



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 Number: 3003996
Applicant Name: Vanita Rodde
Address of Proposal: 2808 S.W. Holden Street

SUMMARY OF PROPOSED ACTION

Land Use Application to allow a 1,100 sq. ft. addition to an existing daycare (Blueskyies Montessori School). Surface parking for five vehicles to be provided.

The following approval is required:

Administrative Conditional Use - to allow the expansion of an existing child care center (Section 23.44.022A Seattle Municipal Code (SMC)).

SEPA DETERMINATION: Exempt DNS EIS

 DNS with conditions

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

BACKGROUND DATA

Site Description

The property is located on S.W. Holden Street between 28th Avenue S. and 29th Avenue S. in a Single Family 5000 (SF 5000) zone in the West Seattle Neighborhood. The site is relatively flat and developed with an approximately 1,220 sq. ft. existing child care center (Blueskyies Montessori School). Surface parking for five vehicles are to be provided.

Area Development

Development in the vicinity consists primarily of single family residences in the SF 5000 zone which surrounds the site. The surrounding residential structures along the block front are setback a distance from the right-of-way, creating a suburban-like feel to the streetscape. There is a Public Park across the street to the south of the site and a half a block to the east is the West Seattle Psychiatric Hospital. The rest of the area is characteristic of low density residential zones, quiet streets during mid-afternoon with little pedestrian activity.

Proposal Description

The applicants propose to increase the capacity of the child care center up to 36 children and up to five staff members by adding a 1,100 square foot addition. Additionally, although, the parking requirement for this project is four parking spaces the applicant is providing five parking spaces on-site. The waiver requested from providing loading areas is granted due in part to Seattle Department of Transportation's installation of a 30 minute Load Unload (7 a.m. – 5 p.m.) on-street, parking sign, along SW Holden St. approximately five feet east of the alley adjacent to the subject site. The curbcut and planting strip along 28th Ave. SW will be replaced according to Seattle Department of Transportation Standards prior to the final of the building permit.

The establishment of the child care center at the subject site is the result of limited established and licensed child care for the community. Hours of operation will be from 7:00 a.m. to 6:00 p.m. Monday through Friday. The one-story institution would accommodate children up to 5 years old. The main floor would consist of classrooms, activity areas, bathroom, and a kitchen.

Public Comment

One comment letter was received during the comment period which ended August 16th, 2006.

ANALYSIS - ADMINISTRATIVE CONDITIONAL USE PERMIT (23.44.022 SMC)

Section 23.44.022A sets forth the types of institutions that may be permitted as conditional uses in single family zones which includes child care centers.

Applicable criteria of Section 23.44.022 (in italics) are discussed as follows:

D. General Provisions.

- 1. New or expanding institutions in single-family zones shall meet the development standards for uses permitted outright in Sections 23.44.008 through 23.44.016 unless modified elsewhere in this subsection or in a Major Institution Master Plan.*

According to the plans submitted with the application, the proposal meets the applicable development standards enunciated in Section 23.44.008 through 23.44.016. This proposal meets standards for uses permitted outright.

The establishment of a child care center in a legally established institution devoted to the care or instruction of children which does not violate any condition of approval of the existing institutional use and does not require structural expansion shall not be considered a new use or an expansion of the institutional use.

The child care center is already established to allow for up to 22 children. This expansion is to increase the allowable number of children.

3. *Structural work which does not increase usable floor area or seating capacity and does not exceed the height limit of the zone shall not be considered an expansion of the institution. Such work includes but is not limited to roof repair or replacement and construction of uncovered decks and porches, bay windows, dormers, and eaves.*

This application is to allow a 1,100 sq. ft. addition to the child care center (Blueskyies Montessori School). The existing child care center structure is 1,220 sq. ft. When the construction of the addition is completed the structure will be a total of 2,320 sq. ft. in size. The height of the addition will be 10 feet. The height of the existing building is 15 feet. The height limit will have no impact to increasing the number of children in the child care center from 22 to 35. The floor area will increase from 1,220 to 2,320 sq. ft. and the height of the structure would not be increased.

