



City of Tukwila

Department of Community Development

Allan Ekberg, Mayor

Jack Pace, Director

February 15, 2017 NOTICE OF DECISION

TO: Matthew Laase, Jackson Main Architecture, Applicant
Washington State Department of Ecology- Sepa Review
Washington State Department of Fish and Wildlife
King County Department of Assessments
Muckleshoot Indian Tribe
Greg and Vanessa Zaputil

This letter serves as a Notice of Decision and is issued pursuant to TMC 18.104.170 on the following project and permit approval.

I. PROJECT INFORMATION

Project File Number: L16-0068, Special Permission from the Director

Applicant: Matthew Laase, Jackson Main Architecture for Inspirus Credit Union

Type of Permit Applied for: Type 2 Special Permission from the Director.

Project Description: Special Permission to reduce the number of parking stalls required for the expansion of an existing office building by 10% or less. Also requested is permission to have more than 30% of the parking spaces provided be compact parking spaces.

Location: 5200 and 5290 Southcenter Blvd, Tukwila WA (King County parcel #s 1157200013 and 1157200021)

Associated Files: E16-0011 (Environmental Review)
L16-0064 (Design Review)
L16-0067 (Special Permission- Buffer Reduction)

COMPREHENSIVE PLAN DESIGNATION: Office (O)/ Regional Commercial Mixed Use (RCM)

ZONE DESIGNATION: Office (O)/ Regional Commercial Mixed Use (RCM)

II. DECISION

SEPA Determination: The City SEPA Responsible Official has previously determined that the project, as proposed, does not create a probable significant environmental impact and issued a Determination of Non-Significance (DNS) on December 21, 2016.

Decision on Substantive Permit: The Community Development Director has determined that the special permission application does comply with applicable City and state code requirements and has approved that application, subject to the following conditions:

1. Applicant shall ensure that decreased parking will not have a negative impact on surrounding properties by implementing an effective parking management plan and participation in the City's Commute Trip Reduction program. Applicant shall return the attached CTR forms and begin compliance with the City's Commute Trip Reduction Ordinance prior to the final inspection of the building permit but no later than April 1, 2017. Additionally, the applicant is required to submit an annual report that includes a traffic management plan, showing compliance with the City's Commute Trip Reduction program.
2. The proposed parking layout should be revised to: eliminate the tandem stalls; and convert the loading area to three parking stalls resulting in a total of 107 stalls (42 in the garage and 65 surface parking). See Attachments D and E, Staff Alternatives to the Site Plan and Illustrated Floor Plan-Parking Area sheets.
3. Applicant shall prepare a parking management plan to address the temporary impact and submit it as part of building permit submittal. The parking management plan shall either pursue a shared parking agreement with an adjacent property owner to the North, South, or West to accommodate employee parking during construction activities; or show how employee parking needs will be reduced and/or accommodated throughout the construction process.

III. YOUR APPEAL RIGHTS

The Decision on this Permit Application is a Type 2 decision pursuant to Tukwila Municipal Code §18.104.010. Other land use applications related to this project may still be pending.

No administrative appeal of a DNS or an EIS is permitted. One administrative appeal to the Hearing Examiner of the Decision on the Permit itself is permitted.

A party who is not satisfied with the outcome of the administrative appeal process may file an appeal in King County Superior Court from the Hearing Examiner decision.

IV. PROCEDURES AND TIME FOR APPEALING

In order to appeal the Community Development Director's decision on the Permit Application, a written notice of appeal must be filed with the Department of Community Development within 14-days of the issuance of this Decision, that is by March 1, 2017.

The requirements for such appeals are set forth in Tukwila Municipal Code 18.116. All appeal materials shall be submitted to the Department of Community Development. Appeal materials MUST include:

1. The name of the appealing party.
2. The address and phone number of the appealing party; and if the appealing party is a corporation, association or other group, the address and phone number of a contact person authorized to receive notices on the appealing party's behalf.
3. A statement identifying the decision being appealed and the alleged errors in the decision, including any specific challenge to an MDNS.
4. The Notice of Appeal shall identify (a) the specific errors of fact or errors in application of the law in the decision being appealed; (b) the harm suffered or anticipated by the appellant, and (c) the relief sought. The scope of an appeal shall be limited to matters or issues raised in the Notice of Appeal.
5. Appeal fee per the current fee schedule, additional hourly charges may apply. In addition all hearing examiner costs will be passed through to the appellant.

