

CITY OF SEATTLE
ANALYSIS AND DECISION OF THE DIRECTOR
OF THE SEATTLE DEPARTMENT OF CONSTRUCTION AND INSPECTIONS

SEPA Threshold Determination

2021 Omnibus Legislation

Project Sponsor: City of Seattle Department of Construction and Inspections

Location of Proposal: The proposal is a non-project action, applicable City-wide

SUMMARY OF PROPOSED ACTION

The proposal is to amend the City’s land use regulations to correct typographical errors and section references, clarify regulations, and make minor amendments.

The following approval is required:

SEPA - Environmental Determination - Chapter 25.05, Seattle Municipal Code.

SEPA DETERMINATION: Exempt DNS MDNS EIS

 DNS with conditions

DNS involving non-exempt grading, or demolition, or involving another agency
with jurisdiction.

BACKGROUND

The Department of Construction and Inspections (SDCI) is responsible for maintenance of the Land Use Code (SMC Title 23). Amendments to the Land Use Code are proposed periodically in an “omnibus ordinance,” which is designed to clarify and improve the function of the existing code. The proposed amendments to the Land Use Code include “clean-up” amendments that correct inadvertent clerical or typographical errors, fix incorrect cross-references, and clarify existing code language. Applicants, residents, elected officials, and City staff identified the need for the proposed amendments. In coordination with the City’s Law Department, SDCI has concluded that the changes are not substantive in content.

Public Comment

Proposed changes to the Land Use Code require City Council approval. Public comment will be taken on the proposal during Council meetings and a City Council public hearing.

Proposal Description

This proposal involves numerous minor amendments to the Land Use Code and to some related sections of the Seattle Municipal Code that are intended to clarify current provisions or to correct minor oversights and clerical or typographical errors. The proposed changes in this omnibus are summarized in the Director's Report prepared by SDCI that accompanies the proposed amendments and is published together with the SEPA checklist for public review.

ANALYSIS - SEPA

This proposal is for an adoption of legislation and is defined as a non-project action. The disclosure of the potential impacts from this proposal was made in an environmental checklist submitted by the proponent, dated October 1, 2021. The information in the checklist, a copy of the proposed code changes, the Director's Report and Recommendation, and the experience of the lead agency with review of similar legislative actions form the basis for this analysis and decision.

The proposed amendments may result in potential environmental impacts, which are identified and discussed below.

ELEMENTS OF THE ENVIRONMENT

Adoption of the proposed Land Use Code amendments would not result in any immediate adverse short-term impacts because the adoption would be a non-project action. The discussion below evaluates the potential long-term impacts that might conceivably result from differences in future development patterns due to the proposed amendments.

Natural Environment

Earth, Air, Water, Plants and Animals, Energy, Natural Resources, Environmentally Sensitive Areas, Noise, Releases of Toxic or Hazardous Materials

The proposed changes would result in no direct impacts, and are unlikely to result in significant indirect or cumulative adverse impacts related to earth, air, water, plants/animals, fisheries, energy, natural resources, sensitive areas, noise, or releases of toxic/hazardous substances. The changes do not alter the eligible locations for development. As discussed below, the proposed changes to the Land Use Code are considered with the context of the City's related environmental protection regulations.

The proposal does not significantly alter any procedures or regulations related to natural environment protections. Development of specific projects on individual sites are subject to the City's existing regulations, such as the Stormwater Code, the Shoreline Management Program, Grading and Drainage Ordinance, the Regulations for Environmentally Critical Areas, and the Noise Ordinance. Any future project-specific development proposal that exceeds adopted thresholds are subject to environmental review as a part of the permit review process and would continue to be subject to environmental review under the proposal.

Built Environment

Land & Shoreline Use, Height/Bulk/Scale

The proposed changes are not expected to create significant impacts on existing and planned land and shoreline use. No incompatible uses would be allowed or encouraged by these amendments. No site-specific proposals are proposed at this time. A few changes to development standards warrant additional analysis and are discussed below.

SMC 23.40.060 Living Building Pilot Program

Two changes are proposed to further this program. First is a change, to subsection 23.40.060A.1., to extend the pilot program to 2030. This change will allow continued evaluation of the pilot program. Additional clarifications will demonstrate Living Building requirements in the plans and documents.

