



City of Seattle

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: 3010718
Applicant Name: Robbin Gray of Arellano Christofides Architects for Robert Mohn, Owner.
Address of Proposal: 3815 South Edmunds Street

SUMMARY OF PROPOSED ACTION

Land Use Application to allow a change of use of an existing structure from apartments (multi-family) to hotel (lodging). The project also includes the addition of a 3-story lodging structure. Eight units total will be in the two structures. Parking for two vehicles to be located off-site at adjacent 4860 Rainier Avenue South.

The following approvals are required:

Administrative Conditional Use - To allow a lodging use in a Neighborhood Commercial 2 (NC 2) zone (SMC Chapter 23.47A.006).

SEPA - To approve, condition or deny pursuant to SMC Chapter 25.05

Certificate of Approval from the Landmarks Preservation Board (Department of Neighborhoods) – SMC 25.12.080

- 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 subject property is a 5,876 square foot lot fronting South Edmunds Street. The site contains a two-story four-unit apartment, The Shirley Marvin; the east portion of the site is surface parking for this building.



The site is in a Neighborhood Commercial 2, 40 foot height zone (NC 2-40) that extends generally north to south between a NC 3P-40 zone on both sides of Rainier Avenue South to the west and a band of Lowrise 3 (L3) zoning to the east. The surrounding uses in the NC 3P-40 zone to the west are primarily commercial / mixed use. The NC 2 zone contains a mix of older residential and commercial uses, as well as a recent development of live-work units. The L3 zone is comprised mainly of residential structures and uses.

Proposal Description

The proposal is to renovate and convert the existing 4-unit multi-family structure to long-term lodging and construct an adjacent building that will also contain 4-units of long-term lodging. The two building will be connected by a “garden room” in between both. The Code required two parking spaces will be provided on the adjacent site (4860 Rainier Avenue South) by covenant (Lodging uses must provide one parking space for each two units (SMC 23.54.015 Chart A)). The provided parking is directly accessible to this site. Vehicles will access the parking via the east to west alley extending from Rainier Avenue South and along the south side of the parking site.

Because the site is within the Columbia City Historic District, the design of the proposed development is being reviewed by the Columbia City Landmark District Review Committee and Landmarks Preservation Board and must receive a *Certificate of Approval* from the Department of Neighborhoods prior to any construction.

Public Comment

The two-week public comment period ended December 2, 2009. One comment letter was received stating that the project needs to provide more than two parking spaces. One phone comment was also received stating that “these types” of developments are negatively changing the character of this street.

ANALYSIS - ADMINISTRATIVE CONDITIONAL USE

The Seattle Land Use Code (SMC 23.47A.006.B.6) allows lodging uses up to a maximum size of 25,000 square feet as a conditional uses in NC 2 zones. Sub-sections 23.47A.006.B.6. a-c sets forth criteria to be used to evaluate and/ or condition the proposal. The applicable criteria are discussed below.

- A. *All conditional uses are subject to the procedures described in Chapter 23.76, Master Use Permits and Council Land Use Decisions, and must not be materially detrimental to the public welfare or injurious to property in the zone or vicinity in which the property is located. In authorizing a conditional use, the Director or City Council may require that adverse impacts be mitigated by imposing any conditions to protect other properties in the zone or vicinity, to compensate for impacts, and to protect the public interest. The Director shall deny or recommend denial of a conditional use if the Director determines that adverse impacts cannot be mitigated satisfactorily.*

Based on the analysis and conclusions in the conditional use criteria below, and an analysis of the information provided in the SEPA checklist following this section, this project will not be materially detrimental to the public welfare or injurious to property in the zone or vicinity in which the property is located. Consequently no mitigation under this subsection is necessary.

B. 6. Lodging uses in NC2 zones are permitted up to 25,000 sq. ft., when all of the following conditions are met, except that bed and breakfasts in existing structures are permitted outright with no maximum size limit:

a. The lodging use contains no more than fifty units;

The proposed lodging use consists of eight units total in approximately 6,778 square feet of building area.

b. The design of the development, including but not limited to signing and illumination, is compatible with surrounding commercial areas; and

The project site is in the Columbia City Landmark District, therefore the new structure's overall design (architectural expression, massing, siting, etc), signage, lighting plans, and landscaping and other relevant details will be reviewed by and ultimately approved by the City Landmarks Preservation Board. Application for the required Certificate of Approval was made prior to the application for this Master Use Permit (MUP).

When approval by the City Landmarks Preservation Board is a requirement the Department of Planning and Development defers to that body on matters of design. As proposed, the project conforms to all applicable Neighborhood Commercial development standards. Based on these facts the project responds to this criterion.

c. Auto access is via an arterial street.

