



City of Seattle

Department of Planning and Development

Diane M. Sugimura, Director

**CITY OF SEATTLE
DETERMINATION OF THE DIRECTOR OF
THE DEPARTMENT OF PLANNING AND DEVELOPMENT**

Application Number: 3020677 (related to issued MUPs #3011960 and #3008629, and proposal #3023678)

Council File Number: 314316

Applicant Name: Leah Martin, Allied 8, on behalf of Sachin Kukreja

Address of Proposal: 3902 S. Ferdinand Street

SUMMARY OF PROPOSED ACTIONS

Request to amend a Property Use and Development Agreement (PUDA) that was required as a condition to an amendment of the Official Land Use Map, approved under Ordinance 123923.

The following approvals are required:

Director's Determination of Minor Amendment—SMC 23.76.058.B.2.b

Council Approval of minor amendment by ordinance

BACKGROUND

On May 20, 2015, the Department of Planning and Development received from Leah Martin, on behalf of Sachin Kukreja, owner of the property at 3902 S. Ferdinand Street, a request to amend the Property Use and Development Agreement between the previous owner of the property, LR Columbus LLC, and the City of Seattle, executed on July 16, 2012, approved and accepted by the City of Seattle through Ordinance 123923, and recorded with the King County Department of Elections and Records, as provided for in SMC 23.76.058.B.2.

The approved MUP #3011960 is a contract rezone from LR3 to LR3-RC for property located at 3902 S. Ferdinand Street, parcel #1702901220 in the Columbia City neighborhood of the City of Seattle. The approved contract rezone was associated with Master User Permit #3008629 authorizing a change of use of a structure (a former church) to a structure with 5 dwelling units to be located above 3 commercial spaces. With this application, the current property owner, Sachin Kukreja, is petitioning for a minor revision to issued MUP #3008629 and an amendment to the associated MUP #3011960 and PUDA (CF#311662). Changes to the original proposal include reconfiguration of the interior building space to provide additional residential units,

reconfigured commercial space, and removal of the interior parking area. No live/work uses are currently being proposed. No new uses are proposed beyond those approved in the Property Use and Development Agreement (PUDA) confirming the stipulations of Ordinance #123923. Additional descriptions of the proposed amendments are included below.

Notice and Public Comments

Notice of the revised project and request to amend the PUDA were published on November 5, 2015. The comment period ran through November 19, 2015. Approximately 10 written comments were received during the official comment period, authored by 6 different individuals. One individual was supportive of the creative re-use of the church building, but expressed concern regarding the lack of parking proposed. Another individual who had testified in support of the project at the original re-zone hearing, noted that his support was based at least in part on the amount of commercial space, now reduced in the present proposal. Another commentator stated that it was hard to see how any commercial space at this site was of any service to the community. No parking is required by Code, but the lack of parking now proposed bothered at least four of the writers. There was concern expressed regarding the accommodations for garbage and trash collection; even though there was no parking or services proposed from the adjacent alley, one individual thought the project should be held responsible for alley improvements.

Proposed Revisions and Rationale

As explained in a letter to the Department from the applicant dated September 2, 2015, since the time the rezone had been approved, a new owner had purchased the property and a new architectural firm had been brought on board to investigate new configurations and changes that might result in a project more viable than previously proposed. In order to make the adaptive reuse of the church structure more feasible, the current owner is requesting minor changes to the interior configuration, including number and size of both residential and commercial spaces, the elimination of parking as a component of the project. There are no changes to the massing, Floor Area Ratios (FARs), or building height proposed. Several items and aspects of the original re-zone remain unchanged:

- The land (site and right-of-way area) of the rezone (14,700 square feet) remains unchanged;
- The height of the proposal (at 34.6 feet) remains unchanged;
- Lot coverage (89%) remains unchanged;
- The actual site area (6,600 square feet) remains unchanged;
- Modifications to windows, adding new penetrations remains as previously proposed under MUP #3008629.

Changes proposed and the reasons set forth for the changes are as follows:

- Nine parking spaces had earlier been proposed in the basement of the existing structure, with 8 required; no parking is proposed, in conformance with new provisions of the Code. No minimum parking is required per SMC 23.54.015. Table A.II.J.

