



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 Numbers: 3008629

Applicant Name: Kevin Broderick, Broderick Architects, for LR Columbus LLC

Addresses of Proposals: 3902 S. Ferdinand Street

SUMMARY OF PROPOSED ACTION

Land Use Application to allow an existing church sanctuary (Mission Baptist Church) to be converted into eight residential condominium units and to allow existing education wing of a religious facility to be converted into a bed & breakfast use. The “church” portion of the project will contain a basement parking garage for nine vehicles. Additional parking at grade in a carport will accommodate four vehicles.

The following approvals are required:

Administrative Conditional Use - To establish a use not otherwise permitted in the zone in a structure unsuited to uses permitted outright in a single-family zone.
Chapter 23.44.028, Seattle Municipal Code.

SEPA Environmental Determination—SMC 25.09

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 project site is located in southeast Seattle on a lot that is zoned both L-3 and SF 5000. The site is currently occupied by a church sanctuary building, located primarily within the L-3 zoned portion of the lot with a conjoined education wing within the portion of the lot zoned SF 5000.

The site is approximately 16,538 square feet in size. The existing structures will be maintained, with extensive internal modifications and some external modifications, on site. A ten foot wide segment of the classroom wing will be demolished to provide a common covered walkway between the two structures. Grading will occur along the entire depth of the property to improve the 14-foot alley that lies directly to the north of the site and to provide for a parking area between the alley and the proposed bed and breakfast portion of the development.

The site lies partially within a 60-foot strip of multifamily zoning (Lowrise 3) that runs along the east side of 39th Avenue S, and which abuts a substantial multi-block area of single-family zoning (SF5000) to the east. The area due to the west across 39th Avenue S. is zoned Neighborhood Commercial with a 40-foot height limit (NC 40). Co-extensive with the west boundary of the 39th Avenue S. right-of-way is the western boundary of the Columbia City Landmark District. The site lies within the overlay of the South Seattle Reinvestment Area. The entire site lies within the Columbia City Urban Village. The northern half of the site lies within the 1000-foot methane buffer of an abandoned landfill and is characterized as an environmentally critical area.

The area in the general vicinity is characterized by a mix of multifamily residential structures, commercial structures and single-family residences. Immediately to the east of the site the zoning and development is single family.

Proposal Description

The existing church sanctuary building was built in 1923, replacing an original church building that had occupied the site since the late 1800s. The office and classroom portion of the building that occupies the southeast quadrant of the site was constructed in 1957. Overall, the existing structure contains approximately 15,119 square feet of space. The sanctuary portion of the building is to be converted into 8 apartment or condominium units, with parking for nine vehicles to be accommodated in the existing basement, accessed from a garage opening off the alley. This portion of the development will occupy approximately 14,413 square feet.

The office/classroom portion of the structure, which lies within the single-family-zoned portion of the site, will be converted into a bread and breakfast establishment and will total approximately 3,234 square feet. Demolition of a western portion of the newer section of the existing structure will provide a covered breezeway separating the multifamily portion from the bed and breakfast. Parking for 4 vehicles to serve the bed and Breakfast, expected to contain 5 guest rooms, will be located within a car-port snuggled-up to the bed and breakfast and extending along the eastern edge of the site.

In addition to providing for an open breezeway that provides a clear demarcation between the multifamily and bed and breakfast uses and constructing a 4-vehicle carport, the plans call for removal of existing chimneys, modifying windows and adding new penetrations, adding upper-level decks and a dormer, among other conversions and improvements.

Public Comment

Notice of the proposed project was published on August 7, 2008, with a comment period running through August 20, 2008. One comment was received by DPD during the public comment period.

ANALYSIS – STRUCTURES UNSUITED TO USES PERMITTED OUTRIGHT

This proposal is subject to SMC 23.44.028, Structures unsuited to uses permitted outright. The Land Use Code allows that uses not otherwise permitted in the zone may be permitted in structures unsuited to uses permitted outright in single-family zones. The determination that a use may be permitted shall be based upon the following factors:

1. *The design of the structure is not suitable for conversion to a use permitted outright in a single-family zone; and*
2. *The structure contains more than four thousand (4,000) square feet; and*
3. *The proposed use will provide a public benefit.*

The existing structure, whose address is 3902 S. Ferdinand Street, consists of a church, (open) sanctuary with some attendant spaces, dating from 1923, and an attached office and classroom wing, constructed in 1957. The overall structure contains 15,119 square feet of internal space.

SMC 23.44.028 provides additional criteria to be used to evaluate and/or condition this proposal. These deal with modification of parking requirements (Section B) and mitigation of select environmental impacts (Section C). Section D applies only to structures that served formerly as public schools and is not applicable in this instance.

