

City of Seattle

ENVIRONMENTAL CHECKLIST

Purpose of Checklist:

The State Environmental Policy Action (SEPA), chapter 43.21C RCW, requires all governmental agencies to consider the environmental impacts of a proposal before making decisions. An environmental impact statement (EIS) must be prepared for all proposals with probable significant adverse impacts on the quality of the environment. The purpose of this checklist is to provide information to help you and the agency identify impacts from your proposal (and to reduce or avoid impacts from the proposal, if it can be done) and to help the agency decide whether an EIS is required.

Instructions for Applicants:

This environmental checklist asks you to describe some basic information about your proposal. Governmental agencies use this checklist to determine whether the environmental impacts of your proposal are significant, requiring preparation of an EIS. Answer the questions briefly, with the most precise information known, or give the best description you can.

You must answer each question accurately and carefully, to the best of your knowledge. In most cases, you should be able to answer the questions from your own observations or project plans without the need to hire experts. If you really do not know the answer, or if a question does not apply to your proposal, write “do not know” or “does not apply.” Complete answers to the questions now may avoid unnecessary delays later.

Some questions ask about permanent regulations, such as zoning, shoreline, and landmark designations. Answer these questions if you can. If you have problems, the governmental agencies can assist you.

The checklist questions apply to all parts of your proposal, even if you plan to do them over a period of time or on different parcels of land. Attach any additional information that will help describe your proposal or its environmental effects. The agency to which you submit this checklist may ask you to explain your answers or provide additional information reasonably related to determining if there may be significant adverse impact.

Use of checklist for nonproject proposals:

Complete this checklist for nonproject proposals, even though questions may be answered “does not apply.” In addition, complete the Supplemental Sheet for Nonproject Actions (part D).

For nonproject actions, the references in the checklist to the words “project”, “applicant,” and “property or site” should be read as “proposal,” “proposer,” and “affected geographic area,” respectively.

A. BACKGROUND

1. Name of proposed project, if applicable:

Amendments to Downtown Landmark performing arts theater incentives

2. Name of applicant:

City of Seattle Department of Planning and Development

3. Address and phone number of applicant and contact person:

City of Seattle
Department of Planning and Development (DPD)
700 Fifth Avenue, Suite 2000
PO Box 34019
Seattle, Washington 98124-4019
Contact: Dennis Meier, 684-8270

4. Date checklist prepared:

August 1, 2013

5. Agency requesting checklist:

City of Seattle Department of Planning and Development

6. Proposed timing or schedule (including phasing, if applicable):

City Council consideration is expected to begin its review in the final quarter of 2013.

7. Do you have any plans for future additions, expansion, or further activity related to or connected with this proposal? If yes, explain.

The proposal is a non-project action that is not dependent upon any further action.

8. List any environmental information you know about that has been prepared, or will be prepared, directly related to this proposal.

The information provided in this checklist.

9. Do you know whether applications are pending for governmental approvals of other proposals directly affecting the property covered by your proposal? If yes, explain.

This is a non-project action and does not relate to specific real property as assumed by the question. The proposal, if adopted, would modify development standards regulating projects and properties in several zones located within Downtown Seattle. More specifically, the legislation would apply to eligible designated Landmark performing arts theaters (LPATs) located on lots in zones within the Downtown Seattle Urban Center. The proposed legislation primarily addresses issues related to the base floor area ratio (FAR) and the use of the transfer of development rights (TDR) incentives as they apply to these eligible Landmark theaters. In addition to these LPAT structures, the proposal would also affect new projects on downtown lots that qualify as eligible receiving sites for Landmark TDR and therefore could acquire TDR from LPATs. However, the only change would be the choice to use Landmark TDR from LPAT structures in lieu of other options for allowed increases in floor area through the use of development incentives; it would not result in greater allowances for overall development density on these potential TDR “receiving sites.” Currently, there is no known activity with development permit applications involving these lots.

10. List any government approvals or permits that will be needed for your proposal, if known.

Approval by Seattle City Council and Mayor, as amendments to Seattle’s Land Use Code.

11. Give brief, complete description of your proposal, including the proposed uses and the site of the project. There are several questions later in this checklist that ask you to describe certain aspects of your proposal. You do not need to repeat those answers on this page. (Lead agencies may modify this form to include additional specific information on project description.)

