

B.7 Letter 33 Attachments

Introduction

Appendix B.7 contains attachments 1–3 for Letter 33 from Talis Abolins.

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MOUNT BAKER TOWN CENTER:
THE 2014 REZONE AND TRANSIT ORIENTED DEVELOPMENT

By Talis Abolins

In 2014, the City of Seattle adopted Ordinance 124513, and created a transit oriented rezone over the area known as the Mount Baker Town Center. Exhibit 2 (Ordinance); Ex. 27, p. 4. The Ordinance expands the City's Station Area Overlay District (SAOD), imposing a series of supplemental development regulations designed for transit stations. Ex. 3, p. 5; Ex. 27, p. 6. The Ordinance rezoned 109 parcels on approximately 26 acres of land, with the aim of increasing growth and density in and around the Mount Baker transit center, within the North Rainier Hub Urban Village, with dense mixed use development reaching up to 125 feet high. Ex. 1; Ex. 27, p. 14.

Mount Baker Town Center. On its face, the rezone aims to create a vibrant walkable transit oriented development in an area that has long been recognized as suffering from major deficits in pedestrian oriented infrastructure. This blighted area is unwelcoming and unsafe to both pedestrians and residents. Even before the rezone, the area was in need of substantial investment to overcome serious deficits in infrastructure and public amenities. See Ex. 27, App. C at pp. 14 and 16-17 (North Rainier Neighborhood Plan Update); Ex. 27, pp. 15 and 20.

For example, for more than a decade, the City has documented the North Rainier Neighborhood as suffering from serious gaps in open space, worse than other areas of the Southeast Sector. See Ex. 59 (Mount Baker Station Area Open Space Nexus Analysis); Ex. 58, pp. 27-30 and App. B (Gap Report 2001); Ex. 58 (2011 Gap Report Update).

One major challenge to Town Center livability is the dominance of the automobile. The Town Center is divided by the intersection of two major traffic corridors: Rainier Avenue South and MLK Jr. Way. Each corridor carries over 30,000 vehicle trips per day. These traffic volumes presented challenges for the areas considerable pedestrian traffic, which included students from nearby Franklin High School, the transit center and light link station, and a surrounding residential population in which 30% of the residents do not have a car. Ex. 56a, p. 4. Suffice it to say that even before the rezone, the environment was “very uninviting” to pedestrians and residents, “as there are very few areas to rest or relax.” Ex. 59, p. 3.

Neighborhood Planning. In the early 1990’s, Seattle began a neighborhood planning effort that spanned 38 Seattle neighborhoods. Ex. 56g (North Rainier Neighborhood Plan, 1999). The plans provided the City with direction on a broad range of subjects important to the neighborhoods, which would be incorporated into the City’s Comprehensive Plan. The North Rainier Neighborhood Plan was completed in 1999. Ex. 3, p. 10. The City recognized the North Rainier Neighborhood as one of the most diverse neighborhoods in the City. See Ex. 27, Appendix B (Resolution 31204); Ex. 56f, p. 2 (Demographic Summary).

In 2009, the North Rainier Neighborhood Plan was updated to take into account changed circumstances, including the new light link rail service. The update process engaged a broad cross section of the community. This update resulted in revisions to the Neighborhood Plan, which were reflected in Comprehensive Plan amendments adopted by the City Council. See Ex. 53, Neighborhood Planning Element, Section B-21; Ex. 27, App. C (North Rainier Neighborhood Plan Update); Ex. 56f (North Rainier Baseline Report); Ex. 3, p. 10; Ex. 27, p. 5. The City prepared a document explaining, in detail, how the North Rainier planning process was relied upon to update the Comprehensive Plan. Ex. 73.

A central theme of the Neighborhood Plan was the creation of a vital, pedestrian friendly, “transit oriented development” within the Town Center. Ex. 53, Sec. B-21 (including NR-P1). The Mount Baker Town Center was envisioned as a vibrant neighborhood core, with open space and parks, and development standards to accommodate a vibrant pedestrian environment for people of all ages and abilities. Ex. 53, NR-G1 and NR-P1, NR-G8, NR-G13 and G14, NR-P32 to P35, NR-P12, NR-P37 to NR-P40; Ex. 27, App. C at Goals 6 and 8 (Plan pp. 11 and 14-15); and Ex. 27, p. 5. These goals and policies were needed to help make the Town Center the “heart of the neighborhood” -- an inviting and livable place, where people could gather and engage in physical activity. Ex. 27, App. C Strategy 8.2; Ex. 56g, p. 57. The Town Center was to help the blighted area achieve qualities enjoyed by other more affluent Seattle neighborhoods, “where public places and open spaces help create a sense of identity and welcome.” See Ex. 27, p. 5.

Planning Commission Guidance On “Transit Oriented Development”. The Seattle Planning Commission, appointed by the Mayor and City Council, serves as “the steward of the Seattle Comprehensive Plan”. In that capacity the Commission advises the Mayor, Council and City Departments in their efforts to plan for and manage growth in Seattle. Ex. 64, preface.

In 2010, the Seattle Planning Commission issued a report to guide the City in transit oriented development: “Seattle Transit Communities: Integrating Neighborhoods With Transit”. Ex. 64. The Report was designed to guide the City in its mission to fulfill Comprehensive Plan goals related to the creation of livable and sustainable transit oriented communities. Ex. 64, Introduction. The Report emphasized the need for the City to support “essential transit infrastructure like parks”, and prioritized transit communities “where timely investment is urgent and will create the most impact.” Id. The Commission provided guidance on land use strategies needed to achieve the essential components for livability, “such as adequate open

space”. Ex. 64, p. 13. These essential components were necessary to prevent urban life from becoming “unattractive and inhospitable”. Ex. 64, p. 32.

The Mount Baker rezone area was identified as a “Mixed Use Center”, with urgent near-term planning needs. Ex. 64, pp. 42, 45, 48. According to the Commission, the success of a Mixed Use Center depends upon a number of factors, including:

Generous high quality shared public spaces which are critically important to livability and soften the effects of greater density and make urban living more attractive.

Public open space typically includes large public plazas, semi-public plazas at the base of tall buildings, and smaller pocket parks. ...

Ex. 64, pp. 14, 16-18. As a strategy to create public open space for livability, the Commission recommended “zoning incentives and density bonuses to allow taller buildings and higher densities”. Ex. 64, p. 19. The Commission’s report reinforced the City’s commitments to transit oriented development within the Town Center, as set forth in the City’s Comprehensive Plan. See Ex. 53, Sec. B-21. See also Josh Brower, Planning Commissioner, interview with KUOW: <http://kuow.org/post/building-seattles-future-around-transit> (April, 2014).

DPD’s Urban Design Framework. In 2010, the City Council directed DPD to develop an urban design framework based on the North Rainier Neighborhood Plan, “to inform Council decisions related to land use and the built environment.” The Framework was, at minimum, to include preferred use locations, proposed incentive structures for public benefits, open space concepts, and an analysis of transferable development rights. See Ex. 65. The Council planned to implement the framework plans through legislation. Ex. 27, App. B (Res. 31204).

In 2011, DPD issued the Mount Baker Town Center Urban Design Framework, intended to carry out key actions identified by the community during the recent update of the North Rainier Neighborhood Plan. Ex. 27; Ex. 3, p. 3 and 12. The Urban Design Framework was to

provide a blueprint for how the physical elements of the neighborhood plan update can be realized. “The Urban Design Framework’s analysis and recommendations provide the basis for the proposed rezones and text amendments” proposed by DPD. Ex. 3, p. 12.

The Urban Design Framework included a section on “Open Space and Gateways”. The Framework recognized the area suffers from one of the “largest gaps in Usable Open Space”, and discussed the importance of “open spaces that invite people to gather and encourage physical activity”. Ex. 27, pp. 20 and 23; accord Ex. 53, Sec. B-21 (Open Space Goals and Policies). To achieve this vision, the Framework called for creation of new open space in the Town Center core through future development and public infrastructure improvements. Ex. 27, pp. 20 and 22. To address the open space goals and policies, the Framework proposed designating the 13-acre Lowe’s site for “an open space and pathways system”. Ex. 27, p. 22. In Figure 5, “Proposed Open Space and Gateways”, the Urban Design Framework marks the Lowe’s building with a green tree to designate “Open Space within New Development”. Ex. 27, p. 21 (Fig. 5). The Framework also calls for animation of an underutilized station plaza southeast of the light link station as additional open space, helpful for residents and for business development. Ex. 27, pp. 21-22. Open space was identified as important to the Neighborhood Plan commitment to an environmentally sustainable community. Ex. 27, p. 23. For implementation, the Framework called for a rezone to encourage redevelopment of parcels surrounding the light rail station in a manner that would incorporate the needed open space amenities, with “incentive structures for public benefits” where building heights approach 125 feet. Ex. 27, pp. 24 and 27. The Framework’s matrix of action items and responsible parties for open space reiterated the need to “Establish new open space in the core of the Town Center”, and “Animate and enhance the station plaza”. Ex. 27, p. 30.

The City's consultants likewise assumed that the City's proposed changes would help bring urban vitality to the challenged Town Center through the creation of public open space. Ex. 56a, p. 4; Ex. 56b, p. 1.

DPD's Open Space Nexus Analysis. On December 5, 2012, DPD prepared an internal document entitled, "Mount Baker Station Area Open Space Nexus Analysis". Ex. 59. In the analysis, DPD recognized open space as a "priority amenity" for the Town Center's rezone. Ex. 59, p. 1. The Nexus Analysis notes that the City's "Comprehensive Plan affirms the importance of a variety of open space opportunities", and reviews the "overall need of the neighborhood" in light of standards established by Parks and Recreation. Ex. 59, p. 1.

The Nexus Analysis estimated "the level of existing open space needs in the Station Area and the likely open space need generated by new projects in order to evaluate the appropriateness of proposed open space incentives allowed through the incentive zoning program." Ex. 59, p. 1. The Nexus Analysis confirmed the high need for open space in and around the Town Center:

[T]he North Rainier Hub Urban Village is very auto-oriented neighborhood with a substantial amount of parking lots and driveways. The environment is very uninviting to pedestrians as there are very few areas to rest or relax. In order to maximize the investment of the light rail station in this area, it will very important to develop more open space opportunities that can help to make this area a more pleasant place for pedestrians. Small, local open space opportunities will be especially important since the large roads and auto-oriented environment discourage walking.

Ex. 59, p. 3. The analysis notes "a substantial existing open space need within the Mount Baker Station Area" which justified the use of incentive zoning for public open space amenities. Ex. 59, p. 4. After confirming existing open space needs, the Nexus Analysis analyzed the additional open space demands created by the rezone itself, and the extent to which the currently proposed incentive zoning would address the open space gap. The analysis assumed the "maximum" open space provided by the proposed incentive zoning, assuming buildings achieved

125 feet or higher. Ex. 59, p. 4-5. The report determined that under each proposed zone, “the maximum open space provided through incentive zoning would be less than total estimated need generated by each project.” Ex. 59, p. 5. In other words, DPD’s proposed formulas for transit oriented incentive zoning would not bridge the open space gap at all – instead, DPD’s rezone formula only served to worsen the Town Center’s already blighted open space situation.

Another internal open space analysis by DPD proposed an incentive formula that sought to achieve comparable open space amenities found in the Pearl District, a successful transit oriented development. See Ex. 62 (DPD SM Additional Height Language). The author of this analysis proposed a formula that would address the open space needs in the Town Center, with creation of a civic square for Town Center residents. These analyses do not appear to have been shared with the community, or with the Council.

DPD’s Director’s Analysis. On June 14, 2013, DPD issued its Director’s Analysis and Recommendation on the Rezone Proposal for an Ordinance with incentive formulas that actually worsened the open space blight. Ex. 3. DPD summarized the intent of the proposed Ordinance as “to provide for a pedestrian-oriented town center by concentrating commercial and residential growth in the Mount Baker Town Center.” Ex. 3, p. 14. The proposed development standards were ostensibly intended to “create an environment that supports the vision of the neighborhood plan and update to create a town center that is pedestrian-oriented, vibrant and livable.” Ex. 3, pp. 51 and 56; Ex. 63. In doing so, DPD noted that its ordinance sought to apply existing South Lake Union standards to North Rainier. Ex. 3, p. 51; Ex. 33, Attachment C.

The City’s Analyses of Open Space and Incentive Zoning. On the subject of “Bonus floor are for open space amenities”, the Director’s Analysis noted that while the City’s current code did not contain standards for areas outside of Downtown, the Downtown standards “are a

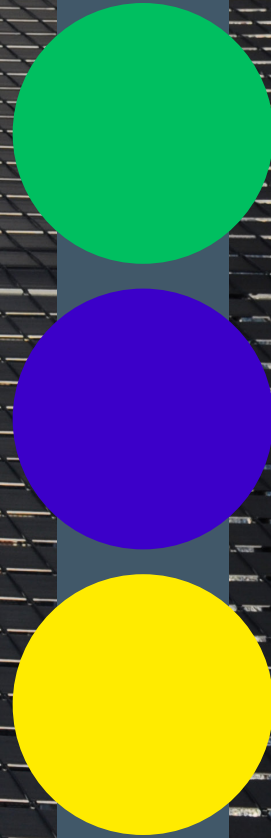
good fit for the proposed site.” Ex. 3, p. 52. The Director’s Analysis reported on the “Large Lot Opportunity” presented by the Lowe’s parcels, and indicated that increasing the allowed development height to 125 feet would encourage “open space at the ground floor. ... The higher heights would provide more flexibility for creating open spaces surrounding the buildings.” Ex. 3, p. 14. DPD indicated it was implementing special standards that would “include a requirement for open space corridors interior” to two large parcels (the “Lowe’s Parcels”) which would be rezoned to allow development to reach 125 feet in height. The Director’s Analysis further indicated that public benefits in the form of open space would be available through incentive zoning on these two parcels. See Ex. 3, p. 6. The Director’s Analysis of “Incentive Zoning” posited that the proposed regulations would incentivize developers to provide public open space benefits for the residents and pedestrians of the dense high rise Town Center. Ex. 3, Part VII, pp. 54-55.

However, the DPD’s Director’s Analysis did not reveal that the proposed Ordinance actively defeats the open space policies which the neighborhood and City experts had deemed essential for the Comprehensive Plan’s vision of transit oriented development in the Town Center. Ex. 3; see also Ex. 10. In fact, the Ordinance provides “zero” publicly usable open space unless development on the Lowe’s parcels were to exceed the economically impractical height of 85 feet. To the extent that development exceeds 85 feet, the proposed DPD formula focused almost predominantly on the public benefit of “affordable housing”. Rather than achieve the essential components of livability, DPD’s formula for incentive zoning effectively marginalized Town Center residents to an unfriendly living environment of unmanaged density where the City’s open space gaps are worsened.

Capital Planning. The Seattle Planning Commission stressed the City’s obligation to coordinate the Comprehensive Plan Urban Village strategy with the Capital Improvement Plan and other City capital investments. Ex. 64, p. 38; Ex. 53, Capital Facilities Element. However, the City completely failed to plan for capital facility investment needed to overcome the worsening open space gaps created by its self-defeating and ineffective open space incentive formulas. On April 22, 2013, the City’s Department of Planning issued a Fiscal Note for the rezone which concluded: “This legislation does not have any financial implications.” Ex. 1 (Fiscal Note). In order to properly complete the Fiscal Note, DPD was required to specify whether the legislation affected any other departments besides DPD. DPD’s answer was “No.” Ex. 1, p. 2. Apparently Parks and Recreation would have no role to play in the Town Center.

The lack of capital facility planning is also reflected in the Department of Parks and Recreation’s Adopted Capital Improvement Program (2014-2019), which sets forth a plan for expenditures on parks and open space throughout the City of Seattle between now and 2019. Ex. 74. The Parks CIP identifies budget sheets for each project. The voluminous Parks CIP includes only one project connected with the North Rainier Valley Neighborhood Plan / Urban Village. See Ex. 74 – Jimi Hendrix Park Improvements. The project lies distant from the rezone area, and adds no open space to offset the density targeted for the blighted Town Center, or to bridge any of the open space gaps recognized in the North Rainier Urban Village.

Adoption. On June 23, 2014, the Council approved the Ordinance by majority vote, and issued a Divided Report in favor of Council Bill 118111. Ex. 50. With respect to the controversy over 125 foot high development, the majority explained that the high rise development was important to advance the incentive zoning provisions, which were “important to help provide open space and resources for affordable housing”. Ex. 50, p. 3.



Seattle Economic
Development
Commission

North Rainier Urban Village Assessment
April 2015



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INTRODUCTION

The City of Seattle Economic Development Commission (EDC) initiated this study as part of its role in shaping urban centers and villages. The EDC provides expertise from industry, labor, civic, and education leaders to inform the City's decision-making and help execute major initiatives to achieve a long-term economic development agenda. One of the Commission's action items identified in its 2014 inaugural year report is to "Envision and intentionally create great urban centers and neighborhoods." The report emphasizes the City's role in creating great urban centers and neighborhoods:

The City plays an essential role in facilitating and shaping how our urban centers and neighborhoods grow and maintain their authenticity. We must get better at how we imagine, plan, permit and execute on the visions for these unique neighborhoods so that we are responsive to the profound demographic, environmental, and technological changes shaping our future (Seattle EDC, 2014).

This report uses lessons learned from the North Rainier Urban Village and is intended to guide the EDC and the City in future planning and implementation activities. The goal of this report and its recommendations is to create great urban neighborhoods.

SEATTLE'S URBAN VILLAGE STRATEGY

With the adoption of its Comprehensive Plan in 1994, the City of Seattle established a strategy to focus population and employment growth in urban centers and villages. The goal was to create thriving neighborhoods with a mix of housing, employment, and services within walking distance of public transit. This would enable Seattle to accommodate its share of the region's expected growth while largely preserving single-family neighborhoods. The Urban Village Strategy was further developed in Seattle's 2004 Comprehensive Plan Update, *Toward a Sustainable Seattle*, which included targets for population and job growth in urban centers and villages.

In the 20 years since the Urban Village Strategy was created, Seattle has boomed, with population growing 29% and employment by 17%. The majority of growth has been in urban centers and villages, including over 90% of housing growth over the past ten years. Between 2005 and 2013, over 40,000 jobs were added in urban centers and villages, while the number



Existing Context - North Rainier is currently defined by auto oriented development and a pedestrian environment that is inconsistent with the neighborhood plan

elsewhere in the city declined over the same period (City of Seattle, 2014).

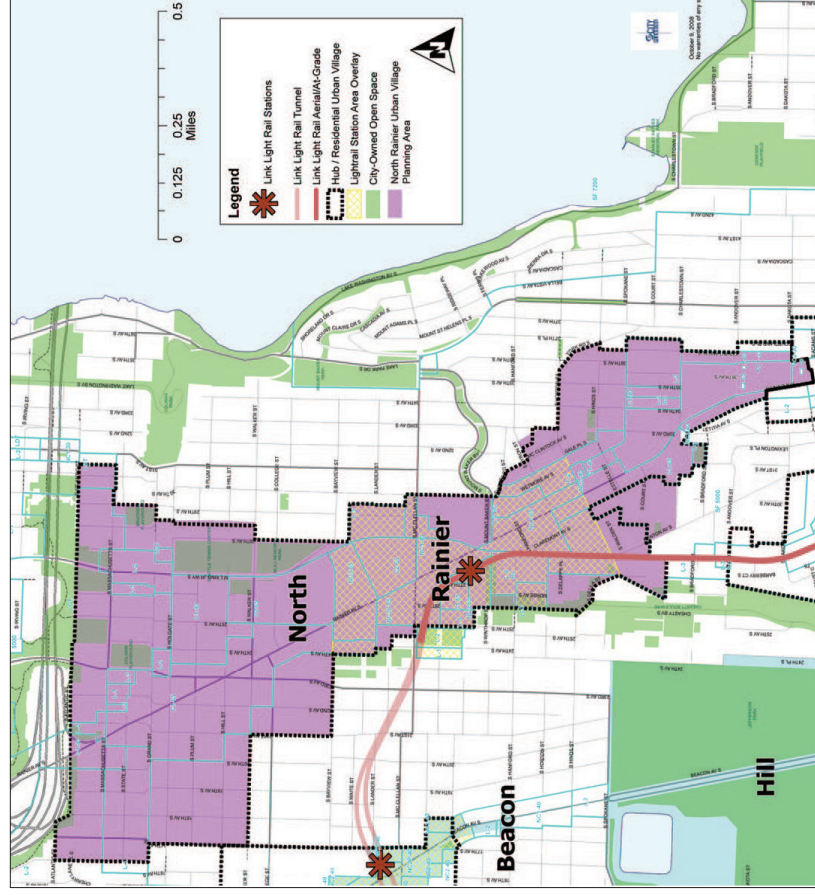
But while some urban villages have grown far beyond targets (similar to the city as a whole), others have failed to see significant new growth. For example, the North Rainier Urban Village, particularly the area surrounding the Mt. Baker Light Rail Station, has not advanced towards the vision of the North Rainier Neighborhood Plan of 1999. Rather than a thriving town center, the station area is defined by vacant lots and auto-oriented uses and lacks a defined character and sense of place.



Streetscape Concept - Pedestrian oriented development envisioned for the area includes active first floor uses, high density housing, office space and taller building heights.

Despite expectations that light rail would drive private investment, very little new development has occurred around the Mt. Baker Light Rail Station. The following excerpt from a 2005 Seattle Times article provides insight into the thinking of city leaders prior to the introduction of light rail:

Nickels and his top aides agree that gentrification is coming. Sound Transit's 14-mile, \$2.4 billion light-rail line from Tukwila to downtown Seattle will run down Martin Luther King Jr. Way, through the heart of Rainier Valley. Nickels expects a transit system that is supposed to get people downtown in 12 minutes will attract heavy private investment and new residents to the area (Seattle Times, 2005).



Study Area - The study area includes the North Rainier Urban Village and the Mt. Baker Station Overlay Area

The 2014 report *Seattle Sustainable Neighborhoods Assessment Project* by Steinbreck Urban Strategies provides an assessment of the overall Urban Village Strategy, which is described as mostly a success in terms of focusing housing and employment growth in urban villages. However, there are fundamental differences between the overall success and growth between urban villages that warrants a context sensitive approach specific to the each urban village.

STUDY OBJECTIVES

Part of creating “great urban centers and neighborhoods” is bringing a walkable mix of housing, employment, and services to Seattle’s urban villages, particularly those near light-rail stations. Light rail is a multi-billion dollar investment made by taxpayers in Seattle and neighboring jurisdictions. To leverage this investment, the City must attract development to the areas within walking distance of stations, so that more residents and workers can easily access this transportation option.

This study evaluates how the City of Seattle “imagines, plans, permits, and executes” its Urban Village Strategy, using the North Rainier Urban Village as a case study to identify lessons applicable to other urban villages. This study includes a history and analysis of the following key aspects for implementing the Urban Village Strategy in North Rainier:

- ▶ Planning process
- ▶ Timing and sequencing of planning and implementation actions

- ▶ Intra and Inter-agency coordination
- ▶ Progress towards addressing infrastructure improvements, including public investment
- ▶ Integration of a job growth strategy
- ▶ Other factors affecting plan implementation

Many studies have been produced to date on transit oriented development (TOD), urban villages, and transit communities in Seattle. This report seeks to build on past efforts by addressing the specific history, process, and actions in the North Rainier Urban Village and around the Mt. Baker Light Rail Station.

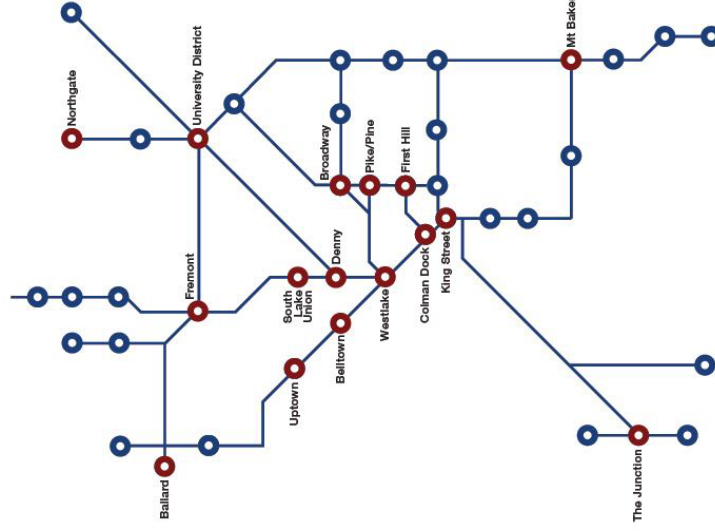


Proposed Neighborhood Build-Out – Likely build-out as proposed in the 2010 North Rainier Neighborhood Plan Update. The City Council upzoned the area in 2014 to allow for increased density and building heights.

