



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

SEPA Threshold Determination

for

Street Activation legislation

Project Proponent: City of Seattle

BACKGROUND AND PROPOSAL

Adoption of the proposed legislation is a non-project action that updates and amends various provisions of the Land Use Code, on an interim basis. The proposal is similar to prior land use legislation, adopted in Ordinance 126421. The proposal would add more flexibility for a broader range of uses than currently allowed in the Downtown, Uptown, and South Lake Union Urban Centers on certain streets with street-level use requirements. The proposal also includes amendments to certain development standards. The applicable area has lost many businesses that relied on office workers, tourists, recreational visitors, and convention participants. Economic recovery since has occurred unevenly. The result is many vacant spaces, reduced activity on greater downtown area sidewalks, reduced continuity of occupied uses at ground level, and a less engaging and vibrant neighborhood environment.

Proposal

The proposal would temporarily expand the variety of uses that the Land Use Code allows to locate in certain portions of Downtown, Uptown, and South Lake Union in street-level spaces and second floors to help fill vacancies in existing buildings and promote streets that are better activated by abutting occupied spaces. The proposal is for a three-year effective period, during which a property or business owner could apply for a permit to establish a type of street-level use that is not allowed under the existing code. The proposal includes the following:

1. **Broaden the uses allowed along street level sidewalks.** Currently, along several mapped streets, the Land Use Code limits allowed street-level uses to categories like retail, bars/restaurants, entertainment uses, and cultural and community facilities (like libraries, museums, childcare, and religious facilities). This is meant to provide engaging, pedestrian-oriented street environments that are continuously occupied by street-level uses that attract visitors and activity. This is seen as contributing to positive neighborhood attributes and amenities. But, recognizing that vacant spaces lack those positive qualities, the proposal would allow more flexibility for a greater variety of uses, to encourage the occupation of vacant spaces that will benefit neighborhoods by maintaining continuity of street-level occupied uses and increasing activity levels. The proposed additional uses include but are not limited to offices, research and development laboratories, art installations, community centers and a variety of other institutional uses,

medical offices, food processing/craft work, horticultural uses, and non-household sales and services (like restaurant supply stores for example). Also, the proposal allows for the SDCI Director to allow other similar uses and activities that would increase pedestrian activity or increase the variety of goods and services available. While the uses may be slightly less active than the uses currently allowed in the affected neighborhoods, they would provide more options to fill empty spaces.

2. **Reduced minimum depth of use.** The proposal allows for street-level uses to occur in spaces with minimum depths of 8 feet, in contrast to existing depth requirements of 15 feet in Downtown and 30 feet in South Lake Union and Uptown.
3. **Greater flexibility in floor area density limit exemptions, to encourage more occupancy of spaces on the first two floors of buildings.** The proposal includes more code flexibility that would reduce the restrictiveness of development standards and clarify floor area density limit provisions. This would allow street-front uses to include second-floor and mezzanine spaces, while not counting the space as “chargeable” toward floor area density limits (“FAR¹” limit), and also encourage the filling of vacant spaces on second floors of existing buildings with a broader variety of uses. This would give landlords more options for tenants, and increase flexibility in design of street-level spaces to include mezzanines and second-floors.
4. **Durability of permit.** The proposal treats these permits like any other and would allow the uses permitted as interim activation uses to remain after the temporary rules expire. The permitted uses would become non-conforming (grandfathered) uses, but could stay in perpetuity, and could even change from one non-conforming use to another non-conforming use. Minor renovations and expansions of structures with these uses could also occur as described in SMC Chapter 23.42. This would encourage a tenant to stay for the long-term, to recoup over time the costs of obtaining permits and making improvements.
5. **Where the proposal would apply.** The proposal would apply to most areas in the Downtown Urban Center (except Pioneer Square, Chinatown/International District, and Pike Place Market Historical District), and in selected portions of the South Lake Union and Uptown Urban Centers that have street-level use restrictions. See the maps on the following pages.

Downtown

-- The proposal updates Downtown Map 1G to accommodate proposed flexibility on most streets with street-level use requirements in Belltown, the commercial core, and Denny Triangle, except for a limited number of corridors (such as Pike and Pine Street, avenues near Pike Place Market, and a few other places) where the existing active street-level use requirements would still be in effect;

¹ FAR is “floor area ratio,” a measure of a building’s density. 1 FAR equals the total area of the property in square feet, meaning a building that fully covers a property with two floors is equivalent to 2 FAR. In Downtown, density limits are typically defined only for non-residential uses, and some kinds of non-residential floor area are exempt from being counted against the density limit.

South Lake Union

-- North of Mercer Street, blockfaces on Westlake Avenue, Valley Street, and Terry Street that are subject to street-level use requirements;

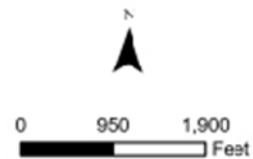
Uptown

-- Blockfaces on Mercer Street east of Warren Avenue N to 5th Avenue N, and 5th Avenue N south of Mercer Street to Denny Way.

