



City of Seattle

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: 3010072
Applicant Name: Joseph Brogan for Sound View Education Campus
Address of Proposal: 9205 3rd Avenue SW

SUMMARY OF PROPOSED ACTION

Land Use Application to allow a 2,074 square foot change of use from single family to education institution, for the purpose of expanding an existing (religious) institution in an environmentally critical area (Sound View Education Campus). Project also includes 1,250 square foot of outdoor accessory play area. No change to existing church. Surface parking for 41 vehicles will be provided.

The following approval is required:

Administrative Conditional Use to allow an education facility in a single family residential zone (Section 23.44.022 Seattle Municipal Code (SMC)).

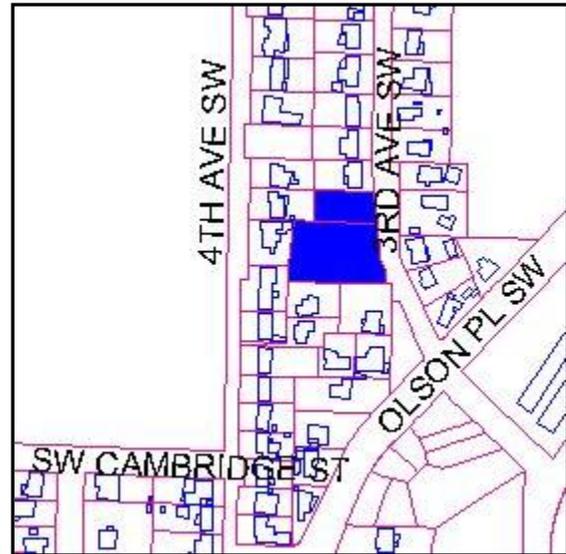
SEPA DETERMINATION: Exempt DNS MDNS EIS
 DNS with conditions
 DNS involving non-exempt grading, or demolition, or involving another agency with jurisdiction.

BACKGROUND DATA

Site Development

The subject site combines two parcels of land located on the west side of 3rd Avenue Southwest near the intersection of Olsen Place Southwest in West Seattle. The site comprises a land area approximately 35,632 square feet, and is located in a Single Family residential zone with a minimum lot size of 7,200 square feet (SF 7200). The site is also located within an Environmentally Critical Areas (ECA) Steep Slope environment that occupies the west half of the development site.

The site is irregular in shape and features a moderate upward slope from east to west on the site's west half outside the developed area. Three existing one-story buildings; one containing a church use, the other a single family residence with accessory garage are located on the site's east half. The site features a paved surface parking lot behind the church for 41 vehicles, perimeter landscaping with shrubs, mature trees, and retaining walls that rise approximately 16 feet (at its highest point) in the rear and side yards to protect a cut in the grade. The retaining wall directly behind the location of the proposed private school measures approximately seven feet in height in the rear and side property lines. Robust landscaping obscures the existing one-story church structure along the south (side) property line while a fence with vines acts as a buffer along north (side) property line from neighboring properties. Access to parking is taken off 3rd Avenue from two locations; a 10 foot wide driveway along the north property line to an accessory garage, near the south property line a 20 foot wide driveway serves a surface parking lot for 41 vehicles. The abutting street dead ends to the north and is partially improved with paved roadway and soft shoulders.



ECA Submittal, General, and Geologic Hazard Areas, and applicable development standards will apply for this development site as provided in SMC Chapter 25.09.

Area Development

The area is located in close proximity to Seattle's south city limits in a distinctly residential area which has the feel of rural neighborhoods with large tracts of land. The area sites on a slope with benches where development is concentrated. One and two-story single family structures dominate the area. The area is characteristic of low residential zones, quiet streets during mid-afternoon with little pedestrian activity. Seattle Parks and Recreation's Westcrest Park is located one block west fronting 4th Avenue, with other city facilities found nearby. A mini storage use is located a block south across Olsen Place. Zoning in the vicinity includes a vast area dedicated to residential use including SF 7200 and SF5000. Small commercial zoning pockets are set within the vast residential zone which includes Neighborhood Commercial One with a height limit of 30 feet (NC1-30) and Commercial Two with height limits of 40 and 65 feet (C2-40 & C3-65).

