



Seattle
Department of
Transportation

2019 Cafés in the Public Place Code Amendments and Director’s Rule, and Related Seattle Municipal Code Title 15 Updates

Seattle, Washington

SEPA Checklist

April 1, 2019

STATE ENVIRONMENTAL POLICY ACT (SEPA) ENVIRONMENTAL CHECKLIST

A. BACKGROUND

1. Name of proposed project, if applicable:

2019 Cafés in the Public Place Code Amendments and Director's Rule, and Related Seattle Municipal Code Title 15 Updates

2. Name of applicant:

City of Seattle Department of Transportation (SDOT)

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

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4. Date checklist prepared:

April 1, 2019

5. Agency requesting checklist:

SDOT

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

The code amendments may be considered by the City Council in the second quarter of 2019. The adoption of the Director's Rule will follow.

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

Formalization of two pilot programs. This legislative package formalizes two initiatives that have been operating on a pilot basis: curbside space cafés (known more broadly as "streeteries") and fence-free cafés. While not an expansion of the existing program, this proposal formalizes the review of applications for these two design alternatives.

Re-issuance of Memorandum of Agreement (MOA) with Seattle Department of Construction and Inspections (SDCI). There is an existing MOA between SDOT and SDCI established in 2009 that provides an administrative framework and agreement for the review and approval of café permits. This MOA will need to be updated to reflect the new review thresholds and standards developed in coordination with SDCI for the Cafés in the Public Place Director's

Rule.

Updates to Client Assistant Memo (CAM) 2503 for cafés in the public place. This CAM will be rewritten and reissued, focused mostly on the application process and required application materials, rather than siting or review standards.

Updates to CAMs for uses impacted by changes to siting standards. Due to the change in definitions of corner clearance zone, pedestrian clear zone, and pedestrian straight path, the following CAMs that include those standards will be updated only to reflect these new standards:

- CAM 2501 Sidewalk and Plaza Street-Food Vending
- CAM 2505 Traffic Signal Control Box Artwork Permit
- CAM 2507 Curb Space Food Vehicle Zone Vending
- CAM 2508 Stadium and Event Center Vending
- CAM 2509 Mobile Food Vending Permits
- CAM 2510 Temporary Curb Space Vending

Updates to other Director's Rules impacted by changes to siting standards. Due to the change in definitions of corner clearance zone, pedestrian clear zone, and pedestrian straight path, all Director's Rules that include those standards will be updated at a later date to align with other planned code update activities, including:

- Director's Rule 03-2011: Street and Stadium Vending
- Director's Rule 06-2012: Design guidelines for vending carts and food vehicles permitted by the Seattle Department of Transportation Street Use Division
- Director's Rule 02-2014: Newsstands
- Director's Rule 08-2015: Standards for Issuance or Denial of Street Use Permits for First Amendment Activities

Updates to First Amendment Vending of Merchandise Director's Rule SED 94-2. While the ordinance includes small language updates to the SMC related to First Amendment Vending to clarify language to align with current practice, a related Director's Rule will be developed to further explain this type of vending to align with current practice and case law.

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

None.

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.

Under the existing Sidewalk and Street Use Code, applicants may presently apply for café, vending, merchandise display, and communication cabinet Street Use permits.

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

The proposed amendments will require adoption by the City Council. Future café, vending, merchandise display, and communication cabinet activities will continue to require permits and review as provided for in the Sidewalk and Street Use Code. If located within a

Historical, Landmark, or other Special Review District, approval by the relevant Board may be required.

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.)

This is a non-project proposal that focuses on amending and adding provisions in the Seattle Municipal Code Title 15 relating to cafés in the public place as last updated in 2011 by Ordinance 123659. The also proposal includes related updates to sections of Title 15 to maintain consistency in standards across various permitted uses of the right-of-way, including vending, merchandise display, and communication cabinets.

The Title 15 amendments include:

- Eliminating the setback from residential zoning (50 feet from lots zoned RSL, SF5000, SF7200, SF 9600, LR1, LR2 or LR3) for cafés.
- Updating the definition and dimensions of (1) corner clearance zone (previously corner-curb-radius area), (2) pedestrian straight path (previously pedestrian visual corridor), and (3) pedestrian clear zone (previously pedestrian zone). The pedestrian straight path will become less restrictive in most cases. The pedestrian clear zone minimum width will increase from 5 to 6 feet city-wide, with a higher 8 foot standard on *Downtown Streets*, as defined by and to be consistent with the standards in the Right-of-Way Improvements Manual (also known as Streets Illustrated).
- Updating required setbacks from permitted activities to be consistent with the Right-of-Way Improvements Manual (also known as Streets Illustrated).
- Allowing more SDOT Director and Traffic Engineer discretion to increase the dimensional standards for the corner clearance zone, pedestrian clear zone, pedestrian straight path, setbacks, and clearances when appropriate.
- Allowing applicants to use the process defined in the Right-of-Way Improvements Manual (also known as Streets Illustrated) to apply for reductions from certain siting standards, when deemed appropriate based on context-specific analysis. This will apply to right-of-way uses governed by Title 15.
- Clarifying standards and SDOT authority related to siting and permitting curbside cafés (also known as "streateries").
- Establishing the authority for SDOT to consider permit transfers for cafés in cases of change of ownership; this change will also allow property owners to be the permit holder to facilitate these permit transfers.

