



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: 3010786
Applicant Name: Debrah Walker
Address of Proposal: 1731 South Horton Street

SUMMARY OF PROPOSED ACTION

Land Use Application to allow a change of use in the basement of an existing apartment structure (3,351 sq. ft. two dwelling units) to religious institution (Zen Buddhist Meditation Center); eight units to remain. Existing on-site parking for four spaces to be reconfigured.

The following approval is required:

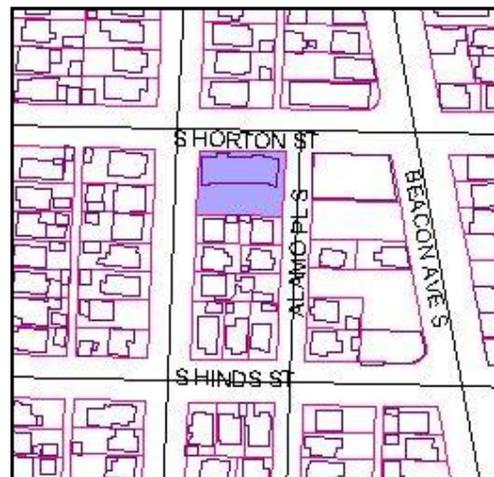
Administrative Conditional Use Permit - to allow a religious facility in a single family residential zone (Section 23.44.022 Seattle Municipal Code (SMC)).

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 and Vicinity Description

The subject site is a corner lot with three frontages; Lafayette Ave S. to the west, S. Horton St. to the north, and Alamo Pl. S. to the east in the Beacon Hill Neighborhood. Beacon Ave. S. is one block east of the subject site. The site comprises a land area of approximately 10,652 square feet, and is located in a Single Family residential zone with a minimum lot size of 5,000 square feet (SF 5000). The site is developed with an existing nonconforming 10-unit apartment building located on the north half of the site. The



southern half of the site is used as garden and open space and parking for four vehicles. The garden area features a large, mature maple tree and a solid fence along the southern boundary. Access to parking is currently from both Lafayette Ave. S. and Alamo Place South. The surrounding streets are fully improved with curbs, sidewalks, and gutters.

Surrounding properties to the north, south and west are also zoned single family and are predominantly developed with single family residences. East of Alamo Place S. the zoning changes to Neighborhood Commercial 1 with a 40-foot height limit (NC1-40'). Uses in the NC1 zone include residential and small scale commercial and institutional uses.

Proposal Description

The proposal is to change the use of two dwelling units in the basement of an existing nonconforming apartment building in a single family zone to a religious institution (Zen Buddhist Meditation Center). The area to be converted from residential to institutional is 3,342 sq. ft., including an assembly area of 1,345 sq. ft. An existing garden area south of the building will be kept and enhanced with new landscaping including a vegetable garden. The large maple tree will remain. A new covered entry will be added on the south side of the structure. Four existing parking spaces will be reconfigured so that all are accessed via Lafayette Avenue South. The existing curb cut along Alamo Place South will be closed. The existing structure is nonconforming with respect to front and side yards.

Public Comments

The public comment period for this project ended June 20, 2010 and one comment letter was received.

ANALYSIS - ADMINISTRATIVE CONDITIONAL USE PERMIT (23.44.022 SMC)

SMC Section 23.44.022 sets forth the types of institutions that may be permitted as conditional uses in single family zones which includes religious facilities.

D. General Provisions.

- 1. 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 or in a Major Institution master plan.***

The existing apartment building is an existing legally nonconforming use in the single family zone, and is nonconforming with respect to certain development standards are well, such as the front yard (setback). Conformance with yard requirements is discussed further under K.2 'Yards' below.

