

28 July 2015

**DISCUSSION OF "SEATTLE HOUSING
AFFORDABILITY AND LIVABILITY AGENDA:
FINAL ADVISORY COMMITTEE RECOMMENDATIONS"
(July 13, 2015)**

prepared for LCNA (Lake City Neighborhood Alliance) by Jeffrey Karl Ochsner

Preface

Preparation of this "white paper" was initiated following the Lake City Neighborhood Alliance (LCNA) meeting of Thursday evening, July 9, 2015, and the publication of the Final Recommendations of the Seattle Housing and Livability Advisory Committee (HALA Committee) on Monday, July 13, 2015. From the July 9 meeting, and from conversations with various members of LCNA, it was apparent that preparation of a "white paper" addressing the HALA Report might be useful in facilitating discussion as well as assisting LCNA and/or by any of its member organizations in considering how to respond to the HALA Report.

Because this "white paper" has been prepared for LCNA, some of the discussions included here focus specifically on the application of the HALA Report in the Lake City Hub Urban Village and the surrounding neighborhoods in northeast Seattle.

In preparing this document, I have relied on the advice and input of many individuals. However, the final form of this document is solely my responsibility. Any errors or omissions are mine alone.

-- Jeffrey Karl Ochsner, July 28, 2015

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Introduction

The report titled "Seattle Housing Affordability and Livability Agenda" (HALA Report) has sparked an immediate outcry. Many residents of Seattle clearly feel threatened by the recommendations pertaining to single-family neighborhoods. Unfortunately, the discussion of these recommendations has drawn attention away from other elements of the Report. The Lake City Neighborhood Alliance (LCNA) needs to consider the HALA Report in full, to determine if there are recommendations that should be supported as well as recommendations that should be opposed. In addition, the LCNA can offer recommendations not found in the Report when appropriate solutions to problems have not been included in the HALA Report. This "white paper" provides detailed analysis and proposed recommendations relative to many of the recommendations in the HALA Report. It also identifies issues and questions that require more investigation. On Friday, July 17, the *Seattle Times* called for public input on the HALA recommendations and the "Housing Seattle" plan put forth by the Mayor. This "white paper" is a contribution to the discussion called for by the *Times*.

At the LCNA meeting on Thursday, July 9 (when only the Draft HALA Report was available), speakers Cindi Barker (a member of the HALA Committee) and Sarajane Siegfriedt (an expert on affordable housing) explained that the HALA Committee was charged with considering two problems. First, the problem of providing housing for those who cannot afford market rate housing (as Sarajane Siegfriedt explained, the lower one goes in terms of percent of AMI (Area Median Income), the more difficult it is to produce housing units, particularly because at the lowest levels housing needs also to provide services). Second, the general problem of too much money chasing too few units driving up sales prices and rents (leading, for example, to discussions of rent control), making Seattle unaffordable to an increasing number of people. Although these two problems overlap, they are in many ways distinct.

The Recommendations in the HALA Report clearly reflect the composition of the Committee. As noted by the *Times* on July 17, there was only one neighborhood representative on the Committee. The largest block of votes on the Committee was held by developers. In hindsight, one can suggest that a better approach would have been to have two committees, one to address housing for individuals with limited means, and another to address the problem of affordability of market-rate housing; there could have been a joint committee to discuss where these problems overlap, but two distinct Reports would have allowed each problem to receive attention. Also, a wider range of solutions to each problem might have received attention. Had there been two committees, one to address the issue of producing more market rate units and a second

one to address the housing problem of housing affordable to those below (including significantly below) AMI, we might have gotten a rather different set of recommendations.

Several broad issues that must be addressed that have been largely ignored in the HALA Recommendations. The first is displacement. The HALA Recommendations propose to unleash the market by increasing FAR (Floor Area Ratio, a measure of density), up-zoning across Seattle, and loosening regulations. How many units currently serving low-income renters will be lost due to these policies is nowhere considered, and strategies to address displacement have not been included. Second, zoning is not the only form of land use control found in Seattle; many single-family neighborhoods are also shaped by CCRs (covenants, conditions and restrictions) that limit what can be built. Research about the extent and power of existing CCRs needs to be done to determine if the impacts of proposed up-zones of single-family neighborhoods will, in fact, be distributed equitably across all of the city. Third, the Report takes a "one size fits all" approach. There is no recognition of the differences between neighborhoods like Capitol Hill or Queen Anne and neighborhoods in the North End. The differences in neighborhoods, and the lack of adequate infrastructure for current residents, let alone an increasing population, should be addressed. Fourth, the problem of special needs housing, which is often housing for those whose income is less than 30% of AMI (Area Mean Income), is not addressed. Sadly, the HALA Report is silent on that portion of the populations who need supervised living.

An issue raised by Council Member Tom Rasmussen, in the first hearing on the HALA Report, should be considered. According to available information from DPD, there are enough underdeveloped properties to meet Seattle's housing needs under current zoning classifications for several decades. This suggests that there is no need to rush into any changes. Adequate time should be taken to consider the need for each proposed change as well as the impacts each will have.

Although it was outside the responsibility assigned to the HALA Committee, the issue of concurrency should be addressed. If the HALA recommendations actually were implemented, population increases could accelerate all across the city. Common sense indicates that schools, public facilities, infrastructure (streets, drainage), and other elements that make the city livable are not adequate to handle increased demand.

Overall, the HALA Report focuses on generating additional housing, it does not address the quality of life that would be provided in the city as a result of the HALA recommendations.

Discussion of Individual Recommendations

This white paper discusses many, but not all, of the recommendations of the HALA Report. Some discussions are brief, others lengthy. Each discussion is followed by a recommendation of a position that could be taken by LCNA, or if not by LCNA, by any of its member organizations.

(1) Resources for Affordable Housing (HALA Report, pages 15-20)

R.1 Mandatory Inclusionary Housing: This recommendation proposes up-zoning of multi-family residential zones and commercial zones tied to production of affordable housing. The HALA Report states that this will result in 6000 units at or below 60% of AMI. However, at his press conference, the Mayor described these units as workforce housing limited to those making \$40,000 to \$50,000 per household, according to the Mayor at his press conference. That would not help individuals making less than 60% of AMI, about \$20/hour.

R.1 also includes mandatory linkage fees (for commercial development only). These fees phase in over a 3-year period and could be applied to housing at 0% to 80% of AMI.

Proposed Recommendation 1.1: We support R.1 as proposed in the HALA Report. The target workforce for the housing produced under Recommendation R.1 should be as stated in the HALA Report, housing for those making less than 60% of AMI (\$11 to \$20/hour in service sector jobs--those who are employed in service positions).

