CITY OF SEATTLE ANALYSIS AND DECISION OF THE DIRECTOR OF THE SEATTLE DEPARTMENT OF CONSTRUCTION AND INSPECTIONS

Project Number:	3039302-SD
Applicant Name:	Mike Janes for Seattle Public Schools
Address of Proposal:	4030 NE 109 th Street

SUMMARY OF PROPOSED ACTION

Public School Departure for John Rogers Elementary School.

The following approvals are required:

Establishment of Development Standard Departure for Public Schools (SMC Chapter 23.79) to approve or condition the following departures:

- 1. To allow greater than allowed building height. (SMC 23.51B.002 D1b)
- To allow less than required vehicle parking. (SMC 23.54.015)
- 3. To allow reduced bicycle parking standards. (SMC 23.54.015 K 2a)
- 4. To allow a changing image message board. (SMC 23.55.020B)

SITE AND VICINITY

Site Zone: Neighborhood Residential 2 (NR 2)

Nearby Zones: Surrounded by Neighborhood Residential 2 (NR 2) zoning.

ECAs: Steep slope Environmentally Critical Areas (ECA) are mapped along the north, east and west property lines. Liquefaction Prone areas are mapped at the south of the site. Wetlands 50-foot buffer and Riparian Corridor are also mapped at the south of the site along Thorton Creek.



The applicant was granted an ECA Exemption for development on steep slopes as a result of previous construction activity on the site. SDCI review of ECA issues will occur on the building permits.

Proposal Information

Page 2 of 12 Project No. 3039302-SD

Seattle Public Schools (SPS) proposes to construct a new school. Project documents are available in the electronic file at <u>http://www.seattle.gov/SDCI/</u>.

Previous SEPA Related Actions

Prior to application for a Public School Departure Permit, the District exercised its prerogative to act as lead agency. A Mitigated Determination of Non-Significance (MDNS) was issued by Seattle Public Schools. An appeal was registered. The MDNS was recommended to be affirmed by the SPS Hearing Examiner and accepted by the SPS SEPA official on March 29, 2023. The SEPA review is not part of the Public School Departure Process SMC 23.79, the subject of this decision. SEPA documents can be found on the Seattle Public Schools website.

Public Comment

The Department of Neighborhoods (DON) published a notice of School Advisory Committee formation as per the School Departure Process per SMC 23.79. DON received public comments during the process. The City of Seattle does not publish a notice of application for the Public School Departure process.

Development Standard Departure

The Seattle School District submitted a request for several departures from certain Seattle Municipal Code Development Standards (SMC 23.51B) for the proposed school. The Department of Neighborhoods (DON) is charged with administering the School Departure process per SMC 23.79.

PROCESS CHANGES DUE TO COVID-19

- Seattle City Council approved legislation on Monday April 27, 2020 to keep key projects safely moving forward for at least 180-days.
- The school departure recommendation process typically requires in-person public meetings, which are prohibited due to public health mandates on social distancing and limited gatherings.
- While this ordinance is in effect, DON staff will accept written public comment and the Director of Seattle Department of Neighborhoods will make a recommendation to the Seattle Department of Construction and Inspections (SDCI) taking into consideration the public's comments, in lieu of the committee holding public meetings.

The final Development Standard Departure Report is available in the public electronic file at the following link <u>http://www.seattle.gov/SDCI/</u> under the project number.

ANALYSIS – Development Standard Departure for Public Schools

The Development Standard Departure process is conducted pursuant to the provisions of Seattle Municipal Code (SMC) sections 23.79.002-012.—. Public comment was received, and a written recommendation to the Director of SDCI prepared.—. The Director prepares an analysis and decision per SMC section 23.79.010. The Director will determine the amount of departure to be allowed as well as mitigation measures to be imposed.—. The Director's decision shall be based on an evaluation of the factors set forth in Section 23.79.008 C and comments from the public.—.

Page 3 of 12 Project No. 3039302-SD

If the Director modifies the recommendations of the recommendation, the reasons for the modification shall be put forth in writing.