Proposal Description

The applicant proposes to change the use of an existing single family residence to an education facility (Sound View Education Campus). The proposal will convert the single family residential structure and accessory garage into three classrooms with accessory spaces. The school will operate Monday through Friday, 7:30 AM to 4:00 PM during the traditional school year (September – June). All vehicle circulation for drop off and pick up will occur on the subject lot between the hours of 7:45 to 8:00 AM and 3:00 to 3:15 PM. A maximum of five staff including administrators, tutors, and teacher assistance will be at the site at any one time during business

hours. Sound View has placed a maximum number of 20 students at the proposed facility, and will offer classroom instruction in grades third through twelfth.

Since the school is proposed to operate outside the hours of the existing church, no programs are anticipated to conflict with the church use. The education facility has been in operation for over a half a year without a permit.

Public Comment:

Date of Notice of Application: August 26, 2010
Date End of Comment Period: September 8, 2010
Letters 1

Issues: One letter was received during the public comment period that expressed support for the proposed private school. The neighbor noted that the existing religious institution has been a good neighbor over the past 10 years. The addition of the private school on church grounds would not cause any foreseeable environmental impacts.

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 existing residential use will go away and the proposed institution will encompass a land area of approximately 35,632 square feet.

- 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.*

N/A

- 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 expanded institution is located more than 600 feet from other institutions in a residential zone.

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 9 foot wide side yard (along the north property line) which is less than the required 10 foot minimum requirements for institutional uses. The Director has the discretion to allow less than 10 feet but not less than 5 feet, if it is determined that no significant impacts including noise and odor would burden adjacent residential lots. Activities associated with the proposed private school use are not expected to significantly impact adjacent properties. The students will have limited access to an outdoor play area and generate noise characteristic of children at play. However, this area is set back further from the side property line and is expected not to significantly contribute to daytime noise levels. The structure's front façade is approximately 27 feet away from the east and conforms to development standards. The required front yard depth is 20 feet. All other required yard standards have been exceeded at the development site. The existing retaining wall, 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 classroom study and is not expected to contribute to increasing ambient noise levels in the neighborhood. Associated activities outside structure may slightly increase noise levels but set within 6 foot tall (minimum) fence and retaining walls, with lush vegetation, 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.

There are no construction related activities associated with the proposal other than interior remodeling. As designed, landscaping surrounding the structures of the proposed new use fits within the existing neighborhood context. The site is adequately screened with vegetation and fences to provide a visual buffer from abutting residences. The existing surface parking lot is set below the elevations of abutting properties and has landscaping on top of the retaining walls to further reduce visual impacts. The site is adequately landscaped with trees, shrubs and flowers. No further conditioning is warranted, the development site is adequately 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 education 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, SF 7200.

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.***

No new or expansion to the existing one-story structure is proposed. The facades of the existing structure along the east and west elevations are approximately fifty-five feet in length. Each façade features at least a five foot deep (approximate) modulated feature that breaks apart the appearance of bulk into at least two discreet elements. One segment measures approximately 14 feet in width and 5 feet in depth along the east façade adjacent to 3rd Avenue Southwest. To the east (or rear) façade, a 15.5 foot wide modulated wall that is 11 feet in depth breaks apart the building's bulk. The structure's side (north and south) façades have more dramatic modulating features that reduce the appearance of bulk on neighboring properties. 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, parents will be encouraged to carpool as much as possible. The school will provide educational instruction for students in grades three through twelve, older students living nearby will be encouraged to use alternative modes of travel. The closet Metro transit bus stop (route 131) is located approximately 400 feet away from the development site. Sound View encourages their staff to use alternative modes of travel, and will continue to encourage reliance on alternative modes of travel, including car pooling for all associated with the school.

