



**Legislative Department
Seattle City Council
Memorandum**

Date: June 25, 2012

To: Richard Conlin, Chair
Tim Burgess, Vice Chair
Mike O'Brien, Member
Planning, Land Use and Sustainability (PLUS) Committee

From: Michael Jenkins, Council Central Staff

Subject: Application of Ben Hruska to rezone 6,600 square feet of land at 3902 S. Ferdinand Street from Lowrise 3 (LR3) to Lowrise 3-Residential Commercial (LR3-RC); for modification and expansion of existing residential building by changing three of eight residential units to commercial use (C.F. 311662, Project No. 3011960, Type IV).

1. Overview

Ben Hruska (“Proponent”) proposes a contract rezone on a portion of a 16,650 square foot site located at 3902 S. Ferdinand Street. The site is located approximately 1 block to the east of Rainier Avenue S. and the Columbia City business and historic districts.

The lot is currently split zoned Lowrise 3 (LR3) and Single Family 5000 (SF 5000). The proposal calls for the LR3 portion of the site, along with the adjacent right of way, to be rezoned by applying a residential –commercial overlay to the existing LR3 zone (LR3-RC). No rezone is proposed for the SF 5000 portion of the site.



If approved, the rezone would allow the applicant to implement changes to a Master Use Permit (MUP) #3008629 that was issued in May, 2009. That permit authorized the applicant to convert the existing Mission Baptist Church, a minor institution, to a structure with residential uses including:

- Conversion of the LR3 portion of the church into an 8 unit residential structure
- Conversion of the SF 5000 zoned portion of the structure, which was designed for offices accessory to the church, into a bed and breakfast.

Through this rezone, the applicant seeks to convert the 8 residential uses approved under MUP 3008629 into a mixed use structure with 5 residential uses above 3 ground floor commercial spaces; no changes are proposed to the SF 5000 portion of the site. The proposed change of use to allow commercial spaces can only be authorized if the zoning of the property is changed to adopt the RC overlay.

Both the Department of Planning and Development (DPD) and the Hearing Examiner find the proposal to be consistent with the City's rezone criteria and recommend approval of the rezone.

2. Type of Action – Standard of Review - No Appeal or Request to Supplement the Record

This rezone is a Type IV quasi-judicial rezone under Seattle Municipal Code (SMC) 23.76.036. Quasi-judicial rezones are subject to the Appearance of Fairness Doctrine prohibiting ex-parte communication and the Council's rules on quasi-judicial proceedings (Resolution 31001). The Hearing Examiner establishes the record for the decision at an open-record hearing. After the hearing, the record may be supplemented through a timely request to Council only. No appeal of the Hearing Examiner's recommendation was filed, and there was no timely request to supplement the record.

Because there was no appeal or timely request to supplement the record, the Council's quasi-judicial rules require that the decision be based upon the record as submitted by the Hearing Examiner, and that no oral argument be presented by the parties to COBE. The Council's quasi-judicial rules provide that the action by Council must be supported by substantial evidence in the record.

The record contains the substance of the sworn testimony provided at the Hearing Examiner's open record hearing and the exhibits entered into the record at that hearing. Those exhibits include but are not limited to:

- The recommendation of the Director of DPD,
- The environmental (SEPA) checklist for the proposal;
- Development plans and photographs showing the rezone area;
- The rezone application, and other application materials; and
- An audio recording of the Hearing Examiner's open record hearing.

The entire Hearing Examiner's record is kept in my office and is available for your review.

3. Materials from the Record Reproduced in COBE Notebooks

I have provided copies of the following exhibits from the Hearing Examiner's record:

1. The Hearing Examiner's Recommendation (including the findings of fact and conclusions supporting the recommendation) (Attachment A);

2. DPD Director's Analysis and Recommendation¹ (Attachment B);
3. Copies of public comment² (Attachment C);
4. Photos and plans of the proposed conversion (Attachment D)³;
5. Maps showing the project site in relationship to the surrounding community (Attachment E)⁴;
6. Plan sheets showing the rezone area with the existing structure (Attachment F)⁵; and
7. DPD Director's Decision – Master Use Permit #3008629 (Attachment G)⁶.

4. Summary of the record

The Hearing Examiner recommended that Council **APPROVE** the rezone request, following a similar recommendation by the Department of Planning and Development (DPD), subject to a rezone condition recommended by Director.

The following is a brief summary of the zoning history, the proposed development and the Hearing Examiner's conclusions.

A. Zoning history

The rezone site is currently split zoned LR3 and SF 5000. The site has been split zoned since at least 1947 in the similar manner (higher density multi-family on the west side of the lot, single family permitted on the east side of the lot) as today.

B. Surrounding area

Attachment E includes map of the site and surrounding area. The site is located within the Columbia City Residential Urban Village and the Southeast Seattle Reinvestment Area (SESRA). The split-zoned site abuts a SF zone to the east and is part of a LR3 zone that extends north/south, buffering the SF zone from a Neighborhood Commercial 2 zone with a 40 foot height limit (NC2-40) to the west across 39th Ave S. A NC3-40 zone is located along Rainier Avenue S., one block to the west.

The area is also marked by significant grade changes, rising to the east from the project site.

C. Project information

If approved, the proposal would allow the conversion of a split level, one to three story former church into a mixed use structure with 3 commercial spaces located at ground level with 5 residential units above. Attachment F shows the rezone area and proposed building modifications. Attachment G is a powerpoint presentation that includes renderings of existing and proposed conditions of the building facades.

¹ Hearing Examiner's Exhibit 4

² Hearing Examiner's Exhibits 5 and 10

³ Hearing Examiner's Exhibit 8

⁴ Hearing Examiner's Exhibit 1

⁵ Hearing Examiner's Exhibit 7

⁶ Hearing Examiner's Exhibit 9

The three-story portion of the structure is located in the LR3 zone. This portion of the structure includes ground floor common areas, offices and storage spaces, while the second and third floors house the main sanctuary areas. If the rezone is approved, the ground floor portion of the structure would be converted into 2 commercial spaces and 8 enclosed parking spaces, accessed from a north facing garage door. Access to the third commercial space would occur from S Ferdinand St, also at ground level.

The second and third floors of this portion of the structure would be converted to 5 dwelling units accessed from a yet-to be created interior courtyard. The courtyard would be created from demolishing part of the existing structure that separates the three story sanctuary from the SF zoned one-story portion of the building. The courtyard also provides separation from the bed and breakfast conversion approved under MUP 3008629 (Attachment G).

D. Public comment

Attachment C includes comment letters received by DPD in support of the project. Two letters were submitted in opposition to the project, citing concerns about increased traffic, density and commercialization of the area resulting from the rezone. A representative of the Columbia City Business Association testified in support of the proposal, citing the need for the type of small scale commercial spaces that would be created if the rezone was permitted.

The comment letters submitted during DPD's review are included with this report. Oral testimony from the hearing is also available on the taped transcript.

E. Summary of the Hearing Examiner's conclusions

The Hearing Examiner provided a summary of general rezone criteria affecting all rezone requests. General rezone criteria require an analysis of the effect of a rezone on zoned capacity. The site is located in the Columbia City Residential Urban Village. This urban village has a growth target of 8 households per acre by 2024. The proposal allowed by this rezone would support this goal.

The Hearing Examiner noted that the area's neighborhood plan does not include policies related to property rezones. The Hearing Examiner also noted that the property's location within SESRA. SESRA planning documents include policies that anticipate the creation of employment opportunities and local business activity; the proposal would help accomplish this goal.

Rezone criteria also call for an analysis of two factors – whether the requested rezone meets the functional criteria for the proposed zone and the locational criteria that state the characteristics of the surrounding area. Both criteria must be satisfied in order to approve a rezone. I have included a summary of the Hearing Examiner's findings on these criteria, as well as a brief review of impacts of the proposal

a. Overlay zone function

The Hearing Examiner noted the purpose of the RC zone's functional criteria in Seattle Municipal Code (SMC) Section 23.34.070A:

- As a means to downzone strip commercial areas which have not been extensively developed with commercial uses;
- As a means to downzone small commercial areas which have not been extensively developed with commercial uses and where commercial services are available nearby;
- To provide opportunities for needed parking in areas where spillover parking is a major problem; and
- As a means of supporting an existing commercial node.

The Hearing Examiner noted that the proposal would support the NC zone located to the west, which extends to Rainier Ave S. The rezone would also allow commercial uses to face each other along 39th Ave S.

The Hearing Examiner further noted that the proposed structure conversion would meet criteria in SMC Section 23.34.070B, concerning the desirable characteristics of RC zones, through the projects "physical appearance resembling the appearance of adjacent residential areas and its mix of uses with small commercial uses at street level".

b. Locational criteria

The Hearing Examiner's report included an examination of locational criteria for RC zones, which defines RC overlays appropriate in:

- Areas which are primarily residential in character (which may have either a residential or commercial zone designation), but where a pattern of mixed residential/commercial development is present; or
- Areas adjacent to commercial areas, where accessory parking is present, where limited commercial activity and accessory parking would help reinforce or improve the functioning of the commercial areas, and/or where accessory parking would help relieve spillover parking in residential areas.

The Hearing Examiner found that these criteria were met for this rezone based on:

- existing conditions in the area, primarily the mix of residential and commercial uses in the immediate area to the west;
- the extent of adjacent residential uses to the east, the west and within the adjacent NC zone; and
- the proposed mix of residential and commercial uses in the structure across from the NC zone.

In addition, locational criteria for RC overlays also look at physical factors that favor overlay designation including:

- Lack of edges or buffer between residential and commercial uses;
- Lack of a buffer between major arterial and residential uses;
- Streets with adequate access and circulation;
- Insufficient parking in adjacent commercial zone results in parking spillover on residential streets.

The Hearing Examiner noted that these conditions were present as demonstrated with the LR3/SF zone change on the property and the traffic capacity along 39th Ave S and S Ferdinand Street. While not stated in the Hearing Examiner's report, the configuration of the LR3 zone is only one-half block in width on this site and the adjacent block, while the L3 zoned areas to the north and south provide a more extensive buffer between the NC and SF zones. Nothing in the record noted issues with insufficient parking in the area; the provision of 8 enclosed parking spaces is not the purpose of the project.

c. Impact evaluation

The rezone was subject to both review under the City's environmental regulations (SEPA) as well as rezone criteria in SMC 23.34.008F. Minimal if any impacts are anticipated as a result of the application of an RC overlay at this site.

5. Recommendation

I recommend that PLUS move to **APPROVE** the rezone request and adopt the Hearing Examiner's findings, conclusions and decision.

I also recommend that PLUS amend DPD's proposed rezone condition to be consistent with the summary provided by the Hearing Examiner, as follows:

DPD's recommended rezone condition:

1. The rezone from LR3 to LR3-RC is granted contingent upon the proposed redevelopment associated with the adaptive re-use of the existing former church sanctuary structure on site as detailed in MUP #3008629.

Hearing Examiner's summary:

The redevelopment of the church sanctuary is required as shown in the approved plan for MUP 3008629, except as modified to allow commercial spaces as shown in the plans submitted to DPD for MUP 3011960.

I also recommend that the title of the Clerk File be amended to reflect DPD's staff report. Since the application was submitted, the property owner's have indicated that there was a change in owners representation for the rezone application.

I recommend that the Clerk File title be amended, as follows:

June 25, 2012
PLUS
Re: C.F. 311662

Application of (~~Ben Hruska~~) Kevin Broderick, Broderick Architects, for L.R. Columbus, LLC, to rezone 6,600 square feet of land at 3902 S. Ferdinand Street from Lowrise 3 (LR3) to Lowrise 3-Residential Commercial (LR3-RC); for modification and expansion of existing residential building by changing three of eight residential units to commercial use (C.F. 311662, Project No. 3011960, Type IV).

6. Next Steps

If the Committee recommends approval of the rezone as described above, I will draft Council Findings, Conclusion and Decision (FC and D) and a draft property use and development agreement (PUDA). I will also prepare for introduction and referral a separate Council Bill (CB). Once the CB is introduced the matter will come back to PLUS for a vote prior to full Council review and vote.

