



SEATTLE CITY COUNCIL

Land Use Committee

Agenda

Wednesday, December 3, 2025

2:00 PM

Council Chamber, City Hall
600 4th Avenue
Seattle, WA 98104

Eddie Lin, Chair
Dan Strauss, Vice-Chair
Debora Juarez, Member
Alexis Mercedes Rinck, Member
Maritza Rivera, Member

Chair Info: 206-684-8802; Eddie.Lin@seattle.gov

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December 3, 2025 - 2:00 PM

Meeting Location:

Council Chamber, City Hall, 600 4th Avenue, Seattle, WA 98104

Committee Website:

<https://www.seattle.gov/council/committees/land-use>

This meeting also constitutes a meeting of the City Council, provided that the meeting shall be conducted as a committee meeting under the Council Rules and Procedures, and Council action shall be limited to committee business. Pursuant to Council Rule VI.C.10, members of the public providing public comment in Chambers will be broadcast via Seattle Channel.

Members of the public may register for remote or in-person Public Comment to address the Council. Speakers must be registered in order to be recognized by the Chair. Details on how to register for Public Comment are listed below:

Remote Public Comment - Register online to speak during the Public Comment period at the meeting at <https://www.seattle.gov/council/committees/public-comment>. Online registration to speak will begin one hour before the meeting start time, and registration will end at the conclusion of the Public Comment period during the meeting.

In-Person Public Comment - Register to speak on the public comment sign-up sheet located inside Council Chambers at least 15 minutes prior to the meeting start time. Registration will end at the conclusion of the Public Comment period during the meeting.

Please submit written comments no later than four business hours prior to the start of the meeting to ensure that they are distributed to Councilmembers prior to the meeting. Comments may be submitted at Council@seattle.gov or at Seattle City Hall, Attn: Council Public Comment, 600 4th Ave., Floor 2, Seattle, WA 98104. Business hours are considered 8 a.m. - 5 p.m. Comments received after that time will be distributed after the meeting to Councilmembers and included as part of the public record.

Please Note: Times listed are estimated

A. Call To Order

B. Approval of the Agenda

C. Public Comment

D. Items of Business

1. [CB 121135](#) **AN ORDINANCE** relating to land use and zoning; revising requirements for transportation impact analyses, transportation management plans, and construction management plans; adding new Sections 23.52.010 and 23.52.012 to the Seattle Municipal Code; amending the title of Chapter 23.52, Subchapter II, of the Seattle Municipal Code; and amending Sections 15.04.035, 23.48.230, 23.48.290, 23.48.610, 23.48.710, 23.49.019, 23.50A.360, 23.52.008, 23.71.018, and 23.90.018 of the Seattle Municipal Code.

Supporting Documents: [Summary and Fiscal Note](#)
 [Director's Report](#)

Briefing and Discussion

Presenter: To be determined, Seattle Department of Construction and Inspections (SDCI)

2. [CB 121093](#) **AN ORDINANCE relating to land use and zoning; revising environmental review thresholds and related provisions addressing transportation-related requirements, and archaeological, and cultural resource preservation requirements; amending the title of Chapter 23.52, the title of Subchapter I of Chapter 23.52, and Sections 22.170.050, 22.170.070, 22.170.190, 23.52.004, and 25.05.800 of the Seattle Municipal Code.**

Attachments: [Full Text: CB 121093 v1](#)

Supporting

Documents: [Summary and Fiscal Note](#)

[Director's Report](#)

[Presentation \(10/31/2025\)](#)

Briefing and Discussion

Presenter: To be determined, SDCI

3. **FEMA Floodplains Legislation**

Briefing and Discussion

Presenter: To be determined, SDCI

E. Adjournment



Legislation Text

File #: CB 121135, **Version:** 1

CITY OF SEATTLE

ORDINANCE _____

COUNCIL BILL _____

AN ORDINANCE relating to land use and zoning; revising requirements for transportation impact analyses, transportation management plans, and construction management plans; adding new Sections 23.52.010 and 23.52.012 to the Seattle Municipal Code; amending the title of Chapter 23.52, Subchapter II, of the Seattle Municipal Code; and amending Sections 15.04.035, 23.48.230, 23.48.290, 23.48.610, 23.48.710, 23.49.019, 23.50A.360, 23.52.008, 23.71.018, and 23.90.018 of the Seattle Municipal Code.

WHEREAS, RCW 43.21C.229 was amended in 2023 to encourage more housing and infill development in urban areas, enabling jurisdictions to adopt additional efficiencies in relation to State Environmental Policy Act (SEPA) requirements; and

WHEREAS, The City of Seattle is adopting an updated Comprehensive Plan that defines new growth planning objectives, including citywide prescriptions for the amount of residential and employment growth for the next 20 years; and

WHEREAS, an Environmental Impact Statement (EIS) has been completed for the Comprehensive Plan update that considers the uses and proposed density proposed for changes in SEPA categorical exemption levels, and has fulfilled other obligations indicated in RCW 43.21C.229; and

WHEREAS, environmental analysis, protection, and mitigation are adequately addressed for SEPA-exempted development through adopted comprehensive plans, subarea plans, and other applicable local, state and federal development regulations; and

WHEREAS, the proposal further standardizes and simplifies codes to ensure future development proposals will address transportation and other impacts without the need for SEPA review for most individual

developments; and

WHEREAS, the proposal confirms and standardizes requirements for transportation management plans and construction management plans that support long-term transportation travel efficiencies, and avoid or minimize congestion during construction periods; NOW, THEREFORE,

BE IT ORDAINED BY THE CITY OF SEATTLE AS FOLLOWS:

Section 1. Section 15.04.035 of the Seattle Municipal Code, last amended by Ordinance 126732, is amended as follows:

15.04.035 Application review considerations

A. If the application conforms to the requirements of this Title 15 and the proposed use is consistent with the rights of the public to use the public place, the authorizing official may approve or modify the application; fix the duration and the terms or conditions of the permit; and when required upon the applicant's furnishing of a deposit, surety bond or other approved form of surety, insurance, covenant, and indemnification, and payment of all required fees, issue the permit. The original permit shall be retained by the City, and a copy shall be made available to the permittee and shall be posted or made available at the site by the permittee.

1. The Director of Transportation may, as deemed appropriate, condition the Street Use permit to address the potential impacts associated with the permitted activity.

2. The Director of Transportation may require applicants to establish a trust account in accordance with Section 15.04.042 or post a surety bond or other approved form of surety in accordance with Section 15.04.044.

B. If a development application meets thresholds in Section 23.52.012, review of associated permit applications under this Title 15 shall consider and be subject to a construction management plan required under Section 23.52.012.

~~((B-))~~ C. The permit may specify the portion of the public place that may be occupied, the dates or days and hours of use, and the allowed use, and shall only be valid for those specifications as approved by the Director of Transportation.

~~((C-))~~ D. Factors for consideration in reviewing an application include, but are not limited to, the applicant's constitutional rights and the abutter's property rights; the site and its terrain; the proposed use's effect on the public; and the impact of the proposed use on the following:

1. The paramount purpose of streets for travel and all modes of transportation;
2. Utilities; authorized secondary street uses; and any use being made by the public of the site;
3. Fire and medical access and public safety;

4. Uses under permit; street trees; and other proposed or past uses of the site;
5. Rights of light, air, and access and lateral support of abutting properties and on access or easements of properties dependent upon the public place for access;
6. The environment, including but not limited to efforts to minimize impervious surface, loss of native vegetation, and stormwater runoff;
7. Drainage, surface, and underground; springs and watercourses; wetlands or environmentally critical areas; and the stability of soils;
8. Where applicable, City land use, transportation, open space, shoreline, gardening, and maintenance policies and approved neighborhood land use plans; and
9. The ease of removal of the proposed use or the ability to return or restore the public place to original condition.

((D-)) E. In addition to the considerations in subsection ((15.04.035-C)) 15.04.035.D, where the following situations occur, factors for consideration include:

1. For public places under the jurisdiction of Seattle Parks and Recreation, their character as a park drive or boulevard, or as open space;
2. For shoreline street ends, their purpose to provide the public with visual or physical access to the water and the shoreline;
3. For submerged streets, Title 16;
4. For environmentally critical areas, the requirements of Chapter 25.09;
5. For streets or public places in the process of being vacated, the use after the vacation; and
6. For public places located in a Landmark District or Historic District subject to the provisions of Title 23 or 25, a certificate of approval from the appropriate board or commission where required.

((E-)) F. The Director of Transportation may grant a deviation from required standards using the process specified in the Right-of-Way Improvements Manual or successor rule upon determining that adequate space is provided for pedestrian passage, traffic management, and any other public-use purpose.

((F-)) G. For Street Use permits, the Director of Transportation may determine that an application has expired when the applicant has not responded to a request for additional information within six months of that request, or six months from the date of written notice that the permit is ready to issue, except for Street Use Vending applications subject to subsection 15.17.006.B. These applications may be closed by the Director of Transportation upon expiration.

Section 2. Section 23.48.230 of the Seattle Municipal Code, last amended by Ordinance 125291, is amended as follows:

23.48.230 Additional height in certain SM-zoned areas in the South Lake Union Urban Center

* * *

F. Transportation Management Program (TMP). ~~((The Master Use Permit application shall include a TMP for non-residential development consistent with requirements for TMPs in the applicable Director's Rule. The TMP shall be approved by the Director only if, after consulting with the Director of Transportation, the Director determines that no more than 40 percent of trips to and from the project will be made using single-occupant vehicles (SOVs).))~~ A TMP shall be required and prepared according to the provisions of Section 23.52.010 and any applicable Director's Rules.

~~((1. For purposes of measuring attainment of SOV goals contained in the TMP, the number of SOV trips shall be calculated for the p.m. hour in which an applicant expects the largest number of vehicle trips to be made by employees at the site (the p.m. peak hour of the generator).~~

~~2. Compliance with this Section 23.48.230 does not affect the responsibility of any employer to comply with Seattle's Commute Trip Reduction (CTR) Ordinance.))~~

Section 3. Section 23.48.290 of the Seattle Municipal Code, enacted by Ordinance 125291, is amended as follows:

23.48.290 Transportation management programs

~~((A. When a development is proposed that is expected to generate 50 or more employee single-occupant vehicle (SOV) trips in any one p.m. hour, the applicant shall prepare and implement a Transportation Management Program (TMP) consistent with requirements for TMPs in any applicable Director's Rule.~~

~~1. For purposes of measuring attainment of SOV goals contained in the TMP, the proportion of SOV trips shall be calculated for the p.m. hour in which an applicant expects the largest number of vehicle trips to be made by employees at the site (the p.m. peak hour of the generator). The proportion of SOV trips shall be calculated by dividing the total number of employees using an SOV to make a trip during the expected peak hour by the total number of employee person trips during the expected peak hour.~~

~~2. Compliance with this section does not supplant the responsibility of any employer to comply with Seattle's Commute Trip Reduction (CTR) Ordinance.~~

~~B. An applicant who proposes multifamily development that is expected to generate 50 or more vehicle trips in any one p.m. hour or demand for 25 or more vehicles parking on the street overnight shall prepare and implement a TMP. The TMP shall be consistent with requirements for TMPs in any applicable Director's Rule. For purposes of measuring attainment of the SOV goal, the proportion of SOV trips shall be calculated for the p.m. hour in which an applicant expects the largest number of vehicle trips to be~~

made by residents of the site (the p.m. peak hour of the generator). The proportion of SOV trips shall be calculated by dividing the total number of residential trips made by SOV during the expected peak hour by the total number of residential person trips.

C. Each owner subject to the requirements of this section shall prepare a TMP as described in rules promulgated by the Director, as part of the requirements for obtaining a master use permit.

D. The TMP shall be approved by the Director if, after consulting with Seattle Department of Transportation, the Director determines that the TMP measures are likely to achieve the mode share targets for trips made by travel modes other than driving alone for the South Lake Union Urban Center in 2035 that are contained in Seattle's Comprehensive Plan's Transportation Element.

E. All requirement to prepare and implement a TMP according to this Section 23.48.290 or to achieve additional floor area or additional height pursuant to subsections 23.48.021.D.2 or 23.48.230.f shall be satisfied solely by compliance with this Section 23.48.290.)) A TMP shall be required and prepared according to the provisions of Section 23.52.010 and any applicable Director's Rules.

Section 4. Section 23.48.610 of the Seattle Municipal Code, enacted by Ordinance 125267, is amended as follows:

23.48.610 Transportation management programs

((A. When a development is proposed that is expected to generate 50 or more employee or student single-occupant vehicle (SOV) trips in any one p.m. hour, the applicant shall prepare and implement a Transportation Management Program (TMP) consistent with requirements for TMPs in any applicable Director's Rule.

1. For purposes of measuring attainment of SOV goals contained in the TMP, the proportion of SOV trips shall be calculated for the p.m. hour in which an applicant expects the largest number of vehicle trips to be made by employees and students at the site (the p.m. peak hour of the generator). The proportion of SOV trips shall be calculated by dividing the total number of employees and students using an SOV to make a trip during the expected peak hour by the total number of employee and student person trips during the expected peak hour.

2. Compliance with this Section does not supplant the responsibility of any employer to comply with Chapter 25.02.

B. An applicant who proposes multifamily development that is expected to generate 50 or more vehicle trips in any one p.m. hour or demand for 25 or more vehicles parking on the street overnight shall prepare and implement a TMP. The TMP shall be consistent with requirements for TMPs in any applicable Director's Rule. For purposes of measuring attainment of the SOV goal, the proportion of SOV trips shall be calculated for the p.m. hour in which an applicant expects the largest number of vehicle trips to be made by residents of the site (the p.m. peak hour of the generator). The proportion of SOV trips shall be calculated by dividing the total number of residential trips made by SOV during the expected peak hour by the total number of residential person trips.

C. Each owner subject to the requirements of this Section shall prepare a TMP as described in rules promulgated by the Director, as part of the requirements for obtaining a master use permit.

D. The TMP shall be approved by the Director if, after consulting with the Seattle Department of Transportation, the Director determines that the TMP measures are likely to achieve the mode share targets for trips made by travel modes other than driving alone for the University Community Urban Center in 2035 that are contained in Seattle's Comprehensive Plan's Transportation Element.)) A TMP shall be required and prepared according to the provisions of Section 23.52.010 and any applicable Director's Rules.

Section 5. Section 23.48.710 of the Seattle Municipal Code, enacted by Ordinance 125432, is amended as follows:

23.48.710 Transportation management programs

~~((A. When a development is proposed that is expected to generate 50 or more employee single-occupant vehicle (SOV) trips in any one p.m. hour, the applicant shall prepare and implement a Transportation Management Program (TMP) consistent with requirements for TMPs in any applicable Director's Rule.~~

~~1. For purposes of measuring attainment of SOV goals contained in the TMP, the proportion of SOV trips shall be calculated for the p.m. hour in which an applicant expects the largest number of vehicle trips to be made by employees and students at the site (the p.m. peak hour of the generator). The proportion of SOV trips shall be calculated by dividing the total number of employees and students using an SOV to make a trip during the expected peak hour by the total number of employee and student person trips during the expected peak hour.~~

~~2. Compliance with this section does not supplant the responsibility of any employer to comply with Seattle's Commute Trip Reduction (CTR) Ordinance.~~

~~B. An applicant who proposes multifamily development that is expected to generate 50 or more vehicle trips in any one p.m. hour or demand for 25 or more vehicles parking on the street overnight shall prepare and implement a TMP. The TMP shall be consistent with requirements for TMPs in any applicable Director's Rule. For purposes of measuring attainment of the SOV goal, the proportion of SOV trips shall be calculated for the p.m. hour in which an applicant expects the largest number of vehicle trips to be made by residents of the site (the p.m. peak hour of the generator). The proportion of SOV trips shall be calculated by dividing the total number of residential trips made by SOV during the expected peak hour by the total number of residential person trips.~~

~~C. Each owner subject to the requirements of this section shall prepare a TMP as described in rules promulgated by the Director, as part of the requirements for obtaining a master use permit.~~

~~D. The TMP shall be approved by the Director if, after consulting with Seattle Department of Transportation, the Director determines that the TMP measures are likely to achieve the mode share targets for trips made by travel modes other than driving alone~~

for the Uptown Urban Center in 2035 that are contained in Seattle's Comprehensive Plan's Transportation Element.)) A TMP shall be required and prepared according to the provisions of Section 23.52.010 and any applicable Director's Rules.

Section 6. Section 23.49.019 of the Seattle Municipal Code, last amended by Ordinance 125815, is amended as follows:

23.49.019 Parking quantity, location, and access requirements, and screening and landscaping of parking areas

* * *

J. Transportation management programs

~~((1. When a development is proposed that is expected to generate 50 or more employees single-occupant vehicle (SOV) trips in any one p.m. hour, the applicant shall prepare and implement a Transportation Management Program (TMP) consistent with requirements for TMPs in any applicable Director's Rule.~~

~~a. For purposes of measuring attainment of SOV goals contained in the TMP, the proportion of SOV trips shall be calculated for the p.m. hour in which an applicant expects the largest number of vehicle trips to be made by employees at the site (the p.m. peak hour of the generator). The proportion of SOV trips shall be calculated by dividing the total number of employees using an SOV to make a trip during the expected peak hour by the total number of employee person trips during the expected peak hour.~~

~~b. Compliance with this section does not supplant the responsibility of any employer to comply with Seattle's Commute Trip Reduction (CTR) Ordinance.~~

~~2. An applicant who proposes multifamily development that is expected to generate 50 or more vehicle trips in any one p.m. hour or demand for 25 or more vehicles parking on the street overnight shall prepare and implement a TMP. The TMP shall be consistent with requirements for TMPs in any applicable Director's Rule. For purposes of measuring attainment of the SOV goal, the proportion of SOV trips shall be calculated for the p.m. hour in which an applicant expects the largest number of vehicle trips to be made by residents of the site (the p.m. peak hour of the generator). The proportion of SOV trips shall be calculated by dividing the total number of residential trips made by SOV during the expected peak hour by the total number of residential person trips.~~

~~3. Each owner subject to the requirements of this section shall prepare a TMP as described in rules promulgated by the Director, as part of the requirements for obtaining a master use permit.~~

~~4. The TMP shall be approved by the Director if, after consulting with the Seattle Department of Transportation, the Director determines that the TMP measures are likely to achieve the mode share targets for trips made by travel modes other than driving alone for the Downtown Urban Center in 2035 that are contained in Seattle's Comprehensive Plan's Transportation Element.))~~

A TMP shall be required and prepared according to the provisions of Section 23.52.010 and any applicable Director's Rules.

* * *

Section 7. Section 23.50A.360 of the Seattle Municipal Code, enacted by Ordinance 126862, is amended as follows:

23.50A.360 Transportation management programs in the Industry and Innovation zone

~~((A. When a development is proposed that is expected to generate 50 or more employee single-occupant vehicle (SOV) trips in any one p.m. hour, the applicant shall prepare and implement a Transportation Management Program (TMP) consistent with requirements for TMPs in any applicable Director's Rule.~~

~~1. For purposes of measuring attainment of SOV goals contained in the TMP, the proportion of SOV trips shall be calculated for the p.m. hour in which an applicant expects the largest number of vehicle trips to be made by employees at the site (the p.m. peak hour of the generator). The proportion of SOV trips shall be calculated by dividing the total number of employees using an SOV to make a trip during the expected peak hour by the total number of employee person trips during the expected peak hour.~~

~~2. Compliance with this section does not supplant the responsibility of any employer to comply with Chapter 25.02.~~

~~B. Each owner subject to the requirements of this Section 23.50A.360 shall prepare a TMP as described in rules promulgated by the Director, as part of the requirements for obtaining a master use permit.~~

~~C. The TMP shall be approved by the Director if, after consulting with Seattle Department of Transportation, the Director determines that the TMP measures are likely to achieve a mode share target that is the average of mode share targets for Urban Centers with the exception of the Downtown Urban Center in Seattle 2035 for trips made by employees driving alone who would work in the proposed development.)) A TMP shall be required and prepared according to the provisions of Section 23.52.010 and any applicable Director's Rules.~~

Section 8. The title of Subchapter II of Chapter 23.52 of the Seattle Municipal Code, which section was last amended by Ordinance 126157, is amended as follows:

Subchapter II Transportation Impact ~~((Mitigation))~~ Analysis for Actions Exempt from SEPA Review

Section 9. Section 23.52.008 of the Seattle Municipal Code, last amended by Ordinance 126157, is amended as follows:

23.52.008 Applicability of this Subchapter II

A. Applicability. The requirements of this Subchapter II apply to proposed new development as described in Table A for 23.52.008. ~~((Development))~~ This type of impact analysis is not required for development located within ((an urban center or urban village)) a regional center or major transit service area, or that is subject to SEPA environmental review per Chapter 25.05 ((is exempt from this Subchapter II of Chapter 23.52)).

((Table A for 23.52.008 Development Location and Thresholds

Development location	Number of dwelling units	Gross square feet of non-residential uses ¹ when located in a mixed-use development ²
Urban centers, other than the Downtown Urban Center	31 to 200	Greater than 12,000 up to 30,000
Downtown Urban Center	81 to 250	Greater than 12,000 up to 30,000
Urban villages	31 to 200	Greater than 12,000 up to 30,000
Outside urban centers and urban villages	NA	NA
NA: Not applicable Footnotes to Table A for 23.52.008: ¹ Not including gross floor area dedicated to accessory parking. ² The mixed-use development must contain at least one dwelling unit.))		

Table A for 23.52.008 Development location and size that requires a transportation impact analysis in a SEPA-exempt development

Development Location	Gross square feet of non-residential non-retail uses in a stand-alone non-residential use development ¹	Gross square feet of non-residential non-retail uses ¹ in a mixed-use development ²
Within regional centers and major transit service areas ³	Exempt	Exempt
Within portions of urban centers that exclude major transit service areas ³	40,001 to 65,000	40,001 and greater
Outside regional centers, urban centers, and major transit service areas ³	40,001 to 65,000	40,001 and greater

Footnotes to Table A for 23.52.008 ¹ Not including gross floor area dedicated to accessory parking. The mixed-use development must contain at least one dwelling unit. ² Major transit service areas locations within 2,640 feet walking distance of a stop served by a major transit service, as shown on map adopted by Director's Rule.

B. Transportation ((Impact)) impact analysis required. Applicants for proposed development shall submit with the development permit application an analysis of potential transportation impacts that may result from the proposed development, including but not limited to impacts on the roadway system, transit system, and bicycle and pedestrian networks. The transportation impact analysis must contain the following:

1. Number of additional daily and peak hour vehicular trips;
2. Likely distribution of project traffic and effects on traffic operations;
3. Availability and expected usage of transit;

4. Existing vehicular, pedestrian, and bicycle conditions, including access and connections to transit and bicycle facilities; and

5. Collision history.

C. Impact mitigation((:))

1. Based upon the results of the transportation impact analysis, the Director may condition permit approval, as a Type I decision, to mitigate or prevent transportation impacts.

~~((1.))~~ 2. ~~((Except as provided by subsection 23.52.008.C.2, required))~~ Required mitigation may include, but is not limited to:

a. Changes in access;

b. Changes in the location, number, and size of curb cuts and driveways;

c. Provision of transit incentives, including transit pass subsidies;

d. Bicycle parking, and shower facilities for bicycle commuters;

e. Signage, including wayfinding;

f. Improvements to vehicular, pedestrian, and bicycle facilities or operations including signalization, turn channelization, right-of-way dedication, street widening, pedestrian and bicycle facilities improvements, and lighting;

g. Transportation management ~~((plans))~~ programs;

h. Parking management strategies including, but not limited to, unbundling parking from building-space leases, reserved parking spaces for vanpools, and reduction in the amount of parking to be provided; ~~((and))~~

i. Participation in a transportation mitigation payment program or transportation management association, where available~~((:))~~ ; and

j. Support for enhanced public transportation service, ride-sharing programs, demand management, transportation systems management strategies, or other similar strategies, either as part of or

separately from a transportation management program or transportation mitigation payment program.

~~((2. Mitigation that may be required for residential projects in downtown zones or the residential portion of mixed-use projects in downtown zones is limited to:~~

- ~~a. Signage, including wayfinding;~~
- ~~b. Provision of information on transit and ride-sharing programs;~~
- ~~c. Bicycle parking; and~~
- ~~d. Transportation management plans.))~~

Section 10. A new Subchapter III, which includes new Sections 23.52.010 and 23.52.012, is added to Chapter 23.52 of the Seattle Municipal Code as follows:

Subchapter III Transportation Management Programs and Construction Management Plans requirements

23.52.010 Transportation Management Program requirements

Transportation management programs (TMP) are a type of transportation demand management strategy that encourages the use of efficient transportation modes rather than single-occupant vehicle (SOV) modes. TMPs aid in managing congestion in transportation networks especially during peak times. Strategies may include, but are not limited to ridesharing, vanpooling, promotion of bicycling, walking and use of public transportation, transportation-efficient parking and land use policies, and high-occupancy vehicle subsidy programs. TMPs are required as indicated in this Section 23.52.010, and applicable rules promulgated by the Director.

A. Non-residential use thresholds for TMPs

1. An applicant who proposes non-residential use development or mixed-use development exceeding the thresholds in Table A for 23.52.010 in zones where a TMP is required, or is otherwise required by code provisions or Director's Rule, shall prepare and include in their Master Use Permit application a TMP.

2. Compliance with TMP requirements does not supplant the responsibility of any employer to comply with Seattle's Commute Trip Reduction (CTR) Ordinance requirements in Chapter 25.02.

Table A for 23.52.010 TMP requirement thresholds for non-residential use development	
Use	Minimum trigger for TMP requirements (gross square feet)¹
Non-residential uses, except lodging	75,000
Lodging	150 lodging units
Footnotes to Table A for 23.52.010 ¹ Not including gross floor area dedicated to accessory par	

B. Residential use thresholds for TMPs. An applicant who proposes development with multifamily residential uses exceeding 250 dwelling units in zones where a TMP is required, or is otherwise required by code provisions or Director's Rule, shall prepare and include in their Master Use Permit application a TMP.

C. TMP requirements

1. Non-residential development. For purposes of measuring attainment of SOV-related goals for non-residential development, the proportion of SOV trips shall be calculated for the p.m. hour in which an applicant expects the largest number of vehicle trips to be made by employees, and students if applicable, at the site (the p.m. peak hour of the generator). The proportion of SOV trips shall be calculated by dividing the total number of employees, and students if applicable, using an SOV to make a trip during the expected peak hour by the total number of employee and student person trips during the expected peak hour.

