



City of Seattle
Edward B. Murray, Mayor

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: 3012632

Applicant Name: Ari Hoffman of Congregation Bikur Cholim Machizkay
Hadath Synagogue

Address of Proposal: 5145 South Morgan Street

SUMMARY OF PROPOSED ACTION

Land Use Application to expand an existing accessory structure (Congregation Bikur Cholim Machizkay Hadath Youth Center) by adding a 3,006 sq. ft. second story addition to an existing 2,607 sq. ft. building for a total of 5,613 sq. ft. Project includes an additional 12 parking spaces for a total of 79 surface parking spaces.

The following approval is required:

Administrative Conditional Use - to allow the expansion of an existing institution in a single-family zone. (Seattle Municipal Code [SMC] 23.42.042 and 23.44.022)

SEPA DETERMINATION: Exempt DNS MDNS EIS

DNS with conditions

DNS involving non-exempt grading or demolition or involving another agency with jurisdiction

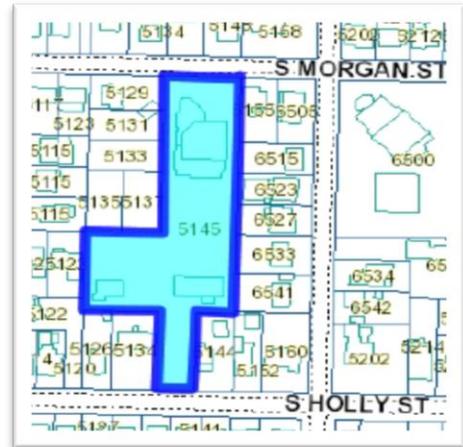
SITE AND VICINITY

Zoning: Single-Family 7200 (SF 7200), Airport
Height Overlay District

Subject Site Size: 88,416 square feet (sq. ft.)

Existing Uses: Institution, Religious Facility

Environmental Critical Areas: None



family zone. The Director's decision shall be based on a determination 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 following is an analysis of the criteria used to evaluate the proposal.

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 proposal complies with the applicable development standards in SMC 23.44.008 through SMC 23.44.016 except for required vehicular parking. Pursuant to SMC 23.44.022.L., the applicant has requested a modification of the parking requirements of SMC 23.54.015. Vehicular parking is discussed further in this analysis. The proposal complies with the SMC 23.44.022.D.1.

- 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.*

The proposal does not include the establishment of a child care center. The proposal complies with the SMC 23.44.022.D.2.

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

The institution is existing, and the campus is not proposed to expand. The proposal complies with the SMC 23.44.022.D.3.

E. Dispersion

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 certain exceptions.

The proposal does not include the expansion of the boundaries of the subject site; therefore the dispersion criterion is not applicable. The proposal complies with the SMC 23.44.022.E.

F. Demolition of Residential Structures

No residential structure shall be demolished nor shall its use be changed to provide for parking.

No residential structures are proposed for demolition. The proposal complies with the SMC 23.44.022.F.

G. Reuse of Existing Structures (SMC 23.44.022.G.)

Existing structures may be converted to institution use if the yard requirements for institutions are met.

The existing structure is currently an institutional use, and is not converting. The proposal complies with the SMC 23.44.022.G.

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, outdoor 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

No perceptible change in noise or odor impacts from daily operation is expected due to the proposal. Any minor impacts will likely be mitigated by setbacks from residential uses and existing and new landscaping buffers. The parking lot is screened from the residential properties to the south and east by the structure and landscaping, respectively. The institution shall operate in compliance with the *Noise Ordinance* (SMC 25.08). The proposal complies with SMC 23.44.022.H.

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.

The proposal includes the addition of landscaping along the east property line, and along the north façade of the structure. The new landscaping will screen parking from adjacent residentially zoned lots and reduce the appearance of bulk of the structure. The proposal complies with the SMC 23.44.022.I.

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.

Exterior lighting is proposed on the north and south facades near the entrance and exit. The potential glare from this lighting is mitigated through the use of landscaping and increased yards.

Exterior lighting shall be shielded or directed away from adjacent residentially zoned lots. The proposal complies with SMC 23.44.022.J.

