



City of Seattle

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: 3003385
Applicant Name: Susan Driver for KIRO TV
Address of Project: 2801 3rd Avenue

SUMMARY OF PROPOSED ACTION

Master Use Permit for the future construction of a 32-space surface parking lot accessory to an existing major communication utility (KIRO TV Inc.) Demolition of the existing 8,000 square foot administrative office building is also under review.

The following approvals are required:

Administrative Conditional Use - to allow accessory surface parking in a DMC zone. (SMC Section 23.49.120).

SEPA - Environmental Determination - Chapter 25.05, (SMC)

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 Description

The project site is located at the northeast corner of Second Avenue and Broad Street. The site slopes down towards Second Avenue. Currently the site is occupied with an empty water-damaged office building. The proposal site is adjacent to the KIRO TV Building.

Vicinity

The site is located in a Downtown Mixed Commercial zone with an 85-foot height limit (DMC 85). The immediate vicinity is a mix of older and relatively new commercial buildings with a wide range of styles and exterior treatments.

Proposal

The proposed development includes the construction of a 32-space accessory parking lot at grade. Landscaping and screening are proposed per Land Use Code.

Public Comment

One comment letter was received during the official public comment period which ended October 26, 2005. The commentator asked to be included in future information regarding this project.

ANALYSIS - ADMINISTRATIVE CONDITIONAL USE PERMIT (23.49.122)

SMC 23.49.120 states that accessory surface parking areas shall be permitted as a conditional use when located in a areas shown on Map 1J and containing more that twenty (20) spaces. The proposed development includes 32 parking stalls as accessory parking for the existing office use. SMC Section 23.47.122 outlines the criteria for approving accessory parking within a Downtown Mixed Commercial zone.

Additionally, SMC 23.49.122.C states that surface parking areas where permitted as a conditional use by Section 23.49.120 may be permitted according to the following applicable standards:

2. The lot is screened and landscaped according to the provisions of Section 23.49.020 Screening and landscaping of surface parking areas. There will be a basement wall from the existing building which will be retained in part to maintain site slope stability and grade. The wall will be cut to three (3) feet in height and upon which a two (2) foot high and three (3) foot wide landscaping planter will be built. A decorative and security fence will be erected between the planter and the news vans. All landscaping will be irrigated. The fence will be a decorative wrought iron fence and will look similar to the fence portion of the examples shown.



The new planter will be a plain-faced concrete planter. Hanging vines will soften the planter and existing 3 foot wall. These design elements will be a condition of this project.

Additionally, SMC 23.49.122.A states that all conditional uses shall meet the following criteria:

- 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 requirements or 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 new use will not be detrimental to the public welfare or injurious to property in the zone. Removing the damaged, and now empty, building and adding landscaping next to the sidewalk will be an improvement for this city block corner.

No unusual safety conditions in the site vicinity would be adversely affected by traffic associated with the proposed development. Locating the news vans at this site may slightly reduce traffic. The KIRO vehicles proposed site access locations will require that the vans take care to notice traffic entry and exit from the alleyway entry just to the north.

DECISION - ADMINISTRATIVE CONDITIONAL USE

The application for an administrative conditional use permit is **APPROVED**.

ANALYSIS - SEPA

The initial disclosure of the potential impacts from this project was made in the environmental checklist submitted by the applicant dated September 7, 2005. 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 and/or circumstances (SMC 25.05.665 D 1-7) mitigation can be considered. Thus, a more detailed discussion of some of the impacts is appropriate.

Short-term Impacts

The following temporary or construction-related impacts are expected: decreased air quality due to suspended particulates from construction activities and hydrocarbon emissions from construction vehicles and equipment; increased dust caused by drying mud tracked onto streets during construction activities; increased traffic and demand for parking from construction materials hauling, equipment and

personnel; increased noise; and consumption of renewable and non-renewable resources. Several adopted codes and/or ordinances provide mitigation for some of the identified impacts:

- Excess material to be disposed of must be deposited in an approved site.
- The Stormwater, Grading and Drainage Control Code regulates site excavation for foundation and other purposes and requires that soil erosion control techniques be initiated for the duration of construction.
- The Street Use Ordinance requires watering streets to suppress dust, on-site washing of truck tires, removal of debris, and regulates obstruction of the pedestrian right-of-way.
- Puget Sound Clean Air Agency regulations require control of fugitive dust to protect air quality. The Building Code provides for construction measures in general.
- Finally, the Noise Ordinance regulates the time and amount of construction noise that is permitted in the city.