TRANSIT COMMUNITY TYPOLOGIES

The Seattle Planning Commission's 2010 report *Seattle Transit Communities* identifies four distinct TOD typologies: Mixed Use Centers, Mixed Use Neighborhoods, Special Districts, and Industrial Jobs Centers. The North Rainier Urban Village and the Mt. Baker Light-Rail Station are both categorized as a Mixed Use Center, described as:

vibrant and eclectic local or regional hub where frequent, reliable transit supports jobs, residents and services. A variety of retail and commercial activities support a mix of housing types and civic and recreational amenities are easily accessible on foot, bike or transit (Seattle PC, 2010).



Seattle Mixed Use Centers - The support for TOD in the built environment character differs substantially between urban centers

MIXED USE CENTERS

The *Seattle Transit Communities* report lists the essential components for livability for mixed use centers and the importance of a high quality pedestrian and bicycle environment and street life. The essential components of livability include:

- A. Breathing Room
- B. Getting to Transit is Easy
- C. Complete Streets
- D. Transit is at the Center of the Community
- E. Vibrant Street Life
- F. A Community for All Ages

The essential components of livability are described in more detail in the assessment section of this report and are used to assess the City's approach to implementing the urban village strategy in the North Rainier Urban Village.

GROWTH TARGETS

The City of Seattle establishes growth targets for housing and jobs in Urban Centers and Villages over a twenty-year period. The tables identify the growth targets through 2024 for the City's Hub Urban Villages. Overall, the Hub Urban Villages are exceeding targets for both housing and employment. For housing, Hub Urban Villages as a whole have already exceeded the 2024 target by approximately 25%. Employment growth through 2013 is on pace to exceed the 2024 targets, having met approximately 81% of the 2024 target.

Some Hub Urban Villages, such as Ballard and Fremont, have far exceeded both growth targets while others have fallen behind. Through 2014, urban villages should have achieved 50% of the 2024 target to be on pace to meet the 2024 targets. The North Rainier Hub Urban Village is on pace to meet the housing target for 2024 having already reached 56.7% of the target through 2014. The area has experienced job losses in recent years and is behind the pace needed to meet the 2024 target (City of Seattle, 2014).

Meeting growth targets is only one measure of the success of an urban village. However, the differences highlight the importance of location and a need for context sensitive approaches to urban villages. The Urban Village Strategy is based on several interrelated goals for urban villages including a desire for compact, high-density, walkable, and mixed use development served by a high level of transit service.

Housing

Hub Urban Village	Housing Growth 2005-2014	2024 Target	% of 2024 Target Achieved	Surplus/Deficit 2014
Ballard	2471	1000	247.1%	1971
Bitter Lake	1174	800	146.8%	774
Fremont	519	500	103.8%	269
Lake City	523	900	58.1%	73
North Rainier	510	900	56.7%	60
W Seattle Junction	787	700	112.4%	437

Employment

Hub Urban Village	Job Growth 2004-2013	2024 Target	% of 2024 Target Achieved	Surplus/Deficit 2013
Ballard	1369	750	182.5%	994
Bitter Lake	-249	750	-33.2%	-624
Fremont	1786	800	223.3%	1386
Lake City	438	650	67.4%	113
North Rainier	218	750	29.1%	-157
W Seattle Junction	34	750	4.5%	-341

Source: City of Seattle 2014, BERK Consulting 2015

PLANNING TIMELINE

1999

The North Rainier Neighborhood Plan is completed. The Rainier Valley Community Development Fund is established in anticipation of light rail coming to the Rainier Valley.

North Rainier Neighborhood Plan
Rainier Valley Community Development Fund Established
McClellan Town Center Plan + Rezoning

1999
2001

2001-2008

The McClellan Town Center Plan is developed for the area around the future Mt. Baker Light Rail Station. The City Council upzones the area by increasing building heights and density allowances. The Southeast Action Agenda is created under Mayor Nickels, including a Community Renewal proposal.

Southeast Action Agenda Created

2005

2009-2014

The Neighborhood Plan is updated to include an urban design framework, action plan, and upzone around the light rail station. In 2014, The Department of Planning and Development (DPD) hires a TOD Manager. The Department of Transportation (SDOT) kicks off a new transportation planning effort called "Accessible Mt. Baker."

Neighborhood Plan Update Process Begins
Neighborhood Plan Updated
TOD Manager Hired
Mt. Baker Light Rail Station Opens
Station Area Rezoning Approved
Accessible Mt. Baker Plan Begins

2008 2009 2011 2014

Mayors

Schell
1998-2001

Nickels
2002-2009

McGinn
2010-2013

Murray
2014-

Economic Cycles

2002

2008

2012

2008

2008

2012

2012

Dot Com Bust

Mid 2000s Boom

The Great Recession

Recovery

ORGANIZATIONS

Several organizations and City Departments have a role in planning and implementing transit oriented development (TOD) and the Urban Village Strategy. The following is a summary of each organization and department's role:

Mayor's Office - sets priorities for planning, development, and infrastructure investments. The Mayor's Office may oversee interdepartmental teams on key issues. Any major organizational changes to individual departments or department relationships will be implemented by the Mayor's Office.

Department of Planning and Development (DPD) - responsible for long-range planning including the City's Comprehensive Plan and neighborhood plans. The department also regulates private development and administers the city's land use and zoning codes. Implements any new rezoning strategies, which typically occur immediately following neighborhood plan development or updates.

Parks and Recreation - responsible for planning new parks and open spaces within Urban Villages.

Seattle Public Utilities (SPU) - responsible for any new utility or infrastructure needs to implement an Urban Village Plan such as stormwater, water, sewer, or electricity upgrades.

Department of Neighborhoods (DON) - maintains ongoing neighborhood service and public involvement programs that may be utilized in implementing an Urban Village Plan.

Office of Economic Development (OED) - works chiefly through partnerships with community-based organizations, community lending institutions, community colleges, individual businesses, and industry associations and business organizations. Staff provides program management, policy planning, and other technical assistance services to assist specific enterprises or groups of firms, neighborhoods, and individual Seattle residents.

Department of Transportation (SDOT) - responsible for transportation improvements in Urban Villages including street, pedestrian, bicycle, and freight improvements.

Seattle Police Department (SPD): responsible for law enforcement and public safety.

Seattle Public Schools (SPS) - responsible for delivery of a high-quality public education and planning and siting of new schools and associated facilities.

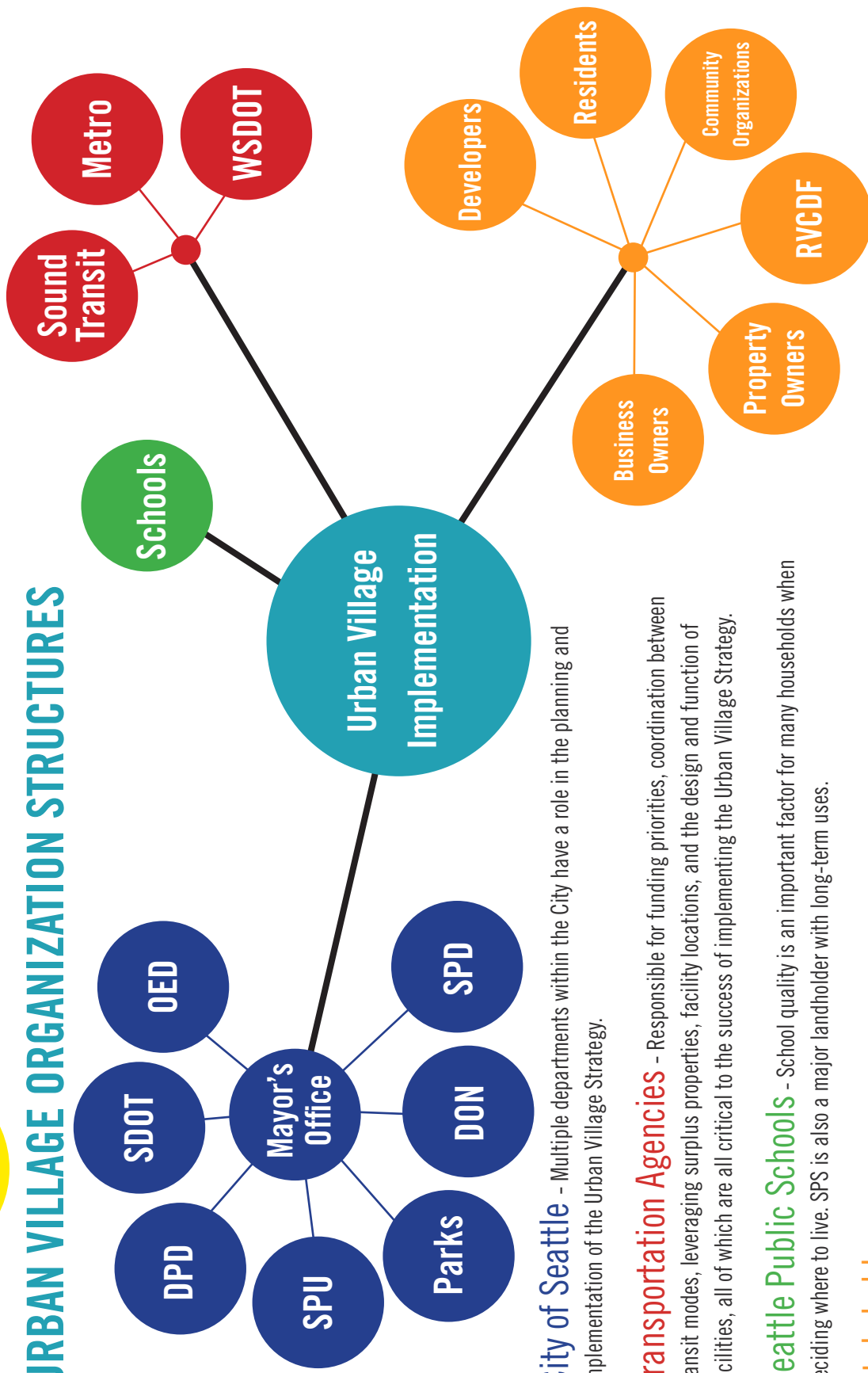
Sound Transit - responsible for regional transportation planning and implementation including light rail station area location and bus services. Sound Transit also has a role in private development through the organization's surplus properties around transit stations.

King County Metro - responsible for providing bus service in urban villages. Planning for connections to light rail stations in urban villages is a key factor in implementing the Urban Village Strategy.

Washington State Department of Transportation (WSDOT) - has a role in funding major transportation projects such as street improvements, light rail investments and bicycle and pedestrian infrastructure projects if they are on a state-owned facility, done as mitigation for a state-owned facility, or using federal funds.

Rainier Valley Community Development Fund (RVCDF) - responsible for administering \$50 million in community development funds to minimize impacts to businesses in the Rainier Valley from light-rail construction.

URBAN VILLAGE ORGANIZATION STRUCTURES



City of Seattle - Multiple departments within the City have a role in the planning and implementation of the Urban Village Strategy.

Transportation Agencies - Responsible for funding priorities, coordination between transit modes, leveraging surplus properties, facility locations, and the design and function of facilities, all of which are all critical to the success of implementing the Urban Village Strategy.

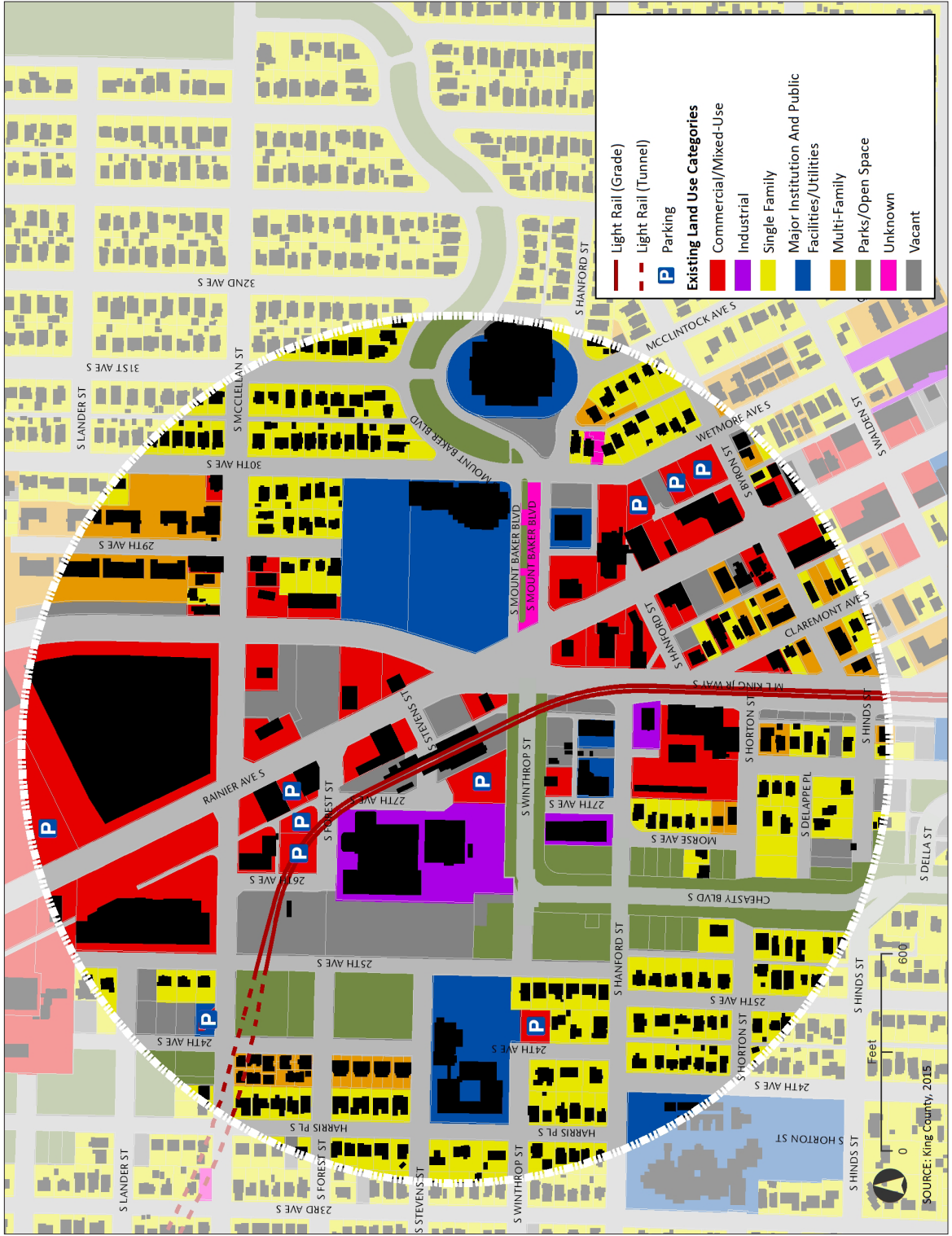
Seattle Public Schools - School quality is an important factor for many households when deciding where to live. SPS is also a major landholder with long-term uses.

Stakeholders - Public involvement is essential during plan development and implementation. Finding opportunities for public/public and public/private partnerships, addressing infrastructure needs, and facilitating new development is critical to implementing the Urban Village Strategy.

Background

SITE CONTEXT

Today, 15 years after the North Rainier Neighborhood Plan was completed and five years after light rail opened, the area within one-quarter of a mile of the Mt. Baker station is characterized by auto-oriented uses, parking, and vacant lots.



Source: King County Assessor 2015; BERK Consulting, 2015

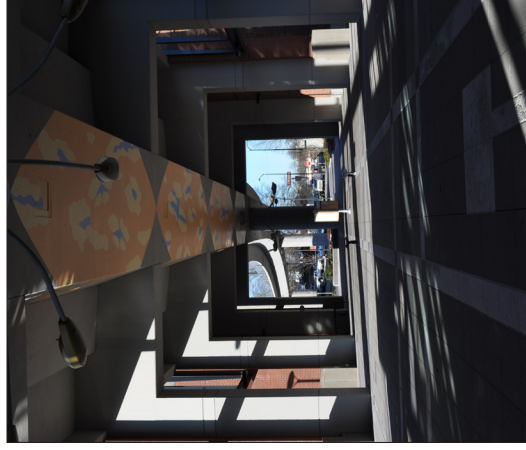
SITE PHOTOS



Rainier Ave. at the Mt. Baker Station
Under utilized spaces exist adjacent to the transit station that could be programmed for community uses to add vitality to the area and attract further investment.



Rainier Ave. and MLK Way Intersection
The intersection of Rainier and MLK is auto-dominated and lacks the multi-modal infrastructure necessary to support an urban village environment.



Below Mt. Baker Light Rail Station
Originally designed for a transit connection, the public space beneath the light rail station lacks active community uses. The space could be used to host events, pop-up retail, food trucks, or other tactical urbanism interventions.



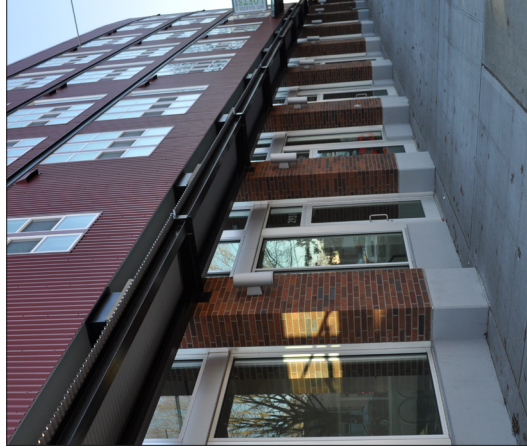
Sidewalk Network
Narrow sidewalks, blank walls, lack of on-street parking, and poor infrastructure all contribute to an auto-dominated environment.

Background



Major Employer

The UW Laundry Facility is located in the area because of its proximity to I-5 and other major transportation routes. The facility workforce comes from the Rainier Valley.



Artspace

The new Artspace project incorporates artists residences, first-floor retail, and pedestrian improvements. It is the first major project adjacent to the station area.



New Development

A few development projects have been proposed consistent with the vision for the Urban Village. However, the projects have not been constructed, indicating that conditions may not be ripe for development.



Side Streets

Pedestrian connections from adjacent neighborhoods are lacking. The poor condition of the infrastructure is likely deterring investment in TOD.

INTERVIEWS

The consultant team spoke with 17 individuals who have either been directly involved in planning in the North Rainier Urban Village or have knowledge of development issues in the city. A list of interviewees is provided in Appendix B. The following themes were identified:

- A. Site Challenges
- B. Strategic Outreach
- C. Plan Updates and Rezoning
- D. Interagency Coordination
- E. Investment in Infrastructure
- F. Political Leadership
- G. Diverse Opinions

A. Site Challenges

Several people interviewed acknowledged the many challenges associated with development in the study area, including:

- ▶ Fragmented parcel ownership
- ▶ Poor soils

- ▶ Auto-dominated environment
- ▶ Lack of identity and neighborhood cohesiveness
- ▶ Lack of market demand

B. Strategic Outreach

Many interviewees stated that the City did not do sufficient outreach to property and business owners and potential developers. Other comments included:

- ▶ The hiring of the TOD Manager is key to establishing partnerships with property owners and developers
- ▶ The plan update should have focused on strategic outreach to property owners and implementing the concepts in the 2001 McClellan Town Center Plan

C. Plan Updates and Rezoning

Several people questioned the plan update process and timing of the rezoning.

- ▶ Development agreements should be favored over area wide upzoning in areas that lack demand for new development
- ▶ Upzoning creates an inflated sense of property value, which may further decrease the likelihood of development
- ▶ Permit streamlining, waiving fees or deferring payments, or Local Improvement Districts (LID) should be the focus rather than plan updates

D. Interagency Coordination

The lack of effective interagency coordination is a consistent theme identified during the interviews.

- ▶ Not enough coordination between city departments, too many silos
- ▶ Follow the model used in South Lake Union with an interdepartmental team, annual work program, and oversight from the Mayor's Office
- ▶ Strike teams should become part of the organizational culture
- ▶ Transit agencies are not involved enough in planning process

E. Investment in Infrastructure

A lack of investment in infrastructure to support development was raised repeatedly.

- ▶ Poor infrastructure is preventing development. No one wants to be the first to develop in the area. City needs to make the area more attractive for development by investing in infrastructure first
- ▶ City is relying on a major property owner to do a catalyst project to spur development in the area and address infrastructure issues
- ▶ The area needs major infrastructure changes, not just traffic, but the City stepping up to make urban design work

- ▶ The area needs community investments similar to the library and community center in Northgate
- ▶ Major stormwater issue is preventing development on a private site and needs to be addressed
- ▶ Following the initial investment in light rail there is a sense that further infrastructure investment in the Rainier is not a high priority
- ▶ If the City had purchased property in the area, it would have had more tools to work with

F. Political Leadership

Some interviewees described the role that political leadership, or lack thereof, plays in getting things done.

- ▶ Big concerns regarding the many plans that have been produced, but nothing has been implemented
- ▶ Three mayors in the last six years is a major factor for the lack of progress
- ▶ All three of the previous mayors were aligned on promoting increased density in urban villages
- ▶ A decision on transportation improvements was not made earlier because the area is complicated and involves lots of diverse stakeholders

G. Diverse Opinions

Interviewees had differing opinions on both what is desired and what is feasible in terms of development.

- ▶ The City should focus more on recruiting employers than on housing in the study area. Office space should be a key part of the strategy
- ▶ It is not feasible to do an office development in the middle of nowhere. If there is no track record of office development in an area then financing it will be difficult
- ▶ The City needs fewer requirements and more flexibility
- ▶ First floor retail uses are not viable in the area and should not be required
- ▶ If jobs are what is needed, who will make that happen

NORTH RAINIER LIVABILITY ASSESSMENT

Before assessing the City's actions in North Rainier, an assessment of current conditions and a comparison with city livability goals are presented.

As described above, a 2010 report by the Seattle Planning Commission, *Seattle Transit Communities: Integrating Neighborhoods with Transit*, provides “recommendations on what it takes to create and support successful transit communities.” The report identifies the Mt. Baker area as a “Mixed Use Center,” which has six essential livability components. Each component is described below, followed by an assessment of North Rainier. While the Commission’s work is a strong base for livability, other factors such as social equity and public safety should also be considered.

Essential Livability Components

Breathing Room: Parks, open spaces, and other facilities to improve quality of life, as well as Green Streets and landscaping to provide environmental benefits.

While there are some parks and open spaces in North Rainier, they are not very accessible due to poor pedestrian and bicycle connections and the auto-dominated environment; in addition, many of the open spaces are not within a quarter-mile of the Mt. Baker station. Additional parks and open spaces are needed along with

small urban public spaces to support the transition to a mixed use center. Friends of Mt. Baker Town Center has proposed a “land bridge” to increase connectivity across Rainier Avenue South and Martin Luther King Jr. Way South. The North Rainier Urban Village is also in close proximity to several larger regional parks just outside of the study area.

The lack of park and open space is an issue in North Rainier, but other urban villages that are thriving and attracting new growth, such as Ballard, Fremont and Downtown, also have unmet park and open space needs. There is need for additional “breathing room” in North Rainier, particularly near the light rail station, but it is not the largest obstacle to creating a thriving urban village.

Getting to Transit is Easy: Safe and clean transit stops and stations, wide sidewalks with pedestrian lighting, bicycle lanes and parking; and wayfinding.

The light rail station provides high-quality transit service north to Downtown and south to SeaTac Airport. However, connections to the station from adjacent residential areas and connections to bus service need improvement as light rail is not yet a full system. The location of the bus layover facility on the opposite side of Rainier Ave. does not provide a seamless transition between transit modes.

Complete Streets: Safe and accessible to all users, well lit, with healthy trees and landscaping.

Rainier Ave. South and Martin Luther King Jr Way South are not complete streets; the current design favors automobile capacity. Bicycle lanes, wider sidewalks, lighting, and pedestrian amenities are all needed to support the mixed use center vision.

Complete streets are particularly important in the study area because existing development is not pedestrian oriented. To promote private investment that supports an enhanced pedestrian environment, significant changes in the street system are required. The SDOT Accessible Mt. Baker project is assessing short and long term options for improving the pedestrian environment.

Transit at the Center of the Community: Areas surrounding the transit station include public art, plazas, open spaces, businesses open 16-18 hours/day, uses such as day care, restaurants, and coffee shops, and the tallest buildings.

Although development of the station area did include some investment in public space such as the public plaza along Rainier Ave. S, transit is not the center of this community. The area surrounding the light rail station is defined by linear, auto-oriented development, making it a place to drive through rather than a transit community. The abundance of parking lots and dispersed commercial uses with poor pedestrian connections do not support a transit community. Today, the new Artspace project adjacent to the station has brought new residents and shops to the area, but on its own will not transform the area into a transit community. Ensuring that transit is at the center of the community will require both proactive and

sustained City actions as well as willing partners in Sound Transit and King County Metro.

Vibrant Street life: Wide sidewalks, bicycle facilities, landscaping, street furniture, public art, and café tables.

