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November 15, 2017

**VIA US POST**

Michael Dorcy

**SDCI**

**ADDRESS**

Dear Michael:

This firm represents Seattle Central College, which operates under the Major Institution Master Plan approved by Council in 2002. The MIMP includes a minimum parking requirement intended to implement the SMC parking regulations in place at that time. Because the College's actual parking supply is (and always has been) below that minimum, the MIMP also specifies a number of stalls necessary to meet the then-applicable Code "catch-up" requirement for every project, in addition to the stalls then required by Code for each successive project.

Some years after MIMP adoption, Council wisely repealed the Code minimum parking requirement for educational major institutions within the urban centers and villages. *See* Ordinance 123939 § 14 (2012). This makes sense, particularly for Seattle Central College, located in what may be the best-served transit hub in the City. Unfortunately, the MIMP continue to impose the same Code-based parking requirements the Council has now removed.

Seattle Central College asks SDCI to amend the MIMP to ensure consistency between the MIMP and the City's current parking policy. While this request is not tied to any particular project, the issue affects everything the College does within its MIO. We believe that the later-adopted code change would govern, but removing the anachronistic parking requirement would eliminate all doubt, providing the College with predictability as it plans for future projects.

As discussed in more detail below, we believe this should require no more than a minor amendment.

**SMC 23.69.035 Requirements regarding MIMP changes**

If a MIMP amendment is required, SDCI considers and acts on the proposed amendment pursuant to SMC 23.69.035. Amendments are categorized as exempt, minor, or major.

An amendment is exempt—that is, approved without additional process—if it is a change to the design or location of a planned structure or other improvement from that shown in the MIMP. Exempt changes include:

1. Any new structure or addition to an existing structure not approved in the MIMP that is 12,000 square feet of gross floor area or less; or

2. Twenty or fewer parking spaces not approved in the MIMP; or
3. An addition to a structure not yet constructed but approved in the MIMP that is no greater than 20% of the approved gross floor area of that structure or 20,000 square feet, whichever is less; or
4. Any change in the phasing of construction, if not tied to a MIMP condition imposed under approval by the Council; or
5. Any increase in gross floor area below grade.

A minor amendment to the MIMP may be considered and approved if it is not an exempt change, if it is consistent with the original intent of the adopted plan, and when it meets at least one of the following criteria:

1. The amendment will not result in significantly greater impacts than those contemplated in the adopted master plan; or
2. The amendment is a waiver from a development standard or master plan condition, or a change in the location or decrease in size of designated open space, and the proposal does not go beyond the minimum necessary to afford relief and will not be materially detrimental to the public welfare or injurious to the property or improvements in the vicinity in which the Major Institution is located; or
3. The amendment is a proposal by the Major Institution to lease space or otherwise locate a use at street level in a commercial zone outside an MIO District boundary.

An amendment is considered major, requiring a process equivalent to approval of a new MIMP, if it is not an exempt change or a minor amendment. In addition, any of the following shall be considered a major amendment:

1. An increase in a height designation or the expansion of a boundary of the MIO District; or
2. Any change to a development standard that is less restrictive; or
3. A reduction in housing stock outside of the MIO District boundary but within 2,500 feet; or
4. A change to the single-occupancy vehicle goal of an approved transportation management program; or
5. A use that requires Council Conditional Use approval; or
6. The update of an entire development program component of a MIMP.

### **Removing the parking minimum requires no more than a minor amendment**

Although this request does not likely meet the requirements to be considered an exempt change, it does meet the standards for a minor amendment. The proposal is consistent with the intent of the MIMP, the purpose of which was to “further the College mission, values and programs,” while complying “with all applicable local and state regulatory requirements,” which included parking minimums. *See Compiled MIMP at 3.*

Eliminating the parking requirement will reduce the cost of constructing facilities to meet the College's mission while keeping campus development compliant with City Code. Removing the requirement will not result in significantly greater impacts than those contemplated in the MIMP because the MIMP already identified a significant parking deficit that would be only marginally mitigated by providing the 5% makeup required by Code. That "shortfall" and its impacts were studied in the EIS.

Perhaps more importantly, however, public transportation infrastructure improvements completed since the adoption of the MIMP have likely rendered on-campus parking irrelevant. The Capitol Hill Light Rail station adjacent to the campus has already turned the transit commute to the College into a one-seat, light-rail ride from as far south as Angle Lake. That situation will only improve when Lynwood Link and East Link open in the coming years, providing frequent and reliable light-rail service to the College from Redmond, Bellevue, Lynwood, Northgate, and points in between.

In addition, while the light rail station was anticipated in the MIMP, the First Hill streetcar was not. That line terminates at the College, connecting the campus with First Hill housing including Yesler Terrace, as well as the King Street Station and Colman Dock. Between the First Hill streetcar and Kitsap Transit's new high-speed foot ferries, students and faculty commuting during rush hour can now conceivably reach the College faster from downtown *Bremerton* than they could from Shoreline or Renton in a single-occupant vehicle.

The Code standard for a minor amendment is whether it will create a "significantly greater" impact than that anticipated in the MIMP, and the City has already concluded that eliminating parking requirements produces no significant environmental impact. In 2012, when the City studied the environmental impacts eliminating parking requirements, including at educational major institutions in urban villages, the City issued a DNS. Because that DNS is valid as a matter of law, it conclusively establishes the lack of impacts that are "significantly greater" than those anticipated in the MIMP. The requested amendment implements this Council policy at the College, also at the non-project level, creating no additional environmental impacts that have not already been examined.

By adopting Ordinance 123939 after conducting SEPA review, Council was aware of any non-significant environmental impacts and implicitly deemed them acceptable in exchange for the benefits associated with encouraging pedestrian- and transit-oriented development. Between the acknowledgement in the MIMP that parking supply would lag demand, the significant improvements to public transportation serving the campus, and the City's study of the environmental impacts of eliminating parking requirements, the change requested here meets the Code requirements for a minor amendment and should be processed as such.

Because it meets the requirements for a minor amendment, the amendment requested here is by definition not a major amendment. In addition, however, it is not a major amendment because

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it is not one of the changes listed in in SMC 23.69.035.E that must be considered major amendments.

The only arguably applicable item on that list pertains to a “change to a development standard that is less restrictive,” but the MIMP’s parking requirement is not a “development standard.” The Major Institutions Code does not treat parking as a “development standard.” A major institution may, through a MIMP, modify “[a]ny development standard,” SMC 23.69.028.A.1, but it may not modify the parking requirement, *see* SMC 23.54.015-.016. The Code requires three elements in every MIMP: development program, development standards, and transportation management program. SMC 23.69.030. The MIMP, approved by ordinance, includes its parking as part of the MIMP development program, not in the development standards component. *See* MIMP at 35-36. The Code parking requirement may be codified under the heading of “development standards,” but because the Code no longer requires parking at the College, *see* Table C for SMC 23.54.015.P, the requested amendment does not create a less-restrictive development standard.

In short, the College’s request satisfies the criteria to be considered and approved as a minor amendment. We look forward to working with you and the Standing Citizen’s Advisory Committee on this, and welcome any questions or comments.

Sincerely,

FOSTER PEPPER PLLC

Steven J. Gillespie