



SEATTLE CITY COUNCIL

Public Assets and Homelessness Committee

Agenda

Wednesday, February 2, 2022

2:00 PM

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

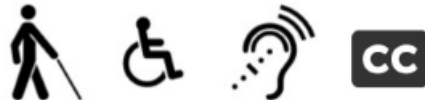
Andrew J. Lewis, Chair
Teresa Mosqueda, Vice-Chair
Lisa Herbold, Member
Debora Juarez, Member
Tammy J. Morales, Member

Chair Info: 206-684-8807; Andrew.Lewis@seattle.gov

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Committee Website:

<https://www.seattle.gov/council/committees/public-assets-and-homelessness>

This meeting also constitutes a meeting of the City Council, provided that the meeting shall be conducted as a committee meeting under the Council Rules and Procedures, and Council action shall be limited to committee business.

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

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

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

Submit written comments to Councilmember Lewis at Andrew.Lewis@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#

Please Note: Times listed are estimated

A. Call To Order

B. Approval of the Agenda

C. Public Comment

D. Items of Business

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

Supporting Documents: [Summary and Fiscal Note](#)
[Presentation](#)

Briefing, Discussion, and Possible Vote

Presenter: Acting Superintendent Christopher Williams, Amy Hamaker, and Donnie Grabowski; Seattle Parks and Recreation

E. Adjournment



Legislation Text

File #: CB 120264, Version: 1

CITY OF SEATTLE

ORDINANCE _____

COUNCIL BILL _____

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

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

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

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

BE IT ORDAINED BY THE CITY OF SEATTLE AS FOLLOWS:

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

18.12.030 Definitions-Rules of construction((-))

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

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

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

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

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

5. “City park zone” means:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

18.12.042 Permit system~~((:))~~

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

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

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

material;

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

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

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

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

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

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

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

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

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

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

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

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

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

President _____ of the City Council

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

Bruce A. Harrell, Mayor

Filed by me this _____ day of _____, 2022.

Monica Martinez Simmons, City Clerk

(Seal)

SUMMARY and FISCAL NOTE*

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

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

1. BILL SUMMARY

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

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

Updates:

Section 18.12.030: Definitions. Adds definition of Commercial Activity

Section 18.12.042: Permit System. Clarifies that a permit is required for commercial activity of any type, including providing a service, product or activity within a park.

Includes language that permits may be issued for a term not to exceed one year consistent with existing SPR policies and procedures.

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

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

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

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

2. CAPITAL IMPROVEMENT PROGRAM

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

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

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

4. OTHER IMPLICATIONS

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

No

b. Is a public hearing required for this legislation?

No

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

No

d. Does this legislation affect a piece of property?

No

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

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

f. Climate Change Implications

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

No

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

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

No.

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

N/A

List attachments/exhibits below:

SPR Commercial Activities Ordinance

February 2, 2022

Seattle Parks and Recreation

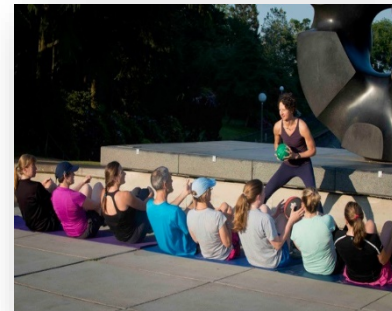
Public Assets and Homelessness Committee



City of Seattle **13**

SPR Commercial Activities Ordinance

An Ordinance relating to Seattle Parks and Recreation (SPR); relating to commercial activities in parks; amending the following Park Code sections of the Seattle Municipal Code: 18.12.030, 18.12.042 and 18.12.160



Vending in Parks

SPR activates underutilized parks and enhances park goers' experiences by permitting seasonal concession activities that align with our values of "healthy people, healthy environment, and strong communities."

- 80+ short-term vending permits issued in 2021 to small business owners ranging from boot camps to pop-up picnics to ice cream vending.
- Each vendor fulfills regulatory requirements and pays reasonable fees.
- Vendor outreach is directed to underserved populations; 80% of seasonal vendors self-identify as W/MBE.
- Permitting allows SPR to ensure businesses match park values and avoid conflicting use of space.
- Positive activation of park space.



Vending in Parks: Pilot Programs

Pilot programs to activate underutilized spaces include:

- Fee waivers for community food and market vendors at South Park Plaza
- Mobile vending opportunity for W/MBE business owners at underserved parks in Southeast Seattle
- Food truck activation at downtown parks

Most permits are awarded through a competitive process with park activation and enhancement the number one criteria.



Meet Three Vendors

Latoya dba Funtastic

- Mom of three/Nurse
- First-time business owner
- Operates in SE Seattle parks
- Long-time community member

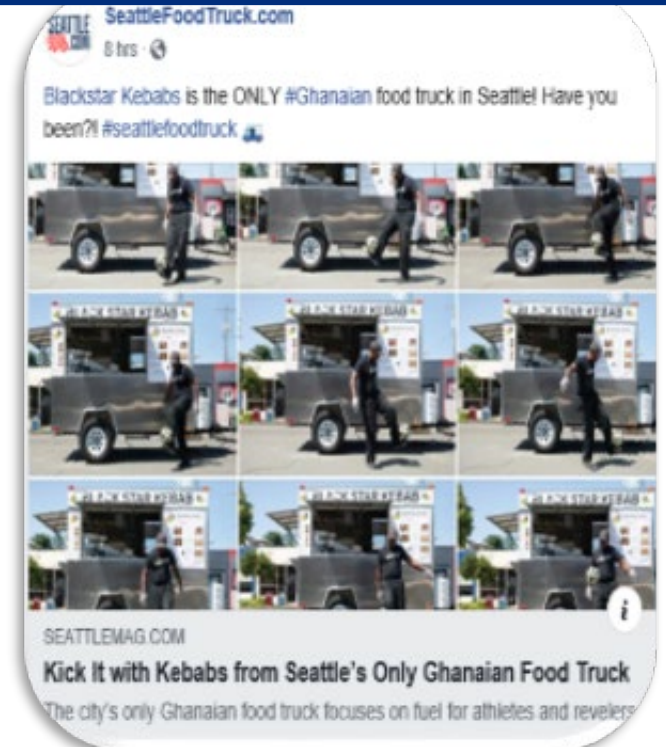


Mike dba Sgt. Mike's Boot Camp

- Fitness Instructor, Gas Works Park
- One of the first permitted vendors for this type of activity
- Positive early morning presence at the park during the summer months

Priestwick dba Blackstar Kebab

- Operates at Magnuson Park
- Unique healthy food offerings
- Engaged in community/often requested for events



Proposed Changes

- Section 18.12.030: Definitions. Adds definition of Commercial Activity.
- Section 18.12.042: Permit System. Clarifies that a permit is required for commercial activity of any type, including providing a service, product or activity within a park. Includes language that permits may be issued for a term not to exceed one year consistent with existing SPR policies and procedures.
- Section 18.12.160: Commercial Activity. Updates language to be consistent with 18.12.042 and removes unclear language.



Why are the changes needed?

Interest in short-term vending in parks has increased over the past 10 years. SPR proposes that the Seattle Municipal Code be amended to add language specific to commercial activity to include service, product, or activity in order to:

- Provide clarity to potential vendors to avoid enforcement action – this is not anticipated to lead to increased or additional enforcement
- Address the changing nature of commercial activity requests
- Ensure that the permitting process remains robust and inclusive

- Fitness Classes
- Nature or Art Classes
- Food Vending
- Kayak/SUP rentals



Questions?

