



City of Seattle

Gregory J. Nickels, Mayor
Department of Planning and Development
D. M. Sugimura, Director

**CITY OF SEATTLE
DETERMINATION OF NON-SIGNIFICANCE BY
THE DEPARTMENT OF PLANNING AND DEVELOPMENT**

Applicant Name: Susan McLain for the Department of Planning and Development

Address of Proposal: Sand Point Overlay District

SUMMARY OF PROPOSED ACTION

The proposal is to amend the Land Use Code to change Chapter 23.72 of the Seattle Land Use Code governing the Sand Point Overlay District.

The following approval is required:

SEPA - Environmental Conditions - Chapter 25.05, Seattle Municipal Code.

SEPA DETERMINATION: Exempt DNS MDNS EIS

 DNS with conditions

 DNS involving non-exempt grading, or demolition,
or involving another agency with jurisdiction.

BACKGROUND DATA

Background

The Parks Department manages Sand Point Magnuson Park which is the site of a former naval station. Development within the western portion of the former naval station—Sand Point—is regulated by the provisions of the Sand Point Overlay District, adopted in 1997, and the underlying single family and lowrise zoning. The remainder of the site—Magnuson Park—is regulated by the underlying single family zoning and the Shoreline Master Program. The two portions together comprise Sand Point Magnuson Park.

Since adoption of the Overlay District in 1997, daily usage of Sand Point Magnuson Park has increased, and activity patterns have changed. During this time, the City and the community have refined plans for Sand Point Magnuson Park. The Parks Department has indicated that several uses and development standards not included in the existing Sand Point Overlay District were identified in the Sand Point Physical Development Management Plan.

Proposal Description

The proposal includes six components:

- 1) Amend the Sand Point Overlay Map for greater clarity, and expand the overlay district boundary to include Building 27 (see proposed map, above).
- 2) Amend the list of permitted uses within the single-family portion of the Sand Point Overlay District. Specifically:
 - a) Eliminate “police training facility” as a permitted use within the single family zone of the Overlay District, as this use is no longer anticipated.
 - b) Add eight permitted uses within the single family zone of the Sand Point Overlay District:
 - Animal health services;
 - Dry boat storage, limited to storage of non-motorized, hand-launchable boats such as kayaks, canoes, and sail boats;
 - Motion picture theater, not to exceed 500 seats within Building 47;
 - Offices, limited to 144,000 total square feet;
 - Performing arts theater;
 - Pet grooming services;
 - Restaurant, limited to no more than 2,000 square feet per establishment;
 - Retail sales and services, general, accessory to other uses within the district and limited to 6,000 square feet per establishment.
- 3) Allow new structures to be constructed on the historic location of buildings subject to review by the Sand Point Historic Preservation Coordinator, retaining the requirement that open space between structures be maintained.
- 4) Allow one new structure for an indoor and outdoor tennis center outside the historic location of buildings up to 45’ in height.
- 5) Allow limited rooftop structures on existing buildings to extend up to fifteen feet above the finished roof grade, including on buildings that exceed the current residential height limit.
- 6) Add a new section that identifies the size and type of permitted signs consistent with the Sand Point Magnuson Park Design Guideline Manual and the Sand Point Historic Properties Reuse and Protection Plan.

Public Comments

Proposed changes to the Land Use Code require City Council approval. Public comment will be taken on the proposed amendments during future Council hearings.

ANALYSIS - SEPA

The initial disclosure of the potential impacts from this project was made in the environmental checklist dated October 25, 2007. The information in the checklist, a copy of the proposed text changes, the Director's Report and Recommendation, and the experience of the lead agency with review of similar legislative actions form the basis for this analysis and decision.

Short-term Impacts

Future construction activity that indirectly results from the proposed amendments will be required to follow regulations of the Puget Sound Air Pollution and Control Agency, the state Department of Labor and Industries, and other State and local agencies. These regulations include controls such as water sprays to minimize dust, laydown fabrics to preserve water quality, and minimizing air pollution due to idling trucks.

The renovated Building 11 would house the proposed permitted marine uses. Renovation of this structure would occur within 200 feet of the Lake Washington shoreline, and would therefore likely require a Shoreline Substantial Development Permit (23.60.020). Future work at the existing pier and proposed boathouse will follow shoreline Best Management Practices to prevent debris and construction.

Temporary intermittent noise associated with renovation of buildings will be regulated by the City's Noise Ordinance, and would occur during daytime hours. In general, development of the Sand Point campus will result in increases in noise levels to due to voices, automobiles, heating and ventilation equipment and the like. However, these noise levels are not expected to be greater than the site-generated noise during the Navy's recent occupation of the property.

All the buildings at Sand Point contain asbestos and lead-based paint. In all situations where these structures will be demolished or renovated, mitigation of potential impacts will be achieved through compliance with applicable regulations.

Construction or demolition of structures that exceed the City's SEPA threshold (4,000 sf in single-family and lowrise zones) would require additional environmental review and identification of impacts, and could lead to specific mitigation to reduce or eliminate short-term adverse environmental impacts of individual projects.