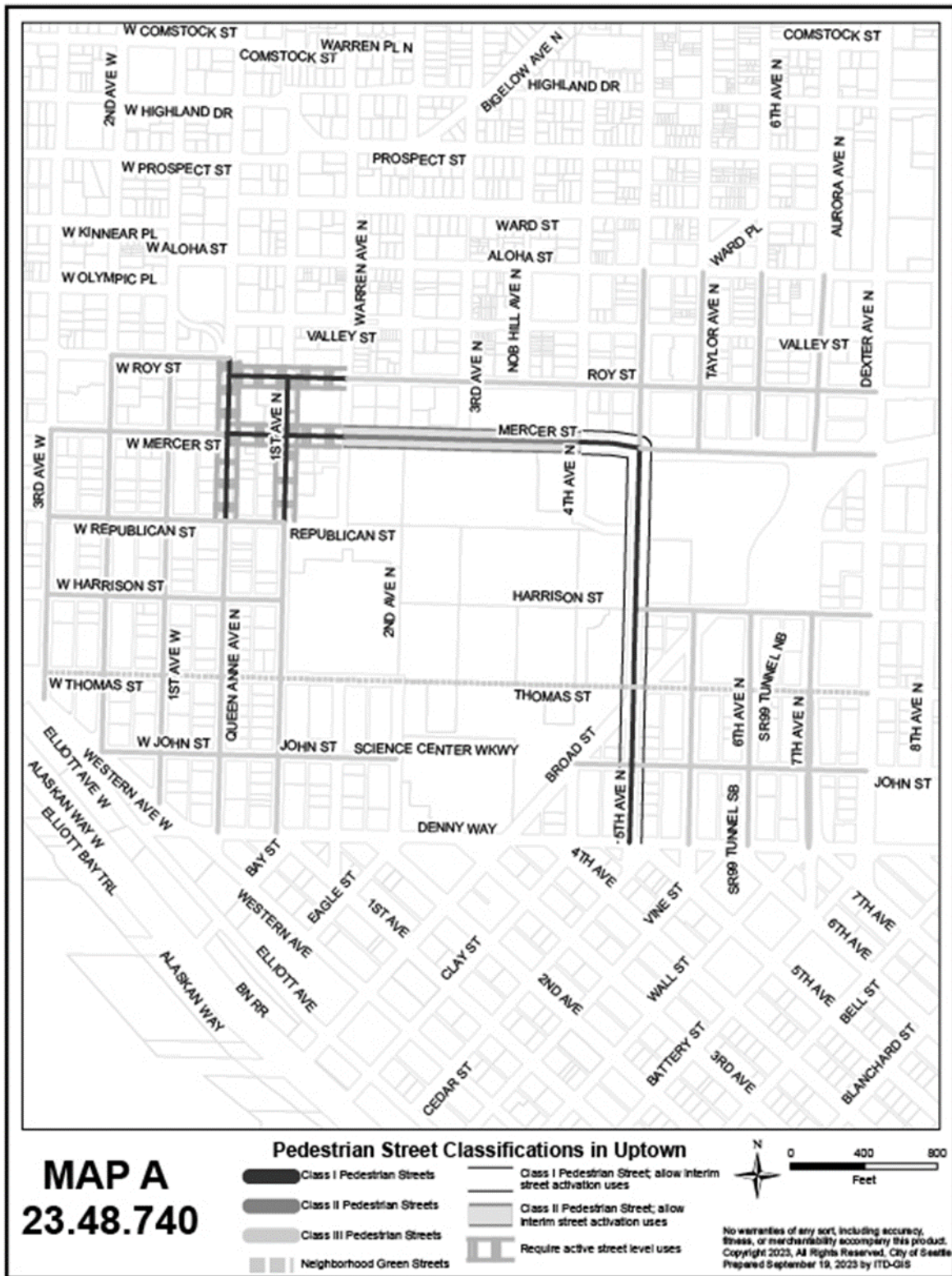
Street Level Uses Required

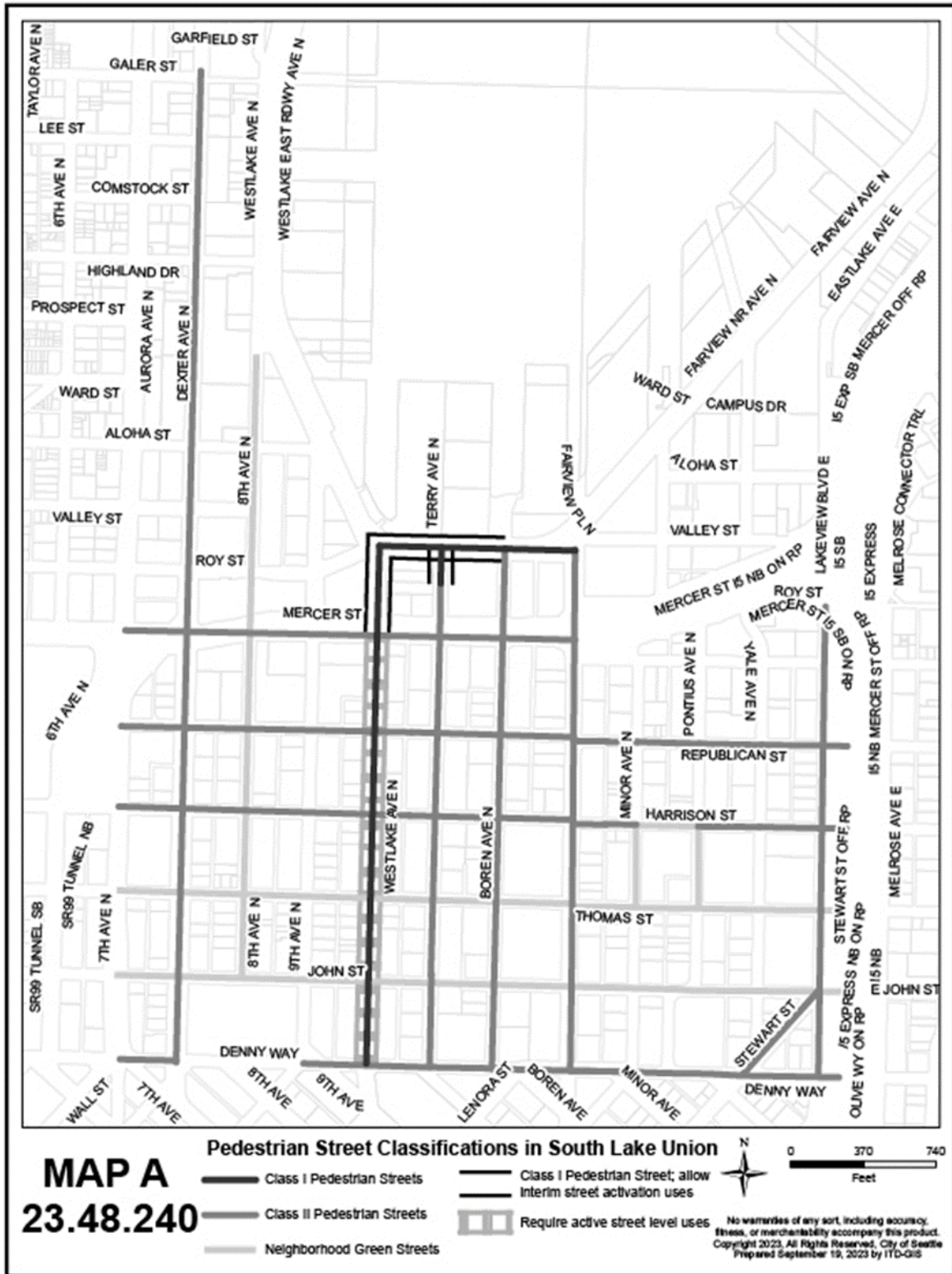


- Require active street level uses, per 23.42.041
- Allow interim street activation uses
- Special Review or Historic Districts

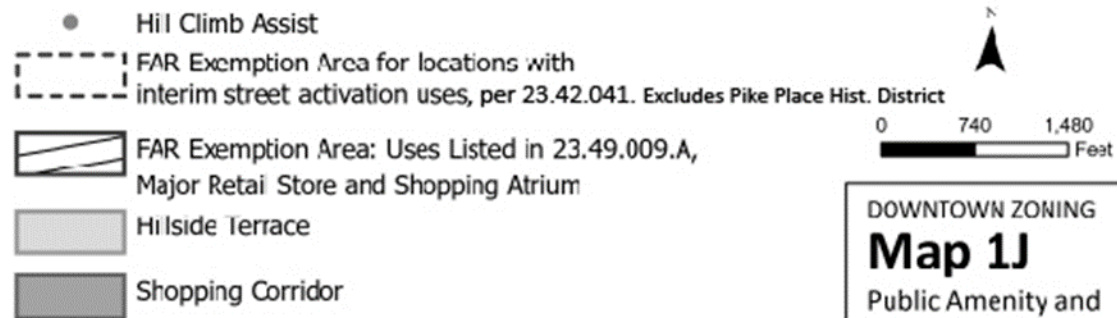


DOWNTOWN ZONING
Map 1G
Street Level Uses
Required





Public Amenity and Other Features



Public Comment

The changes to the Land Use Code require City Council approval. Opportunity for public comment will occur during Council meetings and hearings. The ordinance and this environmental review and SEPA Determination will be available online for public comments.

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 non-project action 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 September 11, 2023), including annotations made by SDCI staff;
- 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, Water, Water Quality, Plants/Animals/Fisheries/Marine Life

The action is not expected to generate significant adverse impacts for these natural environmental elements, at a non-project level or in its potential for cumulative impacts related to future development influenced by the action.

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.

- 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. Threatened, protected, or endangered species that could be present near future development include heron, and salmon in locations downstream via natural drainages.
