



FINAL Staff Report & Recommendations

Heritage Center Building B

Type II Minor Modification to a Conditional Use Permit

(2021-026-CUP) August 23, 2021

PROPOSAL:	The applicant proposes a minor modification to an approved conditional use permit (2021-006-CUP). The prior conditional use permit approved Teresa's Little School, a pre-school and tutoring business, to occupy 6,680 square feet of the building. The requested minor modification would allow Teresa's Little School to occupy an additional 1,040 square feet for a total of 7,720 square feet. Minor modifications to approved conditional use permits are reviewed under a Type II administrative process under LCMC 18.250.
LOCATION:	▪ 419 E Cedar Avenue, Building B, La Center, WA 98629. Parcel nos. 62702000, 62694000, 62715000, and 62615000
APPLICABLE STANDARDS	This staff report addresses the following standards and approval criteria: Engineering Standards, 18.250 Conditional Uses
RECOMMENDATION:	APPROVAL , subject to conditions

CONTACT LIST

OWNER/APPLICANT

Roy Heikkala
Genteel Investments LLC
PO Box 1434
Vancouver, WA 98668
360-921-8244

APPLICANT'S REPRESENTATIVE

Same as owner

LA CENTER STAFF

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I. OVERVIEW AND PROCEDURAL BACKGROUND

Proposal

Genteel Investments is proposing to make a minor modification to the previously approved conditional use permit (2021-006-CUP) to improve Building B at the existing Heritage Center commercial complex to allow Teresa's Little School, a pre-school and tutoring business, to occupy the entire top floor and part of the bottom floor of the building. Teresa's Little School was permitted under the previously approved conditional use permit to operate in 6,680 square feet of Building B. The top floor of the building is 3,600 square feet and the bottom floor of the building is 5,200 square feet. Pre-schools, daycares, nursery schools and private educational uses require a conditional use permit under section 18.150.020 of the La Center Municipal Code in the C-1 zone where the building is located. The minor modification request would allow for Teresa's to use an additional 1,040 square feet of the building for a total of 7,720 square feet. Minor modifications to an approved conditional use permit are a Type II process under LCMC 18.250. The building where the proposed uses would be located is currently constructed and was approved under Site Plan Review (2019-010-SPR/SEPA) in May 2019. Final site plan review for the building is pending a decision on this minor conditional use permit modification.

Application Timeline:

- City approval of preliminary site plan review was issued (2019-010-SPR/SEPA) May, 2019
- City approval of original conditional use permit (2021-006-CUP) for Teresa's Little School- April, 2021
- The City issued a determination of completeness on August 9, 2021 for the Type II Minor Modification to the Conditional Use Permit.
- The City issued a 14-day notice of application on August 9, 2021 date for the Type II Minor Modification to the Conditional Use Permit.

Applicable Standards and Approval Criteria

This staff report addresses the following standards and approval criteria 18.250, Conditional Uses and the La Center Engineering Standards.

II. ENGINEERING REVIEW

Chapter 3.35 -- Impact Fees

Findings: Park and school impact Fees will not be applied as the proposal is a commercial use.

Condition of Approval: Traffic impact fees are typically assessed at the time of building permit application. Impact fees for traffic, sewer, school and parks will be assessed for this project. Each dwelling unit will be assessed impact fee per LCMC 3.35.040

The applicant resubmitted a traffic analysis/ Memorandum as part of the original conditional use permit application in order to determine the number of PM Peak Hour trips that will be generated for the building tenant use. The memo found the number of PM Peak hour trips that would be attributed to the building is 14. The TIF based on these Peak PM hour trips will be assessed at the time of occupancy.

The Impact fee for sewer, is estimated based on the use of the building. The area of Building B is 8,800 SF as office/retail, according to the application. Per LCMC 18.10.350, commercial use is assigned 1 ERU per 1,600 SF of internal floor area. According to this information, the applicant will be assessed 6 ERU's for Sewer Development Charge impact fee at the time of occupancy.

Title 12 --Street, Sidewalks and Public Ways

City of La Center Engineering Standards for Construction shall apply to all public road improvements unless modified by the director. LCMC 12.10.040.

Per LCMC 12.10.190, the applicant half street improvements adjacent to the site is required. 5th Street has been previously built to Local Access Standard, so no widening is necessary. Existing damaged sidewalk on 5th Street has been completed and handicap ramp truncated domes need to be installed at the handicap ramp at 5th Street and Cedar Avenue to meet current ADA standards.

Streets and Circulation: There is adequate circulation of existing streets adjacent to the development.

