



**Legislative Department
Seattle City Council
Memorandum**

Date: July 8, 2011

To: Sally Clark, Chair
Tim Burgess, Vice Chair
Sally Bagshaw, Member
Committee on the Built Environment (COBE)

From: Ketil Freeman, Council Central Staff

Subject: Comprehensive Plan – Threshold Resolution Recommendations

Introduction

With a few limited exceptions, the Council may amend the Comprehensive Plan once a year. Council’s review process will end next spring with a vote on a bill amending the Comprehensive Plan. The Comprehensive Plan amendment process is set out in Resolution 31117.

Generally, the process occurs in two steps. First, in the summer the Council reviews amendment applications and establishes by resolution a docket of the amendments the Council will consider. This is often referred to as the “docket setting” or “threshold decision” resolution. Second, in the spring of the following year, after Department of Planning and Development (DPD) review and environmental analysis, Council considers the merits of proposed amendments and acts on a bill amending the Comprehensive Plan.

- Step One: Docket Setting
 - Proposed amendments are submitted to Council by May 15th;
 - Council forwards proposed amendments to DPD and the Planning Commission for comment;
 - DPD and the Planning Commission return comments by late June;
 - COBE conducts a public hearing;
 - COBE votes on a recommendation to Full Council; and
 - Full Council votes on a resolution establishing the docket of amendments to be considered.
- Step Two: Consideration of Merits
 - DPD reviews the amendments in the policy docket, conducts environmental review and makes a recommendation to Council by November 20th;
 - COBE considers DPD’s recommendation, solicits the advice of the Planning Commission, conducts a public hearing, discusses the merits of the proposed amendments, and votes on a recommendation to Full Council; and
 - Full Council votes on a bill amending the Comprehensive Plan by the end of March.

This memorandum 1) sets out the criteria Council uses to determine whether a proposed amendment should be included in the docket setting resolution and 2) discusses proposed amendments and the recommendations of the Planning Commission (attached on green) and the DPD (attached on blue).

Threshold Decision Criteria

The Council applies a variety of criteria in deciding whether to include a proposed amendment in the docket setting resolution. A decision to include a proposed amendment in the resolution does not constitute Council approval of a proposed amendment. Rather, a decision to include a proposed amendment means that the Council has determined that the subject matter is appropriate for the Comprehensive Plan and consideration of the proposed amendment can be practically accomplished during the amendment cycle. Criteria applied by the Council include the following.

1. The amendment is appropriate for the Comprehensive Plan:
 - a. The amendment is consistent with the role of the Comprehensive Plan under the State Growth Management Act;
 - b. The amendment is consistent with the Countywide Planning Policies;
 - c. The intent of the amendment cannot be accomplished by a change in regulations only;
 - d. The amendment is not better addressed as a budgetary or programmatic decision; or
 - e. The amendment is not better addressed through another process, such as neighborhood planning.
2. The amendment is legal - the amendment meets existing state and local laws.
3. It is practical to consider the amendment:
 - a. The timing of the amendment is appropriate and Council will have sufficient information necessary to make an informed decision.
 - b. Within the time available City staff will be able to develop the text for the amendments to the Comprehensive Plan and, if necessary, the Municipal Code, and conduct sufficient analysis and public review.
 - c. The proposed amendment is consistent with the overall vision of the Comprehensive Plan and well-established Comprehensive Plan policy, or the Mayor or Council is interested in significantly changing existing policy.
 - d. The amendment has not been recently rejected by the City Council.
4. There has been a neighborhood review process to develop any proposed change to a neighborhood plan, or a neighborhood review process can be conducted prior to final Council consideration of the amendment.

Next Steps

COBE will discuss proposed amendments and recommendations from the Planning Commission and DPD and provide direction to staff at its meeting on July 13th. Staff will prepare a threshold resolution based on COBE direction. That resolution will be the subject of a vote at COBE's meeting on July 27th. A Full Council vote will likely occur on August 1st.

