



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

**Application Number:** 3014708 and 3015064  
**Applicant Name:** Emilie Wicker, for Seattle Area German American (SAGA) School  
**Address of Proposal:** 11010 Greenwood Avenue North and 10757 Phinney Avenue North

**SUMMARY OF PROPOSED ACTION**

3014708 (11010 Greenwood Avenue North – North Site)

Land Use Application to change the use from church (Bethel Presbyterian) to private school and child care center (SAGA School). Project related to 3015064.

3015064 (10757 Phinney Avenue North – South Site)

Land Use Application to establish accessory parking with a playground and waste collection area associated with the institutional uses at 11010 Greenwood Avenue North. Project related to existing church (Bethel Presbyterian) and private school (SAGA School) proposal (Project #3014708) at 11010 Greenwood Avenue North.\*

\*Note – The project description has been revised from the following original notice of application: Land Use Application to allow a 4,950 sq. ft. playground addition to a parking lot. Project related to proposed daycare at 11010 Greenwood Avenue North (Project #3014708)) accessory use parking to remain.

The following approvals are required:

**Administrative Conditional Use Review** – To allow an institution (private school and child care center) within an existing institution (religious facility) not meeting development standards in a Lowrise 3 (LR3) zone (Seattle Municipal Code (SMC) 23.45.506)

**Administrative Conditional Use Review** - To allow an institution (private school and child care center) within an existing institution (religious facility) in a Single Family zone (Seattle Municipal Code (SMC) 23.44.022)

**Administrative Conditional Use Review** - To establish an institution (religious facility, child care center and private school) 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 separated by an existing right-of-way (North 110<sup>th</sup> Street): The North Site (11010 Greenwood Avenue North) and the South Site (10757 Phinney Avenue North).

*North Site (11010 Greenwood Avenue North)* – This approximately 18,772 square foot (sq. ft.) split-zoned corner site is bounded by Greenwood Avenue to the west, North 110<sup>th</sup> Street to the south and private property to the north and east. This property is zoned Lowrise 3 (LR3) and Single Family 7200 (SF 7200). Development on the site consists of a two-story with basement religious facility (Bethel Presbyterian Church). No parking exists on the project site. However, informal parking exists at the vacant property south of this site (South Site) which has been owned by the church since November 1975.

Greenwood Avenue North is a principal arterial street and North 110<sup>th</sup> Street is a non-arterial street, pursuant to SMC 23.53. Greenwood Avenue North is improved with a paved roadway, sidewalks, gutters and street trees. North 110<sup>th</sup> Street is partially improved with a paved roadway, sidewalk, angled parking and gutters for that portion of the street that abuts the project site. A King County Metro bus stop abuts the site's west boundary line.

The property north and west along Greenwood Avenue North, and south are also zoned LR3. Properties to the east and south along North 110<sup>th</sup> Street are zoned SF 7200. Uses surrounding the church development include multifamily buildings to the west and south; townhouses to the north; and single family residences to the north, east and south. An institution property (Grace Lutheran Church and Broadview Co-op Preschool) is less than a block north of the project site.

*South Site (10757 Phinney Avenue North)* – This corner site is approximately 16,302 sq. ft. and is bounded by North 110<sup>th</sup> Street to the north, Phinney Avenue North to the east and private properties to the west and to the south. It is a vacant fenced graveled lot currently being utilized as surface parking area accessory to the church. Vehicular access to the lot is via an asphalt drive abutting Phinney Avenue North. Phinney Avenue North is a non-arterial street, pursuant to SMC 23.53. Both North 110<sup>th</sup> Street and Phinney Avenue North are partially improved streets with paved roadways and no sidewalks abutting the project site's north and east boundary lines.

Surrounding properties east, south and north are zoned SF 7200. The remaining surrounding properties are zoned LR3. Part of the church development (North Site) and single family residence are located north, east and south of the site. An apartment and triplex building are situated west of the project site.

### **Proposal Description**

The proposed project at the North Site involves a conversion of up to 15,873 sq. ft. of the existing church to establish a private school and child care center for the Seattle Area German American (SAGA) School. The church would retain office space within the building and would continue to hold services in the large assembly area that would also be utilized by the private school. Minor interior alterations are proposed. Exterior alterations consisting of the creation of a dedicated bicycle parking area near the building's main entrance to accommodate eight bicycle spaces is planned. This proposal includes documentation of a request to Seattle Department of Transportation (SDOT) for installation of a dedicated ADA parking space and load/unload zone along the northern curb area of North 110<sup>th</sup> Street. Accessory parking inclusive of dedicated loading stalls is planned to be accommodated offsite at the church-owned vacant property across the street addressed as 10757 Phinney Avenue North (South Site).

