

Summary of environmental protections in other codes and rules for each of SEPA’s elements of the environment

The bill adjusts State Environmental Policy Act (SEPA) thresholds to allow projects in Downtown Seattle to be categorically exempt from review under SEPA if they contain less than 200 residential units¹ or less than 30,000 square feet of non-residential space.² Projects of this size that include at least 40 parking spaces or are over water would still be subject to SEPA review.

Of the residential projects that applied for Master Use Permits in the last ten years in Downtown Seattle which proposed between 100 and 250 units, only one provided less than 40 parking spaces. All others were subject to SEPA. The one residential project with more than 100 units that did not include parking participated in the “[Living Building Challenge](#)” pursuant to Seattle Municipal Code (SMC) [23.40.060](#) and will exceed the City’s energy, wastewater, and other environmental requirements. Some other residential projects with fewer than 100 units proposed sufficient non-residential space to require environmental review under SEPA. The smallest projects did not exceed the threshold and therefore were not subject to SEPA. The only SEPA conditions applied to residential or mixed-use projects were related to construction impacts. The City did not impose any long-term SEPA conditions.

There were no solely non-residential projects in Downtown Seattle that included between 12,000 and 30,000 square feet of non-residential space over the last ten years. Looking at the projects with less than 100,000 square feet, most had no conditioning or mitigation under SEPA. The three that were conditioned only had conditions related to short-term construction impacts.

The following table shows how the elements of the environment that are analyzed under SEPA are addressed by other existing City, State and Federal codes and rules.

¹ The current threshold is 20 units, a threshold of 250 units would apply if Downtown Seattle had not exceeded the amount of housing growth the Comprehensive Plan estimated to occur Downtown between 2015 and 2035.

² The current threshold is 12,000 square feet of non-residential space. A threshold of 30,000 square feet would apply if Downtown Seattle had not exceeded the amount of job growth the Comprehensive Plan estimated to occur Downtown between 2015 and 2035.

Table 1

SEPA Authority by Element of the Environment (from 25.05.444)	How Addressed by Other Codes/Rules*
Air Quality	<ul style="list-style-type: none"> • Regional air quality oversight addresses policies and rules on air quality attainment status on a neighborhood or sub-area basis. Additional authority provided by Puget Sound Clean Air Agency (PSCAA), Environmental Protection Agency, Clean Air Act, and the state Department of Ecology. The energy code prohibits the use of natural gas heating in new buildings taller than three stories.
Construction Impacts - Air Quality	<ul style="list-style-type: none"> • Building code contains provisions for the removal of hazardous and combustible materials (Section 3303). • PSCAA rules and best practices apply to mitigate impacts from fugitive dust and other potentially hazardous demolition waste materials, such as lead. • PSCAA permit required for asbestos removal and includes survey and mitigation measures for dust control techniques and use of toxic air control technologies.
Construction Impacts – Noise	<ul style="list-style-type: none"> • Noise Code sets a limit of 7 PM on noisy work in most zones in or near residential areas (25.08.425), includes LR, MR, HR, NC, RC zones. • Noise Code includes daytime/nighttime noise level limits (25.08.410-425) • Major Public Project Construction Noise Variance (25.08.655)
Construction Impacts – Parking/Traffic/Streets/ Pedestrian Safety	<ul style="list-style-type: none"> • Street Use and Traffic Codes (Titles 15 & 11) contain authority to regulate: <ul style="list-style-type: none"> ○ Pedestrian safety measures, ○ Street and sidewalk closures, ○ Truck traffic timing and haul routes, and ○ Any planned use of the street for construction purposes (material, equipment storage). • Land Use Code (23.42.044) includes authority to manage construction-related parking.
Earth/Environmentally Critical Areas /Water Quality/ Drainage/ Plants and Animals	<ul style="list-style-type: none"> • Environmentally Critical Area Code includes mitigation for landslide hazards, steep slopes, unstable soils, wetlands, flood prone and fish/wildlife habitat areas (25.09). Consistent with RCW

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	<p>Ch. 36.70A and WAC Ch. 365-190 guidance (also ref: Wash. Dept. of Commerce 2018 Critical Areas Handbook).</p> <ul style="list-style-type: none"> • Seattle’s Building and Construction codes include provisions that regulate development in seismic hazard areas. • In addition, the Stormwater, Grading & Drainage ordinances and Shoreline regulations (Chapter 23.60A) include environmental & water quality protections, to meet applicable State guidance that includes: the 2019 Stormwater Management Manual for Western Washington, and State Shoreline Master Program guidelines (WAC 173-26). Development over water is not categorically exempt, and SEPA will continue to apply to development in the Shoreline district.
Energy	<ul style="list-style-type: none"> • Energy Codes required by the City and the State mandate high levels of energy efficiency. • City Light utility system improvements, if any, are required to provide service to new development. This can include local improvements and at distances from sites if the needs warrant such improvements. • Various City policies, programs and rules address energy conservation and efficient building designs (LEED; Energy Star).
Environmental Health	<ul style="list-style-type: none"> • Federal, state and regional regulations are the primary means of mitigating risks associated with hazardous and toxic materials. • Regulations for telecommunications facilities in the Land Use Code also apply within this category.
<p>Housing</p> <p><i>SEPA authority is narrowly defined: “Compliance with legally valid City ordinance provisions relating to housing relocation, demolition and conversion shall constitute compliance with this [SEPA] housing policy.” SMC 25.05.675.1.2.c.</i></p>	<ul style="list-style-type: none"> • Land Use, housing and building maintenance, and other codes include provisions to encourage housing preservation, especially for low-income persons; as well as tenant relocation assistance, and incentives for affordable housing. • Low-income housing preservation is a high-priority for City public projects and programs, per SEPA policy (25.05.675.1.1.b.4). • “Mandatory Housing Affordability” affordable housing impact mitigation programs for commercial and residential development (Chapters 23.58B and 23.58C).

