



**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:** 3012982  
**Applicant Name:** Vince Ferrese  
**Address of Proposal:** 700 18<sup>th</sup> Avenue East

**SUMMARY OF PROPOSAL**

Land Use Application to allow a 4,400 sq. ft. expansion to an existing institution (St. Joseph's School). Project includes a second story addition and religious tower to an existing structure.

The following approvals are required:

**Variance** – to exceed lot coverage. (SMC23.44.010D).

**Variance** - to allow a portion of the structure to extend into the required front yard.  
(SMC 23.44.014)

**Administrative Conditional Use** – to allow expansion of a private school in a single family zone. (SMC23.44.022)

**SEPA Environmental Threshold Determination** (SMC Chapter 25.05)

**SEPA DETERMINATION:**  Exempt  DNS  MDNS  EIS

DNS with conditions

DNS involving non-exempt grading or demolition or involving another agency with jurisdiction.

## **SITE AND VICINITY**

**Site Location:** The property is located on the block bounded by E Aloha St to the north, 19<sup>th</sup> Ave E to the east, E Roy St to the south and 18<sup>th</sup> Ave E to the west.

**Zoning:** The site is zoned Single Family 5000

**Parcel Size:** 3.1 acres (135,784 square feet)

**Existing Use:** St. Joseph church and private school (Institution)

**Public Comment:** The public comment period ended on December 19, 2012. No comments were received.

## **PROJECT DESCRIPTION**

The project site is currently developed with the St. Joseph Church (a city landmark), parish center, elementary school, middle school and gymnasium, and accessory parking. The proposal is to construct a second story addition above the existing one-story (plus basement) middle school building. In-fill of the area between the elementary and middle schools is also proposed. The project would add approximately 4,440 sq. ft. of new floor area to be used for a student resource center, a common area, administrative offices and improved circulation including an ADA-compliant elevator. A religious tower and improvements to the main entry on 18<sup>th</sup> Ave E, which include an approximately 120 sq. ft. canopy over the front door, are also proposed.

The applicant has requested two variances from the Land Use Code, for lot coverage and to allow a portion of the structure to extend into the front yard. The institution is already non-conforming with respect to both of these standards and any increase in nonconformity requires variance approval.

The existing lot coverage is 38.8 percent (35 percent = maximum allowed) and the applicant is proposing an increase of 720 sq. ft., or .5 percent, for a total lot coverage of 39.3 percent. The existing structure is setback 7.5 ft from the front property line (required front yard = 20 feet). The proposal would align the existing 18<sup>th</sup> Ave footprint of the elementary and middle school by expanding the first floor 4.5 feet westward. The expansion and the canopy both require a variance to extend into the required front yard.

Expansions of institutions also require Administrative Conditional Use approval in Single Family zones. Environmental review (SEPA) is required because the proposed expansion is greater than 4,000 sq. ft. in a Single Family zone.

## **ANALYSIS – VARIANCE (SMC 23.40.020)**

As provided in SMC 23.40.020, variances from the provisions or requirements of Seattle Municipal Code Title 23 shall be authorized only when all of the facts and conditions stated in the numbered paragraphs below are found to exist:

- 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;***

The existing institutional campus is comprised of the St. Joseph Church (a city landmark), parish center, elementary school, middle school and gymnasium, and accessory parking. Due to the location of the existing structures on site, in particular St. Joseph's Church, options for reconfiguration of existing structures are very limited.

The site is 3.1 acres in size and bounded by street rights-of-way. The institution does not have the ability to expand its boundaries due to the limitations of rights-of-way. Further the Land Use Code limits the expansion of institutions in Single Family zones to within 2.5 acres unless the property proposed for expansion is substantially vacant. There is no vacant land adjacent or in the vicinity of the subject site. The surrounding area is developed with single family residences precluding the ability of the institution to expand to allow for increased lot area in order to meet lot coverage requirements.

Similarly, existing nonconformity with respect to the existing location of the front yard would prevent infill from occurring in this location without variance relief. Given that the entry improvements and circulation and common areas associated with the entry cannot occur in another location, the existing nonconformity presents a hardship under the code.

Given the constraints of the campus size and configuration, and the location and uses of existing structures which limit design alternatives, the applicant would be prevented from constructing the proposed improvements including the elevator and access improvements without variance relief. Therefore the strict application of single family development standards would deprive the property of rights and privileges enjoyed by other properties in the same zone or vicinity. Therefore criterion one has been 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;***

The requested variance does not go beyond the minimum necessary to afford relief. Although the proposal will add 4,400 sq ft, most of the increase occurs within the existing footprint so the proposed increase in lot area is limited to 720 sq. ft. (including the elevator and access areas). With the exception of the entry canopy, the increase in lot area is in the 'in-fill' area between the elementary and middle schools and will not be apparent from the campus exterior.

