



City of Seattle

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: 3008941
Applicant Name: Cancer Lifeline
Address of Proposal: 6522 Fremont Ave N

SUMMARY OF PROPOSED ACTION

Land Use Application to change the use from administrative office (5,571 sq. ft.) to institution, community center (Cancer Lifeline) and to add a 300 sq. ft., 2nd story addition to existing structure (for a total of 5,871 sq. ft). No change in parking.

The following approval is required:

Administrative Conditional Use - Institutions not meeting development standards.
(Chapter 23.45.122, Seattle Municipal Code)

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 Area Description

The subject site is located at the corner of Fremont Avenue N and N 66th Street, in the middle of a large SF5000 zone. The entire area is developed with single family residences. Downhill to the east is Aurora Avenue North, further downhill being Greenlake. At the base of block at Aurora is a nonconforming automotive retail sales and service use. The site is currently home to the Cancer Lifeline, which has been operating for many years and is shown on DPD permits as an administrative office. Parking for 6 vehicles is provided on the paved rear portion of the lot, with access taken off the improved alley to the south. Additional parking all but dedicated to the site is provided on the north and west sides, in the right of way. According to a Hearing Examiner

decision in 1997 (MUP-97-049/MUP-97-050), there are approximately 4 parking spaces for parallel parking along Fremont Avenue, and another 4 spaces for back-in angle parking in the 66th Street right-of-way.

Proposal Description

The applicant proposes to continue the existing which, which is desired to be changed to institution (community center), and to make an approximately 250-square foot addition to the roof which would be used for support functions. The primary focus of the community center is to provide a variety of support and discussion groups for individuals coping with the affects of cancer. The six existing parking spaces off the adjacent alley would be maintained.

Public Comment

Approximately one dozen comment letters were received. One expressed support for the project. The others expressed concern about proper characterization of the use, incremental expansion of the permitted use, traffic and parking impacts, potential for unwanted expansion of the use, potential for transfer of the institutional use classification to a different institution in the future, genuineness of the proposed use categorization, failure to meet zoning code requirements for parking, safety hazards associated with high parking demand, bulk and scale of the building with the proposed addition, privacy impacts on neighboring properties, failure to meet dispersion requirements, incompatibility of the proposed use with the single family neighborhood, view impacts, air pollution from additional cars, and the noise from cars.

Background information:

The existing Cancer Lifeline use was established as offices in 1997 pursuant to an appeal decision rendered by the Hearing Examiner. The approval was conditioned as follows:

“Avoid scheduling overlapping meetings, classes or any other activities/services in the evenings and/or on weekends where the combined attendance would be expected to exceed a parking demand for fourteen spaces.”

ANALYSIS - ADMINISTRATIVE CONDITIONAL USE

The Land Use Code requires that new institutions in single-family zones be approved through an Administrative Conditional Use process, subject to the requirements of Section 23.44.022. The use does exist, though mis-characterized as an administrative office. The applicant has well documented that the community center classification would be more appropriate, and this analysis is posited upon that determination. Nonetheless, in practice, the activities already exist and their conduct will not be substantially changed by this permit or by the minor expansion thereby authorized. The 250-square foot addition to the 2nd-floor level of the 5,571 sq. ft. structure will be minor, and not expand any of the ongoing programs.

The following criteria are applicable for evaluating this community center institutional use in single family zones, under SMC 23.44.022:

New or expanding institutions in single-family zones shall meet the development standards for uses permitted outright in Sections 23.44.008 through 23.44.016 unless modified elsewhere in this subsection.

The existing building vastly exceeds lot coverage limitations and yard requirements for the SF zone. However, those are existing conditions; nothing will change with respect to them. The proposed small addition is not in any of the code-required yards, and is well under the height limit. It will not generate any additional activity.

Parking and access to the site will be maintained as is; the minor expansion will not be associated with any increase in number of users, nor any change in their patterns of use. According to the proponent's information, the peak parking demand typical of activities would be for 11 vehicles, on Wednesday evenings, this assuming that 30% of the persons engaged in activities are not associated with parking demand. At non-peak times, the parking demand tends to be for 10 or fewer parking spaces. All parking demand falls comfortably within the limit (14) set by the 1997 Hearing Examiner condition of approval. With six parking spaces provided, the spillover demand would be for approximately 5 on-street parking spaces. The Gibson Traffic Consultants parking analysis of 31 October 2008 shows that the on-street parking utilization at evening peak hours of the 126 parking spaces within 400 feet walking distance is 59%. There is clearly adequate on-street parking available to meet the modest spillover demand from the proposed use.

