



# Director's Rule 9-2012

<b>Applicant:</b>  City of Seattle Department of Planning and Development	<b>Page</b>  1 of 5	<b>Supersedes:</b>  NA
	<b>Publication:</b>	<b>Effective:</b>
<b>Subject:</b>  Updates to State Environmental Policy Act (SEPA) Review Thresholds for Infill Residential and Mixed-Use Development in Urban Centers and Certain Urban Villages	<b>Code and Section Reference:</b>  SMC 25.05.800.A.2	
	<b>Type of Rule:</b>  Code Interpretation	
	<b>Ordinance Authority:</b>  SMC 3.06.040	
<b>Index:</b>  City of Seattle Environmental Policies and Procedures	<b>Approved</b>	<b>Date</b>
	_____ Diane M. Sugimura, Director, DPD	

## Purpose

This rule contains the thresholds for environmental review pursuant to the State Environmental Policy Act (SEPA) that are in effect in urban centers, and urban villages that contain a light rail overlay district. These review levels may be adjusted over time as required by state law. Any changes in the thresholds will be based on examination of permits issued in the applicable areas for residential and mixed-use (residential and commercial) development on a quarterly basis. If Comprehensive Plan growth estimates in a given area are met, this would trigger a reduction in the SEPA thresholds.

## Background

Seattle's categorical exemption levels (review thresholds) were adjusted in 2012 for urban centers, and urban villages that contain light rail stations. The SEPA provisions in the Revised Code of Washington (RCW 43.21C.229) provide the opportunity for higher SEPA categorical

exemption levels (review thresholds) for infill development, only for areas that have not met growth estimates contained in a Comprehensive Plan.

This Rule contains SEPA categorical exemption levels, until superseded by a successor rule. The Rule also describes the process that DPD will follow to monitor growth and publish updated exemption levels.

The eligible growth areas are defined as Urban Centers, and Urban Villages that contain a Station Area Overlay District. Both of these kinds of areas have growth targets expressed in the Comprehensive Plan for residential growth (in terms of dwelling units added and the resulting density); and employment growth targets (in terms of net job growth and jobs/acre density) are also defined for the Urban Centers and the North Rainier Hub Urban Village. These currently address growth for the period between 2004 and 2024.

The SEPA categorical exemptions are listed in SMC 25.05.800 and include reference to required “cushions” to ensure they apply properly to the growth areas. The “cushions” are defined as being 10% of the size of the growth area’s residential growth target and employment growth target.

- This means that the SEPA thresholds must be changed if a quarterly report finds that residential “growth” exceeds 90.0% of the area’s residential growth target.
- The same is true if net employment growth exceeds 90.0% of the area’s employment growth target.
- Residential “growth” is defined as the combination of completed net dwelling unit growth plus net new dwelling units in projects that have received a building permit but are not yet fully constructed.
- Employment “growth” is defined as net amounts of added jobs, compared to a 2004 baseline, for a given area. This employment information will be based on data reported by applicable agencies other than DPD, and may also include analytic information derived by DPD that might, for example, provide more detail on growth in a particular growth area.

When a growth area’s residential or employment growth targets have been achieved at the 90% level (which recognizes the required “cushion”), the SEPA thresholds will be adjusted to a lower level consistent with state established maximum exemption levels. This will result in a residential threshold level of 20 dwelling units, and 12,000 square feet of non-residential space in a mixed-use development, in most zones, until growth estimates are updated in the Comprehensive Plan.

### **Growth Tracking and Reporting**

On a quarterly basis, DPD staff will monitor growth in relation to established growth targets, and publish updates to this rule. A draft version of the rule will be available one month before the final rule is signed. The signature date will establish the effective date for any new exemption levels.

Growth will include net new residential units and commercial space in residential and mixed-use development that has been completed; and that has received a building permit but has not received a certificate of occupancy during the prior calendar quarter. DPD will be the compiler and final arbiter that interprets levels of growth and relationship to targets.

Upon initial tabulation shortly after the quarter is completed, DPD staff in the ensuing few weeks will review the data to verify the current status of growth in relation to the targets for the Urban Centers and Urban Villages. Any changes to SEPA thresholds will commence at the completion of the following calendar quarter: July 1<sup>st</sup> in response to first quarter data, October 1<sup>st</sup> in response to second quarter data, January 1<sup>st</sup> in response to third quarter data, and April 1<sup>st</sup> in response to fourth quarter data. If any of these days fall on a weekend day or weekday holiday, the SEPA thresholds will be considered effective at the beginning of the first following workday.

