



SEATTLE CITY COUNCIL

Land Use and Sustainability Committee

Agenda

Public Hearing

Wednesday, April 1, 2026

9:30 AM

Council Chamber, City Hall
600 4th Avenue
Seattle, WA 98104

Eddie Lin, Chair
Dan Strauss, Vice-Chair
Dionne Foster, Member
Joy Hollingsworth, Member
Alexis Mercedes Rinck, Member

Chair Info: 206-684-8802; Eddie.Lin@seattle.gov

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Council Chamber Listen Line: 206-684-8566

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Land Use and Sustainability Committee
Agenda
April 1, 2026 - 9:30 AM
Public Hearing

Meeting Location:

Council Chamber, City Hall, 600 4th Avenue, Seattle, WA 98104

Committee Website:

<https://seattle.gov/council/land-use-and-sustainability>

This meeting also constitutes a meeting of the City Council, provided that the meeting shall be conducted as a committee meeting under the Council Rules and Procedures, and Council action shall be limited to committee business.

Members of the public may register for remote or in-person Public Comment to address the Council. Please register in advance in order to be recognized by the Chair. Details on how to register for Public Comment are listed below:

Remote Public Comment - Register online to speak during the Public Comment period at the meeting at <https://www.seattle.gov/council/committees/public-comment>. Online registration to speak will begin one hour before the meeting start time, and registration will end at the conclusion of the Public Comment period during the meeting.

In-Person Public Comment - Register to speak on the public comment sign-up sheet located inside Council Chambers at least 15 minutes prior to the meeting start time. Registration will end at the conclusion of the Public Comment period during the meeting.

Please submit written comments no later than four business hours prior to the start of the meeting to ensure that they are distributed to Councilmembers prior to the meeting. Comments may be submitted at Council@seattle.gov or at Seattle City Hall, Attn: Council Public Comment, 600 4th Ave., Floor 2, Seattle, WA 98104. Business hours are considered 8 a.m. - 5 p.m. Comments received after that time will be distributed after the meeting to Councilmembers and included as part of the public record.

Please Note: Times listed are estimated

A. Call To Order

B. Approval of the Agenda

C. Public Comment

Members of the public may address items on the agenda and matters within the purview of the committee. Please register in advance to be recognized by the Chair.

D. Items of Business

1. [Appt 03463](#) **Appointment of Phoebe Erin Bogert as member, Seattle Design Commission, for a term to February 28, 2027.**

Attachments: [Appointment Packet](#)

Briefing, Discussion, and Possible Vote

Presenter: Michael Jenkins, Executive Director, Seattle Design Commission

2. [Appt 03464](#) **Appointment of Tatum Lau as member, Seattle Design Commission, for a term to February 28, 2027.**

Attachments: [Appointment Packet](#)

Briefing, Discussion, and Possible Vote

Presenter: Michael Jenkins, Executive Director, Seattle Design Commission

3. [Appt 03465](#) **Reappointment of Kate Clark as member, Seattle Design Commission, for a term to February 29, 2028.**

Attachments: [Appointment Packet](#)

Briefing, Discussion, and Possible Vote

Presenter: Michael Jenkins, Executive Director, Seattle Design Commission

4. [Appt 03466](#) **Reappointment of Brian Markham as member, Seattle Design Committee, for a term to February 29, 2028.**

Attachments: [Appointment Packet](#)

Briefing, Discussion, and Possible Vote

Presenter: Michael Jenkins, Executive Director, Seattle Design Commission

5. [Appt 03467](#) **Reappointment of Zubin Rao as member, Seattle Design Commission, for a term to February 29, 2028.**

Attachments: [Appointment Packet](#)

Briefing, Discussion, and Possible Vote

Presenter: Michael Jenkins, Executive Director, Seattle Design Commission

6. [CB 121171](#) **AN ORDINANCE relating to land use and zoning; repealing Ordinance 127191, which allowed residential use within the Stadium Transition Area Overlay District under Chapter 23.74 of the Seattle Municipal Code.**

Attachments: [Att 1 – Signed Ordinance 127191](#)

Supporting

Documents:

[Summary and Fiscal Note](#)

[Public Hearing Notice](#)

[Central Staff Memo](#)

[Director Report and Recommendation](#)

Public Hearing

7. **Shelter and Service Providers**

Supporting

Documents:

[Mayor's Office Presentation \(4/1/26\)](#)

[PDA-CoLEAD Presentation \(4/1/26\)](#)

[Low Income Housing Institute Presentation \(4/1/26\)](#)

[ETS REACH Presentation \(4/1/26\)](#)

[Central Staff Memo \(3/24/26\)](#)

Briefing and Discussion

Presenters: Chloe Gale, REACH Program Director, Evergreen Treatment Services; Maggie Rogers, Executive Director, Catholic Charities Diocese of St. Petersburg; Tara Moss, Co-Executive Director, Purpose. Dignity. Action.; Sharon Lee, Executive Director, Low Income Housing Institute; Alison Holcomb and Jon Grant, Mayor's Office

E. Adjournment



Legislation Text


File #: Appt 03463, **Version:** 1

Appointment of Phoebe Erin Bogert as member, Seattle Design Commission, for a term to February 28, 2027.

The Appointment Packet is provided as an attachment.



City of Seattle Boards & Commissions Notice of Appointment

Appointee Name: Phoebe Erin Bogert		
Board/Commission Name: Seattle Design Commission		Position Title: Chair
<input checked="" type="checkbox"/> Appointment <i>OR</i> <input type="checkbox"/> Reappointment		Council Confirmation required? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
Appointing Authority: <input type="checkbox"/> Council <input checked="" type="checkbox"/> Mayor <input type="checkbox"/> Other: <i>Fill in appointing authority</i>	Term of Position: * 3/1/2026 to 2/28/2027 <input type="checkbox"/> <i>Serving remaining term of a vacant position</i>	
Residential Neighborhood: <i>Ballard</i>	Zip Code: <i>98109</i>	Contact Phone No.: [REDACTED]
Background: Phoebe Erin Bogert is a registered landscape architect and a Principal in the Seattle office of PLACE, a landscape architecture and urban design firm based in Portland, Oregon. Phoebe specializes in landscape architecture and urban design projects in both public and private developments in the Pacific NW. Her recent work includes projects for Seattle Parks and Recreation, City of Tacoma, Portland State University, University of Washington at Tacoma and Seattle and Microsofts' Redmond Campus. Phoebe has a Masters' degrees in Landscape Architecture from University of Washington, and her Bachelors in Art and Environmental Studies from Pitzer College in Claremont, California. She is also a former member of the NW Seattle Design Review Board, serving from 2019-2023.		
Authorizing Signature (original signature):  Date Signed: 2/6/2026		Appointing Signatory: <i>Katie B. Wilson</i> <i>Mayor of Seattle</i>

*Term begin and end date is fixed and tied to the position and not the appointment date.

Phoebe Erin Bogert

Curriculum Vitae 2025

Education

Master of Landscape Architecture University of Washington 2006

The Working River: Green Infrastructures for a Healthy Duwamish Jones and Jones Field School 2004

Bachelors of Arts, Art and Environmental Studies Pitzer College Claremont, California 1998

Experience

PLACE, Principal 2012 – present

Mithun, Associate 2006 –2012

Department of Landscape Architecture, Teaching + Research Assistant, University of Washington 2004, 2005

Artist-in-Residence, Fundacion “La Caixa”, Barcelona, Spain 2001-2002

World Studio Foundation, New York, New York 1999-2000

Accreditation

Registered Landscape Architect in Washington & Oregon

Engagement

Landscape Architect Commissioner, Seattle Design Commission 2023-present

NW Design Review Board Member and Co-chair, 2019-2023

Speaking Engagements: ASLA Conferences, UW College of Built Environments

Public Art Selection Panels, Seattle Office of Arts & Culture

Exhibition Curation, Threshold Gallery

Selected Projects

Des Moines Marina Steps, City of Des Moines | Des Moines, WA

Marra Desimone Play Area, Seattle Parks & Recreation | Seattle, WA

Hirosaki Park, City of Hirosaki, Aomori Prefecture | Hirosaki, Japan

Maple Wood Park, Seattle Parks & Recreation | Seattle, WA

Prairie Line Trail, City of Tacoma/University of Washington | Tacoma, WA

Milgard Hall, University of Washington | Tacoma, WA

Burke Gilman Trail, University of Washington | Seattle, WA

Interdisciplinary Engineering Building, University of Washington | Seattle, WA

Arts and Education Center, University of Oregon | Corvallis, OR

Collaborative Innovation Complex, University of Oregon | Corvallis, OR

Gateway Discovery Park, Portland Parks & Recreation | Portland, OR

Harper’s Playground, Portland Parks & Recreation | Portland, OR

Gemenskap Park, Seattle Parks & Recreation | Seattle, Washington

Summit Slope Park, Seattle Parks & Recreation | Seattle, Washington

Seven Hills Parks, Seattle Parks & Recreation | Seattle, Washington

Washington Park Master Plan, Portland and Parks & Recreation | Portland, OR

Halprin’s Open Space Sequence, Portland Parks & Recreation/Halprin | Portland, OR

Innovation Plaza, Microsoft Buildings 40 + 41, 42 + 43 | Redmond, WA

Totem Lake Urban Center Enhancement Plan & Transportation Network Study | Kirkland, WA

Concord International and Maple Elementary, Seattle Public Schools | Seattle, WA

Seattle Design Commission

The Seattle Design Commission advises the Mayor, City Council, and City departments on the design and environmental implications of City funded projects, projects seeking long-term or permanent use of a right of way, or public projects seeking City approval. The Commission is comprised of 10 members, as established by Seattle Municipal Code Section 3.58. Members serve a two-year term and are eligible for two consecutive terms. All members are appointed by the Mayor and confirmed by the City Council.

A Chair is also appointed on each year. The Chair is selected by Commissioners for appointment by the Mayor and confirmation by the Council for a one-year term.

New appointments are **bold**, reappointments in underline.

Roster:

*D	**G	RD	Position No.	Position Title	Name	Term Begin Date	Term End Date	Term #	Appointed By
6	M	3	1.	Urban Planner	Ray Gastil	3/1/25	2/28/27	1	Mayor
4	M	2	2.	Get Engaged	Eric Alipio	9/1/25	8/31/26	1	Mayor
<u>6</u>	<u>M</u>	<u>4</u>	<u>3.</u>	<u>Engineer (Civil/Transportation)</u>	<u>Brian Markham</u>	<u>3/1/26</u>	<u>2/29/28</u>	<u>2</u>	<u>Mayor</u>
8	F	3	4.	At-large	Shirin Masoudi	3/1/25	2/28/27	1	Mayor
<u>1</u>	<u>M</u>	<u>3</u>	<u>5.</u>	<u>Architect</u>	<u>Zubin Rao</u>	<u>3/1/26</u>	<u>2/29/28</u>	<u>2</u>	<u>Mayor</u>
6	F	5	6.	Landscape Architect/ *Chair (1 year appointment)	Phoebe Erin Bogert	*3/1/26 3/1/25	*2/28/27 2/28/27	2	Mayor
6	M	2	7.	Architect	Ben Gist	3/1/25	2/28/27	2	Mayor
1	F	3	8.	Urban Designer	Tatum Lau	3/1/25	2/28/27	1	Mayor
6	M	6	9.	Transportation Planner/	Kevin O'Neill	3/1/25	2/28/27	2	Mayor
<u>6</u>	<u>F</u>	<u>3</u>	<u>10.</u>	<u>Fine Artist</u>	<u>Kate Clark</u>	<u>3/1/26</u>	<u>2/29/28</u>	<u>1</u>	<u>Mayor</u>

SELF-IDENTIFIED DIVERSITY CHART

	SELF-IDENTIFIED DIVERSITY CHART				(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)	(9)
	Male	Female	Transgender	NB/ O/ U	Asian	Black/ African American	Hispanic/ Latino	American Indian/ Alaska Native	Other	Caucasian/ Non-Hispanic	Pacific Islander	Middle Eastern	Multiracial
Mayor	6	4			2			1		6		1	
Council													
Other													
Total	6	4			2			1		6		1	

Key:

*D List the corresponding *Diversity Chart* number (1 through 9)

**G List *gender*, M= Male, F= Female, T= Transgender, NB= Non-Binary O= Other U= Unknown

RD Residential Council District number 1 through 7 or N/A

Diversity information is self-identified and is voluntary.



Legislation Text

File #: Appt 03464, **Version:** 1

Appointment of Tatum Lau as member, Seattle Design Commission, for a term to February 28, 2027.

The Appointment Packet is provided as an attachment.



City of Seattle Boards & Commissions Notice of Appointment

Appointee Name: <i>Tatum Lau</i>		
Board/Commission Name: <i>Seattle Design Commission</i>		Position Title: <i>Urban Designer</i>
<input checked="" type="checkbox"/> Appointment OR <input type="checkbox"/> Reappointment	City Council Confirmation required? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	
Appointing Authority: <input type="checkbox"/> City Council <input checked="" type="checkbox"/> Mayor <input type="checkbox"/> Other: <i>Fill in appointing authority</i>	Term of Position: 3/1/2025 to 2/28/2027 <input checked="" type="checkbox"/> <i>Serving remaining term of a vacant position</i>	
Residential Neighborhood: <i>Judkins Park</i>	Zip Code: <i>98144</i>	Contact Phone No.:
Background: <i>Tatum is a Senior Associate with AECOM’s Urbanism + Planning practice. She is an experienced facilitator who brings together diverse interests to co-create resilient, equitable policy and infrastructure solutions. As AECOM’s Social Value and Equity Lead for the U.S. West, she leads cross-sector projects in transportation, land use, and development—focusing on developing policies, programs, and tools that enhance social outcomes for all communities. She has partnered with state, regional, and local governments, as well as nonprofits and the development sector, to deliver complex projects that combine data driven methods, collaborative stakeholder engagement and critical thinking.</i> <i>Tatum has her Masters Degrees in Community Planning and Urban Design from University of Texas, and a Bachelor’s Degree in Architectural Studies from University of the Witwatersrand, Johannesburg, South Africa</i>		
Authorizing Signature (original signature): 	Appointing Signatory: <i>Katie B. Wilson</i> <i>Mayor of Seattle</i>	
Date Signed: <i>2/6/2026</i>		

*Term begin and end date is fixed and tied to the position and not the appointment date.

TATUM LAU, AICP, ENV SP. | Senior Associate, Social Value & Equity Lead

Tatum is a Senior Associate with AECOM's Urbanism + Planning practice. She is an experienced facilitator who brings together diverse interests to co-create resilient, equitable policy and infrastructure solutions. As AECOM's Social Value and Equity Lead for the U.S. West, she leads cross-sector projects in transportation, land use, and development—focusing on developing policies, programs, and tools that enhance social outcomes for all communities. She has partnered with state, regional, and local governments, as well as nonprofits and the development sector, to deliver complex projects that combine data-driven methods, collaborative stakeholder engagement and critical thinking.

Key Skills
 Integrated Planning and Design
 Equitable Policy
 Project Management
 Business Development
 Communication and Facilitation
 Thought Leadership

Education and Certifications

MS, **Urban Design**, University of Texas at Austin TX, United States

MS, **Community and Regional Planning**, University of Texas at Austin, TX, United States

MA, **Architecture of Rapid Change & Scarce Resources**, London Metropolitan University, United Kingdom

BAS, **Architectural Studies**, University of the Witwatersrand, Johannesburg, South Africa

AICP, American Institute of Certified Planners, American Planning Association

ENV SP, Envision Sustainability Professional, Institute for Sustainable Infrastructure

Professional Experience

Senior Associate | AECOM | June 2017 – Present

- **Social Value & Equity Lead, US West** - advises clients and technical teams on methods to embed and evaluate equity in infrastructure projects; co-leads AECOM's national Social Value initiative.
- **Project and Task Manager** - leads multi-disciplinary, cross business line projects in climate action and resilience, sustainable transportation and development and environmental justice.
- **Business Development** – meets with new clients, reviews and leads strategic pursuits.
- **Technical Planning Lead** – as part of a global committee, develops technical resources for planners.
- **Pride ERG Committee** - implements inclusive workplace strategies, practices, and policies, and partners with LGBTQ organizations for fundraising and education.

Architectural Designer and BIM Champion | Levitt Bernstein Associates, London | August 2007 – June 2014

- **Architectural Designer** – coordinated large scale development projects with consultant team, developed design documents and planning applications to local authorities in the housing, arts, commercial and education sectors.
- **BIM Champion** – developed firm wide protocols, best practices and training on Autodesk Revit for staff, to help the firm meet government mandated requirements for procured public projects.

Additional Roles (undertaken concurrently to various degree programs) | 2006 - 2016

- **Urban Planner & Designer** (Asakura Robinson, Austin, Jan - May 2016) – developed planning reports and facilitated community meetings for projects in Houston, TX.
- **Urban Planner & Designer** (North Acre Development, London, June – Aug 2016) – researched development regulations and developed master planning concepts for projects in London and Abu Dhabi, UAE.
- **Teaching Assistant in Urban Planning and Architecture** (University of Texas at Austin, Aug 2014 – June 2017) – prepared and delivered lectures, facilitated discussions, graded papers and designs for design and planning undergraduate and graduate classes.
- **Research Assistant** (Science, Technology & Education Publishers, Johannesburg, Jan 2005 – Jan 2007) – assisted Historian Clive Chipkin on book '*Johannesburg Transition: Architecture & Society from 1950*'.

Awards, Presentations & Publications

Engaging Communities to Put Equity into Action Moderator on Panel with DOT leaders, American Association of State Highway and Transportation Officials (AASHTO), Annual Conference, November 2023

Equity Diversity and Inclusion – Why it Matters? Invited Panel Speaker, APA Federal Planning Division Annual Conference, June 2022.

Handbook of Sustainable Cities and Landscapes. Publication, contributing author for chapter '*Redrawing Our Urban Waters: Merging Design, Law, and Policy in Advancing Distributed Water Systems*'. Routledge, March 2022.

Dallas CEO Magazine, Aug 2020 – Nov 2021. Author of four articles on social inequality & climate change.

Building, Design & Construction Top 40 under 40, 2021. Award for leaders in the Architectural Engineering and Construction Industry who are making their mark in business, philanthropy, and in their communities.

Climate Justice and Social Equity. Invited Panel Speaker. National Building Museum DC, May 2021.

Future of Resilient Networks. Panel Speaker. National Association of Environmental Professionals, Annual Conference, May 2021

American Planning Association, Energy Plan National Winner, 2020. Team Award for the best sustainability plan with a focus on energy. Tatum was the project manager on the AECOM team.

Dallas Innovates and Dallas Regional Council, Innovator in Climate Change, 2020. Award for top fifty men and women are forging the future in North Texas and have the potential to change the world.

Lever for Change, MacArthur Foundation Affiliate, Lone Star Prize, 2020. Judge in the environment category to select winning entry for \$10 million transformative solution.

A Regional Approach to Equitable Climate Planning. Invited Panel Speaker. APA, North Texas Chapter, July 2020.

U.S. Department of Housing & Development (HUD), Innovation in Affordable Housing National Competition Winner, 2016. Team award for entry '*Meet Monteria: C21 Family, Life-long education & holistic sustainability*'.

Race & Gender in the American Built Environment Faculty Position, University of Texas at Austin. Hiring committee student member, Spring 2016.

Toward An Inclusive City: Roundtable discussion: race, gender, LGBTQI issues in built environment. Panel Facilitator. Goldsmith Talks, University of Texas at Austin, School of Architecture, September 2016.

New London Architecture & Mayor of London 'New ideas for Housing' International Competition | Finalist team for '*Community Chest: Community led self-build Housing Model*' London, UK, August 2015.

Imperial College & Institute for Sustainability Hackathon | Grant awarded for '#WasteNot community resource share and startup', London, UK., April 2013.

The Complexities of Development in Alexandra Township, South Africa. Publication of essay in Sinha, S. '*Architecture for Rapid Change and Scarce Resources*', Routledge, April 2012

Gauteng Institute of Architecture Award. For participatory research with a disadvantaged community the in Township of Alexandra, Johannesburg, South Africa, 2005

Teaching and Service

Mindfulness Community of Puget Sound non-profit, Seattle | Board Member, 2024, 2025

University of Washington, Tacoma | Guest Critic and Industry Partner. Urban Design / Capstone Studio, Spring & Fall 2021, Spring 2022, Spring & Fall 2023, Spring & Fall 2024, Spring 2025

University of Wisconsin, Madison | Guest Critic. Planning Workshop and Regional Design, Fall 2020.

Southern Methodist University, Dallas | Industry Partner and Guest Critic, Environmental Engineering Senior Project, Spring 2019, Fall 2019, Spring 2020

University of Texas, Arlington, TX | Industry Partner and Guest Lecturer. Future of Hypermobility and Urban Design Hyperloop Studio, Spring 2018, Spring 2020, Fall 2019

University of Texas at Austin | Guest Critic for Urban Land Institute Competition, Spring 2016, Spring 2017

Diversity Co-chair, 2016 – 2017 | School of Planning Student Association, University of Texas at Austin.

University of Bedfordshire, UK | Visiting Lecturer for 2nd and 3rd year interior Design, Spring 2014.

London Metropolitan University, UK | Guest Critic for Undergraduate Architecture Studio, 2013-2014

Ba-Amogeleng HIV Creche/Community Center | Volunteer. Fund raising and pro bono design work to build new community center, Alexander Township, Johannesburg, SA, 2005 – 2007

References available upon request

Seattle Design Commission

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Mayor	6	4			2			1		6		1	
Council													
Other													
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 - **G List *gender*, M= Male, F= Female, T= Transgender, NB= Non-Binary O= Other U= Unknown
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- Diversity information is self-identified and is voluntary.*



Legislation Text

File #: Appt 03465, **Version:** 1

Reappointment of Kate Clark as member, Seattle Design Commission, for a term to February 29, 2028.

The Appointment Packet is provided as an attachment.



City of Seattle Boards & Commissions Notice of Appointment

Appointee Name: <i>Kate Clark</i>		
Board/Commission Name: <i>Seattle Design Commission</i>		Position Title: <i>Artist</i>
<input type="checkbox"/> Appointment OR <input checked="" type="checkbox"/> Reappointment	City Council Confirmation required? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	
Appointing Authority: <input type="checkbox"/> City Council <input checked="" type="checkbox"/> Mayor <input type="checkbox"/> Other: <i>Fill in appointing authority</i>	Term of Position: * <i>3/1/2026</i> to <i>2/29/2028</i> <input type="checkbox"/> <i>Serving remaining term of a vacant position</i>	
Residential Neighborhood: <i>Leschi</i>	Zip Code: <i>98122</i>	Contact Phone No.:
Background: Kate Clark is the Director of Parkeology, a firm specializing in Public Art. Parkeology was created in 2015 and specializes in a variety of artistic endeavors, including performances, videos, and installations of temporary or permanent works. Kate’s work has been showcased in a variety of locations and settings, including permanent and temporary works throughout the United States and Europe. Kate has also participated in various Artist in Residency programs in Italy, Germany and throughout the United States. Kate recently completed an important body of work for the City of Seattle, completing Seattle City Light’s 10 year art plan in January 2024. Kate holds a Master’s in Fine Arts from University of California, San Diego, and a Bachelor’s Degree in Studio Arts from the Evergreen State College in Olympia, Washington.		
Authorizing Signature (original signature): 	Appointing Signatory: <i>Katie B. Wilson</i> <i>Mayor of Seattle</i>	
Date Signed (appointed): <i>2/26/2026</i>		

*Term begin and end date is fixed and tied to the position and not the appointment date.

KATE CLARK CV

www.parkeology.org • [REDACTED]

EDUCATION

Master of Fine Arts: Interdisciplinary Public Art, University of California, San Diego
 Bachelor of Arts, Studio Arts Focus, The Evergreen State College, Olympia, WA
 European Masters in Urbanism Semester Study: IUAV di Venezia. Venice, Italy
 Bauhaus Universitat Weimar Summer School: Urban Design, Architecture. Weimar, Germany
 Study with Master Nangaka Ink Painter Tousui Tanaka, Tokyo, Japan
 The Pont Aven School of Contemporary Art Semester Study. Pont Aven, France

PUBLIC ART COMMISSIONS + GRANTS

- 2021 Burke Gilman Playground Park Commission
- 2020 Seattle Awesome Foundation Grant
Anacortes Arts Festival Grant
- 2019 4Culture & Washington State Convention Center Summit Building Public Art Commission, Seattle, WA
City of San Diego Public Art Commission: Mira Mesa Community Park, San Diego, CA
Shortlist: Western State Hospital Public Art Commission
- 2018 National Museum of Natural History Learning Lab Commission
Sisters of Perpetual Indulgence San Diego Chapter Grant
- 2017 The San Diego Foundation Grant
Elizabeth Firestone Graham Foundation Grant: Parkeology
Project for Public Spaces Grant
- 2016 National Endowment for the Arts & California Arts Council Grant
- 2015 National Endowment for the Arts & California Arts Council Grant
- 2014 University of Humanities Research Institute Grant
- 2013 Bauhaus Universitat Weimar Strategic Partnerships Grant
- 2012 University of California Center for Humanities Interdisciplinary Research Grant
- 2011 Elsewhere Museum Residency Grant
- 2010 National Center for Creative Aging Symposium Grant

RESEARCH FELLOWSHIPS

- 2018 National Museum of Natural History of the Smithsonian Institution
- 2017 The Center for Urban Ecologies Civic Innovation Curator Fellowship
- 2013 Urbanisms of Inclusion Fellowship, Parsons University and IUAV di Venezia
- 2010 Nominee: Smithsonian Artist Research Fellowship
- 2011 Provisions Library for Arts and Social Change Fellowship
Hirshhorn Museum and Sculpture Garden of the Smithsonian Institution Research Fellowship
- 2009 Gallery See Beyond Fellowship
School of the Art Institute of Chicago's Ox-Bow School of Art Fellowship

SELECTED PROJECTS + EXHIBITIONS

- 2023 Bitter Lake Planning Artist in Residence, Seattle, WA
Seattle City Light Public Art Master Plan Artist in Residence
- 2022 Seattle Art Museum: ReMix: *Sculpture Park Tarot*
Seattle City Light Public Art Master Plan Artist in Residence
The Front Art e Cultura, San Ysidro CA. *And We Will Sing in the Tall Grass Again*
- 2021 Bellevue Art Museum, Bellevue WA, *Architecture & Urban Design Biennial*
Mira Mesa, CA. *Mira Mesa Community Art Week* (with the AjA Project)
Kirkland Art Center, Kirkland, WA. *Interdependence*
- 2020 St. James by-the Sea Episcopal Church, La Jolla, CA. *Working Title*
Space / Time, San Diego, CA. *Queen's Circle*
Greater Reston Arts Center, Reston VA. *Buoyant Force Oracle*
- 2019 The Oakland Museum of California, Oakland, CA. *Queer California: Untold Stories*
IMAC, Tijuana, Mexico: *Territorium*
Bread & Salt and Art Produce, San Diego, CA: *A Show About Touching*
- 2018 National Museum of Natural History of the Smithsonian Institution: *Make Me!*
Museum of Contemporary Art San Diego, CA: *Being Here With You/ Estando aquí contigo*
Pelican Bay, Anacortes, WA: *Bread Virgins*
- 2017 NGBK. Berlin, Germany. *Skyjacking Above, Tunneling Below*
Spreckels Organ Pavilion. San Diego, CA. *Organ for the Senses* (with San Diego Art Institute)
Osage Tribal Museum, Pawhuska, OK. *Recovering Voices Interviews*
The Velaslavasay Panorama, Los Angeles, CA. *A Border Peepshow*
Lambda Archives, San Diego, CA. *Queen's Circle*
Balboa Park, San Diego, CA. *Time Capsule Ceremony*
San Diego Natural History Museum, San Diego CA: *Lives of Specimens*
Balboa Park + San Ysidro, CA: *Border Trolley Tours* (with Cognate Collective)
Zoro Gardens, Balboa Park, San Diego, CA: *The Naked Truth*
- 2016 Dutch Design Week, Eindhoven, Netherlands: *Traders Talk*
San Diego Art Institute, San Diego, CA: *In Dust We Trust*
Charles Lindbergh International Airport, San Diego, CA: *Point of Entry*
Joan B. Croc School of Peace Studies Galleries, University of San Diego: *Border Film Week*
Spreckels Organ Pavilion. San Diego, CA: *Organ for the Senses*
Lambda LGBT Archives, San Diego, CA: *Queen's Circle*
Zoro Gardens, Balboa Park, San Diego, CA: *The Naked Truth*
San Diego Museum of Man, San Diego CA: *Facing Artifacts*
- 2015 Biomuseo. Panama City, Panama: *Panama Caribe, Replica Real*
Global Committee, Brooklyn, NY: *Eyes As Sieves*
OKK: Organ Kritischer Kunst. Berlin, Germany: *NoExit:Postcard*
Pacific Standard Time Place and Practice Symposium. Tijuana, MX + San Diego, CA: *Storylines TJ/SD*
Museo de Arte Contemporaneo, Panama City, Panama: *Fluid States*
University Art Gallery, La Jolla, CA: *State Park*
San Diego Art Institute, San Diego, CA: *San Diego Keeps Her Promise: Balboa Park at 100*
- 2014 Marian Bear Open Space Park, San Diego, CA: *Parking Lot Park*
Space4Art, San Diego, CA: *Occupy Thirdspace*
University of California, San Diego Humanities Center: *Living Archives Conversation Series*
Emergent Art Space, Tijuana, MX: *Cruzando Fronteras*
Commonwealth and Council, Los Angeles, CA: *Mux/Demux*
- 2013 WoCA Gallery, Fort Worth, TX: *(Inter)Connections*
Space4Art, San Diego, CA: *Explosive Time Performance Series*
Above the Bike Shop, Washington DC: *KCDC Pop-Up Schoolhouse*

- Experimental Drawing Studio, SME Building, San Diego, CA: *PLAQUE*
- 2012 Hirshhorn Museum Artlab+, Washington DC: *Native Stars*
Honfleur Gallery, Washington DC: *Visual Audio*
- 2011 Washington DC, in collaboration with Provisions Library for Arts and Social Change: *KCDC Season I*
- 2010 Gallery See Beyond, Tokyo, Japan: *Ghost versus Heartin*
Paragraph Gallery, Kansas City, MO: *Smorgasbord*
Hiromart Gallery, Tokyo, Japan: *Okay, Here We Go*
Reyes+Davies Gallery, Washington, DC: *Novel Abstractions*
George Mason University Gallery Fairfax, VA: *Call and Response*
Tactile Bosch, Cardiff, Wales: *Reduplicating the Real*
- 2009 Ox-Bow Gallery, Saugatuck, MI: *Pedestal vs. Stump*
Button-Pedder Gallery Space, Saugatuck, MI: *After All the Tragedies Are Over*
Studio 4903, Washington DC: *December*
- 2008 CIAC (Centre International d'art Contemporain) Pont Aven, France: *Kunst, Ya Know?*
Western Washington University, Bellingham WA: *Wunderkammer*
- 2004 Studio Lavka, Brno Czech Republic: *Fotografie*

PUBLICATIONS

- 2020 *Curatorial Triage: Materializing Disability and Queerness in Three Objects* (with David Serlin). In *Turning Archival*, eds. Kevin Murphy, Daniel Marshall, and Zeb Tortorici. Durham: Duke University Press.
- 2019 *Anthropology, Museums and the Body* (with Gwyneira Isaac et. al). *Museums and Society*
Queen's Circle: Cruising Oral Histories of Balboa Park. Burn All Books Press
Queen's Circle. Emergency Index: Storylines Ugly Duckling Press
Geranium City. In *Border City*, eds. Liz Bachhuber and Margarita Garcia. Weimar: Bauhaus Universitat Press
- 2017 *Museum Futures: A Speculative investigation of museums past, present, and futures* (with Christopher Kennedy and Pablo von Frankenburg. In *RiDE ON: Risk/Dare/Experiment*, Pratt Institute
- 2016 *Storylines TJ/SD*. Emergency Index: Storylines Ugly Duckling Press
Museum Futures vol. II. Co-Edited with Pablo v. Frankenberg and Chris Kennedy. Pratt University.
- 2014 *Box of Books v.3*, curated by Darin Klein for L.A. Book Fair's Printed Matter
- 2012 *Criss Crossing: Interdisciplinary Learning in and out of Institutional Space*. In *Education in Action*, Sixth College, UC San Diego

ARTIST RESIDENCIES

- 2022 Studio Nucleo, Turin, Italy
- 2019 Studio Nucleo, Turin, Italy
- 2017 neue Gesellschaft für bildende Kunst, Berlin, Germany
- 2015 Domestic Performance Agency, Brooklyn, NY
- 2012 Tower Arts Studio, Guemes Island, WA
Honfleur Gallery, Washington, D.C.
- 2011 Elsewhere, Greensboro, N.C.
Honfleur Gallery, Washington, D.C.
Anchor Arts Space, Anacortes, WA
- 2010 Gallery See Beyond, Tokyo, Japan
- 2009 Ox-Bow School of Art, Saugatuck, MI
- 2005 The Department of Safety, Anacortes, WA

CONFERENCES

- 2016 University of California, San Diego: Local Revolutions
- 2015 Harvard University, Boston, MA: Hearing Landscape Critically
- 2014 Australian National University, Canberra, Australia: Affective Habitus
- 2013 Ludwig Maximilian Universitat, Munich, Germany: LaborArttorium
- 2012 University of California, San Diego: Education in Action
- 2008 Western Washington University, Bellingham WA: Center for Innovative Experiential Learning (CIEL).

