

**CITY OF SEATTLE
DETERMINATION OF NON-SIGNIFICANCE BY
THE OFFICE OF PLANNING & COMMUNITY DEVELOPMENT (OPCD)**

Applicant Name: City of Seattle
Address of Proposal: Certain single-family zoned lands within Seattle

SUMMARY OF PROPOSED ACTION

The proposal is to amend various provisions of the Land Use Code related to attached accessory dwelling units (ADUs) and detached accessory dwelling units (DADUs), also called backyard cottages. The proposal would:

- Modify certain development standards for siting, designing, and constructing accessory dwelling units and backyard cottages;
- Remove the requirement for one off-street parking space when an accessory dwelling unit or backyard cottage is established;
- Allow an accessory dwelling unit and a backyard cottage on the same lot; and
- Require owner-occupancy for a period of 12 months after an accessory dwelling unit and/or backyard cottage is established.

The following approval is required:

SEPA - Environmental Determination - Chapter 25.05, Seattle Municipal Code.

SEPA DETERMINATION: Exempt DNS MDNS EIS

 DNS with conditions

 DNS involving non-exempt grading, or demolition,
or involving another agency with jurisdiction.

BACKGROUND

Since 1994, the City of Seattle passed legislation to allow ADUs that are inside or attached to the principal residence in single-family zones. In 2006 the City Council adopted Ordinance 122190 allowing DADUs for homeowners living in southeast Seattle as a pilot program. DADUs were allowed citywide in 2010 through adoption of Ordinance 123141. Section 23.44.041 of the Seattle Municipal Code (SMC) includes regulations for ADUs and DADUs. The proposed code changes modify certain provisions of Section 23.44.041 pertaining to development standards and other regulations for ADUs and DADUs. The proposed changes do not alter the locations where ADUs and DADUs are allowed.

Public Comment

Proposed changes to the Land Use Code require City Council approval. Public comment will be taken on the proposed Land Use Code changes during future Council meetings and hearings.

OPCD has considered public comment on the proposal in several public forums. In October 2015, OPCD released a report discussing a range of potential policy options, and received written and e-mailed comments on the report. In January and February 2016 two community meetings were held to receive public comment on potential code changes. In addition, two public lunch and learn events were held in City Council chambers in April of 2015 and December, 2015, both of which included public comment periods.

A summary of public input received is found in the report “Removing Barriers to Backyard Cottages and Accessory Dwelling Units Summary of Public Input” dated March 2016.

ANALYSIS - SEPA

This proposal is adoption of legislation and is defined as a non-project action. The disclosure of the potential impacts from this proposal was made in an environmental checklist submitted by the proponent, dated May 16, 2016. The information in the checklist, a copy of the proposed code changes, the Director’s Report and Recommendation, and the experience of the lead agency with review of similar legislative actions form the basis for this analysis and decision.

This is a substantive change to the Land Use Code, to adjust certain development standards in the single-family zones pertaining to ADUs and DADUs. The proposed amendments may result in potential impacts and warrant further discussion.

ELEMENTS OF THE ENVIRONMENT

Adoption of the proposed Land Use Code amendments would result in no immediate adverse short-term impacts because the adoption would be a non-project action. The discussion below evaluates the potential long-term impacts that might conceivably result from differences in future development patterns due to the proposed amendments.

Natural Environment

Earth, Air, Water, Plants and Animals, Energy, Natural Resources, Environmentally Sensitive Areas, Noise, Releases of Toxic or Hazardous Materials

The proposed changes would result in no direct impacts, and are unlikely to result in significant indirect or cumulative adverse impacts related to earth, air, water, plants/animals, fisheries, energy, natural resources, sensitive areas, noise, or releases of toxic/hazardous substances. At the non-project stage, it is not possible to meaningfully assess the potential impacts on the natural environment from these modifications, in the absence of a known proposed development of an ADU or a DADU. Development of specific projects on individual sites is subject to the City’s

existing regulations, such as the Stormwater, Grading and Drainage Ordinance, the Environmentally Critical Areas Ordinance, and Noise Ordinance.

The eligible locations for ADUs or DADUs would not be significantly altered by the proposal, and the proposal does not alter any procedures or regulations related to natural environment protections. New ADUs and DADUs are currently allowed in single-family zones under existing regulations and will continue to be allowed under the proposed code changes. Single-family zones are located in areas of the city designated for single-family residential uses on the City's Comprehensive Plan Future Land Use map. These are areas typically characterized by a high level of existing development and urbanization. Therefore, additional development of ADUs and DADUs in single-family zones is not expected to have a disproportionate impact on elements of the natural environment.

Built Environment

Land & Shoreline Use, Height/Bulk/Scale, Transportation, Public Services and Utilities

The proposed changes are not expected to create significant impacts on existing and planned land and shoreline use. ADUs and DADUs are currently allowed as accessory uses to principal single-family dwelling units in single-family zones, and that would not change under the proposal. Detached accessory dwelling units are not allowed to be constructed on lots in the Shoreline District.

