



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

**SEPA Threshold Determination  
for  
Amendments to Land Use Code Child Care Standards**

**Project Proponent:** Seattle City Council

**BACKGROUND**

This is a non-project proposal. The proposal would amend various provisions of the Land Use Code (Seattle Municipal Code Title 23) related to child care center uses. The intent of the proposal is to eliminate regulatory hurdles that delay or prevent the creation of new child care centers in the City.

The legislation proposes to amend provisions in multiple zoning designations to:

- Remove limits on child care centers in home occupations.
- Allow child care centers as a permitted use in single-family zones.
- Remove dispersion requirements for child care centers in multifamily areas.
- Exempt child care centers from floor area limits in multifamily zones and commercial zones.
- Remove maximum size limits for child care centers in some commercial zones.
- Add code flexibility for child care centers in Seattle Mixed zones.

**Child care in Seattle**

According to the American Community Survey (ACS), in 2018 there were 44,000 children in Seattle under the age of six<sup>1</sup>. Approximately 9% of Seattle households (31,700) included children under the age of six.<sup>2</sup> Approximately 75% of children under six are in a household where all parents are employed.<sup>3</sup> Using this measure, 33,000 children under six in Seattle may need child care. According to a Washington State Department of Commerce report on the costs of child care, “in 2019 that 18% of workers with children under the age of six quit, and 9% reported being fired or let go from a job, due to child care issues.”<sup>4</sup>

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<sup>1</sup> U.S. Census Bureau, American Community Survey, ACS 1-year estimates (2018), Table B09001, data.census.gov, March 13, 2020.

<sup>2</sup> U.S. Census Bureau, American Community Survey, ACS 1-year estimates (2018), Public Use Microdata Sample (PUMS), Table HUPAC, data.census.gov, March 13, 2020.

<sup>3</sup> U.S. Census Bureau, American Community Survey, ACS 5-Year Estimates - Public Use Microdata Sample (2018)

<sup>4</sup> Washington State Department of Commerce, “The Mounting Costs of Child Care: Impacts of child care affordability and access to Washington’s employers and economy”

There are 593 child care centers in Seattle.<sup>5</sup> As of 2018, there were approximately 57,000 spaces in 1,837 child care centers across King County.<sup>6</sup> In 2018, there were approximately 157,000 children under six in King County.<sup>7</sup>

Both King County and Washington State have recently released reports on the costs of child care. King County's Women's Advisory Board published a report in 2018 that found that "child care in King County is among the most costly in the nation."<sup>8</sup> Among their recommendations were recommendations that local governments should streamline permitting processes for child care centers. In 2019, the Washington State Child Care Collaborative Task Force found that:

*Washington seriously lacks child care capacity... Half of respondents [to a survey] found it difficult to find and keep. The most cited reason: no available care near the person's home or work... Insufficient access to affordable, high-quality child care means fewer parents in the workforce, more missed work, less productivity and lower economic games. It also means fewer children will be able to take care of development supports, social-emotional skill-building opportunities and learning environments for school readiness and success offered by high-quality child care programs.<sup>9</sup>*

The Task Force also recommended that "state, local and nonprofit agencies should... continuously review and improve licensing standards to streamline permitting, licensing and development of child care facilities."

### **Proposal Description**

The Seattle City Council (Council) is proposing to amend the Land Use Code, to update the standards for child care facilities and support the creation of new child care centers across Seattle. The following summarizes elements of the proposal:

#### **Remove limits on child care centers in home occupations.**

The proposal would remove restrictions on the enrollment size and location of child care centers that are accessory to a residence. It would allow child care centers to be located in an accessory structure or unit, and also remove a 12-child limit on the number of children permitted in a home occupation child care center.

