



# 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

**Application Number:** 3017759  
**Applicant Name:** Manny Juta  
**Address of Proposal:** 9065 Martin Luther King Jr. Way South

#### **SUMMARY OF PROPOSAL**

Land Use Application to allow the addition of 3,496 sq. ft. surface basketball court in an environmentally critical area. (Flock Christian Church)

The following approvals are required:

**Administrative Conditional Use** - To expand an institution in Single Family (SF5000) zone.  
(Seattle Municipal Code Chapter 23.44.018)

**SEPA Environmental Threshold Determination** (SMC Chapter 25.05)

#### **Seattle DCI SEPA DETERMINATION:**

Determination of Non-Significance

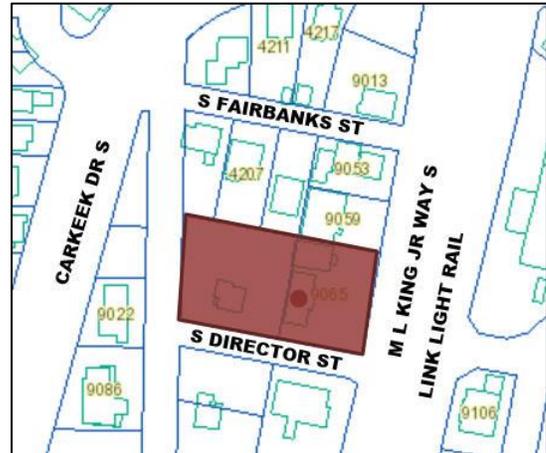
- No mitigating conditions of approval are imposed.
- Pursuant to SEPA substantive authority provided in SMC 25.06.660, the proposal has been conditioned to mitigate environmental impacts.

#### **SITE AND VICINITY**

Site Location: 9065 Martin Luther King Jr. Way South  
Zoning: Neighborhood Commercial (NCP3-40) and Single Family (SF 5000)  
Parcel Size: 11,740 sq. ft. (0.27 acres)

Existing Use: Church  
ECA: This site contains an Environmentally Critical Area (potential slide).

The subject property is located along Martin Luther King Jr. Way South within the Rainer Beach Residential Urban Village. The subject property occupies half of the block bordered by Martin Luther King Jr. Way South, South Fairbanks Street, South Director Street, and Carkeek Drive South. The site is a split zoned site with a Neighborhood Commercial (NCP3-40) on the east lot and a Single Family (SF 5000) zoning designation on the west lot. Neighborhood Commercial zoning continues north along Martin Luther King Jr. Way South. Commercial One (C1-65) zoning is located to the south of the subject property and Single Family (SF 5000) zoning is located to the West of the property.



Surrounding Uses include a mix of commercial uses along Martin Luther King Jr. Way South, Rainier Beach Station, and Residential uses to the west of the site. The subject property currently includes a surface parking lot along Martin Luther King, a one-story 2,200 sq. ft. wood-framed structure utilized as the main church space, and a vacant area on the west portion of the lot where the basketball court is proposed to be located. The property generally slopes descends west to east.

### PROJECT DESCRIPTION:

The applicant is proposing a 3,496 sq. ft. surface basketball court addition to an existing institutional use (Flock Christian Church) in an environmentally critical area due to potential slide area. The proposed site plan locates the new basketball court on the vacant west portion of the site, which is zoned Single Family. Institutional uses within Single Family zones require review and approval of an Administrative Conditional Use Permit.

