



# Legislative Department Seattle City Council Memorandum

**Date:** June 12, 2012  
**To:** Planning, Land Use and Sustainability (PLUS) Committee Members  
**From:** Sara Belz and Ketil Freeman, Council Central Staff  
**Subject:** **Council Bill (CB) 117430 – Regulatory Reform**

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At its June 13, 2012, meeting, the PLUS Committee will continue its review of CB 117430, which would amend several sections of the City's Land Use Code (Seattle Municipal Code Title 23) and Environmental Policies and Procedures (Seattle Municipal Code Chapter 25.05) in order to encourage economic growth and job creation. The Committee's previous deliberations on CB 117430 occurred on February 29, March 28 (public hearing only), March 29, April 11, May 9, and May 23, 2012.

## **PLUS Committee Recommendations**

To date, the PLUS Committee has made the following recommendations related to the content of CB 117430:

### Recommendations consistent with the Executive's proposal in CB 117430

- Eliminate minimum parking requirements for Major Institutions located in Urban Centers and Station Area Overlay Districts. (Note: An amendment proposed by Councilmember Licata would retain the existing minimum parking requirements for hospitals located in these areas. See page 4 of this memorandum for more information.)
- Allow increased flexibility for street-level uses in several areas of the City where ground-floor commercial development is currently required. (Note: An amendment to be offered by Councilmember Conlin would delay implementation of this element of the legislation in areas that have been identified as possible locations for Pedestrian Overlay Districts (P zones). See page 5 of this memorandum for more information.)
- Approve the Executive's proposals regarding home-based businesses and backyard cottage development standards.

### Recommended amendments to CB 117430

- Reject the Executive's proposal to allow ground-floor commercial uses in Lowrise 2 and Lowrise 3 zones located in Urban Centers and Station Area Overlay Districts.
- Require commercial uses in multifamily zones to meet the same odor standards as apply in commercial zones.

- Allow renewals of temporary use permits with terms of up to six months to be processed as Type 1 decisions, except for renewals of permits issued for transitional encampments and facilities for light rail transit construction, which would remain Type 2 decisions. Retain all other existing rules regarding the issuance and duration of temporary use permits.
- Reduce the commercial square footage SEPA categorical exemption threshold for mixed-use buildings from 75,000 square feet to 30,000 square feet.
- Define “mixed-use” for the purposes of SEPA categorical exemption levels to mean a development with at least 50% of gross floor area in residential use.
- Direct the Department of Planning and Development (DPD) Director to promulgate a rule to preclude projects from avoiding SEPA when an area is close to achieving its growth target.
- Establish as thresholds for mandatory transportation impact evaluation review, 50 dwelling units or 12,000 square feet of commercial space in a mixed-use building

On May 9, the PLUS Committee also recommended amending CB 117430 to incorporate a proposal by the Planning Commission that would reduce or eliminate parking requirements in several areas of the City where frequent transit service is available. Since then, an interdepartmental staff group comprised of representatives from DPD, Central Staff, the Seattle Department of Transportation (SDOT), and the Planning Commission has developed a slightly revised version of the Planning Commission’s original proposal for Committee members’ review. Staff believes this revised proposal would be easier to codify, implement, and enforce. More information is available on page 6 of this memorandum (Issue #1 in the decision agenda).

### **Legislation**

Attached to this memorandum is Version #24 of CB 117430. This version incorporates all of the recommended PLUS Committee amendments described above. One companion ordinance associated with CB 117430 is also expected to come before the Committee. As Councilmembers are aware, DPD and Department of Neighborhoods (DON) staff are currently developing legislation that would preserve DON’s existing ability to review and determine the landmark eligibility of historic resources in the event that State Environmental Policy Act (SEPA) environmental review thresholds are increased under CB 117430 or any subsequent piece of legislation. Addressing this issue will necessitate an amendment to Chapter 25.12 of the Municipal Code (Landmarks Preservation Ordinance), which is outside the scope of the title for CB 117430. Thus, separate legislation is required. The companion bill is expected to be introduced later this month.

