



Legislative Department  
Seattle City Council  
Memorandum

**Date:** July 16, 2012

**To:** Councilmember Tim Burgess, Chair  
Councilmember Nick Licata, Vice Chair  
Councilmember Sally Clark, Member  
Government Performance and Finance (GPF) Committee

**From:** Rebecca Herzfeld and Dan Eder, Council Central Staff

**Subject:** July 18, 2012 GPF Meeting: Zoning and Permitting for proposed Arena

This memo summarizes the land use policies and regulations that apply to the site of the proposed arena in the SODO area of Seattle, and the permit process for the arena.

**Background**

The proposed arena would be located on First Avenue South between South Massachusetts Street and South Holgate Street, and includes the proposed vacation of one block of Occidental Avenue South (see the aerial photograph in Attachment 1). The arena is proposed to be approximately 700,000 square feet in size, and would seat 19,000 people at full capacity. Chris Hansen, the proponent of the arena, has stated that he may develop new parking in conjunction with the project, but has not provided information about the amount and location of the parking.

Mr. Hansen is also proposing related retail, restaurant, and entertainment uses (called “related retail” in this memo) on most of the half-block to the north of the arena site between First Avenue South and Occidental Avenue South and between South Massachusetts Street and Edgar Martinez Drive South. The proposal would change this block of Occidental Avenue South into a pedestrian mall between the related retail and the Mariners’ garage on the other side of the block.

**1. What Comprehensive Plan policies and zoning regulations apply to the arena site?**

The sites of the proposed arena and the related retail are:

- a. located in the Duwamish Manufacturing and Industrial Center;
- b. zoned Industrial-Commercial (IC); and
- c. located in the Stadium Transition Area Overlay District (see zoning map in Attachment 2).

The applicable policies and regulations are described below.

**1a. Duwamish Manufacturing and Industrial Center (MIC) designation and policies**

The Duwamish MIC, as defined in Seattle’s Comprehensive Plan, stretches from the southern edge of downtown to the City limits on both sides of the Duwamish River. The Comprehensive Plan includes 16 goals and 37 policies for the Duwamish MIC, based on the neighborhood plan for the area, which was recognized by the Mayor and Council in Resolution 30018 on June 12, 2000. The land use policies in the Comprehensive Plan emphasize that the MIC is intended to

promote “the growth of industrial jobs and businesses”, and to “strictly limit incompatible commercial and residential activities” in order to protect the “limited and non-renewable regional resource of industrial, particularly waterfront industrial, land” (Greater Duwamish Policies G8 and P8).

The Comprehensive Plan also contains a policy that recognizes the Stadium Transition Area Overlay District at the north edge of the Duwamish MIC, in Policy GD-P20:

GD-P20 Seek to integrate stadium and stadium- related uses into the Duwamish Manufacturing/Industrial Center by creating an overlay district limited to the area near the stadiums that discourages encroachment on nearby industrial uses, creates a pedestrian connection from the stadiums north to downtown, and creates a streetscape compatible with Pioneer Square.

### **1b and c. Stadium Transition Area Overlay District and Industrial Commercial zone**

On the same day that the neighborhood plan for the Duwamish MIC was recognized, the City Council approved the Stadium Transition Area Overlay District (Seattle Municipal Code (SMC) Chapter 23.74) and changed the underlying zoning of the Overlay District to Industrial Commercial (IC) from General Industrial 2 (IG2). The intent of this zoning change was to help implement the Comprehensive Plan and neighborhood plan for the Duwamish MIC by addressing the change in development pattern and intensity caused by the football and baseball stadiums.

Building on Comprehensive Plan Policy GD-P20 quoted above, the introductory section for the Overlay District in the Land Use Code provides several reasons for establishing the Overlay District:

- create a safer, pedestrian-friendly streetscape that is compatible with Pioneer Square;
- create strong pedestrian and transit connections to the north;
- permit a mix of uses that supports the pedestrian-oriented character of the area as well as the surrounding industrial zone;
- encourage redevelopment and maintain the health and vibrancy of the area when the sports facilities are not operating, by allowing a mix of uses, including office development;
- discourage encroachment on nearby industrial uses to the south; and
- minimize conflicts with industrial uses.

The change to an IC zone was intended to permit more retail and office uses to support pedestrian traffic and a stronger link to downtown. The IC zone also permits fewer high-impact uses than the more heavy-industrial IG zones. High-impact uses are defined as being dangerous or noxious, with the potential for causing major community or health impacts.

Other ways that the Overlay District encourages a pedestrian-friendly streetscape include prohibiting auto-related uses such as drive-in businesses and general-purpose parking, requiring windows and pedestrian entrances at street level, and applying more rigorous landscaping and screening requirements. A requirement for design review, which is not generally required in industrial zones, was added in the Overlay District to further address urban design concerns.