Proposed Recommendation 1.2: We support R.1, but suggest that housing built from linkage fees be targeted to the neediest individuals (for example, 0 to 30% of AMI) since Recommendation 1.1 already targets those at or below 60% of AMI.

R.2 Real Estate Excise Tax for Affordable Housing: This recommendation requires action by the State Legislature, which currently is politically split and unlikely to pass the required legislation in the next year.

Proposed Recommendation 2: We support R.2, but recognizes that the political climate in Olympia makes it unlikely that the required legislation will be approved for several years. Therefore, in calculating the impact of HALA Recommendations, at present no new funding should be anticipated from R.2.

R.3 Renew/Increase Seattle Housing Levy: HALA recommends doubling the Housing Levy from \$150 million to \$300 million. This proposal poses a risk given the large levies coming in November 2015 for King County Smart Start for Kids and the city's Move Seattle Levy and in November 2016 SoundTransit 3. In addition, the Municipal Park District (MPD) will first appear on April 2016 tax statements. A straight-up renewal would be a safer strategy.

Proposed Recommendation 3: We support R.3, but should discuss whether to recommend renewal, doubling, or some other level. (I personally support doubling, but others will be better able to judge what voters are likely to approve.)

R.4 Multifamily Tax Exemption Program: The existing MFTE program will expire at the end of 2015. The HALA Recommendations support renewal and expansion of this program. HALA Recommendation R.4d proposes seeking more flexibility in the program which requires action by the state legislature.

Proposed Recommendation 4: We support R.4, but recognize that the political climate in

Olympia makes it unlikely that the legislation for flexibility will be approved for several years. Therefore, in calculating the impact of HALA Recommendations, additional flexibility from R.4d should not be included at present.

Some consideration in the MFTE program might be given to the issue of concurrency. If developers are to receive a benefit from expansion of the program, would it be possible to link expansion of this benefit to developers' contributions to addressing the impacts of development projects?

R.5 *Working with Employers and Local Institutions:* The HALA Recommendations to create a fund to which employers would voluntarily contribute, and to work with major institutions and employers directly addresses housing for increases in the workforce generated by these employers and institutions.

Proposed Recommendation 5: We support R.5.

R.6 *Expand State Housing Trust Fund:* The existing Housing Trust Fund provides many benefits; it should be expanded.

Proposed Recommendation 6: We support R.6, but recognize that the political climate in Olympia makes it unlikely that the required legislation will be approved for several years. Therefore, in calculating the impact of HALA Recommendations, at present no new funding should be anticipated from R.6.

R.7 *Reinstate City Growth Fund:* The City Growth Fund based on increases in property tax revenues tied to downtown construction existed from 1985 to 2002. HALA recommends reinstating this program. Since the Fund receives revenue based on property tax increases, nothing dependent on current property tax levels would be cut. However, downtown growth may produce other impacts and HALA recommends reinstating the growth fund but considering impacts of this funding allocation versus human services and similar funding.

Proposed Recommendation 7: We support R.7 with the proviso that impacts of funneling growing property tax revenues to the City Growth Fund be considered.

L.1 *Use of Public Property for Affordable Housing:* The HALA Recommendations suggest prioritizing affordable housing as a use for underutilized publicly owned lands. The Recommendation includes not just city owned lands but King County, Port of Seattle, Seattle School District and Sound Transit.

It should be noted that all surplus property is not equivalent and individual neighborhoods and urban centers may have specific needs that can be addressed using surplus property. Particularly in areas where there is a heavy concentration of multi-family housing, but a low level of city services, it may be appropriate to use surplus property for other uses. Old Fire Station 39 in the Lake City Civic Core is an example of a surplus building and site where the community has already expressed very strong interest for use of the site for needs other than housing as part of the developing vision for the future of Lake City Center.

Proposed Recommendation 8: We support L.1 in general, but only with the proviso that needs in each individual community must be recognized and supported. In particular, in Lake City Center, the reuse of Fire Station 39 for purposes other than housing is entirely appropriate given the large amount of housing already existing and the need for other amenities than can only be provided by the public sector.

In addition, we note the unpredictability of HALA Recommendation L.1 to actually produce affordable housing. We note that Cedar Park Elementary School provided affordable housing for Artwood Studios for more than 30 years, but as the school age population increased, the Seattle School District reclaimed the building in 2014, evicted the tenants, and the affordable housing was lost. When other agencies lease surplus facilities for affordable housing, there is no guarantee that the housing will remain in perpetuity. If public land is to be sold, rather than leased, that sale must be carefully considered; once public land passes into private ownership, it is unlikely ever to be recovered.

L.2 Strategic Site Acquisition: This HALA Recommendation proposes the creation of a Public Development Authority (PDA) to manage site acquisition for affordable housing.

Proposed Recommendation 9: We believe the possible use of a PDA as a vehicle to foster affordable housing deserves additional exploration. Although HALA Recommendation L.2 only addresses site acquisition, other HALA Recommendations address acquisition as a strategy to counter displacement. An Affordable Housing PDA might be useful in achieving these recommendations as well. The city is not likely to be as nimble in the real estate market as a PDA could be. We believe the creation of a PDA to support the city's goals for affordable housing should be further explored.

(2) More Housing (HALA Report, pages 21-30)

MF.1 Increase land area zoned for multi-family housing: HALA recommends areas zoned single-family in urban villages and in walksheds related to transit, schools and other amenities should be up-zoned to multi-family. HALA states that this will affect 6% of areas zoned single-family (3% in urban villages and 3% in walksheds). Up-zones will be linked to provision of affordable housing. HALA refers to the need to preserve existing quality multi-family housing and mitigate displacement, but suggests no strategies to do so.

The HALA Report also fails to note the impact of up-zoning in the form of small business displacement. The widely quoted truism in urban design, "new ideas grow in old buildings," points to the fact that new buildings typically charge higher rents for retail spaces. Businesses that can survive in older buildings may be lost when these buildings are replaced. Neighborhood-based businesses are often replaced by chain stores and franchises. The impact can be particularly severe on lower income businesses and racially diverse businesses.

Proposed Recommendation 10: We give only conditional support to recommendation MF.1 as proposed. First, while the logic of up-zoning Urban Villages, which have been located where good transit service is available, is apparent, the logic of up-zoning around schools and/or parks and other amenities is less apparent. Some schools,

particularly elementary schools, are located in neighborhoods which are single-family and where transit is several blocks away. Similarly, parks and other amenities may be located in neighborhoods that are otherwise single-family. We support the logic of up-zones in Urban Villages, but up-zones near other listed amenities must be determined only on a case-by-case basis and only with full participation of the affected neighborhood.

Second, up-zoning should not be made "as of right," but should be provided in a "bonus" ordinance that requires provision of housing affordable to those below ___% [tbd] of AMI.

