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Seattle Coalition for Affordability, Livability & Equity

Ballard, Baker Street

Alki Community Council

Baker Street Community Group

Beacon Hill Council

Central Ballard Residents Assn.

Cherry Hill Community Council

Citizens for Architectural Diversity

Eastlake Community Council

Fauntleroy Community Council

Freemont Neighborhood Council

Friends of North Rainier Neighborhood Plan

Friends of Ravenna-Cowen

Georgetown, Duwamish Valley Neighborhood Preservation Coalition

Greenwood Exceptional Tree Group

Jackson Place Community Council

Madison-Miller Park Community

Magnolia Community Council

Morgan Community Council

Queen Anne Community Council

Save Madison Valley

Seattle Displacement Coalition

Seattle Fair Growth

Seniors United for Neighborhoods

South Park, Duwamish Neighborhood Preservation Coalition

TreePAC

University District Community Council

University District Small Businesses

Wallingford Community Council

W. Seattle Junction Neighborhood Org (JUNO)

Westwood Roxhill Arbor Heights Community Coalition

Seattle City Council Select Committee on MHA
City Council President Bruce Harrell
Council PLUZ Committee Chair Rob Johnson
Honorable Council Members

RE: Proposed MHA Ordinance Input

Honorable MHA Select Committee Members,

We are writing to recommend changes to the proposed Mandatory Housing Affordable (MHA) ordinance to help bring about the promises of the City's HALA (Housing Affordability and Livability Agenda) and RSJ (Race and Social Justice) policies and intentions.

The MHA Select Committee process, expedited as it may be, attempts to bring in community and neighborhood input for a more nuanced MHA. Hence, our authentic participation in the MHA Select Committee process. Our recommendations are as follows:

GENERAL PRINCIPLES (GP):

GP1 ISSUE: Neighborhood Self-Determination & Guidance for MHA

The principle of one-size-fits all does not work for our beloved City of Seattle. Neighborhood input through authentic community engagement and planning must be honored. Neighborhoods know best the conditions that impact positively or negatively their circumstances and what would assist or hinder the sustainability of the affordability, livability and equity of and within their neighborhoods.

GP1.1 MHA Amendment:

Adopt neighborhood self-determined amendments and resolutions submissions.

GP1.2 Companion Resolution:

Reinstitute authentic neighborhood and community planning with stronger policy language and budgetary commitment.

GP2 ISSUE: MHA Bargain Integrity

Former Mayor Murray succinctly described MHA as the "grand bargain – trade for permitting larger/taller buildings for affordable housing". The City's initial fear that the MHA affordable housing requirements would be the target of developer legal challenge(s) continues to be of grave concern to SCALE. Should the developers prevail and the MHA the upzones are allowed to stand, Seattle's displacement of limited/low income and people of color, as well as racial/economic re-segregation will accelerated greatly which is counter to HALA and RSJ goals. In short, neighborhoods are stuck with the wrong end of the stick with no low income affordable housing to show for it.

GP2.1: MHA Amendment:

Include in the MHA a "clawback" provision that should the courts find the affordability housing requirement sections (e.g. requirements to build on site or in-lieu fees) not legal, that the MHA upzones revert to previous zoning.

GP 3: MHA Upzone Area Consistency with MHA FEIS Covered Areas

The MHA Ordinance is long and complicated. Some areas proposed for upzoning that were not covered under the MHA FEIS and are beyond minor administrative corrections which were also included. For example, upzones for Beacon Hill areas that were not discussed with the community during MHA community outreach, upzones for University District area not covered under the MHA FEIS areas.

GP3.1 Amendment:

State explicitly in the MHA Ordinance that it “applies only to areas that were identified and reviewed in the MHA Final Environmental Impact Statement”. This would also help retain the integrity of the urban village concept. This would allow for technical corrections as needed.

GP3.2 Other Action:

Council Central Staff closely review the ordinance and delete upzones that are not covered under the FEIS.

AFFORDABILITY PRINCIPLES (A)

A1 ISSUE: No Net Loss for Low Income and Affordable Housing Policy “1 for 1 Replacement”

MHA has a numerical goal to provide low income and affordable housing stock. However, MHA does not have a policy that calls for no net loss of such stock’s policy, nor a mechanism to track its effectiveness.