V. APPEAL HEARINGS PROCESS

Any administrative appeal regarding the Permit shall be conducted as an open record hearing before the Hearing Examiner based on the testimony and documentary evidence presented at the open record hearing. The Hearing Examiner decision on the appeal is the City's final decision.

Any party wishing to challenge the Hearing Examiner decision on this application must file an appeal pursuant to the procedures and time limitations set forth in RCW 36.70C. An appeal challenging a DNS, an MDNS or an EIS may be included in such an appeal. If no appeal of the Hearing Examiner decision is properly filed in Superior Court within such time limit, the Decision on this permit will be final.

The City's decision to issue a DNS, an MDNS or an EIS is final for this permit and any other pending permit applications for the development of the subject property.

VI. INSPECTION OF INFORMATION ON THE APPLICATION

Project materials including the application, any staff reports, and other studies related to the permits are available for inspection at the Tukwila Department of Community Development, 6300 Southcenter Blvd., Suite 100, Tukwila, Washington 98188 from Monday through Friday between 8:30 a.m. and 5:00 p.m. The project planner is Lindsay Brown, who may be contacted at Lindsay.brown@tukwilawa.gov or 206.433.7166 for further information.

Property owners affected by this decision may request a change in valuation for their property tax purposes. Contact the King County Assessor's Office for further information regarding property tax valuation changes. The notice board must be removed at the expiration of the appeal period if no appeal is filed.



Jack Pace, Director
Department of Community Development
City of Tukwila



**STAFF REPORT TO THE DIRECTOR
February 15, 2017**

FILE NUMBER: L16-0068

APPLICANT: Matthew Laase, Jackson Main Architecture for Inspirus Credit Union

REQUEST: Approval of Special Permission—Director Review to reduce the number of parking stalls required for the expansion of an existing office building by 10% or less, from 113 parking spaces to 108. Also requested is permission to have more than 30% of the parking spaces provided be compact parking spaces.

LOCATION: 5200 and 5290 Southcenter Blvd, Tukwila WA (parcel #s 1157200013 and 1157200021)

SEPA DETERMINATION: Determination of Non-Significance (DNS) issued for E16-0011 on December 21, 2016.

COMPREHENSIVE PLAN DESIGNATION: Office (O)/ Regional Commercial Mixed Use (RCM)

ZONE DESIGNATION: Office (O)/ Regional Commercial Mixed Use (RCM)

STAFF: Lindsay Brown, Assistant Planner

ATTACHMENTS: A. *Project Description for Proposed Parking Deviation*, prepared by Jackson Main Architecture, October 21, 2016.
B. *Site Plan*, Sheet A1.00 Revised. Received on January 11, 2017.
C. *Illustrated Floor Plan- Parking Level Plan*, Sheet A3 Revised. Received on February 14, 2017.
D. *Staff Alternative to Site Plan*, Sheet A1.00 Revised.
E. *Staff Alternative to Illustrated Floor Plan- Parking Level Plan*, Sheet A3 Revised.
F. Commute Trip Reduction materials mailed on December 16, 2016.
G. Comment letter from Greg and Vanessa Zaputil, November 30, 2016.
H. *Technical Review #1 Response Letter*, Received January 11, 2017.

PROJECT DESCRIPTION

The applicant is proposing to reduce the number of parking stalls required for the expansion of an existing office building by 10% or less, proposing a total of 108 parking spaces out of the 113 required. Also, requested is permission for more than 30% of the parking spaces provided to be compact parking spaces. The request is to allow 37% of the parking stalls in the additional parking area to be compact or tandem.

The proposed project is also subject to Design Review approval by the Board of Architectural Review for a 14,395 ft² addition to the existing 49,511 ft² office building including an expansion of the basement parking garage. Additionally, a Special Permission- Director permission to reduce a watercourse buffer and restore the reduced buffer with native plants was approved on February 15, 2017.