Vibrant street life cannot exist without people. While the station area includes some public art, bicycle parking, landscaping, and street furniture, lively streets require pedestrian-oriented development with active ground-floor uses - whether retail, institutional, or community spaces. Investment in streets and public spaces may serve as a catalyst to new development, which may increase the population and pedestrian flow.

A Community for All Ages: Schools, play areas, senior centers, libraries, and public spaces where people of all ages can thrive, along with a broad mix of housing sizes and affordability levels.

The station area lacks a residential population and neighborhood identity. While the area does include assets like the Franklin High School and affordable housing developments like the Claremont, it does not have sufficient public services and amenities to meet this criteria.

The investment in the library, community center and park in Northgate is an example of how investments in public buildings, services and open spaces can serve as a catalyst to transform an area to a mixed use center serving people of all ages.

Comparison with Other Mixed Use Centers

Fremont and Ballard, also described as mixed use centers in the Planning Commission’s report, have seen significant growth even while lacking some in livability components. For example, according to the *Seattle Sustainable Neighborhoods Assessment Project*, Ballard lacks sufficient park space and proximity to parks (Steinbrueck Urban Strategies, 2015). Does this mean a neighborhood does not require livability components to attract new development? More likely it indicates that some of the livability components may be larger drivers of growth than others.

A key difference is that Fremont and Ballard have a history of housing and commercial development that have commanded higher rents than North Rainier. For example, Ballard and Fremont have always had a walkable, pedestrian-oriented commercial and mixed use district with vibrant street life. The public schools in these two centers also have stronger academic performance (based on test scores) than the schools in North Rainier.

Parks and open spaces can be accessed in other parts of the city to meet demand in underserved areas. However, being able to walk to a pedestrian oriented commercial area from a home is a significant asset that North Rainier lacks.

New parks are often more challenging to fund than investments in city-owned streets. The Bell Street Project is intended to increase park space in an underserved area using existing street right of way, largely because purchasing new park space is prohibitively expensive.

In rapidly growing neighborhoods, demand for new parks, open spaces, street improvements, and community facilities will grow, increasing competition for limited city resources.

Neighborhoods that are not “market ready” may continue to languish without new city resources. Investments in parks and open spaces alone will not likely drive future growth without addressing the need for complete streets and vibrant street life.

While the City of Seattle may have traditionally invested in areas after private investments have been made a different approach is needed in North Rainier and other urban villages that are not market ready and lack the necessary infrastructure, community facilities, and high-quality public realm necessary to support development consistent with neighborhood plans.

- ▶ **FINDING:** The North Rainier Urban Village lacks the essential components of livability for Mixed Use Centers.
- ▶ **FINDING:** Of the Planning Commission’s essential components of livability, the City should focus on complete streets, vibrant street life, and a community for all ages to implement the North Rainier Neighborhood Plan.

Profiles of Successful City Leadership

Northgate

In the early 2000s, development at Northgate was at a standstill, largely due to a contentious neighborhood process. When Mayor Nickels took office in 2002, he declared that solving the Northgate development logjam was a top priority. Several strategies moved development forward:

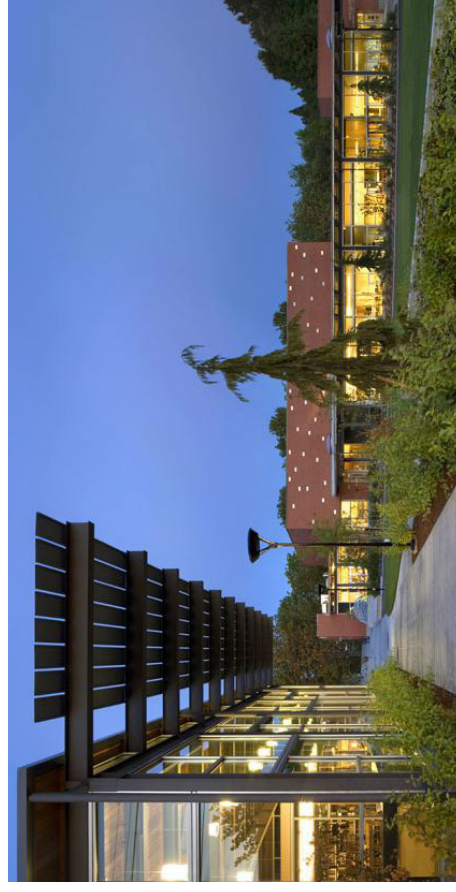
- ▶ The City made substantial public investments, changing the character of the area to improve livability and attract private investment. This included a library, community center, a park, and street improvements.
- ▶ A structured interdepartmental team led by the Mayor’s Office with a high degree of accountability was critical to success.
- ▶ The City had a relatively high level of engagement with property owners and developers, including a Development Agreement with Simons Property Group.
- ▶ The Mayor made executive decisions about siting the library and community center, developing the south lot, and reforming development regulations.
- ▶ The Northgate Stakeholders group was able to reach consensus on design and development issues, resolving the “Northgate logjam” which had stalled redevelopment efforts for years. The stakeholder process took significant work by the Mayor, City Council, and the community, and required significant city resources over several years.

Today, Northgate has taken significant steps towards a major transformation with new residential buildings, a new park, office and commercial development, a new community center and library, and street improvements. The urban center has grown

by over 1,000 housing units between 2005 and 2014, after only 170 new units in the previous ten years. Employment grew 11% between 2004 and 2013.

City of Seattle-funded Infrastructure in Northgate (partial list):

- ▶ Hubbard Homestead Park Acquisition: \$3 million
- ▶ Thornton Creek Water Quality Channel: \$7 million
- ▶ Northgate Civic Center Park: \$1 million acquisition
- ▶ Library: \$6.7 million
- ▶ Community Center: \$8.85 million
- ▶ 5th Avenue NE Streetscape Improvements: \$2.1 million



Northgate Library, Community Center and Park - City investments have improved the livability of the Northgate Neighborhood and provided a platform for private sector investment (Miller Hull, 2015).

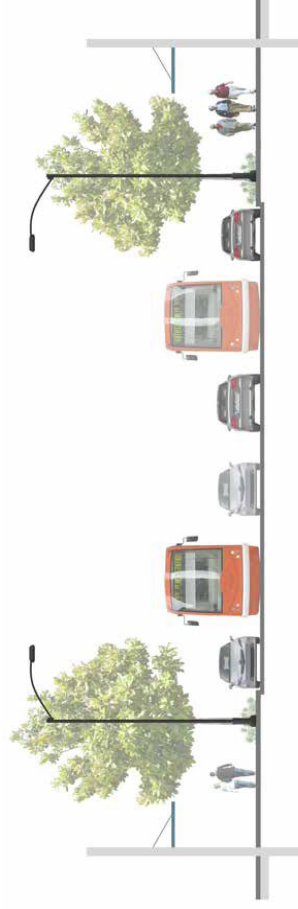
South Lake Union

Until the early 2000s, South Lake Union (SLU) consisted primarily of light industrial and auto-oriented commercial uses, with a small population living in the Cascade neighborhood. Today, SLU is a dense, mixed use urban neighborhood and employment center with an increasing number of retail stores, restaurants, and housing. Between 2005 and 2014, SLU has added over 3,200 housing units and 16,000 new jobs. There are several reasons for the success of South Lake Union:

- ▶ The Mayor established an “Action Agenda” focused on infrastructure investments to support growth in jobs and housing.
- ▶ The City invested in transportation infrastructure, public park space, a street car, an electrical substation and affordable housing to support a dense mixed-use community.
- ▶ The City formed interdepartmental teams lead by the Mayor’s office charged with moving projects forward quickly.
- ▶ A single property owner, Vulcan, owned a large portion of the land in SLU and worked with the City and community to craft a vision that aligned with the City’s policies. Vulcan also partnered with the City on infrastructure investments.
- ▶ Market conditions, including the location near downtown and the University of Washington and the real estate boom of the mid-2000s, helped attract private investment.
- ▶ The City invested considerable effort and resources to plan and zone for growth in the neighborhood.

City of Seattle-funded Infrastructure in SLU (partial list):

- ▶ Street Car: \$8.5 Million
- ▶ Electrical Substation: \$201 Million (funded by ratepayers)
- ▶ South Lake Union Park: \$9.4 Million
- ▶ Mercer Street Improvements: \$83 Million



Westlake Avenue Streetscape Improvements have enhanced the pedestrian environment and attracted investment in South Lake Union.

ASSESSMENT OF CITY ACTIONS IN NORTH RAINIER

A 2013 report for DPD, *Implementing Transit Oriented Development in Seattle*:

Assessment and Recommendations for Action, identified seven factors that led to successful neighborhood revitalization in Seattle. These factors were used to assess the City's process and actions in North Rainier.

1. City Leadership

Over the past fifteen years, the City of Seattle has at times shown leadership and vision for implementing the Urban Village Strategy in North Rainier. However, these periods of leadership have been interrupted by political or economic disruptions. During the early planning, several outside forces influenced political decisions:

- ▶ **Surface route controversy:** Planning for light rail in the Rainier Valley ran into significant controversy in the late 1990s and early 2000s over the proposed surface alignment on Martin Luther King Junior Way South. Concerns from the community included noise, safety, disruption to business, acquisition of properties, and unfair treatment of poor and minority populations. To allay concerns about disruptions to businesses, a \$50 million fund for community development was created, leading to the Rainier Valley Community Development Fund. However, a climate of distrust of the light rail project would continue to impact decisions and activities in the area, including efforts to acquire properties for redevelopment.

- ▶ **Sound Transit woes:** The early 2000s were marked by major financial turmoil at Sound Transit, nearly leading to a loss of federal funds for light-rail and the folding of the agency. In 2001, the Board approved a drastically reduced initial light rail segment. These financial troubles may have reduced the agency's emphasis on development near stations and instead focused political and agency leadership on getting the rail line built.

Early City Planning, 1999-2001

The 1999 North Rainier Neighborhood Plan, 2001 zoning updates, and 2001 McClellan Town Center Development Strategy together show an impressive vision for the area, interdepartmental coordination, and a detailed implementation plan. The Town Center Development Strategy includes next steps for public investments and development activities at key parcels, with lead agencies identified for each. But despite the detailed strategy, little progress was made towards implementation. For example, the roundabout proposal for the Rainier Avenue South/ Martin Luther King Junior Way South intersection, identified in the Strategy as a way to



Concept Plan from McClellan Town Center Development Strategy

improve safety and create a sense of place, was neither implemented nor replaced with an alternative proposal.

Failure to implement these strategies was the first major failure of leadership for North Rainier, and set back redevelopment several years. Disruptions from the 2001 recession, the 2002 change in Mayoral administration, and accompanying changes in city staffing and departments are the likely major reasons.

Southeast Seattle Action Agenda, 2004-2006

In 2004, then-Mayor Greg Nickels convened a broad group of stakeholders to discuss strategies for the revitalization of Southeast Seattle, resulting in the Southeast Seattle Action Agenda. The Agenda focused on five issue areas: business and job creation; physical development; education and workforce development; public safety; and arts, culture, and public space. When the Agenda was released in 2005, Mayor Greg Nickels promised to focus attention on the Rainier Valley:

Mayor Greg Nickels rolled out his Southeast Seattle “action agenda” yesterday, vowing to put as much city attention on Rainier Valley neighborhoods as he has focused on downtown, Northgate and South Lake Union in his first three years on the job (Seattle Times, 2005).

Regarding physical development issues, the Agenda appears to reflect an assumption among city leaders that private development would automatically follow the introduction of light rail and therefore the City’s primary role was to preserve small businesses and housing affordability rather than to encourage new market-rate development. As described in the Seattle Times:

Nickels’ goal in Southeast Seattle is to take advantage of huge public investment in Sound Transit’s new light-rail line to revitalize an area that private developers and employers have passed by for decades. The mayor’s plan emphasizes preserving the diverse ethnic mix of businesses and residents in Rainier Valley more than it calls for new city spending to spur growth in the area. (Seattle Times, 2005)

It appears that the City did not accurately perceive the market in North Rainier and what was needed to attract private investment, and therefore did not take actions to attract development such as transportation and utility improvements and partnerships with the private sector.

For the purpose of urban village development, the Action Agenda may have been too broadly focused, incorporating a wide variety of issues and several neighborhoods.

Community Renewal

One of the strategies recommended in the Action Agenda was using the Community Renewal Law to support investment in the Rainier Valley. In 2006, the City convened representatives of community organizations to explore a community renewal designation. The purpose was to encourage economic growth and development through public purchase of land for redevelopment. But the proposal ran into community opposition over the idea of public acquisition of private land, and was abandoned within a year. Planning and investment activities in North Rainier then lost momentum.

Recent City Planning, 2009-2015

Recent city actions in North Rainier have included a Neighborhood Plan update, an Urban Design Framework, an Action Plan, a Transportation Plan, and an upzone for the Station Area.

While DPD staff performed the functions they were tasked with, strategic city leadership in infrastructure investment, interdepartmental coordination, and partnerships with the private sector have been lacking. Today, progress is being made. DPD's new TOD Manager is strengthening relationships with property owners and developers while SDOT has

launched the Accessible Mount Baker study to improve transportation in the area. The study will include short and long-term improvements for improving safety and priority consideration for transit, pedestrian and bicycle modes.

- ▶ **FINDING:** City Leadership for planning and implementation in the North Rainier Urban Village has been inconsistent due to changes in political leadership, economic cycles, and staffing.
- ▶ **FINDING:** The Southeast Seattle Action Agenda did not include enough focus on attracting private investment, did not lead to needed public improvements, and was too broadly focused to be effective for urban village-specific goals.



- ▶ **FINDING:** Leadership to implement the neighborhood plan, including investments in the public realm, community facilities and infrastructure; interdepartmental coordination, and partnerships with the private sector, has been lacking.

2. Effective Coordination across City Departments

Since planning for North Rainier began in 1999, coordination among City departments has been inconsistent. While DPD was responsible for developing the North Rainier plan, it has not had a major role in implementation other than the two rezones. For example, discussions with property owners and developers about infrastructure investment are not generally conducted by the team that develops the neighborhood plan. It does not appear that any City Department or interdepartmental team is responsible or accountable for the implementation of the Urban Village Strategy and neighborhood plan in North Rainier.

The City started off well in the 2001 McClellan Town Center Development Strategy, which included participation from key departments and implementation tasks. However, the combination of recession and administration change in 2002 likely impacted momentum towards plan implementation

There have been several missed opportunities for City leadership and interdepartmental coordination in North Rainier. One is the Rainier Ave South and Martin Luther King Jr South intersection. The 2001 Strategy recognized that taming this intersection was key to attracting new development and creating an urban village. The plan recommended a roundabout, but the City never progressed beyond

the concept stage and the roundabout or any other solution for the intersection has not been implemented.

Another barrier to new development is the stormwater pipe at the QFC site, which if redeveloped could be a catalyst for the redevelopment of other sites. As revealed in stakeholder interviews, City TOD staff worked hard in the years before the 2009 recession with Seattle Public Utilities (SPU) and the property owner to find a way to move the pipe. However, agreement with SPU and the property owner was not reached and the opportunity for redevelopment was missed during that economic cycle.

Intra-departmental coordination also needs improvement. For example, individuals and divisions in SDOT are tasked with mode-specific responsibilities, such as implementing bicycle lanes. This becomes an obstacle to the comprehensive multimodal approach needed for addressing transportation issues in urban villages.

The 2011 North Rainier Neighborhood Action Plan includes a recommendation to create a “Neighborhood Action Team.” However, there is little evidence that the team was formed or was effective at implementing the plan. Efforts may have been better spent on establishing a City interdepartmental team to implement the North Rainier Plan with a coordinated strategy for planning, design, funding, and construction of public investments.

- ▶ **FINDING:** Interdepartmental coordination during the creation and implementation of plans was insufficient in North Rainier, resulting in a lack of physical improvements or new development.

3. Early Planning

The City and DPD have done high-quality planning for North Rainier and made significant efforts to involve the community in the planning process.

- ▶ Between 1999 and 2001, the neighborhood plan and the McClellan Town Center Development Strategy set the vision and objectives for transforming the area to a mixed-use urban center.
- ▶ A rezone for the Mt. Baker Station Area was approved in 2001 to allow for development consistent with the neighborhood plan.
- ▶ The 2008-2011 planning period involved a robust public involvement effort and an update to the Neighborhood Plan.
- ▶ Another rezoning effort was approved in 2014 to allow for increased density in the Mt. Baker Station Area.
- ▶ In the Accessible Mt. Baker project, SDOT is looking at transportation issues in a comprehensive and multi-modal approach that may yield better results than previous efforts, which prioritized all modes equally.

Several stakeholders viewed the City’s planning and zoning activities as lacking one crucial piece: strategic outreach to property owners and developers, the parties that would be needed to build the new housing, office, or commercial development outlined in the neighborhood plan. While property owners participated in the broader community planning processes, strategic outreach with this group was insufficient. When the City depends on actions by private actors to bring an urban village vision

to reality, it must understand what those private interests are looking for, rather than assuming “if you build it [light rail] and rezone, they [developers] will come.” However, more strategic interaction with this group should not be viewed as a replacement for broad community outreach.

Today the City has a renewed effort to work with property owners and developers, led by DPD’s TOD Manager. This work includes a market study and architectural massing study for the Lowe’s property through a partnership between the City and property owner.

Aside from the lack of property owner and developer participation, there are a variety of stakeholder opinions about the recent neighborhood plan update and the 2014 upzone:

- ▶ In one view, the lack of demand from property owners or developers for the upzone limited its efficacy and may delay development by raising perceived property values. A better tactic to encourage development is to assess the market, implement the infrastructure needed to encourage development, and negotiate with individual property owners for zoning changes assuming the baseline zoning already supports TOD. Creating demand for the upzone then gives the City leverage to require community benefits from the property owner (such as widened sidewalks, affordable housing set-asides, etc.).
- ▶ Other stakeholders believe that a blanket rezone is preferable to site-by-site actions and negotiations. In this view, a blanket rezone encourages property owners and developers to take action and lowers their risk and engages a

wider array of community members in the process. Further, some stakeholders believe that community suspicion of developers limits the City’s ability to negotiate with individual developers (even to achieve greater community benefits).

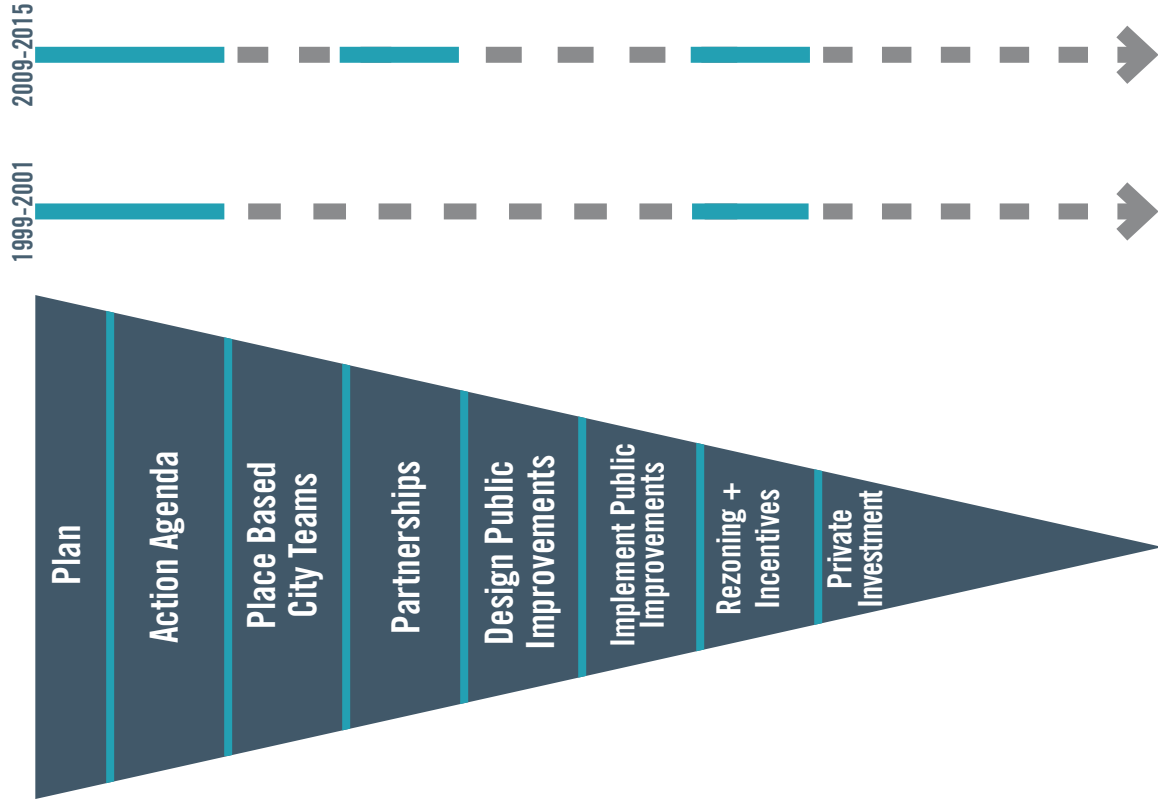
- ▶ While some community members supported the goals of the upzone as a way to encourage a vital Town Center, others opposed it for a variety of reasons. Concerns included several issues: taller buildings would block views; employers and commercial businesses could be pushed out; the City was not doing enough to attract jobs in the area; and the upzone would lead to more subsidized affordable housing, harming the neighborhood. All these concerns were not shared by all opponents as people opposed for different reasons.
- ▶ **FINDING:** The City has spent considerable effort and resources planning for the area over the last 15 years, including broad-based community outreach, which has resulted in high-quality plans.
- ▶ **FINDING:** City planning processes, particularly the 2011 neighborhood plan update, should have focused more on property owner/developer/business participation, with an emphasis on partnerships to coordinate public investments with private development and understand market conditions.
- ▶ **FINDING:** The time and resources used in the 2014 rezone may have been better directed toward forming strategic partnerships and addressing major infrastructure needs that are barriers to redevelopment. In addition, upzones may lead to property owners waiting longer to develop or sell their property, further delaying development, and therefore should be carefully weighed by the City.

- **FINDING:** In the 2014 rezone, the City missed an opportunity to generate new community or public benefits through agreements with property owners in exchange for incentives such as increased height.

IMPLEMENTATION SCALE LADDER

Implementation of the Urban Village Strategy in North Rainier requires a high level of coordination and timing to move from the planning stage to seeing private investment consistent with adopted plans. The City has used this approach in South Lake Union and Northgate with a high level of success. However, external forces and changes in political leadership have prevented the approach from becoming institutionalized within the broader city structure for planning, coordination and implementation.

The City's approach to planning and implementation in North Rainier has resulted in gaps in the implementation scale ladder during both of the neighborhood planning periods. The gaps include investment in public infrastructure and creation of strong partnerships that remain barriers to private investment. Today some of these issues are being addressed, including property owner outreach by DPD's TOD Manager and a new multi-modal transportation plan. The recommended Urban Village Team would provide a framework for more coordinated planning and implementation to eliminate the gaps.



LEGEND

- Implementation Gaps
- City Actions Completed

4. City Focus and Prioritization of Investment in Development Areas

The most significant infrastructure investment in North Rainier was the Mt. Baker Light Rail Station, although smaller scale investments have been made. It was widely acknowledged during stakeholder interviews that insufficient investment in infrastructure is a key factor explaining why the area has not transformed into a mixed-use center.

Stormwater facility: One of the major opportunity sites near the Mt. Baker station sits above a 102-inch stormwater pipe which effectively prevents redevelopment of the site. Conversations with Seattle Public Utilities about moving the pipe have been going on for years. The challenge has been getting agreement on who should pay. To move redevelopment forward at this site, the City may need to invest in moving the facility, possibly through a Community Benefit Agreement, which could require certain community benefits from the property owner.

Transportation: Over the past 15 years the City has proposed several ideas for calming traffic and improving pedestrian safety near the Mt. Baker light rail station, but no major projects have been implemented between 1999 and 2015. Reasons include: disagreement among stakeholders and opposition to some proposals; a desire to equally accommodate all modes that was unrealistic (creating better pedestrian crossings while also accommodating movement of heavy freight); a lack of City leadership; and a lack of funding.

Over the past 15 years, the City failed to make necessary streetscape, sidewalk,

and intersection improvements to improve walkability in the area, which could have improved market demand by signaling the City's commitment to the area. Property owners could be partners in improving pedestrian space, similar to the widened sidewalk outside the Artspace development.

- ▶ **FINDING:** The City has not invested enough in public facilities and infrastructure near the Mt. Baker station, which remains a major obstacle to redevelopment. Investments in transportation are needed to support the transition to a mixed use center.
- ▶ **FINDING:** Historically the City has not prioritized transportation modes consistent with the vision for the area. Today, the Accessible Mt. Baker Project proposes to give a higher priority to pedestrians, bicyclists and transit.

5. Strong Partnerships

Over the past fifteen years, the City's planning efforts in North Rainier have focused more on broad community outreach and less on forming strategic partnerships with the stakeholders who can make development happen. The City's new TOD Manager is leading a renewed effort to form partnerships with key property owners, businesses, and developers, an important asset for the area.