To meet the goal of minimizing conflicts with industrial uses, the IC zone continues the general prohibition on residential uses in industrial zones. In addition, the Overlay District prohibits hotels, which otherwise may be permitted in IC zones as a conditional use. Note that the hotel on the corner across from SafeCo and CenturyLink Fields is actually located in the narrow strip of Pioneer Square that extends south along First Avenue South, and is not in the IC zone.

The Overlay District also calls for “well-defined edges between the pedestrian activity of the Stadium Transition Area and industrial activity surrounding it,” and states that the boundaries of the District “should not be shifted farther into the industrial area.”

## **2. Does the current zoning allow the proposed arena and related retail?**

The current IC zoning permits the arena and related retail uses. In addition, the maximum size limits that usually apply to retail, restaurants, and entertainments uses in IC zones outside of the Stadium Transition Area Overlay District do not apply within the District.

## **3. What regulations apply to parking for the proposed arena?**

### **3a. Amount of required parking**

The parking requirement for arenas is “1 space for each 8 fixed seats in public assembly areas, or 1 space for each 100 square feet of public assembly area not containing fixed seats” (SMC 23.54.015). The arena is proposed to have approximately 19,000 seats, which would result in a parking requirement of 2,375 spaces. Required arena parking must be available when the facility is in use (defined as three hours before an event to one hour afterwards). For events with variable lengths, an average duration based on experience (or a good faith estimate for special events) is used to determine when the parking must be available. The Director of the Department of Planning and Development (DPD) may reduce the parking requirement for specific events that are certified to require 50 percent or less of an arena’s seating capacity. When not needed for an event, the required parking may be used for other purposes.

### **3b. Location of required and non-required parking**

In order to reduce traffic in the Stadium Transition Area Overlay District and make it more pedestrian-friendly, only parking that is *required* for the arena is permitted there. Non-required arena parking is not allowed within the Overlay District. Similarly, required parking for the arena is permitted in the IG zone that surrounds the Overlay District. However, in order to minimize the impact of non-required parking on the adjacent IG zones, parking that is reserved for the arena but not required is only allowed in a small area of the IG zone located south of South Royal Brougham Way, west of 6<sup>th</sup> Avenue South, and north of South Atlantic Street, as shown on the map in Attachment 2). The regulations for parking location are summarized in Table A below.

**Table A: Regulations for Location of Arena Parking**

<b>Zone and type of parking</b>	<b>Stadium Transition Area Overlay District</b>	<b>IG1 and IG2 zones in the Duwamish Manufacturing and Industrial Center</b>
<i>Required</i> Arena Parking	Permitted	Permitted
General purpose use of <i>required</i> arena parking when not needed for the arena	Permitted	Permitted
<i>Non-required</i> reserved arena parking	Prohibited	Prohibited, except when the parking is: <ul style="list-style-type: none"> <li>• owned and operated by the arena;</li> <li>• reserved for arena events; and</li> <li>• located south of South Royal Brougham Way, west of 6<sup>th</sup> Avenue S, and north of South Atlantic Street (see map in Attachment 2)</li> </ul>
General purpose use of <i>non-required</i> reserved arena parking when not needed for arena	Prohibited	Permitted for parking that meets the conditions listed above for non-required arena parking
Principal use parking (parking that is <i>not required</i> or <i>reserved</i> for a specific use)	Prohibited	Prohibited

In summary, the Land Use Code would require approximately 2,400 stalls of parking for arena event attendees, which could be provided either through newly built spaces or contract for exclusive use of existing spaces during arena events. The required parking could be located in the Overlay District or in the adjacent areas zoned IG1 or IG2. However, additional parking reserved for the arena (“non-required parking”) is not allowed within the Overlay District or within the adjacent areas zoned IG1 or IG2, except in the areas shown on the map in Attachment 2.

#### **4. What if land owned by BNSF Railway is added to the proposed arena site?**

The aerial photograph of the proposed site in Attachment 1, which was provided by the Department of Finance and Administrative Services, includes a strip of property on the east side of the site that is owned by Burlington Northern Santa Fe (BNSF) Railway. Mr. Hansen has stated that this property is not required to build the arena. However, because it is shown as a potential part of the site, and because the proposed Memorandum of Understanding (MOU) does not define the eastern boundary of the site, this memo provides information about the zoning for this land.

The roughly triangular strip of property on the east side of the proposed arena site next to the BNSF Railway tracks is zoned General Industrial 2 (IG2) and is located outside of the Stadium Transition Area Overlay District. It is currently a parking lot for railroad employees.

