



City of Seattle

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Gregory J. Nickels, Mayor  
**Department of Design, Construction and Land Use**  
D. M. Sugimura, Director

**CITY OF SEATTLE  
ANALYSIS AND DECISION OF THE DIRECTOR OF  
THE DEPARTMENT OF DESIGN, CONSTRUCTION AND LAND USE**

**Application Number:** 3008174  
**Applicant Name:** Stuart Stovin for St. Catherine of Sienna  
**Address of Proposal:** 8524 8<sup>th</sup> Avenue NE

**SUMMARY OF PROPOSED ACTION**

Land Use Application to allow an 11,600 sq. ft. gymnasium at existing school (St. Catherine of Siena Parish). Existing gymnasium to be demolished. No additional parking provided. The following approvals are required:

**Administrative Conditional Use** - To expand an institution in an SF 5000 zone.  
(Seattle Municipal Code Chapter 23.44.022)

**SEPA - Environmental Determination** - (Seattle Municipal Code Chapter 25.05)

**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 subject site is located in the Maple Leaf neighborhood between Roosevelt and 8<sup>th</sup> Avenues NE and NE 85<sup>th</sup> and 86<sup>th</sup> Street. It owns most of that block, except for the commercial strip along Roosevelt and a group of houses on the south side of NE 86<sup>th</sup> Street. The institution has another large building across 86<sup>th</sup> Avenue NE, also on 8<sup>th</sup>. The zoning of the project site is single family 5,000 (SF 5000). Virtually all of the zoning in the area is SF 5000, except for the NC2-40 zoning

to the east on Roosevelt. Development in the area is mostly of single family residences, but the commercial zone is developed with commercial buildings. The residential lots in the area are approximately 45 feet wide and 145 feet deep – in a sense, long and narrow. The house to the east of the proposed gym location is located relatively close to the site property line.

### Proposal Description

The applicants propose to demolish the existing gym, a relatively small structure mostly interior to the site between other buildings, and to construct a much larger gym in the northerly easterly portion of their site. The building would be about 134 feet in length from north to south, and about 99 feet wide east to west. In each direction there would be substantial modulation, except that the east façade of the building would be on the order of 100 feet of unmodulated length. The area of the former gym would be graded and used as a landscape and play area. Existing curbcuts along 8<sup>th</sup> and 86<sup>th</sup> would be closed, and 9 parking spaces on the north portion of the site eliminated. 9 parking spaces would be added to the west side of the large paved area at the southeast portion of the site, and all access taken from 85<sup>th</sup>.

### Public Comment

Two comment letters were received, one expressing concerns about private view blockage, reduction of property value, and construction noise and dirt. The second comment letter expressed concern about inadequacy of parking to serve the present use, and that expanded use would make the problem worse.

### **ANALYSIS - ADMINISTRATIVE CONDITIONAL USE (SMC 23.44.022)**

The Land Use Code allows the expansion of existing institutions in residential zones through the administrative conditional use process. This proposal is subject to the development standards outlined in section 23.44.008 through 23.44.016 of the Seattle Municipal Code (SMC). The director's decision has the authority to approve condition or deny a conditional use application. This decision shall be based on the whether the proposed use will be materially detrimental to the public welfare or injurious to property. In addition to the general single family development standards institutions are subject to the standards of SMC 23.44.022. The applicable criteria used for evaluating and or conditioning the applicants proposal are discussed below.

#### D. General Provisions

*New or expanding institutions in single family zones shall meet the development standards for uses permitted outright in Section 23.44.008 through 23.44.016 unless modified elsewhere in this subsection or in a Major Institution Master Plan.*

According to the plans submitted with the application, the proposal meets the applicable development standards enunciated in Section 23.44.008 through 23.44.016, except for parking. Parking issues are addressed in the section headed "Parking" below.

E. Dispersion

*The lot line of any proposed new or expanding institution, other than child care centers locating in legally established institutions, shall be located six hundred feet (600') or more from any lot line of any other institution in a residential zone, with certain exceptions.*

At this location there are no other institutions in single family zoned properties within 600 feet of the project site.

F. Demolition of Residential Structures

*No residential structure shall be demolished nor shall its use be changed to provide for parking.*

No demolition of residential structures is proposed for parking; therefore, this criterion is not applicable.