Third, a 1-for-1 replacement of units lost to demolition must be required. Currently 20% of Seattle's single-family houses are rented. Many of these rental houses may be among those displaced by the up-zones in Urban Villages and near amenities. Rental houses are often rented by families and many offer multiple bedrooms. 1-for-1 replacement should include units of equivalent size so that affordable family housing unit numbers are fully maintained.

Fourth, an assessment must be made of the likely impacts of Recommendation MF.1 on small neighborhood businesses, lower income and economically marginal businesses, and racially diverse businesses.

Any changes to zoning that may arise from MF.1 should only go forward once the displacement issue for both low income residential tenants and owners and low income businesses is addressed.

Each specific area to be up-zoned should be analyzed before the actual up-zone is applied. Affected neighborhoods should be consulted.

MF.2 *Expand urban village boundaries to reflect walksheds:* HALA recommends expanding areas identified as Urban Villages to correspond to walksheds of 10 minutes to transit. HALA also recommends expanding Urban Village boundaries around community resources such as schools, parks, community centers and greenbelts.

Proposed Recommendation 11: We conditionally support the expansion of Urban Village boundaries based on walksheds for transit access only. We oppose the expansion of Urban Village boundaries around community resources such as schools, parks, community centers and especially greenbelts.

The Urban Village concept was developed as part of Seattle's Comprehensive Plan as a way of focusing growth in areas well-served by transit. Expanding Urban Village boundaries according to transit walksheds fits with the Comprehensive Plan. Other amenities often do not have good transit service, and most parks and greenbelts are typically located away from transit service. Expanding Urban Villages in these locations makes no sense and contradicts the logic behind the concept of an Urban Village; this is particularly true in the Lake City area.

In addition, expansion of Urban Village boundaries will likely increase the number of single-family residences that may be up-zoned under to HALA Recommendation MF.1. Our reservations/conditions relative to the up-zones within Urban Villages strongly apply

to single-family zones that fall within the expansion of Urban Villages. Each specific area to be up-zoned should be analyzed before the actual up-zone is applied. Affected neighborhoods should be consulted.

MF.3 *Increase housing options on single-family land in Urban Villages.* HALA recommendation MF.3 parallels Recommendation MF.1.

Proposed Recommendation 12: We conditionally support re-zoning land in Urban Villages. Recommendations made in Recommendation 10 (above) apply here as well. Up-zoning should not be made "as of right," but should be provided in a "bonus" ordinance that requires provision of housing affordable to those below 80% of AMI. 1-for-1 replacement of units lost to demolition must be required, including replacement of family-sized units.

MF.5 *Modify height limits for multi-family housing and mixed use buildings:* The HALA Report includes a series of recommendations addressing allowed heights under zoning, and allowed building heights with wood frame construction. All of these recommendations point to increased heights, which will allow the construction of more units within multi-family zones.

Proposed Recommendation 13: We conditionally support the proposed increases in heights; the following conditions must apply. First, all up-zones must not be made "as of right," but should be provided in a "bonus" ordinance that requires provision of housing affordable to those below ___% [tbd] of AMI. Second, provisions for height transitions at the edges of areas with up-zones must be included so abrupt scale differences are limited.

Third, before changes are made to the Building Code, a study of the implications of increasing heights of wood frame construction for fire protection, life safety, accessibility and similar issues, should be conducted by a neutral party, for example, the College of Built Environments at the University of Washington.

MF.8 *Remove recently created barriers to micro-housing:* HALA recommends expanding the areas in which micro-housing is allowed.

Proposed Recommendation 14: We strongly oppose any roll-back of recent changes to micro-housing (apodment) rules. Areas like Lake City Hub Urban Village should not be filled up with micro-housing. The greatest need in many areas like Lake City is for larger apartments that will serve as family housing (see Family Friendly Housing recommendations FF.1, FF.2, FF.3. below).

Single-Family Areas: The discussion of single-family areas begins with the statement "Seattle's zoning has its roots in racial and class exclusion." This statement indicates a misunderstanding of Seattle history. *For a discussion of this issue, see **Appendix**.*

SF.1 *Increase supply of Accessory Dwelling Units and Backyard Cottages:* The HALA Report indicates that fewer ADUs (Accessory Dwelling Units, typically within an existing building, as in a basement) and DADUs (detached Accessory Dwelling Units) or backyard cottages have been constructed than the city anticipated when these were

legalized in 2010. HALA ascribes the low number to "Code Barriers" which HALA proposes should "removed."

Unfortunately, HALA has not conducted sufficient research to determine the causes of the limited number of ADUs and DADUs and backyard cottages. First, the HALA has not addressed the question of private, as opposed to public, land use control. Nowhere does the HALA Report consider number of neighborhoods and/or subdivisions in Seattle that have CCRs (Covenants, Conditions, and Restrictions) tied to the deeds that may prevent any ADUs or DADUs. In other places, the HALA Report notes that many Seattle neighborhoods once had racially restrictive covenants which have been invalidated by the Courts; HALA does not consider whether many neighborhoods may have other restrictive covenants that remain in force that may prohibit rental apartments, second dwelling units, or have other provisions that limit ADUs and DADUs. Until a study is done to determine how widespread such CCRs may be, action to loosen Land Use Code provisions should be deferred.

Second, the feasibility of DADUs is specifically affected by lot configuration and the presence of alleys; areas with alleys have the possibility for easy alley access to a DADU, while areas without alleys will depend on access from the street. Corner lots, with access on two sides, ay also have an easier time accommodating a DADU. Consideration might be given to lot access as a condition of loosing Code provisions for DADUs.

Third, consideration should be given to incentivizing ADUs. Many houses might easily be adapted to include an ADU and this would help owners, especially those on fixed incomes (for example elderly residents), to remain in their homes by providing a supplemental income stream. However, owner may face capital costs that they are not able to afford. Some means to provide incentives to reduce the "up-front" capital costs would be worth exploring.

Proposed Recommendation 14.1: We recommend the City commission a study by a neutral party to create an inventory of all CCRs in Seattle that may limit construction of ADUs and DADUs. Such a study will provide information to determine whether or not the loosening of Code provisions will have equitable impacts across the city. It may also provide data that will allow the revision of Code language for ADUs and DADUs to meet the requirements of common CCRs.

Proposed Recommendation 14.2: We oppose eliminating the parking requirement for an ADU or DADU. There are neighborhoods that already have severe on-street parking problems creating dangerous conditions (particularly as many north Seattle neighborhoods lack sidewalks and pedestrians are forced to walk in narrow streets). Eliminating the parking requirement will exacerbate existing problems.