### **Decision Agenda**

Staff developed the following decision agenda to help guide the PLUS Committee’s June 13 discussion of CB 117430. At that time, Councilmembers may also propose further amendments to CB 117430 that are not discussed in this memorandum.

**Issue #1: Eliminate minimum parking requirements in certain areas of the City that are well-served by transit.**

At its May 9 meeting, the PLUS Committee expressed interest in amending CB 117430 to reflect the Planning Commission's recommendations related to minimum parking requirements. The Planning Commission's proposal, which was outlined in a March 2012 letter to the City Council, would reduce by 50% the minimum parking requirements that apply to multifamily- and commercial-zoned properties that are located within a quarter-mile walk of a frequently-served stop. (The Executive's proposal in the introduced version of CB 117430 would eliminate minimum parking requirements in those areas, as well as in industrial zones that are served by frequent transit.) In the 41 areas of the City that meet the Planning Commission's "Transit Community" criteria, minimum parking requirements in multifamily and commercial zones would be eliminated.

After the May 9 PLUS meeting, an interdepartmental staff group comprised of representatives from DPD, Central Staff, SDOT, and the Planning Commission developed a slightly revised version of the Planning Commission's proposal for Committee members' review. The new version includes only one departure from the Planning Commission's approach: instead of eliminating minimum parking requirements for multifamily and commercial uses in Transit Communities, it would fully eliminate parking requirements for such uses if they are located within an Urban Village and within a quarter-mile of a frequently-served stop. (Parking requirements for residential uses in multifamily and commercial zones in Urban Villages were eliminated in 2010 via Ordinance 123495.)

The Planning Commission first introduced its Transit Communities concept in a November 2010 report and DPD staff are currently working with the Planning Commission to develop policy frameworks that could be used to define, map and guide development in these areas over the next several years. Given the newness of the Transit Communities model and the fact that associated analytical work is ongoing, there is concern at the staff level that it may be too early to link the concept to citywide parking requirements. Urban Villages, in contrast, have been extensively studied and mapped over the past several years and comprise an established geography that is referenced in both the Land Use Code and Comprehensive Plan.

Maps that illustrate parking proposals put forward by the Executive (Map #1), Planning Commission (Map #2), and interdepartmental staff group are attached to this memorandum. For Committee members' reference, frequent transit service is defined in the Land Use Code as "transit service headways in at least one direction of 15 minutes or less for at least 12 hours per day, 6 days per week, and transit service headways of 30 minutes or less for at least 18 hours every day."

***Options:***

1. Reduce minimum parking requirements consistent with the interdepartmental staff group's recommendations. (*Note:* Version #24 of CB 117430 is consistent with this option.)
2. Reduce minimum parking requirements consistent with the Planning Commission's recommendations. (*Note:* If this option is selected, DPD and Central Staff will need additional time to work with the Planning Commission and Law Department to develop appropriate language for an associated Land Use Code amendment.)

***PLUS Committee Recommendation:***

**Issue #2: Minimum parking requirements for Major Institution hospitals located in Urban Centers and Station Area Overlay Districts.**

At its May 9 meeting, the PLUS Committee discussed and concurred with the Executive's recommendation to eliminate minimum parking requirements for Major Institutions located in Urban Centers and Station Area Overlay Districts. However, on May 23, Councilmember Licata introduced an amendment that would retain existing minimum parking requirements for Major Institution hospitals that are located in those areas. Councilmember Licata's amendment is intended to address the parking needs of hospital visitors and employees for whom private automobiles may be the only viable transportation option, including elderly patients, adult visitors traveling with small children, night-shift workers, and individuals needing emergency care. Councilmember Licata's amendment is attached to this memorandum as Amendment #1 (yellow paper).