The changes are not expected to significantly alter the scale of new developments that add an ADU or a DADU, compared to what would otherwise occur under existing regulations. The proposal may result in minor increases to the height of certain new DADU structures; it may result in DADU structures containing approximately 200 more square feet than could be constructed today; and it could allow DADU structures that occupy a greater percentage of a rear yard than under existing regulations. Taken together these adjustments amount to very minor and incremental increases to the height/bulk/scale of potential structures in single-family zones. These potential increases do not result in an increase in the total overall allowed lot coverage limit for single-family residential development that regulates the amount and area of a lot that can be covered with a structure. Height limits for DADU structures under the proposal height limit adjustments would remain lower than the allowed height limit for principal structures in single-family zones.

The proposed changes are not expected to significantly alter the overall intensity of use and activity on single-family lots in single-family zones compared to what could occur under existing regulations. The proposed Land Use Code changes are intended to encourage the production of ADU and DADUs. Measures to encourage increased production include changes to allow both an ADU and DADU on the same lot, and the reduction to the owner-occupancy requirement to a term of one year. The proposal could result in a higher production rate as is intended. As discussed in the SEPA checklist, it is also reasonable to assume that the average total household size for lots with an ADU and/or a DADU are likely to be incrementally greater than the average household size for a principal single-family residence alone. (Although it is important to note that no change is proposed to the maximum allowed household size of 8 unrelated persons, which is applied to all persons living on the lot including the ADU and/or the DADU.) These

potential increases to production rates and effective household sizes are considered. The SEPA checklist response to question 5 characterizes how the potential magnitude of increase to the rate of ADU and DADU production is small relative to the total quantity of single-family zoned lots in Seattle. It is apparent that even if rates of ADU and DADU production are increased, the incremental amount would result in minimal or negligible impacts on public services or utilities. Potential increased rates of production would remain consistent with the City's 20 year comprehensive plan projections for population growth.

The proposed changes are not expected to significantly impact transportation systems including roads, transit and non-motorized transportation infrastructure. As discussed above, the potential increased production of ADUs and DADUs would result in a very small and incremental increase in the intensity of use, such that any resultant increase to the number of trips generated would be very small. Additionally, as discussed in the SEPA checklist, the observed pattern of ADU and DADU locations across the city is distributed, and not concentrated in any one area. This pattern is not expected to change. The distributed pattern of ADU and DADU units further moderates any potential impact on transportation systems in an area.

The proposed legislation could result in minor localized impacts to the availability of on-street parking. The proposal would remove the requirement for the creation of a new off-street parking space at the time an ADU or DADU is permitted. This change could result in an increase in the demand for on-street parking in local areas or blocks where an ADU or DADU is located, if the ADU or a DADU occupant possesses a vehicle. As discussed in the checklist, the availability of on-street parking in Seattle's single-family neighborhoods varies. Single-family neighborhoods with greater constraints on on-street parking supply tend to be neighborhoods with a greater variety of transportation options closer to job centers.

None of the above described potential minor effects of the proposed legislation would result in significant adverse environmental or cumulative impacts on the built environment when compared with development that could occur in the absence of the proposed legislation. Without a specific project proposal, it is not feasible to quantify the specific levels of impact on a citywide basis of these proposed regulations. Future projects developed pursuant to the provisions of the proposal will require permits, review and project approvals as provided for in the Seattle Municipal Code.

Conclusion

The proposed code amendments to adjust development standards for ADUs and DADUs in single-family zones are expected to have minimal impacts on both the natural and the built environment. The proposed regulations do not substantially alter the scale or intensity of development compared to what could be built with existing regulations. The proposed changes may result in minor alterations to the height/bulk/scale or specific configurations of new DADUs in single-family zones. The proposed changes could result in a small increase in the rate of ADU and DADU production compared to what could occur under existing regulations. The amount of impact stemming from such an increase are not expected to lead to any significant adverse impacts. In addition, the existing regulatory framework, i.e., the Land Use Code, The Shoreline Master Program, Environmentally Critical Areas Ordinance, will address impacts of development proposals on a project-specific basis.

DECISION - SEPA

This decision was made after review by the responsible official on behalf of the lead agency of a completed environmental checklist, code amendment, and other information on file with the responsible department. This constitutes the Threshold Determination and form. The intent of this declaration is to satisfy the requirement of the State Environmental Policy Act (RCW 43.21.C), including the requirement to inform the public of agency decisions pursuant to SEPA.

- Determination of Non-Significance. This proposal has been determined to not have a significant adverse impact upon the environment. An EIS is not required under RCW 43.21C.030(2)(c).
- Determination of Significance. This proposal has or may have a significant adverse impact upon the environment. An EIS is required under RCW 43.21C.030(2)(c).

Signature: On File Date: 5/19/16
Geoff Wentlandt, Strategic Advisor
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