



City of Seattle

Gregory J. Nickels, Mayor

Department of Planning and Development

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

Project Name: Non-project SEPA review for legislation action to adopt the 2006 Energy Code (2006 Washington State Energy Code with Seattle amendments) and replace the 2004 Seattle Energy Code (2004 Washington State Energy Code with Seattle amendments).

Applicant Name: City of Seattle - Department of Planning and Development

Address of Proposal: City of Seattle, State of Washington

SUMMARY OF PROPOSED ACTION

This is a non-project action that is proposing legislative action to adopt the 2006 Seattle Energy Code (2006 Washington State Energy Code and Seattle amendments) and replace the 2004 Seattle Energy Code (2004 Washington State Energy Code with Seattle amendments).

It is expected that the City Council will act on the proposed non-project legislation in June 2007.

SEPA - Environmental Determination pursuant to Seattle Municipal Code (SMC) 25.05

SEPA DETERMINATION: Exempt DNS MDNS EIS
 DNS with conditions
 DNS involving non-exempt grading, or demolition, or
 another agency with jurisdiction.

BACKGROUND DATA

Proposed Action:

A draft ordinance has been prepared to implement the recommendations made by DPD Construction Codes Advisory Board (CCAB) on the 2006 Seattle Energy Code, found in the Director's Memorandum (20 March 2007). The proposal includes an ordinance amending Section 22.700.010 of the Seattle Municipal Code to adopt the 2006 Seattle Energy Code (by reference to the 2006 Washington State Energy Code, with Seattle amendments) and repealing the 2004 Seattle Energy Code (2004 Washington State Energy Code and Seattle amendments).

The 2006 Washington State Energy Code includes modifications adopted by the Washington State Building Code Council which were published in February 2007 in the Washington State Register 07-01-089. Barring any action by the Washington State Legislature, the 2006 State code will take effect statewide on 1 July 2007. Modifications to the Washington State Energy Code incorporate numerous 2003 Seattle amendments that increase the default U-factors for all metal stud walls, and in non-Group R occupancies for vertical glazing, overhead glazing and opaque doors. State adopted Seattle amendments increase efficiency through mechanical system commissioning and alteration requirements, ventilation controls, hydronic system controls, lighting controls, lighting power allowances, and other efficiencies.

Due to the changes to the Washington State Energy Code (WSEC) that were adopted on 17 November 2006 by the Washington State Building Code Council, Seattle must update the Seattle Energy Code.

Seattle's new amendments to the 2006 Washington Energy Code provide better windows and more insulation, higher efficiencies for HVAC equipment, and better efficiency for office and retail lighting. These amendments include numerous tables to provide default R-values and U-factors, increase chiller efficiency, and additional requirements for occupancy sensors and other efficiencies.

Public Review and Comment

Beginning in January 2007, DPD distributed draft proposals for the 2006 Seattle Energy Code (2006 Washington State Energy Code with Seattle amendments). During the January to March 2007 time period, DPD held four public meetings to review proposals (February 1 – overview, building envelope, and lighting; February 8 – mechanical and RS-29; February 15 – carryover issues; and February 22 – new issues in public comments). In addition, presentations were made to professional organizations (January 18 – IES Puget Sound Chapter; January 22 – ASHRAE Puget Sound Chapter; February 7 – AIA Seattle Chapter; and February 15 – BOMA Seattle King County). The written comment deadline was 20 February 2007.

DPD staff made a number of revisions in response to issues raised. The most significant change was to not recommend a second tier of higher mechanical equipment efficiencies. However, without the energy savings from mechanical equipment efficiencies, the original draft package of measures for the 2006 Seattle Energy Code would not have achieved the 20% energy savings specified in Resolution 30280. Consequently, DPD staff developed a supplemental draft of Seattle amendments to the 2006 Washington State Energy Code. That supplemental draft of a limited number of sections in Chapter 14 was discussed at a public review meeting on 13 March 2007. Some further modifications were made to those sections based on comments received and were included in the version reviewed by Seattle's Construction Codes Advisory Board.

The Construction Codes Advisory Board endorsed the DPD recommendations at their meeting on 15 March 2007.

ANALYSIS - SEPA

The initial disclosure of the potential impacts from this proposal was made in the environmental checklist submitted by the applicant dated 17 April 2007. The information in the checklist, the CCAB's Recommendations Memo dated 20 March 2007, and the experience of the lead agency with review of similar proposals forms the basis for this analysis and decision.

The proposed change to the Seattle Energy Code to adopt the 2006 Washington State Energy Code (WSEC) is required by the State Building Code Act. The WSEC provides minimum standards to new or altered buildings and structures or portions thereof to achieve efficient use and conservation of energy. The 2006 modifications to the WSEC update mechanical efficiency, envelope, and lighting requirements for consistency with updated national standards and increase energy efficiency; provide for new technology and building science; and help increase code clarity and flexibility. It is anticipated that the proposed Seattle amendments will provide energy savings and will have no significant adverse environmental impact upon the environment.

The State Building Code Council has adopted review procedures and approval criteria for local amendments. Amendments proposed by the city of Seattle to the 2006 WSEC will only affect the “Washington State Nonresidential Energy Code” (Chapters 11 through 20 and RS-29 of the WSEC.)

Proposed changes are contained within seven chapters (Chapters 2, 7, 10, 11, 13, 14 and 15). Amendments in Chapter 2 are two new definitions, the Chapter 7 amendment is a reference to the DPD web site for online access to RS-32, and Chapter 10 amendments add default R-values to tables and amend sections that are not applicable to residential buildings. The 2006 WSEC incorporated eleven sections and three tables containing 2003 Seattle amendments and so those sections no longer need to be amended. In twenty-three sections and one associated table, the existing Seattle amendments are retained with no changes. Eight sections are modified to reflect partial adoption of the Washington State Energy Code. Twenty-three sections and 10 tables contain new Seattle amendments. It is anticipated that the proposed amendments to the 2006 WSEC will provide improved energy savings and will have no significant adverse environmental impact upon the environment.

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 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, including the non-project action and project action, 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).

Signature: (signature on file)
Colin R. Vasquez, Senior Land Use Planner
Department of Planning and Development

Date: June 18, 2007