

City of Seattle
COMPREHENSIVE PLAN AMENDMENT APPLICATION

Use this application to propose a change in the policies, future land use map, appendices, or other components of the adopted City of Seattle Comprehensive Plan. Applications are due to the Seattle City Council no later than **5:00 p.m. on May 15th** for consideration in the next annual review cycle. Any proposals received after May 15th will be considered in the review process for the following year.

(Please Print or Type)

Date: **May 15, 2014**

Applicant: **King County Department of Executive Services, Facilities Management Division**

Mailing Address: **500 4th Avenue, Room 800**

City: **Seattle** State: **WA** Zip: **98104** Phone: **(206) 477-1093**

Email: **Kathy.Brown@kingcounty.gov**

Contact person (if not the applicant): **Joseph A. Brogan**

Mailing Address: **1111 Third Avenue**

Email: **Brogj@foster.com**

City: **Seattle** State: **WA** Zip: **98101** Phone: **(206) 447-6407**

Name of general area, location, or site that would be affected by this proposed change in text (attach additional sheets if necessary)

The proposed Comprehensive Plan text amendment would be of general applicability to “small institutions” and “public facilities” located in the City of Seattle. The amendment would apply to a potential 20-foot height increase for the King County Courthouse, part of the King County Children and Family Justice Center (“Justice Center”). The Justice Center is located at 12th Avenue and East Alder Street in Seattle.

If the application is approved for further consideration by the City Council, the applicant may be required to submit a State Environmental Policy Act (SEPA) checklist.

Acceptance of this application does not guarantee final approval.

Attachment A

Applicant
Signature: _____ Date: __

REQUIRED QUESTIONNAIRE: Comprehensive Plan Amendment Application

Please answer the following questions in text and attach them to the application. Supporting maps or graphics may be included. Please answer all questions separately and reference the question number in your answer. The Council will consider an application incomplete unless all the questions are answered. When proposing an amendment, you must show that a change to the Comprehensive Plan is required.

1. Provide a detailed description of the proposed amendment and a clear statement of what the proposed amendment is intended to accomplish. Include the name(s) of the Comprehensive Plan Element(s) (Land Use, Transportation, etc) you propose to amend.

a. If the amendment is to an existing Comprehensive Plan goal or policy, and you have specific language you would like to be considered, please show proposed amendments in "line in/line out" format with text to be added indicated by underlining, and text to be deleted indicated with ~~strikeouts~~.

Existing Language:

Land Use Element Section 2.6 A-3 Public Facilities & Small Institutions

LU 15 Development Standards for small institutions and public facilities affecting building height, bulk, setbacks, open space, landscaping, and screening shall be similar to those required of other development , but should be allowed to vary somewhat because of the special structural requirements of some institutional and public facility uses. Establish criteria limiting variation, in order to achieve design compatibility with the scale and character of the surrounding area. Except for public schools and spires on religious institutions, do not permit small institutions or public facilities to vary from zoned height limits.

LU 16 Permit of prohibit public facilities similar to those provided by the private sector in all zones according to the use regulations and development standard [sic] for the particular use. Public facility uses not similar to those permitted for the private sector shall be permitted or prohibited depending on the intended function of the area. Evaluate parking and transportation impacts and consider the relationship with surrounding uses in the design, siting, landscaping and screening of such facilities. Allow changes by the Council to development standards that cannot be met for reasons of public necessity.

Purpose of Amendment: When LU 15 and LU 16 are read together, LU 15 does not clearly provide the City Council with the flexibility to permit small institutions or public facilities to vary from height limits for

Attachment A

reasons of public necessity. In limited circumstances, the City Council may find that it is in the public interest to permit exceptions to height limits established in a particular zone for reasons of public necessity.

SMC 23.76.058 (D) (entitled “Public Projects Not Meeting Development Standards”) already provides the City Council with authority to waive or modify applicable development standards for “public projects.” Any member of the public may participate in the existing Type IV process and provide public comment to the City Council regarding any application for a waiver or modification.

Proposed Amendment to LU 15:

LU 15 Development Standards for small institutions and public facilities affecting building height, bulk, setbacks, open space, landscaping, and screening shall be similar to those required of other development , but should be allowed to vary somewhat because of the special structural requirements of some institutional and public facility uses. Establish criteria limiting variation, in order to achieve design compatibility with the scale and character of the surrounding area. ~~Except for public schools and spires on religious institutions, do not permit small institutions or public facilities to vary from zoned height limits.~~

b. If the proposed amendment would also require a change to the Seattle Municipal Code (SMC), please indicate the SMC section(s) needing amendment. If you have specific language you would like to be considered, please show proposed edits to the SMC in "line in/line out" format as described above.

None necessary (See Above)

c. If the amendment is to the Future Land Use Map, please provide a map that clearly outlines the area proposed to be changed.

N/A

2. Describe how the issue is currently addressed in the Comprehensive Plan. If the issue is not adequately addressed, describe the need for it.

