



City of Seattle

Gregory J. Nickels, Mayor

Department of Planning and Development

D.M. Sugimura, Director

**CITY OF SEATTLE
ANALYSIS AND DECISION OF THE DIRECTOR
OF THE DEPARTMENT OF PLANNING AND DEVELOPMENT**

Application Number: 3008724
Applicant: DLG Group for Seattle Central Community College
Address of Proposal: 1601 Harvard Ave.

SUMMARY OF PROPOSED ACTION

Land Use Application to allow a new 1,800 sq. ft. structure (Greenhouse/Plant Sciences Building) for an existing institution (Seattle Central Community College) in an environmentally critical area. Project includes minor amendment to a major institution master plan. Environmental Threshold Determination made by Seattle Central Community College.

The following approvals are required:

Administrative Conditional Use - Section 23.45.090.C, Seattle Municipal Code. To allow an institution building within a required side setback.

Code Interpretation and Minor Amendment to MIMP –Section 23.69.035, to allow an amendment to the parking requirement of the MIMP.

SEPA - To approve or condition pursuant to Seattle’s SEPA policies. - Chapter 25.05, Seattle Municipal Code.

SEPA DETERMINATION:

Exempt DNS EIS

DNS with conditions

DNS involving non-exempt grading or demolition or involving another agency with jurisdiction.

BACKGROUND DATA

Site and Vicinity Description

The proposal site is an area of the SCCC campus immediately north of the above ground parking garage, which is currently undeveloped. It fronts on Boylston Ave. mid-block between E. Olive and E. Pine streets. It is bordered to the south by the parking garage and to the north and east by multi-family residential buildings. The site is zoned MIO – 105 –MR, a Mid-rise Multi-family zone with a Major Institution Overlay.

Proposal

The project includes construction of a 1,800 sq. ft. greenhouse and classroom building to be used as a growing and instructional laboratory. The structure includes a workroom, a small office, a single occupancy restroom and a small storage closet. The remainder of the area to be developed will be used for outdoor growing of plants.



Public Comment

The SEPA comment period for this application ended on November 12, 2008. No comments were received.

CODE INTERPRETATION – MAJOR OR MINOR AMENDMENT

SMC Section 23.69.035.D provides criteria for designating a proposed amendment a minor one as follows:

“D. Minor Amendments. A proposed change to an adopted master plan shall be considered and approved as a minor amendment when it is not an exempt change according to subsection B of this section, when it is consistent with the original intent of the adopted master plan, and when it meets at least one of the following criteria:

- 1. The amendment will not result in significantly greater impacts than those contemplated in the adopted master plan; or*
- 2. The amendment is a waiver from a development standard or master plan condition, or a change in the location or decrease in size of designated open space, and the proposal does not go beyond the minimum necessary to afford relief and will not be materially detrimental to the public welfare or injurious to the property or improvements in the vicinity in which the Major Institution is located; or*
- 3. The amendment is a proposal by the Major Institution to lease space or otherwise locate a use at street level in a commercial zone outside an MIO District, and within two thousand five hundred feet (2,500') of the MIO District boundary, and the use is allowed in the zone for but not permitted pursuant to Section 23.69.022. In making the determination whether the amendment is minor, the Director shall consider the following factors:*

- a. *Whether an adequate supply of commercially zoned land for business serving neighborhood residents will continue to exist, and*
- b. *Whether the use will maintain or enhance the viability or long term potential of the neighborhood-serving character of the area, and*
- c. *Whether the use will displace existing neighborhood-serving commercial uses at street level or disrupt a continuous commercial street front, particularly of personal and household retail sales and service uses, and*
- d. *Whether the use supports neighborhood planning goals and objectives as provided in a Council-approved neighborhood plan.”*

The proposal is not an exempt change because it is inconsistent with the MIMP provision requiring each new project to make up 5% of the existing parking deficit at the campus.

The proposed facility would accommodate the relocation of the existing horticulture program at SCCC which has been displaced from the main building on the campus. The building is not expected to draw additional students or require additional faculty or staff. Instead it will allow continued provision of an academic program. An amendment to the MIMP to provide for the addition of this building to the campus without the addition of any parking capacity would not result in significantly greater impacts than those contemplated in the adopted master plan because no additional parking demand is anticipated as a result of the development. This facility is not expected to increase negative impacts in any appreciable measure. The MIMP does not provide for a specific development of the open area. It does refrain from identifying it as permanent open space, leaving it available for a variety of future college uses. The proposed amendment would be consistent with the original spirit and intent of the MIMP.

It is reasonable to conclude that criteria numbered “1” in SMC 23.79.035.D is met and that the proposed amendment to allow addition of the proposed horticultural facilities without the provision of additional parking is a minor amendment to the MIMP.