#### **Allow child care centers as a permitted use in single-family zones.**

The proposal would make child care centers a principal use permitted outright in single-family zones. Currently, child care centers, like most other institutional uses, must receive a conditional use permit, which takes longer to review than for uses permitted outright. Also, a provision for

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<sup>5</sup> Seattle Finance and Administrative Services Department, Active Business License Tax Certificate Data, data.seattle.gov, March 13, 2020

<sup>6</sup> Child Care Aware, "2018 Data Report: Trends, Child Care Supply, Cost of Care, & Demand for Referrals", Sarah Kelley, Business and Data Analyst, January 31, 2019.

<sup>7</sup> U.S. Census Bureau, American Community Survey, ACS 1-year estimates (2018), Table B09001, data.census.gov, March 13, 2020.

<sup>8</sup> King County Women's Advisory Board, "Supporting King County's Women, Families and Employers: Improving child care access and affordability throughout King County," 2018.

<sup>9</sup> Child Care Collaborative Task Force, "Recommendations to the Legislature under SHB 2367, Laws of 2018", Washington Department of Commerce, November 1, 2019

existing or former public schools that requires outdoor play areas to be located 30 feet away from single-family zoned lots and 20 feet away from other residentially zoned lots would be standardized with a 20-foot requirement for distance to all residential lots, including lots in single-family zones.

**Remove dispersion requirements for child care centers in multifamily areas.**

The proposal would remove a requirement that child care centers in single family and multifamily zoned areas be at least 600 feet apart. This would allow more locational flexibility in where a child care center is permitted. Currently, only child care centers in already-established institutional buildings are not subject to the dispersion requirement.

**Exempt child care centers from floor area limits in multifamily zones and commercial zones.**

In Midrise and Highrise multifamily zones and all commercial zones, child care centers would be exempt from floor area limits. Midrise and Highrise zones are the densest multifamily zones, and are predominantly located in urban centers and villages. This means a new building could accommodate a child care center without consuming floor area permitted for other uses.

**Remove maximum size limits for child care centers in some commercial zones.**

The proposal would remove a size limit on child care centers that applies in Neighborhood Commercial 1 and 2 zones (10,000 and 25,000 square feet respectively). This would allow child care centers to be larger than most commercial uses in these areas.

**Add code flexibility for child care centers in Seattle Mixed zones**

The proposal would add child care centers to the list of uses that are permitted along key commercial street fronts (Class 1 and 2 Pedestrian Streets) in specified SM zones. It would also allow all child care centers to be exempt from floor area limits in the University and Uptown SM zones and from building width and depth limits in Uptown.

**Public Comment**

Proposed changes to the Plan require City Council approval. Opportunity for public comment will occur during future Council meetings and hearings. The proposal is also available online and comments will be taken by e-mail.

**ANALYSIS – OVERVIEW**

Environmental review resulting in a Threshold Determination is required pursuant to the State Environmental Policy Act (SEPA), WAC 197-11, and the Seattle SEPA Ordinance (Seattle Municipal Code (SMC) Chapter 25.05).

The following report describes the analysis conducted to determine that the proposal is not likely to result in *probable significant adverse environmental impacts*. This threshold determination is based on:

- the language of the proposed amendments and related contents as described above;
- the information contained in the *SEPA checklist* (dated April 21, 2020), including annotations made by SDCI staff;
- review of materials prepared as background information about the code amendments, prepared by City staff; and

- the experience of the SDCI analyst in reviewing similar documents and actions.

## **ELEMENTS OF THE ENVIRONMENT**

### **Short-Term and Long-Term Impacts**

#### **A. Natural Environment**

##### **Earth, Air, Water, Plants/Animals/Fisheries, Energy, Natural Resources, Noise, Environmental Health**

The proposal is not expected to generate significant adverse natural environmental impacts, at a non-project level or in its potential for cumulative impacts related to future development influenced by the proposed child care code update.