The issue is presently addressed at the end of LU 15 as noted below:

LU 15 Development Standards for small institutions and public facilities affecting building height, bulk, setbacks, open space, landscaping, and screening shall be similar to those required of other development , but should be allowed to vary somewhat because of the special structural requirements of some institutional and public facility uses. Establish

Attachment A

criteria limiting variation, in order to achieve design compatibility with the scale and character of the surrounding area. Except for public schools and spires on religious institutions, do not permit small institutions or public facilities to vary from zoned height limits.

3. Describe why the proposed change meets the criteria adopted in Resolution 31402 for considering an amendment to the Comprehensive Plan. The criteria are listed at the end of this application form. Is a Comprehensive Plan amendment the best means for meeting the identified public need? What other options are there for meeting the identified public need?

A. *The amendment is appropriate for the Comprehensive Plan because:*

- *It is consistent with the role of the Comprehensive Plan under the State Growth Management Act;*
- *It is consistent with the Countywide Planning Policies and the multi-county policies contained in the Puget Sound Regional Council's Vision 2040 strategy;*
- *Its intent cannot be accomplished by a change in regulations alone;*
- *It is not better addressed as a budgetary or programmatic decision; and*
- *It is not better addressed through another process, such as neighborhood planning.*

Response:

The siting of essential public facilities may not be precluded by a local jurisdiction under the Growth Management Act. See RCW 36.70A.200(2)(5). Certain public facilities are essential public facilities. The Justice Center, which includes a courthouse and juvenile detention center, provides a wide range of essential public services to families and juveniles living in the City of Seattle and in King County.

The Countywide Planning Policies and the multi-county policies contained in the Puget Sound Regional Council's Vision 2040 support the siting and operation of essential public facilities. The "Public Services" section of the Vision 2040 Multi-County Planning Policies encourages improvement of public service infrastructure to support development and maintain healthy and livable communities. Vision 2040 at 89. At the same time, Vision 2040 recognizes that "...these facilities must be constructed and operated in ways that minimize adverse impacts to both people and the environment , and maximize benefits."

Modifying LU 15 to allow the Council to consider waivers to development standards for small institutions and public facilities on a case-by-case basis furthers the directive of the GMA to facilitate the delivery of essential public services in urban areas. The proposed amendment to LU 15 allows public service providers the flexibility to build the necessary infrastructure to deliver

Attachment A

these services. At the same time, the City already has a permitting process in place that allows the community to participate in City Council deliberations related to approving any waivers or modifications of development standards for public facilities.

The intent of this amendment cannot be accommodated by regulations alone as the last sentence in LU 15 is an adopted policy hindering the Council's exercise of authority under SMC 23.76.058(D). For the same reason, the issue cannot be addressed as a budgetary, programmatic decision or resolved through the amendment of a neighborhood plan alone.

B. The amendment is legal under state and local law.

The City is legally authorized under Chapter 36.70A RCW to update its Comprehensive Plan. The City Council has the legal authority to pass ordinances allowing waivers or modifications of development standards pursuant to Chapter 23.76 SMC.

C. It is practical to consider the amendment because:

- The timing of the amendment is appropriate and Council will have sufficient information to make an informed decision;
- City staff will be able to develop within the time available the text for the Comprehensive Plan and, if necessary, amendments to the Municipal Code, and to conduct sufficient analysis and public review;
- The amendment is consistent with the overall vision of the Comprehensive Plan and well-established Comprehensive Plan policy, or the Mayor or Council wishes to consider changing the vision or established policy; and
- The amendment has not been recently rejected by the City Council.

The timing of the amendment is appropriate as the public and the City Council will have sufficient information upon which to base a decision. Similarly, City staff will be able to develop available text and, if necessary, amendments to the Municipal Code and complete their analysis. This amendment has not been recently rejected by the City Council.

D. If the amendment would change a neighborhood plan, it either is the result of a neighborhood review process or can be reviewed by such a process prior to final Council consideration of the amendment.

The amendment would not change neighborhood plans.

E. The amendment is likely to make a material difference in a future City regulatory or funding decision.

The amendment is NOT likely to make a material difference in a future City regulatory or funding decision.

Attachment A

4. What do you anticipate will be the impacts caused by the change in text, including the geographic area affected and the issues presented? Why will the proposed change result in a net benefit to the community?

The proposed amendment would apply city-wide wherever small institutions and public facilities are permitted. However, the frequency of the City Council's exercise of this authority for public facilities will be limited to those circumstances where the Council makes a specific finding of public necessity (See SMC 23.76.058(D); LU-16. The City also has the ability to impose conditions on any such waivers for public facilities through the Type IV Master Use Permit process. In the case of the Justice Center, the community benefits from a unified juvenile and family courthouse with adequate space to deliver a wide range of supporting services. Co-locating all functions in one structure will enhance public safety and access to services, which is a net benefit to the community.

In other cases, the proposed amendment would allow changes by the Council to development standards for small institutions and public facilities that cannot be met for reasons of public necessity, as determined by the Council. (See LU-16).