Review of submitted documents demonstrates that the proposed basketball court and associated retaining walls have been located to avoid ground disturbance of the critical area. Seattle DCI reviewed the proposal under permit application 6487710 and noted, “REVISED CONSIDERATION; ECA review is required for this project. Based on a review of the submitted information and the City GIS System, Seattle DCI concludes that the subject site contains a steep slope critical area and is mapped as a potential landslide area due to geologic conditions. The project does not appear to qualify for criteria in the ECA Regulations to receive an Exemption, Small Project Waiver, or relief from prohibition on steep slope development (SMC 25.09.045, 25.09.055, and 25.09.180, respectively). The location of the proposed sport court and associated retaining walls was recently modified to keep proposed ground disturbance

outside the steep slope critical area and its 15-foot buffer; therefore, this project may be designed to be code compliant. Neither a Steep Slope Area Variance nor ECA Exception are required; however, all ECA Submittal, General, and Landslide-Hazard development standards will apply for this project. September 22, 2015, and revised September 29, 2015; smp.”

PUBLIC COMMENT:

The public comment period ended on November 25, 2015 and no comments were received.

**ANALYSIS - ADMINISTRATIVE CONDITIONAL USE (SMC 23.44.022)**

The Land Use Code allows the expansion of existing institutions in residential zones through the administrative conditional use process. This proposal is for an expansion to a permitted religious institution (original administrative conditional use permit 3012016) allowed in a single family zone through an administrative conditional use. The Seattle DCI Director has the authority to approve, condition, or deny a conditional use application. This decision shall be based on whether the proposed use will be materially detrimental to the public welfare or injurious to property. The applicable criteria used for evaluating and or conditioning the applicants’ proposal are discussed below.

D. General Provisions

New or expanding institutions in single family zones shall meet the development standards for uses permitted outright in Section 23.44.008 through 23.44.016 unless modified elsewhere in this subsection or in a Major Institution Master Plan.

The plans submitted for the basketball court meet applicable development standards detailed in Section 23.44.008 through 23.44.016. Therefore this criterion has been met.

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 feet (600’) or more from any lot line of any other institution in a residential zone, with certain exceptions.*

The existing institutional boundaries are not expanding with this proposal; therefore, this criterion is not applicable.

F. Demolition of Residential Structures

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

Demolition of residential structures is not proposed; therefore, this criterion is not applicable.

G. Reuse of Existing Structures

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

The proposal does not include the conversion of existing structures to institutional use; therefore, this criterion is not applicable.

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 area, trash and refuse storage areas, ventilating mechanisms, sport 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.*

On site activities will not substantially change as a result of this proposal. Outdoor activities will increase at the rear of the property related to the proposed basketball court. However, the existing site conditions provide adequate buffering from residential uses to the west of the subject property. The site is separated from residential uses by Carkeek Drive South and existing vegetation. As such, no adverse impacts are anticipated. Therefore this criterion has been met.

I. Landscaping

*Landscaping shall be required to integrate the institution with adjacent areas, reduce the potential for erosion or extensive stormwater runoff, screen parking from adjacent residentially zoned lots or streets or to reduce the appearance of bulk of the institution.*

The new basketball court will be buffered from residential uses by existing vegetation and Carkeek Drive South. The proposed basketball court will not increase the appearance of bulk of the institution. Existing trees located along the west property line will be maintained and areas disturbed during construction will be revegetated to reduce the potential for erosion or extensive stormwater runoff. No further landscaping will be required. This criterion has been met.

J. Light and Glare

*Exterior lighting shall be shielded or directed away from adjacent residentially zoned lots.*

The Applicant has indicated no lights will be installed as part of the new basketball court. As such, no light and glare impacts on adjacent residentially zoned lots are anticipated to occur. This criterion has been met.

K. Bulk and Siting

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.*

The lot does not have an unusual configuration or uneven boundaries; therefore this criterion is not applicable.

- 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 property is a midblock site currently developed with buildings for a Church. The new basketball court will be located at the rear of the property on the west portion of the site. No new structure or modifications to existing structures are proposed with this project; therefore this criterion is not applicable.

2. *Yards. Yards of institutions shall be as required for uses permitted outright in Section 23.44.008, provided that no such structure other than freestanding walls fences, bulkheads or similar structures shall be closer than ten feet (10') to the side lot line. The Director may permit side yards less than ten feet (10') but not less than five feet (5') after finding that the reduced setback will not significantly increase impacts, including but not limited to noise, odor and comparative scale, to adjacent lots zoned residential and there will be a demonstrable public benefit.*

The proposed development meets yard requirements. This criterion has been met.

