

BEFORE THE HEARING EXAMINER
CITY OF SEATTLE

In the Matter of the Appeals of:)

Hearing Examiner Files

621 APARTMENTS LLCs, AND SEATTLE)
SHORT TERM RENTAL ALLIANCE, SEA)
TO SKY RENTALS AND MICHELLE)
ACQUAVELLA,)

**W-17-002 and W-17-003
(consolidated)**

) DECLARATION OF CHRISTINA
From a Determination of Nonsignificance for) GHAN IN SUPPORT OF CITY'S
Land Use Code and Licensing Code Text) RESPONSE TO APPELLANTS' MOTION
Amendments Related to Short Term Rentals.) FOR SUMMARY JUDGMENT

I, CHRISTINA GHAN, declare under penalty of perjury under the laws of the State of
Washington as follows:

1. I make this declaration based on my personal knowledge. I am over eighteen and am
otherwise competent to testify to the following matters.
2. I am now, and at all material times mentioned have been, employed as a planner for the
Seattle Department of Construction and Inspections and I have been assigned to prepare
the SEPA environmental checklist related to the April 2017 policy proposal to regulate
short-term rentals in Seattle.

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DECLARATION OF CHRISTINA GHAN IN SUPPORT OF
THE CITY'S RESPONSE TO APPELLANTS' MOTION FOR
SUMMARY JUDGMENT- 1

Peter S. Holmes
Seattle City Attorney
701 5th Avenue, Suite 2050
Seattle, WA 98104-7097
(206) 684-8200

1 A true and correct copy of the SEPA checklist is attached hereto as Exhibit A to this
2 declaration.

3 DATED this 14th day of July 2017.


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5 CHRISTINA GHAN
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Exhibit A

SEPA ENVIRONMENTAL CHECKLIST

UPDATED 2014

Purpose of checklist:

Governmental agencies use this checklist to help determine whether the environmental impacts of your proposal are significant. This information is also helpful to determine if available avoidance, minimization or compensatory mitigation measures will address the probable significant impacts or if an environmental impact statement will be prepared to further analyze the proposal.

Instructions for applicants: [\[help\]](#)

This environmental checklist asks you to describe some basic information about your proposal. Please answer each question accurately and carefully, to the best of your knowledge. You may need to consult with an agency specialist or private consultant for some questions. You may use "not applicable" or "does not apply" only when you can explain why it does not apply and not when the answer is unknown. You may also attach or incorporate by reference additional studies reports. Complete and accurate answers to these questions often avoid delays with the SEPA process as well as later in the decision-making process.

The checklist questions apply to all parts of your proposal, even if you plan to do them over a period of time or on different parcels of land. Attach any additional information that will help describe your proposal or its environmental effects. The agency to which you submit this checklist may ask you to explain your answers or provide additional information reasonably related to determining if there may be significant adverse impact.

Instructions for Lead Agencies:

Please adjust the format of this template as needed. Additional information may be necessary to evaluate the existing environment, all interrelated aspects of the proposal and an analysis of adverse impacts. The checklist is considered the first but not necessarily the only source of information needed to make an adequate threshold determination. Once a threshold determination is made, the lead agency is responsible for the completeness and accuracy of the checklist and other supporting documents.

Use of checklist for nonproject proposals: [\[help\]](#)

For nonproject proposals (such as ordinances, regulations, plans and programs), complete the applicable parts of sections A and B plus the SUPPLEMENTAL SHEET FOR NONPROJECT ACTIONS (part D). Please completely answer all questions that apply and note that the words "project," "applicant," and "property or site" should be read as "proposal," "proponent," and "affected geographic area," respectively. The lead agency may exclude (for non-projects) questions in Part B - Environmental Elements—that do not contribute meaningfully to the analysis of the proposal.

A. background [\[help\]](#)

1. Name of proposed project, if applicable: [\[help\]](#)

Amendments to the Land Use Code (Title 23) and License Code (Title 6) to define and add land use and licensing standards related to short-term rentals, modify the definition and land use standards for bed and breakfast uses, and update and clarify related provisions.

2. Name of applicant: [\[help\]](#)

City of Seattle

3. Address and phone number of applicant and contact person: [\[help\]](#)

City of Seattle Department of Construction and Inspections
700 Fifth Avenue, Suite 1800
P.O. Box 34019
Seattle, WA 98124-4019

Contact: Christina Ghan, (206) 233-3749, christina.ghan@seattle.gov

4. Date checklist prepared: [\[help\]](#)

March 21, 2017

5. Agency requesting checklist: [\[help\]](#)

City of Seattle Department of Construction and Inspections / Seattle City Council

6. Proposed timing or schedule (including phasing, if applicable): [\[help\]](#)

The proposed code amendments will be reviewed by the Seattle City Council and considered at a public hearing in the spring or summer of 2017.

7. Do you have any plans for future additions, expansion, or further activity related to or connected with this proposal? If yes, explain. [\[help\]](#)

No, the proposal is a non-project action that is not dependent upon any further action.

8. List any environmental information you know about that has been prepared, or will be prepared, directly related to this proposal. [\[help\]](#)

This SEPA environmental checklist and a SEPA Determination of Nonsignificance have been prepared for this proposal. A Policy Brief and other associated documents related to this proposal are available online at: <http://www.seattle.gov/council/issues/regulating-short-term-rentals>.

9. Do you know whether applications are pending for governmental approvals of other proposals directly affecting the property covered by your proposal? If yes, explain. [\[help\]](#)

This is a non-project action. The proposal's effect would be citywide, in any location where dwelling units are allowed by zoning. There are no known land use applications currently pending for development projects related to the land uses addressed in this proposal.

10. List any government approvals or permits that will be needed for your proposal, if known. [\[help\]](#)

The proposed amendments require approval by City Council. No other agency approvals are anticipated.