In reviewing the departure request, SMC Section 23.79.008 directs the Advisory Committee (DON in the Covid emergency legislation) to "gather and evaluate public comment", and to "recommend maximum departures which may be allowed for each development standard from which a departure has been requested"—. It states, "Departures shall be evaluated for consistency with the objectives and intent of the City's Land Use Code....., to ensure that the proposed facility is compatible with the character and use of its surroundings". The Advisory Committee (DON) is directed to consider and balance the interrelationships among the following factors in SMC 23.79.008 C 1. Departures shall be evaluated for consistency with the general objectives and intent of the City's Land Use Code, including the rezone evaluation criteria in Chapter 23.34 of the Seattle Municipal Code, to ensure that the proposed facility is compatible with the character and use of its surroundings. The code then distills the objectives and intent of the city is compatible with the character and use of surroundings. The code then distills the objectives and intent of the code into specific criteria to consider when assessing departures as follows:

- a. Relationship to Surrounding Areas: The Advisory Committee shall evaluate the acceptable or necessary level of departure according to:
 - 1. Appropriateness in relation to the character and scale of the surrounding area;
 - 2. Presence of edges (significant setbacks, major arterials, topographic breaks, and similar features) which provide a transition in scale;
 - 3. Location and design of structures to reduce the appearance of bulk;
 - 4. Impacts on traffic, noise, circulation, and parking in the area; and
 - 5. Impacts on housing and open space. More flexibility in the development standards may be allowed if the impacts on the surrounding community are anticipated to be negligible or are reduced by mitigation; whereas, a minimal amount or no departure from development standards may be allowed if the anticipated impacts are significant and cannot be satisfactorily mitigated.
- b. Need for Departure: The physical requirements of the specific proposal and the project's relationship to educational needs shall be balanced with the level of impacts on the surrounding area. Greater departures may be allowed for special facilities, such as a gymnasium, which are unique and/or integral and necessary part of the educational process; whereas, a lesser or no departure may be granted for a facility which can be accommodated within the established development standards.

Departure Request and Advisory Committee Recommendation

The Seattle School District submitted a request for a departure from certain Seattle Municipal Code Development Standards to accommodate the construction of a new school—.

The city initiated the Development Standard Departure Process, pursuant to SMC 23.44.006F and 23.79. The Code requires that the Department of Neighborhoods (DON) convene a Development Standard Advisory Committee (hereinafter referred to as "the Committee") when the School District proposes a departure from the development standards identified under the Code. These standards are popularly referred to as the "zoning code."

The purpose of the Committee is 1) to gather public comment and evaluate the proposed departures for consistency with the objectives and intent of the City's land use policies to ensure

Page 4 of 12 Project No. 3039302-SD

that the proposed facility is compatible with the character and use of its surroundings; and 2) to develop a report and recommendation to the Seattle Department of Construction and Inspections (SDCI) from DON. (SMC 23.79.008)

Due to public health mandates on social distancing and limited gatherings related to COVID-19, the Seattle City Council approved legislation on Monday, April 27, 2020 to keep key projects safely moving forward by suspending public meeting requirements.

While this ordinance is in effect, in lieu of the committee holding public meetings, DON staff will accept written public comment and the Director of DON will make a recommendation to SDCI, taking into consideration the public's comments.

Following completion of the Recommendation Report and its transmittal to SDCI, the Director of SDCI will issue a formal report and decision. The Director of SDCI will consider the recommendations and will determine the extent of departure from established development standards which may be allowed, as well as identify all mitigating measures which may be required. The Director's decision is appealable.

The Department of Neighborhoods sent notices to residents within 600 feet of the proposed new school and to a list of individuals and organizations that had shown interest in other community issues in the vicinity.

In order to accommodate the educational program for this project, the district requested the following departures from the public school development standards found in SMC 23.51B.002. The departure requests are further outlined in the applicant's power point presentation found in the electronic public file under the project number.

	Table A- Departure requests		
	Development Standard	Required/Allowed	Proposed Departure
1	SMC 23.51B.002 D1b	35 feet is allowed.	55 feet for a departure of 20 feet for
	Building Height		portions of the building.
2	SMC 23.54.015 Table C	145 parking spaces are	To allow less than required parking,
	Vehicle Parking	required.	42 parking spaces.
3	SMC 23.54.015 K2a	Code requires secure parking	To allow 19 secured spaces for a
	Bicycle Parking	for 73 spaces	departure of 54.
4	SMC 23.55.020B	No flashing, changing-image	To allow a changing-image message
	Signage	message board signs shall be	board sign.
		permitted in neighborhood	
		residential zones.	

