



City of Seattle
Edward B. Murray, Mayor

Department of Construction and Inspections
Nathan Torgelson, Director

**CITY OF SEATTLE
ANALYSIS AND DECISION OF THE DIRECTOR OF
THE SEATTLE DEPARTMENT OF CONSTRUCTION AND INSPECTIONS**

Application Number: 3026332
Applicant Name: Sue Genty for Pecos Pit International LLC
Address of Proposal: 3243 SW Genesee Street

SUMMARY OF PROPOSAL

Land Use Application to allow temporary use for parking eight vehicles for up to six months.¹

The following approval is required:

Temporary Use Permit - to allow a use not otherwise permitted or not meeting development standards in a SF-5000 zone, pursuant to Seattle Municipal Code (SMC) 23.42.040.C.

BACKGROUND

Site:

The property is located immediately east of the intersection of Fauntleroy Way SW, 35th Avenue SW, and SW Genesee Street, in the West Seattle Junction neighborhood of West Seattle. It is developed with an existing Seattle City Light electrical substation building on the northerly half of the property. The southerly half of the property is undeveloped with structures and is relatively level. The property was leased by City Light to Pecos Pit International LLC, which installed parking for nine vehicles on the south half of the property. The SF-5000 (Single-Family Residential, with a minimum lot size of 5,000 square feet) zoning designation permits primarily single family residential use.



¹ The applicant originally proposed nine parking spaces. The proposal was revised to eight spaces rather than nine to accommodate landscaping on the east edge of the site.

Vicinity

The West Seattle Junction neighborhood near the site includes a mix of zones and development of varying types. To the east and north of the site the zoning is Single-Family and development includes mostly one and two-story single family residences of different ages and architectural styles. To the southeast of the property, separated by an alley from the site, the zoning is Midrise multifamily and developed with apartment buildings. The Midrise zoning extends further to the east as well. Directly south of the site and to the west, the zoning is NC3-65 (Neighborhood Commercial 3, with a structure height limit of 65 feet). The Pecos Pit restaurant occupies the property immediately west of the site. South of the site, across an improved alley, the property is developed with a “7-11” convenience store and gas station, including surface parking accessory to that use.

Proposed Use

The parking lot that is the subject of this application is currently in operation and has been authorized by 4-week temporary use permits issued over several months beginning in November 2016. Based on revised plans submitted to Seattle DCI on February 28, 2017, the proposal is to provide eight parking spaces accessory to the existing restaurant to the west, together with screening and landscaping on the east property line. Because the parking accessory to a commercial use is not permitted in the Single-Family zone, a permit for a temporary use not otherwise permitted in the zone is proposed per Section 23.42.040.C, for a term of 6 months. The permit is renewable per Table A for 23.76.004 and 23.76.006.B.2.

PUBLIC COMMENT

Seattle DCI published a notice of application for the project on November 21, 2016. The comment period ended on December 18, 2016. Numerous comments both in favor of the temporary use and opposed to it were received. Some additional written comments were provided after the close of the comment period. Additional written and oral comments were provided at a public meeting on January 12, 2017.

ANALYSIS – TEMPORARY USE

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 Subsection 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 A.1.a-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.

Surface parking lots are not an inert or passive land use. Without adequate screening, fencing and oversight, parking lots may attract individuals using them for purposes other than the temporary parking of vehicles, particularly during hours of least demand, and they may have effects on traffic. Pecos Pit has proposed new fencing along the entire east side of the property, new landscaping to provide a 5-foot buffer from the adjacent residence to the east, and will maintain existing fencing that fully encloses the parking lot and appropriate security lighting. The plans for the parking lot show that the parking spaces, located on the south half of the subject property, are surrounded by existing fencing, and include gates at the alley that can be locked during non-business hours. Lighting is provided for the parking area and directed away from adjacent property. These proposed and existing improvements will mitigate potentially unintended consequences of the proposed parking lot.

Potential detriment impacts to the immediate neighborhood from additional traffic attracted by the restaurant and the accessory parking lot must also be analyzed. A traffic analysis was prepared for the applicant by Mark Jacobs, a Professional Traffic Engineer. As discussed in the report, traffic data from a two-hour period on the evening of Thursday January 5, 2017 showed that eight customers entered the parking lot and one left. This data indicated “that the parking area generated little traffic.” Mr. Jacobs also noted, however, that “during warmer weather more customers would park and eat in the restaurant.” Using the data that he collected and national ITE information, Mr. Jacobs projected about 12 PMPHT’s (PM Peak Hour Trips) with seven entering and five exiting. On a daily basis, there would be about 154 trips “using national ITE data via the ratio of the daily (w/o AM data) to PM peak hour traffic data for restaurant use.”