11. Give brief, complete description of your proposal, including the proposed uses and the size of the project and site. There are several questions later in this checklist that ask you to describe certain aspects of your proposal. You do not need to repeat those answers on this page. (Lead agencies may modify this form to include additional specific information on project description.) [\[help\]](#)

This is a non-project legislative action proposing amendments to the Land Use Code and the License Code (hereafter "Codes") to address short-term rentals as an emerging type of land use and business activity, for which there is not a current regulatory definition or specific land use or licensing standards. There is no specific site or development proposal.

In recent years, web-based platforms such as AirBnB have increased the number of housing units, or portions of units, that are rented on a nightly or weekly basis within the city. Because no specific provisions in the Codes address such activities, these rental activities have been treated the same as any residential use. The conversion of housing units from long-term rentals to nightly and weekly rentals for visitors has exacerbated the housing availability and affordability problem in the City.

The proposal is intended to update the Codes to address short-term rentals in a way that helps preserve the availability of long-term rentals while allowing the economic opportunity that short-term rentals offers residents of Seattle.

The proposal also aims to:

- help protect the rights and safety of owners, guests, and neighbors of these units;
- protect the livability of residential neighborhoods;
- more consistently regulate bed and breakfasts, short-term rentals, and other types of lodging activities; and
- maintain consistency with goals and policies in the Seattle Comprehensive Plan related to housing, land use, and economic development.

The proposed amendments would:

- Add a new Chapter 6.600, Short-Term Rentals, establishing standards related to the licensing and operation of short term rentals as a type of business activity;
- Add a new Section 23.42.060, Short-term rentals, establishing standards related to short-term rentals as a type of land use;
- Establish a new definition for "short-term rental" as a type of lodging use (SMC 6.600.030 and SMC 23.84A.024);
- Establish new definitions for "short-term rental operator", "short-term rental platform", "primary residence", and other related terms (SMC 6.600.030, SMC 23.84A.030, and SMC 23.84A.036);
- Generally allow short-term rentals in any dwelling unit and establish related standards for the use, including a limit on the number of dwelling units that an individual may operate as a short-term rental (SMC 6.600.070 and SMC 23.42.060);
- Allow exceptions to otherwise applicable numeric limits on short term rental units per operator, for the continued operation of existing short-term rental units in specific areas within the Downtown, South Lake Union, and Uptown Urban Centers (SMC 6.600.070);
- Incorporate in the Land Use Code an existing requirement in SMC Title 6 that all short-term rental operators have a business license from the City (SMC 23.42.060);
- Require that all short-term rental uses have a short-term rental operator's license from the City (SMC 6.600.040 and 23.42.060);

- Require that all short-term rental platforms have a short-term rental platform's license from the City (SMC 6.600.040);
- Establish a process for the enforcement of licensing requirements (SMC 6.600.100 through 6.600.160).
- Allow existing "bed and breakfast" uses to continue but regulate new bed and breakfast uses as short-term rentals (SMC 23.44.051 and SMC 23.45.545);
- Clarify what types of lodging uses and rental activities are required to register with the Rental Registration and Inspection Ordinance (SMC 22.214.030); and
- Make various updates and clarifications in the Land Use Code.

12. Location of the proposal. Give sufficient information for a person to understand the precise location of your proposed project, including a street address, if any, and section, township, and range, if known. If a proposal would occur over a range of area, provide the range or boundaries of the site(s). Provide a legal description, site plan, vicinity map, and topographic map, if reasonably available. While you should submit any plans required by the agency, you are not required to duplicate maps or detailed plans submitted with any permit applications related to this checklist. [\[help\]](#)

This is a non-project action. The proposal's effect would be citywide, in locations where dwelling units are allowed, with exceptions in certain Shoreline zones.

B. ENVIRONMENTAL ELEMENTS [\[help\]](#)

1. Earth

- a. General description of the site [\[help\]](#)
(circle one): Flat, rolling, hilly, steep slopes, mountainous,
other _____

This non-project proposal has no particular development site. Citywide topography includes flat, hilly and steep slope areas.

- b. What is the steepest slope on the site (approximate percent slope)? [\[help\]](#)

This non-project proposal defines no particular development site. Slopes of varying steepness are located throughout the City of Seattle.

- c. What general types of soils are found on the site (for example, clay, sand, gravel, peat, muck)? If you know the classification of agricultural soils, specify them and note any agricultural land of long-term commercial significance and whether the proposal results in removing any of these soils. [\[help\]](#)

This non-project proposal has no particular development site. Citywide soil conditions include a wide variety of glacially-influenced soils, as well as clay, sand, peat, and muck in different parts of the city.

- d. Are there surface indications or history of unstable soils in the immediate vicinity? If so, describe. [\[help\]](#)

No. This non-project proposal defines no particular development site.

- e. Describe the purpose, type, total area, and approximate quantities and total affected area of any filling, excavation, and grading proposed. Indicate source of fill. [\[help\]](#)

This non-project proposal has no particular development site, and there is no specific likelihood that the proposal would lead to increased amounts of excavation, fill or grading or related adverse effects.

- f. Could erosion occur as a result of clearing, construction, or use? If so, generally describe. [\[help\]](#)

No. This non-project proposal has no particular development site, and has no specific likelihood that it would lead to increased amounts of clearing or construction.

- g. About what percent of the site will be covered with impervious surfaces after project construction (for example, asphalt or buildings)? [\[help\]](#)

This non-project proposal defines no particular development site, and would not necessarily impact the amount of impervious surface in future development in an adversely-impacting manner.

- h. Proposed measures to reduce or control erosion, or other impacts to the earth, if any: [\[help\]](#)

None proposed.

2. Air

- a. What types of emissions to the air would result from the proposal during construction, operation, and maintenance when the project is completed? If any, generally describe and give approximate quantities if known. [\[help\]](#)

This non-project proposal defines no particular development site, and its contents about short term rentals and other lodging activities do not have any particular implications for future construction effects relating to air quality.

- b. Are there any off-site sources of emissions or odor that may affect your proposal? If so, generally describe. [\[help\]](#)

No. This non-project proposal defines no particular development site.