G. Reuse of Existing Structures

*Existing structures may be converted to institution use if the yard requirements for institutions are met.*

NA

H. Noise and Odors

*For the purpose of reducing potential noise and odor impacts, the Director shall consider the location on the lot of the proposed institution, on-site parking, outdoor recreational area, trash and refuse storage areas, ventilating mechanisms, sport facilities, and other noise generating and odor-generating equipment, fixtures or facilities. The institution shall be designed and operated in compliance with the Noise Ordinance, Chapter 25.08.*

Several factors in the building's wall construction help contain sound transmission. Regarding the east wall of the gym space, 15% of the wall area is below grade, 80% is opaque structure fully insulated with bat insulation, and full-height gypsum wallboard on the interior. Both of these materials are effective at reducing sound transmission. Window openings are less than 5% of the east wall area, and the windows are double-glazed insulating assemblies, and non –openable.

The north wall of the gym has no window opening; two opaque, insulated doors on the north side comprise only 2% of the north wall area, and do not connect directly to the gym space; and 20% of the north wall area is below grade.

The south and west walls of the gym are farther from the property lines, and also have a larger accessory structure next to the gym space to reduce sound transmission in those directions. There is one double door exit directly from the gym on the south side near the east wall; the doors are opaque and insulated. This is one potential source of noise if opened during loud events in the gym, and calls for consideration of such by the gym occupants. Such events are likely to be infrequent. No conditioning for noise is warranting.

Off-site odors are not expected to be associated with the proposed use.

I. Landscaping

*Landscaping shall be required to integrate the institution with adjacent areas, reduce the potential for erosion or extensive stormwater runoff, screen parking from adjacent residentially zoned lots or streets or to reduce the appearance of bulk of the institution.*

Extensive landscaping include planting of many large-scale evergreen trees is proposed at the NE corner of the site and all the way down the east gym wall. Other landscaping is proposed in the near-street area of the gym proposed to be demolished, between the two existing buildings to be retained. It is also proposed to install additional substantial landscape west of the proposed new building in the middle of the site, where the building would be visible – though distantly – from 8<sup>th</sup> Avenue NE. This landscaping is important, and needs to be placed and successfully maintained for the life of the project. (The analysis and specific condition pertaining to landscaping is located under the Bulk and Siting section, specifically under the Scale criterion.)

J. Light and Glare

*Exterior lighting shall be shielded or directed away from adjacent residentially zoned lots.*

All exterior lighting will direct light downward to minimize light and glare on neighboring residential properties.

The applicant provided a building section through the gym showing the light fixtures and the angles of downlight and uplight projection. Sides of the fixtures are opaque metal. High level of downlight is limited to a 60 degree angle to either side of the light fixture centerline. There is some spillage above 60 degrees but according to a lighting consultant it is minor. Also included are two pages of the manufacturer's specs, showing an illustration of the fixture, and a photometric chart indicating the higher downlight levels below the 60 degree angle, and much lower light levels above 60 degrees.

Construction documents are said to include wiring for and specification of, power operated blinds on the gym clerestory windows.

Because the above lighting features are important to prevent light from spilling onto the adjacent residential property, project approval has been conditioned upon providing a plan page showing the lighting as described above, and upon installing and maintaining lighting per plan for the life of the project.

K. Bulk and Siting

1. *Lot Area. If the proposed site is more than one (1) acre in size, the Director may require the following and similar development standards:*
  - a. *For lots with unusual configuration or uneven boundaries, the proposed principal structures be located so that changes in potential and existing development patterns on the block or blocks within which the institution is located are kept to a minimum.*

- b. *For lots with large street frontage in relationship to their size, the proposed institution reflect design and architectural features associated with adjacent residentially zoned block faces in order to provide continuity of the block front and to integrate the proposed structures with residential structures and uses in the immediate area.*

The proposed modulation and landscaping will reasonably fit the new gym into the existing single family residential character of the area.

2. *Yards. Yards of institutions shall be as required for uses permitted outright in Section 23.44.008, provided that no such structure other than freestanding walls fences, bulkheads or similar structures shall be closer than ten feet (10') to the side lot line. The Director may permit yards less than ten feet (10') but not less than five feet (5') after finding that the reduced setback will not significantly increase impacts, including but not limited to noise, odor and comparative scale, to adjacent lots zoned residential and there will be a demonstrable public benefit.*

The “gym yards” will exceed code requirements, being 27 feet from NE 86<sup>th</sup> Street, and 14 feet from the east side property line. The only other yard affected will be along 8<sup>th</sup> Avenue NE, where the existing gym will be demolished, thereby greatly increasing the setback in that substantial area.

