SDCI

Director's Rule 19-2018

Applicant:	Page	Supersedes:
City of Seattle Department of Construction and Inspections	1 of 3	NA
	Publication: 12/28/2017	**Effective:** 6/4/2018
Subject: Determining if two or more development proposals are considered as one for applying State Environmental Policy Act categorical exemptions and Design Review thresholds	**Code and Section Reference:** SMC 25.05.060; SMC 23.41.004	
	Type of Rule: Code Interpretation and procedural rule	
	Ordinance Authority: SMC 3.06.040	
Index: Zoning/Land Use Procedural Requirements	**Approved** Nathan Torgelson, Director, SDCI	**Date** 6-1-18

PURPOSE:

This Rule describes when two or more development proposals must be treated as a single development proposal for the purposes of applying State Environmental Policy Act (SEPA) categorical exemptions and Design Review thresholds.

BACKGROUND:
In accordance with WAC 197-11-800, Seattle's SEPA Ordinance provides categorical exemptions from SEPA review for development proposals that are below the specified levels. When separate development proposals are closely related, they are evaluated 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 required for "development proposals" exceeding certain thresholds set forth in SMC 23.41. "Development proposal" is not defined in the Land Use Code.

The Department receives applications for development proposals on abutting or adjacent lots that are potentially related to one another. We must determine whether the development proposals should be evaluated separately or as a single proposal for the purpose of applying SEPA categorical exemptions. The same issue arises in determining whether development proposals are subject to Design Review.

RULE: The same rules apply for determining whether multiple development proposals are evaluated as a single development proposal for purposes of applying SEPA categorical exemptions and Design Review thresholds.

1. Two or more projects under review at the same time are treated as a single development proposal if any of the following are true:
    a. Any feature physically spans the property lines between lots, such as shared structures, shared driveways, shared pedestrian access (including easements to rights-of-way), shared drainage and utility designs, foundation footings, or retaining walls
    b. A shared driveway accesses a parking area(s) for more than one development proposal, regardless of whether the parking is required
    c. Parking for a development proposal, including maneuvering, aisle requirements, or other parking-related easements, whether the parking is required or not, is proposed to be provided (or partially provided) on the site of another development proposal, even if the sites do not abut each other
    d. Proposed structures are joined, or share a common wall for purposes of reduced setbacks
    e. Proposed developments share required open space and/or amenity area
    f. The design of two or more development proposals are dependent on grading, construction of retaining walls, and/or foundation design across the lot lines

g. One site is required to permanently access, construct and maintain the structures and/or development features on an abutting or adjacent site
h. Other features that create interdependence between projects.

2. The following features are not to be taken into consideration in determining whether two or more development proposals are to be evaluated as a single development proposal:
   a. Physical connections to a common public right-of-way (such as a street, sidewalk, or alley) or to a public drain or public utility lines in the right-of-way
   b. Common developer, property owner, or marketing/sales scheme for the development proposals
   c. Exclusive easements for vehicular or pedestrian access (including easements to rights-of-way) designed to restrict shared access between projects
   d. Similar or identical design
   e. Simultaneous construction on abutting lots, even by the same crew
   f. A common architectural or landscaping design
   g. Utility-only easements crossing one development site to serve abutting or adjacent lots
   h. Shared temporary construction access
   i. Other features that make projects independent of one another

3. If separate applications for development under review at the same time are determined to be one proposal under this rule, then the total combined development proposed in the applications will be considered when determining whether SEPA and/or Design Review are required based on the SEPA exemption levels and Design Review thresholds. Development proposals that are submitted for review to SDCI are considered "under review" until the applicable construction permits for the project are issued by SDCI or the permit application is withdrawn by the applicant.