

. May 10, 2021

VIA ELECTRONIC MAIL

Seattle City Council
Central Staff
Attn: Eric McConaghy
P.O. Box 34025
700 Fifth Avenue, Suite 2000
Seattle, Washington 98124-4025
Eric.mcconaghy@seattle.gov

Re: Determination of Nonsignificance
Land Use Code Text Amendment Related to Mobile Home Parks

Dear Mr. McConaghy:

We are writing on behalf the owner of the Bella-B Mobile Home Park, Jacov Sinai, to provide comments on the Determination of Nonsignificance (“DNS”) for the proposed Land Use Code Amendments Related to Mobile Home Parks (“Proposal”). Mr. Sinai has an interest in the Proposal as one of the two owners who will be impacted by the Proposal.

A. The Proposal is Based on Inadequate or Incorrect Information

A threshold determination must be “based upon information reasonably sufficient to evaluate the environmental impact of a proposal.” WAC 197-11-335. Here, the DNS is based on inadequate or inaccurate information contained in the Checklist. These include but are not limited to the following:

- The Checklist is based on a City-wide pro forma checklist used for all pieces of legislation in the City of Seattle. Unlike most pieces of land use legislation, this legislation is specifically targeted toward two adjacent parcels totaling 11 acres and is therefore site-specific in nature. As a result, a non-project specific checklist may not be appropriate. At a minimum, the Checklist must be revised to state the specific environmental impacts of the Proposal as it relates to the impacted properties. It does not currently do so and includes many incorrect answers.
- The zoning of the parcels is wrong. The Bella-B is zoned C1-40 as it was never rezoned as part of Mandatory Housing Affordability. *See* Ordinance 125791. This glaring error is replicated throughout the checklist and DNS. The entirety of the Proposal including setbacks, FAR, and uses are based on this error.

- The response to Part A, Question 8 of the Checklist did not include the Mandatory Housing Affordability EIS which did study this property much more recently than 1984. The fact that that EIS was not referenced in the preparation of this checklist is an error.
- The response to Part A, Question 9 of the Checklist states that there are no known land use applications currently pending for development projects related to the land uses addressed in this proposal. This response is based on inadequate investigation. The Proposal affects all pending land use applications, including those for future mobile home uses, because it restricts the future use of this property as a mobile home park, in addition to other uses.
- The response to Part A, Question 11 states that the legislation would “preserve the remaining mobile home parks in the city.” This answer disregards the fact that the legislation instead places more regulation on the mobile home parks (such as density restrictions, open space requirements, and setbacks that do not currently exist) that will make it more difficult to operate a mobile home park long term.
- The response to Part B, Question 2 fails to disclose the current emissions to air in the form of methane that occurs from the site. It fails to disclose the significant impacts to climate change this proposal may have by requiring it to never be cleaned up/methane captured for the next 50 years. As the City knows, methane is more than 25 times as potent as carbon dioxide at trapping heat in the atmosphere and is a significant risk to climate.
- The responses to Part B, Questions 3.c.(3) and (4) fails to disclose the fact that the current mobile home parks sheet-flow to storm drains in the area, in a manner inconsistent with the adopted Stormwater Codes. The response fails to disclose that “preserving the mobile home parks” as-is for up to 50 years will guarantee that this mobile home park will be non-compliant with stormwater codes for up to 50 years. The checklist fails to disclose the environmental impact that will occur as a result of this action by the City.
- The response to Part B, Question 4 is not related to this site-specific Proposal but is instead a response that includes the entirety of the City of Seattle. The legislation only pertains to a specific site, not to the entirety of the City of Seattle. For example, none of the wet soil plants, and none of the water plants such as eelgrass (a species only found in seawater) are found on the site-specific Proposal site. The answer to this question is incorrect.
- The response to Part B, Question 4.e is inadequate. While the legislation is drafted as a non-project action, it is a site-specific action that applies to only two adjacent properties totalling approximately 11 acres of the City. The City failed to disclose whether noxious weeds or invasive species are present on the site, and whether or not the legislative Proposal will have impacts as to whether those invasive species will ever be removed within 50 years.
- The responses to Part B, Questions 5.a, b. and c. and e. are wrong. There are no hawks, herons, eagles, or many of the other birds mentioned on the 11-acre site. There are no fish

whatsoever present (except possibly in a fish tank) in the mobile home park. Similarly, there are no endangered species present on the site. The site is certainly not part of a fish migration route. The New Zealand mud snail, which lives in water, is not present. The City has utilized a pro-forma checklist to analyze site-specific legislation. The answers to this checklist, which was not prepared with the actual properties impacted in mind, should be revised.

- The response to Part B, Question 6 does not identify the impacts to the City of forcing outdated mobile homes to be left on-site and what impact to energy efficiency this de facto perpetual moratorium will have.
- The response to Part B, Question 7 does not disclose the impacts of living over/adjacent to a landfill with methane emissions close by. The response fails to analyze the idea that poor people, like those living in a mobile home park, are more likely to suffer environmental justice impacts like being forced to remain in a mobile home park built among methane vent pipes at risk of explosion.
- The response to Part B, Question 8 includes analysis based on the wrong zoning height—the project site is zoned C1-40, not C1-55(M).
- The response to Part B, Question 8.k. fails to disclose the potential displacement impacts of increased regulations placed on the site. For example, today the site does not require many setbacks for mobile homes, open space, or density limitations. The inability to add mobile homes to the site in the future may result in the inability of the park to operate economically, resulting in the entire park shutting down.
- The response to Part B, Question 8.k fails to disclose the fact that mobile home parks do not create wealth for their occupants, who own their homes but do not own the land underneath. As disclosed later in the checklist, most of these homes are in poor condition and likely cannot be sold for much, condemning poor people to further cycles of poverty. The Proposal fails to consider alternative methods of building wealth for people on-site, such as first rights of refusal to purchase on-site affordable condominiums or other models which build true wealth for people.
- The response to Part B, Question 8.m fails to disclose the fact that today the site does not have per-unit density restrictions, and placing per-unit density restrictions on the park is discriminating against the type of housing—mobile home parks. For example, there is no minimum lot size for single family homes in a C1-zone today.
- The response to Part B, Question 9.c is inadequate and fails to analyze the impacts to housing new regulations on mobile home parks will have on the provision of affordable housing on-site.