Departure #1 for Building Height SMC 23.51B.002.D1b

The code allows a maximum building height of 35 feet above existing average grade plane. SPS proposes a maximum building height of 55 feet above existing average grade plane for a portions of the building.

Departure #2 for Vehicle Parking Quantity (Automobile) SMC 23.54.015 Table C

The code requires 145 automobile parking spaces. SPS proposes 42 automobile parking spaces for a departure of 103 spaces. 74 event and evening parking spaces will be available.

Departure #3 for Bicycle Parking standards SMC 23.54.015K2a

Page 5 of 12 Project No. 3039302-SD

The code requires secure locations for all long-term bicycle parking. SPS proposes secure long-term bicycle parking for 19 of the 73 parking spaces for a departure of 54. The remaining bicycle spaces will be secure.

Departure #4 for a Changing Image Message Board Sign SMC 23.55.020 B

The code does not allow changing-image message board signs in Neighborhood Residential 2 zones. SPS proposes (1) double-sided, electric changing image message board sign as a departure.

DON Review and Recommendations

Public Comment

The public comment period was opened on June 23, 2022. A press release was sent out directly to media outlets and postcards were sent to addresses within approximately 600 ft of the school property. Signs were also posted at the perimeter of the school requesting public comment and shared in the Land Use Information Bulletin (LUIB).

DON also created a webpage where the public could submit their comments and instructed SPS to post signs about the public comment period at the perimeter of the school property.... The departure information and public comment notice was also published in the City's Land Use Information Bulletin (LUIB) at DON's request.... The public comment period (managed by DON) ran through August 12, 2022. The comments are included at the end of the DON recommendation posted on the DON website and this project record.

DON notes that public comment included comments on keeping a large play field, a low key electronic sign, walking paths the public can use, support for fields and thus for the parking departure..._Comments were received contrary to the reduced parking, risks to the wetland, loss of trees, noise and cultural resources..._Some comments wanted the full parking requirement to be provided..._Concerns on traffic in the area and wetland buffer were voiced. Concerns on signage and bicycle use were registered. Traffic concerns for SDOT to consider, moderate concern on building over height areas and concern on the proposed sign.

Application of Review Criteria to Requested Departures and Committee Recommendations

The Seattle Municipal Code intent is to grant departures from the requirements of the Municipal Code to accommodate the educational needs of the programs to be located in Neighborhood Residential zoned neighborhoods. The Seattle School District has demonstrated that it cannot accommodate the program necessary for this school without receiving departures.

Need for Departures

Each departure was evaluated by DON staff for consistency with the general objectives and intent of the Code, and to balance the interrelationships—. The analysis is included in the DON Design Departure Recommendation Report in the public electronic file.

SDCI DIRECTOR'S ANALYSIS

Page 6 of 12 Project No. 3039302-SD

The Director's decision shall be based on an evaluation of the factors set forth in Section 23.79.008 C1, the majority recommendations and minority reports of the Advisory Committee, comments at the public meeting, (DON, emergency legislation) and comments from the public. Departures shall be evaluated for consistency with the general objectives and intent of the City's Land Use Code, including the rezone evaluation criteria in <u>Chapter 23.34</u> of the Seattle Municipal Code, to ensure that the proposed facility is compatible with the character and use of its surroundings. The code then distills the objectives and intent of the code into specific criteria to consider when assessing departures as follows:

Section 23.79.008 C1

a. Relationship to Surrounding Areas: The Advisory Committee shall evaluate the acceptable or necessary level of departure according to:

- 1. Appropriateness in relation to the character and scale of the surrounding area;
- 2. Presence of edges (significant setbacks, major arterials, topographic breaks, and similar features) which provide a transition in scale;
- 3. Location and design of structures to reduce the appearance of bulk;
- 4. Impacts on traffic, noise, circulation and parking in the area; and
- 5. Impacts on housing and open space. More flexibility in the development standards may be allowed if the impacts on the surrounding community are anticipated to be negligible or are reduced by mitigation; whereas, a minimal amount or no departure from development standards may be allowed if the anticipated impacts are significant and cannot be satisfactorily mitigated.
- b. Need for Departure: The physical requirements of the specific proposal and the project's relationship to educational needs shall be balanced with the level of impacts on the surrounding area. Greater departure may be allowed for special facilities, such as a gymnasium, which are unique and/or an integral and necessary part of the educational process.