ARTIST TALKS

- 2022 Seattle Design Festival
Guest Lecturer with Burke Archaeologist Laura Phillips: *Creative Exchange: Art & Archaeology*, King County Library System and the Bellevue Art Museum
- 2021 Anacortes Public Library, Anacortes WA
- 2020 University of Chicago Open Practice Lecture Series
Western Washington University
- 2019 The New Northwest Rules of Public Art: Northwest Public Art Consortium (NoWPAC)
- 2018 George Washington University Smithsonian Program, Washington, D.C.
Guest Lecturer: George Mason University, Washington, D.C.
University of California, San Diego
- 2017 Bauhaus Universitat, Weimar Germany
Middlebury College, Middlebury, Vermont
University of California, San Diego Music Department
- 2016 University of California, San Diego: Local Revolutions
- 2015 Harvard University, Boston, MA: Hearing Landscape Critically
- 2014 Australian National University, Canberra, Australia: Affective Habitus
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AFFILIATIONS

- Director: Parkeology. 2015- Present
- Co-Editor: Museum Futures. 2012-Present
- Co-Founder: Knowledge Commons DC Free School, Washington DC. 2011- Present
- Member: Studio for Ethnographic Design: UC San Diego Communications Department. 2013-2015
- Member: Experimental Sculptural Practices Initiative, UC San Diego Visual Arts Department. 2014

Seattle Design Commission

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New appointments are **bold**, reappointments in underline.

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6	M	3	1.	Urban Planner	Ray Gastil	3/1/25	2/28/27	1	Mayor
4	M	2	2.	Get Engaged	Eric Alipio	9/1/25	8/31/26	1	Mayor
<u>6</u>	<u>M</u>	<u>4</u>	<u>3.</u>	<u>Engineer (Civil/Transportation)</u>	<u>Brian Markham</u>	<u>3/1/26</u>	<u>2/29/28</u>	<u>2</u>	<u>Mayor</u>
8	F	3	4.	At-large	Shirin Masoudi	3/1/25	2/28/27	1	Mayor
<u>1</u>	<u>M</u>	<u>3</u>	<u>5.</u>	<u>Architect</u>	<u>Zubin Rao</u>	<u>3/1/26</u>	<u>2/29/28</u>	<u>2</u>	<u>Mayor</u>
6	F	5	6.	Landscape Architect/ *Chair (1 year appointment)	Phoebe Erin Bogert	*3/1/26 3/1/25	*2/28/27 2/28/27	2	Mayor
6	M	2	7.	Architect	Ben Gist	3/1/25	2/28/27	2	Mayor
1	F	3	8.	Urban Designer	Tatum Lau	3/1/25	2/28/27	1	Mayor
6	M	6	9.	Transportation Planner/	Kevin O'Neill	3/1/25	2/28/27	2	Mayor
<u>6</u>	<u>F</u>	<u>3</u>	<u>10.</u>	<u>Fine Artist</u>	<u>Kate Clark</u>	<u>3/1/26</u>	<u>2/29/28</u>	<u>1</u>	<u>Mayor</u>

SELF-IDENTIFIED DIVERSITY CHART

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	Male	Female	Transgender	NB/ O/ U	Asian	Black/ African American	Hispanic/ Latino	American Indian/ Alaska Native	Other	Caucasian/ Non-Hispanic	Pacific Islander	Middle Eastern	Multiracial
Mayor	6	4			2			1		6		1	
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Key:

*D List the corresponding Diversity Chart number (1 through 9)

**G List gender, M= Male, F= Female, T= Transgender, NB= Non-Binary O= Other U= Unknown

RD Residential Council District number 1 through 7 or N/A

Diversity information is self-identified and is voluntary.



Legislation Text

File #: Appt 03466, **Version:** 1

Reappointment of Brian Markham as member, Seattle Design Committee, for a term to February 29, 2028.

The Appointment Packet is provided as an attachment.



City of Seattle Boards & Commissions Notice of Appointment

Appointee Name: <i>Brian Markham</i>		
Board/Commission Name: <i>Seattle Design Commission</i>		Position Title: <i>Professional Engineer</i>
<input type="checkbox"/> Appointment OR <input checked="" type="checkbox"/> Reappointment	City Council Confirmation required? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	
Appointing Authority: <input type="checkbox"/> City Council <input checked="" type="checkbox"/> Mayor <input type="checkbox"/> Other: <i>Fill in appointing authority</i>	Term of Position: * 3/1/2026 to 2/29/2028 <input type="checkbox"/> <i>Serving remaining term of a vacant position</i>	
Residential Neighborhood: <i>Madrona</i>	Zip Code: 98122	Contact Phone No.: [REDACTED]
Background: <p>Brian Markham is the principal of Brian Markham Engineering, specializing in structural engineering solutions. Brian has over 25 years of experience as a structural engineer, recently heading the Seattle office of Arup, a worldwide engineering firm that specializes in a wide range of engineering services. Brian is focused on creating strong design collaborations supported by deep construction knowledge. He has a broad range of project management and structural engineering experience on complex building projects ranging from art and art museums to airports and performing arts centers. Brian has been a key member in many tightly coordinated multidisciplinary projects, serving as an integral part of the collaborative team process from the early stages of design through construction.</p> <p>Brian received his Bachelor's of Civil Engineering and Masters of Engineering in Structural Engineering from Cornell University. Brian is licensed in New York State and Washington State. Brian also holds memberships in the American Society of Civil Engineers (ASCE), the Structural Engineers Association of Washington and the Design/Build Institute of America (DBIA). Brian is also a Board Member of ACT Theater in Seattle.</p>		
Authorizing Signature (original signature): 	Appointing Signatory: <i>Katie B. Wilson</i> <i>Mayor of Seattle</i>	
Date Signed (appointed): 2/6/2026		

*Term begin and end date is fixed and tied to the position and not the appointment date.

Brian Markham, PE



Profession

Structural Engineer

Current Position

Associate Principal

Joined Arup

2000

Years of Experience

23

Qualifications

MEng, Structural Engineering,
Cornell University, 2000

BS, Civil Engineering,
Cornell University, 1999

PE, State of Washington
(#20110664)

PE, State of New York
(#083504)

Professional Associations

Member, American Society of
Civil Engineers (ASCE)

Member, Structural Engineers
Association of Washington

Member, DBIA

Board Member – ACT a
contemporary theatre

Brian Markham leads Arup in Seattle and the Seattle structural group where he is focused on creating strong design collaborations supported by deep construction knowledge. He has a broad range of project management and structural engineering experience on complex building projects ranging from art and art museums to airports and performing arts centers where he is proud to represent a history of delivering on ambitious plans for clients of all types and sizes.

Since joining Arup in 2000, Brian has been a key member in many tightly coordinated multidisciplinary projects, serving as an integral part of the collaborative team process from the early stages of design through construction.

Communication, coordination, and collaboration has led to project successes in the following 10 years of projects (active and complete):

Arts and Culture:

- Harlequin Theater Renovation, Olympia, WA
- Port Townsend Marine Science Center, Port Townsend, WA
- Wenatchee Valley Cultural Center, Wenatchee, WA
- Georgetown STEAM Plant, Seattle, WA
- ARTS at King Street Station, Seattle, WA
- Century Project, Space Needle Renovation, Seattle, WA
- The Oregon Zoo Primate Enclosure, Portland, OR
- Webster Hall Renovation, New York, NY
- The Chrysalis Amphitheater, Columbia, MD
- Tipet Rise Art Center, Fishtail, MT
- Kauffman Center for the Performing Arts, Kansas City, MO
- Pérez Art Museum Miami, Miami, FL

Aviation:

- Abu Dhabi International Airport, Midfield Terminal, UAE
- New International Airport, Mexico City, Mexico
- Raleigh-Durham Airport, Terminal C, Raleigh-Durham, NC

Commercial:

- Confidential Video Game Developer TI, Bellevue, WA
- Confidential Spiral Stair, Bellevue, WA

Education:

- The Tianjin Juilliard School, Tianjin, China
- Columbia University, Kravis Hall + Geffen Hall, NY, NY
- Beijing National Day School, Changping, China
- Columbia University, Northwest Corner Science Building, NY, NY
- Cornell Tech, Bloomberg Center, New York, NY
- Brown University, Robert Hall, Providence, RI
- Princeton University Lewis Center for the Arts, Princeton, NJ

Government / NGO:

- Camsur Capitol Building, Camsur, Philippines
- Bill & Melinda Gates Foundation Campus, Seattle, WA

Hotels & Leisure:

- Raffles City Mixed-Use Development, Chongqing, China
- CitizenM South Lake Union Hotel, Seattle, WA
- CitizenM NoMa Hotel, Washington DC
- Marina Bay Sands, Integrated Resort Singapore

Transit:

- BART to Silicon Valley 2, San Jose, CA
- Canal Street Ferry Terminal, New Orleans, LA
- MTA Flood Resiliency Retrofit, New York, NY
- Second Avenue Subway, New York, NY

SIT:

- Unison Elliott West, Seattle, WA
- Dexcom Production Facility, Penang, Malaysia
- PNNL Energy Science Center, Richland, WA

Sport:

- Confidential Sports Facility, OR
- Big Sky Ski Resort, Gondola, Restaurant, Tram, Big Sky, MT
- Project Black, Spurs Training Facility, San Antonio, TX
- Allegiant Stadium, Las Vegas, NV
- Beijing National Stadium "Bird's Nest" Beijing, China
- Lincoln Financial Field, Philadelphia, PA

Art Installations:

- Daniel Canogar *Pulsation*, Beaverton, OR
- Isa Genzken *2 Orchids*, East Hampton, NY + Doha, Qatar
- Cao Perrot *Sunset Jewel*, West Hollywood, CA
- Janet Echelman *Bending Arc*, St. Petersburg, FL
- Jenny Sabin *Ada*, Redmond, WA
- Jenny Sabin *Polyform*, Ithaca, NY
- Jenny Sabin *Lumen 2.0*, Ithaca, NY + Santiago, Chile
- Jenny Sabin *Sinewflex*, Beaverton, OR
- Rodney Graham *Torqued Chandelier*, Vancouver, BC
- MOMA/PSI 2018 *Hide and Seek*, Long Island City, NY
- Jenny Holzer *Dust Paintings*, New York, NY
- Stephen Talasnik *Satellite #5: Pioneer*, Fishtail, MT
- Alfredo Jaar *Stairway to Heaven*, Ulm, Germany
- Paola Pivi *How I Roll*, Central Park, New York, NY
- John Chamberlain -4 works at Seagram Plaza, New York, NY
- Bruce Nauman *100 Fish Fountain*, New York, NY
- Damien Hirst *Sins of Our Father*, New York, NY
- Jeff Koons -various sculptures, New York, NY

Seattle Design Commission

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8	F	3	4.	At-large	Shirin Masoudi	3/1/25	2/28/27	1	Mayor
<u>1</u>	<u>M</u>	<u>3</u>	<u>5.</u>	<u>Architect</u>	<u>Zubin Rao</u>	<u>3/1/26</u>	<u>2/29/28</u>	<u>2</u>	<u>Mayor</u>
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Council													
Other													
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Key:

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 - RD Residential Council District number 1 through 7 or N/A
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Legislation Text

File #: Appt 03467, **Version:** 1

Reappointment of Zubin Rao as member, Seattle Design Commission, for a term to February 29, 2028.

The Appointment Packet is provided as an attachment.



City of Seattle Boards & Commissions Notice of Appointment

Appointee Name: <i>Zubin Rao</i>		
Board/Commission Name: <i>Seattle Design Commission</i>		Position Title: <i>Architect</i>
<input type="checkbox"/> Appointment <i>OR</i> <input checked="" type="checkbox"/> Reappointment	City Council Confirmation required? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	
Appointing Authority: <input type="checkbox"/> City Council <input checked="" type="checkbox"/> Mayor <input type="checkbox"/> Other: <i>Fill in appointing authority</i>	Term of Position: * 3/1/2026 to 2/29/2028 <input type="checkbox"/> <i>Serving remaining term of a vacant position</i>	
Residential Neighborhood: <i>Madison Park</i>	Zip Code: <i>98122</i>	Contact Phone No.: [REDACTED]
Background: Zubin is an Associate with Miller Hull, a Seattle-based Architecture and Planning firm. Zubin brings over 15 years of architectural practice experience, having successfully contributed to a broad array of project types and scales across design, management, and technical roles. He specializes in solving community enhancement and sustainability goals for public sector clients, leading with multidisciplinary dialog and stakeholder communication to deliver high design quality. Zubin's recent experience has been increasingly focused on sheparding projects from the early stages of concept design through design development while managing the entitlements process and other permitting efforts. As a design critic, Zubin has served on studio reviews at multiple universities and has been a noteworthy voice in shaping the design trajectory of many Miller Hull projects through his consistently thoughtful contributions to weekly Design Panel discussions. Zubin is a founding member of Miller Hull's Equity Lab and a member of the firm's hiring panel.		
Authorizing Signature (original signature): <i>Kate B Wilson</i>	Appointing Signatory: <i>Katie B. Wilson</i> <i>Mayor of Seattle</i>	
Date Signed (appointed): 2/6/2026		

*Term begin and end date is fixed and tied to the position and not the appointment date.



PROFESSIONAL REGISTRATIONS
Registered Architect: State of Washington

EDUCATION
Master of Architecture,
University of Michigan, 2007

Bachelor of Arts with Honors in
Philosophy, University of Michigan, 2003

AFFILIATIONS AND ACTIVITIES
Member
American Institute of Architects (AIA)

Guest Critic
Studio Reviews for Various Universities:
• University of Washington, Seattle
• Washington State University
• University of Michigan, Ann Arbor
• University of Illinois, Urbana-Champaign

Presentations
"Effective Fire Station Planning for Compact Sites," F.I.E.R.O. National Fire Station Design Symposium, 2022

"Renovation of Tacoma Paper & Stationery," Construction Specifications Institute, Mt. Rainier Chapter, April 2018

"Sustainable Design and the LEED Rating System," Guest Lecturer, Energy Engineering 552—Design of Energy Efficient Buildings, University of Illinois, Chicago, February 2009, 2010

ZUBIN RAO

The Miller Hull Partnership, LLP
AIA, Associate, LEED AP

Zubin brings over 15 years of architectural practice experience, having successfully contributed to a broad array of project types and scales across design, management, and technical roles. He delights in solving for the unique community enhancement and sustainability goals typical of public sector clients and believes that enthusiastic multidisciplinary dialog and stakeholder communication is the key to delivering finished projects of a consistently high design quality. Zubin's recent experience has been increasingly focused on shepherding projects from the early stages of concept design through design development while managing the entitlements process and other permitting efforts. As a design critic, Zubin has served on studio reviews at multiple Universities and has been a noteworthy voice in shaping the design trajectory of many Miller Hull projects through his consistently thoughtful contributions to weekly Design Panel discussions.

Selected Recent Project Experience

City of Seattle Fire Station 31, Seattle, WA (2020-2025)

Project Manager for a new 3-story, 22,600 square foot fire station facility. Successfully led the project from early concept design through design development and managed a complex Type V MUP entitlement process including Seattle Design Commission review.

City of Bellevue Meydenbauer Bay Park Phase 2 Expansion, Bellevue, WA (2023-2024)

Project manager for concept design and schematic design phase architectural development. Miller Hull is working as a subconsultant to a Landscape Architecture firm and contributing to a tightly integrated, multidisciplinary design process on a complex, steeply-sloped shoreline site.

Bates Technical College Fire Service Training Facility, Tacoma, WA (2023-2026)

Design phase project manager for a new firefighter training facility that includes both classroom spaces and firefighter training props. Progressive Design-Build delivery method will provide best value solutions for this highly technical project that must also embody design excellence and function as a new campus gateway.

University of Washington Building Renewal Program, Seattle, WA (2023-2024)

Project Manager for a novel strategic planning effort that will seek to greatly reduce the deferred maintenance burden of the University's existing building stock while advancing the University's master plan. Project will develop custom data visualization and decision-making tools for ongoing use by University leadership.

City of Bothell Fire Stations 42 and 45, Bothell, WA (2019-2023)

Design phase project manager for two completely new fire stations and associated interim operating accommodations under a single Progressive Design-Build contract.

Northwest Langley Wastewater Treatment Plant, Langley, BC (2017-2023)

Architectural design and sustainability lead project manager for the indicative design of an approximately billion dollar wastewater treatment facility that includes park-like community amenities and public art components.

United States Consulate General, Merida, Mexico (2019)

Designed the entry pavillion buildings, canopies, and recreational elements of a new consulate compound that serve as key components that establish the image of the facility and connectivity throughout the site.

University of Washington Hans Rosling Center for Population Health, Seattle, WA (2017-2018)

Contributed to the design of key lobby and common interior spaces for this interdisciplinary hub building intended to foster increased collaboration amongst the various health sciences schools.

Tacoma Paper and Stationery, Tacoma, WA (2014-2017)

Project architect from predesign through closeout for an adaptive reuse conversion of a historic warehouse into a multidisciplinary student-focused building housing biomedical labs, electrical engineering labs, classrooms, teaming spaces and a maker space.

Additional Projects

- 333 Dexter, Office Tower Construction Administration, Seattle, WA (2018)
- Crawford Music Building Renovation, Energy Upgrades, Seattle Pacific University, Seattle, WA (2015)
- Otto Miller Hall Renovation, Interior Remodel, Seattle Pacific University, Seattle, WA (2014)
- Sparc Apartments, Workforce Housing, Spring District, Bellevue, WA (2012-2014, with GGLO Architects)
- Hope Manor, Affordable Veteran Apartments, Chicago, IL (2009-2011, with Worn Jerabek Architects)

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<u>6</u>	<u>M</u>	<u>4</u>	<u>3.</u>	<u>Engineer (Civil/Transportation)</u>	<u>Brian Markham</u>	<u>3/1/26</u>	<u>2/29/28</u>	<u>2</u>	<u>Mayor</u>
8	F	3	4.	At-large	Shirin Masoudi	3/1/25	2/28/27	1	Mayor
<u>1</u>	<u>M</u>	<u>3</u>	<u>5.</u>	<u>Architect</u>	<u>Zubin Rao</u>	<u>3/1/26</u>	<u>2/29/28</u>	<u>2</u>	<u>Mayor</u>
6	F	5	6.	Landscape Architect/ *Chair (1 year appointment)	Phoebe Erin Bogert	*3/1/26 3/1/25	*2/28/27 2/28/27	2	Mayor
6	M	2	7.	Architect	Ben Gist	3/1/25	2/28/27	2	Mayor
1	F	3	8.	Urban Designer	Tatum Lau	3/1/25	2/28/27	1	Mayor
6	M	6	9.	Transportation Planner/	Kevin O'Neill	3/1/25	2/28/27	2	Mayor
<u>6</u>	<u>F</u>	<u>3</u>	<u>10.</u>	<u>Fine Artist</u>	<u>Kate Clark</u>	<u>3/1/26</u>	<u>2/29/28</u>	<u>1</u>	<u>Mayor</u>

SELF-IDENTIFIED DIVERSITY CHART

	SELF-IDENTIFIED DIVERSITY CHART				(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)	(9)
	Male	Female	Transgender	NB/ O/ U	Asian	Black/ African American	Hispanic/ Latino	American Indian/ Alaska Native	Other	Caucasian/ Non-Hispanic	Pacific Islander	Middle Eastern	Multiracial
Mayor	6	4			2			1		6		1	
Council													
Other													
Total	6	4			2			1		6		1	

Key:

***D** List the corresponding *Diversity Chart* number (1 through 9)

****G** List *gender*, **M**= Male, **F**= Female, **T**= Transgender, **NB**= Non-Binary **O**= Other **U**= Unknown

RD Residential Council District number 1 through 7 or N/A

Diversity information is self-identified and is voluntary.



Legislation Text

File #: CB 121171, **Version:** 1

CITY OF SEATTLE

ORDINANCE _____

COUNCIL BILL _____

AN ORDINANCE relating to land use and zoning; repealing Ordinance 127191, which allowed residential use within the Stadium Transition Area Overlay District under Chapter 23.74 of the Seattle Municipal Code. WHEREAS, on March 18, 2025, the City Council passed Ordinance 127191, amending the text of the Land

Use Code to allow residential use as an ancillary and conditional use within a portion of the Stadium Transition Area Overlay District; and

WHEREAS, the adoption of Ordinance 127191 was appealed by the Port of Seattle to both the King County Superior Court and to the Growth Management Hearings Board (Growth Board); and

WHEREAS the Growth Board challenge was assigned Case No. 25-3-0009 and alleged procedural and substantive violations of the Growth Management Act and the State Environmental Policy Act; and

WHEREAS, on November 10, 2025, the Growth Board issued its Final Decision and Order and found procedural deficiencies with the adoption of Ordinance 127191 and determined the ordinance to be invalid; and

WHEREAS, the Growth Board also found that Ordinance 127191 was noncompliant with the Growth Management Act because it determined the ordinance was inconsistent with both the Land Use Element of the Seattle Comprehensive Plan and the King County Countywide Planning Policies; and

WHEREAS, on December 10, 2025, The City of Seattle filed an appeal challenging the Growth Board's substantive holdings, but the City did not challenge the procedural holdings or the Growth Board's order of invalidity based on those procedural holdings; and

WHEREAS, the Growth Board ordered that The City of Seattle take action before May 11, 2026 to comply with the Growth Board’s Final Decision and Order and order of invalidity; NOW, THEREFORE,

BE IT ORDAINED BY THE CITY OF SEATTLE AS FOLLOWS:

Section 1. Ordinance 127191 (included as Attachment 1 to this ordinance), which allowed residential use as a conditional use within a portion of the Stadium Transition Area Overlay District, is repealed.

Section 2. This ordinance shall take effect as provided by Seattle Municipal Code Sections 1.04.020 and 1.04.070.

Passed by the City Council the _____ day of _____, 2026, and signed by me in open session in authentication of its passage this _____ day of _____, 2026.

President _____ of the City Council

Approved / returned unsigned / vetoed this ____ day of _____, 2026.

Katie B. Wilson, Mayor

Filed by me this _____ day of _____, 2026.

Scheereen Dedman, City Clerk

(Seal)

Attachments:

Attachment 1 - Signed Ordinance 127191

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CITY OF SEATTLE
ORDINANCE 127191
COUNCIL BILL 120933

AN ORDINANCE relating to land use and zoning; amending Sections 23.74.002 and 23.74.008 of the Seattle Municipal Code to allow residential uses in the Stadium Transition Area Overlay District.

WHEREAS, Seattle’s Comprehensive Plan includes policy LU 10.2, which states that the City will “Preserve industrial land for industrial uses, especially where industrial land is near rail- or water-transportation facilities to allow marine- and rail-related industries that rely on that transportation infrastructure to continue to function in the city.” and

WHEREAS, Seattle’s Comprehensive Plan includes policy LU 10.3, which states that the City will “Ensure predictability and permanence for industrial activities in industrial areas by limiting changes in industrial land use designation. There should be no reclassification of industrial land to a non-industrial land use category except as part of a City-initiated comprehensive study and review of industrial land use policies or as part of a major update to the Comprehensive Plan.” and

WHEREAS, Seattle’s Comprehensive Plan includes policy LU 10.8, which states that the City will “Prohibit new residential development in industrial zones except for certain types of dwellings, such as caretaker units and, in urban industrial zones, dwellings for workers, that are related to the industrial area and that would not restrict or disrupt industrial activity.” and

WHEREAS, additional new housing in industrial areas outside of the limited industrial-related housing currently allowed could have significant impacts on the City’s industrial areas; and

1 WHEREAS, the Council intends to further strengthen the City’s policies and regulations to
2 further limit changes to the boundaries of industrial areas, and further limit rezones to
3 non-industrial uses in the Urban Industrial zone within Manufacturing/Industrial Centers;

4 NOW, THEREFORE,

5 **BE IT ORDAINED BY THE CITY OF SEATTLE AS FOLLOWS:**

6 Section 1. Section 23.74.002 of the Seattle Municipal Code, last amended by Ordinance
7 126862, is amended as follows:

8 **23.74.002 Purpose, intent, and description of the overlay district—Rezone requirement—**

9 **Rezone criteria**

10 A. Purpose and intent. The purpose of this Chapter 23.74 is to implement the City's
11 Comprehensive Plan, including the neighborhood plan for the Greater Duwamish
12 Manufacturing/Industrial Center, by establishing a Stadium Transition Area Overlay District for
13 the area shown on Map A for 23.74.004. The Stadium Transition Area centers on large sports
14 facilities and allows uses complementary to them. It is intended to contribute to a safer
15 pedestrian environment for those attending events and permits a mix of uses, supporting the
16 pedestrian-oriented character of the area as well as the surrounding industrial zone, while
17 minimizing conflicts with industrial uses. Within the overlay district, use provisions and
18 development standards are designed to: create a pedestrian connection with downtown;
19 discourage encroachment on nearby industrial uses to the south; and create a pedestrian-friendly
20 streetscape. Allowing a mix of uses, including office development, restaurants, lodging,
21 residential uses, and maker uses and arts, is intended to encourage redevelopment and to
22 maintain the health and vibrancy of the area during times when the sports facilities are not in
23 operation.

* * *

Section 2. Section 23.74.008 of the Seattle Municipal Code, last amended by Ordinance 126862, is amended as follows:

23.74.008 Uses.

Notwithstanding the use provisions of the underlying zone, the following use provisions apply:

A. The following uses are permitted in buildings existing on June 1, 2023:

1. Artist's studio/dwellings;
2. Major institutions.

B. The following uses are prohibited:

1. Heavy manufacturing uses;
2. High-impact uses;
3. Solid waste management;
4. Recycling uses;
5. Animal shelters and kennels;
6. Veterinary offices;
7. Pet grooming;
8. Airports, land and water based;
9. Hospitals;
- 10 Elementary and secondary schools;
11. Drive-in businesses, including gas stations;
12. Bus bases;
13. Flexible-use parking¹; and

1 14. Residential uses, except for those allowed under SMC 23.74.008.C.

