



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: 3010901
Applicant Name: Donald Atwood for The Andover School
Address of Proposal: 5659 California Ave SW

SUMMARY OF PROPOSED ACTION

Land Use Application to allow the change of use from automotive sales and service and restaurant to Child Care and indoor participant sports and recreation (Martial Arts Studio).

The following approvals are required:

Administrative Conditional Use - to allow the change of use from one non-conforming use to another 23.42.110

Administrative Conditional Use - to allow an institution not meeting development standards in a multi-family zone 23.45.506.C

BACKGROUND DATA

Site and Vicinity Description

The site is located in the West Seattle neighborhood, near the Fauntleroy Junction Residential Urban Village, in a Lowrise Residential and Residential Commercial zone (LR3-RC). The lot is located on the northwest corner of SW Juneau St and California Ave SW. The site is not adjacent to an alley. There are no environmentally critical areas on or adjacent to the site.

Nearby zoning includes LR3-RC to the north, south, and east, and Single Family (SF 5000) to the west. Commercial and multi-family uses are located near California Ave SW, with single family residential uses located east and west of this corridor.

The site includes an apartment unit at a second story, with commercial uses at the ground floor and surface parking adjacent to the east and south property lines.

The last permitted use for the commercial spaces included an auto glass shop and a restaurant (Permits 6766099 and 738756).

Proposal Description

The applicant proposes to convert a 1,200 square foot area into a martial arts school, and convert an 800 square foot area into a preschool.

The martial arts school would include 1-2 evening classes with 12-15 students and 1-2 instructors in each class. The classes would be 30-60 minutes long and begin at approximately 6:30pm.

The preschool would have up to 12 children and 2 staff, and would operate from 9:00 am until 4:00 pm. An outside play area is proposed on the west side of the building, with a 5' tall wood fence separating the play area from adjacent properties.

Four surface parking spaces are identified on the site, with one of the parking spaces designated for the apartment unit. Vehicular access is shown entering from a curb cut on California Ave SW and exiting from a curb cut on SW Juneau St.

No construction or grading is associated with this review; it is for change of use only. No changes are proposed to the residential areas of the building or the on-site parking.

Public Comment

Public notice of the application was posted and mailed on October 21, 2011. No public comment letters were received.

ANALYSIS - ADMINISTRATIVE CONDITIONAL USE

The proposed martial arts school is an indoor participant sports use, which is not permitted in an LR3-RC zone. The last permitted use for this area of the building was auto glass shop, which was a legally nonconforming use. The proposed change to indoor participant sports requires an Administrative Conditional Use review to change from one nonconforming use to another nonconforming use.

SMC 23.42.110 . Change from one nonconforming use to another nonconforming use

A nonconforming use may be converted by an administrative conditional use authorization to another use not otherwise permitted in the zone subject to the following limitations and conditions.



For illustrative purposes only

- A. In single-family and residential small lot zones, a nonconforming multifamily residential use may not be converted to any nonresidential use not otherwise permitted in the zone.***

The proposal is not located in a single family or residential small lot zone. This criterion does not apply.

- B. The proposed new use must be no more detrimental to properties in the zone and vicinity than the existing use. This determination shall be based on consideration of the following factors:***

- 1. The zones in which both the existing use and the proposed new use are allowed;***

The existing permitted use for this space is auto glass shop, which is defined as an Automotive Sales and Service. The proposed use a martial arts school, which is defined as an Indoor Participant Sports use. Both of these uses are permitted in commercial and industrial zones, but not in residential or Residential-Commercial zones.

The proposed use would be no more detrimental to the properties in the zone and vicinity than the existing permitted use at this site.

- 2. The number of employees and clients associated or expected with the proposed use;***

The number of employees and clients for the existing permitted use are not known. However, only 14-17 employees and clients are expected to be at the property for a maximum of two classes per day (maximum of 2 staff and 15 students between 6:30-8:30pm). This number of employees and clients would not be expected to have a detrimental effect on properties in the zone and vicinity.

- 3. The relative parking, traffic, light, glare, noise, odor and similar impacts of the two uses and how these impacts could be mitigated.***

Parking:

Parking demand estimates often are based on information compiled in the Institute of Transportation Engineers' Parking Generation manual. This volume provides parking rates based on empirical studies throughout the United States and Canada, categorized by various land uses.

Automotive Parts Store parking rates are listed in this Manual at 2.7 spaces per 1000 square feet. The existing permitted nonconforming use at this site would have generated demand for approximately 3.24 parking spaces.

Athletic clubs (the closest use to Indoor Participant Sports) are listed in this Manual at 5.49 spaces per 1000 square feet. The proposed nonconforming use at this site would generate demand for approximately 6.6 parking spaces. The applicant has indicated that the demand could be as high as 12 parking spaces for this use.

The daycare use is not expected to impact parking demand for the martial arts center because the hours of operation do not overlap. Therefore, there are three available parking spaces on site, and a potential demand for 9 additional parking spaces.