- The response to Part B, Question 10 fails to disclose the addition of setbacks in the Proposal, which are stated by staff to have been included in order to reduce aesthetic impacts of mobile homes on adjacent single-family homes.
- The response to Part B, Question 12.c fails to disclose that the open space requirement begins at a certain percentage of homes being moved in, not when a mobile home park redevelops. The impact of the open space requirement is less space for mobile homes, which means a less economical mobile home park that is less likely to remain in business.
- The response to Part B, Question a is wrong. Many of the mobile homes are more than 25 or 50 years old, which is the threshold age for eligibility as a City of Seattle landmark.
- The response to Part B, Question 14, does not identify transportation impacts. However, if the mobile home park is closed due to the Proposal, then people who need this housing type will be forced to rent in surrounding jurisdictions and commute into Seattle to conduct their activities. This will result in increased traffic.
- The response to Part B, Question 15 is inadequate. It does not disclose that people of lower incomes need and deserve more public services. Low income people need more public transit, health care, and additional services in schools. Services should be provided for people if the City is now forcing people to stay in this location. In addition, the response to Part B Question 15 does not disclose whether mobile homes require additional fire services.
- The response to Part D inadequately discloses impacts to air as a result of lack of cleanup/mitigation for the methane emissions, fails to disclose impacts to GHG resulting from lack of cleanup/mitigation for the methane emissions. It fails to disclose the impacts to water / stormwater that will occur as a result of preserving this mobile home park in its current state for 50 years. It fails to disclose the additional setbacks that are increased in the zoning to control aesthetic impacts of mobile homes.
 - The response to Part D, Question 7 does not identify any Comprehensive Plan goals or policies with which the legislation is consistent or inconsistent. The Proposal is inconsistent with much of the Comprehensive Plan, including the City's Equitable Development Plan which places emphasis on meaningful ownership opportunities for lower income people. The legislation has the exact opposite effect, which is to keep lower income in mobile homes that are not saleable, not transferable, and in a situation where they don't own the land—in effect never creating wealth that single family home or condo owners can.

C. The Proposal Will Result in Significant Adverse Impacts

The City may issue a DNS only when the proposal under consideration will not have significant adverse environmental impacts. WAC 197-11-340(1); SMC 25.05.340.A. In contrast, if a proposal

will have a significant adverse impact on the environment, the City must issue a Determination of Significance (“DS”) and prepare an Environmental Impact Statement (“EIS”). WAC 197-11-360(1); SMC 25.05.360.A.

Under SEPA, the “built environment” is an element of the environment. WAC 197-11-740; WAC 197-11-444. The “built environment” includes “land and shoreline use,” which in turn includes “relationship to existing land use plans,” “housing” and “aesthetics.” The built environment also includes “transportation.” WAC 197-11-444. During the threshold determination process, an agency must ask, “Is the project consistent with the . . . local development regulations, and the comprehensive plan?” Department of Ecology SEPA Handbook, Section 2.6. “Review of a nonproject proposal should include a consideration of other existing regulations and plans, and any under development.” *Id.* at Section 4.1.

In addition, courts have repeatedly held that physical impacts that result from economic effects are environmental impacts that must be considered under SEPA. *West 514, Inc. v. County of Spokane*, 53 Wn. App. 838, 847-848, 779 P.2d 1065 (1989); *Indian Trail Property Association v. City of Spokane*, 76 Wn. App. 430, 444, 886 P.2d 209 (1994).

1. Built Environment, Land Use, Housing, Aesthetics and Transportation

Here, contrary to the conclusion of the DNS, the Proposal will have significant adverse environmental impacts. The Proposal will result in probable significant adverse physical impacts to the built environment, land use, housing, aesthetics and transportation.

2. Relationship to Existing Land Use Plans

The Proposal will also result in significant adverse impacts in relationship to existing land use plans. Specifically, the Proposal creates a number of inconsistencies with existing plans and regulations.

D. Public Process

The purpose of SEPA is to inform the public and decision makers. The Proposal has numerous significant adverse impacts and unintended consequences that are not addressed in the Checklist. The Checklist includes many outright wrong answers and lack of analysis of the true impact of the Proposal. In addition, many of those impacted by the Proposal speak languages other than English and do not subscribe to the Land Use Information Bulletin. Have opportunities for mobile home park tenants to comment been made? What has the extent of the true public outreach been during a year of COVID-19? The Owner requests that Council Central Staff extend the public comment period on the DNS to allow additional time for affected stakeholders to comment.

E. Conclusion

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The Environmental Checklist lacks crucial information and contains information that is simply wrong. The Proposal will result in significant adverse environmental impacts. The City must withdraw the DNS and either (1) issue a DS and prepare further environmental analysis, which may include an EIS, addressing these impacts; or (2) make modifications to the Proposal or adopt mitigation measures to eliminate these significant adverse environmental impacts.

Thank you for your consideration of these comments.

Sincerely,

/s/

Jessica M. Clawson

cc: Client