



City of Seattle

Department of Planning and Development

Diane M. Sugimura, Director

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

Application Number: 3015327
Applicant Name: Jodi Patterson-O'Hare for City Investors, LLC
Address of Proposal: 1104 Mercer St

SUMMARY OF PROPOSED ACTION

Land Use Application to allow temporary construction parking for 51 vehicles (up to six months) required for Project Nos. 3014653, 3014639 and 3014287.

The following approvals are required:

Temporary Use – to allow a use not otherwise permitted or not meeting development standards in the zone, pursuant to Seattle Municipal Code (SMC) 23.42.040.

SEPA – Environmental Determination (SMC Chapter 25.05)

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

SUMMARY OF PROPOSED ACTION

This Land Use Application would allow 51 temporary construction worker parking spaces on the site for office and research and development projects being permitted for construction in the South Lake Union Urban Center. The site is located at the southwest corner of Mercer Street and Boren Avenue North. Ingress and egress will be provided at the alley on the eastern boundary of the site and onto Boren Avenue North. The applicant has specified duration of up to six months. There is a pending application (3014748) for a permanent use (mini-warehouse and retail uses) on the site. The applicant has also applied for temporary construction worker parking on two (2) additional lots which are adjacent to the subject site under project numbers 3015325 and 3015326.

A Temporary Use permit is required for the proposed use as provided for in Seattle Municipal Code (SMC) [23.42.040 C](#). Temporary uses may be authorized for up to six months under this provision subject to applicable criteria.

PUBLIC COMMENT

DPD published a notice of application for the project on June 27, 2013. The comment period ended on July 10, 2013. DPD received no comments.

ANALYSIS

SMC [23.42.040](#) provides that the Director may grant, deny, or condition a temporary use application for uses not permitted or not meeting development standards in the zone where the use is proposed.

SMC [23.42.040 C](#) provides that a Master Use Permit for a period of up to six months may be authorized for any use that does not involve the erection of a permanent structure and that meets the requirements of SMC 23.42.040 A1a-c:

- a. The use shall not be materially detrimental to the public welfare; and
- b. The use shall not result in substantial injury to property in the vicinity; and
- c. The use shall be consistent with the spirit and purpose of the Land Use Code.

A. The use shall not be materially detrimental to the public welfare.

The proposal will not be materially detrimental to the public welfare since the site has most recently been used as a staging and area for the Mercer Corridor East project; minor modifications are proposed to the site for ingress and egress and parking space striping; and, temporarily locating construction worker parking on a dedicated site reduces the impact on the neighborhood where constructions workers would otherwise be likely to use scarce parking resources.

B. The use shall not result in substantial injury to the property in the vicinity.

The locating of temporary construction worker parking on this dedicated site prevents workers from searching for parking in an area already characterized by limited parking opportunities. In that only minor modifications to the site are being proposed and the use is temporary, the use will not result in any risk of substantial injury to this property or any within the neighborhood or the vicinity.

C. The use shall be consistent with the spirit and purpose of the Land Use Code.

SMC [23.02.020](#) provides that the purpose of the Land Use Code is to: *“protect and promote public health, safety and general welfare through a set of regulations and procedures for the use of land which are consistent with and implement the City's Comprehensive Plan. Procedures are established to increase citizen awareness of land use activities and their impacts and to*

coordinate necessary review processes.” The Land Use Code provides for flexible temporary establishment of uses that are not otherwise allowed in a zone, or which don’t otherwise meet development standards – all subject to review, public input, and DPD conditioning. As proposed, DPD recognizes the temporary construction worker parking to have no likely adverse effect on public health, safety and general welfare. Its temporary establishment occurs through procedures laid out in the Land Use Code, and as such it is consistent with its spirit and purpose.

CONCLUSION

The proposed temporary construction worker parking meets all three criteria associated with temporary uses. The temporary uses should not be materially detrimental to the public welfare, it should not result in substantial injury to properties in the vicinity, and it is consistent with the spirit and purpose of the Land Use Code.

DECISION

DPD **GRANTS** the proposed temporary construction worker parking use on the subject site.

SEPA ANALYSIS

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 May 13, 2013 and revised July 29, 2013. The Department of Planning and Development has analyzed and annotated the environmental checklist submitted by the applicant; reviewed project plans and any additional information in the file and any pertinent comments which may have been received regarding this proposed action have been considered. However, due to the temporary nature or limited effects, the impacts are not expected to be significant.

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.

Codes and development regulation applicable to this proposed project will provide sufficient mitigation from most short and/or long term impacts. Applicable codes may include the Stormwater Code (SMC22.800-808), the Grading Code (SMC22.170), the Street Use Ordinance (SMC Title 15), the Building Code, and Noise Control Ordinance (SMC 25.08). However, additional discussion regarding short term impacts is found below.

Short-Term Construction Impacts

The following temporary or construction-related impacts are expected: temporary soil erosion; decreased air quality due to increased dust and other suspended air particulates during minor excavation, filling and transport of materials to and from the site; increased noise and vibration from construction operations and equipment; increased traffic and parking demand from construction personnel traveling to and from the work site; consumption of renewable and non-renewable resources; disruption of utilities serving the area. Compliance with applicable codes and ordinances will reduce or eliminate most adverse short-term impacts to the environment.

The short-term, construction related impacts anticipated from the proposal are as summarized in the following list:

- *Air Quality* --- Increased dust and particulate matter due to construction activities and hauling of waste materials.
- *Transportation & parking* --- An increase in vehicular traffic adjacent to the site due to construction vehicles.

Greenhouse Gas Emissions - Construction activities including construction worker commutes, truck trips, the operation of construction equipment and machinery, and the manufacture of the construction materials themselves result in increases in carbon dioxide and other greenhouse gas emissions which adversely impact air quality and contribute to climate change and global warming. While these impacts are adverse, they are not expected to be significant due to the relatively minor contribution of greenhouse gas emissions from this project.

Codes and development regulations applicable to this proposed project will provide sufficient mitigation and no further conditioning or mitigation is warranted pursuant to the SEPA Overview Policy (SMC 25.05.665).

Long-Term Impacts

Long term or use-related impacts are also anticipated as a result of this proposal, including: increased traffic in the area; increased demand for public services and utilities; and increased light and glare. Compliance with applicable codes and ordinances will reduce or eliminate most adverse long-term impacts to the environment.

Greenhouse Gas Emissions - Operational activities, primarily vehicular trips associated with the project and the projects' energy consumption, are expected to result in increases in carbon dioxide and other greenhouse gas emissions which adversely impact air quality and contribute to climate change and global warming. While these impacts are adverse, they are not expected to be significant due to the relatively minor contribution of greenhouse gas emissions from this project.

No further conditioning or mitigation is warranted pursuant to specific environmental policies or the SEPA Overview Policy (SMC25.05.665).

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 43.21.C), including the requirement to inform the public of 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.(2)(C).
- 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(2)(C).

SEPA CONDITIONS

None.

Signature: _____ (signature on file) Date: September 2, 2013
Marti Stave, Senior Land Use Planner
Department of Planning and Development

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