Institutions seeking to establish...on property which is developed with residential structures may expand their campus up to a maximum of two and one-half acres. An institution campus may be established or expanded beyond two and one-half (2 ½) acres if the property proposed is for the expansion is substantially vacant land.

NA

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 (600) feet or more from any lot line of any other institution in a residential zone, with the following exceptions:

- a. An institution may expand even though it is within six hundred (600) feet of a public school if the public school is constructed on a new site subsequent to December 12, 1985*
- b. A proposed institution may be located less than six hundred (600) feet from a lot line of another institution if the Director determines that the intent of the dispersion criteria is achieved due to the presence of physical elements such as bodies of water, large open spaces or topographical breaks or other elements such as arterials, freeways or nonresidential uses, which provide substantial separation from other institutions.*

The application identifies Greenwood Presbyterian Church (now a different religious institution) as being 540 feet away from the SE corner of the subject property – a different world in terms of location and operations. The operations of the two institutions are unlikely to result in cumulative adverse impacts. Thus, the proposal is handily deemed to satisfy this criterion.

Reuse of Existing Structures. Existing structures may be converted to institution use if the yard requirements for institutions are met. Existing structures which do not meet these yard

requirements may be permitted to convert to institution use, provided that the Director may require additional mitigating measures to reduce impacts of the proposed use on surrounding properties.

The existing structure will be “re-used,” in the sense that it will pass from non-institutional to institutional use, even though the actual activities will remain largely unchanged. Nonetheless, the addition to the existing structure could pose issues of privacy impacts to the adjacent property to the east, from its already-overlooking extensive decks and the addition being on that side. The existing decks are beyond the scope of this review; however, it is noted that the addition would take up some existing deck area, and thus reduce privacy impacts. The new structure would access the deck by a door, but this would not increase privacy impacts. No mitigation appears warranted in this regard.

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 areas, trash and refuse storage areas, ventilating mechanisms, sports 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. In order to mitigate identified noise and/or odor impacts, the Director may require measures such as landscaping, sound barriers or fences, mounding or berming, adjustments to yard or parking development standards, design modifications, setting hours of operation for facilities or other similar measures.

No concerns have been expressed about these items, nor is there any reason to expect impacts. No new mechanical equipment will be installed. No additional analysis or mitigation is warranted

Landscaping. Landscaping shall be required to integrate the institution with adjacent areas, reduce the potential for erosion or extensive stormwater runoff, reduce the coverage of the site by impervious surfaces, screen parking from adjacent residentially zoned lots or streets or to reduce the appearance of bulk of the institution. Landscaping plant materials shall be species compatible with surrounding flora. Existing plant material may be required to be retained. Maintenance of landscaped areas shall be the continuing responsibility of the owner.

The existing building is flush with the sidewalk on the north and west sides, and the planting strips have been completely paved to provide parking. There is not one square inch of earth to be had on those sides to receive a side – though the west side could use it. However, there are no changes proposed that would be visible from the west side, and the small pocket park and the plantings on the roof of the first story go as far as is reasonable with respect to landscaping. The south side of the property facing the alley is completely paved, and is required for access to parking. From this perspective, the roof plantings are highly visible, and the view is fine. The east side yard is very narrow, and the one-story house on that side has its pitched roof facing the subject site; it would not benefit from any landscaping in that area. Thus, on no side of the building would it be reasonable to ask for more landscaping.

Light and Glare. Exterior lighting shall be shielded or directed away from adjacent residentially zoned lots. The Director may also require that the area and intensity of illumination, the location or angle of illumination be limited. Nonreflective surfaces shall be used to help reduce glare.

The existing light fixture on the 2nd level will be moved, but it will be located behind the wall screening the HVAC equipment, and will not affect adjacent properties.

Bulk and Siting.

1. *Lot Area. If the proposed site is more than one 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.*

No changes beyond the minor addition proposed. The minor addition will have no substantial impact.

