

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

**Project Proposal:** Amendments to the City of Seattle Land Use Code, Title 23, related to land use and zoning, establishing a pilot program to revitalize vacant and underused lots in various zones, including Downtown, Seattle Mixed, industrial, Highrise, and commercial zones, and providing for waiver of development standards; amending Sections 23.42.040, 23.76.004, 23.76.006, and 23.76.032 of the Seattle Municipal Code, and adding new Sections 23.40.050 and 23.42.038.

**Project Sponsor:** City of Seattle Department of Planning and Development

**Location of Proposal:** The proposal is a non-project action, applicable in downtown, Seattle Mixed, industrial, Highrise, and commercial zones throughout the City.

**SUMMARY OF PROPOSED ACTION**

The proposal is a non-project action, applicable in downtown, Seattle Mixed, industrial, Highrise, and commercial zones, establishing a pilot program to promote more active use of vacant and underused lots and the surrounding streets, including active uses such as food vendors and retail kiosks, and short term parking together with active uses, in zones where these uses are proposed to be permitted, and provide for waiver of certain development standards.

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**

Proposal Description

The proposal would amend the Seattle Land Use Code to establish a pilot program to promote more active use of vacant and underused lots and the surrounding streets, including uses such as food vendors and retail kiosks, and short-term parking adjacent to active uses, in zones where these uses are proposed to be permitted, including downtown, Seattle Mixed, industrial, Highrise, and commercial zones, and provide for a waiver of certain development standards. New Code Sections 23.40.050 and 23.42.038 are proposed to provide for the pilot program and for active uses of vacant and underused lots. As part of the pilot program, the proposal also would allow short-term principal use parking lots, adjacent to active uses, to be established in both zones where they are now permitted outright and in certain other zones where they are either not permitted or permitted only under certain circumstances, on an interim basis and subject to many of the standards that would apply to a permanent use. Specific elements of the proposal include:

- Creating a Pilot Program for to permit active uses including, in limited circumstances, short-term principal use parking by establishing new Code sections, 23.40.050 and 23.42.038, authorizing up to twenty pilot projects for a two-year period from the effective date of the ordinance. The projects

would then be evaluated to inform development of any future amendments to establish permanent standards;

- Applying the pilot in specific zones, including downtown, except within special review or landmark districts, Seattle Mixed, industrial, Highrise, and commercial zones; however, parking would not be allowed in Neighborhood Commercial (NC1) zones or landmark and special review districts;
- Establishing active uses and short-term parking as non-appealable Type I Master Use Permits. If threshold requirements for environmental review under the State Environmental Policy Act are triggered, then the review would be Type II with public notice and opportunity to comment and appeal. The threshold for commercial uses is based on square footage and varies by zone; for parking, more than 40 parking spaces triggers a Type II review.
- New active uses would be permitted for a period of one year, with an option for reapplication for additional permits for one year terms;
- Permits for short-term principal use parking would be permitted for a period of three years, with no opportunity for renewal or extension.
- Restricting parking to the following types of sites: a site developed with existing, legally established accessory parking, and the use to which the parking was accessory has been discontinued, provided that no existing principal structures may be demolished; or a site that has been cleared pursuant to an active permit authorizing construction and a new use, where construction and commencement of the new use has been delayed; or a site with an active application for a permit to develop or redevelop the site;
- Active uses would be required adjacent to 60 percent of street lot lines for parking permitted under the pilot program;
- At a minimum, permit applicants would be required to make the following improvements: (1) surface parking lots would require at least a crushed rock surface or paving as needed to accommodate barrier-free parking; (2) exterior lighting must be provided; (3) lighting, including vehicle lights, must be shielded or screened; (4) landscaping requirements for the zone in which the use is located will apply, or the Director may consider a proposal for temporary landscaping, in planter boxes or similar containers, as an alternative; and (5) other regulations, including Land Use Code development standards not specifically waived, would apply;
- Limit interim uses to property that is located outside of most types of Environmentally Critical Areas.

### Public Comment

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

### **ANALYSIS - SEPA**

This proposal is 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 20, 2010. The information in the checklist, a copy of the proposed text 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 establish a pilot program to promote more active use of vacant and underused lots and the surrounding streets in certain zones. This amendment may result in potential impacts and warrants further discussion.