Grading: The City Erosion Control Standards require that any activity disturbance over 500 SF must comply with the City standards. Per the City Erosion Control Manual, from October 1 through April 30th, no soils shall remain exposed for more than two (2) days. From May 1st through September 30th, no soils shall remain exposed more than seven (7) days.

Chapter 13.10 -- Sewer System Rules and Regulations

Connection to public sewer is required. LCMC 13.10. All work is to be performed by a duly licensed contractor in the City of La Center. LCMC 13.10.230. Work will be performed using an open trench method unless otherwise approved. LCMC 13.10.200. All costs associated with installing the side sewer shall be borne by the applicant. LCMC 13.10.110.

and existing sewer lateral was placed during construction of Heritage Buildings A & C for building B. Building B has been connected to this new lateral. To verify the condition of this existing sewer lateral, a video of this existing lateral must be submitted to the City to verify it is adequate for use.

Per LCMC 13.10.350 The impact fee per the LCMC is 6 ERU's for SDC based on the commercial building area.

Findings: Building. The site has already been graded, and the building and parking lots are nearly completed. Erosion control will need to remain in place until the project is completed.

III. LAND USE REVIEW

Chapter 18.30 -- Procedures

Findings: Minor modifications to an approved conditional use permit follow a Type II procedure according to LCMC 18.250.040(3) as outlined in LCMC 18.30.090 and was noticed in accordance with

18.30.050 and 18.30.120 to property owners within 300 feet, applicant, and agencies with jurisdiction. The applicant optionally selected to notice the application to properties within 300 feet, rather than 150 feet normally required for a Type II application. The application was deemed complete on August 9, 2021. Type II reviews do not require a public hearing.

Staff find that the applicant has met the burden of proving they meet the applicable regulations or can be conditioned to do so as summarized in this staff report.

Chapter 18.250— Conditional Uses

18.250.030 Application contents

Finding: Conditional use permit minor modification applications are required to submit all items specified in 18.250.010 as determined by the director which include a completed application form, a preliminary plan including all information specified in 18.250.010, proposed dedications to the City, a written description, and any other relevant information deemed necessary by the City. The applicant provided all necessary review materials and the application was deemed complete on August 9, 2021. Application materials are provided as Exhibits A to this report.

18.250.040 Criteria for approval, minor modifications and revocation

(3) The review authority may approve a minor modification, alteration or expansion of an approved conditional use pursuant to a Type II process if:

- a) The modification, alteration or expansion will result in less than a 20 percent cumulative enlargement or relocation of the structure, floor area, parking area or exterior improvement area, up to a total maximum of 5,000 square feet;*

Finding: The applicant is requesting a modification to the previously approved conditional use permit 2021-006-CUP that approved the use of 6,680 square feet of Building B of the Heritage Center for Teresa’s Little School. The increase of 1,040 square feet is 16 percent, below the maximum 20% allowance. No additional parking or structure expansion is requested as part of this application. The proposed modification falls within the threshold of this criterion.

- b) The existing use is in compliance with all conditions of approval of the original permit;*

Finding: The land use related conditions of approval associated with the original conditional use permit are listed below.

Prior to Issuance of Occupancy

- 1. The applicant shall obtain final site plan review and engineering document approval prior to occupancy to ensure compliance with the conditions of approval from the preliminary site plan review and this conditional use permit application.*
- 2. The applicant shall comply with the International Building Code and International Fire Code prior to occupancy through the issuance of a building permit and tenant improvement permits.*
- 3. The applicant shall obtain, and furnish to the City a copy of a State of Washington license for childcare and early learning facility prior to issuance of occupancy, or evidence that such licensing is not required for the proposed private school use.*

4. *Parking space adequacy shall be verified prior to occupancy for the remaining unleased space in Building B not used for Teresa’s Little School or when there are subsequent changes of use in the building.*

Prior to final site plan approval

5. *The applicant is required to designate two parking spaces for loading and unloading of children prior to final site plan approval.*

Finding: The applicant has not received final site plan review. These conditions will be verified prior to final site plan issuance.

Parking space adequacy for the use of 6,680 square feet of Building B for Teresa’s Little School was verified in the original conditional use permit (2021-006-CUP). The applicant’s updated traffic letter for an additional 1,040 square feet of building area to be used as Teresa’s states that the maximum number of students at any one time will remain the same and no additional parking is required.

