



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: 3011004
Applicant Name: Marshall Jones
Address of Proposal: 3003 SW Roxbury Street

SUMMARY OF PROPOSED ACTION

Land Use Application to allow an expansion (725 sq. ft. building addition and 244 sq. ft. deck addition) on the ground floor of an existing child care center.

The following approval is required:

Administrative Conditional Use Permit - to allow a child care center in a single family residential zone, Seattle Municipal Code (SMC) 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

The subject site is located at the southwest corner of the intersection of SW Roxbury Street and 30th Avenue SW. It is the most easterly City property along 30th Avenue SW, the City limit being the centerline of the street. It is zoned SF 5000, and it is developed with a one-story former single family residence that was changed to the existing child care center in 2008. Properties to the west along Roxbury are developed with single family residences. Properties to the south, while vastly different in configuration, also are developed with single family residences on the City side. Commercial uses prevail to the east on the south side of Roxbury. Roxhill Elementary School is kitty-corner to the northeast. Adjacent to the school to the east is Roxhill Park.

30th Avenue SW is not fully improved. It does have an asphalt roadway, a small portion of which is located on City property, and most of which appears to lay to the east of the center line of the street, outside of the City. A substantial portion of the City right-of-way is graveled and used for angle-in parking. There is a sidewalk on the south side of Roxbury. There is an eastbound Metro bus stop on Roxbury, adjacent to the subject property, quite near the intersection. The principal route of pedestrians dropped by the bus is east, across 30th Avenue SW, toward the school and the commercial zone.

Access to site parking comes from 30th Avenue SW, and wraps around the back of the site on private property. There is a gate admitting to at least two parking spaces, which were observed to be in use on both site visits. The access, while on private property, appears to be long-established.

Proposal

The applicant proposes to add 676 square feet of interior space plus a small exterior deck to the north side of an existing building housing a permitted child care use. The originally-proposed expansion from 20 to 30 children, and to add a ramp/deck system on the west side of the house have been eliminated. Legal access to parking would be added. There would be no changes to the existing outdoor play area.

Public Comment

Three comment letters were received, two from the neighbor to the south, expressing concern about use of the neighbor's property for access to parking on the subject site. The third comment letter noted that the City plans to develop a sidewalk along the east side of the property, where drop off and other parking is proposed. The City employee responsible for this project indicated that it was not currently funded, though it is contemplated.

ANALYSIS - ADMINISTRATIVE CONDITIONAL USE PERMIT (SMC 23.44.022)

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.*

Once legal access to parking is provided, the proposal will satisfy all applicable development standards. Accordingly, project approval is conditioned upon documentation of final permit approval for construction of legal access to parking.

- 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.*

N/A.

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.*
 - 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 expansion would not alter the analysis of the dispersion criterion published in Master Use Permit No. 3006981, which is: "The proposed child care center is less than 600 feet from the Roxhill Elementary School, which is kitty-corner across Roxbury and 30th Avenue SW. There is some potential for demand for parking adjacent to the subject site to serve Roxhill Elementary, because parking on 30th Avenue SW north of Roxbury is at capacity during the morning hours at least. During a site visit, one car not associated with the day care operation parked in the angle-in spot nearest Roxbury, and crossed the street heading east. The car remained there for the entire site visit at least. Nonetheless, spillover demand from Roxhill Elementary is not likely to be pressing, because Roxbury is a very busy street, and the general inclination of people dropping off or picking up children will likely be to park as far north on 30th as need be to find a space rather than parking south of Roxbury. Because of Roxbury, it seems reasonable to conclude that the proposal satisfies the dispersion requirement."

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.*

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.*

N/A.

- 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.*

N/A.

- 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.

Elimination of the ramp/deck system on the west side of the house largely eliminated noise issues. With no expansion of the number of children, and no outdoor development placed in proximity to neighboring single family residential uses, noise impacts beyond those already being experienced by the existing use are not anticipated. The same applies to odors.

- 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.

The new addition would be strongly residential in appearance. None of the factors warranting imposition of landscaping conditions appear to exist.

- 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. Nonreflective surfaces shall be used to help reduce glare.*

Plans do not show any indication of potential for substantial adverse light or glare impacts.

- 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.*
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.*

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.*
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 three to twelve (3:12) 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.*
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 proposal pushes the house toward the street, which is a major arterial serving fast traffic, where the change would hardly be noticed. Were it to be noticed, the front façade would be an improvement over the existing non-descript façade of the existing house. Nothing about the proposal warrants mitigation with respect to bulk.

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

The DPD zoning review has concluded that, provided legal access to parking is constructed, the project comports with parking requirements. To ensure such provision, project approval is conditioned upon the applicant and/or responsible party(s) providing to the undersigned planner (Paul Janos) documentation of final inspection approval of legal access per approved plan. MUP plans shall be revised to include a detail showing the precise layout of the on-site parking spaces, the fencing (if any) around them, and the precise location of paving between the property line and the paved portion of the street.