2. Residential development. For purposes of measuring attainment of SOV-related goals for residential development, the proportion of SOV trips shall be calculated for the p.m. hour in which an applicant expects the largest number of vehicle trips to be made by residents of the site (the p.m. peak hour of the generator). The proportion of SOV trips shall be calculated by dividing the total number of residential trips made by SOV during the expected peak hour by the total number of residential person trips.

3. In addition to meeting the requirements in this subsection 23.52.010.C, a TMP shall comply with all applicable rules promulgated by the Director.

4. Building owners shall continue to implement the TMP, submit post-occupancy performance reporting, and conduct enforcement in accordance with any applicable Director's Rules.

5. The TMP shall be approved by the Director if, after consulting with the Seattle Department of Transportation, the Director determines that the TMP measures are likely to achieve the mode-share targets for trips made by travel modes other than driving alone expressed for a growth center in the Comprehensive Plan's Transportation Element, or otherwise defined in relation to Commute Trip Reduction goals or long-term

planning goals, in accordance with any applicable Director's Rules.

23.52.012 Construction management plan requirements

A. A construction management plan is required if a development application:

1. Contains 25 or more dwelling units;
2. Contains 25,000 square feet or more gross floor area in non-residential use, not including gross floor area in accessory parking use; or
3. Requires a shoring permit.

B. A construction management plan shall address:

1. Traffic management arrangements in the site vicinity;
2. Safe pedestrian connections during the construction period;
3. Utility connections and site preparations such as utility relocations;
4. Truck access routes and haul routes;
5. Time limits for large truck movements, to address congestion during peak traffic hours;
6. Construction-related parking, pursuant to Section 23.42.044;
7. Strategies for minimizing noise disruption pursuant to Chapter 25.08; and
8. A notification plan to the neighborhood.

Section 11. Section 23.71.018 of the Seattle Municipal Code, last amended by Ordinance 124919, is amended as follows:

23.71.018 Transportation management program

~~((A. When substantial development is proposed that is expected to generate 25 or more employee or student vehicle trips in any one p.m. hour, the owner of the site upon which the substantial development is proposed shall prepare and implement a Transportation Management Program (TMP) consistent with requirements for TMPs in Director's Rule 10-2012 or its successor.~~

~~1. For purposes of measuring attainment of single-occupant vehicle (SOV) goals contained in the TMP, the proportion of SOV trips shall be calculated for the p.m. hour in which an applicant expects the largest number of vehicle trips to be made by employees and students at the site (the p.m. peak hour of the generator). The proportion of SOV trips shall be calculated by dividing the total number of employees and students using an SOV to make a trip during the expected peak hour by the total number of employee and student person trips during the expected peak hour.~~

~~2. Compliance with this Section 23.71.018 does not supplant the responsibility of any employer to comply with Chapter 25.02.))~~ A TMP shall be required and prepared according to the provisions of Section 23.52.010 and any applicable

Director's Rules.

~~((B. The owner of any site who proposes multifamily substantial development which is expected to generate 50 or more vehicle trips in any one p.m. hour shall prepare and implement a TMP. The TMP shall be consistent with requirements for TMPs in Director's Rule 10-2012 or its successor. For purposes of measuring attainment of the SOV goal, the proportion of SOV trips shall be calculated for the p.m. hour in which an applicant expects the largest number of vehicle trips to be made by residents of the site (the p.m. peak hour of the generator). The proportion of SOV trips shall be calculated by dividing the total number of residential trips made by SOV during the expected peak hour by the total number of residential person trips.~~

~~C. Each owner subject to the requirements of this Section 23.71.018 shall prepare a TMP as described in rules promulgated by the Director, as part of the requirements for obtaining a master use permit.~~

~~D. The TMP shall be approved by the Director if, after consulting with Seattle Department of Transportation, the Director determines that the TMP measures are likely to achieve the SOV goals.~~

~~E. The owner of each property subject to this implementation guideline shall submit an annual progress report to the Director of Transportation, who will advise the Director of the Seattle Department of Construction and Inspections on compliance. The progress report shall contain:~~

- ~~1. The number of full and part-time employees, students and/or residents at a site during the peak hour;~~
- ~~2. A summary of the total p.m. peak hour vehicle trips generated by the site, including employees, students, and residents;~~
- ~~3. A description of any programs, incentives, or activities or other measures targeted to reduce vehicle trips, in which employees, students, or residents at the site participate;~~
- ~~4. The number of people participating in the TMP measures;~~
- ~~5. The peak hour proportion of SOV trips of the employees, students, and/or residents.~~

~~F. The Seattle Department of Transportation shall monitor compliance with the requirements of this Section 23.71.018. If monitoring shows that the owner has not implemented the TMP measures or has not made sufficient progress toward achieving the TMP goals, the Director of Transportation may recommend that the Director:~~

- ~~1. Require modifications to the TMP program measures; and/or~~
- ~~2. Pursue enforcement action pursuant to the Land Use Code.~~

~~G. After approval of a TMP and issuance of a master use permit as prescribed in subsections 23.71.018.C and 23.71.018.D, if the owner applies for a master use permit for additional development, before approving the new master use permit, the Director, after~~

consulting with the Director of Transportation, shall review the implementation of the TMP. If substantial progress has not been made in achieving the goal for the proportion of SOV trips, the Director may:

1. Require the applicant to revise the TMP to include additional measures in order to achieve compliance with the TMP goal before the issuance of a permit; and/or
2. Require measures in addition to those in the TMP that encourage alternative means of transportation for the proposed new development; and/or
3. Deny the permit if the Director determines that the owner has failed to make a good faith effort to implement the TMP; or
4. Determine that a revised or new program is not needed, and that the permit can be issued without changes to the existing TMP.

H. Compliance. To comply with this Section 23.71.018, the owner of a site subject to the requirement for a TMP, must demonstrate that he or she has an approved TMP, has submitted the required annual reports, and has succeeded in accomplishing one of the two following objectives:

1. That the owner has implemented the measures contained in the TMP for the development project; and/or
2. That the owner has met the goal for SOV trips specified in subsection A of this section. Failure to comply with the provisions of this Section 23.71.018 is a violation of the Land Use Code. The penalty for each violation is \$250 per day.

I. A fund shall be established in the City's General Fund to receive revenue from fines for violations of this Section 23.71.018. Revenue from fines shall be allocated to activities or incentives to reduce vehicle trips in the Northgate area. The Director of Transportation shall recommend to the Mayor and City Council how these funds should be allocated.

J. The Seattle Department of Transportation and the Seattle Department of Construction and Inspections shall prepare a Director's Rule explaining how each department shall implement this Section 23.71.018.))

Section 12. Section 23.90.018 of the Seattle Municipal Code, last amended by Ordinance 127211, is amended as follows:

23.90.018 Civil enforcement proceedings and penalties

* * *

B. Specific violations

((1. Violations of Section 23.71.018 are subject to penalty in the amount specified in subsection 23.71.018.H.)) 1.

Reserved.

2. Violation of Chapter 23.58D with respect to a failure to timely submit the report required by subsection

23.58D.004.B or to demonstrate compliance with a commitment to meet the green building standard is subject to a penalty in an amount determined by subsection 23.58D.006.

3. Violation of subsection 23.40.007.B with respect to failure to demonstrate compliance with a waste diversion plan for a structure permitted to be demolished under subsection 23.40.006.D is subject to a penalty in an amount determined as follows:

$$P = SF \times .02 \times RDR,$$

where:

P is the penalty;

SF is the total square footage of the structure for which the demolition permit was issued; and

RDR is the refuse disposal rate, which is the per ton rate established in Chapter 21.40, and in effect on the date the penalty accrues, for the deposit of refuse at City recycling and disposal stations by the largest class of vehicles.

4. Violation of subsections 23.55.030.E.3.a.3, 23.55.030.E.3.b, 23.55.034.D.2.a, and 23.55.036.D.3.b, or, if the Seattle Department of Construction and Inspections has issued an on-premises sign permit for a particular sign and the actual sign is not being used for on-premises purposes or does not meet the definition of an on-premises sign as defined in Chapter 23.84A, are subject to a civil penalty of \$1,500 per day for each violation from the date the violation begins until compliance is achieved.

5. In zones where outdoor storage is not allowed or where the use has not been established as either accessory to the primary use or as part of the primary use and there continues to be a violation of these provisions after enforcement action has been taken pursuant to this Chapter 23.90, the outdoor storage activity is declared a nuisance and shall be subject to abatement by the City in the manner authorized by law.

* * *

Section 13. This ordinance shall take effect as provided by Seattle Municipal Code Sections 1.04.020 and 1.04.070.

Passed by the City Council the _____ day of _____, 2025, and signed by me in open session in authentication of its passage this _____ day of _____, 2025.

President _____ of the City Council

Approved / returned unsigned / vetoed this ____ day of _____, 2025.

Bruce A. Harrell, Mayor

Filed by me this _____ day of _____, 2025.

Scheereen Dedman, City Clerk

(Seal)

SUMMARY and FISCAL NOTE

Department:	Dept. Contact:	CBO Contact:
SDCI	Gordon Clowers	Jennifer Breeze

1. BILL SUMMARY

Legislation Title: AN ORDINANCE relating to land use and zoning; revising requirements for transportation impact analyses, transportation management plans, and construction management plans; adding new Sections 23.52.010 and 23.52.012 to the Seattle Municipal Code; amending the title of Chapter 23.52, Subchapter II, of the Seattle Municipal Code; and amending Sections 15.04.035, 23.48.230, 23.48.290, 23.48.610, 23.48.710, 23.49.019, 23.50A.360, 23.52.008, 23.71.018, and 23.90.018 of the Seattle Municipal Code.

Summary and Background of the Legislation:

This legislation is a companion bill to the SEPA Thresholds Update bill. Together, these will amend the Land Use Code (Title 23), State Environmental Policy Act (SEPA) review thresholds (Title 25) and other related provisions for land use permitting, transportation impact analysis and mitigation, and archaeological and cultural resources protection. The overall legislation focuses SEPA review so that it occurs only in limited circumstances for projects that would be the most likely to cause environmental impacts. The legislation ensures that the City's overall set of policies and regulations sufficiently address the impacts of new developments by applying code requirements such that there is no need for SEPA review at a project level to avoid or mitigate environmental impacts.

This companion bill consists of code amendments related to transportation impact analysis (TIA), transportation management programs (TMPs), and construction management plan (CMP) topics. These are a subset of amendments that must undergo a SEPA review and determination because they would result in a substantive change to development standards.

The amendments address transportation-related topics.

- Amending an existing requirement for a non-SEPA-based TIA study for certain-sized development depending on its location. This would apply to development including stand-alone non-retail non-residential development larger than 40,000 square feet up to 65,000 square feet in locations outside of regional growth centers and major transit service areas, and for mixed-use development where non-retail non-residential uses greater than 40,000 square feet would be present. These categories of new development would not require SEPA review, but permit applicants would provide this TIA study so that local transportation impacts of future development can be evaluated and conditioned if the impacts warrant mitigation.
- Transportation management plans (TMPs): Consolidating requirements from several zones' standards into one set of standards located in Chapter 23.52 of the Land Use Code.

The requirements would apply to the same range of zones as today; they would not be extended to additional zones.

- Construction management plans (CMPs): Establishing a code basis for requiring a CMP for new development that is 25 dwelling units or larger, or 25,000 square feet or larger, or requires a shoring permit. This would substitute for a typical SEPA-based condition included for development projects that have required SEPA review, and ensure that CMPs continue to be required when they are most needed.

2. CAPITAL IMPROVEMENT PROGRAM

Does this legislation create, fund, or amend a CIP Project?

☐ Yes ☒ No

3. SUMMARY OF FINANCIAL IMPLICATIONS

Does this legislation have financial impacts to the City?

☐ Yes ☒ No

The proposal redefines TIA study thresholds to better match the City's policies going forward, which support infill residential and mixed-use development in growth centers with streamlined permit review requirements. The policy outlook recognizes that favoring dense growth in defined growth centers and areas well served by transit will encourage higher-efficiency transportation outcomes. This relates to proximity of residents near efficient mass transit service, and greater availability of goods and services nearby in growth centers. While this refining of TIA thresholds may result in fewer studies over the long term, they are intended to focus the study for uses where adverse transportation impacts could occur. Also, both the existing and proposed TIA study thresholds are focused in ways that limit the probable total amount of these studies for future development. This relates to a probable focus on a majority of growth occurring in growth centers and well-served transit areas such that a relatively small proportion of developments may need this kind of study.

The proposal clarifies and confirms that existing City TMP and CMP reviews (primarily conducted by SDOT) would continue for future project development reviews. TMPs are a known element of project plans that should be provided early in the permit review process, the details of which are guided by a joint SDCI/SDOT Director's Rule. Long-term monitoring of TMP performance by SDOT staff is also assumed to continue.

CMPs are also an established SDOT body of work with dedicated staff that coordinate construction project arrangements in relation to streets, rights-of-way, traffic, construction activity timing and other logistics. The proposal would help ensure that the code supports a continuation of these efforts for projects that warrant making such arrangements. This would not increase need for staffing at SDCI or SDOT, but would aid in retaining existing levels of work related to TMPs and CMPs.

3.d. Other Impacts

Does the legislation have other financial impacts to The City of Seattle, including direct or indirect, one-time or ongoing costs, that are not included in Sections 3.a through 3.c? If so, please describe these financial impacts.

No.

If the legislation has costs, but they can be absorbed within existing operations, please describe how those costs can be absorbed. The description should clearly describe if the absorbed costs are achievable because the department had excess resources within their existing budget or if by absorbing these costs the department is deprioritizing other work that would have used these resources.

Costs will be absorbed by current staff in SDCI, and SDOT. The response to #3 above suggests that existing levels of TMP and CMP work by the City are likely to continue or only modestly decline over time. Also, the probable limited frequency of TIA analyses would not have much effect on demand for review by SDCI or SDOT. Therefore, low impact levels on review needs and low impacts on department costs are probable.

Please describe any financial costs or other impacts of *not* implementing the legislation.

If the proposed legislation is not implemented, there is a reasonable chance that the volume of CMP work would decline over time due to the lack of a code basis related to land use permits, and because SEPA review volumes would be less than current volumes.

If the TMP code changes were not made, they would continue to be implemented in places already required by zone development standards, but the volume of TMPs that would be required as conditions of SEPA review would decline to almost zero. Other TMPs that are required by the Land Use Code in various zones would continue to be required for development that meets the existing code thresholds. The proposal clarifies the TMP thresholds for better understanding by applicants but approximately the same existing levels for TMP applicability to future development. This would result in a slight decline in overall TMP volumes, but not enough to substantially impact duties of SDCI and SDOT staff that work on transportation management topics.

Please describe how this legislation may affect any City departments other than the originating department.

See the discussion in the response to #3 above.

4. OTHER IMPLICATIONS

a. Is a public hearing required for this legislation?

Yes.

b. Is publication of notice with The Daily Journal of Commerce and/or The Seattle Times required for this legislation?

Yes.

c. Does this legislation affect a piece of property?

This legislation will affect development permitting practices for properties citywide.

d. Please describe any perceived implication for the principles of the Race and Social Justice Initiative.

i. How does this legislation impact vulnerable or historically disadvantaged communities? How did you arrive at this conclusion? In your response please consider impacts within City government (employees, internal programs) as well as in the broader community.

No impacts are identified. Continuing to implement TMP requirements and codifying CMP requirements would tend to result in TMPs and CMPs being required where needed citywide according to their threshold criteria. This would tend to match existing outcomes achieved citywide today and would not disproportionately affect any particular geographic area or group or community.

ii. Please attach any Racial Equity Toolkits or other racial equity analyses in the development and/or assessment of the legislation.

NA.

iii. What is the Language Access Plan for any communications to the public?

This legislation is adhering to ADA accessibility principles in the materials provided for public review.

e. Climate Change Implications

i. Emissions: How is this legislation likely to increase or decrease carbon emissions in a material way? Please attach any studies or other materials that were used to inform this response.

Continuing and reinforcing the requirements for TMPs and CMPs would ensure that daily traffic volume growth related to future development would be managed comparable to today's policies and codes, and that CMPs would be required and used approximately as often as they are today. For CMPs, this also means that coordinated construction management as performed by SDOT would continue to manage and avoid excessive carbon emissions that could otherwise be generated by congested traffic around construction sites and along routes where construction vehicles need to travel. And it would continue to ensure safe pedestrian passage by construction sites, preserving pedestrian access including access to transit options. Retaining a TIA study requirement would also tend to allow for effective traffic management on a local basis that would help avoid additional levels of carbon emission impacts from vehicles.

- ii. **Resiliency: Will the action(s) proposed by this legislation increase or decrease Seattle’s resiliency (or ability to adapt) to climate change in a material way? If so, explain. If it is likely to decrease resiliency in a material way, describe what will or could be done to mitigate the effects.**

See the response to #e.i above.

- f. **If this legislation includes a new initiative or a major programmatic expansion: What are the specific long-term and measurable goal(s) of the program? How will this legislation help achieve the program’s desired goal(s)? What mechanisms will be used to measure progress towards meeting those goals?**

This legislation does not represent a new initiative or major programmatic expansion. Rather, it is an extension of existing public policy trends that would continue TMP preparation and monitoring, construction management practices, and transportation impact study practices in a manner well-supported by City codes. These also play a part in aiding realization of the City’s Comprehensive Plan, by helping round out code requirements and enabling the reduction of SEPA environmental review for future development.

- g. **Does this legislation create a non-utility CIP project that involves a shared financial commitment with a non-City partner agency or organization?**

No.

5. ATTACHMENTS

Summary Attachments: None.

Director's Report and Recommendation Transportation Amendments for SEPA

Introduction and Proposal Summary

Senate Bill 5412 was enacted by the state legislature in 2023. It temporarily exempted development with housing in Seattle from environmental review under the State Environmental Policy Act (SEPA). This exemption is expiring on September 30, 2025. The Mayor's Housing Subcabinet has directed SDCI to make Seattle's permitting processes simpler and more efficient, to reduce the time and cost of permitting, especially for housing and for small and medium-sized businesses, retail, and commercial facilities.

The overall proposal: SDCI is proposing amendments to the land use code (Title 23), SEPA review thresholds (Title 25), and grading code (Title 22) to update the permit review process by significantly limiting the frequency of future SEPA reviews for new development. The transportation-related proposal in this bill updates code provisions addressing transportation management plans (TMPs), construction management plans (CMPs) and revisions to a non-SEPA-based transportation impact analysis requirement. See page 6 and 7 of this report for more description.

This legislation relates to the City's Comprehensive Plan update. The proposal supports the intended outcomes of the proposed Comprehensive Plan's adoption such as updated growth center designations. Also, the Comprehensive Plan's environmental impact analysis provides supporting documentation for the updates to the City's SEPA regulations. This approach is in line with, and fulfills, the requirements established in Senate Bill 5412.

The City's proposal is authorized by state law. A more efficient permit process will support faster housing production to better meet housing demand, while continuing to protect environmental quality. This will encourage new investments in housing and other development, which will in turn support new economic and job growth, and a wider variety of affordable housing options.

This legislation:

1. Includes higher categorical exemptions from SEPA review for residential, mixed-use and commercial development citywide. This will exempt most development from SEPA environmental review until citywide long-term growth objectives are met. These amendments are proposed within the bounds set by the state law in WAC 197-11-800 and RCW 43.21C.229.

2. Updates City codes to complement the SEPA thresholds, including consolidating and clarifying existing requirements for transportation management plans (TMPs), ensuring provision of construction management plans (CMPs) for certain-sized developments, and transportation impact studies for certain developments that will not be subject to SEPA review. Also, the proposal updates codes relating to archaeological and cultural resource protections for grading permits and development permits, and related City rules. This ensures that the City's codes will provide sufficient protections that avoid environmental impacts, and will amend codes to improve clarity.¹

Background

SEPA environmental review and thresholds

Washington's State Environmental Policy Act (SEPA) mandates environmental review for development permits, if a development exceeds "categorical exemption" thresholds typically expressed as number of dwelling units and amounts of non-residential-use floor area in a development.² In recent years, the State has significantly raised the maximum allowable levels for these SEPA thresholds, and enacted a temporary suspension of SEPA review for residential development in Seattle. These signal an evolving perspective toward resetting these thresholds to better align with growth management objectives and to support more affordable housing production. It also emphasizes preferences to support dense centers-based growth patterns, transit-oriented development, and a broad variety of housing options.

One of the original purposes of SEPA environmental review in the early 1970s was to inform decision makers about the environmental impact implications of taking certain actions, including issuing permits for land development. At that time, many jurisdictions' codes lacked sufficient regulatory protections of environmental quality, and so SEPA review was a backstop that allowed for conditioning of development permits to avoid and minimize adverse impacts to defined elements of the environment.

The City's range of code requirements and environmentally protective policies are now more extensive and largely prevent or minimize the types of environmental impacts covered by SEPA. Developments meeting the City's codes already have limited potential to generate environmental impacts in most cases. In addition, since adoption of the state Growth Management Act (GMA), policy perspectives are evolving toward recognizing that cities growing per their Comprehensive Plan will achieve positive environmental outcomes by locating more housing and commercial development in urban places that are already well served by transit and other utilities.

¹ The proposal is contained in two bills, due to a need for SEPA environmental review for the development standard amendments that are not direct changes to the City's SEPA-related provisions. This Director's Report describes and evaluates the overall effects of both bills.

² Chapter 43.21C RCW, State Environmental Policy Act. Chapter 197-11 WAC, SEPA Rules.

SEPA's original backstop protections are now seldom invoked in development permit decisions in Seattle because code regulations effectively mitigate for development impacts.³ It is thus ripe for change to narrow when it should be required. As proposed, the City will reduce the frequency of environmental review for future development while maintaining code-based environmental protections in ways consistent with state allowances. This will streamline permit processes to reduce the time and cost of permit-process delays in building new housing and other job-supporting economic development.

The proposed legislation makes use of state law and regulations that allow the City to set maximum thresholds for projects categorically exempt from SEPA review:

Pathways for SEPA Threshold Updates

1. **"Flexible thresholds for minor new construction"** from the Washington Administrative Code (**WAC**) **197-11-800**, allows thresholds to be set up to the State's maximum limits (200 dwelling units, and 30,000 square feet for non-residential uses); and
2. **Infill development in growth areas:** from the Revised Code of Washington (**RCW**) **43.21C.229**, allows setting higher thresholds to encourage infill development in urban growth areas and thereby help realize the goals and policies of comprehensive plans. There is no limit on the size of the infill SEPA thresholds for residential and mixed-use development, and stand-alone commercial development can be exempted up to 65,000 square feet in size for most non-residential use development, or 30,000 square feet for retail uses.

Relationship to Seattle's past 2035 Comprehensive Plan

Seattle's SEPA thresholds were set higher in the areas identified for growth (for example, urban centers, and light rail station areas) and at lower levels in lower-density neighborhoods outside those growth areas. Using the infill development thresholds described above, the SEPA thresholds have been 250 dwelling units in Downtown and 200 dwelling units in other Urban Centers and Urban Villages. This supported transit-oriented development in these centers, where there is excellent bus and light rail service nearby. However, when growth targets were met in each area, these SEPA thresholds had to be reduced to lower levels.

Outside of the growth areas, the residential SEPA thresholds have long been set at 4 to 8 dwelling units in most residential and commercial zones, and 20 dwelling units for Seattle Mixed, Midrise and Highrise zones—although, since 2023, the effect of Senate Bill 5412 has suspended these thresholds. These low development-size levels for the previous SEPA thresholds reflect past public policy assumptions that even small amounts of change in Seattle's

³ This legislation includes targeted code amendments to enhance the coverage of code-based mitigation for topics like construction impact management and cultural resource protection.

urban context should be reviewed for adverse environmental impacts. Similarly, SEPA review thresholds for non-residential use development outside growth centers have ranged from 4,000 to 12,000 square feet in size, a size comparable to the floor area of one to three storefront businesses. In contrast, the state WAC's maximum allowable SEPA threshold for non-residential uses is 30,000 square feet.

Relationship to the One Seattle Comprehensive Plan

The proposal also relates to the proposed comprehensive plan update entitled the "One Seattle Comprehensive Plan." This plan will update growth area designations in a number of ways, will establish new growth estimates for regional centers (formerly known as urban centers, and adding Ballard), and update designations for urban centers (formerly known as urban villages). This includes a range of updates that will guide future growth and define land use, affordable housing, transportation, public services, and utilities policies.

The proposed SEPA legislation will provide substantial relief from SEPA reviews for future residential, mixed-use, and non-residential development, and responds to the State's recent increasingly flexible policies.

The SEPA legislation defines new exemptions from SEPA review on a citywide basis. The entirety of Seattle is located within an Urban Growth Area (UGA). Future growth in Seattle will support the Comprehensive Plan's intents for centers-based growth patterns, transit-oriented development, and increasing housing supply and affordability. Eliminating SEPA review for most new residential development projects and many new non-residential developments will support accomplishment of these objectives.

This will maximize the streamlining and time-saving benefits for permit processing of new housing and new commercial development over the long-term, citywide. The range of current protections in Seattle's regulatory codes will continue to ensure that new development avoids creating significant environmental impacts. In its current form, the City's SEPA reviews rarely result in SEPA-based mitigation anyway, meaning this permit review step is not adding value, and can be eliminated because it is not productive.

Seattle's Office of Planning and Community Development (OPCD) completed a Final Environmental Impact Statement (FEIS) published in January 2025. This FEIS includes a full programmatic impact analysis of the planned-for growth over the next twenty years. This SEPA proposal relies on the Comprehensive Plan's FEIS findings as adequately studying and addressing the impacts of growth.

The Comprehensive Plan and its FEIS findings help fulfill the requirements in state law for the adoption of SEPA threshold changes under RCW 43.21C.229 and WAC 197-11-800. For example, under RCW 43.21C.229, the City must show that it has prepared an environmental impact

statement for its comprehensive plan, and that the future development addressed by the changed thresholds will be consistent with the comprehensive plan and associated land use regulations. And the City must show that it has prepared a multimodal transportation impact analysis that includes impacts on state transportation facilities and mitigation strategies; and that the jurisdiction has consulted with the state department of transportation (WSDOT). The City's FEIS process for the proposed comprehensive plan fulfills those requirements and similar requirements in WAC 197-11-800.

Proposal Description

The legislation would reduce the use of SEPA environmental review for new development because the City's code standards now already effectively address and prevent SEPA environmental impacts. Examples include City codes addressing environmentally critical areas (Chapter 25.09), shoreline master program (Chapter 23.60A), noise code, energy code, and transportation, utility, drainage control, and historic preservation codes. Policies such as in the One Seattle Plan, consistent land use regulations, and public investments in transportation systems and other infrastructure will also help promote environmental quality as the city grows.

