Director's Report - SEPA DRAFT

State Zoning Compliance Clean Up legislation

October 2026

Overview

This proposed legislation would clarify regulations, make edits to ensure consistent implementation, and address errors related to recently passed Permanent State Zoning Compliance legislation (Ordinance 127376). Specifically, it would make the following changes:

- Reestablish a stand-alone religious properties bonus in NR zones
- Ensure consistency between light rail projects and other essential public facilities in the application of mitigation sequencing
- Clarify the intent of the accessible unit bonus to prevent large, detached homes with ADUs on first floor
- Update rules for "Sensitive Uses Near Highways, Railroads, and Major Truck Routes" to make them more predictable and enforceable
- Clarify threshold for amenity area requirements
- Clarify the relationship of exceptions for garages on sloped lots with garage width requirements and design standards
- Allow interior lots to use front setback equal to average of adjacent lots
- Restore a provision allowing dwelling units in side setbacks if a neighbor agrees to an easement
- Update definition of front lot line on corner lots
- Clarify that setback averaging now applies in Neighborhood Residential zones
- Clarify how measurements apply to projects with a mix of unit types
- Clarify the date used for measuring the Accessory Dwelling Unit (ADU) bonus
- Clarify how ground-floor commercial uses are treated in terms of FAR and density requirements
- Remove load and unloading requirement for adult care centers
- Clarify that ADUs can't be accessory to non-residential uses
- Clarify FAR table uses actual density, not allowed density
- Fix amendments that left incomplete sentences
- Clean up outdated terms that are no longer used

Background

In December 2025, the City adopted Ordinance 127376 which implemented a comprehensive update of Seattle's Neighborhood Residential (NR) zones and made changes to numerous other sections of the code to comply with various state laws including House Bill 1110. During their review of the legislation, Council adopted 31 amendments to the legislation proposed by the Mayor.

It is common practice after very large or complex legislation is adopted to develop "clean up" legislation to clarify provisions and correct errors. This legislation addresses various issues identified by staff at OPCD, SDCI, and Council.

Evaluation of the Proposal

This section provides additional detail on each of the changes summarized in the overview section.

Reestablishing a stand-alone religious properties bonus in NR zones

The Permanent Zoning Compliance legislation added a bonus for low-income housing in NR zones and merged this new bonus with a previously existing bonus for affordable housing on religious properties. The adopted low-income housing bonus requires that at least 50% of units must be affordable at 60% of Area Median Income (AMI). However, state law requires that the religious properties must get a bonus if 100% of units are affordable at 80% of AMI.

This legislation would add a stand-alone bonus for affordable housing on religious properties in a new section. This bonus would provide the same FAR, height, and density bonuses, but would have the different affordability requirement. With this change, religious properties could choose to provide 50% of units at 60% of AMI through the low-income housing bonus or 100% at 80% of AMI through the religious properties bonus.

Ensure consistency between light rail projects and other essential public facilities in application of mitigation sequencing

Legislation to modify permitting processes for light rail projects was reviewed and adopted by Council's Land Use Committee in 2025. This review occurred concurrently with the

Permanent State Zoning Compliance legislation which was also making changes to rules for public facilities based on updates to state law. The new permitting process for light rail projects requires that City apply mitigation sequencing in reviewing projects in Environmentally Critical Areas while the updated permitting process for other essential public facilities does not. This legislation would require that the City apply mitigation sequencing for all essential public facilities. Per SMC Section 25.09.065, mitigation sequencing requires that applicants attempt to address potential impacts in the following order of priority:

a. Avoiding the impact altogether by not taking a certain action or parts of an action;
b. Minimizing impacts by limiting the degree or magnitude of the action and its implementation by using appropriate technology, best management practices, and/or by taking affirmative steps to avoid or reduce impacts;
c. Rectifying the impact by repairing, rehabilitating, or restoring the affected environment;
d. Reducing or eliminating the impact over time by preservation and maintenance operations;
e. Compensating for the impact by replacing, enhancing, or providing substitute resources or environments; and
f. Monitoring the impact and the compensation projects undertaken and taking appropriate corrective measures.

