

**CITY OF SEATTLE
DETERMINATION OF NON-SIGNIFICANCE BY
THE SEATTLE DEPARTMENT OF CONSTRUCTION AND INSPECTIONS (SDCI)**

Applicant Name: City of Seattle
Address of Proposal: Citywide, in locations where development has previously occurred

SUMMARY OF PROPOSED ACTION

The proposal is to amend the Land Use Code and the Housing and Building Maintenance Code (HBMC). The proposal aims to respond to an increase in the illegal occupancy of and potential hazards from vacant structures in the City of Seattle by modifying standards related to demolition and maintenance. In addition, the proposal corrects errors and improves the clarity and readability of the code. There is no specific site or development proposal.

The proposal would:

- Establish an expedited process in the HBMC for ordering the demolition of a vacant building that can be documented as hazardous (SMC 22.208.020);
- Modify the maintenance standards for vacant buildings in the HBMC to increase the standards for securing windows with plywood (SMC 22.206.200);
- Establish an expedited process in the HBMC for removing garbage, junk, or other debris from a vacant property if the owner does not respond to a notice of violation (SMC 22.206.200);
- Clarify the instances in which a citation may be used to enforce standards in the Land Use Code related to junk storage (SMC 23.91.002);
- Modify a provision in the Land Use Code related to the demolition of housing without a permit for a replacement use to expand the provision to other zones that allow residential uses in addition to single-family, and reduce the length of time that rental housing must be vacant before it can be demolished (SMC 23.40.006); and
- Make various updates and clarifications in affected sections of the Land Use Code and the HBMC.

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

Regulations in the Seattle Housing and Building Maintenance Code (HBMC) require that vacant buildings are adequately secured and maintained. Despite the standards in the HBMC, vacant structures open to occupancy and illegally occupied have become increasingly common in neighborhoods throughout the city in the last few years. The housing and zoning inspection team at the Seattle Department of Construction and Inspections (Seattle DCI) is currently handling cases for inadequate maintenance of over 240 vacant buildings, including 62 buildings reported in 2015 (up over 400% from the previous year). A few of the vacant structures have been determined to be unfit for human habitation or use.

The illegal occupancy or use of vacant structures can create health and safety hazards for occupants, neighbors, and emergency services providers such as fire personnel and medics. When Seattle DCI learns of an open vacant building, the building is secured from illegal entry after any illegal occupants are removed. These actions are required to sufficiently limit any further entry and address the health and safety concerns. Some properties are left vacant for months or years, may be broken into, and are repeatedly illegally occupied as their condition deteriorates.

The HBMC and Land Use Code contain standards that govern the demolition of structures, including permit criteria for property owners interested in demolition. The standards for the demolition of housing in Section 23.40.006 of the Land Use Code are stricter than for other uses. Restrictions were adopted several decades ago in order to help protect the city's housing supply at a time when quality housing was being replaced with surface parking lots. While limitations on the demolition of usable housing have historically served an important purpose, it can take a considerable amount of time, sometimes long after the housing is usable, for a building to meet the criteria necessary to receive a demolition permit. Under current code, permit approvals for the demolition of housing can only be granted once a property has been issued a permit for redevelopment, with few exceptions.

The process to demolish an unsafe vacant structure can be equally challenging. Even decrepit, dangerous buildings go through a several month civil process before the City can order their demolition. In the interim, the buildings create health and safety issues for occupants, neighbors, and emergency service providers, and can be difficult to monitor by City code enforcement, police, and fire staff.

The proposed amendments to the Land Use Code and HBMC are intended to respond to the public health and safety risks of open vacant structures by modifying existing standards related to maintenance and demolition. The proposal is intended to update the code to address the need to prevent the public nuisance and safety risks of vacant buildings and protect good-quality housing from being inappropriately removed. The proposal would shorten the timeline for demolitions that would occur under existing standards but on a much longer timeline, reducing the opportunity for such structures to be illegally occupied.

Public Comment

Proposed changes to the Land Use Code and HBMC require City Council approval. Public comment will be taken on the proposal during Council meetings and a public hearing.

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 October 5, 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 change to the Land Use Code and HBMC would to modify standards related to the demolition and maintenance of vacant buildings. The proposed amendments may result in potential impacts and warrant further discussion.

ELEMENTS OF THE ENVIRONMENT

Adoption of the proposed amendments would result in no immediate adverse 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.

