

The hedge measures approximately nine feet in height adjacent to all street property lines. The robust landscaping obscures the existing two-story principle structure sited on the east half of the lot. The moderate sized two (2)-story residential structure has undergone remodeling to accommodate elevated decks and additional entries. Access to parking is taken off 31st Avenue through a 20 foot wide driveway that features a gate. The surrounding streets are fully improved with curbs, sidewalks, and gutters.

Area Development

Along 31st Avenue and East Harrison the rights-of-way measures 60 feet in width creates a suburban-like feel to the streetscape with the arrangement of residential structures and number of street trees. This particular area in Madison Valley has a number of deciduous trees and under brush that has a significant visual impact in this particular area, giving it a less dense feel. In contrast, 32nd Avenue is 30 feet in width appears to be more moderately traveled connecting to East Republican Street to the north and then onto East Madison, a primary arterial. Three schools, two private and one public, are located within 600 feet of the development site. To the northeast, across the East Harrison and 32nd Street intersection sits a Seattle Public Schools Martin Luther King Jr. Elementary School (closed due in part to poor enrollment), with the Bush School immediate to the east. Both properties occupy large land area that anchors this residential neighborhood. The Valley School is smaller in scale, located one block southwest, sits on approximately 13,200 square feet of land. This particular area is relatively flat, sitting in a valley between two hills. The rest of the area is characteristic of low residential zones, quiet streets during mid-afternoon with little pedestrian activity, excluding school load and unloading times.

Proposal Description

The applicant proposes to change the use of an existing single family residence to a religious facility (Seattle Shambhala Meditation Center). The proposal will maintain a portion of the structure as a residence, with the major portion occupied as a meditation center offering sessions on Sunday mornings, two to three weeknights per week, and two to three weekends per month. The Center would be open to the public and offer meditation practice and related activities; e.g., Buddhist book discussions, practices and meetings. The proposed hours of operation for meditation, meditation instruction and Buddhist studies would be Monday from 6:15 pm to 9:00 pm; Thursday from 6:15 pm to 9:00 pm; and Sunday from 8:45 am to 12:15 pm. Some weekend programs also focused on meditation and meditation instruction as well as Buddhist studies, two to three times per month, is also contemplated for approximately 10 - 25 attendees. Periodically, special occasion events, Buddhist holiday observances, study sessions, etc. will be held throughout the year; for example, Shambhala Day² a New Year's celebration. The Center has seen up to 43 attendees during events but experiences a median of 16 on Mondays, 25 on Thursdays, and 8 -10 on Sunday mornings. The respective median figures are inclusive of instructors, staff, and attendees. The Center has placed a maximum number of participants on weekend events; in the event of larger numbers other locations will be secured.

The Center has been in operation for over four years without a permit. Over the years the Center has grown from an informal gathering place to a structured organization.

² Based on the traditional Tibetan New Year's celebration of Losar, the day is calculated astrologically according to the Tibetan lunar calendar, and changes every year to coincide with the annual lunar cycles

Public Comment:

Date of Notice of Application: August 16, 2007
Date End of Comment Period: September 12, 2007³
Letters 11
Issues: Of the eleven letters submitted during the extended public comment period six were in favor of the proposal while five voiced their disapproval. The common concern for neighbors disapproving the proposal was the cumulative parking and traffic related impacts due in part to three nearby institutions (The Valley School, Bush School, and Martin Luther King Jr. Elementary). Additional comments included impacts of nonresidential uses on low density residential zones, and citing concerns surrounding dispersion criteria for Administrative Conditional Use (ACU) permit. Letters in support ranged from the Center being a good neighbor by being proactive in mitigating parking related impacts. In particular, one neighbor found the “residents and visitors at the Shambhala Center to be quiet, courteous, helpful, and invariably sensitive to the needs of the neighbors.”

ANALYSIS - ADMINISTRATIVE CONDITIONAL USE PERMIT (23.44.022 SMC)

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 a land area of approximately 12,115 square feet.

