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OFFICE OF
HEARING EXAMINER

BEFORE THE HEARING EXAMINER
FOR THE CITY OF SEATTLE

In the Matter of the Appeals of
WALLINGFORD COMMUNITY
COUNCIL, ET AL.

Hearing Examiner File:
W-17-006 through
W-17-014

Of Adequacy of FEIS Issued by the
Director, Office of Planning and
Community Development

DECLARATION OF CHRISTINE M. TOBIN-
PRESSER IN SUPPORT OF JUNCTION
NEIGHBORHOOD ORGANIZATION'S
REPLY RE: MOTION FOR SUMMARY
JUDGMENT AS TO MHA FEIS' FAILURE TO
IDENTIFY INCONSISTENCIES WITH
COMPREHENSIVE PLAN AND PROPOSED
AMENDMENTS

CHRISTINE M. TOBIN-PRESSER declares as follows:

1. I am a member of the Junction Neighborhood Organization ("JuNO") and the JuNO Land Use Committee. I have personal knowledge of the facts set forth herein and I am competent to testify to the same.
2. Attached hereto as Exhibit A is a true copy of a document printed from the seattle.legistar.com website.
3. Attached hereto as Exhibit B is a true copy of the a letter I hand-delivered to the Office of Planning and Community Development on January 31, 2018.

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4. I declare under penalty of perjury under the laws of the state of Washington that the foregoing information is true and correct.

DATED this 18th day of May, 2018 at Seattle, Washington.


Christine M. Tobin-Presser

DECLARATION OF CHRISTINE M. TOBIN-PRESSER
JUNO’S REPLY IN SUPPORT OF SUMMARY JUDGMENT
RE: FAILURE TO IDENTIFY COMPREHENSIVE PLAN



SEATTLE CITY COUNCIL

Legislative Summary

Res 31762

Record No.: Res 31762

Type: Resolution (Res)

Status: Adopted

Version: 3

Ord. no:

In Control: City Clerk

File Created: 07/11/2017

Final Action: 08/07/2017

Title: A RESOLUTION identifying proposed Comprehensive Plan amendments to be considered for possible adoption in 2018, and requesting that the Office of Planning and Community Development and the Seattle Planning Commission review and make recommendations about the proposed amendments.

Date

Notes:

Filed with City Clerk:

Mayor's Signature:

Sponsors: Johnson

Vetoed by Mayor:

Veto Overridden:

Veto Sustained:

Attachments: Attachment A: OPCD Director's Memorandum

Drafter: patrick.wigren@seattle.gov

Filing Requirements/Dept Action:

History of Legislative File

Legal Notice Published:

Yes

No

Version:	Acting Body:	Date:	Action:	Sent To:	Due Date:	Return Date:	Result:
1	City Clerk	07/11/2017	sent for review	Council President's Office			
	Action Text: The Resolution (Res) was sent for review. to the Council President's Office						
	Notes:						
1	Council President's Office	07/13/2017	sent for review	Planning, Land Use, and Zoning Committee			
	Action Text: The Resolution (Res) was sent for review. to the Planning, Land Use, and Zoning Committee						
	Notes:						
1	Full Council	07/17/2017	referred	Planning, Land Use, and Zoning Committee			
1	Planning, Land Use, and Zoning Committee	07/24/2017					
1	Planning, Land Use, and Zoning Committee	08/01/2017	adopt as amended				Pass

EXHIBIT A

Action Text: The Committee recommends that Full Council adopt as amended the Resolution (Res).
In Favor: 3 Chair Johnson, Member Herbold, Alternate González
Opposed: 0

2 Full Council 08/07/2017 adopted as amended Pass

Action Text: The Motion carried, the Resolution (Res) was adopted as amended by the following vote, and the President signed the Resolution:

Notes: ACTION 1:

Motion was made by Councilmember Johnson, duly seconded and carried, to amend Resolution 31762, by amending Sections 2 and 6, as shown in the underlined and strike through language below:

Section 2. Mandatory Housing Affordability amendments. The Council requests that the Executive provide recommendations for potential amendments to Comprehensive Plan policies and maps to facilitate the implementation of the Mandatory Housing Affordability Program (MHA) citywide, consistent with Resolution 31612, including amendments to the Growth Strategy, Land Use, Housing, Neighborhood Planning, or other elements or maps in the Plan, as appropriate. The potential amendments are further described in the memorandum dated July 10, 2017, from the Director of the Office of Planning and Community Development (OPCD), included as Attachment A to this resolution. The Executive should consider, analyze and provide recommendations on the following proposed amendments proposed by individuals and organizations in concert with the MHA amendments:

A. Amendments to Urban Village boundaries and Neighborhood Plans

1. Application to amend the boundaries of the Wallingford Residential Urban Village to remove single-family zoned properties from the urban village.

