



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 DEPARTMENT OF PLANNING AND DEVELOPMENT**

Application Number: 3009624
Applicant Name: Tina Whitlock for NW Federation of Community Organizations
Address of Proposal: 3518 S. Edmunds Street

SUMMARY OF PROPOSED ACTION

Land Use Application to change the use of existing 8,062 sq. ft. institution (religious facility) to community center. No change in parking.

The following approval is required:

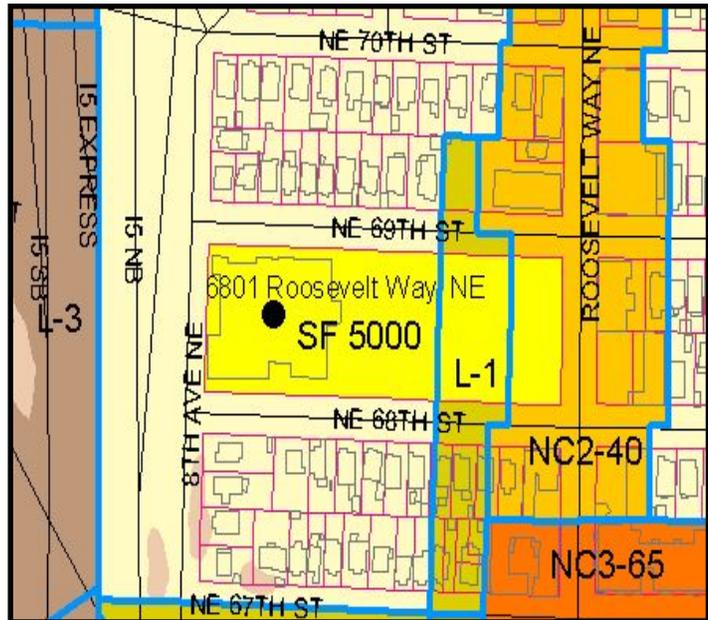
Administrative Conditional Use Permit - to change one institutional use to another in an L2 zone (Section 23.44.022 Seattle Municipal Code (SMC)).

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 Description

The site is located in the Columbia City Landmark District, a long block to the west of Rainier Avenue South, on the north side of South Edmunds Street. The adjacent 36th Avenue South is not opened, and is in fact incorporated in the parking running behind the Columbia City Library and to the west and south. There is an alley adjacent to the west. The site is zoned L2, with overlays for the landmark district and the Southeast Seattle Re-Development Area. It is also within the Light Rail Construction Impact Zone, the Columbia City residential urban village, the Columbia City Landmark District, and new landfill and 1000-foot methane buffer environmentally critical areas. The existing church (institution) is a substantial building, with a vibrant brick façade and recently updated landscaping. Vehicle access to the nine parking spaces on the site is via the alley. There is an existing paved area for parking adjacent to the alley, the southernmost space abutting the sidewalk.



Area Development

In addition to institutions within 600 feet identified by the applicant (the Seattle Public Library on Rainier Avenue South and the park community center), there are five other institutions within 600 feet of development site: Zion Preparatory Academy, the Rehab Center for the Blind, Elderhealth Northwest, Fifth Church of Christ Scientist, and the old Seattle Public School. The first three of these appear to have adequate on-site parking to meet their parking demand. It is likely that the Fifth Church does not provide sufficient parking to meet peak demand. Because uses of the Seattle Public School are not known, it is unclear how much parking demand it generates, or how it is satisfied.

Besides the institutions, developments in the area consist of mostly commercial uses along Rainier Avenue South and along Edmunds to the east side of the park. Most of the non-institutional uses to the west, north, and south consist of single-family residences or seemingly relatively recently platted townhouses/unit subdivisions; a handful of lots on the west side of 35th are vacant, but in possession of Howland Homes, suggesting that they will be developed to capacity with market-rate housing in the not-distant future.

Proposal Description

The applicant proposes to change use within the Institution category from church to community center “with administrative offices.” The application states that there will be no physical changes to the building, and none are shown on plans. Hours of operation would be from 9:00 a.m. to 10:00 p.m. daily, all days of the week. Staff numbers appear to range from 9 to 20. The application states, “We hope to build the usage of our community center to having meetings and workshops ranging from 10 people to 150 people. The proposal includes “opening” the community room to other non-profits, civic organizations, and the public. The proposal includes removing one parking space that was never legally established, restoring the legal number of parking spaces to 8.