The proposed legislation would remove existing, outdated bonus provisions for Landmark performing arts theaters that have been determined to be ineffective and replace the bonus incentive with a new incentive that increases the base FAR on lots with eligible designated Landmark performing arts theaters. The amount of the increase in base FAR would be 4 FAR, or the amount above the base up to the maximum FAR limit, whichever is less. The increase in base FAR would result in the following positive outcomes: 1) additional chargeable floor area would be added to the lot with a LPAT, potentially allowing for more revenue generating space in a qualifying theater structure, provided the Landmarks Board approves any changes; and 2) the increase in base FAR would also create more floor area that could be sold and transferred as Landmark TDR (transfer of

development rights) to other eligible receiving sites. This would benefit the LPATs that have already sold their allowed LPAT TDR, since the increase in base FAR would provide more TDR to sell. The Land Use Code and Downtown Amenity Standards would also be amended to remove the sections related to the LPAT bonus that is proposed to be repealed.

- 12. Location of the proposal. Give sufficient information for a person to understand the precise location of your proposed project, including a street address, if any, and section, township, and range, if known. If a proposal would occur over a range of area, provide the range or boundaries of the site(s). Provide a legal description, site plan, vicinity map, and topographic map, if reasonably available. While you should submit any plans required by the agency, you are not required to duplicate maps or detailed plans submitted with any permit applications related to this checklist.**

This is a non-project action. The proposed legislation would affect lots occupied by qualifying Landmark performing arts theaters and lots in downtown zones, including lots in the DOC1, DOC2, and DMC zones that would be eligible receiving sites for Landmark TDR from the LPAT sites. Exhibit A below shows the existing qualifying LPAT sites and surrounding zones.

TO BE COMPLETED BY APPLICANT:
EVALUATION FOR AGENCY USE ONLY

B. ENVIRONMENTAL ELEMENTS

This is not a project; therefore no direct impacts from this proposal are anticipated.

1. Earth

a. General description of the site (circle one):

**Flat, rolling, hilly, steep slopes, mountainous,
other: _____**

The affected area includes zones that comprise the downtown core and the earth characteristics vary; much of this area has, over the years, been regarded to be generally flat or hilly, although some areas still include relatively steep slopes. The proposed amendments would not increase the potential for earth impacts in future potential development.

b. What is the steepest slope on the site (approximate percent slope)?

See the response to question 1.a. above.

c. What general types of soils are found on the site (for example, clay, sand, gravel, peat, muck)? If you know the classification of agricultural soils, specify them and note any prime farmland.

Soils conditions vary considerably throughout the City and typically include a mix of glacial till found in the urban Seattle area. No agricultural soil or prime/unique farmland is present in the City.

d. Are there surface indications or history of unstable soils in the immediate vicinity? If so, describe.

There are not significant indicators of actively unstable soils in the affected area.

e. Describe the purpose, type, and approximate quantities of any filling or grading proposed. Indicate source of fill.

No filling or grading is proposed for this programmatic non-project action. Future development consistent with this proposal might occur over time but cannot be evaluated regarding erosion at this stage. Such projects will be subject to the city's codes and ordinances as well as subsequent environmental review (if they meet or exceed thresholds for environmental review).

f. Could erosion occur as a result of clearing, construction, or use? If so, generally describe.

The potential for erosion is site-specific and would need to be evaluated on a project-by-project basis. The proposed amendments would not likely significantly increase the potential for, or amount of, erosion for any potential future development in the affected area. Thus, the increment of change due to this proposal is zero.

g. About what percent of the site will be covered with impervious surfaces after project construction (for example, asphalt or buildings)?

None identified for this proposed non-project action that does not involve construction activity. Future potential development would be subject to SEPA review on a site-specific basis if it exceeds thresholds for environmental review.

h. Proposed measures to reduce or control erosion, or other impacts to the earth, if any:

None proposed for this non-project action.

2. Air

a. What types of emissions to the air would result from the proposal (i.e., dust, automobile, odors, industrial wood, smoke) during construction and when the project is completed? If any, generally describe and give approximate quantities if known.

