



City of Seattle
Edward B. Murray

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**

Applicant Number: 3013952
Applicant Name: John Baumann
Address of Proposal: 5933 39th Avenue South

SUMMARY OF PROPOSAL

Project Description

Land Use Application to allow an expansion of Rainier Kingdom Hall by adding 800 sq. ft. to the main floor and 400 sq. ft. below grade. (1,200 sq. ft. total). Project includes demolition of existing single family structure and construction of a new 832 sq. ft. single family structure with attached carport. 12 parking spaces will be added for a total of 35 spaces on the site.

Required Approval

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 (SF) 5000, Martin Luther King, Jr. at Holly Street Residential Urban Village, Airport Height Overlay District

Subject Site Size: 27,392 square feet

Existing Uses: Institution, Religious Facility

Environmental Critical Areas: None

Site Location

The subject site is located between South Juneau Street to the north, and South Graham Street to the south. The site abuts SF 5000 zoning to the north, south, and east, and Lowrise (LR) 3 to the west.

Existing development generally consists of single- and multiple-family residential, with Brighton Playfield to the west, and Aki Kurous Middle School south of the park. The subject site currently contains an institution, *Rainier Kingdom Hall*, composed of one structure with surface vehicular parking. Vehicular access is provided via 39th Avenue South.



Project Proposal

The applicant proposes construction of an addition and interior work to the existing Rainier Kingdom Hall. Furthermore, the boundaries of the institution are proposed to expand to include the parcel to the north which contains a single-family structure. This single-family structure is to be removed and replaced with a new single-family structure. Rainier Kingdom Hall is currently 3,500 square feet; after the addition the structure will total 4,701 square feet. The existing single-family structure is 1,112 square feet; after construction the single-family structure will be 1,171 square feet. The existing surface parking is proposed to expand north, adding ten parking stalls for a total of 32 stalls. Landscaping is proposed between the structures and the street, and along the north property line abutting SF 5000. Vehicular access for Rainier Kingdom Hall and the single family structure will be from 39th Avenue South at the existing driveway for the institution. The existing curb cut for the existing single-family structure will be removed.

Public Comment

The comment period ended December 4, 2013. No comments were received.

ANALYSIS – ADMINISTRATIVE CONDITIONAL USE

Seattle Municipal Code (SMC) Sections 23.44.018 and 23.44.22 provide that the Director may approve, condition, or deny an application for an administrative conditional use in a single-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 side yard. Pursuant to SMC 23.44.022.K, the applicant has requested a modification of the yard requirement of SMC 23.54.014. The side yard is discussed further in this analysis. The proposal complies with this criterion.

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 this criterion.

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 existing institutional site is 18,393 square feet. The expansion of the institutional site results in a total area of 27,392 square feet. The site is under the maximum area permitted; the proposal complies with this criterion.

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

The lot line of the institution is approximately 530-feet from Aki Kurous Middle School. An institution may expand even if it is within 600-feet of a public school if the public school is constructed on a new site subsequent to 19985. Aki Kurous Middle School was constructed in 1950¹. Furthermore, the subject institution is separated from Aki Kurous Middle School by a large open space, Brighton Playfield. This separation from Aki Kurous Middle School meets the intent of the dispersion criteria. The proposal complies with this criterion.

F. Demolition of Residential Structures

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

The proposal is to expand the institutional site to include an existing single-family structure. This structure will be demolished and replaced with a new single-family structure in approximately the same location. The single-family structure is not being demolished to provide for parking. The proposal complies with this criterion.

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 institutional site contains one institutional building, Rainier Kingdom Hall. This structure is to remain institutional. The expansion of the boundaries of the institutional site will include a single-family structure. The use of this structure is to remain residential, providing housing for a congregation volunteer. The proposal complies with this criterion.

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 landscaping buffers. The trash and refuse storage area is proposed to be screened with fencing and a setback from the residential use to the north. The institution shall operate in compliance with the *Noise Ordinance* (SMC 25.08). The proposal complies with this criterion.

¹ King County Department of Assessments, August 5, 2014

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, between the north property line to screen new parking, and between the two structures and the right-of-way. The new landscaping will screen parking from adjacent residentially zoned lots and reduce the appearance of bulk of the structure. The proposal complies with this criterion.

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 in various locations on site: on the north portion of the site within the parking lot, on the west and east facades of Rainier Kingdom Hall, and between the two structures and the right-of-way. The potential glare from these lights is mitigated through the use of landscape buffers and setbacks. Exterior lighting shall be shielded or directed away from adjacent residentially zoned lots. The proposal complies with this criterion.

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 less than one acre in size: 0.63 acres. The proposal complies with this criterion.

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 proposed yard along the east property line does not comply with SMC 23.44.014, and is proposed to be five-feet. The proposed single-family structure is a replacement of an existing single-family structure in this location. The addition of a landscape buffer in this yard will mitigate noise, odor, and the scale of the structure on adjacent residential uses. This reduction in yard from ten to five-feet is found to not significantly increase project impacts. The proposal complies with this criterion.

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 subject site is located in one zoning district: SF 5000. The proposal complies with this criterion.

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 this criterion.

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 existing façade length of the west and south facades are adjacent to a residentially zoned lot and street respectively; each is greater than thirty feet in length. In order to minimize the appearance of bulk, the south façade is screen via landscaping and a 20-foot yard, and the west façade is mitigated with minor modulation and an increased yard of 27-feet. The proposal complies with this criterion.

