



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: 3006411

Applicant Name: Jeff Taraday for
University Child Development School

Address of Proposal: 5301 8th Ave NE

SUMMARY OF PROPOSED ACTION

Land use application to allow a child care center in a single family residential zone. Parking for two vehicles provided on site. Parking for three vehicles provide off site.

The following approval is required:

Administrative Conditional Use Permit - to allow a child care center in a single family residential zone, Seattle Municipal Code (SMC) 23.44.022.

SEPA DETERMINATION: Exempt DNS MDNS EIS
 DNS with conditions
 DNS involving non-exempt grading, or demolition, or involving another agency with jurisdiction

BACKGROUND DATA

Site & Area Description

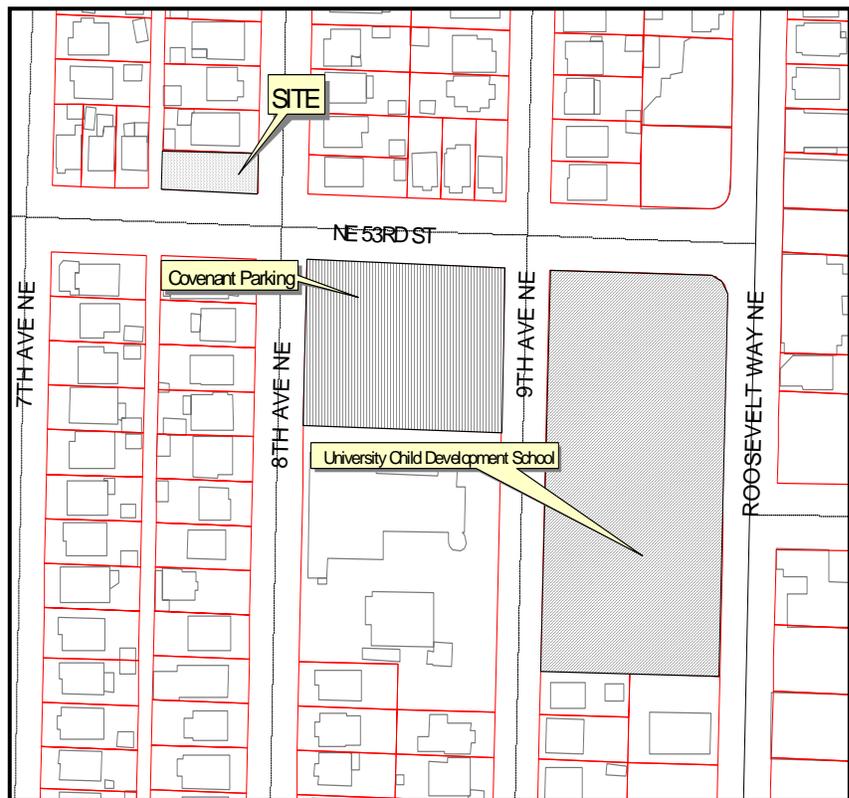
The 3,812 sq. ft. property is located on the northwest corner of NE 53rd Street and 8th Avenue NE. One single family dwelling exists on the property. The adjacent streets are fully improved with sidewalks, curbs, gutters, and paving. Access to the site is by a pedestrian walkway. There is a 16'-wide alley adjacent to the property, and there is currently space for two vehicles within an attached garage.

The subject property is located in a Single Family zone with a minimum lot size of 5,000 sq. ft. (SF 5000), which encompasses all of the neighborhood to the east, west, and north. To the southeast, on the south side of NE 53rd St, properties are zoned Lowrise Duplex/Triplex. Two blocks to the east is Roosevelt Way NE where the zoning is Neighborhood Commercial 2 with a base height limit of 40' (NC2-40).

The surrounding properties generally reflect their zoning, and are developed primarily with single family homes. To the north and south of the site are single family homes. On the intersection's southeast corner is the parking lot for the Blessed Sacrament Church. Across 9th Avenue NE from the parking lot are the grounds of the University Child Development School, the owner of the subject site. The school has a long standing agreement (signed covenant) with the church that allows short-term and long-term parking at the church parking lot.

Proposal

The applicant proposes to establish a child care facility for toddlers and infants and four staff employees. The child care program will be limited to families and staff of the University Child Development School (UCDS) located one block to the east of the site. The UCDS is the owner of the subject site. The child care facility will be housed in the basement and first floor of the existing residence. The top floor will remain in residential use. The child care center would serve no more than 20 children, in two separate shifts. Outdoor play will be located on the school's established playground or in the school's auditorium. The children will



be transported there by cart or other collective method. The establishment of a child care center in a single family zone is an Administrative Conditional Use. The proposal is to run the child care center in two, four-hour sessions Monday through Friday.

