



City of Seattle

Department of Planning & Development
D. M. Sugimura, Director

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

Application Number: 3011716
Applicant Name: Gareth Roe
Address of Proposal: 2728 NE 100th St.

SUMMARY OF PROPOSED ACTIONS

Land Use Application to allow an expansion of an existing institution (Seattle Waldorf School) in an environmentally critical area. Project includes change of use of a structure from single family to an institution (3,160 sq. ft.). One additional accessible parking space is proposed.

The following approvals are required:

Administrative Conditional Use - To allow expansion of an institution in a single family zone (SF5000).

SEPA - Environmental Determination - Chapter 25.05, Seattle Municipal Code.

Variance – to exceed the maximum property size (SMC 23.44.022.D.3)

Variance – to allow a reduction in the required dispersion distance (SMC 23.44.022.E)

SEPA DETERMINATION [] Exempt [X] 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 site is located in the Meadowbrook neighborhood of Northeast Seattle. The existing Seattle Waldorf School is located on NE 100th St., east of Ravenna Ave NE. The vacated 29th Ave NE right-of-way runs through the campus. The existing campus is 121,654 sq. ft. and is zoned Single Family (SF 7200). The surrounding properties are also zoned SF 7200 and are developed with single family homes.

Proposal Description

The proposal is to change the use of an existing structure (single family residence) to private school use (Seattle Waldorf School). The 3,160 square-foot single family structure has been owned by the school for some time, and has been used as a caretakers quarters. The proposal is to change the use of the structure to educational use, including classrooms and accessory offices. The campus boundary would be expanded to include the lot on which the structure is located, which is located immediately north of the existing campus. The lot has an area of 9,966 square feet, increasing the total campus area to 131,620 square feet.

Expansions of institutions in single family zones require administrative conditional use approval. Further, institutions seeking to expand onto property developed with residential structures are limited to a maximum campus size of 2.5 acres. The applicant is requesting a variance from that standard to allow a campus size of 3.02 acres. The applicant is also requesting a variance from the standard that requires institutions in single family zones to be located more than 600 feet from other institutions in single family zones. The existing campus is located 398 feet from the nearest institution (Maple Leaf Lutheran Church, located at the corner of NE 100th St. and 32nd Ave. NE). Because the boundary of the institution is being expanded, variance approval is required from this standard, as well. Due to the presence of environmentally critical areas on-site, environmental review under Seattle's SEPA ordinance is also required.

The project description has changed slightly since the original public notice. The area of the existing structure has been clarified as 3,160 sq. ft. The proposed access ramp has been replaced with a wheel chair lift, and one accessible parking space has been added.

Public Comment

Six (6) comment letters were received during the public comment period for the project which ended on March 16, 2011. Five of these letters provided mailing addresses and one did not. Concerns were expressed regarding traffic, noise, parking, existing sidewalk and drainage conditions, air quality, pedestrian and automobile traffic and safety, and privacy concerns for nearby neighbors. These concerns will be addressed in the analysis, below.

Some letters also expressed concerns about an existing Sunday Farmer's Market that occurs on the campus property. The Sunday Farmer's Market is a separate use which has been permitted under a separate use permit (DPD No. 6278573) and is not a part of this application.

ANALYSIS – ADMINISTRATIVE CONDITIONAL USES

SMC 23.44.018 and SMC 23.44.22 provide that the Director may approve, condition, or deny an application for an administrative conditional use. The Director's decision shall be based on a determination 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 following criteria were used to evaluate the proposal:

SMC 23.44.022.D .1 General Provisions. *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.*

SMC 23.44.008 Permitted Use. Per 23.44.022.A, Institutions (including private schools) are permitted as conditional uses in single family zones.

SMC 23.44.010 Lot Size. The proposed 131,620 square-foot lot area exceeds the minimum lot area of 7,200 square feet for the zone. The project as proposed would not exceed the lot coverage limits for the single family zoned lot. A maximum 35 percent lot coverage is permitted and about 16 percent lot coverage is proposed.

