



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**

Applicant Name: Jim Holmes for the Department of Planning and Development

Location of Proposal: Denny's D T Home Addition Block 83

SUMMARY OF PROPOSED ACTION

Text amendment to the Land Use Code (SMC Title 23.48) to allow additional height limit from 65 feet up to a maximum of 125 feet for one block in the Seattle Mixed zone, limiting Floor Area Ratio (FAR) to 5. Requirements for future development on the subject block include: Meet Green Factor regulations, obtain LEED Silver rating, prepare a Transportation Management Program (TMP) and an Energy Management Plan (EMP).

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 DATA

Background and Proposal

The proposal affects one city block bound by Dexter Avenue N, Mercer Street, 8th Avenue N, and Republican Street by allowing for increased height from 65' to 125' provided FAR does not exceed 5 and the requirements outlined above are met for each development. The subject block is located in the Seattle Mixed zone within the South Lake Union Urban Center. The additional development performance requirements are discussed further below.

This proposal would allow for an increase in height on one block of land that will be developed as part of the University of Washington School of Medicine research facility. Currently the block is zoned SM-65. Under the current Land Use Code, this zone classification has no FAR limit and projects on this block could be developed to an FAR of 6 given the height limit of 65 feet. To achieve greater heights on the subject block project applicants would be required to meet the provisions below.



- Achieve a LEED Silver rating with an aspiration to meet LEED GOLD or meet a substantially equivalent standard as determined by the Director.
- A TMP (Transportation Management Program) that achieves a mode split of no more than 40% of trips to and from the project being made in single-occupant vehicle.
- An EMP (Energy Management Plan) to ensure that the existing electrical system can accommodate the projected loads from any project developed under the provisions of this proposal.
- Count any above grade parking towards FAR calculations.
- Meet Green Factor Requirements for any developments creating greater than 4 units, 4,000 sq ft or providing more than 20 new parking spaces for automobiles

The Seattle Green Factor is designed to encourage larger plants, permeable paving, green roofs, vegetated walls, preservation of existing trees, and layering of vegetation along streets and other areas visible to the public. Bonuses are provided for food cultivation, native and drought-tolerant plants, and rainwater harvesting. In addition to being attractive, green elements in the landscape improve air quality, create habitat for birds and beneficial insects, and mitigate urban heat island effects. They also reduce storm water runoff, protecting receiving waters and decreasing public infrastructure costs.

Public Comments

Proposed changes to the Land Use Code require City Council approval. Public comment will be taken on the proposed amendments during future Council hearings.

ANALYSIS - SEPA

The initial disclosure of the potential impacts from this project was made in the environmental checklist dated July 28th, 2009. The information in the checklist, supporting view analysis report, a copy of the proposed text changes and the experience of the lead agency with review of similar legislative actions form the basis for this analysis and decision.

Short-term Impacts

As a non-project action the proposed amendment will not have any short-term impacts on the environment. Future development affected by this legislation and subject to SEPA will be required to address short-term impacts on the environment.

Long-term Impacts

Most long-term impacts of this code amendment are expected to be minor pursuant to SEPA policies. Generally, proposed height increases for the block in question may result in further extending shadows from a development designed under the amendment beyond what a 65' limit

could produce. Since the FAR under the current Land Use Code is unlimited, the amendment's proposed limit of 5 FAR will limit the bulkiness of shadows and result in a taller but skinnier buildings, which may have greater light and air than a building constructed under the current code.

Impacts to noise, light and glare, air quality, and public services and facilities may slightly increase, due to larger structures and greater levels of activity on various sites, but are not expected to be significant. Developments of at least 12,000 square feet or greater than 30 units or additions crossing certain size thresholds will be subject to project-level SEPA review, which will allow for more focused review of environmental impacts of individual developments. In addition, projects expanding under the provision of this code amendment will need to comply with existing codes and regulations, including the Land Use Code, Environmentally Critical Areas regulations, and the Stormwater, Grading and Drainage Control Code.

