



City of Seattle
Edward B. Murray, Mayor

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: 3016945
Applicant Name: Kristen Dahlquist for *KapKa Cooperative School*
Address of Proposal: 510 North 49th Street

SUMMARY OF PROPOSED ACTION

Original Project Description: Land Use Application to allow a change of use of a portion of an existing church (8,795 sq. ft.) to private school (*KapKa Cooperative School*).

The following approval is required:

Administrative Conditional Use Review - To allow an institution (private school) not meeting development standards in a Lowrise 1 (LR1) and Lowrise 3 (LR3) zone (Seattle Municipal Code (SMC) 23.42.042, 23.45.506 and 23.45.570).

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 site is located on the corner of North 49th Street and Dayton Avenue North. The structure containing the church and school is located on the northeast corner of the intersection, and the associated off-street vehicular parking lot is located on the northwest corner of the intersection. The



school is proposed to occupy the south portion of an existing church. The subject site is zoned both LR1 and LR3. The portion of the structure to contain the school is entirely within the LR1 zone. Surrounding development consists of single- and multiple-family residential structures. *Woodland Park Zoo* is located one block north. Access to the existing parking lot is via Dayton Avenue North.

Proposal Description

The proposal includes the conversion of a portion of an existing church, *Emmanuel Bible Church*, to a private elementary school, *KapKa Cooperative School*. The accessory parking lot on the northwest corner of Dayton Avenue North and North 49th Street is to be used by staff of the school and the church. Access is provided from Dayton Avenue North. Six parking spaces are required for the school, and are accommodated in the existing parking lot. No exterior alterations are proposed. The school will have 34 students with three full-time teachers, one part-time teacher, and one staff member. Hours of operation are 8:45 a.m. to 3:30 p.m. Monday through Thursday, and 8:45 a.m. to 1:30 p.m. on Friday. All classes are to be held inside. The school anticipates increasing enrollment in the future to 79 students.

Public Comments

The public comment period for this project ended April 16, 2014 after a request for an extension of the comment period. Comments received expressed concerns regarding traffic patterns related to the drop off and pick up of students.

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 proposal has met the procedural requirements of SMC Chapter 23.76.

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.-C. is used to evaluate the proposal and impose conditions, if necessary, to mitigate adverse impacts to the public interest and neighboring properties. Conditions are included in this decision.

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.-C. The City recognizes the public benefit that institutions, such as schools, have made by providing educational and cultural opportunities to their communities. The criteria for establishing this proposed use shall be examined, and conditioned, if necessary, to mitigate any detriment to the public interest or injury to property in the vicinity. Conditions are included in this decision.

- 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.*

The existing church was legally established, and is now permitted as a conditional use. The associated parking lot was obtained by the church prior to 1985, and is within the existing institutional boundary. The change of use of a portion of the church to a private school shall meet the criteria for establishing a new conditional use, described in SMC 23.45.506. A discussion of this compliance is provided below.

- 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.

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.*

This proposal is determined to comply with the applicable criteria subject to the conditions in this decision.

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

Private schools are classified as institutions, and are permitted outright in the LR1 zone if compliant with the development standards set forth in SMC 23.45.570 (SMC 23.45.504). Institutions not meeting development standards are permitted with the issuance of an Administrative Conditional Use Permit approval pursuant to SMC 23.45.506. The proposed private school will be located in an existing church building that does not comply with the development standards related to structure width, depth, height, and setbacks. Additionally, the parking lot does not meet development standards for screening and landscaping. As such,

the proposed use is required to meet the criteria for an Administrative Conditional Use. Institutions located in LR zones shall meet the development standards of SMC 23.45.570.

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.*

The existing structure and parking lot do not meet all development standards of SMC 23.45.570; therefore, consideration of modifications to these development standards is required. Those development standards not met include: structure height, structure width and depth, front setback along North 50th Street, side setbacks, and parking screening and landscaping. Additionally, while the private school proposes more than the minimum required number of off-street parking spaces, the existing church is currently deficient. The church and private school have different hours of operation and share the parking lot. No exterior alterations that would expand the structure or parking lot are proposed. The Director has balanced the needs of the institution against the compatibility of the proposal with the residential scale and character of the surrounding area, and has determined that the modification of these development standards accommodates the special needs of the proposed institution and better sites the facility with respect to its surroundings.