A

**FINDINGS AND RECOMMENDATION
OF THE HEARING EXAMINER FOR THE CITY OF SEATTLE**

In the Matter of the Application of

CF 311662

KEVIN BRODERICK

for a contract rezone of property addressed as
3902 South Ferdinand Street

DPD Project No.:
3011960

Introduction

The applicant, Kevin Broderick for LR Columbus LLC, seeks a contract rezone of approximately 6,600 square feet of property from Lowrise 3 to Lowrise 3-Residential-Commercial.

The public hearing on this application was held on April 26, 2012, before the undersigned Deputy Hearing Examiner. The Director's SEPA determination on the proposal was not appealed. Represented at the hearing were the Director, Department of Planning and Development (DPD), by Michael Dorcy, Senior Land Use Planner; and the applicant, LR Columbia LLC, by Peter Lamb and Tom Reid, property owners. The record was held open after the hearing for purposes of receiving additional information noted below, and for the Examiner's site visit, which took place on April 27, 2012. Documents added to the record after the hearing included a copy of the applicant's power point presentation; a copy of MUP decision 3008629; a complete copy of the SEPA checklist; and a public comment letter that was received the day of hearing but after the hearing had ended.

For purposes of this recommendation, all section numbers refer to the Seattle Municipal Code ("SMC" or "Code"), as amended, unless otherwise indicated. After due consideration of the evidence elicited during the hearing, the following shall constitute the findings of fact, conclusions and recommendation of the Hearing Examiner on this application.

Findings of Fact

Site and Vicinity

1. The site is addressed as 3902 South Ferdinand Street, and is in the Columbia City neighborhood. The property which is the subject of the rezone request consists of Lots 230 and 231, Block 10, Columbia Addition, which total approximately 6,600 square feet. The site is bounded to the north by an alley, to the south by South Ferdinand Street, to the west by 39th Avenue South, and to the east by the property also owned by this applicant. The site is occupied by a building which formerly housed the Columbia Congregational Church.

2. The subject site is part of a larger property (which totals five platted lots and 16,500 square feet), all of which is owned by the applicant. The proposal site is zoned Lowrise 3 (LR3), while the rest of the property (which is not a part of this rezone proposal) is zoned Single Family 5000 (SF 5000). The LR3 portion of the property extends 60 feet to the east from 39th Avenue South. The SF 5000 portion of the property extends to the east property line of the larger property.
3. The site is one block east of Rainier Avenue South and is within the Columbia City Residential Urban Village. It is also within the Southeast Seattle Reinvestment District. The site lies outside of the Columbia City Landmark District.
4. The zoning across 39th Avenue South to the west is Neighborhood Commercial 2 with a 40-foot height limit (NC2-40). Further west, along Rainier Avenue South, the zoning is NC3P-40. North and south of the site, the zoning is LR3. Zoning to the east is SF 5000.
5. The NC2-40 zone west across 39th Avenue South, extends eastward approximately 10 feet short of the centerline of 39th Avenue South. (The Director has therefore recommended that the proposed LR3-RC zone extend to the existing zone boundary line, rather than to the centerline of 39th Avenue South.)
6. Development in the area includes a mixture of residential uses, including the single family area east and up the hill from the site, and commercial uses in the NC2-40 zone across 39th Avenue South to the west.
7. The site is near frequent transit service which runs along Rainier Avenue South. The site is approximately six blocks from the Columbia City light rail station.
8. The site is occupied by a structure that was the former church sanctuary building for the Mission Baptist Church aka Columbia Congregational Church. The building is currently vacant. The church sanctuary building was built in 1923, while an office and classroom portion of the building adjacent to the sanctuary was built in 1957. Some additions to the sanctuary were constructed in 1959, including an addition which covered some of the original windows. The church is not designated as an historic landmark.
9. There is a mapped steep slope area which is on the eastern portion of the larger property but not within the area proposed for this rezone. DPD granted a waiver of steep slope requirements on March 5, 2008. The northern half of the site is within a 1000-foot buffer for an abandoned landfill, and is designated as an environmentally critical area. DPD will require a mitigation report related to this buffer area. DPD has concluded that there are no effects on identified critical areas due to the proposed rezone.

Zoning history

10. Columbia City was founded as a mill town in 1892, but was annexed to the City of Seattle in 1907. The general zoning pattern at the time of annexation forward was for

commercial and civic buildings along Rainier Avenue South, surrounded by residential lots to the west and east. Between 1947 and 1992, the west portion of the site was zoned RM (residential multifamily), and the east portion of the site (which is not part of the rezone application) was zoned RD-5000 (residential single family). From 1992 until 2009, the west portion of the site was designated as L3, while the east portion was designated SF 5000. In 2009, the Code was amended so that the L3 designation became LR3; the SF 5000 designation was unchanged.

Permit history

11. In May, 2009, DPD issued Master Use Permit decision 3008629 to allow the church sanctuary to be converted to eight residential condominium units, and to allow the existing education wing of the church building, located within the SF 5000 zone, to be converted to a bed and breakfast use (through grant of administrative conditional use approval). The bed and breakfast was proposed to be five lodging units and a caretaker unit. The proposal included modification to the interiors and exteriors of both buildings, and the demolition of a classroom structure in order to create a common covered walkway separating the bed and breakfast and the condominiums. As noted below, the applicant's current proposal continues to use the SF 5000 portion of the site as a bed and breakfast, but would redevelop the church sanctuary building with a mix of residential and commercial space.

Proposal

12. The applicant seeks approval of a contract rezone for a portion of the site from LR3 to LR3-RC. The rezone is sought in order to redevelop the former church sanctuary building with five residential units and three commercial spaces. The applicant proposes to reuse the church sanctuary building with some modifications to the exterior, including removal of the 1959 addition to the church and restoring some of the original windows and openings in the church sanctuary building. The applicant still intends to utilize the SF 5000 portion of the site as a bed and breakfast in the former education building, which would be separated by a breezeway from the condominiums.

13. The project proposal, if the rezone is approved, would change the use of the church building from the eight residential units described in MUP decision 3008629, to five residential units and three commercial spaces. Parking for thirteen vehicles would be provided. The parking would consist of nine spaces below grade within the church building accessed from the alley, and four spaces within a carport at grade for use of the bed and breakfast. The applicant would re-grade the alley along the length of the property.

14. The commercial spaces would be at ground floor and would be available for retail/commercial uses or live/work uses. Two of the entries to the commercial spaces are shown along 39th Avenue S, with a third entry from S. Ferdinand St. Residential entries would be accessed from the east side of the building.

15. The proposal includes the rezone of the development site (lots 230 and 231), which are approximately 6,600 square feet in size. Together with the redesignation of the zoning within the surrounding rights-of-way (to the centerlines of the alley and Ferdinand Avenue South, and 10 feet beyond the centerline of 39th Avenue South), the total area affected by the rezone would be approximately 14,700 square feet; Ex. 7, RZ.1.

DPD Review

16. DPD has reviewed the proposed rezone and recommends approval. The DPD recommendation notes that the development proposed was specified and approved previously in MUP 3008629 except that the current proposal includes commercial ground floor use of the structure. DPD recommends that a property use and development agreement include one condition, making the rezone contingent upon the proposed redevelopment "associated with the adaptive re-use of the existing former church sanctuary structure on the site as detailed in MUP 3008629."

17. DPD reviewed the proposal pursuant to SEPA, and issued a Determination of Nonsignificance (DNS), which was not appealed. The Director's SEPA decision included a review of the proposal's impacts related to height, bulk and scale, traffic and parking, and concluded that no conditions were required to mitigate the project's impacts.

Public comments

18. Several written comment letters were submitted to DPD and to the Hearing Examiner. Most of the letters are in support of the proposal, but two letters expressed opposition, citing general concerns with increased traffic, density and commercialization of the area. At the hearing, one member of the public offered testimony, Robert Mohn, of the Columbia City Business Association. Mr. Mohn testified in support of the proposed rezone, noting that the area is lacking in small, affordable commercial spaces, such as those proposed by the applicant and that his organization would like to see more zoning to support commercial development in Columbia City east and west of Rainier Avenue.

Neighborhood Plan

19. The Columbia City Neighborhood Plan, as adopted in the Comprehensive Plan, does not identify specific policies or sites for future rezones. The adopted Plan does include a number of goals and policies related to economic development and housing. For example, Economic Development Goal CC-G5 states "A community with retail and service businesses that serve community needs, particularly pedestrian-oriented commercial development," and Goal CC-G6 states "A neighborhood that promotes entrepreneurship within the community." Economic Development Policy CC-P9 provides "Encourage mixed-use and pedestrian-scale development within the Columbia City and Hillman City business districts." CC-P10 states "Strive to retain and build upon the unique pedestrian-friendly qualities of the Columbia City, Hillman City, and Genesee business districts;" and CC-P11 reads "Support opportunities for business incubators and local business ownership within the community."

Codes

20. SMC 23.34.007 provides that *"In evaluating proposed rezones, the provisions of this chapter shall be weighed and balanced together to determine which zone or height designation best meets those provisions."* The section also states that *"No single criterion or group of criteria shall be applied as an absolute requirement or test of the appropriateness of a zone designation, nor is there a hierarchy or priority of rezone considerations, unless a provision indicates the intent to constitute a requirement or sole criterion."*

21. SMC 23.34.008 states the general rezone criteria. The criteria address the zoned capacity and density for urban villages; the match between the zone criteria and area characteristics; the zoning history and precedential effect of the rezone; neighborhood plans that apply; zoning principles that address relative intensities of zones, buffers, boundaries; impacts of the rezone, both positive and negative; any relevant changed circumstances; the presence of overlay districts or critical areas, and whether the area is within an incentive zoning suffix.

22. SMC 23.34.070 sets for the zone, function and locational criteria for the Residential-Commercial (RC) zone:

A. Function.

1. Purposes. Areas that serve as the following:

- a. As a means to downzone strip commercial areas which have not been extensively developed with commercial uses;*
- b. As a means to downzone small commercial areas which have not been extensively developed with commercial uses and where commercial services are available nearby;*
- c. To provide opportunities for needed parking in areas where spillover parking is a major problem;*
- d. As a means of supporting an existing commercial node.*

2. Desired Characteristics. Areas that provide the following:

- a. Physical appearance resembling the appearance of adjacent residential areas;*
- b. Mixed use with small commercial uses at street level.*

B. Location Criteria.

1. Requirement. A residential-commercial designation shall be combined only with a multifamily designation.

2. Other Criteria. Residential-Commercial zone designation is most appropriate in areas generally characterized by the following:

a. Existing Character.

(1) Areas which are primarily residential in character (which may have either a residential or commercial zone designation), but where a pattern of mixed residential/commercial development is present; or

(2) Areas adjacent to commercial areas, where accessory parking is present, where limited commercial activity and accessory parking would help reinforce or improve the functioning of the commercial areas, and/or where accessory parking would help relieve spillover parking in residential areas.

b. Physical Factors Favoring RC Designation.

(1) Lack of edges or buffer between residential and commercial uses;

(2) Lack of buffer between major arterial and residential uses;

(3) Streets with adequate access and circulation;

(4) Insufficient parking in adjacent commercial zone results in parking spillover on residential streets.

Conclusions

1. The Hearing Examiner has jurisdiction to make a recommendation on the proposed rezone to City Council, pursuant to SMC 23.76.052.

2. Under SMC 23.34.007, the rezone provisions are to be weighed and balanced to determine the appropriate zone designation. The site is within the boundaries of the Columbia City Residential Urban Village, so the provisions of Chapter 23.34 which apply to those areas apply to this site.

General rezone criteria

3. Effect on zoned capacity. SMC 23.34.008.A requires that, within the urban center or urban village, the zoned capacity taken as a whole shall be no less than 125 percent of the applicable adopted growth target, and not less than the density established in the Comprehensive Plan. The proposed rezone of 6,600 square feet from LR3 to LR3-RC would not cause the zoned capacity for the urban village to be outside the density established by the Comprehensive Plan.

