



City of Seattle  
Greg Nickels, Mayor

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**Department of Planning and Development**  
Diane Sugimura, Director

**CITY OF SEATTLE  
ANALYSIS AND DECISION OF THE DIRECTOR  
OF THE DEPARTMENT OF PLANNING AND DEVELOPMENT**

**Application Number:** 3009261  
**Applicant Name:** Greg Bjarko  
**Address of Proposal:** 314 27<sup>th</sup> Avenue E

**SUMMARY OF PROPOSED ACTION**

Land Use Application to change the use of existing 2,400 sq. ft. single family residence to institution (child care center). No change in parking.

The following approvals are required:

**Administrative Conditional Use**—to allow an institution other than public schools not meeting development standards in a multifamily zone. (Chapter 23.45.122, Seattle Municipal Code.)

**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 property is located uphill to the west of the commercial node at E. Madison St. and MLK Jr. Way E. It is a midblock site, zoned L2, as are the properties to the north, south and west. Adjacent properties to the east are zoned SF5000. The site is subject to a potential slide ECA overlay.

The site is developed with a single family residence, located on the west half of the lot with a sub-standard front setback (6.5 feet). Access to the property is provided by 27<sup>th</sup> Avenue East, from which there is a substandard curb-cut (8 feet wide) to a gravel parking space located largely

in the required front yard. The lot is nicely landscaped, and there are seven mature trees on the site, including one 48-inch cedar tree. All of the trees and existing landscaping are proposed to be maintained.

The adjacent building to the north is a single family residence; there is also a single family residence adjacent to the southeast. Adjacent to the south is a duplex, and there is also a duplex adjacent to the northeast. Across the street to the west are two duplex townhouses, and to the south of them, a single family residence.

### Proposal Description

The applicant proposes to operate a pre-school for up to forty 3-5 year olds within an existing single family residence. The school would be staffed by 4-6 qualified teachers. It would operate from mid-September till mid-June, from 9 a.m. to 3 p.m., Monday through Friday. A new 10-foot by 24-foot fenced-in play area with playground equipment accessory to the proposed child care center will be located directly east of the house. It would approach no closer than 20 feet to the adjacent property to the east. Two loading and unloading berths are proposed on the east side of 27<sup>th</sup> Avenue East, adjacent to the site.

### Public Comment

One comment letter was received, stating, “Unless they build a drive with ingress and egress room for cars to line up (pave over the front yard or have a drive go around the building) there is NO WAY that street can support the drop-offs and pick-ups. The street is virtually one lane. Traffic control will be called daily.”

### **ANALYSIS - ADMINISTRATIVE CONDITIONAL USE (SMC 23.45.122)**

The applicable criteria used for evaluating and or conditioning the application are discussed below.

#### **A. Bulk and Siting**

*In order to accommodate the special needs of the proposed institution, and to better site the facility with respect to its surroundings, the Director may modify the applicable development standards for modulation, landscaping, provision of open space, and structure width, depth and setbacks. In determining whether to allow such modifications, the Director shall balance the needs of the institution against the compatibility of the proposed institution with the residential scale and character of the surrounding area.*

There are no proposed changes to the existing bulk and siting. This criterion is satisfied.

#### **B. Dispersion Criteria**

*An institution which does not meet the dispersion criteria of Section 23.45.102 may be permitted by the Director upon determination that it would not substantially aggravate parking shortages, traffic safety hazards, and noise in the surrounding residential area.*

No other institutions identified w/o 600 feet. This criterion is satisfied.

C. Noise

*The Director may condition the permit in order to mitigate potential noise problems. Measures to be used by the Director for this purpose include, but are not limited to the following: Landscaping, sound barriers or fences, mounding or berming, adjustments to yards or the location of refuse storage areas, or parking development standards, design modification and fixing of hours for use of areas.*

Sound associated with the proposed use is likely to be well contained within the existing structure, which is adequately set back from structures on either side. The play area would be a new location for children's voices and playtime noise, but it is well set back from all adjacent property lines, and both the amount and the hours of noise generation would be low-impact. This criterion is satisfied.