A1: MHA Amendment

MHA establish a no net loss for low income and affordable housing policy (1 for 1 Replacement), with attendant tracking mechanism (i.e. inventory) to assess its effectiveness and enhance the MHA ordinance as needed.

A2 ISSUE: Increase In-Lieu Fees to Encourage On-Site Affordable Housing Performance

The current low level of In-Lieu Fees incentivizes developers to contribute to the fund rather than build on-site. This is concerning in that it assists and will accelerate Seattle’s racial and economic re-segregation.

A2: MHA Amendment

Increase in-lieu fee to function as an incentive to build low income and affordable housing onsite.

A3 ISSUE: Location Where To Build Low Income and Affordable Housing

In the location generating the MHA fees, the current policy for directing where MHA fees should be spent is very general. It must be more directive about location of where those fees are to be used.

A3: MHA Amendment

Add to MHA Ordinance the requirement to build only within the Urban Village or within a 10 minute walk-shed of the project.

LIVABILITY PRINCIPLE (L)

L1 ISSUE: Lack of Concurrency

When development occurs, the Growth Management Act requires concurrent planning and implementation of public infrastructures such as roads, sewers and schools...etc. With densification comes heavier use of old sewer system, road congestion, parking issues...etc. Cases in point, residents are complaining of increased neighborhood congestion; the city reports identified that Seattle 1) is dumping 100 million gallons of rainwater and sewage which is not environmentally acceptable, and 2) does not have adequate police protection.

L1: Companion Resolution

City of Seattle research and pass developer impact fees, as legally required by WA state law to fund Growth Management Act required development concurrency.

L2 ISSUE: Lack of Needed Tree Protection and Mitigation

The MHA FEIS stated that the city was working on updating tree protection and preservation. PLUZ Chair Johnson and his committee worked on drafting a stronger tree ordinance with Urban Forest Tree Commission (as required by Seattle ordinance) and community input. The commitment to discuss and pass such an ordinance during the first quarter of 2019 has now been delayed to first pass the proposed MHA ordinance. Further, Besides the need for updating the existing tree ordinance, the city acknowledged that the existing tree protection ordinance is not working.

The intent of the proposed amendment to SMC 25.11.090 (A) recommended by the Seattle Urban Forestry Commission is to 1) increase the number of trees that have to be replaced, 2) establish a way for the city to fund replanting of trees that cannot be done onsite, and tracking for the purposes of maintaining Seattle's tree canopy which is critical to climate change response and City resiliency.

L2.1: MHA Amendment Section 120 Section SMC 120.11.060. Keep section language (Single Family and Residential Small Lot) rather than amending just single family zones.

L2.2: MHA Amendment to mitigate tree loss during development.

SMC 25.11.090 - Tree replacement and site restoration. Each significant tree (six inches DBH and larger) that is removed in association with development in all zones shall be replaced by one or more new trees, the size and species of which shall be determined by the Director; the tree replacement required shall be designed to result, in 20 years in a canopy cover volume that is at least equal to the canopy cover volume prior to tree removal. Preference shall be given to on-site replacement. When on-site replacement cannot be achieved, or is not appropriate as determined by the Director, a fee in lieu shall be paid to the city to replace and maintain the tree or trees in the neighborhood where they were removed or elsewhere as needed in the city. The city shall enter into DCI's current database system all significant trees on site, trees removed, and trees replaced; noting tree species, common name, DBH, height, condition and location,

L2.3 ISSUE Landscape and Large Tree Area in Lowrise and NC Zones

Trees are key elements of Seattle's commitment to environmental health, sustainability and resiliency. Densification must be balanced with this commitment.

L2.3 MHA Amendment

If setbacks are approved per proposed MHA ordinance, Lowrise and NC zones projects shall set aside at least one 20' x 20' area at grade for landscape and a large tree planted in natural soil.

L2.4: Companion Resolution

The Council is committed to the implementation of the Tree Ordinance as amended and that the Mayor:

- 1) work with the Urban Forestry Commission on the implementation plan and details.
- 2) provide Council with semi-annual progress reports on the compliance with the Tree Ordinance, implementation of the amendments, and monitoring reports.