### **ELEMENTS OF THE ENVIRONMENT**

### **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 limited, if any, impacts to earth, air, water, plants/animals, fisheries, energy, natural resources, sensitive areas, noise, or releases of toxic/hazardous substances. Active uses on vacant and underused lots would not be allowed in most Environmentally Critical Areas, including riparian corridors, shoreline habitat, shoreline habitat buffer, wetlands, wetland buffers, steep slopes, and steep slope buffers. Short-term parking provisions would generally apply only to sites that have already been developed or are currently undergoing some level of site preparation and development. Additionally, permits for active uses on vacant and underused lots would be authorized only for a year at a time; permits for short-term principal use parking would be authorized for a maximum of three years, but could not be renewed or extended. Since the amendments would apply to a variety of zones and sites, it is possible that elements of the natural environment on future sites could be impacted. However, given the proposed restrictions on which sites could be developed, the limited number of sites that could participate in the pilot program (twenty) and the temporary nature of these uses, it is expected that any such impacts would not be significant. Development of specific projects on individual sites is subject to the City's existing regulations, such as the Stormwater, Grading and Drainage Ordinance, the Environmentally Critical Areas Ordinance, and Noise Ordinance, and will be subject to environmental review (if they meet or exceed thresholds for environmental review).

### **Built Environment**

#### **Land & Shoreline Use, Height/Bulk/Scale**

The intent of the proposal is to provide temporary opportunities for active uses for a more vibrant street environment. Active uses on vacant and underused lots may be placed on any lot in a Downtown, Seattle Mixed, Highrise, Industrial, or Commercial zone, except that principal-use parking would not be allowed in NC1 zones; a maximum of twenty such projects are authorized through this pilot program. The types of uses that would be allowed (e.g, general retail sales and service, mobile food vendors) are expected to be generally consistent with other uses in the zones in which active uses on vacant and underused lots would be authorized. Principal-use short-term parking could only be established on a site if: (1) there is existing, legally established accessory parking on the site, and the use to which the parking was accessory has been discontinued, provided that no existing principal structures may be demolished to facilitate establishment of any interim use; or (2) the site has been cleared or otherwise prepared for construction as of June 1, 2010, pursuant to an active permit authorizing construction and commencement of a new use on the property; or (3) there is an active application as of June 1, 2010, for a Master Use Permit to develop or redevelop the site.

The types of uses permitted through this text amendment are not expected to result in structures with noticeable height, bulk, and scale impacts. The temporary nature of active uses on vacant and underused lots, including short-term principal use parking, and applicable Code provisions are expected to limit any direct impacts of new uses relating to land and shoreline use or height, bulk, and scale. It is expected that any such impacts would not be significant. Development of specific projects on individual sites is subject to the City's existing regulations and will be subject to environmental review (if they meet or exceed thresholds for environmental review).

#### **Transportation, Public Services and Utilities**

Active uses on vacant and underused lots may generate additional trips, including auto, transit, and non-motorized trips. However, it is not expected that the additional traffic will be substantial, given the short-term nature of the allowed uses and the limit of twenty sites that can be permitted through this pilot program. In general, the use of sites for principal-use parking may generate additional auto trips to and from a specific site, but would not be expected to increase auto trips to the broader area. In contrast to long-term or all-day lots,

short-term parking lots are less likely to have large proportions of site traffic come and go at the morning and afternoon peak hours; trips are more likely to be spread throughout the day, reducing impacts from additional traffic. No significant adverse transportation impacts are expected from the proposed text amendments.

The proposed code amendments are not expected to change the potential demand for public services or utilities. On surface parking lots, lighting will be regulated by specific height and spacing standards, and light from both poles and vehicles would be shielded and directed away from adjacent uses. No significant adverse lighting impacts are anticipated. Development of specific projects on individual sites is subject to the City's existing regulations and will be subject to environmental review (if they meet or exceed thresholds for environmental review). In particular, environmental review for the establishment of principal use parking of more than 40 spaces would be required. Overall, the code amendments are not likely to generate significant impacts on public services or utilities systems.

**Conclusion**

The proposed code amendments to establish a pilot program to promote more active use of vacant and underused lots and the surrounding streets, and short term parking together with active uses, and provide for waiver of certain development standards are unlikely to have substantial impacts. Short-term principal-use parking would be permitted for up to three years with no opportunity for extension or renewal; parking could only be located on sites with legally established accessory parking or on sites currently undergoing redevelopment. Other active uses would have a term of one year, with opportunities to re-apply each year to extend the use. These would be temporary uses. Active uses would not be allowed in most Environmentally Critical Areas. A maximum of twenty active uses on vacant and underused lots could be permitted. Additionally, the legislation authorizing these uses would be in effect only through December 31, 2012. Existing regulations would apply after that date. Given the short-term nature of the uses that could be established through this text amendment and the limited number of sites that could be permitted, no significant adverse impacts are expected from these proposed amendments.

**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.

- 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).

**RECOMMENDED CONDITIONS - SEPA**

None.

Signature: \_\_\_\_\_ Date: \_\_\_\_\_  
John G. Shaw, Senior Transportation Planner  
Department of Planning and Development