The IG2 zone does not permit sports facilities such as the arena, but does allow required parking for an arena, as described in section 3 above. Because arena parking is permitted, use of the BNSF property as an access easement for traffic to and from the Mariner's garage to the north of the arena site would be allowed. However, use of the parcel for arena development, including truck loading bays for the arena, would not be permitted by the IG2 zoning. If this is proposed, it would require either a rezone to move the boundary of the Overlay District and change the zoning to IC, or an amendment to the text of the Land Use Code to permit arenas or ancillary arena uses in IG2 zones. Both of these actions would require a decision by the City Council.

#### **5. What are the permit requirements for the proposed arena and related retail?**

The general permit requirements for the arena are summarized in Table B below. The proposed arena and related uses would require a Master Use Permit that combines environmental, zoning, and design review. DPD would use the Design Review Board recommendations and the environmental review documents to guide its decision on the project and determine what conditions need to be placed on the project to mitigate impacts.

An environmental impact statement (EIS) was required for both the baseball and football stadiums, and it is highly likely that one would be required for the arena. The process for an EIS includes a scoping phase, in which public comments are requested about the elements of the environment (such as transportation and land use) that need to be addressed in the EIS. A draft EIS is then published for public review and comment, and a final EIS that incorporates and responds to the comments is completed.

The environmental conditions imposed by DPD on the baseball and football stadiums included the creation of detailed Transportation Management Plans, mitigation of construction impacts, requirements for street lighting and pedestrian amenities along Occidental Ave. S, measures to reduce glare from stadium lighting, and water conservation measures.

**Table B: Summary of Arena Permit Requirements**

<b>Type of Permit</b>	<b>Decision maker</b>	<b>Comments</b>
Master Use Permit—including environmental (SEPA) review and design review	DPD	Because of the City’s funding contribution, the Design Commission would review the proposed arena design.
Vacation of Occidental Avenue South between S. Massachusetts Street and S. Holgate Street	City Council	<ul style="list-style-type: none"><li>• Seattle Department of Transportation (SDOT) and the Design Commission make recommendations to the Council.</li><li>• Master Use Permit decision cannot be published until Council decides on street vacation.</li></ul>
Permit to change the character of Occidental Avenue South between Edgar Martinez Drive S. and S. Massachusetts Street to provide priority for pedestrian use	SDOT or City Council, depending on the nature and permanence of the change	<ul style="list-style-type: none"><li>• SDOT could permit some changes in the right-of-way with an annual street use permit.</li><li>• Council approval of a street use term permit would be required for significant changes in the right-of-way or for features such as a glass roof over the street.</li><li>• For a term permit, SDOT and the Design Commission make recommendations to the Council.</li></ul>
Construction Permits	DPD	

**6. What are the criteria for approving a vacation or Occidental Avenue South?**

As noted earlier, the proposed arena would also require City Council approval of a vacation of Occidental Avenue South. The City’s adopted Street Vacation Policies (Resolution 31142) provide three criteria for reviewing street vacation requests:

1. Public Trust Function: First, the City will consider the impact of the proposed vacation upon the circulation, access, utilities, light, air, open space and views provided by the right-of-way. These are defined by these policies as the public trust function of the right-of-way and are given primary importance in evaluating vacation proposals. The policies require mitigation of adverse effects upon these public trust functions. What constitutes adequate mitigation will be determined ultimately by the City Council.

2. Land Use Impacts: Secondly, the City will consider the land use impacts of the proposed vacation. Potential development involving the vacated right-of-way must be consistent with City land use policies for the area in which the right-of-way is located.
3. Public Benefits: Finally, benefits accruing to the public from the vacation of the right-of-way will be considered. The proposal must provide a long-term benefit for the general public.

The street vacation of Occidental Avenue South that was granted in 1996 for SafeCo Field set seven conditions, including requirements for new wider sidewalks and landscaping adjacent to the ballpark, public plazas, a pedestrian link over the railroad tracks, and a Transportation Management Plan.

#### **7. What land use issues are raised by proposed arena?**

The proposed arena and related uses would increase the intensity of non-industrial development in the Stadium Transition Area Overlay District, and bring such development further south into the Duwamish MIC. This could increase land values outside the Overlay District as property owners anticipate further zoning changes, and could make the MIC less affordable for industrial businesses. In an open letter to the community dated June 22, 2012, Mr. Hansen states his belief that the “City will see a further increase in its property tax revenue resulting from increased property values of land surrounding the new Arena. Our group alone has already purchased ancillary real estate surrounding the Arena at a significant premium to its appraised value...In reality, land prices in the vicinity have already risen due to the possibility of an Arena and would likely increase much more if the Arena and surrounding development are completed.”