4. Match between zone criteria and area characteristics. The most appropriate zone designation is that for which the provisions for designation of the zone type and the locational criteria for the specific zone, match the characteristics of the area to be rezoned better than any other designation. As described by the Director's report at pages 6-7, the existing designation of LR3 is appropriate, so in this case, the analysis is whether the addition of the RC designation would best match the characteristics of the area.

5. The RC zone function has several purposes, as noted in SMC 23.34.070.A. While the RC zone can be used as a means to downzone underutilized commercial areas or to

create additional parking, it is also "a means of supporting an existing commercial node." In this case, the purpose of the RC designation would be support the existing NC2-40 zone directly across from the site, and to allow limited commercial uses to face each other across 39th Avenue South.

6. The desired characteristics in the RC zone are areas that have a physical appearance resembling the appearance of adjacent residential areas, and mixed use with small commercial uses at street level. The area and the proposal here would retain and reuse the existing church sanctuary structure and would incorporate small commercial spaces at street level, with entries facing away from the adjacent residential uses. The proposal is consistent with this criterion.

7. The location criteria for the RC designation include a requirement that it is only to be combined with a multifamily designation. Because the site is already zoned LR3, this criterion is met.

8. The RC location criteria identify characteristics of areas most appropriate for the RC designation. The site is within an area that is primarily residential but is characterized by a mix of residential uses as well as commercial uses. The site is also within an LR3 zone that is adjacent to an NC2-40 zone. Limited commercial activity in the form of small, affordable commercial spaces could help to improve the functioning of the commercial area.

9. The physical factors which favor RC designation include a lack of edges or buffers between residential and commercial uses; here, the development pattern includes an eclectic mix of residential and commercial uses, and the built environment in the area lacks clear edges, although 39th Avenue South serves as the line between the zones. Both 39th Avenue South and South Ferdinand Street have adequate access and circulation capacity. It was not shown that there is insufficient parking in the adjacent commercial zone that would result in parking spillover, but the creation of parking is not the purpose of this proposed RC designation.

10. Because the site and area characteristics best match the LR3-RC designation, the rezone would be consistent with SMC 23.34.008.B.

11. Zoning history and precedential effect. The site was zoned RM (residential multifamily) from 1947 through 1992. The zoning designation was changed to L-3 in 1992, and then to LR3 in 2009. It is difficult to predict whether the rezone would have precedential effect, in light of the current mixture of residential and commercial uses that are found west and east of Rainier Avenue South near this location. If the applicant is correct, and there is a demand for smaller commercial spaces in the area, perhaps other LR3 properties located directly across the street from the NC2-40 zone would also seek a RC designation in response to demand.

12. The Columbia City Neighborhood Plan as adopted in the Comprehensive Plan, does not include policies to guide future rezones, and does not provide for rezones of

particular sites or areas. The Plan does include goals and policies that generally support mixed-use, pedestrian scale development in the area, and encourages local business ownership and incubation within the area, which are consistent with the creation of the proposed small commercial spaces under the RC designation.

13. Zoning principles. The zoning principles to be considered include impacts on less intensive zones and transitions, physical buffers, and zone boundaries. The rezone to RC would not introduce any change in height limits, and the existing structure would be re-used. The bed and breakfast use would continue to separate the RC-zoned part of the site from other SF 5000 properties to the east. A steep slope at the east edge of the development site also serves as a physical buffer between the site and the lots to the east.

14. The zone boundary line between LR3 and SF 5000 would not be changed by the proposed rezone. The larger site is currently split between the SF 5000 zone and the LR3 zone, and would continue to be split between two zoning designations. The RC-zoned portion of the site would face other commercially-zoned properties across 39th Avenue South.

15. Impact evaluation. Under SMC 23.34.008.F, the possible positive and negative impacts of a proposed rezone are to be considered, with regard to several factors. The project proposal would create multifamily housing, although it is not identified as low-income housing. No impacts on public services or public safety are expected. Environmental factors, such as noise, air and water quality, light and glare, shadows, etc., would not be expected to be different as a result of the change from LR3 to LR3-RC. Pedestrian safety is not expected to be affected. Employment activity might be positively affected by the creation of additional commercial space in this neighborhood. The site is an older church building, which the applicant proposes to reuse, and the change from LR3 to LR3-RC would not change this reuse proposal.

16. Service capacities would not be exceeded as a result of development under the RC designation. There would be no change to existing street access. Vehicles will access the site from an existing alley (which the applicant will improve) on the north side of the property. Adequate on-site parking is proposed to serve the residential and commercial uses proposed for the site, and the site is one block away from frequent transit service along Rainier Avenue, and six blocks away from the Columbia City light rail station. Utility and sewer capacities in the area are adequate to accommodate development proposed under the LR3-RC designation. Shoreline navigation is not a factor which applies to this proposal.

17. Changed circumstances. Changed circumstances have not been identified that would affect the appropriateness of the rezone. The applicant has indicated that there is a need for small, affordable commercial spaces in Columbia City, but if this is the case, it is not clear that this is a new condition.

18. Overlay districts. The site is within the Columbia City Residential Urban Village, and the SE Seattle Reinvestment Area. The Comprehensive Plan goals and policies

applicable to the Columbia City RUV describe the area as one suitable for a variety of available housing options, for mixed use pedestrian-oriented development, and for the creation of opportunities for business incubators and local business ownership. The proposed change to RC is consistent with the Columbia City RUV goals and policies. The proposal would also be consistent with the general purpose and intent of the SESRA, which encourages local business activity and creation of employment opportunities for residents of the area. The site is also within the Airport Height District, which is not relevant to this rezone application.

19. Critical areas. There is a steep slope area on the eastern portion of the larger site, but it is not within the area proposed for this rezone. A waiver of steep slope requirements was granted by DPD in 2008 for this area, and the applicant must comply with DPD's requirements for the waiver with regard to development at the site.

20. The site is not located in a zone with an incentive zoning suffix, so this criterion is not applicable.

21. On balance, the proposal appears to meet the provisions of Chapter 23.34 for rezones, in light of the information provided in this record. Therefore, the Examiner recommends approval of the proposed rezone.

Recommendation

The Hearing Examiner recommends **APPROVAL** of the rezone from LR3 to LR3-RC, subject to a PUDA condition that redevelopment of the church sanctuary structure be required as shown in the approved plans for MUP 3008629, except as modified to allow commercial space as shown in the plans submitted to DPD for MUP 3011960.

Entered this 1st day of May, 2012.



Anne Watanabe
Deputy Hearing Examiner

CONCERNING FURTHER REVIEW

NOTE: It is the responsibility of the person seeking further review to consult appropriate Code sections to determine applicable rights and responsibilities.

Pursuant to SMC 23.76.054, any person substantially affected by a recommendation of the Hearing Examiner may submit an appeal of the Hearing Examiner's recommendation to the City Council. The appeal must be submitted within fourteen (14) calendar days following the date of the issuance of the Hearing Examiner's recommendation, and be addressed to: Seattle City Council Planning, Land Use and Sustainability Committee, c/o Seattle City Clerk, 600 Fourth Avenue Floor 3, P.O. Box 94728, Seattle, WA 98124-4728. The appeal shall clearly identify specific objections to the Hearing Examiner's recommendation and specify the relief sought.

B



City of Seattle

Department of Planning and Development
D. M. Sugimura, Director

**CITY OF SEATTLE
ANALYSIS AND RECOMMENDATION OF THE DIRECTOR OF
THE DEPARTMENT OF PLANNING AND DEVELOPMENT**

Application Numbers: 3011960

Applicant Name: Kevin Broderick, Broderick Architects, for L R Columbus, LLC.

Address of Proposal: 3902 S. Ferdinand Street

Clerk File Number: 311662

SUMMARY OF PROPOSED ACTION:

Council Land Use Action to rezone 6,600 sq. ft. of land from LR3 to LR3-RC. Proposed development on site will be as allowed per MUP #3008629, with change of use from 8 unit residential building to mixed-use building with five residential units above three commercial spaces at ground level.

The area to be rezoned is made up of platted lots #230 and #231, Block 10, Columbia Addition, bounded by 39th Avenue S. on the west, S. Ferdinand Street on the south, the east/west alley intervening between S. Edmunds Street and S. Ferdinand Street on the north, and Lot 232, Block 10, Columbia Addition on the east.

Rezone – to rezone 6,600 sq. ft. from LR3 to LR3-RC (Seattle Municipal Code Section 23.34.004)

SEPA – Environmental Determination (SMC 25.05)

SEPA DETERMINATION:

Exempt DNS MDNS EIS

DNS with conditions

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

City of Seattle Hearing Examiner
EXHIBIT

Appellant _____
Respondent _____
Department ADMITTED
 DENIED _____

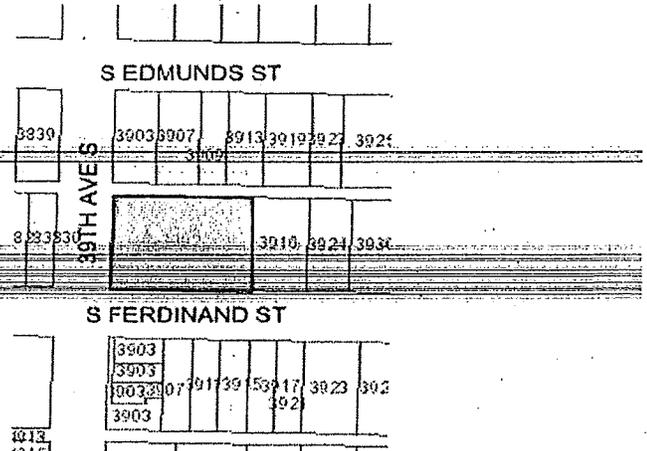
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FILE CF #311662, Project #3011960

BACKGROUND DATA

Site and Vicinity Description

The proposal site, at 3902 S. Ferdinand Street in the Columbia City area of Seattle, is split zoned LR3 and SF 5000. The overall site, consisting of five platted lots, contains approximately 16,500 sq. ft. of land. The overall site is rectangular in shape, with approximately 110 feet of frontage along 39th Avenue S. and extending approximately 150 feet to the east. The LR3 portion of the site extends 60 feet to the east from 39th Avenue S. The SF 5000 portion of the site occupies the rest of the site, extending to the east property line, a distance of approximately 90 feet. There are two existing wood-frame, structures currently in use on the subject site.



The applicant is seeking a rezone of the first two lots west of 39th Avenue S, (lots 230 and 231, Block 10, Columbia Addition), an on-site area of approximately 6,600 sq. ft.) from LR3 to LR3-RC. The overall area of the proposed rezone, extending by convention to the centerlines of the alley, 39th Avenue S. and S. Ferdinand Street (an additional 6,630 sq. ft. within the public right-of-way) would be 13,230 sq. ft. of land. However, the existing NC2-40' zoning line to the west of the subject site extends 10 feet short of the centerline of 39th Avenue S. In order not to further complicate an anomalous situation, the Department is recommending that the new LR3-RC zone extend to the existing zone line, ten feet west of the centerline of S. 39th Avenue, thus encompassing an additional area of 1,470 sq. ft. of right-of-way for a re-zone total area of 14,700 sq. ft.

On May 11, 2009, the Department published a Master Use Permit decision (#3008629) to allow an existing church sanctuary (Mission Baptist Church, aka Columbia Congregational Church) to be converted into eight residential condominium units, and to allow the existing education wing of a religious facility, located within the SF 5000 zone, to be converted into a bed & breakfast use. Additional parking at grade in a car-port would accommodate four vehicles.

An Administrative Commercial Use approval was required to allow the education wing of the former religious facility, which lay within the single-family zone, to be converted into a bed and breakfast with 5 lodging units and a caretaker unit, per SMC 23.44.028 (establishing a use not otherwise permitted in the zone in a structure unsuited to uses permitted outright in a single-family zone).

The "church" portion of the project would contain a basement parking garage for nine vehicles. In addition to providing for an open breezeway that would provide a clear demarcation between the multifamily and bed and breakfast uses, the approved plans for MUP #3008679 called for removal of existing chimneys, modification of windows and adding new penetrations, adding upper-level decks and a substantial west-facing dormer, among other conversions and improvements.