Not applicable. This proposal is a non-project action and does not involve construction or development activity. No changes to odor standards are proposed. Individual projects that may utilize the provisions of this proposal will be subject to environmental review (if they meet or exceed thresholds for environmental review). No significant adverse impacts related to air quality, including greenhouse gases are anticipated.

b. Are there any off-site sources of emissions or odor that may affect your proposal? If so, generally describe.

This is a nonproject action and no construction activity is involved.

c. Proposed measures to reduce or control emissions or other impacts to air, if any:

None.

3. Water

a. Surface

1) Is there any surface water body on or in the immediate vicinity of the site (including year-round and seasonal streams, saltwater, lakes, ponds, wetlands)? If yes, describe type and provide names. If appropriate, state what stream or river it flows into.

Not applicable. This proposal is a non-project action and does not involve construction or development activity. Also, these natural features are generally not present or are minimally present.

2) Will the project require any work over, in, or adjacent to (within 200 feet) the described waters? If yes, please describe

and attach available plans.

Not applicable. The proposal is a non-project action.

- 3) **Estimate the amount of fill and dredge material that would be placed in or removed from surface water or wetlands and indicate the area of the site that would be affected. Indicate the source of fill material.**

This is a nonproject action and no construction activity is involved.

- 4) **Will the proposal require surface water withdrawals or diversions? Give general description, purpose, and approximate quantities if known.**

This is a nonproject action and no construction activity is involved.

- 5) **Does the proposal lie within a 100-year floodplain? If so, note location on the site plan.**

This is a nonproject action and no construction activity is involved.

- 6) **Does the proposal involve any discharges of waste materials to surface waters? If so, describe the type of waste and anticipated volume of discharge.**

This is a nonproject action and no construction activity is involved.

b. Ground

- 1) **Will ground water be withdrawn, or will water be discharged to ground water? Give general description, purpose, and approximate quantities if known.**

This is a nonproject action and no construction activity is involved.

- 2) **Describe waste material that will be discharged into the ground from septic tanks or other sources, if any (for example, domestic sewage, industrial, containing the following chemicals... agricultural, etc). Describe the general size of the system, the number of such systems, the number of houses to be served (if applicable), or the number of animals or humans the system(s) are expected to serve.**

This is a nonproject action and no construction activity is involved.

c. Water Runoff (including storm water)

- 1) **Describe the source of runoff (including storm water) and method of collection and disposal, if any (include quantities, if known). Where will this water flow? Will this water flow into other waters? If so, describe.**

This is a nonproject action and no construction activity is involved.

- 2) **Could waste materials enter ground or surface waters? If so, generally describe.**

No. This is a nonproject action and no construction activity is involved.

d. Proposed measures to reduce or control surface, ground, and runoff water impacts, if any:

None.

4. Plants

a. Check or circle types of vegetation found on the site:

A variety of vegetation types characteristic of the urban environment can be found within the neighborhood.

deciduous tree: alder, maple, aspen, other

evergreen tree: fir, cedar, pine, other

shrubs

grass

pasture

crop or grain

wet soil plants: cattail, buttercup, bulrush, skunk cabbage, other

water plants: water lily, eelgrass, milfoil, other

other types of vegetation

N/A

b. What kind and amount of vegetation will be removed or altered?

None.

c. List threatened or endangered species known to be on or near the site.

None known.

d. Proposed landscaping, use of native plants, other measures to preserve or enhance vegetation on the site, if any:

None.

5. Animals

a. Circle any birds and animals which have been observed on or near the site or are known to be on or near the site:

The neighborhood includes a number of species that inhabit urban environments including birds, domestic pets, pigeons and other urban fauna.

birds: hawk, heron, eagle, songbirds, other: raven, pigeons, starlings, gulls and other birds tolerant of urban environments

mammals: deer, bear, elk, beaver, other: squirrels, rodents, raccoon, household pets, and other similar mammals tolerant of urban environments

fish: bass, salmon, trout, herring, shellfish, other:

b. List any threatened or endangered species known to be on or near the site.

None known.

c. Is the site part of a migration route? If so, explain.

None are known. The affected area may be used to some extent by migratory bird species similar to other urban areas in Seattle. However, the scarcity of significant wildlife habitat such as large expanses of high-quality habitat area (with the potential exception of park lands) limits its value to migratory bird species.

d. Proposed measures to preserve or enhance wildlife, if any:

None included in proposal. The City of Seattle has many programs, policies and laws that are designed to preserve or enhance wildlife, including critical areas regulations and the Shoreline Management Program, where applicable.

