



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: 3007315

Applicant Name: Jeffrey Araucto of Stricker Cato Murphy Architects for Nickerson Investments LLC.

Address of Proposal: 1300 W Nickerson St.

SUMMARY OF PROPOSED ACTION

Land Use Application to allow 42,000 sq. ft. addition to an existing Mini-Storage structure (Nickerson Street Self Storage). Project includes additional parking for 20 vehicles and 1,300 cubic yards of grading.

The following approval is required:

- **SEPA – Environmental Determination** – Chapter 25.05, Seattle Municipal Code.
- **Variance** – Chapter 23.40.020, Seattle Municipal Code.
 - ♦ *To allow a 45' tall addition to an existing structure with no story having 15' in height (SMC 23.50.020-B.1+2)*

SEPA DETERMINATION: Exempt DNS MDNS EIS

DNS with conditions

DNS involving non-exempt grading or demolition or involving another agency with jurisdiction.

BACKGROUND DATA

Zoning: Industrial Buffer IB U/45.

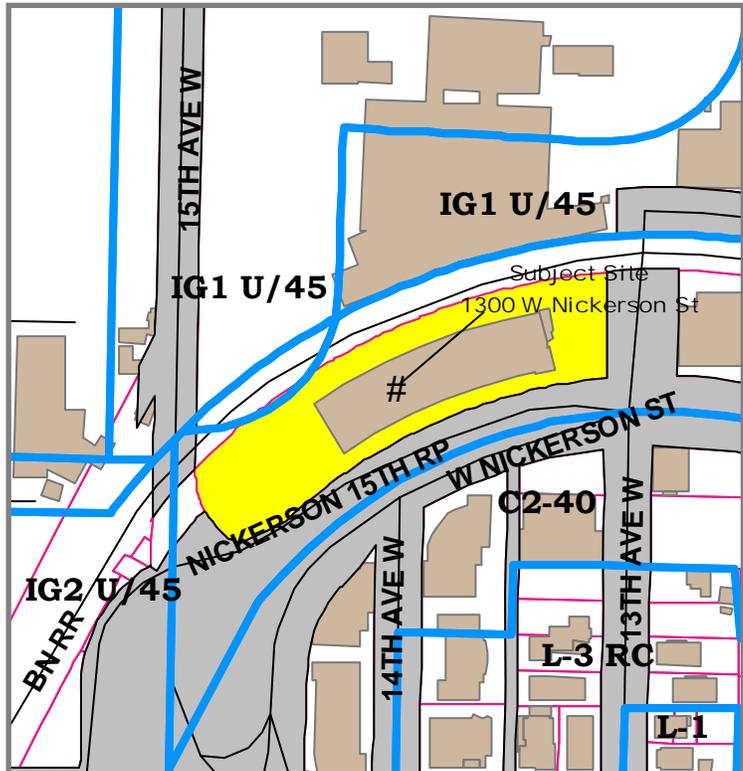
Proposed Use: Mini-Storage Addition to existing use.

Public Comment:

The comment period for this proposal ended on August 29th, 2007. During the public comment period, DPD received two written comments related to the project. The non-supportive comment focuses on conflicts between the proposed use expansion and functions of a neighboring use, painting of boats. The supportive comment states the proposed addition would be good for the community and bring in more business.

Site and Vicinity:

The site is located on the north side of Queen Anne Hill just east of 15th Ave W and is currently developed with a four-story mini-storage building. Vehicle access to the site is from 13th Ave W by way of W Nickerson St., a designated arterial. To the north are Salmon Bay and Lake Washington Ship Canal. The site is located in an industrial zone and area with many marine related and warehouse uses north of W Nickerson St. Zoning to the north along the shoreline is General Industrial One (IG1 U/45). To the west of and across 15th Ave W, zoning is IG2 U/45. On the south side of Nickerson St. is Commercial Two zoning with a forty foot height limit (C2-40), with Lowrise Three Residential Commercial (L3-RC) and Lowrise One (L1) zoning further south.



Proposal:

The applicant proposes an addition of 42,000 sq. ft. and four stories to the west side of the existing 106,610 mini-storage structure. Vehicle access to the site will continue to be provided from 13th Ave W with no changes. Parking spaces will be re-allocated on the site with 20 new parking spaces proposed, 8 of the spaces are proposed to be provided off-site by covenant. The applicant proposes to line up floor levels of the proposed addition with existing structure's floor levels to provide access between the existing and proposed floors and internal pedestrian corridors. The structure's proposed addition is to be located where outdoor storage currently exists. The outdoor storage function currently on the west side of the structure will be discontinued and the addition put in its place.