- Seattle has numerous soil types, including mineral soils dominated by clay, silt, or sand, as well as organic soils such as peats and mucks. No agricultural soils or prime farmland are located within the Seattle corporate limits. As a densely urbanized area, much of Seattle's native soils have been extensively altered by filling, grading, and other activity.

The affected areas of this proposal may include remnants of native glacial-till-related soils throughout, and other layers composed of silty and clay-influenced soils in Uptown, and Holocene era “lake deposits” with silt, clay, and organic deposits in the vicinity of Lake Union.

- The Seattle area is known to be in an active seismic area, as is the entire Puget Sound region. The City’s geologically hazardous areas are defined by SDCI as environmentally critical areas (ECAs). Unstable soils and surfaces occur primarily in two contexts: 1) steep slopes and landslide-prone areas, where a combination of shallow groundwater and glacial sediments deposited in layers with variable permeability increases the risk of landslides; and 2) areas of fill or alluvial soils where loose, less cohesive soil materials below the water table with potential for liquefaction during earthquakes.
- Most of Seattle is located within the Lake Washington/Cedar/Sammamish Watershed (Watershed Resource Inventory Area [WRIA] 8). The Duwamish Waterway and Elliott Bay are part of the Green/Duwamish and Central Puget Sound Watershed (WRIA 9). Seattle’s surface waters include marine areas (Puget Sound), rivers, lakes, and creeks. Rivers and creeks include but are not limited to the Duwamish waterway, Longfellow, Fauntleroy, Taylors, Thornton, and Pipers Creek. Freshwater lakes include the Lake Union/Ship Canal, Green, Haller, and Bitter Lakes and numerous ponds and wetlands.

