



City of Seattle

Gregory J. Nickels, Mayor

Department of Planning and Development

D. M. Sugimura, Director

**CITY OF SEATTLE
DETERMINATION OF NON-SIGNIFICANCE BY
THE DEPARTMENT OF PLANNING AND DEVELOPMENT**

Applicant Name: William Mills for the Department of Planning and Development

Address of Proposal: City-wide Application

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 Conditions - 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 DATA

Background

The Department of Planning and Development (DPD) is responsible for maintenance of the Land Use Code (SMC 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. The need for the proposed amendments has been identified by citizens, elected officials, and City staff. In coordination with the City's Law Department, DPD has concluded that the changes are not substantive in content.

Proposal Description

The Department of Planning and Development is recommending a series of amendments to the current Seattle Land Use Code (SMC Title 23). The sections to be amended are: Seattle Municipal Code (SMC) Sections 23.22.062, 23.24.045, 23.34.010, 23.34.018, 23.40.020, 23.41.006, 23.42.112, 23.43.008, 23.43.010, 23.43.012, 23.44.006, 23.44.010, 23.44.014, 23.44.016, 23.44.018, 23.44.040, 23.44.041, 23.44.051, 23.44.060, 23.46.004, 23.46.012, 23.47A.002, 23.47A.004, 23.47A.018, 23.47A.020, 23.49.014, 23.49.017, 23.49.030, 23.49.046, 23.49.096, 23.49.148, 23.49.324, 23.50.012, 23.50.022, 23.50.051, 23.53.015, 23.54.030, 23.55.020, 23.55.022, 23.55.028, 23.55.030, 23.55.034, 23.69.021, 23.71.016, 23.74.004, 23.74.010, 23.76.004, 23.76.024, 23.76.058, 23.76.060, 23.84A.006, 23.84A.024, and 23.84A.038, to correct typographical errors, correct section references, clarify regulations, and make minor amendments. A new Section 23.42.030 would be added by this legislation and Section 23.40.050 would be repealed. A complete description of each amendment is provided in the Environmental Checklist accompanying this analysis and decision.

Public Comments

Proposed changes to the Land Use Code require City Council approval. Public comment will be taken on the proposed amendments at an upcoming City Council Public Hearing.

ANALYSIS - SEPA

This proposal is an adoption of legislation and is defined as a non-project action. The initial disclosure of the potential impacts from this action was made in the environmental checklist dated September 25, 2008. The information in the checklist, a copy of the proposed text amendments, the analysis of the changes prepared by City staff, and the experience of the lead agency with review of similar legislative actions form the basis for this analysis and decision.

Short-term Impacts

As a non-project action, the proposed amendments will not have any short-term impact on the environment. Future development affected by this legislation and subject to SEPA will be required to address short-term impacts on the environment.

Long-term Impacts

The proposed amendments to the various sections of the Land Use Code in this omnibus legislation are not expected to have significant adverse impacts on any element of the natural or built environment. Most of the recommended code changes clarify existing code language and correct non-substantive errors; these changes are not expected to result in any environmental impacts.

A few provisions could have minor height, bulk and scale impacts on specific sites as projects are built consistent with these amendments. Specifically:

- 23.42.112: When the “headroom” of a basement is raised, this would lead to both the main floor and any existing porch and steps leading to the main floor being raised as well. To maintain the existing rise and run of the stairs, this amendment to the “Nonconformity to Development Standards” section would allow the porch and steps to encroach into a required yard, so long as the porch and steps are no closer than three feet from any lot line.
- 23.43.008, 23.43.010, and 23.43.012: With these amendments to the “Residential Small Lot” section, minor projections from structures or architectural features such as eaves, gutters, and bay windows would be allowed to project into required yards and setbacks in Residential Small Lot zones. Equivalent projections currently are allowed in both Single Family and Multifamily zones.
- 23.44.040: Terraced garages are permitted in the front yards of lots in single-family zones in certain circumstances. These structures are either entirely or mostly below grade. With this amendment to the “Single Family” section, terraced garages meeting development standards could be located less than five feet from a principal structure.

The modifications to the Nonconformity and Residential Small Lot code sections would result in only very minor changes to the allowable building envelope on an individual site. The Single Family amendment affecting terraced garages could result in projects of greater apparent bulk, as the principal structure and the garage could be closer together than currently is allowed. However, as terraced garages must be mostly or entirely below grade, the bulk and scale impacts of allowing such structures to be closer to a principal structure would be minor.

None of the proposed amendments is expected to significantly alter the intent or application of the Land Use Code, or to result in a significant adverse impact.

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

