on page 14 of the Official Land Use Map, Chapter 23.32, and Map A for 23.70.004.

1 **Map A for 23.70.004: Mobile Home Park Overlay District**



2

3 **23.70.006 General provisions**

4 A. Replacement of a structure, construction of a new structure, and establishment of a
5 new use within the Mobile Home Park Overlay District shall comply with the development
6 standards in this Chapter 23.70.

7 B. Standards specific to redevelopment within the Mobile Home Park Overlay District
8 apply when 25 percent or more of the mobile homes in a mobile home park are to be replaced

1 (with new mobile homes or non-mobile home use) pursuant to a single land use or building
2 permit application or pursuant to multiple land use or building permit applications filed with the
3 Department within a 365-day period. Any permit issued for replacement of less than 25 percent
4 of the mobile homes with new mobile homes or non-mobile home use in a mobile home park
5 shall be conditioned on no additional application to replace a mobile home use with new mobile
6 homes or a non-mobile home use being filed within 365 days of the original application.

7 C. Institutions in the Mobile Home Park Overlay District shall meet all development
8 standards for institutions in the LR1 zone pursuant to Section 23.45.570.

9 **23.70.008 Permitted and prohibited uses**

10 A. Residential uses. Mobile homes, mobile home parks, and low-income housing meeting
11 the requirements of this Chapter 23.70 are permitted outright. All other residential uses are
12 prohibited.

13 B. Non-residential uses. The following non-residential uses are permitted outright. All
14 other non-residential uses are prohibited.

- 15 1. Community gardens;
- 16 2. Urban farms;
- 17 3. Restaurants;
- 18 4. Sports and recreation uses, indoor or outdoor;
- 19 5. Food processing and craft work;
- 20 6. Medical services;
- 21 7. Offices;
- 22 8. Retail sales, major durables;
- 23 9. Retail sales and services, automotive;

1 10. Flexible-use parking;

2 11. Institutions;

3 12. Religious facilities and schools, elementary or secondary;

4 13. Parks and open space.

5 **23.70.010 Development standards for residential uses**

6 A. Mobile homes and mobile home parks.

7 1. In addition to the development standards in this Chapter 23.70, mobile homes
8 and mobile home parks are subject to the development standards in Chapter 22.904.

9 2. The maximum height for residential structures is 30 feet. The height limit
10 exceptions and additions of the LR zones pursuant to Section 23.45.514 apply.

11 3. Setbacks and separations. Setbacks shall be from mobile home park lot lines as
12 follows:

13 a. Minimum of 5 feet from any street lot line; and

14 b. Minimum of 5 feet from any lot line abutting a single-family zone.

15 B. Low-income housing. Low-income housing on a site owned by a government entity,
16 non-profit, or religious organization, and meeting the requirements of this Chapter 23.70 are
17 subject to the development standards of the underlying zone. In the event that low-income
18 housing is provided by a religious organization, the density bonuses under Section 23.42.055
19 apply, but low-income housing must comply with the affordability requirements pursuant to this
20 subsection 23.70.010.B in the event of a conflict.

21 1. Affordability requirements.

22 a. Eligible households. Except as provided in subsection 23.70.010.B.1.e,
23 all dwelling units or congregate residence sleeping rooms shall serve only:

1 1) For rental units, households with incomes no greater than 60
2 percent of median income, adjusted by household size.

3 2) For ownership units, households with incomes no greater than
4 80 percent of median income, adjusted by household size.

5 b. Duration. The obligation to provide dwelling units meeting the
6 requirements of this subsection 23.70.010.B shall last for a period of 75 years from the date of
7 the certificate of occupancy or, if a certificate of occupancy is not required, from the date of the
8 final building permit inspection for the development to which this subsection 23.70.010.B
9 applies.

10 c. Affordable rent. Monthly rent shall not exceed 30 percent of 60 percent
11 of median income. For purposes of this subsection 23.70.010.B, “monthly rent” includes a utility
12 allowance for heat, gas, electricity, water, sewer, and refuse collection, to the extent such items
13 are not paid for tenants by the owner, and any recurring fees that are required as a condition of
14 tenancy.