BACKGROUND

Parking requirements vary by use, and are depicted in Figure 18-7 of the Tukwila Municipal Code. Office uses are required to provide three off-street parking spaces per 1,000 square feet of useable floor area. Common corridors, restrooms, elevator shafts, stairwells and mechanical equipment rooms are not considered useable floor area. Subtracting these spaces from the gross square footage, the structure will have 37,541 square feet of useable floor area, requiring 113 parking spaces. The applicant is pursuing a reduction in the number of parking spaces required by less than 10%, which is a Special Permission decision determined by the DCD Director.

Figure 18-6 of the Tukwila Municipal Code depicts required parking stall width, length, and aisle width for one or two-way traffic, as determined by parking angle. All but four of the proposed spaces are accessed at 90 degrees. For 90-degree angle parking, standard stalls must measure a minimum of 19' in length and be at least 8.5' wide. Compact stalls must be at least 16' in length and 8' wide. Standard and compact stalls shall be allowed a two-foot landscaping overhang to count toward the stall length, as permitted in TMC 18.56.040.

Tandem parking spaces are addressed in TMC 18.56.040 Off-Street Parking and Loading Regulations- General Requirements. Tandem spaces are only allowed in the High-Density Residential (HDR) and Medium-Density Residential (MDR) zones, with a few size and percentage requirements.

The Tukwila Municipal Code has provisions related to nonconforming parking areas. TMC Chapter 18.70.080 states "If a change of use takes place, or an addition is proposed, which requires an increase in the parking area by an increment less than 100%, the requirements of the Off-street Parking and Loading Regulations chapter of this title shall be complied with for the additional parking area". Existing parking areas that don't meet current code requirements regarding width, length, angle, or drive aisle dimensions but met code requirements at the time of development are considered legally nonconforming.

DECISION CRITERIA

This report provides an overview of project consistency with applicable criteria for off-street parking requirements, followed by discussion of the proposed plans, the request, and mitigating conditions of approval.

CRITERIA	STAFF ANALYSIS
<p>18.56.090 Compact Car Allowance</p> <ul style="list-style-type: none"> A. A maximum of 30% of the total off-street parking stalls may be permitted and designated for compact cars. B. Each compact stall shall be designated as such, with the word COMPACT printed onto the stall, in a minimum of eight -inch letters and maintained as such over the life of the use of both the space and the adjacent structure it serves. C. Dimensions of compact parking stalls shall conform to the standards as depicted in Figure 18-6 of this chapter. D. Compact spaces shall be reasonably dispersed throughout the parking lot. 	<p>Submitted plans propose compact or tandem spaces for 37% of the parking stalls in the additional parking area to be compact or tandem. Out of 46 stalls 9 are proposed to be compact and 8 tandem stalls.</p> <p>A waiver allowing more than 30% of the parking spaces to be compact is included in the Special Permission request. Existing parking areas that do not meet code requirements are considered legally nonconforming, and don't need to be changed with the proposed plans. The 37% of stalls proposed to be compact or tandem is the percentage of stalls in the garage area, which includes the garage addition and the restriping of existing garage parking spaces.</p> <p>Compact spaces are dispersed in parking areas, and parking space dimensions comply with the minimum requirements depicted in TMC 18-6.</p>
<p>18.56.130 Development Standards for Bicycle Parking</p> <ul style="list-style-type: none"> A. Required number of bicycle parking spaces: The required number of parking spaces for bicycles are included in TMC 18.56.050, Figure 18-7. B. Location: <ul style="list-style-type: none"> 1. Required bicycle parking must be located within 50 feet of an entrance to the building or use 2. Bicycle parking may be provided within a building, but the location must be accessible for bicycles 	<p>A bike rack is located in front of the main entrance near the northwest corner of the building. This rack will remain, and the project proposes to add two additional bicycle parking areas inside the garage addition, easily accessed from Southcenter Boulevard.</p>