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Historic Preservation/ Archaeological Sites	<ul style="list-style-type: none"> • Landmarks Preservation Ordinance remains in place for landmark preservation (Chapter 25.12) • Existing policy and practices are in place for SDCI to refer permit applicants to the City Historic Preservation Officer (CHPO) for potential survey and landmark nomination. These include requirements under Table A for Footnote (1) for 25.05.800.B.6. and 25.05.800.B.7 that require review by the CHPO when additions, modifications, demolition or replacement of structures in Downtown Seattle with more than 20 units or more than 4,000 square feet of non-residential space are proposed. • SDCI Director’s Rule 2-98: Clarification of State Environmental Policy Act (SEPA) Historic Preservation Policy for potential archaeologically significant sites and requirements for archeological assessments • Federal and state regulations address protection of cultural/archaeological resources (including RCW Chapters 27.34, 27.53, 27.44, 79.01 and 79.90 RCW; and WAC Chapter 25.48).
Land Use/Height, Bulk & Scale/Shadows on Open Spaces	<ul style="list-style-type: none"> • Design Review process applies at various thresholds and provides the venue for addressing these topics (Chapter 23.41). With recent adjustments, Design Review now applies to a greater range of locations and developments, which may depend on surrounding property context. In the densest Downtown zones (DOC1, DOC2 and DMC) design review is required for buildings with at least 50,000 square feet, in other Downtown zones design review is required for buildings with at least 20,000 square feet. This is equivalent to a 40 unit or smaller building in the lower-density Downtown zones or 100 unit or smaller building in the higher-density Downtown zones. • Land Use Code development standards address the scale of development and other aspects related to compatibility.
Light and Glare	<ul style="list-style-type: none"> • Land Use Code screening and landscaping, lighting directional/shielding standards provide mitigation. • Design Review can address this topic as well.
Noise	<ul style="list-style-type: none"> • Noise Control Code provides for daytime and nighttime noise limits, and authority to mitigate impacts related to exceeding noise level limits and specific noise generating activities.

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<p>Public Services and Facilities/Utilities</p>	<ul style="list-style-type: none"> • Authority for requiring utility improvements and using building features that reduce demand for utilities is identified in rules, codes and policies and are applied during permitting reviews. These include construction codes including the Seattle Building Code, Seattle Electrical Code, Seattle Energy Code, and Seattle Fuel Gas Code (see 22.101.010); the Seattle Plumbing Code (Chapter 22.502), and the Stormwater Code (Chapter 22.800) and rules promulgated by the Seattle Department of Construction and Inspections, Seattle Public Utilities, and Seattle City light pursuant to those codes. This includes water, sewer, storm drain & electrical system improvements. • Permit applications are referred to other departments for input, if facilities or services might be affected, such as police or fire protection. • Public service and utility impact analyses to address growth impacts are addressed through area planning initiatives in conjunction with supporting area-wide SEPA reviews, as is done for subarea rezones.
<p>Public View Protection</p> <p><i>Applies to public views from designated public viewpoints, parks, scenic routes and view corridors to features such as mountains, skyline & water. Does not apply to views from private property.</i></p>	<ul style="list-style-type: none"> • Design Review can address individual development view impact consideration and mitigation. • View considerations, such as along specific streets, are commonly addressed during area planning and rezoning efforts. Commonly used approaches include height limits and upper-level setbacks incorporated into new zoning. In Downtown Seattle setbacks are required to preserve key view corridors.
<p>Traffic and Transportation</p>	<ul style="list-style-type: none"> • Land Use Code requires transportation study & mitigation (Chapter 23.52) for projects in Downtown Seattle with more than 81 residential units that are no longer subject to SEPA. • Per Section 23.52.004 citywide level-of-service standards, new development of certain size in certain locations must include action to help achieve single-occupant-vehicle reduction target, by geographic sector. • Street use permitting (15.04, 11.16) & Right of Way Improvements Manual include mitigation authority for: access point control, street/ intersection configuration, bike parking and signage.

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	<ul style="list-style-type: none"> • Projects with 40 parking spaces or more are required to be analyzed under SEPA.

*All citations are Seattle Municipal Code, unless indicated. RCW = Revised Code of Washington. WAC = Washington Administrative Code.