

Amendment 1 Version 3 to CB 121093 – Threshold Changes for SEPA Review

Sponsor: Councilmembers Rinck

Restore lower thresholds for flexible-use parking

Effect: This amendment would (1) reduce the threshold for State Environmental Policy Act (SEPA) review for non-accessory, flexible-use parking to 20 spaces from the proposed threshold of 90 spaces, in all zones except Industrial and Maritime zones; establish a separate threshold of 90 spaces applicable to flexible-use parking in Industrial and Maritime zones; and (3) update current and proposed language describing parking.

Pursuant to the amendment, clearing or redevelopment of a parcel for flexible-use parking for more than 20 vehicles as either surface parking or a parking structure would require SEPA review. Twenty spaces is the minimum threshold for SEPA review under state law.¹ The amendment would also add a recital related to the Seattle Department of Construction and Inspections authority to promulgate by rule interpretations of categorical exemptions.

Flexible-use parking is “a use in which an open area or garage is provided for the parking of vehicles by the public, and is not reserved or required to accommodate occupants, clients, customers, or employees of a particular establishment or premises.”² [Ordinance 125558 \(2018\)](#) introduced the definition of flexible-use parking, which replaced the definition of principal use parking for most regulatory purposes. Flexible-use parking can be paid parking and is distinct from parking that is accessory to a principal use. The amendment also strikes the term “lot” for clarity purposes to ensure that the threshold is applied to both surface and structured parking.³

Amend recitals as follows:

WHEREAS, the combined proposal further standardizes and simplifies codes to ensure future development proposals will address transportation, preservation of archaeological and cultural resources, and other impacts without the need for SEPA review for most individual developments;

¹ [Washington Administrative Code \(WAC\) 197-11-800](#).

² [Seattle Municipal Code \(SMC\) Section 23.84A.038](#). “Parking, flexible-use” is defined under “Transportation facility.”

³ For the purposes of the Land Use Code, the term “parking” when used as a noun applies to both surface parking and structured parking. [SMC 23.84A.030](#).

WHEREAS, the Seattle Department of Construction and Inspections has the authority to promulgate by director's rule interpretations of SEPA exemptions for changes of use between categories of uses, expansions of outdoor areas of use, and cumulative expansions of uses; and

WHEREAS, the proposal is consistent with other state SEPA-related requirements and limits indicated in WAC 197-11-800, and related provisions; NOW, THEREFORE,

Amend Section 7 of CB 121093, as follows:

Section 7. Section 25.05.800 of the Seattle Municipal Code, last amended by Ordinance 127375, is amended as follows:

25.05.800 Categorical exemptions

The proposed actions contained in this Section 25.05.800 are categorically exempt from threshold determination and environmental impact statement requirements, subject to the rules and limitations on categorical exemptions contained in Section 25.05.305.

A. Minor new construction; flexible thresholds

2. The following types of construction are exempt, except when undertaken wholly or partly on lands covered by water:

d. The construction of ~~((a))~~ flexible-use principal-use parking ~~((lot))~~ designed for ~~((40))~~ 90 20 or fewer automobiles, as well as the addition of spaces to existing lots up to a total of ~~((40))~~ 90 20 spaces, in all zones other than Industrial and Maritime zones;

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D#2

e. The construction of flexible-use parking designed for 90 or fewer automobiles, as well as the addition of spaces to existing lots up to a total of 90 spaces, in Industrial and Maritime zones;

[Re-letter the Remainder of the Subsection]