SDCI's responses to the aforementioned criteria are detailed below.

a. Relationship to Surrounding Areas:

Departure #1 – To allow greater than allowed building height. (SMC 23.51B.002 D1b)

The applicant request for a height departure of 20 additional feet at a portion of the east and central side of the building was a subject of some public comments. Some public comments noted that the building should be no taller than two-stories and questioned the necessity for extra height. Other comments supported the additional height.

The design team used the site topography to place the extra height near a topographical cut in the slope and next to a forested portion of the site. The extra height will allow for classrooms.

After consideration, the DON recommended approval of the departure.

The departure is appropriate in relation to the character and scale of the surrounding area and appropriately located on the site. The main over height area will be limited in area, 45% of the

Page 7 of 12 Project No. 3039302-SD

roof area. A transition in scale is achieved in part by the topography of the terraced site, east and central location and existing vegetation. The over height areas will increase the appearance of bulk at the interior of the site but is commensurate with the overall scale of the school.

The Director finds that the height departure will not exacerbate existing traffic, noise, circulation, or significant impacts on housing in the area. The areas of additional height are somewhat interior to the site and not at the edge of the school or at property lines.

Considering the criteria, the recommendations from the Department of Neighborhoods, and public comments, the Director grants the departure request.

Departure #2 - To allow less than required vehicle parking. (SMC 23.54.015)

Seattle Public Schools prioritizes area for learning and play rather than parking private automobiles that encourage single-occupancy travel. The proposed parking lot configuration allows more of the school property to be devoted to outdoor classroom and play space than if no departure was requested. 74 event and evening parking spaces will be available onsite on paved surfaces including the playground. After consideration, DON recommended that the departure to allow less than required parking be granted as requested by the Seattle Public Schools with conditions.

- Three additional striped parking stalls, for a total of 42 striped parking stalls (39 were indicated in SPS' earlier presentation); and
- Space for 20 additional overflow and event parking stalls at the hard surface play area, for a total of 32 event parking stalls (12 were indicated in the presentation).

These changes result in a total of 74 parking stalls (42 striped and 32 event) that could be made available for large events at the school (51 were indicated in the presentation).

SPS also noted that a transportation analysis prepared for the site by Heffron Transportation Inc. (Transportation Technical Report and Parking Analysis Addendum, 2022) found the proposed design included in SPS' earlier presentation would not result in significant adverse impacts to neighborhood traffic operations or parking—. The addition of 23 more permanent and overflow parking stalls should help further reduce perceived impacts to the neighborhood. The site access and parking design was also reviewed and fine-tuned through multiple meetings with Seattle Department of Transportation (SDOT) (including their Safe Routes to School group), SPS'

Page 8 of 12 Project No. 3039302-SD

Department of Transportation, and SPS' Risk Management team with the goal of maximizing site circulation and safety—

After consideration of the public comments received and the SPS response, DON recommends that the departure to allow reduced vehicular parking quantity be GRANTED as requested by Seattle Public Schools with the following conditions:

- 2) Engage the Seattle Safety School Committee: The District should continue the ongoing engagement with the Seattle School Safety Committee (led by SDOT), Risk Management Office to review access if any changes should be made to crossing paths with school buses, traffic control to help encourage pedestrian and non-motorized flows at designated crosswalk locations.
- 3) Neighborhood Communication Plan for School Events: The District and school administration should develop a neighborhood communication plan to inform nearby neighbors of large events each year.—. The plan should be updated annually (or as events are scheduled) and provide information about the dates, times, and magnitude of large-attendance events.—. The communication would be intended to allow neighbors to plan for occasional increases in on-street parking demand that would occur with large events.
- 4) Update right-of-way and curb-side signage: The District should work with SDOT to confirm locations, extents, and signage (such as times of restrictions) of the school bus and/or school load zones on NE 109th St.

In evaluating this departure request, the Director has reviewed the district required school program, the DON recommendation, public comment, the proposed site plan, and location of the programmatic elements such as circulation, shared learning areas, outdoor play area and classroom spaces. The proposed parking amount will help fill the parking need for staff and visitors.