Public Comment

Notice of the proposed project was published on July 26, 2007. The public comment period ended on August 24, 2007. To date, DPD has received about twenty (20) written comments from neighbors. Comments focused on the following issues:

- the parking and traffic impacts on the immediate vicinity, paired with impacts from nearby University Child Development School, especially during drop-off and pick-up periods;
- inadequate provision of on-site parking;
- objection to the operation of a business, considered inappropriate for this neighborhood and the single family zone;
- impacts to property values of adjacent homes due to their proximity to a business enterprise;
- inadequate indoor and outdoor space available for the proposed number of children;

ANALYSIS - ADMINISTRATIVE CONDITIONAL USE PERMIT (SMC 23.44.022)

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

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.*

With regard to the above cited sections, the proposed new institutional use is no more nonconforming to standards than the existing single family home.

2. *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.*

N/A.

3. *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.*

The proposed institution will encompass 3,812 sq. ft. which is the size of the site.

4. *An institution which finds that the development standards of the single-family zone classification are inadequate to its development needs may apply for reclassification to Major Institution status.*

N/A.

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 (600) feet or more from any lot line of any other institution in a residential zone, with the following exceptions:*
 - a. *An institution may expand even though it is within six hundred (600) feet of a public school if the public school is constructed on a new site subsequent to December 12, 1985.*
 - b. *A proposed institution may be located less than six hundred (600) feet from a lot line of another institution if the Director determines that the intent of the dispersion criteria is achieved due to the presence of physical elements such as bodies of water, large open spaces or topographical breaks or other elements such as arterials, freeways or nonresidential uses, which provide substantial separation from other institutions.*

The proposed child care center is less than 600 feet from the property line of two institutions, Blessed Sacrament Church and University Child Development School and, therefore, does not meet the dispersion requirement.

2. *A proposed child-care center serving not more than twenty-five (25) children which does not meet the criteria of subsection E1 of this section may be permitted to locate less than six hundred (600) feet 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 proposed child care center does not meet the criteria of subsection E1. In order to qualify for this provision of E2, all the above conditions must be met.

The proposed child care center would serve no more than 20 children at any one time, albeit in two separate shifts. Any one child may attend no longer than four (4) hours at a time in two, four-hour sessions with a one hour lunch break, which is consistent with state preschool licensing guidelines, according to application materials. There would be no overlap between morning and afternoon sessions. DPD has determined that the proposed child care center qualifies to be considered under this provision.

The child care center is proposed to be located within an existing single family home, a structure that fits well within the scale of the existing residential neighborhood.

Neighbors raised several concerns about traffic volumes and parking in an area that supports a church and a school. The applicant provided a traffic analysis prepared by Heffron, dated July 2004. The analysis concludes that the project would have a negligible effect at peak hours on traffic in the neighborhood. DPD accepts the analysis and concludes that the project would not cause traffic volumes to increase to an extent that would disproportionately affect traffic safety.

Neighbors raised several concerns about parking shortages in the surrounding vicinity. As part of the traffic report, the applicant provided a brief but adequate parking utilization analysis which focused primarily on the parking and drop-off and pick-up activities in the parking lot of Blessed Sacrament Church located directly across 9th Avenue NE from UCDS. The parking analysis was done when it was contemplated that the four employees of the day care might use some of the covenanted parking at the church lot. The applicant has since agreed to provide three parking spaces on the UCDS campus dedicated to day care staff and one employee space will be provided on the day care site. The parking at UCDS for the day care will be secured by a recorded covenant approved by DPD.

The remainder of the parking impacts will be from the short-term drop-off and pick-up of children four times per day for the two sessions. A loading zone will be provided in front of the day care on 8th Avenue NE. However, as the enrollment is restricted to children of UCDS faculty and siblings of UCDS students, some of the drop- and pick-up activity is likely to occur in the church parking lot where this activity already occurs.

Load/unload stalls are commonly associated with child care centers, and Chart A of SMC 23.54.015 does provide in certain circumstances for location of a required load/unload space in the right of way. As a condition of this permit, DPD therefore requires that the applicant obtain necessary permits from Seattle Department of Transportation (SDOT) to establish a load/unload space in front of the proposed child care. Restrictions associated with the load/unload space may be active only during the proposed child care center's hours of operation.

Neighbor concerns did not focus on increased noise levels resulting from the child care center. DPD does not anticipate an increase in noise levels during the week. The extent of noise generated by the child care center will be a minor increase above that which currently is created by the existing single family residence. Noise typically associated with children at play will not be an issue as the children will be transported to the existing play area at UCDS a block away at playtime.

