

**DIRECTOR'S REPORT AND RECOMMENDATION
2021 Omnibus Ordinance
December 13, 2021**

Introduction

The Seattle Department of Construction and Inspections (SDCI) is responsible for routine maintenance of the Land Use and other codes. The proposed amendments are called “omnibus” amendments because SDCI packages a collection of amendments for efficiency that are relatively small scale. Such amendments include relatively minor changes that do not warrant independent legislation, correcting typographical errors and incorrect section references, as well as clarifying or correcting existing code language. Following is a section-by-section description of the proposed amendments. Where the only changes are minor grammatical corrections to existing language or corrections of typographical errors, the descriptions are limited or omitted.

SMC 22.900G.010 - Fees for Department of Neighborhoods review

The proposal is to remove the term citizen from Public School and Major Institution Advisory Committees in subsection 22.900G.010.C and D.

SMC 23.24.040 Short Plats Criteria for approval

The proposal is to change subsection 23.24.040.A.9 to fix an incorrect cross reference.

SMC 23.40.060 Living Building Pilot Program

Two changes are proposed.

The first change, to subsection 23.40.060A.1, will extend the pilot program to 2030. This change will allow continued evaluation of the pilot program and includes additional clarification to demonstrate Living Building requirements in the plans and documents.

The second change, to subsection 23.40.060.B.2, is to update reference of the current Seattle Energy Code

SMC 23.41.004 – Applicability

Two changes are proposed to Design Review Applicability.

The first change, to subsection 23.41.004.A.6, is to include a pathway for affordable housing projects in Master Planned Communities to complete Administrative Design review.

The second change, to subsection 23.41.004.A.7, is to clarify what expansions are subject to design review. The proposed language clarifies how additions and expansions relate to the amount of existing development on a lot. The existing language already included the direction that SDCI prepare a future Director's Rule. This change provides additional clarity that when considering whether an addition or expansion should be subject to Design Review, the future rule should contemplate the relationship between the size of the existing buildings, as expressed in gross square footage as it relates to the proposed addition or expansion.

This future rule, discussed in the SEPA checklist, will clarify a longstanding SDCI internal business practice for determining the appropriate threshold for Design Review and is not anticipated to reduce or expand the number of projects subject to that process.

SMC 23.41.016 - Administrative design review process

The proposal is to change subsections SMC 23.41.016.B and SMC 23.41.016.C, to remove “meeting”. Administrative Design Review does not include any meetings, only review.

SMC 23.41.018 - Streamlined administrative design review (SDR) process

The proposal is to change subsections SMC 23.41.018.B and SMC 23.41.018.C, to remove “meeting”. Streamlined Design Review does not include any meetings, only review.

SMC 23.42.040 - Intermittent, temporary, and interim uses

The proposal is to change subsection SMC 23.42.040.A.1.c to remove an incorrect "be" from that subsection.

SMC 23.42.060 – Short-term rentals

The proposal is to change subsection SMC 23.42.060.D to remove the restriction on number of residents and guests in a short-term rental as Washington State Senate Bill 5235 removed arbitrary limits on housing options and updated Titles: Cities and Towns RCW 35.21.682, Optional Municipal Code RCW 35A.21.314 and Counties RCW 36.01.227 to no longer restrict the number of unrelated persons in a household and short-term rental.

SMC 23.42.112 - Nonconformity to development standards

The proposal is to clarify subsection SMC 23.42.112.B.3, to describe that a single-family structure’s nonconforming access may be maintained.

SMC 23.44.009 – Design standards in RSL zones

The proposal is to clarify subsection 23.44.009.B, that apartment structures may have one shared entrance facing the street.

23.44.010 Minimum lot area and lot coverage

The proposal to update subsection SMC 23.44.010.D.2.b, with the correct Seattle Building Code reference.

SMC 23.44.011– Floor area in single-family zones

The proposal is to clarify subsection SMC 23.44.011.C.4, to accurately describe the existing floor area in single-family dwelling units that is exempt in Residential Small Lot (RSL) zones.