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 private school will be located in an existing church, an institution as defined by SMC 23.84A.018. The existing institutional boundaries are not expanding; therefore, this criterion is not applicable. Furthermore, the submitted *Good Neighbor Plan* contains analysis and discussion of measures to be implemented to mitigate any impact from parking shortages and/or traffic safety hazards. A condition is contained in this decision requiring compliance with these mitigation measures.

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.

All activities associated with the private school are proposed to be contained entirely within the existing structure. Access to the school is via the entry on the south side of the structure along North 49th Street. A *Good Neighbor Plan* has been submitted that contains measures to be used to mitigate any potential noise associated with the drop off and pick up of students, including parent escorting children to the entry. A condition is included in this decision requiring compliance with this *Good Neighbor Plan*.

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 a change of use of a portion of an existing institution, church, to a private school. The total change of use is 8,795 square feet; therefore, a traffic analysis and transportation plan¹ has been submitted. The traffic analysis contains examination of trip generation, transportation concurrency, parking demand, and adjacent intersection level of service. The analysis considers both current conditions, as the private school is in operation, and future projected conditions with the anticipated growth in enrollment. In summary, the analysis finds that study intersections are anticipated to operate at an acceptable level of service, and the increased parking demand is expected to be accommodated by the associated parking lot and on-street parking. In reference to traffic circulation patterns related to student drop off and pick up, the transportation plan outlines protocol and standards for this activity. A condition is included requiring that this transportation plan be provided to all parents and neighbors.

The *Good Neighbor Plan*, included with the traffic analysis and transportation plan, has been submitted outlining standards of conduct and resources for more information. A condition is included requiring this plan be shared with all parents and surrounding neighbors. Information contained in the study includes, but is not limited to:

- The private school has three full-time teachers, one part-time teacher, one full-time administrator, and three or four parent volunteers.
- School classes operate Monday through Friday 8:45 a.m. until 3:30 p.m., with the exception of Friday which has an early dismissal of 1:30 p.m. Doors open for student drop off at 8:30 a.m.
- The after school care program runs until 5:30 p.m. and provides service for four to eight students.

¹ Revised Traffic Impact Analysis, TranspoGroup, June 2014

- The traffic study estimates a three-day average trip generation of 47 AM peak-hour trips and 38 after school PM peak-hour trips. The proposed private school is anticipated to increase traffic volumes, when compared to no school, by less than 30%. With an increase in enrollment to 79 students, the peak trip generation is anticipated to increase to 62 and 50 respectively.
- Circulation patterns of project traffic within the site vicinity demonstrate a preference for parents to drop off children along the north side of North 49th Street.
- The average peak long-term parking demand is estimated at seven vehicles, with four located in the parking lot. The associated parking lot contains six vehicular parking spaces dedicated to the private school.

Potential traffic and parking impacts associated with the private school have been considered and addressed. Trip generation and parking demand during peak hours is estimated to increase; however, the applicant has demonstrated that trip generation will be mitigated with implementation of the transportation plan, and parking is anticipated to be accommodated by the associated parking lot and on-street parking. A condition is included requiring school staff to provide a copy of the *Good Neighbor Plan* to all parents and neighbors.

DECISION - ADMINISTRATIVE CONDITIONAL USE

The Conditional Use application is **APPROVED WITH CONDITIONS.**

ADMINISTRATIVE CONDITIONAL USE CONDITIONS

For Life:

1. School staff shall include in parent orientation meetings and materials all requirements and procedures regarding drop off/up of children. The materials shall be signed by each parent upon enrollment and shall direct parents to observe safe and alternative driving behavior, to follow approach routes outlined in the transportation plan, to park in readily available spaces, avoid blocking driveways and travel lanes.
2. School staff shall make director contact information available to neighbors and invite concerns to be directed to him/her. The director shall follow up on concerns with staff and parents to resolve issues of safety and compliance with permit conditions promptly, and to work through other good neighbor types of issues that may arise.

Signature: (signature on file) Date: October 6, 2014
Carly Guillory, Land Use Planner
Department of Planning and Development