



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: 3017980

Applicant Name: Jason Huff for City of Seattle, Department of Arts & Cultural Affairs

Address of Proposal: 1250 Denny Way

SUMMARY OF PROPOSED ACTION

Land Use Application to allow a temporary performance stage and parking for food truck vendors, with on-site storage, for up to six months.

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 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

The Seattle Office of Arts & Culture in partnership with Seattle City Light have commissioned a curatorial team to develop a public art project: "ALL RISE" at the future Seattle City Light Denny Substation site. According to the applicant, the goal is to transform the vacant lot into a platform to display visual art and performance artworks to provide the immediate neighborhood varied and accessible art experiences, and to improve the safety and appearance of the site prior to the construction of the new substation in the spring of 2015. Arts programming will include

rotating temporary artwork installations, dance/musical performances, film screenings, and more over a 13 month period beginning in late winter 2014. A 44 ft. x 65 ft. temporary stage will be installed to accommodate the performances. All exhibitions and events will be free and open to the public.

Description of Site and Proposed Use:

This site is located on Denny Way between Pontius Avenue North and Yale Avenue North near the intersection of Stewart Street. The site is approximately 90,000 square feet, with 8 foot cyclone fencing set back from 10 to 25 feet from the property line. The proposed use of the site is for the display of temporary artworks, located in various positions on the site, predominantly on the Denny Way street front and on the interior of the site within the fencing. As such, the proposed artwork will be viewable but not accessible. Landscaped area and seating elements on the north side of the site on John Street are proposed to be accessible to the community at all times.

The following events may occur on site, and are likely to occur with less frequency than outlined here:

- I. Performing Arts no Audience. No more than 30 total days will include an activity from this category.
- II. Performing/Participatory Arts with Audience. No more than 20 total days will include an activity from this category.
- III: Artist Residencies: No more than 60 total days will include an activity from this category.
- IV. Landscaping Activities: No more than 14 total days will include an activity from this category.
- V. Ongoing Activities
 - a. Food Carts located on the north side of the site will offer service to the community.
 - b. Music installation: a series of no more than 10 small radio/cd players within boxes will be installed inside the fence line at around the site. Music will only be as loud as to be heard from the sidewalk.
 - c. Art installation: occasionally, groups of volunteers or paid workers will assist in artwork installation.

Curators and project team (4 people) may be on the site at all hours.

Access:

Three fixed and one adjustable entrance and exit exist on the site, as detailed in site plan. For all public events, each of the three fixed exits will be secured at the open position. For any event with more than 50 occupants on site, an additional 20 feet or more of temporary fencing at John Street will be removed to serve as a fourth exit.

A Temporary Use permit is required for the proposed use as provided for in Seattle Municipal Code (SMC) [23.42.040 C](#).

PUBLIC COMMENT

DPD published a notice of application for the project on July 10, 2014. The comment period ended on July 23, 2014. DPD received one written comment.

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. The proposed performance stage does not meet development standards.

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 proposed art installations, performances and other low intensity activities on the site will occur within areas and hours covered by the city's codes and ordinances.

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

The proposed minor modifications to the site will not result in any risk of substantial injury to this property or any within the neighborhood or the vicinity. On the contrary, one stated purpose of the project is to provide ongoing low intensity, visible activities on the site that would prevent adverse conditions such as trash accumulation and illegal dumping arising on an otherwise vacant site.

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 use 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 activities meet 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 uses on the subject site.

CONDITIONS

None required.

Signature: _____ (signature on file) Date: July 31, 2014
Marti Stave, Senior Land Use Planner
Department of Planning and Development

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