For Committee members' reference, the Land Use Code defines Major Institutions as licensed hospitals and post-secondary educational institutions that have a minimum site size of 60,000 square feet (50,000 of which must be contiguous) and a minimum gross floor area of 300,000 square feet. Examples of Major Institution hospitals that are located in Urban Centers and Station Area Overlay Districts include Harborview Medical Center, Northwest Hospital, and Group Health Hospital.

If Councilmember Licata's amendment is not accepted and minimum parking requirements for Major Institutions hospitals in Urban Centers and Station Area Overlay Districts are ultimately eliminated under CB 117430, those hospitals would still be obligated to work with SDOT and DPD to develop and carry out a Transportation Management Program.

***Options:***

1. Eliminate minimum parking requirements for all Major Institutions located in Urban Centers and Station Area Overlay Districts (Executive's original proposal).
2. Retain existing parking requirements for Major Institution hospitals that are located in Urban Centers and Station Area Overlay Districts (Councilmember Licata's Amendment #1).

***PLUS Committee Recommendation:***

**Issue #3: Allow increased flexibility for street-level uses in several areas of the City where ground-floor commercial development is currently required.**

In many of the City’s Commercial 1 (C1) and NC zones, nonresidential uses must occupy at least 80 percent of ground-level building facades. This requirement applies even if a property is located in a C1 or NC zone with limited demand for commercial space. CB 117430 would amend the Land Use Code to remove this requirement for all C1- and NC-zoned properties, except for those that are located within one or more of the following:

- a P zone, facing a designated pedestrian street;
- the Northgate Overlay District;
- the Bitter Lake Urban Village;
- the Lake City Urban Village;
- a zone that has a height limit of 85 feet or higher; or
- an NC1 zone.

The proposed Land Use Code change is intended to provide greater development flexibility and encourage infill construction in areas of the City where the demand for additional commercial uses may be limited.

The PLUS Committee previously discussed this issue at its May 9 meeting and concurred with the associated Land Use Code amendments proposed by the Executive in CB 117430. In the meantime, neighborhood groups from Eastlake and Phinney Ridge have expressed concern that the Executive’s proposal to increase opportunities for ground-floor residential uses in most C1 and NC zones could erode the viability of existing business districts that are not currently part of a designated P zone. In response to these concerns, Councilmember Conlin intends to offer an amendment that would delay implementation of this element of CB 117430 in 59 locations across the City that DPD has identified as potential P zone sites. DPD would then conduct a study to determine which of these areas should be designated as P zones and submit the necessary enabling legislation to the Council for review. Councilmember Conlin’s amendment is attached to this memorandum as Amendment #2 (green paper).

Options	Considerations
<p>1. Allow increased flexibility for street-level uses in many of the C1 and NC zones where ground-floor commercial development is currently required (Executive’s original proposal).</p>	<ul style="list-style-type: none"> <li>• This option would affect more than 80 percent of the commercial-zoned property in the City with frontage along an arterial.</li> <li>• Allowing a greater variety of ground-level uses in many of the City’s C1 and NC zones could increase developer interest in locations where the market for additional commercial uses is slight.</li> <li>• Portions of several existing commercial districts located in neighborhoods across the City are not part of a designated P zone. Allowing more ground-floor residential units in these areas could diminish their economic and social vitality.</li> </ul>

<p>2. Delay implementation of this element of CB 117430 in the areas of the City that DPD has identified for potential P zone designation (Councilmember Conlin’s Amendment #2).</p>	<ul style="list-style-type: none"> <li>• Approximately 20 to 30 percent of the area covered by the Executive’s original proposal would be part of the P zone study that would be triggered by Councilmember Conlin’s amendment.</li> <li>• As an interim measure, several maps would be added to the Land Use Code to show that commercial uses would continue to be required in the P zone study areas. As DPD brings recommendations forward, either in phases or in one package, the maps would be eliminated and either a P zone would be designated by rezone or areas would become eligible locations for more ground-floor residential uses.</li> </ul>
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***PLUS Committee Recommendation:***