Changes to clarify intent of accessible unit bonus

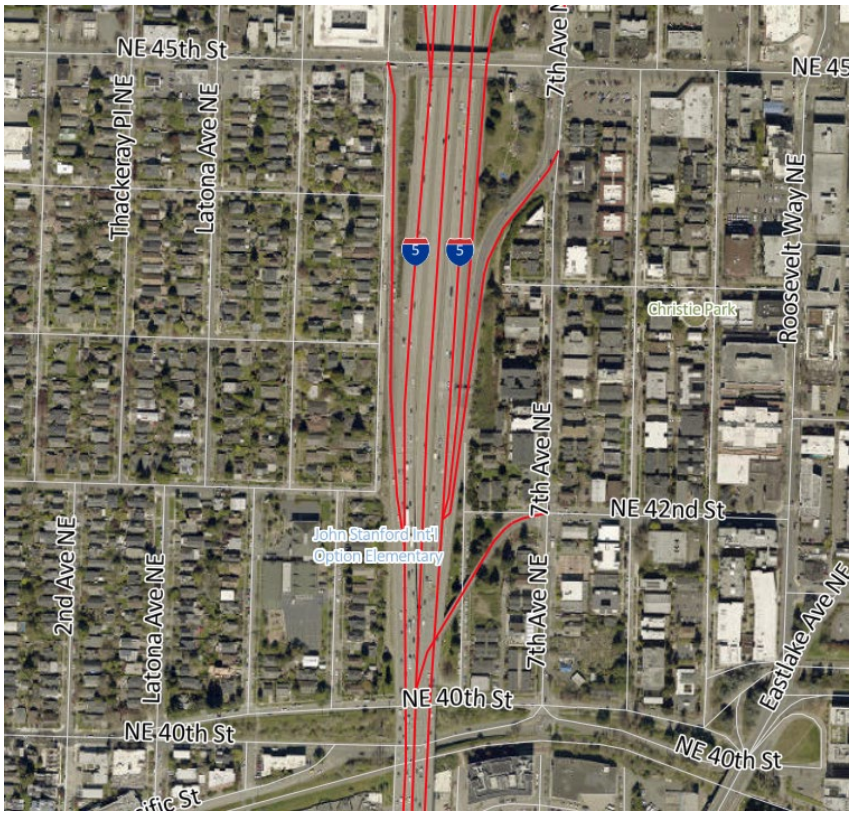
The Permanent Zoning Compliance legislation exempts Type A accessible units from FAR, density, and lot coverage. The goal of this update was to encourage the inclusion of accessible units in new apartments and condos. However, as written, this bonus could also encourage the development of very large, detached homes. Developers looking to maximize the size of a detached home typically add a kitchen on the first floor and designate the first floor as an accessory dwelling unit to qualify for a higher floor area allowance. With the accessible unit bonus, this ADU could be designed to be accessible and would thus not count toward the floor area ratio, resulting in a substantially larger home. On 5,000 square foot lot, this exemption could result in a home that is 5,500 square feet in size or, if the project is located near a school, 6,500 square feet in size.

This legislation would modify the incentive so it only applies to stacked dwelling units in buildings with at least six dwelling units. It would also further clarify how the lot coverage bonus applies when accessible unit are only provided on one floor.

