



MEMORANDUM

TO: Councilmember Sally Clark, Chair, COBE
Councilmember Sally Bagshaw
Councilmember Tim Burgess

FROM: Diane M. Sugimura

DATE: January 10, 2011

SUBJECT: DPD Monthly Report, January 12: Wrapping Up a Most Challenging Year

Summary of Permit and Development Activity

We are very much looking forward to the new year, but first ... some highlights of the year we are glad to leave behind. After two years and multiple rounds of layoffs, we have gone from a department of about 450 staff to slightly under 300. The impact has been huge, both for staff who are no longer part of the team, and for those that remain.

Construction Permits: While the impact of two years of layoffs hit us hard in 2010, it was actually a better year in terms of both volume and value of construction permit intake. We received 6,499 construction permit applications, an increase of 6.5% compared with 2009. Perhaps the best news was that by the end of the year, the values (thus revenues) of new applications increased even more, for a total of \$1.85 billion, a 20% increase over 2009.

The story, however, is slightly different when looking at the issuance of construction permits. In 2010 we issued 6,264 construction permits, a 5% increase over the previous year. However, the value of the issued permits in 2010 was down 20% (\$1.59 billion compared with \$1.97 billion in 2009). This combination of intake and issuance numbers for the two years seems to indicate that while more projects have applied for permits, for some there appears to be little or no interest in pursuing permit issuance, at least not at this time. In terms of residential units permitted, the story is quite different. In 2009, permits were issued for 1,970 units, while in 2010 more than 4000 units were permitted.

Master Use Permits: The Land Use perspective is more sobering and a reason to temper optimism for a quick or significant change in development activity. In 2010 we took in 356 applications for Master Use Permits (MUPs). We have searched the collective memory of staff and records here and cannot recall a year with fewer MUP applications. In 2009 we had 380 applications. For comparison purposes, we took in 1,121 MUP applications at the



peak in 2007. This is nearly a 69% drop between 2007 and 2010. This is significant as an indicator of what is to be developed in the coming year or two.

Turnaround Times: Our efforts to meet review turnaround targets for construction applications remain an area of concentration. The multiple rounds of layoffs result in not only diminished review capacity but also many reassignments of work when staff depart. The impact is noticeable ... less efficient review when different staff unfamiliar with a project are assigned to review corrected plans submitted by applicants. We are currently using overtime with existing staff and similar measures to try to even out overall performance.

- 48 hour initial review: 93% (goal = 80%)
- 2 weeks initial review: 70% (goal = 80%)
- 6 week initial review: 77% (goal = 70%)
- 120-day MUP: 85% (goal = 80%)

The 2-week review group is the most difficult category to manage because of the high volume and uneven inflow of applications. We also often experience “pressure” by applicants to have their project considered a 2-week rather than a 6-week project. There often is a fine line distinction.

Other Permit and Inspection Activity: In 2010 we issued about 14,500 electrical permits and conducted approximately 44,600 electrical inspections, with 98% of the inspections meeting our goal of inspecting within 24 hours of request. We also performed 29,500 building inspections on the 6,264 permits issued with 99% of the inspections meeting the 24 hour goal. The number of building inspections is down about 11% compared with 2009. Overall, DPD performed a total of 105,922 inspections in 2010 compared with 109,989 in 2009.

We expect that we will remain challenged to meet targets and goals in 2011, but are constantly trying to balance service delivery to come as close as possible when we do not meet targets. We have planned expansions of the availability of electronic submittal and review (E-Plan), and will be closely monitoring whether or not it improves our ability to meet targets and shorten the time for obtaining an intake appointment. It is a significant cultural shift for us and many of our applicants, so it may take some time for it to bear fruit, but it appears to have the possibility of making a noticeable difference.

Code Enforcement Program Summary

Types and Volumes of Complaints: The DPD Code Compliance Division responded to nearly 8300 violation complaints and requests for assistance in 2010 (see detailed table below). Complaint volumes in some areas increased, notably complaints and assistance requests from residential tenants and landlords on a wide variety of subjects¹. Issues closely associated with overall economic activity and the construction cycle (construction related issues and noise) have, not surprisingly, dropped somewhat from their peak levels in

¹ This increase is partially due to a change in record keeping system.

2007 and 2008. The two largest complaint categories in 2010 were Land Use Code and landlord/tenant issues, followed by vegetation overgrowth problems.

Complaints regarding vacant buildings have decreased over the past several years. We believe this is due to economic pressures to utilize available property for income generation rather than holding it as vacant property with an eye to future sale or redevelopment.