6. Energy and Natural Resources

- a. **What kinds of energy (electric, natural gas, oil, wood stove, solar) will be used to meet the completed project's energy needs? Describe whether it will be used for heating, manufacturing, etc.**

None. This is a nonproject action and no construction activity is involved.

- b. **Would your project affect the potential use of solar energy by adjacent properties? If so, generally describe.**

No. This is a nonproject action and no construction activity is involved.

- c. **What kinds of energy conservation features are included in the plans of this proposal? List other proposed measures to reduce or control energy impacts, if any:**

None.

7. **Environmental Health**

- a. **Are there any environmental health hazards, including exposure to toxic chemicals, risk of fire and explosion, spill, or waste, that could occur as a result of this proposal? If so, describe.**

This is a nonproject action and no construction activity is involved.

- 1) **Describe special emergency services that might be required.**

None.

- 2) **Proposed measures to reduce or control environmental health hazards, if any:**

None.

- b. **Noise**

- 1) **What types of noise exist in the area which may affect your project (for example, traffic, equipment, operation, other)?**

This is a nonproject action and no construction activity is involved.

- 2) **What types and levels of noise would be created by or associated with the project on a short-term or a long-term basis (for example: traffic, construction, operation, other)? Indicate what hours noise would come from the site.**

None.

3) Proposed measures to reduce or control noise impacts, if any:

None.

8. Land and Shoreline Use

a. What is the current use of the site and adjacent properties?

This is a non-project action. The question, which assumes a “site”, does not apply. However, the amendments proposed would generally apply to zones in the downtown core, and lots in these zones are developed with a wide mix of uses at urban densities. These zones generally promote commercial development and also include a significant amount of residential development and public uses. While much of the older development in this area is occupied by commercial uses, including office, hotel, parking, retail uses, and performing arts facilities (the use addressed in the proposed legislation), more recent development has also included a significant addition of residential uses.

b. Has the site been used for agriculture? If so, describe.

No, such past uses are not known to have occurred.

c. Describe any structures on the site.

This proposal is not site-specific. The zones of the Downtown core accommodate the greatest scale and density of development permitted in the city, with a mix of structures from many development periods, including both new and historic commercial and residential structures that range in scale from bulky midrise structures to the region’s tallest skyscrapers. The Landmark performing arts theaters that are the subject of the proposed legislation are one of the many types of structures that are a part of this urban development mix. Major public projects, like the Central Library, Federal Courthouse, and Washington State Convention Center Complex are also part of the mix.

d. Will any structures be demolished? If so, what?

No. This proposal is not site-specific. Structures will not be demolished as a result of this action.

e. What is the current zoning classification of the site?

This proposal addresses LPATs located in the Downtown core, and lots that potentially could be eligible as receiving sites for Landmark TDR in the Downtown Office Core 1 (DOC1), Downtown Office Core 2 (DOC 2) and certain Downtown Mixed Commercial (DMC) zones.

f. What is the current comprehensive plan designation of the site?

The affected lots are located in zones within the Belltown, Denny Triangle and Commercial Core Urban Center Villages within the Downtown Urban Center,

g. If applicable, what is the current shoreline master program designation of the site?

Not applicable.

h. Has any part of the site been classified as an "environmentally sensitive" area? If so, specify.

The proposal is a non-project action and does not involve construction or development activity.

i. Approximately how many people would reside or work in the completed project?

None identified for this non-project action.

j. Approximately how many people would the completed project displace?

None identified for this non-project action.

k. Proposed measures to avoid or reduce displacement impacts, if any:

None proposed. This proposal is a non-project action and does not involve construction or development activity.

l. Proposed measures to ensure the proposal is compatible with existing and project land uses and plans, if any:

None proposed. The proposed Land Use Code amendments have been reviewed for consistency with Comprehensive Plan and Land Use Policies and adopted neighborhood plans. The primary purpose of the proposed

legislation is to facilitate use of incentive provisions for Landmark performing arts theaters, and Landmark preservation is an established public goal of the Comprehensive Plan and Downtown neighborhood plans.

9. Housing

- a. Approximately how many units would be provided, if any? Indicate whether high, middle, or low-income housing.**

This is a nonproject action and no construction activity is involved.