A graveled parking area accessory to the institutional uses is proposed at the South Site consisting of approximately sixteen stalls - thirteen parking stalls and three dedicated loading/unloading stalls. Vehicular access to the parking area would continue to occur via a driveway entrance abutting Phinney Avenue North. Landscaping enhancements inclusive of evergreen trees are proposed. A new fenced outdoor play area with playground equipment accessory to the proposed child care center/private school will be situated at the southwesterly area of the project site. Exterior alterations also include the installation of fencing to create a waste and recycling containment area near the site's northwestern corner.

According to information provided by the applicant, the child care center (Pre-Kindergarten) and private school (Kindergarten-5<sup>th</sup> grade) will have a maximum enrollment count of 158 full-time children. The applicant explains that staffing levels will include sixteen employees - fourteen teachers and two office staff members. The proposed institution's operating hours will begin as early as 8:00 a.m. and conclude by 5:00 p.m., Monday-Friday. An evening adult education program is also planned for a maximum enrollment count of 30 part-time adults and three additional teachers. These classes would be conducted Monday-Friday and are scheduled to begin 6:00 p.m. and conclude by 9:00 p.m.

#### Public Comments

The public comment period for both projects ended on April 10, 2013. DPD received no written comments regarding either 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 and private school in an existing religious facility and accessory parking 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 child care center and private school in an existing religious facility, as well as, the establishment of accessory parking associated with the institutional uses 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. The South Site is considered part of the existing institution's campus. 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 and private school will be located in a legally established religious facility (Bethel Presbyterian 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.*

No buildings are proposed for the South Site. The existing structure at the North Site 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 at either site are anticipated. The submitted plans note the existing kitchen facilities within the church will be utilized by the proposed child care center/private school. The relocation of the institution's trash and recycling containers, from at the southeasterly corner of the North Site offsite to the northwest area of the South Site, is proposed. This screened waste and recycling area will be situated away from residential uses abutting the North Site's south property line and sized to comply with Seattle Public Utilities' (SPU) sizing requirements.

Existing noise levels aren't expected to substantially change as a result of this proposal at the North Site. The submitted floor plans indicate an existing gym is located on the first floor that could accommodate child care/school play activities to be held within the existing church building.

Noise levels are expected to change as a result of this proposal at the South Site due to vehicular traffic and children playing in the proposed play area. The parking area would be utilized during the school's hours of operation. Noise associated with vehicles maneuvering in and out of the site due to delivering/picking-up children and parking is expected to be minimal.

The proposed play area will abut two multifamily residential properties to the west and one single family residence to the south. The applicant notes that one of the apartment developments abutting the South Site to the west contains a large play structure and basketball area externally lit for the residents use. Per the applicant, proposed playground improvements consists of dirt hills, sandboxes, paths, garden boxes, teeter-totters, and a small portable climbing structure-no formal large play structure is planned. The applicant states the outdoor playtimes will be conducted at limited time increments beginning at 10:00 a.m. and concluding by 3:00 p.m. with fewer children utilizing the playground after 1:30 p.m. once the preschool classes have ended. It is during the outdoor playtimes that noise levels are expected to be elevated. The following measures are proposed to mitigate this potential noise issue:

- Retain the existing landscaping (mature trees) and fencing (6' solid wood) on the south and west property lines.

The DPD Land Use Planner in consultation with the DPD Noise Reviewer has reviewed the Master Use Plans (MUP) plans and concur that the identified mitigation measure is appropriate for this site.

#### 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 (North) is landscaped with grass cover, trees, shrubs and flowers. The accessory parking lot (South) is screened by a combination of existing hedges, trees and fencing along the property's south and west boundary lines. The plans indicate all existing landscaping will be retained at both sites and additional landscaping inclusive of evergreen trees is proposed at the South Site. 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.*

The proposals don't include new exterior lighting at either site. The existing landscaping and fencing along the perimeter of the proposed accessory parking lot area (South) in addition to new fencing and landscaping 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 SF 7200-zoned portion of the North Site (4,350 sq. ft.) and the entire South Site (16,080 sq. ft.) equates to 20,430 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.*

No exterior alterations or additions are planned for the existing church structure at the North Site. The proposed parking area at the South Site will be oriented outside of the required yard areas. Proposed structures in the required yards which include 6' tall fencing surrounding the waste collection area and 4' tall fencing near the play area is allowed per SMC 23.44.014.D.10. 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.*

This criterion is not applicable for the South site which is zoned SF 7200. However, the existing church building is situated on property (North Site) that is zoned both SF 7200 and LR3. Single family zone provisions have been applied for that portion of the property and existing building that are zoned SF 7200.