The departure will not significantly exacerbate existing traffic, noise, circulation, or impact housing in the area. Open space at the site will be impacted by the additional parking since some play area will be dedicated to parking.

Measures were proposed to help reduce impacts of the parking reduction including, increased area for parking and event parking, a School Transportation Plan to aid communication between the school and parents regarding good practices for student drop off and pick up, communication plan, signage and working with the SDOT School Safety Committee. The proposed measures are effective to help manage traffic and safety around the school building.—. The Director grants the departure request with the following conditions:

 School Transportation Management Plan (STMP): Prior to the school reopening, the District and school Principal should establish a STMP to educate families about the access load/unload procedures for the site layout. The STMP should also encourage school bus ridership, carpooling, and supervised walking (such as walking school buses). The plan should require the school to distribute information to families about drop-off and pick-up procedures, as well as travel routes for approaching and leaving the school. It Page 9 of 12 Project No. 3039302-SD

should also instruct staff and parents not to block or partially block any residential driveways with parked or stopped vehicles.

- 2. Engage the Seattle School Safety Committee: The District should continue the ongoing engagement with the Seattle School Safety Committee (led by Seattle Department of Transportation (SDOT)) to review the new access for pedestrian and bicycles and determine if any changes should be made to crosswalks, traffic control, crossing guard locations, or to help encourage pedestrian and non-motorized flows at designated crosswalk locations.
- 3. Develop a Neighborhood Communication Plan for School Events: The District and school administration should develop a neighborhood communication plan to inform nearby neighbors of large events each year. The plan should be updated annually (or as events are scheduled) and should provide information about the dates, times, and rough magnitude of large-attendance events. The communication would be intended to allow neighbors to plan for the occasional increase in on-street parking demand that would occur with large events.
- 4. Update right-of-way and curb-side signage: The District should work with SDOT to confirm the locations, restrictions, and durations for curb-side parking and load/unload zones adjacent to the school.

DEPARTURE #3 – To allow fewer secure bicycle parking spaces (SMC 23.54.015K 2a)

Departure #3 is a School District request to allow fewer secure bicycle parking spaces in the neighborhood residential zone. The land use code requires secure locations for all long-term bicycle parking. SPS proposes secure long-term bicycle parking for 19 of the required 73 long-term bicycle parking spaces for a departure of 54 secure bicycle parking spaces.

The Department of Neighborhoods considered the departure request per the criteria set out in the code and did not have concerns of the departure on impact on the character and scale of the surrounding areas, presence of edges, appearance of bulk, traffic, noise, circulation, and parking in the area nor impacts on housing and open space. The DON recommend approval of the departure.

The Director finds that the departure will not impact the character and scale of the surrounding area, presence of edges, or exacerbate existing traffic, noise, circulation, or housing in the area. The departure does not have impacts on housing... The departure request does not impact the appearance of bulk or open space at the site. Considering the criteria, the recommendations from DON and public comments, the Director grants the departure request with no conditions.

DEPARTURE #4 - To allow a changing image message board (SMC 23.55.020B)

Departure #4 is a School District request to allow a changing image electronic message board in the neighborhood residential zone. Message boards are allowed but changing image message

Page 10 of 12 Project No. 3039302-SD

boards are not allowed in neighborhood residential zones. The message board is proposed to be located on school property visible from NE 105th Street.

The Department of Neighborhoods considered the changing image development standard and understood the School District's desire to continue providing a way to communicate to the community and school students and staff. Currently there is a message board with lettering that is changed by hand. The DON was favorable to the benefits of a changing image message board to post school information, post in multiple languages, provide a means of information for those who do not have internet or mobile devices, and to be used in emergencies for neighborhood communication.

Concerns around the electronic sign were focused on the possible intrusion of a sign on the neighborhood character.—. The proposed sign is a monument sign, meaning it will be on the ground and not on a pole. Seattle Public Schools has proposed conditions to ensure the sign is consistent with the neighborhood and is able to equitably communicate with a diverse community.

After consideration, the DON recommended that the departure be granted as requested by Seattle Public Schools with the following conditions:

Recommendation 4 – That the departure to allow an electric changing image message board sign to be GRANTED as requested by SPS with the following conditions:

- 1) The electric reader board may only be turned on between 7am to 9pm.
- 2) No video, flashing, scrolling, or moving images; however, messages can change to show content.
- 3) Sign illumination should be limited to one color with a dark background.