2. *Yards. Yards of institutions shall be as required for uses permitted outright in Section 23.44.008, provided that no structure other than freestanding walls, fences, bulkheads or similar structures shall be closer than ten (10) feet to the side lot line. The Director may permit yards less than ten (10) feet but not less than five (5) feet 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.*

No changes proposed.

Facade Scale. If any facade of a new or expanding institution exceeds thirty (30) feet 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 bulk. Design features which may be required include, but are not limited to, modulation, architectural features, landscaping or increased yards.

No material changes.

Parking and Loading Berth Requirements.

1. *Quantity and Location of Off-street Parking.*
 - a. *Use of transportation modes such as public transit, vanpools, carpools and bicycles to reduce the use of single-occupancy vehicles shall be encouraged.*
 - b. *Parking and loading shall be required as provided in Section 23.54.015.*
 - c. *The Director may modify the parking and loading requirements of Section 23.54.015, 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*
 - ii. *Not cause undue traffic through residential streets nor create a serious safety hazard.*

Parking has been discussed above. The necessity here is to continue to limit the parking demand to the maximum of 14 spaces set by the Hearing Examiner in 1997. There have been no changes to the residential character of the zone that warrant either reducing or increasing this number. Accordingly, project approval is conditioned upon adding a note to plans quoting the existing Hearing Examiner condition. Because daytime on-street parking utilization, at 50%, is not appreciably different from the evening utilization of 59%, this condition is modified to encompass all operating hours.

1. *Parking Design. Parking access and parking shall be designed as provided in Design Standards for Access and Off-street Parking, Chapter 23.54.*

Satisfied.

2. *Loading Berths. The quantity and design of loading berths shall be as provided in Design Standards for Access and Off-street Parking, Chapter 23.54.*

Satisfied.

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 structure area and/or are required to provide an additional twenty (20) or more parking space. The Director shall determine the level of detail to be disclosed in the transportation plan based on the probable impacts and/or scale of the proposed institution. Discussion of the following elements and other factors may be required:

1. *Traffic. Number of staff on site during normal working hours, number of users, guests and others regularly associated with the site, level of vehicular traffic generated, traffic peaking characteristics of the institution and in the immediate area, likely vehicle use patterns, extent of traffic congestion, types and numbers of vehicles associated with the institution and mitigating measures to be taken by the applicant;*
2. *Parking. Number of spaces, the extent of screening from the street or abutting residentially zoned lots, direction of vehicle light glare, direction of lighting, sources of possible vibration, prevailing direction of exhaust fumes, location of parking access and curb cuts, accessibility or convenience of parking and measures to be taken by the applicant such as preference given some parking spaces for carpool and vanpool vehicles and provision of bicycle racks;*
3. *Parking Overflow. Number of vehicles expected to park on neighboring streets, percentage of on-street parking supply to be removed or used by the proposed project, opportunities for sharing existing parking, trends in local area development and mitigating measures to be taken by the applicant;*
4. *Safety. Measures to be taken by the applicant to ensure safe vehicular and pedestrian travel in the vicinity;*
5. *Availability of Public or Private Mass Transportation Systems. Route location and frequency of service, private mass transportation programs including carpools and vanpools, to be provided by the applicant.*

N/A

DECISION-ADMINISTRATIVE CONDITIONAL USE

Based on the foregoing analysis and review, the proposal, as conditioned below, satisfies all relevant requirements of SMC 23.44.022 which govern administrative conditional uses in single-family zones. The proposal, as conditioned, is not expected to be materially detrimental to the public welfare nor injurious to property in the zone or vicinity in which the institution will be established, and should be **CONDITIONALLY GRANTED**, with conditions as stated below.

CONDITIONS

Prior to issuance of the Master Use Permit:

1. The owner(s) and/or responsible party(s) shall add the following note to the cover page of the plans:

“For the life of the project, owner(s) and/or responsible party(s) shall avoid scheduling overlapping meetings, classes or any other activities/services where the combined attendance would be expected to exceed a parking demand for fourteen spaces.”

For the life of the project:

2. Owner(s) and/or responsible party(s) shall avoid scheduling overlapping meetings, classes or any other activities/services where the combined attendance would be expected to exceed a parking demand for fourteen spaces.”

Signature: _____ (signature on file) Date: January 8, 2009

Paul Janos, Land Use Planner
Department of Planning and Development

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