- c. Proposed measures to reduce or control emissions or other impacts to air, if any: [\[help\]](#)

None are proposed.

3. Water

- a. Surface Water: [\[help\]](#)

- 1) Is there any surface water body on or in the immediate vicinity of the site (including year-round and seasonal streams, saltwater, lakes, ponds, wetlands)? If yes, describe type and provide names. If appropriate, state what stream or river it flows into. [\[help\]](#)

No. This non-project proposal defines no particular development site.

- 2) Will the project require any work over, in, or adjacent to (within 200 feet) the described waters? If yes, please describe and attach available plans. [\[help\]](#)

No. This non-project proposal defines no particular development site, and no such work is identified.

- 3) Estimate the amount of fill and dredge material that would be placed in or removed from surface water or wetlands and indicate the area of the site that would be affected. Indicate the source of fill material. [\[help\]](#)

This non-project proposal defines no particular development site, and no such work is identified.

- 4) Will the proposal require surface water withdrawals or diversions? Give general description, purpose, and approximate quantities if known. [\[help\]](#)

No.

- 5) Does the proposal lie within a 100-year floodplain? If so, note location on the site plan. [\[help\]](#)

No. The non-project proposal defines no particular development site, and does not have a particular bearing on 100-year floodplains.

- 6) Does the proposal involve any discharges of waste materials to surface waters? If so, describe the type of waste and anticipated volume of discharge. [\[help\]](#)

No. This non-project proposal defines no particular development site, and no such potential for discharges is identified.

b. Ground Water:

- 1) Will groundwater be withdrawn from a well for drinking water or other purposes? If so, give a general description of the well, proposed uses and approximate quantities withdrawn from the well. Will water be discharged to groundwater? Give general description, purpose, and approximate quantities if known. [\[help\]](#)

No.

- 2) Describe waste material that will be discharged into the ground from septic tanks or other sources, if any (for example: Domestic sewage; industrial, containing the following chemicals. . . ; agricultural; etc.). Describe the general size of the system, the number of such systems, the number of houses to be served (if applicable), or the number of animals or humans the system(s) are expected to serve. [\[help\]](#)

None identified.

c. Water runoff (including stormwater):

- 1) Describe the source of runoff (including storm water) and method of collection and disposal, if any (include quantities, if known). Where will this water flow? Will this water flow into other waters? If so, describe. [\[help\]](#)

No. This non-project proposal defines no particular development site, and no such potential for runoff is identified. Similarly, there is no particular aspect of the proposal that is projected to adversely affect runoff or generate adverse runoff impacts.

- 2) Could waste materials enter ground or surface waters? If so, generally describe. [\[help\]](#)

No. See the response to c.1 above.

- 3) Does the proposal alter or otherwise affect drainage patterns in the vicinity of the site? If so, describe.

No. See the response to c.1 above.

- d. Proposed measures to reduce or control surface, ground, and runoff water, and drainage pattern impacts, if any:

None proposed.

4. Plants [\[help\]](#)

- a. Check the types of vegetation found on the site: [\[help\]](#)

- ☒ deciduous tree: alder, maple, aspen, other
- ☒ evergreen tree: fir, cedar, pine, other
- ☒ shrubs
- ☒ grass
- ☐ pasture
- ☐ crop or grain
- ☐ Orchards, vineyards or other permanent crops.
- ☐ wet soil plants: cattail, buttercup, bullrush, skunk cabbage, other
- ☐ water plants: water lily, eelgrass, milfoil, other
- ☒ other types of vegetation

This non-project proposal has no particular development site. City-wide vegetation patterns include greenbelts and urban forest, and including trees, grass, and other vegetation on individual properties.

- b. What kind and amount of vegetation will be removed or altered? [\[help\]](#)

No. This non-project proposal defines no particular development site, and no such potential for vegetation removal is identified.

- c. List threatened and endangered species known to be on or near the site. [\[help\]](#)

None known.

- d. Proposed landscaping, use of native plants, or other measures to preserve or enhance vegetation on the site, if any: [\[help\]](#)

None known or applicable to this non-project proposal.

- e. List all noxious weeds and invasive species known to be on or near the site.

None known or applicable to this non-project proposal.

5. Animals

- a. List any birds and other animals which have been observed on or near the site or are known to be on or near the site. Examples include: [\[help\]](#)

birds: hawk, heron, eagle, songbirds, other: crows, pigeons, starlings, gulls and other urban tolerant birds

mammals: deer, bear, elk, beaver, other: squirrels, rodents, raccoon, household pets, and other similar mammals tolerant to urban environments

fish: bass, salmon, trout, herring, shellfish, other _____

Seattle is relatively highly urbanized in its development patterns, but it also has a variety of retained greenbelts, hillsides, stream and river environments where plant, animal, fish and marine habitats are present. As well, wildlife habituated to urban areas and fragmented vegetated areas in the city, such as squirrels, opossum, coyotes, and a variety of bird species including eagles, are present. See the response to Question D.2 later in this checklist.

- b. List any threatened and endangered species known to be on or near the site. [\[help\]](#)

See the response to Question D.2 later in this checklist.

- c. Is the site part of a migration route? If so, explain. [\[help\]](#)

See the response to Question D.2 later in this checklist.

- d. Proposed measures to preserve or enhance wildlife, if any: [\[help\]](#)

None proposed.

- e. List any invasive animal species known to be on or near the site.

None known.

6. Energy and natural resources

- a. What kinds of energy (electric, natural gas, oil, wood stove, solar) will be used to meet the completed project's energy needs? Describe whether it will be used for heating, manufacturing, etc. [\[help\]](#)

This non-project proposal has no particular development site and would not be likely to adversely impact the energy sources of new development.

- b. Would your project affect the potential use of solar energy by adjacent properties?
If so, generally describe. [\[help\]](#)

This non-project proposal has no particular development site. Also, the proposal does not generate potential for height/bulk/scale concerns of existing or future buildings, and thus is unlikely to affect solar energy access.