2 ~~((otherwise allowed as an administrative conditional use in the Urban Industrial zone pursuant to~~
3 ~~subsection 23.50A.062.C)).~~

4 ¹ Parking required for a spectator sports facility or exhibition hall is allowed and shall be
5 permitted to be used for flexible-use parking or shared with another such facility to meet its
6 required parking. A spectator sports facility or exhibition hall within the Stadium Transition
7 Overlay Area District may reserve non-required parking only outside the overlay district and
8 only if:

9 (a) The parking is owned and operated by the owner of the spectator sports facility or
10 exhibition hall; and

11 (b) The parking is reserved for events in the spectator sports facility or exhibition hall;
12 and

13 (c) The reserved parking is south of South Royal Brougham Way, west of 6th Avenue
14 South and north of South Atlantic Street. Parking that is provided to meet required parking will
15 not be considered reserved parking.

16 C. In areas zoned Urban Industrial, residential uses are permitted as a conditional use east
17 of 1st Avenue S pursuant to the criteria contained in subsection 23.50A.062.C:

18 1. Except that criterion 23.50A.062.C.3 does not apply within the Stadium
19 Transition Area Overlay District (STAOD);

20 2. Only where the following occur, the total number of residential units permitted
21 in the Stadium Transition Area Overlay District may not exceed 990 units;

22 3. Except that, if any site is determined to be a geologic hazard area by the
23 Director, a covenant shall be required and recorded to run with the land in perpetuity;

1 4. Except that criterion 23.50A.062.C.4 does not apply within the STAOD, and
2 instead the following criteria must be met: All dwelling units shall have sound-insulating
3 windows sufficient to maintain interior sound levels at 45 decibels or below in consideration of
4 existing environmental noise levels at the site. The applicant shall submit an analysis of existing
5 noise levels and documentation of the sound insulating capabilities of windows as part of the
6 conditional use permit application;

7 5. only where the following occur: The building containing residential uses shall
8 have at least three signs in conspicuous locations, such as in the residential lobby, the leasing
9 office, and on the exterior of the building visible from the residential entry, that use clear
10 language to convey the following information:

11 a. That the project is located in an industrial area, and that residents, by
12 choosing to live in the area, accept the industrial character of the neighborhood and agree that
13 existing or permitted industrial uses do not constitute a nuisance or other inappropriate or
14 unlawful use of land, and

15 b. If the project has been determined to be in a liquefaction zone, that the
16 building is in a liquefaction zone and that residents understand that there may be heightened risk
17 during earthquakes; and

18 6. Except that a Master Use Permit application for a development containing
19 residential uses in the Stadium Transition Area Overlay District pursuant to the criteria contained
20 in subsection 23.50A.062.C must contain an executed and recorded agreement stating that the
21 development has not used City funding, will not use City funding and will not seek City funding
22 for the construction of the project, maintenance of the project, or any environmental remediation

1 of the site on which the development is located. The agreement shall be recorded on the title of
2 the property on which that development is located; and

3 Residential uses otherwise allowed as an administrative conditional use in the Urban
4 Industrial zone pursuant to subsection 23.50A.062.C are prohibited west of 1st Avenue S.

5 Section 3. This ordinance shall take effect on June 30, 2025.

6 Passed by the City Council the 18th day of March, 2025

7 and signed by me in open session in authentication of its passage this 18th day of
8 March, 2025.

9 

10 President _____ of the City Council

Approved / returned unsigned / vetoed this 27th day of March, 2025.

11 **Returned Unsigned by Mayor**

12 Bruce A. Harrell, Mayor

13 Filed by me this 27th day of March, 2025.

14 

15 Scheereen Dedman, City Clerk

16 (Seal)

SUMMARY and FISCAL NOTE

Department:	Dept. Contact:	CBO Contact:
LEG	HB Harper	

1. BILL SUMMARY

Legislation Title: An ordinance relating to land use and zoning; repealing Ordinance 127191, which allowed residential use within Stadium Transition Area Overlay District under Chapter 23.74 of the Seattle Municipal Code.

Summary and Background of the Legislation: On March 18, 2025, the Council voted to approve Council Bill 120933, as amended by the Council, which became Ordinance 127191. The Ordinance amended Chapter 23.74 SMC—the development regulations that apply within the Stadium Transition Area Overlay District—to allow limited residential use as a conditional and ancillary use within a portion of the Stadium District, and removed the general prohibition established in 2023 on such residential uses within the Stadium District. After a Petition for Review was filed to the Growth Management Hearings Board, the City was found to have failed to follow proper procedures in adoption of Ordinance 127191, and was ordered to repeal the ordinance by May 11, 2026. If the City does not repeal the ordinance, it could face financial sanctions under RCW 36.70A.340.

2. CAPITAL IMPROVEMENT PROGRAM

Does this legislation create, fund, or amend a CIP Project? Yes No

Project Name:	Master Project I.D.:	Project Location:	Start Date:	End Date:	Total Project Cost Through 2031:

3. SUMMARY OF FINANCIAL IMPLICATIONS

Does this legislation have financial impacts to the City? Yes No

Expenditure Change (\$); General Fund	2026	2027 est.	2028 est.	2029 est.	2030 est.
Expenditure Change (\$); Other Funds	2026	2027 est.	2028 est.	2029 est.	2030 est.

Revenue Change (\$); General Fund	2026	2027 est.	2028 est.	2029 est.	2030 est.

Revenue Change (\$); Other Funds	2026	2027 est.	2028 est.	2029 est.	2030 est.

Number of Positions	2026	2027 est.	2028 est.	2029 est.	2030 est.

Total FTE Change	2026	2027 est.	2028 est.	2029 est.	2030 est.

3.a. Appropriations

This legislation adds, changes, or deletes appropriations.

Fund Name and Number	Dept	Budget Control Level Name/Number	2026 Appropriation Change	2027 Estimated Appropriation Change
TOTAL				

Appropriations Notes:

3.b. Revenues/Reimbursements

This legislation adds, changes, or deletes revenues or reimbursements.

Anticipated Revenue/Reimbursement Resulting from This Legislation:

Fund Name and Number	Dept	Revenue Source	2026 Revenue	2027 Estimated Revenue
TOTAL				

Revenue/Reimbursement Notes:

3.c. Positions

This legislation adds, changes, or deletes positions.

**Total Regular Positions Created, Modified, or Abrogated through This Legislation,
Including FTE Impact:**

Position # for Existing Positions	Position Title & Department*	Fund Name & Number	Program & BCL	PT/FT	2026 Positions	2026 FTE	Does it sunset? (If yes, explain below in Position Notes)

Position # for Existing Positions	Position Title & Department*	Fund Name & Number	Program & BCL	PT/FT	2026 Positions	2026 FTE	Does it sunset? (If yes, explain below in Position Notes)
TOTAL							

* List each position separately.

Position Notes:

3.d. Other Impacts

Does the legislation have other financial impacts to The City of Seattle, including direct or indirect, one-time or ongoing costs, that are not included in Sections 3.a through 3.c? If so, please describe these financial impacts.

If the legislation has costs, but they can be absorbed within existing operations, please describe how those costs can be absorbed. The description should clearly describe if the absorbed costs are achievable because the department had excess resources within their existing budget or if by absorbing these costs the department is deprioritizing other work that would have used these resources.

Please describe any financial costs or other impacts of *not* implementing the legislation. The legislation prevents financial impacts by repealing an invalid ordinance. If the City fails to pass this repealing legislation, direct financial impacts such as withholding of tax revenues or temporarily rescinding the City’s authority to collect real estate excise taxes could be incurred.

Please describe how this legislation may affect any City departments other than the originating department.

4. OTHER IMPLICATIONS

- a. Is a public hearing required for this legislation? Yes.**
- b. Is publication of notice with The Daily Journal of Commerce and/or The Seattle Times required for this legislation? Yes.**
- c. Does this legislation affect a piece of property? Yes, it affects land use development regulations that apply to several pieces of property in the Stadium Transition Area Overlay District east of First Ave S.**
- d. Please describe any perceived implication for the principles of the Race and Social Justice Initiative.** The invalid ordinance being repealed may have been perceived to have a positive effect on social justice by creating opportunities for workforce housing; however, since the ordinance is invalid, repealing it does not change race or social justice impacts.

- i. How does this legislation impact vulnerable or historically disadvantaged communities? How did you arrive at this conclusion? In your response please consider impacts within City government (employees, internal programs) as well as in the broader community.** No impact anticipated, based on the invalidity of the ordinance being repealed.
 - ii. Please attach any Racial Equity Toolkits or other racial equity analyses in the development and/or assessment of the legislation.**
 - iii. What is the Language Access Plan for any communications to the public?**
- e. Climate Change Implications**
 - i. Emissions: How is this legislation likely to increase or decrease carbon emissions in a material way? Please attach any studies or other materials that were used to inform this response.** No impact anticipated, based on the invalidity of the ordinance being repealed.
 - ii. Resiliency: Will the action(s) proposed by this legislation increase or decrease Seattle’s resiliency (or ability to adapt) to climate change in a material way? If so, explain. If it is likely to decrease resiliency in a material way, describe what will or could be done to mitigate the effects.** No impact anticipated, based on the invalidity of the ordinance being repealed.
- f. If this legislation includes a new initiative or a major programmatic expansion: What are the specific long-term and measurable goal(s) of the program? How will this legislation help achieve the program’s desired goal(s)? What mechanisms will be used to measure progress towards meeting those goals?**
- g. Does this legislation create a non-utility CIP project that involves a shared financial commitment with a non-City partner agency or organization? No**

5. ATTACHMENTS

Summary Attachments:



SEATTLE CITY COUNCIL

February 26, 2026

NOTICE OF A SEATTLE CITY COUNCIL PUBLIC HEARING ON LEGISLATION TO REPEAL ORDINANCE 120993

The Seattle City Council's Land Use and Sustainability Committee will hold a public hearing on April 1, 2026, starting at 9:30 AM, on CB 121171. This legislation would repeal Ordinance 127191 which would have allowed residential uses as a conditional use in the Stadium Transition Area Overlay District.

PUBLIC HEARING

The City Council's Land Use and Sustainability Committee will hold a public hearing to take comments on CB 121171 on Wednesday, April 1, 2026, at 9:30 AM. The hearing will be held in:

City Council Chambers
2nd Floor, Seattle City Hall
600 Fourth Avenue, Seattle, WA

Persons who wish to participate in or attend the hearing may be offered the opportunity to do so remotely. If this is the case, the City Council will provide instructions in the meeting agenda on how to participate remotely. Please check the Land Use and Sustainability Committee agenda a few days prior to the meeting at <http://www.seattle.gov/council/committees>. Print and communications access is provided on prior request. Seattle City Council Chambers is accessible. Directions to the City Council Chambers, and information about transit access and parking are available at <http://www.seattle.gov/council/meet-the-council/visiting-city-hall>.

WRITTEN COMMENTS

For those unable to attend the public hearing, written comments may be sent to:

Councilmember Lin
600 Fourth Avenue, Floor 2
PO Box 34025
Seattle, WA 98124-4025
or by email to council@seattle.gov

Written comments should be received by Tuesday March 31, at 5:00 PM.

INFORMATION AVAILABLE

The proposed legislation is available at [Land Use & Sustainability - Council | seattle.gov](http://www.seattle.gov/land-use-sustainability/council).

Questions regarding the legislation may be directed to HB Harper, Council Central Staff at 425-566-0645 or hb.harper@seattle.gov .

2/19/2026

MEMORANDUM

To: Land Use and Sustainability Committee
From: HB Harper, Analyst
Subject: CB 121171 - Repeal of Ordinance 127191

On March 04, 2026, the Land Use & Sustainability Committee (Committee) will receive a briefing on Council Bill (CB) 121171, a repeal of [Ordinance 127191](#) as the City's action to comply with the Growth Management Hearing Board under their order of November 10, 2025. Ordinance 127191 would have permitted residential uses within a portion of the Stadium Transition Area Overlay District.

Background

On March 18, 2025, the Council voted to approve CB 120933, as amended by the Council, which became Ordinance 127191. The Ordinance amended [Chapter 23.74 of the Seattle Municipal Code \(SMC\)](#) – the development regulations that apply within the Stadium Transition Area Overlay District (STAOD) – to allow limited residential use as a conditional and ancillary use within a portion of the Stadium District, and removed the general prohibition established in 2023 on such residential uses within the Stadium District. The Port of Seattle appealed the ordinance under the Land Use Petition Act¹ as well as in a petition to the Growth Management Hearings Board (GMHB).

Land Use History of the Area

The STAOD (SMC Chapter 23.74) was adopted in 2000, a year after T-Mobile Park opened and during the construction of Lumen Field. In 2023, with the adoption of the [Industrial and Maritime Strategy](#) zoning changes, the area within the STAOD was primarily rezoned to the Urban Industrial (UI) zone. The UI zone was created to provide a transition between core industrial areas and neighboring urban villages, residential, and mixed-use areas, and are envisioned to include a mix of affordable, small-scale places for light industry, makers, brewing and distilling, creative arts, and industry supporting ancillary retail, office, or research activity. The UI zone generally also provides limited opportunities for workforce housing that supports industrial uses, but residential use was expressly prohibited in the STAOD at that time, in response to concerns about potential impacts to proximate Port facilities.

Process for Adoption of Ordinance 127191

Council Bill 120933 was introduced in January 2025 and amended development regulations in Chapter 23.74 to allow residential uses as a conditional use in the STAOD pursuant to many of the criteria that applied to residential uses in other UI areas.

Council Bill 120933 was heard by the Governance, Accountability, and Economic Development Committee on January 24, 2025; a public hearing was held by that Committee on February 24,

¹ Litigation is ongoing and will not be discussed in this memo.

2025, and the Committee voted it out on February 27, 2025. Council Bill 120933 was passed by the City Council with eight amendments at a City Council meeting on March 18, 2025. The bill, as amended, became Ordinance 127191.

GMHB

The GMHB is charged with adjudicating compliance with Growth Management Act and, when necessary, invalidating noncompliant plans and development regulations. Comprehensive plans and development regulations are presumed to be valid upon adoption, creating a high threshold for determination that an action taken by a local jurisdiction is noncompliant; the Board is directed to find compliance unless it is left with the firm and definite conviction that a mistake has been committed.

Issues Raised in the Petition

The Port's claims included both procedural and substantive errors on the part of the City. The GMHB's conclusions substantiated some, but not all, of the issues raised by the Port.

Most relevant to this repeal, the GMHB concluded that the City had failed to follow proper procedures related to State Environmental Policy Act (SEPA) review, notification to the Department of Commerce, and public participation. The City acknowledges these procedural errors and, crucially, accepts the Board's invalidation of the ordinance, and must therefore take compliance action by repealing Ordinance 127191.

The substantive issues raised by the Port and substantiated by the GMHB included inconsistency with the City's Comprehensive Plan and the Countywide Planning Policies; the City refutes the findings and has filed an appeal to the Thurston County Superior Court regarding those issues. Regardless of the outcome of that appeal, the procedural issues render the ordinance invalid and therefore it must be repealed; any further action related to land use in the STAOD will require the City to follow all necessary procedural steps.

Next Steps

A public hearing will be held on April 1, 2026, at 9:30 AM, with a possible Committee vote that day. The City was ordered to repeal the ordinance by May 11, 2026; if the City does not repeal the ordinance to comply with the GMHB order, it could face financial sanctions under [the Revised Code of Washington \(RCW\) 36.70A.340](#).

Attachments

1. GMHB Final Decision and Order on Case No. 25-3-0009

cc: Ben Noble, Director
Lish Whitson, Deputy Director

BEFORE THE GROWTH MANAGEMENT HEARINGS BOARD
CENTRAL REGION
STATE OF WASHINGTON

PORT OF SEATTLE,	Petitioner,
v.	
CITY OF SEATTLE,	Respondent,
and	
BNSF RAILWAY COMPANY,	Intervenor.

Case No. 25-3-0009

FINAL DECISION AND ORDER

I. INTRODUCTION

The Port of Seattle (Port) and BNSF Railway Company (BNSF) challenged the City of Seattle’s (City) adoption of Ordinance 127191 which amended the City’s code to permit new residential development within the City’s Stadium Transition Area Overlay District (STAOD)¹ in an area zoned Urban Industrial (UI).² Previously within the STAOD the City had permitted housing for caretakers and artist studios, but excluded other residential development, and with this amendment now authorizes residential development at a density of fifty-dwelling units per acer.

The STAOD has existed as an overlay district since 2000 and includes approximately 93 acres of land in the South of Downtown (SODO) neighborhood of Seattle, 40 acres of which includes Lumen Field and T-Mobile Park.³ Between 2019 and 2021, the City undertook review of its Industrial and Maritime Lands resulting in the adoption of the City’s Industrial

¹ The Parties refer to this as both the Stadium Transition Area Overlay District (“STAOD”) and the Stadium District. For brevity and clarity this Board refers to this as the STAOD.

² Amending Chapter 23.74 SMC.

³ See Ex. 128 at 10 (providing a visual representation).

1 and Maritime Strategy. In order to adopt this legislation, the City necessarily undertook
 2 environmental review which included the adoption of a Final Environmental Impact
 3 Statement (FEIS) on September 29, 2022, which studied, among other things, the inclusion
 4 of up to 990 industry-supportive housing units in the STAOD.⁴ The City adopted legislation
 5 creating the new UI zone throughout the City which permitted residential uses as a
 6 conditional use subject to several restrictions, including setbacks from the City's Major Truck
 7 Streets,⁵ however, residential uses remained prohibited in the STAOD with the exception of
 8 artist studios and caretaker's quarters.⁶

10 In January 2025, the City initiated consideration of CB 120933⁷ (the initial draft of the
 11 Ordinance at issue) and began its public review process which included a public hearing at
 12 the Committee level on February 24, 2025, and final adoption by the full City Council on
 13 March 18, 2025.

15 The Port claims the Ordinance was adopted without adequate public notice and
 16 participation, without consideration of the City's obligations under the State Environmental
 17 Policy Act (SEPA), in contradiction to the City's Comprehensive Plan, policies, and code,
 18 and was contrary to the goals established in the Growth Management Act (GMA).⁸

19 BNSF also asserted the City failed to conduct adequate SEPA review.

21 The City countered that it followed its public participation process, any amendments
 22 to the initially proposed Ordinance where within the scope of the originally noticed Ordinance
 23 such that the City was not obligated to conduct further public hearings, and that the City
 24 acted to comply with the notice requirements to the Washington State Department of
 25 Commerce (Commerce) and is therefore compliant with procedural requirements.⁹ Further,

27 ⁴ City's Br. at 6, citing *RIN 6* (Agenda February 24, 2025, Public Hearing, draft Ordinance, Seattle Industrial &
 Maritime Strategy Final Environmental Impact Statement).

28 ⁵ A "Major Truck Street" is a City designation for streets that carry more than 1,500 trucks a day and are
 29 significant for freight movement.

30 ⁶ Port's Br. at 4-5, referring *Ex 42*, City staff report on Industrial/Maritime Legislation.

31 ⁷ The Ordinance was initially proposed as CB 120933. The City refers to the initial Ordinance as a Bill and
 once passed as an Ordinance. The Board does as well.

32 ⁸ Port's Br. at 10.

⁹ City's Br. at 13, 16, 19.

1 that its Ordinance was not a project action and authorized no site-specific development and
 2 was, therefore, categorically exempt from SEPA, but even if it was not exempt from SEPA
 3 review, that any environmental impacts were adequately studied and harmonized with the
 4 City's Comprehensive Plan and GMA planning goals or was harmless error.¹⁰ Also that, any
 5 SEPA challenge was precluded by recent legislation which prohibited a SEPA challenge
 6 where a local jurisdiction acts to increase housing.¹¹
 7

8 The Board concluded the City failed to follow its established public participation
 9 program, failed to provide 60 days' notice to Commerce, and failed to conduct SEPA review.
 10 The Board also found several inconsistencies with the City's Comprehensive Plan.
 11 Accordingly, the Board determined the Ordinance was noncompliant with the City's code and
 12 the GMA and remanded the matter to the City for resolution of the deficiencies. Further,
 13 because the City did not conduct SEPA review, and because the Ordinance substantially
 14 interfered with the GMA's goals, the Board invalidated the Ordinance.
 15

16 Procedural matters not otherwise addressed by an earlier Order are detailed in
 17 Appendix A.

18 **II. BOARD STATUTORY AUTHORITY**

19 The Board finds the Petition for Review was timely filed.¹² The Board finds the
 20 Petitioner has standing to appear before the Board.¹³ The Board also finds it has statutory
 21 authority over the subject matter of the Petition.¹⁴
 22

23 **III. STANDARD OF REVIEW**

24 Comprehensive plans and development regulations, and amendments to them, are
 25 presumed valid upon adoption.¹⁵ This presumption creates a high threshold for challengers
 26 as the burden is on the Petitioner to demonstrate that any action taken by the local jurisdiction
 27

28
 29 ¹⁰ City's Br. at 1-2.

30 ¹¹ *Id.* at 19.

31 ¹² RCW 36.70A.290 (2).

32 ¹³ RCW 36.70A.280(2)(b).

¹⁴ RCW 36.70A.280(1).

¹⁵ RCW 36.70A.320(1).

1 was not in compliance with the Growth Management Act (GMA).¹⁶ The Board is charged with
 2 adjudicating GMA compliance and, when necessary, invalidating noncompliant plans and
 3 development regulations.¹⁷

4 The scope of the Board’s review is limited to determining whether a local jurisdiction
 5 has achieved compliance with the GMA only with respect to those issues presented in a
 6 timely Petition for Review.¹⁸ The Board is directed to find compliance unless it determines
 7 that the challenged action is clearly erroneous in view of the entire record before the Board
 8 and in light of the goals and requirements of the GMA.¹⁹ In order to find the City’s action was
 9 clearly erroneous, the Board must be “left with the firm and definite conviction that a mistake
 10 has been committed.”²⁰

11
 12 **IV. ANALYSIS AND DISCUSSION**

13 **The Port combines issues 3, 4, and 5.**

14 **Issue No. 3. Did the City violate the GMA’s requirements at RCW 36.70A.020(11) and**
 15 **140 by failing to provide for early and continuous public participation and**
 16 **reconciliation of conflicts during the Council’s consideration and adoption of the**
 17 **Ordinance?**

18 **Issue No. 4. Did the City violate the GMA’s requirement at RCW 36.70A.035 by failing**
 19 **to provide adequate notice and an opportunity for public review and comment**
 20 **regarding the final terms of the Ordinance?**

21 **Issue No. 5. Did the City violate the GMA’s requirement at RCW 36.70A.106 by failing**
 22 **to provide adequate notice to the State Department of Commerce regarding its intent**
 23 **to adopt the Ordinance?**

24 Local jurisdictions must encourage the involvement of citizens in the planning
 25 process.²¹ The public participation requirement includes the requirement that notice of
 26 governmental action must be reasonably calculated to provide notice to, *inter alia*, property
 27

28
 29 ¹⁶ RCW 36.70A.320(2).

30 ¹⁷ RCW 36.70A.280, RCW 36.70A.302.

31 ¹⁸ RCW 36.70A.290(1).

32 ¹⁹ RCW 36.70A.320(3).

²⁰ *Dep’t of Ecology v. PUD 1*, 121 Wn.2d 179, 201, 849 P.2d 646 (1993).

²¹ RCW 36.70A.020(11) (Citizen Participation and coordination).

1 owners and other affected and interested individuals, government agencies, and
 2 businesses.²² Local jurisdictions must also establish and broadly disseminate to the public a
 3 public participation program identifying procedures that provide for early and continuous
 4 public participation and provide the opportunity for written comments, public meetings after
 5 effective notice, provisions for open discussion, communication programs, information
 6 services, and consideration of and response to public comments.²³ Errors in exact
 7 compliance with the established program and procedures shall not render the action invalid
 8 if the spirit of the program and procedures are observed.²⁴

10 The Port claims the City adopted its Ordinance without adequate public notice and
 11 participation in violation of both the GMA and the City's code. Specifically, the Port indicates
 12 the City was obligated to provide a report for this type of decisions, and that it "ordinarily
 13 require a report on the proposed legislation and thirty days' notice prior to hearing."²⁵ The
 14 Port indicates there was no report prepared, nor did the City provide written notice to the
 15 Commerce as required.²⁶

17 The City responds that it "... complied with the GMA's notice and public participation
 18 requirements when, after a thorough environmental review and lengthy public legislative
 19 process, it adopted the Ordinance," and suggest the evidence in support of this can be found
 20 in the "thousands of pages of written comment both for and against the Bill...."²⁷

23 ²² RCW 36.70A.035.

24 ²³ RCW 36.70A.140. The City adopted Resolution 32096 which provides: Amendments to Bills and
 25 Resolutions shall not be presented at a City Council meeting unless previously reviewed by the Law
 26 Department and circulated via email to all CMs, the Central Staff Director, and the City Clerk at least two
 27 hours before the meeting. In cases, including but not limited to, amendments to development regulations
 28 subject to the Growth Management Act, a statute may require additional public notice and opportunity for
 29 public comment before an amended Bill may be passed (See
 30 [https://seattle.legistar.com/View.ashx?M=F&ID=12205123&GUID=80438E23-6CC9-48CA-AC5B-
 31 B1397CD3580A](https://seattle.legistar.com/View.ashx?M=F&ID=12205123&GUID=80438E23-6CC9-48CA-AC5B-B1397CD3580A)).

32 ²⁴ RCW 36.70A.140.

²⁵ Port's Br. at 10, citing SMC 23.72.062(C)-(D). It appears the correct citation is SMC 23.76.062(C)-(D).
 23.76.006.C.2.c, d, f, and g and SEPA decisions integrated with such Type II decisions as set forth in
 Section 23.76.006.C.2. l.

²⁶ Port's Br. at 10, citing RCW 36.70A.106; .020(11); .140.

²⁷ City's Br. at 13-14.

1 The City divides its land use decisions into five categories. Relevant here, Type V
 2 decisions are legislative decisions made by the Council in its capacity to establish policy and
 3 manage public lands.²⁸ The Council is required to conduct a public hearing for each Type V
 4 Council land use decision....”²⁹ To conduct a public hearing, the City was obligated to provide
 5 notice of the hearing “at least 30 days prior to the hearing” by inclusion in the Land Use
 6 Information Bulletin and Publication in the City’s official newspaper.³⁰
 7

8 The Board finds that on January 23, 2025, notice of a public hearing was issued which
 9 indicated the City would “hold a public hearing on February 24, 2025, at 9:30 AM on Council
 10 Bill 120933, which would allow residential uses as a conditional use in the Stadium Transition
 11 Area Overlay District (STAOD).”³¹ The Board also finds that notice was published in the
 12 newspaper of record and noticed on the Land Use Information Bulletin.³² The notice informed
 13 the public that the proposal would “allow residential uses in the Urban Industrial (UI) zones
 14 within the STAOD as a conditional use pursuant to criteria that apply to UI zones in the rest
 15 of the City.”³³ This included removing the prohibition that housing not be located within 200
 16 feet of a Major Truck Street, and specifically remove the requirement that housing not be
 17 located within the STAOD.³⁴ Lastly, the notice indicated that the proposed environmental
 18 impacts were “considered under the Seattle Industrial & Maritime Strategy Final
 19 Environmental Impact Statement from September 2022.”³⁵ Accordingly, the Board finds the
 20 Ordinance was properly noticed.
 21
 22

23 The Council is required to “consider the oral and written testimony presented at the
 24 public hearing, as well as any required report of the Director.”³⁶ “The Director shall prepare
 25
 26

27 ²⁸ SMC 23.76.004.C.
 28 ²⁹ SMC 23.76.062.B.
 29 ³⁰ SMC 23.76.062.C.1.
 30 ³¹ *RIN* 6 at 944.
 31 ³² *RIN* 59; *RIN* 60.
 32 ³³ *RIN* 6 at 944.
³⁴ *Id.*
³⁵ *Id.*
³⁶ SMC 23.76.062 D.

1 a written report” which “shall be submitted to the Council and shall be made available to the
2 public at least 15 days before the Council hearing.”³⁷

3 The City indicates “the Director’s Report included a detailed discussion of housing in
4 the STAOD concluding that ‘(S)ome limited amount of housing would be compatible with the
5 surrounding use pattern and would not cause additional adverse impacts on nearby industrial
6 activities outside of the [STAOD] if carefully implemented.’”³⁸ The link was displayed in the
7 slideshow as follows:³⁹

- 9 ● [OPCD Director’s Report](#) (pgs. 43 – 45):
 - 10 ○ “A district with a variety of small businesses and makers combined with businesses supporting events at the stadiums
11 and entertainment venues would be supported by the UI zone.”
 - 12 ○ “(S)ome limited amount of housing would be compatible with the surrounding use pattern and **would not cause
13 additional adverse impacts on nearby industrial activities** outside of the [Stadium District] if carefully
14 implemented.”

14 The City contends this incorporated the Director’s Report into the public process.⁴⁰ However,
15 the imbedded link is to the Director’s Report from 2023 for the Seattle Industrial & Maritime
16 Strategy,⁴¹ and not a Director’s Report related to the Ordinance adopted two years later.

17 The Director’s Report is to include a written recommendation or comments of any
18 affected City departments and other governmental agencies having an interest in the
19 application or request; response to written comments from the public; an evaluation based
20 on applicable City standards and policies; all environmental documentation; and a
21 recommendation to approve, approve with conditions, or deny a specific proposal.⁴² No
22 report was produced or considered in this matter beyond the 2023 Industrial & Maritime
23 Director’s Report.

24 Accordingly, as to **Issue No. 3**, the Board is left with the firm and definite conviction
25 that the City’s failure to produce and consider the required Director’s Report before adopting
26
27

28
29 ³⁷ SMC 23.76.050 A, and F.

30 ³⁸ City’s Br. at 15, citing *RIN* 12 p.3.

31 ³⁹ *RIN* 12 at 3.

32 ⁴⁰ City’s Br. at 15.

⁴¹ *RIN* 42, Seattle Industrial & Maritime Strategy Director’s Report and Recommendation.

⁴² SMC 23.76.050.B.1 through 5.