**Issue #4: Change SEPA environmental review thresholds for Urban Centers and Station Area Overlay Districts.**

CB 117430 would raise SEPA categorical exemption thresholds in multifamily and commercial zones in Urban Centers and Station Area Overlay Districts to 200 dwelling units and 30,000 square feet of non-residential floor area for residential and mixed-use projects.<sup>1</sup> In downtown zones the threshold would increase to 250 dwelling units. The proposal relies on a SEPA exemption for infill development which is codified in RCW 43.21C.229. Pursuant to the exemption for infill development, new residential and mixed-use development may be exempted from SEPA review when current development is below growth targets established in the Comprehensive Plan for the area and the Comprehensive Plan has been subject to environmental analysis in an Environmental Impact Statement (EIS).

Seattle’s Comprehensive Plan was first adopted in 1994. Impacts related to that Comprehensive Plan were disclosed in an EIS. New growth targets were adopted into the Comprehensive Plan in 2004. The 2004 Comprehensive Plan update was not accompanied by an EIS. The Mayor proposes to address transportation impacts related to new development, which are currently addressed through SEPA review, through a new transportation impact evaluation program.

***SEPA Background***

SEPA was enacted by the legislature in 1971 and is closely modeled on the National Environmental Policy Act. One purpose of SEPA is to require that government decision-makers consider impacts to the built and natural environment in land use permitting decisions. Projects that exceed categorical exemption thresholds are subject to SEPA review. Projects that do not exceed thresholds are categorically exempt from SEPA review.

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<sup>1</sup> The original proposal from the Mayor would have established a 75,000 s.f. exemption threshold. On May 23, 2012, the PLUS Committee reduced the threshold to 30,000 s.f.

### SEPA Appeals

Seattle's SEPA Ordinance is codified in Ch. 25.05 of the Seattle Municipal Code. Most SEPA land use permit decisions are Type II decisions that are appealable to the City Hearing Examiner. The Land Use Code provides DPD with a deferential standard of review on appeal. The Hearing Examiner must afford the DPD Director's decision substantial weight and the burden of proof is on the appellant in demonstrating that the Director's decision is erroneous.<sup>2</sup>

### Substantive SEPA Conditioning

The SEPA Ordinance establishes: 1) substantive authority to require mitigation when an impact is attributable to a project and that impact is not otherwise mitigated by City, state or federal regulations;<sup>3</sup> 2) a cumulative effects policy, which allows decision-makers to consider the cumulative environmental effects of past and likely future projects when assessing impacts from a proposal;<sup>4</sup> and 3) specific mitigation policies for nineteen elements of the built and natural environment that can be used to mitigate impacts from a project that are not otherwise addressed by existing regulations.<sup>5</sup> Elements of the environment for which there are specific mitigation policies include air quality; energy; height, bulk and scale; public view protection; shadows on public open space; and traffic and transportation, to name a few.

Although it was not prepared for a discrete project, the draft mitigation document for Yesler Terrace provides an example of how SEPA mitigation policies can currently be used.<sup>6</sup> The Yesler Terrace environmental impact statement identifies air quality impacts to human health due to the proximity of the project to I-5. The City may not have authority through other regulations to address that impact. However, mitigation policies in the SEPA Ordinance related to air quality establish that alternative technologies may be required as a condition to mitigate air quality impacts.<sup>7</sup> The draft mitigation document provides such a condition. Specifically, proposed mitigation would require that all new development located within 200 feet of the edge of the I-5 right-of-way provide high-efficiency particulate arresting air filters to reduce harmful particulates in interior air.

By raising SEPA thresholds as proposed, the City would forgo the authority to impose similar conditions on projects below the proposed thresholds to mitigate impacts that are not addressed by other regulations.