Advisory Committee Recommendation: The Standing Advisory Committee discussed voted with nine in favor, one abstention and one absent that the proposed amendment of the MIMP to exempt the Plant Sciences Complex Project from both the base parking requirement of 5 cars and the parking make-up requirement of 38 should be considered a minor amendment and that the Administrative Conditional Use to allow the reduction in side yard setback should be granted.

DPD confirms the finding of the Citizens Advisory Committee and concludes that the proposed modification to the MIMP to not require provision of additional campus parking as part of creation of the proposed horticultural facility is a minor amendment to the MIMP.

ANALYSIS – ADMINISTRATIVE CONDITIONAL USE

SMC 23.45.122.A, quoted below, provides the criteria for consideration of modifications of bulk and siting development standards including setbacks. The subject proposal would provide a three foot setback from the north property line. The Seattle Land Use Code requires an eight foot setback in this instance.

“A. Bulk and Siting. In order to accommodate the special needs of the proposed institution, and to better site the facility with respect to its surroundings, the Director may modify the applicable development standards for modulation, landscaping, provision of open space, and structure width, depth and setbacks. In determining whether to allow such modifications, the Director shall balance the needs of the institution against the compatibility of the proposed institution with the residential scale and character of the surrounding area.”

The applicants provided information in the form titled “Application for Administrative Conditional Use in Residential Zones” which is probative.

1. The proposed greenhouse structure is small in comparison other buildings in the area at 1,800 sq. ft. in floor area and 20 feet in height.
2. It would not be expected to encroach on neighboring property views or sun access.
3. The greenhouse requires maximum sun exposure to function well and placement at far north as possible will minimize the impact of the parking garage shadow.
4. Use of the facility as a plant sciences laboratory will include outdoor planting areas in the space between the greenhouse and the parking garage. This space is maximized by placing the greenhouse as far north as possible.
5. The neighboring property to the north abuts the proposal site with a one story parking structures immediately adjacent to the property line. The height of the proposed greenhouse fire separation wall is only slightly higher than the top of the adjacent parking structure and no view blockage is expected. The proposed three foot setback would provide access to both structures for maintenance activities.
6. Little noise is expected to be generated at the site and activities are not expected to occur there past 7:00 p.m.
7. No new parking demand is expected to be generated by the proposed facility.

It is concluded from these factors that the educational needs of the College require placement of the greenhouse as close as possible to the northern property line and that doing so would be minimally inconsistent with the character of the surrounding residential area. The waiver of the side setback requirement to three feet from the required eight along the north property line of the proposal site is granted.

ANALYSIS - SEPA

The initial disclosure of the potential impacts from this project was made in the environmental checklist submitted by the applicant on September 8, 2008, and annotated by this Department. This information in the checklist, supplemental information provided by the applicant (plans, including landscape plans), comments from members of the community, and the experience of the lead agency with review of similar projects form the basis for this analysis and decision.

The SEPA Overview Policy (SMC 25.05.665) establishes the relationship between codes, policies, and environmental review. Specific policies for specific elements of the environment, certain neighborhood plans, and other policies explicitly referenced may serve as the basis for exercising substantive SEPA authority. The Overview Policy states in part:

"where City regulations have been adopted to address an environmental impact, it shall be presumed that such regulations are adequate to achieve sufficient mitigation (subject to some limitations)."

Under certain limitations/circumstances (SMC 25.05.665 D 1-7) mitigation can be considered. Thus, a more detailed discussion of some of the impacts is cited below.

In this instance SEPA review jurisdiction is present only due to the classification of the site as an Environmentally Critical Area due to the presence of a slope greater than 40% is grade and greater than 10 feet in height. The site has been granted a limited ECA Exemption because the steep slopes are contained behind legally created retaining walls. However, SEPA review is not thereby exempted. The Seattle SEPA ordinance in SMC 25.50.908.B provides in part as follows.

“B. The scope of environmental review of proposals within these environmental a critical area is limited to:

- 1. Documenting whether the proposal is consistent with The City of Seattle Regulations for Environmentally Critical Areas, SMC Chapter 25.09; and*
- 2. Evaluating potentially significant impacts on the environmentally critical area resources not adequately addressed in The City of Seattle Environmentally Critical Areas Policies or the requirements of SMC Chapter 25.09, Regulations for Environmentally Critical Areas, including any additional mitigation measures needed to protect the environmentally critical areas in order to achieve consistency with SEPA and other applicable environmental review laws.”*

The ECA present on the proposal site consists of structurally retained steep slope areas, a form of landslide prone critical area. Soil stability and water quality is expected to be maintained during and after the proposed development through measures required by the Seattle Building Code and the Seattle Stormwater, Grading and Drainage Control code. No further, SEPA policy based, conditioning is expected to be necessary.

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 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).

CONDITIONS - SEPA

None.

CONDITIONS – ACU

None.

Signature: (signature on file)
Scott Kemp, Senior Land Use Planner
Department of Planning and Development
Land Use Division

Date: April 30, 2009