



City of Seattle

Gregory Nichols, Mayor
Department of Planning and Development
D. Sugimura, Director

**CITY OF SEATTLE
ANALYSIS AND DECISION OF THE DIRECTOR
OF THE DEPARTMENT OF PLANNING AND DEVELOPMENT**

Application Number: 3008045
Applicant Name: Jennifer Lee for Peter Easte
Address of Proposal: 9423 Martin Luther King Jr. Way South

SUMMARY OF PROPOSED ACTION

Land Use Application to allow undersized parking aisle width.

Variance - to allow less than required parking aisle width.
(Seattle Municipal Code Exhibit 23.54.030D)

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 and Vicinity Description

The development site, Jack’s Payless Auto Supply, is comprised of three parcels totaling approximately 55,789 square feet and is zoned Commercial 2 with a 65-foot height limit (C2-40). The C2-40 zoning designation continues north and south on both sides of Martin Luther King Jr. Way S for several blocks. Zoning to the east and west of the C2-40 area is SF5000. To the south at South Norfolk St. the zoning changes to Industrial General. The Link Light Rail has



recently been completed in the right-of way abutting the site. The Henderson Light Rail Station is located approximately one mile to the north.

Proposed Action

The applicant has requested a variance to allow for a reduction in the drive aisle width from 11' for as little as 9.75 feet for a row of angled parking in front of the retail store for small vehicles.

The parking is adjacent to new sidewalk improvements on Martin Luther King Jr. Way S. that were installed by Sound Transit as part of the development of the Light Rail line. Several feet of property adjacent to the development were acquired by Sound Transit, leaving the applicant with a nonconforming parking situation.

Public Comment

No written comments were received during the public comment period, which ended on April 2, 2008.

ANALYSIS - VARIANCE

Variances from the provisions or requirements of this Land Use Code shall be authorized only when all of the following facts and conditions (stated in *italics*) 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; and*

The variance has been requested because of unusual circumstances that were not created by the owner or applicant. These circumstances are the taking of frontage by Sound Transit for public purposes. For most of the project's frontage, between .5 and 1.75 feet of frontage was taken; in one location toward the south end of the property, four feet of frontage, plus a larger corner area at the south was taken. This acquisition, plus the sidewalk improvements, eliminated the continuous curbcut previously utilized by the development, and reduced the property on the subject site to a dimension that has difficulty meeting the minimum required parking space plus drive aisle width, even for small parking spaces.

While the acquisition of frontage, and installation of sidewalk improvements by Sound Transit was a situation not created by the owner, a continuous curb cut along a property frontage is not a right and privilege enjoyed by other properties in general, nor currently by properties in this area. As discussed further below, the parking can be reconfigured to meet the code. Therefore, the strict application of the Land Use Code would not deprive the property of rights and privileges enjoyed by others in the same area.

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; and*

The requested reduction in aisle width of up to 1.25 feet for the smallest spaces allowed by code at a very sharp (20 to 27 degree angle) is a very minimal variance amount, and is proportional to the amount of frontage acquired by sound transit. However, upon further investigation it was found that there are other options that would require less of a variance to afford relief, and, in fact, would allow the parking without a variance. These are as follows:

- 1) Angling the parking spaces more sharply (14 degrees) allows twelve small spaces to be accommodated within the code allowances. Only one of the 13 spaces desired by the applicant would require a variance in length. While the applicant wants to fit 13 spaces in this location, a review of permit history shows that 12 spaces were previously permitted for this area.
- 2) Parking spaces could be configured as parallel spaces, allowing the full aisle width required, plus accommodating 12 spaces that include some large and medium sized spaces.

While an unlimited curb cut and lack of sidewalk allowed perpendicular parking for clients, this configuration is not typical as areas develop. Granting a variance based on this historic situation, rather than recognizing nonconformity, would be a grant of special privilege.

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; and*

Due to the proximity of the sidewalk to the reduced parking aisle width, it is likely that the proposed parking configuration would lead to vehicles using the public sidewalk for maneuvering and a corresponding decrease in pedestrian safety on the sidewalk. While it would be possible to install a curb at the sidewalk edge, it appears from turning diagrams submitted that some car bumpers would still cross into the sidewalk area as part of their turning maneuvers.

Further, it is likely that many of the customers would not be driving small vehicles, but would still park in the convenient spaces in front of the store. This would make the actual drive aisle less than shown on the plans, and exacerbate safety issues.

The Department cannot certify that this criterion will be met.

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

The Department's analysis indicates that other parking configurations are possible that meet the code requirements. One is a parallel parking configuration, which would allow for some large size spaces, as well as some medium and small spaces. This seems to be a reasonable approach given the nature of the business. There are also other areas on site (north of the store) where there is room for parking. As such, an undue hardship would not be caused by requiring that the parking be configured to meet the code.

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

The spirit and purpose of the Land Use Code, particularly with regarding to parking dimensions and aisles is meant to provide for pedestrian and vehicular safety and efficient circulation of vehicles. The proposed aisle width does not provide enough space for vehicles to pull into and out of the parking spaces; granting a variance for this configuration would decrease the safety of pedestrians traveling on the sidewalk. This criterion is not met.

DECISION - VARIANCE (Based upon approved plans in the file)

The proposed variance to allow less than the minimum required aisle width is **DENIED**.

Signature: _____ (signature on file) Date: September 4, 2008
Holly Anderson, Land Use Planner
Department of Planning and Development
Land Use Division

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