- c. What kinds of energy conservation features are included in the plans of this proposal?
List other proposed measures to reduce or control energy impacts, if any: [\[help\]](#)

This non-project proposal has no particular development site, and no features or measures are proposed.

7. Environmental health

- a. Are there any environmental health hazards, including exposure to toxic chemicals, risk of fire and explosion, spill, or hazardous waste, that could occur as a result of this proposal?
If so, describe. [\[help\]](#)

- 1) Describe any known or possible contamination at the site from present or past uses.

This non-project proposal has no particular development site. See the response to Question #D.1 later in this checklist.

- 2) Describe existing hazardous chemicals/conditions that might affect project development and design. This includes underground hazardous liquid and gas transmission pipelines located within the project area and in the vicinity.

This non-project proposal has no particular development site. See the response to Question #D.1 later in this checklist.

- 3) Describe any toxic or hazardous chemicals that might be stored, used, or produced during the project's development or construction, or at any time during the operating life of the project.

This non-project proposal has no particular development site. See the response to Question #D.1 later in this checklist.

- 4) Describe special emergency services that might be required.

This non-project proposal has no particular development site. See the response to Question #D.1 later in this checklist.

- 5) Proposed measures to reduce or control environmental health hazards, if any:

None proposed.

b. Noise

- 1) What types of noise exist in the area which may affect your project (for example: traffic, equipment, operation, other)? [\[help\]](#)

None. This non-project proposal has no particular development site.

- 3) What types and levels of noise would be created by or associated with the project on a short-term or a long-term basis (for example: traffic, construction, operation, other)? Indicate what hours noise would come from the site. [\[help\]](#)

This non-project proposal defines no particular development site. See the response to Question #D.1 later in this checklist.

- 3) Proposed measures to reduce or control noise impacts, if any: [\[help\]](#)

None proposed.

8. Land and shoreline use

- a. What is the current use of the site and adjacent properties? Will the proposal affect current land uses on nearby or adjacent properties? If so, describe. [\[help\]](#)

This non-project proposal defines no particular development site. See the response to Question #D.5 later in this checklist for more discussion of potential land use impacts.

- b. Has the project site been used as working farmlands or working forest lands? If so, describe. How much agricultural or forest land of long-term commercial significance will be converted to other uses as a result of the proposal, if any? If resource lands have not been designated, how many acres in farmland or forest land tax status will be converted to nonfarm or nonforest use? [\[help\]](#)

No.

- 1) Will the proposal affect or be affected by surrounding working farm or forest land normal business operations, such as oversize equipment access, the application of pesticides, tilling, and harvesting? If so, how:

No.

- c. Describe any structures on the site. [\[help\]](#)

This non-project proposal defines no particular development site. Dwelling units can be located in a variety of structures through the City, including single-family homes and their accessory structures, townhouses, apartment buildings, mixed-use buildings, and highrise buildings.

- d. Will any structures be demolished? If so, what? [\[help\]](#)

No. This non-project proposal defines no particular development site.

- e. What is the current zoning classification of the site? [\[help\]](#)

This non-project proposal defines no particular development site. The proposal could relate to properties with zoning that allows residential development, including single-family, multi-family, mixed-use, and commercial zones. See the response to Question #D.5 later in this checklist.

- f. What is the current comprehensive plan designation of the site? [\[help\]](#)

This non-project proposal defines no particular development site; the city as a whole has numerous comprehensive plan designations.

- g. If applicable, what is the current shoreline master program designation of the site? [\[help\]](#)

This non-project proposal defines no particular development site. See the responses to Question #D.5 later in this checklist.

- h. Has any part of the site been classified as a critical area by the city or county? If so, specify. [\[help\]](#)

This non-project proposal defines no particular development site. Environmentally critical areas are located throughout the City of Seattle. See the responses to Question #D.4 of this checklist.

- i. Approximately how many people would reside or work in the completed project? [\[help\]](#)

None. This non-project proposal defines no particular development site or development.

- j. Approximately how many people would the completed project displace? [\[help\]](#)

This non-project proposal defines no particular development site or development. See the response to Question #D.5 later in this checklist for discussion related to possible indirect impacts to housing and displacement.

- k. Proposed measures to avoid or reduce displacement impacts, if any: [\[help\]](#)

None proposed. See the response to Question #D.5 later in this checklist.

- l. Proposed measures to ensure the proposal is compatible with existing and projected land uses and plans, if any: [\[help\]](#)

None proposed, other than the processes undertaken to develop legislation that is consistent with City policy. See the response to Questions #D.5 and #D.7 later in this checklist for discussion of compatibility of the proposed legislation with existing and projected land uses and plans.

- m. Proposed measures to ensure the proposal is compatible with nearby agricultural and forest lands of long-term commercial significance, if any:

None proposed.

9. Housing

- a. Approximately how many units would be provided, if any? Indicate whether high, middle, or low-income housing. [\[help\]](#)

This non-project proposal defines no particular development site or development. The proposal would not result in the creation of any new housing units.

- b. Approximately how many units, if any, would be eliminated? Indicate whether high, middle, or low-income housing. [\[help\]](#)

This non-project proposal defines no particular development site or development. This proposal would not result in the elimination of any housing units. See the response to Question #D.5 later in this checklist for discussion related to possible indirect impacts to housing.

- c. Proposed measures to reduce or control housing impacts, if any: [\[help\]](#)

None proposed. See the responses to Question #D.5 later in this checklist.

10. Aesthetics

- a. What is the tallest height of any proposed structure(s), not including antennas; what is the principal exterior building material(s) proposed? [\[help\]](#)

This non-project proposal defines no particular development site or development. Also, the non-project proposal is not identified to have any particular implications for height/bulk/scale of buildings.

- b. What views in the immediate vicinity would be altered or obstructed? [\[help\]](#)

This non-project proposal defines no particular development site or development.