- c) *Such modification, alteration or expansion is not expressly prohibited by the zone or the conditional use permit issued for the existing use.;*

Finding: The previously approved conditional use permit (2021-006-CUP) did not prohibit any expansion of the permitted use. The expansion of the proposed use – Teresa’s Little School – is not prohibited in the C-1 zoning district. A **condition of approval** is that the applicant shall apply for and receive a tenant improvement permit for an additional 1,040 square feet to be used as Teresa’s Little School. This criterion is met.

IV. CONCLUSIONS & RECOMMENDATION

The review authority finds the applicant has sustained the burden of proving the application complies with the applicable provisions of the La Center Municipal Code. Therefore, **the subject application is recommended for approval, subject to the following conditions:**

1. The applicant shall apply for and receive a tenant improvement permit for an additional 1,040 square feet to be used as Teresa’s Little School.

V. APPEALS

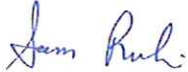
A final decision regarding a Type II application may be appealed by the applicant, applicant’s representative, or by any person, agency, or firm with an interest in the matter within 14 calendar days after the date of decision. Appeals shall contain all information specified in LCMC 18.30.130. The public record for this file is available at the City’s Public Works Building, 305 NW Pacific Highway, La Center, Washington between the hours of 8:00 a.m. and 5:00 p.m., Monday through Friday. Please contact Sarah Dollar at 360-263-7665 for further information.



Ethan Spoo, AICP
Consulting City Planner



Anthony Cooper, PE
City Engineer



Sam Rubin, AICP
Consulting City Planner

VI. Exhibits

Exhibit A – Application Materials

1. Master Land Use Application
2. Project Narrative
3. Revised Traffic Letter – Kelly Engineering, August 17, 2021

Master Land Use Application



City of La Center, Planning Services

305 NW Pacific Highway

La Center, WA 98629

www.ci.lacenter.wa.us

Ph. 360.263.7665 Fax: 360.263.7666

www.ci.lacenter.wa.us

Property Information

Site Address 419 Cedar Avenue LaCenter WA 98629 Bldg B

Legal Description _____

Assessor's Serial Number 62702000, 62694000, 62651000, 62715000 & 62615000

Lot Size (square feet) 79,279

Zoning/Comprehensive Plan Designation Commercial C-1

Existing Use of Site Office, Retail Shopping Center and Private School

Contact Information

APPLICANT:

Contact Name Roy Heikkala

Company Genteel Investments LLC

Phone 360 921-8244 Email rovheikkala@gmail.com

Complete Address PO Box 1434 Vancouver, WA 98668

Signature 
(Original Signature Required)

APPLICANT'S REPRESENTATIVE:

Contact Name Roy Heikkala

Company Genteel Investments LLC

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Complete Address PO Box 1434 Vancouver, WA 98668

Signature 
(Original Signature Required)

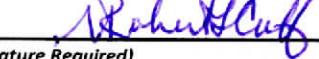
PROPERTY OWNER:

Contact Name Robert L Colf

Company PO Box 1434 Vancouver, WA 98668

Phone 360 694-5364 Email PO Box 1434 Vancouver, WA 98668

Complete Address PO Box 1434 Vancouver, WA 98668

Signature 
(Original Signature Required)

Development Proposal

Project Name

Type(s) of Application Minor Modification of Conditional Use Permit 2021-006-CUP Heritage Center Building B

Previous Project Name and File Number(s), if known Teresa's Little School

Pre-Application Conference Date and File Number Feb 12, 2021 and CUP April 9, 2021

Description of Proposal Requesting a Minor Modification of Conditional Use Permit 2021-006-CUP to add 1,040 square feet of class room and related space to their school area. The CUP approved 6,680 sq ft of school space in Building B of Heritage Center.

Office Use Only

File # _____

Planner _____

Received By _____

Fees: \$ _____

Date Received: _____

Date Paid: _____

- Procedure:** Type I
 Type II
 Type III
 Type IV

Receipt # _____

Notes _____



AGREEMENT TO PAY PROFESSIONAL, PROJECT REVIEW, INSPECTION AND RELATED EXPENSES

THIS AGREEMENT is entered into by and between the City of La Center, a Washington municipal corporation, and Applicant Genteel Investments LLC concerning the following Project:

Project address: Parcel #: 419 Cedar Ave LaCenter, WA 98629 Bulding B

Project/permit review: _____

Applicant recognizes that the City is obligated by state law and the La Center Municipal Code to provide a complete review of land use and development applications, including all technical support documents, to determine compliance with all applicable approval standards. The City is also authorized to recover from applicants the actual cost of performing land use and technical plan and project reviews, including engineering, project inspections, planning and legal peer review. The costs of internal and outsourced review will be charged on an actual time and materials basis plus administrative fees as approved by City Council Resolution No. 13-372. To recover actual costs, the City will invoice the Applicant monthly for the costs of all internal and all outsourced review for this project. Payment is due by the Applicant within 30 days.