2. Application to amend the boundaries of the West Seattle

Junction Hub Urban Village to remove single-family zoned properties from the urban village.

3. Application to amend policies MJ-P13, MJ-P14, and MJ-P19 to require formal community planning engagement as a pre-requisite for further amendments to these policies. The Council requests that the Executive develop a plan for outreach to the Morgan Community Association in considering this or other MHA-related amendments to the Morgan Junction Neighborhood Plan.

B. Amendments to the Land Use Element

3-1. Application to amend the Land Use Element to add a new policy encouraging affordable housing designed for larger families in low density multi-family areas.

4-2. Application to amend policies in the Land Use Element to allow for yards and trees in multifamily areas.

5-3. Application to amend the Land Use Element to include a policy to discourage the demolition of residences and displacement of residents.

6-4. Application to amend the Land Use Element to adopt policies related to establishing zone and rezone criteria to guide zoning decisions and ensuring that zoning decisions are done with public notice, outreach, and inclusiveness with a regard for local conditions, community preferences, and neighborhood plans.

Section 6. Comprehensive Plan amendments that will not be

considered in 2018. The Council rejects the following proposed amendments:

~~4.~~ Application to amend Morgan Junction neighborhood plan policies to reaffirm the importance of maintaining single-family zoning in the urban village.

~~2-1.~~ Application to amend the Future Land Use Map to remove Pier One, located at 2130 Harbor Avenue SW, from the Greater Duwamish Manufacturing/Industrial Center and designate it Mixed Use/Commercial.

~~3-2.~~ Application to amend the Growth Strategy Element to include a policy related to the monitoring of development activity in urban villages and a special review procedure in response to that monitoring.

~~4-3.~~ Application to amend the Transportation Element to adopt a new policy discouraging pedestrian grade separations, including skybridges, aerial trams, and tunnels, in urban centers and villages.

~~5-4.~~ Application to amend the Transportation Element to add a new policy to limit street and road damage caused by heavy vehicles.

~~6-5.~~ Application to add a new element related to "Open and Participatory Government."

ACTION 2:

Motion was made by Councilmember Bagshaw and duly seconded, to amend the proposed amendment in Action 1, by amending Section 6.2.A.3 as shown in the strike through and underlined language below:

3. Application to amend policies MJ-P13, MJ-P14, and MJ-P19 to require formal community planning engagement as a pre-requisite for

further amendments to these policies. The Council requests that the Executive, in conjunction with the Department of Neighborhoods (DON), develop a plan for outreach to the Morgan Community Association in considering this ~~or other MHA-related~~ amendments to the Morgan Junction Neighborhood Plan.

ACTION 3:

By unanimous consent, Council Rule III.A.6, related to presentation of amendments to the Full Council, was suspended to allow consideration of the proposed amendment in Action 2.

ACTION 4:

Motion was made by Councilmember Harrell, duly seconded and carried, to further amend the Amendment in Action 2, by amending Section 6.2.A.3. by reinserting the words into Section 6.2.A.3., as shown the underlined language below:

3. Application to amend policies MJ-P13, MJ-P14, and MJ-P19 to require formal community planning engagement as a pre-requisite for further amendments to these policies. The Council requests that the Executive, in conjunction with the Department of Neighborhoods (DON), develop a plan for outreach to the Morgan Community Association in considering this or other MHA-related amendments to the Morgan Junction Neighborhood Plan.

ACTION 5:

The Amendment in Action 2 was restated as amended and unanimously passed.

ACTION 6:

Motion was made and duly seconded to adopt Resolution 31762 as amended.