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 physical 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 (for routes 5 and 355 Express) are located adjacent and across the street from the North Site along Greenwood Avenue North. The child care center/private school officials indicate staff, volunteers, parents and age-appropriate students are encouraged to use alternative modes of transportation (transit, walk, carpooling or bicycle).

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. Additionally, per Table C of this same code section, the parking requirement for private schools is based on the area of all auditoria and public assembly rooms. The applicant indicates a maximum preschool enrollment count of 68 children; nine employees and 1,944 sq. ft. of auditoria and public assemble area. Consequently, in utilizing applicable parking quantity exceptions allowed per SMC 23.54.020, twelve parking stalls and three loading/unloading spaces are required per code. The submitted plans indicate a graveled parking area configured to accommodate thirteen spaces and three loading/unloading spaces (sixteen spaces total) situated at the proposed accessory parking area on the South Site reserved for the proposed new institution uses during weekday operation hours (8:00 a.m.-9:00 p.m., Monday-Friday). It is expected that the church would utilize the parking area on the weekends-mainly on Sunday. The plans also illustrate a proposed loading/unloading zone along the northern curb area of North 110<sup>th</sup> Street.

- 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 child care center/private school proposal does not include the creation of new onsite parking. As noted above, the proposal at the North Site will utilize the proposed accessory parking area located across the street (North 110<sup>th</sup> Street) at the South Site. This parking area is currently graveled and utilized an offsite accessory surface parking for the existing church.

The submitted plans illustrate a proposed gravel accessory parking area that could accommodate sixteen parking stalls if striped. The applicant explains that it is the school's intent to surface the parking area with an approved material and parking stall configuration consistent with City of Seattle code requirements for parking lots. A building permit will be required for the necessary improvements.

- 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 or private school. However, three loading/unloading space required pursuant to 23.54 will be provided at the church's accessory parking lot (South). Requests to allow additional loading/unloading activities along the north curb face fronting North 110<sup>th</sup> Street are being pursued with SDOT by the applicant.

#### 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.*

Less than 4,000 sq. ft. of the existing building's structure area is located within that portion of the North Site that is zoned SF 7200; and, sixteen parking spaces are proposed at the South Site. In this regard, a transportation plan would not be required. However, due to the size of the proposed new institution uses planned for that portion of the existing building situated within that portion of the North Site zoned LR3 (more than 4,000 sq. ft.), a transportation plan was submitted for this project. Analysis of this plan is discussed further in this report and noted under ACU criterion 23.45.506.C.4.

#### **ANALYSIS - ADMINISTRATIVE CONDITIONAL USE (23.45.506)**

The Land Use Code permits in multifamily zones institutions meeting development standards outright and allows the establishment of institutions not meeting development standards through the administrative conditional use process. This proposal is to establish a private school in an existing religious facility which is not compliant to development standards for institution uses in multifamily zones. 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. Institutions are subject to the standards of SMC 23.45.570. The applicable criteria used for evaluating and or conditioning the applicant's proposal are discussed below.

#### **Administrative Conditional Uses (SMC 23.45.506)**

- A. Uses permitted as administrative conditional uses in Section 23.45.504, may be permitted by the Director when the provisions of Section 23.42.042 and this Section 23.45.506 are met.*

Analysis of the applicable criteria used for evaluating and or conditioning the proposal is discussed below.

Administrative Conditional Use – General Provisions (SMC 23.42.042)

A. *Administrative conditional uses and uses requiring Council approval as provided in the respective zones of Subtitle III, Part 2, of this Land Use Code, and applicable provisions of SMC Chapter 25.09, Regulations for Environmentally Critical Areas, may be authorized according to the procedures set forth in Chapter 23.76, Procedures for Master Use Permits and Council Land Use Decisions.*

The procedural requirements of SMC Chapter 23.76 have been followed for this proposal.

