

CITY OF SEATTLE

**ANALYSIS AND DECISION OF THE DIRECTOR
OF THE SEATTLE DEPARTMENT OF CONSTRUCTION AND INSPECTIONS**

SEPA Threshold Determination

2017-2018 Omnibus Legislation

Project Sponsor: City of Seattle Department of Construction and Inspections

Location of Proposal: The proposal is a non-project action, applicable City-wide

SUMMARY OF PROPOSED ACTION

The proposal is to amend the City’s land use regulations to correct typographical errors and section references, clarify regulations, and make minor amendments.

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

The Department of Construction and Inspections (SDCI) is responsible for maintenance of the Land Use Code (SMC Title 23). Amendments to the Land Use Code are proposed periodically in an “omnibus ordinance,” which is designed to clarify and improve the function of the existing code. The proposed amendments to the Land Use Code include “clean-up” amendments that correct inadvertent clerical or typographical errors, fix incorrect cross-references, and clarify existing code language. Residents, elected officials, and City staff identified the need for the proposed amendments. In coordination with the City’s Law Department, SDCI has concluded that the changes are not substantive in content.

Public Comment

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

Proposal Description

This proposal involves numerous minor amendments to the Land Use Code and to some related sections of the Seattle Municipal Code that are intended to clarify current provisions or to correct minor oversights and clerical or typographical errors. The proposed changes in this omnibus are summarized in the Director's Report prepared by SDCI that accompanies the proposed amendments and is published together with the SEPA checklist for public review.

ANALYSIS - SEPA

This proposal is for an 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 25, 2017. 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 modify the design review process that applies to new development in the City of Seattle. The proposed amendments may result in potential environmental impacts, which are identified and discussed below.

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. The changes do not alter the eligible locations for development.

The proposal does not significantly alter any procedures or regulations related to natural environment protections. Development of specific projects on individual sites is subject to the City's existing regulations, such as the Stormwater Code, the Shoreline Management Program, Grading and Drainage Ordinance, the Regulations for Environmentally Critical Areas, and the Noise Ordinance. Any future project-specific development proposal that exceeds adopted thresholds is subject to environmental review as a part of the permit review process, and would continue to be subject to environmental review under the proposal.

Built Environment

Land & Shoreline Use, Height/Bulk/Scale

The proposed changes are not expected to create significant impacts on existing and planned land and shoreline use. No incompatible uses would be allowed or encouraged by these amendments. No site-specific proposals are proposed at this time. A few changes to development standards require additional analysis and are discussed below

The change to Section 23.48.220 would allow a maximum floor area ratio of 8 instead of the current 7 in the SM-SLU 175/85-280 zone for new research and development laboratory uses. This edit was unintentionally omitted when the code was updated and is consistent with intent of the rezones approved for the South Lake Union Urban Center in Ordinance 125291.

Similarly, in 2013, the City Council adopted updated development standards for the Seattle Mixed zones applicable in South Lake Union. At the time, Broad Street had not been vacated. With the subsequent vacation of Broad Street, a new block results that has three different podium height allowances pursuant to the current Map A for 23.48.245, Podium Heights. The new block has 3 different podium height allowances of 45 feet, 65 feet, and 85 feet. A proposed amendment to Map A for 23.48.245 would move the 85-foot podium height boundary to the northern boundary of the new block. As a result, the new block would have 2 podium height allowances of 85 feet on Mercer Street and 65 feet on Roy Street. This is consistent with Council's intent to have podium height allowances that are tied to the width of abutting rights-of-way, and the 2013 amendments received environmental review at that time (see former Section 23.48.013, adopted by Ordinance 124172).

The change proposed to Section 23.48.735 would raise the height at which the upper level setback is measured from 45 feet to 65 feet to align with the increased height limit approved by Council for the area north of Republican Street. This change reflects the Council's intent when Ordinance 125432 was adopted to allow an 85-foot height limit with an upper level setback required above 65 feet. The requirement for an upper level setback above 45 feet was associated with a lower height limit (65 feet) proposed earlier in the legislative process and amended by Council prior to adoption. The setbacks were included as mitigation for impacts to view corridors.

Ordinance 125291 was adopted in May of 2017 to implement Mandatory Housing Affordability (MHA) provisions in Downtown and South Lake Union. As part of the legislation, height limits were raised in several zones including the DOC2 500/350-500 zone, which was changed to DOC2 500/350-550. In downtown zones, the first number indicates the maximum height at which a non-residential use may be located, the second number is the maximum height for residential use, and the last number is the maximum height for structures overall. When the maximum height for structures overall was changed to add 50 feet, a change to match the maximum height for non-residential uses to the overall structure height was omitted. It was never the intent to restrict non-residential uses to a lower height limit. Prior to adoption of the MHA provisions, the overall maximum height limit for the structure aligned with the height limit for non-residential uses. The proposed amendment to change the zone designation to DOC2 550/350-550 would allow non-residential uses to be located up to the maximum height allowed

for structures. This would have no effect on the overall height allowed for structures, and no effect on anticipated MHA participation.

A proposed change to Section 23.66.332 would allow an elevator penthouse in the International District to have the same height exception that applies to these rooftop features in Commercial, Downtown, and Seattle Mixed zones. The current exception in the International District of 15 feet above the height limit is insufficient for some elevators. As in commercial zones, the exception would only apply if the zone height limit is 125 feet or greater, where the need for larger elevator penthouses is more likely. The existing 15 percent rooftop coverage limit would continue to apply. Because of the limitations on these features in the Code and their applicability to a limited number of buildings, impacts to land use are expected to be minimal.

For Section 23.75.085, City Council recently amended the Cooperative Agreement for Yesler Terrace (Ordinance 125342, effective August 2017). Among the changes was a revision to the number of Replacement Housing units that can be located east of Boren Avenue (as opposed to on the main Yesler Terrace site) from 140 to 190. The Land Use Code refers to no more than 140 Replacement Housing units east of Boren in Section 23.75.085.C.2.d. The proposal is to revise the code to specify 190 units to be consistent with the Cooperative Agreement (section 3.1.3, Second Amendment to the Cooperative Agreement). This proposed change was previously analyzed under the Yesler Terrace Environmental Impact Statement, which analyzed an anticipated number of units up to 200 east of Boren Avenue.

No proposed measures to reduce shoreline and land use impacts are required. Individual projects that may use the land use and zoning provisions of the proposal will occur over time and cannot be evaluated in terms of land use impacts at this stage. Such projects will be subject to environmental review (if they meet or exceed thresholds for environmental review) as they move forward.

Conclusion

The proposed changes fall within the scope and intent of adopted policy goals for the City of Seattle. The general effect of the changes would be to provide greater consistency between SDCI practice and policy, update agency references, clarify various Code provisions, and correct typographical errors and incorrect cross-references. Future development using these provisions will be subject to SEPA, as required, to address potential adverse impacts. Therefore, no mitigation pursuant to SEPA policies is warranted.

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: Signature on File Date: 11/30/2017
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