Legislative Summary Continued (Res 31762)

In Favor: 8 Councilmember Bagshaw, Councilmember Burgess, Councilmember
González , Council President Harrell, Councilmember Herbold,
Councilmember Johnson, Councilmember Juarez, Councilmember
O'Brien

Opposed: 0

3 City Clerk 08/07/2017 attested by City
Clerk

Action Text: The Resolution (Res) was attested by City Clerk.

Notes:

CITY OF SEATTLE

RESOLUTION 31762

A RESOLUTION identifying proposed Comprehensive Plan amendments to be considered for possible adoption in 2018, and requesting that the Office of Planning and Community Development and the Seattle Planning Commission review and make recommendations about the proposed amendments.

WHEREAS, under the Washington State Growth Management Act, chapter 36.70A RCW, The City of Seattle (“City”) is required to have a comprehensive land use plan (“Comprehensive Plan”) and to review that plan on a regular schedule; and

WHEREAS, except in limited circumstances, the Growth Management Act allows the City to amend the Comprehensive Plan only once a year; and

WHEREAS, the City adopted a Comprehensive Plan through Ordinance 117221 in 1994; and

WHEREAS, the City adopted a revised Comprehensive Plan reflecting significant changes through Ordinance 125173 in 2016; and

WHEREAS, Resolution 31117 establishes procedures for amendment of the Seattle Comprehensive Plan; and

WHEREAS, Resolution 31402 prescribes criteria by which proposals for amendments to the Comprehensive Plan are solicited from the public and selected for analysis and possible adoption, a process known as setting the Comprehensive Plan docket; NOW,

THEREFORE,

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF SEATTLE THAT:

Section 1. Comprehensive Plan docket of amendments to be considered in 2018. The following amendments proposed by individuals or organizations should be reviewed by the

1 Mayor and Council as possible amendments to the Comprehensive Plan. The full texts of the
2 proposals are contained in Clerk File 320265.

3 1. Application by the City Neighborhood Council to amend land use policies to
4 reduce the spillover of parking from urban centers and villages into the surrounding community.

5 2. Application by the Neighborhood Planning and Land Use Committee of the City
6 Neighborhood Council to amend the Glossary to add a definition of "Concurrency."

7 3. Application by the Neighborhood Planning and Land Use Committee of the City
8 Neighborhood Council, Wallingford Chamber of Commerce, and Wallingford Community
9 Council to amend Land Use Goal 6 to state that increasing affordable housing is a goal in setting
10 parking requirements, rather than lowering construction costs, as currently stated.

11 **Section 2. Mandatory Housing Affordability amendments.** The Council requests that
12 the Executive provide recommendations for potential amendments to Comprehensive Plan
13 policies and maps to facilitate the implementation of the Mandatory Housing Affordability
14 Program (MHA) citywide, consistent with Resolution 31612, including amendments to the
15 Growth Strategy, Land Use, Housing, Neighborhood Planning, or other elements or maps in the
16 Plan, as appropriate. The potential amendments are further described in the memorandum dated
17 July 10, 2017, from the Director of the Office of Planning and Community Development
18 (OPCD), included as Attachment A to this resolution. The Executive should consider, analyze
19 and provide recommendations on the following proposed amendments proposed by individuals
20 and organizations in concert with the MHA amendments:

21 A. Amendments to Urban Village boundaries and Neighborhood Plans

22 1. Application to amend the boundaries of the Wallingford Residential Urban
23 Village to remove single-family zoned properties from the urban village.

1 2. Application to amend the boundaries of the West Seattle Junction Hub Urban
2 Village to remove single-family zoned properties from the urban village.

3 3. Application to amend policies MJ-P13, MJ-P14, and MJ-P19 to require formal
4 community planning engagement as a pre-requisite for further amendments to these policies. The
5 Council requests that the Executive, in conjunction with the Department of Neighborhoods
6 (DON), develop a plan for outreach to the Morgan Community Association in considering this or
7 other MHA-related amendments to the Morgan Junction Neighborhood Plan.

8 B. Amendments to the Land Use Element

9 1. Application to amend the Land Use Element to add a new policy encouraging
10 affordable housing designed for larger families in low density multi-family areas.

11 2. Application to amend policies in the Land Use Element to allow for yards and
12 trees in multifamily areas.