Applicant hereby agrees to pay the City's actual (time and materials) pertaining to reviews associated with the above named for land use review, engineering review, plan review, peer review, inspection and associated fees associated with or for the above-mentioned project. The Applicant further agrees to any delay in the issuance of a final decision on the Project until the Applicant has paid or kept current all of the City's review costs as provided and billed.

Any dispute that arises over the interpretation or application of this Agreement shall be resolved by the City Council through a public hearing process. The City Council's decision in such a matter shall be final.

IT IS SO AGREED:

Applicant

By: *Robert D. Coff*

Title: Manager

Date: 7/23/2021

City of La Center

By: _____

Title: _____

Date: _____

Narrative and Justification

July 23, 2021

The Heritage Center located at 419 Cedar Avenue in LaCenter Washington obtained a Conditional Use Permit 2021-006-CUP on April 9, 2021 to use 6,680 sq ft of Building B as Teresa's Little School. The school would like to expand their facilities by 1,040 sq ft in the same building on the lower floor.

Currently Teresa's Little School occupies one space in existing building A and one space in existing building C for a total of 1,600 sq ft. They have been operating since 2017. They wish to move their operation to Building B. They have signed leases to take the top floor (3,600 sq ft) and 3,020 sq ft on the lower floor of Building B. Once they move to Building B, they will be no longer use their existing 1,600 sq ft in buildings A and C.

The operating hours for the preschool will be 7am to 3 pm on the second floor only. All other areas are devoted to one on one tutoring from age kindergarten to adult. The additional 1,040 sq ft will be for one on one tutoring, a rest room and some storage space. We have provided for an adequate number of bathrooms to accommodate the maximum amount of students, tutors and administrators that could be present at any one time. The schools operating hours will be 7am to 8pm Monday through Saturday.

We are in a Commercial Zone C-1 and are requesting a Minor Modification to the Conditional Use Permit to expand the school by 1,040 sq ft. The new space will provide room for additional students and their tutor.

Criteria for Approval LCMC 18.250.040(1)

Criteria (a) The characteristics of the site to accommodate the proposed use and necessary mitigation of potential adverse impacts considering size, shape, location, topography and natural features

Answer: The Heritage Center is designed to accommodate both office and retail uses. The additional proposed use of an educational facility will not require additional changes to the facility with respect to public services (sanitary, power, stormwater, sidewalk a or public access). The attached Traffic Memo shows that the school will generate less traffic than many outright uses within the C-1 zone such as Small Office Buildings, Athletic Clubs and Copy, Print and Express Ship Stores. The building will be fully sprinkled and provide approved fire protection and access requirements by code.

Criteria (b) All required public facilities (water, sanitary waste, drainage and roads) have adequate capacity to serve the proposed use.

Answer: The existing buildings on site are served by public water, roads, power and sanitary sewer. The storm water systems was designed to accommodate a full build out of the center including Build B. We have already received building permits for Building B shell and top floor tenant improvements. The approval was based on the fact that there are adequate roads, sanitary facilities, stormwater system and other utilities available to adequately service the center.

Criteria (c) The proposed use complies with the applicable requirements of the zone except as otherwise approved by variance or other means consistent with the LaCenter Municipal Code.

Answer: The property of the Heritage Center is zoned Commercial C-1. Chapter 18.1`50.020 Use Table Section 14 allows Preschools and Private Educations Institutions by Conditional Use. The attached floor plans comply with the space and restroom requirements of the proposed usage. The building is fully sprinkled and adequate onsite parking is provided. Chapter 18.250.040 allows for a minor modification of a Conditional Use Permit if it meets

Criteria (d) The establishment, maintenance or operation of the proposed will not under the circumstances of the particular case, be significantly detrimental to the health, safety or general welfare of persons residing or working in the neighborhood of such proposed use or be detrimental or injurious to the property and improvements in the neighborhood or to the general welfare of the city.

Answer: The proposed use is within a Commercial zone that the City has designated numerous retail and service businesses. The center provides three areas of ingress and egress. In addition, the proposed use will also have an area on 5th street to drop off and pick up students, thus eliminating the need to drive into the center. With the onset of Covid the demand for one-on-one tutoring has skyrocketed to assist students that are falling behind with online learning. Rather than transferring to private schools, students can get the supplemental help they need and be successful in the public school system.