- b. Approximately how many units, if any, would be eliminated? Indicate whether high, middle, or low-income housing.**

This is a nonproject action and no construction activity is involved.

- c. Proposed measures to reduce or control housing impacts, if any:**

None.

10. Aesthetics

- a. What is the tallest height of any proposed structure(s), not including antennas; what is the principal exterior building material(s) proposed?**

This is a nonproject action and no construction activity is involved. The proposed changes would not affect the permitted height of structures.

- b. What views in the immediate vicinity would be altered or obstructed?**

This is a nonproject action and no construction activity is involved. Projects and development consistent with this proposal will occur over time and cannot be evaluated in terms of view alteration at this stage.

- c. Proposed measures to reduce aesthetic impacts, if any:**

This is a non-project proposal. Individual projects subject to the proposed changes will also be subject to environmental review, if the projects meet or exceed thresholds for environmental review. The primary emphasis of the proposed legislation is to support the retention and rehabilitation of downtown's existing Landmark performing arts theaters. Because of the recognized historic and architectural value of these structures, this action is regarded as having a positive aesthetic impact.

11. Light and Glare

- a. **What type of light or glare will the proposal produce? What time of day would it mainly occur?**

Not applicable. This is a nonproject action and no construction activity is involved

- b. **Could light or glare from the finished project be a safety hazard or interfere with views?**

Not applicable. This is a nonproject action and no construction activity is involved.

- c. **What existing off-site sources of light or glare may affect your proposal?**

Not applicable. This is a nonproject action and no construction activity is involved.

- d. **Proposed measures to reduce or control light and glare impacts, if any:**

None.

12. Recreation

- a. **What designated and informal recreational opportunities are in the immediate vicinity?**

The Downtown core is served by public parks, including Westlake Park and Freeway Park. The active pedestrian environment promotes use of the public streets, and several streets are designated green streets with additional landscaping and public amenities.

- b. **Would the proposed project displace any existing recreational uses? If so, describe.**

No. This is a nonproject action and no construction activity is involved.

- c. **Proposed measures to reduce or control impacts on recreation, including recreation opportunities to be provided by the project or applicant, if any:**

None.

13. Historic and Cultural Preservation

- a. Are there any places or objects listed on, or proposed for, national, state, or local preservation registers known to be on or next to the site? If so, generally describe.**

This is a non-project proposal. Individual projects and development subject to the proposed changes to development regulations will also be subject to the City's regulations related to historic and archaeologically significant landmarks, as well as environmental review, if the projects meet or exceed thresholds for environmental review. The proposed amendments are intended to provide incentives to support the continued operation and maintenance of designated Landmark theaters located in Downtown zones.

- b. Generally describe any landmarks or evidence of historic, archaeological, scientific, or cultural importance known to be on or next to the site.**

This is a non-project proposal. See the response to item 13a above. The proposed amendments are intended to directly provide incentives for retaining existing designated Landmark performing arts theaters, including allowing new development on other Downtown sites to purchase available development rights from the LPAT sites to gain additional floor area.

Individual projects and development that would utilize the proposed legislation's zoning and development regulation changes would be subject to the City's policies and regulations related to historic and archaeologically significant landmarks as well as environmental review (if they meet or exceed thresholds for environmental review).

- c. Proposed measures to reduce or control impacts, if any:**

None. This is a non-project action, and the proposed legislation is not expected to significantly adversely impact historic or landmark structures. In fact, because the proposed legislation seeks to provide more effective incentives for retaining and rehabilitation designated Landmark performing arts theaters, any impacts are expected to be positive. Individual projects will undergo SEPA review, as required. All future development is required to comply with local, state, and national regulations that require mitigation of impacts on historic and cultural resources.

14. Transportation

- a. Identify public streets and highways serving the site, and describe the proposed access to the existing street system. Show on site plans, if any.**

The Downtown Urban Center is well-served by an urban street system and street classification system.

- b. Is site currently served by public transit? If not, what is the approximate distance to the nearest transit stop?**

The City is currently well-served by King County Metro and Sound Transit bus service and by Sound Transit regional commuter rail facilities.

