



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: 3019627
Applicant Name: Mike Jenkins for Seattle Public Schools
Address of Proposal: 4530 46th Avenue NE

SUMMARY OF PROPOSED ACTION

Departure request for lot coverage, for two to four portable classroom buildings to provide two to four additional classrooms for Laurelhurst Elementary School. Total footprint of four proposed buildings: 3,584 square feet.

The following approvals are required:

Establishment of Development Standard Departure for Public Schools Chapter 23.79
Seattle Municipal Code to approve or condition the following departures:

1. To allow up to 45% lot coverage, a portion of which is a 2-story building. (SMC 23.51B.002.C.3)

BACKGROUND

Site and Location

Laurelhurst Elementary School is located at 4530 46th Avenue NE, in northeast Seattle. The project site is bounded by NE 47th Street, 47th Avenue Northeast, NE 45th Street and 46th Avenue NE. The site is approximately 2.72 acres. There are no mapped environmentally critical areas (ECA) on the site.

Zoning

The proposal site is located in a Single Family zone (SF 5000) which gives way to the Children's Hospital, a Major Institution Overlay MIO-37-SF 5000 one block to the west.

Proposal Information

The proposal is for a Public School Departure request to allow up to 45% lot coverage at the Laurelhurst Elementary School. Laurelhurst School currently has four (4) portable buildings on site two of which are owned by the LASER program and two by Seattle Public Schools (SPS).

Seattle Public Schools would like to add more portables to address program needs at the school. Four additional portables would put the lot coverage calculation at 41.3 percent. The District is asking for 45% lot coverage; the additional coverage amount would be used as flexible coverage space. The proposed locations are one portable next to the existing portables on 47th Avenue Northeast, one interior to the site, and one double-classroom portable at the southwest corner of the site.

Seattle School District proposes to locate between one and four new portable classrooms on the hard-surface play area on the northeast portion of the Laurelhurst School site. This would not be an entirely new situation. In past years portables have come and gone as the school population has changed. In the early 1960's, four portables were located in the approximate area that is the subject of this departure. Due in part to changes over time, the current building already exceeds the maximum 35% lot coverage. Lot coverages given various portable locations are as shown below:

Maximum Allowed by Code	35%
Current Building Configuration	38.5%
One Additional Portable	39.0%
Two Additional Portables	39.8%
Four Portables	41.3%

The District is requesting a departure to allow up to 45% lot coverage. This number was chosen as it would be the lot coverage allowed if the School were one story and would allow for future flexibility.

The District's rationale for the departure request relates to its calculations of need for classroom space. During the public meeting the District stated that the need for this request was driven by the following factors:

- To accommodate enrollment growth
- To accommodate special education programs
- To retain before and after school child care (LASER)
- To allow continued Parks Department joint use of the gymnasium

In addition, while currently not fully delineated by the State, changes related to the McLeary School funding decision may result in a reduction in the maximum number of children allowed in each of the K-3 classrooms leading to a possible need for more classroom space.

Information on the project proposal is available in the electronic file for this project at <http://www.seattle.gov/dpd/> under the project number 3019627 and at the 20th floor Seattle Municipal Tower.

Public Comments

Comment letters were received during the review period. Letters can be viewed in the public electronic file at the following link <http://www.seattle.gov/dpd/> under the project number, MUP project 3019627 and at the 20th floor Seattle Municipal Tower. Public comments were summarily against placing additional portables at the school site.

Development Standard Departures

The Seattle School District submitted a request for departures from certain Seattle Municipal Code Development Standards. The Department of Neighborhoods (DON) is charged with administering the School Departure process per SMC 23.79.004. DON formed the required Advisory Committee of eight voting members with a City non-voting Chair. The final Development Standard Departure Report is available in the public electronic file at the following link <http://www.seattle.gov/dpd/> under the project number and at the 20th floor Seattle Municipal Tower.