15 d. Affordable sale price

16 1) Affordable price—initial sales. The initial affordable sale price
17 must be an amount in which total ongoing housing costs do not exceed 30 percent of 80 percent
18 of median income. The Director of Housing will establish by rule the method for calculating the
19 initial sale price including standard assumptions for determining upfront housing costs, including
20 the down payment, and ongoing housing costs, which must include mortgage principal and
21 interest payments, homeowner’s insurance payments, homeowner or condominium association
22 dues and assessments, and real estate taxes and other charges included in county tax billings. The
23 Director of Housing may establish by rule a maximum down payment amount.

1 2) Affordable price—resales. Eligible households for purchase of
2 an ownership unit subsequent to the initial sale must have incomes no greater than 80 percent of
3 median income at initial occupancy. The Office of Housing will establish by rule the formula for
4 calculating maximum affordable prices for sales subsequent to the initial sale to allow modest
5 growth in homeowner equity while maintaining long-term affordability for future buyers.

6 e. Right of first offer, replacement housing, and initial rent and affordable
7 sales price for current residents.

8 1) The property owner shall affirmatively offer eligible households
9 of residents of the mobile home park, at the time the relocation report and plan required by
10 Section 22.904.410 is submitted, a replacement unit in the low-income housing development,
11 relocation housing while the low-income housing development is under construction, and
12 financial relocation assistance. Financial relocation assistance shall be provided regardless of
13 whether eligible households accept a replacement unit.

14 2. For rental units for eligible households of residents of the mobile
15 home park at the time the relocation report and plan required by Section 22.904.410 is submitted,
16 the replacement unit must be equivalent in size to the mobile home in which the resident
17 formerly lived and, notwithstanding the requirements of subsection 23.70.010.B.1.c, the
18 affordable monthly rent, while the resident is a tenant of the development, shall be no greater
19 than 30 percent of 40 percent of median income, adjusted for household size, or one-third of a
20 residents' monthly income, whichever is less. For purposes of this subsection 23.70.010.B,
21 "monthly rent" includes a utility allowance for heat, gas, electricity, water, sewer, and refuse
22 collection, to the extent such items are not paid for tenants by the owner, and any recurring fees

1 that are required as a condition of tenancy. Affordable rent subsequent to the resident being a
2 tenant of the development is determined pursuant to subsection 23.70.010.B.1.c.

3 3. For ownership units for eligible households of residents of the
4 mobile home park at the time the relocation report and plan required by Section 22.904.410 is
5 submitted, the initial affordable sale price must be an amount in which total ongoing housing
6 costs do not exceed 30 percent of 40 percent of median income. The Director of Housing will
7 establish by rule the method for calculating the initial sale price including standard assumptions
8 for determining upfront housing costs, including the down payment, and ongoing housing costs,
9 which must include mortgage principal and interest payments, homeowner's insurance payments,
10 homeowner or condominium association dues and assessments, and real estate taxes and other
11 charges included in county tax billings. The Director of Housing may establish by rule a
12 maximum down payment amount. Affordable resale prices are determined pursuant to subsection
13 23.70.010.B.1.d.2.

14 d. Agreement. As a condition of building permit issuance for a
15 development according to this subsection 23.70.010.B, the property owner and the City must
16 enter into an agreement in a form acceptable to the City that includes housing covenants
17 consistent with this subsection 23.70.010.B and the final plan set approved by the Department.
18 The agreement must be recorded on the title of the property on which the low-income housing
19 development is located.

20 **23.70.012 Development standards for non-residential uses**

21 A. Height limit. The maximum height for any non-residential structure is 40 feet. No
22 height limit exceptions are allowed other than for smokestacks, chimneys, flagpoles, and
23 religious symbols for religious institutions.

1 B. Maximum size of use. The maximum size of any non-residential use on any lot in the
2 Mobile Home Park Overlay District is 5,000 square feet of gross floor area.