Proposed Recommendation 14.3: We strongly oppose the use of Unit Lot Subdivision for DADUs or ADUs. Neighborhoods within LCNA have experience with the problem of Unit Lot Subdivision in single-family zones. Unit Lot Subdivisions are not subject to many Land Use Code provisions that govern normal subdivisions and short plats. The Land Use Code specifically exempts Unit Lot Subdivisions from neighborhood compatibility requirements. Hearing Examiners have ruled that DPD need not address

neighborhood comments when Unit Lot Subdivisions are proposed. Unit Lot Subdivisions should not be used to subvert lot size minimums specified by zoning. In short, Unit Lot Subdivisions should not be used for DADUs or ADUs.

Proposed Recommendation 14.4: We propose that changes to Land Use Code development standards such as height limits, setbacks, minimum area, and minimum lot size be deferred until more evidence as to which provisions may actually impact DADU and ADU creation is provided. We are concerned about the quality of neighborhoods that would be produced by such reductions. (For example, reducing current minimum side yards from 5 feet to 3 feet could produce two-story buildings on adjacent lots just six feet apart. Similarly, the impact on tree canopy should be taken into account if front yards or backyards are to be reduced significantly.)

Proposed Recommendation 14.5: We propose that the city commission a study by a neutral party (for example the College of Built Environments, University of Washington) to explore the DADUs and ADUs that have been created and to determine the Code provisions that may be inappropriately limiting the production of these units. We also support a study of lots with alley access compared to lots with only street access. We suggest the option of allowing a block without alley access to propose an LID to create an alley be considered as a way to make DADUs and ADUs more feasible should be studied.

Proposed Recommendation 14.6: We oppose allowing non-resident (absentee ownership) of DADUs and ADUs. Allowing absentee ownership could allow developers or landlords to acquire and multiple lots and rent multiple houses and ADUs or DADUs. Experience (for example with the Sisley property in the Roosevelt neighborhood) shows that the city has not yet developed a means to monitor and enforce housing codes and minimum maintenance standards for rental properties owned by absentee landlords.

SF.2 Allow Broader Mix of Housing Types in Single-Family Areas: The HALA Report proposes to up-zone all single-family areas in the city to allow replacement of the existing single-family housing stock with a much denser more built-up housing stock with two or even three units per single-family lot.

As explained by David Neiman, a HALA Committee member and architect who has a residential architecture practice and knows the Land Use Code, in an interview in the *Seattle Times* (July 15, 2015) the purpose of Recommendation SF.2 is to allow the demolition over time of neighborhoods like Wallingford to be replaced with denser housing (duplexes, triplexes, townhouses, etc.). Neiman notes that wealthy neighborhoods would likely not see change. Neiman suggests this would produce denser neighborhoods with slightly less expensive units.

Neiman's discussion does not take into account several factors: First, the up-zone of all single-family property as HALA proposes would also be a windfall that would invite speculation. Since a Wallingford bungalow or a North Seattle ranch could now be replaced by three houses, speculation could begin even before the property is sold the first time. The price of every parcel of land will be higher under HALA Recommendation SF.2 than it is under current zoning. Therefore, developers will have to price the new

houses they build higher because they are going to pay more for the site and need to pass along costs.

Second, Neiman suggests the "bulk" of the three new houses would be similar to the bulk of the existing house. This is very likely to be untrue even if the regulations for current single-family zoning (lot coverage, setbacks, etc.) do not change. In places like Wallingford and West Seattle, most bungalows are smaller than the house that would currently be allowed on the lot; similarly in areas of the city developed in the 1950s, such as North Seattle, existing ranch houses are smaller than the house that could currently be allowed on the lot. These houses are under the current maximum envelope. (This is why "teardowns often result in much bulkier houses.) Developers would have no reason not to "max out" the allowed volume -- the allowed envelope. So the bulk would increase, green space would decrease, tree canopy would be lost, etc.

Third, Neiman suggests that instead of one \$1 million house, developers would offer several \$600,000 houses. There is no reason to believe the prices would be this low -- in fact, experience in northeast Seattle shows otherwise. In northeast Seattle, on old lots intersecting ECAs, 1940s and 1950s houses have been demolished, the land subdivided for multiple houses, and new houses constructed. (To give just one example, a site with a single 1950 house sold for \$1.2 million. The developer subdivided the property to create four lots (allowed under the 2006 ECA amendments). The houses max out the allowed volume on the buildable portion of each lot (each house has 4 bedrooms, but there is no yard to speak of, so none of the new owners have kids). Two houses [with views] were offered for \$1.2+ million each and two [with no views] were offered for \$800+ thousand each.) Squeezing multiple houses onto lots does not produce smaller houses or less expensive houses because the money is in selling the biggest house for the most money, which is what developers typically do.

In addition, as Neiman admits, the impact of Recommendation SF.2 will be felt inequitably across the city. As documented by David Kroman in a Crosscut article (published on-line July 16, 2015), zoning is not the only land use control in Seattle. Many wealthy neighborhoods are protected by CCRs. Neighborhoods with CCRs will not be impacted by the up-zone in Recommendation SF.2. Thus, the wealthy are protected, but middle-class and working class neighborhoods will be vulnerable, as will all single-family rental real estate (currently 20% of the rental units in the city).

Given that current city analysis which indicates that there is sufficient development capacity for housing needs for several decades without drastically up-zoning all single-family areas, it does not seem appropriate that such a radical change be made at this time.

Proposed Recommendation 15: We oppose the up-zone of all Single Family property in Seattle as proposed by HALA Recommendation SF.2.

SF.4 *Oppose Neighborhood Conservation Districts:* This HALA Recommendation opposes the Conservation District legislation under development by Council Member Rasmussen.

Seattle currently has only 8 historic districts requiring historic district review (two of these are former military bases; only six are in Seattle neighborhoods). New York City has more than 110 historic districts. Compared to many cities its size, Seattle has relatively few historic districts. Other than historic districts, Seattle offers no protections for neighborhood character. Many other cities have ordinances that are not as strong as historic district ordinances, but do offer some neighborhood protections. Nationally, there is no single model for a neighborhood conservation district -- some are based on historic character, some grow from neighborhood planning. Neighborhood Conservation Districts have been found to be a way to allow more change than traditional Historic Districts, yet protect aspects of neighborhood character that residents identify as essential to their particular place.

Proposed Recommendation 16: We oppose HALA Recommendation SF.4. We support the continued exploration of a Conservation District ordinance that would be applicable for Seattle neighborhoods. We believe that exploration of the use of Conservation Districts is especially appropriate because some Seattle neighborhoods are already strongly protected by CCRs but other neighborhoods (often older or less wealthy neighborhoods) lack any such private protections.

