

SEP 25 1987

## FINDINGS AND DECISION

S. E. P. A.

OF THE HEARING EXAMINER FOR THE CITY OF SEATTLE  
PUBLIC INFORMATION CENTER

In the Matter of the Appeal of

FIRST SAMOAN ASSEMBLY OF GOD

FILE NO. MUP-87-025(W)  
APPLICATION NO. 8604717

from a decision of the Director  
of the Department of Construction  
and Land Use on a master use  
permit application

Introduction

Appellant, First Samoan Assembly of God, appeals the decision of the Director, Department of Construction and Land Use, to deny an administrative conditional use to expand its church at 4704 South Mead Street.

The appellant exercised the right to appeal pursuant to the Master Use Permit Ordinance, Chapter 23.76, Seattle Municipal Code.

This matter was heard before the Hearing Examiner on July 8, 1987. The record remained open for on-street parking supply information.

Parties to the proceedings were appellant, represented by Pete Talaga, and the Director, represented by Cheryl Waldman, land use specialist.

No correspondence or testimony was received in opposition to the application.

For purposes of this decision, all section numbers refer to the Seattle Municipal Code unless otherwise indicated.

After due consideration of the evidence elicited during the public hearing, the following shall constitute the findings of fact, conclusions and decision of the Hearing Examiner on this appeal.

Findings of Fact

1. Appellant applied for an administrative conditional use to expand an existing building used as its church at 4704 South Mead Street. The Director denied the application and this appeal followed.

2. The existing church is a converted two-story residence midblock one and one-half blocks east of Rainier Avenue E. The 825 sq. ft. sanctuary is on the second floor and classrooms and office on the first. No formally established parking exists on the site however vehicles do park in vacant areas. The north side of the subject site abuts an unopened alley right of way.

3. Appellant proposes to construct a two-story addition which would add 3,240 sq. ft. A fellowship hall of some 1,100 sq. ft. would be added to the first floor, along with a kitchen, and 1,485 sq. ft. of sanctuary space would be added bringing the seating capacity to about 250 persons. Nine on-site parking spaces would be provided.

4. The subject property is within a single family residence zone which is developed primarily with one and two story single family residences. To the west, along Rainier Avenue is a commercial zone.

5. A large church with no on-site parking is located on South Findlay Street, two blocks north of the subject site. There are two churches on Rainier, one with frontage on South Mead, two blocks to the west, and one at South Juneau three blocks to the southwest. The church on South Mead has extensive on-site parking.

6. The congregation does not use electronic amplification of voices or instruments.

7. New landscaping is proposed for the subject site with a laurel hedge on the east property line screening the parking, lawns, trees and flowering bushes. The Director imposed a condition pursuant to SEPA requiring a revised landscape plan showing a fence on the east, west and north property lines and one on the street property line to screen the parking and substituting flowering plum or cherry trees for the proposed Mexican orange trees.

8. Some additional light is expected to be associated with the larger building. A condition was imposed to assure that light is contained on the site.

9. The front facade of the building is proposed to be modulated. The west facade, facing a single family residence, would be 68 ft. long and will not be modulated.

10. The Director found that the Land Use Code would require a total of 42 spaces for the expanded building, based on the floor area of the sanctuary and fellowship hall. This requirement is reduced by a 10 space credit since the existing church has no parking. Since the sanctuary and fellowship hall would not normally be used at the same time the realistic requirement would be 19 spaces for the new sanctuary plus 10 spaces for the existing space or 14 spaces when just the fellowship hall is in use. The net deficit for the new space would then be 5-10 spaces.

11. Mr. Talaga surveyed the attendance at Sunday services for three weeks this summer. The survey showed 105-111 persons attending the morning service and 80-96 attending the evening service. He found the number of vehicles associated with attendees to be 10-13 in the morning and 7-8 in the evening. A survey in March showed the average Sunday morning attendance to be 130 and the average Sunday evening attendance to be 96. The average Wednesday evening prayer meeting attendance in March was 55. The average attendance at the youth meeting on Friday evening during March was 109. The number of vehicles associated with those services and meetings ranged from 10-24.

