City of Seattle
Edward B. Murray, Mayor

Department of Construction and Inspections
Nathan Torgelson, Director

CITY OF SEATTLE
ANALYSIS AND DECISION OF THE DIRECTOR OF
THE SEATTLE DEPARTMENT OF CONSTRUCTION AND INSPECTIONS

Applicant Number: 3014901

Applicant Name: Dante Palmaffy on behalf of St. Mark's Lutheran Church

Address of Proposal: 6020 Beacon Avenue S.

SUMMARY OF PROPOSAL

Land Use Application to allow a 4,640 sq. ft. addition to an existing institution, St. Mark's Lutheran Church.

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

[X] DNS with conditions

SITE AND VICINITY

Zoning: Single-Family (SF) 5000, Residential Urban Village, Airport Height Overlay District

Subject Site Size: 35,041 square feet

Existing Uses: Institution, Religious Facility

Environmental Critical Areas: None

Site and Vicinity

The subject property is located at the northeast corner of Beacon Ave S. and S. Spencer Street in the Beacon Hill Neighborhood. The neighborhood is mostly Single Family (SF 5000) zoning with a small pocket of Neighborhood Commercial zoning at the intersection of Beacon Avenue S. and S. Graham St. Nearby amenities include Dearborn Elementary/Park, Cheasty Greenspace, and the Jefferson Park Golf Course. I-5 and the King County International Airport are located approximately ¼ mile to the west.

Project Proposal

The applicant proposes a 4,640 sq. ft. education wing addition to an existing church. New spaces are characterized as administration, office, classrooms, and conference rooms.

Public Comment

The comment period ended March 20, 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.

SMC 23.44.022

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.

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.

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 proposal is for the expansion of a building on an existing church property. No new property is being added.

E. Dispersion

1. *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 the following exceptions:*
   b. *A proposed institution may be located less than six hundred (600) feet from a lot line of another institution if the Director determines that the intent of the dispersion criteria is achieved due to the presence of physical elements such as bodies of water, large open spaces or topographical breaks or other elements such as arterials, freeways or nonresidential uses, which provide substantial separation from other institutions.*

The subject property's lot line is approximately 212-feet northeast from the Life Change Church, another institution. An institution may expand if it is within 600-feet of another institution if non-residential uses provide separation. Beacon Ave, a minor arterial roadway, provides separation between the two uses.

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.

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 proposal is for expansion of an existing institution. No structures will be converted.

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 remain in its existing location. Mature vegetation is located on the neighboring property between the refuse storage area and a detached shed. The institution shall operate in compliance with the *Noise Ordinance* (SMC 25.08).

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 north, west, and south property lines, between the existing building and the addition. The new landscaping will screen the existing building from nearby residences and reduce the appearance of bulk of the structure from S. Spencer Street.

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.

No exterior lighting is proposed.

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:*
    b. *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;*
    c. *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: 0.80 acres.

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 addition meets yard standards for permitted uses.

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.

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.

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 new section of façade faces S. Spencer Street and is 104’ in length. The proposal includes new landscaping to minimize the bulk of the new façade. A row of evenly spaces street trees will screen the façade from the sidewalk. Bioretention cells are also located along the façade and may help to further reduce the appearance of the south facade.

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 33 vehicular parking spaces. The proposed additions do not trigger the code required increases in the amount of required parking, thus no modification to parking standards is required.

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 greater than 4,000 square feet. The applicant has provided a breakdown of uses to occur in the new spaces. These are comprised of classes and addiction support services that do not coincide with typical church services. Traffic impacts from the addition will be spread throughout the week. This means the added vehicle trips, an adverse impact, will have a minimal effect on the local transportation system. They applicant has also committed to displaying transit information in the church to encourage the use of alternative transportation. These factors should help limit the amount of new vehicle trips originating from the site.

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, allowed pursuant to SMC 23.44.022. The Master Use Permit procedures of SMC 23.76 are being used to analyze the proposal.

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.

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. It will provide added space for classrooms and administrative space associated with continuing education and addiction recovery. 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.

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.

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.

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.

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 4,640 square feet to an existing structure and no 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.

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.

