



# City of Seattle

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**Office of Planning & Community Development**

Rico Quirindongo, Acting Director

**CITY OF SEATTLE  
ANALYSIS AND DECISION OF THE DIRECTOR  
OF THE OFFICE OF PLANNING AND COMMUNITY DEVELOPMENT**

**SEPA Threshold Determination  
for Equitable Development Zoning Code Changes**

<b>Project Sponsor:</b>	City of Seattle Office of Planning and Community Development
<b>Location of Proposal:</b>	Neighborhood Residential and Multifamily Residential zones
<b>Scope of Proposal:</b>	The proposal would amend the Land Use Code (Seattle Municipal Code Title 23) concerning nonresidential uses in residential zones for institutions and add a new definition of community farm.

## **BACKGROUND**

### **Proposal Description**

The Office of Planning and Community Development (OPCD) is recommending a suite of amendments to the Land Use Code. The proposed legislative changes would add flexibility for certain nonresidential uses in residential zones, including:

- Allow community centers that do not include shelters, and libraries as institution uses permitted outright in Neighborhood Residential zones rather than requiring a conditional use permit for these uses
- Modify the amount of off-street parking required for community centers and libraries
- Define and provide standards for “community farms” as a type of institution allowed outright in residential zones
- Modify the definition of “community club or center” to better reflect the types of activities and programming commonly included in equitable development projects and increase predictability in the permitting process
- Allow community centers to include certain accessory commercial uses, subject to limits

- For institutions in LR zones, apply setback requirements consistent with uses permitted outright zone rather than larger setback requirements

The department's intent for this proposal is to increase the feasibility of equitable development projects, which provide public benefits in the form of affordable housing, community space, and other uses that help to mitigate ongoing or potential cultural displacement. Equitable development projects are often permitted as community centers, which are currently a conditional use in Neighborhood Residential and Multifamily Residential zones.

### **Public Comment**

Proposed changes to the Land Use Code require City Council approval; opportunity for public comment will occur during future Council hearings. Additionally, the City solicited input from community members in a series of Equitable Development Zoning stakeholder advisory group meetings during 2022, and the first two months of 2023.

### **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 March 20, 2023);
- \* the information contained in the Director's Report; and
- \* the experience of OPCD analysts in reviewing similar documents and actions.

### **ELEMENTS OF THE ENVIRONMENT**

The proposal is a non-project action that would amend text in the City's Land Use Code. Adoption of the proposed Equitable Development Zoning Code Changes is not expected to result in short-term impacts. The proposal could result in some indirect long-term impacts as development occurs in the future under the amended regulations.

#### **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 the City's SEPA ordinance, to address any short-term impacts on the environment.

## Long-Term Impacts

As a non-project action, the proposal could result in some indirect adverse impacts over the long term if development under the proposed regulations differs from the development that would occur in the absence of the proposal. The types of impact by element of the environment and the degree of impact expected are discussed below.

The proposed equitable development zoning code changes are not anticipated to result in adverse impacts to most of the elements of the **natural environment**. There would be no adverse impact to: earth, air, water, plants/animals/fisheries, energy and natural resources, environmentally sensitive areas, or releases of toxic or hazardous materials. For these environmental elements, application of the City's existing regulations such as stormwater management, the energy code, the clean air and water acts administered by partner agencies, and the City's environmentally critical areas (ECA) regulations would result in no impacts or a negligible impact. Depending on the size of a future project, project level SEPA review of individual developments could apply and provide a level of additional protection. The type, scale and nature of development under the proposal would not differ enough from development in the absence of the proposal to create potential for indirect impacts to the natural environment.

The proposal could cause some indirect adverse environmental impacts to elements of the **built environment**. Over the long-term development under the proposed regulations could result in differences in the type and configuration of structures built or the pattern of activities on sites, compared to development or activities that would occur in the absence of the proposal.

Below is a discussion of the relationship between the proposal and built environment, and how adverse impacts could result. The determination focuses on topics where potential for adverse impact is greater, though other topics identified in the SEPA checklist were also reviewed and considered. It is important to note that the overall volume of applications for the type of uses that this proposal would facilitate (community center, library, community farm) is expected to be small in the context of the city's residential areas. The uses in question are not economically lucrative and would therefore not be developed in large numbers or concentrations. The locational pattern of new community center, library, or community farm uses would be dispersed. The potential adverse impacts described below could occur in individual locations where a use is located, but the number of places the scenario could occur would not be widespread.

### *Noise*

As noted in the environmental health section of the SEPA checklist, the proposal could result in some adverse impacts with respect to noise. The proposal could increase the prevalence of new small institutional uses such as community centers to be located in

residential areas. Compared to residential use, these uses could cause activity patterns such as outdoor activities, playing, exercising, or congregating, that might be incrementally noisier. Noise could be generated by vehicles arriving or departing from a community center. Some community centers could have hours of activity in morning hours, such as drop off for children, or evening hours for classes or social gatherings. The City's noise ordinance, SMC 25.08.410 establishes a limit of 55 dB(A) (A-weighted decibels) for exterior sound levels generated in and received by properties in residential zones over a measurement interval. Noise generated by a community center could be perceived by a neighbor as an annoyance and could therefore be considered an adverse impact. However, the types of noises expected are commensurate with a typical urban environment in Seattle, and are not anticipated to exceed codified noise level limits. Therefore, it is determined that noise impacts from this proposal would not rise to the level of a significant adverse impact.

