



City of Seattle

Gregory J. Nickels, 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: 3004038

Applicant Name: Bill Singer of Environmental Works for Operational Emergency Center

Address of Proposal: 11410 Renton Ave S.

SUMMARY OF PROPOSED ACTION

Master Use Permit to allow change of use of a two story, 7,944 sq. ft. marine service station to a Community Center - food bank (Operational Emergency Center) in an environmentally critical area.

The following approvals are required:

Special exception-- to allow an institution to exceed 4,000 sq. ft. in a NC-1 zone.

Administrative Conditional Use - to allow a community center in a single family residential zone (Section 23.44.022 Seattle Municipal Code (SMC)).

SEPA –Environmental Determination—SMC Chapter 25.05.

SEPA DETERMINATION: [] Exempt [X] DNS [] MDNS [] EIS

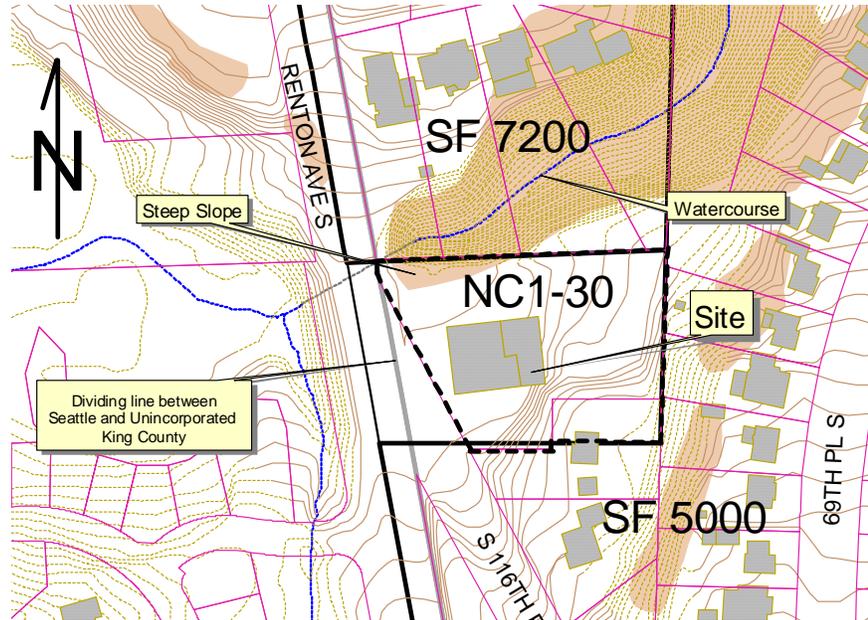
[] DNS with conditions

[] DNS involving non-exempt grading,
or demolition, or another agency with jurisdiction.

Site Description

The site is located on the east side of Renton Ave South at the extreme southeast corner of the City of Seattle. The site is an irregularly-shaped corner lot, the exposed angle of which is the intersection of Renton Ave S. and S. 116th Place. The east edge of Renton Ave S, due west, marks the boundary between the City and unincorporated King County. The frontage on Renton Ave S measures approximately 200 feet across.

The site is split zoned. The majority of the site is zoned Neighborhood Commercial (NC1-30), with a 7-foot wide strip facing S. 116th Place



zoned Single Family Residential (SF 5000). This strip is approximately 595 square feet in size (1.4% of the total lot area of approximately 42,858 square feet). Adjacent properties are also zoned Single Family Residential (SF 7200 to the north and SF 5000 to the east and south).

The site includes environmentally critical areas of steep slope, potential slide, and riparian corridor. All environmentally critical areas are located on the north side of the site and are associated with the west fork of Taylor Creek.

The site is currently occupied by the two-story Operational Emergency Center, which offers food bank and counseling services. The building is approximately 7,544 square feet in size and has operated for 10 years at this site. The last permitted use at this location was a marine service center. Nearby uses include single family detached residences, with an institutional (church) use to the northwest across Renton Ave S.