Public Comment

There was one comment letter, stating “This organization is not a "community center", it is a business. This will significantly change the historic district on Columbia park. It is misleading to call it a community center. That would actually be a good, thing, similar to the role that the cultural center plays on the north end of the park. But NWFCO is not a community center. The roles that the church played in the community was bringing people together who live near hear and a new occupant of that building should do the same thing, not operate a business.”

ANALYSIS - ADMINISTRATIVE CONDITIONAL USE PERMIT

SMC 23.45.122 Institutions other than public schools not meeting development standards.

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

Institutions meeting all development standards are allowed in the Lowrise zones. This proposal does not meet several development standards (e.g. dispersion, parking) and so must be reviewed under SMC 23.45.122. The Director may mitigate adverse negative impacts by imposing requirements and conditions deemed necessary.

- 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 Director 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 structures at this site are already constructed and the site has been in use by an institution (a church) for a number of years. There are no physical expansion plans.

There is one existing parking space that has not been permitted and which is located immediately adjacent to the sidewalk, where it poses adverse safety impacts, and also detracts from the fit of

the institutional site into the neighborhood. To leave the parking space in its present site will continue to invite its use for parking and its raw look. Accordingly, project approval is conditioned upon removal of the paving in this area, installing a curb at the alley edge to prevent vehicular incursion into the area, and landscaping of the area with at least one small tree, together with sufficient shrubs and ground cover to thoroughly obscure the streetside view of parked cars to the height of at least 3 feet at maturity.

The Department of Neighborhoods has sent an email confirming that it does not have jurisdiction for historic preservation over this change of use.

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 ACU application identifies a public library and a community center in the adjacent park as institutions within 600 feet. Additionally, there are Zion Preparatory Academy, the Rehab Center for the Blind, Elderhealth Northwest, Fifth Church of Christ Scientist, and the old Seattle Public School, which is probably still legally established for institutional use – though really anything could be transpiring there. In short, there are an unusually high number of institutions within 600 feet of the site. Nevertheless, the proposed institution would merely replace an existing institution. Given the considerably lesser traffic and parking impacts of the proposal, and entirely interior nature of proposed activities, there is little likelihood of any adverse change in conditions prevailing under the existing multi-institutional context in the area. This criterion is satisfied.

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.

The proposal will not increase noise at this location. The majority of the activities will be located inside the building. This criterion is satisfied.

D. Transportation Plan.

1. 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 required to provide twenty (20) or more parking spaces.

The applicant has submitted credible information that the proposed community center use would entail vastly lesser peak period traffic and parking demands than the existing church. In particular, Sunday peak parking demand would drop from 90 spaces to 25. The typical daytime Saturday peak parking demand of the existing church of 70 parking spaces would be supplanted by the typical demand of the new use for 25 spaces – though occasionally its demand too would be for 70 spaces. However, on most weekdays, parking (and hence traffic) impacts would generally be modestly greater, particularly on Thursdays. The typical weekday parking demand would range from 5-9 parking spaces except on Tuesdays and Thursdays, when the range would be from 5-25. The existing church parking demand is set at 2 for most weekdays, though on Tuesdays it presently ranges from 2-30. This is a relatively low level of impact, with virtually

no increased impact except for demand for 1 spillover parking space when demand exceeds 8 spaces, and except for the typical Thursday evening demand for 16 spillover parking spaces. This level of impact, while low, could conceivably become a persistent and substantial problem if the community center activities were to increase. Accordingly, project approval is conditioned upon binding into plans the yearly projected parking demand for the community center. Activities shall be limited to those generating no higher parking demand.

3. *The Director may condition a permit to mitigate potential traffic and parking problems. Measures which may be used by the Director for this purpose include, but are not limited to, the following:*
 - a. *Implementing the institution's transportation plan to encourage use of public or private mass transit;*
 - b. *Increasing on-site parking or loading space requirements to reduce overflow of vehicles into the on-street parking supply;*
 - c. *Changing access and location of parking;*
 - d. *Decreasing on-site parking or loading space requirements, if the applicant can demonstrate that less than the required amount of parking is necessary due to the specific features of the institution or the activities and programs it offers. In such cases, the applicant shall enter into an agreement with the Director, specifying the amount of parking required and linking the parking reduction to the features of the institution which justify the reduction. Such parking reductions shall be valid only under the conditions specified, and if those conditions change, the standard requirement shall be satisfied.*

As discussed above, the southernmost parking space has never been and may not be legally established. A condition has been added above detailing the replacement of this space by appropriate landscape, together with a provision for its protection by a curb..