13 3. Application to amend the Land Use Element to include a policy to discourage
14 the demolition of residences and displacement of residents.

15 4. Application to amend the Land Use Element to adopt policies related to
16 establishing zone and rezone criteria to guide zoning decisions and ensuring that zoning
17 decisions are done with public notice, outreach, and inclusiveness with a regard for local
18 conditions, community preferences, and neighborhood plans.

19 **Section 3. Manufacturing/Industrial amendments.** Consistent with Resolution 31682,
20 the Council requests that the Executive provide recommendations of potential amendments to
21 Comprehensive Plan policies related to industrial lands including policies to strengthen the long-
22 term viability of Manufacturing/Industrial Centers and a re-evaluation of the Stadium District for
23 Council consideration in 2018. In developing these recommendations, the Executive should

1 consider, analyze, and suggest improvements to the following amendments proposed by
2 individuals and organizations, in addition to the amendments docketed in Resolution 31682:

3 1. Application to amend the Future Land Use Map to remove the Interbay Armory
4 property from the Ballard-Interbay-Northend Manufacturing Industrial Center (BINMIC) and
5 designate it a “Commercial/Mixed-Use” area.

6 2. Application to amend the Future Land Use Map to remove property located at
7 1819-1893 15th Avenue West and 1855-2033 15th Avenue West from the BINMIC and
8 designate it “Mixed Use/Commercial.”

9 3. Application to amend the boundaries of the BINMIC and amend policies and the
10 Seattle Municipal Code to allow for expansion of the Major Institution use onto industrial land
11 outside of the BINMIC and south of the ship canal.

12 4. Application to amend the Future Land Use Map to remove Pier One, located at
13 2130 Harbor Avenue SW, from the Greater Duwamish Manufacturing/Industrial Center and
14 designate it Mixed Use/Commercial.

15 **Section 4. Impact fee amendments.** The Council requests that the Executive forward
16 any amendments necessary to support implementation of an impact fee program for: public
17 streets, roads, and other transportation improvements; publicly owned parks, open space, and
18 recreation facilities; and school facilities. This may include amendments to update or replace
19 level-of-service standards or to add impact fee project lists in the Capital Facilities Element and
20 amendments to other elements or maps in the Plan, as appropriate.

21 **Section 5. Request for review and recommendations.** The Council requests that the
22 Office of Planning and Community Development review the amendments described and listed in
23 Sections 1, 2 and 3 of this resolution, and prepare amendments consistent with Section 4 of this

1 resolution; conduct public and environmental reviews as appropriate; and present its analyses
2 and the Mayor's recommendations to the Planning Commission and to the City Council on the
3 schedule set by Resolution 31117 for review and consideration in 2018.

4 **Section 6. Comprehensive Plan amendments that will not be considered in 2018.** The
5 Council rejects the following proposed amendments:

6 1. Application to amend the Growth Strategy Element to include a policy related to
7 the monitoring of development activity in urban villages and a special review procedure in
8 response to that monitoring.

9 2. Application to amend the Transportation Element to adopt a new policy
10 discouraging pedestrian grade separations, including skybridges, aerial trams, and tunnels, in
11 urban centers and villages.

12 3. Application to amend the Transportation Element to add a new policy to limit
13 street and road damage caused by heavy vehicles.

14 4. Application to add a new element related to "Open and Participatory
15 Government."

1 Adopted by the City Council the 7th day of AUGUST, 2017,
2 and signed by me in open session in authentication of its adoption this 7th day of
3 AUGUST, 2017.

4 

5 President _____ of the City Council

6 Filed by me this 7th day of AUGUST, 2017.

7 

8 Monica Martinez Simmons, City Clerk

9 (Seal)

10 Attachment:
11 Attachment A - OPCD Director's Memorandum, dated July 10, 2017
12

WEST SEATTLE JUNO
LAND USE COMMITTEE

5007 42nd Avenue SW
Seattle, WA 98136

January 31, 2018

Office of Planning and Community Development
Director Samuel Assefa
700 5th Ave. Suite 1900
Seattle, WA 98124-7088

Re: Proposed Amendments to Seattle 2035 Relating to West Seattle Junction
Neighborhood Plan

Dear Director Assefa:

The purpose of this correspondence is to provide you with a complete compilation of the data obtained by the Office of Planning and Community Development (“OPCD”) through its engagement of the West Seattle Junction Urban Village (the “Junction Urban Village”) with respect to the proposed amendment(s) to the Seattle 2035 Comprehensive Plan (the “Comprehensive Plan”) relating to the Junction Urban Village single-family areas.