SMC 23.44.012 Height. The subject structure, at 24'-8", is below the maximum height limit for the zone.

SMC 23.44.013 Transportation Concurrency Level of Service. This project is exempt from the requirement for Transportation Concurrency Review, per SMC 23.52.002.

SMC 23.44.014 Yards. In single family zones, yard requirements for institutions are the same as for uses permitted outright provided that no structure other than freestanding walls, fences, bulkheads or similar structures shall be closer than ten feet to the side lot line, per SMC 23.44.022K.2.

The existing structure is not changing with respect to its location relative to property lines. Only the northernmost yard is less than ten feet (at 9'-5"). Although the existing structure is not being relocated, the expansion of the campus boundary changes the yard orientation for the structure. As a single family residence on its own parcel, the structure was conforming to all yard requirements. The front yard was to the east, the rear yard to the west, and the side yards north and south. As part of the campus, the north yard becomes the rear yard and the side yards are to the east and west. The northernmost yard becomes nonconforming as a rear yard. However, reuse of existing structures is encouraged, and existing structures that do not meet yard requirements may be permitted to convert to institutional use per SMC 23.44.022.G., below.

SMC 23.44.016 Parking. Parking for the project is based on the area used for public assembly. One parking stall is required for each 80 square feet of assembly area and twenty-one spaces are required for the project. Forty-seven spaces are provided.

SMC 23.44.022.D.3. Expansion. Per this code section, the campus of an institution may expand on property developed with residential structures, up to 2.5 acres. As noted above, the proposed expansion of the institution will result in the campus exceeding the 2.5 acre limit. (3.02 acres is proposed). The applicant has requested a variance from this standard. Please see the variance discussion, below.

SMC 23.44.022.E Dispersion. Seattle Municipal Code requires that the lot line of a new or expanding institution be located 600 feet or more from other institutions in a residential zone.

The Waldorf School is located 398 feet away from a church to the southeast. An institution which does not meet the dispersion criteria of Section 23.44.022.E may be located less than 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 applicant has requested a variance from this requirement. Please see the variance discussion, below.

SMC 23.44.022.F Demolition of residential structures. The proposal is to change the use of an existing single family structure from residential use to classrooms and offices accessory to the school. No demolition of residential structures is proposed.

SMC 23.44.022.G Reuse of existing structures. Per this section, existing structures may be converted to an institutional use if the yard requirements for the underlying zone 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 mitigation to reduce impacts on surrounding properties. As explained above, the existing structure becomes nonconforming with respect to the northern (rear) yard as a result of the campus expansion. As shown on the plans, a new six-foot cedar fence is proposed for the northern property line adjacent to the structure. The existing mature vegetation along the north property line will remain. No additional mitigation is warranted or required.

SMC 23.44.022.H Noise. In order to mitigate identified noise 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 City's Noise Ordinance Chapter 25.08 sets standards for sending and receiving noise levels depending on the zoning of the subject properties. Permissible noise levels are further reduced between the hours of 10 p.m. and 7 a.m. weekdays and 10 p.m. and 9 a.m. on weekends.

Noise, including voices and sounds associated with outdoor activities such as woodworking, was noted in a public comment. The applicant anticipates that existing noise levels will be reduced as a result of the proposal. Two outdoor activities, which are currently located between the existing school building and the neighboring residence directly to the north, will be relocated. The existing outdoor woodworking area will be relocated inside the subject structure, and the pre-school children's outdoor play area will be relocated closer to the center of the campus adjacent to and south of the subject structure. The plans also show that new, solid wood, 6-foot fences will be constructed along the north and east property lines adjacent to the structure, existing landscaping will be retained and additional plantings will be added.