3 C. Floor area ratio. The maximum floor area ratio for all non-residential uses on any lot
4 in the Mobile Home Park Overlay District is two.

5 D. Setbacks and separations. Setbacks shall be as follows.

6 1. Minimum of 7 feet from any street lot line; and

7 2. Minimum of 15 feet from any lot line abutting a single-family zone.

8 **23.70.014 Signs**

9 All signs shall comply with the standards and requirements for signs in the residential
10 commercial (RC) zone pursuant to Section 23.55.024.

11 **23.70.016 Communication utilities**

12 A. Permitted and prohibited locations for major communications utilities are the same as
13 those specified for single-family zones pursuant to Chapter 23.57.

14 B. Development standards for communications utilities are the same as those specified
15 for single-family zones pursuant to Chapter 23.57.

16 **23.70.018 Applicability of Chapter 23.58B and Chapter 23.58C**

17 While this Chapter 23.70 is in effect, the requirements of Chapter 23.58B and Chapter 23.58C
18 shall not apply to new development or redevelopment within the Mobile Home Park Overlay
19 District.

20 **23.70.020 Expiration of overlay**

21 The Mobile Home Park Overlay District established in this Chapter 23.70 shall expire on
22 January 1, 2051.

1 Section 3. Section 23.84A.032 of the Seattle Municipal Code, last amended by Ordinance
2 126287, is amended as follows:

3 **23.84A.032 “R”**

4 * * *

5 “Residential use” means any one or more of the following:

6 * * *

7 15. “Mobile home” means a structure that is designed and constructed to be
8 transportable in one or more sections and built on a permanent chassis, designed to be used as a
9 dwelling unit without a permanent foundation, and connected to utilities that include plumbing,
10 heating, and electrical systems. A structure that was transportable at the time of manufacture is
11 still considered to meet this definition notwithstanding that it is no longer transportable.

12 ~~((15))~~ 16. “Mobile home park” means a tract of land that is rented for the use of
13 more than one mobile home that is occupied as a dwelling unit.

14 ~~((16))~~ 17. “Multifamily residential use” means a use consisting of two or more
15 dwelling units in a structure or portion of a structure, excluding accessory dwelling units.

16 ~~((17))~~ 18. “Multifamily residential use, low-income disabled” means a
17 multifamily residential use in which at least 90 percent of the dwelling units are occupied by one
18 or more persons who have a handicap as defined in the Federal Fair Housing Amendments Act
19 and who constitute a low-income household.

20 ~~((18))~~ 19. “Multifamily residential use, low-income elderly” means a residential
21 use in which at least 90 percent of the dwelling units are occupied by one or more persons 62 or
22 more years of age who constitute a low-income household.

1 ((19)) 20. “Multifamily residential use, low-income elderly/low-income disabled”
2 means a multifamily residential use in which at least 90 percent of the dwelling units (not
3 including vacant units) are occupied by a low-income household that includes a person who has
4 a handicap as defined in the Federal Fair Housing Amendment Act or a person 62 years of age or
5 older, as long as the housing qualifies for exemptions from prohibitions against discrimination
6 against families with children and against age discrimination under all applicable fair housing
7 laws and ordinances.

8 ((20)) 21. “Permanent supportive housing” means a multifamily residential use,
9 which is paired with on or off-site voluntary human services to support a person living with a
10 complex and disabling behavioral health or physical health condition who was experiencing
11 homelessness or was at imminent risk of homelessness prior to moving into housing:

12 a. In which at least 50 percent of the dwelling units are occupied by
13 households whose income at original occupancy does not exceed 30 percent of median income
14 and the remaining dwelling units are occupied by very low-income households at original
15 occupancy;

16 b. That receives public funding or an allocation of federal low-income
17 housing tax credits; and

18 c. That is subject to a regulatory agreement, covenant, or other legal
19 instrument, the duration of which is at least 40 years, recorded on the property title and
20 enforceable by The City of Seattle, Washington State Housing Finance Commission, State of
21 Washington, King County, U.S. Department of Housing and Urban Development, or other
22 similar entity as approved by the Director of Housing.

