

## SEPA ENVIRONMENTAL CHECKLIST

### ***Purpose of checklist:***

Governmental agencies use this checklist to help determine whether the environmental impacts of your proposal are significant. This information is also helpful to determine if available avoidance, minimization or compensatory mitigation measures will address the probable significant impacts or if an environmental impact statement will be prepared to further analyze the proposal.

### ***Instructions for applicants:***

This environmental checklist asks you to describe some basic information about your proposal. Please answer each question accurately and carefully, to the best of your knowledge. You may need to consult with an agency specialist or private consultant for some questions. You may use "not applicable" or "does not apply" only when you can explain why it does not apply and not when the answer is unknown. You may also attach or incorporate by reference additional studies reports. Complete and accurate answers to these questions often avoid delays with the SEPA process as well as later in the decision-making process.

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.

### ***Instructions for Lead Agencies:***

Please adjust the format of this template as needed. Additional information may be necessary to evaluate the existing environment, all interrelated aspects of the proposal and an analysis of adverse impacts. The checklist is considered the first but not necessarily the only source of information needed to make an adequate threshold determination. Once a threshold determination is made, the lead agency is responsible for the completeness and accuracy of the checklist and other supporting documents.

### ***Use of checklist for nonproject proposals:***

For nonproject proposals (such as ordinances, regulations, plans and programs), complete the applicable parts of sections A and B plus the [SUPPLEMENTAL SHEET FOR NONPROJECT ACTIONS \(part D\)](#). Please completely answer all questions that apply and note that the words "project," "applicant," and "property or site" should be read as "proposal," "proponent," and "affected geographic area," respectively. The lead agency may exclude (for non-projects) questions in Part B - Environmental Elements –that do not contribute meaningfully to the analysis of the proposal.

## ***A. Background***

### **1. Name of proposed project, if applicable:**

2023 ~~Downtown~~ Street Activation legislation

**2. Name of applicant:**

Seattle Department of Construction and Inspections, Office of Planning and Community Development

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

Seattle Department of Construction and Inspections  
700 5th Avenue, Suite 2000  
Seattle, WA 98104  
Contact person: Mike Podowski

**4. Date checklist prepared:**

September 11, 2023

**5. Agency requesting checklist:**

Seattle Department of Construction and Inspections

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

Late 2023.

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

No.

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

None except this environmental 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.**

None.

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

Approval of the proposal by the Mayor and City Council.

**11. Give brief, complete description of your proposal, including the proposed uses and the size of the project and site. 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 proposal is a non-project action that would update and amend various provisions of the Land Use Code, on an interim basis. City departments including Department of Constructions and Inspections (SDCI), the Office of Planning and Community Development (OPCD), and Department of Neighborhoods (DON) are recommending land use legislation to add more flexibility to enable a broader range of uses to occupy streetfront spaces on certain streets with street-level use requirements,

and certain other adjustments in code development standards. This would pertain to the Downtown, Uptown, and South Lake Union Urban Centers, except not including in Pioneer Square or the Chinatown/I.D. neighborhood. During and after the COVID 19 pandemic, these areas lost many businesses that relied on office workers, tourists, recreational visitors, and convention participants, with economic recovery occurring unevenly since 2022. The result is many vacant storefronts, reduced activity on greater downtown area sidewalks, a general reduction in vitality and reduced continuity of occupied uses at ground level.

SDCI has worked with other departments on proposed Land Use Code amendments to temporarily expand the types and varieties of uses that can locate in storefronts along certain streets in these urban centers, to help fill streetfront (and second-floor) use vacancies and promote a better activated street environment. Occupied spaces, in contrast to vacant spaces, would provide benefits like more pedestrian activity, eyes on the street, more engaging street environments, and more revenue for building owners. This could also generate positive momentum for improved street environments and ranges of daily activity that are more inviting to visitors and other area users. During the effective period, a property or business owner of an existing building could apply for a permit to establish a type of use and streetfront improvements that are not typically allowed. The legislation includes the following:

