



City of Seattle

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

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

**Application Number:** 3002987  
**Applicant Name:** Curtis Boozer  
**Address of Proposal:** 2008 3<sup>rd</sup> Avenue

**SUMMARY OF PROPOSED ACTION**

Land Use Application to allow surface parking for 35 vehicles.

The following approvals are required:

**Administrative Conditional Use** – to allow a temporary, principal use surface parking lot in a downtown zone – SMC 23.49.045

**SEPA Environmental Determination** – Chapter 25.05, Seattle Municipal Code.

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

**BACKGROUND DATA**

Zoning: DMC 240'/290'-400'

Date of Site Visit: September 21, 2007

Uses on Site: Surface parking

Substantive Site Characteristics:

This 12,331 square foot subject site has frontage on 3<sup>rd</sup> Avenue to the west and an alley to the east. The alley runs north-south connecting Virginia Street to the south with Lenora Street to the north. All streets in the vicinity and the alley are paved. There is an existing concrete sidewalk along the property's 3<sup>rd</sup> Avenue frontage as well as covered bus stops. There is an existing curb cut from the site onto 3<sup>rd</sup> Avenue. The site is zoned Downtown Mixed Commercial (DMC 240'/290'-400'). The site is currently used as surface parking and is currently operating as a pay lot. There are no existing structures on site. There is a cash box located within the alley right-of-way and chain link fencing on the west, east, and south property lines. The adjacent lot to the south is also used as surface parking, as is a lot across the alley to the east. Other lots in the immediate vicinity are occupied by buildings that contain a mix of commercial and residential uses. The site slopes gently down from 3<sup>rd</sup> Avenue. A brick wall separates the subject site from the parking area to the south. The site is entirely covered by impervious surfaces, the majority of which is asphalt with some gravel along the eastern site boundary. Vegetation is limited to some ivy that has grown on the fence separating the site from the alley. There are several mature street trees along 3<sup>rd</sup> Avenue.

Proposal Description:

The applicant proposes to use the site as surface parking for 35 vehicles, which will be operated as a pay lot. The site is subject to a code compliance action, which requires that the use of the lot for surface parking be established through an administrative conditional use permit. Surface parking will be allowed on a temporary basis for no more than two years from the date of this decision. The site will be striped to comply with parking stall and aisle dimensional standards. Landscaping will be installed along the site's 3<sup>rd</sup> Avenue frontage. A two-foot strip of land along the alley will be dedicated to the City as right-of-way. The parking lot cash box will be located within the alley right-of-way. Work within the alley right-of-way will require a separate permit from the Seattle Department of Transportation (SDOT).

Public Comment:

The comment period for this proposal ended on May 14, 2008. During this period, four written comment letters related to this project were received.

**ANALYSIS – ADMINISTRATIVE CONDITIONAL USE**

SMC 23.49.045 B 3 states that temporary principal use surface parking areas may be permitted as conditional uses, pursuant to Section 23.49.046.

SMC 23.49.046 A contains criteria applicable to all conditional uses proposed within DOC1, DOC2 and DMC zones:

- 1. The use shall be determined not to be materially detrimental to the public welfare or injurious to property in the zone or vicinity in which the property is located.*

- 2. In authorizing a conditional use, adverse negative impacts may be mitigated by imposing requirement of conditions deemed necessary for the protection of other properties in the zone or vicinity and the public interest. The Director or Council shall deny the conditional use if it is determined that the negative impacts cannot be mitigated satisfactorily.*

The subject property is paved and currently in use as a surface parking lot. The proposal is to establish this use legally for a period of up to two years. The only physical change that will result from this proposal is the installation of landscaping and a fence along the west property line. As such, the proposal will not be materially detrimental to the public welfare or injurious to property in the vicinity.

Since the site is currently used for surface parking, there will be no new impacts created by the proposal. Applicable City codes will satisfactorily mitigate the adverse impacts associated with surface parking (i.e. required landscaping and screening). No additional conditions, beyond removal of non-conforming curbcuts and requiring the installation of landscaping, will be required to protect properties in the vicinity or to protect the public interest. Although the curbcut removal and installation of landscaping are required prior to use of the property as a parking lot, the surface parking has already commenced without benefit of permit. Therefore, the applicant will be given 60 days from the date this MUP decision is ready for issuance in order to comply.