The building is located in the western portion of the lot, with limited parking in front and a larger parking area behind the building. A covered roof structure is located on the north side of the building. A Metro bus shelter is located on Renton Ave S., immediately northwest of the subject property.

Proposal Description

The proposal is to remodel the interior of the existing building to add office space and storage area. A new door and windows would be added on the south façade of the building, in addition to new exterior materials and finish. A new sidewalk would be added to the south side of the building. There would be no changes to the existing parking area or structural exterior of the building.

The proposal was submitted under MUP 3004038 and construction Permit #6067947 prior to the changes to SMC 23.47.010 that took effect on January 15, 2006. This decision is reviewed under the code sections effective prior to that date.

The applicant has temporarily relocated to a nearby structure located outside City of Seattle limits. The Operational Emergency Center will function from that location until construction is complete.

Public Comments

The public notice was issued on April 20, 2006. There were seven comment letters.

ANALYSIS-SPECIAL EXCEPTION

Section 23.47.010 of the Seattle Municipal Code limits institutional uses to 4000 sq. ft. in NC1 zones. Section 23.47.010 also provides that increases in maximum size limits for operating businesses, up to a maximum of 10,000 sq. ft., may be permitted as Special Exceptions according to the procedures set forth in Chapter 23.76, Master Use Permits and Council Land Use Decisions. The decision to permit, condition or deny an increase in size is based upon an assessment of the following factors (SMC 23.47.010 G):

1.a. Operating business establishments or uses in NC1 zones may be expanded up to a maximum of ten thousand (10,000) square feet.

The existing structure and proposed interior remodel includes a total of 7,944 square feet of office and storage space. There is no proposed increase to the size of the structure.

2.a. The impacts of the operating business establishment and the anticipated impacts if an increase in size were permitted;

The existing structure and proposed interior remodel includes a total of 7,944 square feet of office and storage space. There is no proposed increase to the size of the structure or extent of services provided by the Operational Emergency Center. However, the total size of the structure exceeds 4,000 square feet. The impacts of the total size warrant review under this code section.

The institution includes 11 staff members and currently provides services to approximately 268 clients each weekday. Food is distributed at the food bank and storage area at the north side of the building. Counseling services are provided in the internal office space. Parking is located in front of the building (nine spaces at the west façade) facing Renton Ave S and behind the building (36 spaces at the east façade). The applicant has stated that two staff members and approximately half of the clients use nearby public transit and/or carpool. Total parking includes 45 spaces. The applicant has states that services generate approximately 40-80 vehicle trips per hour during business hours, using up to 45 parking spaces.

The impacts from the size and use of the facility primarily stem from vehicle trips to the site. The impacts of vehicle trips have been reviewed under the SEPA section of this master use permit decision and may be reviewed in the Parking section of the SEPA review below.

2.b. The availability of commercial space in the zone for uses which contribute to the function and desired characteristics of the zone, as described in Chapter 23.34;

A Neighborhood Commercial 1 zone is intended to be a small area composed primarily of businesses providing convenience retail sales and services to the adjoining residential neighborhood.

The Neighborhood Commercial 1 zone in which the development site is located is composed of a single parcel, which is the subject property. There are no other nearby NC1 or commercial zones within City of Seattle limits and no other nearby similar facilities. The community center food bank facility clearly provides a needed service to the adjoining neighborhood.

2.c. The number of business establishments present in the zone that are similar to the business establishment for which expansion is proposed;

As noted in the response to 2.b, this zone consists of only the subject property. There are no other businesses in the zone to use for comparison of use or size. There is also no proposed expansion in size or services of the facility. The existing facility provides a service to the immediate region that is not provided in nearby areas or within the NC1 zone.

2.d. The compatibility of the operating business establishment with the character and scale of the business district and the surrounding neighborhood;

As noted in the response to 2.b and 2.c, this zone consists of only the subject property and there is no proposed expansion in use or size. The existing two story building is representative of nearby low density development and is in scale with the surrounding neighborhood.

