

May 10, 2021

MEMORANDUM

To: Land Use and Neighborhoods Committee
From: Ketil Freeman, Analyst
Subject: Mobile Home Park Overlay District

On May 12, 2021, the Land Use and Neighborhoods (LUN) Committee will have an initial briefing on a proposed Mobile Home Park Overlay District (MHPOD). The MHPOD is proposed as permanent regulations to replace the ongoing moratorium on mobile home park redevelopment initially established through [Ordinance 125764](#).

This memorandum provides the background and regulatory context for the proposed MHPOD, describes what the proposed MHPOD would do, and sets out procedural next steps for consideration of the MHPOD.

Background and Regulatory Context

Legislative History

In January 2019, the City passed Ordinance 125764, which established a temporary moratorium on redevelopment of mobile home parks. The temporary moratorium was intended to reduce development pressure on the two mobile home parks remaining in the city, the Halcyon and Bella-Bee, while the City developed a proposal for permanent regulations. At the time the Halcyon was for sale and potential purchasers were analyzing the Halcyon site's redevelopment potential.

Ordinance 125764 also set out a work program for the Seattle Department of Construction and Inspections and the Office of Planning and Community Development to develop proposed permanent regulations for Council consideration by October 2019.

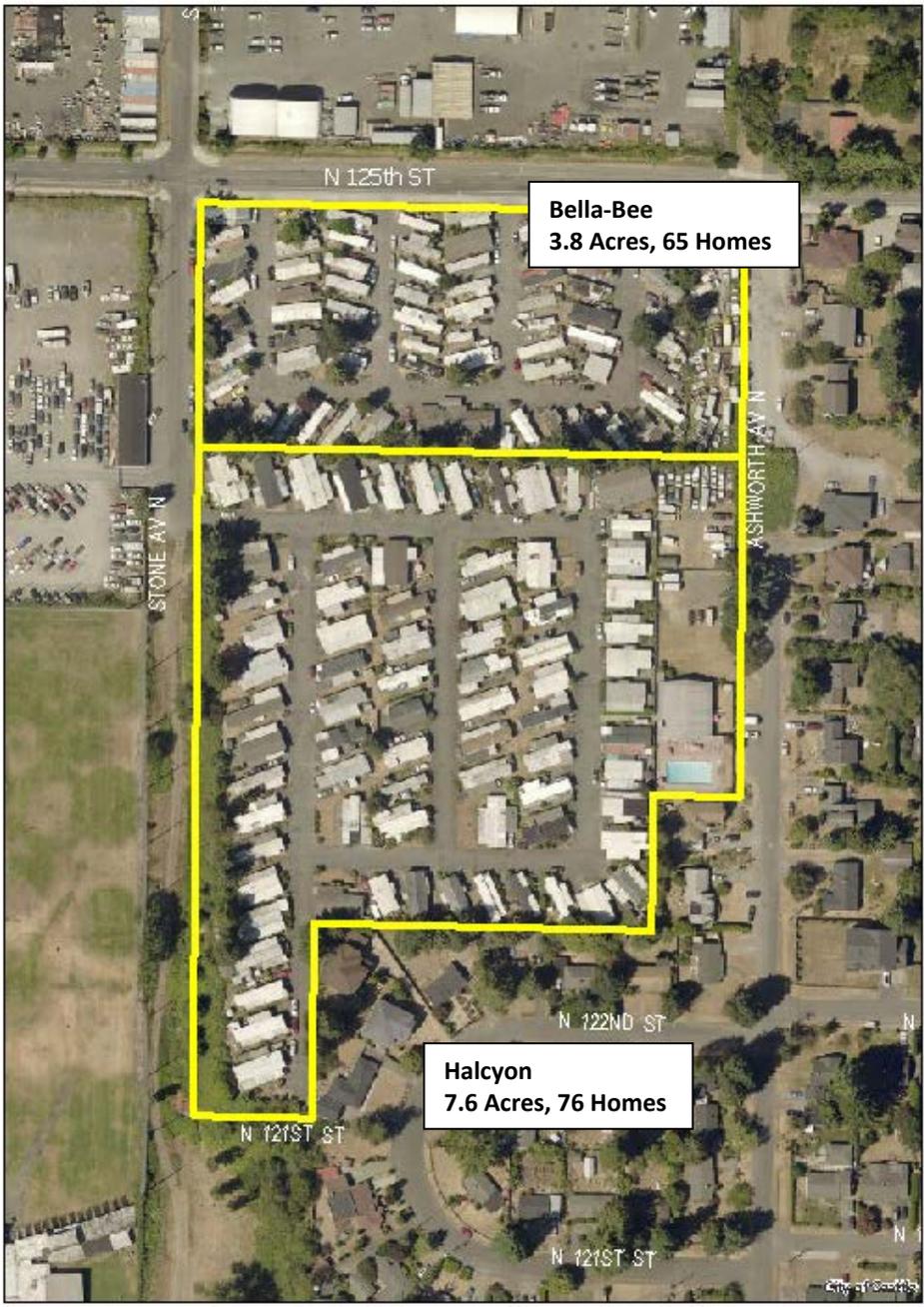
The temporary moratorium was extended for three additional six-month periods through Ordinances [126006](#), [126090](#), and [126241](#). While the Executive did develop a draft proposal, environmental review was not done on that proposal nor was it formally transmitted to the Council for consideration.

