



City of Seattle

Gregory J. Nickels, Mayor

Department of Planning & Development

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

**SEPA Threshold Determination
for revisions to Commercial Code, Seattle Municipal Code 23.47A,
Parking and Access, SMC 23.54, and Design Review, SMC 23.41**

- Project Sponsor:** City of Seattle Department of Planning and Development (DPD)
- Location of Proposal:** The proposed amendments would affect properties City-wide in both Neighborhood Commercial (NC) and Commercial (C) zones. Minor changes could also affect industrial (I) and Seattle Mixed zones.
- Scope of Proposal:** The proposal would make a number of changes to rules for commercial zones, generally to clarify intent, simplify rules, add language inadvertently removed when Ordinance 122311 was adopted and provide greater flexibility in meeting specific rules for development in commercial areas. The proposal would clarify rules for street-level uses, increase options for meeting the Seattle Green Factor landscaping requirement, and modify requirements for parking access and quantity.

BACKGROUND

Proposal Description

The City proposes the following changes related to street-level uses and design in commercial zones:

- Distinguish between street-level use requirements and street-level development standards.
- Clarify that departures from street-level development standards are permissible.
- Allow live-work units on side streets in pedestrian-designated zones.
- Simplify timing requirements when residential structures are built on lots subject to limits on street-level residential uses.
- Add a definition of blank facade, and reorganize rules related to blank facades.
- Apply street-level design standards to fences.

- Clarify when waivers from street-level commercial space standards are permitted.
- Clarify design standards for street-level residential uses.

The City proposes the following changes related to height limits:

- Clarify how floor area ratio limits are applied in areas where additional height is permitted along Broadway and FAR limits.
- Require a steeper pitch for projects to receive the pitched roof height exception.
- Raise height limit for elevator penthouses to allow the use of energy-efficient elevator systems.
- Provide a height limit exception for rooftop wind-driven power generators

The City proposes the following changes related to landscaping, street tree and screening requirements:

- Apply the Seattle Green Factor whether one building or multiple buildings are built.
- Clarify SDOT's authority over Green Factor right-of-way improvements.
- Allow food cultivation areas, large perennials, shallower green roofs, areas with structural soil, permeable pavement over shallower soil, and mulch under trees and shrubs to count as Green Factor elements.
- Limit use of permeable paving to one third of the Green Factor score.
- Separate bioretention facilities (rain gardens) from water features, and increase the score for bioretention facilities.
- Separate drought-tolerant landscaping from landscaping using harvested rainwater as Green Factor elements, add native plants to drought-tolerant plant bonus.
- Reduce the required size of large shrubs to two feet to better coordinate with SDOT shrub standards in the right-of-way.
- Change the term "exceptionally large trees" to "large existing trees" and reduce the required size of such trees to encourage the retention of more existing trees.
- Clarify street tree requirements.
- Clarify parking garage screening requirements.

The City proposes the following changes related to off-street parking access and quantity:

- Clarify requirements for parking location and access, and make them consistent with other sections of the Land Use Code.
- Clarify where there is no minimum parking requirement and where parking waivers apply.
- Provide more specific parking requirements for some uses that are significantly different from other uses in the same category.
- Prohibit surface parking lots adjacent to principal pedestrian streets in pedestrian-designated zones.

The City proposes the following additional changes related to commercial areas:

- Provide minimum lot requirements that ensure that the commercial zone development standards can continue to be met after a lot is subdivided.
- Simplify conditional use criteria for lodging in NC2 zones.
- Make language regarding gross floor area consistent with other sections of the code.
- Make terms regarding setbacks from residential zones consistent.
- Clarify waivers for designated landmarks and landmark districts.
- Fix typographical errors and provide cross-references.

ANALYSIS - OVERVIEW

The following describes the analysis conducted to determine if the proposal is likely to result in *probable significant adverse environmental impacts*. This threshold determination is based on:

- the proposal, as described above and in memoranda;
- the information contained in the *SEPA checklist*;
- additional information, including analyses, director's reports and technical memoranda prepared by and for City staff; and
- the experience of DPD analysts in reviewing similar documents and actions.

ELEMENTS OF THE ENVIRONMENT

Adoption of the possible amendments would result in no immediate adverse short-term impacts because the adoption would be a non-project action. The proposed changes do not increase the size or density of development projects or the likely number of projects that would be built in the affected zones. The discussion below generally evaluates the potential long-term impacts that might result from differences in future development patterns due to the proposed amendments.