- 2. The establishment of a child care center in a legally established institution devoted to the care or instruction of children which does not violate any condition of approval of the existing institutional use and does not require structural expansion shall not be considered a new use or an expansion of the institutional use.***

N/A

3. *Institutions seeking to establish or expand on property which is developed with residential structures may expand their campus up to a maximum of two and one-half (2 1/2) acres. An institution campus may be established or expanded beyond two and one-half (2 1/2) acres if the property proposed for the expansion is substantially vacant land.*

The proposed institution will be located in the basement of an existing nonconforming apartment building, which is located on a lot with an area of 10,652 sq. ft.

4. *An institution which finds that the development standards of the single-family zone classification are inadequate to its development needs may apply for reclassification to Major Institution status.*

N/A

E. Dispersion.

1. *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 proposed religious facility is not located within 600 feet of any other institutions within a residential zone.

- F. Demolition of Residential Structures.** *No residential structure shall be demolished nor shall its use be changed to provide for parking. This prohibition may be waived if the demolition or change of use proposed is necessary to meet the parking requirements of this Land Use Code and if alternative locations would have greater noise, odor, light and glare or traffic impacts on surrounding property in residential use. If the demolition or change of use is proposed for required parking, the Director may consider waiver of parking requirements in order to preserve the residential structure and/or use. The waiver may include, but is not limited to, a reduction in the number of required parking spaces and a waiver of parking development standards such as location or screening.*

The existing residential structure will not be demolished nor will its use be changed to provide for parking.

- G. 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 residential structure has a 12 foot side yard on the west, an 8'3" side yard on the east, and a 7'-9" front yard.

The existing structure is nonconforming with regard to the front yard requirement for single family zones (generally, 20 feet or the average of front yards on either side). Five-foot side yards are usually required in single family zones, however, institutions are further restricted in that: "... no structure other than freestanding walls, fences, bulkheads or similar structures shall be closer than 10 feet to the side lot line." (SMC 23.44.022.K.2) The Director may permit yards less than 10 feet but not less than five 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 a demonstrable public benefit. The existing residential structure is nonconforming to the requirement for side yards for institutions in single family zones.

The proposal includes the addition of a below-grade exit stair in the eastern side yard, and bicycle racks under a shed roof in the western side yard. The below-grade stair is less than five feet from the eastern property line. However, below-grade structures which otherwise meet code are generally permitted in yards. The covered bicycle racks extend to within 6'-6" of the western property line. The bicycle racks are similar to the types of structures (e.g., fences or bulkheads) permitted in the required 10-foot setbacks, and will not significantly increase impacts of noise, odor or scale. The addition of ample bicycle parking will provide a demonstrable public benefit.

The front and side yard setbacks all abut streets, rather than adjacent residential lots, so no additional mitigation is required.

- H. 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, out-door 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.

The siting of the institutional use in the basement of the existing residential structure is not anticipated to cause adverse noise or odor impacts. The proposal includes landscaping improvements to the existing open space on the south side of the structure which include retention of the existing mature maple tree. Additional mitigation measures are not required.

- I. 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.

Proposed landscaping is shown on Sheet ACU-2LA of the plans. The existing open space south of the existing apartment building is being redesigned and enhanced with paving and ornamental plants, as well as a vegetable garden. An existing mature maple tree is being retained. The garden is screened by a solid fence from the property to the south. The members of the community of the proposed religious facility will have a monthly work party to maintain the garden. No additional mitigation is required.

- J. 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. Non-reflective surfaces shall be used to help reduce glare.***

The existing lighting will not change any light and glare impacts already existing on site and no new exterior lighting has been proposed by the applicant.

K. Bulk and Siting:

- 1. Lot area. If the proposed site is more than one (1) acre in size, the Director may require the following and similar development standards:***

The site is less than one acre in size so these criteria are not applicable to the proposal.

- 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 feet (10') to the side lot line. The Director may permit yards less than ten feet (10') but not less than five feet (5') 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.***

This criterion is addressed under the discussion of the reuse of the existing structure. Please refer to # G above.