1. **Greater flexibility in types of uses at the street level.** Currently, only the most active types of uses (e.g., retail sales and services, entertainment uses, and bars/restaurants) and a few types of cultural and community facilities (such as libraries, museums, arts facilities, childcare, human services, religious facilities) are allowed by the Land Use Code at street level in several streets within these urban centers. The proposal allows more types of uses, including art installations, ~~co-working spaces~~, gyms, meeting rooms and a range of other office use spaces, research and development laboratories, community centers and similar institutional uses, medical offices, food processing and craft work, horticultural, and non-household sales and service uses like medical labs, restaurant supply stores, and business support services, among others. ~~The list of uses is drawn largely from what is allowed in pedestrian-oriented neighborhood business districts elsewhere in the city.~~ And, 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 allowed 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 design flexibility and more occupancy of spaces on 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 that would allow streetfront uses to include second-floor and mezzanine spaces in them, and also encourage the filling of vacant spaces on second floors of existing buildings, while not counting them as chargeable floor area toward floor area limits. This ability to more flexibly design and program floor space could support new investments in desirable forms of active uses such as multi-floor restaurants, retail spaces, or as part of hotel uses.
4. **~~Duration~~ Durability of permit.** The proposal treats these permits like any other and allows the uses permitted as interim activation uses to remain after the temporary rules expire. The permitted uses would become nonconforming (grandfathered) uses, but could stay in perpetuity ~~but not expand at street level~~, 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 allow a tenant to stay for the long-term, to recoup over time the costs of obtaining permits and making improvements.

5. **Where the temporary flexibility would apply.** The proposal applies 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 Center that have street-level use restrictions.

#### **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;

~~-- In Pioneer Square on most streets with street-level use approvals required (see Figure \_\_\_), an approach that expands street-level use flexibility that also balances historic preservation, if recommended by the DON Director or the Pioneer Square Preservation District (PSPD) Board on a case-by-case basis;~~

#### **South Lake Union**

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

#### **Uptown**

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

**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.**

The non-project action will affect areas in the Downtown Urban Center and South Lake Union Urban Center of Seattle.

### ***B. Environmental Elements***

#### **1. Earth**

##### **a. General description of the site:**

**(circle one): Flat, rolling, hilly, steep slopes, mountainous, other \_\_\_\_\_**

This non-project action has no particular site. Downtown Seattle includes a range of earth forms, ranging from flat to localized slopes, which have been mostly created by extensive past grading and reshaping of original topography. Many of these are retained by

concrete walls or similar abutments that contain the relatively rare areas of land with pervious surfaces.

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

This non-project action has no particular site. A handful of steep slopes, previously altered and largely controlled by manmade features, may be present.

**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 agricultural land of long-term commercial significance and whether the proposal results in removing any of these soils.**

This non-project action has no particular site. Downtown Seattle, South Lake Union, and Uptown Urban Centers includes a range of soils, generally influenced by the area's glacial history and presence of water nearby, including Lake Union.

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

This non-project action has no particular site. While isolated locations in Downtown may have records of unstable soils, this fact is not too relevant to the subject of the proposal, which deals with attracting new users for spaces within existing buildings in the urbanized built environment of Downtown Seattle.

**e. Describe the purpose, type, total area, and approximate quantities and total affected area of any filling, excavation, and grading proposed. Indicate source of fill.**

This non-project action has no particular site. No particular effects of fill soils are expected.

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

No. This non-project action has no particular site.

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

This non-project action has no particular site. The action is not a single project.

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

None proposed.

**2. Air**

**a. What types of emissions to the air would result from the proposal during construction, operation, and maintenance when the project is completed? If any, generally describe and give approximate quantities if known.**

This non-project action has no particular site. The non-project action will not adversely impact construction-phase emissions in a significant manner.

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

No.

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

None proposed.

**3. Water**

**a. Surface Water:**

**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.**

Elliott Bay and Lake Union. This non-project action has no particular site.

**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.**

No. This non-project action has no particular site. Any indirectly related future activity is unlikely to occur within shoreline jurisdiction or need shoreline permits; or would occur within the context of existing buildings that would not lead to additional ground disturbance.

**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.**

None. This non-project action has no particular site.

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

No. This non-project action has no particular site.

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

This non-project action has no particular site. Areas affected by the non-project action are unlikely to be affected by this proposal.

**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.**

No.

**b. Ground Water:**

**1) Will groundwater be withdrawn from a well for drinking water or other purposes? If so, give a general description of the well, proposed uses and approximate quantities withdrawn from the well. Will water be discharged to groundwater? Give general description, purpose, and approximate quantities if known.**

No.