The westward expansion of the first floor is limited to the extent of the existing second story overhang. Only the canopy extends further into the front yard than the existing structure. The canopy has an area of about 120 sq. ft., a portion of which is proposed to be located in the 18<sup>th</sup> Ave right-of-way. All improvements located within the right-of-way require permit approval from the Department of Transportation (SDOT). The remaining approximately 75 sq. ft. proposed to be located in the front yard is the minimum necessary to provide minimal weather protection in the area in front of the school where students gather.

The variance 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. Therefore this criterion has been met for both variances.

**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;***

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. The proposed expansion meets all development standards except for lot coverage and the front yard requirement. The increase in lot coverage above the existing nonconforming condition is .5 percent and will likely not be perceivable from surrounding uses. The improved entryway, canopy and landscaping and canopy will enhance the façade and provide some weather protection for students waiting outside the school. Therefore this criterion has been met for both variances.

**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;***

The literal interpretation and strict application of the applicable provisions or requirements of this Land Use Code will not allow the applicant to expand and modernize classroom space and the main school entry, as well as internal circulation. Therefore this criterion has been met for both variances.

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

The Land Use Code provides for a variance process for relief from unusual conditions and situations that the rules of the Code could not anticipate. At the same time, the spirit and intent of the Land Use Code and Land Use regulations is to provide development compatible with land development patterns and existing neighborhood character.

The proposed additions are consistent with the spirit and purpose of the Land Use Code and adopted Land Use Comprehensive Policies as applicable. Therefore this criterion has been met for both variances.

### **DECISION - VARIANCE**

Based on the submitted plans last updated on February 22, 2013 and the above findings and analysis all of the facts and conditions stated in the numbered criteria of SMC 23.40.020, *Variances* the requested variances are **Granted**, without conditions.

### **ANALYSIS - ADMINISTRATIVE CONDITIONAL USE (SMC 23.44.022)**

The Land Use Code allows the expansion of existing institutions in residential zones through the administrative conditional use process. This proposal is an addition to an existing private school, which is allowed in a single family zone through administrative conditional use approval. The

DPD Director has the authority to approve condition or deny a conditional use application. This decision shall be based on whether the proposed use will be materially detrimental to the public welfare or injurious to property. The applicable criteria used for evaluating and or conditioning the applicants' proposal 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.*

The plans submitted for the addition meet applicable development standards detailed in Section 23.44.008 through 23.44.016, except that the addition will result in the total development on the site to exceed the maximum lot coverage and extend into the required front yard. Variances have been requested and approved as part of this application. Therefore this criterion has been met.

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 feet (600') or more from any lot line of any other institution in a residential zone, with certain exceptions.*

The existing institutional boundaries are not expanding with this proposal; therefore, this criterion is not applicable.

F. Demolition of Residential Structures

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

Demolition of residential structures is not proposed; therefore, this criterion is not applicable.

G. Reuse of Existing Structures

*Existing structures may be converted to institution use if the yard requirements for institutions are met.*

The proposal does not include the conversion of existing structures to institutional use; therefore, this criterion is not applicable.

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.*

On site activities will not substantially change as a result of this proposal. The proposal will not generate noise and odor that will impact surrounding residential uses. Therefore this criterion has been met.

I. Landscaping

*Landscaping shall be required to integrate the institution with adjacent areas, reduce the potential for erosion or extensive stormwater runoff, screen parking from adjacent residentially zoned lots or streets or to reduce the appearance of bulk of the institution.*

The applicant is proposing improvement to the main school entry, including landscaping, as part of the proposal. The landscape plan is shown on Sheet 3 of the plans. No further landscaping will be required. This criterion has been met.

J. Light and Glare

*Exterior lighting shall be shielded or directed away from adjacent residentially zoned lots.*

The proposed religious tower will have accent lighting that will be directed at the tower and away from residentially zoned lots. No light and glare impacts on adjacent residentially zoned lots are anticipated to occur. This criterion has been met.

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.*

The lot does not have an unusual configuration or uneven boundaries; 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 structures and uses in the immediate area.*

The subject site is an entire block and is currently developed with buildings for the Church and private school. The site is much larger than the single family zoned lots in the vicinity. The improvements along 18<sup>th</sup> Ave, including landscaping, will be integrated into the existing institutional site. Therefore this criterion has been met.

2. *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 side 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.*

The proposed development includes a variance for expansion of the structure into the required front yard. This variance has been analyzed and found to meet the variance criteria, above. This criterion has been met.

3. *Height Limit. A religious symbol and that portion of the roof supporting it, including but not limited to a belfry or spire, may be extended an additional twenty-five feet (25') above the height limit.*

This proposed religious tower meets this standard, as shown on the plans. This criterion is met.

4. *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 the bulk. Design features which may be required include, but are not limited to, modulation, architectural features, landscaping or increased yards.*

The length of the existing façade along 18<sup>th</sup> Ave is not being increased as part of this proposal. Landscaping is proposed for the length of the façades of the elementary and middle schools. The landscaping and architectural features along 18<sup>th</sup> Ave adequately address the appearance of bulk of the 18<sup>th</sup> Ave façade, and no further mitigation is required. This criterion has been met.