D. Transportation Plan

- (1) *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 provide twenty (20) or more parking spaces.*
- (2) *The Director shall determine the level of detail to be disclosed based on the probable impacts and/or scale of the proposal. The transportation plan may consider the following elements, as well as other similar factors:*
  - (a) *Traffic: Number of staff during normal working hours; users; guest; and other regularly associated with the institution; level of vehicular traffic generated; traffic and parking characteristics of the institution and the immediate area; likely vehicle use patterns; extent of congestion; types and numbers of vehicles associated with the use; and mitigating measures to be taken by the applicant;*
  - (b) *Parking area: Number of parking spaces; extent of screening from public or abutting lots; direction of vehicle light and glare; location of driveways and curbs cuts; accessibility and convenience of parking area; and mitigating measures to be taken by the applicant;*
  - (c) *Parking overflow: Number of vehicles expected to be parking in alternative parking lots; opportunity available to share existing parking areas; trend to local area development and mitigating measures to be taken by the applicant such as providing shuttle services to off-site parking areas;*
  - (d) *Safety: Number of driveways, which cross pedestrian walkways; and location of passenger loading areas;*
  - (e) *Availability of Mass Transportation, Bus route location and frequency of service, private transportation programs including carpools, and vanpools, to be provided by the applicant.*

The proposed transportation plan includes scheduling arrivals (9-9:30 a.m.) and departures (1-3:00 p.m.) so that they minimize conflict with typical arrival and departure patterns of the local residents. Area traffic circulation would likely be minimally impacted by the proposed use, although there would be some brief impacts at the opening and closing hours of the preschool. This would be caused not only by the introduction of new vehicles to the area, but by the need for some of them, probably, to have to circle the block once or twice waiting for a parking spot to open up (see below). Again, these impacts would be minimal, and do not warrant mitigation.

The proposal includes approximately one-half dozen special events (open houses, orientations, curriculum night, community spirit nights) spread over the course of the year that would be during evening or weekend hours, and thereby conflict with peak periods of neighborhood parking demand. These events are likely to push parking utilization above neighborhood comfort levels, and likely over capacity as well. However, the determinative aspect of the proposal is that such events would be limited to approximately 6 per year. In no case would the duration of impacts be extended, nor particularly intense. The largest number of vehicles expected would be approximately 20, which would no doubt be felt on the street, but equally without doubt would not be incapacitating with respect to one's finding parking within some reasonable walking distance of where one needed to go. To ensure that there are no more than 6 such events per year, the project has been so conditioned (see Conditions, below).

The proposal includes one on-site parking space, which would fall far short of meeting parking needs, particularly during the opening and closing hours of the preschool. The proposal includes installation of two loading areas in front of the property, which would displace two on-street parking spaces during the school's hours of operation, making that aspect of the proposal something of a wash. The proposed transportation plan also includes provision of Metro bus passes to staff, which should remove all-day demand for one or two parking spaces. Nonetheless, there is likely to be all-day demand for one or two on-street parking spaces to serve staff (paid and volunteer); there is also likely to be heavy demand for temporary parking just prior to start-up and just after closing hours.

The applicant commissioned a professional parking study, which shows on-street parking utilization to be substantial during the pre-school start-up and closing hours, which with the additional parking demand from the proposed use would probably exceed capacity (defined as 80% utilization) very briefly at two times in the afternoon, once around the end of the pre-school session (1:00) and again when the after-school program closes (3:00). This is based on an estimated spillover demand of approximately 15 cars at each time period, which assumes a generous 62.5% non-SOV use by the 40 preschool clients. The key consideration, though, is that the impacts would be brief – probably spread over no more than ½ hour in the morning (8:45-9:15) and over 1 hour in the afternoon (12:45-1:15 and 2:45-3:15). These hours are not prime arrival times for the immediate residents. The business district is just slightly too far to make the streets in the immediate vicinity of the preschool tempting parking locations for business customers. So, over all, it appears most reasonable to conclude that, although there would be a parking impact, it is so brief, and so constrained in time and in location as to not present substantial problems for the area, either for residents or for businesses.

Having said all that, it behooves the proponent to do all that is possible to heighten his clients' awareness of the parking impact that they will have, and to provide guidance and reminders as to considerate parking practices. Thus, project approval is conditioned upon the proponents providing for DPD approval a "314 Preschool Parking Mitigation Plan," which shall include at minimum:

1. A one-page attractive graphic, ("314 Preschool: Where to Park/Consider Others") including but not limited to the following information and concepts:
  - a. A parking map showing (by coloring appropriate block face areas) all the available parking identified in the parking study. This should be the dominating element on the page.

- b. Illustrate the concepts that parking is likely to be tight – so patience in finding it is required; and that other vehicles will be circulating in the area to find them, so to be thoughtful of them. (a cartoon would be nice)
  - c. People need to use their driveways at all times, so don't block them, even briefly. (again, cartoon?)
  - d. No illegal parking – too close to intersections, posted spaces, etc.
2. A procedure and schedule for circulating the “314 Preschool: Where to Park/Consider Others” to parents and staff, and for maintaining awareness of its importance.

