



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: 3008892
Applicant Name: Dan Duffus
Address of Proposal: 7148 44th Avenue SW

SUMMARY OF PROPOSED ACTION

Land Use Application for a change of use from child care center and private school to custom and craft work.

The following Master Use Permit components are required:

Administrative Conditional Use – to allow use not otherwise permitted in the zone to be permitted in structure unsuited to uses permitted outright (Seattle Municipal Code [SMC] Section 23.44.028).

SEPA – Environmental Review - Seattle Municipal Code [SMC] 25.05.660

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

[] DNS with conditions

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

BACKGROUND DATA

Existing Conditions

The site is located in the northeast corner of SW Othello Street and 44th Avenue SW. To the east is a 16 foot wide alley. The site contains an existing three story structure containing a private school and daycare center associated with an adjacent church across the alley. Four existing parking stalls are provided off the alley. The site is zoned single family 5000. Zoning to north, south and west of

the site is designated as Single Family 5000 (SF 5000). Zoning to the east, across the alley is Lowrise Duplex/Triplex (LDT). Development in the vicinity is mixed between single family, a church and multi-family structures, but is largely characterized by single family structures.

Proposal

The proposal is to convert the existing 10, 953 square foot structure from private school and daycare to custom and craft work. The proposal proposes to maintain the four existing parking spaces located off the alley.

Public Comment

One public comment was received during the public comment period ending April 23, 2008. The comment included concerns regarding the use of the yard on the north of the existing structure, noise during the day and loss of parking.

ANALYSIS - ADMINISTRATIVE CONDITIONAL USE

Structure Unsited to Uses Permitted Outright

- A. *Uses not otherwise permitted in the zone may be permitted in structures unsited to uses permitted outright in single-family zones. The determination that a use may be permitted shall be based on 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*

SMC 23.44.006 lists uses permitted outright in the single family zone. Uses include a single-family dwelling unit, floating homes, parks and open space, nursing homes and adult family homes. The proposed structure consists of three floors linked by stair well. There are bathrooms on each floor containing toilet and sink. The structure lacks elevator, kitchen and full bathrooms. The size of the structure and division of space is unsuitable to a single family structure. Conversion to a single family structure would require a complete reorientation of space and addition of basic living components such a kitchen and full bathroom. The structure cannot be used as floating home and open space.

Nursing homes with eight or fewer residence are also permitted in the zone. As regulated by the State of Washington, a nursing home use is limited to a skilled nursing facility, as all licensed nursing homes in Washington must offer fully skilled nurse practitioners. Nursing homes are required to provide a high level of service to the tenants. The 24-hour staffing required would diminish the revenue available for such a facility. The accessibility requirements could also create problems, as most of the skilled nursing homes are one-story facilities. Cost of conversion including adding an elevator for access, kitchen and full bathrooms and laundry facilities is significant.

Adult family home is defined in the Land Use Code as *a residential use as defined and licensed as such by The State of Washington as a dwelling unit*. WAC 388-76-10030 states the maximum capacity for an adult family home license by the State of Washington is six persons.

The cost to maintain and heat a 10,953 square foot facility for approximately six adults is not feasible, and similar to the nursing homes, the configuration of the building would cause serious access and operational problems.

2. *The structure contains more than four thousand (4,000) square feet; and*

The existing structure contains 10,953 square feet.

3. *The proposed use will provide a public benefit.*

The applicant has stated that the proposal would provide 12 custom craft business spaces, and thus provide affordable space to produce local art. In addition, the proposal of commercial space could decrease the overall traffic impacts, as private school and day care facilities quite often generate a higher peak parking demand during morning and evening pick up time. The proposal also involves aesthetic improvements to the site including additional landscaping along the north property line. By maintaining the existing structure, rather than redeveloping the site additional resources used for construction will not be required, and construction impacts avoided.

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

The land use code provides guidance to the applicable parking requirement for Custom and Craft work, 1 one space per 2,000 square feet custom craft space, for a total of 5 parking spaces on site. The existing permitted uses on site require more than 5 parking stalls. The Land Use Code permits up to 20 additional parking spaces to be waived for a new nonresidential use within an existing structure. Further the parking demand on site will decrease from the existing use during peak time of morning and night. The four existing parking stalls on site will comply with Land Use Code requirements.