Site and Vicinity

There are two mobile home parks left in Seattle: the Bella-Bee and the Halcyon. Both mobile home parks are located adjacent to each other in the Bitter Lake Residential Urban Village in a Commercial 1 zone with a 55-foot height limit and M mandatory housing affordability suffix (C1 55 (M)).

Together the mobile home parks are approximately 11 acres in area. The Bella-Bee and the Halcyon have approximately 65 and 76 mobile homes, respectively. The Bella-Bee was developed in 1956. The Halcyon was developed in the mid-1960s. Both mobile home parks are located over a decommissioned landfill. See Figure 1.

Figure 1: Remaining Mobile Home Parks



The Bitter Lake Residential Urban Village is a neighborhood targeted for increased residential growth in the comprehensive plan, *Seattle 2035*. The comprehensive plan establishes a 2035 growth estimate for the Bitter Lake RUV of 1400 units on top of an existing 2015 base of 3,580 units. At the end of the first quarter of 2021, the Bitter Lake RUV had added 192 new units since 2016 with another 226 units that have been permitted but not constructed, which means that the Bitter Lake RUV has achieved approximately 30% of its 2035 growth estimate.¹

How Other Jurisdictions Regulate Mobile Home Parks

Redevelopment pressure has caused several Western Washington jurisdictions to provide protections for existing mobile home parks. In 2008, Tumwater enacted mobile home park zoning for six of its 10 mobile home parks. Legal challenges lasted until 2012 when the City prevailed in the US 9th Circuit Court of Appeals. In 1996, Bothell enacted a Mobile Home Park Zoning Overlay that promotes retention of existing mobile home parks that contain rental pads. Kenmore recently passed protective zoning for mobile home parks. Kenmore applies a phased approach that enacts zoning to preserve some of its mobile home parks for 10 years, followed by an upzone and affordability requirements at the end of that period. Kenmore also enacted long-term mobile home park preservation requirements for two of its mobile home parks whose owners were amenable to a long-term mobile home park use.

Current Regulations Applicable to Mobile Home Parks

While the Land Use Code defines Mobile Home Parks as a land use,² most regulation applicable to operation and redevelopment of mobile home parks are set out in [Chapter 22.904](#) of the Building and Construction Codes. These regulations require mobile home park operators to obtain a license from the City, prescribe minimum physical development standards for placement of mobile homes, establish requirements for utility access for each mobile home, and set out relocation requirements for when a mobile home park changes use.

Proposed Overlay

The proposal (see attachment 1) would establish a new overlay district to help preserve the remaining mobile home parks in the city. The overlay district would establish more restrictive development standards applicable to redevelopment of existing mobile home parks. Those standards would:

- Limit residential uses to mobile homes and mobile home parks;
- Establish minimum and maximum residential densities of 1 unit per 5,000 square feet and 1 unit per 2,400 square feet, respectively, to allow for urban densities while ensuring adequate separation for light and air;
- Allow some commercial uses, consistent with the underlying commercial zone designation, but limit the size of those uses with a maximum floor area ratio of 2

¹ [Urban Center / Village Housing Unit Growth Report. First Quarter 2021.](#)

² [Seattle Municipal Code \(SMC\) Section 23.84A.032.](#)

and maximum size limit of 5,000 square feet;

- Establish height and setback limitations that are consistent with ongoing mobile home park residential uses;
- Require the provision of residential amenity areas, such as outdoor or indoor recreational areas, when 25% or more of a site is redeveloped or undergoes a major renovation; and
- Provide for the expiration of the overlay within 50 years.