1 this Ordinance was clearly erroneous and therefore concludes that the City did not comply
 2 with its code and, as a result, the GMA’s public participation requirements.⁴³

3 The Port also contends that the City, after holding a hearing, offered amendments
 4 which were so substantially different as to render any notice under that version of
 5 insufficient.⁴⁴ That the amendment failed to provide a renewed comment period as required,
 6 and, the Port asserts, members of the Council were not aware of the proposed amendments
 7 until the night before the final vote and they were not published on the City’s website until
 8 the day of the final vote.⁴⁵

10 The City indicated “the Bill was introduced to the public on January 13, 2025, upon
 11 publication of the agenda packet for the January 14 Council meeting that included the
 12 Introduction and Referral Calendar (“IRC”),” wherein the Ordinance at issue was referred to
 13 a City Council Committee.⁴⁶ The City indicates the Bill was first considered on January 24,
 14 2025, and that the Office of Planning and Community Development (OPCD) Director
 15 “presented to the Committee on the Industrial Strategy adoption process, the FEIS process,
 16 answered questions related to the Bill, and discussed the ongoing stakeholder consultation
 17 on planning issues in the STAOD and SODO area.”⁴⁷

19 On February 24, 2025, the Governance, Accountability & Economic Development
 20 Committee held a public meeting to consider the Ordinance.⁴⁸ The Council President
 21 presented a slideshow which discussed allowing housing in the district as “the preferred
 22
 23

24 ⁴³ See SMC 23.76.062 D; SMC 23.76.050 A, and F; RCW 36.70A.020(11); RCW 36.70A.140.

25 ⁴⁴ Port’s Br. at 10-11 (referencing *Ex. 26 (RIN 26)*); (citing *Master Builders Ass’n of Pierce County. v. Pierce*
 26 *County*. CPGMHB Case No. 02-3-0010 (Final Decision and Order, February 4, 2002) at 9).

27 ⁴⁵ *Id.*, citing RCW 36.70A.035(1)(a)-(b).

28 ⁴⁶ City’s Br. at 14, referencing *RIN 2*, p. 1 of Introduction and Referral Calendar. CB 120933: AN
 ORDINANCE relating to land use and zoning; amending Sections 23.74.002 and 23.74.008 of the Seattle
 29 Municipal Code to allow residential uses in the Stadium Transition Area Overlay District.

30 ⁴⁷ City’s Br. at 15, citing *RIN 6* (which is the February 24, 2025, Governance, Accountability & Economic
 31 Development Committee Agenda). *RIN 7*, however, indicates the City discussed (though it is unclear what
 32 may have been discussed) the Bill at the January 24, 2025, Governance, Accountability & Economic
 Development Committee meeting.

⁴⁸ City’s Br. at 15, referencing *RIN 6*, the Agenda for a Special Public Meeting of the City’s Governance,
 Accountability, and Economic Development Committee for Monday, February 24, 2025.

1 alternative already studied in the FEIS...⁴⁹ The Committee received testimony in support
 2 and opposition and voted 3-2 to recommend the Bill be passed by the City Council.⁵⁰

3 On March 18, 2025, the Port submitted additional written comments on the proposed
 4 Ordinance. Also on March 18, 2025, the City’s webpage was apparently updated to include
 5 nine, what the City describes as, “technical” amendments to the Ordinance which were
 6 publicly discussed at that day’s City Council meeting.⁵¹ Proposed amendments included,
 7 among others, a 990 residential unit cap for the STAOD, addressed below, as well as
 8 notification to future owners of the liquification dangers, and noise abatement
 9 requirements.⁵²

11 Because the 990 residential unit figure is discussed at several places in the Port’s
 12 brief, the Board takes this opportunity to address it. The Board takes issue with the Port’s
 13 claim that the effect of the Ordinance will result in 990 residential units. The Board finds it
 14 more likely that the number of new residential units will actually be 375 and arrives at this
 15 finding by considering the City’s housing projections in RIN 125.

17 RIN 125 consists of housing projections that the City calculated as part of the 2022
 18 FEIS. The housing projections *per se* did not appear in the 2022 FEIS but were part of the
 19 City’s data underlying the analysis in the 2022 FEIS. Because the 2022 FEIS did not analyze
 20 the Ordinance, the projections in RIN 125 are not perfectly calibrated to show the housing
 21 effects of the Ordinance. The housing effects of the Ordinance can be calculated by
 22 considering subareas B through E of the first box in RIN 125. Summing the acreage of
 23 subareas B through E yields a total of 7.5 developable acres. Assuming full buildout at 50
 24

27 _____
 28 ⁴⁹ City’s Br. at 15, referencing *RIN 12* (the slideshow) which indicates for the 2 blocks immediately South of T-
 29 Mobile Park, on 1st Ave S and Occidental S., up to 990 housing units, half affordable (60-90%AMI- Area
 Median Income) and FEIS shows freight travel times remain the same.

30 ⁵⁰ City’s Br. at 16.

31 ⁵¹ City’s Br. at 16 referencing *RIN 28*- transcript from the March 18, 2025, City Council meeting; Port’s Br. at
 32 6, referencing Amendments to CB 120933, Ex. 26, at 975-989. The Council approved 8 of the proposed
 amendments. *See also RIN 26*- Agenda for March 18, 2025, City Council Meeting.

⁵² Port’s Br. at 6. The Port also discussed emails exchanges (PCB00318, PCB000327, PCB00223).

1 dwelling units per acre, 375 dwelling units could be built as a result of the Ordinance.⁵³
 2 Accordingly, from the Board’s perspective, the record supports the addition of 375 residential
 3 units “for the 2 blocks immediately South of T-Mobile Park, on 1st Ave S. and Occidental
 4 S..”⁵⁴ It is worth noting that under the Maritime and Marine Strategy FEIS, the City evaluated
 5 the impact of up to 646 residential units (subareas A through E) across the STAOD. Again,
 6 the discrepancy in unit count comes about because the FEIS was looking at a different
 7 proposal than the Ordinance. The 990-unit figure was for all developable lands with UI
 8 zoning, not just those in the STAOD, and not just those likely to be generated by the
 9 Ordinance.⁵⁵ Exhibit 128 (below) depicts the land covered by the Ordinance and is included
 10 for a visual of the impacted area (purple lines denote Major Truck Streets, the blue shading
 11 is zoned UI, the red outlined is the STAOD, and the yellow hashed area is the area impacted
 12 by the challenged Ordinance).
 13
 14



28
 29
 30 ⁵³ The City’s brief correctly sums the acreage of subareas B through E to find 7.5 developable acres, but the
 31 City’s brief then erroneously calculates that 350 units can be built on those 7.5 acres at a density of 50 units
 32 per acre. By the Board’s calculations, however, 7.5 acres times 50 units per acre is 375 units, not 350 units.

⁵⁴ RIN 12 p. 4.

⁵⁵ City’s Br. at 26.

1 The Port further contends that the City cut off public comments at the March 18, 2025,
 2 full Council meeting and that the Council failed to discuss any of the comments it received
 3 (abruptly closing comments and initiating a vote).⁵⁶ Not surprisingly, the Port and BNSF feel
 4 the City failed to meaningful engage with the concerns raised when the Council moved from
 5 accepting comments and began to vote without any discussion over the written or public
 6 comments the City just received.
 7

8 If a local jurisdiction chooses to consider a change to an amendment to a
 9 comprehensive plan or development regulation, and the change is proposed after the
 10 opportunity for review and comment has passed, an opportunity for review and comment on
 11 the proposed change shall be provided before the local legislative body votes on the
 12 proposed change unless an environmental impact statement has been prepared for the
 13 pending ordinance and the proposed change is within the range of alternatives considered
 14 in the environmental impact statement, which is not the case here, or, relevant here, the
 15 proposed change is within the scope of the alternatives available for public comment.⁵⁷ The
 16 City imposes its own restrictions as well:
 17

18 Amendments to Bills and Resolutions shall not be presented at a City Council
 19 meeting unless previously reviewed by the Law Department and circulated via
 20 email to all CMs, the Central Staff Director, and the City Clerk at least two hours
 21 before the meeting. In cases, including but not limited to, amendments to
 22 development regulations subject to the Growth Management Act, a statute may
 23 require additional public notice and opportunity for public comment before an
 amended Bill may be passed.⁵⁸

24 The City believes “the opportunity for public comment of the proposed amendments at the
 25 March 18 meeting was adequate because the proposed revisions were straightforward and
 26 minor in scope and were within the scope of the initial proposal.”⁵⁹ Posting the amendments
 27

28
 29 ⁵⁶ Port’s Reply at 3, citing *R/N* 28 at 66:20-24 and 97:16-18 (CM Nelson closing comments and initiating
 discussion and votes).

30 ⁵⁷ RCW 36.70A.035(2)(a); (b)(i)-(ii).

31 ⁵⁸ Resolution 32096.

32 ⁵⁹ City’s Br. at 18, citing *Jack and Pamela Revocable Living Tr. v. City of Covington*, CPSGMHB No. 02-03-
 0005 (Final Decision and Order, September 27, 2002) at 12.

1 on the City’s webpage on the day of the vote for a 2:00 PM City Council Meeting, the City
 2 argues, “met the spirit of the GMA’s public participation requirements throughout the adoption
 3 process of the Ordinance.”⁶⁰

4 The Board finds the initial notice in this matter informed the public that the proposal
 5 would allow residential uses in the UI zones within the STAOD as a conditional use pursuant
 6 to criteria that apply to UI zones in the rest of the City, that it was contemplating removing
 7 the restriction that housing not be located within 200 feet of a major truck street, and that it
 8 was specifically contemplating removing the requirement that housing not be located within
 9 the STAOD. The nine “technical” amendments offered were, in the Board’s view, within
 10 scope of the original notice such that the City was not required by the GMA to conduct a new
 11 hearing.⁶¹ The Board does not believe the City offended its own Resolution either, as the
 12 City merely requires two-hours’ notice. The Board finds the amendments reduced the scope
 13 and impact of what was initially publicly noticed. Accordingly, the Board is not convinced it
 14 was clearly erroneous to act on any of the nine amendments with or without accepting public
 15 comments on the March 18, 2025, Council meeting.⁶² That is because the notice in this
 16 matter was sufficient, and because the amendments were within the scope of what was
 17 noticed. Thus, **Issue No. 4 is dismissed.**

18 The Port also asserts the County failed to timely notify Commerce of the proposed
 19 amendments prior to adoption.⁶³

20 Amendments for permanent changes to a local jurisdictions comprehensive plan or
 21 development regulations “shall be” submitted to Commerce at least sixty days prior to final
 22

23
 24
 25
 26 ⁶⁰ City’s Br. at 18.

27 ⁶¹ RCW 36.70A.035(2)(b)(ii).

28 ⁶² See *City of Shoreline, Town of Woodway, et al, v. Snohomish County*, Nos. CPSGMHB No. 09-3-0013c
 29 and 10-3-0011c (Order on Dispositive Motions, January 18, 2011) at 16-19 (The Board’s decisions recognize
 30 that a proposal may be modified during the course of public debate without necessarily requiring publication
 31 of a new notice), citing *Halmo v. Pierce County*, CPSGMHB No. 07-3-0004c (Final Decision and Order,
 32 September 28, 2007) at 14-15; *Cave/Cowan v. City of Renton*, CPSGMHB No. 07-3-0012(Final Decision and
 Order, July 30, 2007) at 12-13; *NENA v. City of Everett*, CPSGMHB No. 08-3-0005 (Final Decision and
 Order, April 28, 2009) at 16-17.

⁶³ Port’s Br. at 10, citing RCW 36.70A.106.

1 adoption.⁶⁴

2 The City indicates that it “timely complied” with these requirements while
3 simultaneously acknowledging it did not provide 60 days’ notice to Commerce prior to
4 adopting its Ordinance on March 18, 2025, when it indicates the City sent “the required notice
5 to Commerce, albeit retroactive, and asked for expedited review.”⁶⁵ The City transmitted its
6 amended and adopted Ordinance to Commerce on April 7, 2025, which is a separate
7 requirement to send adopted amendments within 10 days to Commerce.⁶⁶ This appears, in
8 the Board’s view, to be what the City did after discovering it failed to send the initial Ordinance
9 for Commerce’s review.
10

11 Local jurisdictions may request expedited review for any amendments for permanent
12 changes to development regulations, and Commerce:

13 may grant expedited review if the department determines that expedited review
14 does not compromise the state's ability to provide timely comments related to
15 compliance with the goals and requirements of this chapter or on other matters
16 of state interest. Cities and counties may adopt amendments for permanent
17 changes to a development regulation immediately following the granting of the
18 request for expedited review by the department.⁶⁷

19 In a June 3, 2025, email from Commerce granting expedited review, Commerce
20 states: “... you have met the Growth Management notice to state agency requirements in
21 RCW 36.70A.106 for this submittal.”⁶⁸ Citing *Joshua Corning and Building North Central*
22 *Washington v. Douglas County*,⁶⁹ the City contends that because it has taken action to
23 comply, which has been acknowledged by Commerce, Issue 5 must be dismissed.⁷⁰ The City
24

25 _____
26 ⁶⁴ RCW 36.70A.106.

27 ⁶⁵ City’s Br. at 19.

28 ⁶⁶ City’s Br. at 19, referencing *RIN 33* (Affidavit of Publication- April 7, 2025), 34 (Notice of Final Adoption-
29 April 7, 2024), and 35 (Notice of Submittal to Commerce- April 7, 2025). RCW 36.70A.106(2) requires local
30 jurisdictions to transmit a complete and accurate copy of its comprehensive plan or development regulations
31 to the department *within ten days after final adoption*. (emphasis added). See RCW 36.70A.106(2).

32 ⁶⁷ RCW 36.70A.106(3)(b)

⁶⁸ *RIN 39*, page 1.

⁶⁹ *Joshua Corning and Building North Central Washington v. Douglas County*, GMHB No. 13-1-0001 (Final
Decision and Order, August 26, 2013) at 7.

⁷⁰ City’s Br. at 19.

1 is incorrect. In *Joshua Corning and Building North Central Washington*, the County adopted
 2 a new Ordinance to settle a previous Eastern Washington Growth Management Hearings
 3 Board Case and believed its adoption of the new Ordinance was part of an ongoing process
 4 of amending the County's development regulations for the previous code changes which
 5 were in dispute, and, largely, what the appropriate remedy for such a violation should be:
 6 non-compliance or invalidity. In that matter the Board reasoned that while the initial notice
 7 was not made, the County's subsequent actions taken by properly filing the 60-day notice,
 8 receiving and considering comments from two state agencies, and considering the
 9 comments in its final decision was sufficient, and that requiring more would be "a duplicative
 10 and futile act to remand this case to Douglas County so that the County could notify
 11 Commerce yet again."⁷¹ However, this Board has repeatedly ruled the requirement that local
 12 jurisdictions submit their proposed amendments to Commerce is "an unambiguous
 13 requirement of the statute."⁷² That, "even if there is no other violation to be corrected, non-
 14 compliance with Section 106 requires a remand to the City or County."⁷³ That is because the
 15 statute is clear, "immediately following the granting of the request for expedited review by
 16 the department," a local jurisdiction may adopt amendments for permanent changes to a
 17 development regulation. Commerce is without authority to waive the requirements of the
 18 statute and may only permit expedited review and only then may a local jurisdiction adopt or
 19 amend its comprehensive plan or development regulations. That is because Commerce's
 20 authority to act, like this Board's, is strictly statutorily limited. Commerce may only act on the
 21 authority granted to it by the Legislature.
 22
 23
 24

25 The Board finds the City failed to submit Ordinance 127191 to Commerce 60 days
 26

27
 28 ⁷¹ *Joshua Corning and Building North Central Washington v. Douglas County*, EWGMHB No. 13-1-0001
 (Final Decision and Order, August 26, 2013) at 9.

29 ⁷² *Your Snoqualmie Valley, et al., v. City of Snoqualmie*, CPSGMHB No. 11-3-0012 (Final Decision and Order,
 30 May 8, 2012) at 11-12 (citing *McNaughton v Snohomish County*, CPSGMHB No. 06-3-0027 (Final Decision
 and Order January 29, 2007) at 25).

31 ⁷³ *Your Snoqualmie Valley*, GMHB No. 11-3-0012 at 11 (citing *Cameron Woodard Homeowners Ass'n v*
 32 *Island County*, WWGMHB No. 02-2-0004 (Order on Dispositive Motion, June 10, 2002) at 2; *Bauder v City of*
Richland, EWGMHB No. 01-1-0005 (Final Decision and Order August 16, 2002) at 6).

1 prior to the adoption of the challenged Ordinance. Commerce’s statement that it granted
 2 expedited review merely permitted the City to then move forward and adopt an Ordinance,
 3 but that did not cure the defect with the Ordinance the City authorized. Accordingly, as to
 4 **Issue No. 5**, the Board is left with a firm and definite conviction that the City’s failure to submit
 5 its proposed amendment to Commerce prior to adopting the Ordinance was clearly
 6 erroneous and concludes that the City’s adoption of the challenged Ordinance did not comply
 7 with the requirements of the GMA.⁷⁴
 8

9
 10 **The Port and BNSF combine issues 11, 12, 13, 14, 15, and 16.**

11 **Issue No. 11. Did the City violate the requirements of Chapter 43.21C RCW (SEPA) by**
 12 **failing to disclose or analyze the probable adverse environmental impacts of the**
 13 **Ordinance in a detailed Environmental Impact Statement (EIS) pursuant to RCW**
 14 **43.21C.030(2)(c)(i) before formally adopting it into law?**

15 **Issue No. 12. Did the City violate the requirements of SEPA by adopting the Ordinance**
 16 **without issuing a threshold determination for the proposal pursuant to RCW**
 17 **43.21C.033 and SMC 25.05.310?**

18 **Issue No. 13. Did the City violate the requirements of SEPA by adopting the Ordinance**
 19 **without first issuing a supplement or addendum to the FEIS, pursuant to RCW**
 20 **43.2C.034 and SMC 25.05.620 or .625?**

21 **Issue No. 14. Did the City violate SEPA’s requirements at RCW 43.21C.034 by relying**
 22 **on the FEIS when considering the environmental impacts of the Ordinance and**
 23 **possible mitigation measures to address said environmental impacts?**

24 **Issue No. 15. Did the City violate SEPA’s requirements at RCW 43.21C.060 by**
 25 **unlawfully exercising its substantive SEPA authority by including mitigation**
 26 **measures in the Ordinance that were not based on formally adopted SEPA documents**
 27 **or policies?**

28 **Issue No. 16. Did the City violate SEPA’s requirements at RCW 43.21C.060 by failing**
 29 **to exercise its substantive SEPA authority to mitigate the known probable adverse**
 30 **environmental impacts of the Ordinance?**

31
 32

⁷⁴ RCW 36.70A.106.

1 Citing legislative changes in 2022 to address the State’s housing crisis, the City
 2 contends there is a “broad prohibition on administrative and judicial SEPA appeals in
 3 RCW 36.70A.070(2) and RCW 43.21C.495—which were adopted together—[and was]
 4 expressly intended to “promot[e] housing construction in cities by limiting appeal
 5 opportunities for both residential and mixed-use projects as well as legislative actions that
 6 further housing-related goals.”⁷⁵ The City claims this Ordinance is not subject to a SEPA
 7 appeal because it increased housing capacity, increased housing affordability, and mitigated
 8 displacement.⁷⁶ Though, the City asserts, incorrectly, that the Ordinance does not have to
 9 satisfy each, that is it sufficient to satisfy any one, as the “and” within this statute is read in
 10 the disjunctive (i.e., “or”).⁷⁷ Lastly, that this area is “outside of a critical areas,” and that “there
 11 is no evidence that the legislation would allow development in critical areas,”⁷⁸ thus ensuring
 12 it is exempt from SEPA appeal.⁷⁹

13
 14 The Port counters that this area is within “a City-designated liquefaction-prone critical
 15 area”⁸⁰ and proposed amendments to the Ordinance support the conclusion that the area
 16 contains liquefaction zones.⁸¹ The City, while acknowledging that “some maps indicate
 17 portions of the STAOD may contain liquefaction areas, which could be a type of
 18 Environmentally Critical Area,” explains that it enacted a Director’s Rule which provides “the
 19 liquefaction potential of mapped liquefaction hazard areas would be confirmed during the
 20 design stage of proposed development.”⁸² However, according to the FEIS prepared for the
 21
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24 ⁷⁵ City’s Br. at 20. RCW 36.70A.070(2)(h) and citing *City of Olympia v. W. Washington Growth Mgmt.*
 25 *Hearings Bd.*, 27 Wn. App. 2d 77, 78, 531 P.3d 816, 821 (2023). (Quotations in the original).

26 ⁷⁶ City’s Br. at 19-20.

27 ⁷⁷ City’s Br. at 21 fn 89, citing *Bullseye Distrib. LLC v. State Gambling Comm’n*, 127 Wn. App. 231, 239
 28 (2005); *State v. Keller*, 98 Wn.2d 725, 729 (1983) (interchange of “or” and “and” in statutory interpretation
 29 may be necessary to avoid absurd results).

30 ⁷⁸ An irreconcilable assertion considering Amendment C to the Ordinance explicitly requires warnings in
 31 perpetuity related to the liquefaction prone zone.

32 ⁷⁹ City’s br. at 22.

⁸⁰ Port’s Br. at 18; Port’s Reply at 4. See also FEIS 2022 Maritime Strategy for ample evidence supporting
 this as a liquification prone area, which is a critical area.

⁸¹ *Id.* see also Amendment C to the Ordinance regarding liquefaction zone.

⁸² City’s Br. at 22, citing *RIN 115, RIN 6*.

1 Seattle Industrial & Maritime Strategy Final Environmental Impact Statement, upon which
 2 this Ordinance asserts it relied, the SODO/Stadium indicates “all of this subarea is prone to
 3 liquefaction and both known and potential landslide areas are located along the east and
 4 west edges.”⁸³

5 Accordingly, the Board finds this is an area which contains critical areas and
 6 concludes it has the statutory authority to consider this SEPA challenge.
 7

8 BNSF asserts the City was required to conduct SEPA review but failed to do so prior
 9 to enacting the Ordinance.⁸⁴ BNSF also complains the reliance on a FEIS prepared in 2022
 10 for the City’s Industrial and Maritime Strategy legislation, which Ordinance 127191 amends,
 11 is insufficient to rely upon for this new ordinance, and would have only served as a starting-
 12 point, as that FEIS analyzed new industrial zones and land use policies and not residential
 13 uses.⁸⁵ As to the City’s assertion that its procedural determinations are afforded substantial
 14 weight, BNSF indicates no process occurred and the City is therefore entitled to no
 15 deference.⁸⁶ Further, that the burden would be on the City to first demonstrate *prima facie*
 16 compliance with SEPA’s procedural requirements before it is entitled to deference.⁸⁷ That is
 17 because the City must “meaningfully engage in the SEPA process when making a threshold
 18 determination.”⁸⁸ The result, BNSF says, caused the City to pass an Ordinance that failed to
 19 sufficiently consider the environmental impacts. By way of example, BNSF’s directs the
 20 Board to certain sound requirements, specifically that dwellings must have sound-insulating
 21 windows sufficient to maintain interior levels below 45 decibels (dB), but without analyzing
 22 the federal requirement that train horns must be blow every 15 to 20 seconds at 96 to 110
 23 dB, which will sound ten times more intense and twice as loud to the human ear, the
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 28 ⁸³ *RIN* 6, p. 13-14, 127, 197-198, 200 exhibit 3.1-1, 203-204, 207. The FEIS is replete with statements that
 support this area as a liquification zone.

29 ⁸⁴ BNSF’s Br. at 1.

30 ⁸⁵ BNSF’s Br. at 2.

31 ⁸⁶ BNSF’s Br. at 3.

32 ⁸⁷ *Id.*

⁸⁸ *Id.* quoting *King County v. Friends of Sammamish Valley*, 3 Wn.3d 793 (2024); referencing *Wild Fish
 Conservancy v. Dep’t of Fish & Wildlife*, 198 Wn.2d 846, 866–67, 502 P.3d 359 (2022).

1 imposition of this condition is insufficient to mitigate the impact and imposed without
 2 analysis.⁸⁹ This, and other impacts on potentially 900 residential units were not analyzed,
 3 according to BNSF, nor did the City sufficiently consider the impacts of this Ordinance on
 4 BNSF as an Essential Public Facilities (EPF).⁹⁰

5 The Port asserts the City violated procedural and substantive SEPA safeguards by
 6 failing to study the probable impacts of 990 units adjacent to Major Truck Streets⁹¹ and
 7 industrial uses.⁹² The Port also contends the City demonstrated, through comments it made,
 8 that it had sufficient detail about the a specific project to mandate and trigger SEPA review.⁹³
 9 Further, that the City's reliance on a 2022 FEIS (which considered residential units across
 10 the entire SODO/Stadium Subarea) was erroneous because it studied caretakers' quarters
 11 and makers' studios across the entirety of the subarea, and even the preferred alternative
 12 limited affordable housing to 644 units over the entire subarea, rather than considering the
 13 impact of 990 residential units in a three-block tract in SODO.⁹⁴ The Port also argues, in a
 14 footnote, that the impacts are likely greater because housing will be allowed in other parts of
 15 SODO/Stadium subarea.⁹⁵

16 Specific to Issues 12 and 13, the Port contends the City's decision to undertake no
 17 SEPA review is inconsistent with its own practice with respect to the 2022 Strategy FEIS and
 18 its code.⁹⁶ That the City was obligated to issue a threshold determination to address the
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22 ⁸⁹ BNSF's Br. at 3-4.

23 ⁹⁰ *Id.*

24 ⁹¹ Major Truck Streets are primary routes to connect major freight traffic generators, including heavy haul
 routes. See City Transportation Plan Ex. 56, at F-8.

25 ⁹² Port's Br. at 13.

26 ⁹³ Port's Br. at 13-14.

27 ⁹⁴ Port's Br. at 13.

28 ⁹⁵ Port's Br. at 14.

29 ⁹⁶ Port's Br. at 15, citing SMC 25.05.310(A) which provides, "A threshold determination is required for any
 30 proposal which meets the definition of action and is not categorically exempt, subject to the limitations in
 Section 25.05.600 C concerning proposals for which a threshold determination has already been issued. A
 31 threshold determination is not required for a planned action (refer to Sections 25.05.164 through 25.05.172)
 and SMC 25.05.784 which defines proposal as, "Proposal means a proposed action. A proposal includes
 32 both actions and regulatory decisions of agencies as well as any actions proposed by applicants. A proposal
 exists at that state in the development of an action when an agency is presented with an application, or has a
 goal and is actively preparing to make a decision on one or more alternative means of accomplishing that

1 impacts of the Ordinance it was proposing.⁹⁷ And, that the City failed to issue a SEIS or
2 addendum to the FEIS it was relying upon.⁹⁸

3 The goals of SEPA are to (1) create harmony between people and the environment,
4 (2) prevent damage to the environment, (3) stimulate the health and welfare of humans, and
5 (4) enrich understanding of natural resources and systems.⁹⁹ Under SEPA, an EIS is
6 required and must be prepared for any proposals and actions with a probable, significant,
7 adverse environmental impact.¹⁰⁰ SEPA is an environmental full disclosure law that require
8 local jurisdictions to identify and analyze the environmental effects of proposed actions in
9 order to achieve good land use decision making by involving and informing both the public
10 and decision-makers about the environmental consequences of proposed actions.¹⁰¹ The
11 procedural duties imposed by SEPA--full consideration to environmental protection--are to
12 be exercised to the fullest extent possible to ensure that the "attempt by the people to shape
13 their future environment by deliberation, not default" will be realized.¹⁰² SEPA's purpose is
14 to provide consideration of environmental factors at the earliest possible stage to allow
15 decisions to be based on complete disclosure of environmental consequences.¹⁰³ For every
16 proposals for legislation and other major actions significantly affecting the quality of the
17 environment, a detailed statement by the SEPA responsible official is required addressing:

21 _____
22 goal, and the environmental effects can be meaningfully evaluated. (See Section 25.05.055 and Section
23 25.05.060 C. A proposal may therefore be a particular or preferred course of action or several alternatives.
24 For this reason, these rules use the phrase "alternatives including the proposed action." The term "proposal"
25 may therefore include "other reasonable courses of action," if there is no preferred alternative and if it is
26 appropriate to do so in the particular context."

27 ⁹⁷ Port's Br. at 15, referencing RCW 43.21C.033 and SMC 25.05.310.

28 ⁹⁸ *Id.*, referencing RCW 43.2C.034 and SMC 25.05.620 or .625.

29 ⁹⁹ *King Cnty. v. Friends of Sammamish Valley*, 3 Wn.3d 793, 814, 556 P.3d 132 (2024); RCW 43.21C.010.

30 ¹⁰⁰ RCW 43.21C.031.

31 ¹⁰¹ *Moss v. City of Bellingham*, 109 Wn. App. 6, 16, 31 P.3d 703, 709 (2001) rev. den'd, 1Wn. 2d 1046 17.
32 (2002).

¹⁰² *Eastlake Cmty. Council v. Roanoke Assocs., Inc.*, 82 Wn.2d 475, 490, 513 P.2d 36, 46 (1973), quoting
Stemple v. Dep't of Water Res., 82 Wn. App. 2d 109, 118, 508 P.2d 166, 172(1973).

¹⁰³ *King Cty. v. Washington State Boundary Rev. Bd. for King Cty.*, 122 Wn. 2d 648, 664, 860 P.2d 1024,
1033 (1993). See also RCW 43.21C.030; WAC 197-11-055(2) (The lead agency shall prepare its threshold
determination and environmental impact statement (EIS), if required, at the earliest possible point in the
planning and decision-making process, when the principal features of a proposal and its environmental
impacts can be reasonably identified).