Public-Private Partnerships: The 2001 McClellan Town Center Development Strategy included an assessment of market conditions in the station area and detailed analysis of seven parcels adjacent to the station. The implementation section includes next steps for each parcel with designated public sector leads including the Office of Housing, Office of Economic Development, Sound Transit, and the City's Strategic Planning Office. While this was a strong start for developing

partnerships, it appears that no single city agency or interdepartmental team had ownership of the Strategy.

Incentives & Community Benefit Agreements: In areas that are not already attracting private investment, incentives can help promote development. These can range from financial tools like tax incentives to flexibility on regulations. For example, requirements for ground-floor retail in North Rainier, while intended to improve the pedestrian environment, can be difficult to meet and may impede development. Flexibility on those types of standards are a tool which the City does not appear to have used in North Rainier. Community Benefit Agreements (also called Development Agreements) are another tool that cities can use to coordinate public and private investments that include significant community benefits in exchange for development incentives.

Infrastructure: The lack of infrastructure investment may make strategic partnerships more difficult if stakeholders are not confident that infrastructure will be improved. Strong public/private partnerships such as the Thornton Creek Restoration Project in Northgate or South Lake Union Streetcar have not occurred in North Rainier.

Partnerships with Transit Agencies: Partnerships with transit agencies are critical to implementing the Urban Village Strategy, particularly in areas without the infrastructure or market conditions to support development. At the Mt. Baker Station, Sound Transit chose to lease rather than purchase properties needed for construction, due to concerns about displacement of businesses and residents. Acquiring less land makes it more difficult to assemble larger parcels, which are better suited to development. Today Sound Transit is more focused on facilitating TOD at new station locations. For example, at the Capitol Hill Station, Sound Transit

purchased (rather than leased) properties for construction. This has allowed assembly of large parcels and a redevelopment process in conjunction with the City.

- ▶ **FINDING:** The City historically has not formed strong partnerships with property owners and developers in North Rainier to coordinate private and public investments.
- ▶ **FINDING:** In an area that is not market-ready and attracting private investment, some City regulations may pose additional constraints on new development, such as the requirement for ground-floor retail.
- ▶ **FINDING:** The City and transit agencies did not acquire sufficient parcels to support major development opportunities.
- ▶ **FINDING:** The City must actively engage transit partners before, during, and after station construction on issues of land acquisition, station design, and redevelopment.

6. Other Factors

Market Timing and Location

The market viability for new development and investment in the project area is a key factor that is influenced in part by outside forces that the City has little or no control over. One lesson from North Rainier is that outside economic and political forces can disrupt momentum for urban village development. Recessions in 2001 and 2008 reduced private investment and public funds. On the political front, opposition to community renewal proposals in 2006 reduced momentum for development while changes in mayoral administrations in 2002, 2010, and 2014

slowed City momentum as new leaders got up to speed, brought in new staff, and decided on priorities. Recessions and political change cannot be predicted, yet they happen regularly and can disrupt Seattle’s Urban Village Strategy, particularly in neighborhoods with lower market demand like North Rainier.

However, City actions in the project area can help to influence market demand, as has occurred in Northgate and South Lake Union. The “Great Recession” affected the degree to which private investment occurred in North Rainier following light rail opening in 2009, but it is not the only factor. The number of apartments developed citywide in 2013, 2014, and expected in 2015 are greater than any single year over the last 20 year period, yet North Rainier has not seen significant new residential development compared to other urban villages (Seattle Times, 2014). As shown on the next page, average rents are lower in the area which has certainly contributed to patterns of development.

To be successful, the City needs to be prepared to capture the momentum that occurs during times of economic growth. At times over the past fifteen years of planning, it appears that public officials have viewed private investment near rail stations as inevitable and were most concerned about preserving small businesses and housing affordability. The City made investments in subsidized housing and to preserve existing commercial businesses, but did not take steps needed to attract substantial new private investment, such as providing infrastructure or incentives.

- ▶ **FINDING:** The lack of market demand in the project area remains a significant challenge for implementing the neighborhood vision and plan. City investments in infrastructure may signal a commitment to improving the area thereby improving market demand for additional growth and development.

- ▶ **FINDING:** Public officials and agency staff should not assume that “if you build it, they will come” regarding private investment after transit investments are made. Careful market analysis and interaction with property owners and developers is needed to determine the likelihood of development.

Jobs Strategy

Job growth is frequently mentioned by local residents and public officials as a top goal for the Rainier Valley, along with post-secondary educational facilities and workforce training.

To attract jobs to North Rainier as part of the Urban Village Strategy requires a focused employment strategy from the City and other partners. However, it is unclear that the City has a unified strategy for job growth in the Rainier Valley that is specific and realistic.

In addition, the types of jobs desired are not always articulated. Attracting light industry is very different from attracting commercial businesses or new office development, and may have different chances of success and require different strategies and infrastructure needs. Many of the recommendations in this report are necessary to support any new development and growth whether it includes housing, employment, or mixed-use components.

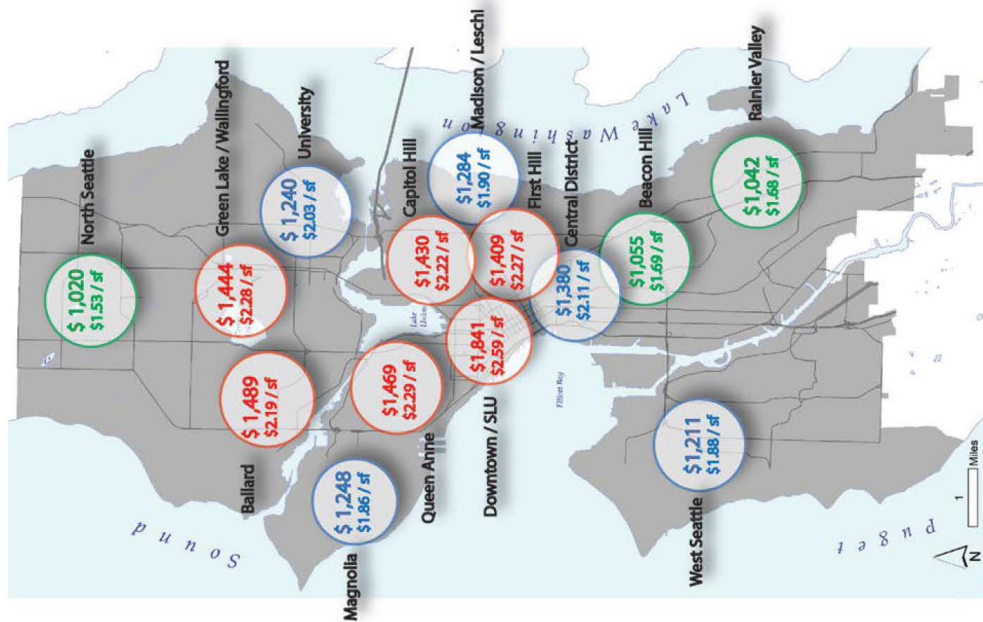
A unified strategy for attracting employment to the Rainier Valley would include goals, a market assessment, marketing, match-making, and other activities. The City also needs to determine what realistic job growth goals for the Rainier Valley look like, and communicate with residents about those goals.

Assessment

Average Rents by Sub-Market (1 Bedroom)

Rents are highest in Downtown, and around Lake Union and the Ship Canal.

Lowest rents are in North Seattle, Rainier Valley, and Beacon Hill.



- \$1,400+
- \$1,200 - \$1,399
- \$1,000 - \$1,199

Dupre+Scott Apartment Advisors, Apartment Vacancy Report, 20+ unit buildings, Fall 2014, Seattle-14 market areas.

Source: Dupre+Scott, 2014

RECOMMENDATIONS

How the City of Seattle can Encourage Great Urban Neighborhoods

Overall, the Urban Village Strategy has been successful at focusing growth in urban villages. However, some urban villages have seen high rates of growth while others, such as North Rainier, have grown slowly despite several neighborhood planning efforts and the opening of light rail. As a result, city and neighborhood goals identified in neighborhood plans have not been achieved. The City lacks a coordinated system to implement the Urban Village Strategy and in particular to prioritize city resources and move beyond the planning stage to implementation. North Rainier, and other urban villages that aren't seeing growth, require a higher level of involvement and coordination from the City to implement the neighborhood plans. Coordination between city departments, a way to prioritize the allocation of city resources, and stronger partnerships are needed to advance the Urban Village Strategy.

1. Integrate City Functions Necessary to the Execution of the Urban Village Plans

Right now, no one person or agency is responsible for implementing the Urban Village Strategy. DPD creates plans, proposes zoning changes, and reviews development proposals; OED provides assistance to businesses; SDOT, SPU, and

other agencies build and maintain city infrastructure; and DON connects residents with city services. Developing thriving urban villages, particularly in areas that are not already attracting growth, requires committed and accountable City leadership.

To create accountable and responsible leadership, the City should create an Urban Village (UV) Team to oversee citywide urban village planning, implementation, and monitoring. DPD, as the planning agency, would lead the team, which would also include decision-makers from all relevant city agencies and the Mayor's office, as well as regional transit agencies. Creating a new city department to coordinate the Urban Village Strategy is an option, but this team proposal is simpler to implement and builds upon existing resources. The UV Team would be responsible for assessing the needs within urban villages, prioritizing city actions among urban villages, monitoring and assessing urban village progress, and managing smaller place-based teams working on particular villages at specific times.

Place-based teams would include city staff from DPD, SDOT, OED, SPU, DON, SPD, and other relevant agencies as needed, and would be responsible for community engagement, the design of streets and public spaces, market analysis, business and property owner relations, zoning, design review, public safety, and other functions. Planning activities would reflect both city goals and neighborhood aspirations, as well as constraints posed by the market, economic conditions, and departmental budgets. In addition, the City should strongly encourage participation by decision-makers at important regional partners including Sound Transit and King County Metro.

URBAN VILLAGE TEAM

The combination of an Urban Village Team and urban village specific interdepartmental teams would lead to better planning and implementation both for the overall Urban Village Strategy and neighborhood plans. Organizing interdepartmental teams around places allows for a more integrated approach to implementing Seattle’s Urban Village Strategy in specific locations. Rather than having independent departmental efforts to address planning, regulations, transportation, infrastructure, and facilitating partnerships, interdepartmental placed-based teams should be used to provide a more cohesive and focused effort.

Example: San Jose Neighborhood Initiative

The City of San Jose has used interdepartmental staff teams to implement 75% of priority neighborhood projects identified by local residents as part of its “Strong Neighborhoods Initiative.” The neighborhood plans were implemented by six Strong Neighborhood Teams, which consisted of representatives from four city departments as well as the City Council. Each Strong Neighborhood Team was led by a team manager and included staff members from the Planning, Building, Code Enforcement, Police, Parks and Neighborhood Services Departments.



2. *Improve Capacity to Assess Needs and Prioritize Investments Across Urban Villages*

Assessing

Not all urban villages are the same; each has its own history, strengths, and needs. A fast-growing area will need a different strategy for livability than a neighborhood with scant development. Before undertaking planning for an urban village, the City should undertake a SWOT analysis (strengths, weaknesses, opportunities, and threats). This would include an assessment of current growth levels, infrastructure, social equity indicators, public safety, community engagement, market demand, and other factors. The City can then determine what actions and what level of financial and staff resources are needed to make the area a thriving urban village. Appendix B includes a high-level SWOT analysis for the North Rainier Urban Village developed by the consultant team.

Prioritizing

No prioritization system is currently in place for allocating city resources among Urban Villages. While no neighborhood would or should be left out of city funding opportunities, it is possible to prioritize among urban villages. A detailed rating scale for urban villages is beyond the scope of this report, but general factors for prioritization are discussed below.

One general principle for determining priority is equal opportunity – everyone in Seattle should get an equal chance at success. To realize that vision, the City should do more in areas where opportunity is lower and facilities are sub-standard, while taking care to preserve affordability. Under this screen, neighborhoods with

lower socioeconomic indicators would receive higher priority for city dollars.

A second screen for prioritizing city resources is the location of high-capacity transit. Areas within walking distance of light rail have the potential to become home to a large proportion of the city's homes and jobs without adding to city traffic, and therefore should receive high priority for city funds leveraging the region's billion dollar investment in light rail.

Investing

New homes, stores, offices, or other development will not be created unless basic infrastructure is present, including everything from city streets and sidewalks to water and sewer access. In addition, parks, open spaces, and community facilities such as libraries and community centers also contribute to livability and make neighborhoods more desirable.

To attract and support growth in urban villages, the City should assess infrastructure needs and follow through by funding improvements consistent with the prioritization, particularly when needs are a barrier to redevelopment.

Monitoring

Building on the data collection analysis in the report *Seattle Sustainable Neighborhoods Assessment Project* the City should continue to monitor the overall success of the Urban Village Strategy and adjust the City's strategy accordingly.



3. Increase Private Sector Partnerships

Concentrating housing and job growth in urban villages requires community engagement and partnerships between the public, private, and nonprofit sectors.

Consistent with neighborhood priorities, the City (specifically the Urban Village Team) should take the lead to initiate partnerships with property owners, developers, nonprofit organizations, institutions, and public agencies to coordinate public and private investments and planning in urban villages. While the City did a good job involving the community in neighborhood planning efforts, consultation and partnerships with the private sector were lacking. Coordination of public and private investments is critical, particularly in areas that are not market ready. The City demonstrated it has the ability and capacity to develop successful partnerships with the private sector in both South Lake Union and Northgate.

Community benefit agreements or other tools should be considered to facilitate partnerships and ensure that the value created by public improvements is shared by the community and larger public. These incentives should also be used to respond to demand for neighborhood infrastructure and amenities.



Transportation Improvements - Additional transportation improvements to address pedestrian safety, mobility, and comfort are necessary to support additional development consistent with the neighborhood plan.

REFERENCES

- Bob Young, “Mayor’s Eye on Rainier Valley,” *Seattle Times*, March 22, 2005, accessed February 5, 2015. http://seattletimes.com/html/localnews/2002215272_rainiervalley22m.html
- Nic Lehoux, Miller Hull. *Northgate Library and Community Center*, Retrieved March 5, 2015, from: <http://www.millerhull.com/html/nonresidential/northgate.htm>
- Steinbrueck Urban Strategies. *Seattle Sustainable Neighborhoods Assessment Project*. Seattle, 2014.
- City of Seattle Economic Development Commission. *Inaugural Year Report*. Seattle, 2014.
- City of Seattle Planning Commission, *Seattle Transit Communities, Integrating Neighborhoods with Transit*. Seattle, 2010.
- City of Seattle. *Urban Center/Village Residential Growth Report*. Seattle, 2014.
- City of Seattle. *Urban Center/Village Employment Growth Report*. Seattle, 2014.
- Dupre + Scott Advisors. *Apartment Vacant Report, 20+ unit buildings*. Seattle, 2014.
- King County Assessor. *Housing Development in Urban Villages*. Seattle, 2015.
- King County Assessor. *Commercial Development in Urban Villages 2004-2014*. Seattle, 2015.
- King County. *Parcels, Roads, Light Rail GIS Shapefiles*. King County, 2014.

APPENDIX A

Interview List

- ▶ Stephen Johnson, Director, Seattle Department of Economic Development
- ▶ Sally Clark, Seattle City Council
- ▶ Dan Rosenfeld, Property Owner

- ▶ Steven Shain, TOD Manager, Seattle Department of Planning and Development
- ▶ Lyle Bicknell, Principal Urban Designer, Seattle Department of Planning and Development
- ▶ Michael James, Strategic Advisor, Seattle Department of Transportation
- ▶ Matt Anderson, Heartland
- ▶ Jenny Frankl, Seattle Department of Neighborhoods
- ▶ David Essig, Rainier Valley Community Development Fund
- ▶ A-P Hurd, Touchstone
- ▶ Catherine Vandenbrink, Artspace
- ▶ Jeannie O'Brien, Lakewood Seward Park Community Club
- ▶ Ray Akers, Akers & Cargill Properties
- ▶ Marshall Foster, Waterfront Design Manager (Former City Planning Director)
- ▶ Ron Lewis, Sound Transit
- ▶ Nora Liu, Community Development Manager, Seattle Department of Planning and Development
- ▶ Talis Abolins, Friends of Mt. Baker Town Center

APPENDIX B

SWOT Analysis

STRENGTHS

- ▶ Light Rail
- ▶ Location within the City and Region
- ▶ Infill and Redevelopment Opportunities (Large Catalyst Sites)
- ▶ City Planning Efforts
- ▶ Grocery and Drug Stores
- ▶ Franklin High School
- ▶ Understanding of factors that have lead to stagnation

WEAKNESSES

- ▶ Market
- ▶ Auto-Dominated Environment
- ▶ Street Design + Lack of Pedestrian and Bicycle Facilities
- ▶ Infrastructure
- ▶ Public Safety
- ▶ Location and Function of Bus Layover
- ▶ Schools

OPPORTUNITIES

- ▶ Infill and Redevelopment Opportunities
- ▶ City Population and Employment Growth
- ▶ Improving Opportunity
- ▶ Accessible Mt. Baker Effort
- ▶ Only in Seattle Grants
- ▶ Proposed Land Bridge
- ▶ Mountain Bike Park
- ▶ East Link Light Rail Expansion
- ▶ Sound Transit Redevelopment Opportunities and Strategic Plan
- ▶ Adjacent Neighborhood Centers

THREATS

- ▶ Economic Cycles
- ▶ Political Changes
- ▶ Community Opposition
- ▶ Cost of Infrastructure Investments
- ▶ Other City Priorities
- ▶ Transportation Funding Limitations and Cycles
- ▶ Lack of progress to date

BEFORE THE GROWTH MANAGEMENT HEARINGS BOARD
CENTRAL PUGET SOUND REGION
STATE OF WASHINGTON

TALIS ABOLINS AND MARLA STEINHOFF,

Petitioners,

v.

CITY OF SEATTLE,

Respondent.

Case No. 14-3-0009

FINAL DECISION AND ORDER

SYNOPSIS

Petitioners challenge the adoption of an ordinance rezoning land within the City of Seattle’s North Rainier Hub Urban Village, amending the Official land Use Map, implementing affordable housing and open space bonus provisions, and adopting development standards. The Board concludes Petitioners failed to demonstrate the action of the City violated RCW 36.70A.020, RCW 36.70A.040, RCW 36.70A.070, RCW 36.70A.120, or RCW 36.70A.130(1)(d). The appeal is denied and the case is dismissed.

I. PROCEDURAL BACKGROUND

On September 2, 2014, Talis Abolins and Marla Steinhoff, husband and wife, filed a Petition for Review (PFR) challenging the City of Seattle’s July 3, 2014, enactment of Ordinance No. 124513 (the Ordinance) amending the Land Use Map, rezoning land in the North Rainier Hub Urban Village, expanding the boundaries of the Mount Baker Station Area Overlay District, and implementing affordable housing and open space bonus provisions, development standards, and parking requirements. The Petition was assigned Case No. 14-3-0009.

Eleanore Baxendale, Assistant City Attorney, appeared for the City September 17, 2014. Petitioners are represented by Mr. Abolins, petitioner and attorney acting *pro se*. The

1 City filed its Index of the Record October 2, 2014. The same day, Petitioners filed an
2 amended PFR. A Prehearing Conference was held telephonically on October 6, 2014, at
3 which the parties jointly requested a 30-day settlement extension. The Board granted the
4 settlement extension in its Prehearing Order on October 14, 2014.

5 Petitioners filed a Second Amended PFR on October 13, 2014. On October 21, 2014,
6 the City filed motions to extend the deadline for its Response Brief and to strike Issue 11.
7 Petitioners responded to the City's motion on October 30, 2014, opposing only the motion to
8 strike. The Board granted the motion to extend the deadline for the City's Response Brief
9 and denied the motion to strike.

10 On November 6, 2014, the parties jointly moved to amend the case schedule to
11 extend the due date for Motions to Supplement the Record. The Board Granted the Motion
12 on November 7, extending deadlines for Response and Reply to Motions accordingly.

13 The City also filed Motions to Dismiss various issues set forth in the PFR on
14 November 6, 2014. Petitioners responded in opposition on November 20, 2014 and the City
15 replied November 26, 2014. The City's motions as to subject matter jurisdiction, participation
16 standing, and GMA consistency requirements were denied.¹ Its motions to dismiss NR-P34
17 as inapplicable (dismissing Issue 2) and NR-P35, LU 212, LU215, and LU 216 as
18 inapplicable (dismissing Issue 3 except as to LU 48 and LU 73) were granted.²

19 On November 13, 2014, Petitioners motion to extend the deadline for Motions to
20 Supplement was granted³ and Petitioners' motion to Supplement was received on
21 November 17, 2014. The City responded November 19, 2014. The motion was granted in
22 part and denied in part.⁴

23 The briefs and exhibits of the parties were then timely filed and are referenced in this
24 order as follows:

- 25 • Petitioners' Brief on the Merits, December 30, 2014 (Petitioners' Prehearing Brief);

26
27
28
29
30
31 ¹ Order On Motions (December 10, 2014) at 3-5, 8-11..

32 ² *Id.* at 6-8.

³ *Id.* at 1.

⁴ *Id.* at 11-18.

- City of Seattle’s Prehearing Brief, January 14, 2015 (City Brief);
- Petitioners’ Reply Brief, January 26, 2015 (Petitioners’ Reply).

Due to scheduling conflicts involving the parties and the Board, the Hearing on the Merits (HOM) was rescheduled from January 30, 2014, to February 11, 2014. The HOM afforded the parties a chance to highlight the arguments presented in their briefs and to respond to questions from the Board.

II. PRESUMPTION OF VALIDITY, BURDEN OF PROOF, AND STANDARD OF REVIEW

Pursuant to RCW 36.70A.320(1), comprehensive plans and development regulations, and amendments to them, are presumed valid upon adoption.⁵ This presumption creates a high threshold for challengers as the burden is on the petitioners to demonstrate that any action taken by the City is not in compliance with the GMA.⁶

The Board is charged with adjudicating GMA compliance and, when necessary, invalidating noncompliant plans and development regulations.⁷ The scope of the Board’s review is limited to determining whether a City has achieved compliance with the GMA only with respect to those issues presented in a timely petition for review.⁸ The GMA directs that the Board, after full consideration of the petition, shall determine whether there is compliance with the requirements of the GMA.⁹ The Board shall find compliance unless it determines that the City’s action is clearly erroneous in view of the entire record before the Board and in light of the goals and requirements of the GMA.¹⁰ In order to find the City’s

⁵ RCW 36.70A.320(1) provides: [Except for the shoreline element of a comprehensive plan and applicable development regulations] “comprehensive plans and development regulations, and amendments thereto, adopted under this chapter are presumed valid upon adoption.”

⁶ RCW 36.70A.320(2) provides: [Except when city or county is subject to a Determination of Invalidity] “the burden is on the petitioner to demonstrate that any action taken by a state agency, county, or city under this chapter is not in compliance with the requirements of this chapter.”

⁷ RCW 36.70A.280, RCW 36.70A.302.

⁸ RCW 36.70A.290(1).

⁹ RCW 36.70A.320(3).

¹⁰ *Id.*

1 action clearly erroneous, the Board must be “left with the firm and definite conviction that a
2 mistake has been committed.”¹¹

3 In reviewing the planning decisions of cities and counties, the Board is instructed to
4 recognize “the broad range of discretion that may be exercised by counties and cities” and
5 to “grant deference to counties and cities in how they plan for growth.”¹² However, the city’s
6 actions are not boundless; their actions must be consistent with the goals and requirements
7 of the GMA.¹³

8
9 Thus, the burden is on Petitioners to overcome the presumption of validity and
10 demonstrate that the challenged action taken by the City is clearly erroneous in light of the
11 goals and requirements of the GMA.

12 13 III. BOARD JURISDICTION

14 The Board finds the Petition for Review was timely filed, pursuant to RCW 36.70A.290
15 (2). The Board finds the Petitioner has standing to appear before the Board, pursuant to
16 RCW 36.70A.280(2)(a) and (b) and RCW 36.70A.210(6).¹⁴ The Board finds it has jurisdiction
17 over the remaining subject matter of the petition¹⁵ pursuant to RCW 36.70A.280(1).
18
19

20
21 ¹¹ *City of Arlington v. CPSGMHB*, 162 Wn.2d 768, 778, 193 P.3d 1077 (2008)(Citing to *Dept. of Ecology v.*
22 *PUD District No. 1 of Jefferson County*, 121 Wn.2d 179, 201, 849 P.2d 646 1993); See also, *Swinomish Tribe*
23 *v. WWGMHB*, 161 Wn.2d 415, 423-24, 166 P.3d 1198 (2007); *Lewis County v. WWGMHB*, 157 Wn.2d 488,
24 497-98, 139 P.3d 1096 (2006).

