



City of Seattle
Edward B. Murray, 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: 3019200
Applicant Name: Allen Draher
Address of Proposal: 3270 California Avenue SW

SUMMARY OF PROPOSED ACTION

Land Use Application to allow existing indoor participant sports use to continue (covenant parking eliminated).

The following approval is required:

Variance - To allow less than required parking. (SMC 23.54.015).

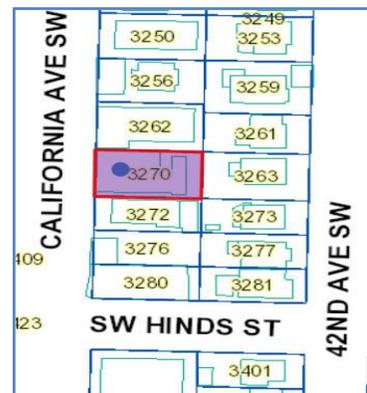
SEPA DETERMINATION: Exempt DNS MDNS EIS
 DNS with conditions
 DNS involving non-exempt grading or demolition, or involving another agency with jurisdiction.

Site and Vicinity

Site Zoning: Neighborhood Commercial (NC2-40)
Nearby Zones: Lowrise (LR3-RC) and Single Family (SF5000)
Existing Use: Indoor participant sports

Substantive Site Characteristics:

The site is located on midblock on California Ave SW, between SW Hanford St and SW Hinds St. The existing building was



constructed in 1947, according to King County records. The site has approximately 55 feet of street frontage along California Ave SW. Three pedestrian entrances are located off this frontage. There is no off-street parking on the site, since the structure occupies the entire street frontage and there is no alley. Off-street parking is located on all street frontages adjacent to the subject property.

Public Comment:

The public comment period ended on October 28, 2015. Comments were received and carefully considered, to the extent that they raised issues within the scope of this review. These areas of public comment related to parking and the neighborhood context. Comments were also received that are beyond the scope of this review and analysis per SMC 23.40.020. All comment letters were written in favor of the proposal.

ANALYSIS - VARIANCE

As provided in SMC 23.40.020, variances from the provisions or requirements of Seattle Municipal Code Title 23 shall be authorized only when all of the facts and conditions stated in the numbered paragraphs 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 subject property is unusual due to the age of the building on the subject property and the Land Use Code changes to require off-street parking since construction of the building. The existing building occupies the entire street frontage and does not offer opportunities for off-street parking. Construction of off-street parking to meet Land Use and Building Code requirements would require major reconstruction of the existing structure, or possibly demolition of the building. It is not reasonable to require reconstruction of the foundation and building structure to meet minimum parking requirements.

It is common for commercial buildings to provide off-street parking for tenants. A covenant was recorded granting eight off street parking spaces in 1997; a 2856 square foot second floor addition was added and parking for 8 vehicles was provided at 3239 California Ave SW, under project number 9606089. This offsite parking location is currently being redeveloped. The grantor terminated the parking covenant placing the subject property out of conformance with the Land Use Code.

The Land Use Code allows off-site parking to be located within an 800 foot radius area. For the subject property, a large portion of this area is zoned Single Family, which rarely includes off-street parking lots with leasable spaces. Unable to find a replacement location, the applicant submitted documentation that a suitable parking location is not available in the 800 foot radius area, due in part to the surrounding Single Family zoning.

This site's unusual conditions and strict application of the Land Use Code would therefore deprive this property of rights and privileges enjoyed by other comparable properties.

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;***

Plans show no proposed modifications. The requested variance is necessary due to the existing 68-year old structure and associated structural supports and wall locations. The requested variance would allow no off-street parking. If granted, the variance would allow 3 parking spaces fewer than would be required under the current Land Use Code. The requested variance would not grant special privilege and would be the minimum necessary to afford relief.

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 project proposal does not include any construction; as such it is not anticipated to be materially detrimental to any adjacent property or improvement.

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;***

The literal interpretation of the applicable Land Use Code provisions to this property would prevent the applicant from continuing the current business at this location. The age and construction of the building make it infeasible to provide parking access to the building in compliance with required codes. It would create an undue hardship for the owner(s) of the property due to the existing adjacent uses and lack of plausible alternate locations for parking on the lot.

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 Land Use Code provides for a variance process for relief from unusual conditions and situations that the rules of the Code could not anticipate. At the same time, the spirit and intent of the Land Use Code and Land Use regulations is to provide development compatible with environmental constraints, land development patterns, and existing neighborhood character.

The proposal to provide no off-street parking is a response to existing uses and the existing older architecture of the building. This variance application seeks to provide flexibility for a situation constrained by the adjacent uses and the existing development.

The proposed additions are consistent with the spirit and purpose of the Land Use Code and adopted Land Use Comprehensive Policies as applicable.

DECISION - VARIANCE

Based on the above findings and analysis all of the facts and conditions stated in the numbered criteria of SMC 23.40.020, *Variances*, are found to exist. The requested variance is **APPROVED**, as shown on the 3019200 MUP plan sets.

CONDITIONS – VARIANCE

None.

Magda Hogness, Land Use Planner
Department of Planning and Development

Date: November 9, 2015

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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 DPD 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.