As the proposed child care satisfies all criteria listed in SMC 23.44.022 E2, DPD may therefore allow this institution to locate within the 600-foot dispersion otherwise required of new institutions in single family zones.

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.

N/A.

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.

Yard requirements for institutional uses are discussed in subsection K.2. The existing single family structure does not meet the 10' side yard standard otherwise applied to institutional uses. However, considering the small lot and the existing structure, flexibility provided by this section is warranted in this case. The Director identifies no impacts inherent in the proposal that would be affected by increased side yards. DPD therefore requires no additional mitigating measures in this regard.

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, outdoor 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 25.08.

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.

Child care facilities necessarily generate noise, largely the result of children's outdoor play. However, the proposed child care center will be using the play area located at the north end of the UCDS campus one block away. In comments submitted to DPD, neighbors did not identify playground noise as a principal concern.

Odors generated by the child care facility would likely be limited to those associated with any cooking and refuse disposal. Neither activity is likely to generate odors that would warrant any further programmatic controls beyond what is already proposed. In comments submitted to DPD, neighbors did not identify odors as a principal concern.

- I. *Landscaping. Landscaping shall be required to integrate the institution with adjacent areas, reduce the potential for erosion or extensive stormwater 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.

Existing landscaping on the site is typical of single family residential properties in the neighborhood, with ornamental plants in the front and side yard and a more open landscape of trees, grass, and a low deck in the rear yard.

- 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.*

The proposal involves no changes from the existing home with regard to light and glare.

- 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:*
 - a. *For lots with unusual configuration or uneven boundaries, the proposed principal structures be located so that changes in potential and existing development patterns on the block or blocks within which the institution is located are kept to a minimum;*
 - b. *For lots with large street frontage in relationship to their size, the proposed institution reflect design and architectural features associated with adjacent residentially zoned block faces in order to provide continuity of the block front and to integrate the proposed structures with residential structures and uses in the immediate area.*
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 (10) feet to the side lot line. 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.*
3. *Institutions Located on Lots in More Than One (1) Zone Classification. For lots which include more than one (1) zone classification, single-family zone provisions shall apply only to the single-family-zoned lot area involved.*

4. *Height Limit.*

- a. *Religious symbols for religious institutions may extend an additional twenty-five (25) feet above the height limit.*
- b. *For gymnasiums and auditoriums that are accessory to an institution the maximum height shall be thirty-five (35) feet if portions of the structure above thirty-five (35) feet are set back at least twenty (20) feet from all property lines. Pitched roofs on a gymnasium or auditorium which have a slope of not less than three to twelve (3:12) may extend ten (10) feet above the thirty-five (35) foot height limit. No portion of a shed roof on a gymnasium or an auditorium shall be permitted to extend beyond the thirty-five (35) foot height limit under this provision.*

5. *Facade Scale. If any facade of a new or expanding institution exceeds thirty (30) feet 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.*

The proposal involves no changes from the existing home with regard to bulk and siting. Most of the above development standards apply to new institutional structures of a considerably different scale than their surrounding neighborhoods. This proposal involves no such transition in scale, and most of the limits discussed above do not apply. Given the residential scale of the existing structure, the Director finds in accordance with subsections G and K2 that the existing residential side setbacks are appropriate for the child care center as proposed.

L. *Parking and Loading Berth Requirements.*

1. *Quantity and Location of Off-street Parking.*

- a. *Use of transportation modes such as public transit, vanpools, carpools and bicycles to reduce the use of single-occupancy vehicles shall be encouraged.*
- b. *Parking and loading shall be required as provided in Section 23.54.015.*
- c. *The Director may modify the parking and loading requirements of Section 23.54.015, 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:*
 - i. *Provide a demonstrable public benefit such as, but not limited to, reduction of traffic on residential streets, preservation of residential structures, and reduction of noise, odor, light and glare; and*

- ii. *Not cause undue traffic through residential streets nor create a serious safety hazard.*
2. *Parking Design. Parking access and parking shall be designed as provided in Design Standards for Access and Off-street Parking, Chapter 23.54.*
3. *Loading Berths. The quantity and design of loading berths shall be as provided in Design Standards for Access and Off-street Parking, Chapter 23.54.*

The project is within walking distance of public transportation. Metro routes pass nearby on Roosevelt Way and NE 50th Street and clients could be encouraged to carpool. However, any DPD conditioning of such behavior is likely to have very limited success, if any. Washington State Child Restraint laws complicate carpools involving children, as they involve increased coordination amongst parents juggling children and car seats among different vehicles.

As discussed above, DPD conditions the project to provide a load/unload space in the adjacent right-of-way, consistent with provisions in Chart A of SMC 23.54.015.

