

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

**Applicant Name:** Department of Planning and Development

**Address of Proposal:** Downtown and South Lake Union Urban Centers

**SUMMARY OF PROPOSED ACTION**

The proposal is to amend the City's downtown land use code to clarify and update current regulations and make minor amendments.

The following approval is required:

SEPA - Environmental Review - 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

The Department of Planning and Development (DPD) is responsible for maintenance of the Land Use Code (SMC 23). The proposed amendments, largely affecting the Downtown chapter of the Land Use Code are proposed to clarify and improve the function of those code sections and clarify existing code language.

Proposal Description

The Department of Planning and Development is recommending a series of amendments to the current Seattle Land Use Code (SMC Title 23). The sections to be amended are: Subsection 23.49.009 (Street-Level Uses), Subsection 23.49.011 (FAR) and Subsection 23.54.035 (Parking and Loading).

Public Comments

Proposed changes to the Land Use Code require City Council approval. Public comment will be taken on the proposed amendments at an upcoming City Council Public Hearing.

**ANALYSIS - SEPA**

This proposal is an adoption of legislation and is defined as a non-project action. The initial disclosure of the potential impacts from this action was made in the environmental checklist dated August 23, 2013. The information in the checklist, a copy of the proposed text amendments, the analysis of the changes prepared by City staff, 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 amendments 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

The proposed amendments to these sections of the Land Use Code are not expected to have significant adverse impacts on any element of the natural or built environment.

Changes to 23.49.009.A clarify desired street-level uses. This clarification would eliminate certain uses that currently qualify as street-level use requirements, including animal shelters, kennels, and sales and/service for automobiles or marinas. Other uses, such as arts and religious facilities, colleges, and building lobbies would now qualify as street-level uses. No impact on the natural or built environment is anticipated by this change.

The changes to 23.49.011 could have minor height, bulk and scale impacts on specific sites as projects are built consistent with these amendments.

SMC 23.49.011 would be amended to add a new subsection that would exempt 50,000 square feet from FAR limits for City facilities such as police and fire stations. A City facility is defined as a facility owned and/or operated for public purposes by the City of Seattle (23.84.A.006.C). These facilities, such as fire and police stations, provide essential public services that would not be provided by the private sector. They must be located where those services can be provided equitably and efficiently.

Unlike most commercial uses subject to an FAR limit, City facilities such as fire and police stations generally do not generate the type of impacts, such as vehicular trips, that a limit on floor area is generally intended to regulate. A City facility that is primarily office use would not be granted the exemption, since its impacts would be similar to other similar types of commercial uses, and office uses have more location options.

The exemption increases the amount of development potential that could be transferred from such a City facility. Since up to 50,000 square feet of the facility's floor area would be exempt, it would not be included in the amount of chargeable floor area that is deducted from the base FAR on the lot. This effectively increases the base FAR that could be transferred as either within-block or landmark TDR.