##### ***Earth, Plants/Animals/Fisheries***

Seattle is mostly urbanized in its development patterns, but it also has retained greenbelts, hillsides, stream, river, bay and lake environments with diverse kinds of plant, animal, fish and marine habitats. This includes many shoreline edges hosting birds, fish, and other marine life. In some portions of the city such as north Seattle, the City's drainage system relies in part on natural stream and creek drainages to direct urban stormwater runoff toward Lake Washington and Puget Sound. Wildlife on land largely includes those species habituated to urban areas and fragmented vegetated areas in the city, with common types including squirrels, opossum, coyotes, and a variety of bird species including eagles. Threatened, protected, or endangered species that could be present nearby to future development sites in some cases could include heron, and salmon in locations downstream via natural drainages.

This non-project proposal would result in no direct impacts to plants, animals, fish, or marine life because it does not directly propose development. Regarding indirect cumulative impacts, this analysis identifies only a minor potential for differences in on-site disturbance of soils and vegetation with future development under the proposed regulations. There would be only a minor potential for these actions to create increased disturbances of earth (grading, fill, excavation) that might in the worst-case cause transport of soil off-site through stormwater runoff and potentially contribute to downstream adverse impacts upon plants, animals, fisheries and sensitive areas such as wetlands, streams and steep slopes. However, the City's protective regulations would tend to control, limit, and avoid washoff of soil and pollutants during development.

##### ***Air Quality, Water Quality, Environmental Health***

This non-project proposal would not result in any direct impacts relating to water, air, or release of toxic or hazardous substances, as it would not directly lead to future development of any particular location. Regarding indirect cumulative impacts, this analysis concludes that the proposed code changes, would create minimal potential for increased adverse water or air impacts and releases of toxics with cumulative future development. The required use of best practices during construction, landscaping requirements, and protections of critical areas such as steep slopes and erosion hazards would also help avoid destabilizing soils and watercourses, minimize tracking of dirt by construction vehicles onto roads and the creation of fugitive dust, which would help limit construction-related emissions to air.

### *Noise*

This non-project proposal would result in no direct impacts to noise because it does not directly propose development. The probable indirect adverse effects of the non-project proposal are as follows.

This analysis relates primarily to conditions within residential zones because those are zones evaluated as more sensitive to activity levels than commercial zones, and they have lower noise limits. For example, for a situation where both the sound-generating property and the sound-receiving property are residential, the exterior sound-level limit is 55 dBA (A-weighted decibels); see SMC 25.08.410.

Children playing in the outdoor play areas associated with child care centers approved under the proposed regulations are likely to result in some increased daytime noise impact on abutting neighbors. Daytime hours of childcare operations that could generate noise might range from 7 AM to 7 PM, although outdoor play times would most likely not occur in early morning hours or early evening hours in this range. It is also likely that some noise would be generated by drop-off and pick-up activities at beginning and end of normal care hours. This identified range of activity types (outdoor play by children, vehicles arriving and departing) would be considered normal activities for residential land uses; individual instances of these activities might be unlikely to exceed daytime noise limits such as 55 dBA.

However, the total extent of noise generated by the child care activities would depend on the intensity of the activity (affected by factors such as how many children are playing, how many times per day, and how many drop-offs and pick-ups occur). Degrees of noise impact are evaluated here in relative terms, and are interpreted as being “adverse” but not “significant adverse” impacts in their potential magnitude. One reason for this is that noise generated by a neighboring use such as a child care use could be identified by nearby neighbors as generating annoyance even if the noise levels are within noise limits, and even if noise-reducing measures such as fences are in place. Annoyance might relate to the duration of noise experienced on an everyday basis (perhaps multiple play sessions throughout a typical weekday) and its characteristics (for example, regular or semi-regular incidents of yelling, thumping, or clanging noises). The same could be said for noise generated by frequency of pick-up and drop-off activities (loud talk or vehicles honking). In a worst-case situation, annoyance-level noise incidents might even occasionally exceed noise limits.

Given that these child-care related activities would be practically limited to occur during daytime hours (due to the nature of the child care business), it is unlikely that this use would generate incidents or activities that would exceed lower nighttime noise limits. Thus, the potential for adverse night-time noise impacts is low.

