

NOTICE OF LAND USE CODE AMENDMENTS FOR “FILLING VACANT DOWNTOWN STOREFRONTS” DETERMINATION OF NON-SIGNIFICANCE

Pursuant to SMC 25.05.340 and WAC 197-11-340

The City of Seattle proposed a non-project action in the first quarter of 2021, to update provisions of the Land Use Code addressing vacant streetfront uses in Downtown and South Lake Union on an interim basis, pursuant to RCW 36.70A.390. The legislative proposal, subsequently adopted in Ordinance 126421, temporarily expands the types of uses that can locate in Downtown and South Lake Union building storefronts to help fill vacancies and promote active streets, pursuant to RCW 36.70A.390. While in place, a property or business owner can apply for a permit to establish a type of use that is not normally allowed. The actions include the following:

1. **New types of uses at the street level.** The action allows more types of uses, including art installations, co-working spaces, community centers, medical offices, and light manufacturing uses among others. These uses are drawn largely from what is allowed in pedestrian-oriented neighborhood business districts elsewhere in the city.
2. **Temporary flexibility to support recovery.** The ordinance is in place for 12 months, the maximum amount of time allowed under state law for temporary/interim land use regulations that are proposed with a work plan.
3. **Duration of permit.** The action treats these permits like any other and allows the use to remain after the temporary rules expire. The permitted uses will become non-conforming, meaning they could stay in perpetuity but not expand at street-level.
4. **Where the temporary flexibility would apply.** The action applies to areas Downtown and in South Lake Union with street-level use restrictions, including the Retail Core (between Virginia and University Streets) and in Belltown (along 1st/2nd/3rd Avenues). There is a customized approach for the Special Review District in Pioneer Square to balance preservation, opportunities for recovery in the short term, and lasting economic health:
 - **Pioneer Square.** The action expands the types of uses allowed as a Special Review, once approved by the DON Director or the Pioneer Square Preservation District (PSPD) Board on a case-by-case basis, including office use subject to size limits. It also clarifies which types of spaces located slightly above or below street-grade may be considered "street-level."

ENVIRONMENTAL DETERMINATION

After review of a completed environmental checklist and other information on file, the Seattle Department of Construction and Inspections (SDCI) has determined that the amendments described above will not have a probable significant adverse environmental impact, and has issued a Determination of Non-Significance (DNS) under the State Environmental Policy Act (no Environmental Impact Statement required).

HOW TO COMMENT

Comments regarding this DNS or potential environmental impacts may be submitted through November 15, 2021. Comments may be sent to:

Other Land Use Action for publication in the Seattle Services Portal (LUIB) & DJC on November 1, 2021

City of Seattle, SDCI
Attn: Gordon Clowers
P.O. Box 94788
Seattle, WA 98124-7088
gordon.clowers@seattle.gov

HOW TO APPEAL

Appeals of the decision to issue a Determination of Non-Significance (DNS) must be submitted to the Office of the Hearing Examiner by 5:00 p.m., November 22, 2021. Appeals should be addressed to the Hearing Examiner and must be accompanied by an \$85.00 filing fee in a check payable to the City of Seattle. The appeal must be sent to:

City of Seattle
Hearing Examiner
PO Box 94729
Seattle WA 98124-4729

INFORMATION AVAILABLE

Copies of the DNS and the proposal may be obtained online at Changes to Code - SDCI | seattle.gov. (The SDCI Public Resource Center is currently closed due to public health emergency.)

Questions about the proposed amendments and the environmental determination can be directed to Gordon Clowers, SDCI Senior Planner, at gordon.clowers@seattle.gov.