This non-project action will result in no direct adverse or significant adverse impacts to earth, water, plants, animals, fish, or marine life environmental elements because it does not directly propose development of new buildings. Similarly, this analysis identifies no adverse or significant adverse indirect or cumulative environmental impacts of this kind. All or nearly all new activities generated by the action would consist of tenant improvements or other building alterations occurring within existing buildings along certain streets of Downtown, Uptown, and South Lake Union Urban Centers. In these neighborhoods, most outdoor areas are paved or in hardscapes with limited presence of tended landscaping and a few manmade or previously altered sloped areas intermittently located. As such, the action’s influence on future uses will not likely lead to different levels of disturbance of outdoor areas, nor disturbances of environmentally critical areas, nor increases in development-related runoff or erosion, nor adverse changes in wildlife habitat or fisheries habitat. Therefore, degradation of these elements of the environment generating significant adverse impacts is not likely to occur.

Air Quality, Noise, Energy, Natural Resources Depletion, Environmental Health

This non-project action will result in no direct adverse or significant adverse impacts to these environmental elements because it does not directly propose development. Similarly, this analysis identifies no potentially significant adverse indirect or cumulative environmental impacts of these kinds.

Air Quality, Toxic/Hazardous Substances, Noise

The action will not directly, indirectly, or cumulatively lead to significant increases in discharges or emissions of toxic or hazardous substances, to the air or natural environment, or significantly increase the production of noise. Rather, it provides more flexibility in code requirements to incentivize the increased or renewed presence of more ground floor uses within existing buildings in portions of Downtown, Uptown, and South Lake Union urban center neighborhoods. The

different kinds of allowed ground floor uses, such as somewhat more intensive commercial, institutional, research/development, office or food processing/craft work or horticultural uses, conceivably could include those that would generate exhaust emissions to the air, or odors, or generate noise or vibration perceivable from outdoors, or use toxic or hazardous substances in on-site activities. In a worst-case, such emissions might be detectible enough to generate annoyances and related complaints from the public. If this occurred, those uses would be subject to enforcement of City codes that address nuisance complaints and require compliance to abate nuisances. Most probably, any new use that would occupy a Downtown, Uptown, or South Lake Union storefront as a result of this proposal would generate no unusual side effects upon air and noise conditions but would instead conduct their activities normally like other existing and permissible street-level land uses. This would include following established rules with respect to venting of exhaust, controlling noise from their activities, and properly storing any toxic substances they would use, if that is relevant to a use at all. Therefore, such impacts are not probable for most uses as a result of this non-project action, are not likely to be significant adverse impacts if they did occur, and could be avoided and mitigated by established code enforcement practices if they did occur.

Energy and Natural Resource Depletion

The non-project action would not likely generate significant direct, indirect, or cumulative adverse impacts of energy consumption or natural resource depletion. New uses encouraged by the action would tend to occupy existing building spaces where energy systems and other utilities are already present and have been predominantly in use except over the last year or two if they are currently vacant. This means the action would not necessarily lead to greater or lesser energy efficiency in the built environment, or more or less depletion of natural resources than might otherwise occur in the already-built structures. Future occupation of street-level storefronts or second-floor spaces with new uses most likely would be similar in size with or without the action, although there is a possibility that interior renovations could result in larger single uses oriented to the street than under existing codes. If these larger uses did occur, they could possibly contribute to increased energy use intensity than existing uses. For example, if a two-story restaurant space is created, the intensity of energy use conceivably could be greater than that for the existing space, potentially due to details like more total indoor heating demand or presence of more electrical or mechanical fixtures. This would depend on case-by-case circumstances. Otherwise, energy expended to occupy spaces within existing buildings would likely be similar on a site-by-site and cumulative basis with or without the action. To the extent that increased energy use is identified as possible, it is not likely to lead to harmful differential levels of adverse impacts on utility systems that provide energy. Because, in comparison to levels of energy consumption at the neighborhood or urban center level, the potential increases in energy from individual uses or small clusters of such uses would likely occur at negligible-to-minor levels. Therefore, no particular likelihood of localized utility system improvement needs are probable, and significant adverse differences in citywide total energy consumption over the long-term are not projected to occur. Seattle's energy codes, which are becoming progressively more energy-efficient, could also apply.

B. Built Environment

Land and Shoreline Use, Height/Bulk/Scale, Housing, Relationship to Plans and Policies

Existing Conditions

Like many other cities, Seattle is experiencing economic challenges in the post-pandemic period relating to shifts in patterns of employee and customer use of downtown centers. Street-level vacant spaces create or contribute to gaps in the continuity of neighborhoods, and lesser presence of area users and pedestrians. This is contrary to the desirable qualities of pedestrian activity, a mix of uses that invite visitation, and other qualities that establish neighborhood quality and character. Seattle's policies support countering negative trends with positive actions to restore economic vitality and remedy negative trends that threaten the quality and health of neighborhoods. This is especially important in the city's core urban centers (Downtown, Uptown, and South Lake Union) that are the heart of economic activity and are among its densest residential neighborhoods as well.

Parts of these centers are rebounding with renewed employee and customer presence and recovery in tourism visits, but the benefits of these trends are experienced unevenly throughout these urban centers. There remain intermittent vacancies in street-level spaces, with uncertainties about the ability to attract new tenants. These gaps negatively impact the overall vitality of neighborhoods and may limit the availability of goods and services for residents and other customers. This is a critical factor that may affect long-term perceptions about these neighborhoods' attractiveness to host residents, visitors, and employers.

Impact Analysis

The details of this proposed non-project action are not likely to generate significant adverse impacts on land use and shoreline use patterns, directly, indirectly, or cumulatively. This action is not likely to negatively affect the arrangement and combinations of land uses on the ground that could occur within Downtown, Uptown, or South Lake Union. Rather, overall land use patterns at an urban-center level are primarily affected by the existing zoning patterns across the city, and associated factors such as density limits, and other standards that influence or define the shape of buildings and their uses. Therefore, this analysis identifies no probable impacts of overall outcomes of this proposal that would be incompatible with land use plans. The additional street-level uses are currently allowed in zoning that applies to Downtown, Uptown, and South Lake Union in upper floors and other areas where the more limited use allowances currently apply.

