



City of Seattle

Gregory J. Nickels, Mayor

Department of Planning and Development

Diane Sugimura, Director

**CITY OF SEATTLE  
ANALYSIS AND DECISION OF THE DIRECTOR  
OF THE DEPARTMENT OF PLANNING AND DEVELOPMENT**

**Application Number:** 3003900  
**Applicant Name:** Jodi Patterson for Mark Modawell and Columbia West Properties  
**Address of Proposal:** 2013 2<sup>nd</sup> Avenue

**SUMMARY OF PROPOSED ACTION**

The following approval is required:

Land Use Application to allow demolition of a 25,000 sq. ft. six-story hotel (The Commodore) and to establish temporary use for 26 surface parking stalls (less than six months). Project includes 1,200 cubic yards of grading.

**SEPA - Environmental Determination**  
(Chapter 25.05, Seattle Municipal Code (SMC)).

**Temporary Use-** to allow temporary use up to six months (SMC 23.44.040).

**SEPA DETERMINATION**       Exempt    DNS    MDNS    EIS  
 DNS with conditions  
 DNS involving non-exempt grading or demolition or involving another agency with jurisdiction.

**BACKGROUND DATA**

Site and Vicinity Description

The subject site is located at the North West corner of Virginia Street and 2<sup>nd</sup> Avenue. The 19,440 square foot site is zoned Downtown Mixed Commercial (DMC) with a height designation of 240 feet for non-residential, a base limit of 290 feet for residential and a maximum height limit with bonus of 400 feet for residential (DMC-240/290-400). The north 6,400 square foot portion of the site is developed with a six-story hotel (Commodore Hotel) which is unoccupied. The south portion of the site is developed with a principal use surface parking lot.

Surrounding property is zoned DMC 240/290/400 except kitty corner to the west is zoned DMC 125. See the map for a better illustration of the zoning.

Abutting property to the north is developed with the 24-story Cristalla condominium building; to the west across the alley is developed with One Pacific Tower condominium building and the Vogue Hotel and surface parking; to the east across 2<sup>nd</sup> Avenue is developed with the Lenora Apartment building, a parking garage and a two-story commercial building and to the south across Virginia Street is developed with a surface parking lot and the Terminal Sales Annex building.

### Proposal Description

The proposal is to demolish the Commodore Hotel and establish a principal use surface parking lot for up to 6 months. The intention is to use the site as a parking lot while another permit is sought for a high-rise development at the site. The SEPA checklist indicates "...there are plans to start construction of a proposed tower by 2008..." The 26 space parking lot will be accessed via the alley and include a 40" wide landscape buffer along the 2<sup>nd</sup> Avenue street frontage.



### Public Comment

Four public comments letters were received during the public comment period which ended on March 22, 2006. A representative for the Board of Directors for the One Pacific Towers condominium submitted a letter expressing concern about additional costs to wash their windows and replace air conditioner filters because of the demolition. Another comment does not support the demolition of the hotel until plans are approved for another residential or commercial use. The commenter asked that the SEPA analysis include discussion of demolition impacts, housing and land use impacts.

### **ANALYSIS - TEMPORARY USE**

Pursuant to SMC 23.42.040, the Director may grant, deny, or condition an application for temporary use authorization for uses not otherwise permitted or not meeting development standards in the zone, and which are in keeping with the spirit and purpose of the Land Use Code. The Code states that, "A Master Use Permit for any use for a time period of up to six months which does not involve the erection of a permanent structure may be authorized under the following conditions: the use shall not be materially detrimental to the public welfare; the use shall not result in substantial injury to the property in the vicinity; and the use shall be consistent with the spirit and purpose of the Land Use Code."

Parking is allowed outright or by Administrative Conditional Use (ACU) in some downtown areas primarily the Denny Triangle neighborhood; the subject site is outside the mapped area allowing parking and is in the Belltown neighborhood. In this case, the use proposed is not allowed either outright or by ACU as described in the table below:

Principal Use Surface Parking Lot	Property zoned DMC <u>in</u> mapped area allowing parking uses (Map 1J)	DMC <u>outside</u> mapped area allowing parking uses (Map 1J)	All zones
Short term parking	ACU per SMC 23.49.045A2	ACU to allow <u>temporary</u> use up to 2 years per SMC 23.49.046C <sup>1</sup>	Temporary use up to 6 months per SMC 23.49.040
Long term parking	ACU per SMC 23.49.045A2	ACU to allow <u>temporary</u> use up to 2 years per SMC 23.49.046C <sup>1</sup>	Temporary use up to 6 months per SMC 23.49.040.
<sup>1</sup> SMC 23.49.046 applies “...to surface parking areas that were in existence prior to January 1, 1985, or on lots vacant on or before January 1, 1985, or on lots that become vacant as result of a City-initiated abatement action...”			

It should be noted that the use is allowed by ACU for up to two years when a building is required to be demolished as a result of an abatement action. In these cases, the two year permit cannot be renewed and applicants must remove the parking lot when the permit expires. The Commodore Hotel is vacant, but no abatement action is underway.