L3 ISSUE: Historic Assets

The OPCD's 1-7-19 Presentation at the MHA Select Committee was responsive to the MHA Hearing Examiner's determination regarding historic assets. However, it did not explicitly state that the systematic and comprehensive study will include to-be-determined historic sites and cluster, and that communities would be provided technical assistance to ensure that they go through landmarking process.

L3.1 MHA Amendment

We appreciate the general direction of OPCD's expanded mitigation measures as quoted below:

- "Reduce urban village expansions in National Register Historic Districts
- Increase funding for a comprehensive and systematic Historic Resources Survey and Inventory program followed by proactive city-initiated Landmark and district nominations. (Separate action.)"
- Modify SEPA exemption thresholds for demolition of any structure 50 years or older regardless of proposed development. (Separate action.)
- Choose an approach with fewer Landmarks and determined eligible sites in (M1) OR (M2) MHA zoning tiers."

We wish to comment when the relevant amendments/resolutions/ordinance are drafted, and want the following included in the amendments:

- Re Bullet 2: 1) Ensure that such systematic and comprehensive review includes to-be-determined historic sites and clusters, and that the City would provide technical assistance to ensure that they go through landmarking process and 2) Mitigate the race and social justice impact on people of color and poor communities by prioritizing their assessment funding free technical assistance for landmarking purpose, and deferring the implementation of the identified upzone for reconsideration should to be determined and determined historic sites and clusters are a factor. It should not be incumbent upon residents to use their limited time and resources to mount an effective historic survey and landmarking process. (Such communities often do not have the capacity to do so.) do not have the understanding, time and resources to mount an effective historic survey and landmarking process.
- Re Bullet 2: Include the WA State Department of Archaeology historic sites and clusters in the survey.

L4 ISSUE: Edge Effects

The construction of large and tall buildings next to single family and RSL has unintended negative effects such as loss of sunlight, aesthetics, privacy...etc. and is not consistent with established good planning principles.

L4.1 MHA Amendment

Require additional, well-crafted setbacks on NC and LR3 zones that are adjacent to single family and RSL parcels.

L5 ISSUE: Setbacks in Lowrise Zones

Setbacks provide the necessary space to create areas for activity, visual relief from the urban environment and promote tree canopy expansion. Setbacks should be as follows.

L5.1 MHA Amendment

- The minimum side setback shall be 5 feet and the minimum front and rear setback shall be 15 feet in the LR zones.
- The minimum side setback above 21 feet in height shall be 10 feet in the LR zones.

L6 ISSUE: Density Limits in LR1

The balance of densification and living space is a delicate one to ensure quality of life for residents. Central staff MHA memo dated 1/4/19, as presented at Council MHA Select Committee item A5. Density limits in Lowrise 1 (LR1) zones (23.45.412.A) proposes to “Remove density limits for cottage housing and apartment developments and reduce the existing density limits from 1 unit per 1,600 square feet of lot area for rowhouses on lots less than 3,000 square feet in size, and for all townhouse development to 1 unit per 1,350 square feet of lot area.” in hopes of incentivizing development of such housing in lots with more than 3,000 square feet of lot area. SCALE does not support this idea and want density limits in LR1 maintained at 1, 600 square feet for all forms of housing, and a density limit be set for apartments.

L6.1 MHA Amendment

Include in the MHA ordinance density limits in LR1 on apartments.

L7 ISSUE: Waiver of On-site Parking Requirement as Incentive for Affordable Housing

The original waivers of on-site parking requirements were for subsidized affordable housing projects. RCW 36.70A.540 lists “parking reductions” as one of the incentives, under which inclusionary zoning requirements are allowed. Land Use Code now requires on-site parking but allows it to be waived by Director’s Rule.

L7.1 Requested Modification

Director’s Rule may waive on-site parking requirements to buildings with at least 20% of units that are affordable to those with incomes 60% or less of area median income.

EQUITY PRINCIPLE (E)

E1 ISSUE: Home Ownership

Councilmembers have stated publicly their commitment to, support and advocacy for HALA and MHA as wealth building to interrupt the adverse impacts of inequitable practices redlining on people of color. Yet, there is very little consideration of home ownership in MHA. Recognizing the institutional role of government in establishing, financing and sustaining such segregated housing that led to wealth building for whites, it is incumbent on the City to take programmatic action to counteract the legacy of redlining and other inequitable practices.