SMC 23.44.022.I Landscaping. Landscaping is required to integrate the institution with adjacent areas and reduce the appearance of bulk. The existing campus is heavily landscaped. The existing structure was built as a single family residence and has existing landscaping consistent with that use. The existing landscaping will be retained, new fences will be constructed along the north and east property lines, and additional landscaping will be added along the fence lines. The landscaping will be required to be maintained for the life of the project. No additional mitigation is warranted or required.

SMC 23.44.022.J Light and Glare. No additional lighting is proposed.

SMC 23.44.022.K Bulk and Siting. On lots larger than one acre, the Director may require changes in the location of the principal structure to minimize changes in existing development patterns. Yard standards may also be modified under this section, as noted above. Facades in excess of 30 feet may be required to provide mitigation, including design features or landscaping.

The existing structure was designed and used as a single family residence, and is sited and landscaped consistent with that use. The existing landscaping will be retained, fences will be replaced, and additional landscaping installed. The landscaping will be required to be maintained for the life of the project. No further mitigation is warranted or required.

SMC 23.44.022.L Parking. Per Seattle Land Use Code (SMC 23.54), the parking requirement for private schools is based on the area of the public assembly area. Twenty-one parking spaces are required; 47 are provided.

SMC 23.44.022.M Transportation Plan. A transportation plan is required for proposed new institutions and for those institutions proposing expansions which are larger than four thousand (4,000) square feet of structure area or providing 20 or more parking spaces. This criterion does not apply to the proposal since the change of use is less than 4,000 square feet.

SMC 23.44.022.N. Institutes for Advanced Study. This criterion also doesn't apply since the proposal is not an Institute for Advanced Study.

DECISION – ADMINISTRATIVE CONDITIONAL USE

Based on the forgoing review and analysis and as conditioned by this Decision, the proposal will satisfy all relevant requirements of SMC Sections 23.44.022 governing an Administrative Conditional Use in a single family zone. The Administrative Conditional Use Permit to allow expansion of this religious institution is **CONDITIONALLY GRANTED**. As conditioned, the proposal is not expected to be materially detrimental to the public welfare or injurious to property in the zone or vicinity in which the Institution is located.

ANALYSIS - VARIANCES

Pursuant to SMC 23.40.020 C, variances from the provisions or requirements of this Land Use Code shall be authorized when all the facts and conditions listed below are found to exist. Analysis of the variance(s) requested follows each statement of the required facts and conditions, below.

The following variances from development standards have been requested:

- 1) A variance to exceed the maximum property size (SMC 23.44.022.D.3); and
- 2) A variance to allow a reduction in the required dispersion distance (SMC 23.44.022.E).

Both of these standards are found in the criteria for approval of the administrative conditional use which is required for expanding institutions in single family zones. As discussed above, institutions seeking to expand onto property developed with residential structures are limited to a maximum campus size of 2.5 acres. The existing campus is 2.79 acres and applicant is requesting to expand by .23 acres for a total of 3.02 acres. The applicant is also requesting a variance from the standard that requires institutions in single family zones to be located more than 600 feet from other institutions in single family zones. The existing campus is located 398 feet from the nearest institution (to the east). Because the boundary of the institution is being expanded, variance approval is required from this dispersion standard, as well.

1. Because of unusual conditions applicable to the subject property, including size, shape, topography, location or surroundings, which were not created by the owner or applicant, the strict application of this Land Use Code would deprive the property of rights and privileges enjoyed by other properties in the same zone or vicinity; and

The property is surrounded on three sides by single family zoning and single family development. The southern property line abuts NE 100th St. The campus perimeter is vegetated with mature trees and native understory, particularly on the east and south. Existing vegetation on the north and east sides of the subject structure will be retained and enhanced. The existing vegetation provides a buffer to surrounding properties, and the applicant has indicated they intend to retain the vegetation for buffering purposes but also because appreciation of nature is part of their curriculum.