SMC 23.44.014 - Yards

Four changes are proposed.

The first change, to subsection 23.44.014.C.6, is to clarify that the yard exception, when related to Accessory Dwelling Units (ADUs), is applicable to Attached Accessory Dwelling Units

(AADUs) and not Detached Accessory Dwelling Units (DADUs). This is to recognize that DADUs have existing projection standards in 23.44.041.

The second change, to subsection 23.44.014.C.7, is add to back the term “covered” to covered, unenclosed decks and to only allow covered unenclosed decks and roofs over patios that extend into a required yard on principal structures. A clarification on how to measure these features has also been added.

The third change, to subsection SMC 23.44.014.C.9, is to update reference to the Seattle Building Code

The fourth change, to subsection 23.44.014.C.11, is to except DADUs from deck restrictions in the required yard, as allowed in 23.44.041 consistent with the first change.

SMC 23.44.015 - Allowance for larger households.

The proposal is to remove the entire Section, 23.44.015, as Washington State Senate Bill 5235 removed arbitrary limits on housing options and updated Titles: Cities and Towns RCW 35.21.682, Optional Municipal Code RCW 35A.21.314 and Counties RCW 36.01.227 to no longer restrict the number of unrelated persons in a household. With this change, no special or reasonable accommodations are required for larger households.

SMC 23.44.016 - Parking and garages

Two changes are proposed.

The first change, subsection SMC 23.44.016.B, is to update reference to the Seattle Building Code.

The second change, subsection 23.44.016.F, is to clarify that the related standards are for all portions of garages, not just their entrances.

SMC 23.44.017 - Density limits

The proposal is to fix an incorrect reference in subsection 23.44.017.B.

SMC 23.44.018 – Maximum dwelling unit size in RSL zones

The proposal is to fix an incorrect reference in subsection 23.44.018.B.1 and to correct the subsection’s numbering sequence.

SMC 23.44.041 - Accessory dwelling units

Six changes are proposed to clarify the requirements for Detached Dwelling units (DADU).

The first change, subsection 23.41.041.A.3 and A.4, is to remove restriction on number of unrelated persons as there is no limit on household. Washington State Senate Bill 5235 removed arbitrary limits on housing options and updated Titles: Cities and Towns RCW 35.21.682, Optional Municipal Code RCW 35A.21.314 and Counties RCW 36.01.227 to no longer restrict the number of unrelated persons in a household. The subsections numbering sequence has also been updated.

The second change, subsection 23.4.041.C. Table A f., is to clarify that storage areas are exempt from maximum size of DADU's if they are accessed externally only.

The third change, subsection 23.4.041.C. Table A i., is to remove bicycle parking requirements from the maximum size of DADU's section as they are defined in 23.54.015.K and Director's Rule (DR) 6-2020.

The fourth change, subsection 23.4.041.C. Table A l., is to clarify that separation for DADU's includes eaves and gutters.

The fifth change, subsection 23.4.041.C. Table A, is to add a footnote to confirm legislative intent to allow for decks, including rooftop decks on DADUs in certain circumstances mentioned above.

The sixth change, to subsection 23.44.041.C.2, is to align the code to footnote 1 of subsection 23.44.041.C. Table A which allows exceptions to DADU requirements for additions to existing nonconforming accessory structures that are being converted into DADU's.

SMC 23.45.514 – Structure height

The proposal is to change subsection 23.45.514.I.4 to fix incorrect reference.

SMC 23.45.518 - Setbacks and separations

Three changes are proposed.

The first change, to subsection 23.45.518.A.2.d, to fix an incorrect reference.

The second change, to subsection 23.45.B.2.a, is to provide consistency related to where the upper-level setback shall be taken, from the street not the right-of-way.

The third change, to subsection 23.45.518.B.2.c, to fix incorrect reference.