When the overlay lapses the sites could be developed to the densities and with the full range of uses allowed in the underlying C1-55 (M) zone, which allows significantly higher intensity of both residential and commercial use.

The proposal would also request that the Office of Housing add the census tract containing the overlay to those census tracts eligible for participation in the affirmative marketing and community preference policy adopted in the City's Housing Funding Policies (2019). Those policies provide opportunities for displaced residents to return to affordable housing in their prior neighborhood.

Next Steps

A State Environmental Policy Act (SEPA) threshold determination was published for the proposal on April 26th. The SEPA appeal period expires on May 17th. The LUN Committee is scheduled to hold a public hearing and may vote on the proposal at its meeting on May 26th.

Attachments:

1. Proposed Legislation – SEPA Draft

cc: Dan Eder, Interim Director
Aly Pennucci, Policy and Budget Manager

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 the 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, 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, one of the City’s planning goals under the Growth Management Act, chapter
5 36.70A RCW, and expressed in the Housing Element of the City’s Comprehensive Plan,
6 is to make adequate provision for the housing needs of all economic segments of Seattle;
7 and

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

12 WHEREAS, to allow additional time for the City to develop a permanent land-use framework
13 for mobile home parks, the moratorium has been extended for three additional six-month
14 periods through Ordinances 126006, 126090, and 126241; and

15 WHEREAS, the current moratorium extension will lapse in July 2021; NOW, THEREFORE,

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

17 Section 1. The Official Land Use Map, Chapter 23.32 of the Seattle Municipal Code, is
18 amended to rezone properties identified on page 14 of the Official Land Use Map to the Mobile
19 Home Park zone, as shown in Map A for 23.70.004 of the Seattle Municipal Code.

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

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

22 **23.70.002 Purpose and intent**

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

6 **23.70.004 Mobile Home Park Overlay District established**

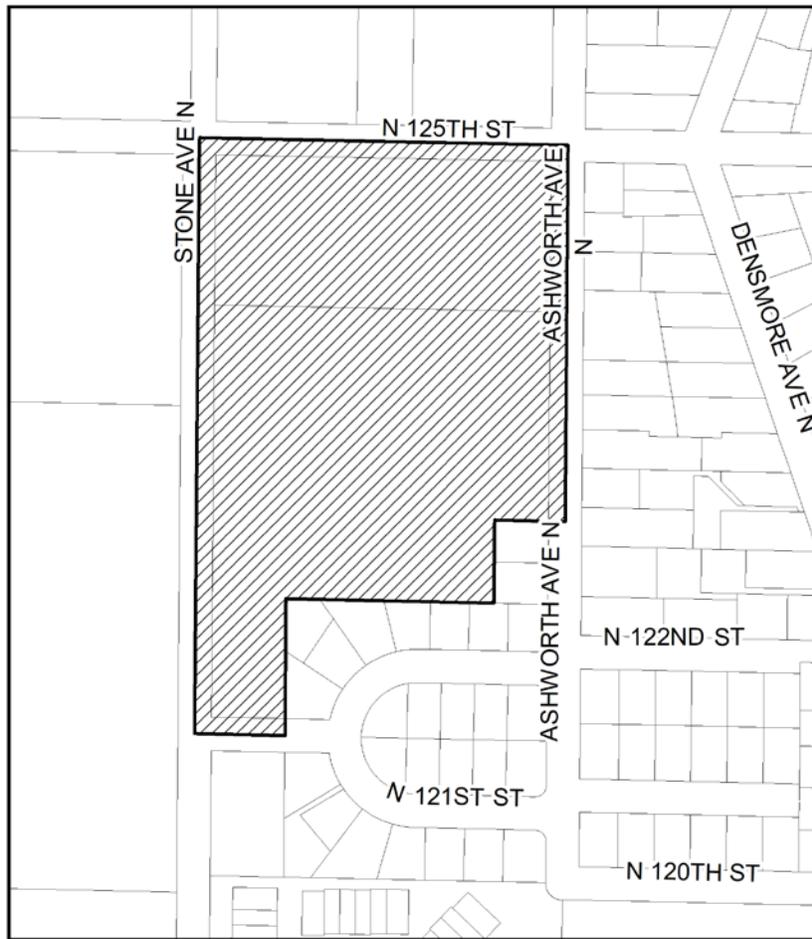
7 There is hereby established, pursuant to Chapter 23.59, the Mobile Home Park Overlay
8 District as shown on page 14 of the Official Land Use Map, Chapter 23.32, and Map A for
9 23.70.004.