B. *In authorizing a conditional use, the Director or City Council may impose conditions to mitigate adverse impacts on the public interest and other properties in the zone or vicinity.*

The criteria described in SMC 23.45.504 and 23.45.506 A through C is used to evaluate the proposal and impose conditions, if necessary, to mitigate adverse impacts to the public interest and neighboring properties in vicinity of the proposal.

C. *The Director may deny or recommend denial of a conditional use if the Director determines that adverse impacts cannot be mitigated satisfactorily, or that the proposed use is materially detrimental to the public welfare or injurious to property in the zone or vicinity in which the property is located.*

This decision shall be based on whether the proposed use meets the criteria for establishing a specific conditional use as described in SMC 23.45.506 A through C. The City recognizes the public benefit that institutions, such as child care centers and private schools, have made by providing educational and cultural opportunities to their communities. The criteria for establishing these uses shall be examined, and the project will be conditioned (if necessary) to mitigate any detriment to the public interest or injury to property in the vicinity.

D. *A use that was legally established but that is now permitted only as a conditional use is not a nonconforming use and will be regulated as if a conditional use approval had earlier been granted.*

This criterion is not applicable to this proposal.

E. *Any authorized conditional use that has been discontinued may not be re-established or recommenced except pursuant to a new conditional use permit. The following will constitute conclusive evidence that the conditional use has been discontinued:*

1. *A permit to change the use of the lot has been issued and the new use has been established; or*
2. *The lot has not been used for the purpose authorized by the conditional use for more than 24 consecutive months. Lots that are vacant, or that are used only for storage of materials or equipment, will not be considered as being used for the purpose authorized by the conditional use. The expiration or revocation of business or other licenses necessary for the conditional use will suffice as evidence that the lot is not being used as authorized by the conditional use. A conditional use in a multifamily structure or a multi-tenant commercial structure will not be considered discontinued unless all portions of the structure are either vacant or committed to another use.*

This criterion is not applicable to this proposal.

*B. Unless otherwise specified in this Chapter 23.45, conditional uses shall meet the development standards for uses permitted outright.*

Both child care centers and private schools are classified as institutions. According to SMC 23.45.504 Table A, an institution is permitted outright in the LR2 zone if it meets the development standards set forth in SMC 23.45.570. Institutions not meeting development standards are permitted with the issuance of an Administrative Conditional Use approval pursuant to SMC 23.45.506. The proposed child care center use and private school uses will be located in an existing building which doesn't comply with several LR3 zone development standards. Therefore, the proposed use is required to meet the criteria for an Administrative Conditional Use.

*C. Institutions other than public schools not meeting the development standards of 23.45.570, Institutions, and Major Institution uses as provided in Chapter 23.69, may be permitted subject to the following:*

- 1. Bulk and Siting. In order to accommodate the special needs of the proposed institution, and to better site the facility with respect to its surroundings, the Director may modify the applicable development standards. In determining whether to allow such modifications, the Director shall balance the needs of the institution against the compatibility of the proposed institution with the residential scale and character of the surrounding area.*

Currently, the existing building isn't compliant with several requirements for institutional structures in Lowrise zones. No exterior alterations/additions that would expand this structure are planned.

Minor exterior modifications to the North property are proposed; however this modification doesn't increase the bulk and scale of the existing building. The submitted site plans document exterior alterations consisting of the installation of bicycle parking stalls near the building's main entrance to accommodate eight bicycle spaces is planned. This onsite bicycle parking is compliant with applicable development standards and isn't expected to impact the bulk and scale of the existing building.

The existing structure is compatible with the residential scale and character of the neighborhood.

- 2. Dispersion Criteria. An institution that does not meet the dispersion criteria of Section 23.45.570 may be permitted by the Director upon determination that it would not substantially worsen parking shortages, traffic safety hazards, and noise in the surrounding residential area.*

*SMC 23.45.570.J Dispersion reads:*

*"The lot line of any new or expanding institution other than child care centers locating in legally established institutions shall be located 600 feet or more from any lot line of any other institution in a residential zone with the following exceptions:*

- 1. An institution may expand even though it is within 600 feet of a public school if the public school is constructed on a new site subsequent to December 12, 1985.*
- 2. A proposed institution may be located less than 600 feet from a lot line of another institution if the Director determines that the intent of dispersion 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, that provide substantial separation from other institutions."*

The proposed child care center and private school will be located in a legally established religious facility (Bethel Presbyterian 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.

