



City of Seattle

Department of Planning & Development  
Diane M. Sugimura, Director

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

**Application Number:** 3011553  
**Applicant Name:** Melissa Dermody  
**Address of Proposal:** 1460 NW 73<sup>rd</sup> St

**SUMMARY OF PROPOSED ACTION**

Land Use Application to allow a Child Care Center (pre-school) within an existing religious facility (Timberlake Church) located at ground level.

The following approval is required:

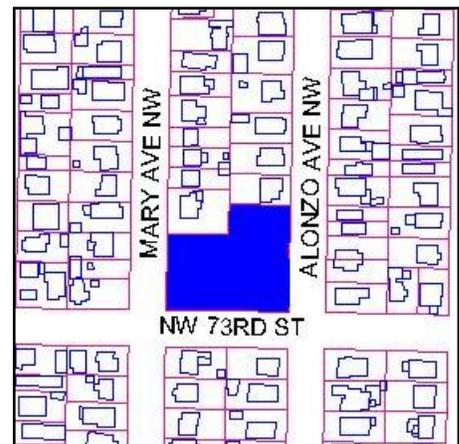
**Administrative Conditional Use** - To allow a Child Care Center (Pre-School) within an existing institution in a Single Family zone Seattle Municipal Code 23.44.022.

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

**BACKGROUND DATA**

**Site and Vicinity Description**

The site is located on the northern block front of NW 73<sup>rd</sup> St, between Mary Ave NW and Alonzo Ave NW, on a lot that is abutting two northern single-family residences. Adjacent uses in the area include single family residences. The site is zoned Single Family 5000 (SF 5000). The property has a rising slope from the south to the north.



### Proposal Description

The church is three stories and the proposed use will be located on the main (ground) entry level. Up to seven rooms – one classroom, two bathrooms, a coat room office, play area and storage area will be used for educational child care activities. The students will be age 3-5 years old and supervised by up to 2 adult teachers. The only, located at the Southeast side of the building. Parking for 29 vehicles is located on the northern portion of the lot.

### Notice of Application and Comment Period

Public notice of the Land Use Application was given on September 2, 2010 and the public comment period ended on September 15, 2010. One public comment letter was received stating that they 'strongly opposed the proposed day care' and that there is a problem with increased pedestrian/vehicle traffic. The Land Use Application file is available at the Public Resource Center located at 700 Fifth Ave, Suite 2000<sup>1</sup>.

### **ANALYSIS - ADMINISTRATIVE CONDITIONAL USE**

The Seattle Land Use Code (SMC 23.44.022.A) provides that institutions such as community centers, child care centers, private schools, religious facilities, public or private libraries, and existing institutes for advanced study or other similar institutions may be permitted as conditional uses in single family zones. Sections 23.44.022 D through M sets forth criteria to be used to evaluate and/ or condition the proposal. The applicable criteria are discussed below.

#### *D. General Provisions*

*New or expanding institutions in single family zones shall meet the development standards for uses permitted outright in Section 23.44.008 through 23.44.016 unless modified elsewhere in this subsection or in a Major Institution Master Plan.*

According to the plans submitted with the application, the proposal meets the applicable development standards found in Section 23.44.008 through 23.44.016.

#### *E. Dispersion*

*The lot line of any proposed new or expanding institution, other than child care centers locating in legally established institutions, shall be located six hundred (600') or more from any lot line of any other institution in a residential zone, with certain exceptions.*

This criterion does not apply. The child care center is proposed within a legally established institution.

#### *F. Demolition of Residential Structures*

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

The proposed work does not include demolition of any residential structures.

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<sup>1</sup> <http://www.seattle.gov/dpd/PRC/LocationHours/default.asp>

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 structure is already established as an institutional use.

H. Noise and Odors

*For the purpose of reducing potential noise and odor impacts, the Director shall consider the location on the lot of the proposed institution, on-site parking, outdoor recreational area, trash and refuse storage areas, ventilating mechanisms, sport facilities, and other noise generating and odor-generating equipment, fixtures or facilities. The institution shall be designed and operated in compliance with the Noise Ordinance, Chapter 25.08.*

*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.*

Adding the child care center to the established institution is unlikely to add noise and/or odor impacts. There may be additional noise when children are escorted in and out of the preschool by their parents or guardians, however these noise levels will be regulated by the City Noise Ordinance. Odor impacts due to vehicle activity are anticipated to remain the same.

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.*

The proposal does not include any exterior changes to the structure or lot and no additional surface parking is being added. Therefore no landscaping mitigation is warranted under this proposal.

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.*

The applicant has stated that no lighting is proposed for the parking lot expansion. Therefore no lighting mitigation is warranted under this proposal.

K. Bulk and Siting

*Lot Area: If the proposed site is more than one (1) acre in size, the Director may require the following and similar development standards:*

- a. *For lots with unusual configuration or uneven boundaries, the proposed principal structures be located so that changes in potential and existing development patterns on the block or blocks within which the institution is located are kept to a minimum.*

This proposal does not impact development patterns therefore, this criterion is not applicable.

- b. *For lots with large street frontage in relationship to their size, the proposed institution reflect design and architectural features associated with adjacent residentially zoned block faces in order to provide continuity of the block front and to integrate the proposed structures with residential.*

The proposal does not change the design and architectural features of the existing façades. Therefore no mitigation is warranted under this proposal.

*Yards: Yards of institutions shall be as required for uses permitted outright in Section 23.44.008, provided that no such structure other than freestanding walls fences, bulkheads or similar structures shall be closer than ten feet (10') to the side lot line. The Director may permit yards less than ten feet (10') but not less than five feet (5 ft.) after finding that the reduced setback will not significantly increase impacts, including but not limited to noise, odor and comparative scale, to adjacent lots zoned residential and there will be a demonstrable public benefit.*

The proposal will provide a 5 foot side lot line setback from the east property line and more than a 20 foot side lot line setback from the west property line.

*Institutions Located on Lots in More Than One (1) Zone Classification: For lots which include more than one (1) zone classification, single-family zone provisions shall apply only to the single-family-zoned lot area involved.*

The subject lot is located within a single-family-zone classification and zoning regulations apply to the respective property in which the area is found.

*Height: Religious symbols for religious institutions may extend an additional twenty-five (25') above the height limit.*

According to the submitted site plan, no additional religious symbol is proposed. Height will meet zoning regulations.

*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.*

There is no proposed gymnasium.

*Façade Scale: If any facade of a new or expanding institution exceeds thirty feet (30') in length, the Director may require that facades adjacent to the street or a residentially zoned lot be developed with design features intended to minimize the appearance of the bulk. Design features which may be required include, but are not limited to, modulation, architectural features, landscaping or increased yards.*

No new or changed facades are proposed.

**L. Parking and Loading Berth Requirements**

*c.) SMC 23.44.022.L provides that the Director may modify the parking and loading requirements of Section 23.54.15, 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.*

The existing 29 vehicle spaces meet the parking requirements of SMC 23.54.015.

**M. Transportation Plan**

*A transportation plan shall be required for proposed new institutions and for those institutions proposing expansions which are larger than four thousand (4,000) square feet of the structure area and/or required to provide twenty (20) or more spaces.*

A transportation Plan is not required.

**Conditional Use (23.44.018) General Provisions**

*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 Department recognizes the public benefit achieved by providing child care center's single family zones, but establishes the conditional use process as a mechanism for mitigating likely impacts related to the uses. Based on the proposed design, scale, and location, the proposal is determined to not be detrimental to the public welfare or injurious to the properties in the vicinity.