- c. How many parking spaces would the completed project have? How many would the project eliminate?**

None for this non-project action. However, future development proposals will be expected to meet the applicable parking requirements under the existing code. Projects and development consistent with this proposal will occur over time and cannot be evaluated in terms of parking impacts at this stage.

- d. Will the proposal require any new roads or streets, or improvements to existing roads or streets, not including driveways? If so, generally describe (indicate whether public or private).**

No.

- e. Will the project use (or occur in the immediate vicinity of) water, rail, or air transportation? If so, generally describe.**

No. This proposal is a non-project action.

- f. How many vehicular trips per day would be generated by the completed project? If known, indicate when peak volumes would occur.**

None identified. This proposal is a non-project action and does not involve construction or development activity.

- g. Proposed measures to reduce or control transportation impacts, if any.**

None proposed. Future development projects will be subject to environmental review (if they meet or exceed thresholds for environmental review for traffic and transportation impacts), and will need to meet transportation concurrency requirements.

15. Public Services

- a. Would the project result in an increased need for public services (for example: fire protection, police protection, health care, schools, other)? If so, generally describe.**

No new public services would be required for this non-project action. Projects and development consistent with this proposal will occur over time and cannot be evaluated in terms of increased need for public services at this stage.

- b. Proposed measures to reduce or control direct impacts on public services, if any.**

None proposed. Please see the response to question 15.a above.

16. Utilities

- a. Circle utilities currently available at the site: electricity, natural gas, water, refuse service, telephone, sanitary sewer, septic system, other.**

The affected area is extensively developed and is served by all the utilities listed above except for septic systems. Other utilities available include cable television and internet access. This is a nonproject action and no construction activity is involved.

- b. Describe the utilities that are proposed for the project, the utility providing the service, and the general construction activities on the site or in immediate vicinity which might be needed.**

In general, utility providers, such as Seattle City Light, Seattle Public Utilities, and Washington Natural Gas review probable future development needs, and propose enhanced services as necessary as part of their planning for future service needs. This non-project action will not create the need for additional utility services.

C. Signature

Signature provided following section D below.

D. SUPPLEMENTAL SHEET FOR NON-PROJECT ACTIONS

Because these questions are very general, it may be helpful to read them in conjunction with the list of the elements of the environment.

When answering the questions, be aware of the extent of the proposal, or the types of activities likely to result from the proposal, would affect the item at a greater intensity or at a faster rate than if the proposal were not implemented. Respond briefly and in general terms.

1. How would the proposal be likely to increase discharge to water; emissions to air; production, storage, or release of toxic or hazardous substances; or production of noise?

As a non-project action, the proposed amendments would not directly affect discharges to water, emissions to air (including greenhouse gas emissions [GHG]), production, storage, or release of toxic or hazardous substances, or production of noise. Over time, individual future development projects that would be regulated by this proposal could occur. At this stage, their details are not known and cannot be precisely evaluated in terms of probable added amounts of the potential impacts identified in this question. Future projects in the area will be subject to any required environmental review during the project review process.

Proposed measures to avoid or reduce such increases are:

No proposed measures are proposed beyond existing regulations at this time because the proposal does not involve any construction or development activity. A SEPA GHG Emissions Worksheet is required for all individual projects that may use the provisions of this proposal. Any potential impacts from GHG emissions will be addressed during review of future development proposals on a project-specific basis.

2. How would the proposal be likely to affect plants, animals, fish, or marine life?

As a non-project action, adoption of the proposed amendments is unlikely to affect plants, animals, fish, or marine life. The area is developed and urban in

character. The proposal does not alter existing protections to plants, animals, fish or marine life.

Proposed measures to protect or conserve plants, animals, fish, or marine life are:

As a non-project action that does not involve any construction or development activity, no measures are proposed beyond existing regulations at this time. Existing regulations promulgated by the City and other regulatory agencies are designed to protect these resources. Standard requirements for directing site runoff on a site and controlling drainage on local streets would provide water quantity and/or quality control measures that would tend to avoid potential adverse impacts upon nearby resources and habitats.

3. How would the proposal be likely to deplete energy or natural resources?

As a non-project action, the proposed amendments would not affect energy or natural resources. The amended provisions are not expected to result in significantly greater future development density compared to that allowed under existing regulations. Thus there would be no significant increase in the consumption of energy and resources on a per-site basis.