<p>C. Safety and Security:</p> <ol style="list-style-type: none"> 1. Legitimate bicycle spaces are individual units within ribbon racks, inverted 'U' racks, locking wheel racks, lockers, or other similar permanent structures. 2. If bicycle lockers are used, windows and/or view holes must be included to discourage improper uses. 3. If bicycle parking is not visible from the street, a sign must be posted indicating the location of the bicycle parking spaces. 4. All bicycle parking must be separated from motor vehicle traffic by a barrier, curb, post, bollard or other similar device. <p>D. Process: Upon application to and review by the Community Development Director, subject to a Type 1 decision process as outlined in TMC Section 18.108.020, the bicycle parking requirements may be modified or waived, where appropriate.</p>	<p>Approval of this Special Permission request will include conditions ensuring that criteria C will be met, and next steps for proceeding with the City's Commute Trip Reduction Program staff regarding design of bicycle parking facilities.</p>
<p>18.56.140 Administrative Variance from Parking Standards</p> <p>A. General:</p> <ol style="list-style-type: none"> 1. A request for an administrative variance from required parking standards must be received prior to any issuance of building or engineering permits. Administrative variances are only eligible for requests for reductions of required parking between 1% and 10%. Requests for reductions from minimum parking standards in excess of 10% must be made to the Hearing Examiner. 2. The project developer shall present all findings to the Director prior to any final approvals, including design review, conditional use permit review, building review or any other permit reviews required by the Director. <p>B. Criteria:</p> <ol style="list-style-type: none"> 1. All requests for reductions in parking shall be reviewed under the criteria established in this section. 2. In addition to the following requirements, the Director may require specific measures not listed to ensure that all impacts with reduced parking are mitigated. Any spillover parking which cannot be mitigated to the satisfaction of the Director will serve as the basis for denial. A reduction may be allowed, pursuant to either an administrative variance or requests to the Hearing Examiner, after: <ol style="list-style-type: none"> a. All shared parking strategies are explored. b. On-site park and ride opportunities are fully explored. c. The site is in compliance with the City's commute trip reduction ordinance or, if not an affected employer as 	<p>The applicant requests Special Permission- Director approval to allow for a reduction in the required parking spaces by less than 10%. Proposing 108 parking spaces out of the 113 required is approximately a 5% reduction.</p> <p>Shared parking is possible, but some site attributes limit the possibilities. The property across 52nd Ave S. is vacant, so there is no parking to consider for sharing across sites. Immediately north of Inspirus is an office building which appears to exceed the 3 parking spaces/1,000 useable floor area standard for office uses, but there is a grade change and a retaining wall that somewhat limits pedestrian traffic between sites.</p> <p>Although several letters from Commute Trip Reduction Program staff have been sent to Inspirus (Attachment F), the City has not yet received a response. Compliance with the program will be a condition of approval.</p>

<p>defined by the City's ordinance, agrees to become affected.</p> <p>d. The site is at least 300 feet away from a single-family residential zone.</p> <p>e. A report is submitted providing a basis for less parking and mitigation necessary to offset any negative effects.</p> <p>C. Process:</p> <ol style="list-style-type: none"> 1. An applicant shall submit evidence that decreased parking will not have a negative impact on surrounding properties or potential future uses. This may take the form of a brief report for administrative variances. Decreases in excess of 10% must be made to the Hearing Examiner. The Director may require additional studies to ensure that negative impacts are properly mitigated. A complete and detailed Parking Demand Study is required for requests reviewed by the Hearing Examiner. 2. All site characteristics should be described in the report, including: <ol style="list-style-type: none"> a. Site accessibility for transit. b. Site proximity to transit, with 15- to 30-minute headways. c. Shared use of on-site parking. d. Shared use of off-site parking. e. Combined on-site parking. f. Employee density. g. Adjacent land uses. <p>D. Review: Applications for administrative variances for reductions below minimum parking requirements between 1% and 10% shall be processed as Type 2 decisions, pursuant to TMC Section 18.108.020. Applications for reductions from minimum parking requirements in excess of 10% shall be processed as Type 3 decisions, pursuant to TMC Section 18.108.030, including a hearing before the Hearing Examiner.</p>	<p>The site is more than 300 feet from the LDR zone.</p> <p>The applicant submitted a letter to justify the request for reduced parking requirements (Attachment A). Site attributes, proximity to transit, and on-site car and bicycle facilities were addressed.</p> <p>Applicant shall ensure that decreased parking will not have a negative impact on surrounding properties by an effective parking management plan and participation in the City's Commute Trip Reduction program.</p>
<p>TMC 18.70.080 Nonconforming Parking Lots</p> <p>A. Nothing contained in the Off-street Parking and Loading Regulations chapter of this title shall be construed to require a change in any aspect of a structure or facility covered thereunder including, without limitation, parking lot layout, loading space requirements and curb-cuts, for any structure or facility which existed on the date of adoption of this title.</p> <p>B. If a change of use takes place, or an addition is proposed, which requires an increase in the parking area by an increment less than 100%, the requirements of the Off-street</p>	<p>An addition is proposed which increases the parking by less than 100%, thus the existing nonconforming parking spaces and layout may remain.</p> <p>The parking area increase associated with the building addition is the only parking area which is required to comply with the Off-Street Parking and Loading</p>

