

The church grounds contain an existing 23 space parking lot. An additional 14 spaces are located behind a church owned office building one-half block north of the facility. These spaces are covenanted for church use.

The property to the west of the alley is zoned Lowrise Three (L3), a multifamily residential zoning classification. To the east of the alley, the zone changes to Single Family 5000 (SF 5000). The church lies within a commercial and multifamily residential corridor that extends along Rainier Ave. S. The corridor is only a parcel deep in most places. On the other side of the alley or, in other cases, the property line, the zoning becomes single family.

The site inclines approximately ten feet from the north to the south. The parcel containing the single family house lies nearly four feet higher than the church. The church has a daylight basement which faces the parking lot to the building's south.

Land uses along the Rainier Ave. S. corridor reflect a diversity of commercial uses including storefronts, a liquor store and a state driver's licensing office. Directly north of the church and across Juneau is a vacant structure that appears under construction (King County records indicate a video rental store occupied a building on the site). North of the vacant building, the Rainier Ave. Free Methodist Church owns an office building in which the church leases commercial offices.

At the southeast corner of Rainier Ave. S. and South Mead Street and just north of the church's office building, New Dimensions Christian Center occupies a small storefront church. Within six hundred feet of the subject site, three separate congregations coexist: the New Dimensions Christian Center (advertises services at its location); the Star Bethel Missionary Church; and the Iglesia Ni Cristo (Church of Christ) located farther to the south of Star Bethel.

To the east of the primary church parking lot, several new single family houses have built (1994) on the north side of S. Kenny St. A city fire station and training facility lies directly south of these homes bordering both Rainier Ave. S. and S. Kenny St.

Proposal Description

The applicant proposes to construct a two story lobby and classroom addition to the existing Rainier Avenue Free Methodist Church by adding 1,802 square feet of new floor area and remodeling 309 square feet of internal floor area for bathrooms. The applicant also proposes to change use of the existing parsonage to church offices. The alley between the parsonage and the church would be realigned and resurfaced. Parking for ten vehicles would be provided on a surface parking lot along the alley and adjacent to the house containing the parsonage.

The applicant initially proposed a much larger expansion of the church in 2004. Since then the project size and scope has been reduced in scope.

Public Comment

Notice of the proposed project was published on January 27, 2005, with a comment period that ran through February 9, 2005. No comment letters were received.

ANALYSIS - ADMINISTRATIVE CONDITIONAL USE GENERAL PROVISIONS

A. *Only those conditional uses identified in this subchapter as conditional uses may be authorized as conditional uses in multifamily zones. The Master Use Permit process shall be used to authorize these uses.*

The Land Use Code allows religious facilities in multifamily zones outright, but requires an Administrative Conditional Use approval when institutions do not meet development standards.

B. *Unless otherwise specified in this subchapter, conditional uses shall meet the development standards for uses permitted outright in Subchapter I.*

This proposal is subject to SMC 23.45.122, Institutions other than public schools not meeting development standards.

C. *The Director may approve, condition or deny a conditional use. The Director's decision shall be 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.*

This decision shall be based on whether the proposed use meets the criteria for establishing a specific conditional use as described in SMC 23.45.122 A through D.

The criteria for expansion shall be satisfied, and the project will be conditioned to prevent any detriment to the public welfare or injury to surrounding properties.

D. *In authorizing a conditional use, the Director may mitigate adverse negative impacts by imposing requirements and conditions deemed necessary for the protection of other properties in the zone or vicinity and the public interest.*

The criteria described in SMC 23.45.122 A through D is used to evaluate the proposal and condition if necessary to protect other properties and the public interest. Furthermore, this proposal will be analyzed pursuant to SEPA authority, SMC 25.05 and conditioned to mitigate significant adverse impacts.

E. *The Director shall issue written findings of fact and conclusions to support the Director's decision*

This report satisfies the above criterion.

F. *Any authorized conditional use which has been discontinued shall not be re-established or recommenced except pursuant to a new conditional use permit.*

This institution has existed and been in continuous use at its present site since 1952; therefore, this criterion is not applicable.