- Fourteen residential units are proposed instead of 8 units previously proposed. Previously, a density limit would have allowed 8.25 units. There is no maximum density limit for the project as currently proposed, per SMC 23.45.512., Table A, and SMC 23.45.510.C.
- Commercial square footage is reduced; there are two commercial spaces proposed instead of 3 as in the earlier proposal.
- In the earlier proposal multiple upper-level decks were proposed; the present proposal calls for a single main-level amenity area on the west side of the building by converting the shed roof to a rooftop plaza.
- A substantial west-facing dormer was originally proposed; currently no dormers are proposed.
- The original proposal showed basement parking garage for 9 vehicles, a garage door and driveway. No parking is required and none is proposed. No alley improvements are required.

Standard/Characteristic	MUP 3008629	Amended Proposal 3023678
Rezone Area	Total site and ROW area 14,700 sf	Same
Height Proposed	34.6	Same
Lot Coverage	89% (no change from existing)	Same
Parking	8, required; 9 provided	None. No minimum parking is required per SMC 23.54.015 Table A.II.J. <i>New code provision.</i>
Site Area in LR3-RC	6,600 sf	Same
Commercial Units	3 total units, undefined square footage and specific type	2 units of commercial space
Residential Density/Units	8 units proposed 8.25 units allowed Previous code at Table A 23.45.5121:800 allowed a ratio of 1:800 units per square foot of lot area.	14 units Per Table A 23.45.512 FN3 and SMC 23.45.510.C, this project qualifies for no maximum density. <i>New code provision.</i> Upgrading to Built Green standards not required for existing building to qualify for no density limit.
Max Floor Area Ratio	N/A	2.0 <i>Note new code provision.</i> Upgrading to Built Green standards is not required for existing building to qualify for higher FAR.
Exterior Modifications	Modification of windows and adding new penetrations	Same
	Adding multiple upper-level decks	Adding one main level amenity area on the west side of the building by converting shed roof to rooftop plaza.
	Adding a substantial west-facing dormer	No west or east facing dormer proposed.
	Basement parking garage for 9 vehicles. Alley improvements req.	No parking provided; no alley improvements required.

Amendment of Property Use and Development Agreements

SMC 23.76.058.C (Rules for specific Council Land Use Decisions, Amendment of PUDAs for Title 23 zones) sets forth the procedures and general criteria for the Director to make a determination whether a requested amendment is a minor or a major amendment. As described below, the applicant believes this amendment should be considered “minor” because it meets all the criteria set forth in SMC 23.76.058.C.

1. The request is within the spirit and general purpose of the prior decision of the Council

The spirit and purpose of the prior decision of the Director of DPD and the Council was to allow an existing structure designed and formerly used as a church to be adaptively reused as a mixed-use structure with residential apartments and commercial uses. A few significant exterior changes were proposed to the original structure and a contract rezone was sought from LR3 to LR3-RC to accommodate small scale commercial uses. The modified design also proposes adaptive reuse of the church as a mixed-use structure with residential apartments located above commercial space. The revised design reflects at least three important changes to the Land Use Code that have been made since approval of the original PUDA. These are: 1) no requirement for parking associated with the proposed uses; 2) no required maximum density of residential units; and, 3) a new application of FAR standards. Accordingly, the new proposal includes no on-site parking and allocates space differently among residential units to create a greater number of smaller units. The configuration of the commercial space has been changed and the amount of space proposed for commercial use has also been reduced. Overall, there will be fewer exterior changes to the original church structure, creating greater continuity with the existing neighborhood fabric. The amended proposal is well within the spirit and general purpose of the prior Council decision; therefore this criterion is met.

2. The request is generally consistent with the uses and development standards approved in the prior decision of the Council:

The original proposal was for eight apartment units in a building, with spaces provided at ground level for retail use in a configuration that would be allowed through Council approval of a rezone of land from LR3 to LR3-RC. When approved in 2009, the decision of the Council allowed apartment units along with an unspecified quantity of “retail/commercial or live/work” to be located within an existing structure undergoing some internal and external modifications. The amended proposal also is for apartment units located over retail/commercial space that meet the development standards of LR3-RC zoning. At this time, although allowed by Code, no live/work uses are proposed, but the applicant indicates that live/work uses could be added under a separate use permit, given appropriate changes in market conditions in the area. The prior PUDA did not approve any modifications to development standards, and the amended proposal does not seek any modifications to development standards, although it does benefit from amendments and Code changes enacted by the Council since 2009. This criterion is met.