The site slopes nearly 18 feet from the eastern property line to the sidewalk on the east. Retaining walls and rockeries help to support the steeper, undeveloped eastern portion of the site. There are some trees located at this location and just in-board of the sidewalk on S. Ferdinand Street at the lower portion of the site where S. Ferdinand Street meets 39th Avenue S. There is no major new development proposed for the site where existing buildings are being modified for new uses. Development to the north, south and east of the site is predominantly residential. Development to the east of the site, in the existing Neighborhood Commercial zone is a mixture of residential and commercial uses. The site lies one city blocks east of Rainier Avenue S. and is located within the Columbia City Residential Urban Village.

Proposal Description

Council Land Use Action to rezone 6,600 sq. ft. of land from LR3 to LR3 (RC). The project includes land use action to allow a modification and expansion (400 sq. ft.) of the existing 8-unit residential building by filling in floor area of discontinued staircases on the second floor. Parking for 13 vehicles will be provided, 9 below grade within the existing former church sanctuary structure, and 4 within a carport at grade. Application, dependent on the successful outcome of the rezone, includes a change of use from 8 residential units to 5 residential units and 3 commercial spaces. The area to be rezoned is made up of platted lots #230 and #231, Block 10, Columbia Addition, bounded by 39th Avenue S. on the west, S. Ferdinand Street on the south, the east/west alley intervening between S. Edmunds Street and S. Ferdinand Street on the north, and Lot 232, Block 10, Columbia Addition on the east.

The proposal is to rezone a portion of the subject site so that the ground floor spaces within the converted church sanctuary would be eligible for retail/commercial or live/work uses, uses considered more economically viable at the ground level in this particular geographic area and historic context.

Public Comment

Four written public comments were received by the Department during the official comment period that ended on August 10, 2011. All indicated support and approval of the proposed rezone. One person wrote that "allowing low-impact commercial use on that property will help Columbia City continue growing as a vibrant mixed-use neighborhood." Another, also writing in support of the project, added that the "rezone should be tied specifically to this proposed re-use of the existing building."

ANALYSIS - REZONE

Rezoning is subject to the procedures outlined in (SMC 23.34.002). A rezone from LR3 to LR3-R/C (Residential/Commercial) requires several stages of analysis. SMC 23.34.007 directs that the provisions of the rezone chapter shall be weighed and balanced together to determine which height designation, when applicable, best meets those provisions. This analysis of the rezone criteria includes code sections of General rezone criteria (SMC section 23.34.008) as well as the Designation of Lowrise 3 zones (SMC section 23.34.010). Any analysis must also consider the function and locational criteria of LR3 zones (SMC section 23.34.011) as well as an analysis of the criteria for function and location of the proposed LR3-R/C zone (SMC section 23.34.080). All rezoning is subject to the provisions of Sub-chapter II, and the general provisions contained in

SMC section 23.34.007. No single criterion or group of criteria shall be applied as an absolute requirement or test of appropriateness of a zone designation, nor is there a "hierarchy of priorities" for rezone considerations, unless a provision indicates the intent to constitute a requirement or sole criterion.

The following analysis will discuss the code criteria and the merits of the proposal. Code language is in italics followed by a discussion of the criteria and site-specific information. This analysis follows the code citations in their numerical order as mentioned above.

SMC 23.34.007 Rezone Evaluation

~~SMC section 23.34.007 sets forth the following pertinent parameters for this "Rezone Evaluation":~~

- A. *In evaluating proposed rezones, the provisions of this chapter shall be weighed and balanced together to determine which zone or height designation best meets those provisions. In addition, the zone function statements, which describe the intended function of each zone designation, shall be used to assess the likelihood that the area proposed to be rezoned would function as intended.*
- B. *No single criterion or group of criteria shall be applied as an absolute requirement or test of the appropriateness of a zone designation, nor is there a hierarchy or priority of rezone considerations, unless a provision indicates the intent to constitute a requirement or sole criterion.*
- C. *Compliance with the provisions of this chapter shall constitute consistency with the Comprehensive Plan for the purpose of reviewing proposed rezones.*
- D. *Provisions of this chapter that pertain to areas inside of urban centers or villages shall be effective only when a boundary for the subject center or village has been established in the Comprehensive Plan.*

A boundary for the Columbia City Residential Urban Village has been set forth in the City of Seattle *Comprehensive Plan* and the subject site is located within the established Columbia City Residential Urban Village.

- E. *The procedures and locational criteria for shoreline environment redesignations are located in Sections 23.60.060 and 23.60.220, respectively.*

The proposal is not located within a designated shoreline area.

General Rezone Criteria of SMC 23.34.008

The proposed rezone must meet the General rezone criteria of SMC section 23.34.008.

- A. *To be approved a rezone shall meet the following standards:*
 - 1. *In urban centers and urban villages the zoned capacity for the center or village taken as a whole shall be no less than one hundred twenty-five percent (125%) of the growth targets adopted in the Comprehensive Plan for that center or village.*

2. *For the area within the urban village boundary of hub urban villages and for residential urban villages taken as a whole the zoned capacity shall be within the density ranges established in Section A1 of the Land Use Element of the Comprehensive Plan.*

The site is located within the boundaries of the Columbia City residential urban village and the zoned capacity for the residential urban village taken as a whole is within the density range established in Section A1 of the Land Use element of the Comprehensive Plan. The proposed change from LR3 to LR3-RC does not modify the potential growth target for households. Employment targets are not available for Residential Urban Villages.

B. Match Between Zone Criteria and Area Characteristics. The most appropriate zone designation shall be that for which the provisions for designation of the zone type and the location criteria for the specific zone match the characteristics of the area to be rezoned better than any other zone designation.

Analysis of the match between zone criteria and area characteristic follows in the summary at the end of the rezone analysis section. The analysis more logically follows an evaluation of the site and the proposed project's fit with LR3 zoning (SMC 23.34.020) and L3-RC zoning (SMC 23.34.070).

- C. Zoning History and Precedential Effect. Previous and potential zoning changes both in and around the area proposed for rezone shall be examined.*

The site lies within the southeast quadrant of the Columbia City Residential Urban Village on land platted as part of Columbia which had been founded as a mill town in 1892. Rejecting a move for annexation in 1905, the citizens of Columbia City voted to advance from a "Town of the Fourth Class" to a "City of the Third Class" in 1905. In 1907, a vote of the citizens overwhelmingly approved annexation and the Columbia City neighborhood was annexed to the City of Seattle in 1907. The general zoning pattern, centered at the intersection of Rainier Avenue S. and S. Ferdinand Street, just one block west of the subject site, was a pivot point of commercial and civic buildings along Rainier Av S., surrounded with residential lots to the east and west. Between 1947 and 1992, the west portion of the site was zoned RM (residential multi-family) while the east portion of the site was zoned RD-5000 (residential single family). From 1992 until the present the west portion of the site bordering on 39th Avenue S. has been zoned L-3, while the east portion of the site was zoned SF 5000. With implementation of the new multifamily Code in 2009, the west portion of the site was designated LR3 while the eastern portion of the site remained SF 5000.

ANALYSIS, DECISIONS, RECOMMENDATIONS AND CONDITIONS

I. REZONE – ANALYSIS AND RECOMMENDATION OF THE DIRECTOR

Seattle Municipal Code section 23.34.007 and the following sections set forth the criteria for rezone application evaluation. The provisions shall be weighted and balanced together to determine which zone designation best meets those provisions. Zone function statements shall be used to assess the likelihood that the area proposed to be rezoned would function as intended.

No single criterion or group of criteria shall be applied as an absolute requirement or test of appropriateness of a zone designation, nor is there a "hierarchy of priorities" for rezone considerations, unless a provision indicates the intent to constitute a requirement or sole criterion.

A. General Rezone Criteria -23.34.008

1. Urban Village or Urban Center Zoned Capacity (SMC 23.34.008A1-A2)

The area of the subject rezone lies within the Columbia City Residential Urban Village. The proposed rezone from LR3 to LR3-RC would not modify the potential growth targets for households in the area. ~~The target set by the City of Seattle Comprehensive Plan for Residential Urban Villages is a growth of 25 percent of new households. There are no specific targets for employment within the designated Residential Urban Villages.~~

2. Match between Zone Criteria and Area Characteristics (SMC 23.34.008B)

Subsection SMC 23.34.008.B states as follows: "The most appropriate zone designation shall be that for which the provisions for designation of the zone type and locational criteria for the specific zone match the characteristics of the area to be rezoned better than any other zone designation."

Lowrise 3 (LR3) Zone, Function and Locational Criteria

LR3 zones are described(SMC 23.34.020) as having "dual functions," providing for a variety of multifamily housing types in existing multifamily neighborhoods, and to accommodate redevelopment in area within urban centers, urban villages, and Station Area Overlay Districts in order to establish multifamily neighborhoods of moderate scale and density.

The existing LR3 zone designation of the subject site could be said to generally fulfill these functions.

Locational criteria for the LR3 zone designation is most appropriate in urban villages where new development could help establish a multifamily neighborhood of moderate scale and density (SMC 23.34.020 B.1.a) or in an existing multifamily neighborhood in or near an urban village (SMC 23.34.020 B.1.b), and near neighborhood commercial zones with comparable height and scale (SMC 23.34.020 B.2).

The existing LR3 zoning meets these criteria.

LR3 zoning is appropriate where it would provide a transition in scale between LR1 and/or LR2 zones and more intensive multifamily and/or commercial zones (SMC 23.34.020 B.3).

The existing LR3 zoning provides a transition between single-family zoning (SF 5000) and the commercial zone.

LR3 zoning is appropriate where the following other criteria are met: street widths are sufficient for two-way traffic with parking along at least one curb, the area is well served by public transit, has direct access to arterial streets, and is well supported by existing or projected facilities and services (SMC 23.34.020 B.4,5,6,7).

The existing LR3 zoning meets these criteria.

SMC 23.34.020 C is not applicable to this site.

SMC 23.34.020 D excludes properties designated as environmentally critical areas, except for specific categories of ECA's from designation as LR3 zones.

The subject site is designated as an abandoned land fill (ECA#7), which does not exclude it from designation as LR3 according to SMC 23.34.020 D.2.

~~Summary: Except for the existing LR3 zoning providing a transition between a single family zone and commercial zoning, rather than between less intensive multifamily zoning and commercial zoning (SMC 23.34.020 B.3), the existing LR3 zone designation meets the functional and locational criteria of the LR3 zone.~~

Lowrise 3 (RC) Functional and Locational Analysis

In this instance, the current zoning designation is split between LR3 and SF5000. The proposal is to designate the portion of the parcel in the RC3 zone as LR3-R/C, so it is the function and locational criteria for the LR3-RC zone that are the focus of this analysis. These criteria are stated in SMC 23.34.070.

The applicable functional criterion for the RC zone is the following: "As a means of supporting an existing commercial node" (SMC 23.34.070 A.1.d). Parcels directly across 39th Avenue S. are zoned NC2-40' and allow for smaller commercial uses. The proposed commercial use on the west side of 39th Avenue S. is a compatible match. It is generally regarded as a desirable urban planning element to allow commercial uses opposite each other on either side of the street.

Among the "desired characteristics" for a RC zoning designation are areas that provide the following: "a. Physical appearance resembling the appearance of adjacent residential areas, and "b. Mixed use with small commercial uses at street level" (SMC 23.34.070.A.2).

A requirement of the locational criteria for a RC designation is that the residential-commercial designation shall only be combined with a multifamily designation (SMC 23.34.070 B.1). The applicant is seeking an RC designation for property already zoned multifamily, namely LR3.

Additionally, the locational criteria for an RC zone designation is deemed most appropriate on land that exhibits the following existing character: "(1) areas which are primarily residential in character (which may have either a residential or commercial zone designation), but where a pattern of mixed residential/ commercial development is present; or, (2) areas adjacent to commercial areas, where accessory parking is present, where limited commercial activity and accessory parking would help reinforce or improve the functioning of the commercial areas, and/or where accessory parking would help relieve spillover parking in residential areas" (SMC 23.34.070 B.2.a). The subject site is seated in an area with a pre-existing pattern of mixed residential/ commercial development.

