

**CITY OF SEATTLE
DETERMINATION OF NON-SIGNIFICANCE BY
THE DEPARTMENT OF PLANNING AND DEVELOPMENT**

Applicant Name: City of Seattle, Department of Planning and Development

Address of Proposal: This ordinance is a voluntary permit process that could apply to proposals in the Industrial Commercial zone within the Ballard-Interbay-Northend Manufacturing/Industrial Center and that meet a minimum threshold of:

1. 5 acres in size; and
2. 200,000 square feet of development in at least 2 buildings.

SUMMARY OF PROPOSED ACTION

The legislative proposal amends the Land Use Code to add a new subsection 23.50.017 Major Development Plan (MDP), to create an optional Major Development permitting process for certain development zoned industrial-commercial in the Ballard-Interbay-Northend Manufacturing/Industrial Center (BINMIC). This process would be applicable to multiple building projects on sites larger than 5 acres within Industrial Commercial zoned areas in the BINMIC that are complex enough to require construction phasing over an extended period of time, excluding Major Institutions.

The proposal also amends other related sections of the land use code to address permitting processes and permit timelines as follows:

- Table A for 23.76.004 is amended to establish Minor amendment or extension to a Major Development Permit compliance of projects with an approved Major Development Permit as Type 1 land use decisions.
- 23.76.006 is amended to include Master Use Permit requirements for Major Development Plans.
- 23.76.011 is amended to include noticing requirements related to Major Development Plans.
- 23.76.032 is amended to define the expiration and renewal requirements for a Major Development Permit.
- 23.84A.025 is amended to add a definition of Major Development Plan and amend the definition of Major Phased Development.

The following approvals are required:

SEPA – Environmental Determination– (Chapter 25.05, Seattle Municipal Code)
Council Land Use Action – Land Use Code text amendment and SEPA conditioning

- SEPA DETERMINATION:** Exempt DNS MDNS EIS
- DNS with conditions
- DNS involving non-exempt grading, or demolition, or involving another agency with jurisdiction.

BACKGROUND DATA

Proposal Description

The Land Use Code currently allows Major Phased Developments (MPD) in Commercial (23.47.008) and Industrial (23.50.015) zoned areas. MPD is defined as, “a nonresidential, multiple building project that, by the nature of its size or function, is complex enough to require construction phasing over an extended period of time, excluding Major Institutions” (23.84A.025). The MPD essentially allows a proponent to bundle a series of MUPs, complete coordinated environmental review, and receive permit extensions of up to 15 years to construct the approved buildings.

The Department of Planning and Development (DPD) is proposing to add a new subsection 23.50.017 Major Development Plan (MDP) to the to the Industrial Section of the Land Use Code to create a new voluntary process applicable to large, phased projects within Industrial Commercial zoned areas. The new subsection would create a permitting process that is intended to ensure coordination and consistency with land use and environmental reviews, and allows flexibility that is sometimes needed for large phased projects.

Parallel Key Requirements from MPD:

- Use the same threshold for site and development size.
- Keep underlying zoning (limit to Industrial Commercial zone).
- Continue to require MUPs for individual development projects.

Include Requirements that Ensure Coordinated Development and Environmental Review:

- Site plan that that establishes a well-integrated development proposal, defining the approximate location of development, transportation and circulation, utility/infrastructure, and open space.
- Development program, including renderings to depict the proposed building massing, amount of development, design concept, and palette of material.
- Require a Transportation Management Program that provides for physical and programmatic measures to reduce the number of people commuting alone to and from the site.
- Conduct coordinated, up-front environmental review of the proposed development and include a mitigation plan in order to allow phased implementation.

Enable Flexibility:

- Provide flexibility when developing a building under an approved plan, provided that the building is consistent with the zoning, public benefits, MDP urban design objectives, permit requirements, and permit conditions of approval.
- Include the potential to extend the permit from 15 to 25 years with Director’s review.

