



ANALYSIS AND DECISION OF THE DIRECTOR OF THE DEPARTMENT OF CONSTRUCTION AND INSPECTIONS

SEPA Threshold Determination For Georgetown Live-Work District Amendments

- Project Proponent:** City of Seattle
- Location of Proposal:** The C1-75(M) Zone
- Scope of Proposal:** The proposal is a legislative action to amend subsection 23.47A.012 of the land use provisions in the Seattle Municipal Code to allow an additional ten (10) feet of height above current limits to qualifying developments that satisfy certain specified parameters. There is no specific site or development proposal. Rather, the proposed new code section would affect a 9.7-acre area of the Georgetown neighborhood that is currently zoned C1-75(M). Specifically, to qualify for the additional ten feet of height, the development would need to:
- Commit to meet the green building standard and demonstrate compliance with that commitment, in accordance with Chapter 23.58D SMC;
 - Include at least five floors exclusively dedicated to residential use;
 - Provide certain specified street-level uses along at least 20% of its street frontage;
 - Ensure that its residential units will serve tenants or owners earning no more than 80% of area median income for the applicable duration of years specified in the City's MHA-performance option (SMC 23.58C.050.B), pursuant to an agreement between the City and the developer; and
 - Provide sound insulating windows and air cooling and filtration consistent with standards elsewhere in the Land Use Code for housing that is proximate to industrial areas

BACKGROUND

Proposal Description

The Seattle Department of Construction and Inspections (SDCI) is recommending a text amendment to subsection 23.47A.012 of the Seattle Municipal Code to provide a ten-foot height limit exception in commercial zones in a portion of the Georgetown neighborhood for developments in which all

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dwelling units are affordable housing. The subject 9.7-acre area of Georgetown is located along 4th Avenue South and South Lucille Street, between South Fidalgo Street and South Dawson Street in the C1-75(M) zone.

The City of Seattle describes the intent of the proposed legislation. It is a high priority for the City to support increased housing production to meet strong demand and to increase the quantity of rent- and income-restricted affordable housing.

In summary, the intent is to support efforts to increase our City's stock of affordable artist and artisan work spaces which helps to build more affordable housing in a mixed-use affordable community that if fully built would include approximately 900 homes along with childcare, community resources, and cultural institutions. The area is generally located on multiple blocks of land which is owned by the Georgetown Community Development Authority (GCDA) a portion of the 9.7-acre Commercial 1 zoned area and numerous other properties in the 9.7-acre area are not owned by GCDA which could be developed with a broad mix of commercial and residential uses.

Public Comment

Proposed changes to the Land Use Code require City Council approval. Opportunity for public comment will occur during future Council meetings including a public hearing.

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 proposed Ordinance;
- the information contained in the *SEPA checklist* (dated August 25, 2023);
- the information contained in the Industrial and Maritime Strategy DEIS and FEIS, with appendices, OPCD 2022;
- Citywide Implementation of Mandatory Housing Affordability (MHA) Draft Environmental Impact Statement ("DEIS") and Final Environmental Impact Statement ("FEIS"), OPCD 2017;
- Local Production Study, OPCD 2015;
- Georgetown Neighborhood Existing Conditions Review, City of Seattle Department of Planning and Development ("DPD") 2014;
- Georgetown Existing Land Use Study (map), DPD 2014;
- Greater Duwamish Manufacturing and Industrial Center Plan, City of Seattle Neighborhood Planning Office, 1999;
- Georgetown Neighborhood Plan Part I, City of Seattle Neighborhood Planning Office, 1999; and the experience of SDCI analysts in reviewing similar documents and actions.

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ELEMENTS OF THE ENVIRONMENT

Short-Term Impacts

As a non-project action, the proposal will not have any short-term adverse impact on the environment. Future development affected by this legislation will be reviewed under existing laws, including, if applicable, the City's SEPA ordinance, to address any short-term impacts on the environment.

Long-Term Impacts

As a non-project action, the proposal is anticipated to have no significant long-term impacts on the environment. Any minor impacts are attributable to any shift in the type or configuration of development that would be likely to occur in the C1-75(M) zone over the long term, compared to the development that would otherwise occur in the absence of the proposal. To the extent that the proposal increases the likely pace of development in the area, this could also be a non-significant indirect long-term impact. While there may be a near-term (1-3 year) increase in the likelihood of development with the proposal compared to without the proposal, over the long term (4-20 years) the change in overall amount of development is expected to be not significant with no adverse impacts. While the proposal would facilitate permitting of an additional story of affordable housing for qualifying proposals, it is unlikely to result in development and land uses that would be incompatible or substantially adversely different in locational pattern, scale, siting or other compatibility factors from multifamily housing that can be developed in these locations today. The Commercial 1 zone designation is unchanged under the proposal so allowable uses in new development would be the same with or without the proposed legislation. Any net increase in the production rate of new development, and thus the land use impacts associated with new development will be not significant in the context of the city's overall expected growth.