K. Bulk and Sitting

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:*
 - a. *For lots with unusual configuration or uneven boundaries, the proposed principal structures be located so that changes in potential and existing development patterns on the block or blocks within which the institution is located are kept to a minimum;*
 - b. *For lots with large street frontage in relationship to their size, the proposed institution reflect design and architectural features associated with adjacent residentially zoned block faces in order to provide continuity of the block front and to integrate the proposed structures with residential structures and uses in the immediate area.*

The subject site is approximately two (2) acres, and is of unusual configuration with uneven boundaries. The principal structures on the subject site are located in such a way that any changes in potential and existing development patterns will be kept to a minimum. The proposed addition of square footage to an existing building results in a slight increase in building footprint. This increase is not considered significant, and will keep changes to potential and existing development patterns to a minimum. The proposal complies with SMC 23.44.022.K.1.

2. *Yards. Yards of institutions shall be as required for uses permitted outright pursuant to Section 23.44.014, provided that no structure other than freestanding walls, fences, bulkheads or similar structures shall be closer than 10 feet to the side lot line.... The Director may reduce this setback after finding that the reduced setback will not significantly increase project impacts, including but not limited to noise, odor, and the scale of the fence, wall, or structure in relation to nearby buildings.*

The yards of the subject building are proposed to comply with those required for uses permitted outright (SMC 23.44.014). The proposal complies with the SMC 23.44.022.K.2.

3. *Institutions Located on Lots in More Than One (1) Zone Classification. For lots which include more than one (1) zone classification, single-family zone provisions shall apply only to the single-family-zoned lot area involved.*

The institution is not located on a lot with more than one zone classification. The proposal complies with the SMC 23.44.022.K.3.

4. *Height Limit. Religious symbols for religious institutions may extend an additional twenty-five (25) feet above the height limit. For gymnasiums and auditoriums that are accessory to an institution the maximum height shall be thirty-five (35) feet if portions of the structure above thirty-five (35) feet are set back at least twenty (20) feet from all property lines. Pitched roofs on a gymnasium or auditorium which have a slope of not less than four to twelve (4:12) may extend ten (10) feet above the thirty-five (35) foot*

height limit. No portion of a shed roof on a gymnasium or an auditorium shall be permitted to extend beyond the thirty-five (35) foot height limit under this provision.

No religious symbols are proposed to extend above the height limit. The proposal complies with the SMC 23.44.022.K.4.

5. *Facade Scale. If any facade of a new or expanding institution exceeds thirty (30) feet 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 façade length of the south façade is adjacent to residentially zoned lots and is greater than thirty feet in length. In order to minimize the appearance of bulk, the south façade is screen via existing landscaping and an increased yard. The proposal complies with the SMC 23.44.022.K.5.

L. Parking and Loading Berth Requirements

The Director may modify the parking and loading requirements of Section 23.54.015 and the requirements of Section 23.44.016 on a case-by-case basis using the information contained in the transportation plan prepared pursuant to subsection 23.44.022.M.

The parking requirements for an institution are based on the size of the auditoria and public assembly room space (SMC 23.54.015). The subject site currently contains a total of 67 vehicular parking spaces. This application proposes an increase in the size of the public assembly room space by 3,003 square feet, resulting in an increase need of 26 parking spaces. The applicant proposes an additional 12 spaces for a total of 79 vehicular parking spaces. Because the entire site does not contain the total required number of parking spaces, the applicant requests a modification to the parking requirements pursuant to SMC 23.44.022.L.

The applicant provided the required information of SMC 23.44.022.M., detailing the following information. The peak use times for this institution are 10:00 AM to 12:00 PM on Saturdays. Typical Saturday service draws approximately 150 people, and approximately 15-20 vehicles. Due to the religious nature of this institution, the use of automobiles on Saturdays is prohibited; therefore, a majority of the 150 people walk to the subject site. A letter submitted by Rabbi David, dated April 16, 2014, explains this religious custom in greater detail. In addition to the 79 parking spaces on site, the applicant shares a parking agreement with 6500 52nd Avenue South; and there exists on-street parking on the adjacent rights-of-way (South Morgan Street, South Holly Street, and 52nd Avenue South). Based on the above analysis, a modification to the parking requirements for this institution is granted. This proposal complies with SMC 23.44.022.L.