As a related finding, the proposed non-project action likely would not lead to substantial amounts of added height/bulk/scale of buildings or related kinds of aesthetic visual impacts, as the action only applies to existing or permitted buildings. As such, almost all related activities generated by the non-project proposal would occur within existing spaces within existing building envelopes. Also, no public views are likely to be significantly adversely impacted by the action. If visual changes at individual sites occurred, they would consist of either tenant improvements that may be visible from the sidewalks within the vicinity of the street-level use, or potentially as minor building additions, if new kinds of proposed exemptions of certain spaces from density limits would allow. These might be in locations that are visually detectable, or they may not. However, to the extent such additions would be enabled they would be subject to other development standards of the Land Use Code that control building bulk and setbacks.

The proposal would enable new ranges of uses that could vary from existing zoning allowances to some degree, by allowing less-active uses along designated pedestrian-oriented streets. As defined in the current Land Use Code, these places where street-level uses are required are places that support a mix of tenants that provide services, goods, facilities or attractions that encourage

visitation by passersby. Often these are in the form of retail establishments, restaurants or similar uses that, when grouped together, tend to increase overall activity and attractiveness of an area for patronage of those uses. Conversely, when an area has a shortage of such uses, pedestrian activity levels tend to be lower and an area may be perceived as less engaging or vibrant. The City's plans and codes tend to support the greater presence of active, pedestrian-engaging uses in targeted locations such as urban village and urban center activity centers, consistent with typical urban planning practices.

However, when circumstances lead to an existing condition that is challenged by the more frequent presence of unoccupied spaces, an adjustment in requirements, as proposed, promotes outcomes that would encourage re-establishing and retaining a greater continuity of presence of a broad mix of kinds of uses. A greater continuity of occupied uses would tend to reduce aesthetically negative appearances caused by vacant street-level spaces, and encourage activity levels that promote neighborhood economic health and improve perceived or actual safety for area users. These kinds of likely positive effects of the proposal on these urban environments would help avoid and mitigate the adverse land use related impacts that would be conceptually possible due to the lesser presence of "active street-level uses" in any given location.

In the specific contexts of the affected neighborhoods:

- **South Lake Union:** The area with required street-level uses today primarily consists of Westlake Avenue north of Denny Way, to Valley Street near Lake Union, and a limited portion of Valley Street and Terry Avenue N. In this area, there are currently intermittent ground-floor use vacancies in newer and older buildings. To the extent that the proposal would lead to establishing or re-establishing occupancy of street-level spaces, the probable outcome would be an improved continuity in presence of tenants and related positive impacts like those in the paragraph above. If the change would primarily affect the area north of Mercer Street, the total amount of potential new occupation would be less (only on a small number of block faces) than if the proposal affected a greater extent of this area.
- **Uptown:** The area with required street-level uses today primarily consists of Mercer Street between Warren Avenue N and 5th Avenue N, and 5th Avenue N from Mercer Street south to Denny Way. In addition, such uses are required in the core of the Uptown neighborhood business district between Queen Anne Avenue N and Warren Avenue N, and between Roy Street and Republican Street. Only the Mercer Street and 5th Avenue N segments are included in this proposal. Of these areas, the proposed strategies would mostly be of use in a few places on Mercer Street, and a few blocks on the east side of 5th Avenue N. Given the prevailing land use patterns and intermittent vacancies of small tenant spaces at street-level, increasing the presence of any kind of street-level use would likely lead to positive impacts by improving the potential range of new tenants in a wider variety of uses, increasing continuity of presence of street-level uses, and the attraction of new visitors and employees to the area.
- **Downtown:** Most areas affected by the proposal currently have intermittent street-level space vacancies that are more concentrated in certain blocks than others. This includes most notably in portions of Belltown, the commercial core, and the retail core. Where they exist (such as along portions of 3rd, 4th and 5th Avenues for example), these vacant uses at worst add to a sense of visual blight and lead to extended areas with reduced availability of businesses to attract regular customers. The corresponding levels of limited pedestrian activity can contribute to a perception of reduced personal safety. Other than a core group

of streets where active street-level use requirements would continue (like Pike and Pine Streets and the Pike Place Market vicinity), the proposal would increase the probability for greater occupation and greater continuity of occupied street-level uses with related potential for positive land use impacts. Given the lack of including Pioneer Square, Chinatown/International District and the Pike Place Market Historical District in this proposal, the choices to recommend new kinds of street-level uses in historic structures would remain in the purview of the historic and special review district boards, based on current codes, as it does today.

Reduced minimum depth of street-level use and street-level use design flexibility. These elements of the proposal are meant to provide increased flexibility that could support the greater presence of street-level uses in smaller or larger configurations. This flexibility could encourage new investments in street-level uses that are either not allowed or are discouraged by the existing code requirements. Examples include:

- The potential for shallow-depth spaces that could support coffee or food “windows” or small shops, likely leading to a greater presence of active street-level uses where they do not exist today.
- Street-level uses that can more easily support multi-level designs by using mezzanine or second-floor levels. This might attract new restaurants or retail stores, that could use existing floor space more efficiently, or encourage space renovations with mezzanine levels that would be discouraged or prohibited by code requirements in a street-level space today. Such flexibility in what is allowed would act as an incentive to encourage new activities and innovative improvements that could help the overall attractiveness of the street environment, including for improved business climate.

These parts of the proposal are likely to generate positive contributions to the mix of uses at street-level over time, which would lead to probable positive land use impacts and not adverse land use impacts.



