



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: 3014242

Applicant Name: Parie Hines, Id Arch Design, for Refugee Immigrant Family Center Preschool

Address of Proposal: 9001 9th Avenue Southwest

SUMMARY OF PROPOSED ACTION

Land Use Application to allow a Child Care Center (Pre-School) within an existing church building (Highland Park Methodist Church) located at ground level.

The following approval is required:

Administrative Conditional Use Review – To allow an institution (child care center) within an existing institution (religious facility) in a Single Family 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 INFORMATION

Site and Vicinity Description

The subject development consists of two sites zoned Single Family 5000 (SF 5000) and separated by an existing 16' wide alley: The East Site (9001 9th Avenue Southwest) and the West Site (9000 10th Avenue Southwest).

East Site (9001 9th Avenue Southwest) - This approximately 13,864 square foot (sq. ft.) site is bounded by 9th Avenue Southwest to the east, a 16' wide alley to the west, Southwest Henderson Street to the north and private property to the south. Development on the site consists of one two-story religious facility (Highland Park Methodist Church). An existing fenced-in outdoor play area with playground equipment is located at the front northwesterly area of the property. Accessory parking is provided offsite at the West Site.

West Site (9000 10th Avenue Southwest) - This site is approximately 14,113 sq. ft. and is bounded by the alley to the east, 10th Avenue Southwest to the west, Southwest Henderson Street to the north and private property to the south. This site is a paved surface parking lot consisting of 36 stalls established as accessory parking for the church per DPD historical records. Vehicular access to the surface parking area is via the paved alley and an existing curb cut abutting 10th Avenue Southwest. 10th Avenue Southwest is a non-arterial street and Southwest Henderson Street is a minor arterial street, pursuant to SMC 23.53. Both streets are improved with paved roadways, curbs, sidewalks, gutters and street trees. A King County Metro bus shelter/stop abuts the site's north boundary line.

The property north, west and south of the entire development (both sites) is also zoned SF 5000. The remaining surrounding property is zoned Neighborhood Commercial 1 (NC1-30) to the north and Lowrise 3 (LR3) to the east. Uses surround the development include single family residences to the north, south, east and west; convenience store to the north and apartments to the east. Several City of Seattle facilities (West Seattle Reservoir and Westcrest Park and Stables) are one block east of the development. A Seattle Public school (Highland Park Elementary) is one block north of the subject sites.

Proposal Description

The proposed project involves the partial conversion of up to 2,000 sq. ft. of the existing church to establish a child care center for the Refugee Immigrant and Family Center. No interior alterations are proposed. The existing fenced-in outdoor play area will remain. Accessory parking and loading/unloading areas (approximately nine stalls) are planned to be accommodated offsite in the church's accessory parking lot (West Site).

According to information provided by the applicant, the child care center development will have a maximum preschool enrollment count of 20 full-time children and the applicant projects that staffing levels will be eight employees-three teachers, three kitchen staff and two office staff. The proposed institution's operating hours will begin as early as 8:00 a.m. and conclude by 4:00 p.m., Monday-Friday.

Public Comments

The public comment period for this project ended January 2, 2013. DPD received no written comments regarding this proposal.

ANALYSIS -ADMINISTRATIVE CONDITIONAL USE (SMC 23.44.022)

The Land Use Code allows the establishment of an institution in residential zones through the administrative conditional use process. This proposal is to establish a child care center in an existing religious facility which is allowed in a single family zone subject to 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 the whether the proposed use will be materially detrimental to the public welfare or injurious to property. In addition to the general single family development standards, institutions are subject to the standards of SMC 23.44.022.

The applicable criteria used for evaluating and or conditioning the applicant's proposal are discussed below.

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.*

The plans submitted for the establishment of a childcare center in an existing religious facility were reviewed and found to be in compliance of the development standards detailed in Sections 23.44.008 through 23.44.016. This criterion has been met.

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.*

This criterion is not applicable to this proposal.

3. *Institutions seeking to establish or expand on property that is developed with residential structures may expand their campus up to a maximum of 2 1/2 acres. An institution campus may be established or expanded beyond 2 1/2 acres if the property proposed for the expansion is substantially vacant land.*

This proposal does not involve the establishment of a new structure or the physical expansion of the existing church. Therefore, this criterion does not apply to this project.

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 proposed child care center will be located in a legally established religious facility (Highland Park Methodist Church) which is considered an institution per SMC 23.84A.018. The existing institutional boundaries are not expanding with this proposal. Therefore, this criterion is not applicable.

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.*

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. 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.

This criterion is not applicable to this proposal because it does not involve the demolition of existing residential structures.

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 an existing institution use-religious facility. 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 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.

No adverse odor impacts are anticipated. There is an existing trash and refuse storage area at the property. The submitted plans note the existing kitchen will be shared by the child care center and the existing church.