A. Natural Environment

Earth, Air, Water, Plants/Animals/Fisheries, Energy

As Seattle and its commercial centers are generally urban areas, most of the area affected by the proposed action is dominated with impervious surfaces (paving, rooftops, etc) with little vegetation (except for street trees and required landscaping on residential and mixed use properties) and few animals except common birds, insects and urban mammals. Each neighborhood that will be affected by these code revisions has a network of sewer/stormdrain utility systems to handle much of its surface stormwater runoff. Despite daily traffic congestion, air pollutant levels rarely if ever exceed significant levels, due to the progressively improving emissions-reduction performance of the region's automobiles.

Within the context of the affected areas, there is minimal potential for additional future development that may result from the proposed changes that would generate significant adverse natural environmental impacts. By following the established rules that require proper design of sewers/stormdrains, construction practices that minimize grading, drainage and dust impacts, and other applicable City regulations, the potential for significant adverse environmental impacts will be limited. Future project-related SEPA review would also afford the opportunity to identify and mitigate any site-specific impacts, as anticipated in SMC 25.05.330

Energy-intensive uses are those that use computers and other technical equipment, requiring large amounts of electrically-powered heating, air conditioning and ventilation. In comparison, residential energy demands are relatively low. There is minimal likelihood that additional energy use from future development (related to this proposal) would cause significant adverse impacts on energy systems. One possible benefit to these elements of the environment from code changes will be the benefits accrued from additional landscaping designed to encourage water infiltration as a result of changes to the Seattle Green Factor. No significant adverse impacts are anticipated.

B. Built Environment

Land and Shoreline Use, Height/Bulk/Scale, Housing, Historic Preservation

Land Uses:

The proposed action includes several minor revisions to use provisions. Lodging uses would be slightly more likely to locate in NC2 zones farther away from highways, leading to a new use in some parts of the City, but are not expected to result in greater land use conflicts than entertainment, housing and restaurant uses, which are already permitted in these areas. Live-work uses would be allowed in some additional locations, but again would not be expected to result in conflicts with existing permitted uses. Surface parking lots would be less prevalent in strongly pedestrian-oriented business districts. No significant adverse impacts are anticipated.

Development Standards:

Many of the development standard revisions are restatements of and clarifications to the existing zoning requirements and no changes would be made to impact height, bulk or scale of development. A wider range of types of landscaping could be provided, street-level design might be more varied, and parking access would be more likely to be from an alley. No significant adverse impacts are anticipated as a result of this legislation.

Housing

The proposed action includes minor changes to how specific aspects of residential development would be regulated. They would allow slightly more flexibility for mixed-use and live-work housing, and simplify rules for development of multiple structures on a single lot. These changes would only slightly change the feasibility or design of housing. No significant adverse impacts are anticipated as a result of this legislation.

Noise, Shadows on Open Spaces, Light & Glare, Environmental Health, Public View Protection

No provisions in the legislation have anticipated impacts on these elements of the environment.

Transportation, Parking, Public Services and Utilities

Transportation and Parking

The proposed code changes are not anticipated to produce significant adverse environmental impacts. Some of the changes address the location of parking on a project site; these changes address the use of space on a site, and are not expected to have direct parking impacts, transportation impacts would be limited to increased use of alleys for access to off-street parking and slight shifts in location of parking access, which should not significantly change traffic circulation. Parking impacts would be limited to two uses (participant sports and recreation and mini-warehouses) which could provide fewer parking spaces than under the current code. Mini-warehouses would be permitted to provide the same number of spaces that were required under the previous code. Participant sports and recreation uses would be permitted to provide the same number of spaces required of general sales and service uses. Neither of these uses is likely to be concentrated or have more than localized impacts. Larger facilities, which are likely to have the greatest impact, would be subject to project-specific SEPA review of parking impacts.

Public Services and Utilities

Because the changes are not expected to change the amount or type of development that occurs in commercial zones no potentially significant adverse impacts are anticipated as a consequence of the proposed changes. Any additional future development in the area will contribute to overall cumulative increases in demand for public services and utilities. However, the proposed changes are not expected to generate significant adverse impacts as a result of additional amounts or locations of potential future growth.

DECISION

- 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)
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Land Use Services

Date: September 8, 2008