Floor area exemptions from limits for first and second floor uses. For non-residential development, which is often offices and hotels, the overall size of buildings is regulated by a limit on the amount of floor area that can be built as a non-residential use, expressed using a “floor area

ratio” (FAR). The FAR is defined as the total amount of floor area allowed in a new building, divided by the property’s total area. For example, a zone that allows a building’s total floor area to be 4 times the size of the property has an FAR limit of 4.

The code requires street-level uses along certain streets to encourage local districts with a variety of adjacent uses that will be aesthetically and functionally attractive to pedestrians and customers. This is important to foster interesting and engaging urban environments. To recognize the public value of these street-level uses, the code exempts them from counting against floor area limits. It also exempts other building spaces like those with elevators and mechanical features. Thus, the code’s floor area limits are oriented to regulating the size of the primary intended uses of each building.

The proposal for Downtown, Uptown, and South Lake Union recognizes that street-level uses may be extended to second floors, and removes design-related and floor area limit restrictions that would otherwise discourage or prevent new uses from making use of existing first- and second-floor vacant spaces in existing buildings. This is similar to current code provisions for the retail core that recognize and exempt multi-floor retail facilities like shopping arcades. The proposal would allow a wider variety of activating uses to contribute to positive activity and attractions, and lead to more eyes on the street, promoting safe environments.

For existing buildings using these provisions, the proposal may cause some floor area that was previously subject to the floor area limits to become exempt from counting against these limits. This would technically alter the mathematical accounting for these spaces as either exempt or non-exempt floor area. It may create a new extra amount of usable capacity to develop more floor area in a building, depending on individual site and building sizing. However, this is not anticipated to create any negative implications in relation to past City permit decisions for these buildings, which would not be a subject of review for interim use projects. At most, the extra usable development capacity could conceptually enable an incremental building addition, which may or may not be feasible to pursue depending on the existing physical design of buildings and their ability to support new building addition improvements. The proposal’s primary intent is, rather, to attract new users of underused spaces in the first two floors of existing buildings.

To the extent that building additions could be enabled by the proposal’s floor area limit amendments, if additions did occur they would incrementally add to overall building bulk. This could potentially result in changes in views toward the existing buildings. This would depend on the nature and size of building additions; the relevant added floor area amounts might range from a few hundred to a few thousand extra square feet. Some might occur in places not visible from places adjacent to the buildings, while some others could slightly alter or impair views past a building. Given an estimated low probability of additions occurring, a limited scale of floor area and probable visual change from such additions, and a lack of discernible potential to cause new significant adverse impacts to publicly-protected views (from parks and designated viewpoints), no significant adverse impacts related to these outcomes are identified.

Mandatory Housing Affordability (MHA). Currently, MHA fees for commercial development only apply sparingly to permits involving existing buildings: they only relate to building additions, or change-of-use permits that convert residential uses to commercial uses. The relevant size threshold for these situations is 4,000 square feet of floor area. There is a low likelihood that the proposal would lead to conversions of residential uses to commercial use (due to scarcity of residential uses in or near street-level spaces), or that it would lead to a building addition of greater

than 4,000 square feet. But, if either of these kinds of development proposals did occur, they would continue to be subject to meeting the MHA requirements. Therefore, the proposal does not change the applicability of MHA requirements and would have no impact on MHA funds collection.

Housing

The non-project action is not likely to directly or indirectly impact existing housing, as it addresses spaces in buildings at ground floor, where residential uses in the affected urban centers tend to be not present. It would, similarly, not be likely to induce demolition of buildings containing housing in the Downtown, Uptown, and South Lake Union neighborhoods. The MHA-related discussion above also indicates no particular potential for adverse housing impacts. This determination therefore identifies no probable significant adverse land use-related housing impacts of the proposal.

Cumulative Impacts

Due to the combination of several recent or possible future legislative and regulatory actions, this analysis evaluates the potential implications for cumulative adverse SEPA impacts that could be generated by the following actions from the 2023 State legislative session and under consideration in the Mayor's Downtown Action Plan:

- Seattle's future anticipated Design Review reforms prompted by State House Bill (HB) 1293 (timing to be determined);
- SEPA review reforms prompted by State HB 5412 (revised SDCI Director's Rule 9-2023);
- SEPA review reforms, Downtown residential development threshold for review (Ord. 126843);
- Master Use Permit (MUP) lifespan extension legislation; was exempt from SEPA review; (Council Bill 120674, Council review pending)
- Downtown retail core, Third Avenue rezone (Ord. 126917);
- Belltown hotel use amendments (Ord. 126914);
- Possible legislation addressing "office to residential use" conversion of existing buildings prompted by State ESHB 1042, which is intended to promote housing development and limit code restrictions and impediments to such conversions (timing to be determined).

Potential land use impacts for cumulative impact analysis

	Potential changes to content and frequency of permit reviews	Affects use variety and designs interior to buildings	Affects building size and configuration, exterior design
Street Activation proposal (under review here)	--	Yes	A limited possibility to result in building additions
Design Review reforms prompted by State HB 1293 (under review)	Limit D.R. to one public meeting; objective dev. standards for exterior design	--	Differences in design and configuration are possible
SEPA review interim reforms for residential uses, ESSHB 5412 (see Director's Rule 9-2023)	No SEPA review for resid. uses until 10/1/2025	--	--