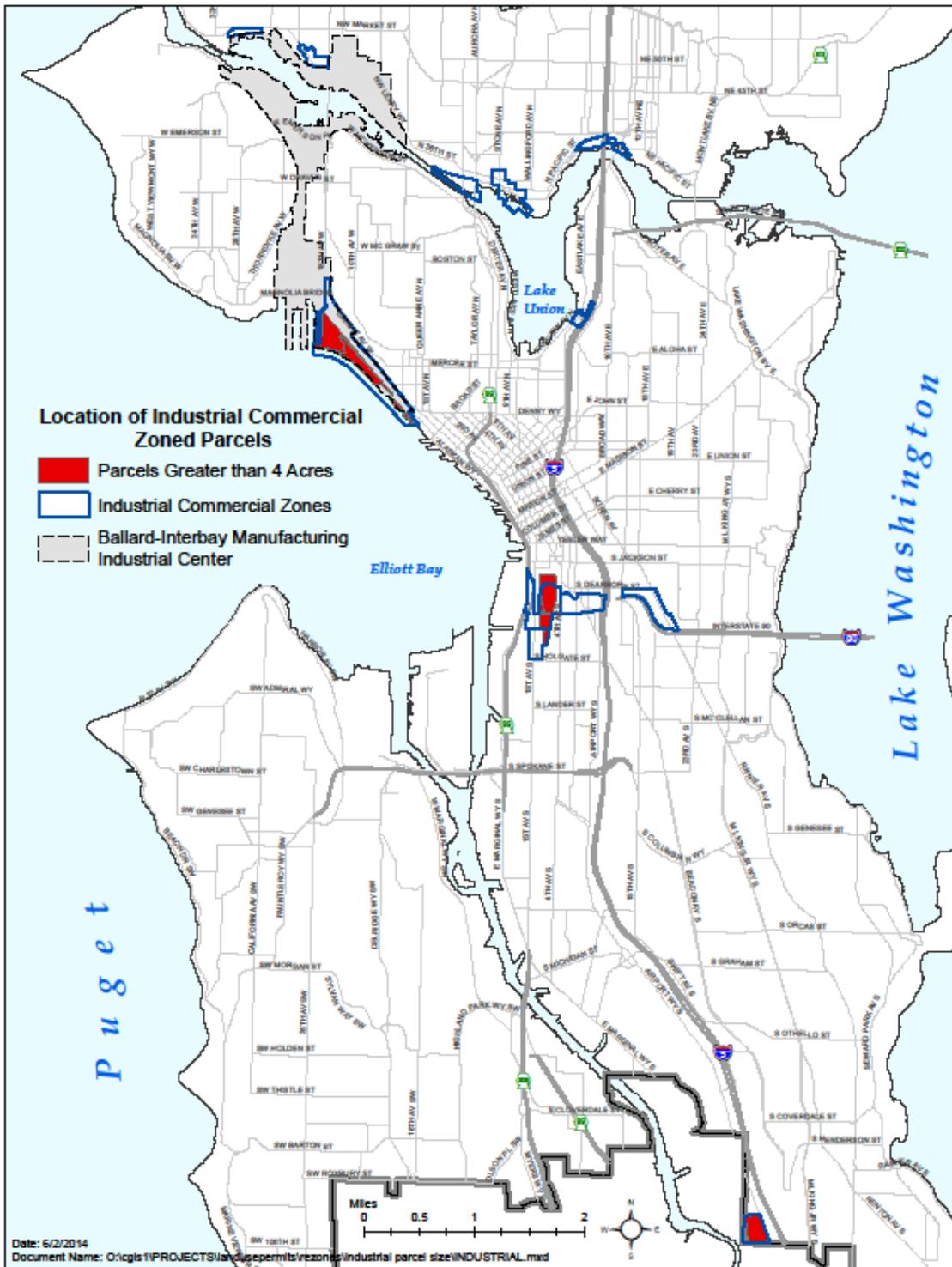
The proposed code amendment would amend portions of 23.76 to identify the review, extension and revision process. A new definition would be added to 23.84A.025 for the “Major Development Plan”.

In the process of developing this legislation, DPD Planners met with members of industrial associations and community organizations, focusing on those who may have had some experience with Major Phased Development projects. Additional detail about public involvement is included in the Director’s Report and Recommendation.

Location

This proposal would create a new process that could be used for certain projects on all Industrial Commercial-zoned (IC) parcels containing a minimum of five acres in the Ballard-Interbay-Northend Manufacturing/Industrial Center (BINMIC),. There is one parcel over 5-acres in the BINMIC as shown on the map on the following page. There are, however 109 acres (net) of Industrial Commercial zoned land in BINMIC, and other sites could be aggregated to meet the minimum size criteria sites. The MDP process is available to sites that are: (1) in the BINMIC area, (2) zoned Industrial commercial; (3) are at least five acres in area; and (4) that propose at least 200,000 square feet of development in at least two buildings.

The Land Use Code describes the intent of the “Industrial Commercial (IC) zone as follows: “to promote development of businesses which incorporate a mix of industrial and commercial activities, including light manufacturing and research and development, while accommodating a wide range of other employment activities.” (SMC 23.34.096).



Locations of Industrial Commercial Zoned Parcels and Those within the BINMIC

The objectives of the legislation are: improving the ability of the Land Use Code to promote in appropriate areas coordinated planning and permitting of large, phased developments; ensuring environmental review that addresses the cumulative impacts; and to provide flexibility to the developer during the phased implementation of a functionally interrelated development.

The following is a brief description of the amendments by Seattle Municipal Code Section in the order presented in the legislation.

- Table A for 23.76.004 is amended to establish Minor amendment or extension to a Major Development Permit compliance of projects with an approved Major Development Permit as Type 1 land use decisions.
- 23.76.006 is amended to include Master Use Permit requirements for Major Development Plans.
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Public Comment

Proposed changes to the Land Use Code require City Council approval; public comment opportunity will occur during future Council hearings.

ANALYSIS - SEPA

This proposal is an adoption of legislation and is defined as a non-project action. The initial disclosure of the potential impacts from this action was made in the environmental checklist dated June 18, 2013. The information in the checklist, a copy of the proposed text amendments, the analysis of the changes prepared by City staff, and the experience of the lead agency with review of similar legislative actions form the basis for this analysis and decision.