Criteria for Approval of a Minor Modification to a Conditional Use Permit LCMC 18.250.040(3)

Criteria(a) The modification, alteration or expansion will result in less than a 20% cumulative enlargement or relocation of the structure, floor area, parking area or exterior improvement area, up to a maximum of 5,000 square feet.

Answer: The current Conditional Use permit allows for 6,680 square feet of educational space in Building B. The criteria allows for up to 20% or 1,336 square feet. We are requesting 1,040 sq ft. Our request falls within the 20% approval criteria. We are not expanding the building structure or the parking area for the building or center.

Criteria (b) The existing use is in compliance with all conditions of approval of the original permit.

Answer: All conditions of the existing CUP have or will be met by the time the building receives its occupancy permit. A photo metric plan has been submitted to the City; no trees greater than 5" in diameter will be cut down for this project; a Final Landscaping Plan has been submitted to the City; an underground storm water maintenance report has been submitted to the City Engineer; We have obtained a signage permit for the building signs and directories required under the existing Conditional Use Permit and the Fire Marshall has reviewed and approved the signage and location; we have designed 2 pupil drop off and pick up locations in front of the main entry to the school on the second floor; and the parking requirement for the entire building is met with the original proposed plan.

Criteria (c) Such modifications, alterations or expansion is not expressly prohibited by the zone or the conditional use permit.

Answer: The Conditional Use Permit or Zoning Codes does not prohibit the modification, alterations or expansion of the facilities for the proposed use.

Chapter 18.155 Downtown Overlay District

The proposed development complies with the LaCenter downtown Overlay District. This building shell permit has already been approved and meets these requirements.

Condition: Facades shall be varied and articulated.

Answer: The building is one story on the western end and two story on the eastern portion. The covered walking over hang is broken up into several sections. The building is a mirror image of building A built in the early 2000s.

Condition: Sidewalk Construction

Answer: All sidewalks are existing. We will repair any that are damaged during construction and will work with the City Engineer on ADA corrections as needed.

Condition: Street and Parking Lot Trees

The attached landscape plan shows that all necessary street and parking lot trees are provided according to City code.

Condition: Street, parking lot and building Lighting

Answer: All lighting will be shielded so as not to create off site glare to neighbors.

Condition: Permitted Colors

Answer: the building color is an earth tone light brown to match the existing buildings.

Condition: Pitched Roof, minimum of 6:12

Answer: The roof pitch is 7:12.

Condition: Limit building height to 35 feet.

Answer: The building is built on a slope parcel of land. It is two stories on the shopping center side(south) and 1 story on the 5th street side facing neighbors. The height meets the height limitation.

Condition: Building Entry and Exit lighting.

Answer: All building entry and exits have adjacent lighting in excess of 4 foot candles. They are also shielded or located so as not to create glare to the neighboring properties.

KELLY ENGINEERING

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Phone: 360-433-7530

e-mail: Kellyengineer@comcast.net

August 17, 2021

Roy Heikkala
PO Box 211
Vancouver, WA 98666

*Subject: Site Traffic Generation, Teresa's Little School
La Center, Washington*

Roy:

This is a site traffic generation estimate for the amount of traffic that could come from the 7,660 sq. ft. GFA private school for tutoring to be known as Teresa's Little School. The site is located in the Heritage Center at 419 Cedar Ave. in La Center. A private school for tutoring would be a conditional use under Chapter 18.150 (14, Services - Educational, h., Public/private educational institutions) of the La Center Municipal Code. The site is in the Downtown Commercial (C-1) District.

I based my calculations on 24 students that would attend the school during the peak hour of school activities. This would be the peak hour of the generator, i.e. the school. I also used a land use of Private School (K-12) and an independent variable of students. Private School (K-12) is land use code 536 in the ITE Trip Generation Manual, 10th edition. Based on my calculations the school could generate 14 trips during the PM peak hour of school activities. A trip is a one-directional vehicle movement.

In comparison to other permitted land uses for an assumed 7,660 sq. ft. GFA building under the C-1 zoning 14 trips is a minimal impact in regards to traffic. Other permitted land uses under the C-1 zoning for a building of comparable size would be a Quality Restaurant (ITE code 931, 36 PM trips), Small Office Building (ITE code 712, 29 PM trips), Athletic Club (ITE code 493, 48 PM trips) and a Copy, Print and Express Ship Store (ITE code 920, 94 PM trips).

Please contact me if you have any questions regarding the above. I can be reached at 360-433-7530 or e mail to Kellyengineer@comcast.net.

Sincerely,



David Kelly, P.E.
Transportation Engineer