- c. Proposed measures to reduce or control aesthetic impacts, if any: [\[help\]](#)

None proposed.

11. Light and glare

- a. What type of light or glare will the proposal produce? What time of day would it mainly occur? [\[help\]](#)

This non-project proposal defines no particular development site or development.

- b. Could light or glare from the finished project be a safety hazard or interfere with views? [\[help\]](#)

No.

- c. What existing off-site sources of light or glare may affect your proposal? [\[help\]](#)

This non-project proposal defines no particular development site or development.

- d. Proposed measures to reduce or control light and glare impacts, if any: [\[help\]](#)

None proposed

12. Recreation

- a. What designated and informal recreational opportunities are in the immediate vicinity? [\[help\]](#)

This non-project proposal defines no particular development site or development.

- b. Would the proposed project displace any existing recreational uses? If so, describe. [\[help\]](#)

No. This non-project proposal defines no particular development site or development.

- c. Proposed measures to reduce or control impacts on recreation, including recreation opportunities to be provided by the project or applicant, if any: [\[help\]](#)

None proposed.

13. Historic and cultural preservation

- a. Are there any buildings, structures, or sites, located on or near the site that are over 45 years old listed in or eligible for listing in national, state, or local preservation registers located on or near the site? If so, specifically describe. [\[help\]](#)

This non-project proposal defines no particular development site or development. See the response to Question #D.4 later in this checklist.

- b. Are there any landmarks, features, or other evidence of Indian or historic use or occupation? This may include human burials or old cemeteries. Are there any material evidence, artifacts, or areas of cultural importance on or near the site? Please list any professional studies conducted at the site to identify such resources. [\[help\]](#)

This non-project proposal defines no particular development site or development. See the response to Question #D.4 later in this checklist.

- c. Describe the methods used to assess the potential impacts to cultural and historic resources on or near the project site. Examples include consultation with tribes and the department of archeology and historic preservation, archaeological surveys, historic maps, GIS data, etc. [\[help\]](#)

This non-project proposal defines no particular development site or development. See the response to Question #D.4 later in this checklist.

- d. Proposed measures to avoid, minimize, or compensate for loss, changes to, and disturbance to resources. Please include plans for the above and any permits that may be required.

None proposed.

14. Transportation

- a. Identify public streets and highways serving the site or affected geographic area and describe proposed access to the existing street system. Show on site plans, if any. [\[help\]](#)

This non-project proposal defines no particular development site or development.

- b. Is the site or affected geographic area currently served by public transit? If so, generally describe. If not, what is the approximate distance to the nearest transit stop? [\[help\]](#)

This non-project proposal defines no particular development site or development.

- c. How many additional parking spaces would the completed project or non-project proposal have? How many would the project or proposal eliminate? [\[help\]](#)

None. This non-project proposal defines no particular development site or development.

- d. Will the proposal require any new or improvements to existing roads, streets, pedestrian, bicycle or state transportation facilities, not including driveways? If so, generally describe (indicate whether public or private). [\[help\]](#)

No such improvements are known. This non-project proposal defines no particular development site or development.

- e. Will the project or proposal use (or occur in the immediate vicinity of) water, rail, or air transportation? If so, generally describe. [\[help\]](#)

This non-project proposal defines no particular development site or development. See the response to Questions #D.5 and D.6 later in this checklist for evaluation of the relationship of the transportation implications of the proposal.

- f. How many vehicular trips per day would be generated by the completed project or proposal? If known, indicate when peak volumes would occur and what percentage of the volume would be trucks (such as commercial and nonpassenger vehicles). What data or transportation models were used to make these estimates? [\[help\]](#)

This non-project proposal defines no particular development site or development. See the response to Questions #D.5 and D.6 later in this checklist for evaluation of the transportation implications of the proposal.

- g. Will the proposal interfere with, affect or be affected by the movement of agricultural and forest products on roads or streets in the area? If so, generally describe.

No.

- h. Proposed measures to reduce or control transportation impacts, if any: [\[help\]](#)

None proposed.

15. Public services

- a. Would the project result in an increased need for public services (for example: fire protection, police protection, public transit, health care, schools, other)? If so, generally describe. [\[help\]](#)

This non-project proposal defines no particular development site or development. See the response to Question #D.6 later in this checklist for evaluation of the relationship of the proposal to public services.

- b. Proposed measures to reduce or control direct impacts on public services, if any. [\[help\]](#)

None proposed.

16. Utilities

- a. Circle utilities currently available at the site: [\[help\]](#)
electricity, natural gas, water, refuse service, telephone, sanitary sewer, septic system,
other _____

This non-project proposal defines no particular development site or development.

- b. Describe the utilities that are proposed for the project, the utility providing the service,
and the general construction activities on the site or in the immediate vicinity which might
be needed. [\[help\]](#)

This non-project proposal defines no particular development site or development.

C. Signature [\[HELP\]](#)

The above answers are true and complete to the best of my knowledge. I understand that the
lead agency is relying on them to make its decision.

Signature: _____ On file _____
Name of signee _____ Christina Ghan _____
Position and Agency/Organization _____ Senior Planner, SDCI _____
Date Submitted: _____ March 21, 2017 _____

D. supplemental sheet for nonproject actions [\[help\]](#)

(IT IS NOT NECESSARY to use this sheet for project actions)

Because these questions are very general, it may be helpful to read them in conjunction
with the list of the elements of the environment.

When answering these questions, be aware of the extent the proposal, or the types of
activities likely to result from the proposal, would affect the item at a greater intensity or
at a faster rate than if the proposal were not implemented. Respond briefly and in general
terms.

1. How would the proposal be likely to increase discharge to water; emissions to air; pro-
duction, storage, or release of toxic or hazardous substances; or production of noise?

