



City of Seattle

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

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

Applicant Name: City of Seattle
Address of Proposal: Seattle Center (East), City of Seattle

SUMMARY OF PROPOSED ACTION

The proposal is a legislative action to rezone an area east of the Seattle Center from C1-65' to NC3-85' (Commercial 1 with a structure height limit of 65 feet to Neighborhood Commercial 3 with a structure height limit of 85 feet.)

The following approvals are required:

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

City Council Action, Type V – Chapter 23.76, 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

Existing conditions

The subject property is a roughly triangular, approximately 13 acre site, bounded by Mercer Street to the north, Broad Street to the east, and Fifth Avenue to the west. Harrison Street, which is open, runs in an east and west direction through the lower third of the site. Vacated portions of the following rights-of-way are also located within the site: Republican Street, Taylor Avenue North and Sixth Avenue North. The entire site is currently zoned C1-65': Commercial 1 with a structure height limit of 65 feet.

The site includes the approximately 12.5 acre site known as the Seattle Center Fifth Avenue parking lot, located east of Fifth Avenue between Mercer and Harrison Streets, and an approximately half-acre, triangular-shaped block south of Harrison Street. The Seattle Center Fifth Avenue parking lot is currently developed and used as a surface parking lot for the Seattle Center, and also includes a recycling center, skate park and a basketball court (to be removed). The Seattle Sonics practice facility is located in the northwestern corner of the Fifth Ave. parking lot site, and has a lease for the property through September 2010. The block south of Harrison Street is developed with a restaurant/lounge, a small office building, and surface parking.

The site is generally flat, with a slight gradient (approximately 5 percent or less) downward from northeast to southwest. There is a mapped, steep-slope environmentally critical area (ECA) on site, however, this may be a vestige of previous grades and does not appear to reflect actual site conditions.

Surrounding zoning includes NC3-85' to the west (across Fifth Avenue) and southeast (across Broad Street), and NC3-40' to the north (across Mercer Street). Surrounding development includes the Seattle Center to the west, and smaller scale office uses, surface parking, a lodging use and the Broad Street substation to the southeast. To the north, across Mercer St., the uses include small scale office, retail, surface parking, lodging, some warehouse and light industrial uses, and an apartment building (northwest of the site).

PROPOSAL

The Department of Planning and Development (DPD) is proposing to rezone the subject site from C1-65' to NC3-85' (Commercial 1 with a structure height limit of 65 feet to Neighborhood Commercial 3 with a structure height limit of 85 feet.) The purpose of the rezone (as stated in the Director's Report) is to: ". . . provide opportunities for the development of key sites along Fifth Avenue North from Mercer Street to Broad Street – development that would attract new business or institutional enterprises and support the Seattle Center." Generally, development in NC3 zones is intended to be somewhat more pedestrian-oriented than development in C1 zones, per the locational criteria found in the code at SMC Chapter 23.34.

The current proposal is to rezone the property, only. No development is proposed at this time. The Seattle Center will be applying, shortly, for a parking garage to be located on the southwest portion of the Seattle Center Fifth Avenue parking lot. However, the parking garage application is separate from this proposal and does not rely on the rezone (since the parking garage would be permitted under either the C1-65' or NC3-85' zoning.)

Public Comments

Proposed legislative rezones require City Council approval. Public comment will be taken on the proposed rezone during future Council hearings.

ANALYSIS - SEPA

The initial disclosure of the potential impacts from this proposal was made in the environmental checklist dated March 9, 2005, prepared by DPD Policy and Code Development staff. The information in this checklist, the DPD Director's Report and Recommendations, information provided by DPD's Code Development staff (including the January 2005 Addendum to the Seattle Center 2000 Master Plan Environmental Impact Statement, and a March 2005 Zoning Study prepared by NBBJ), and the experience of the lead agency with review of similar legislative actions form the basis for this analysis and decision.

Short-term Impacts

As a non-project action, the proposed amendment will not have any short-term impact on the environment. Future projects affected by this legislation and subject to SEPA will be required to address short-term impacts on the environment.

Long-term Impacts

Long-term impacts may result from some or all of the proposed rezone. Although significant adverse impacts are not expected, discussion of SEPA environmental policies for height, bulk, and scale; land use; public views; and shadow impacts is warranted. As with short-term impacts, mitigation of project-specific long-term impacts will be provided as appropriate at the time of environmental review of individual permit applications.

Height, Bulk and Scale

The City's SEPA policies for height, bulk and scale state that the height, bulk, and scale of development projects should be reasonably compatible with the general character of anticipated development, and should provide for a reasonable transition between areas of less intensive zoning and more intensive zoning. The policies also attempt to reinforce Seattle's natural topography. The height, bulk and scale of development projects following the proposed rezone is expected to be reasonably compatible with the general character of development anticipated by the policies implemented by the Land Use Code. The proposed rezone would result in a maximum of 20 additional feet of height from the current 65-foot height limit to the proposed 85-foot height limit.

As noted above, the property is surrounded on the west, south and east by NC3 -85' zoning. To the north, across Mercer Street, the zoning is NC3-40'. Mercer St. is a major arterial with a width of approximately 80 feet at this location. This transition, from NC3- 85 to NC3 40' already occurs along the northern and northwestern boundaries of the Seattle Center.

