



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 DEPARTMENT OF PLANNING AND DEVELOPMENT**

Application Number: 3006946
Applicant Name: Julie Templeton for Holly Park Friends Church
Address of Proposal: 7133 44th Avenue South

SUMMARY OF PROPOSED ACTION

Land Use Application to change the use of an existing single family residence to an institution (Little Friends Child Care). Parking for three vehicles to be provided on the adjoining site (Holly Park Friends Church).

The following approval is required:

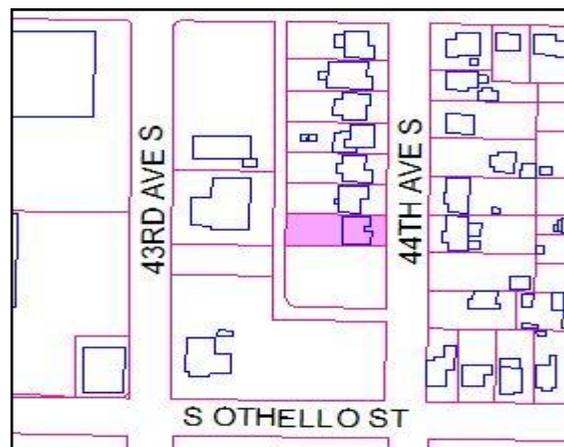
Administrative Conditional Use Permit - to allow an institution (child care center) in a Single Family zone (Seattle Municipal Code (SMC) Section 23.44.022).

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 Description

The site is located in the Rainier Valley neighborhood, on the west side of 44th Avenue South, between South Othello Street to the south and South Myrtle Street to the north. There is an alley adjacent to the west. The site is zoned Single Family and this zone extends to the north, south and east of the subject site. Across the alley to the west,



the zone changes to Lowrise 2 with a South Seattle Reinvestment Area overlay. Vehicle access to the two parking spaces on the site is via the alley.

Area Development

To the north of the subject site and across 44th Avenue South to the east, the area is developed with single family homes. Across the alley, in the Lowrise zone to the west, as well in the Single Family zone to the south are several religious institutions. To the south, across South Othello Street is a city park.

Proposal Description

The applicant proposes to change use from a single family use category to a child care center. Modifications proposed for the existing building are primarily interior and minor in scope. The only exterior changes proposed include the installation of new windows on the west elevation only. The proposal includes establishing two legal parking spaces off of the alley. Three parking spaces will also be available for use across the alley in the parking lot of the Seventh Day Adventist Church.

Public Comment

There were three comment letter received during the comment period, which ended on April 1, 2009 and was extended by request to April 14, 2009. The following comments were offered:

- Request to be a party of record.
- The Church has not been a good neighbor in terms of maintaining the lawn and grass care. This, in turn, encouraged dumping of garbage on the site.
- There are two child care centers and a group home within a two block radius of the subject site and in a residential zone.
- Concern that the dispersion requirements are not being met by the proposed application. There are several churches and child care centers in the area. If each child care center has less than 25 children and are allowed that will create a cumulative impact of parking and noise impacts.

ANALYSIS - ADMINISTRATIVE CONDITIONAL USE PERMIT

Per SMC 23.44.022.A, child care center may be allowed in a Single Family zone as a conditional use.

SMC 23.44.022.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.

The proposed expansion of the Institution meets the developments standards for uses permitted outright in Sections 23.44.008 through 23.44.016.

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.

The proposed child care center is proposed in a new and separate location from the existing Institution and therefore is considered both a new use and an expansion of the institutional use.

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 expansion is less than 2 ½ acres,

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.

The development standards of the single family zone classification are adequate for the proposed institutional use.

SMC 23.44.022.E Dispersion.

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 dispersion criteria and is intended to serve less than 25 children. The proposed childcare facility will be located in an existing single family structure. No modifications are proposed that would change the character of the existing structure, therefore no additional bulk or scale is associated with this proposal. The residential house to be used for the child care is owned by the adjacent church with an alley in between. The traffic associated with the child care center will be parents dropping off and picking up children either on the alley or in front of the house on 44th Avenue South. There will be no delivery truck type traffic affiliated with the proposed use. There are no current parking shortages in the area at this time. Only the child care staff, approximately 2-3 people, will require long term parking and this will be accommodated in the church parking lot across the alley. The church use of this

parking lot occurs on different days and hours than that of the child care facility. The only noise associated with the proposed use is the sounds of children playing outside between the hours of 11 a.m. and 3 p.m. on weekdays only.

SMC 23.44.022.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 demolition of a residential structure is proposed.

SMC 23.44.022.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 yard requirements are satisfied by the existing legally nonconforming structure.

SMC 23.44.022.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.

A six foot tall solid wood fence will be installed on the north property line to screen the outdoor play area from the neighbors to the north. The property to the south is a vacant lot. The west, east and south sides of the property will have a chain link fence to contain the play area of the children. The trash and refuse areas will be enclosed with a six foot tall fence and only residential sized garbage containers will be used.

SMC 23.44.022.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.

Because the Institution will re-purpose an existing single family structure as a child care facility, the building will integrate seamlessly into the existing fabric of the surrounding neighborhood. No new construction is proposed; therefore, no additional impacts to the site relative to stormwater runoff or erosion are expected. The only added impervious surfaces will be ADA ramps between the parking area off the alley and the structure. No new parking will be added and the two spaces off of the alley will continue. All existing trees and landscaping to remain. The application material indicates that additional landscaping will be installed as budget allows and that the new vegetation will be native, non-invasive species.

SMC 23.44.022.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. Non-reflective surfaces shall be used to help reduce glare.

Additional exterior lighting will be minimal and will be residential in character and style. New lighting will be directed downward.

SMC 23.44.022.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.

The subject site is less than one acre.

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.

The existing northern side yard is legally nonconforming and is allowed to continue subject to potential mitigation measures to reduce impacts on surrounding properties if necessary per SMC 23.44.022.G. The side yards of the existing structure will remain unchanged; therefore there will be no change to the bulk or scale of the building that would affect the neighbors to the north.

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.

This criterion does not apply.

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 four to twelve (4:12) 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.

These criteria do not apply.

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 existing structure and yards will remain unchanged. The north, south and west facades are greater than 30 feet in length and are unmodulated. This condition, however, appears to be true for all of the single family structures to the north of the subject building. Therefore, there is nothing unusual or out of character with the existing structure and the surrounding structures.

SMC 23.44.022.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.

Parking demand is estimated to be 2-4 stalls for employees. Parents will arrive by foot, light rail, or vehicle drop off either from the alley or the street.

2. Parking Design. Parking access and parking shall be designed as provided in Design Standards for Access and Off-street Parking, Chapter 23.54.

The parking spaces provided meet the standards of SMC 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.

N/A

SMC 23.44.022.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 proposed institution is not larger than 4,000 square feet; therefore, this criterion does not apply.

DECISION - ADMINISTRATIVE CONDITIONAL USE PERMIT

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

CONDITIONS - ADMINISTRATIVE CONDITIONAL USE PERMIT

None.

Signature: _____ (signature on file) Date: July 6, 2009
Lisa Rutzick, Land Use Planner

LR:bgt