FF.1, FF.2, FF.3 Promoting Family Friendly Housing: These HALA Recommendations specifically support policies that would encourage more family-sized units in multi-family housing.

Proposed Recommendation 17.1: We strongly support HALA Recommendations FF.1, FF.2, FF.3. These recommendations would particularly benefit areas like Lake City Hub Urban Village which has a large number of families with low incomes who would benefit from these policies. Lake city has a large number of low income families with children who need family-friendly larger apartments.

Proposed Recommendation 17.2: We recommend that the City of Seattle address the problem of concurrency in neighborhoods with a large number of families but inadequate amenities to support families. Some areas of the city lack basic items such as sidewalks. Some urban centers and urban villages lack full-service community centers offering sports facilities (gymnasiums, sports courts, aquatics), activity rooms and spaces (arts and crafts, child care, pre-kindergarten space, and teen, computer, game, and fitness rooms), community kitchens, and [Red Cross] emergency shelters. These urban centers may also lack senior centers. And access to parks, sports fields and greenways may be minimal or non-existent. Family-friendliness must include concurrency so that families living in denser multi-family housing are provided with these kinds of amenities.

Off-Street Parking Policies: The HALA Report addresses parking in three sections, in Section II (page 29), in Section IV (page 40), and briefly in Recommendation SF.1 (page 25). In Section II, the HALA Report proposes reducing parking requirements for some multi-family housing projects. The HALA Report justification is that parking adds costs to projects and consumes space. However, nowhere in the HALA Report is any evidence presented regarding the current need for, and/or actual utilization of, parking that has been provided under current Land Use Code requirements. Without more data about

actual parking use/need, it is impossible to determine if these recommendations might be possible, or how they might be revised in recognition of actual conditions in the city.

One problem with the general approach of eliminating or reducing parking requirements everywhere, as the HALA Report recommends, is that if demand for parking is not satisfied on-site, then the demand will fall into the public realm -- onto the city's streets. Reaction to the proposed parking reductions in some neighborhoods (such as Eastlake) has already been negative because those neighborhoods already find themselves with excessive demand for on-street parking.

Prk.1 *Reduce Parking Requirements for Multi-family Housing outside Urban Villages:* The HALA Report recommends considering reducing parking quotas (one space per unit) for multi-family near frequent transit service or near other community services or amenities. It should be noted, however, that HALA Recommendation Prk.3 indicates that *a 50% reduction in parking requirements is already available* to multi-family housing outside Urban Villages or Urban Centers if near frequent transit service.

Given that a 50% reduction in parking requirements is already available, more evidence based on experience needs to be provided before parking requirements can be reduced further. In addition, it makes no sense to reduce parking requirements for multi-family near other services or amenities, but not near transit.

As other HALA Recommendations propose promoting family-friendly housing (FF.1, FF.2, FF.3), part of "family-friendliness" may be parking as families with children often need the use of a automobile for play dates, after-school activities (such as sports), grocery shopping, and the like. Family-friendly housing may require a minimum of one parking space per unit no matter where it is located.

Proposed Recommendation 18: We believe more study of actual parking demand and parking use in multi-family developments near frequent transit service is needed before any further reductions in parking space requirements can be considered. We oppose parking space reductions for multi-family projects that are not near frequent transit service. We believe family-friendly housing may require more spaces than current minimums.

Prk.2 *Do not re-introduce parking mandates in Urban Villages or Centers:* The HALA Report recommends maintaining the current requirement for no off-street parking for multi-family housing in Urban Villages or Centers.

Proposed Recommendation 19: We support HALA Recommendation Pk.2 in general; however, we would like to see a study to determine if family-friendly housing may require some parking to be fully family-friendly.

Prk.3 *Definition of Frequent Transit Service:* The HALA Report recommends an ordinance change to the definition of "Frequent Transit Service" because a Hearing Examiner found the current interpretation of averaging problematic. The exact basis for neither the HE decision nor the HALA recommendation is explained.

Proposed Recommendation 20: We are neutral on the issue of changing definitions. We note that Lake City Center and nearby residential areas are heavily dependent on transit service. Many members of organizations that make up LCNA ride buses and find they are frequently overcrowded during the morning and evening rush hours. We believe the problem is not one of definition, it is one of providing adequate transit service. Under any definition, provision of more frequent (and less crowded) transit service would allow more multi-family projects to take advantage of the parking reduction. We believe the primary means to address the problem identified by HALA should be to improve transit service.

(3) More Supports for Communities (HALA Report, pages 31-36)

Launch a Proactive Preservation Effort: The HALA Report is correct that housing that is accessible to vulnerable tenants and homeowners should be preserved. However, the HALA Report does not recognize that other HALA Recommendations to up-zone in and near Urban Villages, to increase heights in multi-family zones, and to up-zone all single family zones will lead to destruction of more housing accessible to vulnerable tenants and homeowners. The primary means to protect housing options for vulnerable groups would be to require one-for-one replacement for lost affordable units. Since the HALA Report proposes significant "windfalls" be granted to developers, compensating protections for vulnerable groups should also be a part of the effort to address housing issues.

Proposed Recommendation 21: We strongly support a requirement that when affordable housing accessible to vulnerable groups is demolished for development of new housing or new commercial space, the developer of the new housing or commercial space be required to replace the lost housing on a one-for-one in-kind basis.

P.1, P.2 *Pursue Opportunities to Acquire and finance Existing Affordable Multi-family Housing and Make Strategic Investments to Minimize Displacement:* The HALA Report proposes that the City Office of Housing lead "an expansive preservation effort."

While preservation of existing affordable housing is necessary, it is not clear that a city department is nimble enough to succeed in the real estate market. Why not create a PDA to facilitate housing preservation? The city has experience with PDAs, for example at Pike Place Market, that have a history of success in housing development. The city should explore the possibility of a new PDA to take on the project of housing preservation in coordination with the Office of Housing.

The second recommendation, "strategic investments" is quite general. This recommendation needs specific details to clarify exactly what might be done.

Proposed Recommendation 22: We support HALA Recommendations P.1, P.2, and suggests exploring the creation of a PDA to undertake this effort.

P.3 *Preservation Property Tax Exemption:* Using tax reductions to incentivize preservation of affordable housing for vulnerable groups is a good tactic. However, this will require state action.

Proposed Recommendation 23: We support P.3, but recognize that the political climate in Olympia makes it unlikely that the required legislation will be approved for several years. Therefore, in calculating the impact of HALA Recommendations, at present no tax reductions for housing preservation should be anticipated from P.3.

Increase Tenant Supports: The HALA Report includes ten recommendations to increase access to housing for various groups of renters. These recommendations sound reasonable, but fall entirely outside my area of expertise.