App. #	Applicant	Brief Description of Proposed Amendment Applications	Planning Commission Recommendation	Discussion
1	Department of Planning and Development (DPD)	DPD proposes new goals and policies for a state-required container port element. In 2009 the legislature amended the Growth Management Act to require jurisdictions with marine container ports that have operating revenue in excess of \$60 million-the cities of Tacoma and Seattle-to develop a container port element for their Comprehensive Plans. Among other things, container port elements are intended to address freight mobility and incompatible land uses caused by the conversion of industrial land. The Growth Management Act establishes a deadline of June 30, 2015 for adoption of container port elements.	Include	In 2009 the legislature amended the Growth Management Act to require jurisdictions with marine container ports that have operating revenue in excess of \$60 million –the cities of Tacoma and Seattle – to develop a container port element for their Comprehensive Plans. Among other things, container port elements are intended to address freight mobility and incompatible land uses caused by the conversion of industrial land. The Growth Management Act establishes a deadline of June 30, 2015 for adoption of container port elements. See RCW 36.70A.130. The proposed element is required by the Growth Management Act. Staff recommends that the Council include the proposed amendment in the docket setting resolution.
2	Seattle Department of Transportation (SDOT)	SDOT proposes to add the Lake to Bay Loop to the Comprehensive Plan’s urban trails system map.	Include	Both the Comprehensive Plan and the Transportation Strategic Plan call for designating “a network of on- and off-street trails that facilitate walking and bicycling as viable transportation choices, provide recreational opportunities, and link major parks and open spaces with Seattle neighborhoods.” See Comprehensive Plan Transportation Policy T11. The Urban Trails System Map (attached on yellow) depicts, in concept and at a small scale, existing trails, existing trails in need of improvement, trails that are funded or under construction, and planned trails. The proposed amendment would add the approximately 3.2 mile, Lake-to Bay Loop to the Urban Trails System Map. The figure eight shaped Lake-to-Bay Loop would connect Lake Union Park to Myrtle Edwards Park and the Sculpture Garden by way of Seattle Center. The Lake-to Bay Loop is a significant addition to the Urban Trails System Map and is not depicted on the existing map. Staff recommends that the Council include the proposed amendment in the docket setting resolution.
3	Urban Forestry Commission	The Urban Forestry Commission proposes to amend several existing policies to be consistent with the Urban Forestry Management Plan and current city-wide approach to managing the urban canopy.	Include	The City created the Urban Forestry Management Plan in 2007. The 30-year plan guides implementation of a variety of actions to help achieve a sustainable urban forest. Some aspects of the plan are echoed in Comprehensive Plan environmental policies. The Urban Forestry Commission proposes to amend some policies to better reflect the intent of the Urban Forestry Management Plan. The proposed amendments are consistent with the overall vision of the Comprehensive Plan and could not be accomplished through budgetary, programmatic, or regulatory means alone. Staff recommends that the Council include the proposed amendment in the docket setting resolution.
4	Councilmember Clark for the City Council	Consistent with Council direction in Resolution 31291, Councilmember Clark proposes to amend the Future Land Use Map (FLUM) to remove an area generally known as “South of Charles” from the Greater Duwamish Manufacturing / Industrial Center (MIC) and to change the FLUM designation of the area from Industrial to Downtown.	Include	The proposed amendments would enact policy changes reflected on the Future Land Use Map (FLUM) that would lay the groundwork for future legislative or quasi-judicial rezones. The Planning Commission acknowledges that the proposed amendment is consistent with the role of the Comprehensive Plan as a generalized land use plan. However, the Commission cautions that this proposed amendment should be considered in the context of the other proposed industrial land amendments, which, if approved in 2012, would lead to the conversion of a significant amount of industrially-zoned land in designated Manufacturing / Industrial Centers. Staff recommends that the Council include the proposed amendment in the docket setting resolution.
5	Councilmember Mike O’Brien	Councilmember O’Brien proposes to amend the Environmental Goal 7 as follows: “To control the impact of climate change globally and locally, reduce <u>per capita</u> emissions of (carbon dioxide and other) climate-changing greenhouse gases in Seattle by 30 percent from ((1990)) 2008 levels by ((2024)) 2020, ((and)) by ((80)) 60 percent from ((1990)) 2008 levels by ((2050)) 2030, and by 90 percent from 2008 levels by 2050.” Additionally, Councilmember O’Brien proposes to add, as either policies or goals, 2020 and 2030 reduction targets for emissions associated with transportation, buildings, and solid waste.	Include	The proposed amendment establishes per capita greenhouse gas reduction goals that are consistent with the technical feasibility and baseline report prepared for the City by the Stockholm Environmental Institute. Additionally, the proposed amendment establishes sector-based reduction targets for transportation, buildings, and solid waste that could be incorporated into the Comprehensive Plan as goals or policies. Achieving these targets will require a variety of actions across sectors directly addressed by required Comprehensive Plan elements such as the Land Use Element, Transportation Element, and Utilities Element. The proposal is consistent with the role of the Comprehensive Plan under the Growth Management Act. Staff recommends that the Council include the proposed amendment in the docket setting resolution.
6	Councilmember Nick Licata	Councilmember Licata proposes to add policy language that would authorize long-term homeless encampments as a residential use.	Include	The Comprehensive Plan does not address long-term homeless encampments as a land use. The proposed amendments would enact policy changes that would lay the groundwork for future legislative action establishing use and development regulations for long-term homeless encampments. The proposed amendment is consistent with the role of the Comprehensive Plan as a generalized land use plan. Staff recommends that the Council include the proposed amendment in the docket setting resolution.