- 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.

None.

**c. Water runoff (including stormwater):**

- 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 non-project action has no particular site. The non-project action will not cause water runoff. See Section D of this checklist for discussion of potential impact concerns related to the non-project action.

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

This non-project action has no particular site. No.

- 3) Does the proposal alter or otherwise affect drainage patterns in the vicinity of the site? If so, describe.

No. This non-project action has no particular site.

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

None proposed.

**4. Plants**

**a. Check the types of vegetation found on the site:**

**deciduous tree: alder, maple, aspen, other**

**evergreen tree: fir, cedar, pine, other**

**shrubs**

**grass**

**pasture**

**crop or grain**

**Orchards, vineyards or other permanent crops.**

**wet soil plants: cattail, buttercup, bullrush, skunk cabbage, other**

**water plants: water lily, eelgrass, milfoil, other**

**other types of vegetation**

This non-project action has no particular site. Downtown Seattle is highly developed but includes a modest variety of tree species in park and sidewalk settings, some limited areas in untended mixes of grasses and plants, and some tended landscaped areas.

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

None. This non-project action has no particular site.

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

None known. This non-project action has no particular site.

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

None proposed.

**e. List all noxious weeds and invasive species known to be on or near the site.**

This non-project action has no particular site. Downtown Seattle includes some variety of noxious weeds and invasive species, but only intermittently due to the highly developed and impervious-surface majority of land coverage.

**5. *Animals***

**a. List any birds and other animals which have been observed on or near the site or are known to be on or near the site.**

**Examples include:**

**birds: hawk, heron, eagle, songbirds, other:**

**mammals: deer, bear, elk, beaver, other:**

**fish: bass, salmon, trout, herring, shellfish, other \_\_\_\_\_**

This non-project action has no particular site. Downtown Seattle has a quite limited range of wildlife species, primarily those animals like birds, squirrels, and rodents that are able to live in dense urban settings.

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

None known. This non-project action has no particular site.

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

This non-project action has no particular site. The City of Seattle includes a wide variety of birds. It is possible that migratory birds fly through or near Downtown Seattle, and migratory fish use Elliott Bay on their way to/from water bodies like the Duwamish River.

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

None proposed.

**e. List any invasive animal species known to be on or near the site.**

None known except typical urban rodent presence. This non-project action has no particular site.

**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.**



This non-project action has no unusual project-specific energy needs. Existing energy sources in existing buildings would likely be re-used by new tenants. See Section D of this checklist for discussion of potential impact concerns related to the non-project action.

**b. Would your project affect the potential use of solar energy by adjacent properties?**

**If so, generally describe.**

No. This non-project action has no particular project site. This non-project action is not likely to generate new net adverse impacts on the use of solar energy on adjacent properties.

**c. What kinds of energy conservation features are included in the plans of this proposal?**

None. This non-project action is not a project proposal and has no plans for particular energy conservation features, other than unavoidable minimum requirements that would pertain to subject kinds of uses that might occur related to the proposal. See the response to Questions 6.a and 6.b above.

**7. Environmental Health**

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

**1) Describe any known or possible contamination at the site from present or past uses.**

The City of Seattle includes a wide variety of sites, some of which include environmental health hazards. Such conditions are regulated by other City and State environmental laws and standards. This non-project action has no particular project site, and would not result in additional environmental health hazards, or be particularly affected by existing contamination of any given site.

**2) Describe existing hazardous chemicals/conditions that might affect project development and design. This includes underground hazardous liquid and gas transmission pipelines located within the project area and in the vicinity.**

This non-project action has no particular project site, and would not result in additional hazardous chemicals or related conditions, or likely be significantly affected by existing presence of hazardous substance infrastructure in any given site.

**3) Describe any toxic or hazardous chemicals that might be stored, used, or produced during the project's development or construction, or at any time during the operating life of the project.**

None known. See the response to Question 7.a.2 above.

**4) Describe special emergency services that might be required.**

None known. This non-project action has no particular site, and would not likely generate added demands for special emergency services.

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

None proposed.

**b. Noise**

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

The action does not have a particular project site. This non-project action is not likely to be affected by area noise phenomenon.