SMC 23.45.524- Landscaping standards

The proposal is to change the Section to remove vegetated walls as they no longer are given Green Factor credit in Lowrise, Midrise or Highrise zones.

SMC 23.45.529 - Design standards

Three changes are proposed.

The first change, to subsection 23.45.529.D.2, is to add the word "feet", which is currently missing.

The second change, to subsection 23.45.529.G.1.a, is to clarify that this standard prohibiting intervening structures between the principal structure and the street only applies when multiple buildings are present, not multiple units that are connected.

The third change, to SMC.23.45.529.G.1.b, is to clarify that only units without a street facing facade need to abut a common amenity area. This section does not apply to street facing facades.

SMC 23.47A.012 – Structure height

The proposal is to change subsection 23.47A.012.C.3.a to allow rooftop features specifically solar collectors on roofs in 55-foot height limit zone. The 55-foot height limit was missed during the Mandatory Housing Affordability (MHA) rezone ordinance.

SMC 23.47A.014 - Setback requirements

The proposal is to change subsection 23.47A.014.B.2 to clarify the code to require setbacks to a portion of the lot line that abuts a residentially zoned lot, whether the residential zoning on the abutting lot is part of a split-zone, or a portion of a lot, or an entire lot. The proposed language allows the setback to be applied to a portion of the lot only (not the entire lot line) and to clarify how to review split-zone conditions that have both residential and commercial zones abutting the subject lot.

SMC 23.48.040 – Street-level development standards

The proposal is to add a reference to subsection 23.48.040.C.2, which apply to Seattle Mixed (SM) zones generally, to confirm that development standards for required street-level uses also apply in the SM-UP zone (in Uptown).

SMC 23.48.245 – Upper-level development standards in South Lake Union Urban Center

The proposal is to correct an incorrect code reference in subsection 23.48.245.B.5.

SMC 23.48.622 – Extra floor area in SM-U zones

The proposal is to correct an incorrect code citation in subsection 23.48.622.A.2.b.

SMC 23.50.014 – Conditional uses

The proposal is to update the Exhibit A Administrative Conditional Use Queen Anne – Interbay Area with an updated Map A.

23.50.027 - Maximum size of nonindustrial use

The proposal is to update Exhibit A of North Lake Union Areas with an updated Map A for improved legibility.

SMC 23.50.038 - Industrial Commercial - Screening and landscaping

Two changes are proposed.

The first change, to subsections 23.50.038.C.1.f and g is to remove “street.” Since the proposed trees along street frontages are not in fact street trees.

The second change, to subsection 23.50.038.C.8, to update incorrect zone reference from IC 85-160 to IC 85-175. This Section was not updated when the MHA rezones were completed and did not address the height limit changes.

SMC 23.51B.002 - Public schools in residential zones

The proposal is to correct subsection 23.51B.002.E.1.d with an incorrect code citation.

SMC 23.53.006 - Pedestrian access and circulation

Proposal is to clarify subsection 23.53.006.C when curbs, sidewalks and curbs ramps are required in urban centers and urban villages.

SMC 23.53.010 -Improvement requirements for new streets in all zones

The proposal is to change to subsection 23.53.010.B Table A, to fix incorrect zone name from SCM to SM.

SMC 23.53.015 - Improvement requirements for existing streets in residential and commercial zones

The proposal, to subsection 23.53.015.D.2.b, is to clarify that proposed developments shall include concurrent and abutting developments.

SMC 23.54.015 - Required parking and maximum parking limits

Three changes are proposed to required parking.

The first change, to subsection 23.54.015.A Table B, is to remove footnote 2 as it relates to special accommodations for larger households, which is no longer needed pursuant to recent state law. Subsequent footnotes are renumbered.

The second change, to subsection 23.54.015.A Table C, is to remove footnote reference 1 for child-care centers since they are permitted outright and no longer require conditional use permits to allow reduced parking. A new footnote is added for Adult care and Child care centers to allow for load/unload spaces in the right-of-way the same as is allowed for other institutional uses.