The legislation updates SEPA thresholds citywide. This recognizes that the entirety of Seattle is defined as a UGA and thus is able to use the provisions of RCW 43.21C.229 to streamline SEPA review requirements to encourage infill development consistent with the Comprehensive Plan.

Increase SEPA thresholds citywide to exempt most residential and mixed-use development from SEPA review, based on citywide growth targets

1. Reset the exemption from SEPA review for **all residential development and mixed-use development that includes residential use** to apply on a citywide basis. This exemption would apply until the City's citywide residential growth planning objectives are met.
2. Update the fallback threshold levels for SEPA review, to be used if the citywide growth planning estimates are met. The residential fallback SEPA threshold would be **200 dwelling units** citywide, which is the maximum allowed by WAC 197-11-800. The fallback thresholds would be activated if the city's growth achieves 120,000 dwelling units of new residential growth citywide within the next twenty years.

Increase SEPA thresholds citywide for non-residential development to the maximum extent, based on citywide growth targets

1. Update thresholds for stand-alone non-residential uses to be **30,000 square feet for retail uses** and **65,000 square feet for all other non-retail non-residential uses** citywide, using the "infill development in growth areas" pathway in RCW 43.21C.229. This exemption would apply until the City's citywide non-residential growth measures, as defined in the Comprehensive Plan, are met.

2. Update the fallback thresholds for SEPA review of non-residential uses to be 30,000 square feet citywide for non-residential uses, which is the maximum allowed by WAC 197-11-800.

Exceptional situations where SEPA is still required

Updates to SEPA thresholds initiated by a local government must be consistent with certain legal principles set by the state's SEPA laws. These include requiring a SEPA environmental review in the following situations:

1. If certain geographic location or physical characteristics are present, such as a site or proposal with streams or wetlands, for example.
2. If a development proposal would add more dwelling units or non-residential space to an existing use so that total size of the expanded use would pass a SEPA threshold for the first time, that development proposal must be reviewed under SEPA.

Update a non-SEPA transportation impact study requirement in the Land Use Code

The legislation would retain but adjust the requirement of a non-SEPA-based transportation impact analysis (TIA) for certain sized development projects that would be below SEPA thresholds. See Section 23.52.008 of the Land Use Code. This would allow for limited-scope evaluation for certain non-residential use developments in certain locations (not including regional centers or major transit service areas), where a new development might generate adverse transportation impacts. This would allow for transportation-related permit conditions, not based in SEPA laws, to mitigate impacts. This is a part of the City's regulatory toolbox to ensure that its codes provide appropriate coverage of transportation impact topics.

This TIA study requirement would apply only to non-residential, non-retail uses that are larger than 40,000 square feet up to the new proposed SEPA non-residential non-retail threshold of 65,000 square feet. And it would apply to mixed-use developments if they would have non-retail non-residential uses that exceed the proposed 65,000 square foot floor area threshold. This would not be required for new developments of this kind when located within regional centers or major transit service areas.

Continue to require transportation management plans (TMPs) and construction management plans (CMPs) for certain sized development

One of the City's other regulatory tools for transportation impacts is the current requirements for TMPs for certain sized developments, required in various zones. TMPs highlight the commuting options that are alternatives to single-occupant-vehicle (SOV) use. For larger developments, TMPs require surveying every two years and reporting of building occupants commuting patterns, to track the TMP's effectiveness. These TMPs are proven to contribute to transportation system operational efficiencies by encouraging more employees to use efficient transit options rather than exacerbate traffic congestion with single-occupant vehicle commuting on street networks.

The legislation maintains the Land Use Code's TMP requirements but simplifies the description of which size of development requires a TMP. The current code text in several sections explains the requirement in terms of certain amounts of peak hour traffic generated. However, this is difficult to understand unless a transportation study is done. The legislation simplifies this by explaining the TMP thresholds in terms of development size (floor area and dwelling unit count) for certain categories of non-residential and residential uses. The development size thresholds are equivalent to the existing peak hour single-occupant traffic volume thresholds. It also consolidates the TMP requirements into one new code section, for streamlining and clarity.

The proposal also adds a Land Use Code reference with CMP thresholds of 25 dwelling units and 25,000 square feet of non-residential floor area. This would ensure that CMPs, a common SEPA condition, are able to be required of these future developments (as part of a building permit), with SDOT the department responsible to coordinate construction activities to minimize transportation congestion and ensure pedestrians' safe passage.

Update code and regulatory protections for archaeological/cultural resources

The City has specific adopted City policies and practices (including but not limited to Director's Rule 2-98) that refer to state and federal laws; and also has related requirements for shoreline jurisdictions (see Section 23.60A.154) that provide adequate protection and procedures for archaeological and cultural resources. This includes describing what must be done if these resources are found during a development process.

The proposal includes an update to Director's Rule (DR 2-98), to increase its consistency with state law wording (see **Attachment B**). The City will continue to engage and notify tribes of this proposed action. This is a recommendation that also helps implement recommended mitigation strategies identified in the Comprehensive Plan Final EIS.

The legislation also includes amendments that would ensure additional locations are protected during future grading permit reviews, including those that are within 200 feet of current or former shoreline areas. Using an already-mapped "U.S. Government meander line buffer," applications and permits for grading actions within the mapped areas denoting former shoreline areas would need to include standard protective provisions. These cover what happens if historic or cultural resources are uncovered during future grading actions. This ensures these protections are provided for more geographical places than just the existing shoreline-designated areas addressed in current codes.

Document engagement with the Washington State Department of Transportation (WSDOT)

The City has discussed current practices and prospective updates to project noticing and review practices, for projects that could generate impacts to state-owned transportation facilities (see Attachment C). This will be addressed administratively by providing notice to WSDOT for relevant projects, to provide WSDOT a chance to review development proposals for their potential impacts to state transportation facilities. OPCD, as part of their work on the One

Seattle Comprehensive Plan, has engaged WSDOT. Affected state facilities include but are not limited to I-5, SR 99 (Aurora Avenue, Marginal Way), and Lake City Way.

Provide 60-day notice and opportunity to comment for the public, affected agencies and tribes

The City of Seattle fulfilled this requirement during the environmental impact statement process for the Comprehensive Plan update.

Analysis

The new approach is tied to the citywide growth planning objectives

The City's comprehensive planning policies, zoning approach, and development standards have changed considerably in the last ten years. Due to state mandates addressing affordable housing, transit-oriented development, and other policy interests, there is a planned increase in the density and diversity of uses allowed across all of the City's zones and geographic areas. This leads to an increased expectation that future development across the city will include larger uses and a greater variety of shapes and sizes of structures.

Given this, and an emphasis on streamlining permitting for new residential uses and other development, it is appropriate to define exemptions from SEPA review using a citywide measurement of growth rather than only limiting it to certain growth centers. This approach is allowed by RCW 43.21C.229 and is appropriate because the entire city is defined as an Urban Growth Area.

The legislation supports this approach. It would maximize the availability of SEPA categorical exemptions for sites throughout the city, in a way that considers the amount and pace of the city's overall growth. The threshold levels are set to exempt most future residential development from needing SEPA review at all, until the total planned citywide growth is reached. This would provide the maximum degree of permit streamlining benefit in support of future residential development.

Past SEPA threshold levels were defined only for certain growth centers, and those centers' growth targets. Most of these areas had to discontinue the higher SEPA thresholds after 8 to 10 years, due to meeting those growth targets. This provided only a limited-time incentive that was unevenly available across the city.

Exceptional situations will still require SEPA review

Going over the SEPA review threshold for the first time due to expansions of existing uses

Consistent with state law, SEPA review will be required for additions to existing buildings or uses, if the addition causes the use to exceed the SEPA threshold for the first time. However, such cases will be quite rare, because the SEPA review thresholds for non-residential uses will be set to the maximums allowed under state law. Most developments or building remodels would not trigger this kind of SEPA review trigger due to the elevated review thresholds.

Other circumstances where SEPA review would still be required

Certain situations could still be subject to SEPA review, including:

- Due to presence of historic-designated or historic-contributing buildings or sites, or other designated landmarks. City codes effectively protect existing landmarks, which limit the degree of change if a historic landmark structure or property would be modified. But a SEPA review would still be required in most cases;
- Changes-of-use in existing developed sites to a substantially more intensive use that could warrant SEPA review, per SDCI Director's Rule. These would catch situations where a much more intensive use could have spillover effects such as noise or odor on surrounding uses or people. Anticipated adjustments to this in a Director's Rule will make this SEPA review trigger more rare and better focused on land use changes that are large enough to warrant environmental review;
- The addition of certain large features such as a tank greater than 10,000 gallons in most zones; or development of a principal-use parking lot with more than 90 parking spaces. These will still exceed the State's defined maximum threshold levels and so must be reviewed under SEPA.

Effectiveness of added archaeological and cultural resource protections

Updates to archaeological and cultural resource protection would ensure that the City's guidance is current and consistent with state law and would address the areas where such resources are most likely to be present. The City's regulations and practices already protect today's shorelines and shoreline-designated areas, but the legislation would newly extend the same protections to certain "meander line buffer" areas where shorelines were present in prior centuries where indigenous populations were known to reside.

Effectiveness of the transportation-related changes

Code-based non-SEPA transportation impact analyses

The legislation adjusts the minimum size of development needing this kind of study, to address non-retail non-residential uses larger than 40,000 square feet in floor area, if they occur outside of regional centers and major transit service areas. This reflects an intentional right-sizing of this requirement to fit developments that might realistically generate adverse transportation system impacts needing mitigation. The intent is to maintain the City's ability to require mitigation when needed, even if SEPA review does not occur.

The updated Comprehensive Plan anticipates that much of the future growth will occur within the growth centers that can handle new development without generating substantial transportation system impacts. This relates to a transit-oriented development emphasis in growth centers where mass transit systems are most available. Therefore, there will not be a need for non-SEPA transportation impact studies for developments in regional centers or major transit service areas.

Maintain and update the Land Use Code's TMP and CMP approaches

The legislation would retain the code requirement of TMPs as transportation mitigation strategies, because they are effective tools to address larger developments' transportation impacts. These are already present in several zone-by-zone Land Use Code regulations. This will maintain the role and functioning of TMPs in development permitting as they are today, but consolidate, standardize, and clarify the TMP requirements in Chapter 23.52 to be more easily understood and usable.

Similarly, by codifying a threshold for CMP requirements, development projects that were often required by SEPA conditions to provide a CMP will continue to do so under the proposal. This would provide a degree more certainty for applicants to understand whether they will need to prepare a CMP and coordinate with SDOT regarding the logistics of their development proposal.

What are the differences in SEPA review volumes under the proposal?

Up until the interim suspension of SEPA review in 2023 for developments with residential uses, the City's SEPA thresholds had high residential thresholds (200 or 250 dwelling units) in growth centers, and low thresholds elsewhere. The non-residential SEPA thresholds also had a similar pattern.

The current legislation would maximize the SEPA thresholds in the City's codes. This would be consistent with the State's policies on SEPA review thresholds, including supporting streamlined permitting for new infill development in growth centers, and a defining a higher maximum SEPA review threshold for all places in Seattle. The overall outcomes would provide the permit process streamlining benefits of not requiring SEPA review for a range of development types and sizes across the city and particularly in growth centers. **Figure 1** illustrates the number of development projects by size categories that occurred from 2016 - 2022, with separate illustrations for inside and outside growth centers.⁴ It shows that the SEPA threshold increases would benefit almost every size category of residential development.

- In growth centers, many developments (about 380) were sized between 11 and 300 dwelling units from 2016 to 2022; with a lesser number reaching to 500 dwelling units or more.
- Outside of growth centers, the most common development sizes ranged up to about 10 dwelling units, but ranged up to around 200+ dwelling units in size from 2016 to 2022.

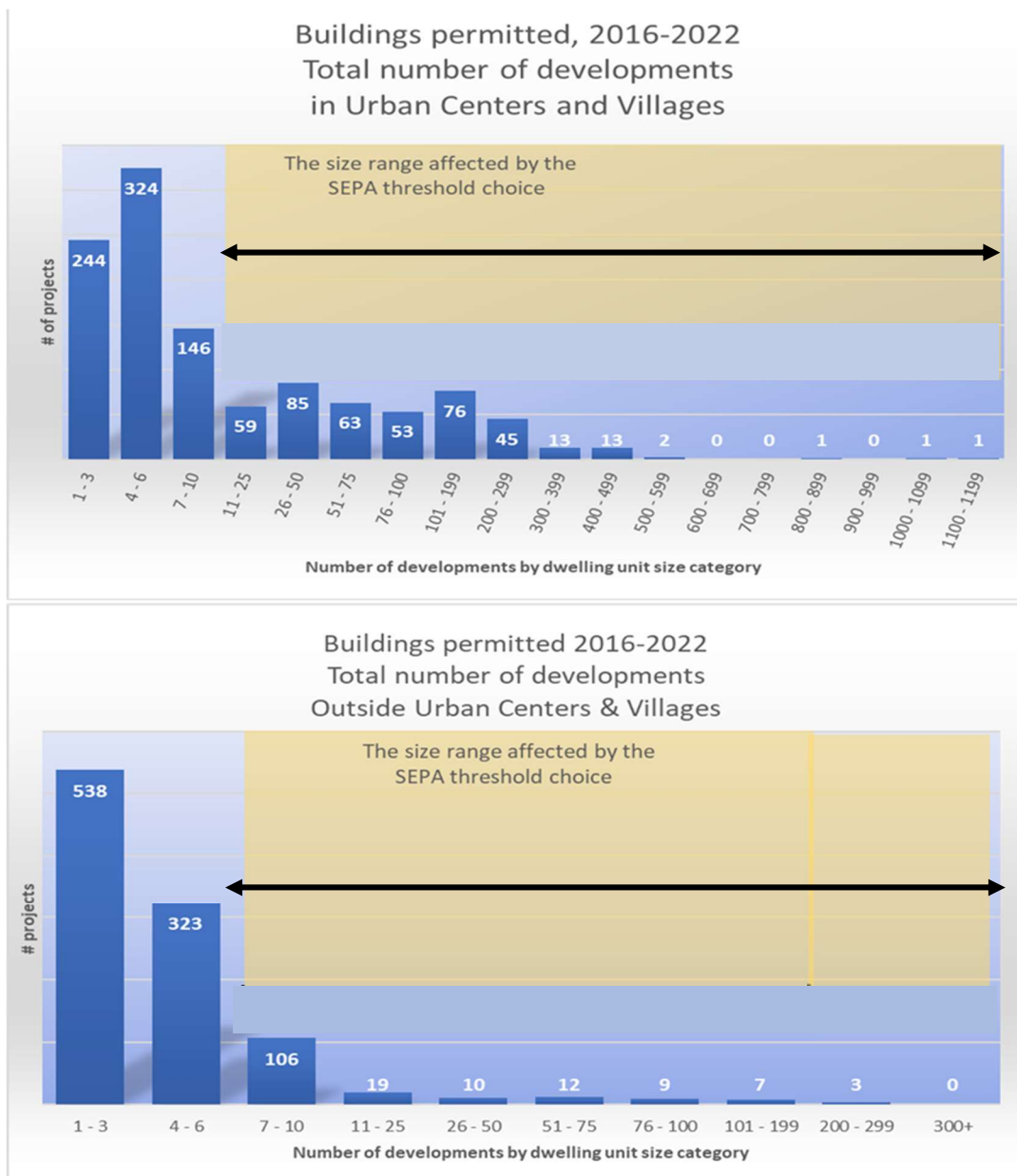
What are the effects of the proposal compared to past development trends?

If the pace of development from 2016 - 2022 would continue in the future, Figure 1 illustrates how many future developments could benefit from the SEPA review exemption. This would be:

- Over 7 years: Approximately 560 developments newly exempted from SEPA review
- Annual rate: Approximately 80 developments per year newly exempted from SEPA review.

⁴ For the current Comprehensive Plan, the growth centers consist of "Urban Centers" and "Urban Villages." In the proposed Comprehensive Plan, these areas are re-titled as "Regional Centers" and "Urban Centers" respectively.

Figure 1: Total number of developments Inside and Outside Urban Centers and Villages



However, it should be noted that after 2022, the pace of development has slowed due to economic and financial factors. The number of SEPA reviews also slowed, due to the interim suspension of most SEPA reviews for residential development, beginning in Fall 2023. The pace of SEPA reviews in recent years has been approximately 35 developments per year. The data findings illustrate that the proposal would newly provide relief from SEPA review for a wide range of development types and sizes. Smaller size developments would not be subject to SEPA anyway, in most cases.

The proposal's effect would exempt nearly all residential development in Seattle for the foreseeable future. This is appropriate for all growth centers as well as all other parts of Seattle, and would support the preferred outcomes of the proposed One Seattle Comprehensive Plan and its emphasis on fully supporting the rapid development of new housing to increase supply and affordability.

Non-Residential Thresholds

Existing: Not including the current residential categorical exemption expiring on September 30, 2025 that applies to commercial uses in mixed-use development, the pre-2023 SEPA review thresholds for non-residential use vary by zones and presence in growth centers.

- In designated growth centers, the non-residential SEPA thresholds are set at 12,000 square feet in most zones, except 30,000 square feet in Downtown zones, and 4,000 square feet in Neighborhood Residential zones.
- Outside the designated growth centers, the thresholds are set mostly at 4,000 square feet, except 12,000 square feet in commercial and Seattle Mixed zones, Yesler Terrace, and Industrial zones.

These low thresholds for SEPA review reflect decades-old perceptions that new uses (even single storefront business uses) could generate substantial adverse environmental impacts on their surroundings.

Proposed: The proposed SEPA review threshold increase to 65,000 and 30,000 square feet of non-residential uses will maximize the use of the State's SEPA review limits. The available data suggest that SEPA review for most non-residential developments rarely results in SEPA-based mitigation measures for site-specific impacts, even at the largest-sizes of development. Rather, the mitigation conditions are mostly written as formulaic guidance for standard construction-period protections, sometimes based on existing City regulations. This means that discontinuing SEPA review is not likely to cause new substantial environmental impacts to occur in areas where non-residential developments are built.

The City would continue to protect environmental quality through permitting of new development that is consistent with the extensive body of City code requirements. The increased SEPA review thresholds would be of greatest benefit to new non-residential uses and business facilities, which would often be local-serving businesses and local job creators.

Limited value of SEPA review in protecting environmental quality

The main purpose of the City's SEPA reviews is to identify situations where a permit should be conditioned in order to avoid significant adverse environmental impacts. However, due to the effectiveness of the City's codes, fewer and fewer SEPA reviews are resulting in individualized SEPA-based conditions of approval in Seattle's land use permit decisions. This illustrates that

the current City codes mitigate the majority of impacts of new development on elements of the environment.

It is rare that any development, even in the range of 100-500 dwelling units in size, receives SEPA mitigation measures tied to unique environmental impact findings. Available data from the 2010s shows that only 16% (about 1 in 7) of SEPA reviewed residential developments led to SEPA-based mitigation conditions, among approximately 250 development decisions. For a smaller sample of non-residential developments, only about 30% of the projects had outcomes that included any SEPA-based mitigation for specific site impacts.

SEPA-based mitigation in development project permit decisions mostly related to details about transportation, noise, and construction-period grading, with examples being site-specific earth-grading controls, required adjustments to streets or vehicle access, TMPs, and in a few cases adjustments to building massing.

Sample data collected since 2005 illustrates the low rate of SEPA-based mitigation. For example, the rate of street improvements being required as SEPA mitigation in the sample data is less than 1% (4 cases in 443 developments), and the rate of on-site access-improvements related to transportation is about 2% (10 cases in 443 developments).

The lesser use of SEPA conditioning likely reflects the effectiveness of the development regulations and critical area protections, and the effectiveness of zoning and growth patterns that focus growth into transit-served centers. In such areas, the ability for individuals to choose a car-light or car-free lifestyle is best supported by the availability of bus and rail transit systems that now connect more centers and provide improved mobility for all.

Conclusion: SEPA reviews for nearly all developments are not adding value, and should not be required going forward due to the body of regulations that will still continue to apply to new development proposals (see **Attachment A**). Therefore, the proposal resets thresholds to exempt SEPA review except for certain exceptional cases.

Relationship to Comprehensive Plan Goals and Policies

The **Seattle 2035 Comprehensive Plan** has only a few goals and policies that indirectly relate to the purposes of this SEPA reform proposal. They address the intent to focus infill development in urban centers and urban villages, to support the regional growth strategy. These are places where more new growth can occur with the least overall potential for generating environmental impacts. The most relevant goals and policies are:

Growth Strategy Goal GS G2: Accommodate a majority of the city's expected household growth in urban centers and urban villages and a majority of employment growth in urban centers.

Growth Strategy GS 2.1: *Plan for a variety of uses and the highest densities of both housing and employment in Seattle's urban centers, consistent with their role in the regional growth strategy.*

One Seattle Comprehensive Plan

In contrast, the Mayor's Preferred **One Seattle Comprehensive Plan** has a number of housing-related policies that, if adopted, support streamlined permit processes by removing regulatory barriers, expediting housing, and better supporting affordable housing. The proposed SEPA reforms would directly remove barriers, time risks, and costs from the development permitting process for a majority of future housing projects; and thus would help support the speed of new housing production, and its affordability in Seattle. This includes but is not limited to the following:

Housing Policy H1.1 *Implement strategies and programs that preserve, improve, and increase Seattle's housing supply to accommodate current and projected future housing needs, including units affordable to households in all categories of need.*

Housing Policy H1.2 *Implement strategies and programs to ensure a range of rental and ownership housing opportunities affordable for Seattle's workforce.*

Housing Goal HG 2 *Seattle's housing supply expands sufficiently to meet current and projected future needs for housing suitable and affordable for all economic and demographic groups.*

Housing Policy H2.1 *Expand capacity for housing development broadly to encourage market production that meets short- and long-term housing needs, reduces upward pressure on costs caused by scarcity, accommodates current and projected future growth, and accounts for past underproduction of housing.*

Housing Policy H2.3 *Promote the production of housing with lower market price points, including by removing regulatory barriers, to meet Seattle's projected 20-year affordable housing needs.*

Housing Policy H3.9 *Waive or modify development standards and requirements for construction of income-restricted affordable housing to reduce costs, delays, and uncertainty in the development process.*

Housing Policy H4.5 *Remove zoning and building code barriers that prevent the development of comparatively lower-cost forms of housing, particularly in residential neighborhoods with a history of racial exclusion.*

Other proposed goals and policies of the proposed One Seattle Comprehensive Plan support economic development efforts that proactively support retention and growth of businesses and employers. This includes by strategies that will be supportive of more efficient permitting and accommodation of small- and medium-sized businesses, citywide and at the neighborhood and center levels. The relevant goals and policies include but are not limited to the following:

Economic Development Policy ED1.9 Support the vibrancy of locally owned small businesses and their ability to remain in neighborhood and commercial districts where they exemplify and promote their community's identity, cultural richness, and character.

Economic Development Policy ED2.8 Identify and support innovative, small locally owned businesses that have the potential to form new industry clusters.

Economic Development Goal ED G3 Seattle's business climate encourages new investment and business retention to achieve high quality job creation, economic resilience, and opportunities to ensure cultural identity, diversity, and inclusion.

Economic Development Policy ED3.2 Support a stable and more competitive business climate through policies and planning that are implemented with transparent, predictable, and efficient regulations and approval processes.

Economic Development Policy ED3.9 Implement zoning and other tools to encourage business growth and development that uses and promotes sustainable technologies.

Economic Development Policy ED3.11 Assist businesses in identifying locations that suit their needs by tracking appropriate and available sites for business attraction or expansion.

Also, the relationship between transportation planning and the Comprehensive Plan's growth planning objectives are expressed in the following transportation goal:

Transportation Goal TG1 *Transportation decisions, strategies, and investments support the growth strategy for the City and the region and are coordinated with this Plan's land use goals.*

Recommendation

The Director of SDCI recommends that the City Council adopt the proposed legislation to update the SEPA environmental review thresholds to help facilitate investment in the City, particularly for critically needed housing supply; to make the permit process more efficient and less costly; and to promote good design through consistency with the City's requirements. The proposal is consistent with the Comprehensive Plan and with state laws and policies.

Attachment A

Relationship to City codes and policies

Introduction

The following Table for Attachment A describes how the City of Seattle's codes, rules and policies address environmental impacts that could occur in relation to future development projects as they pertain to this SEPA proposal.

This is provided to meet the requirement in RCW 43.21C.229(2)(c) that indicates: *The local government considers the specific probable adverse environmental impacts of the proposed action and determines that these specific impacts are adequately addressed by the development regulations or other applicable requirements of the comprehensive plan, subarea plan element of the comprehensive plan, planned action ordinance, or other local, state, or federal rules or laws.*

It also fulfills a similar requirement in WAC 197-11-800(1)(c)(i).

Table for Attachment A: Summary of environmental protections provided in other codes/rules compared to SEPA

SEPA Authority by Element of the Environment (25.05.675)	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 minimum standards lead to new buildings that are increasingly energy efficient and promote zero fossil-fuel emissions. This minimizes new development's contributions to air pollutant emissions.
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.

SEPA Authority by Element of the Environment (25.05.675)	How Addressed by Other Codes/Rules*
	<ul style="list-style-type: none"> 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 Ch. 36.70A and WAC Ch. 365-190 guidance (also ref: Wash. Dept. of Commerce 2018 Critical Areas Handbook). 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.