Long-term Impacts

The proposed changes to the Land Use Code would expand the uses allowed in the single family-zoned portion of the Sand Point Overlay District. Other changes would increase the size of permitted signs within the Overlay District, allow rooftop structures on existing buildings that exceed current residential height limits, identify the size and type of permitted signs, allow construction of new structures on the historic location of buildings, and expand the boundaries of the Overlay District.

None of these proposed amendments will result in significant adverse environmental impacts. Potential long-term impacts are discussed below.

- Air

Long-term air emissions are not expected to increase as a result of newly permitted uses in the overlay. Pursuant to the transfer agreement with the Federal government, the Park is for public park and recreation purposes. Other allowed uses would be accessory to these functions, and are unlikely to lead to increased mobile source emissions. None of the newly-allowed uses is expected to be a particular source of air pollutants.

- Drainage and Water Quality

Stormwater at Sand Point discharges into Lake Washington through a stormwater collection system. Because the proposal will not substantially alter the amount of impervious surface at Sand Point, the overall volume of runoff is not expected to differ from existing conditions. No drainage or water quality impacts are anticipated from the proposed action.

- Energy

Gradually, all Sand Point structures that undergo renovation and reuse will be converted from an inefficient central steam heating system (made inactive in 1999) to efficient natural gas systems. All buildings undergoing substantial renovation will be required to comply with the Seattle Energy Code and Washington State Energy Code, which addresses all electric and mechanical systems, lighting, window glazing, and insulation requirements. The proposed modifications to the overlay district will not alter these required energy improvements, and are not expected to have adverse energy impacts.

- Environmental Health

The uses that would be newly-allowed in portions of Sand Point are unlikely to generate significant environmental risks. Some building occupants, such as arts-related uses, use and store materials such as paints, cleaning solvents, or various chemicals commonly associated with their proposed uses. These are unlikely to result in significant adverse impacts to the environment, human health or the surrounding community.

- Noise

Most of the proposed uses are indoor activities and therefore are unlikely to present significant noise impacts. Noise associated with non-motorized, hand-launchable marine uses is comparable to other boat house uses in the city (at the University of Washington and the Center for Wooden Boats), and does not appear to present potential significant impacts. Noise generated by most activities at Sand Point is regulated by the City's Noise Ordinance.

- Land Use

The uses proposed to be allowed in the single-family zone portion of the overlay district are consistent with the Sand Point Amendments to the City of Seattle Comprehensive Plan, as reflected in Ordinance #118622. Additionally, control of allowed uses and sizes of uses is shared with the Federal Government, which retains oversight of allowed uses through provisions of the property transfer agreements between the Federal Government and the City of Seattle. These documents state that “this property shall be used and maintained for public park and recreation purposes in perpetuity”. Given these controls, it is anticipated that the additional uses allowed through the proposed action in single-family zoned portions of the overlay district will be accessory to the primary purpose of Sand Point as a public park and recreation area.

Along the shoreline, uses allowed through the proposed overlay district amendment would be regulated by the provisions of the Shoreline Master Program, which generally would limit impacts from proposed development. A small portion of the site in the North Shore Recreation Area, including the pier, boathouse and northern portion of Building 11 is within 200 feet of the Lake Washington shoreline. This area is regulated by the Conservancy Management classification which generally allows recreational uses consistent with the proposal.

- Height, Bulk and Scale

The amendment proposes to allow an additional fifteen feet to the height of buildings in the overlay to house rooftop equipment that will accommodate current building code and mechanical requirements. Although the height and, to a lesser extent, the bulk of individual buildings may increase due to this code provision, the overall impact throughout the overlay district will be small, both because the additional height will be allowed over no more than 30% of the rooftop area, and because structures are located on a relatively small portion of the overall land in the district. Similarly, allowing a tennis center to develop up to 45’ in height will have a limited districtwide impact; the specific height, bulk, and scale impacts of this structure would be identified through individual project environmental review.

- Historic Preservation

The transfer of property at Sand Point from the Federal Government to the City of Seattle included historic preservation covenants, which require that plans be reviewed with the Washington State Historic Preservation Officer prior to initiation of any construction, alteration, remodeling, demolition or other action that would materially affect the integrity or appearance of historic resources at Sand Point. This level of review will mitigate potential historic preservation impacts of the proposed overlay district amendments.

- Public View Protection

The increased height allowed for both rooftop mechanical equipment and the tennis center may result in partial view blockage of Lake Washington and of the Cascade Mountains, both identified as significant natural features in the City’s SEPA Ordinance (SMC 25.05). The SEPA View Protection Policy specifies public places from which views of such features are to be protected. Sand Point Park itself is one such public place. Although views of Lake Washington and the Cascades may be altered by increased building height allowed by the text amendment,

such views within Sand Point Park primarily are located east of the overlay district, and would not be affected by the proposed action.