Update Rules for Sensitive Uses Near Highways, Major Truck Routes, and Railroads

The Permanent State Zoning Compliance legislation added a new Section 23.42.047 which requires certain windows and HVAC systems for dwelling units, schools, or child care centers "within 600 feet of an interstate, highway, or designated major truck street right-of-way, or railroad". This legislation would modify this standard as follows to make it more predictable and easier to implement:

- ***Applicability***: The current language appears to apply this requirement to existing and new dwelling units which was not the intent of the original bill. If applied to existing buildings, the existing standard could require significant retrofits of existing windows and HVAC systems, which would be very expensive. This legislation would modify the language so it only applies to new dwelling units, schools, and child care centers.
- **Distance Measurement:** The current requirement applies within 600 feet of highway and interstate rights-of-way. The City does not have maps of these rights-of-way. Developing a layer would require extensive property research. This legislation would modify the measurement technique so that the buffers are measured from the outermost centerlines of highways and interstates, which are an existing data layer, rather than the boundary of the right-of-way. Highways and interstates have separate centerlines for each direction of travel as well as separate centerlines for express lanes and ramps. Consequently, the distance would not be measured to the middle of the right-of-way but would instead be measured to the outermost centerlines. Below is an image of I-5 with each centerline shown in red.



- ***Geographic Area***: The current requirement applies to all areas within 600 feet of an interstate, highway, or designated major truck street right-of-way, or railroad. However, analysis of impacts from these sources suggests that in urban areas noise impacts from major truck routes and railroads dissipate in less than 600 feet. The National Transportation Noise Map provides planning-level estimates of average noise levels due to major noise generators in Seattle. This map suggests that average external noise levels diminish to 45db within one block from major trucks streets and less than 300 feet of railroads. 45db is the goal for maximum interior noise levels so additional noise-insulating features would not be necessary to achieve the proposed standard. This legislation would reduce the buffer distances to within 200 feet of the centerline of a designated major truck street and within 300 feet of a railroad track since noise impacts are not expected outside of this area.
- ***Noise Attenuation Standard***: The current standard requires "sound-insulating windows or other noise-insulating features sufficient to maintain interior sound levels at 45 decibels or below in consideration of existing environmental noise levels at the site." Reviewing this requirement requires an expensive noise study and building modeling for each project and an additional review stop for permits. Research by the Port of Seattle suggest that windows with Sound Transmission Class (STC) of 35 or higher were generally sufficient to reduce an outdoor noise of 70

dB to an indoor noise of 45 dB. 70dB is higher than the expected exterior noise levels shown on the National Transportation Noise Map in all affected areas except within 200 feet of a highway. While STC was initially developed for transmission within structures, OITC (Outdoor/Indoor Transmission Class) ratings are a new rating system that is specifically used to measure outdoor to indoor transmission and focuses on low-frequency noises like traffic, sirens, or airplanes. A STC of 35 generally translates to an OITC of around 28. This legislation would, as an alternative to the full noise study and modeling, allow buildings to install windows with an OITC of 35 in areas within 200 feet of a highway or an OITC of 30 within other areas. This approach is expected to yield the same outcome in term of noise reduction but would be simpler and more predictable.

Clarifying Thresholds for Amenity Area

The Permanent State Zoning Compliance legislation added a new amenity area requirement that is similar to an existing requirement in multifamily zones. The existing standard in multifamily zones and the new standard in Neighborhood Residential zones specify that no amenity area is required for one dwelling unit added to a residential structure existing as of January 1, 1982, provided that no dwelling units have been added since that date. The current language seems to apply that the amenity area requirement may be applicable to other types of projects such as additions or to other types of uses such as institutions or commercial uses. This change would clarify that the amenity area standard in Neighborhood Residential and multifamily zones only applies to project that add new dwelling units and that it doesn't apply to nonresidential uses or projects that only add new dwelling units within an existing building.

Clarify relationship of exceptions for garages on sloped lots with garage width requirements and design standards

Subsection 23.44.160.D.4 and 23.44.160.D.5 allow for garages in front setbacks on steeply sloped lots. Design standards in section 23.44.140 and garage width standards in subsection 23.44.160.G also regulate garages, but it is not clear how these standards should be interpreted when they conflict with 23.44.160.D. This legislation would clarify that the garages on sloped lots authorized under 23.44.160.D.4 and 23.44.160.D.5 are allowed even when they might conflict with the requirements of 23.44.140 and 23.44.160.G.