	Potential changes to content and frequency of permit reviews	Affects use variety and designs interior to buildings	Affects building size and configuration, exterior design
SEPA review reforms, Downtown residential threshold. Ord. 126843	Given other SEPA interim reforms, this does not have additional effects	--	--
MUP lifespan extension, CB 120674 (Council approved, Dec. 2023)	Yes; one fewer possible review at 3-year mark	--	--
Third Avenue rezone, Ord. 126917	--	Yes	Yes
Belltown hotel amendments, Ord. 126914	--	Yes	--
Possible "office to residential conversion" legislation (under review)	Possible but uncertain	Yes	Potential effect on glazing, facades; oriented to reuse and renovation within existing buildings

The information in the table suggests the following observations, none of which indicate probable implications for significant adverse cumulative impacts:

- Overall, future new developments' permit reviews will be subject to a lesser amount of review steps (such as no SEPA review for residential developments in the approximate two-year interim period, fewer Design Review public meetings).
- This review does not interpret that significant adverse SEPA impacts would occur due to the cumulative effects of these recent and possible or pending actions on City permitting processes. This is due to differing emphases – on existing development (street activation, office-to-residential conversion) versus new development (such as the Belltown hotel amendments); and the primary emphasis on interior uses in existing buildings (street activation, office-to-residential conversion) versus the larger building-shaping implications of Design Review and impact-assessing steps for new building development under SEPA review. In any case, the City's permit processes (Land Use Code consistency review and land use permit decisions) would continue to afford appropriate reviews of building design and the nature of street-level uses for proposals involving both kinds of development proposals: 1) modifications to existing buildings (like the Street Activation proposal) or 2) proposals for new building development. The probability of cumulative adverse land use impacts occurring due to all of the process changes reviewed here is therefore low.
- Example: relationship to Third Avenue rezone properties. Street activation, and potential office-to-residential conversion legislation address possibilities for renovating and adaptably re-using existing Third Avenue buildings with a range of possible outcomes involving retention or possible expansion of existing buildings, and low potential for SEPA environmental impacts. Conversely, Design Review and SEPA reviews address reviews that would shape new buildings, and which could address aspects of the design and exterior appearance of the first and second floors of new buildings during Design Review. However, future possible development applications would still be reviewed against existing code requirements and requirements included in this street activation proposal. This would afford the City the continuing opportunity to assess consistency with City codes and policies. These two development scenarios – renovations of street-level

and second-floor uses within existing buildings versus new development proposals to replace existing buildings – do not overlap with each other, and do not create notable regulatory or policy conflicts.

- Based on the above discussion, for the purposes of this Street Activation non-project proposal SEPA review, the list of adopted and other possible actions are independent actions that are able to be implemented, independently or in different combinations, without any dependency on one another.

Therefore, there is not a reasonable likelihood of probable significant cumulative adverse land use impacts occurring as a result of the Street Activation proposal.

Relationship to Plans and Policies

The non-project action supports interim land use flexibility measures to help restore healthier activity levels in the Downtown, Uptown, and South Lake Union neighborhoods that would contribute to restoration of economic vibrancy, greater public safety, targeted preservation of active street-level use requirements, and other aesthetic and social benefits. These are objectives predominantly aligning with Comprehensive Plan goals and principles relevant to the core Downtown and South Lake Union Urban Centers, such as:

Goal GS G1 *Keep Seattle as a city of unique, vibrant, and livable urban neighborhoods, with concentrations of development where all residents can have access to employment, transit, and retail services that can meet their daily needs.*

Goal LU G9 *Create and maintain successful commercial/mixed-use areas that provide focus for the surrounding neighborhood and that encourage new businesses, provide stability and expansion opportunities for existing businesses, and promote neighborhood vitality, while also accommodating residential development in livable environments.*

Goal DT-G4 (Downtown Areas) Urban Form Goal – *Use regulations in the Land Use Code and other measures to encourage public and private development that contributes positively to the Downtown physical environment by: 1. Enhancing the relationship of Downtown to its spectacular setting of water, hills, and mountains; 2. Preserving important public views; 3. Ensuring light and air at street-level and in public parks; 4. Establishing a high-quality pedestrian-oriented street environment; 5. Reinforcing the vitality and special character of Downtown's many parts; 6. Creating new Downtown parks and open spaces at strategic locations; 7. Preserving Downtown's important historic buildings to provide a tangible link to the past; 8. Adequately mitigating impacts of more intensive redevelopment on the quality of the physical environment.*

Goal DT-G6 (Downtown Area) Retail Concentration Goal - Reinforce the concentrated shopping function of the retail core; preserve the general form and scale of the area; and protect the area from high-density uses that conflict with the primary retail function. Other concentrations of retail activity should be encouraged where they already exist or where such uses are desirable to encourage an active pedestrian environment or focal point of neighborhood activity.

Policy DT-UDP11 (Downtown) Urban Design – *Regulate uses at street-level in certain areas in order to generate pedestrian interest and activity in conformance with policies for the pedestrian environment. Promote street-level uses to reinforce existing retail concentrations, enhance main pedestrian links between areas, and generate new pedestrian activity where*

appropriate to meet area objectives without diluting existing concentrations of retail activity. Promote active and accessible uses at the street-level of new development where it is important to maintain the continuity of retail activity. Consider measures to promote street-level space of adequate size and sufficient flexibility to accommodate a variety of retail and service activities. Encourage incorporation, as appropriate, of street-level uses as part of open space public amenity features provided for a floor area bonus to promote activity and increase public use of these spaces. To encourage active and accessible street-level uses throughout Downtown, consider appropriate exemptions of these uses from floor area limits.

Policy B-P14 (Belltown) Land Use – Promote pedestrian activity through such methods as eliminating “dead spots” of street-level activity.

Policy PS-G4 (Pioneer Square) Economic Development – A diverse and unique community with an eclectic mix of businesses and major community facilities.