12. Mr. Talaga also surveyed the on-street parking on Mead, west to Rainier Avenue and east to 48th Avenue South, and on 46th Avenue South for one block north and south of Mead. He provided on-street parking supply data after the hearing. That showed a total of 32 spaces available along S. Mead between 46th and 48th Avenue S. While the parking survey was not done according to Engineering Department guidelines, it gives a rough approximation of utilization. With no service in process the utilization of on-street parking for the two blocks of S. Mead was shown to average 44 percent and during church services, 69 percent.

13. Church parking apparently does not create a capacity condition for on-street parking, i.e., there is adequate on-street parking for both residents of the area and the church. The additional 5-10 car demand would be easily accommodated.

14. Members of the congregation privately own nine vans, two with capacity for 15 persons and the others holding 12 persons. These are used to bring people to the church. The congregation owns a 32-passenger bus which currently is not operable however a part has been ordered and Mr. Talaga expects that the bus will again be used.

15. Mr. Talaga has oral permission for the congregation to park in the parking lot of the Social Security Administration office midblock between South Mead and South Juneau on Rainier.

The lot is some 800 ft. away by street and would be unlikely to be used by those attending the church unless street parking was at capacity.

16. Pictures of the site and area, Exhibit 6, show very low use of the streets for parking however the photographs were taken midday when residents are not likely to be at home.

17. The Director found that the church meets the dispersion criterion, Section 23.44.022D; that no residential demolition is proposed, Section 23.44.022E; that Section 23.44.022F, reuse of existing structures, is inapplicable; that there is potential for increased noise from larger meeting rooms and, potentially, more participants, but, since no condition was imposed, this apparently was determined not to be a serious problem, Section 23.44.022G; that potential added light and glare can be reduced, through the SEPA condition, Section 23.44.022I; that the proposed landscaping is acceptable subject to changes required by the SEPA condition, Section 23.44.022H; and that the only concern about bulk and siting, Section 23.44.022J, is the length of the western facade but that because of the sanctuary, modulation would not be appropriate so she imposed a condition requiring fencing pursuant to SEPA. None of these findings was challenged.

### Conclusions

1. A church is an institution and may be permitted or permitted to expand in a single family zone as a conditional use. Section 23.44.022. A conditional use may be approved if the proposed use meets the criteria for establishment of that conditional use and if it will not be materially detrimental to the public welfare or injurious to property in the vicinity or zone. Section 23.44.018C. The church is to meet development standards for uses permitted outright except where specifically modified by this section. The section provides a series of standards and considerations for the Director's evaluation of an application for conditional use.

2. The Director based her decision to deny the application on L. Parking and Loading Berth Requirements and on the detriment from potential parking demand on neighborhood streets. Section 23.44.22.L provides that the parking requirements of Section 23.54.015 are to be met but that the Director can modify those requirements based on adopted City policies if the transportation plan filed by the applicant shows there is a "demonstrable public benefit and there will not be undue traffic through residential streets. It appears that church traffic will not cause undue traffic or demand for on-street parking. Further, there is public benefit in that no housing would be sacrificed for parking that would not actually be needed.

3. As to the general requirement that the use not be materially detrimental, the record shows that the small additional parking demand can easily be accommodated and no other material detriment is foreseen. Therefore, the application may be granted.

### Decision

The administrative conditional use is granted.

Entered this 25th day of September July, 1987.

M. Margaret Klockars  
M. Margaret Klockars  
Deputy Hearing Examiner

Concerning Further Review of  
Hearing Examiner Final Decision on Master Use Permits

The decision of the Hearing Examiner in this case is final and is not subject to reconsideration except to correct errors on the ground of fraud, mistake, or irregularity in vital matters. Any party's request for judicial review of the decision must be by application to King County Superior Court for a writ of review within fifteen calendar days of the date of this decision. Seattle Municipal Code Section 23.76.22(C)(12)(c).

If the Superior Court orders a review of the decision the person seeking review must arrange for and bear the cost of preparing a verbatim transcript of the hearing, but will be reimbursed if successful in court. Instructions for preparation of the transcript are available from the Office of Hearing Examiner, 400 Yesler Building, Seattle, Washington 98104, (206) 625-4197.