

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

SEPA Threshold Determination for Amendments to Land Use Code Solid Waste Storage and Collection Standards

Project Proponent: Seattle Public Utilities

BACKGROUND

Solid waste storage and access requirements in the Land Use Code are important to helping ensure appropriate on-site solid waste storage, and safe and efficient solid waste collection services can be provided in new buildings. The proposal seeks to update the code requirements, for the first time in 10 years, to 1) clarify language that confuses permit reviewers and applicants, and 2) implement reasonable requirements for solid waste storage and collection. This will support improving recycling rates that are a City policy priority (to reach a citywide goal of 70% recycling rate by volume), and improve safety.

The most important changes would require on-floor access to solid waste containers or chutes for apartment and condominium buildings to increase resident access to proper recycle, compost, and garbage disposal options. This is proven locally and nationally to increase recycling and composting.

Proposal Description

Seattle Public Utilities (SPU) is proposing to amend the Land Use Code, including but not limited to Chapter 23.54.040, to update the regulatory standards addressing solid waste and recyclable materials storage and access. SPU, SDCI, and Seattle Department of Transportation (SDOT) review development permit applications according to these rules, to ensure sufficient access and minimum space is provided for on-site solid waste storage, as well as container staging at or near where solid waste collection occurs. The rules would apply citywide.

The changes to the code would:

Require solid waste collection space on each floor of multi-family buildings with 3 or more floors – through either chutes or containers, or a combination.

Disposal opportunities for garbage, recycling, and food waste would be required on each floor, for ease of resident access. This could occur by providing containers for each of these waste streams on each floor, or providing multiple chutes, or a combination of chutes and carts.

Provide an exemption from floor area limits for the new on-floor required collection space.

This includes the floor area for containers, and for chutes (usually within walls) in buildings subject to this requirement.

Provide for added flexibility and clarification to define alternative workable measures that will meet the intent of the solid waste storage and access provisions.

Flexibility for alternative arrangements would apply based on development type, including affordable housing, and small apartment units such as small efficiency dwelling units and congregate residences.

Set new width and depth requirements for solid waste storage for non-residential uses

The proposal would set new minimum linear dimensions that complement the existing minimum *areas* required for solid waste storage areas. The proposal does not change the current minimum storage area size requirements (in square feet).

The proposed linear dimensions are:

- Uses with less than 5,000 sq.ft. floor area: 8 feet width x 8 feet depth
- Uses with 5,000 sq.ft. or greater floor area: 12 feet width x 12 feet depth.

Apply solid waste requirements to new uses in industrial zones, and commercial-space additions greater than 5,000 square feet in size in zones where commercial uses are allowed

The proposal would newly apply the Land Use Code's solid waste requirements to new uses in industrial zones, and commercial-space additions to existing buildings.

Update minimum clearance heights to overhead utilities

The proposal would update the overhead minimum clearance heights for solid waste trucks in places where containers are picked up, as follows: 14 feet for containers two cubic yards or smaller in size and not containing compacted materials; and 24 feet for containers larger than two cubic yards and all containers having compacted materials (except containers rolled-off on the flat bed of a solid waste truck).

Set new slope maximums in places where solid waste in smaller dumpsters is staged and collected.

The proposal would set a new maximum of 6% slope at staging and collection locations for dumpsters that are two cubic yards in volume or smaller, with uncompacted material.

Clarify positioning of larger dumpsters (greater than 4 cubic yards) and dumpsters with compacted materials to enable direct collection methods

Clarify sharing capabilities between use-types.

The proposal would clarify that in mixed use buildings, solid waste containers for garbage can be shared between residential and non-residential uses, but containers for recycling and compostable waste cannot be shared.

Clarify that pre-collection locations for bins known as "staging areas" must be shown on building plans.

Public Comment

SPU has conducted stakeholder outreach in approximately seven meetings, which addressed how the recommended changes may affect building design and solid waste utility services. Proposed changes to the Plan require City Council approval. Opportunity for public comment will occur during future Council hearings.

ANALYSIS – OVERVIEW

Environmental review resulting in a Threshold Determination is required pursuant to the State Environmental Policy Act (SEPA), WAC 197-11, and the Seattle SEPA Ordinance (Seattle Municipal Code (SMC) Chapter 25.05).