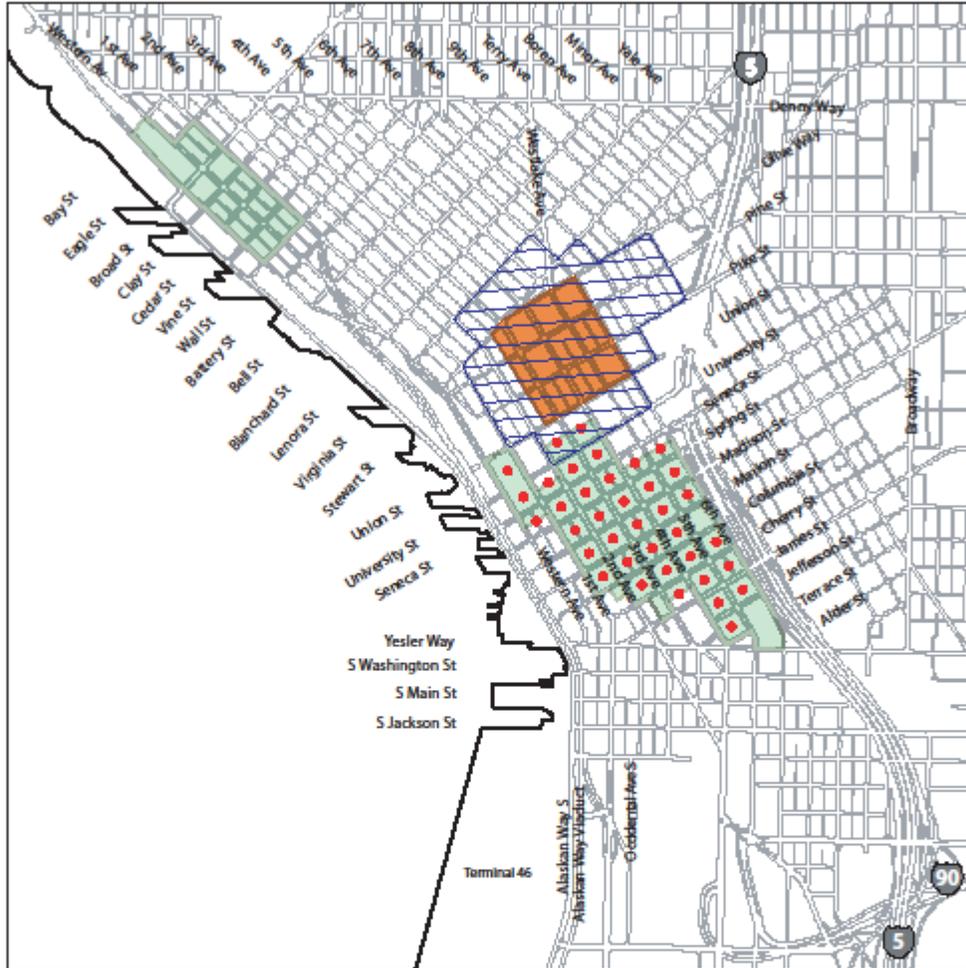
One or two existing City facilities would qualify for this new exemption if the proposal is adopted, with an associated result of an additional 50,000 square feet that could be transferred from a City facility and thus be exempt in a new project. Although some height or bulk impacts could follow from this, the existing Land Use Code development standards are presumed adequate to address such impacts. SEPA review of any height, bulk and scale impacts associated with such a transfer to a new project would occur at the project level. This review generally assumes that existing Land Use Code development standards and the Design Review Process are adequate to address any such impacts. If adopted, this proposed FAR exemption will make it easier to co-locate new facilities, preserve the existing downtown facilities and increase FAR that could be transferred to another new structure. No significant impacts are anticipated.

The next proposed amendment to 23.49.011 is to clarify the language in subsection C about how FAR applies to rooftop mechanical equipment. The amendment conforms 23.49.011 to similar language in 23.48.009.D.4. New sections B.2.a and B.2.b are created to incorporate this clarified language. Exempting rooftop mechanical equipment in downtown as is currently done in South Lake Union, where the majority of Seattle Mixed zoning is mapped, is intended to help promote better urban design. Secondly, using a consistent approach in similar zoning designations makes the code easier to use and understand. This amendment could allow a slight increase in allowed floor area as the area limit once applied to the area occupied by the mechanical equipment could be used within a building. No significant bulk and scale impacts are expected.

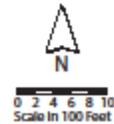
23.49.011 (B) is proposed to be amended to exempt uses listed in SMC 23.49.009.A within the Commercial Core in an area depicted on Downtown Map 1J that is roughly coterminous with the Retail Core identified as Goal F in the Downtown Neighborhood Plan. Such an exemption already exists for the Downtown Retail Core and this amendment would expand the area where the exemption applies, only for those specific uses and only if the uses are located at street level or the story above street level.

The purpose of this amendment is to help implement new development that is pedestrian friendly and activates the street by an FAR exemption in a slightly larger area than is currently allowed.

## Public Amenity and Other Features



-  Hill Climb Assist
-  Hillside Terrace
-  FAR Exemption Area: Uses Listed in 23.49.009.A, Major Retail Store and Shopping Atrium
-  Shopping Corridor Bonus



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**DOWNTOWN ZONING**  
**Map 1J**  
**Public Amenity and Other Features**



sites or buildings on them are already fully developed, have landmark status or are otherwise unlikely to redevelop in a manner that would include one or a combination of the exempted features, for example a second floor of retail, in the near future. Thus, the opportunity to redevelop using these exemptions, especially in the DRC zone and vicinity limited.