I propose that organizations such as LCNA consider supporting all these recommendations (T.1 - T.10), but these organizations will need to consult someone knowledgeable in this area for specific analysis and details.

Promote Sustainable Homeownership: The HALA Report includes six recommendations to support homeownership for low-income homebuyers. Five of these recommendations sound reasonable, but fall entirely outside my area of expertise.

I propose that organizations such as LCNA consider supporting recommendations (H.1, H.2, H.4, H.5, H.6), but these organizations will need to consult someone knowledgeable in this area for specific analysis and details.

H.3 *Remove Barriers to Condo Development:* Condominiums have been the subject of numerous lawsuits because of some spectacular failures. The HALA Report notes that the Courts have interpreted the state Condo Act broadly, which has had the effect of protecting purchasers from defects. The HALA Report suggests that this has had a "chilling effect" on condominium development. The HALA Report suggests the possibility of revisions to the Condo Act to foster condominium development and suggests working with the University of Washington College of Built Environments Runstad Center to explore options to address the perceived problem.

Proposed Recommendation 24: We support the commissioning of a study by a neutral party such as the University of Washington to explore how to address current problems in condominium development. We suggest that the University of Washington School of Law should also participate in such a study in order that the full implications of changing current state law relative to construction defects can be explored.

(4) More Innovation (HALA Report, pages 37-41)

RP.1 *Reform Design Review and Historic District Review:* The HALA Report states that design review and historic district review produce "better design outcomes, better collaboration between developers and community members, and opportunities for flexibility in application of land use code standards." (HALA, p. 37) Yet the Report also states that "some builders and designers" have complaints about these processes. While the HALA Report considers these complaints as evidence of a problem, an objective observer could conclude that these complaints are actually evidence of the success of these processes--after all, if these processes were simply a "rubber stamp"

for whatever developers might propose, there would be no complaints, but "better design outcomes" and other positive results would be unlikely to occur.

Certain sub-recommendations of the HALA Report in this area are clearly suspect, among them, "provide training....to allow them to consider the impacts of their decisions on housing costs." One might equally suggest that all review board members might receive training in urban design issues and/or historic preservation practice. The HALA proposal comes dangerously close to suggesting a form of indoctrination. In addition, it may violate the law: Design Review and Historic District Review are conducted according to specific parts of the Land Use Code. Review Board members are called upon the follow Code provisions. Decisions by Review Board members are shaped by the legal framework of authorizing ordinances; to suggest that Board members shape their decisions by other criteria, may be to suggest that they not follow the ordinances under which they carry out their reviews.

Another provision that is suspect is the proposal to "increase accountability" of planners and review board staff. This provision seems intended to allow developers to intimidate city staff by threatening lawsuits.

Some issues regarding Design Review and Historic District Review are distinct, so are addressed separately below.

RP.1a Design Review: Design Review plays an important role in helping to shape new projects to make them more supportive of the adjacent public spaces, particularly the pedestrian realm, the sidewalks. Urban design research has clearly demonstrated that the way in which buildings adjoin the sidewalks is a significant component of making a livable walkable city. As the city grows denser, as proposed in other HALA Recommendations, more and stronger Design Review will be needed, not less.

It should also be noted that compared with some other cities, Seattle's Design Review is limited in the degree to which it can shape projects.

Seattle's Design Review was audited in 2006 by the Office of the City Auditor. Design Review has been under study again by City Council (contract on the web at: <http://www.seattle.gov/Purchasing/Contracts/Docs/WONGP2015-02-24-12.58.41DC15U002.pdf>). Given the unbalanced membership of the HALA Committee, the recommendations of HALA regarding Design Review should be deferred until objective information regarding design review is developed. Depending on what information is received from the on-going study, it may be that further analyses and detailed proposals will be required.

Proposed Recommendation 25.1: We propose that all Design Review process changes be deferred until the current Council-supported study is complete. It seems likely that a more thorough study by an objective group may need to be conducted to determine the actual degree to which design review may (or may not) be negatively impacting housing production. On that basis it will be possible to recommend specific improvements to strengthen design review while making the process more efficient and predictable.

RP.1b Historic District Review: Seattle has only eight historic districts, a very small number encompassing a very small land area. (In contrast, New York City has 110+ historic districts.) The idea that Historic District Review has any significant impact relative to housing production across the City of Seattle is not credible--relatively few projects encounter difficulties with Historic District Review.

Seattle's eight historic districts must be recognized as unique places that citizens treasure and that are sites that draw significant tourism. Six of the eight Seattle historic districts date from before 1985. Only two districts have been created since then--Fort Lawton and Sand Point, both on surplus military lands. The review processes for the six neighborhood districts reflect more than 30 years of experience, and demonstrate more than 30 years of success in protecting these unique assets.

The HALA Report fails to note that all eight of Seattle's historic districts are also listed as Historic Districts on the National Register of Historic Places. Protection of each district is necessary not only for protection of the character of the district itself, but also to protect the National Register listing which brings benefits for historic building restoration-rehabilitation such as tax credits helping housing affordability.

Given the long history of protection of historic districts, when a developer chooses to proceed with a project inside a historic district, the developer begins that project fully aware of the history of historic district review, the nature of the process, the time involved, and the substantive considerations historic district review boards are legally required to uphold. The process may take longer, but given the uniqueness of Seattle's historic districts, it is appropriate that developers not receive a "rubber stamp" on their projects.

Finally, instead of criticizing historic district review, the HALA Report should be praising Seattle's historic districts because these districts have supported the creation of a surprising amount of affordable housing given their small total land area.

Pike Place Market has, of course, low-income housing of several types (SRO [Single Room Occupancy], assisted care, etc.), but this district has no more developable sites. Pioneer Square and ID offer opportunities for affordable housing as part of rehab projects and new construction. The Ballard Avenue District is almost all built and lacks vacant parcels and non-contributing buildings for development. Columbia City had a great opportunity for new affordable housing where Columbia Plaza was, but the new housing is all market-rate--likely because developers make more profit out of market-rate housing. There is affordable housing now underway at Sand Point: Building 9 (a current rehab project) will be affordable housing and the Officers Row houses are owned by Solid Ground. Fort Lawton has housing being marketed as higher-end housing; there are no new development sites.

Proposed Recommendation 25.2: We oppose HALA recommendations to alter current Historic District review processes.

RP.2 Reduce the number of housing projects subject to SEPA: The HALA Report appears to be internally contradictory with regard to SEPA. On the one hand the Report

asserts that SEPA is duplicated by other Code provisions so unnecessary, yet the Report also notes that some projects are "knocked...out of the permitting queue." The HALA Report states that "the City should perform a comprehensive review of projects that have gone through SEPA..." but also states the City should "adjust the SEPA thresholds."