The following report describes the analysis conducted to determine that the proposal is not likely to result in *probable significant adverse environmental impacts*. This threshold determination is based on:

- the language of the proposed amendments and related contents as described above;
- the information contained in the *SEPA checklist* (dated January 13, 2020);
- review of materials prepared as background information about the code amendments, prepared by City staff; and
- the experience of the SDCI analyst in reviewing similar documents and actions.

ELEMENTS OF THE ENVIRONMENT

Short Term and Long-Term Impacts

A. Natural Environment

Earth, Air, Water, Plants/Animals/Fisheries, Energy, Natural Resources, Noise, Environmental Health

The proposal is not expected to generate significant adverse natural environmental impacts, at a non-project level or in its potential for cumulative impacts related to future development and solid waste service.

Earth, Plants/Animals/Fisheries

Seattle is mostly urbanized in its development patterns, but it also has retained greenbelts, hillsides, stream, river, bay and lake environments with diverse kinds of plant, animal, fish and marine habitats. This includes many shoreline edges hosting birds, fish, and other marine life. In some portions of the city such as north Seattle, the City's drainage system relies in part on natural stream and creek drainages to direct urban stormwater runoff toward Lake Washington and Puget Sound. Wildlife on land largely includes those species habituated to urban areas and

fragmented vegetated areas in the city, with common types including squirrels, opossum, coyotes, and a variety of bird species including eagles.

This non-project proposal would result in no direct impacts to plants, animals, fish, or marine life because it does not directly propose development. Regarding indirect cumulative impacts, the proposal would slightly increase required spaces for solid waste and clarify how solid waste storage occurs, but this is largely within buildings. Details affecting interior and exterior places would not likely lead to additional amounts of impervious surfaces required in future development. This analysis anticipates no differences in on-site disturbance of vegetation with future development under the proposed regulations. This would help limit the potential for creating increased disturbances of earth that might cause downstream adverse impacts upon plants, animals, fisheries and sensitive areas such as wetlands, streams and steep slopes.

Air Quality, Water Quality, Environmental Health

This non-project proposal would not result in any direct impacts relating to water, air, or release of toxic or hazardous substances, as it would not directly lead to future development of any particular location. Regarding indirect cumulative impacts, this analysis concludes that the proposed code changes, which mostly correspond to indoor activities and features and place certain limits on slope of spaces used outdoors, would create minimal potential for increased adverse water or air impacts and releases of toxics with cumulative future development. For example, slight differences in future development related to the proposal are not likely to lead to:

- new soil washoff or other waste material deposits into waters;
- changes in handling of toxic or hazardous substances that would cause releases into the environment;
- differences in solid waste collection patterns that might generate air quality pollutant emissions in ways that are different and adverse upon the local atmospheric environment.

Noise

This non-project proposal would result in no direct impacts to noise because it does not directly propose development. Also, regarding indirect impacts, this analysis concludes that the non-project action would not generate any new types of noise sources or elevated noise levels that would represent a significant adverse impact. The action addresses facilities for solid waste storage and collection, which would be present in future development with or without the action. Individual choices about the manner of storage and collection would be made on a site-by-site basis.

Energy, Natural Resource Consumption

The proposal would result in no direct impacts regarding energy or natural resources depletion because it does not directly propose development. Regarding indirect impacts, this analysis concludes that the proposal would encourage improved city recycling efficiency performance, which would promote energy efficiency (including through more effective use of the energy expended by solid waste collection vehicles per unit of solid waste gathered), and reduced natural resource depletion (more recycled material volume). This might even contribute toward

positive environmental impacts. Given the nature of the details of the proposal and their relationship to existing or future development, no significant adverse impacts are identified.

B. Built Environment

Land and Shoreline Use, Relationship to Plans and Policies

The proposal would result in no direct impacts to land and shoreline use as it is a non-project action not directly leading to future development of any particular location.

In relation to future development and solid waste collection and storage patterns, the indirect effects of the non-project action would not be likely to impact compatibility of current or future land uses on nearby or adjacent properties in an adverse or significant adverse manner. SDCI identifies no adverse net differences in future development or land use impacts, when comparing development outcomes with or without this non-project code amendment proposal. This is due to a lack of significant physical differences in future development or solid waste servicing that might create significant spillover adverse land use impacts on or incompatibilities with adjacent or nearby properties. For example, much of the detail of the non-project action would affect internal spaces of a building in ways that would not adversely affect exterior spaces.