1 ((21)) 22. “Nursing home” means a use licensed by the State of Washington as a
2 nursing home, which provides full-time convalescent and/or chronic care for individuals who, by
3 reason of chronic illness or infirmity, are unable to care for themselves, but that does not provide
4 care for the acutely ill or surgical or obstetrical services. This definition excludes hospitals or
5 sanitariums.

6 ((22)) 23. “Rowhouse development” means a multifamily residential use in which
7 all principal dwelling units on the lot meet the following conditions:

8 a. Each dwelling unit occupies the space from the ground to the roof of the
9 structure in which it is located;

10 b. No portion of a dwelling unit, except for an accessory dwelling unit or
11 shared parking garage, occupies space above or below another dwelling unit;

12 c. Each dwelling unit is attached along at least one common wall to at
13 least one other dwelling unit, with habitable interior space on both sides of the common wall, or
14 abuts another dwelling unit on a common lot line;

15 d. The front of each dwelling unit faces a street lot line;

16 e. Each dwelling unit provides pedestrian access directly to the street that
17 it faces; and

18 f. No portion of any other dwelling unit, except for an attached accessory
19 dwelling unit, is located between any dwelling unit and the street faced by the front of that unit.

20 ((23)) 24. “Single-family dwelling unit” means a detached principal structure
21 having a permanent foundation, containing one dwelling unit, except that the structure may also
22 contain one or two attached accessory dwelling units where expressly authorized pursuant to this

1 Title 23. A detached accessory dwelling unit is not considered a single-family dwelling unit for
2 purposes of this Chapter 23.84A.

3 ((24)) 25. “Townhouse development” means a multifamily residential use that is
4 not a rowhouse development, and in which:

5 a. Each dwelling unit occupies space from the ground to the roof of the
6 structure in which it is located;

7 b. No portion of a dwelling unit occupies space above or below another
8 dwelling unit, except for an attached accessory dwelling unit and except for dwelling units
9 constructed over a shared parking garage; and

10 c. Each dwelling unit is attached along at least one common wall to at
11 least one other dwelling unit, with habitable interior space on both sides of the common wall, or
12 abuts another dwelling unit on a common lot line.

13 * * *

14 Section 4. The City Council finds that the Mobile Home Park Overlay District is located
15 in a high displacement risk area identified in *Seattle 2035 Growth and Equity: Analyzing Impacts*
16 *on Displacement and Opportunity Related to Seattle’s Growth Strategy*. The Council requests
17 that the Office of Housing add census tract 6, which includes the Mobile Home Park Overlay
18 District, to those areas eligible for the affirmative marketing and community preference policy
19 adopted in the *Housing Funding Policies* (2019). The Council further requests that if future
20 redevelopment of sites within the Mobile Home Park Overlay District for low-income housing
21 under Seattle Municipal Code subsection 23.70.010.B includes City funding, that redevelopment
22 of the sites serve the populations relocated by the development. That could include senior

1 housing for residents relocated from the current Halcyon mobile home park or housing for
2 families for residents relocated from the current Bella-B mobile home park.

3 Section 5. The Council intends to meet to review the Mobile Home Park Overlay District
4 within ten years of the effective date of this ordinance, and at least every ten years thereafter, to
5 consider whether to retain, terminate, or otherwise amend the Mobile Home Park Overlay
6 District.

1 Section 6. This ordinance shall take effect and be in force 30 days after its approval by
2 the Mayor, but if not approved and returned by the Mayor within ten days after presentation, it
3 shall take effect as provided by Seattle Municipal Code Section 1.04.020.

4 Passed by the City Council the _____ day of _____, 2021,
5 and signed by me in open session in authentication of its passage this _____ day of
6 _____, 2021.

7 _____
8 President _____ of the City Council

9 Approved / returned unsigned / vetoed by me this _____ day of _____,
10 2021.

11 _____
12 Jenny A. Durkan, Mayor

13 Filed by me this _____ day of _____, 2021.

14 _____
15 Monica Martinez Simmons, City Clerk

16 (Seal)