



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: 3009060
Applicant Name: Daniel Miles
Address of Proposal: 4142 42nd Ave SW

SUMMARY OF PROPOSED ACTION

Land Use Application to allow a 2-story 620 sq. ft. addition (classroom and meeting rooms) and a one story, 120 sq. ft. addition (chapel) to an existing religious facility (Holy Rosary Church) in an environmentally critical area. 10 additional parking spaces will be located on the site for a total of 34 spaces.

The following approval is required:

Administrative Conditional Use – To allow for an expansion of an institution in a single family zone.

SEPA – Environmental Determination- Chapter 23.05 Seattle Municipal Code

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

Site Description

The subject property is zoned Lowrise 1 (L-1). The site is located between 42nd Ave SW and 41st Ave SW, and is north of SW Genesee St. The site contains slopes, with the sloping down at the south east portion of the site. The zoning on the west and the north of the site is L-1 while the zoning to the east is Single Family Residential. The zoning to the south is Lowrise 2 and Neighborhood Commercial.

Currently on site, there is an existing Religious Institution, Holy Rosary Church. The Church is approximately 12,372 sq. ft on 89,537 sq. ft (2.055 acre) lot. The existing use was permitted under #338628.

Proposal Description

The proposal includes the conversion of an existing faculty residence to parish community center with school classrooms, renovated chapel, reception areas, homeless shelter, and accessory storage.

The comment period ended on September 10, 2008. One comment was received concerning the number of parking spaces within the site.

ANALYSIS - SEPA

The initial disclosure of the potential impacts from this project was made in the environmental checklist submitted by the applicant (dated July 11, 2008) and annotated by the Land Use Planner. The information in the checklist, the supplemental 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.

The SEPA Overview Policy (SMC 25.05.665) 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) mitigation can be considered.

Short-term Impacts

Construction activities could result in the following adverse impacts: construction dust and storm water runoff, erosion, emissions from construction machinery and vehicles, increased particulate levels, increased noise levels, occasional disruption of adjacent vehicular and pedestrian traffic, and a small increase in traffic and parking impacts due to construction workers’ vehicles. Existing City codes and ordinances applicable to the project such as: The Noise Ordinance, the Storm-water Grading and Drainage Control Code, the Street Use Ordinance, and the Building Code, would mitigate several construction-related impacts. Following is an analysis of the air, water quality, streets, parking, and construction-related noise impacts as well as mitigation.

The Street Use Ordinance includes regulations that mitigate dust, mud, and circulation. Temporary closure of sidewalks and/or traffic lane(s) would be adequately controlled with a street use permit through the Transportation Department, and no further SEPA conditioning would be needed.

Construction of the project is proposed to last for several months. Parking utilization along streets in the vicinity is moderate and the demand for parking by construction workers during construction is not anticipated to reduce the supply of parking in the vicinity. Parking demand for construction personnel can be accommodated at the development.

Construction is expected to temporarily add particulates to the air and will result in a slight increase in auto-generated air contaminants from construction worker vehicles; however, this increase is not anticipated to be significant. Federal auto emission controls are the primary means of mitigating air quality impacts from motor vehicles as stated in the Air Quality Policy (Section 25.05.675 SMC). No unusual circumstances exist, which warrant additional mitigation, per the SEPA Overview Policy. Furthermore, the scope of SEPA authority for this project is limited to mitigation of adverse impacts to environmentally critical areas.

Long-term Impacts

Long-term or use-related impacts are also anticipated from the proposal: increased surface water runoff from greater site coverage by impervious surfaces; increased bulk and scale on the site; increased demand on public services and utilities; increased light and glare; loss of vegetation; and increased energy consumption. These long-term impacts are not considered significant because the impacts are minor in scope.