3. *Height Limit. A religious symbol and that portion of the roof supporting it, including but not limited to a belfry or spire, may be extended an additional twenty-five feet (25') above the height limit.*

NA

4. *Facade Scale. If any facade of a new or expanding institution exceeds thirty feet (30') in length, the Director may require that facades adjacent to the street or a residentially zoned lot be developed with design features intended to minimize the appearance of the bulk. Design features which may be required include, but are not limited to, modulation, architectural features, landscaping or increased yards.*

The original proposal sited the proposed gymnasium 10 feet from the east property line. This would be the most sensitive edge presentation, and the 10 feet was insufficient to adequately mitigate the scale of the structure with landscaping, which was the chosen means of mitigation. Following discussions of the issue, the applicant proposed increasing the setback to 14 feet, and to plant trees chosen by the City Arborist, and after the fashion prescribed by him. The other sides of the structure are either considerably further set back from property lines, considerably shorter in dimension, or both. So there should not likely be substantial scale impacts of the project as proposed. Project approval has been conditioned upon maintaining the landscaping on the east side of the new structure.

In particular, trees at initial planting need to be at 10-foot tall incense cedars, planted 15-feet on-center and 5-feet off the building. The trees will eventually brush up against the building and will have to be maintained (pruned away) from the building every few years. The trees should be planted in a strip of improved soil that extends 8-feet from the building, is as deep as the rootballs of the trees and extends the entire length of the building. The soil in this area should be the native soil mixed with 25% decomposed organic mulch. Automatic irrigation is required for the first three years after tree-planting to ensure establishment.

L. Parking and Loading Berth Requirements

*SMC 23.44.022.L provides that the Director may modify the parking and loading requirements of Section 23.54.15, required parking, and the requirements of Section 23.44.016, parking location and access, on a case by case basis using the information contained in the transportation plan prepared pursuant to Subsection M of this section. The modification shall be based on adopted City Policies and shall:*

- i. Provide a demonstrable public benefit such as, but not limited to, reduction of traffic on residential streets, preservation of residential structures, and reduction of noise, odor, light and glare; and*

DPD's zoning reviewer calculated that the institutional campus requires 187 parking spaces. However, only 134 parking spaces have been provided, historically. This means that there is an existing parking deficit of 53 parking spaces. DPD permits existing parking deficits to be maintained. The new gym is convincingly documented to merely upgrade existing functions of the institution, and to not increase either student or staff population. Because it is not likely that there would be substantially increased parking demand associated with the development, DPD had determined that there is no reasonable basis for imposing any condition to provide additional parking.

Proposed loading berths are acceptable.

The proposal also includes closure of two curb-cuts along street frontages where parking is permitted. Such closure will result in an increase of on-street parking spaces, albeit by only two spaces.

- ii. Not cause undue traffic through residential streets nor create a serious safety hazard.*

Closure of curbcuts on two of the 3 adjacent streets should reduce circulation of institutional traffic through the neighborhood, though such circulation is claimed to be minimal. Principal access has been from 85<sup>th</sup>, and in the future, 85<sup>th</sup> will be the exclusive access point.

M. Transportation Plan

*A transportation plan shall be required for proposed new institutions and for those institutions proposing expansions which are larger than four thousand (4,000) square feet of the structure area and/or required to provide twenty (20) or more spaces.*

The applicant has claimed that the proposed new gym will not be associated with any increase in population of the site. Rather, it will replace an existing gym, and better serve the existing population. Hence, no new traffic is anticipated to be associated with the gym use. Because curbcuts will be closed on the quieter streets, directing all parking to the access point off NE 85<sup>th</sup> Street, there should be no substantial traffic impacts due to the reconfiguration of the access. The amount of re-directed parking should be small, since only a dozen or so parking spaces are being relocated.

Overall Administrative Conditional Use considerations:

Finally, the general provisions for conditional uses in single family zones requires that there be a finding of whether the use will be materially detrimental to the public welfare or injurious to property in the zone or vicinity. Given compliance with the conditions stated at the end of the decision, DPD concludes that it is unlikely that the proposed project would be materially detrimental in these regards.

**DECISION - ADMINISTRATIVE CONDITIONAL USE**

The conditional use application is **APPROVED** as indicated at the end of this document.