The Port of Seattle and other industrial stakeholders have also raised concerns about transportation impacts and freight mobility. In considering the proposed arena, the Council may need to balance the dual goals of the Overlay District. What is the best way to protect the City’s valuable industrial zones from encroachment while supporting a vibrant stadium area with good pedestrian connections between downtown and the stadium area?

Attachment 1: Aerial photograph of Proposed Arena Site

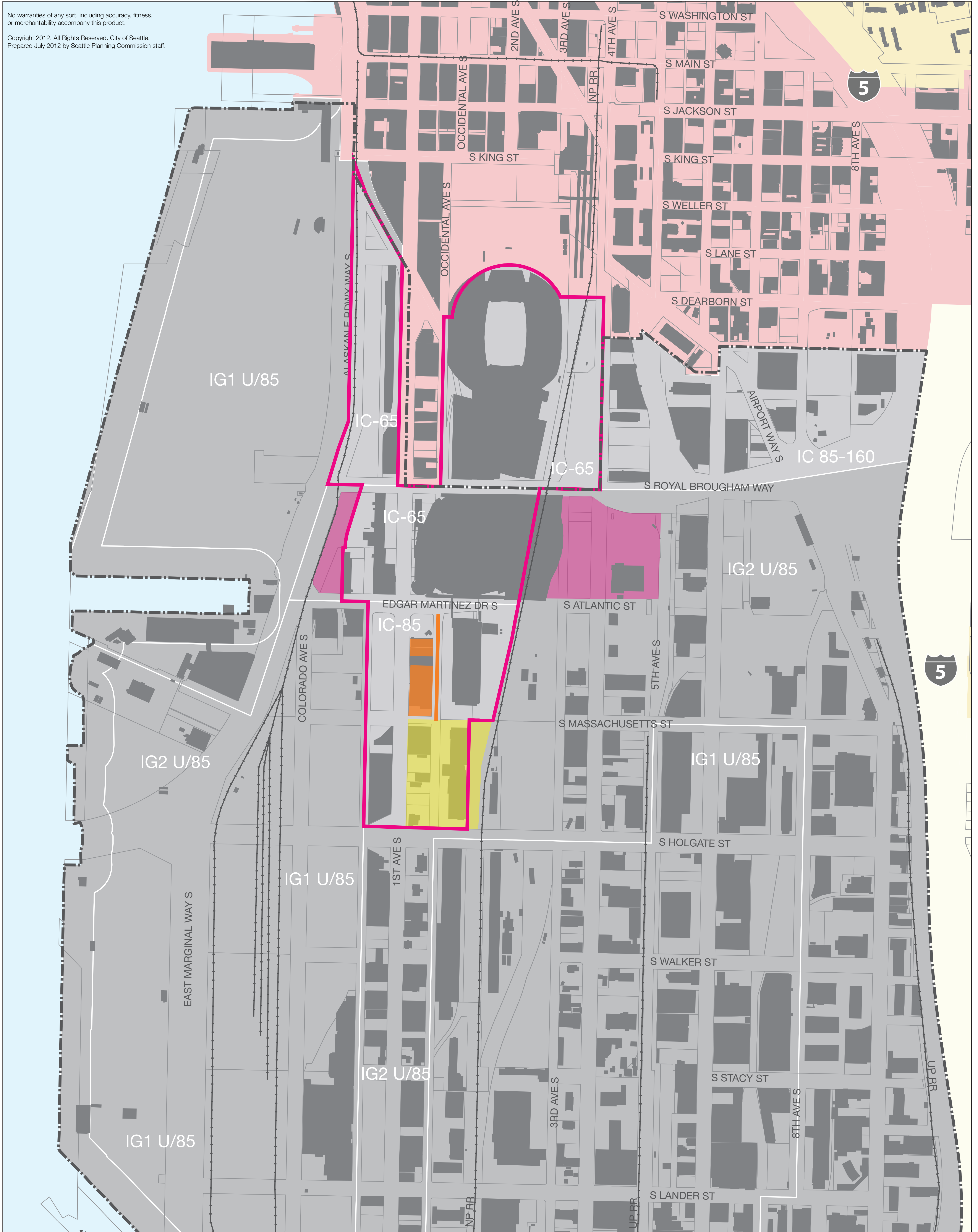
Attachment 2: Zoning map of Proposed Arena Site







# Attachment 2: zoning map



## proposed SoDo arena

- |   |                          |                       |
|---|--------------------------|-----------------------|
| Duwamish Manufacturing & Industrial Center    | proposed arena site      | industrial general    |
| Stadium Transition Area Overlay District      | associated development   | industrial commercial |
| non-required reserved stadium parking allowed | proposed pedestrian mall | downtown              |
|   | railroads                | multi-family          |
|   |                          | single family         |