

## Graves, Natalie (Consultant)

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**From:** Halsted, Jesse (Consultant)  
**Sent:** Thursday, May 17, 2007 10:28 AM  
**To:** Lacy, Paul; Jones, Kelly J. (UCO); Boyd, Lindsay  
**Cc:** Fendt, Kathy (Consultant); Kassebaum, Carl  
**Subject:** Land Use MUP process  
**Attachments:** Visio-Landuse.pdf

Paul, et al.

Sorry this took a couple days to get to you but wanted to make sure it made sense.

Attached you will find a flow chart that walks through the basics of the City's Land Use Master Use Permit process. It should help frame the discussion on B93/94 and help with other activities down the line.

For B93/94 here is the process breakdown

**1)** The project area is in the Pioneer Square Mixed zone. Which defaults to the PS historic district for development standards. (see SMC 23.66.100 et seq.)

<http://clerk.ci.seattle.wa.us/~public/toc/23-66.htm>

**2)** Initially we were told by the city that "staging" and the other types of activities we have talked about that might occur on the private parcels next to 93/94 fell into the use category of;

"Storage" means a use in which goods or products are stored more than (72) hours. Storage uses include but are not limited to the following uses:

"Storage, outdoor" means a storage use in which an outdoor area is used for retention of materials, containers and/or equipment. Outdoor storage does not include sale, repair, incineration, recycling or discarding of materials or equipment. Outdoor storage areas are not accessible to the public unless an agent of the business is present. Outdoor parking areas for two (2) or more fleet vehicles of more than ten thousand (10,000) pounds gross vehicle weight shall also be considered outdoor storage. Temporary outdoor storage of construction equipment and materials associated with an active permit to demolish or erect a structure and vehicle sales areas where motorized vehicles are stored for the purpose of direct sale to the ultimate consumer shall not be considered outdoor storage.

I think another possible use would be;

2. "Commercial services, heavy":

b. "Construction services" means a heavy commercial service use in which construction contracting services, including the final processing of building materials such as but not limited to the mixing of concrete or the heating of asphalt, are provided; or in which construction equipment is stored, either in conjunction with an office or as a separate use, but not including a construction site.

I think with either of these you end up with the question of is there a distinction between using a parcel for construction in adjacent ROW or a neighboring parcel. I think the city itself is still struggling with how they want to

implement this so we may need to wait until the dust clears.

**3)** Based on the zoning, either of those two "uses" are prohibited by SMC 23.66.122

[http://clerk.ci.seattle.wa.us/~scripts/nph-brs.exe?](http://clerk.ci.seattle.wa.us/~scripts/nph-brs.exe?d=CODE&s1=23.66.122.snum.&Sect5=CODE1&Sect6=HITOFF&l=20&p=1&u=/~public/code1.htm&r=1&f=G)

[d=CODE&s1=23.66.122.snum.&Sect5=CODE1&Sect6=HITOFF&l=20&p=1&u=/~public/code1.htm&r=1&f=G](http://clerk.ci.seattle.wa.us/~scripts/nph-brs.exe?d=CODE&s1=23.66.122.snum.&Sect5=CODE1&Sect6=HITOFF&l=20&p=1&u=/~public/code1.htm&r=1&f=G)

**4)** The only way to do a prohibited use is through the temporary use process SMC 23.42.040

[http://clerk.ci.seattle.wa.us/~scripts/nph-brs.exe?](http://clerk.ci.seattle.wa.us/~scripts/nph-brs.exe?d=CODE&s1=23.42.040.snum.&Sect5=CODE1&Sect6=HITOFF&l=20&p=1&u=/~public/code1.htm&r=1&f=G)

[d=CODE&s1=23.42.040.snum.&Sect5=CODE1&Sect6=HITOFF&l=20&p=1&u=/~public/code1.htm&r=1&f=G](http://clerk.ci.seattle.wa.us/~scripts/nph-brs.exe?d=CODE&s1=23.42.040.snum.&Sect5=CODE1&Sect6=HITOFF&l=20&p=1&u=/~public/code1.htm&r=1&f=G)

**5)** Each of the possible temporary use scenarios is either a Type I (SMC 23.76.006(B)(2)) or a Type II (SMC 23.76.006(C)(2)(a)) MUP.

[http://clerk.ci.seattle.wa.us/~scripts/nph-brs.exe?](http://clerk.ci.seattle.wa.us/~scripts/nph-brs.exe?d=CODE&s1=23.76.006.snum.&Sect5=CODE1&Sect6=HITOFF&l=20&p=1&u=/~public/code1.htm&r=1&f=G)

[d=CODE&s1=23.76.006.snum.&Sect5=CODE1&Sect6=HITOFF&l=20&p=1&u=/~public/code1.htm&r=1&f=G](http://clerk.ci.seattle.wa.us/~scripts/nph-brs.exe?d=CODE&s1=23.76.006.snum.&Sect5=CODE1&Sect6=HITOFF&l=20&p=1&u=/~public/code1.htm&r=1&f=G)

Hope this helps make things a bit clearer. As we discussed we in the permit team think applying these uses to the project is a bit unreasonable and I think SDOT realizes what this kind of application would mean on larger scale so they are meeting with DPD this week. We will keep coordinated with that discussion and let you know when we hear anything. You had mentioned possibly writing a letter with our point of view, if you would like any help with that or have any questions on the process above, please let us know.

Jesse Halsted

Alaskan Way Viaduct and Seawall Replacement Project

Permit Team

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