2.e. *The length of time the business establishment has been operating.*

Operational Emergency Services has been operating at this site for 10 years.

DECISION-SPECIAL EXCEPTION

This Special Exception is **GRANTED**.

ANALYSIS - ADMINISTRATIVE CONDITIONAL USE PERMIT (23.44.018 and 23.44.022 SMC)

As described in “Site Description” on the first page, the single family zoned portion of the site consists of a seven foot wide by 85 foot long area on the south side of the subject property. This is the only area of the proposal site that is subject to the criteria for the Administrative Conditional Use review. There are no existing or proposed structures or uses in the single family zoned area of the lot.

Administrative Conditional Use General Provisions (SMC 23.44.018)

A. *Only those conditional uses identified in this subchapter as conditional uses 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 proposed use is Community Center. This use may be authorized as a conditional use in a single family zone, per SMC 23.44.022.A.

B. *Unless otherwise specified in this subchapter, conditional uses shall meet the development standards for uses permitted outright in Sections 23.44.006 through 23.44.016.*

The single family portion of the subject property contains no structures or uses and meets development standards of the applicable code sections.

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, as discussed under the specific criteria below (SMC 23.44.022), meets the criteria for establishing a specific conditional use and requires no additional mitigation under ACU review.

- 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, as discussed under the specific criteria below (SMC 23.44.022), meets the criteria for establishing a specific conditional use and requires no additional mitigation under ACU review.

Administrative Conditional Uses (SMC 23.44.022)

SMC Section 23.44.022 sets forth the types of institutions that may be permitted as conditional uses in single family zones which includes community centers.

- 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.*

There are no proposed or existing structures located inside of the single family zoned area and the proposal meets all development standards.

- 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 feet (600') or more from any lot line of any other institution in a residential zone, with the following exceptions:*

b. The 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.

There is one other institution, a church, located within 600 feet of the site. The church is located across Renton Ave S on the west side of the street. The lot line of the church is approximately 200 feet to the north of the lot line of the subject property. The church is located across a busy five lane arterial street (Renton Ave S) and is located outside the Seattle city limits. For these reasons, the intent of the dispersion criteria is satisfied.

- F. **Demolition of Residential Structures.** No residential structure shall be demolished nor shall its use be changed to provide for parking. This prohibition may be waived if the demolition or change of use proposed is necessary to meet the parking requirements of this Land Use Code and if alternative locations would have greater noise, odor, light and glare or traffic impacts on surrounding property in residential use. If the demolition or change of use is proposed for required parking, the Director may consider waiver of parking requirements in order to preserve the residential structure and/or use. The*

waiver may include, but is not limited to, a reduction in the number of required parking spaces and a waiver of parking development standards such as location or screening.

The proposal does not include demolition of any structures, residential or otherwise, in the single family zoned area or the NC1 zoned area.

- G. *Reuse of Existing Structures.*** *Existing structures may be converted to institution use if the yard requirements for institutions are met. Existing structures which do not meet these yard requirements may be permitted to convert to institution use, provided that the Director may require additional mitigating measures to reduce impacts of the proposed use on surrounding properties.*

All existing structures are located outside of the single family zoned area on the subject property, and therefore are not subject to single family yard requirements.

- 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, out-door 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.*

In order to mitigate identified noise and/or odor impacts, the Director may require measures such as landscaping, sound barriers or fences, mounding or berming, adjustments to yard or parking development standards, design modifications, setting hours of operation for facilities or other similar measures.

There are no structures, parking, recreational areas, trash and refuse storage areas, ventilating mechanisms, sports facilities or other noise or odor generating equipment, fixtures, or facilities located on the single family zoned portion of the subject property. Therefore no mitigation is required.

- 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.*

Landscaping plant materials shall be species compatible with surrounding flora. Existing plant material may be required to be retained. Maintenance of landscaped areas shall be the continuing responsibility of the owner.

The single family portion of the subject property contains no structures or uses. The area is currently vegetated with mature trees and natural landscaping.