Natural Environment

The natural environment includes potential impacts to earth, air, water, plants/animals/fisheries, energy, natural resources, environmentally sensitive areas, noise, releases of toxic or hazardous materials. Adoption of the proposed legislation is not anticipated to result in adverse impacts on any of these elements of the natural environment. The proposal would not significantly change the scale or intensity of the future development that could already occur in the area. The only effect of the proposal is to incrementally increase the potential for more affordable housing to occur in the affected area which is a highly urbanized 9.7-acre area with a comparatively high percentage of impervious surfaces in lieu of other potential uses. It is not expected that an incremental shift to increases in more affordable housing and live-work land uses would increase the profile of impacts to earth, air, water, plants/animals/fisheries, energy, natural resources, environmentally sensitive areas, noise, nor releases of toxic or hazardous materials, compared to other types of development that would occur in the absence of the proposal. No development standards governing landscaping requirements, tree planting, or green factor or codes related to energy area proposed for amendment.

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Built Environment

The proposed legislation will affect the built environment and will have no adverse impact related to the built environment, including land use. The impacts to the built environment include any impacts related to land and shoreline use, height/bulk/scale, housing, and historic preservation. Below is a discussion of the relationship between the proposal and built environment:

Land Use/Height, Bulk and Scale

The proposal could enable an incremental amount of additional housing capacity beyond what is currently available in the affected area under current zoning. The underlying goal of this non-project action is to allow for neighborhood-appropriate development that will provide affordable housing while enabling new development to provide ground level space that can accommodate light industrial and art-related land uses. The proposal could result in new affordable housing by incrementally encouraging affordable housing in the affected area, as any new development that takes advantage of the height limit exception would provide all the housing as affordable housing as a condition. Potential height or facade impacts of future, specific development proposals would be addressed through applicable regulations and/or separate project-specific environmental review and design review, as appropriate. There are no SEPA protected view corridors within the 9.7-acre area of the Georgetown neighborhood and the marginal difference in view blockage between a 75-foot building (as currently permitted) and an 85-foot building (as proposed to be permitted) would be minor and not significant.

The area is geographically limited to an affected area that is roughly bisected by South Lucille Street and 4th Avenue South, with close proximity to Interstate 5 and Highway 99. Specifically, the subject area is roughly bounded by S Dawson Street to its north, S Fidalgo Street to its south, and by 3rd Avenue S to its west and 5th avenue S to its east. The geography of the affected area is not large enough to significantly alter the overall housing market in the city, where it remains a priority to provide increased supply of housing. While the proposal would facilitate permitting of an additional story of affordable housing for qualifying proposals, it is not likely to result in development and land uses that would be incompatible or substantially and adversely different in locational pattern, scale, siting or other compatibility factors from multifamily housing that can already be developed in these locations today. The Commercial 1 zone designation is unchanged under the proposal so allowable uses in new development would be the same with or without the proposal.

The height exception would allow for a height limit of 85 feet in the subject area, which is equal to the height limit of the industrial zones surrounding this 9.7 acre-area. The proposal to allow an additional ten (10) feet of height above current limits to qualifying developments that satisfy certain specified parameters is not anticipated to have a significant impact to height, bulk and scale.

In addition, since providing all the homes as affordable is a condition for any project accessing the height exception, the proposal is likely to increase the amount of affordable housing. These effects of the proposal are consistent with housing goals and policies of the City's Comprehensive Plan.

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The following is a selection of those relevant goals and policies.

GOALS

- H G2 - Help meet current and projected regional housing needs of all economic and demographic groups by increasing Seattle's housing supply.
- H G3 - Achieve a mix of housing types that provide opportunity and choice throughout Seattle for people of various ages, races, ethnicities, and cultural backgrounds and for a variety of household sizes, types, and incomes.
- H G4 - Achieve healthy, safe, and environmentally sustainable housing that is adaptable to changing demographic conditions.
- H G5 - Make it possible for households of all income levels to live affordably in Seattle, and reduce over time the unmet housing needs of lower-income households in Seattle.

POLICIES

- H5.2 - Expand programs that preserve or produce affordable housing, preferably long term, for lower-income households, and continue to prioritize efforts that address the needs of Seattle's extremely low-income households.
- H5.5 - Collaborate with King County and other jurisdictions in efforts to prevent and end homelessness and focus those efforts on providing permanent housing and supportive services and on securing the resources to do to.
- H5.16 - Consider implementing a broad array of affordable housing strategies in connection with new development, including but not limited to development regulations, inclusionary zoning, incentives, property tax exemptions, and permit fee reductions.