The most likely adverse impacts of the proposed amendment would be to height, bulk, and scale; historic preservation; public view protection; shadows; traffic and transportation; and energy. Various sections of the proposed amendment respond to some of these potential impacts by codifying mitigation. These topics are discussed further below.

Height, Bulk, and Scale

Raising height limits would only apply to one block within the SM zone of South Lake Union. Current height limit on this block is 65'. The blocks to the west and north of the subject block are zoned SM with a 65' height limit. To the east is SM zoning also with a 65' height limit. Directly to the south, parcels are zoned for 85' buildings.

The proposed text amendments would allow buildings up to 125' in the affected area. As a result taller buildings would be permitted beyond those that could be built on immediately adjacent parcels. However, the building heights would not be out totally out of character with those allowed on nearby parcels that can gain additional heights if meeting certain criteria (23.48.010-B).

Conversely, limiting future projects to and FAR of 5 will likely result in less bulky structures than structures developed under the current zoning code provisions which permit unlimited FAR. Light and air between structures developed under the proposal will likely be increased by the proposed amendment. Buildings will be taller, but with FAR limits, designs will need to shed floor area and floor plate sizes, if the height potential is to be realized. Abutting along Dexter Ave N and Mercer St (currently being widened) also further mitigates Height, Bulk and Scale impacts as these are major arterial streets, providing buffer from properties to the north and west.

SEPA Height, Bulk, and Scale Policies note that "it is the City's policy that the height, bulk and scale of development projects should be reasonably compatible with the general character of development anticipated by the goals and policies set forth in Section B of the land use element of the Seattle Comprehensive Plan regarding Land Use Categories". The area of the text amendment is within the South Lake Union Urban Center. In general, Urban Centers are designated as the most densely developed areas of Seattle, with the greatest concentrations of

jobs and housing. The neighborhood plan for this Urban Center was adopted into the City's Comprehensive Plan in December, 2007. The plan anticipated significant growth in the urban center, including 16,000 additional jobs and 8,000 additional households over twenty years. The Height, Bulk and Scale of specific projects that develop pursuant to these text amendments are expected to be consistent with these growth estimates and compatible with the general character of development that would result from the Urban Center goals and policies.

Specific Height, Bulk and Scale impacts of particular projects will be determined at the time of project-specific SEPA and Design Reviews of specific design proposals. As a result of the above analysis, no significant adverse impacts are expected by the proposed height amendment pursuant to SEPA policy SMC 25.05.675-G.

Historic Preservation

None of the existing buildings on the subject block are designated Historic Landmarks. As indicated in the SEPA checklist, the closest City Landmark locates one block south of the subject block. The proposal will not have an affect on this City Landmark (West Earth Co. Street Clock) as it does not face the subject block and would not impede views or access to the landmark. Individual development projects proposed on such sites would be subject to project-level environmental review, and further evaluation of the landmark potential of any structures on those sites would be undertaken at that time. The proposed code amendments are not anticipated to have any adverse impacts on historic preservation in the area.

Public View Protection

The SEPA View Protection Policy specifies public places and scenic routes from which views of significant natural and human-made features are to be protected. Projects developing under the proposed height within the subject block could further block already obstructed scenic route views of the Downtown skyline from Valley and Broad Streets, these streets were identified as scenic routes but are not protected routes pursuant to SEPA policy. Further, the change will result in skinnier building midsections, tops and floor plates; this is not considered to be significant. The additional height and bulk allowed under these amendments is not expected to intrude on any protected views, primarily due to existing and potential buildings on sites closer to these scenic routes.

Studies of possible view blockage from three protected view points in the vicinity (Plymouth Pillars Park, Bhy Kracke Park, and Volunteer Park) to protected features (Olympic Mountains, Downtown skyline, Space Needle and Lake Union) with lines of sight from the proposal were conducted for this analysis. The study depicts and analyzes views from these protected points including existing conditions, view impacts under the current Land Use Code with feasible massing and last, impacts under the proposed code amendment with feasible massing. As depicted and analyzed in the study, views from these points will not block the applicable protected features.