Proposed Recommendation 26: We support the HALA Report proposal for a comprehensive review of housing projects that have been subject to SEPA review. This review should be conducted by a neutral party such as the City Auditor. We propose that any changes to SEPA be deferred until the results of the comprehensive review are published.

On-street Parking Regulations: HALA Recommendations are based on a recognition that On-street Parking has become a particularly contentious issue in some Seattle neighborhoods. The Report suggests that on-street parking should be "better managed." The Report makes three recommendations to address management of on-street parking.

The recommendations for improving management of on-street parking may have merit. The City should, no doubt, study the proposals in detail to see if they could improve the on-street parking situation.

However, the consideration of improving on-street parking management must be developed in context, and should take into account other city policies which have been used to eliminate on-street parking (such as "road diets"). In addition, on-street parking management improvements must take into account density increases proposed by other parts of the HALA Report.

Proposed Recommendation 27: We support HALA proposals to "explore" improved management of on-street parking in dense urban neighborhoods. We request that any proposed solutions be tailored specifically to the conditions in individual urban neighborhoods.

Appendix A: On the Question of Zoning, Race and Class

One of the most divisive sentences in the final HALA Report is found in line 1 on page 25, in the discussion titled "Increasing Access, Diversity and Inclusion within Single Family Areas." The statement reads, "Seattle's zoning has roots in racial and class exclusion." There is a footnote to a report posted on the website of the Seattle Civil Rights and Labor History Project of the University of Washington. The HALA Committee apparently did not check the website to determine if the statement is actually supported by the source noted; in fact, it is not. The cited source deals with the use of racially restrictive covenants in Seattle; it does not address zoning.

Unfortunately, the claim that Seattle's zoning is inherently racist and classist has been repeated or cited by multiple websites, none of which appear to have considered the underlying research.

The initial HALA Draft tied the claim specifically to single-family zoning. The final HALA Report excised the words "single family" from the statement, but the statement still appears within a section of the Report addressing single-family areas.

On July 20, Eric Scigliano posted an analysis on Crosscut that shows the flaws in the HALA assertion. Scigliano noted that he spoke with several HALA participants who were unable to provide any better substantiation for the claim, which suggests it was poorly researched and cannot be substantiated as written.

Later on July 20, the Seattle Civil Rights and Labor History Project (SCRLP) published a clarification on Facebook. The SCRLHP stated specifically that Seattle single family zoning was not inherently racist. The SCRLHP went on to describe numerous examples of racist practices that affected housing markets in the past and continue to affect housing markets at the present time, but none of these can be tied specifically to zoning.

A Distinction with a Difference

In legal matters, distinctions are everything. In the Courts in Washington State the "letter of the law" --- that is, legal distinctions -- is critical. Arguments about zoning cannot be conflated with arguments about private covenants. Although these two intersect, they are two distinct means of land use control. Zoning is a public sector action enacted by elected officials (City Council and Mayor) and enforced by the public sector (the City). Private Covenants (real estate agents and developers today use the term CCRs to mean Covenants, Conditions, and Restrictions) are put in place by private sector actors: developers and/or real estate agents. (Red-lining, which is also a private sector action to restrict lending to ethnic minorities, was a practice carried out by mortgage lenders, also private sector actors.) Zoning laws in Seattle never had racial provisions. The lack of racial provisions in zoning is why real estate agents, developers and banks acted as they did -- they used the means available to them, which were racially restrictive private covenants and red-lining. These were private sector actions.

The importance of this distinction is that the footnote used to substantiate the claim in the HALA Report (page 25, line 1) goes to a report about private covenants, not zoning. So the footnote does not support the assertion in the text.

The Historical Sequence

It may be argued that the HALA Report did not claim that Seattle zoning is racist or classicist, just that it was rooted in racism and classism. However, research in the history of zoning in Seattle does not substantiate this claim either.

Racial zoning was a practice applied in cities in the Southern USA in the early twentieth century. However such zoning was not applied to single land use zones; rather racial zoning typically overlaid both multi-family and single-family zones. However, such zoning was found to be illegal under the 14th Amendment to the U.S. Constitution about 1916.

Zoning became a national issue after World War I at least in part because of the proliferation of vehicles powered by internal combustion engines. Prior to that time, industrial uses were clustered around railroad tracks. The emergence of the trucking industry meant that industrial uses were no longer constrained and could locate anywhere. Similarly, by the post-World War I era, steel-framed tall buildings were rising in many cities and concerns about streets becoming dark canyons and limiting access to light and air was also widespread. Thus, the first zoning ordinances typically dealt with building heights and form, and also with distribution of uses.

Seattle discussions of zoning began in October 1919 with presentations by knowledgeable experts who came to Seattle to offer the experience of other American cities which had already enacted zoning laws.¹ Thereafter, zoning was a frequent topic of discussion in Seattle newspapers. The initial focus was division of the city into residential and industrial zones and by mid-October 1919 the Mayor had appointed a committee to consider the matter.² By the end of that month, Council was considered legislation to create a Plans Commission to develop a zoning ordinance to divide the city into residential, commercial and industrial zones.³ In December the city's attorney submitted an ordinance to create a Zoning Commission to survey the city and propose actual zones and use restrictions.⁴ Council approved the commission in February 1920, but it was several years before an actual ordinance would be ready. (A contentious issue in 1920 and 1921 seems to have been the location of meat packing houses. Another issue was whether hospitals should be allowed in residential zones.)

Finally, on April 23, 1922, the *Seattle Times* headlined "Zoning Plan Ready."⁵ The *Times* quoted Andrew Wright Crawford of the American Civic Association who stated, "...a zoning bill is a poor man's bill. The rich man can often protect himself against various forms of nuisance by legal action. But the poor man cannot indulge in the usury of a lawsuit: he cannot afford to pay a lawyer...." And, Crawford went on to explain how zoning was used in New York City to set minimum acceptable standards for housing for industrial workers. Over the next several months, zoning maps of various parts of the city were published, starting with south Lake Union on April 30, and the City began conducting Hearings in different parts of the city as the maps were published. A preliminary version of the zoning ordinance language (with the rules for different use zones as well as height limits) was nearly available in late September, but it was not actually submitted to City Council until December 5.⁶ The final ordinance did not reach Council until January 1923.⁷ The next month Council debated whether to send the

zoning ordinance to the citizens for a vote.⁸ After more debate, and some last-minute changes, the City Council finally passed the city's first zoning ordinance in June; it took effect at the end of July 1923.⁹

In all the published discussion of zoning, no hint of race or class issues appears. If such issues were discussed, they went unreported. A review of the first zoning maps provides no obvious evidence of race or class as motivators in the application of the new ordinance.