1 the environmental impact of the proposal, any adverse environmental effects which cannot
 2 be avoided; alternatives; relationship between local short-term uses of the environment and
 3 the maintenance and enhancement of long-term productivity; and any irreversible and
 4 irretrievable commitments of resources which would be involved in the proposed action
 5 should it be implemented.¹⁰⁴ SEPA, and the City, mandate that for any “action” that is not
 6 “categorically exempt,” the SEPA Responsible Official shall issue a “threshold
 7 determination.”¹⁰⁵ “Actions” include, relevant here, legislative proposals, and fall into two
 8 categories: “project actions,” such as an agency decision to licenses, fund, or undertake an
 9 activity, and “nonproject actions” which involve decision on policies, plans, or programs,
 10 including among other things, the decision to adopt or amend legislation, ordinances,
 11 comprehensive plans or zoning ordinances. The City categorically exempts small-scale
 12 development or routine activities that do not significantly affect the environment; however,
 13 legislative actions are not categorically exempt. Accordingly, and as the City agrees,¹⁰⁶
 14 environmental review was required. However, the City did not make an independent
 15 threshold determination in this matter and instead indicates it relied upon “existing
 16 documents,” specifically the 2022 FEIS.¹⁰⁷ That is because, from the City’s perspective, the
 17 2022 FEIS “for housing was the same as the preferred alternative in the FEIS.” As noted
 18 above, the Board has found and concluded the 2022 Maritime and Marine Strategy FEIS did
 19 not study the same proposal and instead evaluated the impact of up to 646 residential units
 20 (subareas A through E) across the entire STAOD. The Preferred Alternative projected 1,475
 21 housing units (66% being located in SODO/Stadium and Georgetown/SouthPark subareas)
 22 in the UI zones (across the entirety of the City).¹⁰⁸ While these proposals did both involve
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 28 ¹⁰⁴ RCW 43.21C.030(c).

29 ¹⁰⁵ “Action” SMC 25.05.704.A.3; “Categorically exemptions” SMC 25.05.800 and SMC 25.05.305; “Threshold
 30 determination” SMC 25.05.797.

31 ¹⁰⁶ City’s Br. at 26. “the Council properly relied on the Maritime and Industrial EIS to meet its SEPA obligation
 32 before adopting Ordinance 127191 since the proposal for housing was the same as the preferred alternative
 in the FEIS.”

¹⁰⁷ City’s Br. at 22.

¹⁰⁸ Seattle Industrial & Maritime Strategy at 1-31.

1 housing in some way, the Board finds they are otherwise markedly dissimilar.

2 Even if it were different, the City says, “[a]n action which does not have an
3 environmental impact substantially different from an earlier proposed action does not require
4 either a new threshold determination or a new supplemental draft or final environmental
5 impact statement.”¹⁰⁹ However, the Director’s Report, discussing the environmental and
6 recommending adoption of the 2022 Industrial & Maritime Strategy, specifically noted as to
7 housing in the Stadium Area, “OPCD’s analysis in the EIS and other studies reviewed the
8 potential for some limited amount of housing in the stadium area overlay district,” but in
9 consideration of a number of other factors, recommended against allowing housing in the
10 STAOD.¹¹⁰ Further, the Director’s Report called out the need for stronger policy protections
11 for industrial lands:
12

13 In recent years, several annual amendment proposals have sought to remove
14 land from manufacturing industrial centers. Industrial land is finite in supply and
15 consideration of any one proposal to remove land from an MIC should occur
16 through a comprehensive review of the city’s industrial land use needs. The
17 proposed Comprehensive Plan amendments include a new policy to establish
18 higher thresholds for when such an amendment can be considered. This policy
19 will send a clear market signal that will deter the type of speculation that deters
investments in industrial activity.¹¹¹

20 From the Board’s perspective, collectively, this alerted the City that legislation which
21 sought to place additional housing, especially in a concentrated area, required further
22 environmental review.
23
24

25 ¹⁰⁹ City’s Br. at 26, citing *Thornton Creek Legal Def. Fund v. City of Seattle*, 113 Wn. App. 34,
26 49, 52 P.3d 522, 529 (2002), as amended on denial of reconsideration (Sept. 25, 2002), citing *SEAPC v.*
Cammack II Orchards, 49 Wn. App. 609, 613, 744 P.2d 1101 (1987). (quotation in the original).

27 ¹¹⁰ Director’s Report and Recommendation, Seattle Industrial & Maritime Strategy at 46. “In consideration of
28 all these factors and the totality of the information, the proposed legislation does not allow housing in the
29 stadium overlay. A specific provision in the overlay regulations would prohibit any new housing in the
STAOD.”

30 ¹¹¹ *RIN 42*, page 18, referencing: LU 10.3 Ensure predictability and permanence for industrial activities in
31 industrial areas by limiting removal of land from a designated manufacturing / industrial center. There should
32 be no reclassification of industrial land to a non-industrial land use category except as part of a City-initiated
comprehensive study and review of industrial land use policies or as part of a major update to the
Comprehensive Plan.

1 The City asserts that “Petitioner’s theory rests on erroneous presumptions that the
 2 Ordinance approves a project that would allow 990 housing units. The Ordinance does no
 3 such thing, and Petitioner’s speculation as to the impacts of this fictitious project approval
 4 have no merit.”¹¹² That is, the City says, “because no property owner has taken the first step
 5 to apply for a project permit application to the Seattle Department of Construction and
 6 Inspections (“SDCI”) seeking to build any project in the STAOD with residential use.”¹¹³ And
 7 that any renderings that were presented were merely hypothetical and conceptual
 8 opportunities should the Ordinance pass.¹¹⁴ On this point the Board agrees with the City,
 9 renderings and conceptual drawings do not amount to a project. However, that does not
 10 absolve the City of its obligation to conduct adequate environmental review. Adequate
 11 environmental review, for a nonproject action, requires consideration of the consequences
 12 of the maximum potential development of the property under the contemplated action.¹¹⁵
 13 There is no evidence in the record that the City considered the maximum potential
 14 development of property impacted by this Ordinance, let alone in a concentrated area. Nor
 15 is there evidence in the record that would demonstrate the City considered the environmental
 16 impact of placing 375 residential units in a liquefaction prone zone. That is because the City
 17 did not conduct separate environmental review of the challenged Ordinance.
 18

19
 20 In response to Port and BNSF’s claim that the City violated substantive and procedural
 21 SEPA requirements “by not preparing a new environmental determination for Ordinance
 22 127191,” the City contends, in addition to the fact that it was not required to conduct SEPA
 23 review, which the Board disagrees with,¹¹⁶ that the Port’s position “conflicts with the plain
 24 language of SEPA, which authorizes reviewers to use ‘existing documents’ to meet their
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 28 ¹¹² City’s Br. at 2.

¹¹³ *Id.*

¹¹⁴ City’s Br. at 2.

¹¹⁵ *Spokane County v. E. Wash. Growth Mgmt. Hr’gs Bd*, 176 Wn. App. 555, 579, 309 P.3d 673 (2013);
Ullock v. Bremerton, 17 Wn. App. 573, 581, 565 P.2d 1179 (1977).

¹¹⁶ City’s Br. at 1. This Board disagrees as RCW 43.21C.031(1) provides “an environmental impact statement
 . . . shall be prepared on proposals for legislation and other major actions having a probable significant,
 31 adverse environmental impact. That is the case here. Further, RCW 43.21C.450 does not apply in this matter.
 32

1 SEPA obligations.”¹¹⁷ The City also contends that the City utilized an existing document,
 2 specifically the FEIS for the 2022 Industrial and Maritime Strategy, which studied as a
 3 preferred alternative permitting residential housing in the STAOD, and that served as the
 4 City’s basis for environmental review.¹¹⁸ However, the Board concludes that the City did not
 5 adopt the EIS in a way its code recognized.

6 The City says it was not required to adopt the EIS it relied upon.¹¹⁹ That is because
 7 “SEPA requires an EIS to be adopted if a proposal differs from the proposal analyzed in the
 8 EIS,” and that “agencies acting on the same proposal for which an environmental document
 9 was prepared are not required to adopt the document.”¹²⁰

10 Lead agencies are authorized to use in whole or in part existing environmental
 11 documents for new project or nonproject actions, if the documents adequately address
 12 environmental considerations.¹²¹ The lead agency shall independently review existing
 13 documents and determine that the information and analysis to be used is relevant and
 14 adequate.¹²² Existing documents may be used for a proposal by either adoption,
 15 incorporation by reference, by addendum, or by preparing a Supplement Environmental
 16 Impact Statement (SEIS).¹²³ The City requires the same.¹²⁴

17 The City’s code provides criteria for determining whether an environmental document
 18 must be used unchanged and describes when existing documents may be used to meet all
 19 or part of an agency’s responsibilities under SEPA. For the City, agencies may use
 20 environmental documents that have previously been prepared to evaluate proposed actions,
 21 alternatives, or environmental impacts, provided that the information in the existing
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 27 ¹¹⁷ City’s Br. at 22, citing RCW 43.21C.034, WAC 197-11-600(4)(a).

28 ¹¹⁸ City’s Br. at 23.

29 ¹¹⁹ City’s Br. at 29, citing SMC 25.05.600 D.1.

30 ¹²⁰ *Id.*

31 ¹²¹ RCW 43.21C.034; WAC 197-11-600(2). Projects or actions need not be identical but must have similar
 32 elements that provide a basis for comparing their environmental consequences.

¹²² *Id.*

¹²³ WAC 197-11-600(4)(a) through (d).

¹²⁴ SMC 25.05.600.D.

1 document(s) is accurate and reasonably up-to-date.¹²⁵ The proposals may be the same as,
 2 or different than, those analyzed in the existing documents. If acting on the same proposal,
 3 as the City asserts here, it shall use the document unchanged unless an EIS had been
 4 previously prepared and there are substantial changes to the proposal with likely adverse
 5 environmental impacts or new information indicates probable significant adverse impacts.¹²⁶

6 From that point the City's code directs "one or more" method for using existing
 7 documents: adoption, incorporation by reference, addendum, or preparing a SEIS (if there
 8 are substantial changes or new information).¹²⁷ The City did none of these in adopting the
 9 challenged Ordinance and claims because it was acting on the same proposal it was not
 10 required to.¹²⁸ This is not the same project. Instead, this project places 375 residential
 11 housing units in a more concentrated density than was considered in the 2022 FEIS, in a
 12 place that previously prohibited it, next to industry, rail, and Major Truck Streets that are in a
 13 liquification prone zone. Accordingly, the City was obligated to choose one or more of the
 14 methods of using the existing documents to ensure adequate environmental review.
 15

16 The City's adoption procedures require the agency adopting an existing
 17 environmental document to independently review the content of the document and determine
 18 that it meets the adopting agency's environmental review standards and needs for the
 19 proposal;¹²⁹ the agency shall then, using a specific form or in substantially the same form,
 20 identify the document being relied upon and state why it is being adopted, sending the
 21 document to others who have not received it and placing a copy in the SEPA Public
 22 Information Center.¹³⁰ When an existing EIS is adopted and a supplemental environmental
 23 impact statement or addendum is not being prepared, as was the case here, the agency
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 26

27 _____
 28 ¹²⁵ SMC 25.05.600 B.

29 ¹²⁶ SMC 25.05.600.C.2.a. and b. See also subsection 3. For EIS's, the agency concludes that its written
 30 comments on the DEIS warrant additional discussion for purposes of its action than that found in the lead
 31 agency's FEIS (in which case the agency may prepare a supplemental EIS at its own expense).

32 ¹²⁷ SMC 25.05.600D.1. through 5.

¹²⁸ City's Br. at 29, citing SMC 25.05.600.D.1.

¹²⁹ SMC 25.05.630 A.

¹³⁰ SMC 25.05.630 B.

1 shall circulate its statement of adoption to “the Department of Ecology (Ecology), to agencies
2 with jurisdiction, to cities/counties in which the proposal will be implemented, to the SEPA
3 Public Information Center, and to local agencies or political subdivisions whose public
4 services would be changed as a result of implementation of the proposal.” That did not occur
5 in this matter. Further, the City directs that “no action shall be taken on the proposal until
6 seven days after the statement of adoption has been issued.”¹³¹ Yet, it acted without a
7 statement of adoption.
8

9 The City argues it was not required to prepare an addendum or SEIS because the
10 housing permitted under the Ordinance had previously been analyzed “within the bookend
11 of the FEIS preferred alternative.”¹³² And that adoption was unnecessary because the City
12 was acting on the same proposal.¹³³ But, as noted above, this is a different project.
13

14 The record fails to demonstrate any independent evidence, such as the required
15 statement of adoption, that the City independently reviewed the content of the 2022 Industrial
16 and Maritime FEIS to determine whether the information and analysis from the earlier EIS
17 remained relevant and adequate and met the adopting agency's environmental review
18 standards and needs for the proposal.¹³⁴ Nothing in the record demonstrates the City
19 circulated any documents related to the City's environmental review, besides the statement
20 contained in the City's notice of public hearing that the City was relying on the 2022 FEIS, to
21 Ecology or others, or that the City filed anything in the SEPA Public Information Center. The
22 Board finds the City did not follow its defined environmental review process. Accordingly, the
23 City has failed to meet its *prima facie* burden of establishing compliance with SEPA
24 procedures and is afforded no deference. Furthermore, because the City failed to follow its
25 administrative adoption procedures, the Board is left with a firm and definite conviction that
26 a mistake has been made in the adoption of the challenged Ordinance.
27
28

29 ¹³¹ SMC 25.05.630 C.1.

30 ¹³² City's Br. at 29.

31 ¹³³ *Id.*

32 ¹³⁴ SMC 25.05.630. The hearing notice identifies that the City relied on the 2022 FEIS for the adoption of this Ordinance, but that fails to meet the City's self-imposed procedural requirements.

1 Despite the failure, the City’s nevertheless says any error was harmless because “the
2 Council clarified that the FEIS was being used for the environmental review of Ordinance
3 127191,” as stated in the notice of hearing; because “the FEIS was attached in full to the
4 Summary and Fiscal Note included on the agenda for the January 24 meeting;” and because
5 the OPCD Director “attended the January 24th meeting and presented to the Committee on
6 the Industrial Strategy adoption process, the FEIS process, answered questions related to
7 the Bill, and discussed the ongoing stakeholder consultation on planning issues in the SODO
8 area.” The City argues that the failure to explicitly state that it was incorporating the FEIS by
9 reference was likewise harmless.¹³⁵ The City contends where the public received adequate
10 notice of, and was afforded ample opportunity to be heard, on the environmental issues
11 raised, any procedural error was rendered harmless.¹³⁶ And then counters that it was the
12 Port’s obligation “to establish the housing authorized in the Ordinance would result in any
13 new significant environmental impacts requiring issuance of a Supplemental EIS.”¹³⁷ This
14 Board disagrees.
15

16
17 Harmless error is an error which is trivial, or formal, or merely academic, and was not
18 prejudicial to the substantial rights of the party assigning it, and in no way affected the
19 outcome of the case.¹³⁸
20

21 Here, the failure to follow the City’s defined process deprived the Port and others of
22 their ability to challenge the City’s SEPA determinations, which the Board finds to be a
23 substantive right. Had the City issued a threshold determination, as it was required to do,
24 that determination could have been administratively challenged.¹³⁹ The City, also, failed to
25

26 ¹³⁵ City’s Br. at 29-30.

27 ¹³⁶ City’s Br. at 32, citing *Thornton Creek Legal Def. Fund v. City of Seattle*, 113 Wn. App. 34, 50, 52 P.3d
28 522, 530 (2002), as amended on denial of reconsideration (Sept. 25, 2002). Affirming error was harmless
29 where the City failed to prepare and circulate a “statement of adoption,” just as in this case, but unlike this
30 case, the Director in that matter testified that an addendum to the FEIS was sent to all who would have
31 otherwise received a statement of adoption.

32 ¹³⁷ City’s Br. at 31.

¹³⁸ *City of Bellevue v. Lorang*, 140 Wn.2d 19, 32, 992 P.2d 496 (2000), quoting *State v. Smith*, 131 Wn.2d
258, 263-64, 930 P.2d 917 (1997); see also *Ellensburg Cement Prods., Inc. v. Kittitas County*, 179 Wn.2d
737, 317 P.3d 1037 (2014) (holding it was not harmless error to follow an unlawful procedure).

¹³⁹ SMC 25.05.680.

1 develop a record related to its review, which deprived challengers of a record as well. Here,
 2 because the City did nothing, there was nothing to challenge, except the failure to follow the
 3 City's process. From the Board's perspective, the City's failure to follow its defined process
 4 was not trivial or merely academic, and far from harmless. As we noted in *Dartford Austin*
 5 *Neighborhood*, "failure to follow SEPA procedures in properly issuing the determination of
 6 nonsignificance and allowing for an administrative appeal is a significant shortcoming
 7 warranting a finding of noncompliance by this Board."¹⁴⁰ Accordingly, the Board finds the
 8 City's adoption of Ordinance 127191 was noncompliant with the City's SEPA obligations.
 9

10 Specific to Issues 15 and 16, the Port asserts the City attempted to exercise its
 11 substantive SEPA authority to mitigate the impacts by adding, what it describes as, several
 12 last-minute, arbitrary amendments such as "prohibiting residential uses West of First Avenue
 13 South to limit impact of housing on the Port's activities and vice versa," but that no SEPA
 14 document exists to support the choice of mitigation measures.¹⁴¹ Such conditions, the Port
 15 contends, must be based on SEPA analysis and based on appropriate governmental
 16 policies.¹⁴² That assuming, arguendo, the City relied upon the 2022 Strategy FEIS to impose
 17 any conditions, such reliance provided no basis for mitigation and instead emphasized the
 18 importance of preserving designated freight corridors and avoid conflicting uses.¹⁴³ That
 19 there are dangers from land use conflicts in the STADO, noting "the SODO area accounted
 20 for more than half of the serious injuries and fatalities that occurred within the study area"
 21 and that the areas on-street parking demand already exceeded existing supply.¹⁴⁴
 22
 23

24 The City counters that the amendments "had nothing to do with SEPA," that any
 25 governmental action may be conditioned or denied pursuant SEPA.¹⁴⁵ That the amendments
 26

27 ¹⁴⁰ *Dartford Austin Neighborhood v. Spokane Cnty.*, GMHB No. 21-1-0004 (Final Decision and Order,
 28 September 14, 2021) at 6 (citing *State ex rel. Friend & Rikalo Contractor v. Grays Harbor Cty.*, 122 Wn. 2d
 29 244, 255-56, 857 P.2d 1039,1046 (1993)).

¹⁴¹ Port's Br. at 15-16.

¹⁴² *Id.*

¹⁴³ *Id.*

¹⁴⁴ *Id.*

31 ¹⁴⁵ Citing RCW 43.21C.060 and SMC 25.05.660.A. ("Any governmental action on public or private proposals
 32 that are not exempt may be conditioned or denied under SEPA. . .").

1 were to address concerns raised during the hearing, and “in an attempt to reach a
2 compromise legislation.”¹⁴⁶

3 Based on the record before the Board, as to **Issue Nos. 11, 12, 13, and 14**, we are
4 left with a firm and definite conviction that a mistake has been committed. The City should
5 have either properly adopted the 2022 FEIS as defined by the City’s process, supplemented
6 or issued an addendum, or separately conduct SEPA review. That, in addition to the failure
7 to issue a threshold determination, resulted in the City’s failure to analyze the probable
8 adverse environmental impacts of the Ordinance as required by its code and SEPA.
9 Accordingly, the Board finds the City’s adoption of Ordinance 127191 was clearly erroneous
10 and concludes that the City’s adoption of the challenged Ordinance did not comply with
11 SEPA.
12

13 Because the Board has found and concluded the City’s adoption of the challenged
14 Ordinance was procedurally inadequate, the Board does not reach the remaining SEPA
15 issues and defers consideration of Issues Nos. 15 and 16.
16

17 **The Port combines issues 1, 9, and 10.**

18 **Issue No.1. Does the Ordinance fail to comply with the GMA’s requirements because**
19 **it allows development that will interfere with the planning goals enumerated at**
20 **RCW 36.70A.020(3) (Transportation), (5) (Economic Development), or (12) (Public**
21 **Facilities and Services)?**

22 **Issue No. 9. Did the City violate the GMA’s requirements at RCW 36.70A.172 by failing**
23 **to include the best available science in its decision to adopt the Ordinance and permit**
24 **residential development on the Rezoned Property, which contains liquefaction-prone,**
25 **environmentally critical areas?**

26 **Issue No. 10. Does the Ordinance fail to comply with the GMA’s requirements at**
27 **RCW 36.70A.200 by precluding the siting of essential public facilities?**

28 The Port asserts that the Ordinance substantial interferes with the GMA’s goals
29 regarding transportation, economic development, and public facilities and services.¹⁴⁷

30 _____
31 ¹⁴⁶ City’s Br. at 31. It is unclear to this Board how removing the 200-foot separation requirement between
32 residential uses and Major Truck Streets was a compromise with the Port.

¹⁴⁷ Port’s Br. at 19-22.

1 With respect to transportation, the City is obligated to “*encourage efficient multimodal*
 2 *transportation systems that will reduce greenhouse gas emissions* and per capita vehicle
 3 miles traveled, and *are based on regional priorities and coordinated with county and city*
 4 *comprehensive plans.*”¹⁴⁸ The Port claims the City has failed to consider or address the
 5 impacts of residential development, and the traffic conflicts that necessarily result, along
 6 Major Truck Streets and that the increased traffic demands will exacerbate ongoing
 7 challenges for industrial and maritime uses and decrease freight mobility and operational
 8 efficiencies.¹⁴⁹ Further, there are numerous intermodal facilities within this neighborhood,
 9 and the roads are used for trucking, heavy hauling, seaport, and rail yards that contribute to
 10 the City’s economic vitality that will be impacted.¹⁵⁰ The Port points to its opposition letter to
 11 the Governance, Accountability and Economic Development Committee,¹⁵¹ letter from the
 12 Seattle Freight Advisory Board (SFAB),¹⁵² and Port’s letter to the Council¹⁵³ as support for
 13 the impacts it sees as inherent in the Ordinance.
 14

15 The City counters that Petitioner has failed to meet its burden because it did not
 16 “present its own independent analysis or study of the Ordinance’s impacts to refute the
 17 findings of the FEIS,”¹⁵⁴ which “analyzed the impacts of adding housing units in the STAOD
 18 as proposed in the Ordinance and it found minimal impacts on truck and vehicle travel times
 19 within the STAOD.”¹⁵⁵ Further, that the Ordinance addressed potential impacts by requiring
 20 that “any new residential use must demonstrate it is located, designed, and configured in a
 21
 22

23 _____
 24 ¹⁴⁸ RCW 36.70A.020(3). Italics from the Port. See Port Br. at 19.

25 ¹⁴⁹ Port’s Br. at 19-20.

26 ¹⁵⁰ Port’s Br. at 20.

27 ¹⁵¹ Ports Br. at 19, citing PCA00231, indicating “residential development in the . . . (STAOD) that would
 28 exacerbate ongoing challenges for industrial and maritime uses. . . .[and] erode[] the foothold in the
 29 Duwamish Manufacturing/Industrial Center (MIC) for industrial and maritime development that is essential to
 30 the regional and state economy.”

31 ¹⁵² Port’s Br. at 19, citing PCA00047, indicating the Ordinance “will add additional stress on the transportation
 32 system in the STAOD.”

¹⁵³ Port’s Br. at 19, citing PCA00683, indicating that “Adding hundreds of housing units in the . . . Stadium
 District only decreases freight mobility and operational efficiencies and guarantees increased traffic and
 opportunities for conflict between residential and freight use of these Major Truck Streets”).

¹⁵⁴ Referencing the BERK Consulting transportation analysis.

¹⁵⁵ City’s Br. at 37, 40-41.

1 manner to reduce potential conflict with adjacent existing industrial business operations . .
 2 ..”¹⁵⁶ That the Port’s claims of “obvious impacts” do not reflect the record and are inconsistent
 3 with the “2016 EIS was looking at the impacts of adding another stadium in the area, which
 4 would generate thousands of vehicles for basketball and other stadium events”¹⁵⁷

5 While it is evident that intermodal rail facilities as well as truck traffic accessing the
 6 Port facilities rely on the City’s Major Truck streets within the STAOD, there is an absence of
 7 evidence which would demonstrate the Ordinance, by its terms, fail to encourage or
 8 otherwise thwarts the goal of efficient multimodal transportation systems or that it is contrary
 9 to regional priorities or not coordinated with county and city comprehensive plans. Instead,
 10 the record contains conclusory statements regarding what the Port see as self-evident. This,
 11 as the City points out, is insufficient to demonstrate the Ordinance substantially interferes
 12 with the GMA’s transportation goals. As such, the Board agrees with the City that the Port
 13 has failed to meet its burden as to the GMA transportation goal.¹⁵⁸

14
 15
 16 With respect to economic development, the City must:

17 *Encourage economic development throughout the state that is consistent with*
 18 *adopted comprehensive plans, promote economic opportunity for all citizens of*
 19 *this state, especially for unemployed and for disadvantaged persons, promote*
 20 *the retention and expansion of existing businesses and recruitment of new*
 21 *businesses, recognize regional differences impacting economic development*
 22 *opportunities, and encourage growth in areas experiencing insufficient*
 23 *economic growth, all within the capacities of the state’s natural resources,*
 24 *public services, and public facilities.*¹⁵⁹

25 The Port asserts the City erred because it myopically focused on a residential proposal rather
 26 than properly balancing any purported benefits against the potential degradation to Port
 27 operations, and without ensuring it was consistent with the City’s Comprehensive Plan, or
 28 whether it interfered with countervailing economic development considerations, specifically

29
 30 ¹⁵⁶ City’s Br. at 42, citing SMC 23.50A.062.F (though it appears the correct citation is SMC 23.50A.062.C.6),
 SMC 23.50A.060 (Criteria for all conditional uses) and SMC 23.50A.062 (Administrative conditional uses).

31 ¹⁵⁷ *Id.*

32 ¹⁵⁸ RCW 36.70A.020(3).

¹⁵⁹ RCW 36.70A.020(5). Italics from the Port. See Port Br. at 20.

1 the benefits relating to the Port's EPF's.¹⁶⁰ Further, that the City failed to address impacts to
 2 "the Port's longstanding industrial/maritime business, or how it would impact the other
 3 businesses within the MIC that are dependent on the Port's continued operation for their
 4 survival."¹⁶¹

5 The City counters that many uses can co-exist without substantial impairment of the
 6 GMA economic development goal and the Port's assertion "that the Ordinance will impair
 7 their operation due to increased traffic" is contradicted by the EIS and is offered without
 8 supporting evidence.¹⁶² Instead, the City suggests, the Ordinance will advance "economic
 9 opportunity by increasing housing to support industry and to support low-income residents,
 10 thus reducing commute times and supporting workforce retention."¹⁶³ That is because
 11 "mixed-use development diversifies the local economy and attracts investment . . . while
 12 preserving and supporting industrial uses,"¹⁶⁴ according to the City. Further that "the STAOD
 13 draws approximately 7 million people per year, many of whom attend sporting events, which
 14 also supports economic development," and that ultimately the Port has failed to meet its
 15 burden.¹⁶⁵

16 The Board agrees with the City and finds that the Port has failed to meet its burden of
 17 demonstrating the Ordinance will substantially interfere with the GMA's economic
 18 development goal.

19 With respect to ensuring adequate public facilities and services, the City must:

20 *Ensure that those public facilities and services necessary to support*
 21 *development shall be adequate to serve the development at the time the*
 22 *development is available for occupancy and use without decreasing current*
 23 *service levels below locally established minimum standards.*¹⁶⁶

24
 25
 26
 27 ¹⁶⁰ Port's Br. at 20-21.

28 ¹⁶¹ Port's Br. at 21.

29 ¹⁶² City's Br. at 43.

30 ¹⁶³ *Id.*

31 ¹⁶⁴ *Id.*

32 ¹⁶⁵ *Id.* referencing PCB00003 (comment from Washington State Major League Baseball Stadium Public Facilities District and the Washington State Public Stadium Authority on the Industrial and Maritime Strategy).

¹⁶⁶ RCW 36.70A.020(12). Italics from Port. The Port incorrectly references 020(5), but otherwise correctly sets out the proper GMA goal. See Port's Br. at 21.

1 The Port says the Ordinance authorizes dense, residential development in the STAOD
 2 without providing adequate public facilities such as parks, fire,¹⁶⁷ police, schools, libraries,
 3 grocery stores, or retail stores.¹⁶⁸ The Port finds support for this assertion in the Arena
 4 FEIS¹⁶⁹ which indicated that:

5 In addition to the main factor that residential uses may be incompatible with
 6 existing industrial uses in the SoDo study area, the SoDo neighborhood also
 7 lacks the amenities and services, such as grocery stores, retail, neighborhood
 8 services and parks/open space, that are desirable to new residents.¹⁷⁰

9 The City contends the “2022 EIS found no significant avoidable adverse impacts to fire and
 10 emergency medical services, police or schools or libraries are expected for the alternatives
 11 in the FEIS with application of mitigation measures.”¹⁷¹ The Board agrees, as the FEIS found:
 12 “Ongoing City operational and capital facilities planning efforts are anticipated to address
 13 incremental increases and other changes in demand for fire [& Emergency Medical]
 14 services.”¹⁷² This is also true for law enforcement services.¹⁷³ And, according to the City, the
 15 FEIS also analyzed impacts to schools under each alternative.¹⁷⁴ While the City did not
 16 specifically explain the FEIS findings, the Board and Port both observe that “there are no
 17 public or private schools or libraries in the subarea.”¹⁷⁵ However, the FEIS contemplated
 18 residential development at this location, as well as several other locations, and it concluded
 19 over the 20-year planning period, the entire area would see an increase of 437 students
 20 (SODO, under the preferred alternative seeing 94 students) which is mitigated by ongoing
 21 Seattle School District capital facilities management planning which was anticipated to be
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 23
 24

25 _____
 26 ¹⁶⁷ According to the Port there is one fire station in the area.

27 ¹⁶⁸ Port’s Br. at 21.