4. *Institutions seeking to establish or expand on property which is developed with residential structures may expand their campus up to a maximum of two- and one-half (2 1/2) acres. An institution campus may be established or expanded beyond two- and one-half (2 1/2) acres if the property proposed for the expansion is substantially vacant land.*

No expansion of an existing institutions campus is proposed. There will be an increase in structure size as the proposal is for a 1,100 sq. ft. addition to the child care center. The existing child care center structure will increase in size from 1,220 sq. ft. to 2,320 sq. ft.

E. Dispersion.

1. *The lot line of any proposed new or expanding institution, other than child care centers locating in legally established institutions, shall be located six hundred feet (600') or more from any lot line of any other institution in a residential zone, with the following exceptions:*
2. *A proposed child care center serving not more than twenty-five (25) children which does not meet the criteria of subsection D1 of this section may be permitted to locate less than six hundred feet (600') from a lot line of another institution if the Director determines that, together with the nearby institution(s), the proposed child care center would not:*

- a. *Create physical scale and bulk incompatible with the surrounding neighborhood;*
- b. *Create traffic safety hazards;*
- c. *Create or significantly increase identified parking shortages; or*
- d. *Significantly increase noise levels to the detriment of surrounding residents.*

The boundaries of the site are not expanding; therefore, dispersion does not apply.

- F. *Demolition of Residential Structures. No residential structure shall be demolished nor shall its use be changed to provide for parking. This prohibition may be waived if the demolition or change of use proposed is necessary to meet the parking requirements of this Land Use Code and if alternative locations would have greater noise, odor, light and glare or traffic impacts on surrounding property in residential use. If the demolition or change of use is proposed for required parking, the Director may consider waiver of parking requirements in order to preserve the residential structure and/or use. The waiver may include, but is not limited to, a reduction in the number of required parking spaces and a waiver of parking development standards such as location or screening.*

No residential structure shall be demolished nor shall its use be changed to provide for parking; therefore, this criterion is not applicable.

- G. *Reuse of Existing Structures. Existing structures may be converted to institution use if the yard requirements for institutions are met. Existing structures which do not meet these yard requirements may be permitted to convert to institution use, provided that the Director may require additional mitigating measures to reduce impacts of the proposed use on surrounding properties.*

The existing child care center structure has yards with the following approximate dimensions: 20 feet minimum in front, 35 feet in the rear yard, and side yards of 11 feet on the north and 8 feet on the south. The total lot area is 9,824 sq. ft. The maximum lot coverage permitted for principal and accessory structures shall not exceed thirty-five (35) percent of the lot area or one thousand seven hundred fifty (1,750) square feet, whichever is greater. 35% of the lot area of 9,824 sq. ft. is 3,438.4 sq. ft. The total lot coverage for this property is 2,320 sq. ft. which is less than the 35% allowed.

The existing structure does not meet the ten foot side yard setback development standard set forth for institutions for the SF 5000 zone in which it is located. Yard requirements for institutions are found in 22.44.022K2. The Director may permit yards less than ten (10) feet but not less than five (5) feet after finding that the reduced setback will not significantly increase impacts, including but not limited to noise, odor and comparative scale, to adjacent lots zoned residential and there will be a demonstrable public benefit. No impacts are expected to result from the reuse of the existing yard configuration; therefore, additional mitigating measures will not be required.

- H. *Noise and Odors. For the purpose of reducing potential noise and odor impacts, the Director shall consider the location on the lot of the proposed institution, on-site parking, out-door recreational areas, trash and refuse storage areas, ventilating mechanisms, sports facilities and other noise-generating and odor-generating equipment, fixtures or facilities. The institution shall be designed and operated in compliance with the Noise Ordinance, Chapter 25.08d.*

In order to mitigate identified noise and/or odor impacts, the Director may require measures such as landscaping, sound barriers or fences, mounding or berming, adjustments to yard or parking development standards, design modifications, setting hours of operation for facilities or other similar measures.

The proposal is not expected to generate increased noise or odors. None of the activities Proposed, as part of the typical, non-emergency use of the site will exceed the maximum Permissible, sound levels as established and modified in the SMC Chapter 25.08. The total number of parking spaces required by the Land Use Code, for this project, is four (4). The total number of parking spaces provided for this project, is five (5). The one required loading and unloading space was also waived for this project due in part to Seattle Department of Transportation's installation of a 30 minute Load Unload (7 a.m. – 5 p.m.) on-street, parking sign, along SW Holden St. approximately five (5) feet east of the alley adjacent to the subject site. Play areas currently exist and are not expected to create more noise. The play areas will be used intermittently during the day. The center closes at 6:00 p.m., so there will be no evening play area activities.

