

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

Applicant Name: The Department of Planning and Development

Address of Proposal: Properties within the Capitol Hill Station Area Overlay District in Seattle owned or under control of regional transit authority.

SUMMARY OF PROPOSED ACTION

The proposal is a non-project action to amend the Land Use Code to provide general procedures to facilitate the use of development agreements authorized by RCW Chapter 36.70B for transit oriented development within Station Area Overlay Districts. Additionally, the proposal specifically authorizes development agreements between the City and the regional transit authority in the Capitol Hill Station Area Overlay District and specifies how those agreements can be limited.

The following approval is required:

SEPA - Environmental Conditions - 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

City of Seattle policy, including the Comprehensive Plan and Transit Master Plan supports compact transit oriented development (TOD) near transit stations and transit hubs. Several ongoing or planned investments in regional transit systems are being made by transit authorities. Specifically, Sound Transit is currently building the University Link segment of the light rail system, and is designing the North Link segment of the light rail system. In order for public transit authorities to construct transit facilities, it is common for authorities to acquire parcels of

land around future transit stations. Acquisition of land is commonly needed to accommodate staging areas for construction activities. After completion of the construction activity, such lands may be eligible for reuse for TOD. State law authorizes the City of Seattle to enter into development agreements with property owners. The proposed Land Use Code amendment would facilitate use of such agreements with a regional transit authority in the Capitol Hill Station Area Overlay District to enable coordinated, flexible TOD on transit-authority-owned property above or directly adjacent to the Broadway light rail station.

Proposal Description

The proposed Land Use Code amendment sets out general procedures to facilitate the use of development agreements authorized by RCW Chapter 36.70B for TOD within Station Area Overlay Districts. Such development agreements would allow for variations from certain Land Use Code development regulations to enable coordinated flexible development above or directly adjacent to transit stations on property owned by a regional transit authority in the Capitol Hill Station Area Overlay District. Under the proposed amendment, the Director of the Department of Planning and Development would recommend a development agreement to the City Council. That recommendation would be informed by a coordinated development plan or urban design framework that the Director has developed through a community involvement process. Although a final agreement may set forth development standards that vary from otherwise applicable development regulations, the proposed code amendments would limit that variation:

1. Under the proposal, development agreements would not be allowed to increase height above 85 feet, except in certain situations.
2. The agreement would not authorize uses prohibited in the underlying zone.
3. Floor Area Ratio (FAR) requirements would be allowed to be modified for an individual lot, but the total FAR for all parcels affected by a development agreement would not be allowed to exceed 6.0.
4. Variations of Green Factor requirements for an individual lot may not result in a Green Factor ratio for the aggregated lots that is less than the ratio that would result from imposition of otherwise applicable Green Factor requirements to all individual lots.
5. Design review requirements will apply, but if there is a conflict between a Design Review Board recommendation and the terms of the development agreement, the agreement shall prevail.

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 6, 2011. The information in the checklist, 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 impact 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. Impacts to noise, light and glare, shadows, energy, air quality (including greenhouse gas emissions), and most public services and facilities may slightly increase, due to potentially larger structures and greater levels of activity on various sites, but are not expected to be substantial. Any such increase would be required to be approved as a part of a development agreement entered into between the City of Seattle and a regional transit authority. In Station Area Overlay Districts, any project action that is an expansion of more than 12,000 square feet (4,000 square feet in Single Family or Multi Family zones) or the creation of more than 30 dwelling units 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 Environmentally Critical Areas regulations, and the Stormwater, Grading and Drainage Control Code.

The most likely adverse impacts of the proposed amendment would be to land use; height, bulk, and scale; and traffic and transportation. These topics are discussed further below.

Land Use

The Land Use SEPA policy states, in part, that “it is the City’s policy to ensure that proposed uses in development projects are reasonably compatible with surrounding uses and are consistent with any applicable, adopted City land use regulations, the goals and policies set forth in Section B of the land use element of the Seattle Comprehensive Plan regarding Land Use Categories, and the shoreline goals and policies set forth in section D-4 of the land use element of the Seattle Comprehensive Plan for the area in which the project is located.”

The proposed amendment would not permit uses that are not currently allowed on properties within station area overlays that are owned by transit agencies. The uses that would be allowed under a development agreement are expected to be reasonably compatible with uses in adjacent zones.

Height, Bulk, and Scale

In general, height, bulk and scale of projects developing pursuant to an approved development agreement in the Capitol Hill Station Area Overlay District would not be substantially different than what could be built under the base zoning. The greatest increases in allowable heights would be to a maximum of 85 feet, and the allowable total FAR of the sites included in a development agreement would not be allowed to exceed 6.0. Height and FAR limits of 85 feet and 6.0 respectively are generally compatible with and appropriate for properties in the immediate vicinity of Sound Transit's Broadway light rail station. Development agreements would not substantially alter the allowable height bulk and scale from that allowed by existing zoning.

Bulk and scale impacts of projects proposed pursuant to this code amendment will be addressed by the City's design review process, which, as noted above, would apply throughout the areas proposed for rezone. Specific height, bulk and scale impacts of particular projects will be determined at the time of project-specific SEPA review. The proposed amendments are not expected to have a significant impact on height, bulk, and scale, pursuant to SMC 25.05.675.G.

Numerous Comprehensive Plan goals policies, including those cited below, call for focused density of commercial and multifamily uses in transit oriented development. These policies give support for minor increases to height, bulk, and scale around transit stations to achieve environmental benefits of transit oriented development.

LG16 – (High density multifamily areas goal.) Accommodate the greatest concentration of housing in desirable, pedestrian-oriented urban neighborhoods having convenient access to regional transit stations...

LU117 (Mixed Use Commercial Areas policy) - Generally permit a greater intensity of development in pedestrian and transit supportive environments...

Transportation

The proposed text amendment could lead to potential minor increases in development capacity on parcels owned by the regional transit authority near the Broadway light rail station. Therefore projects developing pursuant to a future development agreement may generate higher volumes of traffic and have greater transportation impacts. Actual additional traffic volumes would depend on a number of factors, including the mix of uses that would be proposed both on any individual development site and throughout the development agreement area.

Any impact of potentially increased development capacity pursuant to a development agreement on the roadway transportation system is expected to be substantially mitigated by the immediate adjacency to a transit station. Additionally, Seattle's transit stations are priority areas for a network of connecting bus service and bicycle infrastructure. Typical traffic generation methodologies draw from suburban sites and auto-centric development patterns, and lead to high estimates for auto trips per additional commercial or residential capacity unit. These typical

traffic generation models are not applicable to sites that would be affected by this proposal. Given the immediate availability of a mass transit alternate, additional capacity created through a development agreement is not expected to have a significant impact on traffic and transportation, pursuant to SMC 25.05.675.R. The transportation impacts of individual projects developing pursuant to these proposed text changes will be evaluated through SEPA review at the time of permit applications; if appropriate, mitigation will be required at that time.

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: On File Date: 7/11/11
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