SMC 23.41.004 – Applicability Two changes are proposed to Design Review Applicability. The first change, to subsection 23.41.004.A.6, is to include a pathway for affordable housing projects in Master Planned Communities to complete Administrative Design review. The second change, to subsection 23.41.004.A.7, will clarify additions or expansions are subject to Design Review. The proposed language clarifies the longstanding practice of using a combination of the existing square footage on a site together with the square footage of proposed additions or expansions to determine which Design Review threshold applies.

SMC 23.44.014 – Yards:

Several changes are proposed to this section regarding yards in Single Family zones. These changes are clarifying wording and intent to implement code amendments made in 2019 for the development of attached accessory dwelling units (AADUs) and detached accessory dwelling units (DADUs). Of these changes, the most notable clarification of the language is to be clear that upper story decks and rooftop decks are allowed for DADUs when located in required rear yards. Minor changes that clarify exceptions that allow the conversion of existing accessory structures to DADUs are also included in this update.

SMC 23.47A.012 - Structure height

Adding in MHA Upzone 55 foot height limit to allow for solar collectors.

SMC 23.53.006 - Pedestrian access and circulation

This change will help clarify when curbs, sidewalks and curbs ramps are required in urban centers and urban villages separate from the general requirement for and exceptions to the right of way improvement standards in SMC 23.53.

SMC 23.76.026 – Vesting

Three changes are proposed to clarify vesting rules for projects: The first to add the term ‘all’ before Master Use Permit components, to provide clarity that Type 1 zoning approvals, typically on construction applications, also vest a project to land use code standards. The second and third changes, strike portions of 23.76.026.D and 23.76.026.F, that have expired and are no longer applicable.

SMC 25.09.012 - Designation and definitions of environmentally critical areas

Several changes are proposed to subsection 25.09.012.C to clarify designation of wetlands and their buffers and where land disturbance is not allowed. Changes to subsection 25.09.012.D, to provide clarity on defining Riparian Corridors.

SMC 25.09.015 - Application of Chapter

The proposal is to clarify that the application of the Environmental Critical Area (ECA) chapter only applies to the ECA not the entire parcel.

SMC 25.09.045 – Exemptions

Four changes are proposed.

Subsection 25.09.045.A, to remove incorrect bracket and to clarify which sections of 25.09.065 apply.

Subsection 25.09.045.B, is to clarify which best management practices apply.

Subsection 25.09.45.H, is to clarify which activities are exempt and what materials are required for review if needed. Additions to clarify what activities are allowed for public projects.

Subsection 25.09.045.I, is to clarify that the exemption applies to maintenance of structures associated with public facilities and utilities.

SMC 25.09.052 - Replacing structures in environmentally critical areas and buffers

The proposal provides clarity around what structures can be replaced.

SMC 25.09.160 - Development standards for wetlands and wetland buffers

This proposal modifies language in several sections to provide clarity, add consistency, remove redundancy, and improve usability. It also creates an automatic mechanism to adhere to the most current Wetland Rating System. Additionally, via the existing Director's Rule, it allows for the Director to determine the duration of validity of a wetland rating.

Conclusion

The proposed changes fall within the scope and intent of adopted policy goals for the City of Seattle. The general effect of the changes would be to provide greater consistency between SDCI practice and policy, update agency references, clarify various Code provisions, and correct typographical errors and incorrect cross-references. Future development using these provisions will be subject to SEPA, as required, to address potential adverse impacts. Therefore, no mitigation pursuant to SEPA policies is warranted.

DECISION - SEPA

This decision was made after review by the responsible official on behalf of the lead agency of a completed environmental checklist, code amendment, and other information on file with the responsible department. This constitutes the Threshold Determination and form. The intent of this

declaration is to satisfy the requirement of the State Environmental Policy Act (RCW 43.21.C), including the requirement to inform the public of agency decisions pursuant to SEPA.

- [X] Determination of Non-Significance. This proposal has been determined to not have a significant adverse impact upon the environment. An EIS is not required under RCW 43.21C.030(2)(c).
- [] Determination of Significance. This proposal has or may have a significant adverse impact upon the environment. An EIS is required under RCW 43.21C.030(2)(c).

Signature: Signature on File
David G. VanSlike, Policy and Technical Lead
Department of Construction & Inspections

Date: December 13, 2021