- I. Landscaping. Landscaping shall be required to integrate the institution with adjacent areas, reduce the potential for erosion or extensive storm water runoff, reduce the coverage of the site by impervious surfaces, screen parking from adjacent residentially zoned lots or streets or to reduce the appearance of bulk of the institution.*

Landscaping plant materials shall be species compatible with surrounding flora. Existing plant material may be required to be retained. Maintenance of landscaped areas shall be the continuing responsibility of the owner.

The existing landscaping has not been changed since the property was a single-family residence, so the institution retained the residential character which integrated the institution with the surrounding area. About 80 percent of the yard used for playing is surrounded with trees and screened with fencing. Parking is off the alley and is screened from the street by the Aspen street trees. There are no visible signs of erosion or extensive storm water runoff. The landscaping and fencing has always screened the play area from adjacent residentially zoned lots and streets. There are street trees that screen and reduce the appearance of bulk of the institution. The current landscaping consists of evergreen trees, deciduous trees and medium height ground cover, which is the same planting material that existed when the house was originally purchased and is similar to the species found on surrounding properties.

- J. Light and Glare. Exterior lighting shall be shielded or directed away from adjacent residentially zoned lots. The Director may also require that the area and intensity of illumination, the location or angle of illumination be limited. Nonreflective surfaces shall be used to help reduce glare.*

Exterior lighting shall be shielded or directed away from adjacent residentially zoned lots. Therefore, no further conditioning is warranted.

K. *Bulk and Siting.*

1. *Lot area. If the proposed site is more than one (1) acre in size, the Director may require the following and similar development standards:*

The site is less than one acre in size.

2. *Yards. Yards of institutions shall be as required for uses permitted outright in Section 23.44.008, provided that no structure other than freestanding walls, fences, bulkheads or similar structures shall be closer than ten feet (10') to the side lot line. The Director may permit yards less than ten feet (10') but not less than five feet (5') after finding that the reduced setback will not significantly increase impacts, including but not limited to noise, odor and comparative scale, to adjacent lots zoned residential and there will be a demonstrable public benefit.*

The existing child care center structure has yards with the following approximate dimensions: 20 feet minimum in front, 35 feet in the rear yard, and side yards of 11 feet on the north and 8 feet on the south. The existing structure does not meet the ten foot side yard setback development standard set forth for institutions for the SF 5000 zone in which it is located. Yard requirements for institutions are found in 22.44.022K2. The Director may permit yards less than ten (10) feet but not less than five (5) feet after finding that the reduced setback will not significantly increase impacts, including but not limited to noise, odor and comparative scale, to adjacent lots zoned residential and there will be a demonstrable public benefit. No impacts are expected to result from the reuse of the existing yard configuration; therefore, additional mitigating measures will not be required.

3. *Institutions Located on Lots in More Than One (1) Zone Classification.*

This criterion is not applicable because the site is located in only one zone, SF5000.

4. *Height Limit. A religious symbol and that portion of the roof supporting it, including but not limited to a belfry or a spire, may extend an additional twenty-five feet (25') above the height limit.*

This is not a religious facility. No religious symbol is proposed above the existing roof.

5. *Facade Scale. If any facade of a new or expanding institution exceeds thirty feet (30') in length, the Director may require that facades adjacent to the street or a residentially zoned lot be developed with design features intended to minimize the appearance of bulk. Design features which may be required include, but are not limited to, modulation, architectural features, landscaping or increased yards.*

There are structures other than freestanding walls, fences or similar structures closer than ten feet to the side lot line. The south wall of the existing building facing S.W. Holden St. is well hidden by way of street trees. The play area is also well hidden by a fence and street trees. The new addition has walls that exceed 30 feet in length but they are also the least visible sides of the building.

No changes to the façade are proposed and all facades of this residence are compatible with other houses in the neighborhood, therefore no mitigation for facade length will be necessary.