The third change, to subsection 23.54.015.A Table C, is to reference footnote 5 for Schools, public elementary and secondary parking requirements, which relates to calculating parking for proposed indoor gymnasiums.

SMC 23.54.030 - Parking space and access standards

Three changes are proposed.

The first change, to subsection 23.54.030.A.6, is to move placement of the last sentence to clarify those certain obstructions are not permitted within the area of the car door opening.

The second change, to subsection 23.54.030.B, is to update the reference to the correct Seattle Building Code.

The third change, to subsection 23.54.030.F, is to clarify that provisions for curb cuts found in Table A apply to all lots not located on principal arterials

23.55.002 Scope of provisions

The proposal is to update subsection 23.55.002.C, with the correct Seattle Building Code reference.

23.55.015 Sign kiosks and community bulletin boards

The proposal is to update subsection 23.55.015.C.1.h, with the correct Seattle Building Code reference.

SMC 23.58B.050 – Mitigation of impacts – performance option

The proposal is to change subsection 23.58B.050.A.2, to allow applicants to round up to three units or pay for their MHA contribution if they do not want to round up. As written now, the applicant does not have the option to perform MHA units onsite if their calculation yields less than 3 units even if they want to meet the performance option.

SMC 23.58D.006 – Penalties

The proposal is to change subsection 23.58D.006.D, for Green Building penalties to reference correct SDCI Construction and Inspections fund.

SMC 23.69.002. Purpose and Intent

The proposal is to change subsection 23.69.002.F, to remove the term “citizen”

SMC 23.69.032. Master plan process

Eight changes are proposed.

The first change, to subsection 23.69.032.B, is to remove the term “Citizens” and replace with “Development” Advisory Committee or “Implementation” Advisory Committee when related to adoption of advisory committees.

The second change, to subsection 23.69.032.B.1, is to remove the term “Citizens” Advisory Committee and replace with “Development” Advisory Committee and to remove the term “standing” advisory committee and replace with “Implementation” Advisory Committee.

The third change, to subsection 23.69.032.B.3, is to clarify community notification practices and desired experience of Advisory Committee Members and align with current practices.

The fourth change, to subsection 23.69.032.B.5, is to clarify that the advisory committee shall reference the “Development” Advisory Committee.

The fifth change, to subsection 23.69.032.B.7, is to clarify that the advisory committee shall reference all “advisory” committees.

The sixth change, to subsection 23.69.032.B.8, is to clarify that the advisory committee shall reference the “Implementation” Advisory Committee.

The seventh change, to subsection 23.69.032.B.9, is to clarify that the City-University Community Advisory Committee shall be the “Development and Implementation” Advisory Committee.

The eighth change, to subsection 23.69.032.B.10, is to clarify that the advisory committees are related to a “Major Institution.”

SMC 23.69.034. Effect of master plan adoption

Four changes are proposed.

The first change, to subsection 23.69.034.F, is to remove the term “citizens” and replace with “Implementation” Advisory Committee.

The second change, to subsection 23.69.034.G, is to remove the term ”standing” Advisory Committee and replace with “Development” Advisory Committee.

The third change, to subsection 23.69.034.H, is to is to clarify that the advisory committee shall reference the “Implementation” Advisory Committee.

The fourth change, to subsection 23.69.034.I, it to clarify those institutions could have “Development or Implementation” Advisory Committees.

SMC 23.71.044 - Standards for residential uses in commercial zones within the Northgate Overlay District

The proposal is to change subsection 23.71.044.B.2, to include a height limit of 55 feet. This section was not updated when the MHA rezones were completed and did not address the height limit changes.

SMC 23.72.004 - Sand Point Overlay District established

Two changes are proposed.

The first change is to subsection 23.72.004.A, to update Subarea A to include a reference to Single Family 9600.

The second change is to subsection 23.72.004.B, to include reference to Certificate of Approval review to better link the overlay to SMC 25.30. An updated Map A is provided with current zoning designations.