Policy QA-P1 (Queen Anne Uptown) Streetscape – Seek to create and maintain attractive pedestrian-oriented streetscapes and enhance Queen Anne’s community character with open space, street trees, and other vegetation.

Policy SLU-P1 (South Lake Union) Neighborhood Character – Encourage the colocation of retail, community, arts, and other pedestrian-oriented activities in key pedestrian nodes and corridors.

Goal LU G11 (Downtown Areas) Promote Downtown Seattle as an urban center with the densest mix of residential and commercial development in the region, with a vital and attractive environment that supports employment and residential activities and is inviting to visitors.

Downtown Neighborhood Plan – Commercial Core, Goal COM-G1 Maintain the Commercial Core as a major employment center, tourist and convention attraction, shopping magnet, residential neighborhood, and regional hub of cultural and entertainment activities.

Historic Preservation and Cultural Preservation

Seattle contains a number of landmarks, properties, and districts that are listed on, or proposed for, national, state, and local preservation registers. In addition, while Seattle today comprises a highly urbanized and developed area, it is also an area with potential for the presence of cultural artifacts from indigenous peoples.

The non-project proposal is not likely to affect whether historic sites or structures might be redeveloped. Existing designated/protected historic sites or structures are effectively protected by current regulations and so they may only be demolished in rare circumstances that occur with consent of the City. The action analyzed in this environmental checklist does not contain provisions that would increase the possibility of future development of new buildings, but rather the renewed occupation of existing street-level spaces that may be vacant or moribund in existing buildings. Thus, there is no probable net difference in the potential for known historic site or known cultural resources to experience demolition-related adverse impacts, comparing scenarios with or without the action.

Most cultural resources at risk from future development in Seattle are in unknown locations due to their being buried under soils, although certain vicinities such as near-shore areas are known to have greater potential for presence of such resources given past activities of indigenous

peoples. The action does not include provisions that alter the likelihood of future development of new buildings occurring in any given location or type of vicinity such as near-shore areas; and there is little or no probability that proposals would lead to additional building coverage or substantial site excavations.

Also, implementation of the action would not affect the strength of the City's regulatory protection of cultural sites or resources if they are discovered during future development, which is also addressed by other State and local regulations, policies, and practices. With or without the action, such processes are mandated to stop construction, assess the resources, and take appropriate next steps for the cultural resources' protection or preservation.

Transportation, Public Services and Utilities

The non-project action is not likely to generate significant direct, indirect, or cumulative adverse impacts on transportation, parking, public services, or utilities.

Transportation

In promoting renewed presence of active and open street-level uses, the action would generate a probable increase in total person trips and vehicle trips to Downtown, Uptown, and South Lake Union neighborhoods. This would represent a gradual, proportional renewal of activity levels and traffic that previously existed in these neighborhoods prior to the pandemic. Given that person-trip and vehicle-trip volumes dropped substantially during the pandemic and have only partially returned to prior volume levels, the effects of the action are not likely to lead to excessive or significantly adverse new levels of congestion in affected streets and transit systems in these neighborhoods. Also, many potential customers of the new street-level spaces would come from returning employees in these neighborhoods of which a substantial portion travel by transit and other non-single-occupant vehicle transport modes, which would temper net increases in vehicle traffic congestion impacts. Also, the probable amount of building area that may newly accommodate the expanded list of uses relative to the overall development existing and proposed in these urban centers would be small. Therefore, the potential differences in automobile traffic generation and impacts to the street system attributable to the non-project action are likely to be negligible-to-minor in magnitude. This is concluded for the entire street network in the affected area, as well as any given vicinity within it. This analysis therefore identifies no likelihood of probable significant adverse transportation impacts.

Public Services

This non-project action would not result in direct impacts relating to public services because it would not result in future development of new buildings at any particular location. Rather, tenant improvements within existing buildings would be the most likely indirect land use activity.

The action could slightly increase total demand and calls for service for police protection and fire/emergency services. However, it should also be noted that the currently vacant spaces in existing buildings were previously occupied and previously generated levels of public service demand. Due to the limited amount of possible added demand that might be generated by newly reoccupied street-level spaces, and the limited extent of potentially affected properties and spaces in Downtown, Uptown, and South Lake Union neighborhoods, no significant adverse impacts to these public services are probable. It should also be noted that, in their existing

closed condition, unused street-level spaces may also generate police and emergency/fire calls to deal with break-ins or other risks of unattended spaces. This means there is a lesser net difference of the action in added call volume potential when compared to the existing situation.

Also, the action may generate slight increases in demand for parks and recreation facilities, transit service, health care, school services and other similar public services. But these would likely have a negligible potential to generate adverse environmental impacts upon these public services, due to the probable limited magnitude of net change in demand the newly activated spaces could generate.

Utilities

This non-project action would not be likely to directly, indirectly, or cumulatively create significant adverse impacts on utilities, due to a lack of probable significant need for different kinds of utility service improvements to serve slightly different ranges or varieties of occupants of street-level spaces. To the extent that vacant building spaces could be reactivated with new uses, there could be upticks in water use on-site and wastewater generated by existing building uses in the affected neighborhoods. However, within the context of these core urban center neighborhoods, the potential difference in total demands on utilities due to a newly re-occupied street-level space would be negligible to minor in magnitude.

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.

- ☒ [X] Determination of Non-Significance. This action has been determined to not have a significant adverse impact upon the environment. An EIS is not required under RCW 43.21C.030(2)(c).
- ☐ [] Determination of Significance. This action has or may have a significant adverse impact upon the environment. An EIS is required under RCW 43.21C.030(2)(c).

Signature: /s/ Date: January 11, 2024
Gordon Clowers, Sr. Planner
Seattle Department of Construction and Inspections