28 ¹⁶⁹ Noticeably relying a 2016 report, rather than the more comprehensive and recent 2022 Seattle Industrial &
 29 Maritime Strategy.

30 ¹⁷⁰ *Id.*, referencing Arena FEIS Ex. 62, App. F. at 121.

31 ¹⁷¹ City’s Br. at 44, citing Exhibit 26, p. 151-152.

32 ¹⁷² FEIS 3-598.

¹⁷³ *Id.* “Ongoing City of Seattle capital improvement planning and budgeting efforts are anticipated to address
 police facility needs, including potential needs for future improvements.”

¹⁷⁴ City’s Br. at 44, citing Exhibit 26 p. 152-153.

¹⁷⁵ Port’s Br. at 22, citing See FEIS Ex. 26 at 788.

1 sufficient to address increases in student population.¹⁷⁶ Likewise for libraries. The Board is,
2 therefore, not convinced that, at the time of development, there will be insufficient public
3 services as it relates to schools, libraries, fire and EMS, or law enforcement.

4 The Port also takes issue with a lack of parks and open space,¹⁷⁷ but the City indicates
5 there are 59.13 acres of parks and 6.3 miles of trails and “while increased population may
6 require more parks to be acquired to maintain the 8 acres of park for 1,000 people, the EIS
7 concluded that ‘no significant unavoidable adverse impacts to open space and recreation are
8 anticipated.’”¹⁷⁸ The Board agrees.

9
10 From the Board’s perspective, the Port has failed to show that “at the time the
11 development” there would be inadequate public services for occupancy and use without
12 decreasing current service levels below locally established minimum standards. That is
13 because, as the City indicates and the Board agrees, “the 2022 FEIS did analyze whether
14 housing in the STAOD would impact public services and concluded it would not.”¹⁷⁹ The Port
15 has failed to present contrary evidence sufficient to convince the Board that at the time of
16 development there will be inadequate public facilities. Because the Port has failed to meet
17 its burden, **Issue No. 1 is dismissed.**

18
19 The Port also asserts the City failed to include or incorporate “best available science”
20 (BAS) by permitting residential development within the City’s designated liquefaction-prone
21 critical area in disregard of its critical areas ordinance.¹⁸⁰ The City counters that it did not
22 amend its critical areas ordinance and as a result it was not required to include BAS in
23 adopting the challenged Ordinance.¹⁸¹ The Board agrees with the City. The City was neither
24 adopting nor amending its critical areas ordinance, and, as such, was not required to include
25 BAS in adopting the Ordinance at issue.¹⁸² Because the Port has failed to convince the Board
26
27

28 ¹⁷⁶ Seattle Industrial & Maritime Strategy FEIS 3-590, Exhibit 3.13-19; 3-598.

29 ¹⁷⁷ Port’s Br. at 22.

30 ¹⁷⁸ *Id.*; City’s Br. at 44.

31 ¹⁷⁹ *Id.* quotations in the original, citing *RIN* 6, FEIS p. 3-540, p. 3-542 and 3-543.

32 ¹⁸⁰ Port’s Br. at 18, citing SMC 25.09.065(C)(2).

¹⁸¹ City’s Br. at 10-11.

¹⁸² RCW 36.70A.172(1).

1 that the City was required to include BAS in adopting this Ordinance, **Issue No. 9 must be**
 2 **dismissed.**

3 With respect to Essential Public Facilities (EPFs), the Port asserts adoption of the
 4 challenged Ordinance precludes the siting or more specifically the expansion of an EPF
 5 through the impairment of the road network that is used for the deepwater port.¹⁸³ That the
 6 “siting of 990 residential units in the middle of the Port’s EPF will render future use and
 7 expansions (both in intensity and physical footprint) impracticable.”¹⁸⁴ And that the Ordinance
 8 will burden the Port’s road network in a way that will make future expansions impossible or
 9 impracticable.”¹⁸⁵

10
 11 This City does not address whether the Ordinance makes expansion impossible or
 12 impracticable, and instead requests dismissal of Issue 10, “because the Ordinance has
 13 nothing to do with the imposition of conditions or costs related to the mitigation of adverse
 14 impacts directly caused by construction or operation of EPFs, nor does it have anything to
 15 do with the timely issuance of permits related to the construction or expansion of an EPF.”¹⁸⁶
 16 The City misses the Ports argument and instead identifies the Port’s facilities as separated
 17 by SR 99/Alaskan Way and indicates a “state roadway separates the Port facilities from
 18 SODO to the east” and that the Port failed to present “evidence that it sought to construct a
 19 new facility or expand existing facilities east of SR 99/Alaskan Way and was otherwise
 20 precluded from doing so by conditions or costs imposed by the City to mitigate adverse
 21 impacts caused by the construction or operation of the EPF.”¹⁸⁷ While permit denial or costs
 22
 23
 24

25 ¹⁸³ Port’s Br. at 17-18, citing RCW 36.70A.115 (sufficient land for development); RCW
 26 36.70A.200(5)(prohibition against precluding the siting of essential public facilities), and WAC 365-196-
 27 550(3)(a)(May no preclude the siting of an essential public facility if their combined effects would make the
 siting of an essential public facility impossible or impracticable). See also Port’s Reply at 8-9.

28 ¹⁸⁴ Port’s Br. at 17, citing *Port of Shelton v. City of Shelton*, GMHB No. 10-2-0013 (Final Decision and Order,
 29 October 27, 2010) at 23. The City asserts this case is fact dependent and specific to airports. The Board
 30 disagrees. In the *Port of Shelton* matter, the Board considered RCW 36.70A.200(5) and *Des Moines v.*
 31 *PSRC*, 108 Wn. App. 836, 845 (1999)(affirmatively addressed that siting EPF’s includes expansion or
 improvement, and activities necessary for expansion).

31 ¹⁸⁵ Port’s Reply at 8-9.

32 ¹⁸⁶ City’s Br. at 11, citing RCW 36.70A.200(5)(b).

¹⁸⁷ City’s Br. at 11.

1 is not the point here, nevertheless, the Port fails to convince this Board or point to evidence
 2 in the record that the support its position. First, the Board, as discussed above, disagrees
 3 that this will result in 990 residential units and believes the true number of units capable of
 4 being placed in the limited footprint is 375. Further, while traffic remains an issue, perhaps
 5 everywhere in western Washington, the Port fails to demonstrate any specific traffic impacts
 6 in a way that would persuade the Board that the City's adoption was clearly erroneous. Thus,
 7 the Port has failed to carry its burden on this point. Accordingly, **Issue 10 is dismissed.**
 8

9 **The Port combines issues 2, 6, 7, and 8.**

10 **Issue No. 2. Does the Ordinance fail to comply with the GMA's requirements because**
 11 **it allows development that will interfere with the planning goals enumerated at RCW**
 12 **36.70A.020(15) and RCW 90.58.020?**

13 **Issue No. 6. Does the Ordinance violate the GMA's requirements at RCW 36.70A.040**
 14 **and RCW 36.70A.130 because its terms are inconsistent with and fail to implement the**
 15 **Comprehensive Plan, including the Land Use Element, the Transportation Element,**
 16 **the Container Port Element, the Parks and Open Space Element, the Community Well-**
 17 **Being Element, the Growth Strategy Element, the Shoreline Areas Element, and the**
 18 **Greater Duwamish MIC Neighborhood Plan?**

19 **Issue No. 7. By adopting the Ordinance, has the City failed to comply with the GMA's**
 20 **requirements at RCW 36.70A.115 requiring cities to provide sufficient land capacity**
 21 **for future development of industrial facilities?**

22 **Issue No. 8. Does the Ordinance fail to comply with the GMA's requirements at RCW**
 23 **36.70A.040 and RCW 36.70A.130 due to its inconsistencies with, or failure to**
 24 **implement, the goals and policies described in King County's Comprehensive Plan,**
 25 **and Countywide Planning Policies incorporated into the City's Comprehensive Plan**
 26 **pursuant to RCW 36.70A.100 and .210?**

27 The Port claims this Ordinance creates an inconsistency with the City's
 28 Comprehensive Plan, which incorporates the Shoreline Management Act (SMA), because
 29 "the Ordinance's impacts will disrupt Port operations, within and outside of shoreline areas,
 30 further diminish scarce industrial lands, and permanently harm the regional and state
 31
 32

1 economy in the interest of a local, short-term housing gain . . .”¹⁸⁸ The City argues the SMA
 2 is inapplicable as the STAOD is outside of the Shoreline District and the SMA only applies
 3 to shorelines of the state.”¹⁸⁹ Further, that “the City’s mapped Shoreline District stops west
 4 of SR 99 and does not extend to the STAOD.”¹⁹⁰ The Board agrees with the City. The STAOD
 5 is outside the reach of the SMA and the Port and failed to convince the Board otherwise.
 6 Accordingly, **Issue No. 2 is dismissed.**
 7

8 The Port contends the Ordinance is inconsistent and fails to implement the City’s
 9 Comprehensive Plan Land Use element and calls the Board’s attention to what it describes
 10 an incongruity in the Ordinance’s recitals which expressly call for the perseverance of
 11 industrial lands, key infrastructure, and a restriction on residential development, yet the result
 12 of the Ordinance fails to do so by permitting residential development on industrial lands next
 13 to Major Truck Streets thereby impairing both.¹⁹¹ That the City conflates “workforce housing”
 14 with “dwellings for workers that are related to the industrial area and that would not restrict
 15 or disrupt industrial activity.”¹⁹² And, that the Ordinance violates King County’s
 16 Comprehensive Plan Goals, incorporated into the City’s Comprehensive Plan by the
 17
 18

19 ¹⁸⁸ Port’s Br. at 29-30.

20 ¹⁸⁹ City’s Br. at 12-13, citing RCW 36.70A.020(15). Shorelines of the state include state water bodies and
 21 adjacent shorelines within 200 feet of the ordinary high-water mark, associated floodways, floodplains,
 22 wetlands, and deltas, as well as designated coastal and riparian waters of statewide significance. RCW
 90.50.030(d)-(f).

23 ¹⁹⁰ *Id.*

24 ¹⁹¹ Port’s Br. at 22, citing Comp Plan Ex. 41, p.58 (Goal LU G10—Provide sufficient land with the necessary
 25 characteristics to allow industrial activity to thrive in Seattle and protect the preferred industrial function of
 26 these areas from activities that could disrupt or displace them), RCW 36.70A.040 (development regulations
 27 must implement the comprehensive plan), and 36.70A.130(1)(e) development regulations shall be consistent
 28 with and implement the comprehensive plan. See *also* LU 10.2 (Preserve industrial land for industrial uses,
 29 especially where industrial land is near rail- or water-transportation facilities, in order to allow marine- and rail-
 30 related industries that rely on that transportation infrastructure to continue to function in the city.); LU 10.3
 31 (Ensure predictability and permanence for industrial activities in industrial areas by limiting changes in
 industrial land use designation. There should be no reclassification of industrial land to a non-industrial land
 use category except as part of a City-initiated comprehensive study and review of industrial land use policies
 or as part of a major update to the Comprehensive Plan); and LU 10.8 (Prohibit new residential development
 in industrial zones, except for certain types of dwellings, such as caretaker units and in urban industrial
 zones, dwellings for workers that are related to the industrial area and that would not restrict or disrupt
 industrial activity.).

32 ¹⁹² Port’s Br. at 23, citing LU 10.8.

1 requirement of coordination and consistency with other comprehensive plans¹⁹³ and
 2 countywide planning policies,¹⁹⁴ by permitting dense residential development in an area
 3 incompatible with residential uses which also results in industrial land conversion.¹⁹⁵
 4 Additionally, that the Ordinance violates the City’s land use planning and growth strategies
 5 because it fails to maintain industrial areas that have critical supporting infrastructure and
 6 fails to provide transitions between industrial areas and less intensive areas.¹⁹⁶ And that it
 7 does not “apply the general industrial zones mostly within the designated
 8 manufacturing/industrial centers (MIC’s) where impacts from industrial activity are less likely
 9 to affect residential or commercial uses.¹⁹⁷ Lastly, that the Ordinance is inconsistent with the
 10 City’s growth strategy as it relates to MIC’s because it doesn’t promote manufacturing,
 11 warehousing, and distributions uses and discouraging uses that pose conflicts with the
 12 industrial area.¹⁹⁸
 13
 14

15 _____
 16 ¹⁹³ RCW 36.70A.100.

17 ¹⁹⁴ RCW 36.70A.210, referencing U-255 (Within the Urban Growth Area, properties with existing industrial
 18 uses shall be protected); ED-211 (King County should support programs and strategies to preserve and plan
 19 for an adequate supply of industrial and commercial land capacity); and U-227 (Industrial development should
 20 have direct access from arterials or freeways. Access points should be combined and limited in number to
 21 allow smooth traffic flow on arterials. Access through residential areas should be avoided.).

22 ¹⁹⁵ Port’s Br. at 23-24.

23 ¹⁹⁶ Port’s Br. at 24, citing LU 10.6 (Provide a range of industrial zones that address varying conditions and
 24 priorities in different industrial areas. Those priorities include maintaining industrial areas that have critical
 25 supporting infrastructure, leveraging investments in high-capacity transit service, providing transitions
 26 between industrial areas and less intensive areas, and promoting high-quality environments attractive to
 27 business expansion or to new industrial activities.).

28 ¹⁹⁷ Port’s Br. at 24, citing LU 10.10. (Apply the general industrial zones mostly within the designated
 29 manufacturing/industrial centers, where impacts from industrial activity are less likely to affect residential or
 30 commercial uses. Outside of manufacturing/industrial centers, general industrial or the maritime,
 31 manufacturing, and logistics zones may be appropriate along waterways used for maritime uses. Consider
 32 applying the maritime, manufacturing, and logistics designation mostly within the designated
 manufacturing/industrial centers and it may also be appropriate outside of manufacturing/industrial centers
 along waterways used for maritime uses.).

¹⁹⁸ Port’s Br. at 24, citing GS 1.15. Designate areas as manufacturing/industrial centers (MIC’s) consistent
 with the following characteristics and with the Countywide Planning Policies: Existing zoning that promotes
 manufacturing, warehousing, and distribution uses; zoning that discourages uses that pose short- or long-
 term conflicts with industrial uses, or that threaten to convert significant amounts of industrial land to
 nonindustrial uses; zoning that strictly limits residential uses and discourages land uses that are not
 compatible with industrial uses; buffers that protect neighboring, less intensive land uses from the impacts
 associated with industrial activity (provided by generally maintaining existing buffers, including existing
 industrial buffer zones); sufficient zoning capacity to accommodate a minimum of ten thousand jobs; relatively

1 The result, the Port says, strips the STAOD of its transition purposes between
 2 commercial and residential uses and the heavy industrial uses in violation of land use
 3 policy.¹⁹⁹ The City, the Port claims, has previously recognized the incompatibility of placing
 4 residential uses adjacent to industrial uses and found:

5 [I]ndustrial uses are extremely limited geographically, with few options to
 6 expand the existing industrial land base, making the preservation of this scarce
 7 resource all the more imperative . . . [t]his resource cannot be duplicated if
 8 marine lands are converted to nonindustrial uses (as has occurred elsewhere
 9 in the region).²⁰⁰

10 As a result, the Port says, the Ordinance enables development with conflicting uses in
 11 industrial lands.²⁰¹

12 The City counters, and the Board agrees, that local jurisdictions enjoy broad discretion
 13 in comprehensive planning choices which are left to local policy makers and circumstances,
 14 provided they are bound by the constraints contained within the GMA, and that the burden
 15 rests with the Petitioner to demonstrate the challenge ordinance is inconsistent with, or will
 16 thwart, the policy.²⁰² "Consistency," means that no feature of a plan or regulation is
 17 incompatible with any other feature of a plan or regulation; consistency is indicative of a
 18 capacity for orderly integration or operation with other elements in a system.²⁰³ A finding of
 19 inconsistency requires a showing of actual conflict between competing provisions of a local
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24 flat terrain allowing for efficient industrial processes; reasonable access to the regional highway, rail, air,
 25 and/or waterway systems for transportation of goods.

26 ¹⁹⁹ Port's Br. at 24-25, referencing LU 10.6, LU 10.22, and GS 1.15.

27 ²⁰⁰ Port's Br. at 24, referencing Ex 49.

28 ²⁰¹ Port's Br. at 23-25, citing LU G10, LU 10.6, LU 10.10, GS 1.15, U-255, ED-211, and U-227; MIC Plan Ex.
 29 49, at 26-27; Arena FEIS Ex. 62, App. F, at 109; SMC 23.74.002(A). The Stadium Transition Area centers on
 30 large sports facilities and allows uses complementary to them. It is intended to contribute to a safer
 pedestrian environment for those attending events and permits a mix of uses, supporting the pedestrian-
 oriented character of the area as well as the surrounding industrial zone, while minimizing conflicts with
 industrial uses.

31 ²⁰² City's Br. at 31-32.

32 ²⁰³ WAC 365-196-210(9). The City incorrectly cites WAC 365-196-210(8), City's Br. at 32, but that reference
 is to concurrency.

1 jurisdictions policy and regulation.²⁰⁴ As we noted in *Friends of San Juan*, the Board's
 2 determinations of inconsistencies are found when there is a direct conflict between the
 3 comprehensive plan goal or policy and the adopted development regulation.²⁰⁵ For example,
 4 in *Peranzi*, like in this matter, a comprehensive plan policy prohibited uses incompatible with
 5 industrial uses and the record established the proposed residential use was incompatible.²⁰⁶

6 The City says its Ordinance is in harmony with the comprehensive plan “to establish
 7 that the small amount of industrial lands identified as transitional areas zoned UI . . . that
 8 provide a buffer between heavier industry and residential mixed-use areas are appropriate
 9 places to allow industry-supportive housing in a limited capacity as an administrative
 10 conditional use.”²⁰⁷ That the Ordinance is consistent with Comprehensive Plan Land Use
 11 Goals, Policies, and Strategy, and that the Port ignores the 2023 Industrial Strategy which
 12 the City claims strengthened protections of industrial lands while providing for some “limited
 13 new residential use ancillary to a non-residential mixed-use development” that would
 14 “provide needed affordable housing for both industrial workers and the community, and the
 15 need to spur redevelopment allowing for the creation of light manufacturing maker spaces
 16 and other non-residential uses appropriate for the industrial zone, and specifically here, the
 17 STAOD.”²⁰⁸

18 The City's Industrial Areas Land Element goal is to “provide sufficient land with the
 19 necessary characteristics to allow industrial activity to thrive in Seattle and protect the
 20 preferred industrial function of these areas from activities that could disrupt or displace them.”
 21 Through the Maritime and Marine Strategy, the City zoned 376 acres into a new UI zone, a
 22 portion of which is at issue here.²⁰⁹ The City then adopted specific policies, relevant here, to
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 27 ²⁰⁴ *Leenstra v. Whatcom County*, WWGMHB No. 03-2-0011 (Final Decision and Order, September 26, 2003)
 at 15.

28 ²⁰⁵ *Friends of the San Juans, et al, v. San Juan County*, GMHB No 13-2-0012c (Final Decision and Order,
 29 September 6, 2013) at 24.

30 ²⁰⁶ *Peranzi v. City of Olympia*, GMHB. No. 11-2-0011 (Final Decision and Order, May 4, 2012) at 21, 22.

31 ²⁰⁷ City's Br. at 32.

32 ²⁰⁸ City's Br. at 33, referencing LUG 10, LU 10.6, LU 10.10, LU 10.22, GS 1.15.

²⁰⁹ City's Br. at 33, citing *RIN* 6, FEIS, p. 1-32-33. (see also Exhibit 128 at page 10 of this decision for a
 visual).

1 **“preserve industrial land for industrial uses, especially where industrial land is near**
 2 **rail- or water-transportation facilities, in order to allow marine- and rail-related**
 3 **industries that rely on that transportation infrastructure to continue to function in the**
 4 **city;**”²¹⁰ “ensure predictability and permanence for industrial activities in industrial areas by
 5 limiting changes in industrial land use designation. There should be **no reclassification of**
 6 **industrial land to a non-industrial land use category except as part of a City-initiated**
 7 **comprehensive study and review of industrial land use policies or as part of a major**
 8 **update to the Comprehensive Plan;**”²¹¹ “provide a range of industrial zones that address
 9 varying conditions and priorities in different industrial areas. **Those priorities include**
 10 **maintaining industrial areas that have critical supporting infrastructure,** leveraging
 11 investments in high-capacity transit service, providing transitions between industrial areas
 12 and less intensive areas, and promoting high-quality environments attractive to business
 13 expansion or to new industrial activities’.²¹² **Prohibit new residential development in**
 14 **industrial zones, except for certain types of dwellings, such as caretaker units and in**
 15 **urban industrial zones, dwellings for workers that are related to the industrial area and**
 16 **that would not restrict or disrupt industrial activity;**²¹³ and that the City is to “**apply the**
 17 **general industrial zones mostly within the designated manufacturing/industrial**
 18 **centers, where impacts from industrial activity are less likely to affect residential or**
 19 **commercial uses.....**”²¹⁴

20
 21
 22
 23 To support industrial development and ensure compatibility with adjacent land uses,
 24 the King County Countywide Planning Policies call for the **protection of properties with**
 25 **existing industrial uses within the Urban Growth Area.**²¹⁵ That the County, and by
 26 extension the City, should support programs and strategies to **preserve and plan for an**
 27

28
 29 ²¹⁰ LU 10.2 (emphasis added).

30 ²¹¹ LU 10.3 (emphasis added).

31 ²¹² LU 10.6 (emphasis added).

32 ²¹³ LU 10.8 (emphasis added).

²¹⁴ LU 10.10 (emphasis added).

²¹⁵ U--225 (Within the Urban Growth Area, properties with existing industrial uses shall be protected).

1 **adequate supply of industrial and commercial land capacity**, including participating in
 2 the Puget Sound Regional Council’s Industrial Lands Analysis, actively apply for resources,
 3 promote redevelopment and infill, **and prevent the encroachment of nonindustrial uses**
 4 **on industrially zoned land and the rezoning of industrial land to other uses.**²¹⁶ Lastly,
 5 that **industrial development should have direct access from arterials or freeways . . .**
 6 **and access through residential areas should be avoided.**²¹⁷

8 Each of these policies, as the City correctly notes, strengthens protections of industrial
 9 lands. Perhaps the most significant among them was the policy prohibiting the
 10 reclassification of industrial lands to non-industrial uses except as part of a major update to
 11 the comprehensive plan. The Board finds the City’s adoption of Ordinance 127191 was not
 12 part of a major update to the City’s Comprehensive Plan and that the Ordinance permitted
 13 the reclassification of industrial lands to non-industrial use which was contrary to the City’s
 14 policy.²¹⁸ The Board further finds the Ordinance permits residential dwellings in the UI zone
 15 which are neither restricted to caretaker units, nor are they restricted to dwellings for workers
 16 that are related to the industrial area. Instead, the only restrictions related to affordability,
 17 and then only that half of the “units must be at or below 60% of median income for SEDUs,
 18 80 percent of median income for studio and one bedroom units, and 90 percent of median
 19 income for two-bedroom and larger units.”²¹⁹ While the Ordinance does permit a developer
 20 to elect to make all units industrial or caretaker quarters, which is limited to 3 units per single
 21 business, they may also elect to make half of the units “affordable” with the other half leasing
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26 ²¹⁶ ED-211 (King County should support programs and strategies to preserve and plan for an adequate
 27 supply of industrial and commercial land capacity, including but not limited to participating in the Puget Sound
 28 Regional Council’s Industrial Lands Analysis, Actively apply for resources, promote redevelopment and infill,
 29 prevent the encroachment of nonindustrial uses on industrially zoned land and the rezoning of industrial land
 to other uses.)

30 ²¹⁷ and U-227 (Industrial development should have direct access from arterials or freeways. Access points
 31 should be combined and limited in number to allow smooth traffic flow on arterials. Access through residential
 areas should be avoided).

32 ²¹⁸ LU 10.3.

²¹⁹ City’s Br. at 22, citing SMC 23.50A.062.C.9.

1 at market rate.²²⁰ This is directly contrary to the City’s policy to restrict residential
 2 development in this area. It is also contrary to the Countywide Planning Policy to protect
 3 properties with existing industrial uses within the Urban Growth Area and prevent the
 4 encroachment of nonindustrial uses on industrially zoned land and the rezoning of industrial
 5 land to other uses, as well as avoiding accessing industrial development through residential
 6 development. Placing residential dwellings which are unrelated to the industry, adjacent to
 7 Major Truck Streets while simultaneously removing a 200-foot buffer disrupts associated
 8 industrial activity and restricts industry access.²²¹ The Board also finds Ordinance 127191
 9 failed to preserve industrial land for industrial uses by encroaching on and removing the
 10 200- foot buffer which protected and preserved the City’s Major Truck Streets for the rail and
 11 water-dependent operations that rely on them, specifically the Port and BNSF. This is
 12 particularly concerning because the City failed to conduct comprehensive review as required
 13 by its policy, and as demonstrated in the brevity of the public process in this matter, failed to
 14 “ensure predictability and permanence for industrial activities in industrial areas by limiting
 15 changes in industrial land use designation.”²²²

16
 17
 18 **As to Issue Nos. 6 and 8**, the Board is left with a firm and definite conviction that
 19 Ordinance 127191 is inconsistent with the City’s policies and the Countywide Planning
 20 Polices noted above and is therefore inconsistent with the City’s Comprehensive Plan Land
 21 Use element. Accordingly, Ordinance 127191 is non-compliant with the GMA.²²³

22
 23
 24
 25 ²²⁰ SMC 23.50A.062.C.9. The City permits developers to select between limiting occupancy to either: a. “All
 26 dwelling units are live-work units in which the commercial activity qualifies as industrial, or are caretakers’
 27 quarters associated with a business on the same site provided no single business shall have more than three
 28 associated caretakers’ quarters; or b.A minimum of 50 percent of the dwelling units are made available at
 29 affordable rent or affordable sale price for a period of 75 years beginning January 1 of the year following final
 30 certificate of occupancy to eligible households with annual incomes at or below 60 percent of median income
 for SEDUs, 80 percent of median income for studio and one bedroom units, and 90 percent of median income
 for two-bedroom and larger units. Standardized procedures and definitions established by the Office of
 Housing for administration of Chapter 5.73 shall apply. Dwelling units eligible for the multifamily housing tax
 exemption may be counted towards the minimum 50 percent.

31 ²²¹ LU 10.8.

32 ²²² LU 10.3.

²²³ RCW 36.70A.040, RCW 36.70A.130, RCW 36.70A.100, and RCW 36.70A.210.

1 The Port also asserts the Ordinance is inconsistent and does not implement the City's
 2 Transportation Element because it fails to implement goal 5 (Improve mobility and access
 3 for the movement of goods and services to enhance and promote economic opportunity
 4 throughout the City) and goal 8 (Maintain and renew existing transportation assets to ensure
 5 the long-term viability of investments, reduce ongoing costs, and promote safe conditions.)
 6 Further that the Ordinance is contrary to policy T 5.2 (Develop a truck freight network in the
 7 Freight Master Plan that connects the city's manufacturing/industrial centers, enhances
 8 freight mobility and operational efficiencies, and promotes the city's economic health),²²⁴ T
 9 5.3 (Ensure that freight corridors are designed, maintained, and operated to provide efficient
 10 movement of truck traffic), and T 7.5 (Plan for the city's truck freight network, developed as
 11 part of the Freight Master Plan, to connect to the state and regional freight network, and to
 12 continue providing good connections to regional industrial and warehouse uses). The Port
 13 asserts by removing the 200-foot separation between residential uses and Major Truck
 14 Streets, and permitting multi-family development of up to 990 units adjacent to major truck
 15 streets, the Ordinance permits and will lead to additional pedestrian, cycle, truck, and other
 16 traffic accidents, undoubtedly detracting from the safe operation of those routes.²²⁵ Further,
 17 that permitting residential development in this area directly contradicts the City's policy to
 18 improve intermodal freight connections involving Port container terminals and support the
 19 efficient movement of truck traffic from the Port to regional and state transportation
 20 networks.²²⁶

21 The City counters the impacts have been analyzed and vehicle travel, including freight
 22 with "no measured difference in travel times compared to the "no action" alternative.²²⁷ That
 23 the City has the only analysis of transportation, which did study up to 990 housing units, and
 24 it found no measured difference in travel times.²²⁸ That because the overlay already calls for
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29 ²²⁴ Port's Br. at 26, citing Policy 5.2, but it should be referenced as T 5.2.

30 ²²⁵ *Id.*

31 ²²⁶ *Id.*

32 ²²⁷ City's Br. at 41-42.

²²⁸ City's Br. at 37.

1 configuration that reduces potential conflicts, along with other measures, the Port has failed
 2 to establish the Ordinance substantially interference with the City’s transportation goal.²²⁹
 3 Additionally, that “... limited residential use on First Ave S is not inconsistent with the
 4 guidance for [M]ajor [T]ruck [S]treets,” and that the City continues to improve mobility, and
 5 maintain transportation assets through funding and on-going projects.²³⁰
 6

7 Largely the City’s goals and policies call for no specific actions and as the City
 8 correctly notes, the only evidence before the Board, in terms of a study, fails to demonstrate
 9 what the Port claims. From the Board’s perspective, the Port has failed to meet its burden
 10 with respect to an inconsistency with the City’s transportation element.

11 The Port also asserts the Ordinance is contrary to the City’s Container Port element
 12 because it permits residential uses along Major Truck Streets and removes the 200-foot
 13 separation requirement, and as a result, the City fails to provide sufficient land capacity for
 14 development.²³¹ The Port claims this will lead to permanently convert industrial land to a
 15 nonindustrial use.²³² And, that the City made no attempt to engage in a joint effort as
 16 contemplated by the City’s Container Policy.²³³
 17

18 The City refutes this indicating CP 1.5 allows for a wider range of uses within this
 19 transition area, and, that the City engaged with the Port during the adoption of 2023 Industrial
 20 Maritime Strategy, as well as at the February 24, 2025, public meeting by permitting an
 21 opportunity to present the Port’s concerns, leading, in the City’s view, to the “technical
 22 amendments” as “compromised legislation.”²³⁴ Lastly, that any impacts are speculative and
 23
 24

25 ²²⁹ *Id.*

26 ²³⁰ City’s Br. at 27-28.