SMC 23.45.116 Administrative Conditional Use – General Provisions

- A. *Only those uses identified in this subchapter as conditional uses may be authorized as conditional uses in multifamily zones. The master use permit process shall be used to authorize these uses.*
- B. *Unless otherwise specified in this subchapter, conditional uses shall meet the development standards for uses permitted outright in Subchapter I.*

As described in the analysis for 23.45.090.A, the proposed use would be located within existing structures at an existing site, with no changes to the structures or site. The existing structures and site do not meet the development standards for uses permitted in Subchapter I (e.g. dispersion, parking). Therefore, the proposed use is required to meet the criteria for an Administrative Conditional Use.

- C. *The Director may approve, condition or deny a conditional use. The Director's decision shall be based on a determination whether the proposed use meets the criteria for establishing a specific conditional use and whether the use will be materially detrimental to the public welfare or injurious to property in the zone or vicinity in which the property is located.*

The City recognizes the public benefit that institutions such as that proposed have made by providing opportunities and services to their communities. The criteria for establishing this

expansion have been examined, and the project has been conditioned as follows below to attempt to mitigate any detriment or injury to property in the vicinity. As conditioned, DPD believes that the use will not be materially detrimental to the public welfare or injurious to property in the zone or vicinity.

D. In authorizing a conditional use, the Director may mitigate adverse negative impacts by imposing requirements and conditions deemed necessary for the protection of other properties in the zone or vicinity and the public interest.

Such conditions are enumerated below.

E. The Director shall issue written findings of fact and conclusions to support the Director's decision.

Satisfied.

F. Any authorized conditional use which has been discontinued shall not be reestablished or recommenced except pursuant to a new conditional use permit. The following shall constitute conclusive evidence that the conditional use has been discontinued:

- 1. A permit to change the use of the property has been issued and the new use has been established; or*
- 2. The property has not been devoted to the authorized conditional use for more than twenty-four (24) consecutive months.*

N/A

DECISION - ADMINISTRATIVE CONDITIONAL USE PERMIT

The application for an administrative conditional use is **CONDITIONALLY GRANTED.**

CONDITIONS - ADMINISTRATIVE CONDITIONAL USE PERMIT

Prior to Issuance of Master Use Permit

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

1. Bind into plans the spreadsheet showing yearly projected parking demand for the community center. Activities shall be limited to those generating no higher parking demand.
2. Revise the landscape plan page to show removal of the south parking space, installation of a curb or planter box to prevent access to the space from the alley, and a detailed showing of the proposed landscaping in the space: to include one substantial tree, together with sufficient shrubs and ground cover to thoroughly obscure the streetside view of and lights from parked cars to the height of at least 3 feet at maturity.

Prior to finaling of the Use Permit, and Permanent for the Life of the Project

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

1. Legally remove the paving in the area of the southernmost "parking spot,"

2. Legally install a curb or planter box at the alley edge to prevent vehicular incursion into the area, and
3. Landscape the area with at least one substantial tree, together with sufficient shrubs and ground cover to thoroughly obscure the streetside view of and lights from parked cars to the height of at least 3 feet at maturity.
4. Limit community center activities to those generating no higher parking demand than those shown on the parking demand spreadsheet bound into plans.

Compliance with conditions 1-3 must be verified and approved by the Land Use Planner assigned to this project (presently, the undersigned Paul Janos), telephone 206.233.7195 or by the Supervising Land Use Planner for the area where the project is located (Robert McElhose telephone: 206.540.3670). Compliance shall be at the specified development stage, as required in the Director's decision. An appointment shall be made with the assigned Land Use Planner at least three (3) working days in advance of a final inspection. The Land Use Planner will determine whether the condition requires submission of additional documentation or a verification to ensure that compliance has been achieved.

Signature: _____ (signature on file) Date: February 26, 2009
Paul Janos, Land Use Planner

PJ:bg

Janos/doc/decisions other than platting/3009624 ACU change church to other institution janos.doc