Sand Point Way NE adjacent to the Sand Point Overlay District is identified as a scenic route with protected views. Most views from this road are unlikely to be obstructed by increased development pursuant to the text amendment, as many structures are fairly close to the road, and already obstruct views of the Cascades and Lake Washington; increased rooftop coverage will not change this. To the extent such height increases on buildings set back from the road may result in occasional view obstruction, the limitation on rooftop coverage will minimize the overall impact. Potential view blockage by a future tennis center will be considered as part of the project-specific environmental review of that proposal.

- Light and Glare

The proposed code changes would establish specific signage standards within the Sand Point Overlay District; currently, these standards are set by the underlying zone. The new standards would allow more and somewhat larger signs than are currently allowed, particularly in the single-family zoned areas. To the extent that these signs are illuminated, they may have light and glare impacts on neighboring properties, as described below.

The majority of the additional signs that would be allowed by the text amendment are on-premise signs. It is expected that these would be used by specific buildings and tenants to provide information about the activities and uses at the particular building. As most building facades are not adjacent to public rights-of-way, but rather are internal to the campus, illumination from these signs would be directed away from off-site receptors. To the extent light and glare impacts result from the illumination of such signs, these impacts would largely be confined to Sand Point Magnuson Park itself.

The text amendment would allow two illuminated reader board signs located either along Sand Point Way NE or NE 65th Street. The maximum size of these signs would be 36 square feet. Such signage is allowed for public elementary and secondary schools in single-family and multi-family zones, with similar size limits. These reader board signs may have some off-site light and glare impacts, depending the location and orientation of the signs and the proximity of nearby structures.

The text amendment requires that when any illuminated sign is located within 50 feet of a residential use, the illumination will be turned off by closing hours for Parks facilities at Sand Point Magnuson Park. Additionally, illumination from signs must conform to SMC 23.55.016, "Light and glare from signs," which requires light sources to be shielded from adjacent lots. These provisions will reduce the potential off-site light and glare impacts noted above. Given these mitigations and the relatively small number of sites that might be affected by light and glare from these illuminated signs, the proposed text amendments are not expected to have significant light and glare impacts pursuant to SMC 25.05.675 K.

- Transportation and Parking

In general, the proposed text amendments to the overlay district would not result in substantial transportation or parking impacts. New uses would be located in existing buildings, or in new buildings in substantially the same location as existing buildings; thus, the general amount of building area will remain relatively constant. Additional traffic volumes could result from more intense uses within existing buildings, particularly for uses such as offices and restaurants. However, as noted above, the property transfer agreement from the Federal government limits primary uses within the overlay district to “public park and recreation purposes”. As stated by the Parks Department, the primary function of Sand Point is as a center of recreation, education, arts, cultural and community activities. As such, new uses allowed by the text amendments are not expected to attract substantial volumes of trips that were not already destined to Sand Point.

The Director’s Report notes that the Sand Point Reuse Project FEIS (1996) estimated a total parking demand of 1,409 vehicles. The overlay district contains 2,582 parking spaces, for an excess supply of almost 1,200 spaces. The new uses allowed by the text amendment may generate additional parking demand; however, as with traffic, the accessory nature of these uses suggests that most parking demand will be associated with existing uses on the site, and that the new accessory uses likely will not produce substantial new demand for parking. To the extent that parking volumes do increase, the estimated excess supply of almost 1,200 spaces is expected to easily accommodate any such increases.

The text amendments are not expected to produce significant adverse transportation or parking impacts. To the extent that newly-permitted uses are located in new structures exceeding the 4,000 square foot SEPA threshold, project-level environmental review will be conducted to identify particular impacts, including transportation and parking.

Conclusion

The proposed code amendments to change sections of the Land Use Code pertaining to permitted uses and development standards in the Sand Point Overlay District are not expected to have substantial adverse impacts. Short-term noise and traffic impacts could result from construction related to overall renovation of Sand Point facilities per the Sand Point Physical Development Plan. Further, community use of the Sand Point campus is expected to increase over time. However, both these short-term impacts and increasing use by the community in the future likely would occur with or without the proposed changes to the overlay district standards. As described above, many potential impacts will be eliminated or reduced due to the accessory nature of new uses allowed in portions of the overlay districts. Other impacts will be mitigated by proposed development standards, such as maximum rooftop coverage limits. Environmental impacts for development projects exceeding SEPA thresholds will be identified and mitigated as appropriate during project-specific environmental review. Overall, no significant adverse environmental impacts are anticipated from the proposed amendments.

DECISION – SEPA

This decision was made after review by the responsible official on behalf of the lead agency of a completed environmental checklist and other information on file with the responsible

department. This constitutes the Threshold Determination and form. The intent of this declaration is to satisfy the requirements of the State Environmental Policy Act (RCW 43.21C), including the requirement to inform the public agency decisions pursuant to SEPA.

Determination of Non-Significance. This proposal has been determined to not have a significant adverse impact upon the environment. An EIS is not required under RCW 43.21C.030 2c.

Determination of Significance. This proposal has or may have a significant adverse impact upon the environment. An EIS is required under RCW 43.21C.030 2c.

RECOMMENDED CONDITIONS – SEPA

None.

Signature: _____ (signature on file) Date: November 1, 2007
John Shaw
Department of Planning and Development