Allow interior lots to use front setback equal to average of adjacent lots

Prior to the update of NR zones, the front setback was "20 feet or the average of the front yards of the single-family structures on either side, whichever is less". The NR Update legislation that was transmitted to Council proposed to reduce the standard front setback to 10 feet but to remove the allowance to use the average of front yards. A Council amendment increased the front setback for lots with one or two dwelling units to 15 feet.

The consequence of these changes is that there are many properties that have had their front setback increased due to the removal of the averaging provision and would be required to setback a new structure beyond what exists on adjacent lots.

This legislation proposes to restore the allowance to calculate the front setback as the average of structures on adjacent lots. While this change would mostly affect buildings that would be subject to the 15 foot setback, there are also a small number of neighborhoods in Seattle (mostly in areas like Capitol Hill and the Central Area) where the existing pattern of development has setbacks that are slightly less than 10 feet.

Restore a provision allowing dwelling units in side setbacks if a neighbor agrees to an easement.

Prior to the update of NR zones, the code contained a provision that allowed dwelling units to be built in a side setback if the adjacent property owner signed an agreement providing an easement on their setback to allow a 10-foot separation between structures. This type of agreement generally results in a payment to the adjacent property owner for use of the land. This type of agreement can provide flexibility for new development, particularly on small or unusually shaped lots.

The legislation proposes to restore the allowance that existed prior to the NR Update.

Update definition of front lot line on corner lots

Prior to the update of NR zones, the code did not specify which lot line was the front lot line and which lot line was the side lot line for corner lots. Due to this lack of guidance, common practice was to allow property owners located on corner lots to determine which property line was the front line. The NR Update modified the definition of front lot line on corner lots to say it was "determined by the Director based on the existing pattern of lots and buildings on the block". In practice, this change has been problematic for two reasons:

- Determining a front lot line based on the existing pattern of lots and buildings on the block can be challenging given varied building patterns, unusual lot configurations,

and topography. This situation has resulted in builders having to redesign their project where the determination produced a different result than was expected.

- Where a property is redeveloped with multiple units, it may make sense to change the front lot line in some circumstances to reflect where entrances to new units are located.

This legislation propose to restore the allowance for property owners to choose the front lot line provided that, if an existing building is proposed to be retained on site, the choice of the front lot line cannot make the existing building non-conforming to setback requirements.

Clarify that setback averaging now applies in NR zones

Council amended the side setback provisions in NR zones to allow setback averaging. Section 23.86.012 provides the process for setback averaging but appears to apply only multifamily and commercial zones. This legislation would clarify that the same measurement technique should be used for setback averaging in Neighborhood Residential zones.

Clarify how measurements apply to projects with a mix of unit types in one structure

Section 23.44.040.D clarifies how different standards including FAR, density, and amenity area apply to projects that have multiple residential uses. This legislation would expand this measurement technique to apply to projects with a mix of unit types or a mix of residential and non-residential uses. It would also provide a specific measurement technique for buildings with shared walls.

Clarify the date used for measuring the ADU bonus

The Permanent State Zoning Compliance legislation added a provision that allowed for larger ADUs if the lot was “not purchased for more than $1,000 in the past 20 years.” This legislation would clarify that the 20-year period is measured from the date a permit application for the ADU vests under the code.

Clarify how ground-floor commercial uses are treated in terms of FAR and density requirements

The Permanent State Zoning Compliance legislation allowed ground-floor commercial uses throughout NR and LR zones. Since FAR and density requirement are different based on the combination of unit types (attached, detached, or stacked) in a project, it is necessary to clarify how these requirements apply in projects with a mix of commercial and residential uses. Section 23.45.508.C currently states that "structures containing ground floor commercial uses as allowed by Chapter 23.46 in RC zones shall meet the development standards for stacked dwelling units unless otherwise specified." However, the code is silent on how commercial uses outside of RC zones should be treated. This change would remove "as allowed by Chapter 23.46 in RC zones" so that ground-floor commercial uses allowed through new provisions added by the Permanent State Zoning Compliance legislation would be treated similarly.