#### L. Parking and Loading Berth Requirements

*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.*

No changes to parking or loading are proposed. No modifications have been proposed. Therefore no modifications to parking location and access are required.

#### 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.*

The proposal will not result in any increase in student enrollment or faculty. Accordingly, no increase in traffic volumes or parking demand is anticipated with the proposal.

### **DECISION - ADMINISTRATIVE CONDITIONAL USE**

The Director has determined that the use will not be materially detrimental to the public welfare or injurious to property in the zone or vicinity in which the property is located. The conditional use application is **Granted**.

## ANALYSIS - SEPA

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 November 1, 2012 and annotated by the Department. The information in the checklist, supplemental information provided by the applicant and the experience of the lead agency with review of similar projects form the basis for this analysis and decision.

Codes and development regulations applicable to this proposed project, including the Tree Ordinance, Noise Ordinance, Grading Code, Stormwater Code, Building Code, Street Use Ordinance (Title 15), Land Use Code, and Puget Sound Clean Air Agency (PSCAA) will provide sufficient mitigation of most identified impacts and no further conditioning or mitigation is warranted pursuant to specific environmental policies or the SEPA Overview Policy (SMC 25.05.665). There are however, some short and long-term project impacts which warrant additional discussion and mitigation.

### Short-term Impacts

The following temporary or construction-related impacts are expected: decreased air quality due to suspended particulates from building activities and hydrocarbon emissions from construction vehicles and equipment; increased dust caused by construction activities; increased traffic due to construction-related vehicles, increased soil erosion and stormwater runoff, loss of trees and vegetation, and increased noise during construction. Due to the temporary nature and limited scope of these impacts, they are not considered to be significant.

Several adopted City codes and/or ordinances provide mitigation for some of the identified impacts. Specifically these are: Stormwater Code; Drainage Code; Street Use Ordinance; Building Code; Tree Ordinance, and the Noise Ordinance. Compliance with these applicable codes and ordinances will, with the exception of construction noise, reduce or eliminate short-term impacts to the environment to the extent that they will be sufficient without conditioning pursuant to SEPA policies. Further analysis and conditioning of some short term impacts are warranted.

### Construction Impacts

Most of the initial construction activity including demolition and framing will require loud equipment and will have adverse impacts on nearby residences.

The protection levels of the Noise Ordinance are considered inadequate for the potential noise impacts on nearby residential uses. The impacts upon residential uses would be especially adverse in the early morning, in the evening, and on weekends. The SEPA Overview Policy (SMC 25.05.665) and the SEPA Construction Impacts Policy (SMC 25.05.675 B) allow the reviewing agency to limit the hours of construction in order to mitigate adverse noise impacts.

Pursuant to this policy, and because there are residences in the vicinity, the applicant will be required to limit periods of construction to between the hours of 7:30 a.m. and 6:00 p.m. and to non-holiday weekdays. Demolition and construction activities taking place within an enclosed structure that meet the Noise ordinance are allowed. Construction activities outside the above stated parameters (but within limits of the Noise Ordinance) may be authorized by the DPD Land Use Division when a Construction Management Plan is provided and approved by DPD.

### Long-term Impacts

Long-term or use-related impacts are also anticipated from the proposal and include: increase in bulk and scale, increased demand on public services and utilities; increased light and glare; and increased energy consumption. These long-term impacts are not considered significant because the impacts are minor in scope or mitigated by adopted codes and ordinances such as the Land Use Code, required conditions of the Administrative Conditional Use, and Noise Ordinance.

### **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 requirements of the State Environmental Policy Act (RCW 43.21C), including the requirement to inform the public 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 43.21C.030 2C.
- Determination of Significance. This proposal has or may have a significant adverse impact upon the environment. An EIS is required under RCW 43.21C.030 2C.

### **CONDITIONS - SEPA**

#### During Construction

1. In order to mitigate the noise impacts during construction, the owner(s) and/or responsible party(s) shall limit the hours of construction to between the hours of 7:30 a.m. and 6:00 p.m. on non-holiday weekdays. Demolition and construction activities taking place within an enclosed structure that meet the Noise ordinance are allowed. Construction activities outside the above-stated restrictions (but within the limits of the Noise Ordinance) may be authorized upon approval of a Construction Noise Management Plan to address mitigation of noise impacts resulting from all construction activities. The Plan shall include a discussion on management of construction related noise, efforts to mitigate noise impacts and community outreach efforts to allow people within the immediate area of the project to have opportunities to contact the site to express concern about noise. Elements of noise mitigation may be incorporated into any Construction Management Plans required to mitigate any short-term transportation impacts that result from the project.

**CONDITIONS - VARIANCE**

None required.

**CONDITIONS – ADMINISTRATIVE CONDITIONAL USE**

None required.

Signature: \_\_\_\_\_ (signature on file) Date: April 4, 2013

Molly Hurley  
Land Use Planner, Supervisor  
Department of Planning and Development

MH:bg

H:\hurley\2013MUPs\3012982.doc