3. *Institutions Located on Lots in More Than One (1) Zone Classification.*

This criterion is not applicable because the site is located in only one zone, SF5000.

4. *Height Limit. A religious symbol and that portion of the roof supporting it, including but not limited to a belfry or a spire, may extend an additional twenty-five feet (25') above the height limit.*

A religious symbol is not proposed above the existing roof.

5. *Facade Scale. If any facade of a new or expanding institution exceeds thirty feet (30') 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.*

The existing facades at the front and the rear (north and south) are approximately 100 feet in length. The front façade features two existing front porches which will be seismically reinforced as part of the project. These porches serve to break up the apparent length of the front façade. A new covered entry, entry ramp, walkways and garden are planned for the rear (south) façade. These features will enhance the aesthetics of the southern side of the building and additional mitigation is not warranted.

L. *Parking 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.***

The portion of the multifamily structure which is proposed to be changed to institutional use is currently established as two dwelling units. The applicant states that 6 to 12 users will visit the site daily, twice a day. One Sunday a month 15 to 20 visitors are anticipated. Three times a

year, 26 visitors are anticipated for a week long retreat. Generally, one dwelling unit is assumed to generate between six and seven vehicle trips per day. It is anticipated that 6 to 12 users will visit the site daily, twice a day, under the proposed use. One Sunday a month 15 to 20 visitors are anticipated. Three times a year, 26 visitors are anticipated for a week long retreat. On this basis, the proposed use is likely to have more traffic impacts than the established use.

Additional traffic impacts are partially offset by subtracting the trips generated from the two dwelling units that are being removed. In addition, the site is well served by transit along Beacon Ave. S., with bus routes with headways of 15 minutes throughout the day. According to the applicant, one third of the religious community currently lives within walking distance of the proposed institution. The community is also committed to alternate means of transportation, including bicycle. Ample bicycle parking will be provided on site (see additional discussion regarding parking, below). The increase in vehicular traffic anticipated as a result of the proposal is not expected to cause undue traffic impacts through residential neighborhoods nor create a serious traffic hazard.

Regarding parking, the current parking requirement for residential uses is generally one space required per dwelling unit. For religious facilities, the parking requirement is one parking space for each 80 sq. ft. of public assembly area. The parking calculations are shown on page ACU-2 of the plans. The existing ten unit apartment building has four parking spaces, so there is an existing parking deficit of six spaces. The parking requirement for an eight-unit apartment building and a 1,345 sq. ft. assembly area is $8 + 17 = 25$ vehicle parking spaces required. The existing deficit of six spaces is subtracted from the 25 resulting in a parking requirement of 19 spaces. Four vehicle parking spaces are provided on-site. The applicant is requesting a waiver for the 15 remaining code required parking spaces.

The code provides some exceptions from parking requirements, but none specifically apply here. For example, if the project were located in a multifamily zone, the parking requirement could be reduced by 20 percent due to the proximity to transit (SMC 23.54.020.F). Although the transit reduction doesn't apply in single family zones, it is likely that the intent of the code provision is to provide an exception in areas of high transit availability. Beacon Ave S., is located one block east of the site and is well served by transit. The Mount Baker Light Rail Station is .6 miles from the site. It seems reasonable to use the Director's discretion under the ACU authority to apply the 20 percent transit reduction to the 19 required spaces in this case, reducing the required parking to 15 spaces. With the four spaces provided, the unmet code requirement is reduced to 11.

Although on-street parking may not be used to meet parking requirements, the applicant is closing a curb cut as part of their proposal. This creates two additional on-street parking spaces available as a result of the project. If the two additional parking spaces gained as a result of the project are used to offset the parking requirement, the unmet code requirement would be reduced to nine spaces.