Physical factors favoring RC designation include the following: “(1) lack of edges or buffer between residential and commercial uses; (2) lack of buffer between major arterial and residential uses; (3) streets with adequate access and circulation; (4) insufficient parking in adjacent commercial zone results in parking spillover on residential streets” (SMC 23.34.070 B.2.b). To varying degrees, each of these physical factors favoring RC designation are applicable to the subject site.

3. Zoning History and Precedential Effect

Previous and potential zoning changes both in and around the area proposed for rezone are to be considered.

The site lies within the southeast quadrant of the Columbia City Residential Urban Village on land platted as part of Columbia which had been founded as a mill town in 1892. Rejecting a move for annexation in 1905, the citizens of Columbia City voted to advance from a “Town of the Fourth Class” to a “City of the Third Class” in 1905. In 1907, a vote of the citizens overwhelmingly approved annexation and the Columbia City neighborhood was annexed to the City of Seattle in 1907. The general zoning pattern, centered at the intersection of Rainier Avenue S. and S. Ferdinand Street, just one block west of the subject site, was a spine of commercial and civic buildings along Rainier Av S., surrounded with residential lots to the east and west. Between 1947 and 1992, the west portion of the site was zoned RM (residential multi-family) while the east portion of the site was zoned RD-5000 (residential single family). From 1992 until the present the west portion of the site bordering on 39th Avenue S. has been zoned L-3, while the east portion of the site was zoned SF 5000. With implementation of the new multifamily Code in 2009, the west portion of the site was designated LR3 while the eastern portion of the site remained SF 5000.

Neighborhood Plans

The sight is within the Columbia City Residential Urban Village. A neighborhood plan was adopted in 1999. Although the plan called for a number of specific rezones, including rezoning some areas east of 39th Avenue S. as NC2-40’ to encourage a broad range of commercial uses, the only policy adopted within the Comprehensive Plan was housing policy P-20 which was an exhortation to “encourage housing as a part of mixed-use development projects, including live/work spaces, within the business districts” and to “consider rezoning appropriate areas within the urban village to NC/R designations.” There are no specific recommended rezones in the Council-adopted Neighborhood Plan.

Compliance with Zoning Principles

SMC 23.34.008.E, regarding Zoning Principles, calls for consideration of the following issues:

- a. *The impact of more intensive zones on less intensive zones or industrial and commercial zones on other zones shall be minimized by the use of transitions or buffers, if possible. A gradual transition between zoning categories, including height limits, is preferred.*

The rezone from LR3 to LR3-RC does not involve any change in the height limit of the zone and none is proposed by the applicant. The new zone designation would be applied to an existing structure (formerly a religious sanctuary building) which effectively builds out the site. No modifications affecting the height of the structure have been made and none are proposed.

The subject site is adjacent to single family zoning on its east side and if rezoned to LR3-RC any new development on site would be subject to any development standards that may be imposed on structures abutting property lines in a single-family zone.

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- b. Physical buffers may provide an effective separation between different uses and intensities of development. The following elements may be considered as buffers: (a) ~~natural features such as topographic breaks, lakes, rivers, streams, ravines and shorelines;~~ (b) freeways, expressways, other major traffic arterials, and railroad tracks; (c) distinct change in street layout and block orientation; (d) open space and green spaces.*

The single-family zoned area immediately to the east of the proposed rezone is property developed by the current applicants into a Bed- and- Breakfast establishment, a lodging use allowed through the administrative conditional use process in a single-family zone. This use, on the adjoining three lots east of the parcel to be rezoned to LR3-RC, separates the development site from single family dwelling units on the eastern portion of the block. A steep slope area along the east edge of the development site also serves as a buffer between the development site and those lots already developed in single-family structures.

- c. Zone Boundaries: in establishing boundaries the following elements shall be considered: (1) physical buffers as described in subsection E (2) above; (2) platted lot lines.*

The proposed rezone would not alter the dividing line between the LR3 and single family zoning, but re-designate the LR3 as LR3-RC. The zone boundary would remain consistent with platted lot lines.

4. Impact Evaluation

Regarding Impact Evaluation, SMC 23.34.008F states that "the evaluation of a proposed rezone shall consider the possible negative and positive impacts on the area proposed for rezone and its surroundings." Following are the factors and service capacities to be examined.

Factors to be examined include, but are not limited to, the following:

- a. Housing, particularly low-income housing*

Multifamily housing, in an existing building, with commercial uses on the ground floor is the housing type to be provided. This type of housing is generally thought to be more affordable than detached single family housing. It is not known whether any of the housing, now or later proposed, would be low income. The rezone would foster the development of multifamily housing as compared to single family, as does the present zoning designation.

b. Public services

No negative impact on public services is expected from the proposed action. All utilities required for the proposed project can be provided by existing connections or extensions thereof. Little or no additional burden on public safety services is anticipated.

c. Environmental factors, such as noise, air and water quality, terrestrial and aquatic flora and fauna, glare, odor, shadows, and energy conservation.

There is no reason to believe that there would be any more impacts resulting from environmental factors from a mixed commercial and multifamily development than would occur on just multifamily development. Current code requirements would limit to a good degree water quality impacts (Stormwater, Grading and Drainage Control Ordinance) and any new construction would require a high degree of energy conservation (Energy and Building Codes).

d. Pedestrian safety

The impact of a LR3-RC designation rather than an LR3 designation would have no impacts on pedestrian safety.

Manufacturing activity

There are no manufacturing activities in the immediate area nor none intended as a result of the proposed rezone.

e. Employment activity

The proposed project would be expected to have no negative effect on area employment activity. To a small degree any additional commercial activity on site could be expected to increase employment.

f. Character of area's recognized for architectural or historic value

The project includes the retaining of an historic institutional building which adds character to the historic fabric of Columbia City.

g. Shoreline view, public access and recreation

The project is not within a shoreline designation.

Service Capacities. Development which can reasonably be anticipated based on the proposed development potential shall not exceed the service capacities which can reasonably be anticipated in the area, including:

a. Street access to the area

There would be no change to existing street access. There would be no negative impact on street access.

b. Street capacity in the are

Vehicles will access the site from an existing alley on the north side of the property which connects to 39th Avenue S. Thirteen on-site parking spaces are provided, with nine parking spaces being provided below grade in the existing building on site. The proposed rezone will not modify the existing parking. Commercial development on site allowed by the proposed rezone is not anticipated to have measurable effect on traffic generation.

c. Transit service

~~The proposed site is located one block east of an arterial served by public transit. Frequent transit service is available on Rainier Avenue S., located a block to the west of the site.~~

d. Parking capacity

Any commercial development is not likely to substantially impact parking capacity on the street.

e. Utility and sewer capacity

No negative effect is anticipated. Existing capacities of utility and sewer services in the area can reasonably be expected to accommodate development enabled by this rezone.

f. Shoreline navigation

This consideration is not applicable.

7. *Changed Circumstances. Evidence of changed circumstances shall be taken into consideration in reviewing proposed rezones, but is not required to demonstrate the appropriateness of a proposed rezone. Consideration of changed circumstances shall be limited to elements or conditions included in the criteria for the relevant zone and/or overlay designations in this chapter.*

There is no clear set of changed circumstances that would offer conclusive or compelling support of retention of the existing LR3 zoning or a rezone to LR3-RC.

8. *Overlay Districts. If the area is located in an overlay district, the purpose and boundaries of the overlay district shall be considered.*

The area is located within the Columbia City Residential Urban Village, an area the City of Seattle Comprehensive plan identifies as suitable for "a variety of available housing options" and which will "support opportunities for business incubators and local business ownership within the community" (*Seattle's Comprehensive Plan, Neighborhood Plans: Columbia City, CC-P11, CC-G8*).

9. *Critical Areas. If the area is located in or adjacent to a critical area (SMC Chapter 25.09), the effect of the rezone on the critical area shall be considered.*

There is a mapped ECA #1 (steep slope) area on the eastern portion of the site, but not within the area proposed for the rezone. A waiver of steep slope requirements for this area was granted by the Department on March 5, 3008. The site is subject to standards of ECA #7, Abandoned Landfill. A mitigation report will be required. There are no effects on the identified critical areas due to the proposed rezone.

The analysis has considered the foregoing criteria. Given the circumstances of the subject property, the locational criteria of appropriate zoning, the zoning history, the goals of the Comprehensive Plan, impacts and capacities, the LR3-RC zone appears to be a suitable zoning designation for the property currently zoned LR3.

SMC 23.34.004 Contract rezones

The Council may approve a map amendment subject to the execution, delivery and recording of an agreement executed by the legal or beneficial owner of the property to be rezoned to self-imposed restrictions upon the use and development of the property in order to ameliorate adverse impacts that could occur from unrestricted use and development permitted by development regulations otherwise applicable after the rezone. This is effected through a Property Use and Development Agreement (PUDA).

The restrictions imposed by a PUDA are to be directly related to impacts that may be expected to result from the rezone. In this instance, where development is intended to be undertaken as specified in MUP #3008629 and as modified in this MUP, namely in the adaptive reuse of existing structures on site, the Director would recommend, as the only condition of a PUDA, that the rezone from LR3 to LR3-RC be contingent upon the applicants' reuse of the existing structures on site as allowed per MUP #3008629 with the modifications for commercial ground use that would be allowed through the subject rezone.

RECOMMENDATION – REZONE

Based upon the above analysis, the Director recommends that the proposed rezone from LR3 to LR3-RC be approved.

ANALYSIS – SEPA

The initial disclosure of the potential impacts from this proposal was made in the environmental checklist submitted by the applicant, dated July 6, 2011, and annotated by the Department. The information in the checklist, supplemental information provided by the applicant and the experience of the lead agency with review of similar projects form the basis for this analysis and decision.

This action is not specifically addressed as a Categorical Exemption (SMC 25.05.800); therefore it must be analyzed for probable significant adverse environmental impacts. A threshold determination is required for any proposal, which meets the definition of action and is not categorically exempt.

Both the short-term and long-term impacts of development on site per the LR3-RC zone designation, which would allow for commercial uses on the ground floor of the former church sanctuary building, are otherwise as those set forth in the SEPA analysis in Director's Decision 3008629 regarding this site.

Long-term Impacts

The proposal would modify development standards and density on the subject property.

Ultimate impacts would only be realized through the specific project action. SEPA regulations will be applied on a project basis, and appropriate mitigation required where necessary.

However, land use impacts and density related impacts resulting from the rezone, such as height, bulk and scale, traffic and parking are discussed further below.

The proposal project-level impacts of the particular development would be mitigated by application of Land Use Code standards of the new zone during specific project review. Specific project impacts subject to environmental review could be additionally mitigated through SEPA if the Code does not sufficiently mitigate adverse impacts.

Height, Bulk and Scale

The SEPA Height, Bulk and Scale Policy (Section 25.06.675.G., SMC) states that "the height, bulk and scale of development projects should be reasonably compatible with the general character of development anticipated by the goals and policies set forth in Section B of the land use element of the Seattle Comprehensive Plan regarding Land Use Categories, ...and to provide for a reasonable transition between areas of less intensive zoning and more intensive zoning."

The existing height limit of the zone would not be altered by the re-designation as LR3-RC zoning. Development proposed as allowed by MUP #3008629, and with allowable uses as modified by the rezone to LR3-RC, would be within an existing structure (the church sanctuary building) and no alteration of the height of the building has been proposed. New construction would be controlled by development standards for LR3 in the multifamily Code. The height limits for the proposed LR3-RC zone are the same as the existing LR3 zone. The subject site would continue to be adjacent to single family zoning on its east side. Future development of the site would be required to provide setbacks from the single family property to the east of the overall site. The development of the former religious education wing as a bread and breakfast use in the single-family portion of the site would provide an adequate transition to the single family area to the east which sits on higher ground than the subject site, a condition that helps provide for compatible transitions between zones as well. No further mitigation through SEPA is warranted.