Bulk and scale impacts where new development does occur consistent with these new exemptions would be managed by other standards. For the area indicated on Map 1J as the “FAR Exemption Area”, new exempt uses at the street-level or at the story above the street level would be contained within a building. Any height, bulk and scale impacts would be adequately addressed through the SEPA process that considers such impacts of a proposed new building. Similarly, the Downtown Design Guidelines consider bulk and scale impacts in, for example, the Site Planning and Massing (A-2) and Architectural Expression (B-2) guidelines.

New development consistent with the new proposed FAR exemption for retail and other uses within a building would be managed by existing Code provisions governing DOC 1, DOC2 and DMC, which are the zones within the FAR Exemption Area. Specific development standards in 23.49.056 that can help address height, bulk and scale of new buildings include facade setback limits, facade transparency requirements, and limits on blank facades. Existing height limits for new buildings in these zones are also adequate to address that aspect of height, bulk and scale. the height, bulk and scale of new buildings.

SMC 23.49.058 sets upper-level development standards for these three zones, including upper-level setbacks (with specific standards for new buildings across a street from the Pike Place Market Historical District), facade modulation, tower spacing and maximum tower width. These standards are similar to the existing standards provided in 23.49.106 (Downtown Retail Core, street facade requirements) so that there will be a uniform design pattern to any new development consistent with the new proposed exemptions in DRC or the DOC and DMC zones.

SMC 23.54.035 is proposed to be amended as follows to expand an existing allowance for a discretionary waiver or modification to also allow single buildings within the Downtown and South Lake Union Urban Centers to be eligible for such a modification.

Currently, DPD’s practice is to allow loading berths requirements (set forth in Table A of 23.54.035) to be modified through the design review process. That process can continue but in cases where design review is not required or is focused on other aspects of the project, it would be useful for the Code to have an alternative means for modification. The existing allowance in 23.54.035.2.B would be expanded to allow a similar modification to be requested based on similar criteria, but with respect to a single building and not a building that is part of a campus.

The applicant would be required to present information to the Director of DPD. This information is likely to be contained in a traffic study and for new buildings in the Downtown and South Lake Union urban centers most projects will be of a sufficient size and complexity that a traffic study will be warranted. The Director of DPD will consult with the Director of SDOT to ensure that any reduction in loading berths within the property line will not have a negative effect on curb space or the right-of-way.

DPD's existing practice allows a similar waiver through the design review process, so no new unanticipated impacts are likely to occur if the amendment is adopted. With respect to the new FAR exemption for at-grade loading berths, a slight increase in bulk could occur because the square footage that would have been occupied by the loading berths, if found to be exempt, could be translated into new gross floor area within the building. Since loading berths are approximately 350 square feet (for the low-demand and medium-demand uses expected to be located in these urban centers), a reduction of fifty percent in the number of berths (that is, approximately 3 berths) would likely be less than 1000 square feet for a building of 600,000 gross floor area. This would not be a significant impact and, since the new square footage is within the building, existing development standards, SEPA and Design Review processes that address height, bulk and scale would be presumed to adequately address any such impacts.

More generally, none of the proposed amendments is expected to significantly alter the intent or application of the Land Use Code, or to result in a significant adverse impact.

Conclusion

The proposed changes fall within the scope and intent of adopted policy goals for the City of Seattle. The general effect of the changes would be to strengthen how the Code implements Comprehensive Plan / Downtown Urban Center goals (by the new FAR exemptions), provide greater consistency between DPD practice and policy (allowing modification of loading berth requirements and clarifying Code provisions relating to FAR calculations for rooftop mechanical equipment), and correcting typographical errors. Future development using these provisions will be subject to SEPA, as required, to address potential adverse impacts. Therefore, no mitigation pursuant to SEPA policies is warranted.

**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.

[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 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.

Signature: \_\_\_\_\_ Date: \_\_\_\_\_

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