**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.**

The action does not have a particular project site, and thus no potential for site-based noise impacts. See Section D of this checklist for discussion of potential impact concerns related to the non-project action.

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

None proposed.

**8. Land and Shoreline Use**

**a. What is the current use of the site and adjacent properties? Will the proposal affect current land uses on nearby or adjacent properties? If so, describe.**

The non-project action has no particular project site. See Section D of this checklist for discussion of potential impact concerns related to the non-project action.

**b. Has the project site been used as working farmlands or working forest lands? If so, describe. How much agricultural or forest land of long-term commercial significance will be converted to other uses as a result of the proposal, if any? If resource lands have not been designated, how many acres in farmland or forest land tax status will be converted to nonfarm or nonforest use?**

No. The non-project action has no particular project site.

**1) Will the proposal affect or be affected by surrounding working farm or forest land normal business operations, such as oversize equipment access, the application of pesticides, tilling, and harvesting? If so, how:**

No.

**c. Describe any structures on the site.**

The non-project action has no particular project site.

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

No.

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

This non-project action has no particular project site. Downtown Seattle includes a wide variety of zoning classifications, predominantly within the broad category of Downtown zones that range from the densest office core zones, to retail zones, mixed use zones, and special review district zones relating to Pioneer Square, Chinatown/I.D. and Pike Place Market neighborhoods and districts. South Lake Union includes several zoning designations, including most in Seattle Mixed zones.

See Section D of this checklist for discussion of potential impact concerns related to the non-project action.

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

The non-project action has no particular project site. Downtown Seattle and South Lake Union and Uptown are entirely within designated Urban Centers, meaning they are designated for Urban uses.

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

The non-project action has no particular project site. While some properties in edge areas of Downtown Seattle and South Lake Union are in shoreline areas, they are relatively less likely to be affected by the action than other centrally located parts of Downtown and South Lake Union (the most affected portion of South Lake Union is not located within a shoreline-designated area). Where present, the shoreline master program designation in Downtown is predominantly Urban Harborfront.

**h. Has any part of the site been classified as a critical area by the city or county? If so, specify.**

The non-project action has no particular project site. Downtown Seattle and South Lake Union include a variety of sites incidentally located within environmentally critical areas. But few if any of these pertain to properties potentially affected by this proposal. See Section D for more discussion of this non-project action.

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

The non-project action has no particular project site. The action relates to attracting new users with new employees, or attracting reopening of existing businesses, meaning it is likely to increase employment presence in Downtown Seattle and South Lake Union.

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

None.

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

None.

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

None proposed.

**m. Proposed measures to reduce or control impacts to agricultural and forest lands of long-term commercial significance, if any:**

None proposed.

**9. Housing**

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

The non-project action has no particular project site and does not provide housing

units.

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

The non-project action has no particular project site and ~~does~~ is not reasonably likely to not eliminate any housing units during its implementation period.

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

None proposed.

**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?**

The non-project action has no particular project site, and would not be oriented to generating new tall structures. See Section D of this checklist for discussion of potential impact concerns related to the non-project action.

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

While building alterations or additions are a conceivable possibility as a result of this proposal, the non-project action is not likely to lead to substantially altering or obstructing public, protected views. See Section D of this checklist for discussion of potential impact concerns related to the non-project action.

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

None proposed.

**11. Light and Glare**

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

The non-project action would not produce adverse light or glare impacts as a result of its effect on future development. It could attract reopening of businesses along Downtown streets, which would not be considered or predicted to generate light/glare as an environmental impact.

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

No.

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

None.

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

None proposed.

**12. Recreation**

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

There are a variety of designated and informal recreational opportunities in Downtown Seattle. The non-project action has no particular project site. See Section

D of this checklist for discussion of potential impact concerns related to the non-project action.

**b. Would the proposed project displace any existing recreational uses? If so, describe.**  
No.

**c. Proposed measures to reduce or control impacts on recreation, including recreation opportunities to be provided by the project or applicant, if any:**  
None proposed.

### **13. Historic and cultural preservation** [\[help\]](#)

**a. Are there any buildings, structures, or sites, located on or near the site that are over 45 years old listed in or eligible for listing in national, state, or local preservation registers? If so, specifically describe.**

No. The non-project action has no particular project site. See Section D of this checklist for discussion of potential impact concerns related to the non-project action.