The site is also characterized by environmentally critical areas, and includes the following mapped ECAs: Potential slide, wetlands, wetlands within 100 feet, riparian corridor, and steep slopes. This project was exempted from the ECA code (SMC 25.09) because the parcel where the change of use will occur does not contain any ECAs. However, future development of the campus will be subject to the ECA code and may be limited as a result. The vegetated buffers discussed above may also include trees which would be subject to Seattle's Tree Ordinance (SMC 25.11), which could also restrict future development.

The applicant has voluntarily restricted future development of the campus by means of a covenant that would set aside an area equal to the proposed campus expansion (approximately 10,034 sq. ft. or .23 acres), as follows: "Within the Covenant Areas, no land disturbing activities, such as construction, excavation or grading shall occur." The purpose of the covenant is to offset the proposed campus expansion by setting aside an equal area for non-development. Given that the area voluntarily set aside for preservation described in the covenant is roughly equal to the area of the expansion, the *developable* area of the campus is not expanding with the addition of the subject parcel. This voluntary covenant will be made a condition of approval of this project.

The large, vegetated campus is unusual when compared with properties in the immediate vicinity. However, there is a similar property, the Ryther Child Center, located about 1,200 feet southwest of the Waldorf campus. The Ryther Child Center campus also has large areas of open

space and mapped ECAs (riparian, wetlands within 100 feet and steep slopes), and an existing area of about 359,400 sq. ft. (about 8.25 acres).

Regarding dispersion, the existing nonconformity pertains to the eastern campus boundary and will not be exacerbated by the proposed addition of the subject parcel on the northern boundary. Further, the 398-foot distance between Waldorf and the church (noted above), is property line-to-property line; the entrance to the campus is more than 700 feet from the church. One purpose of the dispersion criterion is to mitigate impacts of institutions on the surrounding single family neighborhood. The applicant has indicated that there will not be any increases in staff or enrollment as a result of this proposal. The vegetative buffers surrounding the campus on three sides will remain.

Most other properties in the zone and immediate vicinity are developed with single family residences. However, a comparable property consisting of a large, open campus which exceeds three acres is found 1,200 to the southwest. For all of the reasons stated above, the strict application of the Land Use Code would deprive the applicant rights and privileges enjoyed by others in the zone and vicinity. This criterion is met for both variances.

- 2. The requested variance does not go beyond the minimum necessary to afford relief, and does not constitute a grant of special privilege inconsistent with the limitations upon other properties in the vicinity and zone in which the subject property is located; and***

The proposed campus expansion involves the reuse of an existing structure with only minor modifications. No new structures are proposed. As discussed above, the campus is encumbered by the presence of multiple ECAs. In addition, the applicant has voluntarily set aside areas of the campus equal in area to the proposed campus expansion to be restricted from future development. As also noted above, the existing nonconformity with regard to the location of the eastern property line relative to the church to the east will not be exacerbated by the addition of a parcel to the north. Any potential impacts of the campus expansion on the northern boundary are further mitigated by the fact that the single family structure will not be substantially changed in appearance and will still be compatible with the surrounding single family homes as well as comparable in height, bulk, and scale. Existing and proposed landscaping will provide additional mitigation.

Due to the development constraints described above (in response to criterion No.1), the requested variances for campus size and dispersion do not exceed the minimum necessary to afford relief.

- 3. The granting of the variance will not be materially detrimental to the public welfare or injurious to the property or improvements in the zone or vicinity in which the subject property is located; and***

The converted single family residence will remain compatible with the surrounding properties in terms of height, bulk, scale and landscaping. In addition, the voluntary restrictive covenant results in no-net-gain in developable area for the campus. For these reasons, the granting of the

requested variances will not be materially detrimental to the public welfare or injurious to the property or improvements in the zone or vicinity.