- 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. Nonreflective surfaces shall be used to help reduce glare.*

The single family portion of the subject property contains no structures or uses. The area is currently vegetated with mature trees and natural landscaping.

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:*

The site is less than one acre in size; therefore these criteria are not applicable.

2. *Yards. Yards of institutions shall be as required for uses permitted outright in Section 23.44.008, provided that no 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 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.*

There are no structures or uses within 10' feet of the side lot line in the single family zoned portion of the subject property.

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 site is located in both a Commercial (NC1-30') and single-family zone (SF 5000). The single family provisions have only been applied to the single-family zoned area.

4. *Height Limit. (additional height permitted for religious symbols, gymnasiums, and auditoriums)*

A religious symbol is not proposed.

5. *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 bulk. Design features which may be required include, but are not limited to, modulation, architectural features, landscaping or increased yards.*

The single family portion of the subject property contains no structures or uses.

L. Parking Requirements.

1. Quantity and Location of Off-street Parking.

- a. Use of transportation modes such as public transit, vanpools, carpools and bicycles to reduce the use of single-occupancy vehicles shall be encouraged.*

The applicant has stated that two of the five staff and approximately half of the clientele use public transit.

- b. Parking and loading shall be required as provided in Section 23.54.015.*

The single family portion of the subject property contains no parking areas; therefore this criterion does not apply. Parking is provided on the NC-zoned portion of the site.

- c. The Director may modify the parking and loading requirements of Section 23.54.015, 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. The modification shall be based on adopted City policies and shall:*

- i. Provide a demonstrable public benefit such as, but not limited to, reduction of traffic on residential streets, preservation of residential structures, and reduction of noise, odor, light and glare; and*
- ii. Not cause undue traffic through residential streets nor create a serious safety hazard.*

The single family portion of the subject property contains no parking areas, therefore these criteria do not apply.

2. Parking Design. Parking access and parking shall be designed as provided in Design Standards for Access and Off-street Parking, Chapter 23.54.

The single family portion of the subject property contains no parking areas; therefore this criterion does not apply.

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 additional twenty (20) or more parking spaces.*

The single family portion of the subject property contains no parking areas; therefore this criterion does not apply.

DECISION-ADMINISTRATIVE CONDITIONAL USE

This Administrative Conditional Use is **GRANTED**.

ANALYSIS - SEPA

The initial disclosure of the potential impacts from this project was made in the environmental checklist submitted by the applicant, dated March 13, 2006, and supplemental information in the project file submitted by the applicant's agent. The information in the checklist, the supplemental information, and the experience of the lead agency with the review of similar projects form the basis for this analysis and decision.

The SEPA Overview Policy (SMC 25.05.665 D) clarifies the relationship between codes, policies, and environmental review. Specific policies for each element of the environment, 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. Under such limitations/circumstances (SMC 25.05.665 D1-7) mitigation can be considered. Thus, a more detailed discussion of some of the impacts is appropriate.

Short-term Impacts

The following temporary or construction-related impacts are expected: decreased air quality due to increased dust and other suspended air particulates during construction; increased noise and vibration from construction operations and equipment; and increased traffic and parking demand from construction personnel. These impacts are not considered significant because they are temporary and/or minor in scope.

Compliance with existing ordinances, such as the Street Use Ordinance will provide sufficient mitigation. The other impacts not noted here as mitigated by codes or conditions (e.g., increased traffic and parking demand from construction personnel) are not sufficiently adverse to warrant further mitigation by conditioning. These impacts are not considered significant; however some of the impacts warrant further discussion and review.

Air Quality

Interior demolition and materials transport will create dust, leading to an increase in the level of suspended particulates in the air, which could be carried by winds out of the construction area. The Street Use Ordinance (SMC 15.22) requires watering the site, as necessary, to reduce dust.