Compliance with the above condition should mitigate the concerns of the neighbor to the south regarding adverse impacts to his property of inconsiderate parking behavior by child care center clients. Meanwhile, a Seattle Department of Transportation employee working on pedestrian circulation issues has remarked that persons dropping off children at the center park in a fashion he regards as unsafe – reminiscent of observations made when the child care use was first permitted. Clearly, the parking behavior of child care center clients is problematic – yet, strictly speaking, not within the purview of the Land Use Code. The proprietor(s) of the child care center are strongly advised to add an educational and sanctioning component to their business practice to address these ongoing shortcomings in parking behavior by their clients.

- 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 space.*

The Director shall determine the level of detail to be disclosed in the transportation plan based on the probable impacts and/or scale of the proposed institution. Discussion of the following elements and other factors may be required:

1. *Traffic. Number of staff on site during normal working hours, number of users, guests and others regularly associated with the site, level of vehicular traffic generated, traffic peaking characteristics of the institution and in the immediate area, likely vehicle use patterns, extent of traffic congestion, types and numbers of vehicles associated with the institution and mitigating measures to be taken by the applicant;*
2. *Parking. Number of spaces, the extent of screening from the street or abutting residentially zoned lots, direction of vehicle light glare, direction of lighting, sources of possible vibration, prevailing direction of exhaust fumes, location of parking access and curb cuts, accessibility or convenience of parking and measures to be taken by the applicant such as preference given some parking spaces for carpool and vanpool vehicles and provision of bicycle racks;*

3. *Parking Overflow. Number of vehicles expected to park on neighboring streets, percentage of on-street parking supply to be removed or used by the proposed project, opportunities for sharing existing parking, trends in local area development and mitigating measures to be taken by the applicant;*
4. *Safety. Measures to be taken by the applicant to ensure safe vehicular and pedestrian travel in the vicinity;*
5. *Availability of Public or Private Mass Transportation Systems. Route location and frequency of service, private mass transportation programs including carpools and vanpools, to be provided by the applicant.*

N/A.

N. Development Standards for Existing Institutes for Advanced Study.

1. *The institute shall be located on a lot of not less than fifteen (15) acres.*
2. *The lot coverage for all structures shall not exceed twenty (20) percent of the total lot area.*
3. *Structures shall be set back a minimum of twenty-five (25) feet from any lot line.*
4. *Parking areas shall be set back a minimum of ten (10) feet from any lot line.*
5. *In the event of expansion, parking shall be required as provided for "existing institutes for advanced study" in Section 23.54.015, required parking.*
6. *Landscaping shall be provided between a lot line and any structure and shall be maintained for the duration of the use.*

N/A.

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 child care centers in single family zones. The Land Use Code, as an enunciation of City policy, allows these institutions in single family zones, but establishes the administrative conditional use process as the mechanism for screening and mitigating impacts related to the uses. The proposed 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 23.44.008 through 23.44.016*

The subject proposal meets all of the development standards except for legal access to on-site parking, which has been conditioned below.

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 proposal as conditioned to provide legal access to on-site parking meets the criteria for expanding the child care use as requested.

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.

The Director conditions the project to limit attendance at the center to no more than 20 children at any time, to provide for two conforming parking spaces on site, and to establish a load/unload space in front of the proposed child care.

Conclusion

Based on the foregoing analysis and review, the proposed action satisfies all the 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 as conditioned would not be materially detrimental to the public welfare nor injurious to property in the zone or vicinity in which the child care center will be located, and should be granted.

DECISION – ADMINISTRATIVE CONDITIONAL USE PERMIT

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

CONDITIONS – ADMINISTRATIVE CONDITIONAL USE PERMIT

Prior to Issuance of the Master Use Permit

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

1. Revise the cover sheet of plans to remove references to 244 square foot deck and patio.
2. Provide new sets of plans (including cover sheets) neatly, legibly and comprehensively incorporating all changes shown on Set 2 presently in DPD possession, and removing the “for reference only” set of plans (inclusive of the “for reference only” cover sheet).
3. Provide to the undersigned planner (Paul Janos) documentation of final inspection approval of legal access to on-site parking per approved plan. MUP plans shall be revised to include a detail showing the precise layout of the on-site parking spaces, the fencing (if any) around them, and the precise location of paving between the property line and the paved portion of the street.

Permanent for the Life of the Project

4. The owner(s) or responsible party(ies) shall limit attendance at the center to no more than 20 children at any time.

5. The site shall be maintained per plan.

Signature: _____ (signature on file)

Paul Janos, Land Use Planner
Department of Planning and Development

Date: July 29, 2010

PMJ:ga

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