SEPA Authority by Element of the Environment (25.05.675)	How Addressed by Other Codes/Rules*
	<ul style="list-style-type: none"> 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 relate within this category.
Housing <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.I.2.c.</i>	<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.I.1.b.4). "Mandatory Housing Affordability" affordable housing impact mitigation programs for commercial and residential development (Chapters 23.58B and 23.58C) Restrictions on demolition of housing (23.40.006)
Historic Preservation/ Archaeological Sites	<ul style="list-style-type: none"> Landmarks Preservation Ordinance remains in place for landmark preservation (Chapter 25.12), as coordinated by DON (Historic Preservation program), and including the Landmarks Preservation Board and its reviews of landmark nominations. SDCI Director's Rule 2-98: Clarification of State Environmental Policy Act (SEPA) Historic Preservation Policy for potential archaeologically significant sites and requirements for archaeological assessments. DR 2-98 is proposed for update to be consistent with state guidance. (see Attachment B of this Report). Federal and state regulations address protection of cultural/archaeological resources (including RCW Chapters 27.34, 27.53, 27.44, and WAC Chapter 25.48).
Land Use/Height, Bulk & Scale/Shadows on Open Spaces	<ul style="list-style-type: none"> Land Use Code development standards (minimums, maximums, and a variety of flexibility provisions) address the scale of development, location of building features,

SEPA Authority by Element of the Environment (25.05.675)	How Addressed by Other Codes/Rules*
	<p>and other aspects related to compatibility, appropriate for each zone category</p> <ul style="list-style-type: none"> • The Design Review process applies at various thresholds and provides a venue for addressing these topics (Chapter 23.41) for developments most likely to result in contrasts of land use, bulk, scale, and shadows. • Design Review criteria relate to the physical context, including nearby uses and context, as well as land use and development standards addressing height/bulk/scale
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 (post-construction)	<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.
Public Services and Facilities, Utilities	<ul style="list-style-type: none"> • Authority for requiring utility improvements 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, solid waste, and 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.
Public View Protection <i>Applies to public views from designated public viewpoints, parks, scenic routes and view corridors to features such as</i>	<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

SEPA Authority by Element of the Environment (25.05.675)	How Addressed by Other Codes/Rules*
<i>mountains, skyline & water. Does not apply to views from private property.</i>	efforts. Commonly used approaches include height limits and upper-level setbacks incorporated into new zoning.
Traffic and Transportation**	<ul style="list-style-type: none"> • Transportation Management Plan (TMP) requirements for new development • Non-SEPA based transportation impact analysis requirement for selected sizes and kinds of non-residential development (23.52.008) • The Comprehensive Plan's and related Seattle Transportation Plan's policies, programs and investment strategies are a holistic approach to managing overall growth, transportation system capacity, transit options, and transportation capital improvement investments. This focuses on managing and addressing transportation improvement needs on a subarea basis. • City's transportation and transit levies' programs support the holistic transportation and growth planning approach. • The City's mode share goals to reduce single-occupant vehicle (SOV) travel choices, and goals for other transportation modes – transit service, bicycling, and pedestrian – include interest in managing performance by geographic subareas (Chapter 23.52). Developments of a certain size are proposed to be subject to non-SEPA based impact studies, and TMP requirements, to support achievement of SOV-reduction mode share goals. • 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.

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

**State law removed "parking" as a SEPA element of the environment. Amendments to the City's Code in 2024 removed parking as a SEPA element of the environment. So, parking impacts are no longer addressed in SEPA review.

Attachment B

Draft Update to SDCI Director's Rule 2-98

ATTACHMENT B

DRAFT UPDATE TO SDCI DIRECTOR'S RULE 2-98 ADDRESSING ARCHAEOLOGICAL AND CULTURAL RESOURCES

Title:

"Clarification of State Environmental Policy Act (SEPA) Historic Preservation Policy and other code provisions for potential archaeologically significant sites and requirements for archaeological assessments."

PURPOSE

The purpose of this rule is to further elaborate on the SEPA Historic Preservation Policy 25.05.675.H.2.e for evaluation and mitigation on sites of potential archaeological significance; and to address how other related City provisions apply when SEPA review is not required. The intent of this rule is to clarify how the Historic Preservation Policy would apply to such sites and describes when and how an assessment of archaeological resources should be conducted.

BACKGROUND

The Seattle Ordinance which implements the State Environmental Policy Act (SEPA), Chapter 25.05, Seattle Municipal Code (SMC) authorizes the Department of Construction and Inspections (SDCI) to grant, condition or deny construction and use permit applications for public or private proposals which are subject to environmental review. This authority must be exercised based on adopted City policies, plans, rules or regulations set forth in Chapter 25.05, SMC.

Many of Seattle's existing and former shoreline areas (as well as other portions of Seattle) may be sites where resources of archaeological and cultural significance could be found, due to settlement patterns of Native Americans and early European settlements along Puget Sound. Archaeological sites, cultural sites, and their resources may be directly or indirectly threatened by development or redevelopment projects and the SEPA policy provides the opportunity for analysis of these sites. Areas where sites or resources of potential archaeological significance could be found include freshwater and saltwater confluences, areas with low bank saltwater access, terraces of rivers and creeks, river confluence areas, and historical sources of certain kinds of geological formations. Additionally, there is a possibility that new resources may be discovered during construction in areas not noted above.

Archaeologically and culturally significant resources, if previously unknown and discovered during a development process, can present challenges, because protection of their integrity may, in some cases, eliminate or impact affect the economic opportunities on the site. Additionally, it would be unreasonable to require archaeological assessments on all projects located in areas with the characteristics described above throughout Seattle. However, it is

possible to ~~provide some guidance~~ identify a range of places where archaeological and culturally significant resources are more probable to be present, by using historical information, literature and maps. Such records indicate known and potential settlements, and historical maps indicate the pre-urban shorelines. The U.S. Government Meander line provides an indication of where the saltwater shoreline existed prior to recent fill or alteration. It is likely that one would find most potential arch~~a~~eologically and culturally significant resources located within 200 feet of this meander line.

RULE:

~~The Seattle Land Use Code does not define a potential archaeologically significant resource nor a professional archaeologist, The City of Seattle follows so the definitions for those terms relating to potential archaeologically significant resources, and professional archaeologist,~~ in the Washington Administrative Code (WAC 25-48-020 (10), and WAC 25-48-020(4), respectively). ~~will be used.~~ These definitions are found at the end of this rule.

The SEPA language addressing arch~~a~~eologically significant resources reads:

a. It is the City's policy to maintain and preserve significant historic sites and structures and to provide the opportunity for analysis of archaeological sites. (SMC 25.05.675.H.2.a.)

...

e. On sites with potential arch~~a~~eological significance, the decisionmaker may require an assessment of the archaeological potential of the site. Subject to the criteria of the overview policy set forth in Section 23.05.665, mitigating measures that may be required to mitigate adverse impacts to an arch~~a~~eological site include, but are not limited to:

- 1. Relocation of the project on the site;*
- 2. Providing markers, plaques, or recognition of discovery;*
- 3. Imposing a delay of as much as 90 days (or more than 90 days for extraordinary circumstances) to allow archaeological artifacts and information to be analyzed; and*
- 4. Excavation and recovery of artifacts (SMC 25.05.675.H.2.e).*

In order to implement the intent of the above SEPA language, an assessment of the site's probable archaeological significance will be required for any proposal which includes excavation located within 200 feet of the US Government ~~Shoreline~~ Meander line or in other areas where information suggests the potential for arch~~a~~eologically significant resources. The U.S. Government Meander line is mapped on the City's Geographic Information System (GIS). This kind of meander line is defined by the federal government along the banks of all navigable bodies of water and other important rivers and lakes for the purpose of defining the sinuosities

of the shore or bank and as a means of ascertaining...[locations and areas]...of the public lands bordering thereon (WAC 332 30-106 (38)). When a project subject to environmental review is proposed in these locations, the following steps shall be taken pursuant to SMC 25.05.675.H.

During review of the Master Use Permit: For any projects located within 200 feet of the U.S. Government Meander line or in other areas where information, for example on previous development permits, suggests potential for archaeologically significant resources, SDCI shall determine the adequacy of the information provided in the SEPA checklist (Question B.13). This determination shall be based on sufficient references to support the conclusions and SDCI may ask for additional information when appropriate.

The following information, at a minimum, shall be provided in the SEPA checklist:

- Proposed level of excavation and its relationship to native soils and native soil sediments~~historical substrata~~.
- Results of research of relevant literature on the site and environs. Appropriate literature citations shall be provided using the attached bibliography and/or other appropriate resources as reference.
- A summary of any verbal or written correspondence with public officials or other persons with knowledge of relevant subjects, or other written or electronic documentation that may provide relevant information. This may include but is not required to include Results of conversations or copies of written correspondence with contacts with the Washington State Archaeologist at the State Office Department of Archaeology and Historic Preservation (DAHP) (address and phone at end of Director's Rule) ~~- to determine whether the site is a known archaeologically significant site.~~

If the required research does not identify the probable presence on the site of archaeologically significant sites or resources, SECTION A of this Rule shall be followed. If the research suggests the probable presence of archaeologically significant resources, SECTION B of this Rule shall be followed.

SECTION A: If the research does not identify the probable presence of archaeologically significant resources:

- A. The Director's decision shall summarize the results of the research. In this category of applications, the Department is likely to find that impacts to such resources are non-significant.
- B. However, even though if research has not indicated the potential for archaeologically significant resources on the site, there still may be some potential for unknown resources to be discovered if the proposal site is located in an area characteristically similar to those where known resources do exist. Thus, in order to ensure that no adverse impact occur to an inadvertently discovered archaeologically significant

resource, the following conditions of permit approval shall be applied to the project to provide mitigation:

Prior to Issuance of Master Use Permits:

1. The owner and/or responsible parties shall provide SDCI with a statement that the contract documents for their general, excavation, and other subcontractors will include reference to regulations regarding archaeological resources (Chapters 27.34, 27.44, 27.53, ~~79.01, and 79.90 RCW~~, and Chapter 25.48 WAC as applicable), and that construction crews will be required to comply with those regulations.

During Construction:

1. If resources of potential archaeological significance are encountered during construction or excavation, the owner and/or responsible parties shall:
2. Stop work immediately and notify SDCI (Planner name and phone #) and the Washington State Archaeologist-Historic Preservation Officer at the State Office/Department of Archaeology and Historic Preservation (DAHP). The procedures outlined in Appendix A of this Director's Rule ~~2-98~~ for assessment and/or protection of potentially significant archaeological resources shall be followed.
3. Abide by all regulations pertaining to discovery and excavation of archaeological resources, including but not limited to Chapters 27.34, 27.44, 27.53, ~~79.01 and 79.90 RCW~~, and Chapter 25.48 WAC, as applicable, or their successors.

SECTION B: If the research suggests the probable presence of archaeologically significant resources on the site:

During Master Use Permit review, the planner shall review the results of the research to determine further action. If further assessment is needed, one or more of the following actions may be taken during review of the application or required as a condition of the permit approval. Additionally, the permit conditions in Section A shall be added to the Director's decision.

1. A site reconnaissance by a professional archaeologist may be required.
2. On-site testing, if recommended by a professional archaeologist may be required.
3. A mitigation plan prepared by a professional archaeologist may be required.
4. A condition may be added to the permit approval which would require that an archaeologist be on site to monitor the excavation.
5. A Determination of Significance may be made and an Environmental Impact Statement prepared.

The reasons for this interpretation of SEPA authority

SEPA states that the protection of the state's heritage resources are important to the retention of a living sense and appreciation of the past. Seattle's SEPA ordinance is a basis for local authority for evaluation and possible mitigation of the impacts of development proposals within the City limits. The reason for clarifying this section of the SEPA ordinance is to ensure that correct measures are taken to identify and analyze potential or known resources, and to make provisions to protect these resources pursuant to state and federal laws referenced in this rule. Additionally, clear procedures will alert developers to the possibility that discovery of potential archaeologically and culturally significant resources—including discovery of human remains—may impact their project schedules and costs.

Requiring research on projects sites within 200 feet of the U.S. Government Meander line and locations where information suggests the probability of potential archaeologically significant resources should ensure analysis of these significant resources where they are most likely to be present.

Development Standards in the Shoreline Master Program (23.60A.154) also address the shoreline area

In addition to the Rule guidance provided above, the following spells out the development standards applicable to evaluation of archaeological and historic resources for locations within the Shoreline District, which are contained in Section 23.60A.154 of the Shoreline Master Program, in their entirety. This includes for developments that are not subject to SEPA review.

23.60A.154 - Standards for archaeological and historic resources

A. Developments, shoreline modifications, and uses on any site having historic, cultural, scientific, or educational value, as defined by the Washington State Department of Archaeology and Historic Preservation and local tribes, shall reasonably avoid disruption of the historic, cultural, scientific, or educational resource.

B. Applications in areas documented by the Washington State Department of Archaeology and Historic Preservation to contain archaeological resources shall include a preliminary cultural resource evaluation or site inspection, and a written report prepared by a qualified professional archaeologist in compliance with Section 106 of the National Historic Preservation Act or State Executive Order 05-05, approved by the City, prior to the issuance of a permit. In addition, the archaeologist also shall provide copies of the draft report to affected tribes and the Washington State Department of Archaeology and Historic Preservation. After consultation with these tribes and agencies, the archaeologist shall provide a final report that includes any recommendations from affected tribes and the Washington State Department of Archaeology and Historic

Preservation on avoidance or mitigation of the proposed project's impacts. The Director shall condition project approval based on the final report from the archaeologist to avoid, minimize, and mitigate impacts to the site consistent with federal and state law.

C. If any archaeological resources are uncovered during the proposed work, work shall be stopped immediately, and the applicant shall notify the City, affected tribes, and the Washington State Department of Archaeology and Historic Preservation. The applicant shall submit a site inspection and evaluation report by a qualified professional archaeologist, approved by the City, that identifies all possible valuable archaeological data and makes recommendations on how to handle the data properly. When the report is prepared, the applicant shall notify affected tribes and the Washington State Department of Archaeology and Historic Preservation and provide them with copies of the report.

D. If identified historical or archaeological resources are present, site planning and access to such areas shall be designed and managed to give protection to the resource and surrounding environment, and any permit issued shall be revised.

E. In the event that unforeseen factors constituting an emergency as defined in RCW 90.58.030 necessitate rapid action to retrieve or preserve artifacts or data, the project may be exempted from the requirement to obtain a shoreline substantial development permit. The City shall notify Ecology, the State Attorney General's Office, affected tribes and the State Department of Archaeology and Historic Preservation of the exemption in a timely manner.

Procedures for areas within the U.S. Government Meander Line buffer but outside shoreline district designated area

For any projects that are located within a U.S. Government Meander Line buffer (within 200 feet of this Meander Line), in places where this buffer is not located within a shoreline district designated area, the following provisions shall be included in plans as conditions of approval, and contract documents:

- A. If a portion of a project site is located within this buffer, and if a SEPA review is not otherwise required for a permit, the City will require an application for a grading permit and/or demolition permit to include the following provisions:
1. The owner and/or responsible parties shall provide SDCI with a statement that the contract documents for their general, excavation, and other subcontractors will include reference to regulations regarding archaeological resources (Chapters 27.34, 27.44, 27.53, and Chapter 25.48 WAC as applicable), public lands (Chapter 79.01 RCW as applicable), and aquatic lands (Chapter 79.90 RCW as applicable) and that construction crews will be required to comply with those regulations.

During Construction:

2. If resources of potential archaeological significance are encountered during construction or excavation, the owner and/or responsible parties shall:
3. Stop work immediately and notify SDCI (Planner name and phone #) and the Washington State Historic Preservation Officer at the State Department of Archaeology and Historic Preservation (DAHP). The procedures outlined in Appendix A of this Director's Rule for assessment and/or protection of potentially significant archaeological resources shall be followed.
4. Abide by all regulations pertaining to discovery and excavation of archaeological resources, including but not limited to Chapters 27.34, 27.44, 27.53, and Chapter 25.48 WAC, as applicable, public lands (Chapter 79.01 RCW as applicable), and aquatic lands (Chapter 79.90 RCW as applicable), or their successors.

CONTACT PERSON REFERENCES:

City of Seattle and Washington State Officials:

For information on Washington State Archaeological Resources: <https://dahp.wa.gov/>

Allyson Brooks, State Historic Preservation Officer,

Washington Department of Archaeology and Historic Preservation

Mailing Address:

P.O. Box 48343 Olympia, Washington 98504-8343

Phone: (360) 480-6922

For information on City of Seattle Historic Preservation:

www.seattle.gov/neighborhoods/historic-preservation

Sarah Sodt, City Historic Preservation Officer, City of Seattle Department of Neighborhoods,
Historic Preservation Program

PO Box 94649, Seattle, WA, 98124-4649

Phone: (206) 684-0464.

WAC Definitions:

"Archaeological resource" means any material remains of human life or activities which are of archaeological interest, including This shall include all sites, objects, structures, artifacts, implements, and locations of prehistoric or archaeological interest, whether previously recorded or still unrecognized, including, but not limited to, those pertaining to prehistoric and historic American Indian or aboriginal burials, campsites, dwellings, and their habitation sites, including rock shelters and caves, their artifacts and implements of culture such as projectile points, arrowheads, skeletal remains, grave goods, basketry, pestles, mauls, and grinding stones, knives, scrapers, rock carvings and paintings, and other implements and artifacts of any material." WAC 25-48-020 (10)

"Professional archaeologist" means a person who (a) Has designed and executed an archaeological study as evidenced by a thesis or dissertation; and ~~has~~ been awarded an advanced degree such as an M.A., M.S., or Ph.D. ~~in archaeology, anthropology, history from an accredited institution of higher education in archaeology, anthropology, or history~~ or other germane discipline with a specialization in archaeology from an accredited institution of higher education; and (b) ~~H~~Has a minimum of one year of field experience with at least twenty-four weeks of field work under the supervision of a professional archaeologist, including no less than twelve weeks of survey or reconnaissance work; and at least eight weeks of supervised laboratory experience. Twenty weeks of field work in a supervisory capacity must be documentable with a report on the field work produced by the individual ~~on the field work~~. WAC 25-48-020(4)

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The Washington State Historical Society maintains a web site (www.washingtonhistory.org) with links to other resources.

Seattle Area historical resources can be found at the following locations:

1. City of Seattle Municipal Archives: The most heavily used records are housed in the City Clerk's office, including the records of City Council, the Mayor, the Pike Place Market Urban Renewal, and the photography of the Engineering Department, Parks Department, Water Department, and Seattle City Light.
2. Additionally, under the terms of an interlocal agreement, a large body of City records ~~are~~ is housed at the Puget Sound Branch of the Washington State Archives.
3. Prior to creation of the Municipal Archives, some City records were collected and are still maintained by the University of Washington Archives and Manuscripts Division.
 - a. University of Washington, Pacific Northwest collection, Allen Library; and
 - b. the Suzzallo Library
4. The Seattle Public Library, general collection and reference
5. Historic Seattle ~~Preservation and Development Authority, Seattle~~ (www.historicseattle.org)
6. Local Historical Societies

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APPENDIX A to Attachment B

Procedures to follow for assessment and/or protection of potentially significant archaeological resources discovered during construction or excavation:

1. If resources of potential archaeological significance are encountered during construction or excavation, the owner and/or responsible party shall stop work immediately and notify SDCI and the Washington State Archaeologist at the State Office-Department of Archaeology and Historic Preservation (DAHP). Responsible parties shall abide by all regulations pertaining to discovery and excavation of archaeological resources, including but not limited to Chapters 27.34, 27.44, 27.53, and Chapter 25.48 WAC, as applicable, public lands (Chapter 79.01 RCW as applicable), and aquatic lands (Chapter 79.90 RCW as applicable) or their successors.
2. Once SDCI and the State Office have been notified:
 - The owner and/or responsible party shall hold a meeting on site with SDCI and a professional archaeologist. Representatives of Federally recognized Tribes and the Native American community that may consider the site to be of historical or cultural significance shall be invited to attend. After this consultation, the archaeologist shall determine the scope of, and prepare, a mitigation plan. The plan shall be submitted for approval to the State Office-Department of Archaeology and Historic Preservation (DAHP), and to SDCI to ensure that it provide reasonable mitigation for the anticipated impacts to the resources discovered on the construction site.
 - The plan shall, at a minimum, address methods of site investigation, provide for recovery, documentation and disposition of possible resources, and provide excavation monitoring by a professional archaeologist. The plan should also provide for conformance with State and Federal regulations for excavation of archaeologically significant resources.
 - Work only shall resume on the affected areas of the site once an approved permit for Archaeological Excavation and Removal is obtained from the DAHP. Work may then proceed in compliance with the approved plan.

ATTACHMENT C

WSDOT Coordination Documentation

Comprehensive Plan, 2022 - 2024

Documentation of Consultation

- Scoping Notice Sent in June 2022
- Meeting with WSDOT on July 19, 2023: invites include Hubner, Michael; Storrar, Jeff; Staley, Brennon; Carroll, Patrice; Lewis, Jonathan; Dacanay, Radcliffe; Nelson, Maxwell; Bendixen, Carmen; Noyes, Thomas; Thatcher, Hannah; Bartoy, Kevin; Tolon, Marsha; Fox, Sarah (COM); Spicer, Sarah; Trecha, Matthew; Runchey, Krista; Kucharski, Margaret
- Meeting with WSDOT on January 30, 2024; invitees include: Bendixen, Carmen Tolon, Marsha Kucharski, Margaret; Pazooki, Ramin; Nelson, Maxwell; Bartoy, Kevin; Funis, Chelsey; Clowers, Gordon; Hubner, Michael; Spang, Audrey; Holmes, Jim
- Notice of Draft EIS and Intent to SEPA Exemption on March 7, 2024

Key Contacts

Ramin Pazooki, Development Services Manager for Snohomish & King Counties,
Ramin.Pazooki@wsdot.wa.gov

Maxwell Nelson, Transportation Planning Technician, nelsonm@wsdot.wa.gov

Margaret Kucharski – Mega Projects, kucharm@wsdot.wa.gov

Ferries:

Carmen Bendixen <BendixC@wsdot.wa.gov>;

Marsha Tolon <TolonM@wsdot.wa.gov>;

Kevin Bartoy, Sustainability Office <BartoyK@wsdot.wa.gov>

To Do: Meet to discuss proposal and mitigation options

Meeting Agenda – 1/30/2024

Intros

Purpose

1. Update on Comp Plan
2. DEIS
3. Project Specific Coordination

Background

- Comp Plan Update
- No SEPA until September 2025, Planning to Raise them permanently after that
- Using EIS to meet SB 5412 requirements
- DEIS and plan released in March

DEIS contents (look at slides)

Agenda (continued)

SEPA

- We (City) don't have a specific proposal, but intent is to raise thresholds from previous amounts
- Transportation impact mitigation is still required for projects that don't go through SEPA; however, it is a different process
- How is it going today? Are there potential changes that we could make to improve the process?

Notes

- WSDOT currently receives e-mails from jurisdictions about projects undergoing SEPA. Ferries only receives notices on projects within a certain distance of a ferry terminal.
- WSF would like to review projects adjacent or nearby the Seattle (SR 519 and SR 99 tunnel), and Fauntleroy (SR 160 and Fauntleroy Way).
- WSDOT would like to review all projects adjacent to any facility and projects of a certain size within a certain distance of exits and entrances. They didn't have a specific proposal but thought it might be something like projects that generate 50 or more peak hour trips toward state facilities and within 1 mile.
- City already provides notice of all projects over or adjacent to the Downtown Tunnel
- For SEPA reviews they usually have 2-3 weeks to review but there is an option to extend. That review period works well.
- First comment that they usually make is that they would like to see a transportation study. If we could send that with notice, it would help a lot.

Meeting Agenda 4/30/2024

1. Purpose
2. Background
3. Types of Notice (WSDOT, Tribes, other)?
4. Process for creating notice
 - Who
 - How
5. What do we need from WSDOT
6. Timing of Notice

Notes 4/30/2024

- Scope of proposal
 - Consider notices for WSDOT, Tribes, DON - Sodt, SPU - Wallis, SDOT - Alyce, SCL
 - Options: Update Pre-Application Review (PAR) process; create database of projects similar to LUIB or state SEPA registry; send emails at specific points in project
- Next Steps
 - Talk with city staff about where in the process we currently accept comment and when it would make sense to send notice
 - Reach out to WSDOT and Tribes (Bradley Wilburn and Jerry Suder for all, Jim Holmes for WSDOT & Tribes, Audrey Spang for WSDOT) to understand which projects they want to see
 - Develop a proposal which addresses
 - Type of notice (email, public database)
 - Types of projects triggering notice
 - Stage of projects at which notice occurs and relationship to commenting
 - Authority for responding to comments
 - Reach out to Sam and Jared after we have developed initial concept
- Precedent
 - Short plats sent to WSDOT through land use intake for projects adjacent to highways
 - Notice sent to WSDOT for projects adjacent to tunnel
- Other notes
 - Project data especially number of units is often entered at the end of a project so we may not have good data early in process
 - We may need to have staff check a box for notice where data is not complete
 - Hard to give other agencies access to Accela
 - Jared determines when technical changes would be implemented; Sam determines which technical changes would be needed



Legislation Text

File #: CB 121093, **Version:** 1

AN ORDINANCE relating to land use and zoning; revising environmental review thresholds and related provisions addressing transportation-related requirements, and archaeological, and cultural resource preservation requirements; amending the title of Chapter 23.52, the title of Subchapter I of Chapter 23.52, and Sections 22.170.050, 22.170.070, 22.170.190, 23.52.004, and 25.05.800 of the Seattle Municipal Code. The full text of the bill is attached to the legislative file.

CITY OF SEATTLE

ORDINANCE _____

COUNCIL BILL _____

..title

AN ORDINANCE relating to land use and zoning; revising environmental review thresholds and related provisions addressing transportation-related requirements, and archaeological and cultural resource preservation requirements; amending the title of Chapter 23.52, the title of Subchapter I of Chapter 23.52, and Sections 22.170.050, 22.170.070, 22.170.190, 23.52.004, and 25.05.800 of the Seattle Municipal Code.

..body

WHEREAS, the state of Washington in SB 5412 (2023) amended laws to encourage more housing and infill development in urban areas, enabling jurisdictions to adopt additional

efficiencies in relation to State Environmental Policy Act (SEPA) requirements; and

WHEREAS, the entirety of The City of Seattle is located within and designated as an Urban

Growth Area (UGA) and most development in Seattle is infill development; and

WHEREAS, in response to SB 5412, the City of Seattle's SEPA review provisions have been

temporarily suspended since 2023 for development that includes residential uses, which

has streamlined permitting, but that suspension ends on September 30, 2025; and

WHEREAS, past revisions of SEPA categorical exemption levels have been coordinated with

the adoption of updated Comprehensive Plans in The City of Seattle; and

WHEREAS, The City of Seattle is adopting an updated Comprehensive Plan that defines new

growth planning objectives, including citywide prescriptions for the amount of residential

and employment growth for the next 20 years; and

WHEREAS, an Environmental Impact Statement (EIS) has been completed for the

Comprehensive Plan update that considers the uses and proposed density proposed for

changes in SEPA categorical exemption levels, and The City of Seattle has fulfilled other

obligations indicated in RCW 43.21C.229; and

WHEREAS, environmental analysis, protection, and mitigation are adequately addressed for SEPA-exempted development through adopted comprehensive plans, subarea plans, and other applicable local, state and federal development regulations; and

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; 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,

BE IT ORDAINED BY THE CITY OF SEATTLE AS FOLLOWS:

Section 1. Section 22.170.050 of the Seattle Municipal Code, last amended by Ordinance 126357, is amended as follows:

22.170.050 Definitions

* * *

“U.S. Government Meander Line” means a fixed determinable line run by the United States government along the banks of all navigable bodies of water and other important rivers and lakes for the purpose of defining the sinuosities of the shore or bank and as a means of ascertaining the areas of fractional subdivisions of the public lands bordering thereon.