### *Energy, Natural Resource Consumption*

The proposal would result in no direct impacts regarding energy or natural resources depletion because it does not directly propose development. Regarding indirect impacts, this analysis concludes that future development of child care facilities relevant to the proposal would be subject to current and future energy codes which would promote energy efficiency and less

natural resource depletion. Given the nature of the proposal's details and its relationship to existing or future development, no significant adverse impacts are identified.

## **B. Built Environment**

### **Land and Shoreline Use, Relationship to Plans and Policies**

The proposal would result in no direct impacts to land and shoreline use as it is a non-project action not directly leading to future development of any particular location. The probable indirect effects of the non-project proposal are as follows.

Future development relevant to child care facilities would be likely to result in increased numbers of locations where child care activities would occur in low-density residential zones, and potentially more often in closer proximity to neighboring residential occupants, than occurs today. This would likely result in an increase in conditions that could create noise-related annoyances considered to be adverse but not significant adverse noise impacts. This is also interpreted as generating potential adverse compatibility-related land use impacts in a worst-case scenario. This might be most evident if noise and activity levels from a child care facility chronically generate annoyance-level noise that might occasionally exceed noise limits, and if other operational activities such as pick-ups and drop-offs contribute to congested conditions on nearby streets. City rules would continue to provide controls, and such facilities would be subject to code enforcement upon receiving complaints.

### **Relationship to Plans and Policies – Comprehensive Plan**

The Land Use Element of Seattle's Comprehensive Plan classifies child care centers as "small institutions" and focuses on compatibility between small institutions and their neighbors. Relevant policies include:

*LU 3.1 Regulate public facilities and small institutions to promote compatibility with other developments in the area.*

*LU 3.2 Allow public facilities and small institutions to depart from development standards, if necessary to meet their particular functional requirements, while maintaining general design compatibility with the surrounding area's scale and character. Require public facilities and small institutions to adhere to zoned height limits, except for spires on religious institutions. Consider providing greater flexibility for schools in recognition of their important role in the community.*

*LU 3.3 Allow standards to be modified for required off-street parking associated with public facilities and small institutions based on the expected use and characteristics of the facility and the likely impacts on surrounding parking and development conditions, and on existing and planned transportation facilities in the area.*

*LU 3.4 Avoid clusters of public facilities and small institutions in residential areas if such concentrations would create or further aggravate parking shortages, traffic congestion, and noise in the area.*

*LU 3.5 Allow nonconforming public facilities and small institutions to expand or make structural changes, provided these alterations comply with the zone's development standards and do not increase the structure's nonconformity.*

- These policies encourage small institutions that are compatible with their surroundings. Recent experience shows that many child care centers can occupy existing structures in ways that maintain neighborhood fabric and consistency with community character.
- Future development of additional child care centers could result in adverse but not significant adverse noise impacts and increased activity levels (related to drop-off and pick-up activities) in areas immediately surrounding new child care centers. Such impacts could be mitigated by complaint-based code enforcement actions, if they occurred at any given location.

### **Housing**

The proposed non-project action is not likely to generate direct significant impacts to housing. The probable indirect effects of the non-project proposal are as follows. While it is possible that portions of existing residential structures could be remodeled for use as child care facilities, the magnitude of estimated loss in housing units is on the order of approximately five units or less per year.

### **Historic Preservation and Cultural Preservation**

This proposal is not likely to generate significant adverse impacts on historic landmarks or structures in historic districts as it would not modify existing protections for historic landmarks and structures in historic districts. The proposal is also not likely to affect whether and how many historic sites or structures might be redeveloped.

The proposal is not likely to result in development outcomes that would increase the potential for disturbance of cultural sites or resources. It would also not affect the strength of regulatory protection of those cultural sites or resources, if they are discovered, which is addressed by other State and local regulations, policies, and practices.