**ANALYSIS - SEPA**

DPD has analyzed and annotated the environmental checklist; reviewed the projects plans and any additional information in the file; and any comments which may have been received regarding this proposed action have been considered. As indicated in the checklist, this action will result in adverse impacts to the environment. However, due to their temporary nature and limited effects, the impacts are not expected to be significant. Codes and development regulations applicable to this proposed project, in particular the conditions imposed pursuant to ACU authority in this decision, will provide sufficient mitigation and no further conditioning or mitigation is warranted pursuant to the SEPA Overview Policy (SMC 25.05.665).

*Short Term: Air Quality*

The proposal entails demolition of a substantial structure of unknown composition. The Puget Sound Clean Air Authority has control over such demolition, and to address short term air quality impacts, project approval is conditioned upon the applicant's documenting that PSCAA has been notified of the proposed action.

*Short term: Noise*

The project is expected to generate loud noise during demolition, grading and construction. These impacts would be especially adverse in the early morning, in the evening, and on weekends. The Seattle Noise Ordinance permits increases in permissible sound levels associated with construction and equipment between the hours of 7:00 AM and 10:00 PM on weekdays and 9:00 AM and 10:00 PM on weekends. The surrounding properties are developed with housing and will be impacted by construction noise. The limitations stipulated in the Noise Ordinance are not sufficient to mitigate noise impacts; therefore, pursuant to SEPA authority, the applicant shall be required to limit periods of construction activities (including but not limited to grading, deliveries, framing, roofing, and painting) to non-holiday weekdays from 7am to 6pm.

*Long Term: Height Bulk and Scale, Light and Glare, Noise and Odors, Traffic and Parking*

These issues have been satisfactorily addressed under the ACU authority. No further assessment or conditioning pursuant to SEPA 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 requirement 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).

## **CONDITIONS - SEPA**

### Prior to Issuance of the MUP:

The owner(s) and/or responsible party(s) shall:

1. Document that PSAPCA has been notified of the proposed demolition;

### During Construction

2. The following condition(s) to be enforced during construction shall be posted at the site in a location on the property line that is visible and accessible to the public and to construction personnel from the street right-of-way. If more than one street abuts the site, conditions shall be posted at each street. The conditions will be affixed to placards prepared by DPD. The placards will be issued along with the building permit set of plans. The placards shall be laminated with clear plastic or other waterproofing material and shall remain posted on-site for the duration of the construction.

All construction activities are subject to the limitations of the Noise Ordinance. Construction activities (including but not limited to grading, deliveries, framing, roofing, and painting) shall be limited to non-holiday weekdays<sup>1</sup> from 7 am to 6 pm. Interior work using equipment within a completely enclosed structure, such as but not limited to compressors, portable-powered and pneumatic powered equipment may be allowed on Saturdays between 9 am and 6 pm, provided windows and doors remain closed. Non-noisy activities, such as site security, monitoring, weather protection shall not be limited by this condition.

Construction activities outside the above-stated restrictions may be authorized by the Land Use Planner when necessitated by unforeseen construction, safety, or street-use related situations. Requests for extended construction hours or weekend days must be submitted to the Land Use Planner at least three (3) days in advance of the requested dates in order to allow DPD to evaluate the request

<sup>1</sup> New Year's Day, Martin Luther King Junior's Birthday, President's Day, Memorial Day, July 4, Labor Day, Veterans' Day, Thanksgiving Day and Christmas Day.

**Conditions – Administrative Conditional Use**

**Prior to issuance of the Master Use Permit:**

3. The owner(s) and/or responsible party(s) shall provide:
  1. A plan page showing the lighting as described in the light and glare section above above;
  2. A plan page showing 10-foot tall incense cedars, planted 15-feet on-center and 5-feet off the building. Plans should show the trees planted in a strip of improved soil that extends at least 8-feet from the entire length of the building and is as deep as the rootballs. The soil in this area should be the native soil mixed with 25% decomposed organic mulch. Plans should show that automatic irrigation is required for the first three years after tree-planting to ensure establishment.

**For the life of the project:**

- 4 The owner(s) and/or responsible party(s) shall install and maintain lighting and landscaping per plan.

Signature: \_\_\_\_\_ (signature on file) Date: May 12, 2008  
Paul Janos, Land Use Planner  
Department of Planning and Development

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