Parking lots are discouraged downtown in an effort to decrease vehicle trips, specifically single occupant vehicle trips, and increase transit trips so that traffic congestion is decreased in the downtown area. The Land Use Code defines short term parking as a “...parking space occupied by individual motor vehicles for less than six hours and generally used intermittently by shoppers, visitors, or outpatients” and long term parking as “...a parking space that will be occupied by the same motor vehicle for six hours or more, including a space generally used by persons who commute to work by private motor vehicle or by residents.” (Council Bill 115746 passed on December 11, 2006 changes the duration from 6 hours to 4 hours in the definitions for short term and long term parking; this will be effective in January 2007). Long-term parking creates the potential for more single occupant vehicles and more vehicle trips downtown as compared to short term parking. In light of that, to be more consistent with the Land Use Code the proposed parking will be conditioned to only accommodate short term parking. Signs and/or other measures will used to prohibit long term parking at this location pursuant to conditions at the end of this document.

Additionally, visible parking uses are discouraged in an effort to create active and attractive streetscapes. The proposed parking lot will provide vehicle access from the alley and does not include any curbcuts along 2<sup>nd</sup> Avenue. A 3 foot high screen wall and 3 foot landscape buffer will be provided along 2<sup>nd</sup> Avenue in accordance with the Code screening requirements for parking (SMC 23.49.019I).

Because of the limited access from the alley, the landscape screen along 2<sup>nd</sup> Avenue, the prohibition of long term parking; the parking use should be allowed. The use will not be materially detrimental to the public welfare and will not result in substantial injury to the property in the vicinity.

The proposed parking lot does not involve the erection of a permanent structure. The purpose of the Land Use Code, in part, is to “achieve an efficient use of land without major disruption of the natural environment and to direct development to sites with adequate services and amenities” (SMC 23.02.020). The use of this site as a parking lot on a temporary basis during which time a more efficient use is under review is appropriate and is consistent with the Land Use Code. The site is in a highly urban area, and the proposed use will not disrupt the natural environment and will have minimal impact on the built environment and character of the neighborhood.

Establishment of a surface parking lot on a permanent basis or for a long duration at this location would be in conflict with the Land Use Code. In light of that, the permit shall be conditioned to limit the duration of this and future temporary permits for this use. Subsequent temporary use permits for parking shall not be granted unless an application for another use allowed in the zone is submitted to DPD during the six month term of this application. Once an application is made for another use allowed in the zone, three additional temporary use permits may be sought for a parking use so that the total duration of parking lot use shall not exceed two years.

### **ANALYSIS - SEPA**

The initial disclosure of the potential impacts from this project was made in the environmental checklist submitted by the applicant dated February 10, 2006 and annotated by the Department. The information in the checklist, supplemental information provided by the applicant, project plans, and the experience of the lead agency with review of similar projects form the basis for this analysis and decision.

The SEPA Overview Policy (SMC 23.05.665) discusses the relationship between the City’s code/policies and environmental review. The Overview Policy states, in part, “Where City regulations have been adopted to address an environmental impact; it shall be presumed that such regulations are adequate to achieve sufficient mitigation subject to some limitation”. The Overview Policy in SMC 23.05.665 D1-7, states that in limited circumstances it may be appropriate to deny or mitigate a project based on adverse environmental impacts.

The policies for specific elements of the environment (SMC 25.05.675) describe the relationship with the Overview Policy and indicate when the Overview Policy is applicable. Not all elements of the environment are subject to the Overview Policy (e.g., Traffic and Transportation, Plants and Animals and Shadows on Open Spaces). A detailed discussion of some of the specific elements of the environment and potential impacts is appropriate.

### **Short-term Impacts**

The following temporary or construction-related impacts are expected: decreased air quality due to suspended particulate from building activities and hydrocarbon emissions from construction vehicles and equipment; increased dust caused by construction activities; increased traffic and demand for parking from construction equipment and personnel; conflict with normal pedestrian movement adjacent to the site; increased noise; and consumption of renewable and non-renewable resources.

Several adopted City codes and/or ordinances provide mitigation for some of the identified construction related impacts. Compliance with these applicable codes and ordinances will reduce or eliminate most short-term impacts, but impacts such as air quality and noise require further discussion and may require SEPA mitigation.

### *Air Quality*

The Puget Sound Clean Air Agency (PSCAA) regulations require control of fugitive dust to protect air quality and will require permits for removal of asbestos (if any) during demolition. The owner and/or responsible party (ies) are required to comply with the PSCAA rules pertaining to demolition of projects with or without asbestos. This will ensure proper handling and disposal of asbestos, as well as demolition of structures without asbestos. No further SEPA conditioning is necessary.

### *Noise and Traffic*

The project is expected to generate loud noise during demolition of the building. These impacts would be especially adverse in the early morning, in the evening, and on weekends. The surrounding properties are developed with residential uses and will be impacted by noise. A demolition contractor has been contacted by the applicant in an effort to determine the scope and length of the project. The contractor has indicated that demolition would require four weekend days or two weekends with additional days required for cleanup during the weekday. The duration of demolition would likely be lengthened and result in adverse traffic impacts if the work were performed during the weekday because of the street closures required to protect public safety.