**b. Are there any landmarks, features, or other evidence of Indian or historic use or occupation? This may include human burials or old cemeteries. Are there any material evidence, artifacts, or areas of cultural importance on or near the site? Please list any professional studies conducted at the site to identify such resources.**

No. The non-project action has no particular project site. See Section D of this checklist for discussion of potential impact concerns related to the non-project action.

**c. Describe the methods used to assess the potential impacts to cultural and historic resources on or near the project site. Examples include consultation with tribes and the department of archeology and historic preservation, archaeological surveys, historic maps, GIS data, etc.**

The non-project action has no particular project site. See Section D of this checklist for discussion of potential impact concerns related to the non-project action.

**d. Proposed measures to avoid, minimize, or compensate for loss, changes to, and disturbance to resources. Please include plans for the above and any permits that may be required.**

The non-project action has no particular project site. None proposed.

### **14. Transportation**

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

The non-project action has no particular project site. See Section D of this checklist for discussion of potential impact concerns related to the non-project action.

**b. Is the site or affected geographic area currently served by public transit? If so, generally describe. If not, what is the approximate distance to the nearest transit stop?**

The non-project action has no particular project site. See Section D of this checklist for discussion of potential impact concerns related to the non-project action.

**c. How many additional parking spaces would the completed project or non-project proposal have? How many would the project or proposal eliminate?**

The non-project action has no particular project site. See Section D of this checklist for discussion of potential impact concerns related to the non-project action.

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

No. The non-project action has no particular project site. See Section D of this checklist for discussion of potential impact concerns related to the non-project action.

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

No. The non-project action has no particular project site. See Section D of this checklist for discussion of potential impact concerns related to the non-project action.

**f. How many vehicular trips per day would be generated by the completed project or proposal? If known, indicate when peak volumes would occur and what percentage of the volume would be trucks (such as commercial and nonpassenger vehicles). What data or transportation models were used to make these estimates?**

The non-project action has no particular project site. If successful, the non-project action could increase ground-level use and business activity compared to current conditions. As such, new use and business activity could attract new trips by foot and certain increased volumes of vehicular trips. See Section D of this checklist for discussion of potential impact concerns related to the non-project action.

**g. Will the proposal interfere with, affect or be affected by the movement of agricultural and forest products on roads or streets in the area? If so, generally describe.**

No.

**h. Proposed measures to reduce or control transportation impacts, if any:**

None proposed.

**15. Public Services**

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

No. The non-project action has no particular project site. See Section D of this checklist for discussion of potential impact concerns related to the non-project action.

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

None proposed.

**16. Utilities**

**a. Circle utilities currently available at the site:**

electricity, natural gas, water, refuse service, telephone, sanitary sewer, septic system, other \_\_\_\_\_

The non-project action has no particular project site. See Section D of this checklist for discussion of potential impact concerns related to the non-project action.

**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 the immediate vicinity which might be needed.**

The non-project action has no particular project site. See Section D of this checklist for discussion of potential impact concerns related to the non-project action.

**C. Signature** [\[HELP\]](#)

The above answers are true and complete to the best of my knowledge. I understand that the lead agency is relying on them to make its decision.

Signature: \_\_\_\_\_ /s/ \_\_\_\_\_

Name of signee Mike Podowski

Position and Agency/Organization: Manager, SDCI

Date Submitted: September 11, 2023

#### ***D. Supplemental sheet for nonproject actions<sup>1</sup>***

##### **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?**

The non-project action will not directly, indirectly, or cumulatively generate significant increases in discharges or emissions of toxic or hazardous substances, to the air or water, or significantly increase the production of noise. Rather, it would provide more flexibility in code requirements to incentivize the increased or renewed presence of more ground floor uses within existing buildings in portions of the Downtown, South Lake Union, and Uptown urban centers. Such newly re-occupied spaces are unlikely to generate new adverse levels of pollutant discharge to local waters, due to lack of new disturbance in the spaces' improvement actions.

