



City of Seattle

Edward B. Murray, Mayor
Department of Planning & Development
D. M. Sugimura, Director

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.013, Floor Area Ratio, and 23.48.008, Floor Area Ratio.

- Project Sponsor:** City of Seattle Department of Planning and Development (DPD)
- Location of Proposal:** The proposed amendments would affect certain properties in Neighborhood Commercial (NC), Commercial (C) and Seattle Mixed (SM) zones.
- Scope of Proposal:** The proposal sets minimum floor area ratios (FAR) for lots with pedestrian designations within Urban Centers, Urban Villages and the Station Overlay District, for lots in the North Northgate Overlay District on a Major Pedestrian street and for lots zoned Seattle Mixed that abut a Class I or Class II pedestrian street within a Station Area Overlay District.. The legislation refines and makes permanent City adopted emergency Ordinance 124270 scheduled to expire on September 15, 2014.

BACKGROUND

Proposal Description

The City proposes the following changes related to floor area ratio regulations in commercial zones:

- Continue to apply a minimum FAR requirement to all lots with a pedestrian designation in Urban Villages, Urban Centers and the Station Area Overlay Districts and add a minimum FAR requirement to lots within the Northgate Overlay District (along designated Major Pedestrian Streets) and lots zoned Seattle Mixed in a Station Area Overlay District that abut a Class I or Class II pedestrian street.
- Identify the development threshold for the requirement; add flexibility for existing structures that do not conform to the minimum FAR requirement, to allow demolition to create a vacant lot and to exclude parks and open space.

- Continue to include provisions that specify portions of a lot that would not be included in calculating the minimum FAR requirement, such as wetlands or steep slopes.
- Allow exceptions for lots that contain a designated landmark or lots within a Landmark District and add flexibility for lots within the Pike/Pine Conversation Overlay District.
- Be effective permanently for future development.

Public Comment

Proposed changes to the Land Use Code require City Council approval; opportunity for public comment will occur during future Council hearings.

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 copy of the of the proposed text amendment, as well as the description above;
- the information contained in the *SEPA checklist* (dated March 20, 2014);
- an analysis of the changes prepared by City staff; and
- the experience of DPD analysts in reviewing similar documents and actions.

ELEMENTS OF THE ENVIRONMENT

Short Term Impacts

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 may augment the size or density of development projects but not likely increase the 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.

Long Term Impacts

A. Natural Environment

Earth, Air, Water, Plants/Animals/Fisheries, Energy, Natural Resources, Environmentally Sensitive Areas, Noise, Releases of Toxic or Hazardous Materials.

As Seattle's 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.

The proposed legislation explicitly includes provisions that specify portions of a lot, such as environmental critical areas, that would not be included in calculating the minimum FAR requirement to ensure their protection and do not disproportionately burden property owners whose property includes these areas.

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.

B. Built Environment

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

Land Uses

The proposed changes would continue to allow and encourage land uses compatible with the existing Comprehensive Plan and neighborhood plans. The proposal is intended to implement Comprehensive Plan land use goals and policies for a broad range of pedestrian-oriented mixed use development. The proposed changes will establish a minimum floor area requirement that is equivalent to roughly 50 percent of the maximum floor area requirements already established in the zone. The proposed changes will not allow for developments larger than what is already permitted in the zone. On balance, the indirect, long-term cumulative impacts on land uses would be positive as the proposed changes further the preferred land use pattern as expressed in the Comprehensive Plan and transportation plans. The proposed regulation would not directly impact the city's shorelines as pedestrian zones are not located within these areas.

Height/Bulk/Scale

Future buildings would not be larger than the maximum of what is anticipated by the Comprehensive Plan and the zoning code. The city's Design Review guidelines also provide for examination of height, bulk and scale issues and the possibility of mitigating potential impacts.

Housing

Future buildings would not be larger than the maximum of what is anticipated by the Comprehensive Plan and the zoning code. The proposed changes would not likely alter the feasibility or design of housing. No significant adverse impacts are anticipated as a result of this legislation.

Historic Preservation

Property occupied by landmark structures would be exempt from the calculation to ensure that this proposed regulation does not encourage demolition of a landmark structure and do not disproportionately burden property owners whose property includes these buildings. The provision provides flexibility by allowing a waiver consistent with other standards applicable to landmark districts and designated landmark structures. DPD also proposes an allowance for a waiver in the Pike/Pine Overlay district to support neighborhood conservation objectives.

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

Future buildings would not be larger than the maximum of what is anticipated by the Comprehensive Plan and the zoning code. SEPA regulations would continue to allow analysis and potential mitigation of projects that generate noise, shadow, light and glare, and environmental health issues. SEPA regulations would continue to allow for the review and mitigation of significant intrusions into public views.

Transportation, Parking, Public Services and Utilities.

Transportation and Parking

The proposed changes would not likely result in direct impacts to the city's transportation network. Requiring that future projects meet a minimum floor area promotes a compact form of commercial/mixed use development located in specific areas within Urban Villages, Urban Centers, Station Area Overlay Districts and the Northgate Overlay District where pedestrian-oriented development has been identified as important and is in a zone that allows higher-density development. These areas have higher use of transit and bike ridership due to their location in station overlay zones and in areas with high concentrations of commercial development.

Gross floor area containing parking would be excluded from the minimum FAR calculation to ensure that property owners do not meet the minimum FAR requirement by simply adding structured parking. This continues the policy already established in Ordinance 124270. In pedestrian designated zones, parking would likely be placed below grade rather than located on a surface lot due to the need to meet the minimum FAR requirements. Surface parking lots would be less prevalent in strongly pedestrian-oriented business districts. No significant adverse impacts are anticipated.

Public Services and Utilities

Because the changes would only modestly increase the amount of development that occurs in commercial zones, no potentially significant adverse impacts are anticipated as a consequence of the proposed changes. Future development would not be larger than the maximums anticipated by the Comprehensive Plan and zoning regulations. Any additional future development may 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 --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 CONDITONS--SEPA

None

Signature: On File Date: 5/22/14
Bruce Philip Rips, Senior Land Use Planner
Department of Planning and Development
Land Use Services