The applicant proposes to maintain one existing on-site employee parking space, accessed from the alley. As proposed, the child care center would otherwise require one on-site parking space for the residential unit and three additional employee parking spaces for the child care, plus a load/unload space. The applicant has agreed to provide covenant parking on the affiliated UCDS campus one block to the east for the three additional required spaces.

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 space.

The Director shall determine the level of detail to be disclosed in the transportation plan based on the probable impacts and/or scale of the proposed institution. Discussion of the following elements and other factors may be required:

1. *Traffic. Number of staff on site during normal working hours, number of users, guests and others regularly associated with the site, level of vehicular traffic generated, traffic peaking characteristics of the institution and in the immediate area, likely vehicle use patterns, extent of traffic congestion, types and numbers of vehicles associated with the institution and mitigating measures to be taken by the applicant;*
2. *Parking. Number of spaces, the extent of screening from the street or abutting residentially zoned lots, direction of vehicle light glare, direction of lighting, sources of possible vibration, prevailing direction of exhaust fumes, location of parking access and curb cuts, accessibility or convenience of parking and measures to be taken by the applicant such as preference given some parking spaces for carpool and vanpool vehicles and provision of bicycle racks;*

3. *Parking Overflow. Number of vehicles expected to park on neighboring streets, percentage of on-street parking supply to be removed or used by the proposed project, opportunities for sharing existing parking, trends in local area development and mitigating measures to be taken by the applicant;*
4. *Safety. Measures to be taken by the applicant to ensure safe vehicular and pedestrian travel in the vicinity;*
5. *Availability of Public or Private Mass Transportation Systems. Route location and frequency of service, private mass transportation programs including carpools and vanpools, to be provided by the applicant.*

The applicant provided a traffic report, which is available in the public file. The report adequately informs the transportation analysis. Mitigating measures include the following:

- Attendance at the center will be limited to no more than 20 children at any time.
- In accordance with Land Use Code standards, the plans shall show two conforming parking spaces on site, and three additional parking spaces on the UCDS campus one block to the east.
- In accordance with Land Use Code standards, the applicant shall show on plans, obtain necessary permits from Seattle Department of Transportation (SDOT), and establish a load/unload space in front of the proposed child care. Restrictions associated with the load/unload space may be active only during the proposed child care center's hours of operation.

N. Development Standards for Existing Institutes for Advanced Study.

1. *The institute shall be located on a lot of not less than fifteen (15) acres.*
2. *The lot coverage for all structures shall not exceed twenty (20) percent of the total lot area.*
3. *Structures shall be set back a minimum of twenty-five (25) feet from any lot line.*
4. *Parking areas shall be set back a minimum of ten (10) feet from any lot line.*
5. *In the event of expansion, parking shall be required as provided for "existing institutes for advanced study" in Section 23.54.015, required parking.*
6. *Landscaping shall be provided between a lot line and any structure and shall be maintained for the duration of the use.*

N/A.

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 Department recognizes the public benefit achieved by accommodating institutions such as child care centers in single family zones. The Land Use Code, as an enunciation of City policy, allows these institutions in single family zones, but establishes the administrative conditional use process as the mechanism for screening and mitigating impacts related to the uses. 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 23.44.008 through 23.44.016.*

The subject proposal meets all of the development standards or allowable exceptions for uses permitted outright.

- 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 potential negative impacts are 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 Director conditions the project to limit attendance at the center to no more than 20 children at any time, to provide for two conforming parking spaces on site, three additional dedicated parking spaces at the UCDS campus (secured by recorded covenant), and to establish a load/unload space in front of the proposed child care.

Conclusion

Based on the foregoing analysis and review, the proposed action satisfies all the relevant requirements of 23.44.018 and 23.44.022 governing 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

Prior to Issuance of the Master Use Permit

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

1. Update plans to state that attendance at the center will be limited to no more than 20 children at any time.
2. In accordance with Land Use Code standards, the applicant shall show on plans, and obtain necessary permits from Seattle Department of Transportation (SDOT) for, a load/unload space in front of the proposed child care. The space shall have appropriate signage. Restrictions associated with the load/unload space may be active only during the proposed child care center's hours of operation.
3. A covenant establishing day care employee parking on the UCDS site shall be recorded shall in the King County Office of Records and Elections and a copy returned to DPD.

Permanent for the Life of the Project

4. In accordance with the terms of the Master Use Permit, the owner(s) or responsible party(ies) shall limit attendance at the center to no more than 20 children at any time.

Signature: (signature on file)
Marti Stave, Land Use Planner
Department of Planning and Development

Date: March 3, 2008