



City of Seattle
Edward B. Murray, Mayor

Department of Construction and Inspections
Nathan Torgelson, Director

**CITY OF SEATTLE
ANALYSIS AND DECISION OF THE DIRECTOR OF
THE SEATTLE DEPARTMENT OF CONSTRUCTION AND INSPECTIONS**

Application Number: 3022701
Applicant Name: Randy Morgan
Address of Proposal: 1300 Dexter Ave N

SUMMARY OF PROPOSED ACTION

Land Use Application to relocate existing trash enclosure from the rear of the site to the front of the site.

The following approval is required:

Variance – #1. to allow a trash enclosure between the street facing façade and the street. (SMC 23.48.014) #2. Also included, is a variance to allow a trash enclosure less than 225 sq. ft. in size is also requested. (SMC 23.54.40)

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

BACKGROUND DATA

Site and Vicinity

The site, which houses an office building, is located to the west of Lake Union in an area comprised of office, commercial, and multi-family uses. Three arterial roadways Aurora, Dexter, and Westlake Ave N. move traffic north/south. The site rises up approximately five feet from Dexter Avenue then slopes downward approximately 30' from west to east; these sloping conditions are cited as some rationale for the applicant's variance. The subject property is zoned Seattle Mixed-Use South Lake Union (SM-SLU 85/65-125) This zone requires dumpsters to be located behind the front façade of the building. Parking is provided in an underground parking garage accessed at

southeast corner of the site. There is a separate parking area in the front of the building in a one-way configuration for loading and unloading.

Description of Proposal

Two variances are requested. The first is for relief from the requirement for trash enclosures to be located behind the front façade of the building. The second is for a smaller enclosure. The ordinance requires 225 sq. ft. The applicant requests 123 sq. ft. The existing enclosure is 70 sq. ft. in size and is located within the front façade of the building and is accessed from the one-way drive aisle with angled parking. The applicant presented two options. The preferred scheme, Option 1, is within five feet of the front property line. Option 2 is 18.5 feet from the Dexter property line and is screened by an existing landscape planter. This scenario is closer to the intent of the code to reduce the prominence of dumpsters along the street. The proposed enclosure is 123 sq. ft. in size. The main objectives are to reduce cumbersome operations and increasing the size of the enclosure area.

Public Comment

One letter was received from a member of the public requesting information about the variance.

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 location of the existing dumpster in the building's front facade is approximately 5 feet higher than Dexter. A code conforming place for the trash is at the rear of the site in the underground parking garage. This is problematic due to the site's topography as there is a 30 foot drop from top of the site to the garage entrance. This condition makes hauling dumpsters from the underground garage difficult. If stored below the building in the parking garage the applicant would likely have to haul dumpsters up steep ramp with equipment not usually found at an office building. The existing trash enclosure is only 70 sq. ft. in size and is too small for the office building. If approved the applicant will increase the capacity for trash storage. This improves the existing non-conformity of the enclosure's size.

- 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;***

One stated reason for the variance was to expand the capacity for trash storage. The applicant has proposed a trash enclosure almost doubling their existing capacity. Two options were presented in the application. The first was in a space within five feet of the street.

The second design option is in a space that is far from the street as possible, while fulfilling the stated goal of additional trash capacity. The applicant needs a second variance as the size of the enclosure is less than zoning ordinance standards. These two variances are somewhat at odds with one another as a larger enclosure would have more of a street presence. Option 2 minimizes the visual impacts of a dumpster in front of the building as it is located behind some existing landscaping.

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 location of the trash enclosure does not present any safety concerns as it is accessed from a drive aisle and dumpsters can be wheeled out to the street for pick-up.

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;***

Code conforming locations for the trash shelter would require the applicant to wheel dumpsters up a steep ramp to the street or would require the applicant to alter the building cutting into a conference room or an entrance to the building. This distance between the front of the building and the parking garage may increase the likelihood of trash being left on the street. Even if the existing enclosure is enlarged there would still be a highly visible set of dumpster doors along the front façade. Option 2 at least moves the trash besides the existing building behind a wall of landscaping.

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 code about dumpster location is in place to protect the integrity of the street and screen unsightly trash. Proposed landscaping will screen the new enclosure masking its presence from the street. The enclosure may be less visible from its new location.

DECISION – VARIANCE

The Director approves the requested variances for the alternative dumpster location called out as Option 2 within the report and sheet A.2A.2 of the plan set.

Josh Johnson, Land Use Planner
Seattle Department of Planning and Development

Date: April 21, 2016

JJ:drm

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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 Seattle DCI 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.