ANALYSIS-ADMINISTRATIVE CONDITIONAL USE

Multifamily Zones

Section 23.45.090 of the Seattle Municipal Code provides that expansion of an existing institution may be permitted as an administrative conditional use subject to the requirements of Section 23.45.122.

SMC 23.45.122 provides criteria to be used to evaluate and/or condition this proposal. They are categorized as: A) Bulk and Siting; B) Dispersion Criteria; C) Noise; D) Transportation Plan. Each of these criteria will be analyzed below.

- A. Bulk and Siting: In order to accommodate the special needs of the proposed institution, and to better site the facility with respect to its surroundings, The Director may modify the applicable development standards for modulation, landscaping, provision of open space, and structure width, depth and setbacks. In determining whether to allow such modifications, the Director shall balance the needs of the institution with the residential scale and character of the surrounding area.

When sited along arterials or commercial corridors, certain institutions such as churches often act as a transition between the more intensely utilized commercial uses and the residential uses near them. The design of institutions often lack the bulk and massing of commercial structures and typically have characteristics that blend into residential neighborhoods or possess architectural features that resemble residential structures (sloped roofs, window sizing, materials etc.) The bulk of the proposed addition brings a portion of the south façade 22 square feet closer to the south property line; however, the expanded church would sit approximately 90 feet from the Star Bethel Church property line to its south, a substantial distance from one another.

Rainier Ave. Free Methodist would also expand along the west property line, which parallels a public right-of-way. The proposed expansion along Rainier Ave. S. would increase by 22 feet. Given the land uses along Rainier Ave. S., the expanded bulk of the building should have minimal impact on the character of the commercial corridor. On the east edge, the applicant proposes to dedicate additional land for the alley. This would serve to alleviate any concerns regarding the bulk or massing of the building to the neighbor across the alley.

- B. Dispersion: An institution which does not meet the dispersion criteria of Section 23.45.102 may be permitted by the Director upon determination that it would not substantially aggravate parking shortages, traffic safety hazards, and noise in the surrounding residential area.

Rainier Avenue Free Methodist Church is, and will continue to be, within 600 feet of several other institutions. It shares a property line with Star Bethel Missionary Baptist Church. Its property lines lie approximately 550 feet from those of Igreja Ni Cristo and 230 feet from the New Dimensions Christian Center, a storefront church and social service agency. The property lines or boundary of the church, however, are not expanding within the multifamily zone. Section 23.45.102 requires an analysis of potential traffic impacts and parking shortages only if the institution proposed an expansion of its boundaries.

Section C below addresses noise issues.

- C. Noise. The Director may condition the permit in order to mitigate potential noise problems. Measures to be used by the Director for this purpose include, but are not limited to the following: landscaping, sound barriers or fences, mounding or berming, adjustments to yards, the location of refuse storage areas, or parking development standards, design modification, and fixing of hours of use of area.

Rainier Ave. Free Methodist Church lies along the busy Rainier Ave. commercial corridor. The church controls the property to the east and a similar land use (the Star Bethel Missionary Church) lies adjacent to the south. Several recently built single family residences (2004) sit across the alley to the east as well. Since the existing parking lot would not be modified, the qualitative difference in noise levels would be minor. The added 12 spaces along the alley would cause added noise during brief periods of time when traffic would be arriving and departing from the church. In sum, the proposed increase in size of the church would only minimally impact noise levels in the vicinity.

- D. Transportation Plan. A transportation plan is required for institutions proposing expansions of more than 4,000 square feet and/or requiring the addition of 20 or more parking spaces. The Director shall determine the level of detail to be disclosed based on the probable impacts and/or scale of the proposal. The transportation plan may consider the following elements, as well as other similar factors: traffic, parking area, parking overflow, safety, and availability of mass transportation.

The proposed expansion is less than 4,000 square feet and does not require 20 or more parking spaces. This criterion does not apply.