The data unequivocally establishes that the Junction Urban Village community wishes to retain its single-family zoned areas pursuant to the Neighborhood Proposed Amendment described herein. If the zoning is changed against the community’s clearly and repeatedly stated desire, the Junction Urban Village has expressed an overwhelming preference that any change be limited to a character and scale similar to single-family zoning as proposed in the OPCD Option A.

A. Junction Neighborhood Planning Request Declined

As you know, the West Seattle Junction Neighborhood Plan (the “Junction Neighborhood Plan”) as adopted in the Comprehensive Plan makes it a policy to “maintain the character and integrity of the existing single-family areas.” The Junction Neighborhood Organization (“JuNO”) formally called this to your attention in a letter dated March 8, 2017, enclosed herewith. Enclosure A.

Given the inconsistency with the City’s proposal to rezone all single-family areas within the West Seattle Junction Urban Village (the “Junction Urban Village”) as part of MHA, JuNO requested that the City undertake the type of transparent, neighborhood planning to resolve the inconsistency as contemplated by the Comprehensive Plan. See Comprehensive Plan at CI 2.1-CI 2.12.

EXHIBIT B

On March 22, 2017, you responded that the OPCD would “direct [its] community planning resources to areas that have been historically disadvantaged and would particularly benefit from coordinated planning in support of a more equitable city.” Enclosure B. JuNO has since been advised that the City will not be initiating a neighborhood planning effort in the Junction Urban Village in the foreseeable future.

B. Data Establishes Junction Neighborhood Does Not Support the MHA Upzones as Proposed.

As you are aware, the feedback provided by the Junction Urban Village community with respect to the MHA proposal establishes that, while the community recognizes the need to address increased growth and density and supports the creation of affordable housing, the community does not support MHA as proposed for the Junction Urban Village. Enclosure C.¹

C. Junction-Proposed Amendment to Comprehensive Plan

Given the Junction Urban Village community feedback and the lack of a formal neighborhood planning process to update the Junction Neighborhood Plan, in May 2017, JuNO timely proposed an amendment to the Comprehensive Plan to remove the single-family areas from the boundaries of the Junction Urban Village (the “Neighborhood Proposed Amendment”). This would resolve any inconsistency with the City’s stated goal of upzoning single-family areas with the Junction Urban Village. The Neighborhood Proposed Amendment included the signatures of 186 West Seattle residents and is currently docketed for consideration by City Council. Enclosures D and E.

D. The July Memo

On July 10, 2017, you issued a memo to the City Planning Land Use Committee in order “to provide more information to decision-makers and the public about Comprehensive Plan amendments being prepared by OPCD for the 2017- 2018 docket” (the “July Memo”). Enclosure F. The July Memo states that “significant public engagement” had taken place with respect to MHA. However, at that time, no public engagement had taken place with respect to any City-proposed amendment to the Junction Neighborhood Plan. The July Memo refers to “additional community engagement” that would be conducted by the OCPD.

E. Community Engagement, City-Proposed Alternatives and Junction Neighborhood Feedback.

In October 2017, the additional community engagement commenced. With respect to the Junction Urban Village, this included (1) an open house on October 17, 2017; (2) an opportunity to weigh in on a consider.it website through December 8, 2017; and (3) an opportunity to provide an alternative written proposal to OPCD by mail or email on or before December 8, 2017.

¹ All backup documents and data supporting the analysis of Junction feedback can be accessed at https://www.dropbox.com/sh/dmssecs393tb4jz/AAA98ckeBZDICHLU1SQQ3_gfla?dl=0.

Unfortunately, none of the City's community engagement included any reference to the existing Junction Neighborhood Proposed Amendment.

As indicated below, only one of the alternatives proposed by the City - Option A - received even a modicum of support. Option A is inconsistent with MHA as currently proposed for the Junction Urban Village.

1. Alternative Amendments Proposed by the City. The City proposed the following three alternative amendments for consideration by the Junction Urban Village community:

Existing Language: Maintain the character and integrity of the existing single-family areas.