25 ¹² RCW 36.70A.3201 provides, in relevant part: “In recognition of the broad range of discretion that may be
26 exercised by counties and cities consistent with the requirements of this chapter, the legislature intends for the
27 boards to grant deference to counties and cities in how they plan for growth, consistent with the requirements
28 and goals of this chapter. Local comprehensive plans and development regulations require counties and cities
29 to balance priorities and options for action in full consideration of local circumstances. The legislature finds that
30 while this chapter requires local planning to take place within a framework of state goals and requirements, the
31 ultimate burden and responsibility for planning, harmonizing the planning goals of this chapter, and
32 implementing a county’s or city’s future rests with that community.”

¹³ *King County v. CPSGMHB*, 142 Wn.2d 543, 561, 14 P.2d 133 (2000) (Local discretion is bounded by the
goals and requirements of the GMA). See also, *Swinomish*, 161 Wn.2d at 423-24. In *Swinomish*, as to the
degree of deference to be granted under the clearly erroneous standard, the Supreme Court has stated: The
amount [of deference] is neither unlimited nor does it approximate a rubber stamp. It requires the Board to give
the [jurisdiction’s] actions a “critical review” and is a “more intense standard of review” than the arbitrary and
capricious standard. *Id.* at 435, n.8.

¹⁴ Except for Legal Issue 3, view protection, as set forth below.

¹⁵ See n. 2 and discussion *supra* regarding partial dismissal in Issues 2 and 3.

1 **IV. PRELIMINARY MATTERS**

2 A typographical error, noted at the prehearing conference but not corrected in the
3 Prehearing Order is noted in the prefatory note to the issue statements. RCW 36.70A.040(5)
4 refers to counties other than King. The corrected reference is RCW 36.70A.040(3).¹⁶

5 As noted *supra*, Petitioners’ Issue 2 and Issue 3 as it pertained to inapplicable code
6 policies (NR-P35, LU 212, LU215, and LU 216) were dismissed.¹⁷ In the Petitioners’
7 prehearing brief, Petitioners’ reorganize and consolidate their arguments in a generally
8 helpful way. However, Issue 6¹⁸ was omitted and not briefed. Pursuant to WAC 242-03-
9 590(1),¹⁹ Issue 6 is deemed abandoned and will not be considered further.

10 With its Response Brief, the City moved to supplement the record with rebuttal
11 documents. At the HOM, the Board ruled orally to admit these documents as Exhibits 75-80
12 pursuant to WAC 2242-03-565(1).²⁰

13 Prior to the HOM, Petitioner Abolins shared his PowerPoint presentation with the City
14 and the Board. Hearing no objection from the City, paper copies of the PowerPoint
15 presentation were allowed as an illustrative exhibit pursuant to WAC 242-03-610.
16

17 **V. ISSUES AND DISCUSSION**

18
19
20 Petitioners advance eleven legal issues in the Petition for Review.²¹ In Petitioners’
21 briefs, those issues are discussed under four general allegations of non-compliance
22 pertaining to (1) open space opportunities; (2) preservation of views; (3) inconsistency with
23

24
25
26 ¹⁶ Prehearing Order And Order Granting Settlement Extension (October 14, 2015) at 2; Second Amended
27 Petition For Review (October 10, 2014) at 1.

28 ¹⁷ Order On Motions (December 10, 2014) at 6-8.

29 ¹⁸ See Appendix A; Prehearing Order And Order Granting Settlement Extension (October 14, 2015) at 3;
30 Second Amended Petition For Review (October 10, 2014) at 2.

31 ¹⁹ WAC 242-03-590 reads, in pertinent part:

32 (1) A petitioner, or a moving party when a motion has been filed, shall submit a brief addressing
each legal issue it expects the board to determine. Failure by such a party to brief an issue shall
constitute abandonment of the unbriefed issue.

²⁰ WAC 242-03-565(1) reads, in pertinent part, “The Board may allow a later motion for supplementation on
rebuttal. . . .”

²¹ See Appendix A to this Order.

1 the City's Capital Improvement Plan (CIP) regarding provision of open space; and (4) failure
2 to coordinate with other entities, including Franklin High School officials.

3 To facilitate its decision, the Board organizes its discussion as follows:

4 **A. Background**

5 **B. Open Space needs of a Hub Urban Village**

6 **C. View preservation**

7 **D. Concurrency of Capital Facilities Planning**

8 **E. Coordination with other Entities**

9
10
11 Petitioners ask whether the City violated RCW 36.70A.020(1), (9), (10), (12) and (13)
12 (Planning Goals to guide development and adoption of development regulations)²²; RCW
13 36.70A.040(3) (city development regulations must implement comprehensive plans); RCW
14 36.70A.070 (requiring land use map consistency with Comprehensive Plan); RCW
15 36.70A.120 (each city shall perform activities and make capital budget decisions in
16 conformity with its comprehensive plan);²³ RCW 36.70A.130(1)(d) (development regulation
17 amendments shall be consistent with and implement the comprehensive plan); and RCW
18 36.70A.320(3) (city actions must not be clearly erroneous in light of the GMA goals and

19
20 ²² RCW 36. 70A.020 reads, in relevant part:

21 The following goals are adopted to guide the development and adoption of comprehensive plans
22 and development regulations of those counties and cities that are required or choose to plan
23 under RCW 36.70A.040. The following goals are not listed in order of priority and shall be used
24 exclusively for the purpose of guiding the development of comprehensive plans and development
25 regulations:

26 (1) Urban growth. Encourage development in urban areas where adequate public facilities and
27 services exist or can be provided in an efficient manner. . .

28 (9) Open space and recreation. Retain open space, enhance recreational opportunities,
29 conserve fish and wildlife habitat, increase access to natural resource lands and water, and
30 develop parks and recreation facilities. . . .

31 (10) Environment. Protect the environment and enhance the state's high quality of life, including
32 air and water quality, and the availability of water. . . .

(12) Public facilities and services. Ensure that those public facilities and services necessary to
support development shall be adequate to serve the development at the time the development is
available for occupancy and use without decreasing current service levels below locally
established minimum standards. . . .

(13) Historic preservation. Identify and encourage the preservation of lands, sites, and
structures, that have historical or archaeological significance.

²³ RCW 36. 70A.120 reads: "Each county and city that is required or chooses to plan under RCW 36.70A.040
shall perform its activities and make capital budget decisions in conformity with its comprehensive plan."

1 requirements), as detailed more specifically [in the eleven issue statements in appendix
2 AI?²⁴

3
4 **A. Background**

5 The City of Seattle has two decades of pioneering experience in planning for urban
6 density under GMA using the “urban village strategy,” an approach that directs most new
7 household and employment growth into places the Plan designates as either urban centers
8 or urban villages.²⁵ Both urban centers and urban villages are expected to take both job and
9 housing growth, but the growth planned for urban villages is to be at lower densities than
10 the urban centers.²⁶ Within the category of “urban village,” the City distinguishes between
11 Hub Urban Villages and Residential Urban Villages, with the latter centered around smaller
12 business districts that are expected to experience primarily residential growth.²⁷

13
14 The urban village strategy is a recent innovation nationally. Further, the GMA
15 establishes over-arching goals but leaves much to local discretion. Thus, there have been
16 numerous Board cases involving the inter-relationship of neighborhood plans, the
17 comprehensive plan (particularly the land use, neighborhood planning, and capital facilities
18 elements) and capital facilities financing plans.²⁸

19
20 In the *West Seattle Defense Fund v. City of Seattle (WSDF I)*, the Board found that
21 the City had violated RCW 36.70A.070 because:

22 ... the City has not conducted sufficient analysis regarding the effects on
23 existing capital facilities of distributing a large portion of anticipated growth
24 into Seattle's urban centers and villages. Unlike a generalized land-use
25 policy, Seattle's Plan contains a substantial localized focus on a relatively
26 small portion of the city. The Plan distributes 45 percent of projected
27 population and 65 percent of projected employment growth into urban
28 centers, which comprise only six percent of the city's total acreage. This has

28
29 ²⁴ Overarching issue statement containing Petitioners' references to statutory violations; See Second
30 Amended PFR (October 10, 2014) at 1; Order on Motions to Strike and Revise Case Schedule (October 30,
31 2014) at 2-3.

30
31 ²⁵ Ex. 53: Seattle Comprehensive Plan, Readers' Guide, Introduction at 3.

31
32 ²⁶ *Id.*

32 ²⁷ *Id.* at 4.

32 ²⁸ See, e.g. *WSDF I*, GMHB 94-3-0016, FDO (April 4, 1995); *WSDF II*, GMHB 95-3-0040, FDO (September 11,
1995); *WSDF III*, GMHB 95-3-0073, FDO (April 2, 1996); *WSDF IV*, GMHB 96-3-0033, FDO (March 24, 1997).

1 significant implications on the amount of analysis required for the capital
2 facilities element of the Plan. The Plan does not contain the required
3 analysis.²⁹

4 RCW 36.70A.070(3)(b) requires a forecast of "future needs" for such existing
5 capital facilities. WSDF challenges the City for failing to adequately conduct
6 this analysis and the Board agrees. The Plan simply indicates that the City is
7 already well-built and that the basic infrastructure to serve the current
8 population and the small amount of projected population increase in the next
9 six years already exists. . . Part C also incorporates by reference the CIP.
10 Although the City's conclusion may prove to be accurate, the Plan currently
11 lacks the requisite analysis to verify this.³⁰

12 At about the same time, the Board in *Gig Harbor* looked to the Act's planning goals
13 and determined that park facilities are among the facilities for which the City must plan:

14 The GMA's planning goals at RCW 36.70A.020(1) and (9), coupled with that
15 at subsection (12), require the County to provide for adequate parks.
16 However, the County has full discretion in deciding what level of service is
17 adequate, and when, where and how parks will be developed. Because the
18 County has established minimum level-of-service standards for its parks and
19 addressed the need to develop additional parks in the Plan, it has complied
20 with planning goals 1 and 9 of the Act.³¹

21 Later, in *WSDF IV*, the Board noted that the City of Seattle has a unique
22 neighborhood planning program. In effect, the City has delegated the initial preparation of
23 neighborhood plans, which include capital facilities, utilities, transportation and land use to
24 the neighborhoods themselves, giving the neighborhoods substantial scope so long as
25 required growth is accommodated. However,

26 [t]he ultimate decision-makers in land use matters under the GMA are the
27 elected officials of cities and counties, not neighborhood activists or
28 neighborhood organizations. Citizens provide input to the land use decision-
29 making process, but "citizens do not decide."³²

30 ²⁹ *WSDF IV* at 14 (citing *WSDF I* at 50-51).

31 ³⁰ *WSDF I v. Seattle*, GMHB 94-3-0016, FDO (April 4, 1995), at 35.

32 ³¹ *Gig Harbor v. Pierce County*, GMHB 95-3-0016, FDO (October 31, 1995) at 14.

³² *WSDF IV* at 12; See *Benaroya v. Redmond*, GMHB 95-3-0072, FDO (March 25, 1996) at 22; ~~and~~ *WSDF III v. Seattle*, GMHB 95-3-0073, FDO (April 2, 1996) at 24.)

1 Therefore, the Board found that

2 . . . any provision or policy of a neighborhood plan that purports to guide land
3 use decision-making (including subarea or neighborhood plans, including
4 land use, capital facility and transportation planning) **must be incorporated**
5 **into the jurisdiction's comprehensive plan** to be implemented pursuant to
6 Chapter 36.70A RCW. Conversely, provisions or policies of a neighborhood
7 plan or program that will not be used to guide land use decision-making, and
8 therefore not be implemented pursuant to Chapter 36.70A RCW, need not be
9 incorporated into a jurisdiction's comprehensive plan.³³ **Emphasis added.**

10 The Neighborhood Planning Element of the City's comprehensive plan explains how
11 Seattle chose to integrate neighborhood planning:

12 In early 2000, the City concluded a five-year neighborhood planning
13 process. The City took three actions in response to each plan produced in
14 this process. From each plan a set of neighborhood specific goals and
15 policies were adopted into the Comprehensive Plan. These goals and
16 policies constitute the "adopted" neighborhood plans. The City also approved
17 by resolution a work-plan matrix indicating the intent of the City concerning
18 the implementation of specific recommendations from each neighborhood
19 plan. Finally, the City recognized by resolution that each plan, as submitted
20 to the City, constitutes the continuing vision and desires of the community.
21 The recognized neighborhood plans, however, have not been adopted as
22 City policy.³⁴

23 In summary, then, sub-area planning for high density neighborhoods requires that the
24 specific boundaries of the neighborhood be designated, and that an inventory and needs
25 analysis based on population projections be used to determine capital facilities needs,
26 including parks. This work need not be adopted into the City plan, but must be done to lay
27 the public participation groundwork and to support of the adequacy of the plan. Much
28 planning may be delegated to the neighborhood itself, but eventually the City Council must
29 adopt into its Comprehensive Plan those portions of the neighborhood plans that purport to
30 guide land use planning. It is these adopted policies that are given effect by development
31 regulations and must be consistent with other Plan provisions, including the Capital

32 ³³ *WSDF IV* at 11.

³⁴ Ex. 53: Seattle Comprehensive Plan, Neighborhood Planning Element, A. Introduction, discussion at 8.3.

1 Facilities Element. While the City has responsibility to conduct inventory and needs
2 analyses and to substantiate the sufficiency of its capital facilities plan, it retains discretion
3 to decide what its level of service standards will be. Once articulated, those standards and
4 the resulting needs assessment must be addressed consistently in the capital facilities
5 financing plan, here Seattle's Capital Improvement Plan (CIP).

6
7 In that context, the Board evaluates the various documents related to planning for the
8 community variously referred to as North Rainer, Mount Baker, and the McClellan Station –
9 planning that stretches back decades and more, and encompasses an exemplary, in the
10 Board's view, exchange between the community and City planners.

11 The more recent efforts leading up to the challenged Ordinance began with the North
12 Rainier Neighborhood Plan (February 1999).³⁵ The City's 2005 Comprehensive Plan update
13 designated the area as an urban village. After a lengthy public process, the North Rainier
14 Neighborhood Plan was again updated in January 2010 to designate the area as a **Hub**
15 **Urban Village**³⁶ in anticipation of light rail service to the Mount Baker Town Center, which
16 began in 2010.³⁷

17
18 Later that year, the Seattle Planning Commission³⁸ issued a *Seattle Transit*
19 *Communities* report containing recommendations for transit hubs in different types of
20 communities, including mixed use neighborhoods, along with specific funding and
21 implementation strategies. The Commission noted that:

22 . . . the success of Transit Communities requires three integral components:
23 investment in transit; appropriate zoning for focused, higher density
24
25
26

27 ³⁵ Ex. 27: *MOUNT BAKER TOWN CENTER Urban Design Framework* (October 2011) at 4.

28 ³⁶ Petitioners' Prehearing Brief at 12, Ex. 53: Seattle's Comprehensive Plan, Urban Village Element, Urban
29 Village Figure 1 at 1.8.

30 ³⁷ Ex. 1, Fiscal Note at 2.

31 ³⁸ Ex. 64, *Seattle Transit Communities, Integrating Neighborhoods with Transit – A report from the Seattle*
32 *Planning Commission* (November 2010) at 2 states:

The Planning Commission is comprised of 16 volunteer members appointed by the Mayor and the
City Council, is the steward of the Seattle Comprehensive Plan. In this role, the Commission
advises the Mayor, City Council, and City departments on broad planning goals, policies, and
plans for the development of Seattle.

1 development; and necessary investment in the essential components for
2 livability.³⁹

3 Addressing the problem of funding of necessary facilities and infrastructure, “such as
4 parks, open space, libraries, sidewalks, plazas, pedestrian improvements and lighting,” the
5 Planning Commission report emphasizes, that “[w]ithout the essential components, urban
6 life becomes unattractive and inhospitable.”⁴⁰ Key actions identified as necessary to
7 maximize the transit investment include implementing the neighborhood plan update by
8 improving and expanding connections to the Mount Baker Station and the planned Rainier
9 Station; in particular:

10
11 . . . improve pedestrian connections to Franklin High School, Somali
12 Community Services, Seattle Lighthouse for the Blind, and the residential Mt.
13 Baker neighborhood to the east. Improve connections to and usability of the
14 Cheasty Greenspace.⁴¹

15 The next step came with the Department of Planning and Development (DPD) 2011
16 Mount Baker Town Center Urban Design Framework.⁴² The stated purpose of the Urban
17 Design Framework is:

18 . . . to guide the future work and investment of the community, developers
19 and the City to make [the] vision [of the North Rainier Neighborhood Plan
20 (February 1999)] a reality. It identifies the existing conditions and specific
21 planning and design strategies necessary to achieve the community’s
22 vision.⁴³

23 The Urban Design Framework contains numerous specific recommendations⁴⁴ and
24 projected timelines.⁴⁵ Under the chapter headed IMPLEMENTATION, the Urban Design
25

26
27 ³⁹ *Id.* at 32.

28 ⁴⁰ Ex. 64: *Seattle Transit Communities, Integrating Neighborhoods with Transit – A report from the Seattle
29 Planning Commission* (November 2010) at 32.

30 ⁴¹ *Id.* at 48.

31 ⁴² Ex. 27: *MOUNT BAKER TOWN CENTER Urban Design Framework* (October 2011) at 4.

32 ⁴³ *Id.*

⁴⁴ See, e.g., Ex. 27 at 16:

Provide bicycle infrastructure ... Make sidewalk network complete and safe ... Use mid-block crossings
to ... break down the scale of large blocks. Insert mid-block pathways as large blocks are redeveloped
... Increase pedestrian connections ... at S. Lander Street and S. Hanford Street.

1 Framework specifically anticipates the issuance of the DPD’s Director’s Analysis and
2 Recommendation as the source of “a detailed description and analysis of rezoned
3 recommendations.”⁴⁶

4 Subsequently, the DPD issued the Director’s Analysis and Recommendation on
5 North Rainier/Mount Baker Town Center Rezone Proposal,⁴⁷ which the Ordinance also
6 describes as preliminary to the adoption of the Ordinance.⁴⁸
7

8 The Director’s Analysis states that the DPD recommended the rezones, amendments
9 to development standards, and incentive zoning “to implement the goals and policies of the
10 recent North Rainier Neighborhood Plan Update to develop a vibrant neighborhood core
11 that concentrates housing, employment, commercial uses and services . . . well served by a
12 range of comfortable and convenient travel options,” concluding “[t]he proposed zoning fully
13 supports the Goals and Policies of the North Rainier Neighborhood Plan.”⁴⁹ A stated goal of
14 the rezone was to “create a walkable town center around the Mount Baker light rail station”
15 within the North Rainier Hub Urban village.⁵⁰
16

17 Although the challenged Ordinance makes no amendments to Seattle’s
18 Comprehensive Plan, it specifically references the updates to the North Rainier
19 Neighborhood vision and plan and Urban Design Framework⁵¹ as foundational to the rezone
20 process.
21

22 The area of the rezone is approximately eight blocks north and east of the Mount
23 Baker Light Rail station – blocks now developed with one- and two-story commercial
24

25 Streetscape recommendations focus on the three arterial streets – Rainier Avenue S, MLK Jr. Way S,
26 and S. McClellan Street. The street scape concepts . . . align with the “Bowtie Traffic Concept” . . .

27 ⁴⁵ Ex. 27 at 29-30.

⁴⁶ *Id.* at 24.

⁴⁷ Ex. 3.

⁴⁸ Ex. 2 at 2.

⁴⁹ Ex. 3, at 14, 16-17.

⁵⁰ Ex. 1 at 1.

⁵¹ Ex. 27: *MOUNT BAKER TOWN CENTER Urban Design Framework* (October 2011) at 4 reads:

31 The purpose of this Urban Design Framework is to guide the future work and investment of the
32 community, developers and the City to make [the North Rainier Neighborhood Plan, January
2010] vision a reality. It identifies the existing conditions and specific planning and design
strategies necessary to achieve the community’s vision.

1 buildings and parking lots. The rezone allows higher intensity Seattle Mixed zoning,
2 changes multifamily zoning designations, and increases heights on specific blocks to 65, 85,
3 or 125 feet. The Ordinance applies incentive zoning provisions for affordable housing and
4 open space amenities to residential developments in order to allow for more housing units
5 and foster job growth,⁵² and to “encourage future development that strengthens the
6 neighborhood’s core . . . [and] supports the neighborhood’s pedestrian environment”⁵³ . . .
7 “as redevelopment occurs.”⁵⁴ New development regulations include street-level uses and
8 development standards, upper-level setbacks, landscaping standards, and parking and
9 access regulations.⁵⁵

11 The 13-acre property now occupied by Lowe’s a block from the light rail station is
12 viewed as a special redevelopment opportunity and rezoned to the 125-foot maximum,
13 assuming use of incentive zoning provisions. The 2010 Neighborhood Plan envisioned a
14 major public open space bisecting this property.⁵⁶ The Urban Design Framework
15 recommended: “Use mid-block crossings to . . . break down the scale of large blocks. Insert
16 mid-block pathways as large blocks are redeveloped.”⁵⁷ The Ordinance requires that the
17 Lowe’s parcel be opened up with 60-foot wide internal passages that may be developed as
18 two-lane roads and parking.

20 Petitioners challenge the Ordinance’s allowance of substantially increased
21 development without adequate provision for either public open space at the heart of the
22 neighborhood or protection of the “ring of green” beyond the up-zoned area.

24 **B. Open Space needs of a Hub Urban Village (Issue 1 and 11) [Issue Two was**
25 *dismissed.]*

27 *Petitioners’ General Issue 1: Did the rezone violate NR-P33 of the neighborhood Planning*
28 *Element because it failed to preserve, protect or provide opportunities for the design of*

29 _____
30 ⁵² Ex. 1, Fiscal Note at 1.

31 ⁵³ Ex. 3, Director’s Analysis at 3.

32 ⁵⁴ *Id.* at 11.

⁵⁵ Ex. 2

⁵⁶ 2010 Neighborhood Plan, maps on pp. 13-15.

⁵⁷ Ex. 27, at 16

1 parks and open spaces to accommodate users of diverse ages, interests and cultures within
2 the Town Center rezone area (Issues 1 and 11)?

3 Issue One: Is the Ordinance inconsistent with NR-P33 [North Rainier Policy 33] of the City's
4 Comprehensive Plan because it does not preserve, protect or provide opportunities for the
5 design of parks and open spaces and programming to accommodate users of diverse ages,
6 interests and cultures within the Town Center rezone area?

7 Issue 11: Is the Ordinance inconsistent with NR-G13 and NR-G14 [North Rainier Goals 13
8 and 14] of the City's Comprehensive Plan because it fails to consider, protect or provide
9 opportunities for reclamation and development of Cheasty Boulevard and Greenbelt, and
10 the 1909 Olmsted Parks and Boulevards Plan?

11 NR-P33 Design parks and open spaces and programming to accommodate
12 users of diverse ages, interests and cultures.⁵⁸

13 NR-G13 Cheasty Boulevard and Greenbelt has been reclaimed and
14 developed in a manner consistent with the 1909 Olmsted Parks and
15 Boulevards Plan.⁵⁹

16
17 NR-G14 A "ring of green" surrounding the urban village with strong
18 connections to the greenbelts, boulevards and parks, augmented with a
19 hierarchy of open spaces.⁶⁰

20 **Applicable Law**

21 **RCW36.70A.040(3)** (city development regulations must implement
22 comprehensive plans)

23
24 (d) if the county has a population of fifty thousand or more, the county and
25 each city located within the county shall adopt a comprehensive plan under
26 this chapter and development regulations that are consistent with and
27 implement the comprehensive plan. . . .

31 ⁵⁸ Ex. 53: Seattle Comprehensive Plan, B-21 North Rainier Neighborhood Plan, Open Space Policies at 8.132

32 ⁵⁹ *Id.* at 8.131.

⁶⁰ *Id.*

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RCW 36.70A.130 Comprehensive plans — Review procedures and schedules — Amendments.

(1)(d) Any amendment of or revision to a comprehensive land use plan shall conform to this chapter. Any amendment of or revision to development regulations shall be consistent with and implement the comprehensive plan.

RCW 36.70A.020 (Planning Goals to guide development and adoption of development regulations)

The following goals are adopted to guide the development and adoption of comprehensive plans and development regulations of those counties and cities that are required or choose to plan under RCW 36.70A.040. The following goals are not listed in order of priority and shall be used exclusively for the purpose of guiding the development of comprehensive plans and development regulations:

(1) Urban growth. Encourage development in urban areas where adequate public facilities and services exist or can be provided in an efficient manner. . .

(9) Open space and recreation. Retain open space, enhance recreational opportunities, conserve fish and wildlife habitat, increase access to natural resource lands and water, and develop parks and recreation facilities. . .

(10) Environment. Protect the environment and enhance the state's high quality of life, including air and water quality, and the availability of water. . .

(12) Public facilities and services. Ensure that those public facilities and services necessary to support development shall be adequate to serve the development at the time the development is available for occupancy and use without decreasing current service levels below locally established minimum standards. . . .