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

Required parking demand is by the gross assembly area, one stall per 80 square feet of assembly area, or one stall for each staff member, if no assembly rooms are proposed. No assembly rooms are proposed. The applicant has indicated that there will be one on-site parking stall for each staff member, for a total of five stalls. According to information submitted by the application, the existing 41 stall surface parking lot will handle any additional demand that may occur. The parking lot will be shared with the existing church use that holds services outside the operating hours of the proposed school, Monday through Friday between 7:30 AM and 4:00 PM. Strict Land Use Code interpretation would require five stalls which the applicant has proposed. 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, parking design meets development standards, 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 Sound View Education Campus 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 analysis that identified traffic and parking impacts to inform mitigation measure to address parking and traffic demands, if required. No further mitigation is required from the Director of DPD.

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 educational 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.

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.

Converting an existing residential use with accessory structures to an education facility meets all development standards for the specific use with the exception of a slightly reduced institutional side yard. The existing church will remain and share parking with the proposed new use. The only public comment received by DPD supported the proposal; stating that no negative environmental impacts would result with the establishment of the proposed use.

Therefore, the proposed use would not be materially detrimental to the public welfare or injurious to property in the zone or vicinity in which the property is located.

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 the proposal would not be materially detrimental to the public welfare or injurious to property in the zone or vicinity in which the educational facility 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**.

ANALYSIS - SEPA

The proposal site is located in an environmentally critical area, thus the application is not exempt from SEPA review. However, SMC 25.05.908 provides that the scope of environmental review of projects within critical areas shall be limited to: 1) documenting whether the proposal is consistent with the City's Environmentally Critical Areas (ECA) regulations in SMC 25.09; and 2) Evaluating potentially significant impacts on the critical area resources not adequately addressed in the ECA regulations. This review includes identifying additional mitigation measures needed to protect the ECA in order to achieve consistency with SEPA and other applicable environmental laws.

Environmental review resulting in a Threshold Determination is required pursuant to the Seattle State Environmental Policy Act (SEPA), WAC 197-11, and the Seattle SEPA Ordinance (Seattle Municipal Code Chapter 25.05).

The initial disclosure of the potential impacts from this project was made in the environmental checklist submitted by the applicant dated July 19, 2010. The information in the checklist, pertinent public comment, and the experience of the lead agency with review of similar projects form the basis for this analysis and decision.

The Department of Planning and Development has analyzed the environmental checklist submitted by the project applicant; and reviewed the project plans and any additional information in the file. As indicated in this analysis, this action will not result in significant adverse impacts to the environment. The proposal to change the use of existing buildings will not require any ground disturbance.

The SEPA Overview Policy (SMC 25.05.665) clarifies the relationship between codes, policies, and environmental review. Specific policies for each element of the environment, and certain neighborhood plans and other policies explicitly referenced, may serve as the basis for exercising substantive SEPA authority. The Overview Policy states, in part, "*Where City regulations have been adopted to address and environmental impact, it shall be presumed that such regulations are adequate to achieve sufficient mitigation*" subject to some limitations. Short-term adverse impacts are anticipated from the proposal. No adverse short- or long-term impacts on the environmentally critical area are anticipated.

DECISION

This decision was made after review by the responsible official on behalf of the lead agency of a completed environmental checklist and other information on file with the responsible department. This constitutes the Threshold Determination and form. The intent of this declaration is to satisfy the requirement of the State Environmental Policy Act (RCW 43.21.C), including the requirement to inform the public of agency decisions pursuant to SEPA.

[X] Determination of Non-Significance. This proposal has been determined to not have a significant adverse impact upon the environment. An EIS is not required under RCW 43.21.030(2) (c).

CONDITIONS - ADMINISTRATIVE CONDITIONAL USE

None required.

CONDITIONS - SEPA

None required.

Signature: _____ (signature on file) Date: September 16, 2010
Bradley Wilburn, Land Use Planner
Department of Planning and Development

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