LIVABLE U DISTRICT: FIRST THINGS FIRST!

To: Seattle Office of Planning and Community Development
Via email to udistrict@seattle.gov and Dave.LaClergue@seattle.gov
Date: July 15, 2016
Re: Livable U District Comments to OPCD re: U District Upzone Proposal

Introduction
The Livable U District Coalition Opposes Adoption of Upzones in the University District.
Livable U District (LUD) is a true grassroots ad hoc coalition of University District renters,
homeowners, small businesses, organizations and their supporters committed to preserving both
the livability and affordability of Seattle’s University District. Dozens of individuals and
organizations have thus far endorsed LUD’s position statement found at livableudistrict.com.

Serious livability problems exist in the U District right now that will be increased by implementation
of OPCD’s draft zoning proposal. These include unmanageable traffic congestion, a lack of open
space, loss of tree canopy, loss of existing affordable housing and historic buildings, public safety
issues, insufficient parking for residents and businesses, and a growing homeless population lacking
services and shelter.

The upzone plan is keyed more toward attracting visitors, day-trippers, and short timers than in
attracting and retaining long term residents who want and need, for example, more parks, open
spaces, and a central public square. Upzones and the rising property values they create will place
the purchase of sizable public open spaces increasingly out of reach—especially when developers
can escape paying impact fees to help pay for them. An open space strategy for the U District
should not depend upon random patches of painted concrete, and privately owned walkways to
make up for severe deficits in green and natural open space amenities.

Massive up zoning in the University District before putting in place necessary infrastructure and
livability measures will merely layer greater density over existing problems, making them harder to
solve. OPCD’s proposal to drastically increase allowable heights in the U District lacks credible
justification. The Council should reject the upzone proposal and the flawed "Director’s Report" that
attempts to justify it, and tackle First Things First.

The OPCD’s "Director’s Report" that accompanies the proposed upzone ordinance is dishonest
and misleading, and is a disservice to the council.
It fails to honestly discuss the degree of community opposition to the U District upzone proposal,
and "protests too much" about OPCD’s alleged community engagement, acceptance and
incorporation of community input. Sadly, it is clear that OPCD had a plan and agenda that it was
trying to sell to the public; and the "outreach" staff conducted more resembled marketing events
than an honest effort to incorporate meaningful concerns raised by individual community members
and representative community groups. Livable U District is not alone in this view, as comments
from the University District Community Council and other community groups will also attest.

People familiar with the concept of "resume padding" will recognize the similarities to the various
references to community outreach and input contained in the Director’s Report. For example, the
May 16, 2016 forum\(^1\) co-sponsored by Livable U District and others is cited as an example of OPCD outreach. It is true that OPCD's Dave LaClergue was invited to attend, but he was made aware that his part of the program would be limited to a five minute overview presentation. The bulk of the meeting's program - attended by over 200 U District residents (renters and homeowners) and small business owners – was devoted to airing views about the Upzone. It concluded with 45 minutes of audience comments given by a diverse cross-section of the U District Community, the vast majority of whom expressed serious concerns about the proposed upzones. Where are their concerns summarized and addressed in the Director's report?

The May 31, 2016 public forum was again a classic manipulative marketing opportunity used by OPCD to claim that it was reaching out to the public for input. But, as is typical of all such city-sponsored efforts, no questions from the public were allowed following the slide show. Questions were adroitly dismissed or deflected: "Go and speak individually to one of our staff members standing near one of the poster boards." There was no mention in the Director's report that the event was picketed by protestors holding signs that read "Down with the Upzone" and other messages opposing the Mayor's plan, and that dozens present endorsed those opposing views. The community opposition to the U District Upzone is huge—but is underreported in the OPCD's Director's report. This spin is a disservice to council members, and the report should be changed to better reflect reality.

To summarize Livable U District's Position Paper, endorsed thus far by scores of individuals and groups (and counting):

- **As a top priority, the city must develop and adopt legislation requiring impact fees** to ensure that developers pay their fair share of the costs of growth. The U District cannot substantially add residents and jobs with this proposed massive upzone without accommodating for the increased demand on infrastructure already stressed due to growth: services such as water, electrical and sewers, the roads, public transit, parks, open spaces, schools, community centers, libraries, emergency services, etc. It's what other cities do.

- The city must develop "First Things First" measures to address urgent livability issues such as conducting an inventory of existing affordable housing and requiring developers to replace one-for-one any existing low cost housing they remove. These measures are outlined in Livable U District's Position Paper and on its web site. Community groups and neighborhood individuals painstakingly outlined these concerns in their comments to the Urban Design's Draft Environmental Impact Statement; but city planners largely dismissed this input when fashioning the upzone proposal.