Remove load and unloading requirement for adult care centers

Many years prior to the NR Update, the code had additional requirements for "loading and unloading" spaces (separate to parking spaces for long-term use) that applied to many uses. At some point, the standards for loading and unloading spaces were removed from the code, but the requirement was still retained for some uses. The NR Update removed the requirement to provide loading and unload spaces for pet daycare centers, assisted living facilities, and childcare centers. Consequently, adult care centers is the only remaining use with loading and unloading space requirements.

This legislation would remove the requirement for additional loading and unloading spaces for adult care centers (while retain the existing requirement for traditional parking spaces). It would also fix the language for pet daycare centers. The footnote relating to pet daycare centers in Table A for 23.54.015 says that loading and unloading spaces are required provided that the total number of spaces doesn't exceed one parking space per 500 square feet. However, one parking space per 500 square feet is the base standard for traditional parking spaces, so loading and unloading spaces are never required. This legislation would clarify the original intent that loading and unloading spaces are not required.

Clarify that ADUs can't be accessory to non-residential uses

Under existing code, ADUs can't be accessory to non-residential uses based on the definition of an ADU in Section 23.84A.008. However, we have gotten feedback that language in Section 23.42.022 stating, "Accessory dwelling units may not be accessory to residential uses other than housing uses" seems to suggest that they might be allowed to be accessory to non-residential uses. This legislation would clarify the language in Section 23.42.022 that they also can't be accessory to any uses other than housing.

Clarify FAR table uses actual density not allowed density

Under the existing code, the allowed FAR in NR zones varies based on the number of units on the lot. In Table A for 23.44.050, this number is described as density. We have received feedback that this language is confusing because in other sections the term density is used to refer to the allowed density rather than actual density. This legislation would change the column heading from "Density (dwelling units per lot size)" to "Dwelling units per lot area" to clarify that it is based on actual density of the development, not allowed density.

Fix amendments that left incomplete sentences

This legislation would implement minor changes in Sections in 23.44.090, 23.45.518, and 25.09.300 where deletions proposed in the Permanent State Compliance legislation inadvertently missed portions of a sentence.

Clean up outdated terminology

This legislation would update outdated terminology such as "single-family", "multifamily", "yard", and various development types in Sections 23.42.106, 23.42.112, 23.42.022, 23.54.020, 25.09.280. It would also remove definitions in 23.84A.036 that are no longer used elsewhere in code.

Consistency with City Policies

This legislation is consistent with City Policies. Overall, this legislation would help to implement the changes to Neighborhood Residential zoning that was envisioned by the updated Comprehensive Plan in the Urban Neighborhood subsection of the Growth Strategy element and the Neighborhood Residential Zones subsection of the Land Use element.

The legislation would also help to ensure that regulations are clear and predictable to minimize the impact of permitting on the production and cost of new housing. Policies that reflect this goal include:

LU 1.5 Seek to balance the benefits of regulating land use and development with the impacts to property owners and the cost of housing and non-residential space.

LU G4 Development standards effectively guide building design to serve each zone's function; produce the scale and building forms desired; protect public health, safety, and welfare; protect the environment; and address the need for new housing and commercial space.

LU 4.2 Develop and apply development standards that provide predictability regarding the allowed intensity of development and expected development types for each zone.

Public Notice and Outreach

This legislation would clarify regulations, make edits to ensure consistent implementation, and address errors related to recently passed Permanent State Zoning Compliance legislation. The Permanent State Zoning Compliance legislation was developed through extensive public outreach that occurred through 2022 to 2025. A summary of the public outreach conducted by OPCD that took place during that period is contained in Comprehensive Plan Update Public Engagement Summary. A summary of Council's public outreach is contained in the bill summary.

In addition, this clean up legislation will have a public notice and public hearing as part of Council deliberation.

Conclusion and Next Steps

This legislation would help to clarify the existing code and make it easier to understand and implement. The Director finds this proposal supports applicable City policies and recommends that the Council adopt this legislation.