



Director's Rule 2-2015

Applicant: City of Seattle Department of Planning and Development	Page 1 of 3	Supersedes: NA
	Publication:	Effective:
Subject: Determining if two or more development proposals must be considered as one for purposes of applying SEPA categorical exemptions and Design Review thresholds	Code and Section Reference: SMC 23.41; 25.05.060	
	Type of Rule: Code Interpretation and procedural rule	
	Ordinance Authority: SMC 3.06.040	
Index: Zoning/Land Use Procedural Requirements	Approved _____ Diane M. Sugimura, Director, DPD	Date

BACKGROUND AND PURPOSE:

This Rule describes when two or more development proposals must be treated as a single development proposal for the purpose of applying SEPA categorical exemptions and Design Review thresholds.

The Department receives applications for developments that are in close proximity and potentially related to one another and must determine whether the developments should be evaluated separately for the purpose of applying SEPA categorical exemptions, or whether the developments should be regarded as a single proposal for that purpose. The same issue arises in determining whether such projects are subject to Design Review.

The SEPA Ordinance describes when closely-related development proposals must be evaluated as one. It says that separate proposals must be treated as one proposal for purposes of SEPA if the proposals:

- a. Cannot or will not proceed unless the proposals (or parts of the proposals) are implemented simultaneously with them; or

- b. Are interdependent parts of a larger proposal and depend on the larger proposal as their justification or for their implementation.

Design Review is triggered for "development proposals" exceeding certain thresholds set forth at SMC 23.41. "Development proposal" is not defined in the Land Use Code.

RULE:

1. The same rule will apply for determining whether multiple development proposals are to be evaluated as a single development proposal for purposes of applying SEPA categorical exemptions and Design Review thresholds.
2. Two or more projects under review at the same time shall be treated as a single development proposal if:
 - Any feature physically spans the property lines between lots, such as shared structures, driveways, pedestrian access, drainage and utility designs, foundation footings, or retaining walls.
 - Parking for a site, whether required or not, is proposed to be provided (or partially provided) on the site of another project, whether or not adjacent to the other site.
 - Proposed developments share required open space and/or amenity area.
 - Grading, construction of retaining walls and/or foundation design across the lot lines benefits two or more development proposals.
 - One site is required to permanently access, construct and maintain the structures and/or development features on an abutting or adjacent site.
 - Similar features lead DPD to conclude that the projects are interdependent.
3. The following features are not to be taken into consideration in determining whether two or development proposals are to be evaluated as a single development proposal:
 - Physical connections to a common public right-of-way (such as a street, sidewalk, or alley) or to a drain or utility lines in the right-of-way.
 - Common developer, property owner, or marketing/sales scheme for the development proposals.
 - Simultaneous construction on abutting lots, even by the same crew
 - A common architectural or landscaping design.
 - Utility-only easements crossing one development site to serve abutting or adjacent lots.
 - Shared temporary construction access.
4. If separate applications for development under review at the same time are determined to be one proposal for the purpose of this rule, the total combined development proposed in the applications will be considered when determining whether the review thresholds for SEPA and/or Design Review are triggered. Development proposals that are submitted for review to DPD are considered

“under review” until permits are issued by DPD or the permit application is withdrawn by the applicant.