The above discussion highlights a substantial adverse parking impact of this proposed use, which is mitigated largely by the uniquely brief and uniquely timed operations of the particular preschool. This permit for institutional use (preschool) is solely for the proposed preschool, and is not transferable to any other institution. Crucial operating characteristics are:

- a. Limited to 40 children.
- b. Limited to 6 staff.
- c. Except for 3 days per year of children's concerts during school hours, not to schedule any activities involving substantial numbers of persons other than staff between 9:00 a.m. and 3:30 p.m. on weekdays.
- d. Limited to 6 special events (including but not limited to orientation and open houses) per year during evening or weekend hours.

Any changes of peak parking demand (specifically: any increase in number of parking spaces demanded, duration for which they are demanded, or any change in time(s) at which they are demanded) are expressly prohibited.

**ANALYSIS - ADMINISTRATIVE CONDITIONAL USE GENERAL PROVISIONS**  
**(SMC 23.45.122)**

*A. Only those conditional uses identified in this subchapter as conditional uses may be authorized as conditional uses in multifamily zones. The Master Use Permit process shall be used to authorize these uses.*

The Land Use Code allows this use in multifamily zones outright, but requires an Administrative Conditional Use approval when institutions do not meet development standards.

*B. Unless otherwise specified in this subchapter, conditional uses shall meet the development standards for uses permitted outright in Subchapter I.*

This proposal is subject to SMC 23.45.122, Institutions other than public schools not meeting development standards.

*C. The Director may approve, condition or deny a conditional use. The Director's decision shall be 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 site does not provide sufficient parking to accommodate likely demand, and the only existing (or reasonably possible) parking space on the site is sub-standard for its location in the required front yard. There exists substantial room behind the existing space to move it much further toward the east, out of or nearly out of the required front yard. Because of the extensive use this space is likely to see, and particularly because of its use by a host of constantly changing parkers, it is reasonable to ask that it be relocated to as safe and innocuous a location as possible on the site. Accordingly, approval is conditioned upon revision of plans to show the relocation of the space to the east out of the required front setback, or as far as is reasonably possible (in DPD's judgment) to the east. Additionally, approval shall be conditioned upon providing a solid fence along the north property line from the sidewalk to the northerly extension of the most easterly extension of the re-located parking area; the fence shall be sufficiently high to block view of the parked vehicles.

*D. In authorizing a conditional use, the Director may mitigate adverse negative impacts by imposing requirements and conditions deemed necessary for the protection of other properties in the zone or vicinity and the public interest.*

The criteria described in SMC 23.45.122 A through D is used to evaluate the proposal and condition, if necessary, to protect other properties and the public interest.

*E. The Director shall issue written findings of fact and conclusions to support the Director's decision.*

This report satisfies the above criterion.

*F. Any authorized conditional use which has been discontinued shall not be re-established or recommenced except pursuant to a new conditional use permit.*

This criterion is not applicable.

### **DECISION - ADMINISTRATIVE CONDITIONAL USE**

The conditional use application is **CONDITIONALLY APPROVED.**

### **CONDITIONS – ADMINISTRATIVE CONDITIONAL USE**

#### *Prior to Issuance of the Master Use Permit*

1. The owner(s) and/or responsible party(s) shall revise plans to show:
  - A. Relocation of the space to the east out of the required front setback, or as far as is reasonably possible (in DPD's judgment) to the east.
  - B. A solid fence along the north property line from the sidewalk to the northerly extension of the most easterly extension of the re-located parking area; the fence shall be sufficiently high to block view of the parked vehicles.

C. A following note shall be added to the plans cover sheet:

“This permit for institutional use (preschool) is solely for the proposed preschool, and is not transferable to any other institution. Crucial operating characteristics are:

- a. Limited to 40 children.
- b. Limited to 6 staff.
- c. Except for 3 days per year of children’s concerts during school hours, not to schedule any activities involving substantial numbers of persons other than staff between 9:00 a.m. and 3:30 p.m. on weekdays.
- d. Limited to 6 special events (including but not limited to orientation and open houses) per year during evening or weekend hours.

Any changes of peak parking demand (specifically: any increase in number of parking spaces demanded, duration for which they are demanded, or any change in time(s) at which they are demanded) are expressly prohibited.”

2. The owner(s) and/or responsible party(s) shall secure DPD approval of a “314 Preschool Parking Mitigation Plan,” which shall be shown on the cover page of plans.

*For the Life of the Project*

The owner(s) and/or responsible party(s) shall maintain the project per plan. Key aspects of plans for the life of the project are: location of on-site parking, landscaping of on-site parking, operational characteristics, and the “314 Preschool Parking Mitigation Plan.”

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

Date: January 8, 2009