<p>Parking and Loading Regulations chapter of this title shall be complied with for the additional parking area.</p> <p>C. If a change of use takes place, or an addition is proposed, which requires an increase in the parking area by an increment greater than 100%, the requirements of the Off-street Parking and Loading Regulations chapter of this title shall be complied with for the entire parking area.</p>	<p>Regulations. The compact space dimensions and the aisle width dimensions in the garage addition comply with zoning code requirements.</p>
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DISCUSSION

The site currently has 98 parking spaces distributed in surface parking along the western, northern and eastern boundaries, and in the ground-level garage. The planned improvements include the net addition of 11 parking stalls in the garage, and the subtraction of one space in the surface parking lot.

During the initial site visit, Planning staff noticed a few parking irregularities including parking in the loading zone and fire lane, and for-sale cars parked long-term on site. Questions were posed during the technical review stage, and the applicant provided responses to those questions (Attachment H). The parking behaviors observed by staff and addressed by the applicant indicate that many of the parking shortage concerns could be ameliorated by better management of parking areas.

Applicant has proposed a total of 108 parking stalls proposed on the site; 46 in the garage and 62 surface parking stalls.

In the existing garage, 3 existing spaces will be removed to make a drive aisle connection from the existing garage area to the addition, and 1 existing standard space will be removed and replaced with 3 compact stalls; and 2 standard stalls are proposed to be converted to 4 tandem stalls. In the new portion of garage (garage addition), 4 tandem stalls and 6 compact stalls are proposed.

The existing surface parking area will be largely unchanged with the building addition design; there are a few minor changes to parking spaces and landscaping within the surface parking lot. On the northern site perimeter, landscape islands will be reconfigured, allowing 2 additional parking spaces. On the eastern perimeter, two spaces will be removed to more clearly delineate the fire lane from parking areas with landscaping, and the applicant proposes to shrink a landscape island to squeeze in one additional compact space adjacent to the garage. In the eastern parking area, the applicant proposes to add a landscape planter and restrripe, losing 2 parking spaces.

The City’s regulations allowing existing nonconforming parking areas to remain unchanged applies to all parking spaces except the garage addition. Because of this, analysis of the percentage of compact spaces should apply only to parking changes in the garage.

The table below depicts existing and proposed standard and compact parking spaces as shown on Attachments B and C, and their location on the site. The applicant proposes the addition of eight tandem parking spaces; both the forward and rear parking spaces are counted as tandem spaces.

Proposed Plans		
Parking Area	Garage	Surface
Existing Standard	35	20
Existing Compact	0	43
Existing Tandem	0	0
Changes- Standard	-6	0
Changes- Compact	+9	-1
Changes- Tandem	+8	0
Total Spaces	46	62
% Compact or Tandem	37%	N/A

The applicant’s proposed landscape modifications to the surface parking areas will result in a more organized, harmonious site and will result in a tree canopy increase and lessen the appearance of large paved areas.

Parking regulations allow tandem configurations only in MDR and HDR zones, and only for residential uses. Tandem spaces are impractical for commercial businesses, as they require a shifting of cars in order to use both spaces. Because of this and code restrictions, staff recommends the substitution of the 8 tandem spaces proposed by the applicant with 4 standard spaces.

As recently as this week, parking in the loading zone at the southwest corner of the building was again observed. It appears that this loading zone is not used for loading, but instead is used as convenient parking for employees. Because this space is typically used for informal parking and because loading zones are no longer required of all office or commercial buildings, staff recommends conversion of the loading zone to 3 standard parking spaces.