However, to the extent that vacant existing building spaces are reactivated with new uses, there could be upticks in water consumption on-site and wastewater generated at individual buildings. But any such upticks would likely be negligible in the context of all water consumption and wastewater generated by existing building uses in the affected neighborhoods. This checklist also acknowledges that new occupation by certain uses (potentially food processing or craft work as one example) in the worst case could generate odors or air pollutant emissions that would be released into local surroundings through exhaust vents. In the context of these urban centers, such air pollutant emissions would likely be negligible in their potential adverse impacts. But, if odors were excessively emitted by such uses, they would be subject to City enforcement actions, which typically are complaint-based. A similar disclosure is made regarding the worst-case potential for emission of toxic or hazardous substances, even though existing regulations pertaining to the control of these impacts would continue to apply.

While individual uses that might be present could generate noise, the nature of probable uses and their approximate comparability to existing ranges of possible uses from street-level uses, means there is not a substantial potential for higher noise levels that might exceed permissible noise levels. Also, such new uses would also be subject to noise code enforcement if complaints were received.

##### **Proposed measures to avoid or reduce such increases are:**

None proposed.

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

This non-project action will not directly, indirectly or cumulatively create negative impacts on plants, animals, fish, or marine life. This is due to a lack of a likely reason for generating probable adverse effects on plant, animals, fish or marine life elements of the environment. Also, see the response to Question D.1 above. The proposed greater flexibility for uses at the street-level of existing buildings would not increase the size of buildings, would not likely lead to increased disturbance of plant/animal/fisheries habitat in outdoor environments, and thus would not likely lead to greater habitat losses or different kinds or material levels of adverse impacts on these biological resources.

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<sup>1</sup> Reviewer edit comments (G. Clowers) shown as underline and strikeout text in this checklist.



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

None proposed.

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

This non-project action will not directly, indirectly or cumulatively generate negative impacts on energy or natural resource depletion. New uses encouraged by the proposal 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 few years, if they are currently vacant. This means the proposal will 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 already-built structures. However, to the extent that vacant existing building spaces are reactivated with new uses, there could be upticks in energy consumed at individual buildings. This is not likely to lead to harmful differential levels of impact on utility systems that provide energy, because in comparison to levels of energy consumption at the neighborhood or urban center, the increases in energy would likely be at negligible-to-minor levels. This reflects an assumption that the number of building spaces affected by this proposal would be small in comparison to the total inventory of buildings and numbers of occupied spaces in these neighborhoods. See the responses to Questions D.1 and D.2 above.

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

None proposed.

**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?**

This non-project action would not directly, indirectly or cumulatively generate negative impacts on environmentally sensitive areas or resource areas of this kind. This is due to a lack of a mechanism significant direct physical manner for generating these probable adverse effects, or lack of presence of such resources. Most of these natural resources are only scarcely present within Downtown Seattle, South Lake Union, and Uptown, and the action to encourage new uses in existing buildings will not threaten to impact these resources due to lack of leading to physical changes to them. See the responses to Questions D.1, D.2, and D.3 above. With respect to historic or cultural sites, the action will not increase the likelihood that existing historic buildings will be physically affected by allowing the additional proposed uses at street-level. Rather, decisions about proposals for historic buildings or sites will continue to be made by the DON Director or boards tasked with reviewing and recommending actions on permit proposals in the Pioneer Square Preservation District (landmark boards or other historic-related boards if applicable). This includes potential for new uses within or adjacent to an existing historic building or site, where potential impacts related to street-level uses would be in the purview of the DON Director, possibly boards, and City permit reviewers to evaluate and decide if mitigating actions would be needed. This could occur through design review, board review, or other review processes, and would occur consistent with City policies about such impacts and regulatory protections.

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

None proposed.

**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 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, South Lake Union, or Uptown. 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 related to this proposal that would be incompatible with land use plans. The additional street-level uses allowed are currently allowed in zoning that applies to Downtown, South Lake Union, and Uptown 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 and related aesthetic visual impacts, as the legislation 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 would occur, 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. However, to the extent such additions would be enabled they would be subject to other development standards of the Land Use Code.