³ At the request from the public the public comment period was extended an additional two weeks from the published conclusion date (August 29, 2007).

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.*

Not applicable, Martin Luther King Elementary School was constructed in 1959. The applicant provided documentation from Seattle Public School's Facilities Office stating, "It is highly unlikely that MLK will ever reopen as a public school." The Director recently contacted Facilities Office and was informed that Seattle Public School will be operating MLK on a limited basis at least through the end of 2008 while pursuing future options.

- 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.*

Three institutions have been identified within the 600 foot dispersion area; Seattle Public School's Martin Luther King Elementary (3201 E Republican Street) approximately 67 feet to the northeast across an Collector Arterial (32nd Avenue E), The Bush School (3400 E Harrison Street) adjacent to ML King Elementary approximately 340 feet away, and The Valley School of Seattle (318 30th Avenue east) approximately 213 feet to the southwest. The Valley School currently has an active ACU application to physically expand its development site which, if approved, would reduce separation to approximately 172 feet from the proposed Center.

The intent of the Land Use Code is to provide "substantial separation" from other institutions. To provide such "substantial separation" the following 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 must exist (SMC 23.44.22.E.1(b)). Due in part to the alignment and width of the adjacent roadway system and traffic patterns the impact of the proposed institution is anticipated to have a moderate impact in the neighborhood. As previously stated the Center has been in operation for over four years and DPD has received only two complaints. The first complaint was for operating an institutional use without permit, which prompted this application. The second complaint centered on visual obstruction of street signage by the hedge. The Center has proposed mitigation measures

to address parking demands that have been cited as concerns in the neighborhood. Therefore, by virtue the nature of the proposed use and other elements, the Center has achieved substantial separation from other institutions

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;*

N/A

b. *Create traffic safety hazards;*

N/A

c. *Create or significantly increase identified parking shortages; or*

N/A

d. *Significantly increase noise levels to the detriment of surrounding residents.*

N/A

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.*

The existing residential structure will not be demolished nor will its use be changed to provide for parking.

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 single family structure has at the minimum a 12 foot side yard which exceeds the minimum requirements for the zone by two feet. The structure's front façades are approximately 27.4 feet away from the east and 56 feet from the west front property lines⁴. The required front yard depth is 20 feet. All required yard standards

⁴ The subject lot is considered to be a through lot which means a lot abutting on two streets which are parallel or within 15 degrees of parallel with each other. Under this scenario there are no back yards.

have been exceeded at the development site. The applicant has indicated that there is an existing nine-foot tall evergreen perimeter hedge adjacent to the right-of-way and six foot tall fence along the south property line with landscaping. The existing hedge, fence, and landscaping would further reduce impacts on surrounding properties. Therefore, this provision meets applicable development standards.

- 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 25.08.**

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.

The Center primarily involves silent meditation and workshops that contribute to increasing ambient noise levels in the neighborhood. Associated activities outside structure may slightly increase noise levels but set within lush landscaping it is anticipated the noise would be dampened by the time it travels outside the property. This additional outside noise is minor and no further conditioning for noise impacts is warranted. The site has existing garbage and recycling containers on site. No adverse trash and odor impacts are anticipated.

- 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.

According to the information provided with the application, one parking space will be provided at the development site screened behind the perimeter hedge and solid gate. The site will be adequately screened from the abutting residence abutting the site to the south by a six-foot tall fence. A nine-foot tall evergreen hedge along the west, north, and east property lines will provide screening from neighboring properties. Within the planting strip mature street trees provide additional buffering from visual and noise impacts. The site is adequately landscaped with trees, shrubs and flowers. No further conditioning is warranted, the development site is robustly landscaped to provide a significant visual buffer for on-site activities.

- 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.**

The existing lighting will not change any light and glare impacts already existing on site and no new exterior lighting has been proposed by the applicant.

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 so these criteria are not applicable to the religious center.

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.***

This criterion is addressed under the discussion of the reuse of the existing structure. Please refer to # G above.