Amendment Option A: Maintain character and scale similar to existing single-family housing areas.

Amendment Option B: Maintain opportunities for lower-density housing choices in historically single-family housing areas, including larger sized housing units and ground-related housing units.

Amendment Option C: Maintain the physical character of historically lower-density areas of the urban village by encouraging housing choices such as cottages, townhomes, and low-rise apartments. Encourage primarily residential uses while allowing for commercial and retail services for the urban village and surrounding area.

As a result of public records requests, Appellants have reviewed all feedback obtained by the City with respect to the above-described community engagement as to its three proposed options to amend the West Seattle Junction Neighborhood Plan. As described below, the City's public outreach yielded an overwhelming rejection of Options B and C with respect to West Seattle Junction.

Option A is the only option that received even limited support and is inconsistent with rezoning single-family areas to Lowrise 1, Lowrise 2 and/or Lowrise 3.

a. The Open House. The City posted notice on its website of two open houses, one on October 17, 2017 for Morgan Junction, North Rainier / Mt. Baker, West Seattle Junction and Westwood/Highland Park (the "South Open House") and one on October 26, 2017 for Aurora-Licton Springs, Fremont, Northgate, Roosevelt and Wallingford.

(i) Sticker Dots. At the South Open House, the City provided colored sticker dots. Attendees could place a yellow dot for "like" and a green dot for "dislike" next to each of the three options with respect to each neighborhood. A single attendee could put

multiple agree or disagree stickers next to each option and thus, it is unclear what meaningful information the exercise yielded. Nonetheless, the data for the Junction Urban Village is as follows:

Option A	Like 9 Dislike 10	53% Dislike
Option B	Like 2 Dislike 9	82% Dislike
Option C	Like - 7 Dislike - 11	61% Dislike

Enclosure G.

(ii) **Written Flip Pad Comments.** The City supplied one flip pad for each neighborhood on which attendees could write their ideas for the neighborhood. Thirteen comments were written on the West Seattle Junction flip pad. Enclosure H. One reminded the City that West Seattle Junction had proposed its own amendment with 186 signatures and asked why it had not been included as an option in the workshop. Others requested real neighborhood planning and for the City to listen to the neighborhood. Others requested maintaining the single family areas or ensuring that changes be low density options, i.e., RSL, duplexes, triplexes and/or backyard cottages. None of the written comments were supportive of rezoning for apartments. These comments were largely approved with green sticker dots.

Finally, an attendee at the workshop presented the City staff person with a copy of the Neighborhood Proposed Amendment and copies of the 186 community signatures. Enclosure I.

b. **Consider.it Website.** The City set up a website inviting individuals to express agreement or disagreement with the three options as applied to each neighborhood to which they were proposed to be applied. One hundred individuals weighed in with respect to the three options proposed by the City for the West Seattle Junction. The data is as follows:

Option	# Voting	Outcome
Option A	68	62% Agree
Option B	87	91% Disagree
Option C	80	80% Disagree

The comments accompanying the voting similarly reflect the Junction Urban Village community's rejection of Options B and C and a preference for the Neighborhood Proposed Amendment. Enclosure J.

c. **Emails to the City.** On its website, the City invited individuals to craft their own policies for neighborhoods and to provide those policies, and any additional comments, to the City by December 8, 2017. A total of three individuals sent comments/policies with respect to the West Seattle Junction. Of these, two provided suggestions solely relating to West Seattle and both suggested that the language for the West Seattle Junction Neighborhood

January 31, 2018

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Plan be changed to “[p]reserve and protect the character and integrity of the existing single-family areas. The third comment was from a Fremont resident stating that no single-family areas in any of the nine neighborhoods should be protected and that all nine of the areas should become significantly more dense. Enclosure K.

In short, 67% of the alternative proposals to the City’s Options A, B and C were to preserve and protect single-family areas in the West Seattle Junction Urban Village.

F. Conclusion

The City is seeking to amend the Junction Neighborhood Plan that was a result of a massive community engagement effort. Based upon the foregoing, we look forward to an amendment proposal that reflects the Junction Urban Village’s clear feedback.

Sincerely,



Christine M. Tobin-Presser

Enclosures