

## **SUMMARY and FISCAL NOTE\***

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*\* Note that the Summary and Fiscal Note describes the version of the bill or resolution as introduced; final legislation including amendments may not be fully described.*

### **1. BILL SUMMARY**

**Legislation Title:** AN ORDINANCE relating to land use and zoning; correcting typographical errors, correcting section references, clarifying regulations, and making minor amendments; adding a new Section 23.45.600 to the Seattle Municipal Code (SMC); amending Sections 22.900G.010, 23.24.040, 23.40.060, 23.41.004, 23.41.016, 23.41.018, 23.42.038, 23.42.040, 23.42.055, 23.42.106, 23.42.112, 23.44.009, 23.44.010, 23.44.011, 23.44.014, 23.44.016, 23.44.017, 23.44.018, 23.44.041, 23.45.514, 23.45.518, 23.45.524, 23.45.529, 23.47A.012, 23.47A.014, 23.48.040, 23.48.245, 23.48.620, 23.48.622, 23.48.720, 23.49.181, Map 1J for Chapter 23.49, 23.50.014, 23.50.027, 23.50.038, 23.51A.002, 23.51B.002, 23.53.006, 23.53.010, 23.54.015, 23.54.030, 23.55.002, 23.55.015, 23.55.056, 23.58B.050, 23.58D.006, 23.69.002, 23.69.032, 23.69.034, 23.71.044, 23.72.004, 23.76.004, 23.76.006, 23.76.010, 23.76.026, 23.76.032, 23.84A.004, 23.84A.010, 23.84A.016, 23.84A.032, 23.84A.048, 23.86.006, 23.88.020, 25.05.680, 25.09.012, 25.09.015, 25.09.030, 25.09.040, 25.09.045, 25.09.052, 25.09.060, 25.09.065, 25.09.070, 25.09.090, 25.09.160, 25.09.200, 25.09.330, 25.09.335, 25.09.520, 25.12.390, 25.12.420, 25.12.845, 25.12.860, 25.16.050, 25.16.060, 25.24.050, 25.30.050, and 25.30.065 of the SMC; and repealing Section 23.44.015 of the SMC.

**Summary and background of the Legislation:** Ongoing maintenance of the Land Use Code and related land use regulations periodically requires amendments that are relatively small scale and have limited scope and impact. Such amendments include correcting typographical errors and incorrect section references, as well as clarifying existing code provisions, and minor policy changes that don't warrant independent legislation.

Periodic updating of the Land Use Code is an important part of the regulatory process. Clarifying development regulations is necessary from time to time to correct errors and omissions when they are discovered, and to ensure that the City's policy intent is clear and achievable. Adoption of these Land Use Code amendments will help to facilitate easier understanding and improved administration and application of the Land Use Code. The last omnibus ordinance was adopted in 2019. Examples of proposed amendments include:

- An amendment to design review would provide for more consistency and clarity on when design review is required for additions and expansions on previously developed sites. This is intended to aid applicants and neighbors by providing more predictability in the development process (SMC 23.41.004).
- Several changes are proposed in Single Family zones to clarifying provisions consistent with City Council intent of legislation adopted in 2019 for attached accessory dwelling units, including detached accessory dwelling units (DADUs). Of these changes, the most

notable would clarify when upper story decks and rooftop decks are allowed when located in required yards; and when exceptions that allow the conversion of existing accessory structures to DADUs(SMC 23.44.014).

- Several changes are proposed to clarify vesting rules for projects. The changes would add the term ‘all’ before Master Use Permit components, to provide clarity that Type 1 zoning approvals, typically on construction applications, also vest a project. Other changes strike portions of code that have expired and are no longer applicable (SMC 23.76.026).
- Several administrative changes are proposed to the Environmental Critical Areas (ECA) code, SMC 25.09, to provide for clarity of use and implementation of the requirements. These changes have been identified by staff and applicants and are intended to be consistent with City Council intent when the ECA was last updated in 2017.
- Multiple amendments are proposed to remove existing limits on the number of unrelated people that may occupy a dwelling unit, including dwellings used as short-term rentals. These changes are required by recent state law in Senate Bill 5235 enacted after the 2020 legislative session.

## 2. CAPITAL IMPROVEMENT PROGRAM

Does this legislation create, fund, or amend a CIP Project?      ☐ Yes ☒ No

## 3. SUMMARY OF FINANCIAL IMPLICATIONS

Does this legislation amend the Adopted Budget?      ☐ Yes ☒ No

Does the legislation have other financial impacts to The City of Seattle that are not reflected in the above, including direct or indirect, short-term or long-term costs?  
No.

Is there financial cost or other impacts of *not* implementing the legislation?

No financial impacts. Failure to adopt the proposed cleanup amendments to the Land Use Code and related regulations would continue lack of clarity and cause ongoing interpretive issues.

## 4. OTHER IMPLICATIONS

a. Does this legislation affect any departments besides the originating department?

Department of Neighborhoods staff have identified amendments in this legislation to improve clarity in their operations.

b. Is a public hearing required for this legislation?

Yes. The City Council must hold a public hearing, to be scheduled before the Land Use and Neighborhoods Committee.

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

Yes. Publication of notice of the Council public hearing will be made in *The Daily Journal of Commerce* and in the City's Land Use Information Bulletin (LUIB). Environmental review under the State Environmental Policy Act (SEPA) is also required for this legislation, and publication of notice of the environmental determination will be made in *The Daily Journal of Commerce* and in the Land Use Information Bulletin in November 2021.

**d. Does this legislation affect a piece of property?**

No.

**e. Please describe any perceived implication for the principles of the Race and Social Justice Initiative. Does this legislation impact vulnerable or historically disadvantaged communities? What is the Language Access plan for any communications to the public?**

No implications for RSJI are anticipated. The legislation will not impact vulnerable or disadvantaged communities. No public communications required for this ordinance, unless requested.

**f. Climate Change Implications**

**1. Emissions: Is this legislation likely to increase or decrease carbon emissions in a material way?**

This legislation is not proposing development and will not increase or decrease carbon emissions.

**2. 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.**

This legislation is not proposing development and will not increase or decrease Seattle's resiliency to climate change.

**g. 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)?**

Not applicable

**List attachments/exhibits below:**

None