

Queen Anne Community Council
Land Use Review Committee
Planning Committee



June 1, 2016

Mayor Edward Murray, City of Seattle Mayor
Nick Welch, Senior Planner Office of Planning and Development
Mike O'Brien, Seattle City Council
Diane Sugimura, Interim Director - Office of Planning and Development
Bruce Harrell, President - Seattle City Council
Sally Bagshaw, Seattle City Council
Tim Burgess, Seattle City Council
M. Lorena Gonzales, Seattle City Council
Lisa Herbold, Seattle City Council
Rob Johnson, Seattle City Council
Debra Juarez, Seattle City Council
Kashama Sawant, Seattle City Council
Geoff Wentlandt, Planner - Office of Planning and Development
Nathan Torgelson, Director - Seattle Department of Construction and Inspections
Kathy Nyland, Director - Department of Neighborhoods
Jesseca Brand, Department of Neighborhoods, HALA Outreach
Scott Kubly, Director - Seattle Department of Transportation

Re: Letter of Comment regarding SEPA DNS
SMC 25.05.340 and WAC 197-11-340 The City of Seattle Office of Planning and Community Development (OPCD) is proposing to amend the Land Use Code, SMC Chapter 23.44, to modify development standards related to accessory dwelling units (ADU) and detached accessory dwelling units (DADU), also known as backyard cottages.

Dear Mayor Murray, Councilmember O'Brien, Nick Welch, et al:

Thank you in advance for this opportunity to comment on the above referenced SEPA DNS. As you know, we along with many other Seattleites and neighborhoods have recently commented upon sections within the HALA, and included within those commentaries are specific rebuttals to many of the assumptions presumed within Councilmember O'Brien's proposed ordinance, the May 2016 Director's Report, the SEPA Checklist, and Summary of Public Comments.

We respectfully submit that the public outreach effort neglected to include most neighborhood input and in so doing, ignored and misrepresented many serious issues and consequences that render this DNS defective and without merit. In the following paragraphs we will briefly explore the basis for our objections by discussing public process then objections to the SEPA Checklist determinations and DNS. Thank you for your careful review. For reference I have attached the related documents along with our previous letter addressing HALA dated 14 May 2016.

A. Public Process and the 'Summary of Public Input'

Summary of Public Input, March 2016 Introduction quote:

In October 2015, we released a report discussing a range of potential policy options to this end. Over the next five months, we received input from many people about backyard cottages and ADUs. We interviewed dozens of homeowners who have created or considered creating backyard cottages and ADUs to learn from their experience. We also spoke with designers and builders about the common challenges that arise with backyard cottages.

In January and February 2016, Councilmember Mike O'Brien and the Office of Planning & Community Development (OPCD) co-hosted two community meetings to get feedback on a number of potential land use code changes and solicit ideas and strategies for making it easier to create backyard cottages and ADUs. This report summarizes the public input we received throughout this process.

With all due respect, the outreach effort by Councilmember O'Brien, as suggested in his introduction quoted above, has been a one-sided marketing effort and not representative of a typical, thoughtful, thorough and respectful bottom-up urban planning dialogue and inclusive discussion. Our neighborhoods have for decades been represented, respected, consulted, and been partners at the table with City Hall. Instead of having real honest public hearings and taking actual community input to formulate a transparent planning strategy, Councilmember O'Brien held two infomercials in only two neighborhoods out of over three dozen to gauge a very narrow public opinion. These two meetings were not typical and unfiltered allowing questions and answers; they were instead a one-way broadcast selling one vision, wrapped in the unproven guarantee of producing more housing affordability.

On May 16, 2016 we convened a true public discussion focused upon HALA and the impacts upon neighborhoods and single family zoned property within our city. It was attended and led by city staff Geoff Wentlandt, (senior planner with HALA) and Jesseca Brand (Mayor Murray's DON HALA Representative). We were told after the meeting by Geoff and Jesseca that in the ten months since HALA was released, it was the very first meeting that allowed open interaction focused upon questions, answers and unfiltered input for City Hall. All Seattleites expect such an open dialogue that leads to an accountable, educated, and transparent review of the proposals affecting all our lives and properties, and we expect citywide to contribute to the resultant opinions and facts that inform a trusted and honest SEPA review.

There were over 200 attendees including many neighborhood leaders and residents from Queen Anne, Uptown, Magnolia, Ballard, Interbay, Wallingford, Fremont, Crown Hill, Broadview, Lake City, University, South Lake Union and others. We focused for 2.5 hours upon many critical issues and impacts including those outlined in Councilmember O'Brien's proposal. The Summary of Public Input does not include one comment, critique, or suggestion from our meeting where over a dozen neighborhoods were represented; arguably a large sampling of public outreach opinions. The room was full of serious concerns but Councilmember O'Brien's 'Summary of Public Input' somehow ignored all of them. And it lies within this intentional absence of open dialogue and bias that we question all the answers within the SEPA Environmental Checklist that has informed the DNS.