In consideration of the factors that limit the degree of the land use impact, it is determined that the level of impact would not rise beyond minor. There would be no significant adverse impact.

Regarding other kinds of potential land use impacts such as compatibility of uses, there would be no impact because live-work units have very similar patterns of activity and use characteristics as residential uses, which are already allowed in the same area.

Historic Preservation

As noted in the SEPA checklist the area affected by the proposal includes historic landmark structures. The proposal does not encourage demolition of a landmark structures compared to the

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absence of the proposal. The proposal is not anticipated to have significant impacts to historic preservation.

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

This proposal would not make these types of impacts more likely. At the project level, the City's regulations, including SEPA regulations, will analyze and identify any needed mitigation of these impacts. The proposal as noted in the Checklist is a non-project action in a highly urbanized area in Georgetown that is currently zoned for and allows for residential land uses. The 2022 Environmental Impact Statement (EIS) for the City's Industrial and Maritime Strategy summarized and measured ambient air concentrations of monitored pollutants for specific areas including Georgetown. It found that air pollutant concentration for all monitored pollutants in Georgetown were below the limits on concentration levels of criteria pollutants set by the National Ambient Air Quality Standard when wildfire is excluded. Portions of the subject area are within 1,000 feet of the Union Pacific Argo rail yard and within about 1,500 feet of the BNSF railway company's dual track rail line. Portions of the study area may be affected by air pollution from freight and passenger rail operations. While these operations generate air emissions in the immediate vicinity of railways, train operations, including both freight and Commuter rail such as Sound Transit's Sounder system are intermittent. The contribution of air emissions from rail compared to the overall ambient air quality environment in the Seattle MIC areas is relatively minor compared to other sources such as traffic. However, areas near train yards may experience higher exposure to air emissions from assembling railcars into long trains and idling engines (WDOH 2008). Future residents would be protected from industrial uses in the same manner as they are under current conditions therefore no adverse impacts are identified.

Regarding the potential for noise impacts, the City's Industrial and Maritime Strategy EIS from 2022 summarized and measured noise levels in industrial areas including near Georgetown. Measurements indicate that portions of the Georgetown/South Park subareas exceed HUD's 65 dBA standard and would be classified as noise-impacted areas needing additional noise attenuation for residential structures. The Georgetown noise measurement, while not in the subject area, found the area to have a 24-hour LDN average noise level of 68.1 dBA. Existing noise regulations would continue to apply, and potential impacts of future, specific development proposals would be addressed through applicable noise regulations and/or separate project-specific environmental review, as appropriate. As an integrated feature of the proposal, development that accesses the height limit exception would as a condition provide sound insulating windows. This proposal would not make noise impacts more likely, therefore no significant or adverse impacts are identified. In addition, the proposal does not alter development standards for required setbacks or open space. The building envelopes for setbacks and open space would generally remain the same as existing conditions with no significant impacts under this proposal.

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Transportation and Parking

The proposal is not anticipated to result in any direct adverse impacts on transportation or parking. If the proposal incrementally increases the potential for additional housing units to occur in the affected area, it is not expected that it would result in a significant increase demand on transportation or parking. In the Georgetown neighborhood residents commonly opt for non-personal vehicle transportation modes. This neighborhood is served by King County Metro, including the 131 and 132 lines. The 113 and 121 lines are accessible on E Marginal Way S (also known as Highway 99) a few blocks away. On-street parking is available and is free of charge in comparison to other urbanized areas of the city which either is metered or require a residential pre-paid parking pass. The Checklist identified that the proposal could incrementally increase the amount of housing units compared to what would otherwise be developed, by an amount not expected to exceed 10%. However, the proposal could also reduce vehicular trips in the area by increasing capacity for affordable residential development in close proximity to jobs in the surrounding manufacturing industrial area (MIC) if workers are able to access jobs by means other than personal automobile, or if the trips they take are shorter or more local than they would otherwise be therefore no adverse impacts are identified.

Public Services and Utilities

Adoption of the proposal would not create any impacts on public services or utilities. If the proposal incrementally increases the potential for some additional housing units compared to what would otherwise be developed, it is not expected that it would result in a significant adverse impact for an increased demand for public services or utilities. As noted in the Checklist, the urbanized 9.7-acre area of Georgetown neighborhood has electricity, telephone, water and refuse service, and most (but potentially not all parcels) have cable/fiber optics, sanitary sewers, and natural gas. Project-specific information on site-specific utilities would be determined during the design, any applicable environmental review, and permitting of individual projects.

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.

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- 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).

Signature: __[On File]_____

Chanda Emery, Senior Planner
Seattle Department of Construction and Inspections

Date: September 14, 2023