- Furthermore, the city needs to **require a risk analysis for all proposed low income redevelopment** and provide mitigation for housing units that are being removed. Displacement of low income people is a contributor to Seattle's homelessness crisis.

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\(^1\) Watch: [https://www.youtube.com/watch?v=QEzQvl8kzIs](https://www.youtube.com/watch?v=QEzQvl8kzIs)
Additional Livable U District comments re: the Upzone-proposal

1. The underlying FEIS was inaccurate and outdated before it was published and adopted, and hence should not be relied upon as a basis for upzone policy decisions. For example, graphics showing existing buildings omitted many major projects that were then in the pipeline and under construction, such as The Bridges apartment complex that stretches for nearly two blocks between NE 45th and NE 47th.

The DEIS also lacked any meaningful discussion of the impacts of the UW's plans for a near-term vast expansion into its West Campus Institutional Overlay area. Indeed, the full extent of UW's plans are only this year coming into focus; and their plans for building many high-rise structures just south of the proposed U District Upzone area will greatly stress traffic congestion, public facilities and infrastructure throughout the Upzone.

The City must produce a supplemental EIS that updates and corrects the deficiencies in the old one before the Council considers taking action on any upzones.

2. The "Neighborhood Snapshot" chart on p. 7 of the Director's Report inaccurately portrays the U District neighborhoods that are subject to the proposed upzone. The 160-acre upzone area lies almost exclusively west of 15th Ave. NE. Yet OPCD's "Neighborhood Snapshot" chart includes statistics for huge swaths of additional land lying east of 15th Ave. NE and directly north of the UW main campus. Thousands of mainly UW students live in these irrelevant-to-the-upzone blocks containing "Greek Row" and multi-family and congregate residences. Including their numbers in the "Neighborhood Snapshot" skews the statistics. It is inaccurate and misleading for OPCD to assert that "74% of transportation trips made by U District residents are by modes other than driving alone" or that "75% of U District residents are between the ages of 18 and 29."

New studies and statistics showing the composition and demographics of the actual upzone area should be completed and carefully analyzed before an upzone proposal for that area is presented to the city council.

3. The Director's report falsely states that the "U District Partnership" is a "new coalition of neighborhood groups", and falsely implies that the U District Partnership's activities and actions speak for all in the U District. In fact, the U District Partnership is another name for the former Chamber of Commerce. Many small local business and long-standing grass roots neighborhood groups strongly oppose the political agenda of the UDP and its UW and special-interest dominated board. The UDP Board is composed completely of individuals who do not even live in the U District Upzone area; yet they have no hesitation to dictate to those of us who do. The vast majority (by a four to one margin) of business and multi-family residential owners were forced to contribute to the U District BIA which funds the UDP; but by no stretch should these unwilling BIA ratepayers be characterized as acquiescing in the UDP's attempts to be seen as representing them.

Livable U District wants to make clear to the OPCD and City Council that it is not a part of any supposed "coalition of neighborhood groups" led by (and represented by) the U District Partnership.

4. Livable U District encourages the preservation of neighborhood character and identity. Planners say that they have heard the community speak to the importance of preserving the unique, quirky character of the U District. Yet, anyone with clear eyes and common sense can see that upzones mean the irretrievable destruction of all that's quirky and unique. For example, what will become of our treasured Hardwick's Hardware when its land is upzoned, its property taxes skyrocket, and this human-scaled one-story business is wedged between neighboring skyscrapers? Ditto the legendary Blue Moon Tavern, slated for inclusion in a 320' high upzone.
5. The Director’s Report, page 14, accurately mentions that the local community is concerned about the residents that are being pushed out, but then diverts to describing how the city is in an affordability crisis and that “One of the key pieces of this proposal is implementation of Mandatory Housing Affordability requirements, to ensure that all future development in the neighborhood contributes to Seattle’s stock of affordable housing”. Yet this proposal demonstrates no resolve to support an existing, and long time affordable residential community within the U District. Rather, it proposes measures that say in no uncertain terms, that it is slated to be erased.

We feel the City lacks empathy for the existing community and has devised a narrative that we must be a welcoming city, providing for the newcomers at the expense of current residents and their neighborhoods. We know this is fact and that longtime residents (30+ years) have had their rental homes sold and have been economically forced to move out of the City. We know of people who own their homes and are concerned about not being able to pay the property taxes that are going up and up. In the future there will be fewer and fewer staying who have lived here, raised generations of family in this, their “home.”

Students are often those who share a residence in an older structure, who are of a lower income and, we suggest, won’t be able to afford living in the University District once up-zoned. Those who can least afford the cost of commuting will be forced to spend what is to them a significant percentage of their monthly budget on transportation.