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7	Chris Leman	Mr. Leman proposes the following new policy for the Transportation Element: “Minimize damage from vehicles that are heavier than would normally be allowed on Seattle’s roads and bridges, especially those vehicles that are owned by the City, counties, Sound Transit, Seattle School District, or their contractors.”	Do Not Include	Mr. Leman has proposed a similar Comprehensive Plan amendment for the past several years. This year’s proposed amendment is somewhat less specific than last year’s. However, the call of the proposed policy, i.e. minimizing damage to roads caused by vehicles owned by or under contract to a public entity, is the same. The Council has declined to include the proposed amendment on the policy docket because the proposed amendment does not meet criteria for inclusion in the Comprehensive Plan. Specifically, the Council has determined that the amendment would be better addressed as a budgetary or programmatic decision. Moreover, a similar amendment has been recently rejected by the Council. If this is an issue that the Council wants to consider further, a better avenue may be through a statement of legislative intent or work program item that tasks SDOT and other City agencies with looking into whether any City practices or regulations of heavy vehicles should change. <i>Staff recommends that the Council <u>not</u> include the proposed amendment in the docket setting resolution.</i>
8	Chris Leman	Mr. Leman proposes that the Comprehensive Plan include an open and participatory government element or appendix.	Do Not Include	Mr. Leman has proposed a similar Comprehensive Plan amendment for the past several years. The Council has declined to include the proposed amendment on the policy docket in past years because the proposed amendment, which articulates policies for the Executive Branch, City Council, City Attorney, Municipal Court and advisory boards, is not consistent with the role of the Comprehensive Plan as a generalized land use plan under the State Growth Management Act. Moreover, the proposed amendment has been recently rejected by the Council. <i>Staff recommends that the Council <u>not</u> include the proposed amendment in the docket setting resolution.</i>
9	Chris Leman	Mr. Leman proposes the following new goal for the Transportation Element: "To help realize goals and policies in the Environmental Element to reduce emissions of climate-changing greenhouse gases, and realize transportation goals and policies in this Element, the annual per capita vehicle miles traveled within, to, or from Seattle will be reduced by at least eighteen percent by 2020, thirty percent by 2035, and fifty percent by 2050. As provided in the Environmental Element, the Climate Action Plan will establish specific vehicle miles traveled reduction goals by transportation mode or sector."	Do Not Include	Last year the Mayor proposed a Comprehensive Plan amendment bill (Council Bill 117114), which included the following proposed policy in the Transportation Element, “[r]educe the annual per capita vehicle miles traveled in and through Seattle by at least 18% by 2020, 30% by 2035 and 50% by 2050, when compared to the base year of 2008.” That proposed amendment was ultimately rejected by the Council in favor of the following policy in the Environmental Element, “Seattle will act as a regional and national leader by becoming carbon neutral. The Climate Action Plan will identify strategies for reducing greenhouse gas emissions in the transportation, building energy, and waste sectors, including establishing specific vehicle miles traveled reduction goals by transportation mode or sector.” Mr. Leman’s proposed amendment is substantially similar to the amendment that Council docketed, considered on the merits, then rejected last year. <i>Staff recommends that the Council <u>not</u> include the proposed amendment in the docket setting resolution.</i>
10	Chris Leman	Mr. Leman proposes to add a one-block walkway between the Blaine and Howe stairs to the urban trails system map.	Do Not Include	Both the Comprehensive Plan and the Transportation Strategic Plan call for designating “a network of on- and off-street trails that facilitate walking and bicycling as viable transportation choices, provide recreational opportunities, and link major parks and open spaces with Seattle neighborhoods.” See Comprehensive Plan Transportation Policy T11. The Urban Trails System Map (attached on yellow) depicts, in concept and at a small scale, existing trails, existing trails in need of improvement, trails that are funded or under construction, and planned trails. The proposed amendment would add a one block segment on Lakeview Blvd. between E. Blaine St. and E. Howe St. to the Urban Trails System Map. At this location, the E. Blaine St. and E. Howe St. rights-of-way are improved with long stairs that connect the Eastlake Neighborhood with north Capitol Hill. The Urban Trails System Map currently indicates a planned trail in this general area. As indicated above, the Urban Trails System map is conceptual and at a small scale. One inch on the 8.5 X 11 map is two miles. At that scale, the addition proposed by Mr. Leman would probably not be visible or distinguishable from a planned trail already located on the map. Moreover, the specificity of the desired improvement, i.e. a one-block long sidewalk improvement to Lakeview Blvd. is arguably not appropriate for a concept map like the Urban Trails System Map and would better be addressed through a programmatic or budgetary decision. If this is an issue that the Council wants to consider further, a better avenue may be through inclusion of the proposed sidewalk in the Capital Improvement Program. <i>Staff recommends that the Council <u>not</u> include the proposed amendment in the docket setting resolution.</i>
11	Charles Redmond on Behalf of the City	The CNC proposes to add the following new policy to the Urban Village Element: “Total city wide jobs and housing targets and neighborhood-level allocations	Do Not Include	The Growth Management Act requires the Comprehensive Plan to be consistent with the Countywide Planning Policies (CPPs). The CPPs are established by the Growth Management Planning Council (GMPC), which has elected membership from jurisdictions in King County. A year ago through Resolution 31211 the Council ratified the 2006-2031 housing and employment growth targets established by the GMPC.

