



**CITY OF SEATTLE**

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

**SEPA Threshold Determination**

**2024 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 March 27, 2024. 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.

**23.47A.010 – Maximum size of nonresidential use** – This amendment to add subsection 23.47A.010.B.3 would clarify the amount of back of house space that is accessory to grocery stores that does not count towards the maximum size of use. This adjustment is needed to make the maximum size of use consistent with the intent to allow neighborhood grocery stores adequate space for loading, storage and other back of house functions necessary for a grocery store. With this additional back of house space, grocery stores can better meet the intent of these provisions to provide cafe and specialty food stores without breaking into the larger template found in corporate grocery stores.

**23.47A.011 – Outdoor Activities** – Existing code prohibits certain outdoor activities on commercial properties when they are located within 50 feet of a lot in a residential zone. This amendment to subsection 23.47A.011.E adds an allowance for these outdoor activities to be within 50 feet of a lot that is both zoned residential and commercial. This addition helps to address an increased need for outdoor activity areas, that since the pandemic, have been essential to businesses and the community. Properties that are split between residential and commercial zones occur throughout the city and represent an opportunity to increase outdoor activity areas.

**23.48.225 – Structure height in South Lake Union Urban Center** – This code amendment to section 23.48.225 is to facilitate additional height for the site identified in several prior code amendments. This amendment would facilitate the density transfer from the site known as ‘Seattle Times Park’, to facilitate the floor area authorized under Ordinance 125927 and Council Bill 119597 known as the South Lake Union Open Space Incentive. This legislation was created to revise the existing incentives for preservation of open space in the South Lake Union Urban Center. The proposed legislation is a response to changes in the structure of incentive zoning system that occurred with the adoption of MHA. The amendment is clarifying language to allow either residential towers at 440 feet in height or non-residential towers at the height of 190 feet. This is consistent with the findings in the original Open Space Incentive program.

**23.48.720 – Floor area ratio (FAR) in SM-UP zones** – This amendment to the FAR in the Seattle Mixed Uptown zones (SM-UP 160) would adjust the FAR for sites with lot coverage and limited ability to achieve maximum FAR due to a building base which is limited due to easements or setbacks from the monorail supports. This change is limited in scope with only one known development site the SM-UP 160 zone that is currently constrained by this monorail setback. This correction would restore additional FAR for structures to offset the limitations that the monorail setback causes.

An analysis of a proposal under the existing code would result in the same ultimate FAR but would be provided almost entirely in residential use with no usable ground level public space. With the proposed change, a proposal with a mix of residential and commercial use could be developed and would result in a footprint with a greater degree of ground level open space.

**23.49.008 – Structure height** – The amendment to add subsection 23.49.008.A.10 to clarify the intent to

not preclude lodging uses from the lower-level height limit of 65 and to apply the 95 foot height limit to both residential and lodging uses.

**23.49.058 - Downtown Office Core 1, Downtown Office Core 2, and Downtown Mixed Commercial upper-level development standards-** Clarifies tower standards, found in section 23.49.058, in this zone consistent with Ordinance 126855 to exclude structures abutting 3rd Avenue between Union Street and Pike Street with only residential uses above a height of 85 from the definition of a tower. A second change at subsection amends the tower definition to exclude those proposals for which an early design guidance application has been submitted but never pursued from being considered a “tower” for purposes of this section. A provision is added to require such applications to advance to a complete building permit within 12 months of filing its early design guidance application or from the effective date of this ordinance. This would disqualify a proposed tower from being considered an existing tower for purposes of the tower spacing requirements of this subsection.

**23.54.015 - Required parking and maximum parking limits** – Changes to Table A for 23.54.015 to resolve formatting and style edits for consistency, and to remove transitional encampment interim use parking standards that were established by expired Ordinance 124747. Changes to Table C for 23.54.015 item F. Community Farms to correct a scrivener’s error. An additional change to Table C for 23.54.015 footnote 12, consistent with prior legislation for childcare centers, the Directors authority to modify parking requirements for childcare centers.

**25.11.070 – Tree protection on sites undergoing development in Neighborhood Residential, Lowrise, Midrise, commercial, and Seattle Mixed zones** – Three changes are proposed. The first amendment is to subsection 25.11.070.A.2 to provide clarity around reducing yards and setbacks in order to voluntarily protect Tier 1, 2, 3 and 4 trees. The second amendment is in subsection 25.11.070.A.3 to address the calculation of maximum lot coverage and the minimum width of a structure that must be able to be achieved in order to determine if a tree may be removed. The third change is to subsection 25.11.070.B.2.b to clarify that developments identified are for low-income housing meeting the definition in Title 23.

### **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.

- 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. Graves, Policy and Technical Land Use Planner  
Seattle Department of Construction & Inspections

Date: April 25, 2024