Height of the existing structure is approximately 45' in height while, the structure contains no story of 15' in height. As a result, the structure is non-conforming to the current height standard of SMC 23.50.020-B.1+2, which requires that a structure contain at least one story of 15' in order to gain the maximum allowable height of 45', otherwise height is limited to 40'. The proposed addition will be an extension of the existing building including overall height and floor levels; as a result a variance is required to allow a 45' tall addition to the building without containing a 15' high story.

ANALYSIS - SEPA

Environmental review resulting in a Threshold Determination is required pursuant to the Seattle State Environmental Policy Act (SEPA), WAC 197-11, and the Seattle SEPA Ordinance (Seattle Municipal Code Chapter 25.05).

The initial disclosure of the potential impacts from this project was made in the environmental checklist submitted by the applicant dated July 25th, 2007. The Department of Planning and Development has analyzed the environmental checklist submitted by the project applicant, the project plans, the public comment and the additional information located in the project file. As indicated in the checklist, this action may result in adverse impacts to the environment. However, due to their temporary nature and limited effects, the impacts are not expected to be significant. A discussion of these impacts is warranted.

Short -Term Impacts

Construction Impacts

Construction activities for the 42,000 sq. ft. addition could result in the following adverse impacts: construction dust, emissions from construction machinery and vehicles, increased particulate levels, increased noise levels, occasional disruption of adjacent vehicular and pedestrian traffic, and a small increase in traffic and parking impacts due to construction workers' vehicles. Several construction related impacts are mitigated by existing City codes and ordinances applicable to the project, such as the Noise Ordinance; the Street Use Ordinance; and the Building Code. Following is an analysis of the air, water quality, streets, parking, and construction-related noise impacts as well as mitigation.

The character of the area is primarily industrial in nature north of W Nickerson St with some residential to the south across W Nickerson St. Considering the distance of the proposed addition from the residences to the south (150' min. distance) and the high ambient noise from W Nickerson St, the construction-related noise will not have an adverse impact on the surrounding residents in the area. The times allowed for construction per the Noise Ordinance (SMC 25.08) are found to be adequate to mitigate the noise impacts for the proposed development.

Considering the site's configuration and large setbacks, the staging, construction and worker vehicle parking can be accommodated on site, impacts to surrounding street parking supply is anticipated to be negligible to none.

The Street Use Ordinance includes regulations that mitigate dust, mud, and circulation. Temporary closure of sidewalks and/or traffic lane(s) is adequately controlled with a street use permit through the Seattle Department of Transportation.

Construction is expected to temporarily add particulates to the air and will result in a slight increase in auto-generated air contaminants from construction worker vehicles; however, this increase is not anticipated to be significant. Federal auto emission controls are the primary means of mitigating air quality impacts from motor vehicles as stated in the Air Quality Policy (Section 25.05.675 SMC).

Long - Term Impacts

The following long-term or use-related impacts, increased demand on public services and utilities; increased light and glare; and increased energy consumption are not considered adverse, as other City Departments will review in detail and/or adopted City Codes will address most of these issues. Additional impacts which may result in the long-term are discussed below.

Parking

Considering the 42,000 sq. ft. proposed addition, 20 new parking stalls are required by the Land Use Code (SMC 23.54.015 - Chart A) for a total requirement of 53 parking spaces. The project proposes to increase the number of on-site parking spaces by 12, creating a total of 45 parking spaces on site (33 existing). Off-site parking is proposed by covenant for 8 of the required parking spaces. The 8 off-site parking are proposed to be located at 4025 13th Ave W with signage.

A site visit conducted by the Land Use Planner found that many of the current parking spaces were unused during a midweek day time (10.25.07 at 3:00 pm). Many customers may park near their unit in the driveway to load or unload their vehicle, further freeing up the designated parking spaces. Considering the unpredictable nature of parking demands of mini-storage based on time of day and time of year, The Department sees no evidence or need to require more parking than is prescribed by the Land Use Code.

Earth

The application was reviewed by DPD Geotechnical staff and a steep slope exemption was granted for the project. The application also included the original geotechnical report submitted for the existing building. DPD Geotechnical staff determined that the ECA review and review under the Grading and Drainage Code will be analyzed further during the building permit phase of the project.

Traffic and Transportation

The amount of traffic expected to be generated by this proposal is within the capacity of the streets in the immediate area and therefore, no SEPA mitigation is warranted for traffic impacts.

Summary

In conclusion, adverse effects on the environment resulting from the proposal are anticipated to be non-significant. The project is determined to be compliant with SEPA policies.

Existing codes and development regulations applicable to this proposed project will provide sufficient mitigation beyond the conditions and no conditioning or mitigation is warranted pursuant to specific environmental policies or the SEPA Overview Policy (SMC 25.05.665).

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 requirement of the State Environmental Policy Act (RCW 43.21.C), including the requirement to inform the public of 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 43.21.030(2)(C).