Traffic and Parking

The size and proportions of the subject site as well as height limits would not allow for any large development on the site. Impacts due to development that would increase traffic and add to parking on the site would be expected to be minor. Existing traffic on 39th Avenue S. does not burden roadway capacity and impact to the surrounding traffic network is not of concern. Parking impacts would be further evaluated if there were to be a specific project review.

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

None.

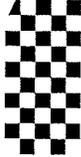
RECOMMENDED CONDITIONS-Rezone

1. The rezone from LR3 to LR3-RC is granted contingent upon the proposed redevelopment associated with the adaptive re-use of the existing former church sanctuary structure on site as detailed in MUP #3008629.

Signature: (signature on file)
Michael Dorcy, Senior Land Use Planner
Department of Planning and Development

Date: April 5, 2012

3



CHAS. H. W. TALBOT
 3930 SO. FERDINAND
 SEATTLE, WASHINGTON
 WA 98118-1740-21
 TEL.: 206.722.4261
 CELL: 206.310.4873
 <CHAS5@EARTHLINK.NET>

RECEIVED BY
 2012 APR 26 PM 4:28
 OFFICE OF
 HEARING EXAMINER

26 April 2012

Hearing Examiner
 City of Seattle

Fax (206) 684-0536

Re: Project 3011960

It is not plausible that an increase in zoning for commercial uses in a residential neighborhood will be without discernible & adverse impacts – but that seems to be the reasoning behind the Director’s willingness to allow even more density (& more commercial activity) at the site of the former Congregational church at 3902 So. Ferdinand.

I suspect that the law does not support this upzone, & common sense sure doesn’t. Anyone familiar with the area is well aware of the radically increased vehicular traffic associated with recent increases in commercial activity in the area.

There is no NEED (except the greed of the would-be developer) for this upzone –there is ample unused & available commercial space in Columbia City. Can we not have infill of unused & underused commercial space before further expansion into the neighboring residential areas?

Yours very truly,

Chas. H.W. Talbot

P.S. You should allow filing of comments by e-mail

L12-117

City of Seattle Hearing Examiner
EXHIBIT

Appellant
 Respondent ADMITTED
 Department DENIED

10

FILE # CF 31162 / Proj # 3011960

No address

Dorcy, Michael

From: PRC1, PRC1
Sent: Monday, August 08, 2011 6:47 AM
To: joefugere@tuttabella.com
Cc: Dorcy, Michael
Subject: # 3011960 RE: Pete Lamb and 39th Ave. South

Thanks you for your comments. Your comments have been forwarded to the planner reviewing this project, and a copy of your email will be added to the project file. If you would like to receive notice of the decision on this application, please provide us with your US mailing address.

Thank you,
PRC Staff

Department of Planning and Development
Public Resource Center
700 Fifth Avenue, Ste. 2000
P. O. Box 34019
Seattle, WA 98124-4019

PRC@seattle.gov
Tel: 206-684-8467
Fax: 206-233-7901

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Tu/ Th: 10:30am - 4:00pm

Microfilm Library
M/ W/ F: 8:00am - 4:00pm
Tu/ Th: 10:30am - 4:00pm
DPD_microfilm@seattle.gov
Tel: 206-233-5180

*3011960
Review
Comment letters*

From: PRC1, PRC1
Sent: Monday, August 08, 2011 6:41 AM
To: Joe Fugere
Subject: RE: Pete Lamb and 39th Ave. South

Joe,

City of Seattle Hearing Examiner
EXHIBIT

Appellant
Respondent ADMITTED
Department DENIED 5

FILE CF #311662, Project #3011960

If this is related to a particular project, please provide the project number so that we can send your comments to the appropriate land use planner.

Thank you
PRC Staff

From: Joe Fugere [joefugere@tuttabella.com]
Sent: Friday, August 05, 2011 7:56 PM
To: PRC1, PRC1
Subject: Pete Lamb and 39th Ave. South



August 5, 2011

To Whom it may concern:

I have known Pete Lamb since 2004, when I opened my business in Columbia City. By then, he had already made a significant positive impact on the community through his adaptive re-use of buildings in the district, both historic and non-historic. Pete has a knack for finding the soul of a building, and re-purposing it to meet the changing needs of business owners and residents alike. I can't imagine Columbia City without Pete Lamb's creative influence.

For this reason, I am confident and supportive of his plans for the property on 39th Avenue South, including the potential of low impact commercial space.

Sincerely,

Joe Fugere

Joe Fugere
Founder
Tutta Bella Neapolitan Pizzeria

Dorcy, Michael

From: PRC1, PRC1
Sent: Wednesday, August 10, 2011 2:53 PM
To: Dorcy, Michael
Subject: FW: Project number 3011960

From: Wheeler, Douglas [WheelerD@LanePowell.com]
Sent: Wednesday, August 10, 2011 2:32 PM
To: PRC1, PRC1
Subject: RE: Project number 3011960

Please provide me with a notice of the decision on the application. My mailing address is below.

Douglas Wheeler
3903 S. Ferdinand St., Unit C
Seattle, WA 98118-1771
Home: (206) 525-3248
Office: (206) 223-7025
Fax: (206) 299-9385
Cell: (206) 356-8350

From: PRC1, PRC1 [<mailto:PRC@seattle.gov>]
Sent: Wednesday, August 10, 2011 2:26 PM
To: Wheeler, Douglas
Cc: Dorcy, Michael
Subject: RE: Project number 3011960

Thank you for your comments. Your comments have been forwarded to the planner reviewing this project and a copy of your email will be added to the project file. If you would like to receive notice of the decision for this application please provide us your US mailing address.

PRC Staff

From: Wheeler, Douglas [WheelerD@LanePowell.com]
Sent: Wednesday, August 10, 2011 8:11 AM
To: PRC1, PRC1
Cc: Peter Lamb; Tom Reid
Subject: Project number 3011960

To whom it may concern:

I want to go on record as supporting the proposed "contract rezone" for the property at 39th Street South and South Ferdinand to allow low-impact commercial use for three condominium units along 39th Street. We live next to the property, which is currently unoccupied, and we would like to see it put to a new use. Allowing low-impact commercial use on that property will help Columbia City continue growing as a vibrant mixed-use neighborhood.

Sincerely,

Douglas Wheeler

Meridian St., Unit C
WA 98118-1771
Phone: (206) 525-3248
Fax: (206) 223-7025
Cell: (206) 299-9385
Cell: (206) 356-8350

This message is private or privileged. If you are not the person for whom this message is intended, please delete it and notify me immediately, and please do not copy or send this message to anyone else.

Please be advised that, if this communication includes federal tax advice, it cannot be used for the purpose of avoiding tax penalties unless you have expressly engaged us to provide written advice in a form that satisfies IRS standards for "covered opinions" or we have informed you that those standards do not apply to this communication.

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cy, Michael

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Sent: Wednesday, August 10, 2011 2:26 PM
To: Wheeler, Douglas
Cc: Dorcy, Michael
Subject: RE: Project number 3011960

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PRC Staff

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Sent: Wednesday, August 10, 2011 8:11 AM
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Please be advised that, if this communication includes federal tax advice, it cannot be used for the purpose of avoiding tax penalties unless you have expressly engaged us to provide written advice in a form that satisfies IRS standards for "covered opinions" or we have informed you that those standards do not apply to this communication.

#301960

Re: me

Letters in favor of

Dorcy, Michael

From: PRC1, PRC1
Sent: Monday, August 08, 2011 6:46 AM
To: mohnrobert@comcast.net
Cc: Dorcy, Michael
Subject: RE: Comments on Land Use Application - Project: 301960, Bulletin date: 07/28/2011

Thanks you for your comments. Your comments have been forwarded to the planner reviewing this project, and a copy of your email will be added to the project file. If you would like to receive notice of the decision on this application, please provide us with your US mailing address.

Thank you,
PRC Staff

Department of Planning and Development
Public Resource Center
700 Fifth Avenue, Ste. 2000
P. O. Box 34019
Seattle, WA 98124-4019

39025 Jordan Ave #

PRC@seattle.gov
Tel: 206-684-8467
Fax: 206-233-7901

no address

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Tu/ Th: 10:30am - 4:00pm

Microfilm Library
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Tu/ Th: 10:30am - 4:00pm
DPD_microfilm@seattle.gov
Tel: 206-233-5180

From: mohnrobert@comcast.net [mohnrobert@comcast.net]
Sent: Sunday, August 07, 2011 3:02 PM
To: PRC1, PRC1
Cc: mohnrobert@comcast.net
Subject: Comments on Land Use Application - Project: 301960, Bulletin date: 07/28/2011

I'm writing as a Columbia City commercial property owner and Columbia City business owner who has been actively participating in this neighborhood's revitalization for the last 12 years. It has been a

longstanding policy of the Columbia City Business Association to encourage commercial development outward (East-West) from Rainier in order to create a critical mass of commercial activity and reduce our dependence on busy Rainier Avenue. This proposal is in line with that policy, and I support it fully. The three subject units will be oriented to the NC-zoned business district and will help form an "edge" to the business district. Please approve the application for the contract rezone. The rezone should be tied specifically to this proposed re-use of the existing building.

Dorcy, Michael

From: PRC1, PRC1
Sent: Thursday, August 11, 2011 7:57 AM
To: Dave Sharp
Cc: Dorcy, Michael
Subject: RE: 3011960 comments

Thanks you for your comments. Your comments have been forwarded to the planner reviewing this project, and a copy of your email will be added to the project file. If you would like to receive notice of the decision on this application, please provide us with your US mailing address.

Thank you,
PRC Staff

Department of Planning and Development
Public Resource Center
700 Fifth Avenue, Ste. 2000
P. O. Box 34019
Seattle, WA 98124-4019

PRC@seattle.gov
Tel: 206-684-8467
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Microfilm Library
M/ W/ F: 8:00am - 4:00pm
Tu/ Th: 10:30am - 4:00pm
DPD_microfilm@seattle.gov
Tel: 206-233-5180

From: Dave Sharp [sharp@greatnwllc.com]
Sent: Thursday, August 11, 2011 7:38 AM
To: PRC1, PRC1
Subject: 3011960 comments

I am writing to support the Council Land Use Action to re-zone of 3902 S. Pearl Street from LR3 to LR3 RC. I am a commercial property owner in the neighborhood and lease to both apartment and retail tenants.

I support the proposed action because the re-zone will allow limited commercial uses in the spaces fronting on 39th Avenue South. The Columbia City neighborhood needs as large a daytime working population as possible

support local retail and restaurant businesses, and there is currently a lack of good-quality space available for use to support the daytime population. We often hear wonderful comments from neighborhood visitors about the charming fabric of the community and the wide range of interesting retail businesses. What many of these visitors do not realize is that most of the retailers struggle to succeed due to a fairly small daytime population. The restaurants do well during dinner hours, but the lunch business is not nearly as busy. In addition small business owners who live in the neighborhood, like insurance agents, lawyers, investment advisors and health care practitioners, are challenged to find good office space that will allow them to live and work in the same community.

By approving the proposed re-zone the Council will provide another small impetus to create a viable daytime business district to succeed in Columbia City.