- Providing various housekeeping updates to streamline content, clarify language, align language with current practice, and reduce redundancies across Title 15, such as:
 - Establishing that vending “expressive items” (in addition to publications) as protected under the United States or Washington Constitutions as an allowable use of the right-of-way.
 - Establishing that First Amendment vending is not limited to only non-profit organizations.
 - Clarifying that either the owner of the improvement or the permittee shall agree to indemnify and hold harmless the City of Seattle; previously, only the permittee was allowed to do so.
 - Clarifying the intention of the original ordinance for curb space vending and sidewalk and plaza vending as it related to a setback from 9th through 12th grade schools. (i.e., the setback from 9-12th grade schools exists regardless of zoning designation adjacent to vending unit).

Cafés in the Public Place Director’s Rule updates include:

- Establishing the review considerations for “extended cafés,” which would allow cafés to be located outside of the permittee’s business frontage.
- Formalizing a fence-free design option for cafés, including eligibility criteria, furnishing standards, demarcation placement standards, and pedestrian clear zone considerations for this design type.
- Clarifying review and siting standards for curb space cafés.
- Establishing the process by which an applicant may request a deviation from the following standards: corner clearance zone, pedestrian clear zone, pedestrian straight path, and setbacks. It also includes the review criteria considered by SDOT staff when reviewing these requests.
- Establishing guidance on when overhead design elements may be considered, based on site conditions and proposed aesthetic impact.
- Establishing the conditions under which SDOT will consider a permit transfer for existing cafés, including timelines for compliance.
- Clarifying and updating the role of the Seattle Department of Construction and Inspections in reviewing café applications, an existing arrangement originally established by a 2009 Memorandum of Agreement.
- Clarifying the role of SDOT in reviewing café compliance with the American with Disabilities Act (ADA), as it relates to the surrounding public place as outlined in Title II of the ADA.

- Providing additional guidance to applicants related to appropriate aisle dimensions within the café.

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

This is a non-project proposal amending the provisions in the Seattle Municipal Code regarding cafés in the public place (Chapter 15.16) and other permitted uses including vending and merchandise display (Chapter 15.17), and communication cabinets (15.32). These uses pertain to the entire City of Seattle right-of-way including but not limited to: sidewalks; curb space on streets, avenues, ways, boulevards, drives, and places; alleys; and squares, triangles, and plazas that are not privately owned.

Cafés would not be authorized abutting lots zoned RSL, SF5000, SF7200, SF9600, LR1, LR2, or LR3 unless the lot has an RC classification.

Certain vending uses included in these code amendments (sidewalk and plaza vending, curb space vending, mobile food vending, and merchandise displays) would continue to be restricted abutting lots zoned RSL, SF5000, SF7200, SF9600, LR1, LR2, or LR3 unless the lot has an RC classification. Additionally, setbacks from food service businesses, flower businesses, public parks, and business entrances will remain as currently established. The language dictating the setback from 9th through 12th grade schools for curb space vending and sidewalk plaza vending will be updated to better clarify the intention of the original ordinance (i.e., the setback from 9-12th grade schools exists regardless of zoning designation adjacent to vending unit).

First Amendment vending will continue to be allowed in right-of-way with no restrictions based on adjacent land uses in accordance with SMC 15.17.200 and Director's Rule SED 94-2.

Communication cabinets will continue to be allowed in the right-of-way with no restrictions based on adjacent land uses in accordance with SMC 15.32.250 and Director's Rule SDOT 1-2014.

B. ENVIRONMENTAL ELEMENTS

1. Earth

a. General description of the site:

This non-project proposal applies to all of Seattle's public right-of-way, except for right-of-way that abut lots zoned RSL, SF5000, SF7200, SF9600, LR1, LR2, or LR3 in those cases of cafés and certain types of vending (as discussed above in section A.12).

Seattle's public right-of-way consists of flat, rolling, hilly, and steep slopes. All potential sites proposed by this non-project proposal would occur on existing rights-of-way. Topography may restrict some areas from being feasible café, merchandise display, vending, or communication cabinet locations.

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

This non-project proposal applies to all of Seattle's public right-of-way, except for right-of-way that abut lots zoned RSL, SF5000, SF7200, SF9600, LR1, LR2, or LR3 in those cases of cafés and certain types of vending (as discussed above in section A.12). While not encouraged, SDOT does allow café platforms on the sidewalk to offset slopes for areas with a grade of 8% or higher.

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 proposal does not involve construction activity and applies to all of Seattle's public right-of-way, except for right-of-way that abut lots zoned RSL, SF5000, SF7200, SF9600, LR1, LR2, or LR3 in those cases of cafés and certain types of vending (as discussed above in section A.12).

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

Not applicable to this non-project proposal that does not involve construction activity. This non-project proposal applies to all of Seattle's public right-of-way, except for right-of-way that abut lots zoned RSL, SF5000, SF7200, SF9600, LR1, LR2, or LR3 in those cases of cafés and certain types of vending (as discussed above in section A.12).

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

Not applicable to this non-project proposal. This proposal does not involve construction activity.

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

Not applicable to this non-project proposal. This proposal does not involve construction activity.

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

Not applicable to this non-project proposal. This proposal does not involve construction activity.

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

Not applicable to this non-project proposal. This proposal does not involve construction activity.

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.

There is no construction associated with this code amendment.

The indirect effect of this non-project proposal will not result in an increase of emissions to the air. The non-project proposal is intended to establish non-vehicle activity use of the right-of-way and is not expected to have a significant adverse impact on air quality in the City.

The associated amendments to Chapter 15.17 Vending and Chapter 15.32 Communication Cabinets to harmonize siting and mobility standards would not result in any probable significant adverse air quality impacts.

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

Not applicable to this non-project proposal.

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

This non-project proposal will not result in significant adverse emissions or other impacts to air.

3. Water

a. Surface:

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

Several water bodies are near public right-of-way within the City of Seattle.

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

Not applicable to this non-project proposal. This proposal does not involve construction activity.