To protect public safety, the activity would require drive lane closures on 2<sup>nd</sup> Avenue and alley closure which will disturb traffic flow. SDOT strongly prefers that the lane and alley closures occur on a weekend and not during the weekday peak periods.

Pursuant SEPA authority, the applicant will be required to limit periods of construction to between the hours of 7:30 AM to 6:00 PM on non-holiday weekdays and 8:00 AM to 7:30 PM on weekends with specific limitations on the weekends. Impact equipment (“breakers”) will be prohibited on the weekends between the hours of 8:00 AM to 9:00 AM and 5:00 PM to 7:30 PM. No mechanized equipment shall be allowed between the hours of 6:00 PM and 7:30 PM although hand equipment used to clean the site and secure the site shall be allowed. Impact equipment (“breakers”) will be allowed between 9:00 AM and 5:00 PM on weekends. The project will also be conditioned to provide affected neighbors with a construction schedule in advance of such work, and providing available project contact persons at the site and by phone during construction hours. The applicant shall contact adjacent residential tenants via homeowner associations or property managers. Because of the short duration of the work (2 weekends) no further mitigation is imposed.

### *Long-term Impacts*

No Long-term or use-related impacts are anticipated as a result of this proposal; however, housing and historic preservation elements of the environment are discussed below.

Housing

The Hotel has been un-occupied for several years and was damaged in the 2001 Nisqually earthquake. Based on DPD records and Office of Housing information, the building has not been subsidized or in any way connected to downtown housing objectives. The land use code and SEPA discourages demolition of housing; however, in this case the use has never been classified as housing.

Historic Preservation

The project proposal involves demolition of the Commodore Hotel, built in 1908 by W.P. White. A historic resource assessment was prepared and forwarded to the Historic Preservation Office in the Department of Neighborhoods to evaluate whether the building met the standards for historically significant buildings. It was determined that the building could qualify as a landmark and the applicant was instructed to prepare a Landmark Nomination Report. At the September 20, 2006 meeting of the City's Landmarks Preservation Board, the Board voted on a motion to approve the nomination of the Commodore Hotel. The vote to approve was 3 in favor and 3 against, and this was not a sufficient number of votes for approval of the nomination. SEPA policy states that if a project is rejected for nomination, the project shall not be conditioned or denied for historical preservation purposes. As such no SEPA conditioning is proposed.

**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.

- [X] 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.

**CONDITIONS- TEMPORARY USE**

For the Life of the Project

1. Signs must be installed to sufficiently notify users that parking for more than 4 hours is prohibited.
2. Electronic pay machines, if used, shall be programmed, if possible, to prevent paying for parking for more than 4 hours.

3. Subsequent temporary use permits for parking shall not be granted unless an application for another use allowed in the DMC zone is submitted to DPD during the six month term of this application. Once an application is made for another use allowed in the DMC zone, three additional temporary use permits of up to 6 months duration may be requested for a parking use so that the total duration of parking lot use shall not exceed two years.

### **CONDITIONS –SEPA**

#### *During Construction*

The following condition(s) to be enforced during construction shall be posted at the site in a location on the property line that is visible and accessible to the public and to construction personnel from the street right-of-way. If more than one street abuts the site, conditions shall be posted at each street. The conditions will be affixed to placards prepared by DPD. The placards will be issued along with the building permit set of plans. The placards shall be laminated with clear plastic or other waterproofing material and shall remain posted on-site for the duration of the construction.

4. The hours of construction activity shall be limited to non-holiday weekdays<sup>2</sup> between the hours of 7:30 a.m. and 6:00 p.m. Construction will be allowed on Saturday and Sunday between the hours of 8:00 AM and 7:30 PM (If allowed by Variance from Seattle Noise Ordinance) and further restricted as follows:
  - Use of impact equipment (“breakers”) is prohibited on the weekends between the hours of 8:00 AM to 9:00 AM and 5:00 PM to 7:30 PM.
  - No mechanized equipment shall be allowed between the hours of 6:00 PM and 7:30 PM although hand equipment used to clean the site and secure the site shall be allowed.

This condition may be modified by DPD to allow work of an emergency nature. This condition may also be modified to permit low noise exterior work (e.g., installation of landscaping) after approval from DPD. The project will also be conditioned to provide affected neighbors with a construction schedule in advance of such work, and providing available project contact persons at the site and by phone during construction hours. The applicant shall contact adjacent residential tenants via homeowner associations or property managers.

<sup>2</sup>New Year’s Day, Martin Luther King Junior’s Birthday, President’s Day, Memorial Day, July 4, Labor Day, Veterans’ Day, Thanksgiving Day and Christmas Day.

Signature: \_\_\_\_\_ (signature on file) Date: December 21, 2006  
Jess E. Harris, AICP, Senior Land Use Planner  
Department of Planning and Development