The proposed changes would result in no direct impacts, and are unlikely to result in indirect
or cumulative impacts related to water, air, toxic/hazardous substances, or noise. The eligible
locations for short-term rental type uses would not be significantly altered by the proposal,
and the proposal does not alter procedures or regulations related to natural environment
protections. Bed and breakfasts are currently allowed as an accessory use in single-family
and multi-family zones and existing bed and breakfast uses are allowed to continue under the
proposal. The proposal creates a new category of lodging use, short-term rentals, which are
currently not regulated or otherwise addressed in the Land Use Code, and establishes
requirements and limitations on the use that are not in place today. The proposed changes,
given their particular content leading toward increased regulation and limitations, are not
expected to increase the pace or scale of future new residential development with short-term
rental uses. Therefore, increases in land disturbance or land coverage that might generate
adverse increased discharges to water or unstable conditions in the natural environment are

not expected.

Using similar logic to that expressed in the paragraph above, the proposal is not likely to lead to an increased pace of future new development of dwelling units used as short term rentals, and thus is not likely to generate increases in the potential incidence of adverse air quality or noise impacts in any given location. These types of uses can occur today and would continue to be able to occur in the future with the proposal's implementation, suggesting a lack of potential for differential levels of adverse impacts.

See the response to Question #D.5 below for more discussion about land use and development implications.

Proposed measures to avoid or reduce such increases are:
None proposed.

2. How would the proposal be likely to affect plants, animals, fish, or marine life?

The proposed changes would result in no direct impacts, and are unlikely to result in indirect or cumulative impacts related to plant, animal, fish, or marine life. The eligible locations for short-term rental type uses would not be significantly altered by the proposal, and it also would not alter any procedures or regulations related to natural environment protections. The proposed changes, given their particular content and meaning leading toward increased regulation and limitations upon short-term rental uses, are not expected to increase the pace or scale of future new residential development with short-term rental uses, nor adversely affect land disturbance or land coverage, either on a site-by-site basis or across portions of the city. These types of uses can occur today and would continue to be able to occur in the future with the proposal's implementation, suggesting that the potential for adverse impacts on plants, animals, fish or marine life is minimal.

Proposed measures to protect or conserve plants, animals, fish, or marine life are:
None proposed.

3. How would the proposal be likely to deplete energy or natural resources?

The proposed changes would result in no direct negative impacts, and are unlikely to result in indirect or cumulative adverse impacts related to energy or natural resources. The eligible locations for short-term rental type uses would not be significantly altered by the proposal, and the proposal does not alter any procedures or regulations related to energy consumption or natural environment protections. While short-term rental uses would unavoidably consume energy to the extent they are occupied by lodgers, the same condition of energy consumption by occupied short-term rental uses already occurs today or is possible to occur, and thus future energy use patterns are not expected to be substantively different or adversely impacting as a result of this proposal. The proposed changes are thus not expected to alter the pace or scale of new residential development, nor generate adverse impacts related to inordinate energy consumption or depletion of natural resources.

Proposed measures to protect or conserve energy and natural resources are:
None proposed.

4. How would the proposal be likely to use or affect environmentally sensitive areas or areas designated (or eligible or under study) for governmental protection; such as parks,

wilderness, wild and scenic rivers, threatened or endangered species habitat, historic or cultural sites, wetlands, floodplains, or prime farmlands?

The proposed changes would result in no direct negative impacts, and are unlikely to result in indirect or cumulative impacts related to environmentally sensitive areas or areas designated for governmental protection that are indicated in this question. The eligible locations for short-term rental type uses would not be significantly altered by the proposal, and the proposal does not alter any procedures or regulations related to natural environment protections. The proposed changes are not expected to alter the pace or scale of future new residential development, and would not alter allowances for new development that could otherwise occur in or near environmentally sensitive areas under existing regulations. Therefore, the potential for significant adverse impacts upon these elements of the environment is minimal.

Proposed measures to protect such resources or to avoid or reduce impacts are:
None proposed.

5. How would the proposal be likely to affect land and shoreline use, including whether it would allow or encourage land or shoreline uses incompatible with existing plans?

Relationship to Plans and Policies

The proposed changes would continue to allow for land uses and land use patterns that are evaluated in this checklist as being compatible with the objectives and intent of the Comprehensive Plan. This includes, but is not limited to, goals and policies related to land use, housing, and economic development (see a list of relevant policies from the Comprehensive Plan in the response to Question #D.7 below). The proposal includes land use and licensing regulations newly addressing the manner in which such activities can be conducted within residential buildings, with an intent of maintaining overall compatible land use conditions in residential areas. The proposal's relationship to, and consistency with, housing policies is slightly more indirect. The proposal includes limits on the operation of short-term rentals to help ensure that this growing industry does not significantly reduce the City's supply of sufficient, diverse, and affordable housing.

Land Use and Shoreline Use Impacts

The proposal would create a new category of lodging land use, known as short-term rentals, which is currently not specifically defined, regulated or otherwise addressed in the Codes, and would establish requirements and limitations on this use. The new land use, short-term rentals, would be allowed in any structure established as a dwelling unit, except as restricted by the existing provisions of the Shoreline Code, SMC 23.60A.. In addition, short term rentals would not be an allowed use in any dwelling unit established as caretaker's quarters. The short term rental use could be accessory¹ to the primary use as a residence, as is currently common practice, or could be the primary use of the structure in certain instances. New requirements would limit an individual to operating just their own residence and a restricted number of other units they own (such as one, two or three additional housing units) as a short-term rental. This limitation is intended, in part, to protect the availability of housing for long-term tenants by reducing the likelihood that property owners would convert housing units from long-term tenants to short-term rentals. The protection of housing is a common theme in many housing policies in the Comprehensive Plan, such as those summarized in this checklist. For this reason, it is important to avoid potential adverse impacts on both the availability of housing for individuals as well as the overall functionality of the citywide housing market.

¹ An "accessory use" is defined as "a use that is incidental to a principal use." (SMC 23.84A.040)

The proposal would allow some exceptions to the proposed limits on short term rental units for the operators of existing rentals in Downtown, South Lake Union, and Uptown urban centers, as identified in the Comprehensive Plan. This exception is consistent with the commercial nature and zoning of these areas, which serve as the office and retail core of the city and as the center of the tourism industry.