- 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.**

Not applicable to this non-project proposal. This proposal does not involve construction activity.

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

Not applicable to this non-project proposal. This proposal does not involve construction activity.

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

Not applicable to this non-project proposal. This proposal does not involve construction activity.

- 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.**

Not applicable to this non-project proposal. This proposal does not involve construction activity.

b. Ground:

- 1) Will ground water 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.**

Not applicable to this non-project proposal. This proposal does not involve construction activity.

- 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.**

Not applicable to this non-project proposal. This proposal does not involve construction activity.

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.**

Not applicable to this non-project proposal. This proposal does not involve construction activity.

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

Not applicable to this non-project proposal. This proposal does not involve construction activity.

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

Not applicable to this non-project proposal. This proposal does not involve construction activity.

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

This non-project proposal will not result in significant adverse surface water, groundwater or storm water runoff impacts.

4. Plants

- a. Types of vegetation found on the site:** *[Check the applicable boxes]*

Deciduous tree: alder, maple, aspen, other

Evergreen tree: fir, cedar, pine, other

Shrubs

Grass

Pasture

Crop or grain

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

Water plants: water lily, eelgrass, milfoil, other

Other types of vegetation

Most terrestrial vegetation types listed above could be found in the planting strip or other unpaved portions of the public right-of-way in the City of Seattle, where cafés or other uses may be permitted if siting conditions are met.

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

Not applicable to this non-project proposal. This proposal does not involve construction activity.

That said, siting cafés in the planting strip portion or furniture zone of the sidewalk is allowable, although it has been a relatively rare occurrence to date. There is a chance that a future proposal could involve the removal or alteration of vegetation to accommodate a café within that space. SDOT would review this proposal for appropriateness given the conditions and street design, and in consultation with the SDOT Urban Forestry division, which oversees vegetation in the right-of-way.

The associated amendments to Chapter 15.17 Vending and Chapter 15.32 Communication Cabinets to harmonize siting and mobility standards would not result in any probable significant adverse vegetation impacts.

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

This non-project proposal applies to all of Seattle's public right-of-way, except for right-of-way that abut lots zoned RSL, SF5000, SF7200, SF9600, LR1, LR2, or LR3 in those cases of cafés and certain types of vending (as discussed above in section A.12). There is no endangered species habitat within possible café locations.

All cafés, vending activity, merchandise displays, and communication cabinets are located in a developed, urban environment in paved and landscaped right-of-way. This proposal will not have probable significant adverse impacts to threatened or endangered species.

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

Not applicable to this non-project proposal. This proposal does not involve construction activity.

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

Not applicable to this non-project proposal. This proposal does not involve construction activity.

5. Animals

a. Birds and animals which have been observed on or near the site or are known to be on or near the site: [Check the applicable boxes]

Birds: Hawk Heron Eagle Songbirds

Other: (identify): Birds that are likely to be found in the area include common urban species such as crows, pigeons, doves, starlings, and house sparrows.

Mammals: Deer Bear Elk Beaver

Other:(identify): Mammals that may be found in the project area would include rats, squirrels, and raccoons.

Fish: Bass Salmon Trout Herring

Shellfish Other: (identify) The proposal would not permit uses on the water.

Animals listed above could be found in the planting strip or other portions of the public right-of-way in the City of Seattle where cafés, vending activity, merchandise display, and communication cabinets may be permitted if siting conditions are met.

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

Threatened or endangered species are not expected to be found in the vicinity of the public right-of-way.

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

Seattle's public right-of-way is developed and urban in character.

Seattle is within the Pacific Flyway, one of the four principal north-south migration routes for birds (including Canada geese, herons, and other birds) in North America. The Pacific Flyway encompasses the entire Puget Sound Basin.

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

Not applicable to this non-project proposal. This proposal does not involve construction activity.

Seattle's public right-of way is developed and urban in character. Approval of sites for permitted activities at existing improved urban locations subject to the provisions of this non-project proposal are not expected to result in probable significant adverse impacts to birds, mammals, or fish; birds migrating along the Pacific Flyway; or threatened or endangered species.

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

Invasive species are not expected to be found in the vicinity of the public right-of-way.

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.

Not applicable to this non-project proposal. This proposal does not involve construction activity.

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

Not applicable to this non-project proposal. This proposal does not involve construction activity.

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

Not applicable to this non-project proposal. This proposal does not involve construction activity.

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.

This non-project proposal will not result in probable significant adverse environmental health impacts. The indirect effects of this non-project proposal may occur at the individual project level for cafés, since it is anticipated that program participation will increase slightly as a result of the proposal. The associated amendments to Chapter 15.17 Vending and Chapter 15.32 Communication Cabinets to harmonize siting and mobility standards are not anticipated to result in changes to the current amount of permitted activity in the right-of-way, and thus there are no anticipated project-level indirect impacts.

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

This non-project proposal will not result in probable significant adverse environmental health impacts. The indirect effects of this non-project proposal should not occur at the individual project level because the use of the permitted café space is exclusively limited to restaurant table service per permit conditions.

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 proposal will not result in probable significant adverse environmental health impacts.

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.

This non-project proposal will not result in probable significant adverse environmental health impacts. The indirect effects of this non-project proposal should not occur at the individual project level because the use of the permitted café space is exclusively limited to restaurant table service per permit conditions.

4) Describe special emergency services that might be required.

Emergency medical services, Seattle Police Department, or Seattle Fire Department may respond to requests for service at a potential café site. The fencing design standards established in the Cafés in the Public Place Director's Rule require that access to emergency service fixtures and means of egress must not be obstructed by cafés.

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

This non-project proposal will not result in probable significant adverse environmental health impacts.

b. Noise

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

This non-project proposal does not involve construction activity. Ambient noise typical of urban areas exists in Seattle's public right-of-way.