### Recent SEPA Legislation

The Council has amended SEPA mitigation policies twice in the last three years. Specifically, in 2009 sites at Maple Leaf Park and Jefferson Park were added as SEPA-protected public view points.<sup>8</sup> Additionally, in 2007 Council directed DPD to evaluate the climate impacts of projects subject to SEPA.<sup>9</sup> Applicants currently satisfy this requirement by completing a greenhouse gas emissions worksheet. Finally, in 2008 Council raised SEPA categorical exemption thresholds to

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<sup>2</sup> SMC 23.76.022.

<sup>3</sup> SMC 25.05.600.

<sup>4</sup> SMC 25.05.670.

<sup>5</sup> SMC 25.05.675.

<sup>6</sup> See <http://www.seattle.gov/dpd/Planning/YeslerTerrace/RelatedDocuments/default.asp>.

<sup>7</sup> SMC 25.05.675.A.2.d.i.

<sup>8</sup> Viewpoints at Maple Leaf Park and Jefferson Park were added by Ordinances 123071 and 122578, respectively.

<sup>9</sup> Ordinance 122574.

30 dwelling units and 12,000 s.f. of commercial space in most multifamily and commercial zones in Urban Centers and Urban Villages with Station Area Overlay Districts.<sup>10</sup>

*Progress Towards 2004-2024 Growth Targets*

The proposal relies on a SEPA exemption for infill development which is codified in RCW 43.21C.229. Pursuant to the exemption for infill development, new residential and mixed-use development may be exempted from SEPA review when current development is below growth targets established in the Comprehensive Plan for the area. Many of the neighborhoods where the exemption would apply already exceed residential growth targets. The following table provides more detail.

**Progress toward 2004-2024 growth targets in Urban Centers and Urban Villages with Station Area Overlay Districts**

Neighborhood	Growth			Permitted	% of Target with Permitted
	2005-2011	2004-2024 Target	% Target Met		
<b>Urban Centers</b>					
Downtown	4368	10,000	44%	1077	54%
First Hill / Capitol Hill	2131	3500	61%	1303	98%
University Urban Center	1126	2450	46%	1218	96%
Northgate	741	2500	30%	7	30%
South Lake Union	1739	8000	22%	368	26%
Uptown	1187	1000	119%	581	177%
<b>Urban Villages with Station Area Overlay Districts</b>					
Columbia City	651	800	81%	409	133%
Othello	766	590	130%	36	136%
North Beacon Hill	79	490	16%	12	19%
North Rainier	368	900	41%	49	46%
Rainier Beach	2	600	0%	21	4%
Roosevelt	96	250	38%	64	64%

Source: DPD January 12, 2012 Urban Center / Urban Village Growth Report  
Numbers refer to residential units.

Three Urban Centers and two Urban Villages with Station Area Overlay Districts are close to or already exceed their 2024 growth targets. The City will be allocating new growth targets to neighborhoods as part of the seven-year update to the Comprehensive Plan, which will occur over the course of the next several years.

*Residential and Mixed-use Development Subject to SEPA, 2005-2010*

To characterize the likely effect of the proposal, staff reviewed permit information for projects subject to SEPA for which a Master Use Permit decision was published between 2005 and

<sup>10</sup> Ordinance 122670.

2010.<sup>11</sup> In that time period, 202 residential and mixed-use projects in all Urban Centers and all Urban Villages were subject to SEPA review. Of those projects, 111 – about 55% – were located in Urban Centers or Urban Villages with Station Area Overlay Districts. Summary statistics are set out in the following table. For a better sample size, staff reviewed project information from all Urban Centers and Urban Villages, not just Urban Villages with Station Area Overlay Districts.