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

11



Mobile Home Park Overlay District



 MHP Overlay District

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23.70.006 General provisions

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

4 B. Standards specific to redevelopment of a mobile home park apply when 25 percent
5 or more of the mobile homes in a mobile home park are to be replaced with a non-mobile home
6 use pursuant to a single land use or building permit application or pursuant to multiple land use
7 or building permit applications filed with the Department within a 365 day period. Any permit
8 issued for replacement of less than 25 percent of the mobile homes in a mobile home park shall
9 be conditioned on no additional application being filed within 365 days of the original
10 application.

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

13 **23.70.008 Permitted and prohibited uses**

14 A. Residential uses. Mobile homes and mobile home parks are permitted outright. All
15 other residential uses are prohibited.

16 B. Non-residential uses. The following non-residential uses are permitted outright. All
17 other non-residential uses are prohibited.

- 18 1. Community gardens;
19 2. Urban farms;
20 3. Restaurants;
21 4. Sports and recreation uses, indoor or outdoor;
22 5. Food processing and craft work;
23 6. Medical services;

- 1 7. Offices;
- 2 8. Retail sales, major durables;
- 3 9. Retail sales and services, automotive;
- 4 10. Flexible-use parking;
- 5 11. Institutions;
- 6 12. Religious facilities and schools, elementary or secondary;
- 7 13. Parks and open space.

8 **23.70.010 Development standards for residential uses**

9 A. Density limits and requirements

10 1. The density of residential units shall meet the following requirements:

11 a. Minimum required density: one unit allowed per 5,000 square feet of
12 lot area; and

13 b. Maximum allowed density: one unit allowed per 2,400 square feet of lot
14 area.

15 2. When density calculations result in a fraction of a unit, any fraction up to and
16 including 0.85 constitutes zero additional units, and any fraction over 0.85 constitutes one
17 additional unit.

18 B. Height limit. The maximum height for residential structures is 30 feet. The height
19 limit exceptions and additions of the LR zones pursuant to Section 23.45.514 apply.

20 C. Setbacks and separations. Setbacks shall be from lot lines as follows:

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

22 2. Minimum of 10 feet from any lot line abutting a single-family zone.

1 D. Common amenity areas. If a mobile home park is redeveloped, ten percent of the lot
2 area shall be developed as a common amenity area. The common amenity area shall be
3 physically separate and distinct from yards and landscaped areas that are associated with
4 individual mobile homes. The required common amenity area shall be comprised of one or
5 more of the following elements:

- 6 1. Open space for active and/or passive recreation such as children’s play area,
7 ball fields, or flat open lawn areas;
- 8 2. Improved ADA accessible walking or biking trails;
- 9 3. Pools or water features; or
- 10 4. Indoor community and gathering spaces, such as a community center,
11 recreation room, or fitness center.

12 **23.70.012 Development standards for non-residential uses**

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

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

18 C. Floor area ratio. If a mobile home park is redeveloped, the maximum floor area ratio
19 for all non-residential uses is two.

20 D. Setbacks and separations. Setbacks shall be from lot lines as follows.

- 21 1. Minimum of 7 feet from any street lot line; and
- 22 2. Minimum of 15 feet from any lot line abutting a single-family zone.