ANALYSIS-VARIANCE

Variances from the provisions or requirements of this Land Use Code shall be authorized when all the facts and conditions listed below are found to exist:

- 1. Because of unusual conditions applicable to the subject property, including size, shape, topography, location or surroundings, which were not created by the owner or applicant, the strict application of this Land Use Code would deprive the property of rights and privileges enjoyed by other properties in the same zone or vicinity;***

The unusual condition associated with the subject property is that the existing structure was permitted, built and currently exists on the subject property and does not conform to the current zoning regulations for height in the IB U/45 zoning (SMC 23.50.020-B.1+2). The code allows for a 45' high structure when the structure contains one story at least 15' in height. If a structure does not contain a 15' story, height is limited to 40'. The tallest story in the existing structure is approximately 12' – 3" and the overall existing structure height is approximately 44' - 9^{1/2}". Since the building was originally constructed without a 15' floor, it is technically over the height limit under current code. The owner could not have known about the future height requirements, specifically the 15' first floor height requirement to attain the maximum 45' height.

The existing structure consists of four stories as the 40 and 45' height limit of the zone allows. It appears the extra height allowed for structures with a 15' story is permitted because many industrial uses require a large floor level for truck loading and/or as a need of certain industrial business functions; only allowing 40' of height where many industrial businesses require a large floor to floor height would limit many structures to 3 stories or compromise the usability of the remaining floor heights of a building. Other properties in the area have a right to have 45' high structures and strict application of the Land Use Code on the subject property would deprive the applicant of that same right.

2. ***The requested variance does not go beyond the minimum necessary to afford relief and does not constitute a grant of special privilege inconsistent with the limitations upon other properties in the vicinity and zone in which the subject property is located;***

Approving the proposed variance would not constitute a grant of special privilege and would not go beyond the minimum necessary to afford relief. The applicant is asking for a variance from the 15' height floor requirement to allow a structure to continue its current floor to floor heights and the overall existing height of the structure. The granting of the variance is not a grant of special privilege as others in the area have the right to construct a four floor structure. In this case, the request for the variance is the minimum necessary does not constitute a grant of special privilege as the structure is proposed to simply continue and add on to its current design; the addition will be the same height as the existing structure.

3. ***The granting of the variance will not be materially detrimental to the public welfare or injurious to the property or improvements in the zone or vicinity in which the subject property is located;***

The proposed variance which allows an additional five feet in height will not be materially detrimental to the public welfare or injurious to the property or improvements in the zone or vicinity in which the subject property is located. Surrounding uses, as a result of business functions such as painting of large vessels may have an impact on the proposal as indicated by public comment, but the proposed height variance has little to no bearing with any such impact. The remaining development standards for the zone will be met and as a result the proposal is compliant with this criterion.

4. ***The literal interpretation and strict application of the applicable provisions or requirements of this Land Use Code would cause undue and unnecessary hardship;***

If a 15' floor height were enforced to attain the 45' overall height it would require that the development to not align floor levels between the addition and the existing portion of the structure, creating a poor functional relationship between them. Alternatively, the addition's first floor level would need to be sunken below the existing structure's floor level by approximately 2.6' which would require extensive site grading to accesses the new portion of the structure, specifically any outside first floor roll up door storage units and pedestrian accesses into the building. This would in theory line up the upper floors but the lower floor would not be aligned and this scenario would likely be over the allowable height limit.

The applicant is not requesting five floors bur rather four as allowed by the zoning and applying the code strictly would only allow 3 floors if the addition aligned all existing and proposed floor levels. Further, requiring a 15' floor on the addition would not allow aligning of all the floors; creating an unnecessary hardship situation. As a result the strict application of the code would cause undue and unnecessary hardship and this criterion is satisfied.

5. *The requested variance would be consistent with the spirit and purpose of the Land Use Code and adopted Land Use regulations for the area.*

The subject Industrial zone height standards promote the allowance of four story structures and in this case the proposal is to continue the existing four story configuration for the addition. The existing floor level is not 15' in height but is larger than a typical floor level (12' – 3"), which aims at meeting intent of the extra height of five feet allowed by code. As a result the requested variance from meeting the 15' floor requirement is consistent with the spirit and purpose of the Land Use Code and adopted Land Use regulations for the area. This criterion is satisfied.

DECISION - VARIANCE

Variance – To allow a mixed use in a structure not meeting the required floor to floor height per SMC 23.50.020-B.1+2 - **GRANTED.**

CONDITIONS – SEPA

None.

CONDITIONS – VARIANCE

None.

Signature: _____ (signature on file)
Lucas DeHerrera, Senior Land Use Planner
Department of Planning and Development

Date: March 13, 2008