27 ²³¹ Port’s Br. at 27, citing RCW 36.70A.115, CP 1.3 (Discourage nonindustrial land uses, such as retail and
 28 residential in industrial zoned areas to minimize conflicts and conversion of industrial lands), CP 1.7 (Provide
 29 safe, reliable, efficient, and direct access between Port marine facilities and the . . . interstate system, and
 30 between Port terminals and railroad intermodal facilities), CP 1.11 (Continue joint City and Port efforts to
 implement relevant Port recommendations, such as recommendations contained in the Container Terminal
 Access Study”).

31 ²³² Port’s Br. at 28.

32 ²³³ Port’s Br. at 28, citing CP 1.11, See Port’s Br. Appendix 1 (Resolution 32097).

²³⁴ City’s Br. at 38, referencing CP 1.5 (Consider the value of transition areas—which allow a wider range of
 uses while not creating conflicts with preferred cargo-container activities and uses—at the edges of general

1 have been studied by the FEIS.²³⁵

2 As with the Transportation element, the Board is unpersuaded as there is a lack of
3 evidence to support the Port's claims.

4 The Port also indicates the Ordinance violates the City's Park and Open Space
5 Element because the City has not extended park services to the STAOD.²³⁶

6 The City counters that "the City-owned park and recreation system comprise about 11
7 percent of the total city land area and includes parklands throughout the City" and noted
8 many other City features, and suggests the Port's 2016 study is contrasted by recent
9 experiences from a public commenter from the neighborhood: "[W]e're half a block from the
10 streetcar, a block from the waterfront, two blocks from the ferry system, four blocks from
11 Uwajimaya where I shop. It's a really great neighborhood."²³⁷ It is unclear to this Board how
12 this addresses the Port's argument related to parks, though it does speak to whether there
13 is a grocery store in the area, but what is clear to this Board is that, aside from the level-of-
14 service requirement addressed elsewhere by this Order, the balance are aspirational goals
15 without specific requirements, and the Port has failed to demonstrate an inconsistency or
16 impairment by the adoption of this Ordinance.

17 Next, the Port asserts the Ordinance does not comport with the goals and policies of
18 the Greater Duwamish Manufacturing/Industrial Center (MIC) Neighborhood Plan.²³⁸ From
19

20
21
22 industrial zones. In this context, zoning provisions such as locational criteria and development standards are
23 among the tools for defining such edge areas.).

24 ²³⁵ *Id.*, citing *RIN 6*, Seattle Industrial & Maritime FEIS, pp. 3-386 to 3-498.

25 ²³⁶ Port's Br. at 29, citing PG 1 (Provide a variety of outdoor and indoor spaces throughout the city for all
26 people to play, learn, contemplate, and build community); P 1.2 (Provide a variety of parks and open space to
27 serve the city's growing population consistent with the priorities and level-of-service standards identified in the
28 City's Parks and Open Space Plan); P 1.10 (Create healthy places for children and adults to play, as well as
29 areas for more passive strolling, viewing, and picnicking.).

30 ²³⁷ City's Br. at 39.

31 ²³⁸ Port's Br. at 30, referencing GD-G3 (Land in the Duwamish Manufacturing/ Industrial Center is maintained
32 for industrial uses including the manufacture, assembly, storage, repair, distribution, research about or
development of tangible materials and advanced technologies; as well as transportation, utilities, and
commercial fishing activities); GD-G8 (The Duwamish Manufacturing/Industrial Center remains a
manufacturing/industrial center promoting the growth of industrial jobs and businesses and strictly limiting
incompatible commercial and residential activities); GD-P5(Limit the location or expansion of nonindustrial
uses, including publicly sponsored nonindustrial uses, in the Duwamish Manufacturing/Industrial Center); GD-

1 the Port’s perspective, “these policies all stand for the notion that lands within a designated
 2 MIC should be reserved and preserved for industrial uses and the City must reject the
 3 encroachment of incompatible uses within the MIC . . . by strictly limiting non-industrial
 4 development in the UI zone.”²³⁹ And here, “targets the portion of the MIC that is most critical
 5 to the Port’s operations,” specifically the Major Truck Streets critical to freight movement.
 6

7 The City counters that the Greater Duwamish MIC specifically contemplated actions
 8 permitted by the Ordinance and was intended, since 2000, to permit stadium and stadium-
 9 related uses within the STAOD.²⁴⁰

10 The Board agrees with the City. The actions contemplated by the Ordinance
 11 harmonize several competing goals. As the Port notes, residential development and
 12 encroachment is discouraged, but it is not prohibited, especially against the goal of creating
 13 an overlay district limited to the area near the stadiums that discourages encroachment on
 14 nearby industrial uses, creates a pedestrian connection from the stadiums north to
 15 Downtown, and creates a streetscape compatible with Pioneer Square.
 16

17 As to **Issue Nos. 6 and 8**, an inconsistency with or a failure to implement the
 18 Comprehensive Plan as it relates to the Land Use element, and an inconsistency with the
 19 Countywide Planning Policies, the Board finds Ordinance 127191 is inconsistent with the
 20 City’s Comprehensive Plan and the Countywide Planning Policies and is therefore not
 21 compliant with the GMA.²⁴¹ However, the Board does not reach the same conclusion with
 22 respect to the City’s Transportation, Container Port, Parks and Open Space, Growth
 23 Strategy, or Shoreline Areas elements, or the Greater Duwamish MIC Neighborhood Plan.
 24 Because the Port has failed to convince the Board of an inconsistency with those elements,
 25
 26

27 _____
 28 P8 (Strive to protect the limited and nonrenewable regional resource of industrial, particularly waterfront
 29 industrial, land from encroachment by nonindustrial uses.).

30 ²³⁹ Port’s Br. at 30.

31 ²⁴⁰ City’s Br. at 40, referencing GD-P20 (Seek to integrate stadium and stadium-related uses into the
 32 Duwamish MIC by creating an overlay district limited to the area near the stadiums that discourages
 encroachment on nearby industrial uses, creates a pedestrian connection from the stadiums north to
 Downtown, and creates a streetscape compatible with Pioneer Square).

²⁴¹ RCW 36.70A.040, RCW 36.70A.130, RCW 36.70A.100, and RCW 36.70A.210.

1 those matters are dismissed.

2 Furthermore, as discussed above, the Port has failed to convince the Board that the
3 Ordinance fails to provide sufficient land capacity for future development of industrial
4 facilities. Accordingly, **Issue No. 7 is dismissed.**²⁴²

5 **Invalidity Determination**²⁴³

6 The Board is charged with adjudicating GMA compliance and, when necessary,
7 invalidating non-compliant plans and development regulations.²⁴⁴ A determination of
8 invalidity may be issued if the Board finds the Ordinance failed to comply with SEPA, or that
9 continued validity would substantially interfere with the fulfillment of the GMA's goals.
10 Invalidation depends on the facts and before the Board. As we noted in *Friends of Sammamish*
11 *Valley*,²⁴⁵ a local jurisdiction's authority to act is qualified by the requirements of SEPA and
12 the failure to properly conduct the required environmental review could interfere with
13 fulfillment of the GMA's environmental goal and, upon such a finding, invalidate the relevant
14 ordinance.²⁴⁶ Invalidation requires three separate actions by the Board: a finding of
15 noncompliance with the Act, with an order of remand; a determination that continued validity
16 will interfere with the Act's goals; and identification of the specific part of the regulation, and
17 reason for invalidity.²⁴⁷ The Board has fully addressed, above, the areas of the City's
18 Ordinance which are noncompliant with the GMA and with this Order remanded the matter
19 back to the City for resolution, and below addresses why invalidity is warranted.

20 The Port claims it has demonstrated several GMA and SEPA violations in the adoption
21 of the Ordinance that substantially interfere with the goals and policies of the GMA such that
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27 ²⁴² RCW 36.70A.115.

28 ²⁴³ The Port frames this as an issue (Issue 17); however, the Board views invalidity as a remedy such that it is
29 not framed as an issue but separately briefed to explain whether it is warranted in the instant matter.

30 ²⁴⁴ RCW 36.70A.280, RCW 36.70A.302.

31 ²⁴⁵ *Friends of Sammamish Valley v. King Cnty.*, GMHB No. 20-3-0004c (Final Decision and Order, January 3,
32 2022) at 41.

²⁴⁶ *Id.*, citing *Davidson Serles & Assocs. v. Cent. Puget Sound Growth Mgmt. Hearings Bd.*, 159 Wn. App.
148, 158 244 P.3d 1003, 1007 (2010).

²⁴⁷ RCW 36.70A.302(1).

1 invalidation is appropriate principally because there is a high risk of a project vesting.²⁴⁸
 2 The Port indicates the City's code²⁴⁹ allows for a project applications to vest upon submission
 3 or approval, depending on the application type, and in this matter there is a development and
 4 owner group intending to develop residential development.²⁵⁰ The Board also finds the
 5 effective date of the Ordinance is June 30, 2025.²⁵¹ From this finding, the Board concludes
 6 the City has not delayed or suspended the effective date of the action subject to the Petition
 7 before the Board until after the Board issues a final determination.²⁵²
 8

9 The City does not directly respond to the Port's argument, and instead broadly argues
 10 that the Port's claims of substantial interference with transportation, economic development,
 11 and public facilities and service, are speculative and inconsistent with the evidence in the
 12 record.²⁵³
 13

14 The Board disagrees with the City. The failure to follow the City's public participation
 15 plan deprived the City of a Director's Report that presumably would have observed the
 16 several deficiencies found by the Board, including the failure to comply with the City's SEPA
 17 obligations, and to seek Commerce's review prior to adoption. These failures were significant
 18 in the Board's view.

19 Continued validity of the Ordinance substantially interferes with GMA Planning Goals
 20 10 and 11 in RCW 36.70A.020, which are as follows:

21 (10) Environment. Protect the environment and enhance the state's high quality
 22 of life, including air and water quality, and the availability of water.
 23
 24

25 ²⁴⁸ Port's Br. at 2-3, citing RCW 36.70A.302(1)(b); *Friends of Clark Cnty. v. Clark Cnty.*, GMHB No. 22-2-0002
 26 (Final Decision and Order, March 22, 2023) at 23; and *Futurewise v. Whatcom Cnty.*, GMHB Nos. 11-2-
 27 0010c, 05-2-0013 (Compliance Order and Order Following Remand on Issue of LAMIRDs, January
 4, 2013) at 90. See also Port Reply at 3 and 10.

28 ²⁴⁹ SMC 23.76.026.

29 ²⁵⁰ Port's Br. at 4., referring to property owned by an owner's group controlling most of three contiguous
 blocks in the Stadium District (the "WSA Property") that presented renderings, site plans, and other
 information during the adoption of the Ordinance.

30 ²⁵¹ See Amendment G to CB 120933.

31 ²⁵² Per WAC 242-03-820(2)(b). However, the Parties have agreed to stay the effective date of the Ordinance
 by order in King County Superior Court in Case No. 25-2-10758-2 SEA.

32 ²⁵³ City's Br. at 40-41.

1 (11) Citizen participation and coordination. Encourage the involvement of citizens
 2 in the planning process and ensure coordination between communities and
 3 jurisdictions to reconcile conflicts.

4 The facts of this matter support a finding that the Ordinance substantially interferes
 5 with GMA Planning Goal 10. As noted above, SEPA is an environmental full disclosure law²⁵⁴
 6 that requires local jurisdictions to analyze the environmental effects of proposed actions in
 7 order to achieve good land use decision-making by involving and informing both the public
 8 and the decision-makers about the environmental consequences of proposed actions.²⁵⁵ The
 9 Court of Appeals has stated that failure to comply with SEPA review can justify a finding of
 10 invalidity:
 11

12 On the appropriate facts, the Board could find that failure to properly
 13 conduct the required environmental review for a city or county action
 14 interfered with fulfillment of the GMA's environmental goal and, upon such
 15 a finding, could invalidate the relevant ordinance.²⁵⁶

16 The City's authority to act is qualified by the requirements of SEPA. Completion of a
 17 SEPA document is a legal prerequisite to the County's action. It is incumbent upon a
 18 jurisdiction to establish *prima facie* SEPA compliance, which the City did not do in this matter.
 19 This action interferes with GMA Planning Goal 10. As set forth in the briefing in this matter,
 20 development authorized by the Ordinance could have impacts to surrounding land uses,
 21 traffic, and noise. SEPA is intended to address, identify, analyze, disclose, and consider
 22 mitigation of those impacts. Failure to follow the procedural requirements of SEPA fails to
 23 meet that intent and substantially interferes with GMA Planning Goal 10.
 24

25 Vesting of development in the area would render the SEPA procedures as ineffectual
 26 and moot -- if such project vesting were to occur, then the remand of this case to the City
 27 would be meaningless and there would be no practical way to address SEPA compliance.
 28

29 _____
 30 ²⁵⁴ *Norway Hill Pres. & Prot. Ass'n v. King County Council*, 87 Wn.2d 267, 272, 552 P.2d 674 (1976).

31 ²⁵⁵ *Dartford Austin Neighborhood v. Spokane Cnty.*, GMHB No. 21-1-0004 (Final Decision and Order,
 32 September 14, 2021) at 9.

²⁵⁶ *Davidson Serles & Assocs. v. Cent. Puget Sound Growth Mgmt. Hearings Bd.*, 159 Wn. App. 148, 158,
 244 P.3d 1003, 1008 (2010).

1 This action also interferes with GMA Planning Goal 11. The failure to comply with
 2 proper SEPA procedures also denied the public an opportunity to file an appeal and have an
 3 open record hearing with the City Hearing Examiner, which in turn would develop a record
 4 for subsequent consideration by this Board and a subsequent court - an element of public
 5 participation. Again, subsequent public process would be ineffective and moot if vesting of a
 6 project in the area were to occur.
 7

8 The Board finds these deficiencies substantially interfered with goals and
 9 requirements of the GMA and a determination of invalidity of the entirety of the Ordinance is
 10 warranted. Accordingly, Ordinance 127191 is declared invalid.²⁵⁷

11 **V. ORDER**

12 Based upon review of the Petition for Review, the briefs and exhibits submitted by the
 13 parties, the GMA, prior Board orders and case law, having considered the arguments of the
 14 parties, and having deliberated on the matter, the Board finds:
 15

- 16 • The City has failed to comply with SEPA’s procedural requirements;
- 17 • The Board defers consideration of Issues 15 and 16;
- 18 • Ordinance 127191 is non-compliant with the GMA;
- 19 • Ordinance 127191 is remanded to the City for compliance pursuant to the
- 20 following schedule below; and
- 21 • Continued validity of Ordinance 127191 substantially interferes with the
- 22 fulfillment of GMA Planning Goals 10 and 11 and therefore declares it invalid.
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32 ²⁵⁷ RCW 42.31C.030(C); RCW 36.70A.300.

Item	Date Due
Compliance Due	May 11, 2026
Compliance Report/Statement of Actions Taken to Comply and Index to Compliance Record	May 25, 2026
Objections to a Finding of Compliance	June 8, 2026
Response to Objections	June 18, 2026
Telephonic Compliance Hearing Zoom link to be provided at a later date.	June 25, 2026 1:00 p.m.

Length of Briefs – A brief of 15 pages or longer shall have a table of exhibits and a table of authorities. WAC 242-03-590(3) states: “Clarity and brevity are expected to assist a board in meeting its statutorily imposed time limits. A presiding officer may limit the length of a brief and impose format restrictions.” **The City’s Compliance Report/Statement of Actions Taken to Comply shall be limited to 25 pages, 35 pages (Petitioner/Port) and 10 pages (BNSF/Intervenor) for the Objections to Finding of Compliance, and 20 pages for the Response to Objections.**

SO ORDERED this 10th day of November, 2025.



Mark McClain, Board Member



Rick Eichstaedt, Board Chair



Alex Sidles, Board Member

Note: This is a final decision and order of the Growth Management Hearings Board issued pursuant to RCW 36.70A.300.²⁵⁸

²⁵⁸ A party aggrieved by a final decision of the Board may appeal the decision to Superior Court within thirty days as provided in RCW 34.05.514; RCW 36.01.050. See also RCW 36.70A.300(5); WAC 242-03-970. It is

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Appendix A: Procedural matters

Hearing on the Merits

The Hearing on the Merits convened October 7, 2025. The Board initially addressed under Preliminary Matters the Board’s October 3, 2025, Order Granting, in Part, the Port’s request to supplement the Record. The City did not wish to provide argument against the Board’s Order and did not object to the inclusion. However, the City raised objection to the Port’s referencing matters which were not included in the Record. The Board did not consider matters which were not included within this record in reaching its decision and afforded no weight to any argument not supported by the Record.

incumbent upon the parties to review all applicable statutes and rules. The staff of the Growth Management Hearings Board is not authorized to provide legal advice.

Director's Report and Recommendation

Repeal of Ordinance 127191

March 17, 2026

Background and Project Description:

CB 121171 would repeal Ordinance 127191 as the City's action to comply with the Growth Management Hearing Board under their order of November 10, 2025. Ordinance 127191 would have permitted residential uses within a portion of the Stadium Transition Area Overlay District.

On March 18, 2025, the Seattle City Council voted to approve Council Bill 120933, as amended by the City Council, which became Ordinance 127191. The Ordinance amended the development regulations that apply within the Stadium Transition Area Overlay District (STAOD) to allow limited residential use as a conditional and ancillary use within a portion of the Stadium District, and removed the general prohibition established in 2023 on such residential uses within the Stadium District. The Port of Seattle appealed the ordinance in a petition to the Growth Management Hearings Board (GMHB). The GMHB issued a Final Decision and Order on November 10, 2025, concluding, among other things, that the City had failed to follow proper procedures related to SEPA review, notification to the Department of Commerce, and public participation.

Repealing the ordinance would revert to the Land Use Code language adopted as part of the Industrial and Maritime Strategy, which prohibited residential uses in the STAOD that were allowed in other Urban Industrial zoned areas under SMC 23.50A.062.C.

Analysis:

The proposal is consistent with the One Seattle Comprehensive Plan, including the City's industrial land use policies; particularly policies LU-13.1 and LU-13.2:

LU 13.1 - Designate industrial zones generally where:

- *The primary functions are industrial activity and industrial-related commercial functions.*
- *The basic infrastructure needed to support industrial uses already exists.*
- *Areas are large enough to allow a full range of industrial activities to function successfully.*
- *Sufficient separation or special conditions exist to reduce the possibility of conflicts with development in adjacent less intensive areas.*

Finding: Consistent with LU 13.1, the zoning designation of industrial lands were last amended in 2023. This proposal does not amend the underlying zoning designation of any

industrial lands. Reverting to the prior 2023 language of the Land Use Code would be consistent with the objectives of this Policy LU 13.1 in the current Comprehensive Plan just as it was before the code provisions now proposed to be repealed.

LU 13.2 - Preserve industrial land for industrial uses, especially where industrial land is near rail- or water-transportation facilities to allow marine- and rail-related industries that rely on that transportation infrastructure to continue to function in the city.

Finding: Reverting the text of Chapter 23.74 SMC back to the code language adopted as part of the Industrial and Maritime Strategy is consistent with Policy LU 13.2 of the One Seattle Comprehensive Plan. The prior code language prohibited residential use in the STAOD, and reverting back to that language is consistent with the policy to preserve industrial land for industrial uses, especially in an area relatively close to rail- and water-transportation facilities that are important for supporting marine and rail-related industries that are economically important to the city and region.

Prior to Ordinance 127191, the ordinance supporting the Industrial and Maritime Strategy distinguished between the accommodation of residential uses in Urban Industrial zoned areas while prohibiting residential use in the STAOD in the Land Use Code regulations.

LU 13.3 – Ensure predictability and permanence for industrial activities in industrial areas by limiting changes in industrial land use designation. There should be no reclassification of industrial land to a non-industrial land use category except as part of a City-initiated comprehensive study and review of industrial land use policies or as part of a major update to the Comprehensive Plan.

Finding: Because CB 121171 does not propose to reclassify any industrial land to a non-industrial land use category, LU 13.3 does not apply to the Bill and the Bill is consistent with LU 13.3.

LU 13.8 – Prohibit new residential development in industrial zones except for certain types of dwellings, such as caretaker units and, in urban industrial zones, dwellings for workers, that are related to the industrial area and that would not restrict or disrupt industrial activity. Within the Stadium Area Transition Overlay District, only allow residential uses east of First Avenue S and do not expand that area.

Finding: Reverting the text of Chapter 23.74 back to the code language adopted as part of the Industrial and Maritime Strategy is consistent with LU 13.8. LU 13.8 generally prohibits new residential development in industrial zones, and although there is an exception for urban industrial zones, including a portion of the STAOD, it would not be inconsistent with LU 13.8 for the text of Chapter 23.74 to once again revert back to code language prohibiting residential uses in the STAOD otherwise allowed under SMC 23.50A.062.C.

These factors, plus procedural shortcomings in the adoption process, support repeal of Ordinance 127191, and the outcome would be consistent with City policy.

Public Engagement and Notice:

A 30-day notice of public hearing was published in the Land Use Information Bulletin and the Daily Journal of Commerce. A public briefing was held at the Land Use and Sustainability Committee's March 4th meeting. A public hearing will occur on April 1, 2026. Notice to the Washington State Department of Commerce is being given for this repeal proposal, and these actions will fulfill public engagement and notice requirements.

Recommendation:

The Director recommends adoption of the proposed repeal ordinance to comply with the GMHB Final Decision and Order, so that Seattle remains in compliance with the Growth Management Act.



Legislation Text

File #: Inf 2867, **Version:** 1

Shelter and Service Providers

2026 Shelter Expansion: Shelter & Service Providers Presentation

Land Use and Sustainability Committee

April 1st, 2026

Mayor's Office: Policy & Innovation



City of Seattle 104

Goal: 1,000 new units of shelter and emergency housing in 2026



Seattle is entering a period of major activity—
from a busy summer season to FIFA 2026.



We must accelerate shelter expansion for more
people to have a safe place indoors.



Issue Identification

Land use code currently limits 100 people per site.

There are limited publicly owned sites suitable for microshelters.

Most already have an existing microshelter sited.
A few have significant unused land adjacent to the site.

As a result, public land sits unused while demand for shelter remains high.

Policy Overview

Legislation increasing census limits for transitional encampments

- Increases citywide census limit for transitional encampments from 100 to 150 people.
- Allows one site per council district to serve up to 250 people.
- Interim legislation that expires after 12 months.
- SDCI workplan established to complete SEPA analysis and develop and transmit permanent regulations in Winter 2027.

Proven Large-Scale Models Nationwide

Cities across the country have demonstrated that large microshelter programs can operate effectively

- Microshelter programs can scale to 100–220 units per site.
- At the largest site, more than 300 people are served in a single location.



Jesus Center, Chico CA

177 units

230 estimated people served



Tampa Hope, Tampa FL

215 units plus 75 tents

335 people served



Arroyo Seco Village, Los Angeles, CA

123 units

159 estimated people served



West LA Veterans Association

155 units

200 estimated people served



Hypothetical Example: Camp Second Chance Expansion

- **Land Owner:** City of Seattle – FAS
- **Location:** Myers Way in SW Seattle
- **Cost of Renting Land:** \$0
- **Current Unit Count:** 69 units
- **Potential Expansion:** 120 units
- **Total expanded population:** 250
- **Available Land:** 143k square feet
- **Landed needed:** 40-60k square feet

Public Safety is Community Partnership

Safe and welcoming neighborhoods are built through partnership, clear expectations, and shared responsibility.



Neighborhood Coordination and Site Safety

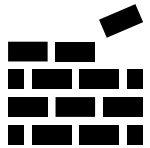


Supporting a Successful Launch

The Mayor's Office is committed to a strong program launch focused on community health & safety for all involved.

To accomplish this, ahead of program launch we will convene a space for ongoing collaboration by City Departments, Council, shelter provider, and key neighborhood stakeholders to activate the space and address issues as they arise.

Key Launch Strategies



Strong Safety Planning

Advance public safety through proactive environmental and design changes and rapidly respond to concerns



Deeper Coordination

Support coordination between UCT, SPD, and Mayor's Office on public safety and area activation.



Strong Communications

Ensure neighboring businesses and local stakeholders are informed and engaged.

Supporting a Successful Launch

Close collaboration with SPD on neighborhood safety:

- The Seattle Police Department is in active development of specific strategies to target dangerous and illegal activities that may occur near or around existing PSH and shelter programs.
- The intent of these expanded efforts is to target criminal elements that attempt to take advantage of vulnerable populations found within encampments that may also be within the vicinity of existing shelter programs.



Siting Criteria

FACTOR	WHAT TO CONSIDER	RELEVANCE
1. Public Safety & Good Neighbor Criteria		
Neighborhood Public Safety Consideration	Rates of overdose/EMT calls, priority 1 911 calls, or other public safety issues	Helps assess safety at microneighborhood level and support more equitable distribution of services.
Adjacency / Community Context	Proximity to parks, stadiums, or retail	May affect resident safety, community support, and perception
Line of Sight / Security	Visibility across site, controlled entry/exit, minimized hidden corners	Enhances safety and allows staff to monitor site effectively
Fire & Life Safety	Fire lane width, hydrant proximity, separation distances, emergency access	Ensures compliance and minimizes risk to residents and staff
Good Neighbor Consideration	Fencing, buffers, lighting, landscaping	Reduces community conflict and supports resident dignity



Siting Criteria

FACTOR	WHAT TO CONSIDER	RELEVANCE
2. Siting and Zoning Criteria		
Environmental / Critical Areas	Floodplain, wetlands, steep slopes, protected areas	Regulatory compliance and safety considerations
Sewer Service	Presence of sewer connections for waste management	Needed for health, sanitation, and daily operations
Water Service	Nearby transformers capable of 600–800 amps	Powers tiny homes, shared facilities, lighting, and security
Site Grading / ADA Access	Paving, slope, elevation changes, and ADA compliance	Ensures safety, accessibility, and constructability
Soil & Drainage Conditions	Soil bearing capacity, drainage patterns, ponding, stormwater management	Affects stability of units, construction cost, and long-term maintenance



Questions and Discussion

CoLEAD program model



Our Mission & Approach

Purpose Dignity Action (PDA) plants seeds for a world rooted in community and care instead of punishment and neglect.

We activate public health and safety strategies rooted in **systems coordination** and a **trauma-informed, evidence-based framework**.





CoLEAD pairs temporary lodging and intensive case management for a sustained, whole-person care-based response to chronic homelessness.