Similarly, it is not likely that the potential for differences in outdoor operations would generate significant land use incompatibilities. In part, this relates to the City already requiring the demonstrating of staging and storage locations on development plans, and the City's review and approval of such operational aspects. This is due to a probable lack of circumstances that might cause significant new spillover land use impacts or conflicts among neighboring land uses. This kind of land use impact conclusion can be considered accurate on a property-by-property basis, and as a general conclusion about the overall low potential for adverse land use impacts at a neighborhood or citywide level.

The proposal is consistent with City plans and policies, including from the City's Comprehensive Plan (such as Policy U2.5 in the Utility Element, addressing recycling and composting), SPU's Comprehensive Solid Waste Management Plan, and the Zero Waste Resolution 30990. This includes a goal to achieve a citywide 70% recycle rate. The proposal supports innovative approaches meant to boost the city's performance in recycling and composting efficiencies. It would ensure that future new development invests in accommodating the solid waste utility with facilities that sufficiently support good solid waste collection and recycling practices.

Housing

The proposed non-project action is not likely to generate direct significant impacts to housing and the number of dwelling units provided in future development. Indirectly, proposed regulations could potentially affect the nature and sizing of future housing development. The proposed code changes help to avoid or mitigate this potential effect by providing a proposed floor area exemption for certain solid waste facilities. By not counting such areas in the maximum limits for each zone, potential impacts to quantities and types of future developed dwelling units is avoided or diminished.

Historic Preservation and Cultural Preservation

This proposal is not likely to generate significant adverse impacts on historic landmarks or structures in historic districts as it would not modify existing protections for historic landmarks and structures in historic districts. The proposal is not likely to affect whether and how many historic sites or structures might be redeveloped. Existing historic landmarks are not be more likely to be developed, and historic features are not likely to be modified as the code changes are applied to site specific solid waste collection locations.

The proposal would not affect an existing potential for unknown cultural resource sites to be discovered at future development sites. In other words, the proposed solid waste rules would not result in changes in potential development outcomes that would increase the potential for disturbance of cultural sites or resources. It would also not affect the strength of regulatory protection of those cultural sites or resources, if they are discovered, which is addressed by other State and local regulations, policies, and practices.

Aesthetics, Light & Glare, Recreation

This non-project proposal would not result in any direct impacts relating to these elements because it would not result in future development of any particular location. Indirectly, exemptions of floor area for required on-floor facilities (or chutes) would increase the potential for building bulk in individual future developments but not height limits. However, the probable difference on new buildings' bulk outcomes is likely to be slight, with a modest potential to slightly expand the average bulk of buildings through expanded floorplates. Because the proposal would not increase building height allowances, it is relatively unlikely to lead to instances of significant impacts such as blockage of protected public views or incremental increases in shadows on protected public open spaces.

Transportation, Public Services and Utilities

Transportation and Parking

This non-project proposal would not result in direct impacts relating to these elements because it would not result in future development of any particular location. Indirectly, the non-project proposal would not generate any probable net differences in vehicle trips from future development, because solid waste vehicle trips would occur at future development regardless, and in the same probable volumes. The proposal would not otherwise increase dwelling unit counts or non-residential development size, and thus would not likely induce any added transportation trips by site users. Therefore, this analysis identifies no potential for significant adverse transportation or parking impacts.

Public Services and Utilities

This non-project proposal would not result in direct impacts relating to public services and utilities because it would not result in future development of any particular location. Regarding indirect impacts, this analysis concludes that the proposal's details would not affect future development in a manner that might cause an increase in demand for the public services elements of police protection, fire protection, schools, transit service, health care or other similar public services. The proposal would not increase residential populations, and would not affect building features in any way that would affect public safety or fire safety.

The proposal addresses solid waste collection utility services, in the sense that regulations address required features and conditions present at future development sites. No significant adverse impact on the solid waste utility or any other kind of utilities such as water and sewer utilities is anticipated as result of this proposal. Rather, Seattle Public Utilities is the sponsor of the action, and the proposal would aid in supporting the preferred services and practices of the solid waste utility and promoting greater efficiency in the outcomes of solid waste operations.

Therefore, no significant adverse impacts, including cumulative impacts, are identified for public services and utilities.

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 43.21C), including the requirement to inform the public of 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).

Signature: _____ (on file) _____ Date: _____ March 9, 2020
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