The table below reflects the staff recommendation of parking for the Inspirus Credit Union Site. Under the staff alternative, the surface parking lot will see the net addition of two parking spaces, and the garage would gain a net of 7 parking spaces. The staff alternative recommendation would bring the total parking spaces onsite to 107, an approximate 6% reduction in parking spaces required. The staff alternative includes removal of tandems stalls in the garage and the addition of 9 compact spaces in the garage, comprising 21% of all garage parking spaces.

Staff Recommendation		
Parking Area	Garage	Surface
Existing Standard	35	20
Existing Compact	0	43
Existing Tandem	0	0
Changes- Standard	-2	+3
Changes- Compact	+9	-1
Changes- Tandem	N/A	N/A
Total Spaces	42	65
% Compact	21%	N/A

COMMENTS

A combined Notice of Application for this Special Permission request and related land use applications was mailed on November 17, 2016 to the applicant, departments and agencies with jurisdiction pursuant to TMC 18.104.090, and owners and tenants of property within 500 feet of the site. The comment period ended on December 1, 2016 and two comment letters were received. One comment letter focused solely on the onsite sensitive area, and was addressed in the Special Permission- Sensitive Area Buffer Reduction staff report. The other letter, from a nearby resident, addresses parking and other concerns, and is included as Attachment G of this report. The applicant has written the following in response to the parking concern brought up by the Zaputils in their comment letter:

The vacant lot across from the applicant's property is not expected to be used for any staging, parking or construction activity related to this application. Required parking for the expanded property will be contained onsite as noted on the plans.

CONCLUSIONS

1. The site has a stream and buffer that limits the areas that can be used for onsite parking.
2. The Special Permission request to reduce the number of required parking spaces by less than 10% is consistent with TMC18.56.140 Administrative Variance from Parking Standards criteria.
3. The proposed plans to include tandem parking spaces in the onsite parking areas is inconsistent with Tukwila Municipal Code Requirements.
4. Demand for onsite parking can be reduced through commute trip reduction program incentives such as transit passes, priority carpool parking and financial incentives.
5. Applicant shall ensure that decreased parking will not have a negative impact on surrounding properties by an effective parking management plan and participation in the City's Commute Trip Reduction program.

6. The proposed parking layout should be revised to: eliminate the tandem stalls and convert the loading area to three parking stalls resulting in a total of 107 stalls (42 in the garage and 65 surface parking). No deviation from 30% maximum compact stall count is needed under this option as the total number of compact stalls in the garage will be 21% of the total number of parking stalls in the garage.
7. It is possible there will be temporary impact to neighboring properties due construction activities on the site. Applicant shall prepare a parking management plan to address the temporary impact and submit it as part of building permit submittal. The parking management plan shall either pursue a shared parking agreement with an adjacent property owner to the North, South, or West to accommodate employee parking during construction activities; or show how employee parking needs will be reduced and/or accommodated throughout the construction process.

RECOMMENDATIONS

As depicted in Attachments D and E, staff recommends 107 parking spaces for the Inspirus site, comprising an approximate 7% reduction in parking spaces required. Staff recommends the following conditions of approval:

1. Applicant shall ensure that decreased parking will not have a negative impact on surrounding properties by implementing an effective parking management plan and participation in the City's Commute Trip Reduction program. Applicant shall return the attached CTR forms and begin compliance with the City's Commute Trip Reduction Ordinance prior to the final inspection of the building permit but no later than April 1, 2017. Additionally, the applicant is required to submit an annual report that includes a traffic management plan, showing compliance with the City's Commute Trip Reduction program.
2. The proposed parking layout should be revised to: eliminate the tandem stalls; and convert the loading area to three parking stalls resulting in a total of 107 stalls (42 in the garage and 65 surface parking). See Attachments D and E, Staff Alternatives to the Site Plan and Illustrated Floor Plan-Parking Area sheets.
3. Applicant shall prepare a parking management plan to address the temporary impact and submit it as part of building permit submittal. The parking management plan shall either pursue a shared parking agreement with an adjacent property owner to the North, South, or West to accommodate employee parking during construction activities; or show how employee parking needs will be reduced and/or accommodated throughout the construction process.