This proposal would not affect rentals for periods of longer than 30 consecutive nights. Property owners renting out housing units for periods of longer than 30 nights, such as those that serve temporary/contract workers or visitors undergoing lengthy medical care, would be able to continue to do so. Therefore, no particular potential for significant adverse housing-related operational impacts of the proposal are identified.

The Shoreline Code allows lodging uses on upland portions of lots in the Urban Commercial, Urban Harborfront, and Urban Industrial shoreline designated areas, and therefore short term rentals would be permitted uses on those portions of lots, under the proposal. However, short term rentals would be prohibited in other shoreline designated areas regulated by the Shoreline Code. By addressing shoreline designated areas in this manner, no particular potential for significant adverse land use impacts are identified for these areas.

Bed and breakfasts are currently allowed as an accessory use in single-family and multi-family zones, and existing bed and breakfasts would continue to be allowed under the proposal. Any proposed new bed and breakfast operations would be considered short-term rentals under the proposal and regulated as such.

The proposal is not expected to dramatically reduce the availability of lodging on a nightly or weekly basis in the city or generate adverse effects on existing short-term rental lodging opportunities. Based on information obtained from the online platform Airbnb in January 2017, around 80% of the units currently offered for nightly or weekly rentals through their website would be able to meet the requirements proposed for short-term rentals, and could be able to continue to operate at their current activity levels. To the extent that approximately 20% of the units currently offered might not comply with the proposal, it is reasonable to anticipate that some might be able to modify their business operations within one year of the adoption of the legislation to be in compliance, and that some other locations may need to cease operations. (Already established bed and breakfasts would be able to continue without such modifications.) It is also anticipated that existing or future new short-term rental opportunities complying with the terms of the proposal would be able to operate and partly or perhaps fully satisfy demand for such rentals.

The proposal is not expected to increase the pace or scale of future new residential development, or otherwise adversely affect the number of physical housing units present in the city. It is also not expected to increase eligibility for short-term rental uses or result in any significant differences in their geographic distribution across the city, given the continued eligibility for this use in zones where residential uses may occur. These factors suggest there is little if any potential for the proposal to generate different or greater adverse land use impacts related to the potential growth or proliferation of these land uses in any given location. Rather, the proposal would provide increased regulation and constraints on this type of lodging activity, in comparison to the existing condition where such uses are permissible without particular controls because the Land Use Code and other codes are silent about them.

Regarding certain aspects, the proposal would continue to accommodate conditions that can already occur in the existing condition, given the Codes' silence on this kind of use (as distinguished from bed and breakfast uses). For example, the proposal accommodates the short-term rental use in accessory dwelling units that could include detached accessory dwelling units (DADUs). Given a lack of change between existing and future conditions in the possible land use and structure arrangements that could host short-term rentals, this aspect of the proposal would not result in new potential for adverse land use impacts regarding compatibility or height/bulk/scale matters.

In terms of the potential for differences in physical arrangements of structures and uses and their operation, the proposal has slightly different implications for bed and breakfast uses as compared to short-term rental uses. These arise due to the proposed amendments to existing regulations that would allow existing B&Bs to continue their operations. The proposal's amendments to B&B provisions would allow for their operation in accessory dwelling units including DADUs, which in DADUs is not possible currently. This means existing B&Bs could potentially expand their operations through physical structure expansions or new detached structures. This expansion potential could add to overall structural height and bulk on a given B&B site, with an associated increase in potential for B&B lodging activity. This incremental change would represent a new land use impact of the proposal, one that is evaluated as "adverse" but not "significant adverse" in nature due to the relatively limited presence of such existing uses across the city, and a relatively low probability that B&B expansions would be frequent or sufficiently large or substantially disruptive in their operations.

The proposal also includes the removal of several operational requirements. Examples include:

- Building owner need not be the primary resident, but the primary resident must still be the B&B operator;
- A two-employee limit on non-resident employees;
- Minimum dispersion of 600 feet between B&Bs;
- Certain provisions that require operating plans and building designs meant to minimize potential for operational noise, light, traffic, and similar disruptions.

Despite the potential for this change to generate an adverse land use compatibility impact in terms of worst-case changes in noise generation and activity levels, this is not considered to rise to the level of a probable significant adverse land use impact due to the relatively limited presence of existing B&Bs across the city, availability of other enforcement mechanisms, and a low likelihood that these regulatory changes would lead to drastic changes in daily use practices at existing B&Bs. (Any future B&B-style uses would be operated as short-term rentals according to the proposal.) Existing B&Bs would remain subject to City noise limits and similar limitations on nuisance conditions, through typical code enforcement provisions, meaning that the realistic potential for spillover land use compatibility impacts is likely to be low.

This checklist does not identify any particular potential for cumulative adverse impacts, meaning there is little potential for these regulatory changes, in combination with other pending or recent land use legislation, to generate unforeseen kinds of significant adverse land use compatibility impacts.

Proposed measures to avoid or reduce shoreline and land use impacts are:
None are proposed.

6. How would the proposal be likely to increase demands on transportation or public services and utilities?

The proposed changes in this non-project proposal would result in no direct impacts and are unlikely to result in significant indirect or cumulative adverse impacts related to transportation or public services/utilities elements of the environment.

The proposed changes, given their particular content and meaning leading toward increased regulation and limitations upon short-term rental uses, are not expected to increase the pace or scale of future new residential development with such uses. They are also not expected to increase eligibility for such uses or to result in significant differences in the geographic patterns or distributions of their presence across the city. These factors suggest there is little if any potential for generation of different or greater adverse transportation impacts or public service/utility impacts in any given location. This includes a conclusion of a low potential for impacts on streets, transit, parking, and traffic operations in any given location across the city.

