



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: 3007349
Applicant Name: Kimberly Keagle
Address of Proposal:: 5001 NE 50th Street

SUMMARY OF PROPOSED ACTION

Land Use Permit to allow a 3,907 sq. ft. canopy to cover an existing play area of an existing private school (Villa Academy).

The following approvals are required:

Administrative Conditional Use - To allow expansion of an institution in a single family zone (SMC Chapter 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 and Vicinity Description

The subject site is located just south of NE 50th Street and east of 49th Avenue NE. The site is currently developed with a private educational institution, the Villa Academy, which includes several structures, parking areas, and playfields and play areas. The structures and the site of the play area for the proposed canopy are located in the southwestern portion of the site. The project proposal site and neighboring properties are zoned Single Family Residential 5000 (SF 5000). The site contains several areas identified as environmentally critical areas (ECA) due to steepness of the slope (>40%) and for wildlife habitat. Proposed development will occur outside of these areas.

Proposal Description

The proposal is to construct a 3,907 sq. ft. canopy to cover an existing paved play area in order to provide access to outdoor activity year round for Villa Academy students. The 3,837 structure will be one story with a roof height of 26 feet and open on 3 sides, with construction of one “bounce wall” on the southern side. The play area is available for Villa students, faculty, staff, and guests during the following times when the campus is open: Monday to Friday 6am - 9pm, and Saturday and Sunday 9am - 5pm.

Public Comment

There were two written public comments received from nearby residents during the comment period that ended October 10, 2007. The comment letters expressed some concerns regarding possible use of this covered play area by groups or sports leagues other than Villa Academy and the potential for increased noise.

ANALYSIS - ADMINISTRATIVE CONDITIONAL USE

The Seattle Land Use Code (SMC 23.44.022 A) provides that new or expanding institutions such as private schools may be permitted as conditional uses in single-family zones. Sections 23.44.022 D through M sets forth criteria to be used to evaluate and/ or condition the proposal. The applicable criteria are discussed below.

D. General Provisions

New or expanding institutions in single family zones shall meet the development standards for uses permitted outright in Section 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 enumerated in Section 23.44.008 through 23.44.016.

E. Dispersion

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') or more from any lot line of any other institution in a residential zone, certain exceptions.

This criterion is not applicable as Villa Academy, an existing institution is not proposing to expand its boundaries.

F. Demolition of Residential Structures

No residential structure shall be demolished nor shall its use be changed to provide for parking.

The proposal does not involve demolition or change of use of any residential structure; 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.

The existing play area is already being used for institution use, so this criterion is not applicable.

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 area, trash and refuse storage areas, ventilating mechanisms, sport 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.

The applicant submitted documentation regarding the hours of allowed use of this play area by Villa Academy students, faculty, and guests which is Monday to Friday 6am - 9pm, and Saturday and Sunday 9am - 5pm. The addition of the canopy over the play area will not increase the number of users on site; a letter from Pauline Skinner, head of the school, states that the covered play area will be used in a manner consistent with the existing use of the current playground.

An acoustical review by BRC Acoustics dated November 15, 2007 was submitted by the applicant to address noise mitigation for this project. The applicant will add Tectum Acoustical panel to the ceiling of the proposed canopy as is recommended in the report by the acoustical engineer in order to provide noise mitigation.

The noise mitigation proposal was reviewed and approved by City of Seattle noise mitigation specialist. Any increase is not expected to exceed the maximum sound levels established in the Noise Ordinance, SMC Chapter 25.08. Construction will be kept between 7am - 10pm on weekdays and between 9am - 10pm on weekends, per SMC 25.08.425.

The proposed covered structure is not expected to increase odor impacts.

I. Landscaping

Landscaping shall be required to integrate the institution with adjacent areas, reduce the potential for erosion or extensive stormwater runoff, screen parking from adjacent residentially zoned lots or streets or to reduce the appearance of bulk of the institution.