### **Aesthetics, Light & Glare, Recreation**

This non-project proposal would not result in any direct impacts relating to these elements because it would not result in future development of any particular location. Indirectly, exemptions of floor area (and width and depth limits in Seattle Mixed Uptown zones) for child care facilities would increase the potential for building bulk in individual future developments but not height limits. However, the proposal is unlikely to lead to instances of significant impacts such as blockage of protected public views or incremental increases in shadows on protected public open spaces. No potential adverse impacts are identified with respect to light and glare or recreation.

## **Transportation, Public Services and Utilities**

### ***Transportation and Parking***

This non-project proposal would not result in direct impacts relating to these elements because it would not result in future development of any particular location. The probable indirect effects of the non-project proposal are as follows.

By allowing child care centers to open more easily in single family zones, near families, the proposal could provide greater access to child care to families in locations easily accessible by walking, biking and public transit from their homes or places of work. Parents would have more opportunities to link child care trips with work trips. This could incrementally reduce the total traffic and parking volumes generated by such facilities, compared to a worst-case impact scenario of 100% of students picked up and dropped off by vehicle.

A reasonable worst-case estimation of vehicle trips per day would be up to two trips per day per student, plus two trips for employees that do not live at the property, plus 6-20 trips per day (depending on size of the child care center) for miscellaneous purposes like deliveries. While highly-local facilities could foster more walking trips by parents dropping off or picking up students, a majority would still likely occur by vehicle trip. This would generate patterns of short-term parking by parents near the facility around the morning and evening peak hours.

Future possible development of most new child care centers are not likely to necessitate improvements to roads, streets, pedestrian, bicycle or state transportation facilities, due to the relatively small size of most child care facilities. However, this finding could be subject to review for each child care facility depending on its total size and the nature of the local street network in the site vicinity. Certain locations would be mostly served by local non-arterial streets, which can be subject to varying levels of street-parking and traffic congestion depending on factors such as street width. Also, child care facilities possible under the terms of this proposal could range up to larger facilities that would generate greater-than-average amounts of weekday daily traffic volumes. In a worst-case situation, improvements to streets in the form of turning lanes, intersection controls like stop signs, caution signs or lights, or pull-out loading zones could be conceivably concluded as needed to permit future child care facilities.

In the worst-case, the findings above indicate that future child care facilities located in lower-density residential settings could generate transportation impacts that are adverse but not significant adverse impacts. Future child care facilities would be subject to permitting reviews and conditioning to address adversely-impacting situations if they are concluded likely in any given location.

### ***Public Services and Utilities***

This non-project proposal would not result in direct impacts relating to public services and utilities because it would not result in future development of any particular location. Regarding indirect impacts, this analysis concludes that the proposal's details would not significant adverse impacts upon the public services elements of police protection, fire protection, schools, transit service, health care or other similar public services. For utilities, the indirect impact analysis is as follows.



Future child care facilities developed after this proposal would demand water and sewer services at levels commensurate with their student enrollment, including water for activities such as food preparation and cleaning. Most facilities may host relatively small enrollments and would not be expected to cause excessive demands on local water and sewer systems. In a worst-scenario, a larger child care facility could generate water and sewer demands at levels that might challenge local systems' pipe capacities. This would depend on highly localized characteristics of pipe sizing and condition across many parts of the city where a new child care facility could locate. This analysis interprets this kind of impact as an "adverse" but not "significant adverse" impact. New proposals would be subject to review by the City, and local improvements could be required by Seattle Public Utilities on a project-by-project basis. Therefore, no significant adverse impacts, including cumulative impacts, are identified for utilities.

### DECISION – SEPA

This decision was made after review by the responsible official on behalf of the lead agency of a completed environmental checklist 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 43.21C), 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: \_\_\_\_\_ (on file) \_\_\_\_\_ Date: \_\_\_\_\_ April 27, 2020  
Gordon Clowers  
Seattle Department of Construction and Inspections