E1: Companion Resolution

The City of Seattle commits to the exploration and funding of entry level low income and affordable housing to assist vulnerable populations access home ownership as wealth building and disrupt segregation.

E2 ISSUE: Monitor for Re-Segregation

MHA ordinance provision of in-lieu fees for low income and affordable housing performance on site is likely to result in developers using this option and the funds spent in low income neighborhoods. The resulting re-segregation counter to the City's goal for an integrated City.

E2: Companion Resolution

The Office of Housing and the Office of Civil Rights shall monitor the growth of low income and affordable housing for each neighborhood, regularly conduct an RSJ analysis to ensure equity, develop recommendations as needed, and change course as appropriate.

E3 ISSUE: Family Size Home Definition

Family sizes for low income, immigrants and refugees and people of color tend to be larger. The definition for family size homes was changed from 3 bedrooms to 2 bedrooms.

E3 MHA Amendment

Revert the definition of family size homes to 3 bedrooms.

E4 ISSUE: Lack of Mitigation for City Identified RSJ Issues

Mayor Ed Murray's administration intentionally left out the inter-departmental Race & Social Justice racial equity analysis that indicated either the equity analysis was not conducted, and was incomplete or inadequate. The information has to be reviewed, determine the impacts and identify mitigations for said impacts.

E4.1 MHA Amendment

Add an MHA semi-annual monitoring component that tracks growth and affordability for each neighborhood, reviews it for race and social justice equity, make recommendations as needed, and change course as needed.

E4.2: Companion Resolution

The Seattle City Council is committed to the race and social justice policy and attendant interventions to address past, ongoing and new forms of discrimination. The Council values the members and the work of the City Departmental Race and Social Justice on reviewing the FEIS. To that end, the Council commits to the:

- 1) review of said reports,
- 2) call for the proper starting of a new RSJ review of the anticipated new MHA ordinance with conclusions and recommendations,
- 3) coordination of the racial equity toolkit with the housing tool kit for that is being prepared for the City's Comprehensive Plan to ensure consistency,
- 4) community engagement to ensure that the people of color who are affected have a voice in the process,
- 5) develop recommendations for Council to consider in mitigating the anticipated and actual effects of MHA race and social injustice, as appropriate.

E5: Anti-displacement Protections for Small and Ethnic Businesses

The rising cost of commercial spaces makes our micro, small and ethnic businesses prone to displacement.

E5: MHA Amendment and/or Companion Resolution

We appreciate Council staff's presentation on A9. Support for Small Businesses. We strongly recommend that it be applied citywide, and not just to specific neighborhoods and that "social justice' populations receive full consideration in this matter.

We appreciate Council Central Staff presentation of the MHA issue memo dated 1-4-19 at the MHA Select Committee meeting on 1-14-19. We are in the process of reviewing the materials and will provide you with feedback in the near future.

In closing, our collective love for the City of Seattle and our shared values/interests for housing affordability, livability and equity drive us towards a better result for the people of Seattle. We are available as a resource to you and your staff should you need clarification and/or additional information.

We look forward to seeing the Council draft MHA amendments and/or companion resolutions. Thank you.

Sincerely,

David Ward, President

Maria Batayola, Vice President

cc: Mayor Durkan

SCALE Board Members

Alki Community Council, Ballard, Baker Street Community Group, Beacon Hill Council, Central Ballard Residents Assn., Cherry Hill Community Council, Citizens for Architectural Diversity, Eastlake Community Council, Fautleroy Community Council, Fremont Neighborhood Council, Friends of North Rainier Neighborhood Plan, Friends of Ravenna-Cowen, Georgetown, Duwamish Valley Neighborhood Preservation Coalition, Greenwood Exceptional Tree Group, Jackson Place Community Council, Madison-Miller Park Community, Magnolia Community Council, Morgan Community Council, Queen Anne Community Council, Save Madison Valley, Seattle Displacement Coalition, Seattle Fair Growth, Seniors United for Neighborhoods, South Park, Duwamish Neighborhood Preservation Coalition, TreePAC, University District Community Council, University District Small Businesses, Wallingford Community Council, W. Seattle Junction Neighborhood Organization (JUNO), Westwood Roxhill Arbor Heights Community Coalition

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