Existing noise levels aren't expected to substantially change as a result of this proposal. The majority of the child care program activities will be held within the existing church building. The applicant indicates that the existing fenced play area, adjacent to that portion of the church building that fronts on Southwest Henderson Street, would be utilized by no more than ten children at a time. The play area is across the street from commercially-zoned property and doesn't abut residential uses. Within these parameters, the noise impact is expected to be minor and no conditioning for noise impacts is warranted.

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 church site (East) is adequately landscaped with grass cover, trees, shrubs and flowers. The accessory parking lot (West) is screened by a combination of existing hedges, trees and fencing along the property's south, west, and north boundary lines. The plans indicate all existing landscaping will be retained. No further landscaping will be required. Thus, this criterion has been met.

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.

This proposal does not include new exterior lighting. The existing landscaping and fencing along the perimeter of the accessory parking lot area (West) will continue to mitigate potential vehicular headlight glare. No light and glare impacts on adjacent residentially zoned lots are anticipated to occur. Therefore, 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;

- 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 project development (both sites) equate to 27,977 sq. ft. which is less than one acre (43,560 sq. ft.) in size. Therefore this criterion does not apply.

- 2. Yards. Yards of institutions shall be as required for uses permitted outright pursuant to Section 23.44.014, provided that no structure other than freestanding walls, fences, bulkheads or similar structures shall be closer than 10 feet to the side lot line. If the Director finds that a reduced setback will not significantly increase project impacts, including but not limited to noise, odor, and the scale of the structure in relation to nearby buildings, the sideyard setback may be reduced to 5 feet. Fences and freestanding walls of utility services uses, regulated under this Section 23.44.022 pursuant to Section 23.51A.002, shall be set back from the street lot line a minimum of 10 feet, and landscaping shall be provided between the fence or wall and the right-of-way. The Director may reduce this setback after finding that the reduced setback will not significantly increase project impacts, including but not limited to noise, odor, and the scale of the fence, wall, or structure in relation to nearby buildings. Acceptable methods to reduce fence or wall impacts include changes in the height, design or construction of the fence or wall, including the use of materials, architectural detailing, artwork, vegetated trellises, decorative fencing, or similar features to provide visual interest facing the street lot line. Fences and walls may obstruct or allow views to the interior of a site. Where site dimensions and conditions allow, applicants are encouraged to provide both a landscaped setback between the fence or wall and the right-of-way, and a fence or wall that provides visual interest facing the street lot line, through the height, design or construction of the fence or wall, including the use of materials, architectural detailing, artwork, vegetated trellises, decorative fencing, or similar features.*

The child care center proposal will be located in an existing institution which meets the yard requirements. Therefore, this requirement has been met.

- 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.*

The entire development is zoned SF 5000. Therefore this criterion is not applicable.

- 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 four to twelve (4:12) 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.

This criterion is not applicable.

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.*

This proposal does not involve the construction of a new institution or the expansion of the existing institution. Therefore, this criterion does not apply.

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 is encouraged.*
- b. *Parking and loading is required as provided in Section 23.54.015.*
- c. *The Director may modify the parking and loading requirements of Section 23.54.015 and the requirements of Section 23.44.016 on a case-by-case basis using the information contained in the transportation plan prepared pursuant to subsection 23.44.022.M. The modification shall be based on adopted City policies and shall:
 - 1) *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*
 - 2) *Not cause undue traffic through residential streets nor create a safety hazard.**

King County Metro Transit bus stops are located adjacent and across the property along South Henderson Street. The child center operator encourages staff and parents to use alternative modes of transportation.

Pursuant to SMC 23.54.015 (Table C), the parking requirement for child care centers is based on the quantity of children or staff, whichever is the greater quantity: loading requirements are solely based on student enrollment. The applicant indicates a maximum preschool enrollment count of 20 children and eight employees. Consequently, eight parking spaces and one loading/unloading space are required per code. The submitted plans indicate nine parking stalls and one loading/unloading stall (ten stalls total) situated at the church's accessory parking lot (West) reserved for the proposed preschool's use during weekday operation hours (8:00 a.m-4:00 p.m., Monday-Friday). The remaining 26 existing parking stalls will be available for the church's use during this timeframe.

2. *Parking Design. Parking access and parking shall be designed as provided in Design Standards for Access and Off-street Parking, Chapter 23.54.*

This proposal does not include the creation of new onsite parking. As noted above, the proposal will utilize existing parking stalls located across the alley at the accessory surface parking lot.

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.*

Loading berths are not required for a child care center. However, one loading/unloading space required pursuant to 23.54 will be provided at the church's accessory parking lot (West).

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 spaces.

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.*

A transportation plan was not required nor submitted for this proposal. The proposed childcare center will utilize less than 2,000 sq. ft. of floor area within the confines of an existing church. Therefore, this criterion is not applicable to this project.

DECISION - ADMINISTRATIVE CONDITIONAL USE

The Conditional Use application is **APPROVED** as indicated at the end of this document.

ADMINISTRATIVE CONDITIONAL USE CONDITIONS

None required.

Signature: _____ (signature on file) Date: April 15, 2013
Tami Garrett, Senior Land Use Planner
Department of Planning and Development

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