**Master Use Permit decisions for projects in all Urban Centers and Urban Villages that were subject to SEPA, 2005-2010**

	<b>Proposed Exempt Threshold</b>	<b>Range</b>	<b>Average</b>	<b>Median</b>
<b>Residential Development (dwelling units )</b>				
LR1	200 d.u	5 to 13	7	5
LR2	200 d.u	7 to 41	10	8
LR3	200 d.u	10 to 36	19	14
NC1, NC2, NC3, C1, C2	200 d.u	1 to 471	100	76
MR, HR, and SM	200 d.u	25 to 298	120	82
Downtown Zones *	250 d.u	62 to 668	234	202
<b>Commercial in Mixed Use (square footage)</b>				
LR1	4000 s.f	NA	NA	NA
LR2	75,000 s.f	NA	NA	NA
LR3	75,000 s.f	NA	NA	NA
NC1, NC2, NC3, C1, C2	75,000 s.f	577 to 147,263	15,227	6,395
MR, HR, and SM	75,000 s.f	1,325 to 121,400	13,106	3,039
Downtown Zones	75,000 s.f	2,121 to 120,391	60,012	7,500

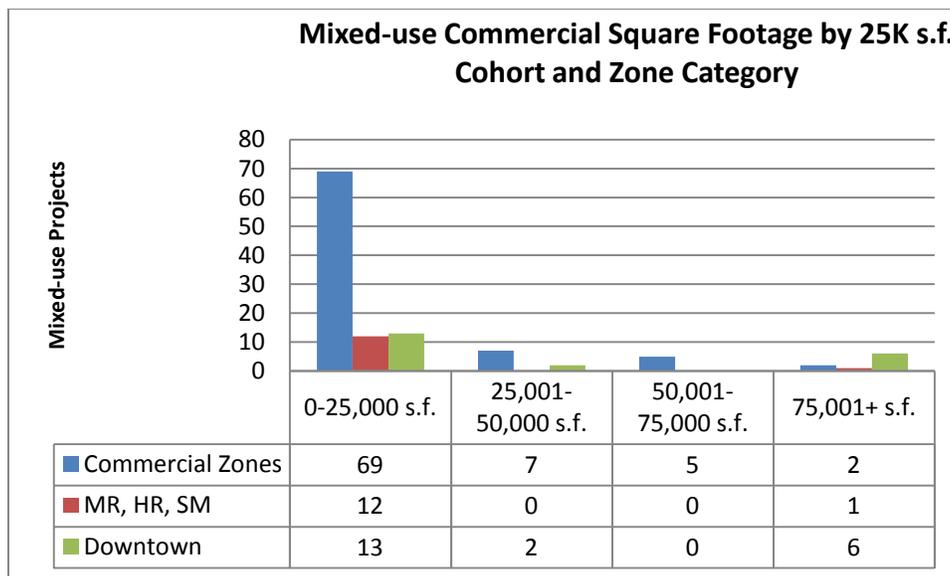
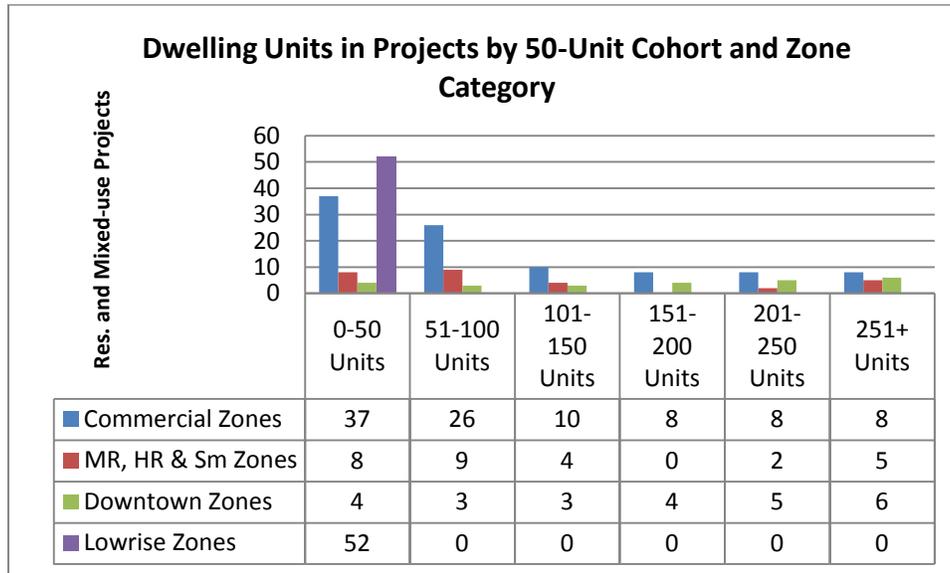
\* Excludes an outlier project with one dwelling unit.