5. How would the proposed change comply with the community vision statements, goals, objectives, and policies of the Comprehensive Plan? Please include any data, research, or reasoning that supports the proposed amendments.

The Vision statement found in the Comprehensive Plan states that “[t]he City will strive to support people of all ages, and ethnic, economic or social groups in finding a sense of belonging and ownership, accessing needed services, and connecting with other people.” Comprehensive Plan at V. The Comprehensive Plan’s Vision also states that “[c]ity building involves people’s increased involvement in and connection to the community; more supportive families and healthier children; increased access to health care and services, a more skilled and capable workforce; increased safety in homes, neighborhoods and streets.” Comprehensive Plan at vii. In the case of public facilities like the Justice Center, the Council may find that for reasons of public necessity, waivers or modifications of development standards result in the ability to deliver essential services to families and youth needing services, and that such modifications may result in the efficient delivery of programs that serve to increase safety in neighborhoods.

Comprehensive Plan Policies addressing the role of public facilities and small institutions recognize “the positive contributions many institutions and public facilities have made to areas in which they are located, respecting community needs, and providing necessary services.” LU 14. LU 16 specifically allows

Attachment A

“changes by the Council to development standards that cannot be met for reasons of public necessity.”

6. Is there public support for this proposed text amendments (i.e. have you conducted community meetings, etc.)? Note: The City will provide a public participation process, public notice, and environmental review for all applications.

King County has not conducted community meetings related to this specific proposed Comprehensive Plan amendment.

Criteria for Comprehensive Plan Amendment Selection (from Resolution 31402)

The following criteria will be used in determining which proposed Comprehensive Plan amendments will be given further consideration:

- A. The amendment is appropriate for the Comprehensive Plan because:
 - It is consistent with the role of the Comprehensive Plan under the State Growth Management Act;
 - It is consistent with the Countywide Planning Policies and the multi-county policies contained in the Puget Sound Regional Council’s Vision 2040 strategy;
 - Its intent cannot be accomplished by a change in regulations alone;
 - It is not better addressed as a budgetary or programmatic decision; and
 - It is not better addressed through another process, such as neighborhood planning.

- B. The amendment is legal under state and local law.

- C. It is practical to consider the amendment because:
 - The timing of the amendment is appropriate and Council will have sufficient information to make an informed decision;
 - City staff will be able to develop within the time available the text for the Comprehensive Plan and, if necessary, amendments to the Municipal Code, and to conduct sufficient analysis and public review;
 - The amendment is consistent with the overall vision of the Comprehensive Plan and well-established Comprehensive Plan policy, or the Mayor or Council wishes to consider changing the vision or established policy; and
 - The amendment has not been recently rejected by the City Council.

- D. If the amendment would change a neighborhood plan, it either is the result of a neighborhood review process or can be reviewed by such a process prior to final Council consideration of the amendment.

- E. The amendment is likely to make a material difference in a future City regulatory or funding decision.

Dahlvang, Jaci

From: Dahlvang, Jaci
Sent: Friday, August 15, 2014 9:01 AM
To: Dahlvang, Jaci
Subject: FW: County Comp Plan Proposal

From: Joe Brogan [<mailto:Broj@foster.com>]
Sent: Wednesday, July 09, 2014 12:52 PM
To: Kofoed, Kristian
Cc: Burt, Jim (Jim.Burt@kingcounty.gov); Brown, Kathy; 'Jake McKinstry'
Subject: County Comp Plan Proposal

Kristian,

King County proposes to modify the text of its proposed Comprehensive Plan amendment to read as follows:

LU 15 Development Standards for small institutions and public facilities affecting building height, bulk, setbacks, open space, landscaping, and screening shall be similar to those required of other development, but should be allowed to vary somewhat because of the special structural requirements of some institutional and public facility uses. Establish criteria limiting variation, in order to achieve design compatibility with the scale and character of the surrounding area. Except for public schools and spires on religious institutions, do not permit small institutions or public facilities to vary from zoned height limits.

I understand DPD will inform Council staff of this revised language prior to the July 15 public hearing.

Best Regards, Joe Brogan
Counsel for Applicant King County Department of Executive Services, Facilities Management Division

Joseph (Joe) A. Brogan
Attorney
FOSTER PEPPER PLLC
1111 Third Avenue, Suite 3400
Seattle, WA 98101-3299
Phone: 206-447-6407
Fax: 206-749-1935
broj@foster.com
www.foster.com



PRIVILEGED AND CONFIDENTIAL

This e-mail is from the law firm of Foster Pepper PLLC ("FP") and is intended solely for the use of the addressee(s). Please maintain this email and its contents in confidence to preserve the privileges protecting its confidentiality. If you have received this email in error, please immediately notify the Sender and delete the e-mail. Do not copy it or disclose it to anyone. If you are not a FP client, do not construe this e-mail to make you a client unless it so states and disclose nothing to FP in reply that you expect it to hold in confidence.