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 indirect effects of this non-project proposal may cause additional noise associated with proposed approved café activities at the site level. The noise associated with the café are limited to hours of operation and can be anticipated mostly in the summer months and days with mild weather when outdoor dining is appealing to patrons. Amplified sound shall not be used in the café, subject to SMC Chapter 25.08, Noise Control.

The indirect effects of this non-project proposal may cause additional noise associated with additional First Amendment Vending activities at the site level, because we can anticipate more applications now that entities other than non-profits may be permittees.

The associated amendments to Chapter 15.17 Vending and Chapter 15.32 Communication Cabinets to harmonize siting and mobility standards would not result in any probable significant adverse noise impacts because they are not anticipated to result in additional activity in the right-of-way.

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

This non-project proposal will not result in probable significant adverse noise impacts. Amplified sound shall not be used in cafés, subject to SMC Chapter 25.08, Noise Control. The Director of Transportation may, on a site-specific basis, restrict the hours of operation and set noise-related conditions on a café permit as a result of SDOT review of the proposal or public comments received during the application process.

Additionally, SDOT may determine hours of right-of-way use and set noise-related conditions for First Amendment Vending through permit conditions, as established in Title 15 and the current Director's Rule SED 94-2.

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.

This non-project proposal applies to all of Seattle's public right-of-way, which is used for the benefit of the traveling public. Sites within the right-of-way are generally used for purposes associated with transportation and mobility; these are not "land uses" as described in the City's Land Use Code.

This proposal will now allow cafés to be located within 50-feet of but not directly abutting lots zoned RSL, SF5000, SF7200, SF9600, LR1, LR2, or LR3. This proposal will not have any impact on the current land uses on nearby or adjacent properties but will provide more opportunities to all food service businesses to provide outdoor seating in the public place regardless of location. This proposal makes it possible for some cafés to be sited within 50 feet of single family and low-rise residential zoning where they were once prohibited. Any café application received by SDOT undergoes a public notice period during which time information on the proposed café is made available to the public. To mitigate concerns about impacts to these single family and low-rise multifamily residential communities, the public comment period provides an opportunity for soliciting feedback from the local community. These comments are taken into account during the permit decision when evaluating if the site is appropriate for a café and if permit conditions should be added to mitigate community concerns. The Director of Transportation may, on a project-specific basis, restrict the hours of operation and set conditions on a café to better align the proposed activities with neighboring land uses. Based on our analysis, we can anticipate around 20 additional cafés to be applied for and approved in these areas within 50 feet of low-density residential zones as a result of this legislation, making the impact relatively minimal to these areas.

The associated amendments to Chapter 15.17 Vending and Chapter 15.32 Communication Cabinets to harmonize siting and mobility standards would not result in any probable significant adverse land use impacts.

b. Has the 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 non-forest use?

Not applicable to this non-project proposal. This non-project proposal applies to all of Seattle's public right-of-way.

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?

Not applicable to this non-project proposal. This non-project proposal applies to all of Seattle's public right-of-way.

c. Describe any structures on the site.

Not applicable to this non-project proposal. This non-project proposal applies to all of Seattle's public right-of-way.

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

Not applicable to this non-project proposal. This non-project proposal applies to all of Seattle's public right-of-way.

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

This non-project proposal applies to all of Seattle's public right-of-way. City of Seattle's rights-of-way are located adjacent to all City zoning designations.

Consistent with SDOT's current practice, the proposal would not permit cafés or most types of vending in the public right-of-way if: (1) the abutting lot is zoned RSL, SF5000, SF7200, SF9600, LR1, LR2, or LR3 as these zoning designations are defined under SMC subsection 23.30.010.A; or (2) the abutting zoning has RC classification as shown on the Official Land Use Map, SMC Chapter 23.32.

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

This non-project proposal applies to all of Seattle's right-of-way. City of Seattle's rights-of-way are located adjacent to all City comprehensive plan designations.

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

This non-project proposal applies to all of Seattle's public right-of-way. City of Seattle's rights-of-way are located adjacent to all City shoreline master program designations.

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

This non-project proposal applies to all of Seattle's public right-of-way. Some of Seattle's rights-of-way are located in environmentally critical areas.

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

This non-project proposal applies to all of Seattle's public right-of-way. No change in residence or employment in the right-of-way or abutting property is anticipated.

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

This non-project proposal will not have displacement impacts.

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

This non-project proposal will not have displacement impacts.

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

This non-project proposal is intended to achieve greater compatibility with the existing Comprehensive Plan, Pedestrian Master Plan, Move Seattle, and the Right-of-Way Improvements Manual (also known as Streets Illustrated). The proposal is expected to enhance and expand pedestrian use of the public right-of-way.

The Comprehensive Plan and the Pedestrian Master Plan call for transportation improvements, uses, and standards that promote walking in commercial areas. The Transportation element of the Comprehensive Plan includes goals to ensure that transportation decisions, strategies, and investments are coordinated with land use goals and support the urban village strategy. The element also includes goals to design and operate streets to promote healthy urban environments while keeping safety, accessibility, and aesthetics in balance. The proposal is consistent with the urban village strategy to maintain and enhance retail commercial services throughout the city, especially in areas attractive to pedestrians and transit riders, to support concentrations of residential and employment activity with special emphasis on serving urban villages. This is also consistent with the Comprehensive Plan goals to preserve and protect the character of single-family residential areas by continuing to not allow cafés adjacent to lots zoned RSL, SF5000, SF7200, SF9600, LR1, LR2, or LR3.

The Comprehensive Plan also highlights the value in using the "flex zone"—the curb space area of the roadway—for activation purposes, such as curb space cafés, particularly when they support adjacent land uses (Transportation Policy 2.17). This non-project proposal clarifies the authority of the Director of Transportation to issue permits for this type of use.

The Move Seattle 10-Year Strategic Vision emphasizes creating more spaces for people on our streets and sidewalks with the goal of increasing the number of these types of permits by 5% annually, and by 50% by 2025. Cafés are important streetscape elements that encourage public places to linger, are settings for community connection, and increase foot traffic to nearby businesses. By providing additional design and siting opportunities in the form of fence-free cafés, extended cafés, and curb space cafés/, Seattle will likely see additional spaces for people on our streets and sidewalks as a result of these updates.

The Right-of-Way Improvements Manual establishes standards and guidance for designing and building in the right-of-way, specifically related to the City's Land Use Code requirement for street and alley improvements adjacent to new development. This proposal will align Street Use permitting more closely with the standards—including pedestrian clear zone dimensions, appropriate setbacks, and pedestrian mobility clearances—included in the Right-of-Way Improvements Manual.

m. Proposed measures to ensure that the proposal is compatible with nearby agricultural and forest lands of long-term commercial significance, if any:

None. Cafés and other uses of the right-of-way governed by Title 15 Street and Sidewalk Use are located in urban environments in areas with commercial, residential, and mixed land uses, and thus will have no anticipated impact on agricultural or forest lands.

9. Housing

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

This non-project proposal will not provide housing units.

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

This non-project proposal will not eliminate any housing units.

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

Not applicable to this non-project proposal. This proposal does not involve construction activity.

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?**

Not applicable to this non-project proposal. This proposal does not involve the construction of any new structures. The indirect effects of this non-project proposal may occur at the individual project level for cafés, since it is anticipated that program participation will increase slightly as a result of the proposal. The associated amendments to Chapter 15.17 Vending and Chapter 15.32 Communication Cabinets to harmonize siting and mobility standards would not result in any changes to allowable heights of permitted activities in the right-of-way.

The indirect effects of this non-project proposal resulting from permitting cafés would be cafés with fencing up to 42 inches tall in the frontage zone, furniture zone, and curb space. Cafés are not allowed within the corner clearance zone (5 feet from the intersection of sidewalks) and must be an additional 10 feet away from the corner clearance zone when located in the furniture zone. This ensures that all fencing and café activity do not impact sight lines near intersections.

The proposed Director's Rule provides new guidance for cafés interested in design elements that are taller than the 42-inch threshold. There are stringent siting requirements related to these types of structures, particularly in relationship with intersections and crosswalks, as to not impede mobility and critical sight lines.

This proposal formalizes the fence-free design option, which involves installing 6-inch wide markers on the pavement in lieu of fencing. Thus, cafés could be permitted with no proposed structure at all, which would minimize concerns related to aesthetics of structures.

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

The indirect effects of this non-project proposal resulting from permitting uses of the right-of-way is not expected to result in probable or significant impacts to views.

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

This non-project proposal will not result in probable significant adverse aesthetic impacts.

The design guidelines provided for in the Cafés in the Public Place Director's Rule establish the types of materials appropriate for café fencing, with a focus on durability and enhancement of streetscape, including steel, finished wood, and glass. Materials that are not intended for outdoor use or that are not durable are not allowed, such as breakable plastic and unfinished wood. Additionally, fencing is required to be generally transparent, at most 50% transparent throughout the fencing area, to better integrate the café footprint with the surrounding public place.

Applicants interested in café design elements that are taller than the 42-inch threshold now will have access to design guidance in the Director's Rule. These types of designs are only considered when: the design is minimal; the design limits the sense of café privatization; and the overhead element provides an aesthetic benefit, such as pedestrian-scale lighting, or landscaping. No overhead structure is considered that adversely impacts mobility or overly encloses the café space. SDOT may determine if a proposed overhead design aligns with the policy behind the design elements in this rule (i.e., providing additional aesthetic appeal while not sacrificing the activation benefits of open-air dining in the public place). On a case-by-case basis, staff may consult with SDOT Urban Design in making this determination.

By establishing these standards, SDOT is able to more closely ensure that the aesthetics of the fencing and overhead design elements meet a certain standard and are relatively consistent city-wide.

The associated amendments to Chapter 15.17 Vending and Chapter 15.32 Communication Cabinets to harmonize siting and mobility standards would not result in any probable significant adverse aesthetic impacts.

11. Light and glare

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

This non-project proposal will not result in probable significant adverse light or glare issues.

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

This non-project proposal will not result in probable significant adverse light or glare issues.

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

Ambient light and glare typical of urban areas presently exist in Seattle's right-of-way and will not affect the proposal.

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

The indirect effects of this non-project proposal will not result in probable significant adverse impacts requiring the implementation of mitigation measures to reduce or control light and glare. The Director of Transportation may, on a project-specific basis, restrict the hours of operation and set light-related conditions on a permitted use of the right-of-way, as a result of SDOT review of the proposal or public comment received during the application process.

12. Recreation

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

There are parks and other designated and informal recreational opportunities within and near Seattle's public rights-of-way areas.

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

This non-project proposal will not displace any existing recreational uses. The indirect effects of this non-project proposal—through specific café, vending, merchandise display, and communication cabinet sites—will be the amount of sidewalk space available for recreational or mobility purposes to the public due to the proposed changes. The design and siting criteria provided for in this proposal increases the minimum pedestrian clear zone city-wide compared to the current standard, thus mitigating the impact permitted activities have on the public's use of sidewalks for recreation and mobility.

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

The indirect effects of this non-project proposal through specific café sites will not result in probable significant adverse impacts. Despite this, there are two ways that the current proposal will mitigate concerns about impacts to public space available for recreation.

First, this proposal provides new language in the Director's Rule to establish SDOT's authority to limit where appropriate a café's hours of operation and occupation of the sidewalk to minimize impact to the public when cafés are not in use. For instance, SDOT may want sidewalk space to be made available for mobility purposes during café off-season by requiring fencing and furniture to be removed during certain time periods; there is now language in the Director's Rule to guide these decisions.

Second, this proposal does have the potential for increasing the amount of space available for recreation on streets through the formalization of the streatery program pilot. Although streateries—known as “curb space cafés” in the ordinance and rule—

serve as a setting for café seating for restaurants, they are also required to be made available to the public outside of the businesses' hours of operation. Thus, new public space available to all for recreational purposes will be created through this proposal.

13. Historic and cultural preservation

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

There are seven historic districts and over 350 designated landmarks within the City of Seattle. Seattle's rights-of-way lie within historic districts and contain or abut designated landmarks.

- b. Are there any landmarks, features, or other evidence of Indian or historic use of 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.**

This non-project proposal applies to all of Seattle's public right-of-way and a proposed permitted activity may abut landmarks with historic, archaeological, scientific, or cultural importance.

- 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 Archaeology and Historic Preservation, archaeological surveys, historic maps, GIS data, etc.**

Seattle's public right-of way is developed and urban in character and are rarely of consequence when considering cultural or historical preservations. The activities authorized by this non-project proposal will occur in Seattle's public right-of-way and are temporary in nature. The physical impact to the built environment from this proposal on the right-of-way is minimal, with at most the use of platform structures for site-leveling purposes.

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

The indirect effects of this non-project proposal will not result in probable significant adverse impacts requiring the implementation of mitigation measures to reduce or control historical and cultural preservation. Proposed cafés located in Historical and Landmark Districts must comply with the Landmark Preservation Ordinance. Applicants must obtain a Certificate of Approval from the appropriate district prior to permit issuance, and thus must align their café design and operation with the interests of relevant Historical Preservation Boards. When located in Historic Districts, Board approval is required before a Street Use permit may be issued.

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.**

This non-project proposal will apply to all of Seattle's public right-of-way, except for right-of-way that abut lots zoned RSL, SF5000, SF7200, SF9600, LR1, LR2, or LR3 in those cases of cafés and certain types of vending (as discussed above in section A.12).

While cafés are located in a variety of parts of the right-of-way—including frontage zone of sidewalk, furniture zone of sidewalk, curb space, plazas, and alleys—they are universally sited in a manner as to not adversely or unduly impact mobility or safety; the same is true for other uses of the right-of-way included in this proposal with updated siting and mobility standards, including vending and communication cabinets. The review criteria for Street Use permits focus on reducing impacts to traffic by: (1) providing setbacks from alleys, curbs, curb ramps and landings, street fixtures, and intersections; (2) maintaining mobility and access for pedestrians around permitted activity through the pedestrian clear zone and pedestrian straight path provisions; and (3) conforming with Title II of the ADA to ensure access to the public place surrounding permitted activity meet the needs of all users, regardless of ability.

- 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?**

This non-project proposal will apply to all of Seattle's public rights-of-way, except for right-of-way that abut lots zoned RSL, SF5000, SF7200, SF9600, LR1, LR2, or LR3, in those cases of cafés and certain types of vending (as discussed above in section A.12). The Director of Transportation shall review all applications to ensure that the approved site maintains access for pedestrians and setbacks for bus loading zones, and conforms to ADA Title II requirements.

The areas where cafés may be located—adjacent to food service businesses—also tend to be denser commercial districts that are served by public transit. The Cafés in the Public Place Director's Rule outlines scenarios where cafés may be required to have a wider pedestrian clear zone to accommodate higher volumes of pedestrians, including near transit loading zones or on streets in the Frequent Transit Network. Additionally, cafés in the furniture zone will not be sited adjacent to transit stops and curb space cafés cannot be located in transit zones.

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

No new parking spaces will be created with this proposal. Some existing parking spaces will be permitted for use by businesses in the form of curb space cafés. The indirect effects of this non-project proposal will not result in probable significant adverse impacts to existing parking availability. Overall, the number of curb space cafés permitted at this point is not substantial enough to impact parking in the city, with only seven curb space cafés permitted since 2015, when the pilot program was launched.

Per the Comprehensive Plan, there are a variety of competing uses of the "flex zone" area of the roadway, and the surrounding conditions should be taken into account when deciding to allocate space for access for people, access for commerce, activation, storage, or greening the right-of-way. The application process for a curbside café permit is robust, consisting of an informed assessment on the best use of the flex zone given these competing uses. SDOT reviewers take into account local conditions and demand for parking, and coordinate with SDOT's Parking group. The Parking group has an interest in maintaining the amount of parking on streets at a level appropriate for the activity in the area, and will not encourage the change in the curbside use unless it is appropriate for the conditions at hand or other methods of mitigation can be implemented in concert with the proposed café.

- 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).**

The indirect effects of this non-project proposal will not require new roads or streets.

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

Seattle's public right-of way is developed and urban in character. The activity authorized by this non-project proposal will occur in Seattle's public right-of-way. Water, rail, or air transportation may occur in the vicinity of a public right-of-way. However, approval of permitted activities at existing improved urban locations—subject to the provisions of this non-project proposal—are not expected to result in any probable significant adverse impacts to any of the above-listed transportation modes.

- 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 non-passenger vehicles). What data or transportation models were used to make these estimates?**

This non-project proposal will not result in probable significant impacts to vehicular travel patterns. The indirect effects of this non-project proposal may occur at the individual project level for cafés, since it is anticipated that program participation will increase slightly as a result of the proposal. The associated amendments to Chapter 15.17 Vending and Chapter 15.32 Communication Cabinets to harmonize siting and mobility standards are not anticipated to result in changes to the current amount of permitted activity in the right-of-way, and thus there are no anticipated project-level indirect impacts.

In theory, the proposal's resulting increase in café program participation will mean more business will be able to add usable square footage to a food service business' operation, thus increasing their capacity and possibly warranting additional employees and deliveries. This increase would only apply during the months when outdoor seating is provided in cafés (i.e., typically a few months in the summer). Also, considering that the average café is less than 200 square feet, this increase in business capacity is relatively minor.

Another trend might counteract this potential minimal increase in vehicular trips. Cafés are intended to add to public life vibrancy, sense of safety ("eyes on the street" concept), and local economic vitality. Indirectly, this would make neighborhoods be perceived as more walkable, thus encouraging less dependence on single occupancy vehicles. Currently, 322 cafés (representing 83% of all permitted cafés) are located in urban centers and urban villages. These locations have a high concentration of commercial districts, are densely populated, and have ample access to transit as intended by the City of Seattle Comprehensive Plan's urban village strategy. While SDOT does not collect data on the travel patterns of patrons, the geographic concentration of cafés in urban centers and urban villages points to a likely high proportion of patrons that use active transportation modes or transit to access the hosting business, which should mitigate concerns related to additional vehicular trips.

- 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:**

This non-project proposal will not result in significant adverse transportation impacts. The indirect effects of this non-project proposal will be the change to the amount of sidewalk space available for mobility purposes to the public adjacent to permitted activities in the right-of-way. The design and siting criteria provided for in this proposal increases the minimum pedestrian clear zone city-wide compared to the current standard, thus mitigating the impact permitted activities have on the public's use of sidewalks for mobility.

The Director of Transportation shall review all applications to determine if the approved site maintains: pedestrian access around the activity or item in the right-of-way; pedestrian access to business entrances from the public place; a design in compliance with Title II of the ADA; and appropriate setbacks from alleys, bus zones, disabled person parking zones, commercial loading zones, curbs, curb ramps, corners, and street fixtures to not adversely impact pedestrian or vehicular mobility.

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.**

This non-project proposal is not anticipated to result in an increased need for Seattle Fire Department, Seattle Police Department, SDOT, or Seattle-King County Department of Public Health services.

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

It is anticipated that this non-project proposal will not result in probable significant adverse impacts on public services. The Director of Transportation may, on a project-

specific basis, restrict the hours of operation and set other public service-related conditions on a proposed site as a result of SDOT's review of the proposal or public comment received during the application process. In addition, SDOT may revoke a permit—either long-term or temporarily—if it is found to be dangerous, unsecure, or unsafe. The Seattle Fire Department and Seattle Police Department may request that SDOT revoke a permit if a nuisance condition exists.

16. Utilities

a. Utilities currently available at the site, if any: *[Check the applicable boxes]*

- None
- Electricity Natural gas Water Refuse service
- Telephone Sanitary sewer Septic system
- Other (identify)

Seattle's paved public right-of-way is extensively developed and is served by all the utilities listed above except for septic systems. Other utilities available include other communications services, cable television, and Internet access.

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.

This non-project proposal does not involve construction activity. The proposed amendments are not expected to change potential demand for utility services or the specific services to be provided. The indirect effects of this non-project proposal may result in an application for a permit to use electrical lighting for the proposed café footprint. Any potential utility impacts will be addressed on a site-specific basis during the review of the Street Use permit. Café permittees shall be required to maintain the permitted footprint and surrounding place free of all refuse of any kind generated from the café activity.

C. SIGNATURE

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:

Date Submitted:

D. SUPPLEMENTAL SHEET FOR NON-PROJECT ACTIONS

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 proposed amendments to Chapter 15.16 Cafés in the Public Place, Chapter 15.17 Vending, and Chapter 15.32 Communication Cabinets would not result in any probable significant adverse impacts to the public right-of-way. As a result, it is expected that the potential for increased impacts to water, air, noise, or additional release of hazardous substances is expected to not be significant. Greenhouse gas (GHG) emissions have also been considered and no changes to GHG emissions are expected as a result of this non-project action.

Proposed measures to avoid or reduce such increases are:

As discussed above, it is not probable for indirect impacts of this non-project proposal to be significant. Street Use permits can be revoked for failing to comply with the conditions of the permit, such as noise or time restrictions. Any potential impacts from air emissions or noise will be addressed during review of Street Use permit applications on a site-specific basis.

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

The non-project proposal is unlikely to have any effect on plants, animals, fish, or marine life.

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

It is not probable for indirect impacts of this non-project proposal to be significant. Any potential impacts to plants, animals, fish, or marine life will be addressed during review of Street Use permit applications on a site-specific basis.

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

The proposed amendments to the Sidewalk and Street Use Code would not result in any probable significant adverse impacts to energy or natural resources. As a result, the potential for increased depletion of energy and natural resources is not significant.

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

As discussed above, the potential for indirect impacts of this non-project proposal are expected to not be significant. Any potential impacts to energy or natural resource use will be addressed during review of Street Use permit applications on a site-specific basis.

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, flood plains, or prime farmlands?

None of the above-listed areas are located within right-of-way where potential cafés, vending activity, or communication cabinets would be located. As a result, the potential to use or affect environmentally sensitive or protected areas is not significant.

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

The indirect effects of this non-project proposal will not result in probable significant adverse impacts to environmentally sensitive areas or other protected areas.

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?

This non-project proposal is intended to achieve greater compatibility with the existing Comprehensive Plan. The Transportation element of the Comprehensive Plan includes goals to ensure that transportation decisions, strategies, and investments are coordinated with land use goals and support the urban village strategy. There are also goals to design and operate streets to promote healthy urban environments while keeping safety, accessibility, and aesthetics in balance. The Transportation element explicitly highlights the role of right-of-way activation for uses like cafés and vending in Policy 5.10: "build great streetscapes and activate public spaces in the right-of-way to promote economic vitality."

Additionally, cafés contribute to some of the policies outlined in the Growth Strategy element that encourage the use of streets and sidewalks for activation and additional public space. Namely, "encourage innovative street design that expands the role of streets as public spaces and that could include use for markets, festivals, or street parks" (GS 3.24); and "promote well-defined outdoor spaces that can easily accommodate potential users and that are well integrated with adjoining buildings and spaces" (GS 3.25). Cafés help to connect indoor activity with the public realm by providing seating in the right-of-way that makes neighborhoods feel safer and more vibrant.

The associated amendments to Chapter 15.17 Vending and Chapter 15.32 Communication Cabinets to harmonize siting and mobility standards would not result in any probable significant adverse land use impacts.

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

The proposal is consistent with the urban village strategy to maintain and enhance retail commercial services throughout the city, especially in areas attractive to pedestrians and transit riders, to support concentrations of residential and employment activity, with special emphasis on serving urban villages. The proposal is also consistent with the Comprehensive Plan goals to preserve and protect the character of single-family residential areas.

This proposal will allow cafés to be located within 50-feet of—but not directly abutting—lots zoned RSL, SF5000, SF7200, SF9600, LR1, LR2, or LR3. This proposal will not have any impact on the current land uses on nearby or adjacent properties, but rather provide more opportunities to all food service businesses to provide outdoor seating in the public place.

This proposal makes it possible for some cafés to be sited within 50 feet of single family and low-rise residential zoning, where they were once prohibited. To mitigate concerns on

impacts to these residential communities, a public comment period will be made available where the public may submit comments and concerns. The comments received are taken into account during the permit decision to determine if the site is in fact appropriate for a café and if there are be permit conditions that are appropriate to mitigate community concerns. The Director of Transportation may, on a project-specific basis, restrict the hours of operation and set conditions on a café to better align the activities with neighboring land uses.

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

None of the proposed amendments are expected to result in significant increased adverse impacts to traffic, parking, or public services and utilities. One of the indirect effects of the non-project proposal would be the existence of curb space cafés or streateries, which are formalized and clarified through the proposed amendments. Because they are located in the curb space—thus taking the place of a parking spot or two—this proposal could result in increased parking demand in some areas. However, the overall effect to traffic and parking will not result in probable significant adverse impacts.

The associated amendments to Chapter 15.17 Vending and Chapter 15.32 Communication Cabinets to harmonize siting and mobility standards would not result in any probable significant adverse impacts to transportation, public services, or utilities.

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

As discussed above, it is anticipated that this non-project proposal will not result in probable significant adverse impacts on transportation, public services, or utilities. This non-project proposal does not involve construction activity or connections to utility services. The proposal is not expected to change demand for utility services or cause probable significant adverse impacts on public services.

In fact, this proposal is intended to alleviate demand on limited sidewalk space by increasing the required pedestrian clear zone standard. Because Seattle is a rapidly growing city, SDOT needs to ensure that sidewalks can accommodate the activity associated with high pedestrian volumes, transit queuing, and freight and commercial loading uses. As such, this proposal adjusts the siting standards to fulfill the policy objectives established in the Pedestrian Master Plan and better meet the needs of the diverse demands of the transportation network. Specifically, the minimum width of the 'pedestrian clear zone' adjacent to a café (for example) where people walk will increase from 6 feet to 8 feet for cafés located on Downtown streets (as defined by the Right-of-Way Improvements Manual) and from 5 feet to 6 feet for cafés located on all other street types citywide. This increased standard will apply more broadly to all uses of the right-of-way governed by Title 15, including vending, merchandise display, and communication cabinets. This will result in a pedestrian clear zone standard that reflects the relative demand for sidewalk space and aligns siting standards with those used throughout peer cities in North America, such as San Francisco, Vancouver, Los Angeles, Chicago, and Austin.

The proposed amendments would further clarify the requirements for cafés, vending, merchandise display, and communication cabinets to ensure that impacts to pedestrian mobility on the sidewalk are minimized due to these permitted uses. Specifically, these code

amendments ensure that the approved site: maintains access for pedestrians by establishing a wider minimum pedestrian clear zone than what is currently required; maintains an adequate pedestrian straight path to minimize pedestrian zig-zagging in the direct vicinity of the permitted use; maintains minimum setbacks from alleys, bus zones, disabled person parking zones, commercial loading zones, curbs, curb ramps, corner clearance zones, and other street fixtures; and conforms to the Title II of the ADA. The Director of Transportation shall review all permit applications to ensure that the approved site maintains access and required setbacks and may use criteria such as proximity to transit amenities to minimize impacts to transportation.

An indirect effect of this non-project proposal will be that some existing parking spaces will be permitted for use by businesses in the form of curb space cafés (“streateries”), which will not result in probable significant adverse impacts to existing parking availability. The application process for a curb space café permit is robust, consisting of an informed assessment on the best use of the flex zone in the curb space. SDOT permit reviewers take into account local conditions and demand for parking, and coordinate with SDOT’s Parking group. The Parking group has an interest in maintaining the amount of parking on streets at a level appropriate for the activity in the area and will not encourage the change in the curb space use unless, it is appropriate for the conditions at hand or if other methods of mitigation can be implemented in concert.

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 are anticipated with local, state, or federal laws or requirements for protection of the environment.