As indicated in the table, median project sizes, both in terms of residential unit counts and the amount of commercial square footage included in mixed-use projects, are well below the proposed exempt thresholds for all zones. If the proposed exemption were in place during the time period reviewed, and if the exemption applied in all Urban Villages, about 30 projects, or 15% of the total projects, would have exceeded the residential threshold and been subject to SEPA review. The remaining 85% would have been categorically exempt from SEPA review.

<sup>11</sup> Methodology for reviewing permit data: DPD provided data for all projects subject to SEPA review between 2000 and 2010. In the interest of time staff utilized only data between 2005 and 2010 and “scrubbed” the data by doing the following:

- Eliminating 1) all projects located outside of urban centers or villages; 2) all projects that were not residential or mixed use, such as commercial development and telecommunication utilities; and 3) all mixed use or residential projects that were subject to SEPA for other reasons, such as projects requiring a rezone or projects located in critical areas; and
- Reconciling unit counts and square footage counts with project descriptions.

Staff also sorted residential and mixed-use projects by zone category and by 50 dwelling unit and 25,000 commercial square footage cohorts. The results are summarized in the following charts.



The majority of residential development projects in all zone categories were less than 100 units. Similarly, the amount of commercial space included in mixed-use projects outside of downtown zones was usually less than 50,000 square feet.

Past Committee Action

The PLUS Committee has approved three amendments to the Mayor’s proposal, which have been incorporated into the substitute bill. Those amendments and options considered by the Committee are discussed below. The Committee rejected on a 3-3 vote an amendment, which would have maintained the status quo by eliminating all changes to the SEPA Ordinance proposed by the Mayor.

Options	Considerations
<p>1. Raise SEPA thresholds as recommended by DPD.</p>	<ul style="list-style-type: none"> <li>• Amending the Code as proposed by DPD may expedite permit review, reduce some cost and uncertainty associated with the permit process, and facilitate growth in areas designated in the Comprehensive Plan to receive growth.</li> <li>• Relief to developers provided by the exemption may not be enduring because many neighborhoods where the exemption might apply have already exceeded residential growth targets or are very close to exceeding growth targets. Moreover, where growth targets are modest, a single development could exhaust the exemption. For example, Roosevelt has a modest 2024 growth target of 250 residential units. A project with 90 units would push residential growth in that neighborhood past its target and make all other projects subject to SEPA until new growth targets are established in the Comprehensive Plan.</li> <li>• There may be budget implications to implementing the proposal. The most recent EIS on the Comprehensive Plan is almost 20 years old. The enabling legislation seems to contemplate environmental review through an EIS on growth targets to justify exempting project-level SEPA review. Adopting the proposal presents the possibility that the City would need to prepare an EIS for the current seven-year Comprehensive Plan update. An EIS for the update is not currently budgeted.</li> <li>• By approving the proposal, the City would forgo the ability to use substantive SEPA authority to mitigate impacts attributable to projects that are not mitigated by other regulations. This would apply to projects below categorical exemption thresholds until growth targets are achieved for an area.</li> </ul>
<p>2. Raise SEPA thresholds, but not to the extent recommended by DPD.</p> <p><b>Note:</b> A substitute bill with an amendment reducing to 30,000 square feet the categorical exemption level for commercial space in a mixed-use project</p>	<ul style="list-style-type: none"> <li>• If the Council wants to consider alternative thresholds, the summary data and cohort breakdown discussed above can serve as a point of departure for that discussion.</li> <li>• The increased commercial threshold, when associated with a mixed-use development, is significant. The proposal would raise the threshold from 12,000 square feet to 75,000 square feet. By way of reference, the</li> </ul>