Compliance with these applicable codes and ordinances will reduce or eliminate most short-term impacts to the environment.

Drainage

Soil disturbing activities during site demolition and construction could result in erosion and transport of sediment. The Stormwater, Grading and Drainage Control Code provides for extensive review and conditioning of the project prior to issuance of building permits. Therefore, no further conditioning is warranted pursuant to SEPA policies.

Earth - Grading

The construction plans will be reviewed by DPD. Any additional information showing conformance with applicable ordinances and codes will be required prior to issuance of building permits. Applicable codes and ordinances provide extensive conditioning authority and prescriptive construction methodology to assure safe construction techniques are used, therefore, no additional conditioning is warranted pursuant to SEPA policies.

The Stormwater, Grading and Drainage Control Code provides extensive conditioning authority and prescriptive construction methodology to assure safe construction techniques are used, therefore, no additional conditioning is warranted pursuant to SEPA policies.

Construction: Traffic

The SEPA Overview Policy (SMC 25.05.665) and the SEPA Construction Impacts Policy (SMC 25.05.675B) allow the reviewing agency to mitigate impacts associated with construction activities.

Construction activities are expected to affect the surrounding area. Impacts to traffic and roads are expected from truck trips during excavation and construction activities. The SEPA Overview Policy (SMC 25.05.665) and the SEPA construction Impacts Policy (SMC 25.05.675B) allows the reviewing

agency to mitigate impacts associated with transportation during construction. The construction activities will require the removal of material from site and can be expected to generate truck trips to and from the site. In addition, delivery of concrete and other materials to the site will generate truck trips.

Existing City code (SMC 11.62) requires truck activities to use arterial streets to the greatest extent possible. For the removal and disposal of the spoil materials, the Code (SMC 11.74) provides that material hauled in trucks not be spilled during transport. The City requires that a minimum of one foot of “freeboard” (area from level of material to the top of the truck container) be provided in loaded uncovered trucks which minimizes the amount of spilled material and dust from the truck bed en route to or from a site.

The Street Use Ordinance requires sweeping or watering streets to suppress dust, on-site washing of truck tires, removal of debris, and regulates obstruction of the pedestrian right-of-way. This ordinance provides adequate mitigation for transportation impacts; therefore, no additional conditioning is warranted pursuant to SEPA policies.

Long-term Impacts

Long-term or use-related impacts associated with approval of this proposal include stormwater and erosion potential on site. Several adopted City codes and/or ordinances provide mitigation for some of the identified impacts. Specifically, the Stormwater, Grading and Drainage Control Code which requires on-site detention of stormwater with provisions for controlled tightline release to an approved outlet and may require additional design elements to prevent isolated flooding.

Compliance with all other applicable codes and ordinances is adequate to achieve sufficient mitigation of most long term impacts and no further conditioning is warranted by SEPA 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 - SEPA

During Construction

1. 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.

Prior to the Issuance of any Demolition Permit:

2. The owner(s) and/or responsible party(s) shall provide documentation to the DPD Planner that Puget Sound Clear Air Authority has received all information necessary to assess and mitigate likely air impacts.

CONDITIONS – ADMINISTRATIVE CONDITIONAL USE

Prior to Issuance of Final Certificate of Occupancy and For the Life of the Project

3. The owner(s) and/or responsible party(s) shall install and maintain the planters, landscaping and decorative fence as shown on the plans.

Signature: (signature on file) Date: February 13, 2006

Holly Godard, Land Use Planner
Department of Planning and Development.