ANALYSIS – Development Standard Departures for Public Schools

School Departure Advisory Committee process on Departure Request and Advisory Committee Recommendation

The Development Standard Departure process is conducted pursuant to the provisions of Seattle Municipal Code sections 23.79.002-.012. An Advisory Committee convened, public comment was received, and a written recommendation to the Director of DPD was prepared. The Director prepares an analysis and decision per SMC section 23.79.010. The Director will determine the amount of departure to be allowed as well as mitigation measures to be imposed. The Director's decision shall be based on an evaluation of the factors set forth in Section 23.79.008.C, the majority recommendations and minority reports of the Advisory Committee, comments at the public meeting(s) and other comments from the public. If the Director modifies the recommendations of the Advisory Committee, the reasons for the modification shall be put forth in writing.

In reviewing the departure request, Section 23.79.008 directs the Advisory Committee to “gather and evaluate public comment”, and to “recommend maximum departures which may be allowed for each development standard from which a departure has been requested”. It states, “Departures shall be evaluated for consistency with the objectives and intent of the City’s Land Use Code....., to ensure that the proposed facility is compatible with the character and use of its surroundings”. The Advisory Committee is directed to consider and balance the interrelationships among the following factors in SMC 23.79.008 C 1:

- a. *Relationship to Surrounding Areas: The advisory committee shall evaluate the acceptable or necessary level of departure according to:*
 1. *Appropriateness in relation to the character and scale of the surrounding area;*
 2. *Presence of edges (significant setbacks, major arterials, topographic breaks, and similar features) which provide a transition in scale;*
 3. *Location and design of structures to reduce the appearance of bulk;*
 4. *Impacts on traffic, noise, circulation and parking in the area; and*
 5. *Impacts on housing and open space.*

More flexibility in the development standards may be allowed if the impacts on the surrounding community are anticipated to be negligible or are reduced by mitigation; whereas, a minimal amount or no departure from development standards may be allowed if the anticipated impacts are significant and cannot be satisfactorily mitigated.

- b. *Need for Departure: The physical requirements of the specific proposal and the project's relationship to educational needs shall be balanced with the level of impacts on the surrounding area. Greater departures may be allowed for special facilities, such as a gymnasium, which are unique and/or integral and necessary part of the educational process; whereas, a lesser or no departure may be granted for a facility which can be accommodated within the established development standards.*

The City initiated the Development Standard Departure Process, pursuant to SMC 23.44.006E, SMC 23.79 and SMC 23.45.504 A. The Land Use Code requires that the Department of Neighborhoods convene an Advisory Committee (Development Standard Advisory Committee) when the School District proposes a departure from the development standards identified under the code (SMC 23.79).

The purposes of the Development Standard Departure Advisory Committee are: 1) to gather public comment and to evaluate the proposed departures for consistency with the objectives and intent of the City's land use policies to ensure that the proposed facility is compatible with the character and use of its surroundings; and 2) to develop a report and recommendation to the City of Seattle Department of Planning and Development (DPD) from the Department of Neighborhoods (DON).

Following completion of the Committee Report and its transmittal to the City's Department of Planning and Development, the Department produces a formal report and determination. The Director of the Department of Planning and Development determines the amount of departure from established development standards which may be allowed, as well as identify all mitigating measures which may be required. This decision is appealable.

In November 2014, the Department of Neighborhoods sent notices to residents within 600 feet of the school and to a list of individuals and organizations that had shown interest in other community issues in the vicinity of Laurelhurst School requesting self-nominations for membership on the Development Standard Departure Advisory Committee, and the Committee was formed. The Committee is composed of eight voting members with a City staff, non-voting Chair.

In order to accommodate the educational program at this site, the District requested the following departure from the Seattle Municipal Code:

Departure #1 -To allow up to 45% lot coverage, a portion of which includes an existing 2-story building. (SMC 23.51B.002C3)

The Advisory Committee was convened at a well-attended public meeting held March 17, 2015 at Laurelhurst Elementary School. 130 people attended the meeting, 105 of whom indicated that they wanted to provide public testimony. Fifty four people provided comment. All of those who spoke opposed the proposal. No one spoke in favor of granting the request. The main points raised in public testimony were the following:

- This is a stable area without projected, Laurelhurst-driven, student population growth.
- The loss of play space would both burden students and harm the broader neighborhood.
- Accommodation of out-of-neighborhood uses (special needs) was an undue burden on this school site, given that this is the smallest and most constrained site in the broader area. Other nearby schools should be considered for these programs.