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 22 vehicular parking spaces. The proposed addition increases this requirement to 26 parking spaces. The applicant proposes an additional 10 spaces for a total of 32 vehicular parking spaces. The proposal complies with this criterion.

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, and is not required to provide 20 or more parking spaces; therefore a transportation plan is not required. The proposal complies with this criterion.

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 this criterion.

- 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 side yard. As discussed above, the applicant requests, and the Director approves, a modification to the side yard pursuant to SMC 23.44.022.L. The proposal complies with this criterion.

- 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 on the first floor and basement for meeting space. The proposal includes elements such as landscaping and setbacks to mitigate potential adverse negative impacts to the public welfare and property. The expansion of 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 this criterion.

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 this criterion.

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 this criterion.

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 this criterion.

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 1,200 square feet to an existing structure and expansion of the institutional 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 this criterion.

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.

ANALYSIS – SEPA (WAC 97-11 and SMC 25.05)

The proposal site is located in an environmentally critical area (ECA). Proposals located in landslide prone areas (i.e. known landslide areas, potential landslide areas, and steep slopes), wetlands, and fish and wildlife habitat conservation areas may require environmental review (SMC 25.05.908); thus, this application is not exempt from SEPA review. However, the scope of environmental review of projects within these critical areas is limited documenting whether the proposal is consistent with the City's ECA regulations (SMC 25.09), and evaluating potentially significant impacts on the critical area resources not adequately addressed in the ECA regulations (SMC 25.09). This review includes identifying additional mitigation measures needed to protect the ECA in order to achieve consistency with SEPA and other applicable environmental laws.

Environmental review resulting in a Threshold Determination is required pursuant to the Seattle State Environmental Policy Act (SEPA), Washington Administrative Code (WAC) 197-11, and the Seattle SEPA Ordinance (SMC 25.05)

The initial disclosure of the potential impacts from this project was made in the environmental checklist submitted by the applicant. The Department of Planning and Development (DPD) has analyzed and annotated the environmental checklist submitted by the project applicant; reviewed the project plans and any additional information in the file and any pertinent comments which may have been received regarding this proposed action have been considered. As indicated in the checklist, this action may result in adverse impacts to the environment. However, due to their temporary nature or limited effects, the impacts are not expected to be significant.

The SEPA Overview Policy (SMC 25.05.665) clarifies the relationship between codes, policies, and environmental review. Specific policies for each element of the environment, and certain neighborhood plans and other policies explicitly referenced, may serve as the basis for exercising substantive SEPA authority. The SEPA Overview Policy states, in part, "Where City regulations have been adopted to address an environmental impact, it shall be presumed that such regulations are adequate to achieve sufficient mitigation" subject to some limitations (SMC 25.05.665).

Codes and development regulations applicable to this proposed project will provide sufficient mitigation for short and/or long term impacts. Applicable codes may include the Stormwater Code (SMC 22.800-808), the Grading Code (SMC 22.170), the Street Use Ordinance (SMC Title 15), the Seattle Building Code, and the Noise Control Ordinance (SMC 25.08). Puget Sound Clean Air Agency regulations require control of fugitive dust to protect air quality.

SHORT TERM IMPACTS

Temporary or construction-related impacts on the environmentally critical area are anticipated. Examples of impacts may include: temporary soil erosion; decreased air quality due to increased dust and other suspended air particulates during excavation, filling and transport of materials to and from the site; increased noise and/or vibration from construction operations and equipment; increased traffic and parking demand from construction personnel traveling to and from the work site; and/or consumption of renewable and non-renewable resources; disruption of utilities serving the area; an increase in carbon dioxide and other greenhouse gas emissions which adversely impact air quality and contribute to climate change and global warming;. Compliance with applicable codes and ordinances will reduce or eliminate most adverse short-term impacts to the environment.

LONG TERM IMPACTS

Long term or use-related impacts are also anticipated as a result of this proposal. Examples of such impacts may include: increased surface water runoff due to greater site coverage by impervious surfaces; increased bulk and scale on the site; increased traffic in the area and an increase in carbon dioxide and other greenhouse gas emissions which adversely impact air quality and contribute to climate change and global warming; increased demand for parking; increased demand for public services and utilities; and increased light and glare. Compliance with applicable codes and ordinances will reduce or eliminate most adverse long-term impacts to the environment.

DECISION – SEPA

This decision was made after review by the responsible official on behalf of the lead agency of a completed environmental checklist and other information on file with the responsible department. This constitutes the Threshold Determination and form. The intent of this declaration is to satisfy the requirement of the State Environmental Policy Act (Revised Code of Washington (RCW) 43.21.C), including the requirement to inform the public of agency decisions pursuant to SEPA.

- Determination of Non-Significance. This proposal has been determined to not have a significant adverse impact upon the environment. An Environmental Impact Statement (EIS) is not required under RCW 43.21.030(2)(c).
- Determination of Significance. This proposal has or may have a significant adverse impact upon the environment. An EIS is required under RCW 43.21C.030(2)(C).

The lead agency for this proposal has determined that it does not have a probable significant adverse impact on the environment. An environmental impact statement (EIS) is not required under RCW 43.21C.030 (2)(c). This decision was made after review of a completed environmental checklist and other information on file with the lead agency. This information is available to the public on request.

This DNS is issued after using the Optional DNS Process in WAC 197-11-355 and Early Review

CONDITIONS

None.

Signature: _____ (signature on file) Date: August 14, 2014
Carly Guillory, Land Use Planner
Department of Planning and Development

CG:drm

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