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	Neighborhood Council (CNC)	shall be adopted or adjusted as a part of each annual Comprehensive Plan Amendment cycle.”		The DPD recommendation observes that annual adjustment of the GMPC’s housing and growth targets is beyond the City’s authority. DPD intends to address how growth is allocated among neighborhoods as part of the 7-year update. The proposed amendment is not consistent with the CPPs. Staff recommends that the Council <u>not</u> include the proposed amendment in the docket setting resolution.
12	Jessie Clawson for Ballard II, LLC	Ballard II proposes to amend the FLUM for an area east of 15 th Avenue West between NW 51 st Street and NW 48 th Street to remove the area from the Ballard North End MIC and to change the FLUM designation for the area from Industrial to Commercial / Mixed Use.	Include	The proposed amendments would enact policy changes reflected on the Future Land Use Map (FLUM) that would lay the groundwork for future legislative or quasi-judicial rezones. The Planning Commission and DPD acknowledge that the proposed amendment is consistent with the role of the Comprehensive Plan as a generalized land use plan. However, both caution that this proposed amendment should be considered in the context of the other proposed industrial land amendments, which, if approved in 2012, would lead to the conversion of a significant amount of industrially-zoned land in designated Manufacturing / Industrial Centers. Staff recommends that the Council include the proposed amendment in the docket setting resolution.
13	Jessie Clawson for Port 106, LLC	Port 106 proposes to amend the FLUM for property addressed as 1600 W. Armory Way in Interbay to remove the area from the Ballard North End MIC and to change the FLUM designation for the area from Industrial to Commercial / Mixed Use.	Include	See discussion for number 12, above. Staff recommends that the Council include the proposed amendment in the docket setting resolution.
14	Jessie Clawson for AnMarCo	AnMarCo proposes to amend the FLUM for property addressed as 2130 Harbor Avenue SW to remove the area from the Greater Duwamish MIC and to change the FLUM designation for the area from Industrial to Commercial / Mixed Use.	Include	See discussion for number 12, above. Staff recommends that the Council include the proposed amendment in the docket setting resolution.
15	Lindsay Diallo for Amir Moazzami	Mr. Moazzami proposes to amend the FLUM for two parcels addressed as 1009 – 1011 NE 73 rd Street in the Roosevelt Residential Urban Village to change the FLUM designation from single Family to Commercial / Mixed Use.	Include	The proposed amendments would enact policy changes reflected on the Future Land Use Map (FLUM) that would lay the groundwork for future legislative or quasi-judicial rezones. The proposed amendment is consistent with the role of the Comprehensive Plan as a generalized land use plan. Staff recommends that the Council include the proposed amendment in the docket setting resolution.
16	Councilmember Licata	Councilmember Licata proposes to amend various goals and policies in the Comprehensive Plan to establish that, wherever feasible, when redevelopment occurs there should be no net loss of affordable housing.	Do Not Include	The suite of proposed amendments would establish a policy that, where feasible, there be no net loss of affordable housing through redevelopment. Last year the Council declined to docket a similar amendment because implementing the proposed policy could have resulted in unconstitutional City programs. The City’s Housing Preservation Ordinance, which implemented a similar 1-for-1 replacement policy, was struck down by the State Supreme Court. See <i>San Telmo Associates v. City of Seattle</i> , 108 Wn. 2d. 20 (1987). The Council has retained outside counsel to provide an analysis of legal risks associated with 1-for-1 replacement housing regulations. That analysis has not been fully vetted by the Law Department. Advice from the Law Department that considers outside counsel’s analysis could be available to Council later this month. Staff has no recommendation at this time.
17	Councilmember Clark	Councilmember Clark proposes to amend the FLUM for an area in the Roosevelt Residential Urban Village that is generally bounded by Interstate 5 to the west, Ravenna Boulevard to the south, the alley between 8th and 9th Avenues NE to the east, and NE 64th Street to the north to change its FLUM designation from Single-Family to Multifamily.	No Recommendation	The proposed amendments would enact policy changes reflected on the Future Land Use Map (FLUM) that would lay the groundwork for future legislative or quasi-judicial rezones. The proposed amendment is consistent with the role of the Comprehensive Plan as a generalized land use plan. Staff recommends that the Council include the proposed amendment in the docket setting resolution.