The applicant has provided a parking utilization study of streets within 800 feet of this site. The study indicates that there are more than 9 available parking spaces at the times of operation for the martial arts school classes. At 5pm, there are 374 spaces available in this area, decreasing to 229 available spaces at 6pm and 110 available spaces at 7pm. This study indicates there would be more than sufficient on-street parking within 800' of the site to accommodate demand for 9 additional vehicles when classes begin at 6:30pm. No additional parking mitigation is required.

Traffic:

The Institute of Transportation Engineers indicates that the proposed martial arts school ("Athletic Club" as defined in the ITE Trip Generation manual) could generate up to 6.6 trips per peak hour. The existing permitted use of Auto Sales and Service ("Automotive Parts Store") may have generated up to 3 trips per peak hour.

This site is located on an arterial (California Ave SW). In consultation with DPD's Transportation Planner it was determined that neither the existing or proposed use would have a detrimental impact on the existing traffic patterns in this area. Thus, the noted traffic-related impacts of the proposed completed project are not considered significant and no further mitigation is warranted.

Light, glare, noise, and odor:

The proposed martial arts school doesn't include any exterior changes that would affect any of these items, and therefore the proposed use is no more detrimental to nearby properties than the existing permitted use. No mitigation is warranted.

- C. The existence of a single residential unit, such as a caretaker's or proprietor's unit, accessory to a nonconforming commercial use shall not be treated as having established a residential use, and such a unit may be converted or changed provided that it is the only residential use in the structure and comprises less than half of the total floor area of the structure.***

No changes are proposed to the existing residential unit on site. This criterion does not apply.

- D. Parking requirements for the proposed use shall be determined by the Director.***

Parking has been analyzed as described in the response to criterion B.3 above.

- E. If the new use is permitted, the Director may require mitigation measures, including but not limited to landscaping, sound barriers or fences, mounding or berming, adjustments to yards or parking standards, design modification, or limiting hours of operation.***

The applicant has demonstrated that the proposed use would not be expected to have a substantially more detrimental impact to properties in the zone and vicinity of this site. Therefore no mitigation is required.

SMC 23.45.506 Administrative conditional uses

The proposed preschool/daycare is an institution other than a public school, which is permitted in an LR3-RC zone by Administrative Conditional Use review under SMC 23.45.506.C.

C. Institutions other than public schools not meeting the development standards of 23.45.570, Institutions, and Major Institution uses as provided in Chapter 23.69, may be permitted subject to the following:

- 1. 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. 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.***

No physical modifications are proposed to the structure that will include the preschool/daycare, aside from the addition of a 5' high wood fence at the west property line for an outdoor play area. The existing structures associated with this ACU will have some degree of non-conformity relevant to development standards and as a result will be subject to SMC 23.42.112 – **Nonconformity to development standards.**

- 2. Dispersion Criteria. An institution that does not meet the dispersion criteria of Section 23.45.570 may be permitted by the Director upon determination that it would not substantially worsen parking shortages, traffic safety hazards, and noise in the surrounding residential area.***

The proposed institution doesn't meet dispersion criteria, since there is a religious institution a block to the east. However, this institution is located across an arterial from the site (California Ave SW) and the peak hours of operation would be different from the proposed daycare. The proposed institution at this site would not substantially worsen parking shortages, traffic, safety hazards, or noise in the surrounding residential area.

- 3. Noise. The Director may condition the permit in order to mitigate potential noise problems. Measures the Director may require for this purpose include, but are not limited to the following: landscaping, sound barriers, fences, berms, adjustments to yards or the location of refuse storage areas, location of parking areas and access, structural design modifications, and regulating hours of use.***

The applicant has proposed a play area at the west side of the structure, with a 5' high wooden fence to reduce sound impacts to adjacent properties. The hours of operation would be 9:00am – 4:00pm, and the sound impacts from 12 children playing during those

hours would not be expected to create substantial noise problems. No additional mitigation is needed to meet this criterion.

- 4. Transportation Plan. A transportation plan is required for proposed new institutions and for those institutions proposing to expand larger than 4,000 square feet of floor area and/or required to provide 20 or more new parking spaces. The Director may condition a permit to mitigate potential traffic and parking impacts pursuant to a Transportation Management Plan or Program as described in directors rules governing such plans or programs. The Director will determine the level of detail to be disclosed in the transportation plan based on the probable impacts and/or scale of the proposed institution.***

The proposed institution is 800 square feet with four identified parking spaces, which falls below the threshold for a transportation plan. This criterion does not apply.

DECISION - ADMINISTRATIVE CONDITIONAL USE

The conditional use application is **APPROVED**.

CONDITIONS - ADMINISTRATIVE CONDITIONAL USE

None.

Signature: _____ (signature on file) Date: July 14, 2011
Shelley Bolser AICP, LEED AP, Land Use Planner
Department of Planning and Development

SB:bg

I:\BolserS\DOC\ACU\3010901.ChgNonconfUse&EstInstitution.LR3-RC.docx