B. SEPA Environmental Checklist

We recognize that this SEPA checklist often addresses one specific project, however in this case it is questioning the environmental impacts of a proposed code change. It appears that this checklist has been completed under the mistaken assumption that because no singular project is defined, therefore no

environmental impacts can be identified. However, one can easily associate a variety of considerable impacts from the resultant construction activity, new buildings, increased densities and congestion, infrastructure pressures and demands, and reduced open space and tree canopy among many others that would result from Councilmember O'Brien's proposal.

We object that almost every SEPA Checklist question is answered by Mr. Welch with 'Not Applicable' or 'No.' It is dismissive and inaccurate to suggest that because this is a 'non-project action', there are no foreseeable and clearly identifiable environmental impacts from this proposed legislation, and to deny such frankly takes away the public's right to review, share, and help identify the significant number of real and definable environmental impacts associated with advancing Councilmember O'Brien's legislation. The SEPA Checklist asks 109 questions about environmental impacts including:

- pending government approvals,
- earth and stability concerns,
- air quality,
- surface water and drainage impacts,
- plants and open space impacts,
- energy and resource impacts,
- noise impacts,
- land use changes and impacts,
- comprehensive plan and density impacts,
- housing unit numbers and neighborhood impacts,
- aesthetics and height/bulk impacts,
- light and glare impacts,
- recreational impacts and displacement,
- historical and cultural preservation,
- transportation and volume impacts,
- public services,
- impacts upon utilities

To every one of these significant impacts the city has claimed that Councilmember O'Brien's proposed legislation has absolutely no environmental impact. And as a result of this checklist, the City of Seattle has issued the following SEPA DNS determination:

ENVIRONMENTAL DETERMINATION

After review of a completed environmental checklist and other information on file, OPCD has determined that the amendments described above will not have a probable significant adverse environmental impact, and has issued a Determination of Non-Significance under the State Environmental Policy Act (no Environmental Impact Statement required).

We suggest however that almost every one of the proposed changes in Councilmember O'Brien's proposal will have significant environmental impacts and the city should be held to a much higher standard to prove otherwise. As a reminder, please review the following list of proposed changes (from the Directors Report May 2016):

- Allow an ADU and backyard cottage on the same lot
- Remove the off-street parking requirement
- Modify and eliminate the owner-occupancy requirement
- Reduce the minimum lot size for backyard cottages
- Increase the maximum height limit for backyard cottages
- Increase the rear yard lot coverage limit
- Increase maximum gross square footage limits

- Add flexibility for location of entry to a backyard cottage
- Increase heights of roof features that add interior space
- Allow for projections from backyard cottages
- Increase opportunities for accessory structures in required yards
- Modify definition of "Residential use" to include more density

This list of considerable changes to our land use code will contribute significant environmental impacts upon all our neighborhoods and potentially almost every single family dwelling in Seattle. In addition, all these changes are proposed under Mayor Murray's strategic commitment to help produce more affordable housing. To date there has been no evidence that one of these changes and shift in private property rights will contribute one affordable living unit. In fact, it has been often suggested by experts that these changes will produce few units that rent for less than market value and in fact will be developed as for-profit airbnb's, VRBO's and other short term non-affordable rental properties at the expense of their neighbors.

Finally, the City's SEPA Checklist included a 'Supplemental sheet for non-project actions' including 7 clarifying questions. In general the city continues to answer these specific questions this way: ***"This non-project proposal would result in no direct impacts because it does not directly propose development."*** In fact, Councilmember O'Brien's claims his proposal seeks to change 7,500 single family parcels into multi-family zones and uses. However, what Councilmember O'Brien and his advocates do not convey, is that his proposed legislation also seeks to change the development rules and therefore the zoning on most of our other 75,000 single family zoned land as well. Almost every single family parcel of 3,200 sq ft or more will become effectively multi-family zoned.

In conclusion, the proposed amendments to modify development standards related to accessory dwelling units (ADU) and detached accessory dwelling units (DADU), also known as backyard cottages (Land Use Code, SMC Chapter 23.44) will create significant environmental impacts in every neighborhood throughout Seattle. We challenge the premise that the SEPA Checklist and the resultant DNS only address single construction projects. In fact, Councilmember O'Brien's proposal to significantly and forever change single family zoning and neighborhoods deserves a careful, considerate, transparent, honest and inclusive study - one only provided within a vetted and professional EIS. It remains unconscionable that such a huge paradigm shift in urban planning and environmental impacts has received such a review with no professional and expert analysis, true and transparent neighborhood review, and open and inclusive public hearings.

The decision to issue a Determination of Non-Significance (DNS) shall be appealed. Thank you very much for your careful consideration.

Respectfully submitted:

Queen Anne Community Council Land Use Review Committee
Martin Henry Kaplan, AIA, Chair

Queen Anne Community Council
Ellen Monrad, Chair