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: 3006332

Applicant Name: Keri Adams Lee

Address of Proposal: 4456 42nd Avenue SW

SUMMARY OF PROPOSED ACTION

Land Use Application to allow a 12,014 square foot expansion of an existing institution (Hope Lutheran Church and School). The project includes demolition of a 2,400 square foot classroom structure.

The following approvals are required:

Variance – to allow vehicle access to parking from the street and the alley (SMC Section 23.47A.032a).

SEPA – Environmental Determination – (Chapter 25.05 SMC)

SEPA DETERMINATION: [ ] Exempt [X] DNS [ ] EIS

[ ] DNS with conditions

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

BACKGROUND DATA

Site Description

The site is located in a Neighborhood Commercial 2 zone with a 40 foot height limit (NC2 40') one block west of California Avenue SW on the northwest corner of SW Oregon Street and 42nd Avenue SW in West Seattle. A 16 foot wide alley adjoins the east side of the site. The site is relatively flat but slopes downward on the southeast corner toward the alley. The site is developed with the Hope Lutheran Church and school.

Area Development

California Avenue SW is located one block to the west of the site and carries a moderate volume of north/south traffic through this part of West Seattle. There is a mixture of commercial and multifamily development along California Avenue SW. Development in the vicinity consists of a mixture of single and multifamily structures. The West Seattle Christian Church is located on the adjoining site to the north. The west side of the street is developed with residential structures and the accessory parking lot for the Eagles Lodge. There are multifamily structures in the Lowrise 2 zone across the alley to the east.

Description of Proposal

The proposed development includes the demolition of a portion of the existing building (4456 42nd Avenue SW) at the corner of SW Oregon Street and 42nd Avenue SW and the building located at 4432 42nd Avenue SW. The church will be expanded by 7,474 square feet which includes a new church office, expanded narthex, and six new Sunday school classrooms. The school will be expanded by 9,010 square feet which includes a new covered drop-off, a new kindergarten classroom (the existing kindergarten classroom is located in the house which will be demolished), a new preschool classroom, a church nursery, and a new technology classroom.

A variance request has been made for a curb-cut on 42nd Avenue SW for access from the subject property to the student drop-off area exiting onto 42nd Avenue SW. Land Use Code Section 23.47A.032.a. entitled "Parking Location and Access" states: "Access to parking must be from the alley if the lot abuts an alley improved to the standards of Section 23.53.030C".

Public Comment

One comment letter was received during the public comment period which ended June 20, 2007. The neighbor across the alley to the east noted that the dead end alley serves eight residents, alley dedications may be needed, and offered nine recommendations to improve the alley operation.

ANALYSIS- VARIANCE

Seattle Municipal Code Section 23.40.020 sets forth the conditions under which variances may be granted, as follows in italics and interspersed with analysis:

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

1. *Because of unusual conditions applicable to the subject property, including size, topography, location, or surroundings, which were not created by the owner or the 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 north end of the alley is a dead end preventing a loading zone in the alley. The width of the paved driving surface on 42nd Avenue SW is too narrow to safely accommodate both the school loading zone on the east side of the street and parking on the west side of the street while maintaining open vehicle access for north and southbound lanes through the middle of the street. The driving lanes are particularly tight for an NC2 40' zone. SW Oregon Street is a collector

arterial street leading to Fauntleroy Way South (a principal arterial street), the West Seattle Bridge (a regional arterial) and the Interstate 5 freeway. However, most of the vehicle trips to the school are from the nearest arterial, California Avenue SW, and turn onto SW Oregon Street. The school loading zone is directly north of the intersection of SW Oregon Street and 42nd Avenue SW requiring a left turn across the westbound traffic lane into the loading zone. The site is located in an NC2 40' zone which does not limit the expansion of institutions like religious facilities and private schools. These are unusual conditions which were not created by the owner or applicant and the strict application of the code provisions requiring alley access would deprive the property of the rights and privileges enjoyed by other properties in the same zone and 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; and*

A 20 foot wide one-way driveway connecting the street to the alley is the minimum necessary to provide a safe loading zone for the schoolchildren. Allowing the church and school to use the alley does not constitute a grant of special privilege inconsistent with the other residential properties in the Lowrise 2 zone which use the same alley.

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*

Variance approval will improve traffic circulation on the streets and intersections by moving the existing loading zone off 42nd Avenue SW, away from the intersection, and onto the church property where it is safer to drop off children. The parking lot for the West Seattle Christian Church will adjoin the north side of the loading zone and the Eagles Lodge parking lot is located directly across 42nd Avenue SW from the curb cut to the loading zone. There are two churches on the east side of 42nd Avenue SW and residential uses on the west side of the street, so allowing vehicle access from both the street and the alley will not disrupt continuous street level storefronts in an NC2 40' zone or alter the streetscape character. Vehicles will enter the one-way loading zone from the street and exit southbound onto the alley. For these reasons, 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.

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

The existing loading zone creates a hazard for parents turning across traffic from SW Oregon Street directly into the loading zone and creates traffic circulation problems on 42nd Avenue SW. The literal interpretation and strict application of the applicable provisions or requirements of the Land Use Code would cause undue hardship and practical difficulties for the parents dropping off and picking up their children in terms of the children's safety.