SEPA ANALYSIS

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

The initial disclosure of the potential impacts from this project was made in the environmental checklist submitted by the applicant dated March 2, 2013. The Department of Planning and Development 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.

The SEPA Overview Policy (SMC 25.05.665) clarifies the relationship between the City's 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 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.

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. Additional discussion of short and long term impacts is found below.

Short – term Impacts

Construction activities could result in the following adverse impacts: demolition/construction dust and storm water runoff, erosion, emissions from construction machinery and vehicles, increased particulate levels, increased noise levels, occasional disruption of adjacent vehicular and pedestrian traffic, a small increase in traffic and parking impacts due to construction related vehicles, disruption of utilities serving the area and increases in greenhouse gas emissions. Due to the temporary nature and limited scope of these impacts, they are not considered significant (SMC 25.05.794).

Several construction-related impacts are mitigated by existing Codes and ordinances applicable to the project such as: the Noise Ordinance (construction noise), the Stormwater and Grading Codes (grading, site excavation and soil erosion), the Street Use Ordinance (watering streets to suppress dust, removal of debris, and obstruction of pedestrian right-of-way), and the Building Code (construction measures in general). Compliance with the applicable Codes and ordinances will reduce or eliminate most adverse short-term impacts to the environment. The following analyzes construction-related noise, air quality, construction impacts as well as its mitigation.

Noise

Construction activities ('source') including demolition, site excavation, truck and equipment idling and use, materials movement, and construction personnel could adversely affect residents in the vicinity ('receiving property'). The Noise Control Ordinance is intended to control the level of noise to *"…protect, promote and preserve the public health, safety and welfare"… "…in a manner which promotes commerce; the use, value and enjoyment of property; sleep and repose; and the quality of the environment"* (SMC 25.08.010).

The Ordinance contains regulations for sound level limits from construction equipment, allowing exceedances from non-construction limits during limited hours and days. The noise levels are based on the zoning of both the source and the receiving property, and the hours that the exceedances are allowed is based on the zoning of the source property.

The site and all surrounding properties are all zoned SF 5000. No existing noise sources are identified on the SEPA checklist. Per the submitted SEPA checklist, the applicant specified the estimated construction hours are as follows: 8:00 a.m. to 5:00 p.m. with no specific days noted. The Noise Ordinance states construction activities within occupied single family zones shall be limited to non-legal holiday weekdays from 7:00 a.m. to 10:00 p.m. and 9:00 a.m. to 10:00 p.m. on weekends and legal holidays. Impact construction work (pile driving, jackhammers, vactor trucks, etc.) is further limited (8:00 a.m. – 5:00 p.m. weekdays and 9:00 a.m. - 5:00 p.m. weekends and legal holidays). The Noise Ordinance provides adequate mitigation and no further conditions are required.

Construction activities outside the above-stated restrictions may be authorized by the Land Use Planner when necessitated by unforeseen construction, safety, or street-use related situations. Requests for extended construction hours or weekend days must be submitted to the Land Use Planner at least three days in advance of the requested dates in order to allow Seattle DCI to evaluate the request.

Air Quality

Demolition of the existing structures, grading and construction activities will result in localized short-term increases in air particulates and carbon monoxide which could temporarily affect the air quality in the vicinity. Demolition/construction activities that would contribute to these impacts include excavation, grading, soil compaction, and operation of heavy trucks and smaller equipment (i.e., generators and compressors). Compliance with the Street Use Ordinance (SMC 15.22.060) will require the contractors to water the site or use other dust palliative, as necessary, to reduce airborne dust. In addition, compliance with the Puget Sound Clean Air Agency regulations requires activities which produce airborne materials or other pollutant elements to be contained with temporary enclosure. Regarding asbestos, Federal Law requires the filing of a Notice of Construction with the Puget Sound Clean Air Agency ("PSCAA") prior to demolition. Other potential sources of dust would be soil blowing from uncovered dump trucks and soil carried out of the construction area by vehicle frames and tires; this soil could be deposited on adjacent streets and become airborne.

There is no indication of unusual short term adverse impacts. Current codes are adequate to provide mitigation and pursuant to the Overview Policy (SMC Section 25.05.665) and Air Quality Policy (SMC Section 25.05.675A). Therefore, no further mitigation is warranted.