<p>was approved by the Committee on 5/23/2012.</p>	<p>Public Safety Block is approximately 58,000 square feet. Council may want to consider lowering the threshold or incorporating other safeguards, such as defining “mixed-use” to ensure that the exemption is not exploited by developers seeking to build a solely commercial product. See discussion below.</p>
<p>3. Amend the proposed regulations to define “mixed-use” to exclude development with few residential units</p> <p><b>Note:</b> A substitute bill with an amendment requiring that at least 50% of mixed use building’s floor area be in residential use was approved by the Committee on 5/23/2012.</p>	<ul style="list-style-type: none"> <li>• The infill exemption set out in RCW 43.21C.229 does not define mixed-use. Similarly, neither the Land Use Code nor the SEPA ordinance defines mixed-use. Mixed-use is generally understood to mean two or more principal uses in the same structure one of which is residential.</li> <li>• The significant increase in the commercial exemption described above in combination with the ambiguity about what constitutes mixed-use could create an incentive for a commercial developer to avoid SEPA by building a 75,000 square foot store with a few rooms that meet the minimum criteria for a dwelling unit. Council may wish to consider defining mixed-use for the purposes of the SEPA ordinance to eliminate this loophole.</li> </ul>
<p>4. Amend the proposed regulations to address code administration issues and clarify when a residential growth target for an urban center has been “achieved.”</p> <p><b>Note:</b> A substitute bill with an amendment directing the DPD Director to promulgate a rule to assure that projects reviewed after a growth target has been achieved are subject to SEPA review was approved by the Committee on 5/23/2012.</p>	<ul style="list-style-type: none"> <li>• The proposal, which establishes that the SEPA exemption would no longer be available when residential and employment growth targets are achieved, presents some challenges from a code administration standpoint. Specifically, DPD will have to develop a system for determining at what point in the permitting process an applicant has perfected his or her right to the SEPA exemption. Absent a system, two developers could make separate permit applications for projects at the same time and on the same day that would cause a neighborhood to achieve its growth target, and one of those developers would be exempt from SEPA and one would not.</li> </ul>
<p>5. Do not change SEPA thresholds and direct DPD to explore alternatives for raising SEPA thresholds or establishing exemptions.</p>	<ul style="list-style-type: none"> <li>• Given that the SEPA exemption may not be available in some Urban Centers and Station Area Overlay Districts, Council may wish to consider directing DPD to look at alternatives for expediting SEPA review. Council could defer action on the use of the infill exemption to happen concurrently with growth target</li> </ul>

	<p>allocations as part of the seven-year Comprehensive Plan update. Council would likely need to consider the budgetary implications and potential need for an EIS to accompany the update.</p> <ul style="list-style-type: none"> <li>• Alternatively or additionally, Council could direct DPD to explore other SEPA tools available through state law for expedited review. For example, RCW 43.21C.420 authorizes a transit infill review whereby jurisdictions can prepare a non-project EIS, which developers can rely on for a period of years to avoid SEPA appeals. Transit infill review applies to all project types, not just mixed-use and residential development and the enabling statute authorizes cost-recovery from developers for the EIS. However, to take advantage of transit infill review provisions, the City would have to issue an EIS by a July 18, 2018 sunset date established in the enabling legislation.</li> </ul>
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***PLUS Committee Recommendation:***

**Next Steps**

If PLUS does not take action on CB 117430 at its June 13 meeting, the Committee’s next opportunity to discuss and possibly vote on the legislation will be on June 27. Please feel free to contact us at any time if you have questions or concerns about the content of CB 117430 or would like to offer an amendment for the PLUS Committee’s consideration. We can be reached at [sara.belz@seattle.gov](mailto:sara.belz@seattle.gov) / 684.5382 and [ketil.freeman@seattle.gov](mailto:ketil.freeman@seattle.gov) / 684.8178.