CODE VIOLATION COMPLAINTS BY TYPE, 2006-2010

Problem Type	2006	2007	2008	2009	2010
Construction	1,159	1,313	1,159	994	926
Noise*	266	263	261	194	190
Housing/zoning	3,292	3,565	3,900	3,701	3,454
Housing	532	482	434	461	456
Unfit bldg/premises	12	8	5	3	2
Vacant building	261	264	263	250	198
Vegetation overgrowth	924	947	1,498	1,221	1,332
Land Use/Zoning	1,563	1,864	1,700	1,766	1,466
Landlord/tenant	3,408	3,225	1,833	2,662	3,729
Tenant Relocation	1,226	1,332	623	699	846
HBMC (eviction, emergency order, illegal unit)	863	942	607	1,077	1,844
Other	1,319	951	603	886	1,039
TOTAL	8,125	8,366	7,153	7,551	8,299

* Noise complaint response is handled in the Operations Division

Gaining Compliance: We first seek voluntary compliance, except for repeat violations. With the great majority of the cases, once a property owner or other responsible party is aware of a violation, a good effort is made to correct violations. When we are not able to get voluntary compliance, sending the case to law and the threat of fines is often effective. Complainants may be surprised to learn this; they often expect corrective action such as “closing down a business” for example

A factor in the resolution of some violation cases is the time, expense and effort to obtain required permits and inspections to ensure that a land use, development activity or a structure conforms to code requirements. The permit process can take a significant amount of time: architectural drawings may be needed, a contractor or engineer may need to be hired, or surveys may need to be completed. Permit applications associated with code

violation cases do not get priority handling in the permit review process. To do so would be giving an unfair advantage to violators at the expense of people who get their permits first, as is required. Code Compliance Division staff monitor cases involved in the permit process for progress toward curing the violation.

To collect fines associated with a Notice of Violation, the City initiates a civil lawsuit against the responsible party in Municipal Court. Because of the constraints of the legal system, it can take a significant amount of time to resolve such violation cases. Trials are often continued by judges who wish to provide additional opportunity for resolution and compliance beyond that already offered by DPD. Neighbors at times are frustrated by what appears to be inaction on the part of the City when they see no tangible improvement as a case is litigated, or as a violator is working to obtain appropriate permits to cure the violation.

Legal action is needed for only a small proportion of violation cases, approximately 5 to 7 percent. The table below shows the volume of violation cases referred to the Law Department and violation lawsuits closed for the past 7 years.

Summary of DPD Code Enforcement Civil Cases

Year	# cases referred for legal action	# cases closed after legal action
2004	100	93
2005	83	94
2006	134	137
2007	138	139
2008	140	113
2009	164	164
2010	148	133

A summary of payments collected via joint DPD and Law Department efforts in resolving enforcement lawsuits for the past 7 years is shown below

Settlements and Other Payments	
2004	\$ 71,807
2005	\$ 82,579
2006	\$137,307
2007	\$173,560
2008	\$130,265
2009	\$253,722
2010	\$135,832

These figures do not include money collected on judgments obtained in court or via the citation process. The Civil Enforcement section of the Law Department collects court

judgments and liens we have obtained through the code enforcement process; in 2010 the amount collected by this means was about \$48,800. The amount of penalties and judgments awarded are decided by the judge, not by DPD.

A New Challenge – Foreclosures: Foreclosures have had some effect on our ability to resolve code enforcement cases. While the number of cases is very small, less than 1% of our total caseload, the foreclosure process can present significant challenges.

- Little motivation to correct code violations.
- Limited or no financial resources needed to bring a property into compliance.
- In some instances it has been almost impossible to identify an individual or institution that has the legal authority, and therefore the practical ability, to correct the physical conditions constituting a code violation.

Highlights from City Planning

Policy and Code Development: DPD was instrumental in the analysis and development of recommendations leading to the consideration or adoption of the following legislation:

- New **Lowrise Multifamily Zoning**, updating regulations that have not been comprehensively revisited for over twenty years, including adoption of new design standards for townhouses and an administrative design review process to integrate townhouses better into existing neighborhoods.
- New zoning and land use measures to encourage new housing and community development throughout **South Downtown**'s culturally diverse and historic neighborhoods.
- **Neighborhood Plan Updates** for three Southeast Seattle neighborhoods (North Rainier, North Beacon Hill, and Othello).
- New **Neighborhood Design Guidelines**, after an extensive community process, for both the Northgate Urban Center and the Pike Pine Urban Center Village.
- Expanding opportunities for **urban agriculture** in the city, to enhance access to fresher, healthier foods in city neighborhoods.
- **Revised industrial zoning in Ballard; the adaptive reuse of structures in industrial zones; and annual amendments to the Comprehensive Plan.**
- Develop a proposal to allow **interim uses on stalled development sites** – temporary creative uses and activities, adding pedestrian interest and eliminating a potentially blighting influence on the surrounding neighborhood.

Significant progress was also made on some important projects for which we anticipate presenting proposed legislation to Council in the first half of 2011 including a newly updated **Shoreline Master Program**, new **Citywide Design Guidelines** aligned with adopted Neighborhood Design Guidelines, new zoning and land use measures that will advance opportunities for development in the **West Seattle Triangle** with improved pedestrian connections to the West Seattle Junction, revised zoning in **Greenwood and Roosevelt**, and a proposal for planning and approving a highly sustainable mixed use community to be developed at **Yesler Terrace** on First Hill.