Some existing shrubs will be removed in order to construct the canopy and bounce wall, however, the existing cherry tree will be preserved and new landscaping will be provided per approved landscaping plan. Stormwater runoff from the roof of the proposed canopy will be detained in a permanent underground tank before connecting to the city's storm water system.

J. Light and Glare

Exterior lighting shall be shielded or directed away from adjacent residentially zoned lots.

There will be lights installed for the covered play area; however, these will be positioned on the ceiling and face downward to illuminate only the play court. The non reflective surface of the

court will also reduce any potential glare. There will be no security or flood lights mounted on the exterior of the structure. Additional mitigation is not required.

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.

This proposed location of the new structure does not impact development patterns; therefore, this criterion is not applicable.

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 proposed project will not be visible from the street. Therefore, this criterion is not applicable.

2. Yards of institutions shall be as required for uses permitted outright in Section 23. 44.008, provided that no such 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 ft.) 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 proposed new structure will be located such that applicable setbacks will be exceeded; the structure is not located closer than 10ft to the nearest residential minimum side lot line. Therefore, this criterion is not applicable.

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.

The subject site is not located in more than one zone; therefore, this criterion is not applicable.

4. Height limit:

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

The proposed structure does not include any religious symbols extending above the roof; therefore, this criterion is not applicable.

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 the bulk. Design features which may be required include, but are not limited to, modulation, architectural features, landscaping or increased yards.

The bounce wall on the south side of the structure will be 50.5ft in length. The cherry tree that will be retained will offer some visual shielding of the bounce wall from the nearby single family residences. The applicant is proposing additional landscaping on the south side of the proposed structure.

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.

There is no proposed change to existing transportation modes utilized for use of this facility.

b. Parking and loading shall be required as provided in Section 23.54.015.

There is no proposed change to the existing parking, and there is no anticipated higher demand for parking due to construction of the canopy for this play area. No additional parking is required or proposed.

c. The Director may modify the parking and loading requirements of Section 23.54.015, 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 applicant is not requesting any modification to parking standards.

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

No new parking or access is proposed; therefore, this criterion is not applicable.

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 proposed structure is considered a low demand use with less than 40,000 square feet of gross floor area; therefore, no loading berths are required.

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 the structure area and/or required to provide twenty (20) or more spaces.

The total floor area proposed in the subject proposal is less than the 4000 sq. ft. and no new parking spaces are required for the covered play area; therefore, the above provision is not applicable.

ANALYSIS - ADMINISTRATIVE CONDITIONAL USE -GENERAL PROVISIONS

A. SMC 23.44.018.A provides that uses identified as conditional uses may be authorized in single family zones. The Master Use Permit process shall be used to authorize these uses. The City's Land Use Code allows religious institutions in single family zones, but establishes the conditional use process as the mechanism for screening and mitigating impacts related to such uses.

The proposed structure is accessory to a private educational facility which is identified as a use which may be authorized through the conditional use process in a single family zone.

B. SMC 23.44.018(B) states that, unless 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 will meet all of the development standards for uses permitted outright.

C. SMC 23.44.018(C) states that the Director may approve, condition, or deny a conditional use based on 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.

No adverse impacts associated with this proposal have been identified.

D. SMC 23.44.018(D) states that, in authorizing a conditional use, the Director may mitigate adverse negative impacts by imposing requirements and conditions deemed necessary for the protections of other properties in the zone or vicinity and the public interest.

No adverse impacts warranting mitigation have been identified.

DECISION - ADMINISTRATIVE CONDITIONAL USE

The proposed action is **CONDITIONALLY GRANTED.**

CONDITIONS - ADMINISTRATIVE CONDITIONAL USE

Prior to Issuance of Building Permit

1. Include on the building plans the proposed noise mitigation of Tectum board on the ceiling of the canopy.

Signature: _____ (signature on file) Date: February 14, 2008

Janet L. Wright, Land Use Planner
Department of Planning and Development