Proposed auto access for the required two parking spaces will be from the east to west alley extending between Rainier Avenue South and 39th Avenue South. DPD considers access from an improved alley that connects to an arterial street the same as access from an arterial street. The alley is considered improved and connects to an arterial street, therefore this criterion is met.

DECISION-ADMINISTRATIVE CONDITIONAL USE

The conditional use application is ***APPROVED*** as indicated at the end of this document.

ANALYSIS – SEPA

The initial disclosure of the potential impacts from this project was published in the annotated environmental checklist completed on November 3, 2009 and supplemental information in the project file submitted by the applicant's agent. The information on the checklist, supplemental information, 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 23.05.665D) clarifies the relationship between codes, policies, and environmental review. Special policies for each element of the environment contain 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 25.05.665D1-7) mitigation can be considered. Thus, a more detailed discussion of some of the impacts is appropriate.

Short-term Impacts

The following construction related impacts are expected: temporary soil erosion, decrease in air quality due to increased dust and other suspended air particulates during demolition and construction; greenhouse gas emissions from construction vehicles, equipment, and the manufacture of the construction materials; and noise disturbance to the surrounding residential properties. These impacts are not considered significant because they are temporary and/or minor in scope. Although not significant, some of the impacts are adverse and require additional analysis.

Several adopted codes and/or ordinances provide mitigation for some of the identified impacts: The Stormwater Grading and Drainage Control Code and the air pollution standards of the Puget Sound Clean Air Agency (PSCAA). The Stormwater, Grading and Drainage Control Code regulates site excavation, requires that soil erosion control techniques be initiated for the duration of construction, and regulates the capture and treatment of on-site ground and storm water. Additionally, the General Development Standards of SMC 25.09.060 place limitations on grading and storm water management of parcels containing Environmentally Critical Areas. The Puget Sound Clean Air Agency regulations require control of fugitive dust and construction machinery emissions in order to protect air quality. Compliance with these applicable codes and ordinances will reduce or eliminate most short-term impacts to the environment. However, the greenhouse gas affects on air quality and construction noise impacts may not be entirely mitigated by existing codes and ordinances and therefore warrants further analysis.

Air Quality

Construction activities themselves will generate minimal direct impacts. However the indirect impact of 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 increases in carbon dioxide and other greenhouse gas (GHG) emissions that adversely impact air quality and contribute to climate change and global warming. While these impacts are adverse, they are not expected to be significant due to the relatively minor contribution of greenhouse gas emissions from this project; therefore air quality mitigation is not necessary.

Noise

The subject site has residential and mixed residential – commercial uses to its west, north and east. The location and siting of these surrounding residential uses are in close proximity to the subject site will experience increased noise impacts during the different phases of construction, such as but not limited to excavation and construction. Consequently, noise from construction activity could have an adverse impact on these uses. However, compliance with the Noise Ordinance (SMC 22.08) is required and limits noise levels registering 57 dBA at a receiving residential property boundary between 7:00 a.m. and 7:00 p.m. on weekdays, and between 9:00 a.m. and 7:00 p.m. on weekends and holidays. Noisy processes integral to building construction, such as general construction equipment (not impact or impulse sound generating equipment) are allowed to exceed this limit by 15-25 dBA during these same hours.

Based on the limits of the Noise Ordinance on construction noise and hours no *Conditions* are warranted.

Long-term Impacts

Two long-term or use-related impacts are anticipated: adverse affects on the historic character of this *Landmark* district and increased carbon dioxide and other greenhouse gas emissions (GHG), primarily from the projects energy consumption.

Historic Preservation

In order to make the proposed changes to the Shirley Marvin and construct a new building the applicants must obtain a Certificate of Approval from the Landmarks Preservation Board, as described under the Administrative Conditional Use criteria above. This review process serves as adequate review and, if necessary, mitigation for any potential impacts to this environmental element, hence no mitigation under SEPA authority is warranted or necessary.

Air Quality

The number of residential and commercial tenant vehicular trips and customer and visitor vehicular trips associated with the project is expected to be roughly the same from the amount currently generated by the site's current four residential units. The new use will have two parking spaces but will have employee personal vehicle trips and the business itself is expected to have a shuttle van to pick-up and drop-off guests from the nearby Columbia City light rail station. The projects' overall electrical energy and natural gas consumption is expected to increase. Together these changes will result in increases 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 due to the relatively minor contribution of greenhouse gas emissions from this project, therefore no mitigation is required.

DECISION – SEPA

The 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.

- 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

None.

ADMINISTRATIVE CONDITIONAL USE-CONDITIONS

None.

Signature: _____ (signature on file)
Art Pederson, Land Use Planner
Department of Planning and Development

Date: January 11, 2010