3. *The request would not result in significant adverse impacts that were not anticipated in the prior decision of the Council:*

The requested amendments would increase the number of residential units by six, alter the size and configuration of the commercial space, remove underground parking, and change some exterior modifications to the building such as the location of windows and doors, siding, and outdoor amenity areas. The changes in unit count and parking are consistent with the City's policy and development standards for the site and are unlikely to result in impacts that were not considered by the City when it put these standards in place. See the SEPA discussion below. There are no significant adverse impacts resulting from the proposal overall, nor are there additional adverse impacts from any modifications put forth in the amended proposal; therefore this criterion is met.

4. *The request does not seek any additional waivers or changes in the waivers of bulk or off-street parking and loading requirements other than those approved in the prior decision of the Council:*

There were no requests for additional waivers or changes in the waivers of bulk or off-street parking and loading requirements as part of the prior decision of the Council. There are no requests for waivers as part of this request for an amendment to the PUDA. Therefore this criterion is met.

After reviewing the request and the general criteria set forth in SMC 23.76.058, the Director has determined that the amendment sought is a minor amendment. Modifications to the issued PUDA are within the original scope of the approved project. The determination that this amendment is a minor one, and that it is within the spirit and general purpose of the prior decision of the Council, is a Type I, non-appealable decision.

Master Use Permit (MUP) Revision

There is no specific code guidance or criteria for determining what constitutes a major or minor revision to a Master Use Permit. However, the Department has stated through its public outreach materials (specifically Tip 224B, dated March 3, 2010) that a MUP revision is considered Minor when the proposed changes "have little or no effect on the design or environmental impact of the originally approved permit."

The Director has also determined that modifications to the issued MUP plan sets for this project are within the original scope of the approved project and has further determined that these modifications are minor and within the spirit and general purpose of the prior decision. It has been determined that the issued MUP has not expired, that the revisions do not require any new discretionary approvals (see SMC 23.76.004), are consistent with codes applicable to the original MUP, or meet current code, and that the proposed revisions do not require further public notice or a new written DPD Director's decision. The present determination has been done in accord with the criteria set forth in TIP 224B. This is a Type I, non-appealable decision.

In accord with this determination, the issued MUP plans shall be amended by the applicant to supplement the record and to show the modifications approved by the Director. Corresponding changes shall also be made to plan sets accompanying building permits not yet issued, and shall be submitted as revisions to any construction applications that may have already been issued.

Having made the determination that the proposed amendment is a minor MUP amendment, the Director recommends that the Council approve an Amended and Restated Property Use and Development Agreement (PUDA) to require construction of a building substantially in accord with the modifications to the Master Use Permit approved by the Director as noted above and in accord with the corresponding changes that will be made in all related permits to construct.

SEPA Threshold Determination

The initial disclosure of the potential impacts from this project was made in the environmental checklist submitted to the Department by the former applicant in conjunction with MUP 3011960 and dated July 6, 2011. The information in the checklist, project plans and the experience of DPD as lead agency with review of similar projects formed the basis of the analysis and decision. A DNS (Determination of Non-significance) was issued by the Department of Planning and Development as lead agency on April 5, 2012. The Director's SEPA decision was not appealed.

There are no changes to the threshold determination of *DNS* (an EIS is not required) issued by the Department on April 5, 2012. Further, SMC 25.05.390 C provides that, regardless of any appeals, "a DNS issued by the responsible official may be considered final for purposes of other agencies' planning and decision-making unless subsequently changed, reversed or withdrawn." The DNS for this proposal, issued on June 15, 2011, has not been changed, reversed or withdrawn.


 Michael M. Dorcy
 Senior Land Use Planner

Date 12/15/15

H:dorcym/docs/Determination 3020677(121515). docx