In addition, the Puget Sound Clean Air Agency (PSCAA regulation 9.15) requires that reasonable precautions be taken to avoid dust emissions. In addition to spraying water or chemical suppressants, this may require activities which produce air-borne materials or other pollutant elements to be contained within a temporary enclosure. Demolition could require the use of heavy trucks and smaller equipment such as generators and compressors. These engines would emit air pollutants that would contribute slightly to the degradation of local air quality. Since the demolition activity would be of short duration, the associated impact is anticipated to be minor, and does not warrant mitigation under SEPA.

Noise

The proposal would involve only internal remodeling. A new door and two new window openings are proposed for the south side of the building, as well as a new sidewalk at that façade. The Noise Ordinance provides adequate mitigation for potential adverse impacts, associated with interior remodeling.

Long-term Impacts

As described in “Proposal Description,” the proposed work is a change of use from marine service center to community center – food bank, and an internal remodel with limited changes to the exterior façade with no expansion of existing services or structures. The internal remodel would not increase structure size or use and is not expected to have any long-term impacts as a result of approval. Long-term or use-related impacts are anticipated as a result of the approval for a change of use for this proposal, including: increased traffic in the area; increased demand for parking; and increased demand for public services.

Several adopted City codes and/or ordinances provide mitigation for some of the identified impacts. Specifically these are: the City Energy Code which will require insulation for outside walls and energy efficient windows; and the Land Use Code which controls traffic and parking, site coverage, setbacks, building height and use and contains other development and use regulations to assure compatible development. Compliance with these applicable codes and ordinances is adequate to achieve sufficient mitigation of most long term impacts and no further conditioning is warranted by SEPA policies.

Plants and Animals

The existing site is surrounded by a mature natural vegetative buffer, including several mature trees. The building is surrounded by asphalt parking area on the west, north and east sides. The south façade is adjacent to an open grass area. The proposed change of use and associated internal remodel would not remove any of the existing trees or vegetation surrounding the building, with the possible exception of some grass on the south side of the building for a new sidewalk.

Height, Bulk and Scale

The proposed change of use and internal remodel would not expand any of the structures, therefore no additional height, bulk, or scale SEPA mitigation is warranted pursuant to the SEPA height, bulk and scale policy.

Parking

The proposed change of use and internal remodel would not increase parking demand. Trip generation and parking demand information provided by the applicant and examined by DPD indicates a demand for 45 parking spaces per hour. The site includes 45 parking spaces, most of which are located on the east side of the building behind a gate that is locked for some parts of the business day. The Operational Emergency Center provides services such as food distribution that result in increased parking demand during certain times. All parking spaces need to be available 30 minutes prior to and during these times to avoid spillover parking to the adjacent neighborhood.

Pursuant to the SEPA Overview Policy (SMC.25.05.665) and the SEPA Policy (SMC 25.05.675 B.2), mitigation is warranted. The gate leading to the parking areas east of the building shall be opened 30 minutes prior to hours of increased services as shown in the materials submitted with the application. Thirty minutes before increased service times provided by the applicant would include 2pm to 6:30pm on Wednesdays and 8:30am to 3:00pm on Thursdays and Fridays. This condition may be modified by the Operational Emergency Center in response to changes to their service provision schedule.

Traffic

The applicant has stated that the proposed change of use would generate a total of approximately 330 vehicle trips per day, with a maximum of 80 vehicle trips per hour. This number of vehicle trips per day would likely have little effect on the existing traffic patterns adjacent to Renton Ave S. Thus, the noted traffic-related impacts are not considered significant under SEPA (SMC 25.05.675.R).

Summary

The Department of Planning and Development has reviewed the environmental checklist submitted by the project applicant; reviewed the project plans and any additional information in the file and the comments that have been received regarding this proposed action have been considered. As indicated in the checklist, this action may result in minor adverse impacts to the environment. However, due to their temporary nature and limited effects, the impacts are not expected to be significant.

Codes and development regulations applicable to this proposed project will provide sufficient mitigation and no further conditioning or mitigation is warranted pursuant to the SEPA Overview Policy (SMC 25.05.665).