ANALYSIS - 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 shall be used to authorize these uses;*

The Land Use Code allows religious facilities as an institutional use permitted through the Administrative Conditional Use approval process.

- B. *Unless otherwise specified in this subchapter, conditional uses shall meet the development standards for uses permitted outright;*

This proposal is subject to development standards 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;*

This decision shall be based on whether the proposed use meets the development criteria and conditional use criteria as described in SMC 23.44.022 A through M. A parsonage currently exists at this location. The City recognizes the public benefit that institutions, such as these have made by providing educational and cultural opportunities to their communities. The criteria for establishing this expansion shall be examined, and the project will be conditioned to prevent any detriment or injury to property in the vicinity.

D. *In authorizing a conditional use, the Director or Council may mitigate adverse negative impacts by imposing requirements and conditions deemed necessary for the protection of other properties in the zone or vicinity in which the property is located;*

The criteria described in SMC 23.44.022 A through M is used to evaluate the proposal and condition, if necessary, to protect other properties and the public interest.

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.*

The use remains the same at this site and has not been discontinued.

F. *Minor structural work which does not increase usable floor area or seating capacity and does not exceed the development standards applicable to the use shall not be considered an expansion, unless the work would exceed the height limit of the zone for uses permitted outright.*

This proposal is an expansion of an institution.

ANALYSIS - ADMINISTRATIVE CONDITIONAL USE (SMC 23.44.022)

The Seattle Land Use Code (SMC 23.44.022 A) provides that institutions such as religious facilities may be permitted as conditional uses in single family zones. Sections 23.44.022D through M set forth criteria to be used to evaluate and/or condition the proposal. The applicable criteria 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.*

According to the plans submitted with the application, the proposal meets the applicable development standards enunciated in Section 23.44.008 through 23.44.016.

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.*

See the dispersion analysis in Section B. above. The change in use of the structure from single family use to accessory office for staff would not significantly contribute to traffic conditions in the area. As the structure is currently used as a parsonage, the change to church offices would not expand the boundaries of the institution as a whole.

F. *Demolition of Residential Structures. No residential structure shall be demolished nor shall its use be changed to provide for parking.*

No demolition of residential structures is proposed for parking; 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.

See discussion of yards in Section K.2 (Bulk and Siting) below.

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.

The proposed institutional expansion in the single family zone is not expected to generate significant increased noise and odors. None of the activities proposed will exceed the maximum permissible sound levels as established and modified in the SMC Chapter 25.08. The proposed parking lot extends along the alley with the proposed office building separating the parking lot from single family houses to the east. An enclosed trash and recycling storage area would be located across the alley in the church parking lot.

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 applicant does not show landscaping along the parking lot adjacent to the alley. A linear planting area along the east and north perimeters of the parking lot would help screen the parking lot. The plantings would screen the lot from S. Juneau St. and from the office building to the east.

J. Light and Glare. Exterior lighting shall be shielded or directed away from adjacent residentially zoned lots.

All exterior lighting will direct light downward to minimize light and glare on neighboring properties.

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 two parcels in the single family zone total less than one acre.

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.

The existing house, proposed to be used as offices, resembles older single family structures in the neighborhood. The two parcels are equivalent in size to other parcels to the east and north of the site. No significant exterior changes to the house are proposed.

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 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.*

A detached garage lies on the east property line. The garage appears to have been built around the time of the original house (1921). The church does not plan to remove the garage. With the combined lot, all side yards meet land use regulations.

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.*

The applicant does not propose to have religious symbols on the office building above the height limit.

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.*

The street facing facade housing the proposed accessory offices does not exceed 30 feet in length.

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. 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*

The required parking for the institution totals 59 spaces. The three lots in the church's control contribute 47 spaces or a shortfall of 12 spaces toward meeting the code requirements. Analysis of on-street parking within 800 feet of the property indicates an average utilization rate of 66 percent. Approximately 129 on-street parking spaces were available in the vicinity. The

proposed spillover parking of 12 vehicles would not contribute substantial parking impacts to the neighborhood.

