



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: 3011503
Applicant Name: Bridget Smith, Outdoor Art
Address of Proposal: 7601 Greenwood Avenue North

SUMMARY OF PROPOSED ACTION

Land Use Application to allow the change of use from Retail Sales and Service to approximately 610 square feet of Lecture and Meeting Hall, 1,100 square feet of Indoor Sports and Recreation, 480 square feet of Office, and 1,872 square feet of Custom and Craft Work*.

The following approval is required:

Administrative Conditional Use - to allow a change of use from one non-conforming use to another in a single family zone (SMC Section 23.42.110).

*Note- some of the square footages have changed. Hallway space was excluded from original calculations and a portion of the second story was determined to be better defined as an indoor participant sport use instead of lecture and meeting hall. Storage space on the first floor is accessory to lecture and meeting hall.

SEPA DETERMINATION: Exempt DNS MDNS EIS
 DNS with conditions
 DNS involving another agency with jurisdiction.

BACKGROUND INFORMATION

Site and Vicinity Description

The subject site is located at the northwest corner of Greenwood Avenue North and North 76th Street. The property is split zoned with the east portion of the property fronting on Greenwood Avenue North zoned NC2-40' and the west portion of the property fronting on North 76th Street zoned Single Family 5000.

An existing one story, with second story penthouse, brick commercial structure is located on site. The west 30 by 100.91 feet of the site is zoned SF 5000. The structure is located within two feet of the west property line and has no setback from the remaining property boundaries, except for a small 'carved' portion of the building measuring 24 feet by 24 feet at the southeast corner of the site.

Properties fronting Greenwood Avenue North are located in the Neighborhood Commercial zone with a mix of commercial and residential uses. Properties west and east of this commercial core are zoned Single Family. A single family residence is located adjacent to the west property line of the subject site. The residence is separated from the commercial structure by its residential driveway and a two foot setback on the subject site.

Proposal Description

The proposal is to change the portion of the building located within the single family zone from retail, sales and service use to multiple uses. Ground floor uses include custom and craft work to accommodate a pottery studio and photography lab each with one employee. A small storage area located at the northwest corner of the property has been identified accessory to the lecture and meeting hall located within the commercially zoned property. The penthouse level will contain an office with two employees and a large loft space identified as Indoor Participant Sports. Currently, an exercise class operates on a daily basis with 10 students and an instructor.

Public Comments

The public comment period for this project ended September 29, 2010 and one comment letter was received from the neighboring property owner.

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 last established use on site, Retail Sales and Service Use and the proposed uses of Lecture and Meeting Hall, Indoor Participant Sports, Office and Custom and Craft Work are all permitted outright in the NC2 zone. Each of the uses under the NC2 zone is limited in size to a maximum of 25,000 square feet. The function of the NC2 zone is to support and encourage a pedestrian oriented shopping area to the surrounding neighborhoods. An NC2 zone designation is most appropriate in areas that lack strong edges to buffer residential areas. In the immediate vicinity the NC2 zone abuts a Single Family zone, similar to the proposal. Lecture and Meeting Hall is not permitted in an NC1 zone, however Retail Sales and Service Use is permitted. The assumption is that Lecture and Meeting hall is considered a more intense use than retail sales. In this instance the Lecture and Meeting Hall located within the Single Family zone is not considered assembly area since the majority of the use is storage and hallway space and will not be detrimental to properties within the single family zone. Therefore, the uses proposed are no more detrimental in the zone or vicinity than the permitted use of Retail Sales and Service.

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

A photographer's developing lab and pottery studio are considered Custom and Craft Work uses. Approximately one or two people will be associated with the pottery studio and use the space for drawing, clay work, and glazing firing of clay art. The photography studio is used by one person to develop pictures. The Office space accommodates two people. The Indoor Participant Sports area provides exercise classes for up to 10 people and different times during the day. The Lecture and Meeting Hall space located within the Single Family zone and subject to this ACU consists of accessory storage space at the northwest corner of the building. This space is adjacent to the single family house, but will not be used for gatherings. The remainder of the Lecture and Meeting Hall space is a small area of hallway associated with the larger Lecture and Meeting Hall space located in the portion of the building within the NC2 zone. The larger gathering space is permitted outright in the NC2 zone and does not require an ACU. The storage and hallway space will not generate employees or clients.

It is reasonable to assume that general Retail, Sales and Service uses generate more activity than office employees and scheduled clients. On this basis, the proposed uses are likely to be less detrimental to properties in the zone and vicinity than 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.

It is assumed that Retail, Sales and Service uses generates more customers than the number of employees and clients associated with the proposed uses. Retail uses are likely to be associated with more traffic to and from the site, and greater parking demand, and light and glare impacts associated with longer hours of operation. Odor impacts should be non-existent with either use. No mitigation is required.

C. Regarding caretaker's unit

Not applicable.