6. We doubt the OPCD’s data about the impact of upzoning on the loss of affordable housing. The Seattle Displacement Coalition made an on-the-ground survey, Impacts of Upzoning on Housing Affordability in the University District, of all affordable units and interviewed tenants. They counted (pg 2 of the report) “approximately 1,200 units of affordable low income and moderate income housing in the rezone area of the U District that are vulnerable to demolition or significant rent increase due to increased land values and speculative market forces over the planning period (thru 2035), if the upzones identified in Alternative 2 of the EIS are granted.” Yet OPCD claims that only “somewhere between 40 to 275 units may be demolished, depending on which sites actually redevelop.”

This divergent data collected by the City planners and by a local affordable housing advocacy organization is great cause for concern. We believe that what Seattle Displacement Coalition found through their hard work is the real accounting of what will be lost and suggest that the City is giving a low ball number and not providing a realistic vision of what will actually happen when these properties are purchased and redeveloped.

The City must provide a trustworthy accounting of all affordable housing before instituting an upzone. A first step toward collecting this data would be to simply add a question about rental rates to the annual rental registration forms the city presently requires of all landlords.

7. There are many great solutions proposed in the Solutions to Seattle’s Housing Emergency produced by the Community Housing Caucus. The in lieu fee bargained for by the Mayor with major developers is faulty in that it does not require replacement of housing in the district. The effect will be that affordable housing will be built outside of the district where land is more affordable and money goes further; making residents who can’t afford Seattle's prices and/or want better livability standards commute into the U District to work and study.

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2 http://www.zipcon.net/~jvf4119/U%20District%20Housing%20Survey%20Revised.pdf
It is also a serious concern about the legality of the in lieu payments and whether they will ever result in the provision of affordable housing stock anywhere. If developers sue to challenge "in lieu" payment requirements, this provision could be struck down.

8. Implementation of MHA (Mandatory Housing Affordability) requirements will be moving forward in the U District without giving the U District community a fair opportunity to participate in the same public process granted other neighborhoods. This is greatly problematic also because in the future, if there are differences in what is eventually approved by the Council in 2017, there will be nonconforming developments because the U District was jumped ahead: you can’t put the genie back in the bottle.

   It is neither reasonable nor trustworthy for the City to assert that “if the 2017 HALA process results in different zoning standards than those applied through the 2016 U District rezone,” that the city will be able to fairly execute revisiting and realigning zoning standards “with the citywide approach.” Director’s Report, Pg 21-22

9. We question the wisdom and fairness of Transfer of Development Rights that are used to sell development rights of public properties, and the concept of allowing developers to, in general, purchase development rights anywhere in order to be allowed deviations from development standards. It appears that under the presently proposed scheme, a TDR-using project located many blocks away from the TDR site could be built much higher and wider than the code would normally allow. Neighbors immediately adjacent to the "historic" or "landmark" site would be spared the pain of having a large new structure in their midst; but neighbors geographically distant would be burdened by the higher, wider structure in their midst. If used at all, the concept of TDR must be geographically limited to a small one or two block area around the proposed new development site.

As for selling development rights to public properties such as the fire station and library: What public entity would receive the money, and administer and guarantee that the structure protected by TDR is maintained in perpetuity? The prospect of selling development rights to public properties in the U District has not, to our knowledge, been discussed or vetted with the community.

   TDR should be stricken entirely from the proposed upzone ordinance.

Summary
The U District upzone and accompanying HALA mandatory requirements represent more of a Grand Sell-out rather than a Grand Bargain for the University District. We are being asked to sacrifice more of the physical and social character of our community for upzones that will not pay for or provide infrastructure and amenities to make our neighborhoods livable.

Long-time residents and small business owners have paid their taxes, voted for elected officials, participated in their civic duty, volunteered in the community, raised families, grown old, and are the glue that holds a neighborhood together. OPCD’s plan demonstrates little effort toward developing any reasonable solutions to preserve this community (such as down-zoning some low-rise blocks, and taking strong steps to preserve livability amenities). There are reasonable ways to create density, ways that allow growth while still allowing current residents to continue their lives in their longtime homes and neighborhoods. This upzone proposal is sorely lacking in them.

The Livable U District Coalition does not support any upzones while serious problems persist in the University District. We have no faith that the OPCD proposal will provide more affordable housing in the district, that necessary concurrent infrastructure—including proper plans for storm overflow of sewers that pollute our waters; electrical and water service upgrades to serve an increased population; transportation systems and parks to mitigate for increased density—will be in place to
support the growth, and that our residents and small businesses won’t be picking up the tab, financially, emotionally and materially.

Livable U District urges the OPCD and Council to immediately suspend plans to upzone the University District until the measures identified in our position statement and the above comments are addressed. The City must Tackle First Things First.

Sincerely,

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cc: Seattle City Council Members