SEPA policy also identifies specific protected scenic routes throughout the City in which view protection is to be encouraged. Several streets near the text amendment area have been designated as scenic routes. They include: Westlake Ave. N., Fairview Ave. N., and I-5; there is an additional portion of a designated Scenic Route that extends west from Broadway on Capitol Hill via E. Roy Street, Belmont Avenue E and Bellevue Place E.

While northerly views from Westlake Ave. N. and Fairview Ave. N. toward Lake Union are possible, most east-west views are limited due to existing buildings. Some east-west views are possible in conjunction with east-west streets that intersect Westlake Ave. N. and Fairview Ave. N. The segment of I-5 (the Mercer Street Off-ramp) that is closest to the project site is elevated and provides scenic views of the South Lake Union area, the Space Needle, the Downtown skyline, Elliott Bay and the Olympic Mountains. There is also a segment of Bellevue Place E. directly east of the I-5/Mercer Street Off-ramp that is elevated and provides scenic views of the South Lake Union area, the Space Needle, the Downtown skyline, Elliott Bay and the Olympic Mountains beyond. Although proposed buildings on the project site may be visible along these streets, the proposed height increase associated with the text amendment would not negatively affect significant views from these designated scenic routes and would not result in any significant impacts to City of Seattle scenic routes in the vicinity of the text amendment area. Views of the Downtown skyline, the Space Needle, the Olympic Mountains and Lake Union would still be possible from Westlake Ave. N., Fairview Ave. N., and I-5, as well as from Bellevue Place E. As a result SEPA Policies are satisfied for the proposed amendment.

SEPA Policy also protects views of the Space Needle from particular applicable vantage points (Bhy Kracke Park; Kerry Park, Volunteer Park, Gasworks Park) no views of the Space Needle from these locations will be altered due to the proposed text amendments. These sites either are not in the sight line of the proposal or are at elevations that the proposal will not have an effect on views of the Space Needle. South Lake Union Park is not a park with protected views pursuant to SMC 25.05.675-P2c. Even so, the submitted view analysis report did analyze view impacts from Lake Union Park (currently under construction) and views from this unprotected viewpoint will not be compromised.

The impacts of specific development proposals on public view protection would be analyzed at the time of individual project application pursuant to the above referenced policies. The text amendments are not expected to have a significant impact on public views, pursuant to SMC 25.05.675 P.

Shadows

Pursuant to the City's SEPA Policy, certain open space areas are to be protected from substantial shadow impacts. Outside of downtown, these areas are public parks, public schoolyards and private schools which allow public use of schoolyards during non-school hours, and publicly owned street ends in shoreline areas. The closest such site to the text amendment area is Lake Union Park, which is located over one thousand feet away from the subject block. Considering the proximity of the subject block to a site that has protected shadows, the text amendments will not have a significant shadow impact if any at all pursuant to SEPA policies.

Traffic and Transportation

Projects developed pursuant to the proposed height limits are not expected to generate traffic beyond a project developed under current Land Use Code. This is a direct correlation between the imposed limit of 5 FAR. Further, new projects would be required to undergo environmental review (if they meet or exceed thresholds for environmental review). The current zoning of the block in question is not subject to FAR limitations and is zoned SM-65, which could yield up to 6 FAR, depending on specific design choices and proposed use.

Another mitigating factor imposed with text amendment on the subject block in question is a requirement that The Master Use Permit application include a Transportation Management Program (TMP) consistent with requirements for TMPs in the applicable Director's Rule. The TMP shall be approved by the Director only if, after consulting with Seattle Department of Transportation, the Director determines that no more than 40 percent of trips to and from the project will be made using single-occupant vehicles (SOV).

Considering the limited FAR and required TMP no adverse transportation impacts are anticipated by the proposed amendment.

Energy

Proposed increase in height permitted by the text amendments may lead to slight increases in energy demand. To ensure that adequate energy capacity exists for any individual project, the text amendment will require that any project within the subject block developing with the additional height permitted by the code changes must provide DPD with an Energy Management Plan to ensure that the existing electrical system can accommodate the projected loads from any project developed under the provisions of this proposal.