5. *The requested variance would be consistent with the spirit and purpose of the Land Use Code and adopted Land Use Policies or Comprehensive Plan component, as applicable.*

The spirit and purpose of requiring alley access in an NC2 40' zone when the alley is improved to code standards is to maintain the streetscape character of the commercial area with continuous storefronts along the sidewalk uninterrupted by driveways. However, 42nd Avenue SW is one block east of the primary arterial, California Avenue SW, and is not developed with continuous storefronts. The east side of the street is developed with the Hope Lutheran Church and the proposed expansion. The west side of the street is developed with residential uses. The proposed driveway loading zone for the children makes sense in the context of existing development on the block. The proposed loading zone would be safer for the children by taking them off the narrow street and onto a one-way driveway exiting southbound onto the alley and back to SW Oregon Street. In addition, the application materials addressed how the variance would be consistent with twelve elements in the Comprehensive Plan. For these reasons, the requested variance would be consistent with the spirit and purpose of the Land Use Code and adopted Land Use Policies and Comprehensive Plan component.

DECISION – VARIANCE

The requested variance is **APPROVED.**

ANALYSIS – SEPA

The initial disclosure of the potential impacts from this project was made in the environmental checklist submitted by the applicant dated May 11, 2007. The information in the checklist and the experience of the lead agency with review of similar projects form the basis for this analysis and decision.

The SEPA Overview Policy (SMC 25.05.554D) clarifies the relationship between codes, policies, and environmental review. Specific policies for each element of the environment, certain neighborhood plans, and other policies explicitly referenced may serve as the basis for exercising substantive SEPA authority.

The Overview Policy states, in part: "Where City regulations have been adopted to address an environmental impact, it shall be presumed that such regulations are adequate to achieve sufficient mitigation," subject to some limitations. Under such limitations/circumstances (SMC 25.05.665 D1-7) mitigation can be considered. Thus, a more detailed discussion of some of the impacts is appropriate.

Drainage

Rain water on roofs and on the driveways is the major source of water runoff on the site. The rain water on the roofs will be collected in gutters and connected to the storm drainage system. Drainage will be directed away from adjoining residential properties. No additional mitigation measures will be required pursuant to SEPA.

Height, Bulk, and Scale

The site is separated from the nearest residential uses on three sides by an alley to the east, 42nd Avenue SW to the west, and SW Oregon Street to the south. The streets and alley provide buffers to minimize the impact of new development on neighboring properties. The proposed structure will not block air or light to the church on the lot to the north because the church parking lot and the proposed 20 foot wide loading zone will provide adequate separation between the two church buildings on adjoining lots. The proposed church and school expansions will be similar in scale and massing to other residential structures in the vicinity. The additions to the existing church and school will have a well-defined character which complements the architectural character and siting pattern of neighboring buildings in terms of articulation, style, roof forms, fenestration and materials. There are no sensitive height, bulk or scale impact issues which have not been addressed through the design of the project. Therefore, no additional height, bulk, or scale SEPA mitigation is warranted pursuant to the SEPA height, bulk and scale policy.

Traffic and Transportation

The existing school is 12,575 square feet in floor area and the proposed school addition would be 5,617 square feet. The existing church is 13,010 square feet and the proposed church addition would be 6,397 square feet. The Institute of Transportation Engineers (ITE) Trip Generation Manual estimates that a school would generate 14.49 vehicle trips per day per 1,000 square feet of floor area (263 total) with 3.13 trips during the PM peak hour (56 total). The ITE Manual estimates a church would generate 9.11 weekday vehicle trips per day per 1,000 square feet of floor area (176 total) with 1.41 PM weekday peak hour trips (27 total). On Sundays a church would generate 36.63 trips per 1,000 square feet with an 11.76 peak hour generator per 1,000 square feet of floor area. This would not be a significant increase over existing traffic volumes generated by the church and school. The availability and proximity of transit to downtown along California Avenue SW and Fauntleroy Way SW to the West Seattle Bridge and Interstate 5 will make it likely that there will be fewer vehicle trips than from developments in outlying areas on which the ITE generation equation is based. The site has ready vehicle access to an arterial (California Avenue SW and Fauntleroy Way SW). The volume of traffic along 42nd Avenue SW is moderate and nearby intersections operate at acceptable levels. The amount of traffic expected to be generated by the proposed project is within the capacity of the streets in the immediate area. Therefore, no SEPA mitigation of traffic impacts is warranted.

Parking

The parking policy in Section 25.05.675M of the Seattle SEPA Ordinance states that parking impact mitigation may be required only where on-street parking is at capacity as defined by the Seattle Transportation Department or where the development itself would cause on-street parking to reach capacity. Parking utilization in the vicinity appears to be below capacity and on-street parking can be found during the daytime or evening hours. The 22 parking spaces provided on-site would meet the code requirement and are expected to accommodate the parking demand generated by the project. Therefore, no mitigation of parking impacts is necessary pursuant to SEPA.

Conclusion

In conclusion, several adverse effects on the environment are anticipated resulting from the proposal which are nonsignificant. However, no mitigation is warranted.

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 requirements of the State Environmental Policy Act (RCW 43.21.C), including the requirement to inform the public of agency decisions pursuant to SEPA.

[X] 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 43.21C.030(2)(C).

[ ] Determination of Significance. This proposal has or may have a significant adverse impact upon the environment. An EIS is required under RCW 43.21C.030(2)(C).

SEPA CONDITIONS

None.

Signature: (signature on file) Date: April 24, 2008
Malli Anderson, Land Use Planner
Land Use Services
Department of Planning and Development

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