Other Planning Activities: Significant progress was made on a number of other fronts

- **Central Waterfront** – Working closely with SDOT and Parks, DPD coordinated the work of the Central Waterfront Partnership Committee to establish guiding principles; broaden the project scope to include a “framework plan;” develop an innovative, integrated design process; and build the foundation for a strong civic partnership, project oversight and public engagement. A highpoint was selection of the design team James Corner Field Operation from a pool of award-winning international consultants. More than 1200 people came to Benaroya Hall for the presentations from the four finalist design teams. This event received a Totem Award from the Puget Sound chapter of the Public Relations Society of America, for planning and implementing a highly successful public event.
- **Managing Rainwater** – Collaborated with SPU to publish a new addition to the Green Home Remodel series. Provides user-friendly information on the new Stormwater Code, while doubling as an outreach guide for SPU’s Residential RainWise program.
- **SLU Urban Design Framework (UDF)** – Building off a series of public workshops held in 2009, the UDF includes detailed urban design recommendations for the future of South Lake Union. This document will help guide the rezone process and various aspects of SLU redevelopment. Council briefing is scheduled for early 2011.
- **Green Roof Report and Tours** – Collaborated with SPU to develop a citywide inventory of green roofs in Seattle. Organized and hosted walking tours of downtown green roofs.
- **ASLA Award for Seattle Green Factor** – Received an ASLA Planning and Analysis Award for the Seattle Green Factor. Also, provided technical support for other cities (Chicago, Washington D.C.) developing Green Factor standards based on the Seattle code.
- **Storefronts Seattle Project** - DPD played a key leadership role in bringing Pioneer Square and Chinatown/ID community organizations together to launch this project that has matched vacant retail spaces with artists and arts enterprises.
- **Chinatown / ID Green Streets** - First Phase of the Maynard Avenue green street was completed and the Green Street Concept Plan was adopted into the Right of Way Improvement Manual. DPD facilitated design work for another block of the green street, to be funded through Bridging the Gap.
- **Center City Public Realm Strategy** - Completed a draft Public Realm Strategy following Gehl Architects’ Public Spaces Public Life project. Furthered partnership with various downtown stakeholder groups including DSA on priority public realm improvements.
- **Center City Public Realm Implementation** - Facilitated implementation of several Center City urban design improvements including construction of bus bulbs on 3rd Avenue through Belltown, and a canopy bus zone conversion.
- **Lake to Bay Loop:** Facilitated the adoption of Resolution 31251 endorsing and selecting a route for the Lake to Bay Loop trail.

Engaging the Public ... A Summary of Activities

DPD staff continued to engage with the public on a wide range of projects and initiatives. DPD moved its newsletter *dpdINFO* from print to a fully online product. The department expanded its blog activity via the BuildingConnections blog; added three more Facebook pages for DPD general information, the Central Waterfront and Neighborhood Planning; and added a Twitter account. Late in 2010 we launched a web usability project to improve overall access to our online services and information. We receive compliments on the amount of material posted, but it also means we need to keep working to make sure the site is accessible.

Below is a sampling of some of the public engagement events and meetings of 2010:

- Central Waterfront Project: 10 Partnership Committee meetings, numerous sub-committee meetings,
- Neighborhood Planning: Implementation meetings for North Rainier, North Beacon Hill and Othello; monthly meetings with neighborhood advisory committees for Rainier Beach and Broadview/Bitter Lake/Haller Lake
- South Lake Union Urban Design Framework Public Meeting
- Thomas Street Design: Two public meetings plus working sessions
- Maynard Avenue South: Two public meetings plus working sessions
- Tree Preservation Code: 15 presentations to community groups, one public meeting
- Energy Code Development: Seven public working sessions
- Design Review: 69 public Design Review meetings for proposed development
- Design Commission: 20 Commission meetings
- Planning Commission: 20 full Commission meetings, 42 working commission meetings
- Landslide Information: Two public meetings:
- Phinney Annual Home Improvement, *Umojafest*, and International District Fairs

Overall Department Administration

The department continues with the development and implementation of its Race and Social Justice workplan. We rewrote our hiring process to include core RSJI training for all members of interview and screening committees. Unfortunately hiring is not something that we are doing at this time. We have continued the popular DPD Talks! that have been successful in raising awareness, and initiating or continuing conversations among staff. Two popular sessions in 2010 were “Got Grub” and “Making Whiteness Visible.” Other departments have modeled programs after our series; staff from other departments have participated in some of our sessions. We welcome that! We continue our document translation as resources are available, and we expanded outreach to ethnic media listings for recruiting Design Review board members.

Our IT unit keeps extremely busy building, maintaining and/or supporting more than 90 DPD specific programs. They have also helped the department change its billing system for Land Use to be more timely and efficient, and successfully developed our E-plan Review program in-house saving significant dollars on consultants. And our Human

Resources staff once again expertly and sensitively handled two major and two smaller rounds of layoffs, themselves working with reduced staff resources.

It was a challenging, complex, emotional year, but I believe we have a lot to be proud of as well. Thank you.