

**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 and certain related sections of the Seattle Municipal Code to correct minor oversights and clerical or typographical errors and incorrect section references, clarify current regulations, and make minor amendments.

The following approval is required:

SEPA - Environmental Review - 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, as well as to make minor amendments. 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: Sections 5.72.040, 23.22.062, 23.22.064, 23.22.066, 23.22.074, 23.22.100, 23.24.020, 23.24.040, 23.24.045, 23.28.030, 23.40.020, 23.41.004, 23.41.012, 23.42.124, 23.43.008, 23.43.010, 23.43.012, 23.44.014, 23.44.016, 23.44.018, 23.44.026, 23.44.028, 23.44.030, 23.44.036, 23.44.041, 23.44.044, 23.45.502, 23.45.508, 23.45.510, 23.45.514, 23.45.518, 23.45.520, 23.45.522, 23.45.526, 23.45.527, 23.45.529, 23.45.532, 23.45.536, 23.45.545, 23.45.570, 23.47A.004, 23.47A.005, 23.47A.008, 23.47A.009, 23.47A.013, 23.47A.014, 23.49.013, 23.49.014, 23.49.015, 23.49.025, 23.49.181, 23.50.038, 23.50.044, 23.52.002, 23.52.008, 23.53.005, 23.53.006, 23.53.035, 23.54.015, 23.54.025, 23.54.030, 23.54.034, 23.55.040, 23.58A.014, 23.58A.024, 23.69.032, 23.71.014, 23.71.018, 23.72.008, 23.72.010, 23.73.014, 23.75.015, 23.75.020, 23.75.140, 23.75.170, 23.76.004, 23.76.012, 23.76.026, 23.76.032, 23.76.046, 23.76.050, 23.76.056, 23.79.010, 23.84A.002, 23.84A.006, 23.84A.018, 23.84A.028, 23.84A.030, 23.84A.032, 23.84A.036, 23.84A.038, 23.84A.040, 23.84A.048, 23.86.007, 23.86.016, 23.86.017, 23.90.018, 23.90.019, 23.91.002, 25.05.350, and 25.05.675. 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 May 7, 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:

- 23.44.016: The changes to make the standards for projecting garages easier to administer could result in more structures with garage facades forward of the other portions of single family residences, but the increase in bulk is expected to be minor in that the exemption would apply only to structures set back 35 feet from the front lot line or on sites having a mitigating factor such as topography or configuration of existing structures.
- 23.45.510.E.5: The change to allow an exemption from FAR for an entire floor of a multifamily structure to project above grade, instead of limiting to 4 feet above grade, if it contains only parking area or accessory uses would slightly increase structure bulk and scale but this effect is offset by retaining the requirement that no floor can be built directly above the exempt floor.
- 23.45.518: The changes to 23.45.518.H.5 and 23.45.518.I would allow slightly more structure in setbacks and structure separations in multifamily zones, but the increase in bulk and scale is limited to accessory features including porches, steps, and decks. The specific limits proposed for their size will reduce any potential impacts and reflect features previously allowed on multifamily structures under prior code provisions.

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.

- 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 2c.

- 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 2c.

RECOMMENDED CONDITIONS – SEPA

None.

Signature: _____ Date: _____
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