Construction-Related Streets and Pedestrian Circulation

Demolition of the existing structure and minor grading is proposed with all material to be kept on site. Increased trip generation is expected during the proposed demolition, grading and construction activity. The subject property is located in a residential neighborhood. The size of the proposed addition, the minimal grading, and limitations found in the noise ordinances demonstrate no further conditioning or mitigation is required related to construction impacts.

Greenhouse Gas Emissions

Construction activities including construction worker commutes, truck trips, the operation of construction equipment and machinery, and the manufacturing of the construction materials themselves result in increases in carbon dioxide and other greenhouse gas emissions which adversely impact air quality and contribute to climate change and global warming. While these impacts are adverse, they are not expected to be significant due to the relatively minor contribution of greenhouse gas emissions from the project.

No further conditioning or mitigation is warranted pursuant to specific environmental policies or the SEPA Overview Policy (SMC 25.05.665).

Long – term Impacts

Long term or use-related impacts are also anticipated as a result of this proposal, including: increased bulk and scale on the site; increased traffic in the area and increased demand for parking; increased demand for public services and utilities; increase energy consumption; loss of plant habitat; and increased light and glare. Compliance with applicable codes and ordinances will reduce or eliminate most adverse long-term impacts to the environment.

Traffic and Transportation

Continuing adult education and addiction recovery services are the primary uses associated with the church addition. These uses are not expected to occur at the same time as church services. This should spread the occurrence of vehicle trips throughout the week. There is easy access to Beacon Ave S., an arterial. The applicant has also committed to displaying transit information in the lobby of the building so parishioners will have more transit options for church services. Multiple bus stops are present along Beacon Ave. S. and light rail service is present on Martin Luther King Jr. is located to the east. While increased vehicle trips associated with the church expansion are an adverse impact, they are not found to be significant. No further mitigation is required.

Greenhouse Gas Emissions

Operational activities, primarily vehicular trips associated with the project and the project's energy consumption, are expected to result in increases in carbon dioxide and other greenhouse gas emissions which adversely impact air quality and contribute to climate change and global warming. While these impacts are adverse, they are not expected to be significant due to the relatively minor contribution of greenhouse gas emissions from this project.

No further conditioning or mitigation is warranted pursuant to specific environmental policies or the SEPA Overview Policy (SMC 25.05.665).

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 (RCW 43.21.C), including the requirement to inform the public of agency decisions pursuant to SEPA.

[X] Determination of Non-Significance. This proposal has been determined to not have a significant adverse impact upon the environment. An EIS is not required under RCW 43.21C.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).

SEPA CONDITIONS

None.

CONDITIONS – ADMINISTRATIVE CONDITIONAL USE APPROVAL

Prior to Final Approval of Building Permits

1. The applicant shall display transit information for bus and light rail schedules within a prominent display in the main entrance to the church.

Joshua Johnson, AICP, Land Use Planner
Seattle Department of Construction and Inspections

Date: June 6, 2016

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IMPORTANT INFORMATION FOR ISSUANCE OF YOUR MASTER USE PERMIT

Master Use Permit Expiration and Issuance

The appealable land use decision on your Master Use Permit (MUP) application has now been published. At the conclusion of the appeal period, your permit will be considered "approved for issuance". (If your decision is appealed, your permit will be considered "approved for issuance" on the fourth day following the City Hearing Examiner's decision.) Projects requiring a Council land use action shall be considered "approved for issuance" following the Council's decision.

The "approved for issuance" date marks the beginning of the **three year life** of the MUP approval, whether or not there are outstanding corrections to be made or pre-issuance conditions to be met. The permit must be issued by Seattle DCI within that three years or it will expire and be cancelled (SMC 23-76-028). (Projects with a shoreline component have a **two year life**. Additional information regarding the effective date of shoreline permits may be found at 23.60.074.)

All outstanding corrections must be made, any pre-issuance conditions met and all outstanding fees paid before the permit is issued. You will be notified when your permit has issued.

Questions regarding the issuance and expiration of your permit may be addressed to the Public Resource Center at prc@seattle.gov or to our message line at 206-684-8467.