- ii. *Not cause undue traffic through residential streets nor create a serious safety hazard.*

The staffing needs for the church office use would not likely exceed the ten parking spaces located adjacent to the office. On days of religious services and church programs, the lot will be used to accommodate the parking needs of the worshippers. Access to the lot occurs from an alley that connects to both S. Juneau. and S. Kenny Streets.

- 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.*

This criterion does not apply.

DECISION - ADMINISTRATIVE CONDITIONAL USE

Both conditional use applications are **APPROVED** as indicated at the end of this document.

ANALYSIS - SEPA

The initial disclosure of the potential impacts from this project was made in the environmental checklist submitted by the applicant dated November 12, 2004. The information in the checklist, project plans, supplemental information submitted by the applicant, and the experience of the lead agency with the review of similar projects form the basis for this analysis and decision.

Many environmental concerns have been addressed in the City's codes and regulations. These codes/regulations include, but are not limited to, the Stormwater, Grading and Drainage Control Code (storm water runoff from additional site coverage by impervious surface); Puget Sound Air Pollution Control Agency regulations (increased airborne emissions); and the Seattle Energy Code (energy consumption in the long term). The SEPA Overview Policy (SMC 23.05.665) discusses the relationship between the City's code/policies and environmental review. The Overview Policy states, in part, "Where City regulations have been adopted to address an environmental impact, it shall be presumed that such regulation are adequate to achieve sufficient mitigation" subject to some limitations. It may be appropriate to deny or mitigate a project based on adverse environmental impacts in certain circumstances as discussed in SMC 23.05.665 D1-7. In consideration of these policies, a more detailed discussion of some of the potential impacts is appropriate.

Short-term Impacts

The following short-term, temporary or construction-related impacts are expected: decreased air quality due to dust and other suspended air particulates from demolition and construction activities and hydrocarbon emissions from construction vehicles and equipment; potential soil erosion and potential disturbance to subsurface soils during grading, excavation and general site work; increased traffic and demand for parking from construction equipment and personnel; conflicts with normal pedestrian and vehicular movement adjacent to the site; increased noise and consumption of renewable and nonrenewable resources. Due to the temporary nature and

limited scope of these impacts, they are not considered significant (SMC 25.05.794). Although not significant, these impacts are adverse and in some case mitigation is warranted.

Several adopted City codes and/or ordinances provide mitigation for some of the identified impacts. Specifically these are: Stormwater, Grading and Drainage Control Code (grading, site excavation and soil erosion); Street Use Ordinance (watering street to suppress dust, removal of debris, and obstruction of the pedestrian right-of-way); the Building Code (construction measures in general); and the Noise Ordinance (construction related noise). Compliance with these codes and ordinances will reduce or eliminate most of the short-term impacts to the environment.

Noise

Due to the proximity of residential uses, the regulations of the Noise Ordinance are not found to be adequate to mitigate possible noise impacts. Pursuant to SEPA Overview Policy (SMC 25.05.665) and SEPA Construction Impacts Policy (SMC 25.05.675B), further mitigation is warranted. The hours of demolition and construction activity shall be limited to non-holiday weekdays between the hours of 7:30 a.m. and 6:00 p.m. This condition may be modified by DPD to allow work of an emergency nature or to allow low-noise interior work after the exterior of structure is completely enclosed. This condition may also be modified to permit low-noise exterior work (for example landscaping planting) after approval by DPD.

Earth/Soils

Approximately 70 cubic yards of excavation is proposed. Significant erosion is not anticipated during or following construction, but compliance with the Stormwater, Grading and Drainage Control Ordinance will guarantee adequate mitigation of any erosion impacts. No further mitigation under SEPA is warranted.

Construction Vehicles

Existing City of Seattle regulations (SMC 11.62) require truck activities to utilize arterial streets in so far as possible. The proposal site is located at one primary arterial Rainier Ave. S. and traffic impacts resulting from the truck traffic associated with grading will be of short duration and mitigated by the enforcement of SMC 11.62.