SMC 23.49.046 C states that surface parking areas may be permitted as administrative conditional uses according to the following standards:

- 1. The standards stated for garages in subsection B of this section are met; and*
- 2. The lot is screened and landscaped according to the provisions of Section 23.49.019 Parking quantity, access and screening/landscaping requirements; and*
- 3. Permits for temporary surface parking areas may be issued for a maximum of two (2) years.*

The proposal will meet the standards for garages as discussed below, as well as the landscaping, screening and other applicable requirements of SMC 23.49.019.

Surface parking areas allowed as conditional uses must meet the standards for principal use parking garages contained in SMC 23.49.046 B:

- 1. Traffic from the garage will not have substantial adverse effects on peak hour traffic flow to and from Interstate 5 or on traffic circulation in the area around the garage; and*
- 2. The vehicular entrances to the garage are located so that they will not disrupt traffic or transit routes; and*

3. *The traffic generated by the garage will not have substantial adverse effects on pedestrian circulation.*

The proposal will not increase traffic flow to and from Interstate 5 or in the vicinity during the peak hour. Furthermore, the volume of traffic associated with a parking lot of 35 spaces will have a negligible impact to peak hour traffic flows.

The entrance to the parking lot is located on an existing alley. An existing curb cut onto 3<sup>rd</sup> Avenue will not serve the lot as landscaping and a fence will be installed along the west property line, preventing vehicle access at this location. The existing entrance from the alley does not disrupt traffic or transit routes.

As noted, the proposal will not increase traffic volumes from the current level. The traffic generated by a parking lot of this size is minor and does not have a substantial adverse effect on pedestrian circulation.

### **ANALYSIS - SEPA**

Environmental review resulting in a Threshold Determination is required pursuant to the State Environmental Policy Act (SEPA), WAC 197-11, and the Seattle SEPA Ordinance (Seattle Municipal Code Chapter 25.05). The initial disclosure of the potential impacts from this project was made in the environmental checklist submitted by the applicant dated August 10, 2007. The information in the checklist, 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 25.05.665 D) clarifies the relationship between codes, policies, and environmental review. Specific policies for each element of the environment, certain neighborhood plans, and other policies explicitly referenced may serve as the basis for exercising substantive SEPA authority.

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 limitations. Under certain limitations or circumstances (SMC 25.05.665 D 1-7), mitigation can be considered. A more detailed discussion of some of the potential impacts from this proposal follows.

#### **Long-Term Impacts**

Long-term or use-related impacts may include decreased air quality from vehicle emissions; increase in surface water runoff; increased traffic noise; increase in traffic volumes; and a decrease in water quality resulting from pollutant-laden surface water runoff. These long-term impacts are not considered significant because the impacts are minor in scope.

These long-term impacts are typical of surface parking and will be mitigated by the City’s adopted codes and/or ordinances. Specifically these codes and ordinances include: the Land Use Code, the Noise Ordinance, and the Grading and Drainage Control

Ordinance. As noted, the proposal will not increase the impacts from current levels. Compliance with any applicable sections of the ordinances cited above will ensure that impacts associated with the proposed use will be adequately addressed. Therefore, no additional mitigation pursuant to SEPA is warranted.

Summary

In conclusion, several adverse effects on the environment are anticipated as a direct impact of the proposed land use. However, specific impacts identified in the foregoing analysis have been mitigated by existing codes and ordinances, per adopted City policies.

**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.

**CONDITIONS –ADMINISTRATIVE CONDITIONAL USE**

For Life of Project

1. Remove all curbcuts adjacent to the site and restore curbline to standards and requirements of the Seattle Dept of Transportation (SDOT) within 60 days of the date this Master Use Permit application is ready for issuance.
2. Landscaping shall be installed per the approved MUP plans within 60 days of the date this Master Use Permit application is ready for issuance.

**CONDITIONS –SEPA**

None

Signature: \_\_\_\_\_ (signature on file) Date: June 26, 2008  
Geoff Appel, Land Use Planner  
Department of Planning and Development

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