The proposal is not expected to significantly increase the number of buildings demolished or significantly alter the eligible locations for demolitions. The proposal would create a new expedited process to demolish hazardous structures, which is intended to impact only a small number of buildings that represent the biggest safety concerns. The proposal would also modify the permit criteria for the demolition of housing, creating a faster pathway for property owners to receive a permit to demolish housing that has not reached a redevelopment milestone. The proposal is not expected to alter the pace or scale of new development. Rather, the procedural changes would shorten the timeline for demolitions that would likely otherwise occur under existing standards. By allowing an increase in certain types of demolition activities, the proposal could contribute indirectly to slight additional amounts of noise production.

The proposal does not alter any procedures or regulations related to natural environment protections. Any future project-specific actions to demolish a structure are subject to SEPA, and would continue to be subject to SEPA under the proposal. Current standards require an asbestos survey before a building may be demolished, which will continue to be required under the proposal. Future development projects subject to the standards in this proposal will also be

subject to the City's existing regulations, such as the Stormwater, Grading, and Drainage Ordinances, the Environmentally Critical Areas Ordinance, Noise Ordinance, and others as applicable.

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. The demolition of vacant housing is currently allowed under existing regulations and will continue to be allowed under the proposal. The proposal would modify the permit criteria for the demolition of housing, creating a faster pathway for some property owners to receive a permit to demolish vacant housing. The demolition of unfit structures is currently allowed under existing regulations and will continue to be allowed under the proposal. The proposal would create a new expedited process to demolish hazardous structures, which is intended to only impact a small number of buildings that represent the biggest safety concerns.

The proposal will not alter the development capacity or the zoning of any properties or the uses allowed in any zone, and is not expected to alter the pace or scale of new development. The eligible locations for the demolition of hazardous structures would not be altered by the proposal. Unfit structures are located in neighborhoods throughout the city, and the standards governing the abatement and demolition of unfit structures will remain consistent across different zones, land uses, and neighborhoods. The eligible locations for the demolition of housing would not be significantly altered by the proposal. Housing is located in most zones, and the demolition of housing is allowed in all zones once a redevelopment permit has been issued. The demolition of vacant housing is currently allowed in single-family zones without a permit to establish a new use, and would be allowed in all zones under the proposal. The changes would balance the need to address the nuisance and safety risks of vacant buildings with the need to ensure that good-quality housing is not inappropriately removed. In some cases, the changes could result in the removal of housing that may not be immediately replaced, leaving the land undeveloped in the interim. Due to the current rate of redevelopment and housing production that the City of Seattle is experiencing, such instances are expected to be rare. Existing standards would continue to limit the ability of property owner to convert a lot into surface parking, or to demolish housing to expand a non-residential use in a single-family zone.

Existing standards governing vacant building maintenance would remain in place, and would be slightly strengthened by the proposal.

The proposal is not intended to or expected to increase the rate at which tenants are vacated from rental units and would not alter any existing tenant protections under the City's Just Cause Ordinance or Tenant Relocation Ordinance.

Any future projects developed that are subject to the standards in this proposal will require permits, review, and project approvals as provided for in the Seattle Municipal Code. Any project-specific actions to demolish hazardous structures are subject to SEPA, and would continue to be subject under the proposal. The proposal does not alter any procedures or regulations related to the Shoreline Management Program and would not alter allowances for development that could otherwise occur in or near shoreline areas under existing regulations. The

regulations in the Shoreline Master Program do not apply to any project-specific actions to demolish unfit buildings.

The proposed changes are not expected to significantly impact transportation systems, public services, or utilities.

Conclusion

The proposed code amendments to modify standards related to the maintenance and demolition of vacant buildings are expected to have minimal impacts on both the natural and the built environment. The proposal is not expected to significantly increase the number of buildings demolished or significantly alter the eligible locations for demolitions. The proposal is not expected to alter the pace or scale of new development. Rather, the procedural changes would shorten the timeline for demolitions that would likely otherwise occur under existing standards.

The existing regulatory framework, i.e., the Land Use Code, the Shoreline Master Program, Environmentally Critical Areas Ordinance, the Landmarks Preservation Ordinance, and others will address impacts of individual development proposals subject to the standards in this proposal 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.

[X] 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: 10/14/16
Christina Ghan, Planner
Department of Construction and Inspections