



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: 3012508
Applicant Name: Alicia Meza
Address of Proposal: 1612 M L King Jr. Way

SUMMARY OF PROPOSED ACTIONS

Land Use Application to change the use of two single family structures (3,994 sq. ft.) to institution (pre-school). Parking for five vehicles to be provided on-site.

The following approvals are required:

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

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 site is located on M L King Jr. Way on the block bounded by E. Olive St. to the north and E. Pine St. to the south. The western property line has 140 feet of frontage on M L King Jr. Way, the eastern property line abuts a 16-foot wide paved alley, and the north and south property lines abut neighboring single family residences. The site has a total area (combined) of 16,810 sq. ft. The property is zoned Single Family (SF 5000), as are the surrounding properties.

The property is developed with two single family structures addressed 1608 and 1612 M L King Jr. Way. Accessory structures include three garages, a shed, and a covered patio. There is also a children's play area with play equipment. The structures will remain and be converted to institutional use. One dwelling unit will remain, in the house addressed 1612 M L King Way.

Proposal Description

The proposal is to change the use of two existing single family residences, and accessory structures, to institutional use (pre-school). One dwelling unit will remain, in the house addressed 1612 M L King Way S. The smallest of the three garages will be converted to an art studio for the school. One barrier-free parking space will be provide north of the house addressed 1612 M L King Way S., and will be accessed via M L King Jr. Way. Four additional spaces will be provided in the remaining two garages, and will continue to be accessed via the alley (for a total of five parking spaces). Two loading spaces will be provided in front of the property along M L King Way. The applicant has received preliminary approval from Seattle Department of Transportation (DOT) for those loading spaces, with a potential for a third loading space to be added at a later date as enrollment in the pre-school increases.

The pre-school will have up to four classrooms of children with 10 to 15 students in each class. A maximum enrollment of fifty (50) students is proposed. There will be six full-time staff members. The school will operate from 8:30 a.m. to 2:00 p.m., Monday through Friday. The age of the children will range from 1.5 to five years.

Public Comment

Six (6) comment letters were received during the public comment period for the project which ended on October 26, 2011.

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 16,810 square-foot lot area exceeds the minimum lot area of 5,000 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 the existing lot coverage will remain unchanged at about 26 percent.

SMC 23.44.012 Height. The existing single family structures, at 24'-9" and 29'-3" are 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. Further, SMC 23.44.022.G. allows existing structures to be converted to institutional use if yard standards are not met.

The existing single family structures appear to be nonconforming with respect to front yards, and conforming with respect to rear and side yards. The proposal includes the reuse of all existing structures on-site. Any existing nonconformities will remain unchanged. See discussion under SMC 23.44.022.G, below.

SMC 23.44.016 Parking. Parking for the project is required at a rate of one space for each 10 children or 1 space for each staff member, whichever is greater; plus one loading and unloading space for each 20 children. An additional parking space is required for the dwelling unit, for a total of seven parking spaces required. Five parking spaces are proposed; the applicant is requesting a waiver of two parking spaces. See the discussion under SMC 23.44.022.L, 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 applicant has provided a dispersion map and supporting information to demonstrate that this standard is met.

SMC 23.44.022.F Demolition of residential structures. The proposal is to change the use of a two existing single family structures and accessory structures to institutional use. 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 discussed above, the existing single family structures are nonconforming with respect to front yard requirements, but the proposal will not change or increase this existing nonconformity.

Similarly, there may be minor nonconformities with respect to the location of the existing accessory structures. For example, under the current land use code garages generally may not be located within 12 feet of the centerline of an alley. The middle of the three existing garages does not appear to meet this standard. However, it is being converted to an art studio accessory to the

pre-school as part of this proposal, which is not subject to the 12-foot setback required. The art studio will be accessed from the interior of the property. No nonconformities are being increased or changed, and no new nonconformities are being created by the proposal. 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.

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.

The proposed school will operate between the hours of 8:30 a.m. and 2 p.m. Monday through Friday. Each class (with a maximum of 15 students) will go outdoors for a separate 30 minute recess time. If there are four classrooms, that would be a total of two hours of outdoor recess time with up to 15 children playing at one time. There is an outdoor play area with a play structure located on the southwest corner of the site. The outdoor play area is surrounded by an existing solid wood fence. The existing accessory structures include: two garages which face the alley and will continue to serve as garages; a smaller garage, which is also located along the alley that will be converted to an accessory art studio that will be accessed from the interior of the site; a small shed in the northeastern corner of the site, and a covered patio in the rear yard. The landscaping of the property is consistent with the established single family use.

The hours of operation, and the configuration and location of these fences and accessory structures and landscaping all provide sufficient mitigation of potential noise impacts. No additional mitigation is warranted or required.

SMC 23.44.022.I Landscaping. Landscaping is required to integrate the institution with adjacent areas and reduce the appearance of bulk. The property is landscaped consistent with the established single family uses. The existing landscaping and fences will be retained. 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. The lot is smaller than one acre in size. The existing structures were designed and used as single family residences, and are sited and landscaped consistent with that use. The existing landscaping and fences will be retained. The location and configuration of existing accessory structures further serves to screen the activities of the pre-school from the neighboring properties. No further mitigation is warranted or required.