- B. *Parking requirements for uses permitted under this section shall be determined by the Director.*

The parking proposed on site, 9 spaces within the basement of the former church sanctuary and 4 spaces within the car-port serving the bed and breakfast and adjacent the former classroom/office portion of the structure, is sufficient to meet Code requirements and is projected to meet the parking demand for the eight apartment/condo units and the demand for the bed and breakfast use. The Director finds no reason to either increase or decrease the parking beyond what is proposed by the applicant.

- C. *The Director may require measures to mitigate impacts such as noise, odor, parking or traffic impacts. Mitigating measures may include but are not limited to landscaping, sound barriers, fences, mounding or berming, adjustments to development standards, design modification, or setting hours of operation.*

Any noise generated from the normal use and functions on the proposal site is deemed unlikely to significantly impact the surrounding multifamily residential or single-family residential areas.

The topography associated with the site, with the bed and breakfast parking area and structure itself located below the level of single-family lot to the east provides some natural buffering of noise associated with vehicular ingress to and egress from the site in that direction. Likewise, parking for the apartments/condos (nine vehicles) will be entirely enclosed within the basement of that portion of the structure. Access to both parking areas will be by means of the alley abutting the site on the north which will be graded, paved and otherwise improved to SDOT standards by the developer. Noise impacts associated with activities on site will be effectively enclosed within existing and supplemental landscaping as shown on submitted plans. No further mitigation is warranted.

DECISION-ADMINISTRATIVE CONDITIONAL USE

Based on the foregoing analysis and review, the proposal satisfies the General Provisions of SMC 23.44.018 as well as all relevant requirements and criteria of SMC 23.44.028 which govern uses not otherwise permitted in the zone that may be permitted in structures unsuited to uses permitted outright in single-family zones. The Director, has determined that the proposed uses will not be materially detrimental to the public welfare or injurious to property in the zone or vicinity in which the subject property is located and further determines that the multifamily and bed & breakfast uses should be **GRANTED**.

CONDITIONS – ADMINISTRATIVE CONDITIONAL USE

None.

ANALYSIS - SEPA

The initial disclosure of the potential impacts from this project was made in the environmental checklist submitted by the applicant dated June 8, 2008. The information in the checklist, project plans, and supplementary information submitted by the applicant and the experience of the lead agency with the review of similar projects form the basis for this analysis and decision.

Many environmental concerns have been addressed in the City's codes and regulations. These codes/regulations include, but are not limited to, the Stormwater, Grading and Drainage Control Code (storm water runoff from additional site coverage by impervious surface); Puget Sound Air Pollution Control Agency regulations (increased airborne emissions); and the Seattle Energy Code (energy consumption in the long term). The SEPA Overview Policy (SMC 25.05.665) discusses the relationship between the City's code/policies and environmental review. The Overview Policy states, in part, "Where City regulations have been adopted to address an environmental impact, it shall be presumed that such regulation are adequate to achieve sufficient mitigation" subject to some limitations. It may be appropriate to deny or mitigate a project based on adverse environmental impacts in certain circumstances as discussed in SMC 23.05.665 D1-7. In consideration of these policies, a more detailed discussion of some of the potential impacts is appropriate.

Short-term Impacts

The following short-term, temporary or construction-related impacts are expected: decreased air quality due to dust and other suspended air particulates from demolition and construction activities and hydrocarbon emissions from construction vehicles and equipment; potential soil erosion and potential disturbance to subsurface soils during grading, excavation and general site work; increased traffic and demand for parking from construction equipment and personnel; conflicts with normal pedestrian and vehicular movement adjacent the site; increased noise and consumption of renewable and nonrenewable resources. Due to the temporary nature and limited scope of these impacts, they are not considered significant (SMC 25.05.794). Although not significant, these impacts are adverse and in some case mitigation is warranted.

Several adopted City codes and/or ordinances provide mitigation for some of the identified impacts. Specifically these are: Stormwater, Grading and Drainage Control Code (grading, site excavation and soil erosion); Street Use Ordinance (watering street to suppress dust, removal of debris, and obstruction of the pedestrian right-of-way); the Building Code (construction measures in general); and the Noise Ordinance (Construction related noise). Compliance with these codes and ordinances will reduce or eliminate most of the short-term impacts to the environment.

Construction activities, including construction worker commutes, truck trips, the operation of construction equipment and machinery, and the manufacture of construction materials themselves result in carbon dioxide and other greenhouse gas emissions which adversely impact air quality and contribute to climate change and global warming. While these impacts are adverse, they are not expected to be significant.