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.***

A religious symbol is not 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.***

The facades along the north and south elevations are approximately fifty-five feet in length. Each façade features a five foot deep (approximate) modulated feature that breaks apart the appearance of bulk into at least two discreet elements. One segment measures approximately 17.5 foot in width and is 15 feet from the north (Harrison) property line; the other segments are 13 foot in width and 17 feet from the north property line. The two-story structure's front (east and west) façades do not have modulating features of note. The south side facade features two segments that are no closer than 25 feet to the property line. The proposal reuses an existing residential structure, all existing facades are compatible with other houses in the neighborhood therefore, no mitigation of bulk will be necessary.

L. Parking 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.***

According to information submitted by the application, an average of 67% of attendees at any given event will more than likely use a vehicle to commute to the Center, which translates to a parking demand of 13 parking stalls. Addressing this short fall the center reached out and secured a parking agreement with The Bush School to provide 15 parking stalls with additional space if needed. As previously mentioned Bush School is located one block away. The Center's operation hours are outside the primary operating hours of the school and no conflict is anticipated. The closest Metro transit bus stops are located approximately 1,100 feet away from the development site. The Center encourages their participants to use alternative modes of travel, and will continue to encourage reliance on alternative modes of travel, including car pooling.

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

The applicant has indicated that there will be one parking stall on-site and 15 off-site parking stalls located at The Bush School. The applicant determined their required parking demand by the gross assembly area, one stall per 80 square feet of assembly area, for a total of 16 stalls. Strict Land Use Code interpretation would require 16 stalls. The applicant has secured off-site parking stalls from The Bush School to be fully compliant with Code. No further mitigation is required from the Director of DPD.

- 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.***

No additional modifications are necessary.

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

Yes, no further comment is warranted.

- 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.***

No loading berths are required, and the applicant is not providing loading berths on-site.

- 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 additional twenty (20) or more parking spaces.**

The Shambhala Meditation Center is less than 4,000 square feet therefore a transportation plan will not otherwise be required for this proposal. However, the applicant has submitted a transportation report that identified traffic and parking impacts to inform mitigation measure to address parking and traffic demands.

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 religious facilities in single family zones. Further, the Land Use Code, allows these institutions in single family zones, but establishes the Administrative Conditional Use (ACU) process as the mechanism for screening and mitigating impacts related to the proposed uses. The proposed religious 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 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 Director notes that the Center had received two complaints (May 5 & 9, 2007) during the past four years while in operation from DPD's Housing and Zoning Compliant Division. The May 5th complaint prompted the applicant to seek a permit to establish an institutional use under this permit. The may 9th complaint concerned dense vegetation obscuring street signage which was recently resolved. Finding five objections to the proposal and six letters of support by neighbors, DPD concludes that the potential negative impacts would not adversely impact the neighboring properties in the zone. The proposed religious facility, has not demonstrated that it meets dispersion exceptions found in SMC Section 23.44.022.E.1, and therefore; the Center can not be authorized in a single family zone.

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.

N/A

Conclusion

Based on the foregoing analysis and review, the proposed action satisfies all 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 with conditions, the proposal would not be materially detrimental to the public welfare or injurious to property in the zone or vicinity in which the religious center would be located. Therefore, it is the determination of the Director to approve the request to establish an institutional use.

DECISION - ADMINISTRATIVE CONDITIONAL USE PERMIT

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

CONDITIONS - ADMINISTRATIVE CONDITIONAL USE

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

Prior to Issuance of MUP

1. Submit notarized parking covenant agreement securing at least 15 off-site parking stalls.
2. Revise plans to remove on-site parking stalls.
3. Revise plans to illustrate location of perimeter fence and landscaping to mitigate noise visual impacts upon neighboring properties.
4. Add a note to plans to shield and direct exterior lighting away from adjacent residentially zoned lots.

For Life of the Project

5. Conduct annual assessment of parking and traffic impacts and mitigate accordingly.

Signature: (signature on file) Date: April 24, 2008
Bradley Wilburn, Land Use Planner
Department of Planning and Development