



## City of Seattle

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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:** 3015194  
**Applicant Name:** John Trieger for Timothy Stoner  
**Address of Proposal:** 12700 35th Avenue NE

#### **SUMMARY OF PROPOSED ACTION**

Land Use Application to change the use from church (Judson Baptist Church) to private school (Applied Scholastic Academy).

The following approval is required:

**Administrative Conditional Use Review** - To allow an institution (school and pre-school) not meeting development standards in a Lowrise 2 zone (LR2). (Seattle Municipal Code (SMC) 23.45.506 and 570)

**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 property is located on 35<sup>th</sup> Ave NE between NE 125<sup>th</sup> St and NE 130<sup>th</sup> St and is zoned Lowrise 2 (LR-2). The 24,502 square foot (sq. ft.) property is the site of a former church (Judson Baptist Church). The site directly to the north is of equal size and is the location of the former Parish Hall for the church. Surface parking accessory to the Parish Hall for 22 vehicles is currently provided on that site.

Vehicular access to the surface parking area is via an existing curb cut from 35<sup>th</sup> Ave NE. 35<sup>th</sup> Ave NE is a minor arterial street, pursuant to SMC 23.53.

The properties north, south and west of the proposal are also zoned LR2. The property directly abutting the site to the east is zoned Single Family Residential (SF 7200). Uses surrounding the proposal site include townhouse developments and apartment buildings along both sides of 35<sup>th</sup> Ave NE; some single family residences to the west, east and north; and commercial uses to the south and west.

### Proposal Description

The proposed project involves the conversion of the existing church structure to a school and pre-school for Applied Scholastic Academy. Interior alterations only are proposed for the structure. Exterior alterations include parking stall reconfiguration on the adjacent site to allow for the parking of 22 vehicles. A new fenced-in outdoor play area with playground equipment accessory to the proposed pre-school will be located at the front of the property. An additional play area on the rear of the site will be developed for the school.

According to information provided by the applicant, the two schools will have a maximum of 75 full-time children and the applicant projects that staffing levels will be 14 employees. The proposed institution's operating hours will begin as early as 7:30 a.m. and conclude by 5:30 p.m., Monday-Friday.

### Public Comments

The public comment period for this project ended May 22, 2013. DPD received no written comments regarding this proposal.

### **ANALYSIS -ADMINISTRATIVE CONDITIONAL USE**

#### 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 schools and pre-schools, have made by providing educational and cultural opportunities to their communities. The criteria for establishing this expansion 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.

#### 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.

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

A school and pre-school 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 schools will be located in the existing church buildings which don't comply with the LR2 zone development standards for parking quantity. 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 complies with the required side setback and building height requirements for institutional structures in Lowrise zones.

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 property is not located within 600 feet of any private or public school or other institution per SMC 23.45.570.J. Thus, this criterion is met.

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 (90% according to the applicant) of the school program activities will be held within the existing buildings. The applicant indicates that the proposed outdoor play area would be in use during the weekday mornings. It is during this time period when noise levels are expected to be elevated.

The applicant indicates that typical noise levels generated by school use would be no different than that generated by the existing church use.

The following measures are proposed to mitigate this potential noise issue:

- Maintain the concrete retaining wall and fence along the property’s east boundary line;
- Locate play equipment no closer than 20 ft. from the east property line

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 a new institution which will be contained in an existing structure that is 10,000 sq. ft. total; therefore, the applicant submitted the following information with regards to transportation and parking in a Traffic Analysis Memorandum submitted by Transportation Engineering NorthWest dated July 17, 2013 and reviewed by DPD's Transportation Planner:

- There will be an eventual total of 14 staff members and 75 students generating vehicle trips during the hours of 7:30 a.m. until 5:30 p.m., Monday-Friday. The memorandum estimates that 385 daily weekday trips would be generated with 98 trips occurring during the AM peak hour and 73 trips during the PM peak hour. No evening traffic is expected because this program ends early afternoon.
- On-site circulation. Staff would park in the north lot which is not currently owned by the School. Parents would enter at the north side of the site and park in the north lot as well and walk students to the school to drop them off. Exiting would be either from the north lot or by circling the school and exiting via the curb cut at the south side of the site.
- Parking demand was estimated at 22 parking stalls. Five parking stalls (four medium and one handicapped) will be located on the school site and 23 stalls (22 medium and one handicapped) will located on the north lot.

As the north lot is not yet under the ownership of the school, this parking will be designated off-site parking is subject to requirement of SMC 23.54.025. The applicant will, therefore, be required to record with King County a notice of required off-site parking satisfying the requirements of SMC 23.54.025

In reviewing the information submitted by the applicant, DPD concludes that potential traffic and parking impacts associated with the proposed childcare development have been considered and addressed. DPD acknowledges that parking overflow onto adjacent streets may occur at the student drop-off and pick-up times. However, the applicant has demonstrated that there is adequate accessory parking capacity to accommodate the parent's vehicles. For these reasons, no additional mitigation is warranted.

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

The Conditional Use application is **APPROVED**.

### **ADMINISTRATIVE CONDITIONAL USE CONDITIONS**

None required.

Signature: (signature on file) Date: September 23, 2013  
Marti Stave, Senior Land Use Planner  
Department of Planning and Development