“U.S. Government Meander Line buffer” means all areas within 200 feet of a U.S. Government Meander Line, including but not limited to within the Shoreline District as mapped in the Shoreline Master Program.

"Watercourse" means the route, constructed or formed by humans or by natural processes, generally consisting of a channel with bed, banks or sides, in which surface waters

1 flow. Watercourse includes small lakes, bogs, streams, creeks, and intermittent artificial
2 components (including ditches and culverts) but does not include designated receiving waters.

3 Section 2. Section 22.170.070 of the Seattle Municipal Code, last amended by Ordinance
4 126357, is amended as follows:

5 **22.170.070 Application requirements for grading permits**

6 * * *

7 B. Plans and information required

8 * * *

9 2. Requirements for plans. The following information shall be submitted with
10 applications for grading permits requiring plans.

11 a. A general vicinity map and legal description of the site;

12 b. A site plan as required by the director of the department that will issue
13 the permit;

14 c. A grading plan showing:

15 1) An estimate of the total combined volume of excavation, filling,
16 and other movement of earth material;

17 2) A topographic plan, including cross-sections of the site and
18 adjacent property, showing the existing and proposed contours of the land at not more than 2-
19 foot contour intervals, and the location and amount of all temporary stockpiles and excavations.

20 On steeper sites, the Director may authorize plans to show a contour interval greater than 2 feet
21 but in no case more than a 5-foot interval. The information relating to adjacent properties may be
22 approximated;

23 3) A bar scale and north arrow;

4) The limits of proposed land disturbance;

5) Existing and proposed retaining walls, rockeries, and all other features that create sudden grade changes. Proposed retaining walls and rockeries shall include top and bottom elevations at the ends, high points, and at least every 25 feet along the feature;

6) Location of existing and proposed buildings, structures, hard surface, and other improvements on the site;

7) The approximate location of all buildings, structures, hard surface, and other improvements on adjacent land;

8) The location of existing and proposed drainage control facilities, drainage discharge points, watercourses, drainage patterns, and areas of standing water;

9) Environmentally critical areas and associated setbacks and buffers;

10) Areas within the Shoreline District or a U.S. Government Meander Line buffer;

~~((10))~~ 11) Non-disturbance areas;

~~((11))~~ 12) The approximate location, type, and size of trees and other vegetation on the site;

~~((12))~~ 13) Designation of trees and vegetation to be removed, and the minimum distance between tree trunks and the nearest excavation and/or fill; and

~~((13))~~ 14) Areas where equipment traffic will be permitted and excluded;

d. A drainage control plan as set forth in Chapter 22.807.

* * *

C. Information (~~((Required.))~~) required

1. Information (~~((Required with Plans))~~) required with plans. The following information shall be submitted with grading plans at the time of application:

a. The disposal site for excavated materials to be removed from the site.

1) The disposal site shall be one of the following:

i. A site within the City of Seattle for which a grading permit application has been submitted;

ii. A site within the City of Seattle where a grading permit is not required for deposit of the material; or

iii. A site outside the City of Seattle.

2) The site for disposal of contaminated soils, if any, shall be consistent with all other applicable laws, regulations and ordinances, including without limitation those related to contaminated, toxic, or hazardous materials.

3) If the applicant is unable to specify the disposal site at the time of application, the applicant shall request a postponement of the identification of the disposal site. The request shall include a commitment that the applicant will specify a disposal site that complies with subsection 22.170.070.C.1.a prior to any excavation.

b. Where placement of a structural fill is proposed, a description of the composition of fill material and its structural qualities;

c. Where any portion of the grading will encroach on an adjacent property, proof of ownership of the adjacent property or an easement or authorization in accordance with Section 22.170.200;

d. The immediate and long-term intended use of the property;

e. Identification of past industrial or manufacturing uses or hazardous materials treatment, disposal, or storage that have occurred on the site;

f. Where a site is located in a potentially hazardous location, a copy of all applicable permit or approval applications, permits and approvals from the appropriate regulatory agencies; ~~((and))~~

g. When required by Section 22.807.020, a Construction Stormwater Control Plan~~((:))~~ ; and

h. A list of protective measures for potential archaeological and cultural resources that apply according to rules promulgated by the Director. The list shall also be included in contract documents.

2. Required after ~~((Initial Screening))~~ initial screening. The Director may require the following information after the initial screening of a grading permit application:

a. Sediment and pollution. A description of methods to be used to minimize sediment or other pollution from leaving the site during and after construction and to protect cleared areas and cut and fill slopes from erosion~~((:))~~ .

b. Schedule. A time schedule of operations, including, but not limited to, implementation of the applicable requirements of Sections 22.805.010 and 22.807.020, clearing, minimization of grading of unprotected soil surfaces, restoration of topsoil and vegetative cover, and construction of improvements~~((:))~~ .

c. Survey. A survey of boundaries and topography of the site and the grades of adjacent public rights-of-way prepared by a surveyor licensed by the State of Washington~~((:))~~ .

d. Geotechnical investigation~~((:))~~

- 1) When required. A geotechnical investigation may be required when an application for a grading permit is made for property located:
- i. In potentially hazardous locations;
 - ii. In geologic hazard areas;
 - iii. In areas where grading may result in instability of the site or adjoining property;
 - iv. In areas where soils may not be suitable for the use intended;
 - v. In areas where the Director determines pollutants are likely to be present; or
 - vi. In any area where the Director determines that the information that would be supplied by a geotechnical investigation is necessary for the review of the application.
- 2) Information required. The geotechnical investigation shall provide information needed to assess potential hazards associated with the site and to determine whether a grading permit should be issued. It shall comply with rules promulgated by the Director.
- 3) Preparation. The geotechnical investigation shall be prepared by a geotechnical engineer or other equally qualified person approved by the Director. The Director may require that the plans and specifications be stamped and signed by the geotechnical engineer to indicate that the grading and proposed structure comply with the conclusions and recommendations of the investigation.

e. Site ~~((Analysis))~~ analysis. For properties located in any of the areas identified in subsection 22.170.070.C.2.d, an analysis and report of the following site factors, prepared by a licensed civil engineer or other person approved by the Director:

1) The hydrology of the site and the drainage basin in which the development is located; and

2) The effect of grading upon surrounding properties, watercourses, and the drainage basin, including impacts on water quality and fish habitat when a stream, lake, or other body of water is affected.

f. Additional information. The Director may require additional information pertaining to the specific site and any other relevant information needed in order to assess potential hazards associated with the site and to determine whether a grading permit should be issued.

3. Fees. A fee for each grading permit and for other activities related to the enforcement of this code shall be paid as set forth in the Fee Subtitle ~~((SMC Chapters 22.900A-22.900G)))~~ .

Section 3. Section 22.170.190 of the Seattle Municipal Code, last amended by Ordinance 126357, is amended as follows:

22.170.190 General requirements

* * *

R. Land disturbing activity shall comply with provisions of applicable codes and rules promulgated by the Director describing actions and practices to protect potential archaeological and cultural resources during construction.

Section 4. The title of Chapter 23.52 of the Seattle Municipal Code, last amended by Ordinance 127228, is amended as follows:

**Chapter 23.52 TRANSPORTATION ((~~CONCURRENCY~~)) LEVEL OF SERVICE, AND
TRANSPORTATION IMPACT ((~~MITIGATION~~)) ANALYSIS FOR SEPA-EXEMPT
DEVELOPMENT**

Section 5. The title of Subchapter I of Chapter 23.52 of the Seattle Municipal Code, last amended by Ordinance 127228, is amended as follows:

Subchapter I Transportation ((~~Level-of-Service Project Review System~~)) Level of Service

Section 6. Section 23.52.004 of the Seattle Municipal Code, last amended by Ordinance 127228, is amended as follows:

23.52.004 ((~~Requirement to meet transportation~~)) Transportation ((~~level-of-service standards~~)) level of service

~~((A. Applicability of this Subchapter I. Development, except for light rail transit facilities, that meets the following thresholds must contribute to achieving the percentage reduction targets shown on Map A for 23.52.004, which includes options for reducing the single-occupancy vehicle (SOV) trips associated with the development:~~

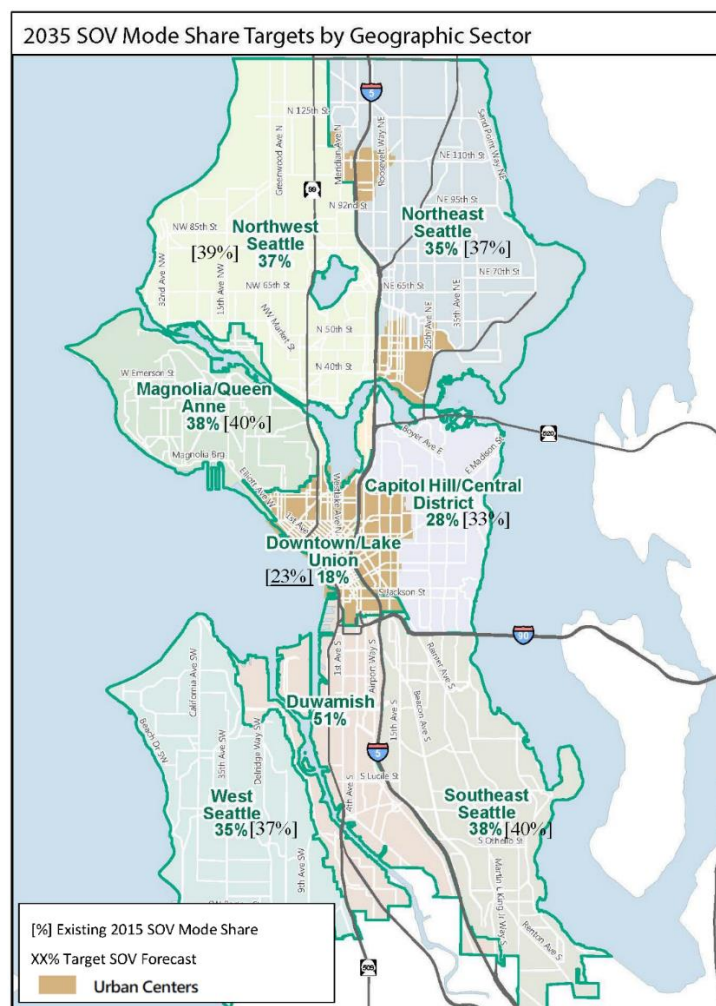
~~1. Proposed development in excess of any of the following: 30 dwelling units, 30 sleeping rooms, or 4,000 square feet of gross floor area in new nonresidential uses except for proposed development as provided in subsection 23.52.004.A.2;~~

~~2. Proposed development located in IG1 or IG2 zones and having more than 30,000 square feet of gross floor area in uses categorized as agricultural, high impact, manufacturing, storage, transportation facilities, or utility uses.))~~

A. The Comprehensive Plan establishes that one level-of-service measure is the percentage of trips that are made by single-occupancy vehicles (SOV), on a citywide and subarea basis. Map A for 23.52.004 establishes the SOV mode share targets by geographic sector.

B. To support achieving level-of-service objectives related to SOV mode share, this Chapter 23.52 specifies requirements that apply according to development size, site zoning, and type of permit review.

Map A for 23.52.004: 2035 SOV Mode Share Targets by Geographic Sector



~~((B. Requirements. Development above the thresholds in subsection 23.52.004.A shall contribute toward achieving the SOV reduction targets identified on Map A for 23.52.004, either~~

~~based on location of the development in an urban center, hub urban village, or within one-half mile's walking distance of a light rail station, or where these locational criteria are not met, by selecting and implementing at least one mitigation measure from a list of measures identified in a Joint Directors' Rule adopted by the Directors of the Department of Construction and Inspections and the Department of Transportation.))~~

Section 7. Section 25.05.800 of the Seattle Municipal Code, last amended by Ordinance 126843, 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

1. The exemptions in this subsection 25.05.800.A apply to all licenses required to undertake the construction in question. To be exempt under this Section 25.05.800, the project shall be equal to or smaller than the exempt level. For a specific proposal, the exempt level in subsection 25.05.800.A.2 shall control. If the proposal is located in more than one city or county, the lower of the agencies' adopted levels shall control, regardless of which agency is the lead agency. The exemptions in this subsection 25.05.800.A apply except when the project:

- a. Is undertaken wholly or partly on lands covered by water;
- b. Requires a license governing discharges to water that is not exempt under RCW 43.21C.0383;
- c. Requires a license governing emissions to air that is not exempt under RCW 43.21C.0381 or WAC 197-11-800(7) or 197-11-800(8); or

d. Requires a land use decision that is not exempt under subsection
25.05.800.F.

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

a. The construction or location of residential or mixed-use development
~~((containing no more than the number of dwelling units identified in Table A for 25.05.800:))~~
citywide is categorically exempt from SEPA environmental review in all zones if:

1) The development is consistent with subsection 25.05.800.A.1;

2) Citywide residential growth has not exceeded the exemption
limits established pursuant to subsection 25.05.800.A.2.i in reference to an adopted
Comprehensive Plan. Or if the exemption limits established pursuant to subsection
25.05.800.A.2.i have been exceeded, a residential or mixed-use development's exemption from
review shall be subject to a categorical exemption threshold of 200 dwelling units; and

3) The development does not exceed permissible use, density, or
intensity limits established by the Land Use Code or other applicable codes of The City of
Seattle.

((Table A for 25.05.800 Exemptions for residential uses			
Zone	Number of exempt dwelling units		
	Outside urban centers and urban villages	Within urban centers and urban villages where growth estimates have not been exceeded	Within urban centers and urban villages where growth estimates have been exceeded
NR and RSL	4	4	4

((Table A for 25.05.800 Exemptions for residential uses			
Zone	Number of exempt dwelling units		
	Outside urban centers and urban villages	Within urban centers and urban villages where growth estimates have not been exceeded	Within urban centers and urban villages where growth estimates have been exceeded
LR1	4	200 ⁺	20
LR2	6	200 ⁺	20
LR3	8	200 ⁺	20
NC1, NC2, NC3, C1, and C2	4	200 ⁺	20
MR, HR, and Seattle Mixed zones	20	200 ⁺	20
MPC YF	NA	30 ⁺	20
Downtown zones	NA	250 ⁺	200
Industrial zones	4	4 ⁺	4

Footnotes to Table A for 25.05.800

NA = not applicable

Urban centers and urban villages are identified in the Seattle Comprehensive Plan.

⁺ Pursuant to RCW 43.21C.229, new residential or the residential portion of new mixed-use development located in an urban center or in an urban village is categorically exempt from the State Environmental Policy Act, unless the Department has determined that residential growth within the urban center or village has exceeded exemption limits for the center that the Department has established pursuant to subsection 25.05.800.A.2.i.))

b. The construction of a barn, loafing shed, farm equipment storage building, produce storage or packing structure, or similar agricultural structure, covering 10,000 square feet or less, and to be used only by the property owner or the property owner's agent in the conduct of farming the property. This exemption does not apply to feed lots;

c. The construction of office, school, commercial, recreational, service, manufacturing, or storage buildings, ~~((containing no more than the gross floor area listed in Table B for 25.05.800:))~~ citywide, is categorically exempt from SEPA environmental review in all zones if:

1) The development is consistent with subsection 25.05.800.A.1;

2) For stand-alone non-residential use development, not including non-residential uses located within a mixed-use structure, the gross floor area shall not exceed:

a) 30,000 gross square feet for retail commercial uses; and

b) 65,000 gross square feet for non-retail non-residential uses;

3) If citywide employment growth has not exceeded the exemption limits established pursuant to subsection 25.05.800.A.2.i in reference to an adopted Comprehensive Plan. Or, if the exemption limits established pursuant to subsection 25.05.800.A.2.i have been exceeded, a development's exemption from review shall be subject to a categorical exemption threshold of 30,000 gross square feet; and

4) If the development does not exceed permissible use, density, or intensity limits established by the Land Use Code or other applicable codes of The City of Seattle.

((Table B for 25.05.800 Exemptions for non-residential uses			
Zone	Exempt area of use (square feet of gross floor area)		
	Outside urban centers and hub urban villages	Within urban centers and hub urban villages where growth estimates have not been exceeded	Within urban centers and hub urban villages where growth estimates have been exceeded
NR, RSL, and LR1	4,000	4,000	4,000
LR2 and LR3	4,000	12,000 ¹ or 30,000 ²	12,000
MR, HR, NC1, NC2, and NC3	4,000	12,000 ¹ or 30,000 ²	12,000
C1, C2, and Seattle Mixed zones	12,000	12,000 ¹ or 30,000 ²	12,000
Industrial zones	12,000	12,000	12,000
MPC-YT	NA	12,000	12,000
Downtown zones	NA	30,000	30,000

Footnotes to Table B for 25.05.800

NA = not applicable

Urban centers and urban villages are identified in the Seattle Comprehensive Plan.

¹ New non-residential development that is not part of a mixed-use development and that does not exceed 12,000 square feet in size is categorically exempt from the State Environmental Policy Act (SEPA).

² Pursuant to RCW 43.21C.229, new non-residential development that does not exceed 30,000 square feet and that is part of a mixed-use development located in an urban center or in a hub urban village is categorically exempt from SEPA, unless the Department has determined that employment growth within the urban center or village has exceeded exemption limits for the center that the Department has established pursuant to subsection 25.05.800.A.2.i.))

1 d. The construction of a principal use parking lot designed for ~~((40))~~ 90 or
2 fewer automobiles, as well as the addition of spaces to existing lots up to a total of ~~((40))~~ 90
3 spaces;

4 e. Any fill or excavation of ~~((500))~~ 1,000 cubic yards or less throughout
5 the total lifetime of the fill or excavation; and any excavation, fill, or grading necessary for an
6 exempt project in subsections 25.05.800.A.2.a, 25.05.800.A.2.b, 25.05.800.A.2.c, or
7 25.05.800.A.2.d shall be exempt;

8 f. ~~((Mixed-use construction, including but not limited to projects
9 combining residential and commercial uses, is exempt if each use, if considered separately, is
10 exempt under the criteria of subsections 25.05.800.A.2.a through 25.05.800.A.2.d, unless the
11 uses in combination may have a probable significant adverse environmental impact in the
12 judgment of an agency with jurisdiction (see subsection 25.05.305.A.2.b)))~~ Reserved;

13 g. In zones not specifically identified in this subsection 25.05.800.A, the
14 standards for the most similar zone addressed by this subsection 25.05.800.A apply;

15 h. For the purposes of this subsection 25.05.800.A, "mixed-use
16 development" means development having two or more principal uses, ~~((one of which is))~~
17 combining a non-residential use with a residential use ~~((comprising 50 percent or more of the
18 gross floor area))~~ with at least one dwelling unit, not including caretaker units or live-work units;

19 i. To implement the requirements of ~~((Table A for 25.05.800 and Table B
20 for 25.05.800))~~ subsections 25.05.800.A.2.a and 25.05.800.A.2.c, the Director shall establish
21 implementation guidance by rule for how growth is measured against exemption limits and how
22 changes to thresholds will occur if exemption limits are reached. The residential exemption
23 limits shall consist of the residential growth ~~((estimates established in))~~ amount planned citywide

by the Comprehensive Plan (~~((for a given area,))~~) minus a "cushion" of (~~((ten))~~) one-half percent to (~~((assure))~~) ensure that development does not exceed the planned-for growth (~~((estimates))~~) without SEPA review. The non-residential exemption limits shall consist of the non-residential employment growth planned citywide by the Comprehensive Plan, minus a "cushion" of one percent to assure that non-residential development does not exceed the planned-for growth without SEPA review; and

j. The Director shall monitor residential and employment growth and periodically publish a determination of growth citywide for each regional and urban center (~~((and urban village))~~). Residential growth shall include, but need not be limited to, net new units that have been built and net new units in projects that have received a building permit but have not received a certificate of occupancy. Per implementation guidance established by rule, if the Director determines that exemption limits have been reached (~~((for an urban center or urban village))~~), subsequent development will be subject to the lower thresholds as set forth in (~~((Table A for 25.05.800 and Table B for 25.05.800))~~) subsections 25.05.800.A.2.a.2 and 25.05.800.A.2.c.3.

B. Other minor new construction

1. The exemptions in this subsection 25.05.800.B apply to all licenses required to undertake the following types of proposals except when the project:

- a. Is undertaken wholly or partly on lands covered by water;
- b. Requires a license governing discharges to water that is not exempt under RCW 43.21C.0383;
- c. Requires a license governing emissions to air that is not exempt under RCW 43.21C.0381 or subsection 25.05.800.H or subsection 25.05.800.I; or

d. Requires a land use decision that is not exempt under subsection

25.05.800.F.

* * *

6. Additions or modifications to or replacement of any building or facility exempted by subsections 25.05.800.A and 25.05.800.B when such addition, modification, or replacement will not change the character of the building or facility in a way that would remove it from an exempt class¹ ;

7. The demolition of any structure, ~~((or))~~ facility, or improvement, the construction of which would be exempted by subsections 25.05.800.A and 25.05.800.B, except for structures, ~~((or))~~ facilities, or improvements with recognized historical significance such as listing in a historic register¹ ;

* * *

¹ Footnote for subsections 25.05.800.B.6 and 25.05.800.B.7: Proposed actions that involve structures that exceed the following thresholds in Table A or B for Footnote (1) for 25.05.800.B.6 and 25.05.800.B.7 and that appear to meet criteria set forth in Chapter 25.12 for Landmark designation are subject to referral to the Department of Neighborhoods pursuant to Section 25.12.370:

Table A for Footnote (1) for 25.05.800.B.6 and 25.05.800.B.7 Residential uses threshold for referral to Department of Neighborhoods (DON)	
Zone	Permit applications for additions, modifications, demolition, or replacement of structures with more than the following number of dwelling units are referred to DON for landmark review:
NR, RSL, LR1, NC1, NC2, NC3, C1, C2, and Industrial zones	4

**Table A for Footnote (1) for 25.05.800.B.6 and 25.05.800.B.7
Residential uses threshold for referral to Department of Neighborhoods (DON)**

Zone	Permit applications for additions, modifications, demolition, or replacement of structures with more than the following number of dwelling units are referred to DON for landmark review:
LR2	6
LR3	8
MR, HR, SM-SLU, SM-D, SM-NR, SM-U, SM-UP, SM-NG, and Downtown zones	20

**Table B for Footnote (1) for 25.05.800.B.6 and 25.05.800.B.7
Non-residential uses threshold for referral to Department of Neighborhoods (DON)**

Zone	Permit applications for additions, modifications, demolition, or replacement of structures with more than the following square footage amounts are referred to DON for landmark review:
C1, C2, SM-SLU, SM-D, SM-NR, SM-U, SM-UP, SM-NG, and Industrial zones	12,000
All other zones	4,000

* * *

Section 8. This ordinance shall take effect as provided by Seattle Municipal Code
Sections 1.04.020 and 1.04.070.

Passed by the City Council the _____ day of _____, 2025,
and signed by me in open session in authentication of its passage this _____ day of
_____, 2025.

President _____ of the City Council

Approved / returned unsigned / vetoed this ____ day of _____, 2025.

Bruce A. Harrell, Mayor

Filed by me this _____ day of _____, 2025.

Scheereen Dedman, City Clerk

(Seal)

SUMMARY and FISCAL NOTE

Department:	Dept. Contact:	CBO Contact:
SDCI	Gordon Clowers	Jennifer Breeze

1. BILL SUMMARY

Legislation Title: AN ORDINANCE relating to land use and zoning; revising environmental review thresholds and related provisions addressing transportation-related requirements, and archaeological and cultural resource preservation requirements; amending the title of Chapter 23.52, the title of Subchapter I of Chapter 23.52, and Sections 22.170.050, 22.170.070, 22.170.190, 23.52.004, and 25.05.800 of the Seattle Municipal Code.

Summary and Background of the Legislation:

This legislation amends the Land Use Code (Title 23), Environmental Policies and Procedures (Title 25), and Grading Code (Title 22). It updates the State Environmental Policy Act (SEPA) thresholds for environmental review, and other provisions relating to land use permitting, transportation, and archaeological and cultural resource preservation. This legislation focuses requirements for SEPA review so that it occurs only in limited circumstances for projects where environmental impacts would be most probable. This is supported by the City's current and proposed Comprehensive Plans' policies and related analyses. Currently, nearly all types of potential environmental impacts addressed by SEPA are already addressed via the City's policy intents, development regulations, and related requirements.

These amendments are intended to update the permit process to be more efficient, to better meet the current needs of the City, to expedite housing development, to support easier and faster permitting for small and medium-sized businesses and commercial and retail spaces, and support transit-oriented infill urban growth patterns. Implementing this legislation should help lead to new investment in residential and non-residential development, which should in turn support economic development, job growth, more housing supply, and a wider variety of housing options.

The legislation:

1. Updates SEPA categorical exemption thresholds defined citywide for residential and mixed-use development that includes housing, based on the levels of planned-for citywide growth, consistent with the updated Comprehensive Plan and consistent with the infill growth provisions of RCW 43.21C.229. These reflect that all of Seattle is defined as within an urban growth area (UGA).
2. Raises SEPA categorical exemption thresholds for stand-alone commercial development and other non-residential development citywide to the maximum SEPA exemption thresholds defined in WAC 197-11-800 and RCW 43.21C.229, which are 30,000 square feet for non-residential retail uses, and 65,000 square feet for non-residential non-retail

uses, respectively; and increases the SEPA categorical threshold for principal-use parking uses to 90 parking spaces.

3. Updates code provisions, rules, and permitting practices related to cultural and archaeological resources preservation, and what happens if such resources are discovered during construction. This includes:
 - a. Updates rules, requirements, and permit conditions for cultural and archaeological resources that may be unearthed during construction;
 - b. Extends those requirements to areas within a defined meander line buffer area, which are places where shorelines used to exist, where there is an elevated probability of cultural and archaeological resource presence;
4. Revises Section 23.52.004 relating to transportation level-of-service measures, by removing outdated text that no longer meets the intent of the Comprehensive Plan.
5. Identifies a need (which will be addressed administratively) to update noticing practices for development proposals, in order to notify the State Department of Transportation when state facilities may be affected, for their review on proposals that could impact state facilities.

