

ANALYSIS AND DECISION OF THE SEATTLE CITY COUNCIL
SEPA THRESHOLD DETERMINATION

Proposal	Ordinance 126293 - Interim Development Regulations for Home Occupations
Date of Issuance	April 12, 2021
Proponent / Lead Agency	Seattle City Council
SEPA Contact	Lish Whitson, (206) 615-1674, lish.whitson@seattle.gov
Location	Non-project Action: Areas within the Seattle city limits where home occupations are allowed accessory to residential uses

PROPOSAL DESCRIPTION

Ordinance 126293 (Ordinance) passed the City Council on March 15, 2021 as an interim development control implemented pursuant to RCW 36.70A.390, which allows jurisdictions to approve interim development controls that can be in effect for up to a year.

The Ordinance is intended to allow home-based businesses or “home occupations”¹ to operate with fewer restrictions during the COVID civil emergency. This may allow more small businesses to remain operating during the pandemic and speed the economic recovery once pandemic restrictions are lifted. This is a non-project action that amended the Seattle Municipal Code to remove some limits on home-occupations in the City’s existing regulations.

Existing Regulations

City regulations currently allow home occupations as an accessory use to a residential use in all zones. Home occupations do not require a land use permit. However, a home occupation may require construction permits and permissions from governments, such as Seattle/King County Public Health, with regulatory authority over the type of business.

Home occupations are regulated primarily by operating standards that are intended to minimize the impact of the home-occupation on neighbors. These include:

- Home occupations must be operated by a resident of the residential use;
- Limitations on the number of commercial vehicle deliveries and pick-ups;
- Limitations on the size of vehicles associated with the home occupation, not including vehicles that make deliveries to the business;
- Appointment-only customer visits;
- The residential appearance must be maintained;
- No more than two non-residents of the dwelling may work at the home occupation;
- The home occupation cannot substantially increase traffic and on-street parking in the vicinity;
- Signs identifying the business cannot exceed 64 square inches in size;
- Outdoor storage cannot be associated with the home occupation; and
- Limitations on noise, odor, dust, light, glare and other impacts.²

¹ Seattle Municipal Code (SMC) section [23.84A.016](#) defines a home occupation as: “a nonresidential use that is clearly incidental and secondary to the use of a dwelling for residential purposes and does not change the character of the dwelling.”

² See [SMC 23.42.050](#). For a plain language description see also, [Home Business Rules - SDCl |](#)

Ordinance 126293

The Ordinance removes some of these standards for home occupations for one year. The Ordinance removes limits on:

- The number of employees;
- Non-scheduled customer visits;
- Increased traffic and parking demand; and
- The non-commercial appearance of home occupations.

Additionally, the Ordinance allows home occupations to have a larger sign, up to 720 square inches, and utilize any required off-street parking for the home occupation.

The Ordinance does not modify performance standards related to noise, odor, smoke, dust, light and glare and other similar impacts. The Ordinance also maintains limitations on increased traffic and parking demand for auto-oriented home occupations, such as vehicle repair.

Interim controls enacted through the Ordinance will expire on April 21, 2022. If permanent controls are not put in place, properties or structures modified pursuant to the Ordinance would need to be returned to their previous condition when the interim controls lapse.

The Ordinance includes a work program for the Seattle Department of Construction and (SDCI) to analyze and propose more permanent changes to home occupation regulations. The Ordinance does not prescribe what those recommendation would be, but they could include (1) making permanent the changes in the Ordinance, (2) specifying additional performance standards, or (3) implementing a permitting requirement to allow modifications to performance standards under specified circumstances.

The legislative record for Ordinance 126293, including memoranda, committee agendas, and amendments can be accessed at [SEATTLE CITY COUNCIL - Legislation \(legistar.com\)](https://legistar.com) under the Ordinance number.

ANALYSIS OVERVIEW AND THRESHOLD DETERMINATION

Environmental review resulting in a Threshold Determination is required pursuant to the State Environmental Policy Act (SEPA), WAC 197-11, and the Seattle SEPA Ordinance (Seattle Municipal Code (SMC) Chapter 25.05). The following describes the analysis conducted to determine that the proposal is not likely to result in probable significant adverse environmental impacts.

The lead agency has determined that this proposal will **not** have probable, significant adverse impacts on the environment. An environmental impact statement (EIS) is not required by RCW 43.21C.030(2)(c). This finding is made pursuant to RCW 43.21C, SMC 25.05 and WAC 197-11 and based on the attached SEPA environmental checklist and review of existing environmental documents.

As disclosed and described more fully in the environmental checklist, the proposed amendments are of a non-project nature, limited in scope, and have a citywide effect, rather than a site-specific effect. As such, the amendments would not affect the extent, intensity or rate of impacts to the built and natural environments.