SMC 23.76.004 – Land use decision framework

The proposal is to remove the Type I Decision for Special accommodation, as this decision is no longer applicable pursuant to recent state law.

SMC 23.76.006 – Master Use Permits required

The proposal is to remove the Type I Decision for Special accommodation, as this decision is no longer applicable and renumbered subsequent decision types.

SMC 23.76.010 - Applications for Master Use Permits

The proposal is to update subsection 23.76.010.D, to include a reference to the Stormwater Code.

SMC 23.76.026 – Vesting

Three changes are proposed.

The first change, to subsection 23.76.026.A, is to add the term “all” before Master Use Permit components, to provide clarity that construction applications also vest a project.

The second and third changes, to subsection 23.76.026.D and 23.76.026.F, are to strike these subsections as they have expired and are no longer current and update lettering of the subsection.

23.84A.004 “B”

The proposal is to update the “bedroom” definition with the correct Seattle Building Code reference.

23.84A.010 “E”

The proposal is to update the definition of “electric vehicle” and “electric vehicle ready” to reference the correct Seattle Electrical Code references.

SMC 23.84A.016 – “H”

The proposal is to change the definition of “household” to remove the restriction on number of persons in a household to align with Washington State Senate Bill 5235, which removed arbitrary limits on housing options and updated Cities and Towns RCW 35.21.682, Optional Municipal Code RCW 35A.21.314 and Counties RCW 36.01.227.

SMC 23.84A.032 – “R”

The proposal is to update the definition of Congregate Residence to remove the number of persons and remove reference to now unnecessary Special and Reasonable Accommodation for larger households.

SMC 23.84A.048 - “Z”

The proposal is to include Master Planned Community (MPC)- Yesler Terrace (YT) in the “Zone, commercial” definition since it was not defined and requires designation for clarity of development standards.

SMC 23.86.006 Structural height measurement

The proposal is to update subsection 23.86.006.H with the correct Seattle Building Code reference.

SMC 23.88.020 – Land Use Code Interpretations

The proposal is to change subsection 23.88.020.D to remove the term “Citizens” related to Advisory committees for Major Institution Master Plan interpretations.

SMC 25.05.680 – Appeals

The proposal is to extend the exemption date for certain Council land use actions from administrative or judicial appeals to April 1, 2023 because of state law update.

SMC 25.09.012. - Designation and definitions of environmentally critical areas

Three changes are proposed.

The first change, to subsection 25.09.012.C, is to clarify that land disturbance is not allowed in wetlands and buffers and clarifies the reporting requirements for designation of wetlands and their buffers.

The second change, to subsection 25.09.012.D.3.a, to provide clarity that the Department does not maintain species management plans, but Washington Department of Fish and Wildlife (WDFW) maintains these plans.

The third change, to subsection 25.09.012.D.5, to provide clarity on Riparian Corridors.

SMC 25.09.015 Application of Chapter

The proposal is to clarify subsection 25.090.015.B, that the application of the Environmental Critical Area (ECA) chapter only applies to the portion of the lot containing an ECA not the entire parcel.

SMC 25.09.030 - Location of environmentally critical areas and buffers

The proposal is to provide clarification to subsection 25.090.030.A, that the Department maintains maps of the ECA's.

SMC 25.09.040 - Permits and approvals required

The proposal is to provide clarification to subsection 25.090.040.A.1, of permit application submittal requirements.

SMC 25.09.045 – Exemptions

Five changes are proposed.

The first change, to subsection 25.09.045.A, to remove incorrect bracket and to clarify which sections of 25.09.065 apply.

The second change, to subsection 25.09.045.B, is to clarify which best management practices apply.

The third change, to subsection 25.09.045.F, is to clarify the effective date of which maintenance and repair of existing development shall apply.

The fourth change, to subsection 25.09.45.H, is to clarify which activities are exempt and what materials are required for review if needed. Additions to clarify what activities are allowed for public projects including clarifying that both pedestrian and bicyclists are the intended users.

