



City of Seattle

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Gregory J. Nickels, Mayor  
**Department of Planning and Development**  
D. M. Sugimura, Director

**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 2004 Energy Code (2004 Washington State Energy Code and Seattle amendments) and replace the 2003 Seattle Energy Code (2003 Washington State Energy Code and Seattle amendments).

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

**Address of Proposal:** City of Seattle

**SUMMARY OF PROPOSED ACTION**

This is a non-project action that is proposing legislative action to adopt the 2004 Energy Code (2004 Washington State Energy Code and Seattle amendments) and replace the 2003 Seattle Energy Code (2003 Washington State Energy Code and Seattle amendments).

It is expected that the City Council will act on the proposed non-project legislation in April 2005.

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

**SEPA DETERMINATION:** [ ] Exempt [X] DNS [ ] MDNS [ ] EIS

[ ] DNS with conditions

[ ] DNS involving non-exempt grading, or demolition, or another agency with jurisdiction.

**BACKGROUND DATA**

Proposed Action:

## Energy Code Analysis and Decision

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A draft ordinance has been prepared to implement the recommendations made by DPD Construction Codes Advisory Board (CCAB) on the 2004 Seattle Energy Code, found in the Director's Memorandum (7 March 2004). The proposal includes an ordinance amending Section 22.700.010 of the Seattle Municipal Code to adopt the 2004 Seattle Energy Code (by reference to the 2004 Washington State Energy Code, with Seattle amendments) and repealing the 2003 Seattle Energy Code (2003 Washington State Energy Code and Seattle amendments.)

Due to the changes to the Washington State Energy Code (WSEC) that were adopted on 12 November 2004 by the Washington State Building Code Council, Seattle must update the Seattle Energy Code.

The 2004 WSEC includes modifications adopted by the Washington State Building Code Council which were published in January 2005 in the Washington State Register 05-01-013. Barring any action by the Washington State Legislature, the 2004 State code will take effect statewide on 1 July 2005. Modifications to the Washington State Energy Code update mechanical efficiency, envelope, and lighting requirements for consistency with national standards and increase energy efficiency; provide for new technology and building science; and help increase code clarity and flexibility.

Given the extensive review for the previous 2003 Seattle amendments to the 2003 State code, the focus for the 2004 Seattle update cycle has been more limited – incorporation of the State changes and, as necessary, clarification of existing Seattle amendments. For seven sections, existing Seattle amendments are modified to reflect partial adoption into the Washington State Energy Code, with an exception added for certain skylights. One clarification is included regarding daylight zone controls. The majority of the existing Seattle amendments to the Washington State Energy Code are unchanged.

### Public Review and Comment

In the fall of 2004, DPD indicated that it would begin a public review of proposed amendments to the Seattle Energy Code in January 2005. Staff from DPD and Seattle City Light developed a proposal that was released on 22 December 2004. Seattle DPD announced the beginning of the public review and a review meeting in an e-mail to the Seattle Energy Code e-mail list, and in an e-mail to the CCAB e-mail list.

On 6 January 2005, DPD held a public meeting to discuss the 22 December 2004 draft of amendments for the 2004 Seattle Energy Code. As a result of that meeting, a second draft was developed with several minor changes. That draft was distributed on 6 January 2005. The deadline for written comments was 25 January 2005. Two comments were received on the second draft recommending minor revisions: one allowing a higher SHGC for plastic dome skylights provided that the visible transmittance (VT) is higher than the SHGC (Table 13-1, footnote 8), and a second regarding a minimum of two daylight control zones for overhead glazing where the daylight zone area from skylights exceeds 5,000 square feet (Section 1513.3.1). DPD incorporated those recommendations.

CCAB endorsed the DPD recommendations at their meeting on 17 February 2005.

**ANALYSIS - SEPA**

The initial disclosure of the potential impacts from this proposal was made in the environmental checklist submitted by the applicant dated (9 February 2005.) The information in the checklist, the CCAB's Recommendations Memo dated (7 March 2005), 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 2004 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. Modifications to the WSEC update mechanical efficiency, envelope, and lighting requirements for consistency with 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 amendments will provide minor 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 2004 WSEC will only affect the "Washington State Nonresidential Energy Code" (Chapters 11 through 20 and RS-29 of the WSEC.) Proposed changes are limited to eight sections. For seven sections, existing Seattle amendments are modified to reflect partial adoption into the Washington State Energy Code, with an exception added for certain skylights. In another section, a clarification is included regarding daylight zone controls. The majority of the existing Seattle amendments to the Washington State Energy Code are unchanged. It is anticipated that the proposed amendments to the 2004 WSEC will provide minor 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.

[X] 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) Date: March 31, 2005  
Colin R. Vasquez, Senior Land Use Planner  
Department of Planning and Development

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Vasquez/My Documents/Legislative SEPA Review/Energy Code/2004 Seattle Energy Code