



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: 3008616
Applicant Name: Jon O'Hare
Address of Proposal: 2013 2nd Avenue

SUMMARY OF PROPOSED ACTION

Land Use Application to allow the continued use as temporary parking for 25 surface parking stalls (less than six months).

The following approval is required:

Temporary Use- to allow temporary use up to six months (SMC 23.42.040).

BACKGROUND DATA

Site and Vicinity Description

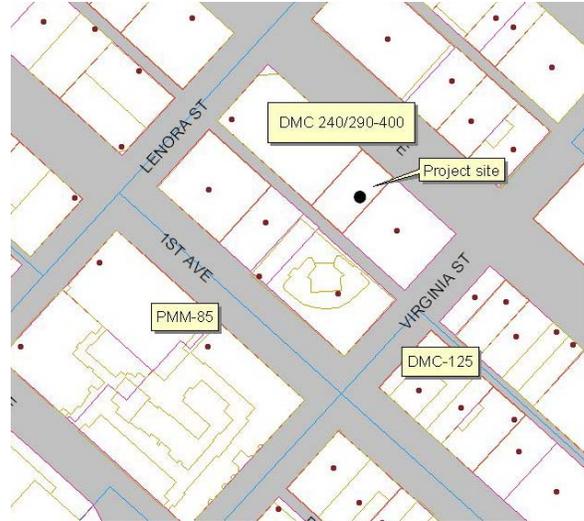
The subject site is located at the North West corner of Virginia Street and 2nd Avenue. The 19,440 square foot site is zoned Downtown Mixed Commercial (DMC) with a height designation of 240 feet for non-residential, a base limit of 290 feet for residential and a maximum height limit with bonus of 400 feet for residential (DMC-240/290-400). The north 6,400 square foot portion of the site was developed with a six-story hotel (Commodore Hotel) which was demolished in 2007 (Permit #6125007). This demolition was not part of a city initiated abatement process. The south portion of the site is developed with a principal use surface parking lot. There is currently an open enforcement case (#1014123) because the first 6-month period has expired.

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 Crisalla 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 2nd 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 continue the principal use surface parking lot for another 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 prior SEPA checklist (MUP 3003900) indicated "...there are plans to start construction of a proposed tower by 2008..." The 26 space parking lot is accessed via the alley and includes a 40" wide landscape buffer along the 2nd Avenue street frontage. The temporary parking lot was reported by the applicant to have started on May 1, 2007.



Public Comment

Public comments letters were not received during the public comment period which ended on March 5, 2008.

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 in mapped area allowing parking uses (Map 1J) | DMC outside mapped area allowing parking uses (Map 1J) | All zones |
|-----------------------------------|--|--|---|
| Short term parking | ACU per SMC 23.49.045A2 | ACU to allow temporary use up to 2 years per SMC 23.49.046C ¹ | Temporary use up to 6 months per SMC 23.49.040 |
| Long term parking | ACU per SMC 23.49.045A2 | ACU to allow temporary use up to 2 years per SMC 23.49.046C ¹ | Temporary use up to 6 months per SMC 23.49.040. |

¹ 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 was vacant and no abatement action was undertaken. The hotel was demolished under permit # 6125007. There is currently an open enforcement case (#1014123) because the first 6-month period has expired.

The applicant has submitted an application to establish future uses on the site (MUP #3007605). The proposed use is for a 39-story, 234 dwelling unit residential tower with 7,733 sq. ft. of commercial retail use at street level. They are also proposing above and underground parking for 315 vehicles. This project is currently in the Design Review and environmental review. The applicant previously went through the Early Design Guidance process in fall 2007. The final stage of the process will be the phased construction permits with excavation, shoring, foundation and shell and core construction prior to occupancy. Tenant improvements would also typically coincide with the last phase of construction. One could expect that this project could be under construction within the next year (depending on the project's economics and the economy's future state). Final construction and occupancy can be expected within the next 2 to 3 years.

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 "...parking space occupied by individual motor vehicles for less than four 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 four hours or more, including a space generally used by persons who commute to work by private motor vehicle or by residents." 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 existing parking was conditioned to only accommodate short term parking. Signs and/or other measures are used to prohibit long term parking at this location pursuant to prior conditions of approval (see MUP #3003900 Report and Decision).

Additionally, visible parking uses are discouraged in an effort to create active and attractive streetscapes. The existing parking lot provides vehicle access from the alley and does not include any curbcuts along 2nd Avenue. A 3-foot high screen wall and 3-foot landscape buffer has been provided along 2nd Avenue in accordance with the Land Use Code's screening requirements for parking (SMC 23.49.019.I).

Because of the limited access from the alley, the landscape screen along 2nd Avenue, the prohibition of long term parking; the parking was allowed. The use has not been materially detrimental to the public welfare and has not resulted in substantial injury to the property in the vicinity.

The temporary parking lot did 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 temporary parking use has not disrupted the natural environment. The temporary parking use has had a 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 is in conflict with the Land Use Code. This is the first application for an additional 6-month extension of the temporary use. Permits for a replacement use have been made within the first 6-month period. There is also an open enforcement case (#1014123) because the applicant has allowed first 6-month period to expire.

DECISION – TEMPORARY USE

The request to extend the temporary use for another 6 months is **approved**. The applicant has applied for another use allowed in the DMC zone as required in the previous temporary use approval.

CONDITIONS- TEMPORARY USE

For the Life of the Project

1. Existing signs must be maintained 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. Two (2) additional applications for 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 (2) years. Future applications for the temporary use will not be approved after May 1, 2009 or when construction begins, whichever benchmark is reached first.

Signature: _____ (signature on file) Date: July 14, 2008

Craig Flamme, Land Use Planner
Department of Planning and Development

CWF:bg

I:\FlammeC\Staff Reports\3008616 temp use.doc