The fifth change, to subsection 25.09.045.I, is to clarify that the exemption applies to maintenance of structures associated with public facilities and utilities.

SMC 25.09.052 - Replacing structures in environmentally critical areas and buffers

The proposal provides clarity to subsection 25.09.052.B.1, around what structures can be replaced and what date those structures existed.

SMC 25.09.060 - General development standards

The proposal is to provide clarity to subsection 25.09.060.D, around what is a general development standard as it relates to ECAs. An addition of a subsection 25.09.060.O, relating to vegetation removal is proposed.

SMC 25.09.065 - Mitigation standards

This proposal provides clarity and replaces outdated terminology to improve this Section. Also, the proposal changes one subsection to allow discretion by City geotechnical engineers to not require mitigation on steep slope areas when mitigation would cause adverse impacts to slope stability.

SMC 25.09.070 - Standards for tree and vegetation and impervious surface management

This proposal is to improve clarity of this section. As currently written, Section 25.09.070 does not clearly indicate what type of actions are allowed and those that are prohibited. Several subsections are rewritten to improve clarity, correct mistaken citations, and convert complex code into plain language.

SMC 25.09.090 - Development standards for steep slope erosion hazard areas

This proposal to subsection 25.09.090.B is to clarify existing structures and existing paved areas. This clarification will help relate to new definitions for “existing structures” and “existing paved areas” being introduced in 25.09.520.

SMC 25.09.160 - Development standards for wetlands and wetland buffers

This proposal modifies language in several subsections to provide clarity, add consistency, remove redundancy, and improve usability. It also creates an automatic mechanism to adhere to the most current Wetland Rating System. Additionally, via Director’s Rule, it allows for the Director to determine the duration of validity of a wetland rating.

SMC 25.09.200 - Development standards for fish and wildlife habitat conservation areas

This proposal modifies language in several subsections to provide clarity, add consistency, remove redundancy, revise citations, and improve usability.

SMC 25.09.330 – Application submittal requirements

This proposal includes a missing reference to small project waivers for riparian management areas.

SMC 25.09.335 – Posting, covenants, and recording conditions

This proposal includes updates to the ECA covenant requirements and provides for new types of ECA covenants to provide clarity to which ECAs are applicable and at what stage of development.

SMC 25.09.520 - Definitions

This proposal includes two new definitions, “existing paved areas” and “existing structures” to provide clarification throughout the ECA code.

SMC 25.12.390 – Board approval of nomination.

The proposal is to change subsection 25.12.390.B to remove incorrect code reference.

SMC 25.12.420 - Board meeting on approval of designation.

The proposal is to change subsection to remove reference to SMC 25.12.470 since that section was repealed in 1996.

SMC 25.12.845 - Requests for interpretation.

The proposal is to subsection 25.12.845.E, to correct code reference to SMC 22.900C.010 for interpretation fees.

SMC 25.12.860 - Revision or revocation of designation, controls, incentives.

The proposal is to change the section to update an incorrect code reference.

SMC 25.16.050 - District Board—Rules of procedure.

The proposal is to change the section to remove antiquated term “chairman” and replace with chairperson.

SMC 25.16.060 - District Board—Staffing.

The proposal is to change the section to remove antiquated term “his” and replace with inclusive term “their”.

SMC 25.24.050 - Commission procedures.

The proposal is to change the section to remove antiquated term “chairman” and replace with chairperson.

SMC 25.30.050 – Design Review guidelines

The proposal is to add a subsection to provide clarity when the Sand Point Naval Air Station Landmark District code prevails.

SMC 25.30.065 - Relationship between Board review and responsibilities of other City departments

The proposal is to update the Department name to Construction and Inspections.

Recommendation

Adoption of these Land Use and other code amendments will help to facilitate easier understanding and improved administration and application of the Land Use and other codes. SDCI recommends approval of the proposed legislation.