The long-term impacts are typical of multifamily structures and will in part be mitigated by the City's adopted codes and/or ordinances. Specifically these are: Storm-water, Grading and Drainage Control Code (storm-water runoff from additional site coverage by impervious surface); Land Use Code (height; setbacks; parking); and the Seattle Energy Code (long-term energy consumption). Additional land use impacts which may result in the long-term are discussed below.

Construction activities including construction worker commutes, truck trips, the operation of construction equipment and machinery, and the manufacture of the construction materials themselves result in increase 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. No mitigation is warranted.

ANALYSIS - ADMINISTRATIVE CONDITIONAL USE

The Seattle Land Use Code (SMC 23.44.022 A) provides that new or expanding institutions such as religious facilities and private schools may be permitted as conditional uses in single-family zones. Sections 23.44.022 D through M sets forth criteria to be used to evaluate and/ or condition the proposal. The applicable criteria are discussed below.

GENERAL PROVISIONS

The Seattle Land Use Code (23.45.122) sets forth that institutions other than public schools which do not meet development standards established in Section 23.45.090 may be permitted in multifamily zones as administrative conditional uses. The following criteria shall be used to evaluate and/or condition the proposals:

A. Bulk and Siting. *In order to accommodate the special needs of the proposed institution, and to better site the facility with respect to its surroundings, the Directory may modify the applicable development standards for modulation, landscaping, provision of open space, and structure width, depth and setbacks. In determining whether to allow such modifications, the Director shall balance the needs of the institution against the compatibility of the proposed institution with the residential scale and character of the surrounding area.*

The principal structures are clustered at the edges of the existing lot boundaries, allowing the proposed development to respect existing development patterns. The proposed building will be an addition to a development that already exists. Although the side setbacks of the proposal do not fully meet the development standards of this chapter, SMC 23.45.122 allows the Director to modify the applicable development standards for depth and setbacks to accommodate the special needs of the proposed institution through this administrative conditional use permit. The typical side setback requirement is 10 feet; the proposed addition will be allowed to have a 9 foot 9 inches side setback.

B. Dispersion Criteria *An institution which does not meet the dispersion criteria of Section 23.45.102 may be permitted by the Director upon determination that it would not substantially aggravate parking shortages, traffic safety hazards, and noise in the surrounding residential area.*

The proposal of the Parish Community Center will not increase the non-conformance of dispersion criteria. The addition will take place interior of the property line and therefore will not change the existing dispersion. The property line is located less than 600 feet from the other institutions within the area.

C. Noise *The Director may condition the permit in order to mitigate potential noise problems. Measures to be used by the Director for this purpose include, but are not limited to the following: landscaping, sound barriers or fences, mounding or berming, adjustments to yards or the location of refuse storage areas, or parking development standards, design modification and fixing of hours for use of areas.*

Noise and odors will not be increased. All liturgical practices will remain the same. Trash and refuse storage remains at current place and rate of pick up at the N.E corner of the site off of 41st Avenue SW. The renovated Parish Center building will have restrooms with ventilation fans that exhaust vertically through the roof and new windows will be operable for natural ventilation.

D. Transportation Plan

2. 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.

Consideration of the following elements and other similar factors may be required:

A transportation plan was not required for this proposal because the proposed addition will be 1,360 square feet, well below the threshold of requiring a transportation study, which is

4000 square feet. No new staff will be employed at the new community center therefore no new trips are expected.

DECISION - SEPA

This decision was made after review by the responsible official on behalf of DPD as the lead agency of the 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.

- 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 with respect to transportation, circulation, parking. An EIS limited in scope to this specific area of the environment was therefore required under RCW 43.21C.030(2)(C).

SEPA CONDITIONS

None

DECISION - ADMINISTRATIVE CONDITIONAL USE

The Administrative Conditional Use permit to allow a 620 square foot addition to an existing institution in the L1 zone is **CONDITIONALLY GRANTED.**

CONDITIONS

None

Signature: _____ (signature on file) Date: December 18, 2008
Laura Kim, Land Use Planner
Department of Planning and Development
Land Use Services

LK:lc