L. Parking and Loading Berth Requirements.

SMC 23.44.022.L provides that the Director may modify the parking and loading requirements of Section 23.54.15, required parking, and the requirements of Section 23.44.016, parking location and access, on a case by case basis using the information contained in the transportation plan prepared pursuant to Subsection M of this section. The modification shall be based on adopted City Policies and shall:

The project received a parking waiver for the one loading and unloading space required. The waiver was approved due in part to Seattle Department of Transportation's installation of a 30 minute Load Unload (7 a.m. – 5 p.m.) on-street, parking sign, along SW Holden St. approximately five (5) feet east of the alley adjacent to the subject site. Four parking spaces are required by the Land Use and Zoning Code for this proposal. The applicant is proposing five (5) parking spaces. Three parking spaces are in the rear yard off the alley and two parking spaces are accessed from S.W. Holden St. The curbcut and planting strip along 28th Ave. SW will be replaced according to Seattle Department of Transportation Standards.

There are currently three staff members and they are increasing staff up to 5 when the number of children is increased up to 36. Although it is likely that there will be some on-street parking demand resulting from this facility, the extent to which the on-street parking is increased will not interfere with the available on-street parking for the balance of the property in the zone and vicinity. No serious safety hazards are anticipated to result from this proposal. Additionally, the use will provide a public benefit of a conveniently located day care in this residential neighborhood.

M. Transportation Plan. A transportation plan shall be required for proposed new institutions and for those institutions proposing expansions which are larger than four thousand (4,000) square feet of structure area and/or are required to provide an additional twenty (20) or more parking spaces.

The child care center is less than 4,000 sq. ft. and six parking spaces are provided so a transportation plan will not be required for this proposal.

N. Development Standards for Existing Institutes for Advanced Study.

The child care center is not an institute for advanced study.

Analysis - Administrative Conditional Use General Provisions SMC 23.44.018

A. Only those conditional uses identified in this subchapter as conditional uses may be authorized as conditional uses in single family zones. The Master Use Permit process set forth in Chapter 23.76, Procedures for Master Use Permits and Council Land Use Decisions shall be used to authorize conditional uses.

The Land Use Code, as an enunciation of City policy, allows this type of institution in single family zones and provides the administrative conditional use process as the mechanism for mitigating impacts as necessary. The proposed facility, as conditioned by the Department, is identified as a conditional use which can be authorized in a single family zone.

B. Unless otherwise specified in this subchapter, conditional uses shall meet the development standards for uses permitted outright in Sections 23.44.006 through 23.44.016.

The subject proposal meets all of the development standards for uses permitted outright, except as indicated in the preceding analysis.

C. A conditional use may be approved, conditioned or denied based on a determination of whether the proposed use meets the criteria for establishing a specific conditional use and whether the use will be materially detrimental to the public welfare or injurious to property in the zone or vicinity in which the property is located.

The proposal, as discussed under the specific criteria (SMC 23.44.022), meets the criteria for establishing a specific conditional use and has been conditioned such that the potential negative impacts are substantially mitigated.

D. In authorizing a conditional use, the Director or Council may mitigate adverse negative impacts by imposing requirements or conditions deemed necessary for the protection of other properties in the zone or vicinity in which the property is located.

The conditions which mitigate the potential adverse impacts of this use will require maintenance of the landscaping and directing and shielding exterior lighting from surrounding residential properties. These conditions combine to provide reasonable mitigation for the proposed child care center and are authorized by this provision.

Conclusion

Based on the foregoing analysis and review, the determination is that the proposed action satisfies all the relevant requirements of SMC 23.44.018 and SMC 23.44.022 which outline the requirements for administrative conditional uses in single family zones. It is the Director's determination that the proposal, as conditioned, would not be materially detrimental to the public welfare nor injurious to property in the zone or vicinity in which the child care center will be located, and should be granted.

DECISION - ADMINISTRATIVE CONDITIONAL USE PERMIT

The application for an administrative conditional use is **CONDITIONALLY GRANTED.**

CONDITIONS - ADMINISTRATIVE CONDITIONAL USE PERMIT

Permanent for the Life of the Project

The owner and/or responsible party(ies) shall:

1. The owner(s) and / or responsible party(s) shall maintain and replace all on-site Landscaping. The landscaping shall remain well-kept and fully installed.
2. Direct and shield exterior lighting from surrounding residential properties.
3. The east curb cut and planting strip along 28th Avenue S.W. is to be replaced according to SDOT Standards, per the Right of Way Improvement Manual prior to final of the building permit.

Signature: (signature on file)
Joan S. Carson, Land Use Planner
Department of Planning and Development

Date: March 15, 2007