Short Term Impacts

Adoption of the proposed new Land Use Code section and associated land use provisions would result in no immediate adverse short-term impacts because the adoption would be a non-project action. The proposed code requires that, “A MDP shall not be approved unless the Director concludes that anticipated probable environmental impacts, including but not limited to access, traffic, open space, shadows, construction impacts and air quality, are not significant or can be effectively identified and conditions imposed to mitigate impacts over the life of the MDP.” The code requirements that call for coordinated development plan, mitigation plan, transportation management plan and optional development guidelines provide significant tools to address impacts at the point when project level environmental documentation is completed for a proposed development.

Long Term Impacts

The discussion below evaluates the potential long-term impacts that might result from differences in future development patterns due to the proposed amendments. The proposed changes will not affect the size or density of development projects in the IC zone but it may result in development occurring sooner than it would have occurred without the amendment on the one site located in the BINMIC. However, as explained below, the impacts either will not be significant. Potential project impacts will be evaluated as part of future project-related SEPA review.

1. Natural Environment (including Earth, Air, Water, Plants and Animals, Energy, Natural Resources, Environmentally Sensitive Areas, Noise, Toxic/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.

Since the amendments would apply to a variety of sites in the site or up to three sites within the Industrial Commercial zone within the BINMIC, it is possible that elements of the natural environment on specific sites could be impacted. However, site-specific development is subject to the City's existing regulations, such as the Stormwater Code, the Environmentally Critical Areas Ordinance, and Noise Ordinance, and such development will be subject to environmental review if they meet or exceed thresholds for environmental review and any probable environmental impacts would be mitigated through site-specific SEPA review.

Construction of a new structure or structures and road improvements would consume energy, make noise and generate air pollutant emissions related to materials and vehicles used, but such energy use, noise and emissions would be minor in the context of the affected environment of the city.

The requirement for a development plan that coordinates the development of multiple buildings along with related open spaces, parking and supporting infrastructure, may offer opportunities for the applicant and City to address impacts on the natural environment, in addition to the authority provided by SEPA reviews of the MDP and specific development.

2. Built Environment (including Land and Shoreline Use, Housing, Aesthetics)

The proposed changes are not likely to result in significant adverse impacts to land and shoreline use patterns because the changes would not result in modification of the type of land use and structure that can be developed on a given property.

There is the potential for the new process to encourage development of currently undeveloped areas or to encourage development to occur within the City of Seattle that might otherwise occur elsewhere. This would be consistent with the City's growth management planning, and objective for the Industrial Commercial zoned areas. The IC zone is primarily an employment-focused zone and allows very limited artist and caretaker residences. As this amendment only affects permitting process, it will not affect development capacity. Development proposed pursuant to a MDP would be required to be consistent with the use and development standards of the IC zone.

DPD's analysis shows that there are only a few parcels in the IC zone that are four acres or larger (four acres was used because it would be relatively easy to aggregate parcels to meet the five acre threshold). Although it is possible to aggregate multiple parcels across rights-of-way to meet the size threshold of 5 acres, most parcels are relatively small. The average parcel size in the IC zone is approximately 39,430 square feet and the median is approximately 13,160 square feet (including some parcel area that is submerged land). A number of IC parcels are within the shoreline district. It is unlikely that sites entirely within the shoreline district would use the provisions of the MDP because the required shoreline substantial development permit would generally have substantially shorter permit time limits.

For those projects that make use of the new provisions, requirements for a development plan that coordinates the development of multiple buildings along with related open spaces, parking and supporting infrastructure will offer opportunities for the developer and City to reduce land use and shoreline impacts. The ability to add site-specific development guidelines allows for a measure of control over the aesthetics of a project that is not otherwise available through SEPA or the Industrial Commercial zone where design guidelines do not generally apply. The proposed code provisions also enable the project to respond to the unique circumstances of the development and needs of the surrounding area by providing a public benefit element.

3. Transportation, Public Service, and Utilities Impacts

The proposed changes are not likely to result in significantly increased demands on transportation or public services and utilities since it does not change the amount of development allowed and thereby the demand for transportation, public services and utilities. However, as this new process is anticipated to appeal to larger scale research and development, or technology developments, there may be resulting localized increased demands on transportation or public services and utilities due to the intensity of such development.

Coordinated environmental review of a multi-building project could result in a greater understanding of any cumulative impacts resulting from increased demands on transportation or public services and utilities, as well as more comprehensive mitigation measures. The proposal also requires a transportation management plan to mitigate impacts to the transportation system by providing physical and operational improvements to reduce single occupant vehicle commuting, and to promote alternatives such as walking, bicycling, transit and carpools. Thus the impacts, if significant, could be mitigated through the site-specific SEPA evaluation for individual developments

DECISION – SEPA

This decision was made after review by the responsible official on behalf of the lead agency of a completed environmental checklist 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 requirements of the State Environmental Policy Act (RCW 43.21C), including the requirement to inform the public agency decisions pursuant to SEPA.

- 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 2c.

- 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 2c.

RECOMMENDED CONDITIONS – SEPA

None

Signature: (signature on file) Date: _____
Cheryl Waldman, Supervisor and Special Projects
Department of Planning and Development