23 **23.70.014 Signs**

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

3 **23.70.016 Communication utilities**

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

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

8 **23.70.018 Applicability of Chapter 23.58B and Chapter 23.58C**

9 While this Chapter 23.70 is in effect, the requirements of Chapter 23.58B and Chapter
10 23.58C shall not apply to new development or redevelopment within the overlay.

11 **23.70.020 Expiration of overlay**

12 The Mobile Home Park Overlay District established in this Chapter 23.70 shall expire on
13 January 1, 2040.

14 Section 3. Section 23.84A.032 of the Seattle Municipal Code, last amended by Ordinance
15 126287, is amended as follows:

16 **23.84A.032 “R”**

17 * * *

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

19 * * *

20 15. “Mobile home” means a structure that is designed and constructed to be
21 transportable in one or more sections and built on a permanent chassis, designed to be used as a
22 dwelling unit without a permanent foundation, and connected to utilities that include plumbing.

1 heating, and electrical systems. A structure that was transportable at the time of manufacture is
2 still considered to meet this definition notwithstanding that it is no longer transportable.

3 ((15)) 16. "Mobile home park" means a tract of land that is rented for the use of
4 more than one mobile home that is occupied as a dwelling unit.

5 ((16)) 17. "Multifamily residential use" means a use consisting of two or more
6 dwelling units in a structure or portion of a structure, excluding accessory dwelling units.

7 ((17)) 18. "Multifamily residential use, low-income disabled" means a
8 multifamily residential use in which at least 90 percent of the dwelling units are occupied by
9 one or more persons who have a handicap as defined in the Federal Fair Housing
10 Amendments Act and who constitute a low-income household.

11 ((18)) 19. "Multifamily residential use, low-income elderly" means a
12 residential use in which at least 90 percent of the dwelling units are occupied by one or more
13 persons 62 or more years of age who constitute a low-income household.

14 ((19)) 20. "Multifamily residential use, low-income elderly/low-income
15 disabled" means a multifamily residential use in which at least 90 percent of the dwelling
16 units (not including vacant units) are occupied by a low-income household that includes a
17 person who has a handicap as defined in the Federal Fair Housing Amendment Act or a
18 person 62 years of age or older, as long as the housing qualifies for exemptions from
19 prohibitions against discrimination against families with children and against age
20 discrimination under all applicable fair housing laws and ordinances.

21 ((20)) 21. "Permanent supportive housing" means a multifamily residential use,
22 which is paired with on or off-site voluntary human services to support a person living with a

1 complex and disabling behavioral health or physical health condition who was experiencing
2 homelessness or was at imminent risk of homelessness prior to moving into housing:

3 a. In which at least 50 percent of the dwelling units are occupied by
4 households whose income at original occupancy does not exceed 30 percent of median
5 income and the remaining dwelling units are occupied by very low-income households at
6 original occupancy;

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

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

14 ~~((21))~~ 22. "Nursing home" means a use licensed by the State of Washington as
15 a nursing home, which provides full-time convalescent and/or chronic care for individuals
16 who, by reason of chronic illness or infirmity, are unable to care for themselves, but that does
17 not provide care for the acutely ill or surgical or obstetrical services. This definition excludes
18 hospitals or sanitariums.

19 ~~((22))~~ 23. "Rowhouse development" means a multifamily residential use in
20 which all principal dwelling units on the lot meet the following conditions:

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

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

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

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

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

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

12 ~~((23))~~ 24. "Single-family dwelling unit" means a detached principal structure
13 having a permanent foundation, containing one dwelling unit, except that the structure may
14 also contain one or two attached accessory dwelling units where expressly authorized
15 pursuant to this Title 23. A detached accessory dwelling unit is not considered a single-family
16 dwelling unit for purposes of this Chapter 23.84A.

17 ~~((24))~~ 25. "Townhouse development" means a multifamily residential use that
18 is not a rowhouse development, and in which:

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

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

1 Overlay District, to those areas eligible for the affirmative marketing and community preference
2 policy adopted in the *Housing Funding Policies* (2019).

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

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

9 _____
10 President _____ of the City Council

11 Approved / returned unsigned / vetoed by me this _____ day of _____,
12 2021.

13 _____
14 Jenny A. Durkan, Mayor

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

16 _____
17 Monica Martinez Simmons, City Clerk

18 (Seal)