(13) Historic preservation. Identify and encourage the preservation of lands, sites, and structures that have historical or archaeological significance.

RCW 36.70A.320(3) (city actions must not be clearly erroneous in light of the GMA goals and requirements)

1 **Preserving Open Space**

2 **Positions of the Parties**

3 Asserting that the North Rainier Neighborhood Plan “governs” the North Rainier Hub
4 Urban Village, Petitioners allege that the Ordinance “violates” NR-P33⁶¹ because it “failed to
5 preserve, protect or provide opportunity for the design of parks and open spaces to
6 accommodate users of diverse ages, interests and cultures within the Town Center rezone
7 area.⁶²

8
9 Petitioners point to a section of the Framework entitled “Open Space and Gateways”
10 which describe the existing open space system as a “ring of green; surrounding the Town
11 Center – the Cheasty Greenbelt, the Olmsted Boulevards and the slopes along the east
12 side of MLK Jr. Way S.” This section also highlights the conclusion of the Gap Report: “Of
13 the Southeast Sector’s five urban villages, the North Rainier Hub Urban Village has the
14 largest gaps in Usable Open Space. . . .”⁶³ Citing numerous Plan policies not cited in the
15 PFR, Petitioners assert that the City is required to insure that the new development
16 regulations “achieve public benefits to mitigate impacts of high density development,” but
17 that the incentive zoning provisions in the Ordinance have the opposite effect by providing
18 more density than mitigation.⁶⁴

19 The Framework includes specific recommendations, including:

- 20
21
- 22 • **Create new open space in the Core.** Use new developments and public
23 improvements to increase green space within the Town Center. *Redevelopment*
24 *of the 13-acre Lowe’s site, the largest opportunity site, should include an open*
25 *space and pathways system that can break down this large block into a more*
26 *pedestrian friendly form.*

27 The City argues that the North Rainier Hub Urban Village already exceeds the
28 Comprehensive Plan’s goals for park acreage per household such that, even though the
29 rezone increases the village’s overall development capacity from 7,279 to 7,914 housing

30 ⁶¹ Ex. 53: Seattle Comprehensive Plan, Neighborhood Planning Element, B-21 North Rainier, open space
31 policies at 8.131.

32 ⁶² Petitioners’ Prehearing Brief at 13.

⁶³ Ex.27 at 20.

⁶⁴ Petitioners’ Prehearing Brief at 7-8, 14.

1 units,⁶⁵ there will still be more than enough open space per household.⁶⁶ Further, the Parks
2 Department has property “landbanked” for a new park at 35th and Charleston (seven or
3 eight blocks south of the transit station and Hub) that it hopes to develop under the new
4 Park District levy.⁶⁷ The City alludes to the needs of “other denser, faster growing areas that
5 are still under-performing on the park acreage per household goal” as competing for
6 prioritization in the department’s Capital Facilities planning.⁶⁸ Nevertheless, it concedes that
7 the North Rainier Hub does not meet the comprehensive plan goal of having a 10,000 sq. ft.
8 park within 1/8 mile **of each residential unit.**
9

10 Further, according to the City, any parcel could, theoretically, become a park
11 someday, thus preserving “park opportunities” throughout the rezone.⁶⁹
12

13 **Board Discussion**

14 Petitioners and Respondents urge the Board to start its analysis with significantly
15 different understandings of both the present day and future adequacy of Open Space in the
16 North Rainier Neighborhood. As discussed in the Background section *supra*, Seattle has
17 heeded prior decisions requiring an inventory and needs analysis for capital facilities.
18 Seattle divides open spaces into three relevant categories:
19

20 1. Usable Open Space: Within the boundaries of a hub urban village, Seattle’s 2005
21 Comprehensive Plan calls for one acre of Village Open Space per 1,000 households.
22 Useable open space must be “relatively level and open, easily accessible, primarily green
23 available for drop-in use.”⁷⁰ The spaces must be a minimum of ¼ acre in size and be
24 developed as a usable park space. Space on public school or college grounds does not
25 qualify. Similarly, boulevards without park amenities, undeveloped greenbelts, and natural
26
27

28 ⁶⁵ Ex. 3, Director’s Analysis at 13. This estimate is nearly twice the estimated 362 unit/20 years anticipated by
29 the Framework. See Ex. 27 at 27.

30 ⁶⁶ City’s Prehearing Brief at 2.

31 ⁶⁷ *Id.*; City’s comments at HOM.

32 ⁶⁸ City’s Prehearing Brief at 2-3.

⁶⁹ *Id.* at 10.

⁷⁰ Ex. 58: *An Assessment of Gaps in Seattle’s Open Space Network: The 2011 Gap Report Update* (May 13, 2011) at 2, 7-8.

1 areas do not qualify.⁷¹ The City's useable open space goals are **distribution based**,
2 meaning that adequacy is not evaluated city-wide. Useable open space must be located
3 within 1/8 mile of the hub urban village.⁷²

4 2. Breathing Room Open Space: This category includes all types of open space,
5 including natural areas and golf courses, but does not include public school or college
6 grounds or Parks Department property that is either undeveloped or built out without open
7 space amenities (such as pools, administrative facilities, and maintenance facilities). The
8 City defines a two-level goal:
9

10 a. *Desirable*: 1 acre per 100 residents

11 b. *Acceptable*: 1/3 acre per 100 residents⁷³

12 3. Village Commons: For Hub Urban Villages, Seattle's 2005 Comprehensive Plan
13 identifies the goal of "at least one Usable Open Space of at least one acre in size" located
14 within the boundaries of the urban village and not separated from the urban village by
15 difficult terrain or a major arterial.⁷⁴
16

17 Applying the comprehensive plan goals city-wide, the 2011 Gap Report Update finds
18 the Breathing Room Open Space goal for available acreage is met at both the desirable and
19 acceptable levels.⁷⁵ Further, the acreage goals for Village Commons are met.⁷⁶ The report
20 states that all the urban villages have sufficient Usable Open Space, but contradicts itself on
21 the same page by stating "**the North Rainer Hub Urban Village has the largest gaps in**
22 **Usable Open Space with over half of the Urban Village located farther than 1/8 of a**
23 **mile from park sites.**" The Board fails to see how the Hub Urban Village can have sufficient
24 useable open space if the space that is being counted is too far away to qualify as useable.
25 In fact, the area being up-zoned for highest density appears to be furthest from existing
26 parks. This situation is made worse by the fact that existing open spaces are separated from
27
28

29 _____
30 ⁷¹ *Id.* at 2, 5-6.

31 ⁷² *Id.* at 8-9.

32 ⁷³ *Id.* at 6.

⁷⁴ *Id.* at 10.

⁷⁵ *Id.* at 6.

⁷⁶ *Id.* at 51.

1 the urban Hub by two high-volume arterials, each carrying over 30,000 vehicle trips daily,⁷⁷
2 with inadequate pedestrian crossings. In one block of the upzoned Hub along Martin Luther
3 King Jr. Way, there is not even a sidewalk.

4 In its report, *Mount Baker Station Area Open Space Nexus Analysis*, the DPD
5 recommended increasing the allowed structure height to provide incentive zoning programs
6 that help provide affordable housing and other amenities. DPD notes that **open space has**
7 **been identified as a priority amenity in the North Rainier Hub Urban Village** and
8 evaluates the current availability and deficits in open space, emphasizing that the City's
9 Comprehensive Plan "affirms the importance of a variety of open space opportunities."⁷⁸

10 As with the 2011 Open Space Gap Report Update, the Nexus Analysis notes that the
11 North Rainier Hub Urban Village has sufficient open space to meet population-based goals,
12 but that the space is predominantly comprised of a few large parks located on the edge of
13 the Hub Urban Village and a significant distance from the Station Area. None of the parks is
14 located in the Station Area.
15

16
17 The North Rainier Hub Urban Village is a particularly large and linear urban
18 village compared with other urban villages, so it is likely appropriate to
19 consider the Station Area as well as the Urban Village. If the Station Area
20 were used as the unit for calculating residential population-based goals, it
21 would not meet these goals as there are no parks within the station area . . .
22 Martin Luther King Jr. Memorial Park is not immediately accessible to the
23 Station Area given that it is geographically separated from the Station area
24 by a large arterial street and a substantial grade change.⁷⁹

25 Addressing the Breathing Room Goals, the report notes that the Comprehensive Plan
26 doesn't provide breathing room goals for local areas, so that it is not appropriate to apply
27 this standard to the Mount Baker Station Area, yet it notes that thoughtfully-planned open
28 space will be critical to the success of a pedestrian-friendly transit hub at this location:

29 The environment is very uninviting to pedestrians as there are very few areas
30 to rest or relax. In order to maximize the investment of the light rail station in

31 ⁷⁷ Petitioners' Prehearing Brief at 2.

32 ⁷⁸ Ex. 59: *Mount Baker Station Area Open Space Nexus Analysis* (December 5, 2012) at 1.

⁷⁹ *Id.* at 2.

1 this area, it will [be] very important to develop more open space opportunities
2 that can help to make this area a more pleasant place for pedestrians. Small,
3 local open space opportunities will be especially important since the large
4 roads and auto-oriented environment discourage walking.

5 Overall, this analysis suggests there is a substantial existing open space
6 need within the Mount Baker Station Area that would justify allowing public
7 open space amenities to count toward incentive zoning.⁸⁰ The majority of the
8 area does not appear to meet distribution standards and the population-
9 based standard is not met within the Station Area. Martin Luther King Jr.
10 Memorial [Park] represents the only major amenity for the area and is
11 separated by substantial barriers which make it unlikely to be used on a
12 regular basis by users of the Station Area. Additionally, the large roads and
13 auto-oriented environment create a very inhospitable situation for
14 pedestrians which could be someone [sic] meliorated [sic] by the presence of
15 open space.⁸¹

16 The City cannot have it both ways. Either there is a lack of open space that justifies
17 incentive zoning provisions, or there is plenty of open space such that provisions
18 incentivizing developers to provide public open space are not appropriate.

19 **The Board finds** the City's extensive inventory, needs analysis, and planning
20 documents amply demonstrate that the current level of useable open space in the North
21 Rainier Hub Urban Village is inadequate to satisfy its distribution-based goals. The question
22 then becomes whether adoption of the Ordinance makes this issue subject to review now,
23 or whether it is a matter for the 2015 Plan update.

24 **Consistency of Neighborhood Plans and Comprehensive Plan.**

25 **Positions of the Parties**

26 Petitioners start by asserting that the City violated the requirements of RCW
27 36.70A.020,⁸² requiring GMA planning goals to guide the adoption of development
28
29
30

31 ⁸⁰ *Id.* at 5.

32 ⁸¹ *Id.* at 3-4.

⁸² Planning Goals to guide development and adoption of development regulations.

1 regulations, and RCW 36.70A.040(3)⁸³ and RCW 36.70A.130(1)(d),⁸⁴ requiring development
2 regulations to be consistent with and implement the comprehensive plan.⁸⁵ Petitioners urge
3 that planning documents, including the North Rainier Neighborhood Plan Update adopted in
4 2010, the Planning Commission’s 2011 *Transit Oriented Communities* report,⁸⁶ the DPD’s
5 2011 *Urban Design Framework*,⁸⁷ and the *Mount Baker Station Area Open Space Nexus*
6 *Analysis*,⁸⁸ must be “read as a whole”⁸⁹ with the comprehensive plan. The implication is that
7 failure to incorporate Department recommendations within the rezone has resulted in
8 development regulations that are inconsistent with, or fail to implement, the comprehensive
9 plan in violation of RCW 36.70A.130(1)(d). For the proposition that “inconsistency is not
10 tolerated” between the comprehensive plan and neighborhood plans, Petitioners cite
11 Comprehensive Plan policy N2, which reads:
12

13 Maintain consistency between neighborhood plans and the Comprehensive
14 Plan. In the event of an inconsistency between the comprehensive plan and
15 a proposed neighborhood plan, **consider** either amendments to the
16 comprehensive plan which are consistent with its core values, or
17 amendments to the neighborhood plan. (**Emphasis added.**)

18 In support of their theory, Petitioners note that the Director’s Analysis &
19 Recommendation describes the Ordinance as “the product of a two-year neighborhood plan
20 update process” and states the DPD recommends the rezone, amendments to development
21 standards, and incentive zoning based on the 2011 *Urban Design Framework* “to carry out
22 key actions identified by the community during the recent update of the North Rainier
23

24
25
26 ⁸³ RCW 36.70A.040(3)(d): “... each city ... shall adopt a comprehensive plan under this chapter and
development regulations that are consistent with and implement the comprehensive plan ...”

27 ⁸⁴ RCW 36.70A.130(1)(d) reads:

28 Any amendment of or revision to a comprehensive land use plan shall conform to this chapter.

29 Any amendment of or revision to development regulations shall be consistent with and implement
the comprehensive plan.

30 ⁸⁵ Petitioners’ Prehearing Brief at 10.

31 ⁸⁶ Ex. 64, *Seattle Transit Communities, Integrating Neighborhoods with Transit – A report from the Seattle
Planning Commission* (November 2010).

32 ⁸⁷ Ex. 27: *MOUNT BAKER TOWN CENTER Urban Design Framework* (October 2011).

⁸⁸ Ex. 59: *Mount Baker Station Area Open Space Nexus Analysis* (December 5, 2012).

⁸⁹ Petitioners’ comments at the HOM.

1 Neighborhood Plan 2011” and encourage future development that “strengthens the
2 neighborhood’s core” and “supports the neighborhood’s pedestrian environment. . . .”⁹⁰

3 The City responds that the Ordinance did not amend the City’s Comprehensive Plan,
4 but merely enacted development regulations. Although the Official Land Use Map was
5 amended to rezone certain land and the Mount Baker Station Area Overlay District was
6 expanded, it did not expressly amend the Comprehensive Plan’s Future Land Use Map.⁹¹
7 Under the provisions of its Land Use element,⁹² the rezones in the Ordinance do not require
8 amendments to the Future Land Use Map of the Comprehensive Plan, because they do not
9 “significantly change” the function of the areas rezoned from the function shown on the
10 Future Land Use Map. Thus allegations that the Ordinance creates a comprehensive plan
11 inconsistency would be misplaced and untimely.
12

13 Further, the City argues that RCW 36.70A.040(3) and RCW 36.70A.130(1)(d) are
14 only applicable to those policies of the North Rainier Neighborhood Plan that have been
15 adopted into the comprehensive plan. Therefore, the Ordinance need not be consistent with
16 the Framework and other documents, because they “are not the Comprehensive Plan.”⁹³
17

18 Secondly, the City asserts that “there is no requirement in the Comprehensive Plan
19 or GMA that the City must do all the possible actions identified in the adopted Neighborhood
20 Plan concurrently with Ordinances adopting development regulations.”⁹⁴ Instead, the City
21 argues that consistency requires only that the regulations advance **at least one goal of the**
22 **Comprehensive Plan**,⁹⁵ and it is only noncompliant if it thwarts⁹⁶ a comprehensive plan
23
24

25
26 ⁹⁰ Ex. 3; Director’s Analysis & Recommendation at 3; Petitioners’ Prehearing Brief at 3.

27 ⁹¹ City’s Prehearing Brief at 15; Ex. 51: Ordinance at 2.

28 ⁹² City cites LU2, LU3, LU4.

29 ⁹³ City’s response at the HOM.

30 ⁹⁴ City’s response at the HOM.

31 ⁹⁵ City’s response at the HOM; See City’s Prehearing Brief at 7-8 (citing *Koontz Coalition v. Seattle*, GMHB 14-
32 3-0005 FDO (August 19, 2014) at 18-19; listing NR G1, NR G17, NR G19, and NR G20 as goals identified in
Director’s Analysis). The Board notes the City’s assertions unduly stretch the *Koontz* ruling, in which the Board
found petitioner failed to demonstrate the comprehensive plan policies it relied upon were thwarted, and the
City showed other policies were weighed and balanced.

⁹⁶ City’s Prehearing Brief at 7 (citing *Chevron U.S.A. Inc. v. Hearings Bd.*, 123 Wn. App. 161, 93 P.3d 880,
2004 Wash. App. LEXIS 1129 (Div. I 2004).

1 directive.⁹⁷ The City also puts considerable weight on the Director’s Analysis which identifies
2 goals other than NRP33 that the upzone supports and asserts GMA Goal 12⁹⁸ is not
3 thwarted.

5 **Board Discussion**

6 The Board has previously held in *WSDF IV* that:

7 Any provision or policy of a neighborhood plan that purports to guide land
8 use decision-making (including subarea or neighborhood plans including land
9 use, capital facilities and transportation planning) must be incorporated into
10 the jurisdiction’s comprehensive plan to be implemented pursuant to Chapter
11 36.70A RCW. Conversely, provisions or policies of a neighborhood plan or
12 program that will not be used to guide land use decision-making, and
13 therefore will not be implemented pursuant to Chapter 36.70A RCW, need
14 not be incorporated into a jurisdiction’s comprehensive plan.⁹⁹

15 The *WSDF IV* decision was rendered at a time when some jurisdictions had adopted
16 neighborhood or sub-area plans prior to adopting their comprehensive plans under GMA.
17 Today, most jurisdictions adopt a neighborhood or sub-area plan as a further refinement of
18 their comprehensive plan.¹⁰⁰ Seattle’s extensive process for delegating the adoption of
19 neighborhood plans to the community and then picking and choosing which policies will
20 actually be implemented by adoption into the comprehensive plan is somewhat unusual. It is
21 not surprising that some in the community may believe that the neighborhood plans “meant
22 more.”

24 Nevertheless, **the Board finds** Seattle’s process is within its legislative discretion.

25 As regards the *sufficiency* of open space, the City has thoroughly explored the
26 amount, type, and kind of existing open space. The ample evidence suggests that satisfying
27

28 ⁹⁷ City’s response at the HOM.

29 ⁹⁸ RCW 36.70.020(12) says: “Public facilities and services. Ensure that those public facilities and services
30 necessary to support development shall be adequate to serve the development at the time the development is
31 available for occupancy and use without decreasing current service levels below locally established minimum
standards.”

32 ⁹⁹ *WSDF IV*, FDO (March 24, 1997) at 11.

¹⁰⁰ *Laurelhurst Community Club v. City of Seattle*, GMHB 03-3-0008, Order on Motions (June 18, 2003) at 8,
“subarea plans typically augment and amplify policies contained in the jurisdiction-wide comprehensive plan.”

1 comprehensive plan and neighborhood goals for the North Rainier Hub Urban Village will
2 require development of more usable open space. The question of concurrency is discussed
3 in section D below.

4 The Director's statement describes the Ordinance as "the product of a two-year
5 neighborhood plan update process."¹⁰¹ Given the many assertions in the Director's Analysis
6 and the Ordinance itself declaring that the intent of this action was to advance neighborhood
7 priorities and implement recommendations from the *Urban Design Framework*, it can come
8 as no surprise that Petitioners expected more adherence to the key priorities of open space
9 and pedestrian-friendly design identified in the Neighborhood Plan and Framework. The
10 City's suggestion that Petitioners' expectations were a "fanciful inference" is almost
11 disrespectful. That said, the Board must agree with the City that the GMA imposes no
12 requirement that a comprehensive plan be consistent with those portions of neighborhood
13 plans that have not been adopted into the comprehensive plan, as is the case with the North
14 Rainier 2010 update, nor is a challenge to the internal consistency of the City's
15 Comprehensive Plan timely absent any amendment to the comprehensive plan.
16

17 **The Board finds** that Petitioners' allegations of internal consistency within the City's
18 comprehensive plan (RCW 36.70A.130 (1)(d)) is untimely. Therefore, the insufficiency of
19 useable open space in the North Rainier Hub Urban Village to satisfy distribution-based
20 goals is not subject to review at this time.
21
22

23 **Consistency of Development Regulations with Adopted Comprehensive and**
24 **Neighborhood Plan**

25 The dispositive question, then, is whether development regulations that do not
26 realize, or commit to realizing, the **adopted** comprehensive plan goals and policies for the
27 North Rainier Neighborhood violate the consistency requirements of RCW 36.70A.040(3)
28 and 36.70A.130(1)(d). Petitioners' Legal Issue 1 addresses the mid-block open-space on
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30
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¹⁰¹ Ex. 3, Director's Analysis and Recommendations at 3.

1 the Lowe's parcel. Legal Issue 11 addresses the "ring of green" at the exterior of the up-
2 zoned area.

3 *Mid-block Open Space on Lowe's Parcel*

4 Petitioners' Legal Issue 1 asserts the rezoning violates NRP-33 by failing to "[d]esign
5 parks and open spaces and programming to accommodate users of diverse ages, interests,
6 and cultures." In contrast to the planning commission's *Transit Communities* goal statement
7 that "open space areas near transit stations are essential components of livability,"¹⁰²
8 Petitioners observe that the Ordinance allows the mid-block open space corridor on the
9 Lowe's parcel, which was to be a green open space and pathway system under the
10 Framework,¹⁰³ to include a 2-lane vehicle access road with parking on its margins, plus
11 landscaping and sidewalks.¹⁰⁴ Petitioners assert these shortcomings fail to implement
12 comprehensive plan policies and goals in violation of RCW 36.70A.040(3) and RCW
13 36.70A.130(1)(d).¹⁰⁵

14
15
16 There can be no doubt that a road with sidewalks is unlikely to function as a park,
17 although it will likely be landscaped and provide a pedestrian/bicycle corridor. As these
18 interior roadways will serve residents and visitors to four, 8-12 story buildings, this cannot
19 qualify as usable public open space. Regrettably, Petitioners again face the problem that
20 the specific expectations promoted within the *Urban Design Framework* have not been
21 adopted into the City's comprehensive plan and so are not mandated to be included in this
22 rezone. Further, Petitioners have not demonstrated the policy is thwarted by the upzone of
23 the Lowe's parcel, as this may not be the only opportunity for usable open space
24 development in the Mount Rainier Town Center.

25
26 **The Board finds** Petitioners have not met their burden to show that the development
27 regulations are inconsistent with the City's Comprehensive Plan. Legal Issue 1 is dismissed.
28
29
30

31 ¹⁰² Petitioners' Prehearing Brief at 14; See Ex. 64, *Seattle Transit Communities* at 17-18.

32 ¹⁰³ Ex. 27: Urban Design Framework at 22, photo at 20.

¹⁰⁴ City's response at HOM.

¹⁰⁵ Petitioners Prehearing Brief at 10-15.

1 “Ring of Green”

2 Petitioners’ Legal Issue 11 asserts failure of the Ordinance to consider and protect
3 the Cheasty Boulevard and Greenbelt and the 1909 Olmstead Parks and Boulevard Plans is
4 inconsistent with adopted goals of the North Rainier plan. Petitioners contend the upzoned
5 Hub violates NR-G13 including reclamation of Cheasty Boulevard and the Olmstead
6 Plans¹⁰⁶ and NR-G-14 requiring urban village design with “strong connections” to the
7 surrounding “ring of green.”¹⁰⁷ The City asserts that development regulations are only
8 inconsistent if they “thwart” the implementation of comprehensive plan policies¹⁰⁸ and that
9 “goals” represent the results that the City hopes to realize over time, perhaps within the 20-
10 year life of the Plan, and are not mandates.
11

12 Plans provide policy direction to land use decision-making by providing
13 guidance and direction to development regulations, which must be consistent
14 with and implement the Comprehensive Plan. In turn, these development
15 regulations govern the review and approval process for development
16 permits.¹⁰⁹

17 Here, the City’s upzone of the Mount Baker Transit Station area did not extend to the
18 Cheasty Greenbelt or the Olmstead Boulevards which lie beyond the more-intense
19 redevelopment zone. Petitioners have not demonstrated comprehensive plan goals NRG-
20 13 and NRG 14 will be thwarted by the additional development allowance.
21

22 **The Board finds** Petitioners have not met their burden to show that the Ordinance
23 precludes implementation of comprehensive plan policies or attainment of plan goals.

24 **Legal Issue 11 is dismissed.**

25
26 **C. View preservation (remaining part of Issue 3)**

27 *Petitioners’ General Issue 3: Is the Ordinance Inconsistent with LU-48 because it fails to*
28 *preserve and Enhance Important Views from the Town Center Rezone, Including Mount*
29 *Rainier and the “Ring of Green” (Issue 3)?*

30
31 ¹⁰⁶ NR G13.

32 ¹⁰⁷ NR G14.

¹⁰⁸ City’s Prehearing Brief at 7 (citing *Leenstra*).

¹⁰⁹ *Bremerton II v. Kitsap County*, GMHB 04-3-0009c, FDO (August 9, 2004), at 15.

1 Is the Ordinance inconsistent with LU48 and LU73 of the City's Comprehensive Plan
2 because the City failed to balance housing needs with the surrounding neighborhood
3 character; failed to properly identify, preserve and enhance important open spaces, green
4 spaces and views in or near the Town Center rezone area?