- Other options should be exhausted first, including renovations and expansion of the existing building and/or enclosing the covered area between the gymnasium and school.

The room was polled by a show of hands. Those in attendance were asked if they favored, opposed or were neutral concerning this request. All attendees who participated were opposed. Three petitions against granting the departure were presented from three groups. The first was the *Save Laurelhurst Elementary School Playground* with an attached list of 381 nearby residents and property owners opposed to the proposal, the second was from the Laurelhurst PTA including the results of a polling of all parents which showed that 82% did not support the departure request, and the third was from 201 of the 421 students currently attending the school urging retention of the playground.

Section 23.79 of the Seattle Municipal Code directs the Advisory Committee to evaluate the requested departures for consistency with the general objectives and intent of the City's Land Use Code, and balance the interrelationships among the factors found in SMC 23.79.008 C 1.

The Seattle Municipal Code envisions granting departures from the requirements of the Code to accommodate the educational needs of the programs to be located in the proposed buildings. In the case of the Laurelhurst School, the Seattle School District listed five criteria driving the need for the departure:

- To accommodate enrollment growth
- To accommodate special education programs
- To retain before and after school child care (LASER)
- To allow continued Parks Department joint use of the gymnasium

Members concluded that the District had not provided a compelling educational need.

According to SPS both current enrollment and projected student projections in the Laurelhurst neighborhood were flat and the District stated that it could project no future growth in student population that would present a compelling reason for the placement of additional portables. Given the stable nature of the neighborhood and the lack of future conversions from single to multi-family development, members concluded that the District's projections were likely accurate over the short and midterm.

Public testimony noted that the school was not over capacity of students from the neighborhood. However Laurelhurst Elementary School is the assigned location within the cluster zone for all SM3 special education students. The school does not appear to be over capacity with students, but is over capacity with overall programs.

Absent projected growth from within the neighborhood, future need appears to be driven by the other stated criteria. However, the Committee determined that given the overwhelming opposition to the proposal, these other criteria were not sufficient to justify support of the departure. The Laurelhurst site is the smallest in the Northeast cluster with the greatest lot coverage. The Committee felt the current site is too small given the current design and lot coverage and that it provides sub-standard outdoor play space, and no on-site parking. The Committee recognized that the portables are not special facilities but simply general classroom sites. The Committee noted that if no portables were allowed, and additional growth in student population from the neighborhood materialized, other options could/should be explored including transfer of some special programs to other nearby schools with less constrained sites, use of the community center for pre- and after school childcare, or fill-in development between the gymnasium and main school building.

During Committee deliberations, District staff disclosed that their more recent student enrollment projections indicated that little or no student growth was now projected and that the District was considering the location of only one portable if current arrangements with the care operator (LASER) could be extended.

The physical requirements of the specific proposal and the project's relationship to educational needs shall be balanced with the level of impacts on the surrounding area. The Committee did not find any compelling reason for the lot coverage departure request and thus opposes the need for the departure. District Staff asked the Committee to consider the addition of one portable classroom. The committee did not find any compelling reason for the smaller lot coverage departure request and thus opposes one additional portable.

A committee report was prepared by the Department of Neighborhoods staff and rendered to the Department of Planning and Development Director outlining the process, discussion, and recommendation of the committee.

Director's Analysis

Per SMC 23.79.010, the Director's decision shall be based on 1.) Evaluation of the factors set forth in Section 23.79.008C. 2.) The majority recommendations and minority reports of the Advisory Committee, and 3.) Comments at the public meeting and other comments from the public.

1.) The factors set forth in Section 23.79.008C are the following:

a. Relationship to Surrounding Areas: The advisory committee shall evaluate the acceptable or necessary level of departure according to:

- 1. Appropriateness in relation to the character and scale of the surrounding area.*
- 2. Presence of edges (significant setbacks, major arterials, topographic breaks, and similar features) which provide a transition in scale.*
- 3. Location and design of structures to reduce the appearance of bulk;*
- 4. