

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:

2024 Design Review Exemption legislation

2. Name of applicant:

Seattle Department of Construction and Inspections

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:

March 6, 2024

5. Agency requesting checklist:

Seattle Department of Construction and Inspections

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

Mid 2024.

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.

Yes. There are numerous applications outstanding for development proposals that are undergoing a design review process, at various stages in the process. It is possible that these development proposals could opt out of these design reviews, depending on the outcome of the legislative process.

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. The Seattle Department of Constructions and Inspections (SDCI) is recommending land use legislation for an interim period of three years that would forego the Design

Review process for proposals that include residential uses, hotels, or R&D laboratories within the Downtown, Uptown, South Lake Union Urban Centers, and the First Hill portion of the First Hill/Capitol Hill Urban Center. This is intended to encourage new residential, hotel, and R&D laboratories development in urban centers where the City’s Comprehensive Plan supports increasing residential density, jobs, and vibrant mixed-use urban environments.

During the effective period, an applicant would not be required to undergo Design Review for a residential, hotel development, mixed-use development with at least 50% of the gross floor area in residential use or hotel use, or development with R&D laboratory use. A development proposal that includes other non-residential uses such as hotels, offices or other mixes of uses would qualify for the full exemption from Design Review as long as the percent floor area in residential or hotel uses criterion is met. The following table summarizes these criteria.

Projects Eligible Under the Proposal

	Mixed-use (All non-residential uses)	Mixed-use (Residential and non-residential uses)	Residential	Research and Development Laboratory
How the floor area in the proposed development must be used to be eligible under the proposal	At least 50% of the floor area must be in hotel use; the remainder may be a mix of any non-residential use allowed in the zone	At least 50% of the floor area must be in residential use; the remainder may be a mix of any non-residential use allowed in the zone	Up to 100% of the floor area in residential use	Up to 100% of the floor area in research and development laboratory use
Most likely use mix	Hotel, office, retail and entertainment uses	Housing and hotel	Housing -Including buildings with street-level retail and entertainment uses	Laboratory uses may include accessory office use and may include street-level retail and entertainment uses

Exempted development proposals would still be reviewed according to other Land Use Code requirements (and other applicable codes), and be subject to Master Use Permits (MUPs) and building permits. Vesting to the Land Use Code is proposed to occur in advance of the Land Use Code-consistency permit review for a new development proposal.

Development proposals, such as office towers, not meeting the proposed eligibility requirements would not participate in this exemption and would remain subject to the City’s Design Review program.

Ability to waive or modify development standards is evaluated for a range of possible flexibility levels.

The proposal reviewed in this SEPA determination includes a range of possibilities with respect to the ability for the City to waive or modify development standards for projects without Design Review. This includes a spectrum ranging from no waivers or modifications being possible, to accommodating waivers and modifications of certain kinds of development standards in a way that is slightly narrower

than possible under the Design Review program. During the effective period of this proposal, waiver and modification requests would be considered and decided administratively by City staff as part of the City's permit review process. Currently, the range of code departures available through the Design Review provisions is informed by Section 23.41.012 of the Land Use Code.

As discussed for this proposal and in this checklist, waivers, and modifications of development standards would provide flexibility in applying development standards during a permit review process for Master Use Permits.

Currently, departures in a Design Review process under Chapter 23.41 of the Land Use Code allow for a development proposal to not meet the exact minimum or maximum specifications of development standards, if an alternative building design detail is proposed, then evaluated on its merits, and either rejected or recommended for approval by a design review board. SDCI incorporates departure recommendations in approval decisions for MUPs, typically without changing the outcome of any departure that is recommended by the design review board.

Under the proposal, waivers or modifications of development standards would accommodate flexibility for different design solutions responding to unique site circumstances. For example:

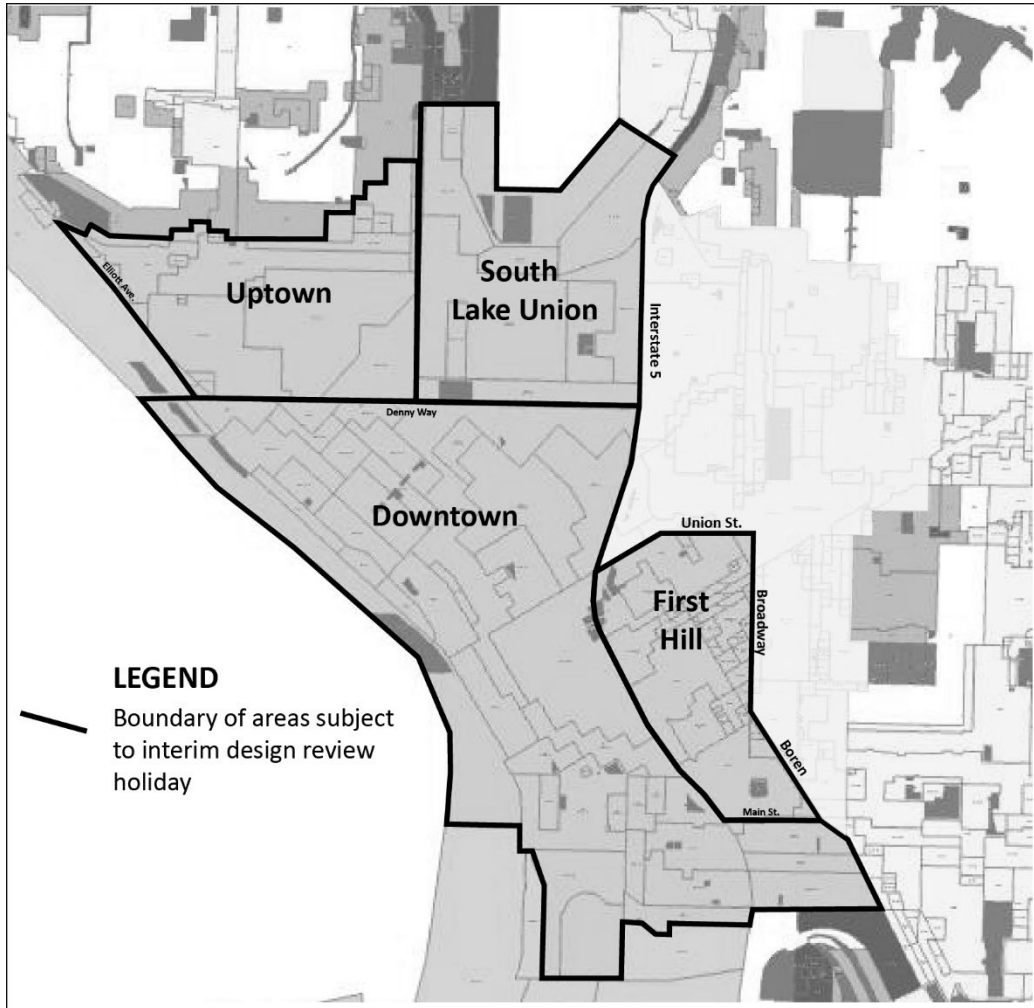
- A development may relate better to adjacent existing building patterns on its block if it is allowed a larger or smaller front or side setback than the code standards otherwise require.
- A limited-size property may necessitate a different mix of indoor and outdoor recreational amenity spaces or different preferable locations for landscaping, including ground floor or upper floor locations, than required by code standards.
- A site may have an adjacent feature such as a bus stop zone or an above-ground power pole, that necessitates a greater setback than otherwise allowed by the code, or alternative layouts of landscaping.
- A requirement for certain categories of retail commercial use to be at ground floor levels may significantly hinder the ability of a development to fully meet its intended purpose such as efficiently providing affordable housing. For example, affordable housing program needs such as space for resident-support services may have a more compelling function and role supporting affordable housing than would commercial retail spaces, due to space limitations and development cost considerations.

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 proposal would apply to most areas in the Downtown Urban Center (except Pioneer Square, Chinatown/International District, and Pike Place Market Historical District areas that are each subject to special review district board reviews), and the South Lake Union and Uptown Urban Centers, and the First Hill "urban center village" neighborhood within the First Hill-Capitol Hill Urban Center. The First

Hill urban center village is defined as the area north of Main Street, east of Interstate 5, south of Union Street, and west of Boren and Broadway Avenues (see Figure 1).

Figure 1
Areas subject to interim design review exemption



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. The affected area includes a range of earth forms, ranging from flat to localized slopes, many of which have been created by extensive past grading and reshaping of original topography. Many of the larger topographic breaks are retained by concrete walls or similar abutments. A majority of the affected area is covered by structures or streets with primarily impervious 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, Uptown Urban Centers, and the First Hill neighborhood include a range of soils, many of which are 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. Limited portions of the affected area may have records of unstable soils, relating to past landslides that may have been affected by the character of the built environment, presence of steep slopes, past grading, or weather-related events.

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 and no specific plans that would result in filling or grading work. Past extensive grading through a large portion of the affected area may have resulted in intermittent presence of fill soils, with a variety of natural soils likely also present at deeper subsurface levels.

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. To the extent that future development could occur in several places indirectly resulting from the proposal, adding impervious surfaces could be possible. However, it is also likely that a majority of potentially affected properties already have impervious surface on them. An estimated net difference in impervious surfaces related to this proposal would be difficult to predict.

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 would not adversely impact construction-phase emissions in a significant manner, or in a differential manner with or without implementation of the proposal.

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. Indirectly related future development activity could occur within shoreline jurisdiction or need shoreline permits, although development in non-shoreline areas would be less likely based on amount of geographic area in the affected area.

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. Filling and dredging of surface water areas or wetlands is relatively unlikely to occur, due to relative scarcity of such resources in the affected area.

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 may include areas within 100-year floodplains of Elliott Bay or the south shore of Lake Union. However, differential outcomes relating to flood potential from future development in the affected area are relatively unlikely to occur in relation to 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. This non-project action has no particular site, and no particular potentially affected locations from future development are known at this time.

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 (street trees)

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 and the other affected urban center areas are fairly densely developed but include 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. The affected area likely 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: rockfish

This non-project action has no particular site. The affected area 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 that may include bald eagles. 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. Future possible new development in the affected area would be subject to updated energy codes that are becoming more stringent over time. 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 additional adverse impacts on the use of solar energy on adjacent properties. Future development would be reviewed per existing code requirements, which either would be slightly more stringent than possible outcomes from today's Design Review processes, or relatively similar with or without the implementation of the proposal.

- 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 may include existing 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 generate differential levels of noise outcomes in future development either during or after construction periods.

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 unique potential for additional site-based noise impacts is identified. 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. The proposal affects parts of four urban centers, which are the densest developed core areas of the city of Seattle. Most properties and most blocks are developed, with a mix of either dense or somewhat less densely occupied patterns of existing residential and non-residential uses in buildings, street and sidewalk environments, and intermittent surface parking lots. See Section D of this checklist for discussion of potential impacts 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. The affected area includes a wide variety of zoning classifications, many 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 and Uptown urban centers include several zoning designations, primarily those in Seattle Mixed zones that accommodate relatively dense non-residential and residential uses. Other zones in Uptown and First Hill include neighborhood commercial (NC) zones, Highrise (HR), and Midrise or Lowrise (MR, LR) multifamily zones, and Yesler Terrace zones (MPC-YT) that accommodate a mix of residential and non-residential uses. 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. The affected areas 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. Some properties in edge areas of Downtown Seattle, South Lake Union, and Uptown are in shoreline areas. Where present, the shoreline master program designation in Downtown is predominantly classified as Urban Harborfront, and the relevant Lake Union edges are in Conservancy designations.

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. The proposal area includes a variety of sites incidentally located within environmentally critical areas, such as steep slopes. 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 changing some aspects of the manner of permit review for future new development. Meaning that with or without the proposed legislation, future development would result in additional residents and employees in the affected area.

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 would not directly cause displacement of existing housing units. See Section D of this checklist for discussion of potential impacts related to the non-project action.

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 does not directly propose new structures. The proposal is not likely to result in differential building height impacts with future development, directly or indirectly. The proposal also would not ~~result in tangible differences in~~ likely constrain what principal exterior building materials may be used in future development in the affected area. See Section D of this checklist for discussion of potential impacts related to the non-project action.

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

In the future, under either the existing codes or the proposed legislation, potential new development actions would affect their immediate visual environments at and near their development sites. The proposal would not directly affect the manner in which future development relates to City policies and regulations governing protection of certain defined public view resources. It is possible that limited degrees of difference in building design and related visual outcomes could occur as a result of the proposal, comparing what is possible with or without the undertaking of the Design Review process. Although, future development with or without the proposal would be subject to typical development regulations as they apply in each zone, affected by for example setback, floor area limits, and other regulations that affected the overall bulk and appearance and

location of new buildings. See Section D of this checklist for discussion of potential aesthetic and view-related impact concerns, including potential differential levels of visual impacts that might be directly or indirectly 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 does not include any particular specific site or development. The non-project action would not likely produce adverse light or glare impacts as a result of any differential effect on future development when comparing scenarios with or without the proposed action.

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 is a wide variety of designated and informal recreational opportunities throughout the affected urban center areas of Uptown, South Lake Union, Downtown, and First Hill neighborhoods. The non-project action has no particular project site. See Section D of this checklist for discussion of potential impacts 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.

The non-project action has no particular project site. There are numerous established historic resources present in several parts of the affected area, as well as other non-landmarked buildings older than 45 years old, and older than the City's minimum age threshold for landmarks of 25 years. See Section D of this checklist for discussion of

potential impacts 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 impacts 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 impacts 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. The affected area contains an extensive network of streets, arterials, and highways fitting its central urban center location and role in the city. Access to future development could occur from almost any street in the affected street network. See Section D of this checklist for discussion of potential impacts 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?**

Yes. The non-project action has no particular project site. An extensive set of bus, streetcar, and light rail transit service is present. See Section D of this checklist for discussion of potential impacts 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 or associated project, and thus no specific new parking count. See Section D of this checklist for discussion of potential impacts 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).**

The non-project action has no particular project site, and would not inherently generate future development impacts in a differential manner that would generate newly needed

improvements to these built transportation system resources. See Section D of this checklist for discussion of potential impacts 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 or specific site development proposed. See Section D of this checklist for discussion of potential impacts 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 or specific site development proposed, nor would it inherently generate future vehicle trip volumes in a differential manner. See Section D of this checklist for discussion of potential impacts 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 or specific site development proposed, nor would it inherently generate future demands for public services in a differential manner. See Section D of this checklist for discussion of potential impacts 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 or specific site development proposed, nor would it inherently generate future demands for public services in a differential manner. See Section D of this checklist for discussion of potential impacts 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 or specific site development proposed, nor would it inherently generate future demands for public services in a differential manner. See Section D of this checklist for discussion of potential impacts 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 Gordon Clowers

Position and Agency/Organization: Sr. Planning & Development Specialist, SDCI

Date Submitted: March 6, 2024

D. Supplemental sheet for nonproject actions¹

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 adverse increases in discharges or emissions of toxic or hazardous substances, to the air or water, or significantly increase the production of noise.

The proposed reduction in permit review process steps as part of any given future development would increase an emphasis on each development meeting minimum code requirements in all or most cases. (Or, in some scenarios, a range of waivers or modifications of development standards would still be possible, which would tend to reduce the difference in possible impact magnitudes compared to the existing condition that includes proposals undergoing the Design Review process.) The proposal would not result in potential for larger maximum floor areas, and may or may not continue to allow waivers or modifications of development standards that could affect the layout of new buildings. The degrees of difference that might be possible in future development either are quite limited in their effect on these kinds of natural environmental impacts, or they would reinforce the need for minimum design performance to satisfy minimum code requirements. The interpreted potential for causing difference in future development projects' impact levels is minimal to minor: this relates to the lack of probable meaningful differences in development outcomes to cause additional significant adverse natural environment impacts to water quality, water quantity, air pollution contributions, noise effects, or use of toxic or hazardous substances.

Proposed measures to avoid or reduce such increases are:

None proposed.

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

This non-project action would not directly, indirectly or cumulatively create differential levels of adverse impacts on plants, animals, fish, or marine life. Also, see the response to Question D.1 above. The proposed reduction in permit review process steps as part of any given future development would not likely generate outcomes tangibly different or adverse for plant, animal, fish or marine life habitats in the affected area. It is difficult to discern whether existing design review processes would result in outcomes with more outdoor landscaped vegetative treatments at ground level, or whether closer adherence to Land Use Code requirements without design review would lead to more such vegetation. It likely would vary from development to development, depending on individual development site characteristics, the neighborhood it is in, and the nature of the exact future building design that would occur. Also, factors like vegetation outcomes in street right-of-way improvements (adjacent to but not on the development site) could be relatively similar with or without the legislative proposal. Given these observations, no substantial difference in adverse plant/animal/fish habitat impacts is ~~predicted~~ identified as probable in this environmental checklist.

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

None proposed.

¹ Reviewer edit comments (G.Wentlandt) shown as underline and strikeout text in this checklist.

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

This non-project action would not directly, indirectly or cumulatively generate ~~negative~~ adverse impacts on energy or natural resource depletion. Either with or without the proposal, future development would be required to meet obligations of City and State energy-related requirements, ~~and~~ which would help avoid or minimize potential impacts on natural resources. If there is an inability to grant waivers or modifications of certain rooftop coverage limits that may relate to provision of energy (such as solar panels), there could conceivably be a net increase in constraining the total ability of a development to provide such features. Or, a development may ~~face~~ a need to resolve building design tradeoffs in what features are placed on building rooftops. 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~~ adverse impacts on environmentally sensitive areas or resource areas of this kind. This is due to a lack of a means (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 the affected area in the urban core of Seattle, and the action to alter permit review processes for future building development would not differentially threaten to impact these resources. See the responses to Questions D.1, D.2, and D.3 above.

With respect to historic or cultural sites, the non-project action proposal would not increase the likelihood that existing historic buildings or historic or cultural resources would be physically affected by future development proposals.

Most cultural resources at risk from future development in Seattle are in unknown locations due to their being buried under soils, although certain vicinities such as near-shore areas are known to have greater potential for presence of such resources given past activities of indigenous peoples. The action does not include provisions that alter the likelihood of future development of new buildings occurring in any given location or type of vicinity such as near-shore areas; and there is little or no probability that proposals would lead to additional building coverage or levels of site excavations.

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

~~Rather,~~ Decisions about proposals for historic buildings or sites would continue to be made by the DON Director or boards tasked with reviewing and recommending actions on relevant permit proposals (landmark boards, special review district 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 historic-related boards and commissions, and City permit reviewers to evaluate and decide if impact-mitigating actions would be needed. This would occur while remaining consistent with City policies about such impacts and the regulatory protections they afford.

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?

Overview

The details of this proposed non-project action are not likely to generate significant adverse impacts on land use patterns or shoreline use patterns, directly, indirectly, or cumulatively. This action is not likely to affect the big-picture arrangement of land use patterns that are present within Downtown, South Lake Union, Uptown, or First Hill urban centers in a significant adverse manner, nor result in adverse land use compatibility impacts or inconsistencies with existing plans for the affected area. Rather, overall land use patterns at a neighborhood or urban-center level are primarily affected by the arrangement of existing zoning patterns within them, and associated factors such as density limits, height limits, and other code development standards that influence the shape of buildings and uses in them. Changing the list of permissible uses, maximum height limits, and density limits are not a subject of this proposal.

The proposal would not affect the ability of property owners to make development proposals with the types of uses they prefer, or affect the overall mix of uses that would be possible in developments within these affected urban center areas. This includes for numerous varieties of non-residential uses for commercial, institutional, research and development (R&D) laboratory, production, sales and service; and various forms of multifamily residential uses ranging from townhouses to small- or mid-scale multifamily apartments or condominiums, to such uses in taller tower forms.

Future development could also consist of mixes of these kinds of uses. The design review exemption would apply if mixed-use developments would be comprised of at least 50% gross floor area in residential uses or hotel uses, or are for single-purpose residential or hotel developments, or include R&D laboratory use. Or, despite the availability of an exemption from design review, an applicant could still choose for their development proposal to undergo design review.

Within the context of future individual developments, the foregoing of a design review process as part of permit review would affect potential future SEPA land use-related impacts in ways that are relatively minor in magnitude. Differences in future building design and siting outcomes would largely relate to qualitative variations in external aesthetics, building bulk and shape, and relationships to adjacent streets and properties that could be different but only in relatively modest ways. More precisely, the differences in potential land use adverse impacts, with or without the legislative proposal, would be either minimal (because all or most existing departures from code standards under today's Design Review program could still be available as waivers or modifications of development standards under the proposal), or would cause an exempted development proposal to more closely hew to existing Land Use Code development standards, due to the availability of only a restricted list of waivers or modifications from code development

standards. For the latter scenario, development outcomes would then tend to be relatively consistent with the City's preferred outcomes for the built environment as expressed through code regulations and related underlying policies in the City's Comprehensive Plan. This would tend to minimize the potential for land use-related impacts to occur. See more discussion below about the comparison of potential impacts.

The absence of Design Review during a roughly 3-year period for residential, hotel and R&D laboratory developments (and certain mixes of uses including these uses) could plausibly incentivize developers to pursue development with the uses sooner than they otherwise would, or it could incrementally encourage them to pursue development of these uses instead of other uses. The proposal to allow a project's Land Use Code vesting date to occur prior to a Land Use Code-consistency permit review for new development proposals could similarly act as an incentive for development proposals to proceed, because it may provide greater timeliness to the Land Use Code development permit review process, and greater assurance about the Land Use Code regulations that would pertain to a development proposal. In this way, the proposal could have a small incremental effect of encouraging a greater concentration of residential, hotel or R&D laboratory uses in the affected area urban centers than might otherwise occur. However, this is not deemed an adverse impact because all of those uses are compatible with the planned future land use for the areas. Policies and goals for Seattle's Urban Centers encourage those uses – especially residential uses.

Existing Condition: What applicants can request as departures in the Design Review process

Developments participating in the existing code's Design Review process may ask for and obtain relief from development standards, which can afford the ability to relate differently to the adjacent streets and surroundings than would otherwise be allowed by meeting the Land Use Code's development standards. In most cases, developments approved through Design Review may allow one or more of the following kinds of variations from code development standards:

Types of departure-related topics – varying from:

Bulk and siting of development

- Upper level setback and modulation requirements
- Ground-level setbacks requirements
- Minimum building podium façade heights
- Rooftop coverage limits in relation to mechanical or energy features, mechanical penthouses and top-of-building form
- Site coverage limits (ground floor or upper)
- Building width limits

Uses and features not related to bulk and siting

- Minimum required percent presence of street-level uses along building façade(s)
- Minimum required depth of street-level uses
- Required street-level use types
- Minimum percent transparency and maximum blank façade requirements, which may address constraining situations such as sloping sites
- Slope, width, location of garage/vehicle entry
- Overhead weather protection

- Minimum amount of open space amenity and landscaping, ground level
- Maximum percent of outdoor open space amenity that is covered by overhead building features
- Percent of required amenity/open space area provided indoors vs. outdoors
- Locations for and accessibility to utility spaces such as solid waste storage space.

In recently reviewed examples from the urban centers affected by this proposal, alternate designs accommodated by design-review departures tend to be designed to enhance the local setting, and are typically supportive of achieving net benefits in urban design outcomes, such as an improved overall sidewalk environment through provision of aesthetic amenities or greater widths of walkable areas. These are admittedly subjective interpretations of the design, aesthetic, and functional values that can be accomplished through design review, based on interpretation of recent design-reviewed development proposals.

Also, certain departures may accommodate design solutions to overcome a significant constraint to meeting a minimum requirement. These can be caused by lots' size dimensions or access difficulties, which can affect floor layouts of buildings. Similarly, ground-level commercial use spaces like cafes may be difficult or impossible to locate along a building façade due to physical limitations at the site, such as sloping topography; thus, relief from provision of some building features that would otherwise be minimum requirements can occur.

Comparison of land use impacts, scenarios with and without Design Review

In contrast to the existing conditions where code departures can be requested and reviewed through the Design Review process, the proposal is to not conduct a Design Review process for developments including housing. And, providing either no ability to request waivers or modifications of development standards, or a ~~degree of~~ limitation on what waivers and modifications may be requested to be considered by a City permit reviewer. This SEPA analysis means to evaluate the potential impacts in “bookended” fashion for the range of options decisionmakers have in amending codes. The range of options could allow either no waivers or modifications from code requirements outside a Design Review process, or could allow certain kind of waivers or modifications outside of a Design Review process in either a more limited or less limited fashion.

If no code waivers or modifications of development standards are accommodated by the proposal, a development proposal with no Design Review would be expected to meet the Land Use Code's minimum development standards, which by definition would be compliant with the City's preferences for physical relationships of building bulk and street-level use features and other amenity qualities. This scenario would reasonably ensure a development outcome consistent with the City's preferences at a micro level (individual site and surroundings) and a macro level (the cumulative effects on the larger neighborhood or urban center context). The City requirements directly influence the character of future development and its overall compatibility with its surroundings.

If only a certain range of code waivers or modifications were intentionally allowed, adjustment in those aspects of a development would continue to be possible. These might include flexibility in building podium (street-level and near-street-level) setbacks varying from minimums, or upper-level facades extending into areas where the code would require a setback, and details about the

characteristics of open space amenity spaces provided, amount or arrangement of landscaping, relative presence (amount) of ground-level active uses, variety in types of ground-level uses, and possibly reduced presence of windows in those areas.

The highest level of possible code waivers or modifications outside Design Review would be to continue accommodating the full range of Land Use Code departures defined today, informed by Section 23.41.012 of the Land Use Code. This code section describes several kinds of Land Use Code requirements for which departures are not possible, or are possible only to a limited degree. If this occurred, a broad range of Land Use Code waivers or modifications could continue to approximate the flexibility allowed for design-reviewed proposals, and thus development outcomes could be fairly similar to what occurs today.

The with-Design Review and without-Design Review cases suggest a comparison of qualitative differences that can be summarized as:

- Scenario A: a building that undergoes Design Review, which may not fully meet all development standards but might have design-related qualities that are better-than-minimum in terms of aesthetics of architectural concept, amenity value, or functional physical qualities; and
- Scenario B: a development without Design Review that fully or mostly meets required minimum code standards and qualities as expressed by City policies and regulations, with a limited amount or no waivers or modifications possible from Land Use Code development standards.

The proposed action analyzed in this checklist lies between Scenarios A and B in the amount of flexibility to code standards. This would apply to development with residential uses (in single purpose or in mixed-use developments), or hotel developments, or mixed-use developments where hotels are the largest use in gross floor area, or developments including R&D laboratory uses.

Scenario B

If few waivers or modifications of development standards are permitted, Scenario B would result in future development that approximately meets Land Use Code development standards and thus complies with the intent of City regulatory codes for development.

- There appears to be little if any potential for Scenario B to result in probable significant adverse SEPA land use-related impacts such as incompatibilities among adjacent uses or cumulative impacts such as significant harms to the quality of the built environment.
- Designing a development to occur within a Land Use Code-required physical envelope and otherwise meet code requirements may affect how architects design buildings (in some cases imposing constraints, inefficiencies, or design challenges for the development itself), but is not expected to lead to SEPA land-use related adverse impacts.
- There appears to be no meaningful potential for adverse environmental impacts with respect to public view protection, and potentially a slight reduction in the potential for worst-case future development outcomes to result in public view impairment, due to anticipated code-compliant outcomes.

The Proposal

The proposal includes a relatively broad list of possible subjects for waivers and modifications

from Land Use Code development standards, most of which address aesthetic design aspects, or address siting constraints, or would enable efficiencies to be achieved in functional features of buildings, like alternate locations and characteristics for vehicle access. This is an intermediate level of code flexibility that addresses several but not all of the development standards currently available through the Design Review program.

- Under the proposal, future development outcomes would be mostly similar to outcomes allowed by the Design Review program today, due to the ability to obtain code waivers and modifications that are only modestly narrowed compared to today's design review departure capabilities. Therefore, the relative lack of difference in potential building design outcomes compared to existing conditions would tend to limit the potential for adverse SEPA land use impacts to occur, on a project-by-project or cumulative impact basis.
- Building bulk-related Land Use Code waivers or modifications would continue to have the greatest potential for noticeable differences in building shapes and sizes, such as allowing taller or shorter building bases, or more slender or bulkier, or simply-shaped or more complexly-shaped towers than would be accommodated by fully meeting the minimum requirements of the Land Use Code.
- Other kinds of Land Use Code flexibility may result in differences in building outcomes that are less noticeable to passersby, if they have somewhat less than a minimum amount of a required feature, or that feature is adjusted in its minimum provision at a given development. This could result in increased variety of physical features at street level in any given area, such as a more limited area of façade with windows at ground floor. If these differences occurred in an extensive fashion, they could be interpreted as adverse outcomes if they resulted in lengthier stretches of blank walls or unoccupied or less-occupied ground-level on new structures. However, similar to today, such waivers and modifications for future developments would be evaluated by City staff on their merits and either approved, disapproved, or lead to changes in building design before they would be approved.

In some parts of the affected urban centers, requirements to build structures to front and side property lines would likely continue to occur in places where that is required such as selected portions of Downtown Seattle. An example is the Downtown retail core, where property-line façade requirements on a majority of this area's streets help maintain consistencies of appearance that reinforce the dense urban qualities and continuity of uses adjacent to sidewalks in the core of the central business district.

Because the proposal is for developments including residential or hotel uses (single-purpose developments or as the majority use in a mixed-use development), or developments including R&D laboratories, and is for an interim period, the probable magnitude of cumulative adverse qualitative impacts, if there are any, would be limited to the effects of individual buildings probably intermittently located across Seattle's densest core urban centers in and around Downtown.

Estimated Number of Development Projects

Available data indicates approximately 46 development proposals with residential or hotel uses originated in the last 5 years (Fall 2018 – Fall 2023) and underwent or began Design Review in the

affected area.² In addition, approximately 9 non-residential development proposals included laboratory components. For the proposed interim period of 3 years going forward, maintaining this recent pace of proposals would translate to an estimated 25 to 35 residential and mixed-use developments that might occur. This estimate encompasses mixed-use developments that may include a combination of residential and hotel uses as well as stand-alone hotel developments, other hotel-dominated-with-nonresidential mixed use combinations, or developments including research and development laboratories. Residential and hotel combinations may be most likely in the zones allowing high-rise towers, where these uses may be complementary. Mixed-use development dominated by hotels may occur in high-rise or mid-rise scaled developments. Stand-alone hotel developments may be most likely in zones with mid-scaled height and density allowances.

This level of potential effect on amount of future development, and either no adverse land use impact potential or a minor or limited potential for differences in development outcomes at any given affected property, would not likely result in significant cumulative adverse land use impacts. This includes with respect to impact topics like public view protection (from public viewpoints designated in Chapter 25.05 of the Land Use Code), which would not experience new adverse impacts due to the continuing need for future development to meet minimum requirements of the code or be afforded many of the same code departures that are possible to receive today.

Data from the recent development proposals with residential uses in the affected area yield the following observations about topics related to Land Use Code departures granted during the Design Review process under existing codes and practices.

1. The 46 residential and hotel-related development proposals received approximately:
 - a. 40 total individual code departures for code requirements involving regulation of building bulk and siting (such as increased or reduced setbacks or different sizing and locations allowed for portions of buildings); and
 - b. 48 total individual code departures for code requirements not related to building bulk and siting (such as reduced minimum requirements for ground-level uses, provision of landscaping, the amount of wall area with windows or blank spaces, or adjustments in automobile access, parking, or weather protection features).
 - c. The average development with residential or hotel uses sought and received 2 departures, 1 each among those that could affect building bulk and those that would not.
 - d. Some development proposals needed no departures, while others received more than one departure of these different categories.
2. For the sake of comparison, non-residential developments such as stand-alone office buildings requested more Land Use Code departures than residential or mixed-use developments. Non-residential developments on average sought and received nearly 4 departures, of which typically 3 involved departures from building bulk-related requirements, and 1 involved changes not related to building bulk requirements.
 - a. Among the 9 non-residential development proposals that included laboratory components, 42 total departures were proposed, which averages out to 4-5 departures per development.

² The recent-projects data included 5 hotel-residential use development proposals among 44 developments tallied with residential uses. Two other stand-alone hotel development proposals are also noted, bringing the total evaluated here to 46 development proposals.

Among these, most were for bulk-related departures, in proportions similar to other non-residential developments.

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

None proposed.

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 adverse demand-related impacts on transportation or public services or public utilities within the City of Seattle. This relates to:

- A lack of a substantial probable difference in total floor area for any given development (because the proposal would not include increases in total floor area density allowances);
- Either a lack of difference in probable outcomes related to location of vehicle access improvements compared to existing practices (that may receive departures during Design Review), or a future development outcome that complies with code requirements addressing vehicle access;
- The future developments' conformance to code requirements, including being responsive to utility-specific situations that could be present in a site vicinity.

One example of the latter situation is building setbacks that are required as conditions of approval to keep a building a minimum distance away from above-ground power poles if those are present. Another example is continuing today's permitting process that includes reviews by the City's service providers leading to solid waste storage facilities and collection services that will be functional and serve the development.

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.