Existing City of Seattle regulation (SMC 11.74) also provides that material hauled in trucks not be spilled during transport. The City requires a minimum of one foot of “freeboard” (area from level of material to the top of the truck container) be provided in loaded uncovered trucks. This will minimize the amount of dust and spilled material from the truck bed en route to and from the site. No further conditioning of the grading/excavation element of the project is warranted pursuant to SEPA policies.

Construction Worker Parking

Although there is surplus on-street parking, construction workers will be able to park their vehicles in the church parking lot.

Pedestrian Circulation

The area has a high volume of pedestrian activity. Measures to mitigate impacts on pedestrian circulation shall be required pursuant to SMC 25.05.675B2f. The applicant or responsible

parties shall assure alternate safe, convenient and adequate pedestrian routes as needed during construction and shall take all measures to minimize the time such disruption of normal pedestrian patterns may occur.

Long-term Impacts

Potential long-term or use impacts anticipated by the proposal are not considered significant because they are minor in scope and the level of adversity is mitigated by compliance with city codes and ordinances. Baseline levels of noise, energy consumption, air quality, and solid waste generation will not alter substantially. The parking and traffic impacts associated with the proposed use are addressed in the Administrative Conditional Use portion of this analysis

Conclusion

The project is anticipated to have several long term impacts, including an increase in traffic and an increase in on-street parking demand around the site as discussed under the Administrative Conditional Use Analysis. Other impacts not noted here as mitigated by codes, ordinances, or conditions (increased bulk and scale, increased demand on public services and utilities) are not sufficiently adverse to warrant further mitigation by conditions. Several adopted Codes and Ordinances, as well as other agencies will appropriately regulate and mitigate other use-related adverse impacts created by the proposal. Specifically, these are the Puget Sound Clean Air Agency (increased airborne emissions); and the Seattle Energy Code (long-term energy consumption). As conditioned below, pursuant to the Administrative Conditional Use authority, other impacts would be adequately mitigated. No further mitigation pursuant to SEPA authority is warranted.

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 requirements of the State Environmental Policy Act (RCW 43.21C), 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 43.21C.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).

CONDITIONS – SEPA

Prior to Issuance of Any Permit to Demolish or Construct

1. The owner(s) and/or responsible party(s) shall submit a copy of the Puget Sound Clean Air Agency permit prior to issuance of a demolition permit.

During Construction

The following conditions are to be enforced during demolition/grading/construction and will be posted in locations on the property lines that are visible and accessible to the public and

construction personnel from the street right-of-way. Since more than one street abuts the site, conditions will be posted along each street. The conditions will be affixed to placards prepared by DPD. The placards will be issued along with the building permit set of plans (or with the demolition permit, if issued separately). The placards will be laminated with clear plastic or other weatherproofing material and will remain in place for the duration of construction. It is the proponent's responsibility to ensure that the sub-contractors are informed of the conditions listed below:

2. Limit the hours of any demolition or construction activity not conducted entirely within an enclosed structure, to non-holiday weekdays between 7:30 a.m. and 6:00 p.m. Limited work outside these hours and on Saturdays between 9:00 a.m. and 5:00 p.m. may be allowed if prior approval is secured from the undersigned Land Use Planner. Such after-hours work shall be limited to emergency or safety concerns, work of low noise impact, and landscaping activity which does not require the use of machinery. Such limited after-hours work will be strictly conditioned upon the owner(s)' or responsible party(s)' providing at least three working days' notice to DPD to evaluate the request.
3. The applicant(s) or responsible party(s) shall assure that alternate, safe, convenient and adequate pedestrian paths are provided in the public right-of-way, as needed during construction, according to plans approved by SDOT.

CONDITIONS – ADMINISTRATIVE CONDITIONAL USE PERMIT

4. The eastern and northern portion of the ten space parking lot adjacent to the alley shall be landscaped to screen the parking lot.

Signature: (signature on file) Date: July 17, 2006
Bruce P. Rips, AICP, Land Use Planner and Development Analyst
Department of Planning and Development
Land Use Division