David C. Sharp
Principal
Great NW Investments LLC
(206) 465-9454
sharp@greatnwllc.com

NO address

D

3902 S FERDINAND ST.



City of Seattle Hearing Examiner

EXHIBIT

Appellant _____
Respondent _____ ADMITTED _____
Department _____ DENIED _____

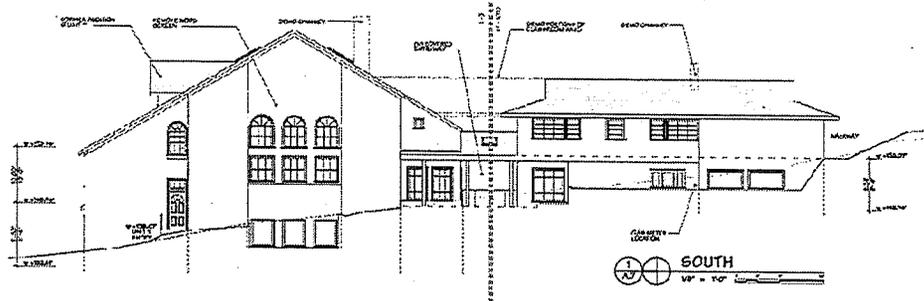
8

FILE # CF 311462, Proj. # 3011960

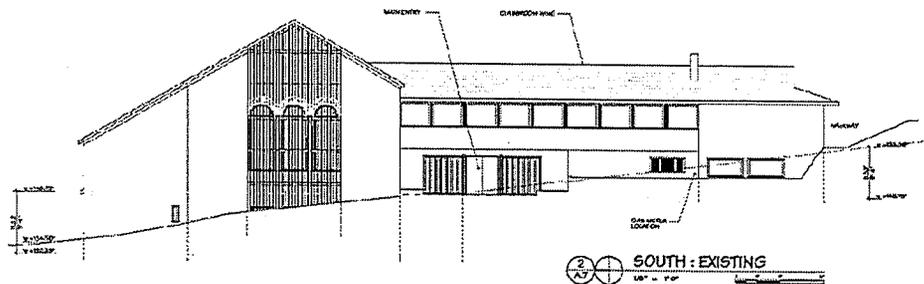
ADAPTIVE REUSE OF EXISTING CHURCHBUILDING

- EIGHT CONDOMINIUMS WITH NINE PARKING SPACES IN BACK BASEMENT; BED & BREAKFAST IN SEPARATED / UPGRADED BUILDING TO THE EAST WITH FOUR PARKING SPACES OFF THE NORTH ALLEY
- BUILDING IS BEING REUSED WITH MINOR MODIFICATIONS TO THE EXTERIOR; MAINTAINING THE TIE TO COLUMBIA CITY'S HISTORY
- PLAN TO REUSE EXISTING WINDOW OPENINGS AND REVERSE OR IMPROVE PORTIONS OF UNFORTUNATE 1959 CHANGES

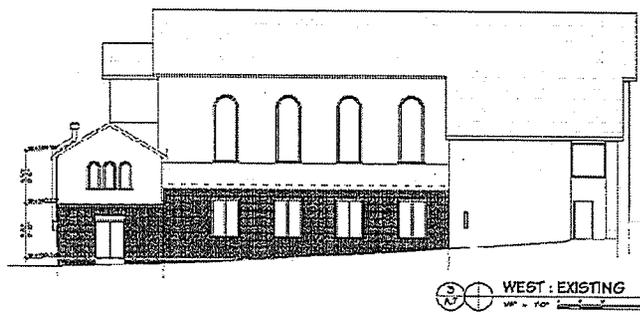
SOUTH & WEST EXISTING AND PROPOSED ELEVATIONS



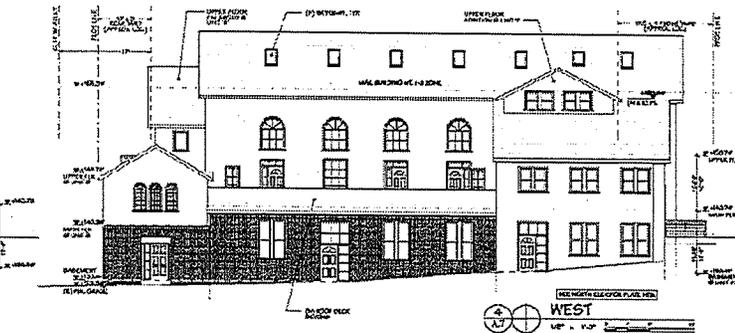
1 SOUTH
1/8" = 1'-0"



2 SOUTH : EXISTING
1/8" = 1'-0"



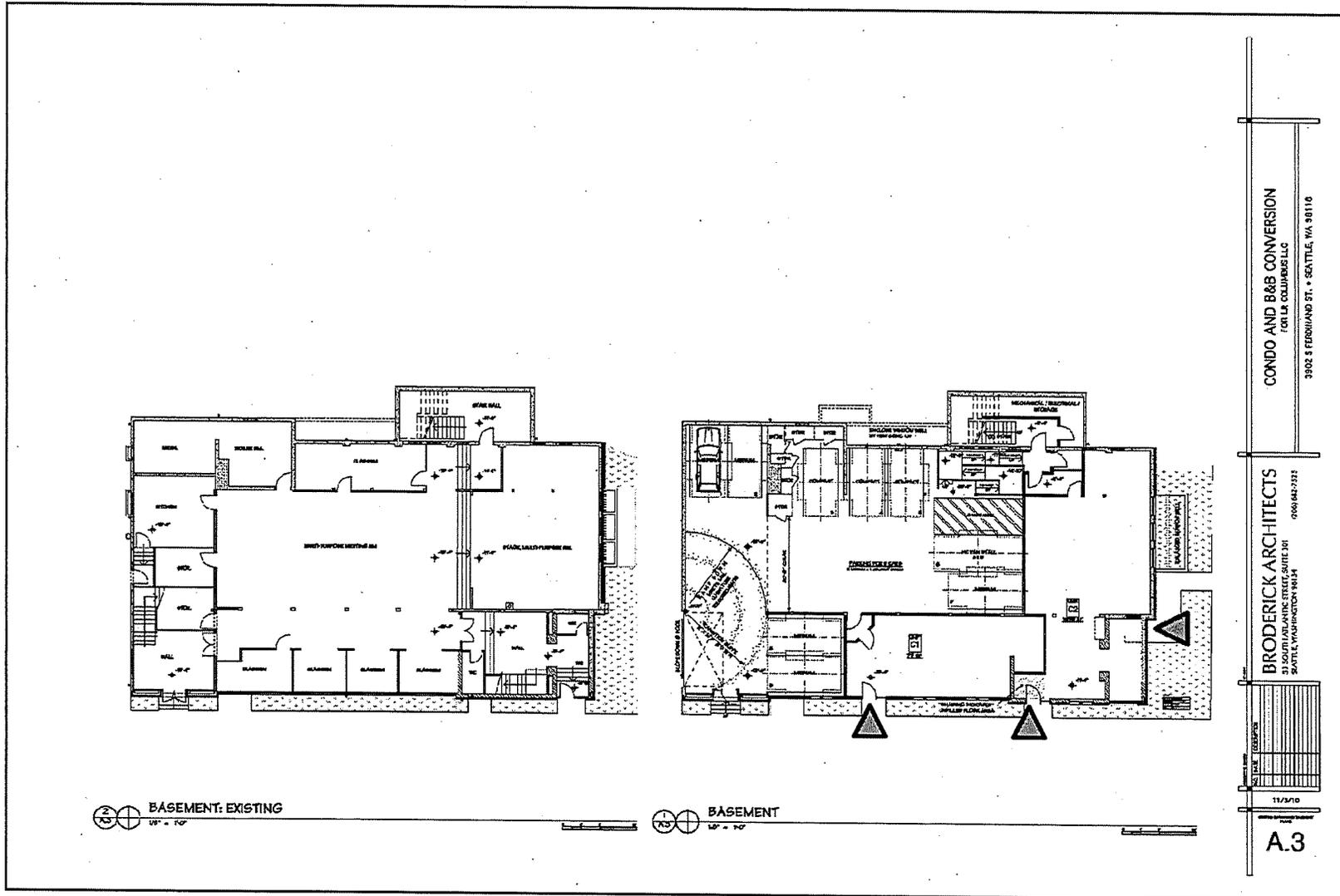
3 WEST : EXISTING
1/8" = 1'-0"



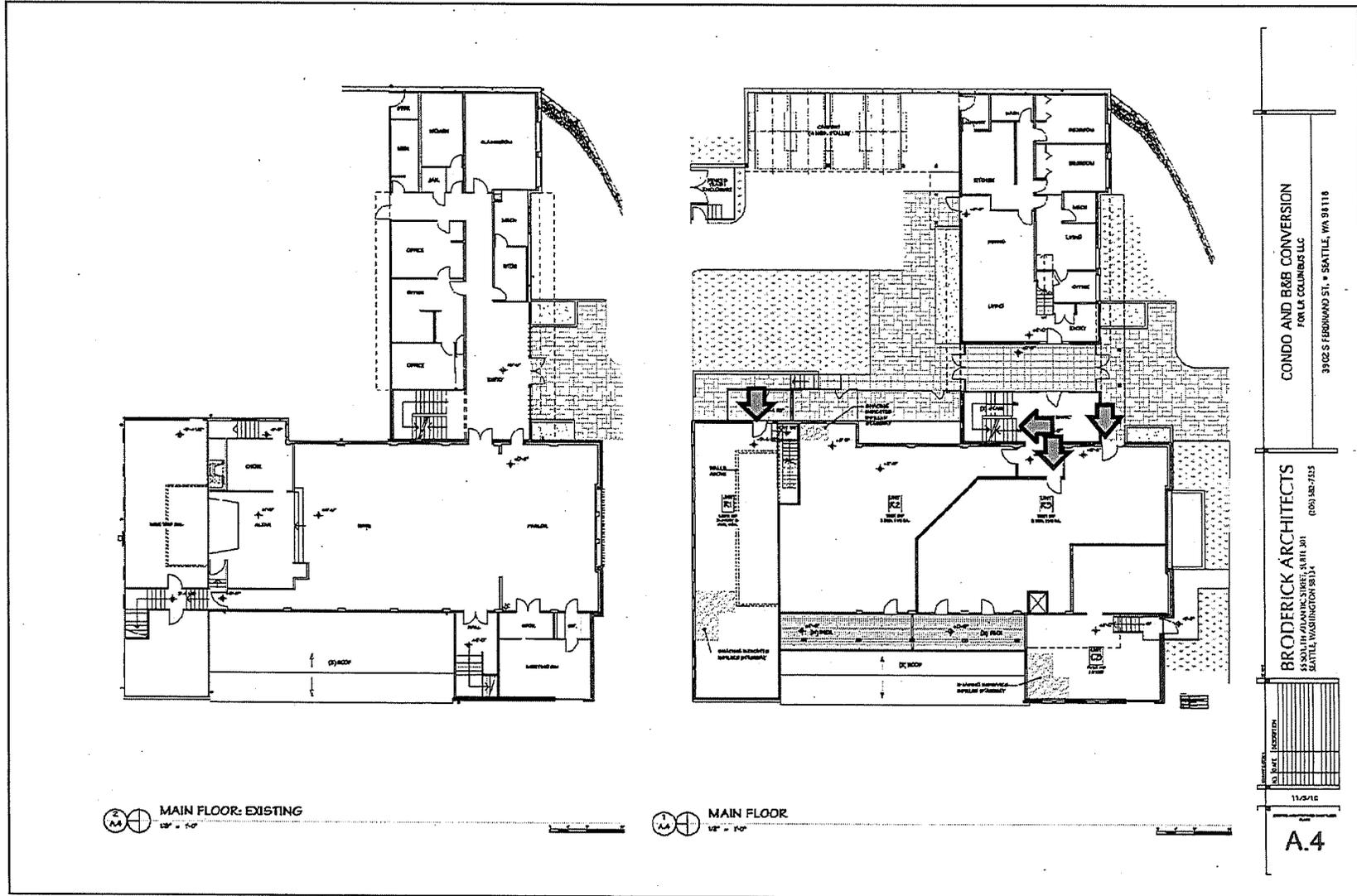
4 WEST
1/8" = 1'-0"

CONDO AND B&B CONVERSION
 FOR LK COLUMBIA LLC
 3102 S FERNAND ST. • SEATTLE, WA 98118
 BRODERICK ARCHITECTS
 1210 15TH AVENUE, SUITE 201
 KATU, WASHINGTON 98114
 (206) 465-7325

ENTRIES TO COMMERCIAL SPACES CONFIGURED TO MINIMIZE IMPACT TO RESIDENTIAL NEIGHBORS



ALL RESIDENTIAL ACCESSED FROM EAST SIDE OF BUILDING



BENEFITS

- SMALLER COMMERCIAL TENANTS ARE GETTING PRICED OUT OF THE EXISTING COMMERCIAL ZONES. THESE SPACES GIVE THEM A VIABLE OPTION TO OWN.
- ALLOWING COMMERCIAL USE CREATES MORE JOBS AND LOCAL OWNER / MANAGED BUSINESSES
- CONSISTENT WITH THE NEIGHBORHOOD PLAN FOR COLUMBIA CITY TO BE THE COMMERCIAL HUB FOR THE SURROUNDING AREA.
- WITHIN ONE BLOCK OF MAJOR TRANSIT CORRIDOR AND SIX BLOCKS OF LIGHT RAIL.