OUTREACH

Engage, assess & screen participants in the field

LODGING (~6-9 MONTHS)

Temporary lodging and intensive case management

AFTERCARE

CoLEAD support continues into permanent housing



OUTREACH

Engage, assess & screen participants in the field

LODGING (~6-9 MONTHS)

Temporary lodging and intensive case management

AFTERCARE

CoLEAD support continues into permanent housing



- **Wrap around onsite case management, facilities team and safety team**
- **Physical & behavioral health care** coordination and transportation
- **Benefits enrollment** into AppleHealth, SSI/SSDI, Foundational Community Supports (FCS), and more
- **Employment training** for those who can earn income
- **Removing barriers to housing** such as debt, warrants, lack of ID, disability certification, eviction history
- **Secure permanent housing** through Coordinated Entry or private market via skilled systems navigation

OUTREACH

Engage, assess & screen participants in the field

LODGING (~6-9 MONTHS)

Temporary lodging and intensive case management

AFTERCARE

CoLEAD support continues into permanent housing



CoLEAD AfterCare team supports housing stability & retention for 12 months post-housing placement to ensure housing retention





EXPANDED VILLAGE STAFFING MODEL

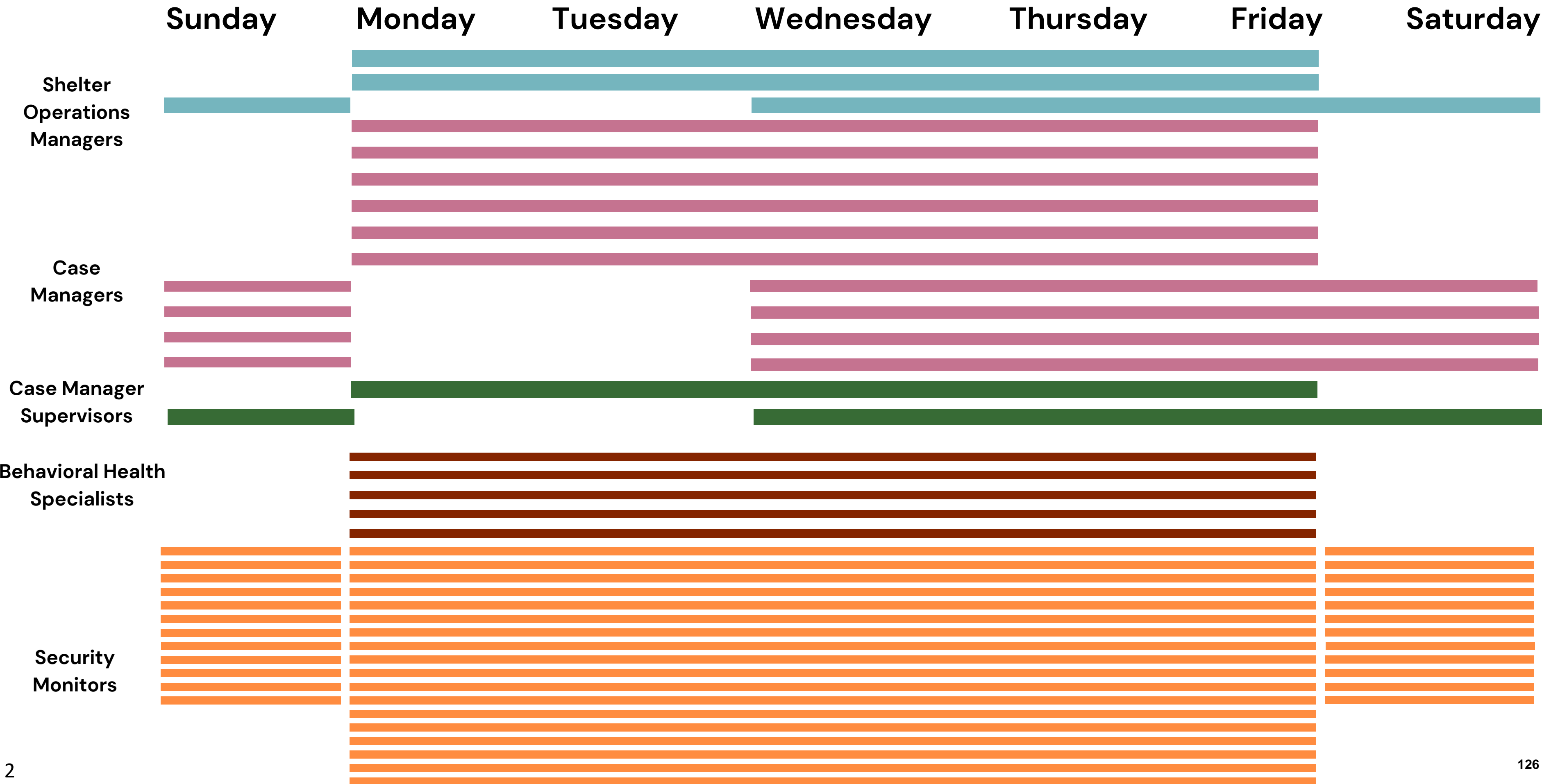
A Tiny House Village with capacity for **150** clients would include:

- 2 Shelter Operations Managers
- 2 Case Manager Supervisors
- 6 Case Managers
- 3 Behavioral Health Specialists
- 20 Security Monitors (4 per shift)

A Tiny House Village with capacity for **250** clients would include:

- 4 Shelter Operations Managers
- 2 Case Manager Supervisors
- 10 Case Managers
- 5 Behavioral Health Specialists
- 32 Security Monitors (6 per shift)

STAFFING PLAN - 250 CLIENTS



SHIFT PLAN - WEEKDAY

Time:	8am	9	10	11	12	1	2	3	4	5	6	7	8pm	4	3	2	1	12	11	10	9	6	5	7		
Shelter Manager		[Teal Block]																								
Shelter Manager					[Teal Block]																					
Shelter Manager									[Teal Block]																	
Case Manager (3)		[Pink Block]																								
Case Manager (3)						[Pink Block]																				
CM Supervisor (1)		[Green Block]																								
Behavioral Health (5)		[Brown Block]																								
Security Monitor (6)	[Orange Block]																									
Security Monitor (6)									[Orange Block]																	
Security Monitor (6)														[Orange Block]												

SHIFT PLAN - WEEKEND

Time:	8am	9	10	11	12	1	2	3	4	5	6	7	8pm	4	3	2	1	1 2	11	1 0	9	6	5	7			
Shelter Manager (1)					[Teal Block]																						
Case Manager (4)				[Pink Block]																							
Case Manager Supervisor (1)				[Green Block]																							
Security Monitor (6)													[Orange Block]														
Security Monitor (6)	[Orange Block]																										

These shifts would be distributed to different staff members throughout the weekend to ensure 24/7 staff coverage that is responsive to all client needs.



SUPPORTIVE SERVICES

Case managers support clients in securing IDs, social security cards, birth certificates, housing applications, move-in costs, family reunification, SNAP benefits, DSHS applications, VA benefits, income (ABD, SSDI, resume building, job applications), language assistance and translation, and transportation (ORCA, UBER, Hopelink, King County Metro).

Behavioral health specialists provide services for mental health, substance use disorder, and counseling, and refer clients to outpatient care such as medication-assisted treatment (MAT) when needed.

Through case managers and behavioral health specialists, clients also receive referrals to external mental health services, substance use services, primary care physicians, dentists, and occupational therapists.



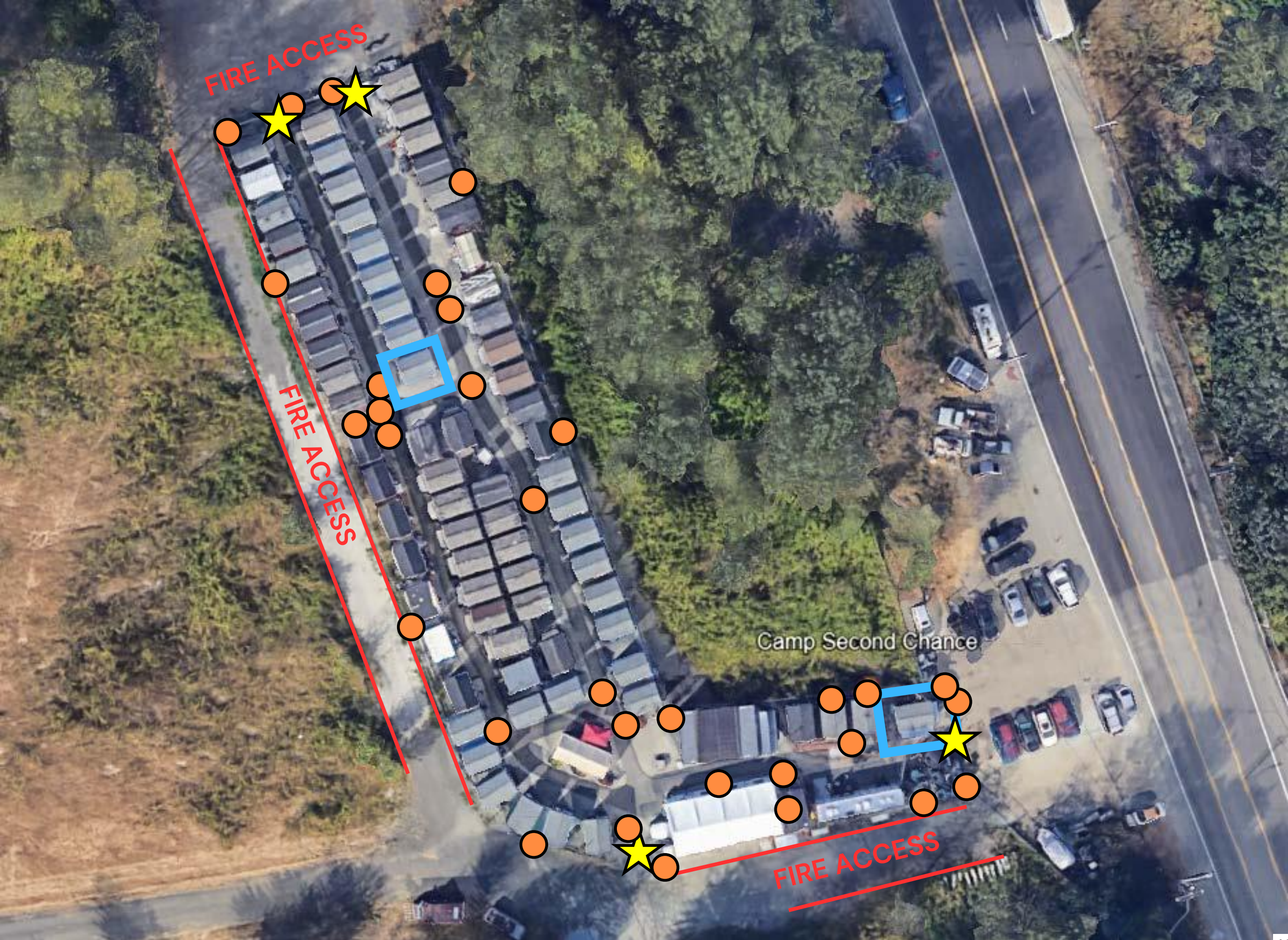
CODE OF CONDUCT

The Low Income Housing Institute (LIHI) asks that all program participants follow a Code of Conduct to ensure a safe, respectful, and harmonious community. Adherence to these guidelines is a requirement for continued participation in the shelter program. These rules help maintain a supportive environment for everyone and outline expectations for behavior, safety, and program compliance.

- Case management participation is mandatory to remain in compliance with program expectations.
- Alcohol, illegal drugs, and marijuana are prohibited in all public areas of the shelter and surrounding neighborhood.
- No loitering, trespassing, or disturbing neighbors. Participants must respect the property and surrounding community.
- Visitors and guests are prohibited.
- All participants must comply with all shelter, property, city, and state regulations and policies.

SAFETY PROTOCOLS: CAMP SECOND CHANCE VILLAGE

- ★ Emergency Exits (4)
- Security Cameras (32)
- Security Offices (2)



Evergreen Treatment Services:

MOUD Clinics &
REACH Programs



- 1. Outreach Service Needs Assessment 2025:**
 - 3900 Unhoused People Contacted in Seattle
 - Over 60% Requesting Health, Mental Health and/or Substance Use Disorder Services
- 2. Match Each Person to Services and Location**
 - Can move over 90% of people into care
 - People need multiple paths to recovery
- 3. Accessible Treatment Innovations:**
 - Fixed Site Opioid Clinics
 - Long-Acting Injectable Options
 - Co-Location of SUD with Medical and Mental Health Support

March 24, 2026

MEMORANDUM

To: City Council
From: Jennifer LaBrecque & Ketil Freeman, Legislative Analysts
Subject: Three proposed Council Bills Related to Increasing Shelter Units

Introduction

This memo describes three Council Bills (CBs), one of which will be going to the Land Use and Sustainability Committee (Land Use Committee) and two of which will be going to the Finance, Native Communities and Tribal Government Committees (Finance Committee). Because all three bills are part of the Executive’s strategy to quickly create new shelter units they are being discussed together in one memo. The three bills are shown in the table below.

Table 1: Legislation, Committee and Schedule

CB Number	Committee	Schedule	Description
None (not yet introduced)	Land Use	<ul style="list-style-type: none"> Will be an information item on 4/1 Land Use Committee agenda Future schedule TBD 	Would increase census count, which is the number of allowed persons, for transitional encampments.
CB 121184	Finance Committee	<ul style="list-style-type: none"> IRC on 3/24 1st Committee on 3/30 2nd Committee and potential vote on 4/7 	For sites being used as a transitional encampments, would allow the Director of the Department of Finance and Administrative Services (FAS) to execute leases for larger sites and would eliminate the maximum lease limit.
CB 121185	Finance Committee	<ul style="list-style-type: none"> IRC on 3/24 1st Committee on 3/30 2nd Committee and potential vote on 4/7 	Would allocate \$4.9 million of unused funding for new shelters.

This memo addresses the following:

1. Executive Plan to Increase Shelter Units
2. Summary and Analysis of the Three Pieces of Legislation
3. Policy Considerations
4. Timeline and Amendments

1. Executive Plan to Increase Shelter Units

The Executive has stated their goal is to increase shelter units by 1,000 in 2026, with the goal of standing up 500 by June 1, 2026, before World Cup games begin. One of the Executive’s main strategies to accomplish this goal is to increase the number and size of micro-modular shelters, sometimes known as tiny home villages. In summary, these three bills are intended to support an increase in micro-modular shelters by: (1) providing the Executive with the authority to secure larger sites for micro-modular shelters, (2) increasing the number of people allowed in transitional encampments, which include micro-modular shelters, and (3) allocating some funding for the first 500 units of new shelter.

Current Micro-modular Shelters

The City currently funds 16 micro-modular shelters, as shown in Table 2, comprising 621 shelter units. The Low-Income Housing Institute (LIHI) operates 13 sites, Catholic Community Services (CCS) operates one, and Nickelsville operates two. The two Nickelsville sites use a self-management model with fewer supportive services. The other fourteen offer 24/7 staffing, case management, and many offer behavioral health services. Currently, the King County Regional Homelessness authority (KCRHA) manages funding for all City-funded shelters, including micro-modular shelters.

Table 2: Current Micro-modular Shelters

Site	Provider	Square Feet	Units	District
Camp Second Chance	LIHI	30,000	69	1
Georgetown	LIHI	30,000	45	1
Henderson	LIHI	24,500	42	2
Interbay	LIHI	37,000	76	7
Maple Leaf	LIHI	22,000	40	5
New Rosie's	LIHI	21,000	37	5
Olympic Hills	LIHI	22,000	45	5
Southend	LIHI	21,500	40	2
TC Spirit	LIHI	12,000	24	3
True Hope	LIHI	13,500	33	3
Northlake Village	Nickelsville	7,500	19	4
Raven	LIHI	8,500	22	6
Central District Village	Nickelsville	5,000	14	3
Brighton	LIHI	6,200	15	2
Junction Point	CCS	55,000	85	5
Whittier Heights	LIHI	7,000	15	6
Average:		20,169	621	

The average utilization rates for micro-modular shelters averaged 86 percent (not weighted), reflecting that they are often a desired form of shelter due to privacy, a door that locks, and

their ability to accommodate couples, families and pets. Reasons for the utilization rate being less than 100 percent include the time needed to turnover the unit to be ready for a new person. Exit rates for existing micro-modular shelters in 2025 ranged from 19 percent to 61 percent.¹ The average length of stay ranged from 106 – 177 days. Exit rates and length of stay can depend on a number of factors, including if new Permanent Supportive Housing (PSH) came online during the time period of analysis and the acuity needs of population being served.

2. Summary and Analysis of Legislation

Legislation to Increase Census Count at Transitional Encampments

This legislation would allow one interim-use encampment per Council District to have 250 people. This increase would not apply to encampments located on property owned or controlled by a religious organization. The bill would also increase the limit for all other transitional encampments, whether interim use or on property owned or controlled by a religious organization, to 150. Transitional encampments, as defined in the Land Use Code, include both micro-modular shelters, such as tiny home villages, Recreational Vehicle safe lots, and tent cities.² The Executive has indicated that their primary focus is on micro-modular shelters and to some extent RV safe lots; they do not have plans at this time to expand the number of tent cities.

Transitional encampments are currently authorized in the city through two primary regulatory processes: (1) as interim uses and (2) as uses on property owned or controlled by a religious organization.³ Key development standards associated with each process are summarized in Table 3. Fewer requirements apply to transitional encampments located on sites owned or controlled by religious organizations because of freedom-of-conscience limitations on local government regulation.⁴

¹ Analysis excludes shelters that closed in 2025 or early 2026, shelters that opened in 2025 and the two Nicklesville micro-modular shelters.

² Transitional encampment” as defined in the Seattle Municipal Code means a use having tents or a similar shelter, including vehicles used for shelter, that provides temporary quarters for sleeping and shelter. The use may have common food preparation, shower, or other commonly-used facilities that are separate from the sleeping shelters [Seattle Municipal Code \(SMC\) 23.84A.038](#).

³ Transitional encampments can also be permitted for renewable 6-month periods as temporary uses. However, that permit pathway has not been utilized as frequently since regulations for encampments accessory to religious organizations and interim use encampments were codified. Those regulations were initially codified in 2011 and 2015, respectively, and have been amended numerous times. Substantive provisions were most recently amended in 2020.

⁴See *City of Woodinville v. Northshore United Church of Christ*. 166 Wn.2d 633 (2009).

Table 3. Summary of Current Land Use Code Regulations for Transitional Encampments

Development Standard	Interim Use	Religious Organization Accessory Use
Duration	<ul style="list-style-type: none"> • 1 year, may be renewed 	<ul style="list-style-type: none"> • Any length of time
Location and Dispersion	<ul style="list-style-type: none"> • Any zone • Must be at least 1 mile from other transitional encampments 	<ul style="list-style-type: none"> • Any zone
Census	<ul style="list-style-type: none"> • No more than 100 residents per encampment 	<ul style="list-style-type: none"> • No more than 100 residents per encampment
Maximum Number Permitted Citywide	<ul style="list-style-type: none"> • No more than 40 interim use encampments operating at any one time 	<ul style="list-style-type: none"> • No limit
Development Standards	<ul style="list-style-type: none"> • Screening along each property boundary • Encampment facilities must be set back from adjacent lots by 5-10 feet, depending on the zone • Site must be at least 5,000 square feet with 100 square feet of space per resident 	<ul style="list-style-type: none"> • No more than 100 residents per encampment • Life-safety standards
Outreach and Notice Requirements	<ul style="list-style-type: none"> • Encampment operator must conduct a public meeting 14 days prior to applying for a permit • Encampment operator must convene a community advisory committee to provide input on encampment operations 	<ul style="list-style-type: none"> • None required
Type of Permit	<ul style="list-style-type: none"> • Type I, non-appealable 	<ul style="list-style-type: none"> • No permit required

Typically legislation that would amend the Land Use Code would require a review under the State Environmental Policy Act (SEPA) prior to Council taking final action. However, this legislation is being proposed as interim legislation, citing an imminent threat to public health and safety, and is only in effect for one year. The legislation includes a workplan from SDCI to complete SEPA review and develop and transmit permanent regulations in Winter 2027, prior to expiration of the interim legislation. The emergencies cited to justify the interim legislation include the 2015 Homelessness Emergency Order, which remains in effect, as well as the recent threats to federal Housing and Urban Development (HUD) Continuum of Care funding (CoC), especially for permanent supportive housing.

The Executive has cited several reasons for increasing the census count. First, there are some publicly owned sites available below market or at no cost that have the capacity to serve more than 100 people, but cannot due to the current census limit. Second, the Executive anticipates that larger sites can offer economies-of-scale. For example, 24/7 staffing is one of the main cost drivers of a micro-modular shelter. The number of staff during non-business hours, including

the night shift, could remain constant regardless of the number of people. Other positions – such as case managers or behavioral health specialists – would be variable based on the number of people.

Table 2 on page two of this memo shows the number of units at the 16 existing City-funded micro-modular shelters. The City does not currently have a census count for micro-modular shelters, but the Executive has provided assumptions that shelter serving individuals and couples would generally have 1.3 people per unit and a shelter serving families would have three people per unit. The micro-modular shelter with the most units is Junction Point (85 units), and it is estimated to serve between 85-100 people at any one time. The King County Regional Homelessness Authority estimates that in 2025, a little less than 20 percent of the units were used to house more than one person, indicating that micro-modular shelters do serve couples and families.

CB 121184 – Change Executive Authority to Allow Execution of Leases for Larger Sites that will be Used as Transitional Encampments

Under the current Seattle Municipal Code (SMC), the Director of Finance and Administrative Services is allowed to execute a lease agreement, without Council approval, for unimproved real estate if the site does not exceed 18,000 square feet (SF). CB 121184 would allow the FAS Director to execute leases for unimproved sites up to 65,000 SF. The justification for the 65,000 SF limit is that it is consistent with the recent SEPA exemption legislation⁵ adopted by Council, in which site-specific projects under 65,000 do not require SEPA review. Additionally, the legislation allows the FAS Director to negotiate a price per SF that is “consistent with market rate” rather than being limited to \$9.50⁶ per SF as currently required in the SMC. The Executive has stated that market prices currently range from \$2 - \$12 per SF.

If CB 121184 passes, the City would do the work of securing a site, obtaining permits, and, in some cases, completing necessary infrastructure upgrades before awarding funding to a provider for operations and services. Currently, a non-profit shelter provider is expected to secure a site, obtain permits and complete infrastructure upgrades after competing in a competitive process for a funding award. Identifying sites for micro-modular shelters has consistently been cited as one of the major, although not the only, challenge in establishing new micro-modular shelters. Having the City do this work– rather than individual providers – is intended to expedite the opening of a new shelter. Both the City and provider would do community outreach, with the provider responsible for any outreach required under the SMC.

As noted above, currently the FAS Director is only authorized to sign lease agreements for sites that are at or below 18,000 SF. However, most micro-modular shelters, even at the current census limit of 100 people, are larger than that. Of the 16 City funded micro-modular shelters, 9 of those are above 18,000 SF (ranging from 21,000 – 55,000). It should be noted that, especially

⁵ [Ordinance 127391](#).

⁶ SMC 3.127.020 limited rental payments to \$6 per SF plus an inflationary adjustment beginning in 2011 and every year thereafter.

for publicly owned land, the site sizes may be bigger than is needed for the current unit count. The size needs for a site would increase if the census limit for the site also increases. If the Executive needed to obtain Council approval for sites larger than 18,000, that would likely slow down the process of standing up new shelter and may make it difficult to compete with other parties on the market, who could execute a lease more quickly.

CB 121185 – Re-allocate \$4.9 million of Unused Funding for New Shelter Units

The Executive has identified \$17.5 million in funding for new shelter units. They estimate that this is sufficient for partial year operations and start-up costs for at least 500 new shelter units. With this funding, the Executive is considering master leasing one or two apartment buildings as emergency housing, creating new micro-modular shelters and/or expanding existing shelters (both micro-modular and other shelter types).

At this point, there is no certainty about the number of units that will be created with this \$17.5 million and the ongoing operating cost obligations. Actual operating costs will depend on a number of factors such as acuity of population served, services offered, and cost of renting the site or apartment building. The Executive has stated an average per-unit operating cost of \$28,000, citing lower costs due to free or reduced public land and cost efficiencies for larger sites. A 2024 Central Staff analysis found that the average per-unit operating cost for micro-modular shelters ranged from a low of \$22,000 to a high of \$56,000 per unit, with an average per unit cost of \$35,000⁷. Assuming an annual operating cost of \$35,000, the total ongoing operational cost for a full year would be \$17.5 million. Operating costs in 2026 will be lower since these sites will be stood up mid-year and thus only have part-year operating costs. The Executive has estimated one-time capital costs to be between \$10,000-\$30,000 per unit depending on site condition and project type.

Table 4 on page seven of this memo shows the projected fund sources for the \$17.5 million, including those in CB 121185.

⁷ HSD-002-D - [CF 314539 - Council Changes to Proposed Budget and CIP](#) (Page 78)

Table 4. Source of Funds for 500 New Units (Start-up Costs and 2026 Operational Costs)

Source	Amount	One-time or ongoing	Council Action Needed
OH Community Development Block Grant (CDBG)	\$3.3	One-time	Included in CB 121185. Per CDBG rules, this funding must be expended before the CBDG-COVID dollars can be expended.
CDBG-Covid	\$2.8	One-time	No Council action needed to spend for this purpose. These dollars expire on 7/16/2026.
Downtown Fund	\$1.6	One-time	Included in CB 121185
KCRHA 2025 Underspend (GF)	\$7.8	One-time	No Council action needed; administrative carry forward.
Proviso for substance use treatment (HSD-060-A-1)	\$2.1	On-going	None if spent according to proviso
Total	\$17.5		

CB 121185 allocates two unused sources of funding to assist the City with the cost of quickly standing up new micro-modular shelter. The first source is \$3.3 million in CDBG; this funding had been in Office of Housing (OH) and was from loan repayments made from two CDBG revolving loan funds, one for homeownership and one for multi-family housing. Council approval is needed to reallocate the \$3.3 million from OH to the Human Services Department (HSD) for shelter. Additionally, the Executive plans to use \$2.8 million in CDBG COVID funding; this does not need to be reallocated. The \$2.8 million in CDBG COVID funding expires in July 2026. According to CDBG rules, the CDBG program income from OH revolving loan repayments must be used first. Thus, the Executive must spend both sources of CDBG by July 2026. CDBG funding comes with multiple rules and regulations; it is possible that the Executive will not be able to identify a site in time that meets those requirements. In that case, the CDBG COVID funding would be lost, but the CDBG program income would continue to be available.

\$1.6 million is from the Downtown Health and Human Service Fund, part of a floor area bonus system for downtown developments, that was established in 1985 by [Ordinance 112602](#). The ordinance states the funds “shall be used solely to assist in the provision of downtown health and human services... for low-income downtown residents and workers.” The Executive’s determination is that the proposed use for new shelters fits this criterion. Funds are currently unallocated.

3. Policy Considerations

Policy Consideration #1: Council is being asked to approve legislation to fund and facilitate the creation of the first 500 new shelter units – but without detail on actual costs and how the City will pay for those ongoing obligations associated with those units.

The Executive would be securing leases and awarding one-time funding for shelter operations without identifying long-term funding. Council would be pre-committing resources to ongoing obligations without understanding what difficult decisions and policy trade-offs will have to be to pay for them. Additionally, Council does not yet have certainty about the number of shelter units created with the \$17.5 million in initial funding or what the ongoing operating obligations will be for those units. Such pre-commitments would be happening in a moment where there is great uncertainty about whether or not King County, and Seattle, will continue to receive \$65 million in federal Continuum of Care Funding for permanent supportive housing projects and other services to support people experiencing homelessness⁸.

Policy Consideration #2: While this package of legislation is likely to help facilitate the faster creation of new shelter units, it is not clear that 500 new shelter units can be accomplished by June 1, which the Executive has stated as their goal.

This package of legislation takes tangible steps to help facilitate faster creation of shelter units, by identifying unused funding that is available now, allowing the City to identify and secure sites for micro-modular shelters rather than shelter providers, and increasing the number of people that micro-modular shelters can serve. However, it is not at all clear that passage of this legislation would result in 500 new units of shelter by June 1, 2026, before World Cup games begin, which is the Executive’s stated goal. For example, the Executive has said that it takes 4 months from site control to have a micro-modular village become operational. Even if the Executive were able to secure leases by mid-April, that would put the earliest start date for operations is July 14. There are 6 world cup games in Seattle, 4 in June and 2 in July. The Executive may be able to stand up a modest amount of new shelter before June. In order to do so, the FAS signature authority bill is likely the most critical bill for the Executive to be able to secure sites and stand up new units before June 1, as they would need to secure sites soon to be able to do so.

Council should consider this package of legislation in the context that it will likely help facilitate the faster creation of new units in 2026, but not with the expectation that it will deliver 500 units by early summer.

⁸ [Continuum of Care Update at March 6 Human Services, Labor and Economic Development Committee.](https://seattle.legistar.com/View.ashx?M=A&ID=1397376&GUID=886CA644-8E44-438B-AD8C-A6D8E07391FB)
(<https://seattle.legistar.com/View.ashx?M=A&ID=1397376&GUID=886CA644-8E44-438B-AD8C-A6D8E07391FB>)

Policy Consideration #3: Throughput from shelter to permanent housing is a challenge and will be exacerbated by current lack of operating funding for more permanent supportive housing.

Shelter itself has value, as it can provide a secure place for people experiencing unsheltered homelessness and a better opportunity to receive the services and support they need to stabilize. Shelter is also intended to be a temporary solution, with the end goal of a shelter resident moving to permanent housing. One of the major factors determining exit rates to affordable housing is the availability of housing that shelter residents can afford and that supports their long-term stability. Some shelter residents, although not all, have a permanent disability and need PSH in order to receive the services needed to remain stably housed. Others may not need services but do need a unit they can afford with an extremely low income.

Potential changes to the Continuum of Care Program by the federal Housing and Urban Development Department (HUD) will likely impact the availability of permanent housing programs for people exiting homelessness, including for PSH⁹. OH is currently not awarding capital funds to any new PSH projects, due to the uncertainties regarding federal Continuum of Care (CoC) funding for OMS¹⁰, along with uncertainties related to state funding for OMS. There is one PSH project (DESC Birch Grove) that will open this summer; after that no new PSH will open for the foreseeable future. OH does have over 2000 units that have been awarded capital funding in the pipeline, ranging in affordability from 30%-60% AMI. However, in many cases those units are still too expensive for people who are experiencing homelessness or do not offer the services needed to keep a person stably housed.

Council should anticipate future conversations about the need for housing and programs that can transition people out of shelter and into permanent housing.

⁹ [Continuum of Care Update at March 6 Human Services, Labor and Economic Development Committee.](https://seattle.legistar.com/View.ashx?M=A&ID=1397376&GUID=886CA644-8E44-438B-AD8C-A6D8E07391FB)

(<https://seattle.legistar.com/View.ashx?M=A&ID=1397376&GUID=886CA644-8E44-438B-AD8C-A6D8E07391FB>)

¹⁰ In 2025, HUD released a CoC Notice of Funding Opportunity (NOFO) that would cap the amount of a CoC award that can be used for permanent housing to 30%. Currently, the King County CoC uses over 90% of its award for permanent housing programs, including operating, maintenance and services (OMS) contracts for PSH and Rapid Rehousing. Rapid Rehousing are programs that provide a short-term voucher (typically 12-18 months) for households exiting out of homelessness. While the HUD 2025 NOFO is currently under a temporary injunction, all indications are that future CoC NOFOs will continue to limit the amount going towards permanent housing.

4. Timeline and Amendments

CB 121184 and CB 121185 will be discussed by the Finance Committee on March 30, with a discussion and possible vote on April 7. **The deadline for amendments is noon on Tuesday, March 31.** Central Staff encourages Councilmembers to reach out as soon as possible with potential amendment ideas, given the short timeframe between the initial discussion and potential vote.

The census count legislation, while not yet introduced, will be an information item at the Land Use Committee on April 1. The remaining schedule has not been finalized.

Central Staff strongly encourages Councilmembers to identify early on any amendments they wish to bring forward and discuss with Central Staff which of the three Council Bills is the best fit for their amendment idea(s). Generally, the subject matter for a potential amendment should be consistent with:

- The scope and purpose of the bill for which the amendment is proposed;
- The modality of municipal power invoked by the bill;¹¹ and
- The authority of the relevant department or office to implement or enforce the intent of the amendment.

For example, the census count legislation deals with the Land Use Code, which is enforced by SDCI. That department can enforce compliance with physical development standards and other Land Use Code procedural standards, but it cannot enforce compliance with the terms of lease agreements or contracts with service providers

cc: Lish Whitson, Director
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¹¹ The census count legislation relies on the City's police power authority to protect the public health, safety and welfare. CB 121184 and CB 121185 rely on the legislative departments budget authority and the City's authority to provide general governmental services.