The Director finds that the departure will not significantly impact the character and scale of the surrounding area, presence of edges, or exacerbate existing traffic, noise, circulation, or housing in the area. The departure does not have impacts on housing.—. The departure request does not impact the appearance of bulk or open space at the site. The Director finds that community messaging can be better achieved by allowing the sign to be in operation weekdays and weekend days. Considering the criteria, the recommendations from DON and public comments, the Director grants the departure request with the recommended conditions as follows:

- 1. Limited to one double-faced sign.
- 2. Time of use is restricted to 7:00 a.m. 9:00 p.m. weekdays and weekends.
- 3. The sign is limited to being lit using one color with a dark background.
- 4. No video, flashing, scrolling, tumbling, or moving images allowed. The message may change, however.
- b. Need for Departure: The physical requirements of the specific proposal and the project's relationship to educational needs shall be balanced with the level of impacts on the surrounding area. Greater departure may be allowed for special facilities, such as a gymnasium, which are unique and/or an integral and necessary part of the educational process; whereas, a lesser or no departure may be granted for a facility which can be accommodated within the established development standards.

Page 11 of 12 Project No. 3039302-SD

The DON considered the overall need for departures (SMC 23.79.008C1b) as part of its deliberations. The Seattle Municipal Code provides for granting departures from the requirements of the Municipal Code to accommodate educational needs of programs to be located in proposed buildings—. In this case, the Seattle School District stated that both the need for the new school and the need to meet educational standards present site planning challenges. SPS notes that without departures to development standards the educational program could not be met. Without the departures, reasonable alternatives could be reductions in important open play space.

The Director balances departure requests through criteria based on the relationship to surrounding areas with need for development standards departures to meet educational program requirements and finds that there is a need for the departure requests and that they are in balance with the level of impacts on the surrounding area.

DECISION-PUBLIC SCHOOL DEVELOPMENT STANDARD DEPARTURES

The school development standard departures two and four are **GRANTED** with conditions. Departure requests one and three are **GRANTED**.

CONDITIONS – PUBLIC SCHOOL DEVELOPMENT STANDARD DEPARTURES

For the life of the project

- 1. School Transportation Management Plan (STMP): Prior to the school reopening each year, the District and school Principal should establish an STMP to educate families about the access load/unload procedures for the site layout. The STMP should also encourage school bus ridership, carpooling, and supervised walking (such as 'walking school buses'). The plan should require the school to distribute information to families about drop-off and pick-up procedures, as well as travel routes for approaching and leaving the school. It should also instruct staff and parents not to block or partially block any residential driveways with parked or stopped vehicles.
- 2. Engage the Seattle School Safety Committee: The District should continue the ongoing engagement with the Seattle School Safety Committee (led by SDOT) to review the new access for pedestrian and bicycles and determine if any changes should be made to crosswalks, traffic control, crossing guard locations, or to help encourage pedestrian and non-motorized flows at designated crosswalk locations.
- 3. Develop a Neighborhood Communication Plan for School Events: The District and school administration should develop a neighborhood communication plan to inform nearby neighbors of large events each year. The plan should be posted on the school website and paper copies be made available to the public. The plan should be updated annually (or as events are scheduled) and should provide information about the dates, times, and estimated magnitude of large-attendance events. The communication would be intended to allow neighbors to plan for the occasional increase in on-street parking demand that would occur with large events.

Page 12 of 12 Project No. 3039302-SD

- 4. Update right-of-way and curb-side signage: The District should work with SDOT to confirm the locations, restrictions, and durations for curb-side parking and load/unload zones adjacent to the school.
- 5. The double-sided, electronic changing image message board shall be operated with the following conditions:
 - a. Limited to one double-faced sign.
 - b. Time of use is restricted to 7:00 a.m. 9:00 p.m. weekdays and weekends.
 - c. The sign is limited to being lit using one color with a dark background.
 - d. No video, flashing, scrolling, rolling, tumbling, or moving images are allowed. The message may change, however.

Holly J. Godard, Senior Land Use Planner Seattle Department of Construction and Inspections Date: <u>May 8, 2023</u>

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