SUPPORTED BY THE COMMUNITY

August 5, 2011

To Whom it may concern:

I have known Pete Lamb since 2004, when I opened my business in Columbia City. By then, he had already made a significant positive impact on the community through his adaptive re-use of buildings in the district, both historic and non-historic. Pete has a knack for finding the soul of a building, and re-purposing it to meet the changing needs of business owners and residents alike. I can't imagine Columbia City without Pete Lamb's creative influence.

For this reason, I am confident and supportive of his plans for the property on 39th Avenue South, including the potential of low impact commercial space.

Sincerely,

Joe Fugere

Joe Fugere

Founder

Tutta Bella Neapolitan Pizzeria

E

DPD Geocortex

Layer List

Parcels

- [Parcel outlines](#)
- [Assessor data and links](#)
- [Parcel data sheet](#)
- [Code Compliance Report](#)
- [Land Use and Zoning Report](#)
- [PASV Report](#)
- [Structural Report](#)
- [UW Geology Report](#)

Land Use expert

- [Shoreline](#)
- [Arterials](#)
 - Zoning
 - SEPA and Design Review
- [Shoreline Environments](#)
- [Pedestrian 'P' suffix zones](#)
- [Regulated Streets](#)
- [Zoning History \(1994-present\)](#)
- [Public Benefit Features](#)
 - ECA Layers
- [Urban Village, Urban Center](#)

Show Legend

Selection

No features are currently selected. You can select features from one or more layers using the selection tools.

Navigation

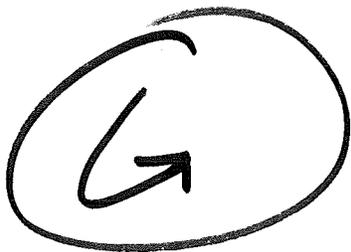
Scale 1:

Jump to Extent:

0 57 114 228 34

x=1281725.995 y=207022.142

F





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 Numbers: 3008629

Applicant Name: Kevin Broderick, Broderick Architects, for LR Columbus LLC

Addresses of Proposals: 3902 S. Ferdinand Street

SUMMARY OF PROPOSED ACTION

Land Use Application to allow an existing church sanctuary (Mission Baptist Church) to be converted into eight residential condominium units and to allow existing education wing of a religious facility to be converted into a bed & breakfast use. The "church" portion of the project will contain a basement parking garage for nine vehicles. Additional parking at grade in a carport will accommodate four vehicles.

The following approvals are required:

Administrative Conditional Use - To establish a use not otherwise permitted in the zone in a structure unsuited to uses permitted outright in a single-family zone.
Chapter 23.44.028, Seattle Municipal Code.

SEPA Environmental Determination—SMC 25.09

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

[X] DNS with conditions

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

BACKGROUND DATA

Site and Vicinity Description

The project site is located in southeast Seattle on a lot that is zoned both L-3 and SF 5000. The site is currently occupied by a church sanctuary building, located primarily within the L-3 zoned portion of the lot with a conjoined education wing within the portion of the lot zoned SF 5000.

City of Seattle Hearing Examiner

EXHIBIT

Appellant _____
Respondent _____ ADMITTED ✓
Department _____ DENIED _____

9

FILE # CF 311662, Pm 3011960

The site is approximately 16,538 square feet in size. The existing structures will be maintained, with extensive internal modifications and some external modifications, on site. A ten foot wide segment of the classroom wing will be demolished to provide a common covered walkway between the two structures. Grading will occur along the entire depth of the property to improve the 14-foot alley that lies directly to the north of the site and to provide for a parking area between the alley and the proposed bed and breakfast portion of the development.

The site lies partially within a 60-foot strip of multifamily zoning (Lowrise 3) that runs along the east side of 39th Avenue S, and which abuts a substantial multi-block area of single-family zoning (SF5000) to the east. The area due to the west across 39th Avenue S. is zoned Neighborhood Commercial with a 40-foot height limit (NC 40). Co-extensive with the west boundary of the 39th Avenue S. right-of-way is the western boundary of the Columbia City Landmark District. The site lies within the overlay of the South Seattle Reinvestment Area. The entire site lies within the Columbia City Urban Village. The northern half of the site lies within the 1000-foot methane buffer of an abandoned landfill and is characterized as an environmentally critical area.

The area in the general vicinity is characterized by a mix of multifamily residential structures, commercial structures and single-family residences. Immediately to the east of the site the zoning and development is single family.

Proposal Description

The existing church sanctuary building was built in 1923, replacing an original church building that had occupied the site since the late 1800s. The office and classroom portion of the building that occupies the southeast quadrant of the site was constructed in 1957. Overall, the existing structure contains approximately 15,119 square feet of space. The sanctuary portion of the building is to be converted into 8 apartment or condominium units, with parking for nine vehicles to be accommodated in the existing basement, accessed from a garage opening off the alley. This portion of the development will occupy approximately 14,413 square feet.

The office/classroom portion of the structure, which lies within the single-family-zoned portion of the site, will be converted into a bread and breakfast establishment and will total approximately 3,234 square feet. Demolition of a western portion of the newer section of the existing structure will provide a covered breezeway separating the multifamily portion from the bed and breakfast. Parking for 4 vehicles to serve the bed and Breakfast, expected to contain 5 guest rooms, will be located within a car-port snuggled-up to the bed and breakfast and extending along the eastern edge of the site.

In addition to providing for an open breezeway that provides a clear demarcation between the multifamily and bed and breakfast uses and constructing a 4-vehicle carport, the plans call for removal of existing chimneys, modifying windows and adding new penetrations, adding upper-level decks and a dormer, among other conversions and improvements.

Public Comment

Notice of the proposed project was published on August 7, 2008, with a comment period running through August 20, 2008. One comment was received by DPD during the public comment period.

ANALYSIS – STRUCTURES UNSUITED TO USES PERMITTED OUTRIGHT

This proposal is subject to SMC 23.44.028, Structures unsuited to uses permitted outright. The Land Use Code allows that uses not otherwise permitted in the zone may be permitted in structures unsuited to uses permitted outright in single-family zones. The determination that a use may be permitted shall be based upon the following factors:

1. *The design of the structure is not suitable for conversion to a use permitted outright in a single-family zone; and*
2. *The structure contains more than four thousand (4,000) square feet; and*
3. *The proposed use will provide a public benefit.*

The existing structure, whose address is 3902 S. Ferdinand Street, consists of a church, (open) sanctuary with some attendant spaces, dating from 1923, and an attached office and classroom wing, constructed in 1957. The overall structure contains 15,119 square feet of internal space.

SMC 23.44.028 provides additional criteria to be used to evaluate and/or condition this proposal. These deal with modification of parking requirements (Section B) and mitigation of select environmental impacts (Section C). Section D applies only to structures that served formerly as public schools and is not applicable in this instance.

- B. *Parking requirements for uses permitted under this section shall be determined by the Director.*

The parking proposed on site, 9 spaces within the basement of the former church sanctuary and 4 spaces within the car-port serving the bed and breakfast and adjacent the former classroom/office portion of the structure, is sufficient to meet Code requirements and is projected to meet the parking demand for the eight apartment/condo units and the demand for the bed and breakfast use. The Director finds no reason to either increase or decrease the parking beyond what is proposed by the applicant.

- C. *The Director may require measures to mitigate impacts such as noise, odor, parking or traffic impacts. Mitigating measures may include but are not limited to landscaping, sound barriers, fences, mounding or berming, adjustments to development standards, design modification, or setting hours of operation.*

Any noise generated from the normal use and functions on the proposal site is deemed unlikely to significantly impact the surrounding multifamily residential or single-family residential areas.

The topography associated with the site, with the bed and breakfast parking area and structure itself located below the level of single-family lot to the east provides some natural buffering of noise associated with vehicular ingress to and egress from the site in that direction. Likewise, parking for the apartments/condos (nine vehicles) will be entirely enclosed within the basement of that portion of the structure. Access to both parking areas will be by means of the alley abutting the site on the north which will be graded, paved and otherwise improved to SDOT standards by the developer. Noise impacts associated with activities on site will be effectively enclosed within existing and supplemental landscaping as shown on submitted plans. No further mitigation is warranted.

DECISION-ADMINISTRATIVE CONDITIONAL USE

Based on the foregoing analysis and review, the proposal satisfies the General Provisions of SMC 23.44.018 as well as all relevant requirements and criteria of SMC 23.44.028 which govern uses not otherwise permitted in the zone that may be permitted in structures unsuited to uses permitted outright in single-family zones. The Director, has determined that the proposed uses will not be materially detrimental to the public welfare or injurious to property in the zone or vicinity in which the subject property is located and further determines that the multifamily and bed & breakfast uses should be **GRANTED**.

CONDITIONS – ADMINISTRATIVE CONDITIONAL USE

None.

ANALYSIS - SEPA

The initial disclosure of the potential impacts from this project was made in the environmental checklist submitted by the applicant dated June 8, 2008. The information in the checklist, project plans, and supplementary 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 25.05.665) 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 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.

Construction activities, including construction worker commutes, truck trips, the operation of construction equipment and machinery, and the manufacture of construction materials themselves result 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.

Environmental Health

Concern is raised by demolition, although primarily internal to the existing structure on site, with respect to air quality and environmental health impacts. In particular is the concern for materials containing asbestos which could be disturbed and released into the air/environment during demolition. The Puget Sound Clean Air Agency has jurisdiction over this impact. But there is no reliable means of triggering the involvement of this agency other than by requiring the project proponent to notify the agency of the proposal. Project approval has been made contingent upon such notification.

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 7:00 a.m. and 6:00 p.m. and Saturdays between the hours of 9:00 a.m. and 6:00 p.m. This condition may be modified by DPD to allow work of an emergency nature. This condition may also be modified to permit low-noise exterior work, for example landscaping planting, after approval by DPD.

Earth/Soils

Approximately 5,800 cubic yards of excavation is proposed with this project. 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 appears 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 within one hundred feet of one primary arterial, Rainier Avenue 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 provide 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.

Pedestrian Circulation

The area has a moderate 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 pathways 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 uses can be accommodated by a continuing emphasis on pedestrianism and reliance on alternative modes of transportation, including carpooling and public transportation.

Operational activities, primarily vehicular trips associated with the project and the project's energy consumption over time, are expected to result in increases in carbon dioxide and other greenhouse gas emission impacts 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.

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. These impacts are not considered to be sufficiently adverse to warrant conditioning. 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 substantive SEPA authority, other short-term 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.

[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).

CONDITIONS – SEPA

Prior to Issuance of any Demolition, Grading or Construction Permit

1. A PSCAA Notice of Intent shall be filed with DPD prior to commencing demolition activities.

During Construction

The following condition to be enforced during construction shall be posted at the site in a location on the property line that is visible and accessible to the public and to construction personnel from the street right-of-way. If more than one street abuts the site, conditions shall be posted at 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. The placards shall be laminated with clear plastic or other waterproofing material and shall remain posted on-site for the duration of the construction.

2. To further mitigate the noise impacts of the demolition process and construction activity, the hours of demolition and construction-related activity shall be limited to non-holiday weekdays between the hours of 7:00 a.m. and 6:00 p.m. and on Saturdays between 9:00 a.m. and 6:00 p.m. This condition may be modified by DPD to allow work of an emergency nature after approval from the Land Use Planner.
3. 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 pathways may occur.

CONDITIONS – ADMINISTRATIVE CONDITIONAL USE

None.

Signature: (signature on file)
Michael M. Dorcy, Senior Land Use Planner
Department of Planning and Development

Date: May 11, 2009