### **Rule**

As of August 31, 2012 (the effective date of Ordinance 123939), the following exemption levels apply.

<b>Table A for 25.05.800: Exemptions for Residential Uses</b>			
<b>Zone</b>	<b>Residential Uses</b>		
	<b>Number of Exempt Dwelling Units</b>		
	<b>Outside of Urban Centers, and Outside Urban Villages Containing SAODs</b>	<b>Within Urban Centers, or Urban Villages Containing SAODs</b>	<b>Within Urban Centers, or Urban Villages Containing SAODs if Growth Targets Have Been Exceeded</b>
SF, RSL	4	4	4
LR1	4	200 <sup>(1)</sup>	20
LR2	6	200 <sup>(1)</sup>	20
LR3	8	200 <sup>(1)</sup>	20
NC1, NC2, NC3, C1, C2	4	200 <sup>(1)</sup>	20
MR, HR, SM	20	200 <sup>(1)</sup>	20
Downtown zones	NA	250 <sup>(1)</sup>	20
Industrial zones	4	4	4

Notes: SAOD = Station Area Overlay District. Urban centers and urban villages are identified in the Seattle Comprehensive Plan.

<b>Table B for 25.05.800: Exemptions for Non-Residential Uses</b>			
<b>Zone</b>	<b>Non-Residential Uses</b>		
	<b>Exempt Area of Use (square feet of gross floor area)</b>		
	<b>Outside of Urban Centers, and Outside Urban Villages Containing SAODs</b>	<b>Within Urban Centers, or Urban Villages Containing SAODs</b>	<b>Within Urban Centers, or Urban Villages Containing SAODs if Growth Targets Have Been Exceeded</b>
SF, RSL, LR1	4,000	4,000	4,000
LR2, LR3	4,000	12,000 <sup>(1)</sup> or 30,000	12,000
MR, HR, NC1, NC2, NC3	4,000	12,000 <sup>(1)</sup> or 30,000	12,000
C1, C2, SM zones	12,000	12,000 <sup>(1)</sup> or 30,000	12,000
Industrial zones	12,000	12,000	12,000
Downtown zones	Not Applicable	12,000 <sup>(1)</sup> or 30,000	12,000

Notes: SAOD = Station Area Overlay District. Urban centers and urban villages are identified in the Seattle Comprehensive Plan.  
Footnote (1): New nonresidential development that is not part of a mixed-use development and that does not exceed 12,000 square feet is categorically exempt from SEPA. New non-residential development that does not exceed 30,000 square feet and that is part of a mixed-use development located in an urban center or in an urban village that contains a SAOD is categorically exempt from SEPA, unless the Department has determined that employment growth within the urban center or urban village has exceeded exemption limits for the center or village.

The following locations are where the highest review thresholds, indicated in the middle column of the tables above, are in effect:

<b>Growth Areas Where SEPA “Infill Development” Threshold Levels Are in Effect</b>	
<b><u>Urban Centers</u></b>	<b><u>Urban Villages with Station Area Overlay Districts</u></b>
<b>Downtown</b>	<b>North Beacon Hill</b>
<b>Northgate</b>	<b>North Rainier</b>
<b>South Lake Union</b>	<b>Rainier Beach</b>
	<b>Roosevelt</b>

Certain growth areas have exceeded their residential or employment growth targets or achieved the 90% of target level that is within the “cushion.” Therefore, the following exemption levels apply: 20 dwelling units; and 12,000 square feet of non-residential uses in the urban centers and urban villages listed below:

<b>Growth Areas Where SEPA “Infill Development” Threshold Levels Are Not in Effect</b>	
<b><u>Urban Centers</u></b>	<b><u>Urban Villages with Station Area Overlay Districts</u></b>
<b>Uptown</b>	<b>Columbia City</b>
<b>First Hill/Capitol Hill</b>	<b>Othello</b>
<b>University District</b>	

**BE ADVISED:**

DPD staff will strive to provide accurate and up-to-date information about the applicable SEPA review thresholds. However, applicants should note that SEPA review thresholds may change in these affected areas (urban centers, and urban villages that contain a light rail Station Area Overlay District). It is the applicant's responsibility to be timely in submitting application materials, per vesting rules.

DPD staff shall not be obligated to schedule intake appointments in a manner that would meet an applicant's specific timeframe objectives in regard to SEPA environmental review thresholds.