3. *Noise.* The Director may condition the permit in order to mitigate potential noise problems. Measures the Director may require for this purpose include, but are not limited to the following: landscaping, sound barriers, fences, berms, adjustments to yards or the location of refuse storage areas, location of parking areas and access, structural design modifications, and regulating hours of use.

The majority of the child care program and private school activities will be held within the existing building situated on the North Site. The applicant indicates usage of the proposed parking area and outdoor play area at the South Site would occur at varying times during the weekday mornings, afternoons and evenings. It is during these time periods when noise levels are expected to be elevated.

The South Site is zoned SF 7200. Consequently, specific analysis regarding potential noise impacts and proposed mitigation measures have been addressed previously in this document under 23.44.022.H.

4. *Transportation Plan.* A transportation plan is required for proposed new institutions and for those institutions proposing to expand larger than 4,000 square feet of floor area and/or required to provide 20 or more new parking spaces. The Director may condition a permit to mitigate potential traffic and parking impacts pursuant to a Transportation Management Plan or Program as described in directors rules governing such plans or programs. The Director will determine the level of detail to be disclosed in the transportation plan based on the probable impacts and/or scale of the proposed institution.

The proposal is to create new institution uses; therefore, the applicant submitted a transportation report prepared by TSI (Transportation Solutions, Inc.) dated September 18, 2013. This report included: a description of the proposed school; a review of the proposed class sizes and schedule; trip generation forecasting, traffic operations analysis of specific intersections; loading activity review; analysis of parking adequacy; and recommendations. The report summarized the following conclusions:

- Under the current plan (75 student enrollment and eleven staff persons), the school will generate 252 daily trips. During peak hours, 120 trips between 9:00 and 10:00 a.m. and 82 trips between 1:00 p.m. and 2:00 p.m. will be generated by the school.
- Under the future plan (188 student enrollment and 21 staff persons), the school is forecast to generate 570 daily trips. During peak hours, the school is forecast to generate 254 trips between 9:00 a.m. and 10:00 a.m. and 144 trips between 3:00 p.m. and 4:00 p.m.
- The existing levels of service (LOS) at the Greenwood Avenue North and North 110<sup>th</sup> Street reach LOS E in the AM peak hour and LOS F in the PM peak hour. School trips are not forecasted to substantially decrease the intersection's operations.
- The student loading area proposed at the north curb face of North 110<sup>th</sup> Street fronting the school should maximize the area off of the main North 110 travel way and is planned to be staffed accordingly to assist in maintaining reasonable traffic flow on the street. Removal of existing angled parking along this curb face is recommended to support loading activities for student pickups and drop-offs.
- The off-street parking supply of sixteen parking spaces at the South Site will satisfy minimum parking requirements.

- A parking utilization study of the neighborhood shows that there is ample existing and free parking on-street to support volunteers and support parking displaced by the school's loading area.

The report also recommended specific elements be incorporated in a transportation plan for SAGA school, which include:

- Supplying adequate staffing and volunteers to meet students at the curbside loading area;
- Assigning an administrator to manage staff/volunteers assisting with loading activities during the school start and student release times;
- Establishing a bulletin board in a common area of the school that an administrator will update with information on the school's transportation plan;
- Sending relevant school transportation plan updates to staff, volunteers and parents/guardians.
- Providing partial or full subsidized transit passes or Orca to school staff;
- Providing secured area for bicycle parking;
- Exploring bus or van options for students and families in the future and acquiring appropriate on-street permitting to support these services.

In reviewing the transportation report and information submitted by the applicant, DPD concludes that potential traffic and parking impacts associated with proposed SAGA child care center/private school have been considered and addressed. DPD has also reviewed the TSI's recommended transportation plan for SAGA and concurs that the elements described in the transportation report would reduce parking and traffic impacts. However, DPD hasn't received a final transportation plan from SAGA school documenting which elements will be incorporated with the school's policies and procedures. Therefore, prior to issuance of the building permit, SAGA school will be required to submit a transportation plan to be reviewed and approved by DPD.

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

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

### **ADMINISTRATIVE CONDITIONAL USE CONDITIONS**

#### **Prior to Issuance of a Building Permit**

1. The owner(s) and/or responsible party(s) shall submit a transportation plan to be reviewed and approved by DPD. The plan should include recommendations identified in the TSI transportation report dated September 18, 2013. Any alternative plan must be reviewed and approved by the DPD Land Use Planner in consultation with the DPD Transportation Planner.

Signature: (signature on file) Date: December 2, 2013  
Tami Garrett, Senior Land Use Planner  
Department of Planning and Development