



City of Seattle

Gregory J. Nickels, Mayor
Department of Planning & Development
D. M. Sugimura, Director

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

Application Number: 2408910
Applicant Name: Heather Leaman
Address of Proposal: 333 Westlake Avenue N

SUMMARY OF PROPOSED ACTION

Master Use Permit to change the use of a 11,408 square feet retail, storage, administrative office building to retail with accessory administrative office and storage.

The following approvals is required:

Variance: - To allow less than minimum required parking spaces (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

BACKGROUND DATA

Site and Vicinity Description

The 7,200 square foot project site is a corner lot zoned Neighborhood Commercial Three (NC3-85) with an 85 foot height limit. The subject site is located on the southwest corner of Harrison Street and Westlake Avenue North. The existing development on the site is a two-story brick commercial building which fronts on both Westlake Avenue North and Harrison Street. The existing commercial building was built in 1923 to cover one hundred percent of the lot leaving no on-site parking space. The type of retail associated with this commercial building involves the sales of high quality luxury rugs. Under previous building permit #627488, the subject building was remodeled to accommodate spaces for retail, storage, administrative office and manufacturing in both the first and second floors to store and prepare the rugs for sale and display in the showroom floor. The proposal to change the existing use to predominantly retail with accessory administrative office and storage requires that some parking be provided for the proposed retail. The building covers one hundred percent of the site, as a result, on-site parking for the proposal would not be available. The location of the building provides easy pedestrian access from Westlake Avenue North and Harrison Street. The southern portion of the building which fronts on Westlake Avenue N is occupied by Administrative office use.

Napa Auto parts store and shop is located north and east on the both corners of Westlake Avenue N and Harrison Street. Further east across Westlake Avenue N and across from the the site are additional retail uses. Development in the vicinity consists predominantly of retail, office and principal use parking lots. The NC3-85 zone extends along half the block on both sides of Westlake Avenue N running from north to south, abutting C1-85 feet zone to the west and IC-65 feet to the east. A 16-foot alley abuts the site to the west.

Proposal Description.

According to information submitted by the applicant on sheet A-1 of the MUP Plans the proposed change of use of an existing 11,408 square feet commercial building containing 2,780 square feet administrative office, 1444 square feet retail, 4677 square feet storage and 2507 square feet manufacturing to 8483 square feet personal household retail sales and service with 1232 square feet accessory administrative office and 1,693 square feet storage could be summarized in the following table below:

Existing Building Floor Plan	Uses	Existing Use Area in square feet	Proposed Use Area in square feet
1 st Floor	Office	681	109
	Retail	1444	5000
	Storage	3700	716
2 nd Floor	Office	2099	1123
	Retail	N/A	3483
	Work	2507	N/A
	Storage	977	977
Total	Office	2780	1232
	Retail	1444	8483

	Storage	4677	1693
	Work	2507	N/A
		11,408	11,408

The proposal will maintain the existing commercial building. There will be some interior alteration and improvements at the first and the second floors, primarily creating larger retail spaces on both floors with accessory administrative office and storage. There will be no changes to the exterior facades of the building. The existing building with its one hundred (100) percent of the lot coverage has no on-site parking prior to the propose change of use.

According to the parking calculation submitted by the applicant on sheet SD-1 of the MUP Plans, the Land Use Code requires the proposed retail to provide 20 parking spaces. The applicant has applied the 20% transit reduction parking exception reducing the required 20 spaces to 16. The parking calculations also indicate that an existing parking deficit of nine parking spaces currently exists on the site. These parking deficit should be accounted for in the proposed change of use. Due to the existing parking deficit of 9 parking spaces, the proposed change of use requires 7 parking spaces on site. Since parking was not previously established on site coupled with the inability to obtain accessory parking by covenant from businesses in the vicinity within 800-foot walking distance to the subject site, the applicant requests a variance to allow less than minimum required parking spaces.

Public Comments

The public comment period for this project started on December 30, 2004 and ended on January 12, 2005. No comment letter was received.

ANALYSIS - VARIANCE

As provided in SMC 23.40.020, variances from the provisions or requirements of Title 23 shall be authorized only when all of the facts and conditions stated in the numbered paragraphs below are found to exist. Analysis for the variance requested follows each statement of required facts and conditions.

- 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 the location of the existing building on the subject site. The existing structure was built in 1923 and has existed on the subject lot prior to the adoption of current development standards. The existing building was constructed over one hundred (100) percent of the lot area without establishing on-site parking and without any available lot area to add parking for the proposed change of use. The location of the existing building is an unusual condition applicable to the subject property not created by the owner or applicant.

Another property related hardship is that the surrounding businesses do not have the capacity to provide on-site parking and those businesses that could provide accessory covenant parking are unwilling to commit to a covenant parking agreement subject to the Land Use Code Section 23.54.025. The applicant had indicated in letters submitted to DPD that the principal use parking lots located within 800 feet from the proposal site are unwilling to commit to covenant parking agreement. These difficulties in securing legal covenant parking is an unusual property related hardship which is not created by the owner or applicant and the strict application of the Land Use Code would deprive the applicant the right of proposed change of use. Because of the unusual conditions applicable to the subject property, including location of the existing commercial building or surroundings which are not created by the applicant or owner, the strict application of the Land Use Code would deprive the property of the rights and privileges enjoyed by other property owners in the same zone or vicinity.

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;***

The proposed request to allow less than minimum required parking for the proposed retail use on the subject property does not go beyond the minimum necessary to afford relief because the abutting properties to the north and east of the site, and a few other lots in the vicinity have no on-site parking for their existing retail use. In addition, the twenty (20) percent transit reduction parking exception applied by the applicant to reduce the number of required parking and the difficulties encountered by the applicant in trying to secure covenant parking goes to demonstrate that the variance does not go beyond the minimum necessary to afford relief but simply a request by the applicant to enjoy privileges that other retail uses with similar situations are enjoying in the zone and vicinity. The request to allow less than minimum required parking for the proposed retail use does not constitute a grant of special privilege inconsistent with the limitations upon other properties in the vicinity and zone in which the property is located.

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;***

No material detriment to the public welfare or injury to property in the zone or vicinity is likely to occur by granting the requested variance. The proposal will only change the existing uses to predominantly retail with accessory administrative office and storage within the existing commercial building. The exterior facades of the commercial building will not be altered and the change will have no impact on neighboring property or uses in the area and vicinity. Thus, granting the variance to accommodate the proposed retail and accessory administrative office and storage will not be materially detrimental to the public welfare or injurious to the property or improvements in the zone or vicinity.