In contrast to zoning, which was a matter of lengthy public discussion and debate, the adoption of private covenants governing land use went unreported. Historical researchers have had to trace the development and adoption of private covenants governing land largely from the record of the covenant documents themselves.

The precise date on which the first private covenant with racially restrictive provisions was created and tied to land development in Seattle has not been identified. However, as reported by Eric Scigliano on Crosscut on July 20, 2015, adoption of private covenants started "around 1924" and peaked in 1928.¹⁰ On the website of the Seattle Civil Rights and Labor History Project (which has carried out the definitive research in this regard), the oldest covenants date from 1924. Eventually at least 414 Seattle neighborhoods has racially restrictive covenants.¹¹ Although most were put in when the land was initially subdivided, at least some were instituted through adoption by homeowners more than a decade after initial land subdivision.

The sequence of adoption of zoning before the creation or institution of racially restrictive covenants belies the idea that zoning grew from racially restrictive covenants in Seattle. The historical sequence provides evidence that the opposite may have been true: racially restrictive covenants were adopted in Seattle in part because zoning was not racially restrictive.

Racism and Land Use

There is no question that racism was endemic in Seattle's past. The presence of widespread racism does not mean that one can claim that single-family zoning, or any zoning, was "rooted" in racism.

In fact, the Seattle Civil Rights and Labor History Project posted a statement in this regard on Facebook on July 20, 2015¹²:

Page 25 of Seattle Mayor Ed Murray's Housing Affordability and Livability Agenda report cites the Seattle Civil Rights and Labor History Project's research on racially restrictive covenants as the basis for its claim that "Seattle's zoning has roots in racial and class exclusion and remains among the largest obstacles to realizing the City's goals for equity and affordability." This one sentence has in turn sparked a public debate in Seattle about whether single family zoning is inherently racist.

Here is the statement of the Seattle Civil Rights and Labor History Project on this matter:

Racially restrictive covenants placed in property deeds applied to housing rentals and home ownership alike. So did realtors' racist practices. So did bankers' redlining practices. They were not specific to single family zoned spaces-- they covered nearly all residential housing in the region.

Similarly, movements for fair housing in Seattle sought to criminalize racial discrimination in the selling or renting of property-- they did not attack single family zoning per se. Often some of the leading advocates for housing desegregation were people seeking to purchase homes. Many hoped that desegregation of the housing market would reduce the gouging that people of color were subject to in rental housing in racially segregated neighborhoods. According to Quintard Taylor's history, *Forging of a Black Community*, Seattle's Central District had some of the highest black homeownership rates of any city in the in the country before the 1980s.

Racism continues to be an issue in housing markets, but it is not restricted to neighborhoods zoned for single family homes. Some defenses of single-family zoning and opposition to rental property construction and public transit are racist in addition to classist. At the same time, as the Seattle Office of Civil Rights demonstrated, some developers of high-end rental properties praised as "transit-oriented development" have been systematically engaging in racist practices in their rental application processes. Essentializing all single family zoning as inherently racist is unhelpful for understanding the role of racism in housing markets, past or present.

Class and Zoning

It is easy to understand how some could argue that zoning, which restricts certain uses to certain areas, might be considered to be rooted in economic class. However, it is also possible to argue, as Andrew Crawford did in 1922, that zoning benefits those who do not have the means to defend their property through other legal means.¹³ Study of early Seattle zoning maps shows that single-family zones and multi-family zones were applied over the Central Area, over Wallingford, over Queen Anne, and over other Seattle neighborhoods. No differentiation between the application of zoning by race or class can be discerned (it may be there, but it would take much more detailed research to discover this).

The idea that zoning is essentially classist is also belied by experience in Houston, Texas. Because Houston has no zoning, land use control can be carried out only by private covenants. Wealthy neighborhoods in Houston typically have deed restrictions (what real estate agents call CCRs). When someone violates the deed restrictions, the neighborhood organization initiates a lawsuit to enforce the restrictions. Because they are able to litigate (they have the wealth to hire attorneys), they can use litigation to keep the deed restrictions from lapsing. In contrast, middle class and poorer neighborhoods in Houston have a much more difficult time--some do not have deed restrictions (CCR) at all; others have CCRs but cannot afford to litigate when non-conforming construction or use appears; if the restrictions (CCR) are not enforced, they lapse. Some neighborhoods may be able to raise the money to hire an attorney to fight to protect the neighborhood the first time a non-conforming use or construction arises, but then find themselves "tapped out" the second time a non-conforming use or construction intrudes. As a result, Houston is a city of enclaves; poor neighborhoods in Houston

often have non-conforming uses like gas stations or cheap apartments on street corners. In fact, zoning is a more equitable approach to land use control because it puts the power of the city behind protecting everyone's property, rich or poor, as Andrew Crawford noted in 1922.

As noted in the Introduction to this "White paper," and in the discussion of HALA recommendation SF.1, Seattle has many CCRs in place. These CCRs protect some neighborhoods, but others depend only on zoning. Zoning is, in fact, the only protection most average (i.e., non-wealthy) neighborhoods have.

Notes to Appendix A

¹ "City Planner to Speak," *Seattle Times*, October 1, 1919, p. 15.

² "Residence Zone Plans," *Seattle Times*, October 15, 1919, p. 13.

³ "Zoning of City Up to Council," *Seattle Times*, October 28, 1919, p. 12

⁴ "New Zoning Ordinance," *Seattle Times*, December 31, 1919, p. 10.

⁵ "Zoning Plan Ready," *Seattle Times*, April 23, 1922, p. 3

⁶ "Zoning Plans Ready," *Seattle Times*, September 17, 1922, p. 29; "Zoning Ordinance Introduced," *Seattle Times*, December 5, 1922, p. 7.

⁷ "Zone Ordinance Given to Council," *Seattle Times*, January 14, 1923, p. 7

⁸ "Deadlock in Zone Vote," *Seattle Times*, February 8, 1923, p. 4.

⁹ "The Zoning Ordinance," *Seattle Times*, June 24, 1923, p.12; "Zoning Ordinance Effective Tomorrow," *Seattle Times*, July 26, 1923, p.4.

¹⁰ Eric Scigliano, "9 Words that shook Seattle: Are our zoning roots really racial?" *Crosscut*, July 20, 2015; at: <http://crosscut.com/2015/07/9-words-that-shook-seattle-why-our-zonings-roots-arent-racial/>

¹¹ Seattle Civil Rights and Labor History Project, accessed July 20, 2015; at: <http://depts.washington.edu/civilr/covenants.htm>

¹² Seattle Civil Rights and Labor History Project, Facebook posting, July 20, 2015.

¹³ "Zoning Plan Ready," *Seattle Times*, April 23, 1922, p. 3