Another exception from parking requirements is provided in which covered bicycle spaces may be provided in lieu of vehicles spaces at a ratio of 4 bike spaces for every 1 vehicle space (SMC 23.54.020.F.3.d). This exception applies only for new or expanding offices or manufacturing uses under certain circumstances. The provision is described along with other options as "the substitution of alternative transportation programs." Although the proposed use is not an office or manufacturing use, the applicant is proposing to substitute alternative transportation programs

to reduce their reliance on single occupancy vehicles and it is reasonable to allow the substitution of bicycle spaces for vehicle spaces on the same basis as the exception ratio provided in the code. The applicant is proposing 32 covered bicycle spaces (30 along the west façade under a shed roof and 2 inside the laundry room). This would further reduce the code requirement by an additional eight spaces, reducing the unmet code requirement to one parking space.

The applicant has surveyed parking utilization rates in the neighborhood of 46 percent during the evenings when services will be scheduled. A 46 percent utilization rate indicates that there is ample on-street parking available in the neighborhood and the proposed use is not anticipated to adversely impact the neighboring properties. The provision of 32 bicycle spaces and the use of alternative transportation by the members of the religious facility's community have the demonstrable public benefits of reduced reliance on single occupancy vehicle (SOV) trips, reduced parking demand, and a reduction in impervious surface since fewer vehicle parking spaces are being built. For all of these reasons, the requested parking waiver is granted and no additional parking (beyond the four provided) will be required.

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

Parking has been designed to meet code standards.

3. ***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.***

No loading berths are required per SMC 23.54.

- M. ***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 additional twenty (20) or more parking spaces.***

The proposed religious facility is less than 4,000 square feet therefore a transportation plan will not be required for this proposal. However, the applicant has requested a waiver to parking and loading berths and submitted a transportation plan for the Director to evaluate the potential impacts of the request. Please refer to #L, above.

Administrative Conditional Use General Provisions (SMC 23.44.018)

- A. ***Only those conditional uses identified in this subchapter as conditional uses may be authorized as conditional uses in single family zones. The Master Use Permit process set forth in Chapter 23.76, Procedures for Master Use Permits and Council Land Use Decisions, shall be used to authorize conditional uses.***

The Department recognizes the public benefit achieved by accommodating institutions such as religious facilities in single family zones. The Land Use Code, as an enunciation of City policy, allows these institutions in single family zones, but establishes the administrative conditional use process as the mechanism for screening and mitigating impacts related to the uses. The proposed religious facility is identified as a conditional use which may be authorized in a single family zone.

B. Unless otherwise specified in this subchapter, conditional uses shall meet the development standards for uses permitted outright in Sections 23.44.006 through 23.44.016.

The subject proposal meets all of the development standards for uses permitted outright, and/or the exceptions from these standards provided for institutions in single family zones.

C. A conditional use may be approved, conditioned or denied based on a determination of 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 proposal, as discussed under the specific criteria (SMC 23.44.022) above, meets the criteria for establishing a conditional use. The proposal is not anticipated to be materially detrimental to the public welfare or injurious to the properties in zone or vicinity.

D. In authorizing a conditional use, the Director or Council may mitigate adverse negative impacts by imposing requirements or conditions deemed necessary for the protection of other properties in the zone or vicinity in which the property is located.

The religious facility, as proposed, is not anticipated to have adverse negative impacts which would require conditions or any additional mitigation to protect other properties in the zone or vicinity in which the property is located.

Conclusion

Based on the foregoing analysis and review, the proposed action satisfies all the relevant requirements of 23.44.018 and 23.44.022 governing administrative conditional uses in single family zones. It is the Director's determination that the proposal would not be materially detrimental to the public welfare nor injurious to property in the zone or vicinity in which the religious facility will be located, and should be granted.

DECISION - ADMINISTRATIVE CONDITIONAL USE

The Administrative Conditional Use is **GRANTED**.

ADMINISTRATIVE CONDITIONAL USE CONDITIONS

None.

Signature: _____ (signature on file) Date: December 30, 2010
Molly Hurley, Senior Land Use Planner
Department of Planning and Development

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