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BEFORE THE HEARING EXAMINER  
FOR THE CITY OF SEATTLE

In the Matter of the Appeal of:  
**SEATTLE MOBILITY COALITION**  
From a Determination of Nonsignificance issued  
by the Seattle City Council

**Hearing Examiner file:**  
**W-23-001**  
**SEATTLE MOBILITY COALITION’S**  
**REPLY ON MOTION FOR**  
**RECONSIDERATION**

In the City’s Response to Appellant’s Motion for Reconsideration (“City Response”), the City of Seattle (“City”) makes numerous statements of fact and legal arguments with which Seattle Mobility Coalition disagrees. However, there is one point on which the parties do agree. The City states, “A rate-setting bill . . . will have to be evaluated under SEPA if such a proposal is developed.” City’s Response to Appellant’s Motion for Reconsideration (“City Response”), p. 2 (Emphasis added.). As Seattle Mobility Coalition has argued throughout this proceeding, the imposition of impact fees will have a significant adverse impact on housing and housing affordability. The City should not be allowed to dodge its responsibility under the State Environmental Policy Act (“SEPA”) to provide a full analysis of this and other environmental impacts to the City Council and public. In the Examiner’s decision on the appeal of the

1 Determination of Nonsignificance (“DNS”) issued for the prior transportation impact fee  
2 proposal, the Examiner concluded: “New SEPA review must accompany any adoption of TIF  
3 program plans and/or development regulations implementing the [Comprehensive Plan  
4 amendment] Ordinance.” In the Matter of the Appeal of Seattle Mobility Coalition, Hearing  
5 Examiner File No. W-18-013, Amended Findings and Decision, October 24, 2019, p. 9. As  
6 Seattle Mobility Coalition has argued in its motion for reconsideration, the Examiner should  
7 reverse the DNS. In the alternative, even if the Examiner does not do so, Seattle Mobility  
8 Coalition requests that the Examiner conclude that the City must conduct additional SEPA  
9 review prior to adopting any ordinance imposing a transportation impact fee, as the Examiner did  
10 previously in his 2019 decision.  
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13 The City devotes the majority of its briefing to its arguments that (1) the Comprehensive  
14 Plan amendment at issue here does not, in itself, have significant adverse impacts and (2) that  
15 alleged impacts are economic. These assertions are not supported by the facts or the law. The  
16 unrebutted testimony at hearing from individuals who develop housing was that the adoption of a  
17 Comprehensive Plan amendment would, by itself, affect their ability to finance and develop  
18 housing. The evidence also showed that the transportation impact fee would not just affect  
19 developers’ bottom lines, as the City asserts, but would result in less housing production and  
20 increased housing costs, both of which are environmental impacts under SEPA and were  
21 quantified by expert testimony. Both of these points have been thoroughly briefed and Seattle  
22 Mobility Coalition will not repeat that briefing here. Instead, Seattle Mobility Coalition relies on  
23 the argument and citation to the record in its Motion for Reconsideration.  
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1 DATED this 13th day of December 2023.

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