5 **LU48** Seek to preserve views through:

- 6 • land use regulations that address view impacts with height, bulk, scale, view
- 7 corridor and design review provisions;
- 8 • zoning policy that considers the effect of zone designations on views, with
- 9 special emphasis on protection of views related to shoreline areas; and
- 10 • application of adopted environmental policy to protect public views, including
- 11 views of mountains, major bodies of water, designated landmarks and the
- 12 Downtown skyline, in review of development projects.¹¹⁰

13 **LU73** Balance the objective to increase opportunities for new housing
14 development to ensure adequate housing for Seattle's residents with the
15 equally important objective of ensuring that new development is compatible
16 with neighborhood character.¹¹¹

17 **NRG-18** Rainier Ave. S. is a highly functioning multimodal "complete street"
18 that serves as the spine of the Rainier Valley and retains its existing vistas of
19 Mount Rainier.¹¹²

20 **Positions of the Parties**

21 Petitioners assert that the City's enactment of the rezone was clearly erroneous
22 because it failed to preserve views of Mount Rainier from Rainier Avenue and of the "ring of
23 green" as required by the neighborhood plan¹¹³ because "there was no deliberate effort to
24 require setbacks needed to preserve the view . . . that the community wanted to preserve."

25 The City first submits Exhibits 20,¹¹⁴ 24,¹¹⁵ and 32¹¹⁶ to support its assertion that
26 Petitioners did not raise the view preservation issue with the Council and therefore lack
27

28 ¹¹⁰ Ex. 53: Seattle Comprehensive Plan, Land Use Element, A-2. Uses: views policy at 2.11

29 ¹¹¹ Ex. 53: Seattle Comprehensive Plan, Land Use Element, B-2. Multifamily Residential Areas: policies at
30 2.16.

31 ¹¹² Cited for the first time in Petitioners' PowerPoint at the HOM.

32 ¹¹³ Petitioners' Prehearing Brief.

¹¹⁴ Ex. 20: Abolins' email to CM O'Brien and Harrell.

¹¹⁵ Ex. 24: Petitioner Abolins' testimony to Council May 1, 2014, transcribed by Trudy Jaynes.

¹¹⁶ Ex. 32: Petitioner Abolins' testimony to Council May 20, 2014, transcribed by Trudy Jaynes.

1 participation standing. In reply, Petitioners cite the Board's previous denial of the City's
2 motion to dismiss issues regarding protection of existing public facilities.¹¹⁷

3 Next the City suggests that one of the adopted neighborhood plan policies, **NR-G18**,
4 "modifies" the general policy in **LU48** requiring the City to "Seek to preserve views" such
5 that the only view specifically protected in the comprehensive plan is the existing view of
6 Mount Rainier from Rainier Avenue.¹¹⁸

7
8 The City also asserts that Petitioners have not cited evidence in the record showing
9 that existing views will be impaired.

10
11 **Board Discussion**

12 Standing

13 The Board's Order on Motions addressed the issue of protection of public facilities.
14 Petitioners have submitted no rebuttal evidence showing they raised the issue of views
15 before the Council, nor have they argued for APA standing.

16 **The Board finds** Petitioners do not have standing to raise the issue of view
17 preservation.

18
19 View obstruction

20 Standing aside, the Board officially notices the fact that Rainier Avenue S. runs
21 directly toward Mount Rainier. Given that the Ordinance does not propose to locate building
22 on the street itself, the view of the mountain from Rainier Avenue is protected as required by
23 **NR-G18**.

24
25 It is likely that Petitioners' argument would fail for reasons similar to some previously
26 discussed allegations: they seek to enforce comprehensive plan requirements that employ
27 verbs such as "seek to" and "balance." Additionally, Petitioners have submitted no evidence
28 that would allow the Board to determine which views the City has not sought to preserve,
29 nor have Petitioners identified what statute they allege the City has violated.

30
31
32 ¹¹⁷ Order on Motions (December 10, 2014) at 4-5.

¹¹⁸ City's Prehearing Brief at 12-14.

1 **The Board finds** Petitioners have not carried their burden to prove the Ordinance
2 fails to comply with GMA provisions.

3 **Issue 3 is dismissed.**

4
5 **D. Concurrency of Capital Facilities Planning (Issues 4, 5, 7, 8, 9)**

6 *[Issue 6 is deemed abandoned]*¹¹⁹

7 *Petitioners General Issue 4. The Ordinance violates the GMA and Comprehensive Plan*
8 *because it fails to address the amount, types, and distribution of open space necessary to*
9 *serve the dense growth targeted for the new Town Center (Issues 4,5,7,8, and 9).*

10
11 Issue Four: Is the Ordinance and Capital Facilities Plan inconsistent with UV46, UV49,
12 UV51 and UV53 of the Comprehensive Plan, RCW 36.70A.070(3) and (8) and WAC 365-
13 196-415 because it neither analyzes nor strives to accomplish the open space standards
14 identified in the Neighborhood Plan and Urban Village Appendix B for the amount, types,
15 and distribution of open space necessary to serve the new Town Center residents, thereby
16 defeating the express goals of UV3, UVG12, UVG15, UVG37, UVG39?

17 Issue Five: Is the Ordinance inconsistent with UV-2, UV-7.5 and UV 10.5 of the
18 Comprehensive Plan because the City failed to consider, preserve or promote conditions
19 necessary to support healthy Town Centers, including those conducive to helping mixed-
20 use urban village communities thrive, such as a minimum range of park and open space
21 facilities, and community food gardens to support access to healthful food for the dense
22 areas within the Town Center?

23 Issue Seven: Is the Ordinance and Capital Improvement Plan inconsistent with N10, N11,
24 N12, N13 and N14 of the Comprehensive Plan because the City failed to: (1) establish a
25 firm and clear relationship between the City's budgeting processes and the adopted
26 Neighborhood Plan; (2) demonstrate how the urban village strategy reflected in the
27 Neighborhood Plan and related project documents shall be effectively carried out under the
28 rezone Ordinance; and (3) properly consider and utilize the adopted North Rainier
29 Neighborhood Plan goals, policies and work plan matrices to balance competing goals?

30 Issue Eight: Is the Ordinance (including its Fiscal Note) inconsistent with CFG4, CFG5,
31 CF1, CF2, CF7, and CF8 of the Comprehensive Plan and the Capital Improvement Plan
32 where the City failed to provide for the siting and design of open space and other required
green features (including community gardens) in a manner that would allow them to be

¹¹⁹ See Preliminary Matters, *supra*.

1 considered assets to the Town Center community; and they fail to consider and encourage
2 protection of City-owned historic facilities, including the Olmsted Boulevards, Cheasty Green
3 Space, and Franklin High School, in light of the values and social equities reflected in the
4 Neighborhood Plan?

5 Issue Nine: Is the Ordinance (including its Fiscal Note, and the City's related financial
6 budgeting processes) and the Capital Investment Plan inconsistent with CF1, CF2, CF7,
7 CF8, CF9, CF10, CF11 and CF-F¹²⁰ of the Comprehensive Plan where the City failed to
8 properly consider, plan, preserve and provide opportunities for necessary open space,
9 parks and playgrounds needed to bridge the recognized gaps in those facilities, and to
10 create an incentive for public and private investment in and near the Town Center area?

11 **Applicable Law**

12 RCW 36.70A.070 reads, in pertinent part:

13 (3) A capital facilities plan element consisting of: (a) An inventory of existing
14 capital facilities owned by public entities, showing the locations and
15 capacities of the capital facilities; (b) a forecast of the future needs for such
16 capital facilities; (c) the proposed locations and capacities of expanded or
17 new capital facilities; (d) at least a six-year plan that will finance such capital
18 facilities within projected funding capacities and clearly identifies sources of
19 public money for such purposes; and (e) a requirement to reassess the land
20 use element if probable funding falls short of meeting existing needs and to
21 ensure that the land use element, capital facilities plan element, and
22 financing plan within the capital facilities plan element are coordinated and
23 consistent. Park and recreation facilities shall be included in the capital
24 facilities plan element. . .

25 (8) A park and recreation element that implements, and is consistent with, the
26 capital facilities plan element as it relates to park and recreation facilities. . . .

27 WAC 365-196-415 reads, in pertinent part:

28 (1) Requirements. The capital facilities element of a comprehensive plan
29 must contain at least the following features:

30 (a) An inventory of existing capital facilities owned by public entities, also
31 referred to as "public facilities," showing the locations and capacities of the
32 capital facilities;

¹²⁰ There is no policy CF-F. Petitioners appear to be referring to a discussion section; See Ex. 53: Seattle's Comprehensive Plan, Capital Facilities Element, F. Consistency & Coordination at 5.8.

1 (b) A forecast of the future needs for such capital facilities based on the land
2 use element;

3 (c) The proposed locations and capacities of expanded or new capital
4 facilities;

5 (d) At least a six-year plan that will finance such capital facilities within
6 projected funding capacities and clearly identifies sources of public money
7 for such purposes; and

8 (e) A requirement to reassess the land use element if probable funding falls
9 short of meeting existing needs and to ensure that the land use element,
10 capital facilities plan element, and financing plan within the capital facilities
11 plan element are coordinated and consistent. Park and recreation facilities
12 shall be included in the capital facilities plan element. . .

13 (3) Relationship between the capital facilities element and the land use
14 element.

15 (a) Providing adequate public facilities is a component of the affirmative duty
16 created by the act for counties and cities to accommodate the growth that is
17 selected and allocated, to provide sufficient capacity of land suitable for
18 development, and to permit urban densities.

19 (b) The needs for capital facilities should be dictated by the land use
20 element. The future land use map designates sufficient land use densities
21 and intensities to accommodate the population and employment that is
22 selected and allocated. The land uses and assumed densities identified in
23 the land use element determine the location and timing of the need for new
24 or expanded facilities.

25 **Does the City's comprehensive plan impose a duty to concurrently update the CIP?**

26 **Positions of the Parties**

27 Petitioners assert that the Planning Commission stressed the City's obligation to
28 coordinate the Comprehensive Plan Urban Village strategy with the Capital Improvement
29 Plan (CIP) and other City capital investments, citing Exhibit 64, *Seattle Transit Communities*
30 at 38,¹²¹ and then "completely failed to plan for capital facility investment [sic] needed to
31 overcome the worsening open space gaps created by its self-defeating and ineffective open
32 space incentive formulas."¹²² Asserting that, under RCW 36.70A.120,¹²³ the City was

¹²¹ Petitioners attached portions of Ex. 64 to their Prehearing Brief, but not p. 38.

¹²² Petitioners' Prehearing Brief at 9.

1 required to perform its activities and make capital budget decisions in conformity with its
2 comprehensive plan policies, and GMA planning goals,¹²⁴ Petitioners allege that Seattle
3 violated RCW 36.70A.070(3), which requires the City to include a plan, scheme or design
4 for park and recreation facilities within its capital facilities plan element.¹²⁵

5 Petitioners allege that the City's Capital Facilities element mandates that the City's
6 CIP must be "**concurrently** updated with the rezone to **proactively** accommodate the
7 substantial density and growth"¹²⁶ because the discussion section, identified by Petitioners
8 as **CF-F**, reads:
9

10 Consistency & Coordination: discussion: As part of the City's CIP process,
11 the City considers whether probable funding will be sufficient to meet the
12 currently identified needs for new or expanded city capital facilities to
13 accommodate planned growth. Should anticipated funding not materialize, or
14 should new needs be identified for which no funding is determined to be
15 probable, the City will reassess the land use element of this Plan to ensure
16 that it is coordinated, and consistent, with this element, and in particular with
17 the six-year finance plan. A review for coordination and consistency between
18 this Element and the Land Use Element will be part of the City's annual
19 budget review and Comprehensive Plan amendment processes.¹²⁷

20 Petitioners cite numerous comprehensive plan policies and goals in support of their
21 assertion that the City was obligated, at the least, to revise its CIP concurrent with the
22 rezone to provide for the needed North Rainier usable open space. Most of the cited
23 policies employ verbs like "consider,"¹²⁸ "promote,"¹²⁹ "encourage,"¹³⁰ "strive,"¹³¹
24

25 ¹²³ RCW 36.70A.120 **Planning activities and capital budget decisions — Implementation in conformity**
26 **with comprehensive plan.**

27 Each county and city that is required or chooses to plan under RCW 36.70A.040 shall perform its
28 activities and make capital budget decisions in conformity with its comprehensive plan.

29 ¹²⁴ Petitioners' Prehearing Brief at 17; Order On Motions (December 10, 2014) at 8-10.

30 ¹²⁵ Petitioners' Prehearing Brief at 16, 22.

31 ¹²⁶ Petitioners' Prehearing Brief at 18. **Emphasis added.**

32 ¹²⁷ There is no policy **CF-F**. Petitioners appear to be referring to a discussion section; See Exhibit 53: Seattle's
Comprehensive Plan, Capital Facilities Element, F. Consistency & Coordination at 5.8.

¹²⁸ **UV3, UV49, UV53, N6, N13, N14, CF2, CF7, CF8, CF9, CF11, CF-F.**

¹²⁹ **UV1, UV2, UVG12.**

¹³⁰ **UV 10.5, CF8, CF9.**

¹³¹ **UV 46, CF1 (in part).**

1 “coordinate,”¹³² “help balance,”¹³³ “explore,”¹³⁴ and “seek,”¹³⁵ but directive verbs such as
2 “provide” and “establish” make a number of the cited policies obligatory:

3 **N10** Establish a firm and clear relationship between the City’s budgeting
4 processes and adopted neighborhood plans and, using the biennial budget,
5 demonstrate how the urban village strategy is being carried out.

6 **N11** Assess as part of the City’s budget process, neighborhood plan
7 implementation needs and resources, taking into consideration the results of
8 implementation activities for each area and public input into the budget
9 process.¹³⁶

10 **CF1** Plan capital investments strategically, in part by striving to give priority
11 to areas experiencing or expecting the highest levels of residential and
12 employment growth when making discretionary investments for new facilities.
13 The City will use fiscal notes and policy analysis to assist in making informed
14 capital investment choices to achieve the City’s long-term goals.¹³⁷

15 **UVG15** Provide parks and open space that are accessible to urban villages
16 to enhance the livability of urban villages, to help shape the overall
17 development pattern, and to enrich the character of each village.¹³⁸

18 **UVG37** Provide safe and welcoming places for the people of Seattle to play,
19 learn, contemplate, and build community. Provide healthy spaces for children
20 and their families to play; for more passive activities such as strolling, sitting,
21 viewing, picnicking, public gatherings, and enjoying the natural environment;
22 and for active uses such as community gardening, competitive sports, and
23 running.¹³⁹

24 **UVG39** Enhance the urban village strategy through the provision of:
25 1. Amenities in more densely populated areas
26 2. Recreational opportunities for daytime populations in urban centers

26 ¹³² **UV 7.5.**

27 ¹³³ **N12.**

28 ¹³⁴ **CF8.**

29 ¹³⁵ **CF10.**

30 ¹³⁶ But see N13 which reads in pertinent part “Consider recommendations from neighborhood plans in the
31 context of Seattle as a whole.” Ex. 53: Seattle’s Comprehensive Plan, Neighborhood Planning Element, A.
32 Introduction: neighborhood plan implementation policies at 8.5.

¹³⁷ Ex. 53: Seattle’s Comprehensive Plan, Capital Facilities Element, A. Capital Facilities Policies: strategic
capital investment policies at 5.3.

¹³⁸ Ex. 53: Seattle’s Comprehensive Plan, Urban Village Element, A. Urban Village Strategy: policies at 1.5

¹³⁹ Ex. 53: Seattle’s Comprehensive Plan, Urban Village Element, C. Open Space Network: goals at 1.25

1 3. Mitigation of the impacts of large scale development
2 4. Increased opportunities to walk regularly to open spaces by providing
3 them close by.

4 **UV2** Promote conditions that support healthy neighborhoods throughout the
5 city, including those conducive to helping mixed-use urban village
6 communities thrive, such as focused transportation demand management
7 strategies, vital business districts, a range of housing choices, a range of
8 park and open space facilities, and investment and reinvestment in
neighborhoods.¹⁴⁰

9 **UV10.5** Encourage the location of grocery stores, farmers markets, and
10 community food gardens to support access to healthful food for all areas
11 where people live.¹⁴¹

12 **UV51** Provide unstructured open play space for children in or near residential
13 neighborhoods.

14 In rebuttal, the City cites from the Land Use Element of its Comprehensive Plan, which
15 states that the Official Land Use Map is part of the regulatory structure that implements the
16 plan.¹⁴² The City argues that it is not required to change its capital facilities plans when
17 zoning is changed within the existing Map parameters. The Plan indicates most changes to
18 the location of specific zones will not require amendments to the Future Land Use Map.
19 Future Land Use Map amendments will generally only be considered for significant changes
20 to the intended function of a large area.¹⁴³

21 **LU2** Generally, Future Land Use Map¹⁴⁴ amendments will be required only
22 when significant changes to the intended function of a large area are
23 proposed. Changes in the Land Use Code zone designation of land that does
24 not significantly change the intended function of a large area generally will
25 not require an amendment to the Future Land Use Map.
26
27
28

29
30 ¹⁴⁰ Ex. 53: Seattle's Comprehensive Plan, Urban Village Element, A. Urban Village Strategy: policies at 1.5

¹⁴¹ *Id.* at 1.7

¹⁴² Ex. 53: Seattle's Comprehensive Plan, Land Use Element, A. Citywide land Use Policies: discussion at 2.4.

¹⁴³ *Id.*

¹⁴⁴ The Future Land Use Map is part of the Comprehensive Plan. Revision to it would constitute a comprehensive plan amendment.

1 **Board Discussion**

2 As in our previous discussion regarding Open Space Requirements of a Hub Urban
3 Village, the Petitioners' disappointment is understandable. As outlined *supra*, the Planning
4 Commission noted that:

5 . . . the success of Transit Communities requires three integral components:
6 investment in transit; appropriate zoning for focused, higher density
7 development; and necessary investment in the essential components for
8 livability.¹⁴⁵

9 Addressing the problem of funding of necessary facilities and infrastructure, "such as
10 parks, open space, libraries, sidewalks, plazas, pedestrian improvements and lighting," the
11 Planning Commission report emphasizes that "[w]ithout the essential components, urban life
12 becomes unattractive and inhospitable."¹⁴⁶ Key actions identified as necessary to maximize
13 the transit investment include implementing the neighborhood plan update by improving and
14 expanding connections to the Mount Baker Station and the planned Rainier Station; in
15 particular:

16 . . . improve pedestrian connections to Franklin High School, Somali
17 Community Services, Seattle Lighthouse for the Blind, and the residential Mt.
18 Baker neighborhood to the east. Improve connections to and usability of the
19 Cheasty Greenspace.¹⁴⁷
20

21 The Board sympathizes with Petitioners, who may well have a *firm and definite*
22 *conviction that inadequate planning decisions have been made* [requiring concurrent update
23 of the CIP]. Unfortunately that is not the Board's standard of review under GMA. As applied
24 to this case, RCW 36.70A.320(1) requires that the Board presume that the challenged
25 development regulations are valid unless the Board has a "*firm and definite conviction*" that
26 *the regulations are inconsistent with a comprehensive plan provision*. Here the rezone of the
27 North Rainier Hub Urban Village increased the intensity of allowed development within the
28 parameters of the Future Land Use Map without significantly changing the function of a
29
30

31 ¹⁴⁵ Ex. 64: *Seattle Transit Communities* (November 2010) at 32.

32 ¹⁴⁶ *Id.*

¹⁴⁷ *Id.* at 48.

1 large area. Absent action amounting to a comprehensive plan amendment, the plan does
2 not require concurrent updating of the CIP.¹⁴⁸

3 **The Board finds** Petitioners have not carried their burden to prove that the
4 Ordinance enacts regulations inconsistent with the comprehensive plan.

5
6 **Does the GMA impose a duty to concurrently update the CIP?**

7
8 **Positions of the Parties**

9 Petitioners read WAC 365-196-415 to impose an affirmative duty on the City to
10 reassess its Land Use Element to insure that the CIP is sufficient to meet the increased
11 need for open space that can eventually result from the rezone¹⁴⁹ by providing “a rational
12 mechanism for maintaining consistency with its concurrent capital facilities and open space
13 obligations” by, at a minimum, assessing the increased needs in the rezone area and
14 providing a means to fund the necessary infrastructure through the City’s projected revenue
15 or other local funding.¹⁵⁰ Instead, Petitioners lament that “the City's capital facilities
16 documents reflect a complete failure to engage in the planning required to accommodate
17 the growth intended by the rezone.”¹⁵¹

18
19 The City objects that the Board lacks jurisdiction to review the Capital Facilities Plan
20 for GMA compliance and comprehensive plan consistency when the challenged action is
21 one adopting development regulations without amending the Comprehensive Plan itself.
22 The City argues the GMA capital facilities planning requirements apply only to the
23 comprehensive plan, and the Ordinance here amends development regulations.¹⁵²
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29 ¹⁴⁸ The Board does not decide whether the City can use its Future Land Use Map to insulate it from any duty to
30 update its capital facilities plan, only that Petitioners fail to demonstrate the North Rainier Hub Urban Village
31 rezone triggers such a duty.

31 ¹⁴⁹ Petitioners’ Prehearing Brief at 16-17.

32 ¹⁵⁰ *Id.* at 18-20.

¹⁵¹ *Id.* at 22; Ex. 74: Dept. of Parks and Recreation 2014-2015 Adopted Capital Improvement Program

¹⁵² City’s Prehearing Brief at 2, 17.

1 **Board Discussion**

2 To begin, the Board concurs with the City that a GMA challenge to the
3 Comprehensive Plan is not timely when, as here, the challenged action does not amend the
4 Plan. The question raised by the Petitioners is whether GMA requires that the City update
5 its CIP concurrent with the adoption of an Ordinance that increases development capacity.
6

7 The Board has previously determined

8 . . . that the GMA requires a capital facilities element with a financing plan
9 that ensures the provision of necessary urban services within the 20-year
10 planning horizon. However, a specific funding plan is only required for capital
11 facilities needed in the coming six years. The 6-year CFP must be consistent
12 with the comprehensive plan.¹⁵³

13 A recent decision from the Division II Court of Appeals further held:

14 In providing for annual amendment of the comprehensive plan, the statute
15 imposes no requirement that there be contemporaneous reevaluation of the
16 local government's capital facilities plan. . . ."¹⁵⁴

17 Considering this question in *Gig Harbor v. Pierce County*, the Board found that the
18 GMA expectation is that for public amenities such as parks, the GMA requirement focuses
19 on assuring the facilities will be available at the time new development is ready for
20 occupancy:

21 RCW 36.70A.020(1) by itself does not require the County to provide for
22 adequate parks. Instead, it requires the County to be guided by the planning
23 goal to concentrate future growth into urban areas that already have public
24 facilities or where they can someday most efficiently be developed to meet
25 the needs of the urban area population.

26 RCW 36.70A.020(12) states:

27 (12) Public facilities and services. Ensure that those public facilities and
28 services necessary to support development shall be adequate to serve the
29 development **at the time the development is available for occupancy and**
30

31 ¹⁵³ *KCRP VI v. Kitsap County, GMHB 06-3-0007*, Order Finding Compliance (November 5, 2007), at 8-9; see
32 also *WSDP I FDO* (April 4, 1995), at 49.

¹⁵⁴ *Spokane County v. E. Wash. Growth Mgmt. Hearings Bd.*, 173 Wn. App. 310, 339, 293 P.3d 1248, (Div. II
2013).

1 use without decreasing current service levels below locally established
2 minimum standards.¹⁵⁵ **Emphasis added.**

3 In the present case, the parties agree that redevelopment is not imminent. It may be
4 well beyond six years before funding for supportive infrastructure and amenities for the hub
5 urban village will be needed. Unfortunately, without the City's commitment to investment in
6 livability, the area is just as likely to remain blighted and underdeveloped. As the Board
7 noted in a case concerning the Greenwood Urban Village:
8

9 [Sidewalks are a critical component of successful compact urban
10 development. However,] the Board cannot, with the facts and argument
11 presented in this case, discern a GMA duty that would oblige the City to
12 adopt "levels of service" for sidewalks in urban villages nor subject projects in
13 urban villages to a "concurrency" requirement for the installation of such
14 facilities.¹⁵⁶

15 Regarding Petitioners' reading of RCW 36.70A.070(3) and WAC 365-196-415, the
16 Board explains that these provisions relate to facilities needs in adopted comprehensive and
17 capital facilities plans. If probable funding for these needs falls short, the statute contains a
18 "trigger" for reevaluation and action by local government "to ensure that existing identified
19 needs are met."¹⁵⁷ The rub for Petitioners here is that the needs identified in the Framework
20 and other planning documents for the North Rainier Hub Urban Village have not been
21 adopted as commitments into the City's Comprehensive Plan and so do not fall under the
22 cited provisions. In other words, funding does not "fall short" because there are more needs
23 which the City will eventually be required to plan for. It could fall short because the City
24 allows more development than it has plans to serve with appropriate infrastructure, because
25 the City commits to more projects than it has funding for, or because revenue sources could
26 become insufficient.
27

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30 ¹⁵⁵ *Gig Harbor v. Pierce County*, GMHB 95-3-0016c, FDO (May 20, 1996), at 13.