In certain situations, developments below the SEPA thresholds will still require SEPA review, including:

- Due to presence of already-designated historic or landmark buildings;
- Changes-of-use in existing developed sites to a substantially more intensive use that would warrant SEPA review, per SDCI Director's Rule;
- Additions to existing buildings or uses, if the addition causes the use to exceed a SEPA review threshold for the first time, and certain additions to existing larger buildings;
- Projects that include or are part of a series of actions that together exceed a SEPA review threshold; and
- The addition of certain large features such as a tank greater than 10,000 gallons in most zones; or development of more than 90 parking spaces in a principal-use parking use.

This legislation may be decided in a timeframe that will effectively update and replace the City's SEPA review thresholds, following the expiration of a current two-year suspension of SEPA review for most residential and mixed-use development, brought about by State legislation (Senate Bill 5412), which expires on September 30, 2025.

The current suspension has considerably reduced the volume of SEPA reviews undertaken in the last two years. Economic conditions have also played a part in slowing down the rate of new development permit reviews. While past volumes of SEPA reviews ranged from approximately 100 to 200 in past years, only approximately 35 SEPA reviews were undertaken annually for proposals with decisions rendered in 2023 and 2024. These were mostly related to situations where SEPA review is still required due to special circumstances such as overwater construction

activity, presence of environmental critical areas such as wetlands, replacement of large tanks, and a handful of new uses or additions (industrial development, institutional development, or building changes-of-use) that exceeded the applicable thresholds.

For additional information, please see the Director's Report accompanying this legislation.

Projected effects on future annual revenues

Current economic and financing conditions are resulting in a lower rate of new development activity, with no significant changes likely in the near term. Also, a probable majority of new development proposals reviewed will be smaller-sized and below the existing SEPA thresholds, meaning they would not be affected by this legislation. This leads to a forecast of continued low volumes of potentially affected SEPA reviews, on the order of approximately 35 projects per year for 2025 and 2026, as it was in 2023 and 2024.

Analysis of 58 SEPA-reviewed development proposals that were permitted in the last 1.5 years helps to estimate the amount of future developments that may benefit from the proposed reduction in SEPA coverage. Of these 58, only approximately 17 projects (29% of the sample) could have been newly exempted by the thresholds in this legislation. This equates to an annual rate of newly exempting approximately 10 developments out of an estimated 35 total per year. The exempted developments would be due to eliminating low current SEPA thresholds, mainly in places outside of any urban center. In contrast, the other cases still expected to require SEPA review are largely due to their location over-water, or due to presence of environmentally critical areas.

This analysis evaluates an upper-end estimate of 15 total exempted projects for the coming year, in line with recent relatively slow levels of permit activity. Over the longer term, if the SEPA thresholds are raised citywide, it is possible that the annual count of exempted projects would gradually rise.

At the current land use review rate of \$467 per hour, the foregoing of 10 to 15 project permit reviews that may spend an estimated 4 to 8 hours on SEPA review tasks for a permit decision would lead to foregone revenue of approximately \$18,700 - \$56,000. While it is possible that SEPA review tasks could exceed 8 hours for large development proposals, the average time spent on SEPA review itself will continue to be relatively limited. Sample project SEPA reviews illustrate that unique SEPA-impact-based mitigation is rarely included, and the SEPA written impact analyses tend to be written with standardized language.

Other proposed amendments relating to transportation noticing practices and removing outdated code text; and adjustments to archaeological and cultural preservation process documentation such as in grading permit reviews, are not expected to result in systematic differences in use of City staff time or revenue impacts. This is due to the relative rarity of these particular archaeological and cultural preservation processes and a low probability for them to cause significant use of SDCI staff time in future project reviews.

2. CAPITAL IMPROVEMENT PROGRAM

Does this legislation create, fund, or amend a CIP Project? ☐

☒ No

3. SUMMARY OF FINANCIAL IMPLICATIONS

Does this legislation have financial impacts to the City?

☒ Yes ☐

Expenditure Change (\$); General Fund	2025	2026 est.	2027 est.	2028 est.	2029 est.
		-	-	-	-
Expenditure Change (\$); Other Funds	2025	2026 est.	2027 est.	2028 est.	2029 est.
		\$0	\$0	\$0	\$0

Revenue Change (\$); General Fund	2025	2026 est.	2027 est.	2028 est.	2029 est.
		NA	NA	NA	NA
Revenue Change (\$); Other Funds	2025	2026 est.	2027 est.	2028 est.	2029 est.
		(\$18,700 - \$56,000)	(\$18,700 - \$56,000)	(\$18,700 - \$56,000)	(\$18,700 - \$56,000)

Number of Positions	2025	2026 est.	2027 est.	2028 est.	2029 est.
		-	-	-	-
Total FTE Change	2025	2026 est.	2027 est.	2028 est.	2029 est.
		-	-	-	-

3.b. Revenues/Reimbursements

☒ This legislation adds, changes, or deletes revenues or reimbursements.

Anticipated Revenue/Reimbursement Resulting from This Legislation:

Fund Name and Number	Dept	Revenue Source	2026 Est. Revenue
Operating – 48100	SDCI	Permit fees: Construction and Inspections fund	(\$18,700-\$56,000)
TOTAL			(\$18,700- \$56,000)

Revenue/Reimbursement Notes:

The estimates here reflect a number of assumptions including:

- Legislation effectiveness on or before January 1, 2026;
- Implementation of a SEPA threshold applicable citywide that fully exempts residential developments regardless of zone unless special circumstances are present, such as location in shoreline designated areas or presence of environmental critical areas mandates environmental review;

- Implementation of non-residential use thresholds citywide to the maximum degree possible under State law, as single-uses or in mixed-use development.
- Routine manners of SEPA review, impact conditioning, and decision-writing, which will limit the time spent on most SEPA component reviews to 4-8 hours per permit, and a land use review rate of \$467 per hour.
- The high-end estimate accommodates the possible occurrence of 5 more SEPA-exempted developments per year above the data-based estimate of 10 SEPA-exempted developments benefitting from the legislation.

3.d. Other Impacts

Does the legislation have other financial impacts to The City of Seattle, including direct or indirect, one-time or ongoing costs, that are not included in Sections 3.a through 3.c? If so, please describe these financial impacts.

No.

If the legislation has costs, but they can be absorbed within existing operations, please describe how those costs can be absorbed. The description should clearly describe if the absorbed costs are achievable because the department had excess resources within their existing budget or if by absorbing these costs the department is deprioritizing other work that would have used these resources.

The anticipated amount of foregone revenue is *de minimis*. The projected future volume of SEPA reviews for the foreseeable future will be low, but will still be conducted where required. SDCI does not anticipate any staffing reductions as a result of this legislation.

Please describe any financial costs or other impacts of *not* implementing the legislation.

The effect of not implementing this proposed legislation would be a lost opportunity to permanently raise SEPA thresholds and would be out of step with current public policy priorities to support housing and other development in urban areas.

Please describe how this legislation may affect any City departments other than the originating department.

Of the other City departments, the most likely to benefit from amendments to SEPA is the Office of Housing, which funds and supports new housing developments serving below-median-income households. OH would be able to continue benefiting from SEPA categorical exemption threshold levels that minimize the need for future SEPA project review.

4. OTHER IMPLICATIONS

a. Is a public hearing required for this legislation?

Yes.

b. Is publication of notice with The Daily Journal of Commerce and/or The Seattle Times required for this legislation?

Yes.

c. Does this legislation affect a piece of property?

This legislation will affect development permitting practices for properties citywide.

d. Please describe any perceived implication for the principles of the Race and Social Justice Initiative.

i. How does this legislation impact vulnerable or historically disadvantaged communities? How did you arrive at this conclusion? In your response please consider impacts within City government (employees, internal programs) as well as in the broader community.

The effect of this legislation would be limited in the actual number of affected development actions, perhaps 10 to 15 annually.

The citywide applicability is not likely to lead to geographic disparities in how it is applied, nor to impacting any specific neighborhood or community populations, or City employee population or internal programs.

This is relevant because the prospective benefits of additional affordable housing opportunities as development outcomes, and the potential to benefit existing property owners citywide by encouraging development opportunity, is not likely to occur in an inequitable or disproportionate way. A citywide approach is not likely to lead to focused negative impacts in any particular geographic concentration.

ii. Please attach any Racial Equity Toolkits or other racial equity analyses in the development and/or assessment of the legislation.

NA.

iii. What is the Language Access Plan for any communications to the public?

This legislation is adhering to ADA accessibility principles in the materials provided for public review.

e. Climate Change Implications

i. Emissions: How is this legislation likely to increase or decrease carbon emissions in a material way? Please attach any studies or other materials that were used to inform this response.

The legislation supports additional housing growth in patterns that are oriented to ensuring more housing supply for a range of household incomes in places that are near mass transit opportunities (centers-based and transit-proximate). This supports an increased likelihood of transportation efficiencies through transit use, which would help the City achieve its carbon emissions objectives in a material way. See the Environmental Impact Statement for the Comprehensive Plan update.

- ii. **Resiliency: Will the action(s) proposed by this legislation increase or decrease Seattle’s resiliency (or ability to adapt) to climate change in a material way? If so, explain. If it is likely to decrease resiliency in a material way, describe what will or could be done to mitigate the effects.**

Similar to the response above, supporting denser residential and mixed-use growth in Seattle, in centers-based transit-proximate ways but also throughout Seattle neighborhoods, increases the chances that communities will be resilient. This is aided by populations dense enough to provide goods, services, public services, utilities, and human services in efficient ways. These outcomes support the health and livability of cities like Seattle. These cities are by definition more resilient because they do not depend on fossil fuels as much for daily living and can resist adverse effects of disruptions to infrastructure if negative events like fires occur.

- f. **If this legislation includes a new initiative or a major programmatic expansion: What are the specific long-term and measurable goal(s) of the program? How will this legislation help achieve the program’s desired goal(s)? What mechanisms will be used to measure progress towards meeting those goals?**

This legislation does not represent a new initiative or major programmatic expansion. Rather it is an extension of public policy trends to de-emphasize project-based environmental impact documentation in favor of streamlined permitting processes that will better achieve positive outcomes like more housing growth sooner, including growth in ways preferred by the City’s Comprehensive Plan.

- g. **Does this legislation create a non-utility CIP project that involves a shared financial commitment with a new non-City partner agency or organization?**

No.

6. ATTACHMENTS

Summary Attachments: None.

Director's Report and Recommendation SEPA Thresholds Update

Introduction and Proposal Summary

Senate Bill 5412 was enacted by the state legislature in 2023. It temporarily exempted development with housing in Seattle from environmental review under the State Environmental Policy Act (SEPA). This exemption is expiring on September 30, 2025. The Mayor's Housing Subcabinet has directed SDCI to make Seattle's permitting processes simpler and more efficient, to reduce the time and cost of permitting, especially for housing and for small and medium-sized businesses, retail, and commercial facilities.

SDCI is proposing amendments to the land use code (Title 23), SEPA review thresholds (Title 25), and grading code (Title 22) to update the permit review process by significantly limiting the frequency of future SEPA reviews for new development.

This legislation relates to the City's Comprehensive Plan update. The proposal supports the intended outcomes of the proposed Comprehensive Plan's adoption such as updated growth center designations. Also, the Comprehensive Plan's environmental impact analysis provides supporting documentation for the updates to the City's SEPA regulations. This approach is in line with, and fulfills, the requirements established in Senate Bill 5412.

The City's proposal is authorized by state law. A more efficient permit process will support faster housing production to better meet housing demand, while continuing to protect environmental quality. This will encourage new investments in housing and other development, which will in turn support new economic and job growth, and a wider variety of affordable housing options.

This legislation:

1. Includes higher categorical exemptions from SEPA review for residential, mixed-use and commercial development citywide. This will exempt most development from SEPA environmental review until citywide long-term growth objectives are met. These amendments are proposed within the bounds set by the state law in WAC 197-11-800 and RCW 43.21C.229.
2. Updates City codes to complement the SEPA thresholds, including consolidating and clarifying existing requirements for transportation management plans (TMPs), ensuring provision of construction management plans (CMPs) for certain-sized developments, and transportation impact studies for certain developments that will not be subject to

SEPA review. Also, the proposal updates codes relating to archaeological and cultural resource protections for grading permits and development permits, and related City rules. This ensures that the City's codes will provide sufficient protections that avoid environmental impacts, and will amend codes to improve clarity.¹

Background

SEPA environmental review and thresholds

Washington's State Environmental Policy Act (SEPA) mandates environmental review for development permits, if a development exceeds "categorical exemption" thresholds typically expressed as number of dwelling units and amounts of non-residential-use floor area in a development.² In recent years, the State has significantly raised the maximum allowable levels for these SEPA thresholds, and enacted a temporary suspension of SEPA review for residential development in Seattle. These signal an evolving perspective toward resetting these thresholds to better align with growth management objectives and to support more affordable housing production. It also emphasizes preferences to support dense centers-based growth patterns, transit-oriented development, and a broad variety of housing options.

One of the original purposes of SEPA environmental review in the early 1970s was to inform decision makers about the environmental impact implications of taking certain actions, including issuing permits for land development. At that time, many jurisdictions' codes lacked sufficient regulatory protections of environmental quality, and so SEPA review was a backstop that allowed for conditioning of development permits to avoid and minimize adverse impacts to defined elements of the environment.

The City's range of code requirements and environmentally protective policies are now more extensive and largely prevent or minimize the types of environmental impacts covered by SEPA. Developments meeting the City's codes already have limited potential to generate environmental impacts in most cases. In addition, since adoption of the state Growth Management Act (GMA), policy perspectives are evolving toward recognizing that cities growing per their Comprehensive Plan will achieve positive environmental outcomes by locating more housing and commercial development in urban places that are already well served by transit and other utilities.

¹ The proposal is contained in two bills, due to a need for SEPA environmental review for the development standard amendments that are not direct changes to the City's SEPA-related provisions. This Director's Report describes and evaluates the overall effects of both bills.

² Chapter 43.21C RCW, State Environmental Policy Act. Chapter 197-11 WAC, SEPA Rules.

SEPA's original backstop protections are now seldom invoked in development permit decisions in Seattle because code regulations effectively mitigate for development impacts.³ It is thus ripe for change to narrow when it should be required. As proposed, the City will reduce the frequency of environmental review for future development while maintaining code-based environmental protections in ways consistent with state allowances. This will streamline permit processes to reduce the time and cost of permit-process delays in building new housing and other job-supporting economic development.

The proposed legislation makes use of state law and regulations that allow the City to set maximum thresholds for projects categorically exempt from SEPA review:

Pathways for SEPA Threshold Updates

1. **"Flexible thresholds for minor new construction"** from the Washington Administrative Code (**WAC**) **197-11-800**, allows thresholds to be set up to the State's maximum limits (200 dwelling units, and 30,000 square feet for non-residential uses); and
2. **Infill development in growth areas:** from the Revised Code of Washington (**RCW**) **43.21C.229**, allows setting higher thresholds to encourage infill development in urban growth areas and thereby help realize the goals and policies of comprehensive plans. There is no limit on the size of the infill SEPA thresholds for residential and mixed-use development, and stand-alone commercial development can be exempted up to 65,000 square feet in size for most non-residential use development, or 30,000 square feet for retail uses.

Relationship to Seattle's past 2035 Comprehensive Plan

Seattle's SEPA thresholds were set higher in the areas identified for growth (for example, urban centers, and light rail station areas) and at lower levels in lower-density neighborhoods outside those growth areas. Using the infill development thresholds described above, the SEPA thresholds have been 250 dwelling units in Downtown and 200 dwelling units in other Urban Centers and Urban Villages. This supported transit-oriented development in these centers, where there is excellent bus and light rail service nearby. However, when growth targets were met in each area, these SEPA thresholds had to be reduced to lower levels.

Outside of the growth areas, the residential SEPA thresholds have long been set at 4 to 8 dwelling units in most residential and commercial zones, and 20 dwelling units for Seattle Mixed, Midrise and Highrise zones—although, since 2023, the effect of Senate Bill 5412 has suspended these thresholds. These low development-size levels for the previous SEPA thresholds reflect past public policy assumptions that even small amounts of change in Seattle's urban context should be reviewed for adverse environmental impacts. Similarly, SEPA review

³ This legislation includes targeted code amendments to enhance the coverage of code-based mitigation for topics like construction impact management and cultural resource protection.

thresholds for non-residential use development outside growth centers have ranged from 4,000 to 12,000 square feet in size, a size comparable to the floor area of one to three storefront businesses. In contrast, the state WAC's maximum allowable SEPA threshold for non-residential uses is 30,000 square feet.

Relationship to the One Seattle Comprehensive Plan

The proposal also relates to the proposed comprehensive plan update entitled the "One Seattle Comprehensive Plan." This plan will update growth area designations in a number of ways, will establish new growth estimates for regional centers (formerly known as urban centers, and adding Ballard), and update designations for urban centers (formerly known as urban villages). This includes a range of updates that will guide future growth and define land use, affordable housing, transportation, public services, and utilities policies.

The proposed SEPA legislation will provide substantial relief from SEPA reviews for future residential, mixed-use, and non-residential development, and responds to the State's recent increasingly flexible policies.

The SEPA legislation defines new exemptions from SEPA review on a citywide basis. The entirety of Seattle is located within an Urban Growth Area (UGA). Future growth in Seattle will support the Comprehensive Plan's intents for centers-based growth patterns, transit-oriented development, and increasing housing supply and affordability. Eliminating SEPA review for most new residential development projects and many new non-residential developments will support accomplishment of these objectives.

This will maximize the streamlining and time-saving benefits for permit processing of new housing and new commercial development over the long-term, citywide. The range of current protections in Seattle's regulatory codes will continue to ensure that new development avoids creating significant environmental impacts. In its current form, the City's SEPA reviews rarely result in SEPA-based mitigation anyway, meaning this permit review step is not adding value, and can be eliminated because it is not productive.

Seattle's Office of Planning and Community Development (OPCD) completed a Final Environmental Impact Statement (FEIS) published in January 2025. This FEIS includes a full programmatic impact analysis of the planned-for growth over the next twenty years. This SEPA proposal relies on the Comprehensive Plan's FEIS findings as adequately studying and addressing the impacts of growth.

The Comprehensive Plan and its FEIS findings help fulfill the requirements in state law for the adoption of SEPA threshold changes under RCW 43.21C.229 and WAC 197-11-800. For example, under RCW 43.21C.229, the City must show that it has prepared an environmental impact statement for its comprehensive plan, and that the future development addressed by the

changed thresholds will be consistent with the comprehensive plan and associated land use regulations. And the City must show that it has prepared a multimodal transportation impact analysis that includes impacts on state transportation facilities and mitigation strategies; and that the jurisdiction has consulted with the state department of transportation (WSDOT). The City's FEIS process for the proposed comprehensive plan fulfills those requirements and similar requirements in WAC 197-11-800.

Proposal Description

The legislation would reduce the use of SEPA environmental review for new development because the City's code standards now already effectively address and prevent SEPA environmental impacts. Examples include City codes addressing environmentally critical areas (Chapter 25.09), shoreline master program (Chapter 23.60A), noise code, energy code, and transportation, utility, drainage control, and historic preservation codes. Policies such as in the One Seattle Plan, consistent land use regulations, and public investments in transportation systems and other infrastructure will also help promote environmental quality as the city grows.

The legislation updates SEPA thresholds citywide. This recognizes that the entirety of Seattle is defined as a UGA and thus is able to use the provisions of RCW 43.21C.229 to streamline SEPA review requirements to encourage infill development consistent with the Comprehensive Plan.

Increase SEPA thresholds citywide to exempt most residential and mixed-use development from SEPA review, based on citywide growth targets

1. Reset the exemption from SEPA review for **all residential development and mixed-use development that includes residential use** to apply on a citywide basis. This exemption would apply until the City's citywide residential growth planning objectives are met.
2. Update the fallback threshold levels for SEPA review, to be used if the citywide growth planning estimates are met. The residential fallback SEPA threshold would be **200 dwelling units** citywide, which is the maximum allowed by WAC 197-11-800. The fallback thresholds would be activated if the city's growth achieves 120,000 dwelling units of new residential growth citywide within the next twenty years.

Increase SEPA thresholds citywide for non-residential development to the maximum extent, based on citywide growth targets

1. Update thresholds for stand-alone non-residential uses to be **30,000 square feet for retail uses** and **65,000 square feet for all other non-retail non-residential uses** citywide, using the "infill development in growth areas" pathway in RCW 43.21C.229. This exemption would apply until the City's citywide non-residential growth measures, as defined in the Comprehensive Plan, are met.

2. Update the fallback thresholds for SEPA review of non-residential uses to be 30,000 square feet citywide for non-residential uses, which is the maximum allowed by WAC 197-11-800.

Exceptional situations where SEPA is still required

Updates to SEPA thresholds initiated by a local government must be consistent with certain legal principles set by the state's SEPA laws. These include requiring a SEPA environmental review in the following situations:

1. If certain geographic location or physical characteristics are present, such as a site or proposal with streams or wetlands, for example.
2. If a development proposal would add more dwelling units or non-residential space to an existing use so that total size of the expanded use would pass a SEPA threshold for the first time, that development proposal must be reviewed under SEPA.

Update a non-SEPA transportation impact study requirement in the Land Use Code

The legislation would retain but adjust the requirement of a non-SEPA-based transportation impact analysis (TIA) for certain sized development projects that would be below SEPA thresholds. See Section 23.52.008 of the Land Use Code. This would allow for limited-scope evaluation for certain non-residential use developments in certain locations (not including regional centers or major transit service areas), where a new development might generate adverse transportation impacts. This would allow for transportation-related permit conditions, not based in SEPA laws, to mitigate impacts. This is a part of the City's regulatory toolbox to ensure that its codes provide appropriate coverage of transportation impact topics.

This TIA study requirement would apply only to non-residential, non-retail uses that are larger than 40,000 square feet up to the new proposed SEPA non-residential non-retail threshold of 65,000 square feet. And it would apply to mixed-use developments if they would have non-retail non-residential uses that exceed the proposed 65,000 square foot floor area threshold. This would not be required for new developments of this kind when located within regional centers or major transit service areas.

Continue to require transportation management plans (TMPs) and construction management plans (CMPs) for certain sized development

One of the City's other regulatory tools for transportation impacts is the current requirements for TMPs for certain sized developments, required in various zones. TMPs highlight the commuting options that are alternatives to single-occupant-vehicle (SOV) use. For larger developments, TMPs require surveying every two years and reporting of building occupants commuting patterns, to track the TMP's effectiveness. These TMPs are proven to contribute to transportation system operational efficiencies by encouraging more employees to use efficient transit options rather than exacerbate traffic congestion with single-occupant vehicle commuting on street networks.

The legislation maintains the Land Use Code's TMP requirements but simplifies the description of which size of development requires a TMP. The current code text in several sections explains the requirement in terms of certain amounts of peak hour traffic generated. However, this is difficult to understand unless a transportation study is done. The legislation simplifies this by explaining the TMP thresholds in terms of development size (floor area and dwelling unit count) for certain categories of non-residential and residential uses. The development size thresholds are equivalent to the existing peak hour single-occupant traffic volume thresholds. It also consolidates the TMP requirements into one new code section, for streamlining and clarity.

The proposal also adds a Land Use Code reference with CMP thresholds of 25 dwelling units and 25,000 square feet of non-residential floor area. This would ensure that CMPs, a common SEPA condition, are able to be required of these future developments (as part of a building permit), with SDOT the department responsible to coordinate construction activities to minimize transportation congestion and ensure pedestrians' safe passage.

Update code and regulatory protections for archaeological/cultural resources

The City has specific adopted City policies and practices (including but not limited to Director's Rule 2-98) that refer to state and federal laws; and also has related requirements for shoreline jurisdictions (see Section 23.60A.154) that provide adequate protection and procedures for archaeological and cultural resources. This includes describing what must be done if these resources are found during a development process.

The proposal includes an update to Director's Rule (DR 2-98), to increase its consistency with state law wording (see **Attachment B**). The City will continue to engage and notify tribes of this proposed action. This is a recommendation that also helps implement recommended mitigation strategies identified in the Comprehensive Plan Final EIS.

The legislation also includes amendments that would ensure additional locations are protected during future grading permit reviews, including those that are within 200 feet of current or former shoreline areas. Using an already-mapped "U.S. Government meander line buffer," applications and permits for grading actions within the mapped areas denoting former shoreline areas would need to include standard protective provisions. These cover what happens if historic or cultural resources are uncovered during future grading actions. This ensures these protections are provided for more geographical places than just the existing shoreline-designated areas addressed in current codes.

Document engagement with the Washington State Department of Transportation (WSDOT)

The City has discussed current practices and prospective updates to project noticing and review practices, for projects that could generate impacts to state-owned transportation facilities (see Attachment C). This will be addressed administratively by providing notice to WSDOT for relevant projects, to provide WSDOT a chance to review development proposals for their potential impacts to state transportation facilities. OPCD, as part of their work on the One

Seattle Comprehensive Plan, has engaged WSDOT. Affected state facilities include but are not limited to I-5, SR 99 (Aurora Avenue, Marginal Way), and Lake City Way.

Provide 60-day notice and opportunity to comment for the public, affected agencies and tribes

The City of Seattle fulfilled this requirement during the environmental impact statement process for the Comprehensive Plan update.

Analysis

The new approach is tied to the citywide growth planning objectives

The City's comprehensive planning policies, zoning approach, and development standards have changed considerably in the last ten years. Due to state mandates addressing affordable housing, transit-oriented development, and other policy interests, there is a planned increase in the density and diversity of uses allowed across all of the City's zones and geographic areas. This leads to an increased expectation that future development across the city will include larger uses and a greater variety of shapes and sizes of structures.

Given this, and an emphasis on streamlining permitting for new residential uses and other development, it is appropriate to define exemptions from SEPA review using a citywide measurement of growth rather than only limiting it to certain growth centers. This approach is allowed by RCW 43.21C.229 and is appropriate because the entire city is defined as an Urban Growth Area.

The legislation supports this approach. It would maximize the availability of SEPA categorical exemptions for sites throughout the city, in a way that considers the amount and pace of the city's overall growth. The threshold levels are set to exempt most future residential development from needing SEPA review at all, until the total planned citywide growth is reached. This would provide the maximum degree of permit streamlining benefit in support of future residential development.