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 an additional twenty (20) or more parking spaces.

The proposed addition is less than 4,000 square feet, but is required to provide 20 or more parking spaces. The applicant requests a modification to the parking requirements, and has therefore submitted the information outlined in SMC 23.44.022.M. As outlined in the *Parking and Loading Berth Requirements* discussion above, 150 people attend the institution on Saturdays between 10:00 AM and 12:00 PM, due to the religious nature of the institution, driving automobiles on Saturdays is prohibited, and the subject site shares a parking agreement with a nearby institution (6500 52nd Avenue South). The proposal complies with the SMC 23.44.022.M.

23.44.018 General provisions

- A. Only those conditional uses identified in this subchapter 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 subject institution is a religious facility, and is allowed pursuant to SMC 23.44.022. The Master Use Permit procedures of SMC 23.76 are being used to analyze the proposal. The proposal complies with the SMC 23.44.018.A.

- B. Unless otherwise specified in this subchapter, conditional uses shall meet the development standards for uses permitted outright in Sections 23.44.008 through 23.44.016.

The proposal meets the applicable development standards for uses permitted outright in SMC 23.44.008 through 23.44.016 except for vehicular parking. As discussed above, the applicant requests, and the Director approves, a modification to the parking requirements pursuant to SMC 23.44.022.L. The proposal complies with the SMC 23.44.018.B.

- 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 is an addition to an existing building on an existing institutional site. The proposal will provide additional space in the youth activity building, to be used by the children of the congregation. The conditional use will not be material detrimental to the public welfare or injurious to property in the zone or vicinity. No conditions are included. The proposal complies with the SMC 23.44.018.C.

- 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 proposal includes elements such as landscaping and setbacks to mitigate potential adverse negative impacts to adjacent properties in the zone and vicinity; therefore, no additional conditioning is necessary. The proposal complies with the SMC 23.44.018.D.

- E. Any use which was previously authorized by a conditional use permit but which has been discontinued shall not be reestablished or recommenced except pursuant to a new conditional use permit, provided that such permit is required for the use at the time re-establishment or recommencement is proposed. The following shall constitute conclusive evidence that the conditional use has been discontinued:
1. A permit to change the use of the property has been issued and the new use has been established; or
 2. The property has not been devoted to the authorized conditional use for more than twenty-four (24) consecutive months.

The use was not previously discontinued; no re-establishment is necessary. The proposal complies with the SMC 23.44.018.E.

- F. Property which is vacant, except for dead storage of materials or equipment of the conditional use, shall not be considered as being devoted to the authorized conditional use. The expiration of licenses necessary for the conditional use shall be evidence that the property is not being devoted to the conditional use. A conditional use in a multifamily structure or a multitenant commercial structure shall not be considered as discontinued unless all units are either vacant or devoted to another use.

No vacant property is part of or adjacent to the subject site. The proposal complies with the SMC 23.44.018.F.

- G. Minor structural work that does not increase usable floor area or seating capacity and that does not exceed the development standards applicable to the use shall not be considered an expansion and does not require approval as a conditional use, unless the work would exceed the height limit of the zone for uses permitted outright. Such work includes but is not limited to roof repair or replacement and construction of uncovered decks and porches, facilities for barrier-free access, bay windows, dormers, and eaves.

The proposal is the addition of 3,003 square feet to an existing structure on site. This work is considered more than minor structural work; therefore a conditional use permit is required, and has been applied for. The proposal complies with the SMC 23.44.018.G.

DECISION – ADMINISTRATIVE CONDITIONAL USE

The Director has determined that the expansion of the institutional use will not be materially detrimental to the public welfare or injurious to property in the zone or vicinity in which the property is located. The administrative conditional use application is APPROVED.

CONDITIONS – ADMINISTRATIVE CONDITIONAL USE APPROVAL

None.

Signature: _____ (signature on file) Date: June 2, 2014
Carly Guillory, Land Use Planner
Department of Planning and Development

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