Mr. Jacobs further concluded that “site parking lot traffic to and from the east via the alley would be nominal.” The determination was that about 5 percent of site traffic occurred from the east on the alley, and about 10 percent at PM peak hours. The alley traffic “would correlate into the parking area generating one trip from the east and sending two trips to the east during the PM street peak period.” A review for safety using accident data for a three-year period between 2013 and 2015 showed only “two recorded incidents at the 35th Ave. SW/Alley-Taco Time intersection.” This intersection “operates satisfactorily.” Mr. Jacobs concludes that “allowing the use of the eight parking stalls has minimal traffic/safety effect.”

As configured, the parking lot does not present a material detriment to the public welfare.

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

The parking is adjacent to an improved alley. The property abuts a residential street, SW Genesee Street, on the north side. The view of the parking from Genesee is largely screened by an existing utility building that served the former Seattle City Light substation previously located on the property. On the west side, the property is adjacent to the Pecos Restaurant site in the adjacent neighborhood commercial zone. While visible from the west, the parking does not appear out of place with the commercial property that it serves as an accessory use. Similarly, to the south, the parking is directly across the alley from another commercially zoned site, a 7-11 convenience store, and fits in with that commercial use as well. To the east, adjacent to Single-Family-zoned property, the parking will be screened from view by a solid wood screen fence 6 feet in height and with an additional 18-inch cedar lattice panel. In addition, a 5-foot deep landscaped buffer adjacent to the east property line will be provided. The fence and landscaping will extend the entire length of the east property line. As mentioned under criterion A above, the parking lot is fenced off and locked at night, and lighting is directed away from the residential

properties adjacent and nearby to the southeast. The temporary nature of the use limits injury to the property in the vicinity, particularly any potential injury to property values. Effect on traffic and safety in the neighborhood is expected to be minimal per the traffic analysis discussed above. A condition will be imposed requiring that the fencing and landscaping proposed on the site plan dated February 6, 2017 be installed prior to issuance of this 6-month permit. As conditioned, the proposed use will not likely result in substantial injury to the property in the vicinity.

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

SMC 23.02.020 provides in part 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 ...” Recognizing that the Land Use Code does not authorize the use of Single-Family zoned property for parking accessory to commercial uses, the temporary use, as conditioned, is reasonably consistent with the spirit and purpose of the Land Use Code. Having said this, it must be noted that the Land Use Code, at Table A for 23.76.004, allows renewals of 6-month temporary use permits, including temporary parking lots, as a “Type I” land use decision, which means that no public comment process is provided for renewals. The Code also does not specifically limit the number of times a temporary use permit may be renewed.

However, a reasonable limit to the number of renewals is more consistent with the spirit and purpose of the Land Use Code than unlimited renewal of a use not otherwise permitted in the zone. An appropriate long term solution to the parking for the Pecos Pit restaurant is to either obtain approval of a rezone for the subject site or locate the parking on commercially zoned property. A maximum of 18 months is reasonable for the temporary parking lot, to allow for a possible MUP application for a rezone or to find some other suitable solution to providing off-site parking. This maximum period is consistent with Building Code time limits for temporary uses, as well. Therefore, the temporary parking use is conditioned to allow one 6-month time period and a maximum of two renewals, for a total of 18 months. The applicant would have the option, at the close of this time limit, to apply for a new Type II temporary use permit.

DECISION AND CONDITIONS OF APPROVAL

The Temporary Use Application is granted subject to the following conditions. The applicant shall:

Prior to Issuance of MUP

1. Complete installation of fencing and landscaping per the site plan dated February 6, 2017.

For Life of the Project

2. A maximum of two renewals is allowed for this temporary use permit. The parking lot shall be vacated within a maximum of 18 months from the date of this decision.

William K. Mills, Land Use Planner Supervisor
Seattle Department of Construction and Inspections

Date: March 13, 2017

WM:drm

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IMPORTANT INFORMATION FOR ISSUANCE OF YOUR MASTER USE PERMIT

Master Use Permit Expiration and Issuance

The appealable land use decision on your Master Use Permit (MUP) application has now been published. At the conclusion of the appeal period, your permit will be considered “approved for issuance”. (If your decision is appealed, your permit will be considered “approved for issuance” on the fourth day following the City Hearing Examiner’s decision.) Projects requiring a Council land use action shall be considered “approved for issuance” following the Council’s decision.

The “approved for issuance” date marks the beginning of the **three year life** of the MUP approval, whether or not there are outstanding corrections to be made or pre-issuance conditions to be met. The permit must be issued by Seattle DCI within that three years or it will expire and be cancelled. (SMC 23-76-028) (Projects with a shoreline component have a **two year life**. Additional information regarding the effective date of shoreline permits may be found at 23.60.074.)

All outstanding corrections must be made, any pre-issuance conditions met and all outstanding fees paid before the permit is issued. You will be notified when your permit has issued.

Questions regarding the issuance and expiration of your permit may be addressed to the Public Resource Center at prc@seattle.gov or to our message line at 206-684-8467.