Past SEPA threshold levels were defined only for certain growth centers, and those centers' growth targets. Most of these areas had to discontinue the higher SEPA thresholds after 8 to 10 years, due to meeting those growth targets. This provided only a limited-time incentive that was unevenly available across the city.

Exceptional situations will still require SEPA review

Going over the SEPA review threshold for the first time due to expansions of existing uses

Consistent with state law, SEPA review will be required for additions to existing buildings or uses, if the addition causes the use to exceed the SEPA threshold for the first time. However, such cases will be quite rare, because the SEPA review thresholds for non-residential uses will be set to the maximums allowed under state law. Most developments or building remodels would not trigger this kind of SEPA review trigger due to the elevated review thresholds.

Other circumstances where SEPA review would still be required

Certain situations could still be subject to SEPA review, including:

- Due to presence of historic-designated or historic-contributing buildings or sites, or other designated landmarks. City codes effectively protect existing landmarks, which limit the degree of change if a historic landmark structure or property would be modified. But a SEPA review would still be required in most cases;
- Changes-of-use in existing developed sites to a substantially more intensive use that could warrant SEPA review, per SDCI Director's Rule. These would catch situations where a much more intensive use could have spillover effects such as noise or odor on surrounding uses or people. Anticipated adjustments to this in a Director's Rule will make this SEPA review trigger more rare and better focused on land use changes that are large enough to warrant environmental review;
- The addition of certain large features such as a tank greater than 10,000 gallons in most zones; or development of a principal-use parking lot with more than 90 parking spaces. These will still exceed the State's defined maximum threshold levels and so must be reviewed under SEPA.

Effectiveness of added archaeological and cultural resource protections

Updates to archaeological and cultural resource protection would ensure that the City's guidance is current and consistent with state law and would address the areas where such resources are most likely to be present. The City's regulations and practices already protect today's shorelines and shoreline-designated areas, but the legislation would newly extend the same protections to certain "meander line buffer" areas where shorelines were present in prior centuries where indigenous populations were known to reside.

Effectiveness of the transportation-related changes

Code-based non-SEPA transportation impact analyses

The legislation adjusts the minimum size of development needing this kind of study, to address non-retail non-residential uses larger than 40,000 square feet in floor area, if they occur outside of regional centers and major transit service areas. This reflects an intentional right-sizing of this requirement to fit developments that might realistically generate adverse transportation system impacts needing mitigation. The intent is to maintain the City's ability to require mitigation when needed, even if SEPA review does not occur.

The updated Comprehensive Plan anticipates that much of the future growth will occur within the growth centers that can handle new development without generating substantial transportation system impacts. This relates to a transit-oriented development emphasis in growth centers where mass transit systems are most available. Therefore, there will not be a need for non-SEPA transportation impact studies for developments in regional centers or major transit service areas.

Maintain and update the Land Use Code's TMP and CMP approaches

The legislation would retain the code requirement of TMPs as transportation mitigation strategies, because they are effective tools to address larger developments' transportation impacts. These are already present in several zone-by-zone Land Use Code regulations. This will maintain the role and functioning of TMPs in development permitting as they are today, but consolidate, standardize, and clarify the TMP requirements in Chapter 23.52 to be more easily understood and usable.

Similarly, by codifying a threshold for CMP requirements, development projects that were often required by SEPA conditions to provide a CMP will continue to do so under the proposal. This would provide a degree more certainty for applicants to understand whether they will need to prepare a CMP and coordinate with SDOT regarding the logistics of their development proposal.

What are the differences in SEPA review volumes under the proposal?

Up until the interim suspension of SEPA review in 2023 for developments with residential uses, the City's SEPA thresholds had high residential thresholds (200 or 250 dwelling units) in growth centers, and low thresholds elsewhere. The non-residential SEPA thresholds also had a similar pattern.

The current legislation would maximize the SEPA thresholds in the City's codes. This would be consistent with the State's policies on SEPA review thresholds, including supporting streamlined permitting for new infill development in growth centers, and a defining a higher maximum SEPA review threshold for all places in Seattle. The overall outcomes would provide the permit process streamlining benefits of not requiring SEPA review for a range of development types and sizes across the city and particularly in growth centers. **Figure 1** illustrates the number of development projects by size categories that occurred from 2016 - 2022, with separate illustrations for inside and outside growth centers.⁴ It shows that the SEPA threshold increases would benefit almost every size category of residential development.

- In growth centers, many developments (about 380) were sized between 11 and 300 dwelling units from 2016 to 2022; with a lesser number reaching to 500 dwelling units or more.
- Outside of growth centers, the most common development sizes ranged up to about 10 dwelling units, but ranged up to around 200+ dwelling units in size from 2016 to 2022.

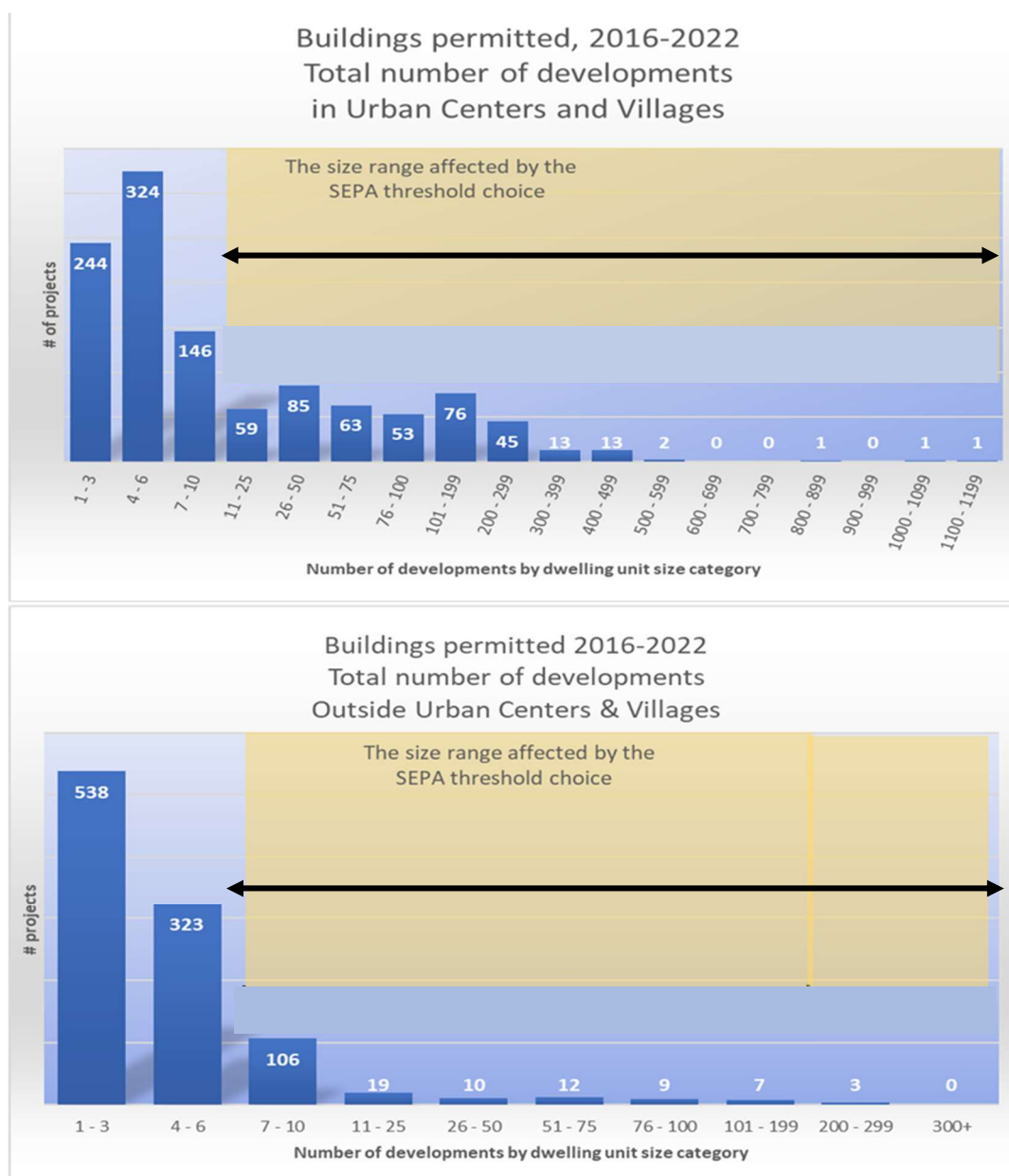
What are the effects of the proposal compared to past development trends?

If the pace of development from 2016 - 2022 would continue in the future, Figure 1 illustrates how many future developments could benefit from the SEPA review exemption. This would be:

- Over 7 years: Approximately 560 developments newly exempted from SEPA review
- Annual rate: Approximately 80 developments per year newly exempted from SEPA review.

⁴ For the current Comprehensive Plan, the growth centers consist of "Urban Centers" and "Urban Villages." In the proposed Comprehensive Plan, these areas are re-titled as "Regional Centers" and "Urban Centers" respectively.

Figure 1: Total number of developments Inside and Outside Urban Centers and Villages



However, it should be noted that after 2022, the pace of development has slowed due to economic and financial factors. The number of SEPA reviews also slowed, due to the interim suspension of most SEPA reviews for residential development, beginning in Fall 2023. The pace of SEPA reviews in recent years has been approximately 35 developments per year. The data findings illustrate that the proposal would newly provide relief from SEPA review for a wide range of development types and sizes. Smaller size developments would not be subject to SEPA anyway, in most cases.

The proposal's effect would exempt nearly all residential development in Seattle for the foreseeable future. This is appropriate for all growth centers as well as all other parts of Seattle, and would support the preferred outcomes of the proposed One Seattle Comprehensive Plan and its emphasis on fully supporting the rapid development of new housing to increase supply and affordability.

Non-Residential Thresholds

Existing: Not including the current residential categorical exemption expiring on September 30, 2025 that applies to commercial uses in mixed-use development, the pre-2023 SEPA review thresholds for non-residential use vary by zones and presence in growth centers.

- In designated growth centers, the non-residential SEPA thresholds are set at 12,000 square feet in most zones, except 30,000 square feet in Downtown zones, and 4,000 square feet in Neighborhood Residential zones.
- Outside the designated growth centers, the thresholds are set mostly at 4,000 square feet, except 12,000 square feet in commercial and Seattle Mixed zones, Yesler Terrace, and Industrial zones.

These low thresholds for SEPA review reflect decades-old perceptions that new uses (even single storefront business uses) could generate substantial adverse environmental impacts on their surroundings.

Proposed: The proposed SEPA review threshold increase to 65,000 and 30,000 square feet of non-residential uses will maximize the use of the State's SEPA review limits. The available data suggest that SEPA review for most non-residential developments rarely results in SEPA-based mitigation measures for site-specific impacts, even at the largest-sizes of development. Rather, the mitigation conditions are mostly written as formulaic guidance for standard construction-period protections, sometimes based on existing City regulations. This means that discontinuing SEPA review is not likely to cause new substantial environmental impacts to occur in areas where non-residential developments are built.

The City would continue to protect environmental quality through permitting of new development that is consistent with the extensive body of City code requirements. The increased SEPA review thresholds would be of greatest benefit to new non-residential uses and business facilities, which would often be local-serving businesses and local job creators.

Limited value of SEPA review in protecting environmental quality

The main purpose of the City's SEPA reviews is to identify situations where a permit should be conditioned in order to avoid significant adverse environmental impacts. However, due to the effectiveness of the City's codes, fewer and fewer SEPA reviews are resulting in individualized SEPA-based conditions of approval in Seattle's land use permit decisions. This illustrates that

the current City codes mitigate the majority of impacts of new development on elements of the environment.

It is rare that any development, even in the range of 100-500 dwelling units in size, receives SEPA mitigation measures tied to unique environmental impact findings. Available data from the 2010s shows that only 16% (about 1 in 7) of SEPA reviewed residential developments led to SEPA-based mitigation conditions, among approximately 250 development decisions. For a smaller sample of non-residential developments, only about 30% of the projects had outcomes that included any SEPA-based mitigation for specific site impacts.

SEPA-based mitigation in development project permit decisions mostly related to details about transportation, noise, and construction-period grading, with examples being site-specific earth-grading controls, required adjustments to streets or vehicle access, TMPs, and in a few cases adjustments to building massing.

Sample data collected since 2005 illustrates the low rate of SEPA-based mitigation. For example, the rate of street improvements being required as SEPA mitigation in the sample data is less than 1% (4 cases in 443 developments), and the rate of on-site access-improvements related to transportation is about 2% (10 cases in 443 developments).

The lesser use of SEPA conditioning likely reflects the effectiveness of the development regulations and critical area protections, and the effectiveness of zoning and growth patterns that focus growth into transit-served centers. In such areas, the ability for individuals to choose a car-light or car-free lifestyle is best supported by the availability of bus and rail transit systems that now connect more centers and provide improved mobility for all.

Conclusion: SEPA reviews for nearly all developments are not adding value, and should not be required going forward due to the body of regulations that will still continue to apply to new development proposals (see **Attachment A**). Therefore, the proposal resets thresholds to exempt SEPA review except for certain exceptional cases.

Relationship to Comprehensive Plan Goals and Policies

The **Seattle 2035 Comprehensive Plan** has only a few goals and policies that indirectly relate to the purposes of this SEPA reform proposal. They address the intent to focus infill development in urban centers and urban villages, to support the regional growth strategy. These are places where more new growth can occur with the least overall potential for generating environmental impacts. The most relevant goals and policies are:

Growth Strategy Goal GS G2: Accommodate a majority of the city's expected household growth in urban centers and urban villages and a majority of employment growth in urban centers.

Growth Strategy GS 2.1: *Plan for a variety of uses and the highest densities of both housing and employment in Seattle's urban centers, consistent with their role in the regional growth strategy.*

One Seattle Comprehensive Plan

In contrast, the Mayor's Preferred **One Seattle Comprehensive Plan** has a number of housing-related policies that, if adopted, support streamlined permit processes by removing regulatory barriers, expediting housing, and better supporting affordable housing. The proposed SEPA reforms would directly remove barriers, time risks, and costs from the development permitting process for a majority of future housing projects; and thus would help support the speed of new housing production, and its affordability in Seattle. This includes but is not limited to the following:

Housing Policy H1.1 *Implement strategies and programs that preserve, improve, and increase Seattle's housing supply to accommodate current and projected future housing needs, including units affordable to households in all categories of need.*

Housing Policy H1.2 *Implement strategies and programs to ensure a range of rental and ownership housing opportunities affordable for Seattle's workforce.*

Housing Goal HG 2 *Seattle's housing supply expands sufficiently to meet current and projected future needs for housing suitable and affordable for all economic and demographic groups.*

Housing Policy H2.1 *Expand capacity for housing development broadly to encourage market production that meets short- and long-term housing needs, reduces upward pressure on costs caused by scarcity, accommodates current and projected future growth, and accounts for past underproduction of housing.*

Housing Policy H2.3 *Promote the production of housing with lower market price points, including by removing regulatory barriers, to meet Seattle's projected 20-year affordable housing needs.*

Housing Policy H3.9 *Waive or modify development standards and requirements for construction of income-restricted affordable housing to reduce costs, delays, and uncertainty in the development process.*

Housing Policy H4.5 *Remove zoning and building code barriers that prevent the development of comparatively lower-cost forms of housing, particularly in residential neighborhoods with a history of racial exclusion.*

Other proposed goals and policies of the proposed One Seattle Comprehensive Plan support economic development efforts that proactively support retention and growth of businesses and employers. This includes by strategies that will be supportive of more efficient permitting and accommodation of small- and medium-sized businesses, citywide and at the neighborhood and center levels. The relevant goals and policies include but are not limited to the following:

Economic Development Policy ED1.9 Support the vibrancy of locally owned small businesses and their ability to remain in neighborhood and commercial districts where they exemplify and promote their community's identity, cultural richness, and character.

Economic Development Policy ED2.8 Identify and support innovative, small locally owned businesses that have the potential to form new industry clusters.

Economic Development Goal ED G3 Seattle's business climate encourages new investment and business retention to achieve high quality job creation, economic resilience, and opportunities to ensure cultural identity, diversity, and inclusion.

Economic Development Policy ED3.2 Support a stable and more competitive business climate through policies and planning that are implemented with transparent, predictable, and efficient regulations and approval processes.

Economic Development Policy ED3.9 Implement zoning and other tools to encourage business growth and development that uses and promotes sustainable technologies.

Economic Development Policy ED3.11 Assist businesses in identifying locations that suit their needs by tracking appropriate and available sites for business attraction or expansion.

Also, the relationship between transportation planning and the Comprehensive Plan's growth planning objectives are expressed in the following transportation goal:

Transportation Goal TG1 *Transportation decisions, strategies, and investments support the growth strategy for the City and the region and are coordinated with this Plan's land use goals.*

Recommendation

The Director of SDCI recommends that the City Council adopt the proposed legislation to update the SEPA environmental review thresholds to help facilitate investment in the City, particularly for critically needed housing supply; to make the permit process more efficient and less costly; and to promote good design through consistency with the City's requirements. The proposal is consistent with the Comprehensive Plan and with state laws and policies.

Attachment A

Relationship to City codes and policies

Introduction

The following Table for Attachment A describes how the City of Seattle's codes, rules and policies address environmental impacts that could occur in relation to future development projects as they pertain to this SEPA proposal.

This is provided to meet the requirement in RCW 43.21C.229(2)(c) that indicates: *The local government considers the specific probable adverse environmental impacts of the proposed action and determines that these specific impacts are adequately addressed by the development regulations or other applicable requirements of the comprehensive plan, subarea plan element of the comprehensive plan, planned action ordinance, or other local, state, or federal rules or laws.*

It also fulfills a similar requirement in WAC 197-11-800(1)(c)(i).

Table for Attachment A: Summary of environmental protections provided in other codes/rules compared to SEPA

SEPA Authority by Element of the Environment (25.05.675)	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 minimum standards lead to new buildings that are increasingly energy efficient and promote zero fossil-fuel emissions. This minimizes new development's contributions to air pollutant emissions.
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.

SEPA Authority by Element of the Environment (25.05.675)	How Addressed by Other Codes/Rules*
	<ul style="list-style-type: none"> 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 Ch. 36.70A and WAC Ch. 365-190 guidance (also ref: Wash. Dept. of Commerce 2018 Critical Areas Handbook). 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.

SEPA Authority by Element of the Environment (25.05.675)	How Addressed by Other Codes/Rules*
	<ul style="list-style-type: none"> 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 relate within this category.
Housing <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>	<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) Restrictions on demolition of housing (23.40.006)
Historic Preservation/ Archaeological Sites	<ul style="list-style-type: none"> Landmarks Preservation Ordinance remains in place for landmark preservation (Chapter 25.12), as coordinated by DON (Historic Preservation program), and including the Landmarks Preservation Board and its reviews of landmark nominations. SDCI Director's Rule 2-98: Clarification of State Environmental Policy Act (SEPA) Historic Preservation Policy for potential archaeologically significant sites and requirements for archaeological assessments. DR 2-98 is proposed for update to be consistent with state guidance. (see Attachment B of this Report). Federal and state regulations address protection of cultural/archaeological resources (including RCW Chapters 27.34, 27.53, 27.44, and WAC Chapter 25.48).
Land Use/Height, Bulk & Scale/Shadows on Open Spaces	<ul style="list-style-type: none"> Land Use Code development standards (minimums, maximums, and a variety of flexibility provisions) address the scale of development, location of building features,

SEPA Authority by Element of the Environment (25.05.675)	How Addressed by Other Codes/Rules*
	<p>and other aspects related to compatibility, appropriate for each zone category</p> <ul style="list-style-type: none"> • The Design Review process applies at various thresholds and provides a venue for addressing these topics (Chapter 23.41) for developments most likely to result in contrasts of land use, bulk, scale, and shadows. • Design Review criteria relate to the physical context, including nearby uses and context, as well as land use and development standards addressing height/bulk/scale
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 (post-construction)	<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.
Public Services and Facilities, Utilities	<ul style="list-style-type: none"> • Authority for requiring utility improvements 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, solid waste, and 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.
Public View Protection <i>Applies to public views from designated public viewpoints, parks, scenic routes and view corridors to features such as</i>	<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

SEPA Authority by Element of the Environment (25.05.675)	How Addressed by Other Codes/Rules*
<i>mountains, skyline & water. Does not apply to views from private property.</i>	efforts. Commonly used approaches include height limits and upper-level setbacks incorporated into new zoning.
Traffic and Transportation**	<ul style="list-style-type: none"> • Transportation Management Plan (TMP) requirements for new development • Non-SEPA based transportation impact analysis requirement for selected sizes and kinds of non-residential development (23.52.008) • The Comprehensive Plan's and related Seattle Transportation Plan's policies, programs and investment strategies are a holistic approach to managing overall growth, transportation system capacity, transit options, and transportation capital improvement investments. This focuses on managing and addressing transportation improvement needs on a subarea basis. • City's transportation and transit levies' programs support the holistic transportation and growth planning approach. • The City's mode share goals to reduce single-occupant vehicle (SOV) travel choices, and goals for other transportation modes – transit service, bicycling, and pedestrian – include interest in managing performance by geographic subareas (Chapter 23.52). Developments of a certain size are proposed to be subject to non-SEPA based impact studies, and TMP requirements, to support achievement of SOV-reduction mode share goals. • 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.

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

**State law removed "parking" as a SEPA element of the environment. Amendments to the City's Code in 2024 removed parking as a SEPA element of the environment. So, parking impacts are no longer addressed in SEPA review.

Attachment B

Draft Update to SDCI Director's Rule 2-98

ATTACHMENT B

DRAFT UPDATE TO SDCI DIRECTOR'S RULE 2-98 ADDRESSING ARCHAEOLOGICAL AND CULTURAL RESOURCES

Title:

"Clarification of State Environmental Policy Act (SEPA) Historic Preservation Policy and other code provisions for potential archaeologically significant sites and requirements for archaeological assessments."

PURPOSE

The purpose of this rule is to further elaborate on the SEPA Historic Preservation Policy 25.05.675.H.2.e for evaluation and mitigation on sites of potential archaeological significance; and to address how other related City provisions apply when SEPA review is not required. The intent of this rule is to clarify how the Historic Preservation Policy would apply to such sites and describes when and how an assessment of archaeological resources should be conducted.

BACKGROUND

The Seattle Ordinance which implements the State Environmental Policy Act (SEPA), Chapter 25.05, Seattle Municipal Code (SMC) authorizes the Department of Construction and Inspections (SDCI) to grant, condition or deny construction and use permit applications for public or private proposals which are subject to environmental review. This authority must be exercised based on adopted City policies, plans, rules or regulations set forth in Chapter 25.05, SMC.

Many of Seattle's existing and former shoreline areas (as well as other portions of Seattle) may be sites where resources of archaeological and cultural significance could be found, due to settlement patterns of Native Americans and early European settlements along Puget Sound. Archaeological sites, cultural sites, and their resources may be directly or indirectly threatened by development or redevelopment projects and the SEPA policy provides the opportunity for analysis of these sites. Areas where sites or resources of potential archaeological significance could be found include freshwater and saltwater confluences, areas with low bank saltwater access, terraces of rivers and creeks, river confluence areas, and historical sources of certain kinds of geological formations. Additionally, there is a possibility that new resources may be discovered during construction in areas not noted above.

Archaeologically and culturally significant resources, if previously unknown and discovered during a development process, can present challenges, because protection of their integrity may, in some cases, eliminate or impact affect the economic opportunities on the site. Additionally, it would be unreasonable to require archaeological assessments on all projects located in areas with the characteristics described above throughout Seattle. However, it is

possible to ~~provide some guidance~~ identify a range of places where archaeological and culturally significant resources are more probable to be present, by using historical information, literature and maps. Such records indicate known and potential settlements, and historical maps indicate the pre-urban shorelines. The U.S. Government Meander line provides an indication of where the saltwater shoreline existed prior to recent fill or alteration. It is likely that one would find most potential arch~~a~~eologically and culturally significant resources located within 200 feet of this meander line.

RULE:

~~The Seattle Land Use Code does not define a potential archaeologically significant resource nor a professional archaeologist, The City of Seattle follows so the definitions for those terms relating to potential archaeologically significant resources, and professional archaeologist,~~ in the Washington Administrative Code (WAC 25-48-020 (10), and WAC 25-48-020(4), respectively). ~~will be used.~~ These definitions are found at the end of this rule.

The SEPA language addressing arch~~a~~eologically significant resources reads:

a. It is the City's policy to maintain and preserve significant historic sites and structures and to provide the opportunity for analysis of archaeological sites. (SMC 25.05.675.H.2.a.)

...

e. On sites with potential arch~~a~~eological significance, the decisionmaker may require an assessment of the archaeological potential of the site. Subject to the criteria of the overview policy set forth in Section 23.05.665, mitigating measures that may be required to mitigate adverse impacts to an arch~~a~~eological site include, but are not limited to:

- 1. Relocation of the project on the site;*
- 2. Providing markers, plaques, or recognition of discovery;*
- 3. Imposing a delay of as much as 90 days (or more than 90 days for extraordinary circumstances) to allow archaeological artifacts and information to be analyzed; and*
- 4. Excavation and recovery of artifacts (SMC 25.05.675.H.2.e).*

In order to implement the intent of the above SEPA language, an assessment of the site's probable archaeological significance will be required for any proposal which includes excavation located within 200 feet of the US Government ~~Shoreline~~ Meander line or in other areas where information suggests the potential for arch~~a~~eologically significant resources. The U.S. Government Meander line is mapped on the City's Geographic Information System (GIS). This kind of meander line is defined by the federal government along the banks of all navigable bodies of water and other important rivers and lakes for the purpose of defining the sinuosities

of the shore or bank and as a means of ascertaining...[locations and areas]...of the public lands bordering thereon (WAC 332 30-106 (38)). When a project subject to environmental review is proposed in these locations, the following steps shall be taken pursuant to SMC 25.05.675.H.

During review of the Master Use Permit: For any projects located within 200 feet of the U.S. Government Meander line or in other areas where information, for example on previous development permits, suggests potential for archaeologically significant resources, SDCI shall determine the adequacy of the information provided in the SEPA checklist (Question B.13). This determination shall be based on sufficient references to support the conclusions and SDCI may ask for additional information when appropriate.