3. *Height Limit. A religious symbol and that portion of the roof supporting it, including but not limited to a belfry or spire, may be extended an additional twenty-five feet (25') above the height limit.*

This provision is not applicable as no religious symbols are proposed.

4. *Facade Scale. If any facade of a new or expanding institution exceeds thirty feet (30') 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 the bulk. Design features which may be required include, but are not limited to, modulation, architectural features, landscaping or increased yards.*

No new structure or modifications to existing structures are proposed with this project; therefore this criterion is not applicable.

L. Parking and Loading Berth Requirements

*SMC 23.44.022.L provides that the Director may modify the parking and loading requirements of Section 23.54.15, required parking, and the requirements of Section 23.44.016, parking location and access, on a case by case basis using the information contained in the transportation plan prepared pursuant to Subsection M of this section.*

No changes to parking or loading berths are proposed; therefore this criterion is not applicable.

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 the structure area and/or required to provide twenty (20) or more spaces.*

A transportation plan is not required. No additional building area is proposed. This criterion is not applicable.

**DECISION - ADMINISTRATIVE CONDITIONAL USE**

The Director has determined that the 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 Conditional Use application is **Approved**.

**ANALYSIS – SEPA**

The proposal site is located in an environmentally critical area, as noted above. 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 to: 1) documenting whether the proposal is consistent with the City's Environmentally Critical Areas (ECA) regulations in SMC 25.09; and 2) Evaluating potentially significant impacts on the critical area resources not adequately addressed in the ECA regulations. 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), 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 and signed November 3, 2015. The Seattle Department of Construction and Inspections 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 and limited effects, the impacts are not expected to be significant.

City codes and/or ordinances apply to the proposal and will provide mitigation for some of the identified impacts. Specifically these are: 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 Regulations for Environmentally Critical Areas (SMC 25.09).

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 Overview Policy states, in part, “Where City regulations have been adopted to address and environmental impact, it shall be presumed that such regulations are adequate to achieve sufficient mitigation” subject to some limitations. Under such limitations or circumstances (SMC 25.05.665 D) mitigation can be considered. Thus, a more detailed discussion of some of the impacts is appropriate. Short-term and long-term adverse impacts are anticipated from the proposal.

#### Short-term Impacts

The following temporary or construction-related impacts on the environmentally critical area are expected: 1) temporary soil erosion; and 2) increased vibration from construction operations and equipment. These impacts are not considered significant because they are temporary and/or minor in scope (SMC 25.05.794).

#### *Earth / Soils*

The ECA Ordinance and Director’s Rule (DR) 18-2011 require submission of a soils report to evaluate the site conditions and provide recommendations for safe construction in landslide prone areas. Pursuant to this requirement the applicant submitted a geotechnical engineering study prepared by Earth Solutions NW dated July 17, 2015. The study has been reviewed and approved by Seattle DCI’s geotechnical experts, who will require what is needed for the proposed work to proceed without undue risk to the property or to adjacent properties.

No additional conditioning is warranted pursuant to SEPA policies 25.05.675.D.

Long -term Impacts

Long term or use-related impacts on the environmentally critical area are also anticipated as a result of this proposal, including: increased surface water runoff due to greater site coverage by impervious surfaces; loss of plant and animal habitat. Compliance with applicable codes and ordinances will reduce or eliminate most adverse long-term impacts to the environment.

No additional conditioning is warranted pursuant to SEPA policies.

**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.

- 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 43.21.030(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 DNS process in SMC 25.05.355. There is no further comment period on the DNS.

**CONDITIONS – SEPA**

None required.

Crystal Torres, Land Use Planner \_\_\_\_\_ Date: January 21, 2016  
Seattle Department of Construction and Inspections

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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](mailto:prc@seattle.gov) or to our message line at 206-684-8467.