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 modifications or setting hours of operation.*

The proposed use, custom and craft work, allows for additional noise generation associated with the construction of finished household or personal items which require considerable handwork. In interest of keeping the single family character of the neighborhood noise generating items of the commercial use have been analyzed. The access doors located the north and west facade of the structure face adjacent single family residences. To discourage use of these doors for daily access they shall be restricted to emergency access only. To decrease noise transmitted through windows facing single family residences on the north and west façade windows shall be reglazed to provide additional noise retention. Landscaping along the north façade will be used to provide a buffer between the existing structure and the residence to the north. An additional noise generator is mechanical equipment. Rather than providing mechanical equipment within the windows all

mechanical equipment shall be located on the roof. Mechanical equipment will be required to comply with the Noise Ordinance in effect at time of permit application. To maintain the residential character of the neighborhood, business activities generating noise shall be suspended after 8 pm. Finally, the applicant in good faith effort to respond to neighborhood concerns will need to post building manager name and contact information at the exterior of the building.

D. In the case of an existing or former public school, permissible uses other than those permitted outright in the zone and their development standards including parking requirements shall be established only pursuant to procedures for establishing criteria for joint use or reuse of public schools in Chapter 23.78 of this Land Use Code.

Not applicable.

DECISION - ADMINISTRATIVE CONDITIONAL USE

The proposed expansion, as conditioned below, would meet the applicable development criteria. Accordingly, the proposal is **CONDITIONALLY APPROVED**.

CONDITIONS - ADMINISTRATIVE CONDITIONAL USE **(following SEPA analysis)**

ANALYSIS - SEPA

DPD has analyzed and annotated the environmental checklist dated April 2, 2008; 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 Impacts

Construction proposed for the change of use is limited to landscaping along the north property line and replacing windows. The following temporary or construction-related impacts are expected: decreased air quality due to increased dust and other suspended air particulates during construction; potential soil erosion during excavation and general site work; increased runoff; increased demand on traffic and parking from construction equipment and personnel; conflict with normal pedestrian and vehicular movement adjacent to the site; increased noise. Due to the temporary nature and limited scope of these impacts, they are not considered significant (SMC Section [25.05.794](#)). Although not significant, these impacts are adverse.

The SEPA Overview Policy (SMC [25.05.665 D](#)) states, “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 limitations. Several adopted City codes and/or ordinances provide mitigation for some of the identified impacts. Specifically these are: the Land Use Code (uses) Stormwater, Grading and Drainage Control Code (grading, site excavation and soil erosion); Street Use Ordinance (watering streets to suppress dust, obstruction of the rights-of-way during construction, construction along the street right-of-way, and sidewalk repair); Building Code (construction standards); and Noise Ordinance (construction noise). Compliance with these codes and ordinances will be adequate to achieve sufficient mitigation of potential adverse impacts. Thus, mitigation pursuant to SEPA is not necessary for these impacts.

Other short-term impacts not noted here as mitigated by codes, ordinances or conditions (e.g., increased traffic during construction, increased use of energy and natural resources) are not sufficiently adverse to warrant further mitigation.

Long - Term Impacts

Long-term, or use-related, impacts anticipated by the proposal include potential noise associated with the proposed commercial use. These long-term impacts are not considered significant because the impacts are minor in scope and appropriate conditioning under the Administrative Conditional Use will mitigate noise concerns. However, the potential noise and parking impacts warrant further discussion and review.

Noise

The existing building will be subject to the same noise restriction as the existing private school and day care. The proposed use will be regulated by the Noise Ordinance, which limits daytime noise to 55 Dba and nighttime noise to 45 Dba. The proposed building will contain 12 custom craft spaces. Each space is anticipated to be used by one individual. The Noise Control Ordinance effectively addresses most noise impacts. Additional noise impacts associated with the Custom and Craft work proposed will be addressed through the conditioning of the Administrative Conditional Use.

Summary

In conclusion, adverse effects on the environment resulting from the proposal are anticipated to be non-significant. No conditions or mitigating measures pursuant to SEPA policies is necessary, noise impacts notwithstanding.

DECISION

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).