Under the text amendment, DPD will have the authority, in consultation with Seattle City Light, to condition MUP approval on the development and implementation of an energy management plan containing specific energy conservation or alternative energy generation methods or on-site electrical systems that can ensure that the existing electrical system can accommodate the projected loads from the proposed development.

In addition to these codified requirements, projects within this block would be required to meet at least a LEED-Silver standard, with aspirations for LEED-Gold, of which either include points for projects that reduce or control energy use. Given these requirements that will be placed on projects developing under the text amendment, no significant energy impacts are anticipated pursuant to SMC 25.05.675-E.

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)
Lucas DeHerrera, Senior Land Use Planner
Department of Planning and Development

Date: August 13, 2009

ORDINANCE _____

AN ORDINANCE relating to land use and zoning: amending Chapter 23.48 of the Seattle Municipal Code, allowing additional height and density within a limited, defined area of the South Lake Union Urban Center, applying new landscaping standards to all development in the Seattle Mixed zone and making clarifications and correcting errors.

WHEREAS, in December 2006 the City adopted South Lake Union Center goals and policies into the Comprehensive Plan to support the growth of innovative industries in the South Lake Union Urban Center;

WHEREAS, opportunities to promote biotech industries, research and development laboratory uses, and supporting administrative office uses exist in the Seattle Mixed (SM)-65 zoned areas in the South Lake Union Urban Center; and

WHEREAS, the Council finds that this Ordinance will implement the Comprehensive Plan and protect and promote the public health, safety and welfare; NOW, THEREFORE,

BE IT ORDAINED BY THE CITY OF SEATTLE AS FOLLOWS:

Section 1. Section 23.48.010 of the Seattle Municipal Code, which Section was last amended by Ordinance 122835, is amended as follows:

23.48.010 General structure height((-))

A. Maximum Height. Maximum structure height is 40 feet, 55 feet, 65 feet, 75 feet, 85 feet, or 125 feet as designated on the Official Land Use Map, Chapter 23.32, except as provided in this Section, ~~((or))~~ in Section 23.48.016, or in Section 23.48.017.

* * *

D. Additional Height Permitted. In zones with a 65 foot height limit, additional height may be permitted pursuant to Section 23.48.017.

~~((D))~~ E. Pitched Roofs. The ridge of pitched roofs with a minimum slope of six to twelve (6:12) may extend ~~((ten (10)))~~ 10 feet above the height limit. The ridge of pitched roofs with a

1 minimum slope of(~~four~~) 4 to ~~twelve~~ 12(~~((4:12))~~) may extend (~~(five-5))~~ 5 feet above the
2 height limit (Exhibit 23.48.010 A. No portion of a shed roof shall be permitted to extend beyond
3 the height limit under this provision.

4 ~~((E))~~ E. Rooftop Features.

5 1. Smokestacks; chimneys; flagpoles; and religious symbols for religious
6 institutions are exempt from height controls, except as regulated in Chapter 23.64, Airport Height
7 Overlay District, provided they are a minimum of (~~(ten-10))~~ 10 feet from any side or rear lot
8 line.
9

10 2. Open railings, planters, skylights, clerestories, greenhouses, parapets and
11 firewalls may extend up to (~~four-4~~) 4 feet above the maximum height limit with unlimited
12 rooftop coverage.
13

14 3. Solar collectors may extend up to (~~(seven-7))~~ 7 feet above the maximum
15 height limit, with unlimited rooftop coverage.
16

17 4. The following rooftop features may extend up to fifteen (~~((15))~~) 15 feet above
18 the maximum height limit, so long as the combined total coverage of all features listed in this
19 subsection (~~(E4)~~) F4 does not exceed twenty (~~((20))~~) 20 percent of the roof area, or (~~(twenty five~~
20 ~~(25))~~) 25 percent of the roof area if the total includes stair or elevator penthouses or screened
21 mechanical equipment:
22