Proposed measures to protect or conserve energy and natural resources are:

No measures to protect or conserve energy are proposed beyond existing regulations for this non-project action.

4. How would the proposal be likely to use or affect environmentally sensitive areas or areas designated (or eligible or under study) for governmental protection; such as parks, wilderness, wild and scenic rivers, threatened or endangered species habitat, historic or cultural sites, wetlands, floodplains, or prime farmlands?

The proposed changes would result in no direct impacts and are unlikely to result in indirect or cumulative impacts related to environmentally sensitive areas or areas designated for governmental protection. For natural environmental features listed above, this is due to the fact that the area is already an intensely developed urban environment and no significant environmentally sensitive areas are designated, with only a couple of highly-maintained parks or tended landscaped areas present. Given that the proposed legislation is intended to provide more effective incentives for retaining and rehabilitating designated Landmark performing arts theaters, any impacts are expected to be positive, although given that the use of incentives is limited, the action may encourage the preservation of LPATs over other designated Landmark structures within Downtown or other

benefit features that must compete with LPATs to be used by developers seeking to use incentives to increase the floor area in their projects.

Proposed measures to protect such resources or to avoid or reduce impacts are:

The proposed action is intended to strengthen incentives for retaining Downtown's designated Landmark performing arts theaters. No other measures are proposed beyond existing regulations for this non-project action. The existing regulatory framework, i.e. the Land Use Code, The Shoreline Master Program, Environmentally Critical Areas Ordinance, Landmarks Preservation Ordinance and the City's SEPA ordinance will address impacts during review of development proposals on a project-specific basis.

5. How would the proposal be likely to affect land and shoreline use, including whether it would allow or encourage land or shoreline uses incompatible with existing plans?

The proposed amendments are consistent with existing plans and policies, including the City's Comprehensive Plan and implementing land use regulations that encourage development in the Downtown Urban Center. The proposal to increase the base FAR on sites with LPATs would not alter the overall development potential of those lots, which is determined by the maximum FAR limit and is not proposed to be changed. The proposal could increase the amount of floor area available for use as Landmark TDR by projects seeking to gain extra floor area above the base FAR on a development site. Creating more Landmark TDR could affect which incentives developers are most likely to use when adding floor area to their projects. However, there would be no change in the amount of floor area added between the base FAR and maximum FAR limits through the use of incentives, or the ultimate amount of floor area permitted in such a project, which is determined by the maximum FAR limit.

By continuing to allow the same density of development in the affected Downtown core zones, the proposed amendments are not likely to have the potential for adverse impacts and, indeed, would encourage development that is consistent with well-accepted growth management principles. Furthermore, by providing additional incentives for new development to retain positive features of the existing built environment, specifically designated Landmark theaters, the indirect, long-term cumulative impacts on land uses would be positive.

Proposed measures to avoid or reduce shoreline and use impacts are:

No land use-related mitigation measures are proposed beyond existing regulations at this time. Future development projects would be subject to design review (if

they meet or exceed thresholds for environmental review), which would allow for analysis and potential requirement of mitigation measures as needed to help mitigate adverse impacts of future development.

6. How would the proposal be likely to increase demands on transportation or public services and utilities?

The proposed non project action would not directly affect transportation or public services.

Proposed measures to reduce or respond to such demand(s) are:

As the proposal does not directly involve any construction or development activity, no specific measures are proposed at this time. The proposal does not directly involve any construction or development activity, nor are specific future developments known. Thus no measures other than existing regulations are proposed at this time. In general, providers of utilities and public services, including fire protection, police protection, health care, and schools regularly review the effects of increased development and propose enhanced services as necessary as part of their planning for future service needs. Future site-specific development projects will be required to meet any applicable concurrency requirements for transportation, utilities, and public services infrastructure.

7. Identify, if possible, whether the proposal may conflict with local, state, or federal laws or requirements for the protection of the environment.

There are no known conflicts between the proposal and federal, state or local laws or requirements for protection of the environment.

SIGNATURE:

I, the undersigned, state that to the best of my knowledge the above information is true and complete. It is understood that the lead agency may withdraw any declaration of non-significance that it might issue in reliance upon this checklist should there be any willful misrepresentation or willful lack of full disclosure on my part.

Dennis Meier
Strategic Advisor I

_____, 2013
Date

This checklist was reviewed by:

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