In developing the proposed rezone recommendation, DPD staff relied in part on a Zoning Study prepared for the site by NBBJ in March 2005. This analysis graphically depicts the proposed change in height through the use of sections, massing diagrams and shadow studies. One section drawing, Section B, runs north/south through the site illustrating the height transition across Mercer St. and south to John St.

The additional height and bulk of new development allowed by the proposal would not substantially change the transition among zones within the neighborhood. The site is currently bounded by NC3-85' zoning on three sides. The most noticeable transition likely will be between the site and areas of NC3-40' zoning along Mercer Street to the north. Although some increased height and bulk may be noticeable in this location, the transition largely will be mitigated by the 80-foot width of Mercer Street, and any additional building setback provided along the northern property line of the site. The Mercer Street arterial would provide effective separation between the subject site and parcels with 40' height limits.

On an individual basis, projects will be evaluated for their height, bulk, and scale impacts at the time of project review. As a result of the proposed change from C1 to NC3 zoning, new projects which exceed the SEPA threshold will also be subject to Design Review.

The additional height and bulk of development allowed by the proposal is reasonably compatible with the other types of development allowed by the zoning in the neighborhood. No adverse impacts related to the height, bulk and scale of development from the proposed amendments are expected.

Land Use

In March 1999, City Council adopted portions of the Queen Anne Neighborhood Plan (including the Uptown Urban Center where the subject property is located) as amendments to the Seattle Comprehensive Plan. The DPD Director's Report cites several pertinent policies, including policies promoting pedestrian-oriented development and supporting the Seattle Center as a vibrant community resource. Although policies regarding future rezones were not adopted as part of the QA Neighborhood Plan, the proposed rezone is consistent with the Plan's goals for development of the Seattle Center and the neighborhood and is therefore consistent with the Comprehensive Plan.

The intent of the proposed rezone, as stated above, is to provide development opportunities for the subject site and attract new business or institutional enterprises that would support the Seattle Center. Generally, development in NC3 zones is intended to be somewhat more pedestrian-oriented than development in C1 zones. Permitted uses in NC3 zones are generally less intensive than those permitted in C1 zones. For example, heavy commercial uses, general manufacturing and towing services are permitted in C1 zones, but prohibited in NC3 zones. In addition, projects that exceed SEPA thresholds in NC3 zones are subject to Design Review, unlike projects located in C1 zones. For all of these reasons, no adverse land use impacts are expected to result from development according to the proposed rezone.

Public Views

It is the City's policy to protect public views of significant natural and human-made features that are specifically listed in the SEPA Public View Protection Policies (SMC 25.05.675 P). Public view protection of the features listed is provided from a specific list of public places. Natural and human-made features to which view consideration is given include the Olympic Mountains and the downtown skyline. Public places from which impacts to views are considered are listed as an attachment to the cited portion of SEPA.

On November 5, 2001, an ordinance amending SMC 25.05.675P, regarding the application of SEPA policies to the Space Needle was adopted. The approved legislation amended SEPA to identify places in Seattle where views of the Space Needle warranted public protection from the impairment that could result from new development. None of the listed protected views are affected by the proposed rezone.

The section drawings in the March 2005 NBBJ Zoning Study referenced above (Sections A and B) illustrate potential building heights under the current C1-65' and proposed NC3-85' zoning designations. The Space Needle is shown as a reference point in both sections. Although diagrammatic, and not intended to specifically represent viewsheds, these sections show the incremental change in the proposed height. No loss of views is anticipated.

Based on consideration of potential impacts to views of specified significant features from public places, no adverse impacts to public views are expected from the proposed rezone.

Shadow Impacts

It is the City's policy to minimize or prevent light blockage and the creation of shadows on open spaces most used by the public (SMC 25.05.675 Q). The March 2005 NBBJ Zoning Study illustrated shadow studies at Summer Solstice, Spring/Fall Equinox, and Winter Solstice, using hypothetical development scenarios under the current C1-65' and proposed NC3-85' zoning designations. As these shadow studies illustrate, there is very little difference in shadow impacts anticipated from future development based on the existing 65-foot height limit and the proposed 85-foot height limit. According to the shadow diagrams, under the 85' height limit, shadows do not extend across any of the adjacent rights-of-way at Summer Solstice. At Spring/Fall Equinox, shadows may extend across Fifth Avenue to the Seattle Center grounds in early morning. However, the properties along the western side of Fifth Avenue are currently developed with the Experience Music Project and Sci-Fi Museum, surface parking, and the KCTS Building, not as public open space. On winter mornings, the west side of Fifth Avenue would be in shadow under both height scenarios. But again, no public open spaces would be affected.

No adverse impacts related to shadows on public open spaces are expected as a result of the proposed rezone.

Traffic and Parking

The additional height for structures for the subject property will marginally increase the development capacity of the subject site. The proposed rezone is programmatic and will not generate any vehicle trips. Traffic, parking, and other project-specific impacts of specific proposed developments will be analyzed at the project level at such time as project applications are made. No adverse traffic or parking impacts are expected as a result of the proposed rezone.

DECISION - SEPA

The 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: March 31, 2005
Molly Hurley, Senior Land Use Planner
Department of Planning and Development