#### *Light and Glare*

Community center and library facilities are generally open during daytime hours and are unlikely to produce substantial light and glare. As discussed in the noise section above, some community center activities might operate during evening or early morning hours and therefore could feature light sources for pathways and entries or emit light from building windows during hours of darkness. Similarly accessory commercial spaces might generate more light and glare than other uses located in residential zones. Some adverse impact from light and glare could result as perceived by neighboring residents. However, the general types of light emissions are not expected to be significantly different from lighting patterns of a residential environment. No industrial or heavy commercial light sources would result. Therefore, the degree of light and glare impact would not rise to the level of a significant adverse impact.

Community farm activities would generally take place during daylight hours and would not produce light and glare.

#### *Land and Shoreline Use*

The SEPA checklist prepared for this action includes a detailed description of effects on land and shoreline use at question 8, and non-project action question 5 and that information is carefully considered in preparation of the following portion of this decision.

The proposal could indirectly result in an increase in the number and frequency of community center or library uses located in residential zones. The proposal would also define and allow "community farms" as an institutional use, and could make it marginally more likely for community farms with activities related to growing, processing, and selling crops and food, educational programming, classes, and events, to be located in residential areas. The City's Comprehensive Plan includes Land Use Goal 3 and six policies that contemplate and support the location and citing of small institutions. LU goal 3 states:

*“Allow public facilities and small institutions to locate where they are generally compatible with the function, character, and scale of an area, even if some deviation from certain regulations is necessary.”*

In light of LU Goal 3 and other supporting policies, as described in the SEPA checklist, it is determined that the proposal would not cause any adverse impact with respect to consistency with the City’s policies or Comprehensive Plan. The discussion of noise impacts and light and glare impacts above addresses differential activity patterns that could result, and those impacts are not considered to be significant.

The proposal would allow community center and library uses outright rather than as conditional uses, and therefore these structures would no longer be subject to additional setback requirements that currently apply to institutions permitted as conditional uses in residential zones. This would allow new structures to be located nearer to adjacent lots and to rights-of-way than currently allowed, but no closer than otherwise allowed for uses permitted outright (like housing) in these zones. A minor adverse impact could result in the scenario that a community center or library structure is located closer to a neighboring residential structure than it would have been in the absence of the proposal. Increased proximity could cause minor aesthetic impacts if larger scales of structures result, or shadowing or view impacts. However, none of the core development standards controlling height bulk and scale such as the height limits or setbacks would be modified, and in no case could a nonresidential structure exceed the scale parameters of a residential structure that could be built in the same location. Therefore it is determined that although there are some adverse impacts to height/bulk/scale or aesthetics, the impacts would not rise to the level of a significant impact.

The proposal would not directly impact the city’s shorelines as the Shoreline Master Program would continue to apply, and those regulations supersede the underlying zoning regulations.

### *Housing and Displacement*

No displacement will occur as a direct result of the project because no development is directly proposed. To the extent the proposal increases the number of community center and library facilities than would otherwise be created under existing land use regulations, there could be an indirect decrease in the number of residential units that could be developed in residential areas if new institutions are created through demolition or conversion of existing units, or if institutions are located on sites that would otherwise be constructed with housing. These effects are anticipated to be marginal in the context of overall citywide housing production because of the relatively small number of community center or library uses that would be permitted annually. An adverse impact to the supply of housing could be created, but the degree of that impact is very small and is determined not to be a significant adverse impact.

Overall, this proposal would reduce displacement pressure because the proposal would support equitable development projects, which typically include affordable housing,

community gathering space, arts and cultural space, and other uses and facilities that provide mitigation against displacement pressures.

#### *Historic and Cultural Preservation*

The proposal does not encourage demolition of a landmark structure and would not disproportionately burden property owners whose property includes these buildings. The City's existing historic preservation regulations would apply. There would be no adverse impacts to historic resources or cultural preservation.

#### *Transportation and Parking*

The proposal would reduce the amount of required parking for some institutional uses. For spaces without fixed seating the reduction would generally be from 1 space for 80 sq. ft. of floor area to 1 space per 350 sq. ft. of floor area. Therefore parking would still be required. If less onsite parking is included with a community center or similar facility it could have the effect of reducing the number of automobile trips insofar as visitors would be encouraged to choose other transportation options. This effect is not considered an adverse impact by the City. If there is an incremental increase in the number of institutions in residential areas over the long term compared to in the absence of the proposal, there could be increased usage of on street parking in the general proximity of new institutions. Higher occupancy of on street parking spaces could result in greater competition for on street parking which could be perceived as an annoyance by some community members. Therefore a minor adverse impact could result, but the degree of the impact would be small in the context of the likely number of institutions.

#### *Public Services and Utilities*

Adoption of the proposal would not be expected to create any impacts on public services that would differ substantially from the absence of the proposal. Any such difference in the demand for public services would be accommodated within existing service delivery levels of police, fire and emergency service providers. The proposal is in areas well served by a range of existing utilities and any localized utility deficiency would be addressed as a part of a future project proposal. The proposal could facilitate the provision of public services as community centers and libraries and community farms are services used by members of the public.

## **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.

- 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: March 20, 2023

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