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 active 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 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 is understandable, to promote outcomes that encourage retaining and re-establishing a greater continuity of presence of many kinds of uses. This tends to reduce aesthetically negative appearances caused by vacant street-level spaces, and encourage activity levels that promote neighborhood economic health and perceived or actual safety for area users. These kinds

of practical, likely positive effects on these urban environments would help avoid and mitigate the 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 5<sup>th</sup> Avenue N, and 5<sup>th</sup> Avenue N from Mercer Street 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 5<sup>th</sup> Avenue N segments are included in this proposal. Of these areas, the proposal would mostly likely be of use in a few places on Mercer Street, and a few blocks on the east side of 5<sup>th</sup> 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:** A majority of areas where the proposed flexibility would apply have intermittent street-level space vacancies that are sometimes more concentrated in certain blocks than others. This includes most notably in portions of Belltown, the commercial core, the retail core, and Pioneer Square. Where they exist (such as along portions of 3<sup>rd</sup>, 4<sup>th</sup>, and 5<sup>th</sup> 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 likely increase the probability for greater occupation and greater continuity of occupied street-level uses with related potential for positive land use-related impacts as described earlier in the response to this checklist question D.5. 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 floor area exemption 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 per the existing code requirements, or are not encouraged due to their consumption of floor area that counts toward density limits. 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 ~~not be possible to design~~ be discouraged or prohibited by code requirements in a street-level space today. Such flexibility in what is allowed acts as an incentive to encourage new activities and innovative improvements that can help the overall attractiveness of the street environment, including for improved business climate.

Thus, 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 conceptually result in changes in views toward the existing buildings. This would depend on the nature and size of building additions; 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 the low probability of additions occurring, a limited scale of 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.

### **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.

**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.

### **Cumulative Impacts**

Due to the combination of several recent or possible future legislative and regulatory actions, this analysis must evaluate the potential implications for cumulative SEPA impacts that could be generated by the following:

- Seattle's Design Review reforms prompted by State HB 1293;
- 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 (Council Bill 120674);
- Downtown retail core, Third Avenue rezone (Ord. 126917);

- Belltown hotel use amendments (Ord. 126914)
- Possible legislation addressing “office to residential use” conversion.

**Land Use topic identification for cumulative impacts**

	<b>Reduced amount, frequency of reviews</b>	<b>Affects use variety and designs interior to buildings</b>	<b>Affects building size and shaping, exterior design</b>	<b>Affects street-level use requirements</b>
Design Review reforms prompted by State HB (under review)	Limit D.R. to one public meeting	--	Differences in shaping, design are possible	Differences in shaping, design are possible
SEPA review reforms for residential uses, ESSHB 5412 (see Director’s Rule 9-2023)	No SEPA review for residential uses until 10/1/2025	--	--	--
SEPA review reforms, Downtown residential threshold (City), Ord. 126843	Given other SEPA interim reforms, this does not have additional effects	--	--	--
MUP lifespan extension (under review)	Yes; one fewer possible review at 3-year mark	--	--	--
Third Avenue rezone	--	Yes	Yes	Yes
Belltown hotel amendments	--	Yes	--	--
Possible “office to residential conversion” legislation (under review)	Possible but uncertain	Yes	Minor potential effect on glazing, facades	--
Street Activation proposal (under review)	--	Yes	A limited possibility to result in bldg. additions	Yes

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 (no SEPA review for residential developments, fewer Design Review public meetings).
- This review does not interpret that 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; 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 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 possibly expansion of existing buildings, and low potential for SEPA environmental impacts. Conversely, Design Review and SEPA review actions address reviews that would shape new buildings, and which could address uses on 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 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's SEPA review, the list of adopted and other possible actions are independent kinds of actions affecting existing structures or future developments that are able to be implemented, independently or in different combinations, likely without creating policy conflicts or unintended cumulative adverse consequences related to land use.

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

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

None proposed, beyond the proposed 36 month effective period for allowing use of the non-project action.

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

The non-project action would not likely directly, indirectly or cumulatively generate negative impacts on transportation or public services within the City of Seattle. This is concluded as insignificant due to the probable relatively small amount of building area that may newly accommodate the expanded list of uses relative to the overall development existing and proposed in the affected urban centers.

New uses in existing buildings may generate additional call volumes by fire/emergency and police service providers, like other typical street-level uses in operation would. However, in their existing closed condition, the existing unused-space situation 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 non-project action in added call volume potential when compared to the existing situation.

This proposal will not directly, indirectly or cumulatively create negative impacts on utilities, due to a lack of probable significant need for utility service improvements to serve either temporary occupants or newly encouraged occupants of existing but vacant street-level spaces.

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

None proposed.

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

No conflicts with environmental protection laws are anticipated.