4. The literal interpretation and strict application of the applicable provisions or requirements of this Land Use Code would cause undue hardship or practical difficulties; and

The literal and strict application of the Land Use Code would prevent the applicant from changing the use of a single family structure that has been in use by the campus as a caretaker's quarters for some time. Denial of the requested variances would result in undue and unnecessary hardship.

5. The requested variance would be consistent with the spirit and purpose of the Land Use Code regulations for the area.

The requested variances are consistent with the spirit and purpose of the Land Use Code regulations for institutions in single family zones (in particular the requirement for campus size and dispersion) for the reasons given in the foregoing analysis.

DECISION - VARIANCES

Variances to allow parking for two vehicles in a required front yard (SMC 23.44.016.D.10.b and SMC 23.44. 016.D.12) are **CONDITIONALLY GRANTED.**

VARIANCES – CONDITIONS

Variance conditions are listed at the end of this decision.

ANALYSIS – SEPA

The proposal site is located in an environmentally critical area, as noted above. Proposals located in landslide prone areas (i.e. known landslide areas, potential landslide areas, and steep slopes), wetlands, and fish and wildlife habitat conservation areas may require environmental review (SMC 25.05.908), thus this application is not exempt from SEPA review. However, the scope of environmental review of projects within these critical areas is 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. The Department of Planning and Development has analyzed and annotated the environmental checklist submitted by the project applicant; reviewed the project plans and any additional information in the file and any pertinent comments which may have been received regarding this proposed action have been considered. As indicated in the checklist, this action may result in adverse impacts to the environment. However, due to their temporary nature and limited effects, the impacts are not expected to be significant

City codes and/or ordinances apply to the proposal and will provide mitigation for some of the identified impacts. Specifically these are: the Stormwater Code (SMC 22.800-808), the Grading Code (SMC 22.170), the Street Use Ordinance (SMC Title 15), the Seattle Building Code, and Regulations for Environmentally Critical Areas (SMC 25.09).

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. Under such limitations or circumstances (SMC 25.05.665 D) mitigation can be considered. Thus, a more detailed discussion of some of the impacts is appropriate. Short-term and long-term adverse impacts are anticipated from the proposal.

Short-term Impacts

Construction associated with the proposal is limited to interior alteration, the addition of an ADA accessible ramp. Landscaping and fencing is also proposed. The following temporary or construction-related impacts on the environmentally critical area are expected: 1) temporary soil erosion; and 2) increased vibration from construction operations and equipment. These impacts are not considered significant because they are temporary and/or minor in scope (SMC 25.05.794).

No additional conditioning is warranted pursuant to SEPA policies.

Long Term Impacts

As described above, construction associated with the proposal is minimal, with an ADA accessible ramp being the only increase in impervious surface proposed. The ramp is not located in an environmentally critical area. Therefore, no long-term impacts on the environmentally critical areas are anticipated as a result of the project.

No additional conditioning is warranted pursuant to SEPA policies.

DECISION – SEPA

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.

- 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).

The lead agency for this proposal has determined that it does not have a probable significant adverse impact on the environment. An environmental impact statement (EIS) is not required under RCW [43.21C.030](#) (2)(c). This decision was made after review of a completed environmental checklist and other information on file with the lead agency. This information is available to the public on request.

This DNS is issued after using the optional DNS process in WAC [197-11-355](#) and Early review DNS process in SMC 25.05.355. There is no further comment period on the DNS.

CONDITIONS – ADMINISTRATIVE CONDITIONAL USE

For the Life of the Project

1. Landscaping, as shown on the approved plans, shall be retained and maintained at the north and east property lines that are shared with single family residential uses.

CONDITIONS -VARIANCES

Prior to MUP issuance

2. The voluntary covenant restricting future development shall be recorded.

For the Life of the Project

3. The covenant shall be in effect as long as the property is in institutional use.

CONDITIONS – SEPA

None.

Signature: _____ (signature on file)
Molly Hurley, Senior Land Use Planner
Department of Planning and Development

Date: December 8, 2011