SMC 23.44.022.L Parking. Parking for the project is required at a rate of one space for each 10 children or 1 space for each staff member, whichever is greater; plus one loading and unloading space for each 20 children. An additional parking space is required for the dwelling unit, for a

total of seven parking spaces required. Five parking spaces are proposed; the applicant is requesting a waiver of two parking spaces.

Regarding parking quantity and location, SMC 23.44.022.L.1 states:

“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.”**

To reduce the use of single occupancy vehicles the school will encourage staff and parents to bike to the school by providing on site bicycle storage for four bikes as shown on the plans. In addition, the school has offered to pay 50 percent of the cost of monthly bus passes for staff to encourage alternative commuting options for staff.

The code provides some exceptions from parking requirements, but none specifically apply here. For example, if the project were located in a multifamily zone, the parking requirement could be reduced by 20 percent due to the proximity to transit (SMC 23.54.020.F). Although the transit reduction doesn't apply in single family zones, it is likely that the intent of the code provision is to provide an exception in areas of high transit availability.

The site is located in an area of, and within 1,000 feet of a street (E. Union St.) with, “frequent transit service” which is defined at SMC 23.84A.038 “T” to mean:

“ . . . transit service headways in at least one direction of 15 minutes or less for at least 12 hours a day, 6 days a week, and transit service headways of 30 minutes or less for at least 18 hours a day.”

It seems reasonable to use the Director's discretion under the ACU authority to apply the 20 percent transit reduction to the seven required spaces in this case, reducing the required parking to six spaces. With the five spaces provided, the unmet code requirement is reduced to one.

Although on-street parking may not be used to meet parking requirements, the applicant is closing a curb cut as part of their proposal. This creates at least additional on-street parking space available as a result of the project. If the additional parking space gained as a result of the project is used to offset the parking requirement, the unmet code requirement would be reduced to zero.

Another exception from parking requirements is provided in which covered bicycle spaces may be provided in lieu of vehicle spaces at a ratio of four bike spaces for every one vehicle space (SMC 23.54.020.F.3.d). This exception applies only for new or expanding offices or manufacturing uses under certain circumstances. Although the proposed use is not an office or manufacturing use, the applicant is proposing to substitute alternative transportation programs to reduce their reliance on single occupancy vehicles and it is reasonable to allow the substitution of bicycle spaces for vehicle spaces on the same basis as the exception ratio provided in the code. The applicant is proposing four covered bicycle spaces. This would further reduce the code requirement by an additional one space.

The provision of four bicycle spaces and the use of alternative transportation by members of the staff have the demonstrable public benefits of reduced reliance on single occupancy vehicle (SOV) trips, and reduced parking demand. For all of these reasons, the requested parking waiver is granted and no additional parking (beyond the five provided) will be required. The provided parking has been designed to meet code standards.

Regarding loading and unloading, the code requires one loading and unloading space for each 20 children, per SMC 23.54.015, Table C. Footnote One for Table C allows child care centers locating in existing structures to provide loading and unloading spaces on-street when no other alternative exists. The applicant shows three loading spaces on the plans, in front of the school along M L King Jr. Way. The Seattle Transportation Department (SDOT) has given preliminary approval for two of the loading/unloading spaces, and has agreed to adjust the number of load zone spaces if enrollment increases.

The applicant explains that there are very limited areas on site to allow for three loading/unloading spaces on-site due to the configuration of existing structures and open green spaces. The existing accessory structures along the alley will remain in use: two garages will provide four parking spaces; a third, smaller garage will be converted to an accessory art studio, and the covered patio and small shed will be used by the pre-school, as well. The location of these structures serves to screen the school from neighboring residential properties, as well as maintain the scale and appearance of the residential neighborhood.

The applicant proposes to stagger drop-off and pick-up times for students by assigning a time slot for drop-off and pick-up for each child when they register for school. A typical morning schedule for three classes of 12 children each would have staggered drop-off times every ten minutes beginning at 8:30 a.m., then at 8:40, 8:50, 9:00 and 9:10. Up to seven children would be dropped off in each ten minute period. In the afternoon, the pick-ups would follow the same sequence. Parents will be instructed to guide children from vehicles or other modes of transportation to and from the classrooms.

In order to preserve the existing structures and open green space, and in consideration of the staggered drop-offs and pick-ups and parental supervision of children during these times, the proposal meets the criteria for modification of the loading/unloading requirement to allow spaces to be located off-site.

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. Although, the proposed change of use is less than 4,000 square feet the applicant has provided sufficient information regarding traffic and parking to evaluate the parking and loading/unloading spaces modification discussed, above.

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

DECISION – ADMINISTRATIVE CONDITIONAL USE

Based on the forgoing review and analysis in 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 establishment of a pre-school (institution) is **GRANTED**. 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.

CONDITIONS – ADMINISTRATIVE CONDITIONAL USE

None.

Signature: _____ (*signature on file) Date: March 29, 2012
Molly Hurley, Senior Land Use Planner
Department of Planning and Development

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