Environmental Health

Concern is raised by demolition, although primarily internal to the existing structure on site, with respect to air quality and environmental health impacts. In particular is the concern for materials containing asbestos which could be disturbed and released into the air/environment during demolition. The Puget Sound Clean Air Agency has jurisdiction over this impact. But there is no reliable means of triggering the involvement of this agency other than by requiring the project proponent to notify the agency of the proposal. Project approval has been made contingent upon such notification.

Noise

Due to the proximity of residential uses, the regulations of the Noise Ordinance are not found to be adequate to mitigate possible noise impacts. Pursuant to SEPA Overview Policy (SMC 25.05.665) and SEPA Construction Impacts Policy (SMC 25.05.675B), further mitigation is warranted. The hours of demolition and construction activity shall be limited to non-holiday weekdays between the hours of 7:00 a.m. and 6:00 p.m. and Saturdays between the hours of 9:00 a.m. and 6:00 p.m. This condition may be modified by DPD to allow work of an emergency nature. This condition may also be modified to permit low-noise exterior work, for example landscaping planting, after approval by DPD.

Earth/Soils

Approximately 5,800 cubic yards of excavation is proposed with this project. Significant erosion is not anticipated during or following construction, but compliance with the Stormwater, Grading and Drainage Control Ordinance will guarantee adequate mitigation of any erosion impacts. No further mitigation under SEPA appears warranted.

Construction Vehicles

Existing City of Seattle regulations (SMC 11.62) require truck activities to utilize arterial streets in so far as possible. The proposal site is located within one hundred feet of one primary arterial, Rainier Avenue S., and traffic impacts resulting from the truck traffic associated with grading will be of short duration and mitigated by the enforcement of SMC 11.62.

Existing City of Seattle regulation (SMC 11.74) also provide that material hauled in trucks not be spilled during transport. The City requires a minimum of one foot of “freeboard” (area from level of material to the top of the truck container) be provided in loaded uncovered trucks. This will minimize the amount of dust and spilled material from the truck bed en route to and from the site. No further conditioning of the grading/excavation element of the project is warranted pursuant to SEPA policies.

Pedestrian Circulation

The area has a moderate volume of pedestrian activity. Measures to mitigate impacts on pedestrian circulation shall be required pursuant to SMC 25.05.675B2f. The applicant or responsible parties shall assure alternate safe, convenient and adequate pedestrian routes as needed during construction and shall take all measures to minimize the time such disruption of normal pedestrian pathways may occur.

Long-term Impacts

Potential long-term or use impacts anticipated by the proposal are not considered significant because they are minor in scope and the level of adversity is mitigated by compliance with city codes and ordinances. Baseline levels of noise, energy consumption, air quality, and solid waste generation will not alter substantially. The parking and traffic impacts associated with the proposed uses can be accommodated by a continuing emphasis on pedestrianism and reliance on alternative modes of transportation, including carpooling and public transportation.

Operational activities, primarily vehicular trips associated with the project and the project’s energy consumption over time, are expected to result in increases in carbon dioxide and other greenhouse gas emission impacts which adversely impact air quality and contribute to climate change and global warming. While these impacts are adverse, they are not expected to be significant.

Conclusion

The project is anticipated to have several long term impacts, including an increase in traffic and an increase in on-street parking demand around the site. These impacts are not considered to be sufficiently adverse to warrant conditioning. Other impacts not noted here as mitigated by codes, ordinances, or conditions (increased bulk and scale, increased demand on public services and utilities) are not sufficiently adverse to warrant further mitigation by conditions. Several adopted Codes and Ordinances, as well as other agencies will appropriately regulate and mitigate other use-related adverse impacts created by the proposal. Specifically, these are the Puget Sound Clean Air Agency (increased airborne emissions); and the Seattle Energy Code (long-term energy consumption).

As conditioned below, pursuant to substantive SEPA authority, other short-term impacts would be adequately mitigated. No further mitigation pursuant to SEPA authority 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 43.21C), 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 any Demolition, Grading or Construction Permit

1. A PSCAA Notice of Intent shall be filed with DPD prior to commencing demolition activities.

During Construction

The following condition 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.

2. To further mitigate the noise impacts of the demolition process and construction activity, the hours of demolition and construction-related activity shall be limited to non-holiday weekdays between the hours of 7:00 a.m. and 6:00 p.m. and on Saturdays between 9:00 a.m. and 6:00 p.m. This condition may be modified by DPD to allow work of an emergency nature after approval from the Land Use Planner.
3. The applicant or responsible parties shall assure alternate safe, convenient and adequate pedestrian routes as needed during construction and shall take all measures to minimize the time such disruption of normal pedestrian pathways may occur.

CONDITIONS – ADMINISTRATIVE CONDITIONAL USE

None.

Signature: (signature on file)
Michael M. Dorcy, Senior Land Use Planner
Department of Planning and Development

Date: May 11, 2009