Based on information pulled from the online platform Airbnb in January 2017, around 80% of units currently offered for nightly or weekly rentals through their website would meet the criteria proposed for short-term rentals, and would be allowed to continue to operate at their current frequency. To the extent that this suggests a potential cessation of short-term rental uses in around 20% of current short-term rental offerings, it is possible that some of these uses might be re-used as long-term rentals, adapted in ways to become compliant with new regulations, occupied by owners, or left vacant. Given such a range of possible future outcomes as noted above, it is difficult to forecast whether the net result would be a shift upward or downward in total transportation trips or maintenance of a relatively similar pattern. However, the potential for significant adverse transportation impacts at such locations would appear to be minimal, given that residential patterns of use or some form of short-term rental use would continue to occur, or reduced traffic trips if such housing became vacant or more lightly used.

To the extent that 20% of units currently offered as short-term rentals might need to cease operations, competitive market forces might lead to additional offerings of lodging uses in more locations, and thus the specific patterns of locations where lodging activity occurs could shift over time, generating a speculative potential for altered transportation impact patterns. However, it would be difficult to know where such new short-term rental uses would occur across the city, given the wide range of zones in which such uses are possible. It would also be difficult to isolate differences in transportation effects if compared to other kinds of normal turnover or variation in the patterns of residential use and accessory lodging activities and their related variability in transportation patterns. Therefore, the potential for significant adverse transportation impacts as a result of this change appears to be low.

Proposed measures to reduce or respond to such demand(s) are:
None proposed.

7. Identify, if possible, whether the proposal may conflict with local, state, or federal laws or requirements for the protection of the environment.

The proposal is not likely to result in conflicts with local, state, or federal laws or requirements for protection of the environment.

This proposal would support the following goals and policies of the Comprehensive Plan:

- LU 2.1 Allow or prohibit uses in each zone based on the zone's intended function as described in this Land Use Element and on the expected impacts of a use on other properties in the zone and the surrounding area.
- LU 2.4 Limit nonresidential uses in residential zones to those necessary or highly compatible with the function of residential neighborhoods.
- LU 2.5 Allow nonconforming uses to be maintained and enhanced, but generally not to be expanded or extended, and encourage them to become more conforming over time.
- LU 7.4 Allow detached single-family dwellings as the principal use permitted outright in single-family residential areas.
- LU 7.6 Limit the number and types of nonresidential uses allowed in single-family residential areas and apply appropriate development standards in order to protect those areas from the negative impacts of incompatible uses.
- LU 8.6 Establish multifamily residential use as the predominant use in multifamily areas and limit the number and type of nonresidential uses to preserve the residential character of these areas, protect these areas from negative impacts of incompatible uses, and maintain development opportunities for residential use.
- LU 9.5 Support a wide range of uses in commercial areas, taking into account the intended pedestrian, automobile, or residential orientation of the area, the area's role in the urban village strategy, and the impacts that the uses could have on surrounding areas.
- LU 9.22 Accommodate the broadest range of commercial activities in general commercial areas, including retail uses of all sizes, small office buildings, warehouses, and light and general manufacturing facilities.
- ST-G3 Strive to reinforce Downtown as a center of cultural and entertainment activities to foster the arts in the city, attract people to the area, create livable neighborhoods, and make Downtown an enjoyable place to be shared by all. Encourage facilities for artists to live and work in Downtown.
- DT-G7 Encourage a mix of housing, employment, and related support activities in a crescent bounding the office and retail cores. Within this crescent, foster areas that are predominantly residential in character, including Chinatown/International District and Belltown. Encourage housing as the primary use in these area and limit the type and scale of nonresidential uses allowed to ensure that such development is compatible with a residential neighborhood.
- COM-G1 Maintain the Commercial Core as a major employment center, tourist and convention attraction, shopping magnet, residential neighborhood, and regional hub of cultural and entertainment activities.
- ED 1.1 Enhance the Downtown core as the economic center of the city and the region, and strengthen its appeal as home to many of Seattle's vital professional service firms, high technology companies, and regional retailers, as well as cultural, historic, entertainment, convention, and tourist facilities.

- ED G3 Encourage a business climate that supports new investment, job creation, and resilience and that values cultural diversity and inclusion.
- ED 3.2 Strive to make the business climate more competitive through use of transparent and predictable regulations, efficient approval processes, and reasonable taxes, fees, and utility rates.
- ED 3.8 Recognize and maintain a high-quality of life for all residents as one of Seattle's competitive advantages.
- ED G5 Strengthen the entrepreneurial environment for start-ups and small businesses.
- ED 5.6 Promote the growth of local small businesses.
- H 2.5 Monitor the supply of housing and encourage the replacement of housing that is demolished or converted to nonresidential or higher-cost residential use.
- H 4.1 Provide programs, regulations, and enforcement to help ensure that all housing is healthy and safe and meets basic housing-maintenance requirements.
- H 4.6 Promote access to public decision-making about housing for all Seattleites.
- H 5.4 Monitor regularly the supply, diversity, and affordability of housing for households by income level, and use this information to help evaluate whether changes to housing strategies and policies are needed to encourage more affordable housing or to advance racial and social equity.
- H 5.10 Encourage rental-housing owners to preserve, rehabilitate, or redevelop their properties in ways that limit housing displacement, maintain affordable, healthy, and safe living conditions for current residents, and consider cultural and economic needs of the surrounding neighborhood.
- H 5.13 Seek to reduce cost burdens among Seattle households, especially lower-income households and households of color.
- H 5.15 Encourage a shared responsibility between the private and public sectors for addressing affordable housing needs.
- H 5.20 Implement strategies and programs to help ensure a range of housing opportunities affordable for Seattle's workforce.
- H 5.23 Support programs that enable Seattle's lower-income homeowners to remain safely and affordably housed.
- SA P2 In the Land Use Code, identify appropriate shoreline uses and related standards, and provide site-development standards and other appropriate criteria indicating minimal acceptable standards to be achieved.