The following information, at a minimum, shall be provided in the SEPA checklist:

- Proposed level of excavation and its relationship to native soils and native soil sediments~~historical substrata~~.
- Results of research of relevant literature on the site and environs. Appropriate literature citations shall be provided using the attached bibliography and/or other appropriate resources as reference.
- A summary of any verbal or written correspondence with public officials or other persons with knowledge of relevant subjects, or other written or electronic documentation that may provide relevant information. This may include but is not required to include Results of conversations or copies of written correspondence with contacts with the Washington State Archaeologist at the State Office Department of Archaeology and Historic Preservation (DAHP) (address and phone at end of Director's Rule) ~~- to determine whether the site is a known archaeologically significant site.~~

If the required research does not identify the probable presence on the site of archaeologically significant sites or resources, SECTION A of this Rule shall be followed. If the research suggests the probable presence of archaeologically significant resources, SECTION B of this Rule shall be followed.

SECTION A: If the research does not identify the probable presence of archaeologically significant resources:

- A. The Director's decision shall summarize the results of the research. In this category of applications, the Department is likely to find that impacts to such resources are non-significant.
- B. However, even though if research has not indicated the potential for archaeologically significant resources on the site, there still may be some potential for unknown resources to be discovered if the proposal site is located in an area characteristically similar to those where known resources do exist. Thus, in order to ensure that no adverse impact occur to an inadvertently discovered archaeologically significant

resource, the following conditions of permit approval shall be applied to the project to provide mitigation:

Prior to Issuance of Master Use Permits:

1. The owner and/or responsible parties shall provide SDCI with a statement that the contract documents for their general, excavation, and other subcontractors will include reference to regulations regarding archaeological resources (Chapters 27.34, 27.44, 27.53, ~~79.01, and 79.90 RCW~~, and Chapter 25.48 WAC as applicable), and that construction crews will be required to comply with those regulations.

During Construction:

1. If resources of potential archaeological significance are encountered during construction or excavation, the owner and/or responsible parties shall:
2. Stop work immediately and notify SDCI (Planner name and phone #) and the Washington State Archaeologist-Historic Preservation Officer at the State Office/Department of Archaeology and Historic Preservation (DAHP). The procedures outlined in Appendix A of this Director's Rule ~~2-98~~ for assessment and/or protection of potentially significant archaeological resources shall be followed.
3. Abide by all regulations pertaining to discovery and excavation of archaeological resources, including but not limited to Chapters 27.34, 27.44, 27.53, ~~79.01 and 79.90 RCW~~, and Chapter 25.48 WAC, as applicable, or their successors.

SECTION B: If the research suggests the probable presence of archaeologically significant resources on the site:

During Master Use Permit review, the planner shall review the results of the research to determine further action. If further assessment is needed, one or more of the following actions may be taken during review of the application or required as a condition of the permit approval. Additionally, the permit conditions in Section A shall be added to the Director's decision.

1. A site reconnaissance by a professional archaeologist may be required.
2. On-site testing, if recommended by a professional archaeologist may be required.
3. A mitigation plan prepared by a professional archaeologist may be required.
4. A condition may be added to the permit approval which would require that an archaeologist be on site to monitor the excavation.
5. A Determination of Significance may be made and an Environmental Impact Statement prepared.

The reasons for this interpretation of SEPA authority

SEPA states that the protection of the state's heritage resources are important to the retention of a living sense and appreciation of the past. Seattle's SEPA ordinance is a basis for local authority for evaluation and possible mitigation of the impacts of development proposals within the City limits. The reason for clarifying this section of the SEPA ordinance is to ensure that correct measures are taken to identify and analyze potential or known resources, and to make provisions to protect these resources pursuant to state and federal laws referenced in this rule. Additionally, clear procedures will alert developers to the possibility that discovery of potential archaeologically and culturally significant resources—including discovery of human remains—may impact their project schedules and costs.

Requiring research on projects sites within 200 feet of the U.S. Government Meander line and locations where information suggests the probability of potential archaeologically significant resources should ensure analysis of these significant resources where they are most likely to be present.

Development Standards in the Shoreline Master Program (23.60A.154) also address the shoreline area

In addition to the Rule guidance provided above, the following spells out the development standards applicable to evaluation of archaeological and historic resources for locations within the Shoreline District, which are contained in Section 23.60A.154 of the Shoreline Master Program, in their entirety. This includes for developments that are not subject to SEPA review.

23.60A.154 - Standards for archaeological and historic resources

A. Developments, shoreline modifications, and uses on any site having historic, cultural, scientific, or educational value, as defined by the Washington State Department of Archaeology and Historic Preservation and local tribes, shall reasonably avoid disruption of the historic, cultural, scientific, or educational resource.

B. Applications in areas documented by the Washington State Department of Archaeology and Historic Preservation to contain archaeological resources shall include a preliminary cultural resource evaluation or site inspection, and a written report prepared by a qualified professional archaeologist in compliance with Section 106 of the National Historic Preservation Act or State Executive Order 05-05, approved by the City, prior to the issuance of a permit. In addition, the archaeologist also shall provide copies of the draft report to affected tribes and the Washington State Department of Archaeology and Historic Preservation. After consultation with these tribes and agencies, the archaeologist shall provide a final report that includes any recommendations from affected tribes and the Washington State Department of Archaeology and Historic

Preservation on avoidance or mitigation of the proposed project's impacts. The Director shall condition project approval based on the final report from the archaeologist to avoid, minimize, and mitigate impacts to the site consistent with federal and state law.

C. If any archaeological resources are uncovered during the proposed work, work shall be stopped immediately, and the applicant shall notify the City, affected tribes, and the Washington State Department of Archaeology and Historic Preservation. The applicant shall submit a site inspection and evaluation report by a qualified professional archaeologist, approved by the City, that identifies all possible valuable archaeological data and makes recommendations on how to handle the data properly. When the report is prepared, the applicant shall notify affected tribes and the Washington State Department of Archaeology and Historic Preservation and provide them with copies of the report.

D. If identified historical or archaeological resources are present, site planning and access to such areas shall be designed and managed to give protection to the resource and surrounding environment, and any permit issued shall be revised.

E. In the event that unforeseen factors constituting an emergency as defined in RCW 90.58.030 necessitate rapid action to retrieve or preserve artifacts or data, the project may be exempted from the requirement to obtain a shoreline substantial development permit. The City shall notify Ecology, the State Attorney General's Office, affected tribes and the State Department of Archaeology and Historic Preservation of the exemption in a timely manner.

Procedures for areas within the U.S. Government Meander Line buffer but outside shoreline district designated area

For any projects that are located within a U.S. Government Meander Line buffer (within 200 feet of this Meander Line), in places where this buffer is not located within a shoreline district designated area, the following provisions shall be included in plans as conditions of approval, and contract documents:

- A. If a portion of a project site is located within this buffer, and if a SEPA review is not otherwise required for a permit, the City will require an application for a grading permit and/or demolition permit to include the following provisions:
1. The owner and/or responsible parties shall provide SDCI with a statement that the contract documents for their general, excavation, and other subcontractors will include reference to regulations regarding archaeological resources (Chapters 27.34, 27.44, 27.53, and Chapter 25.48 WAC as applicable), public lands (Chapter 79.01 RCW as applicable), and aquatic lands (Chapter 79.90 RCW as applicable) and that construction crews will be required to comply with those regulations.

During Construction:

2. If resources of potential archaeological significance are encountered during construction or excavation, the owner and/or responsible parties shall:
3. Stop work immediately and notify SDCI (Planner name and phone #) and the Washington State Historic Preservation Officer at the State Department of Archaeology and Historic Preservation (DAHP). The procedures outlined in Appendix A of this Director's Rule for assessment and/or protection of potentially significant archaeological resources shall be followed.
4. Abide by all regulations pertaining to discovery and excavation of archaeological resources, including but not limited to Chapters 27.34, 27.44, 27.53, and Chapter 25.48 WAC, as applicable, public lands (Chapter 79.01 RCW as applicable), and aquatic lands (Chapter 79.90 RCW as applicable), or their successors.

CONTACT PERSON REFERENCES:

City of Seattle and Washington State Officials:

For information on Washington State Archaeological Resources: <https://dahp.wa.gov/>

Allyson Brooks, State Historic Preservation Officer,

Washington Department of Archaeology and Historic Preservation

Mailing Address:

P.O. Box 48343 Olympia, Washington 98504-8343

Phone: (360) 480-6922

For information on City of Seattle Historic Preservation:

www.seattle.gov/neighborhoods/historic-preservation

Sarah Sodt, City Historic Preservation Officer, City of Seattle Department of Neighborhoods,
Historic Preservation Program

PO Box 94649, Seattle, WA, 98124-4649

Phone: (206) 684-0464.

WAC Definitions:

"Archaeological resource" means any material remains of human life or activities which are of archaeological interest, ~~including This shall include~~ all sites, objects, structures, artifacts, implements, and locations of prehistoric or archaeological interest, whether previously recorded or still unrecognized, including, but not limited to, those pertaining to prehistoric and historic American Indian or aboriginal burials, campsites, dwellings, and their habitation sites, ~~including~~ rock shelters and caves, their artifacts and implements of culture such as projectile points, arrowheads, skeletal remains, grave goods, basketry, pestles, mauls, and grinding stones, knives, scrapers, rock carvings and paintings, and other implements and artifacts of any material." WAC 25-48-020 (10)

"Professional archaeologist" means a person who (a) Has designed and executed an archaeological study as evidenced by a thesis or dissertation; and ~~has~~ been awarded an advanced degree such as an M.A., M.S., or Ph.D. ~~in archaeology, anthropology, history from an accredited institution of higher education in archaeology, anthropology, or history~~ or other germane discipline with a specialization in archaeology from an accredited institution of higher education; and (b) ~~H~~Has a minimum of one year of field experience with at least twenty-four weeks of field work under the supervision of a professional archaeologist, including no less than twelve weeks of survey or reconnaissance work; and at least eight weeks of supervised laboratory experience. Twenty weeks of field work in a supervisory capacity must be documentable with a report on the field work produced by the individual ~~on the field work~~.

WAC 25-48-020(4)

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The Washington State Historical Society maintains a web site (www.washingtonhistory.org) with links to other resources.

Seattle Area historical resources can be found at the following locations:

1. City of Seattle Municipal Archives: The most heavily used records are housed in the City Clerk's office, including the records of City Council, the Mayor, the Pike Place Market Urban Renewal, and the photography of the Engineering Department, Parks Department, Water Department, and Seattle City Light.
2. Additionally, under the terms of an interlocal agreement, a large body of City records ~~are~~is housed at the Puget Sound Branch of the Washington State Archives.
3. Prior to creation of the Municipal Archives, some City records were collected and are still maintained by the University of Washington Archives and Manuscripts Division.
 - a. University of Washington, Pacific Northwest collection, Allen Library; and
 - b. the Suzzallo Library
4. The Seattle Public Library, general collection and reference
5. Historic Seattle ~~Preservation and Development Authority, Seattle~~
(www.historicseattle.org)
6. Local Historical Societies

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APPENDIX A to Attachment B

Procedures to follow for assessment and/or protection of potentially significant archaeological resources discovered during construction or excavation:

1. If resources of potential archaeological significance are encountered during construction or excavation, the owner and/or responsible party shall stop work immediately and notify SDCI and the Washington State Archaeologist at the State Office-Department of Archaeology and Historic Preservation (DAHP). Responsible parties shall abide by all regulations pertaining to discovery and excavation of archaeological resources, including but not limited to Chapters 27.34, 27.44, 27.53, and Chapter 25.48 WAC, as applicable, public lands (Chapter 79.01 RCW as applicable), and aquatic lands (Chapter 79.90 RCW as applicable) or their successors.
2. Once SDCI and the State Office have been notified:
 - The owner and/or responsible party shall hold a meeting on site with SDCI and a professional archaeologist. Representatives of Federally recognized Tribes and the Native American community that may consider the site to be of historical or cultural significance shall be invited to attend. After this consultation, the archaeologist shall determine the scope of, and prepare, a mitigation plan. The plan shall be submitted for approval to the State Office-Department of Archaeology and Historic Preservation (DAHP), and to SDCI to ensure that it provide reasonable mitigation for the anticipated impacts to the resources discovered on the construction site.
 - The plan shall, at a minimum, address methods of site investigation, provide for recovery, documentation and disposition of possible resources, and provide excavation monitoring by a professional archaeologist. The plan should also provide for conformance with State and Federal regulations for excavation of archaeologically significant resources.
 - Work only shall resume on the affected areas of the site once an approved permit for Archaeological Excavation and Removal is obtained from the DAHP. Work may then proceed in compliance with the approved plan.

ATTACHMENT C
WSDOT Coordination Documentation
Comprehensive Plan, 2022 - 2024

Documentation of Consultation

- Scoping Notice Sent in June 2022
- Meeting with WSDOT on July 19, 2023: invites include Hubner, Michael; Storrar, Jeff; Staley, Brennon; Carroll, Patrice; Lewis, Jonathan; Dacanay, Radcliffe; Nelson, Maxwell; Bendixen, Carmen; Noyes, Thomas; Thatcher, Hannah; Bartoy, Kevin; Tolon, Marsha; Fox, Sarah (COM); Spicer, Sarah; Trecha, Matthew; Runchey, Krista; Kucharski, Margaret
- Meeting with WSDOT on January 30, 2024; invitees include: Bendixen, Carmen Tolon, Marsha Kucharski, Margaret; Pazooki, Ramin; Nelson, Maxwell; Bartoy, Kevin; Funis, Chelsey; Clowers, Gordon; Hubner, Michael; Spang, Audrey; Holmes, Jim
- Notice of Draft EIS and Intent to SEPA Exemption on March 7, 2024

Key Contacts

Ramin Pazooki, Development Services Manager for Snohomish & King Counties,
Ramin.Pazooki@wsdot.wa.gov

Maxwell Nelson, Transportation Planning Technician, nelsonm@wsdot.wa.gov

Margaret Kucharski – Mega Projects, kucharm@wsdot.wa.gov

Ferries:

Carmen Bendixen <BendixC@wsdot.wa.gov>;

Marsha Tolon <TolonM@wsdot.wa.gov>;

Kevin Bartoy, Sustainability Office <BartoyK@wsdot.wa.gov>

To Do: Meet to discuss proposal and mitigation options

Meeting Agenda – 1/30/2024

Intros

Purpose

1. Update on Comp Plan
2. DEIS
3. Project Specific Coordination

Background

- Comp Plan Update
- No SEPA until September 2025, Planning to Raise them permanently after that
- Using EIS to meet SB 5412 requirements
- DEIS and plan released in March

DEIS contents (look at slides)

Agenda (continued)

SEPA

- We (City) don't have a specific proposal, but intent is to raise thresholds from previous amounts
- Transportation impact mitigation is still required for projects that don't go through SEPA; however, it is a different process
- How is it going today? Are there potential changes that we could make to improve the process?

Notes

- WSDOT currently receives e-mails from jurisdictions about projects undergoing SEPA. Ferries only receives notices on projects within a certain distance of a ferry terminal.
- WSF would like to review projects adjacent or nearby the Seattle (SR 519 and SR 99 tunnel), and Fauntleroy (SR 160 and Fauntleroy Way).
- WSDOT would like to review all projects adjacent to any facility and projects of a certain size within a certain distance of exits and entrances. They didn't have a specific proposal but thought it might be something like projects that generate 50 or more peak hour trips toward state facilities and within 1 mile.
- City already provides notice of all projects over or adjacent to the Downtown Tunnel
- For SEPA reviews they usually have 2-3 weeks to review but there is an option to extend. That review period works well.
- First comment that they usually make is that they would like to see a transportation study. If we could send that with notice, it would help a lot.

Meeting Agenda 4/30/2024

1. Purpose
2. Background
3. Types of Notice (WSDOT, Tribes, other)?
4. Process for creating notice
 - Who
 - How
5. What do we need from WSDOT
6. Timing of Notice

Notes 4/30/2024

- Scope of proposal
 - Consider notices for WSDOT, Tribes, DON - Sodt, SPU - Wallis, SDOT - Alyce, SCL
 - Options: Update Pre-Application Review (PAR) process; create database of projects similar to LUIB or state SEPA registry; send emails at specific points in project
- Next Steps
 - Talk with city staff about where in the process we currently accept comment and when it would make sense to send notice
 - Reach out to WSDOT and Tribes (Bradley Wilburn and Jerry Suder for all, Jim Holmes for WSDOT & Tribes, Audrey Spang for WSDOT) to understand which projects they want to see
 - Develop a proposal which addresses
 - Type of notice (email, public database)
 - Types of projects triggering notice
 - Stage of projects at which notice occurs and relationship to commenting
 - Authority for responding to comments
 - Reach out to Sam and Jared after we have developed initial concept
- Precedent
 - Short plats sent to WSDOT through land use intake for projects adjacent to highways
 - Notice sent to WSDOT for projects adjacent to tunnel
- Other notes
 - Project data especially number of units is often entered at the end of a project so we may not have good data early in process
 - We may need to have staff check a box for notice where data is not complete
 - Hard to give other agencies access to Accela
 - Jared determines when technical changes would be implemented; Sam determines which technical changes would be needed

SEPA Thresholds Update Legislation

Land Use Committee Briefing
October 31, 2025

Outline of Topics

- Objectives
- Key findings
- Proposed changes
- Non-residential SEPA thresholds
- Relationship to growth estimates
- Archaeological resources code, rule
- Transportation topics

Objectives

- Adopt State guidance for streamlining SEPA environmental review
- Speed housing production and encourage transit-oriented development
- Support small- and medium-sized businesses with easier permitting
- Streamline and clarify code and review processes
- Document existing code requirements that provide mitigation

Key Findings

- New Comprehensive Plan emphasizes citywide planning, especially for housing, and we should align SEPA review consistently with that
- “SEPA infill development” provisions* may be used citywide
 - This would exempt residential and mixed-use developments from SEPA review citywide until planned-for growth citywide is met
- Certain non-residential development will still require SEPA review
- Codes provide effective protection, SEPA mitigation is rarely imposed

* RCW 43.21C.229

Proposed Changes

- SEPA exemption for infill developments with housing, except for:
 - Shorelines, environmentally critical areas, historic locations
- Exemptions to last until citywide planned-for growth is achieved
- Align SDCI practices to State archaeological resource protections
 - Update a Director's Rule, update the grading code
- Update a non-SEPA transportation impact study
- Consolidate and clarify TMP, CMP requirements

Non-Residential SEPA Thresholds

- Stand-alone non-residential uses, align with State's limits:
 - 65,000 sq.ft. for most uses
 - 30,000 sq.ft. for retail uses
- Other:
 - Stand-alone parking lot greater than 90 spaces
 - 1,000+ cubic yards of grading
 - Large tank > 10,000 gallons or 60,000 gallons on industrial land

Relationship to Planned Growth Estimates

- Monitor growth at citywide level
- Replace infill targets of Urban Centers and Villages, and low zone-by-zone thresholds with Citywide growth targets
- Once Citywide targets are met, SEPA thresholds automatically revert to:
 - 200 dwelling units
 - 30,000 square feet of non-residential use

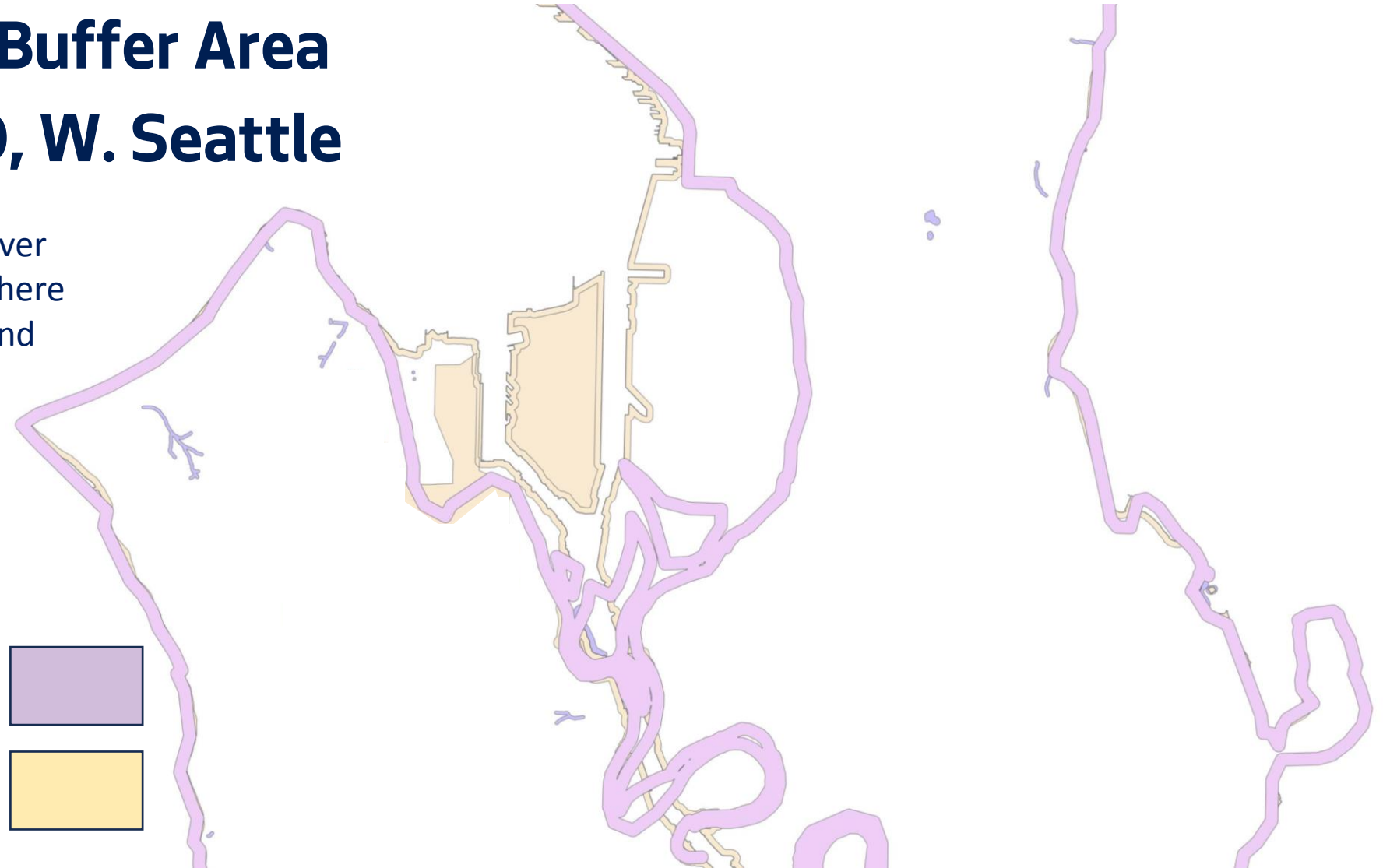
Update Archaeological Resource Protection

- Update SDCI Director's Rule to match State law
 - Keep the ability for pre-development assessments
 - Research historic info/literature
 - Evaluate soil characteristics if grading
 - Possible archaeologist site visit, on-site testing, and mitigation plan
 - If inadvertent discovery occurs, State law applies (stop work)
- Add grading review requirements in areas more likely to contain resources—"meander line buffer" areas

Meander Line Buffer Area

Excerpt: SODO, W. Seattle

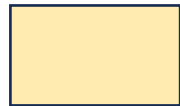
This area includes former river and bay shoreline edges, where Indigenous peoples lived, and cultural resources may be present.



Meander Line Buffer Area



Fill Soil Areas (portion)



Retain Non-SEPA Transportation Impact Study

- Larger SEPA exempt projects will require transportation impact analysis (TIA):
 - 40,000+ square feet in stand-alone non-residential uses and mixed-use developments
- Not required in regional centers or major transit service areas; these areas already have good transportation access

Transportation & Construction Management Plans

- Transportation Management Plans (TMPs) are a Comprehensive Plan strategy for managing traffic congestion
 - SDOT-monitored incentives to use bus, light rail, carpool, bicycles, instead of single-occupant vehicles
 - Required in several zones
 - Simplify code: Restate existing TMP thresholds by building floor area or unit count, consolidate in Chapter 23.52
- Construction Management Plans (CMPs) are an SDOT strategy for managing construction traffic impacts on traffic flow, pedestrian safety, etc.
 - Establish a new size-based threshold for CMPs at: >25,000 sq.ft. or 25 residential units

Project Referrals to WSDOT

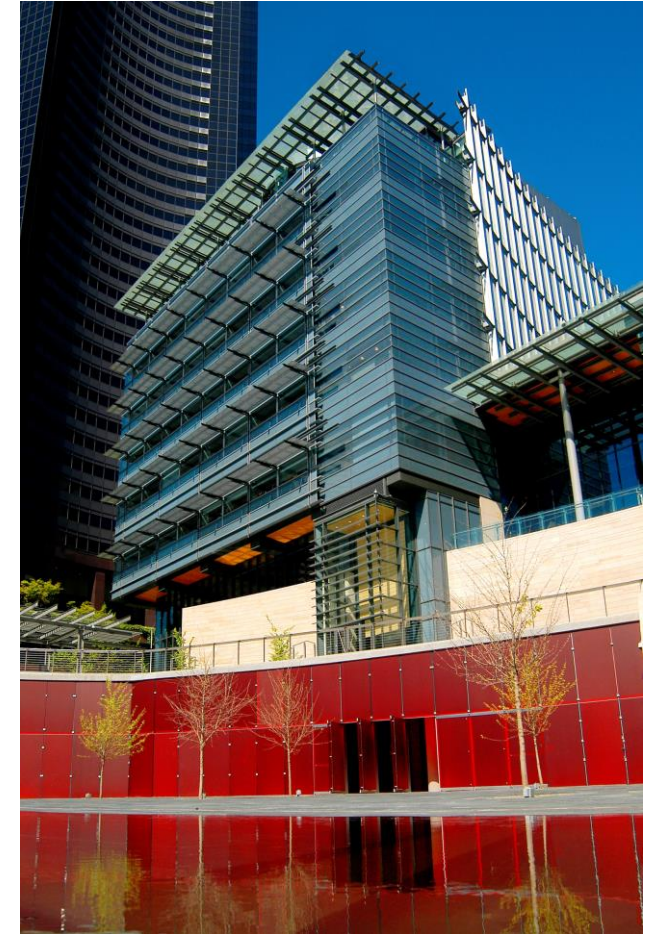
- WSDOT seeks referrals of proposed development projects in places where State facilities may be impacted, such as:
 - Freeway on-ramps
 - State routes such as SR 99 (Aurora Avenue)
- City department practices updated to refer permits to WSDOT
 - Fulfills a State request related to WAC 197-11-800(1), [WSDOT outreach]

Questions?

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www.seattle.gov/sdci





Legislation Text

File #: Inf 2806, **Version:** 1

FEMA Floodplains Legislation