31 ¹⁵⁶ *Radabaugh v. City of Seattle*, GMHB 00-3-0002, FDO (July 26, 2000), at 13-14. The Board commented:
32 "Clearly the City has taken some pains to place no policy duty upon itself to do anything other than 'strive' to
provide pedestrian infrastructure in urban villages."

¹⁵⁷ *McVittie v. Snohomish County*, GMHB 99-3-0016c, FDO (February 9, 2000), at 26.

1 Nevertheless, based on prior case law and, in particular, the appeals court ruling that
2 the statute imposes no requirement for contemporaneous reevaluation of the capital
3 facilities plan as annual comprehensive changes are enacted, the Board concludes there is
4 no GMA duty to revise the CIP concurrently to include parks or other amenities that might
5 eventually be needed for the North Rainier Hub Urban Village rezone.
6

7 **The Board finds** Petitioners have not carried their burden to show that the City's
8 adoption of the Ordinance failed to comply with RCW 36.70A.070 or WAC 365-196-415.

9 **Issues 4, 5, 7, 8, and 9 are dismissed.**

10
11 **E. Coordination with other entities (Issue 10)**

12 *Petitioners' General Issue 5. The Ordinance is inconsistent with Seattle's Comprehensive*
13 *Plan because the City failed to coordinate with other entities, including Franklin High School*
14 *officials, on opportunities needed to accommodate growth near the rezone area (Issue 10).*

15 Issue 10: Is the Ordinance inconsistent with **CF14** and **CF15** of the Comprehensive Plan
16 because the City failed to coordinate with other entities, including Franklin High School
17 officials, on the opportunities needed to properly maintain, site, renovate and/or expand
18 school facilities best equipped to accommodate growth near the rezone area?

19
20 **CF14** Work with other public and non-profit entities to include urban village
21 location as a major criterion for selecting sites for new or expanded
22 community-based facilities or public amenities.¹⁵⁸

23 **CF15** Work with the School District to encourage siting, renovation, and
24 expansion of school facilities in areas that are best equipped to accommodate
25 growth.¹⁵⁹

26 **Positions of the Parties**

27 Petitioners assert that the City violated its comprehensive plan policies because the
28 Ordinance rezoned property near and adjacent to Franklin High School without any
29 evidence of coordination or work on the siting of facilities and "other amenities needed to
30

31
32 ¹⁵⁸ Ex. 53: Seattle's Comprehensive Plan, Capital Facilities Element, A. Capital Facilities Policies: relations
with other public entities policies at 5.4.

¹⁵⁹ *Id.*

1 accommodate . . . new growth. . . .” Petitioners allude to concerns about pedestrian
2 amenities¹⁶⁰ and open space.¹⁶¹

3 In their reply brief, Petitioners articulate their frustration with allowing the City to
4 evade review of its actions by construing mandates to “strive,” consider,” “direct efforts,”
5 “coordinate,” “encourage,” “work with,” and “provide” as meaningless and unenforceable
6 exhortation.¹⁶²

7
8 The City responds that these comprehensive plan policies relate to the process of
9 selecting and budgeting capital facilities, which the City again asserts is not required to be
10 done contemporaneously with the rezone.

11
12 **Board Discussion**

13 Once again the Board has great sympathy for the Petitioners’ frustration with the
14 City’s narrow view of the applicability of its comprehensive plan provisions. However, it is
15 equally unreasonable to assert that **no** comprehensive plan policy can provide general
16 guidance. Even if the cited policies clearly required contemporaneous action, and **CF** 14
17 and **CF** 15 do not, Petitioners could still not prevail without showing how the City failed to
18 work with the school district or “other entities.” For example, in what way did the City fail to
19 avail itself of the opportunity to “work with” the Seattle School District? Petitioners may not
20 flip the burden of proof to require the City to prove that it did “work with” other entities.

21
22 **The Board finds** Petitioners have failed to carry their burden to prove that the
23 challenged ordinance fails to comply with RCW 36.70A.020, RCW 36.70A.040, RCW
24 36.70A.120, or RCW 36.70A.130(1)(d).

25 **Issue 10 is dismissed.**

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31 _____
32 ¹⁶⁰ Petitioners Prehearing Brief at 23.

¹⁶¹ Petitioners Reply at 11.

¹⁶² *Id.* at 10 (citing City’s Prehearing Brief at 18).

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VI. ORDER

Based upon review of the Petition for Review, the briefs and exhibits submitted by the parties, the GMA, prior Board orders and case law, having considered the arguments of the parties, and having deliberated on the matter, the Board Orders:

- The Petition for Review in *Talis Abolins and Marla Steinhoff v. City of Seattle* is dismissed. Case No. 14-3-0009 is closed.

SO ORDERED this 1st day of April, 2015.

Cheryl Pflug, Board Member

Margaret Pageler, Board Member

Nina Carter, Board Member

Note: This is a final decision and order of the Growth Management Hearings Board issued pursuant to RCW 36.70A.300.¹⁶³

¹⁶³ Should you choose to do so, a motion for reconsideration must be filed with the Board and served on all parties within ten days of mailing of the final order. WAC 242-03-830(1), WAC 242-03-840. A party aggrieved by a final decision of the Board may appeal the decision to Superior Court within thirty days as provided in RCW 34.05.514 or 36.01.050. See RCW 36.70A.300(5) and WAC 242-03-970. It is incumbent upon the parties to review all applicable statutes and rules. The staff of the Growth Management Hearings Board is not authorized to provide legal advice.

1 **APPENDIX A: ISSUE STATEMENTS as revised by Order on Motions (Dec. 10, 2014)**

2 Did the City violate RCW 36.70A.020(1), (9), (10), (12) and (13) (Planning Goals to
3 guide development and adoption of development regulations); RCW 36.70A.040(3) (city
4 development regulations must implement comprehensive plans); RCW 36.70A.070
5 (requiring land use map consistency with Comprehensive Plan); RCW 36.70A.120 (each
6 city shall perform activities and make capital budget decisions in conformity with its
7 comprehensive plan); RCW 36.70A.130(1)(d) (development regulation amendments shall
8 be consistent with and implement the comprehensive plan); and RCW 36.70A.320(3) (city
9 actions must not be clearly erroneous in light of the GMA goals and requirements), as
10 detailed more specifically below?
11

12 1. Is the Ordinance inconsistent with **NR-P33** of the City's Comprehensive Plan
13 because it does not preserve, protect or provide opportunities for the design of parks and
14 open spaces and programming to accommodate users of diverse ages, interests and
15 cultures within the Town Center rezone area?
16

17 2. Dismissed.¹⁶⁴

18 3. Is the Ordinance inconsistent with **LU48** and **LU73** of the City's Comprehensive
19 Plan because the City failed to balance housing needs with the surrounding neighborhood
20 character; failed to properly identify, preserve and enhance important open spaces, green
21 spaces and views in or near the Town Center rezone area?¹⁶⁵
22

23 4. Is the Ordinance and Capital Facilities Plan inconsistent with **UV46**, **UV 49**, **UV 51**
24 and **UV 53** of the Comprehensive Plan, RCW 36.70A.070(3) and (8) and WAC 365-196-415
25 because it neither analyzes nor strives to accomplish the open space standards identified in
26 the Neighborhood Plan and Urban Village Appendix B for the amount, types, and
27 distribution of open space necessary to serve the new Town Center residents, thereby
28 defeating the express goals of **UV3**, **UVG12**, **UVG 15**, **UVG 37**, and **UVG 39**?
29
30

31 ¹⁶⁴ Order on Motions (December 10, 2014) at 6-7.

32 ¹⁶⁵ *Id.* at 7-8 (dismissing allegations that the Ordinance violated **BNR-P35**, **LU 212**, **LU 215**, **LU 216**, and
allegations pertaining to protecting critical areas).

1 5. Is the Ordinance inconsistent with **UV 2, UV 7.5 and UV 10.5** of the
2 Comprehensive Plan because the City failed to consider, preserve or promote conditions
3 necessary to support healthy Town Centers, including those conducive to helping mixed-
4 use urban village communities thrive, such as a minimum range of park and open space
5 facilities, and community food gardens to support access to healthful food for the dense
6 areas within the Town Center?
7

8 6. Is the Ordinance inconsistent with **N6** of the Comprehensive Plan because it was
9 enacted without proper consideration or preservation of the strong historical, cultural, and
10 natural geographic interests reflected in the Olmsted Boulevard plans and Cheasty Green
11 Space?
12

13 7. Is the Ordinance and Capital Improvement Plan inconsistent with **N10, N11, N 12,**
14 **N 13 and N 14** of the Comprehensive Plan because the City failed to: (1) establish a firm
15 and clear relationship between the City's budgeting processes and the adopted
16 Neighborhood Plan; (2) demonstrate how the urban village strategy reflected in the
17 Neighborhood Plan and related project documents shall be effectively carried out under the
18 rezone Ordinance; and (3) properly consider and utilize the adopted North Rainier
19 Neighborhood Plan goals, policies and work plan matrices to balance competing goals?
20

21 8. Is the Ordinance (including its Fiscal Note) inconsistent with **CFG4, CFG5, CF1**
22 **CF2, CF7 and CF8**, of the Comprehensive Plan and the Capital Improvement Plan where
23 the City failed to provide for the siting and design of open space and other required green
24 features (including community gardens) in a manner that would allow them to be considered
25 assets to the Town Center community; and they fail to consider and encourage protection of
26 City-owned historic facilities, including the Olmsted Boulevards, Cheasty Green Space, and
27 Franklin High School, in light of the values and social equities reflected in the Neighborhood
28 Plan?
29

30 9. Is the Ordinance (including its Fiscal Note, and the City's related financial
31 budgeting processes) and the Capital Investment Plan inconsistent with **CF1, CF 2, CF 7,**
32

1 **CF 8, CF 9, CF 10, CF 11 and CF -F¹⁶⁶** of the Comprehensive Plan where the City failed to
2 properly consider, plan, preserve and provide opportunities for necessary open space,
3 parks and playgrounds needed to bridge the recognized gaps in those facilities, and to
4 create an incentive for public and private investment in and near the Town Center area?

5 10. Is the Ordinance inconsistent with **CF14** and **CF15** of the Comprehensive Plan
6 because the City failed to coordinate with other entities, including Franklin High School
7 officials, on the opportunities needed to properly maintain, site, renovate and/or expand
8 school facilities best equipped to accommodate growth near the rezone area?
9

10 11. Is the Ordinance inconsistent with **NR-G13** and **NR-G14** of the City's
11 Comprehensive Plan because it fails to consider, protect or provide opportunities for
12 reclamation and development of Cheasty Boulevard and Greenbelt, and the 1909 Olmsted
13 Parks and Boulevards Plan?
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¹⁶⁶ The Board finds no policy "**CF-F**" in the City's Comprehensive Plan. Under the Capital Facilities Element
(**CF**) there is a section "F. Consistency & Coordination" which contains a discussion to which Petitioner
appears to refer. There are no policies set forth in this portion of the Comprehensive Plan.

APPENDIX B
Comprehensive Plan policies and goals

Issue 1

NR-P33 Design parks and open spaces and programming to accommodate users of diverse ages, interests and cultures.¹⁶⁷

Issue 3

LU48 Seek to preserve views through:

- land use regulations that address view impacts with height, bulk, scale, view corridor and design review provisions;
- zoning policy that considers the effect of zone designations on views, with special emphasis on protection of views related to shoreline areas; and
- application of adopted environmental policy to protect public views, including views of mountains, major bodies of water, designated landmarks and the Downtown skyline, in review of development projects.¹⁶⁸

LU73 Balance the objective to increase opportunities for new housing development to ensure adequate housing for Seattle's residents with the equally important objective of ensuring that new development is compatible with neighborhood character.¹⁶⁹

Issue 4

UV46 Strive to accomplish goals in Urban Village Appendix B for the amount, types, and distribution of open space.

UV49 Consider open space provisions identified in adopted neighborhood plans, including specific open space sites and features, in guiding the expansion of the open space network.

UV51 Provide unstructured open play space for children in or near residential neighborhoods.

UV53 Direct efforts to expand the open space network according to the following considerations:

1. Locations for new facilities:

¹⁶⁷ Ex. 53: Seattle Comprehensive Plan, B-21 North Rainier Neighborhood Plan, Open Space Policies at 8.132.

¹⁶⁸ Ex. 53: Seattle Comprehensive Plan, Land Use Element, A-2. Uses: views policy at 2.11.

¹⁶⁹ Ex. 53: Seattle Comprehensive Plan, Land Use Element, B-2. Multifamily Residential Areas: policies at 2.16.

- a. Urban centers and villages targeted for largest share of residential growth; especially those existing high density residential areas presently not served according to the population-based or distribution goals for urban village open space;
 - b. Other urban village locations where an adopted subarea plan or recognized neighborhood plan includes open space recommendations consistent with these policies; and
 - c. Specific locations enumerated in the Parks functional plan outside urban centers or villages.
2. Types of open space acquisitions and facility development:
- a. Village open space sites, urban center indoor recreation facilities, village commons sites, and community gardens;
 - b. Critical open space linkages, connectors, and corridors that are highly accessible for active use within or directly serving urban villages, high density and/or high pedestrian, bicycle, or transit use areas;
 - c. Open space linkages, connectors, and corridors that are highly accessible for active use serving other high pedestrian, bicycle, or transit use areas; and
 - d. Other types of open space within or adjacent to urban villages that is accessible from adjacent urban villages.¹⁷⁰

UV1 Promote the growth of urban villages as compact mixed-use neighborhoods in order to support walking and transit use, and to provide services and employment close to residences.¹⁷¹

UV3 Consider the following characteristics appropriate to all urban village categories except Manufacturing and Industrial Centers:

1. Clearly defined geographic boundaries that reflect existing development patterns, functional characteristics of the area, and recognized neighborhood boundaries.
2. Zoning sufficient to accommodate the residential and employment growth targets established for that village.
3. The ability to accommodate a range of employment or commercial activity compatible with the overall function, character, and intensity of development specified for the village.
4. Zoning that provides locations for commercial services convenient to residents and workers and, depending on the village designation, serving a citywide and regional clientele.
5. Zoning sufficient to allow a diversity of housing to accommodate a broad

¹⁷⁰ Ex. 53: Seattle Comprehensive Plan, Urban Village Element, C. Open Space Network Policies at 1.26.

¹⁷¹ Ex. 53: Seattle Comprehensive Plan, Urban Village Element, A. Urban Village Strategy Policies at 1.5.

1 range of households.

2 6. Zoning regulations that restrict those public facilities that are incompatible
3 with the type of environment intended in centers and villages.

4 7. Most future households accommodated in multifamily housing.

5 8. Additional opportunities for housing in existing single-family areas, to the
6 extent provided through neighborhood planning, and within other constraints
7 consistent with this Plan.

8 9. Public facilities and human services that reflect the role of each village
9 category as the focus of housing and employment and as the service center
10 for surrounding areas.

11 10. Parks, open spaces, street designs, and recreational facilities that
12 enhance environmental quality, foster public health and attract residential and
13 commercial development.

14 11. A place, amenity, or activity that serves as a community focus.

15 12. Neighborhood design guidelines for use in the City's design review
16 process.¹⁷²

17 **UVG12** Promote physical environments of the highest quality, which
18 emphasize the special identity of each of the city's neighborhoods, particularly
19 within urban centers and villages.¹⁷³

20 **UVG15** Provide parks and open space that are accessible to urban villages to
21 enhance the livability of urban villages, to help shape the overall development
22 pattern, and to enrich the character of each village.¹⁷⁴

23 **UVG37** Provide safe and welcoming places for the people of Seattle to play,
24 learn, contemplate, and build community. Provide healthy spaces for children
25 and their families to play; for more passive activities such as strolling, sitting,
26 viewing, picnicking, public gatherings, and enjoying the natural environment;
27 and for active uses such as community gardening, competitive sports, and
28 running.¹⁷⁵

29 **UVG39** Enhance the urban village strategy through the provision of:

- 30
- 31 1. Amenities in more densely populated areas
 - 32 2. Recreational opportunities for daytime populations in urban centers
 3. Mitigation of the impacts of large scale development
 4. Increased opportunities to walk regularly to open spaces by providing them close by

31 ¹⁷² *Id.* at 1.5-1.6.

32 ¹⁷³ *Id.* at 1.5.

¹⁷⁴ *Id.*

¹⁷⁵ Ex. 53: Seattle's Comprehensive Plan, Urban Village Element, C. Open Space Network: goals at 1.25.

5. Connections linking urban centers and villages, through a system of parks, boulevards, community gardens, urban trails, and natural areas
6. A network of connections to the regional open space system
7. Protected environmentally critical areas
8. Enhanced tree canopy and understory throughout the city¹⁷⁶

Issue 5

UV2 Promote conditions that support healthy neighborhoods throughout the city, including those conducive to helping mixed-use urban village communities thrive, such as focused transportation demand management strategies, vital business districts, a range of housing choices, a range of park and open space facilities, and investment and reinvestment in neighborhoods.¹⁷⁷

UV7.5 Coordinate public and private activities to address transportation, utilities, open space and other public services to accommodate the new growth associated with subarea rezones (e.g., in transit station areas) that result in significant increases in density.¹⁷⁸

UV10.5 Encourage the location of grocery stores, farmers markets, and community food gardens to support access to healthful food for all areas where people live.¹⁷⁹

Issue 6

N6 Require that the following be taken into consideration in establishing future planning area boundaries:

1. Areas defined by a strong historical, cultural, geographic, or business relationships.
2. Natural or built barriers (e.g., I-5, major topography change).
3. Manageable size of area, manageable complexity of issues for resources available.
4. Generally agreed upon neighborhood boundaries.
5. The Urban Village Strategy.
6. The appropriateness of the area for the issues being addressed in the plan.¹⁸⁰

¹⁷⁶ *Id.* at 1.25-1.26

¹⁷⁷ Ex. 53: Seattle’s Comprehensive Plan, Urban Village Element, A. Urban Village Strategy: policies at 1.5

¹⁷⁸ *Id.* at 1.7

¹⁷⁹ *Id.* at 1.7

¹⁸⁰ Ex. 53: Seattle’s Comprehensive Plan, Neighborhood Planning Element, A. Introduction: policies at 8.4.

1 Issue 7

2 **N10** Establish a firm and clear relationship between the City's budgeting
3 processes and adopted neighborhood plans and, using the biennial budget,
4 demonstrate how the urban village strategy is being carried out.¹⁸¹

5 **N11** Assess as part of the City's budget process, neighborhood plan
6 implementation needs and resources, taking into consideration the results of
7 implementation activities for each area and public input into the
8 budget process.¹⁸²

9 **N12** Use adopted neighborhood plan goals and policies and the City's
10 neighborhood plan work plan matrices to help balance between competing
11 goals in City decision making and the allocation of budget resources.¹⁸³

12 **N13** Consider recommendations from neighborhood plans in the context of
13 Seattle as a whole. Incorporate such requests into City prioritization
14 processes, as appropriate, for capital expenditures and other decision making
15 recognizing the City's legal, administrative and fiscal constraints.¹⁸⁴

16 **N14** When allocating resources to implement neighborhood plans, at a
17 minimum consider the following factors:
18 • Where the greatest degree of change is occurring;
19 • Where growth has exceeded current infrastructure capacities;
20 • Where there is a deficit in meeting service levels called for by the
21 Comprehensive Plan or the expectation of other City policies or agency plans;
22 • Where there is an urban center or urban village designation;
23 • Where the neighborhood plan goals and policies or work plan matrix have
24 specific prioritized plan recommendations endorsed by the City;
25 • Where resources would help spur growth in urban centers or urban villages;
26 • Where there are opportunities to leverage other resources, or partnerships;
27 • Where the resource would address priorities of more than one neighborhood;
28 and
29 • Where the impact of a single, large activity generator will have detrimental
30 effects on the infrastructure capacities of the neighborhood.¹⁸⁵

31 ¹⁸¹ Ex. 53: Seattle's Comprehensive Plan, Neighborhood Planning Element, A. Introduction: neighborhood plan
32 implementation policies at 8.5.

¹⁸² *Id.*

¹⁸³ *Id.*

¹⁸⁴ *Id.*

¹⁸⁵ *Id.*

1 Issue 8

2 **CFG4** Site and design capital facilities so that they will be considered assets to
3 the communities in which they are located.¹⁸⁶

4 **CFG5** Provide capital facilities that will keep Seattle attractive to families with
5 children.¹⁸⁷

6
7 **CF1** Plan capital investments strategically, in part by striving to give priority to
8 areas experiencing or expecting the highest levels of residential and
9 employment growth when making discretionary investments for new facilities.
10 The City will use fiscal notes and policy analysis to assist in making informed
11 capital investment choices to achieve the City's long-term goals.¹⁸⁸

12 **CF2** Assess policy and fiscal implications of potential major new and
13 expanded capital facilities, as part of the City's process for making capital
14 investment choices. The assessment should apply standard criteria, including
15 the consideration of issues such as a capital project's consistency with the
16 Comprehensive Plan and neighborhood plans, and its effects on Seattle's
17 quality of life, the environment, social equity, and economic opportunity.¹⁸⁹

18 **CF7** The City will consider capital improvements identified in neighborhood
19 plans, in light of other facility commitments and the availability of funding and
20 will consider voter-approved funding sources.¹⁹⁰

21 **CF8** Explore tools that encourage sufficient capital facilities and amenities to
22 meet baseline goals for neighborhoods and to address needs resulting from
23 growth.¹⁹¹

24 Issue 9

25 **CF9** Encourage the location of new community based capital facilities, such as
26 schools, libraries, neighborhood service centers, parks and playgrounds,
27 community centers, clinics and human services facilities, in urban village
28 areas. The City will consider providing capital facilities or amenities in urban

29 ¹⁸⁶ Ex. 53: Seattle's Comprehensive Plan, Capital Facilities Element, A. Capital Facilities Policies: goals at 5.3.

30 ¹⁸⁷ *Id.*

31 ¹⁸⁸ Ex. 53: Seattle's Comprehensive Plan, Capital Facilities Element, A. Capital Facilities Policies: strategic
32 capital investment policies at 5.3.

¹⁸⁹ *Id.*

¹⁹⁰ *Id.* at 5.4.

¹⁹¹ *Id.*

1 villages as an incentive to attract both public and private investments to an
2 area.¹⁹²

3 **CF10** Seek to locate capital facilities where they are accessible to a majority of
4 their expected users by walking, bicycling, car-pooling, and/or public transit.¹⁹³

5 **CF11** Consider the recommendations from neighborhood plans in siting new
6 or expanded facilities. The needs of facility users will also be considered in
7 making these decisions.¹⁹⁴

8 **CF-F** Consistency & Coordination: discussion: As part of the City's CIP
9 process, the City considers whether probable funding will be sufficient to meet
10 the currently identified needs for new or expanded city capital facilities to
11 accommodate planned growth. Should anticipated funding not materialize, or
12 should new needs be identified for which no funding is determined to be
13 probable, the City will reassess the land use element of this Plan to ensure
14 that it is coordinated, and consistent, with this element, and in particular with
15 the six-year finance plan. A review for coordination and consistency between
16 this Element and the Land Use Element will be part of the City's annual budget
17 review and Comprehensive Plan amendment processes.¹⁹⁵

18 Issue 10

19 **CF14** Work with other public and non-profit entities to include urban village
20 location as a major criterion for selecting sites for new or expanded
21 community-based facilities or public amenities.¹⁹⁶

22 **CF15** Work with the School District to encourage siting, renovation, and
23 expansion of school facilities in areas that are best equipped to accommodate
24 growth.¹⁹⁷

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26
27
28 ¹⁹² *Id.*

29 ¹⁹³ *Id.*

30 ¹⁹⁴ *Id.*

31 ¹⁹⁵ There is no policy **CF-F**. Petitioners appear to be referring to s discussion section; See Ex. 53: Seattle's
32 Comprehensive Plan, Capital Facilities Element, F. Consistency & Coordination at 5.8.

¹⁹⁶ Ex. 53: Seattle's Comprehensive Plan, Capital Facilities Element, A. Capital Facilities Policies: relations
with other public entities policies at 5.4.

¹⁹⁷ *Id.*

1 Issue 11

2 **Applicable Law**

3 **NR-G13** Cheasty Boulevard and Greenbelt has been reclaimed and
4 developed in a manner consistent with the 1909 Olmsted Parks and
5 Boulevards Plan.¹⁹⁸

6 **NR-G14** A “ring of green” surrounding the urban village with strong
7 connections to the greenbelts, boulevards and parks, augmented with a
8 hierarchy of open spaces.¹⁹⁹

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32 ¹⁹⁸ Ex. 53: Seattle Comprehensive Plan, Neighborhood Planning Element, Neighborhood Plans, B-21 North
Rainier: open space goal at 8.131
¹⁹⁹ *Id.*