This **threshold determination of Non-significance (DNS)** is based on:

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- The text of Ordinance 126293 and related contents as described above;
- Information contained in the SEPA checklist (dated April 1, 2021); and
- The experience of the legislative analyst in reviewing similar documents and actions.

ANALYSIS - ELEMENTS OF THE ENVIRONMENT

Short-Term and Long-Term Impacts

A. Natural Environment

Earth, Water, Water Quality, Plants/Animals/Fisheries/Marine Life

The proposal is not expected to generate significant adverse impacts for these natural environmental elements, at a non-project level or in its potential for cumulative impacts related to future activities influenced by the proposal.

Seattle is mostly urbanized in its development patterns, but it also has retained greenbelts, hillsides, stream, river, bay, and lake environments with diverse kinds of plant, animal, fish and marine habitats. This includes many shoreline edges hosting birds, fish, and other marine life.

Because it does not propose development, does not allow more development or lot coverage than is currently permitted on a site, and, due to its short-term nature, is unlikely to encourage much development, this non-project proposal would result in no direct adverse or significant adverse impacts to earth, water, plants, animals, fish, or marine life environmental. Similarly, this analysis identifies no adverse or significant adverse indirect or cumulative environmental impacts of this kind. This is due to a lack of a probable trigger by which such impacts would occur, such as a substantial difference in total site disturbance with home occupations. While home occupations may be associated with slightly more business activity, there likely would be no more than slight differences in total disturbance of site soils.

The proposal would also not cause the location of home occupations to occur more intensively in properties with environmentally sensitive features such as steep slopes or locations near natural drainage systems. Therefore, there are no identified additional earth, water, or plant/animal/fisheries environmental impact risk factors that would be substantially increased by the proposal. The City's other current protective regulations would continue to be applied to future development, which would tend to mitigate and prevent impacts related to earth disturbances, pollutant washoff, and associated degradation of water quantity, water quality, and habitat.

Air Quality, Noise, Energy, Natural Resources Depletion, Environmental Health

This non-project proposal would result in no direct adverse or significant adverse impacts to these environmental elements because it does not directly propose development. Similarly, this analysis identifies no adverse or significant adverse indirect or cumulative environmental impacts of this kind. The non-project proposal maintains performance standards that require that there be no noise, odor, smoke, dust, light and glare and other similar impacts outside of the subject property's boundaries.

B. Built Environment

Land and Shoreline Use, Height/Bulk/Scale, Housing, Aesthetics

The proposal would result in no direct impacts and is unlikely to result in significant indirect or cumulative adverse impacts related to land or shoreline use. The City currently allows home occupations that meet

performance standards as an accessory use to a principal residential use. The proposal does not modify development standards that would permanently increase the height, bulk, or scale of any home occupation or preclude the development of housing. It does increase the size of signs permitted associated with a home occupation.

On a temporary basis, the intensity of business activity associated with a home occupation and the number of home occupations may increase at scattered sites throughout the city. Home occupations may post larger signs than they otherwise would have. This could result in home occupations located in residential zones having a more commercial aspect. However, the proposal requires that properties and structures be returned to their prior condition when the interim controls lapse. Larger signs would need to be removed. Consequently, land use impacts, if any, are likely to be scattered throughout the city, limited in duration, and are unlikely to be significant.

Transportation, Parking, Public Services and Utilities

On a temporary basis, there may be increased traffic and on-street parking demand associated with increased customers, additional employees visiting a home occupation, and use of off-street parking for activities of the home occupation. Those impacts would be temporary in duration and unlikely to be significant due to the fact that the proposal maintains limitations on the types of auto-oriented home occupations that generate the most traffic and on-street parking demand. Consequently, the proposal would not be likely to generate significant direct, indirect, or cumulative adverse impacts on transportation, parking, public services, or utilities.

PUBLIC COMMENT

The Land Use and Neighborhoods Committee will hold a public hearing on the Ordinance on Wednesday, April 28, 2021 at 9:30 AM. The hearing will be held in the:

**City Council Chambers
2nd floor, Seattle City Hall
600 Fourth Avenue**

Due to the COVID-19 civil emergency declared by the City and the State of Washington, persons who wish to participate in or attend the hearing may be required to do so remotely. The City will provide instructions in the meeting agenda on how to participate remotely. Please check the Committee agenda a few days prior to the meeting at <http://www.seattle.gov/council/committees> at the regularly scheduled committee meeting.

Comments regarding this DNS or potential environmental impacts may be submitted through April 26, 2021. Comments may be sent to:

**Seattle City Council Central Staff
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Responsible Official

Signature: <u>Lish Whitson</u>	
Lish Whitson, Legislative Analyst	Date

Signature: Lish Whitson
Lish Whitson (Apr 8, 2021 15:00 PDT)

Email: LISH.WHITSON@SEATTLE.GOV