



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: 3011029
Applicant Name: Chris Serra
Address of Proposal: 3540 Wallingford Avenue N

SUMMARY OF PROPOSED ACTION

Land Use Application to change of use from existing non-conforming use (general retail sales and service) to new non-conforming use (cabinet shop - food and craft work). No change in existing residential use or parking.

The following approval is required:

Administrative Conditional Use - To allow the conversion of a nonconforming use to another use not otherwise permitted in a Multifamily Zone (SMC 23.42.110).

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 3,150 square foot site is located at the southeast corner of Wallingford Avenue N and N. 36th Street, in the heart of the Wallingford neighborhood. It is zoned L2, as are the surrounding properties. It contains a two-story building constructed in 1913 where it has been determined, pursuant to an Order of the Director regarding enforcement File No. 1011129, that there is a legally established store use together with two apartment units. For the last 12 years a cabinet-

making shop with four employees has operating instead of the permitted store. The enforcement action against the cabinet-making shop was precipitated by a complaint about parking, resulting in the present application to permit the cabinet shop. The shop is associated with the JAS Design Build entity immediately across the street to the north, but it has been determined that the shop operates separately enough that it can be separately established. The balance of JAS Design Build uses are being addressed through separate enforcement action. The subject site provides the principal mailing address for the JAS Design Build operation.

The vicinity, although zoned L2, is developed with such diverse uses as a single family house to the immediate south of the site, a new townhouse development to the immediate east of the site, which has been unit subdivided, a legally permitted store across N. 35th Street to the north (actual use as JAS Design Build), and a duplex structure across Wallingford to the west.

The adjacent streets are fully improved. N. 35th Street provides access to two surface parking spaces on the site.

Proposal Description

The proposal is to change the use of the main floor the building, which is presently legally established for general retail sales and service use, to the cabinet-making shop, which is considered a food processing and craft work use. Under the L2 zoning, commercial uses are not permitted, however SMC Chapter 23.42.110 allows nonconforming uses to change subject to certain criteria. No changes to the building are proposed. There is no finishing work on site; it occurs on each individual job site following shipping from the subject location. The dust collection system is internal to the building and does not vent to the outside.

Public Comment

Five comment letters support the project, including one from the Wallingford Community Council. One commenter requested further information, and subsequently provided numerous pictures of alleged employees of the JAS operations at the subject site and at the site across the street to the north (3600 Wallingford Avenue North). This commenter was concerned about traffic circulation, safety, and impacts of the combined use on on-street parking. Two other commenters also expressed concern about how the operation was being represented, with special concern expressed about adverse parking impacts.

ANALYSIS - ADMINISTRATIVE CONDITIONAL USE

The Seattle Land Use Code allows nonconforming uses to change subject to criteria used to evaluate and/or condition the proposal. The applicable criteria are discussed below.

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.

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

Not applicable.

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 (“general retail sales”) and proposed (“craft work”) uses as well as offices are all allowed as ground floor permitted uses in the Midrise and Highrise zones, the least intensive zone in which such uses are permitted outright. They are also permitted uses in the commercial zones, subject to some size limitations. Hence, this criterion provides no basis for concluding that there would be more detrimental impacts from the proposed than from the legally established use.

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

The applicant has stated that four employees are expected to work in the space. Certainly more than four customers would be associated with the legally established retail use – likely considerably more. On this basis, the proposed use is likely to be less detrimental to properties in the zone and vicinity than the legally established use. Even if there is regular circulation between the site and the JAS Design Build site across the street, there is likely to be considerably less employee and client pedestrian or vehicular activity than would be associated with the legally established use.

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

Because the legally established use would be likely to have attracted considerable customers – certainly more than four per day – it is likely to have had more relative traffic, parking, light and glare impacts. It is also likely to have operated for longer hours than the proposed use, and to have seen more deliveries than the one-per-week projected for the proposed use. Arguably, because of employment of power tools, the proposed cabinet shop could be noisier. However, DPD’s noise expert has indicated that as long as the cabinet-making activities are contained indoors (as they would be), noise impacts should be minimal. Project approval is conditioned to ensure that activities remain contained indoors. All dust collection facilities are internal; there will be no external venting. Product coating occurs off-site (usually on the construction sites). Hence, odor impacts should be non-existent.

C. Regarding caretaker’s unit

Not applicable.

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