- 23 a. Solar collectors;
- 24 b. Stair and elevator penthouses;
- 25 c. Mechanical equipment;

1 d. Atriums, greenhouses, and solariums;

2 e. Play equipment and open-mesh fencing which encloses it, as long as the
3 fencing is at least (~~fifteen (15))~~ 15 feet from the roof edge; and

4 f. Minor communication utilities and accessory communication devices,
5 except that height is regulated according to the provisions of Section 23.57.012.
6

7 5. At the applicant's option, the combined total coverage of all features listed in
8 subsection ~~((E4))~~ F4 above may be increased to (~~sixty five (65))~~ 65 percent of the roof area,
9 provided that all of the following are satisfied:

10 a. All mechanical equipment is screened; and

11 b. No rooftop features are located closer than ten (10) feet to the roof
12 edge.
13

14 6. In order to protect solar access for property to the north, the applicant shall
15 either locate the rooftop features listed in this subsection ~~((E5))~~ F5 at least (~~ten (10))~~ 10 feet
16 from the north edge of the roof, or provide shadow diagrams to demonstrate that the proposed
17 location of such rooftop features would shade property to the north on January 21st at noon no
18 more than would a structure built to maximum permitted bulk:
19

20 a. Solar collectors;

21 b. Planters;

22 c. Clerestories;

23 d. Atriums, greenhouses and solariums;
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1 e. Minor communication utilities and accessory communication devices
2 according to the provisions of Section 23.57.012;

3 f. Nonfirewall parapets;

4 g. Play equipment.

5 7. Screening Rooftop mechanical equipment and elevator penthouses shall be
6 screened with fencing, wall enclosures, or other structures.

7 8. For height limits and exceptions for communication utilities and accessory
8 communication devices, see Section 23.57.012.

9 Section 2. A new Section 23.48.017 of the Seattle Municipal Code is adopted to read as
10 follows:
11

12 **23.48.017 Additional height in certain SM-zoned areas in the South Lake Union Urban**
13 **Center((=))**
14

15 A. Applicability and General Provisions. In the area bounded by Dexter and 8th Avenues
16 and North Mercer and North Republican Streets, structures designed for research and
17 development laboratory use and administrative office associated with research and development
18 laboratories, shall have a maximum height of 125 feet, provided the project complies with all the
19 requirements of Section 23.48.017. General sales and service and eating and drinking
20 establishment uses may be included in the ground-level of the structures.
21

22 B. Maximum FAR and number of floors. The maximum chargeable floor area permitted
23 is 5 FAR. The maximum number of floors permitted above grade is eight. The following areas
24 are exempt from FAR calculations:
25

1 E. Screening and Landscaping. Each structure will satisfy Seattle Green Factor
2 provisions of Section 23.86.019.

3 F. Transportation Management Program. The Master Use Permit application shall
4 include a Transportation Management Program (TMP) consistent with requirements for TMPs in
5 the applicable Director's Rule. The TMP shall be approved by the Director only if, after
6 consulting with Seattle Department of Transportation, the Director determines that no more than
7 40 percent of trips to and from the project will be made using single-occupant vehicles (SOV).
8

9 1. For purposes of measuring attainment of single-occupant vehicle (SOV) goals
10 contained in the TMP, the number of SOV trips shall be calculated for the p.m. hour in which an
11 applicant expects the largest number of vehicle trips to be made by employees at the site (the
12 p.m. peak hour of the generator).
13

14 2. Compliance with this section does not affect the responsibility of any employer
15 to comply with Seattle's Commute Trip Reduction (CTR) Ordinance.
16

17 G. Energy Management Plan. The Master Use Permit application shall include an energy
18 management plan, approved by the Director of Seattle City Light, containing specific energy
19 conservation or alternative energy generation methods or on-site electrical systems that together
20 can ensure that the existing electrical system can accommodate the projected loads from the
21 project. The Director, after consulting with the Director of Seattle City Light, may condition the
22 approval of the Master Use Permit on the implementation of the energy management plan.
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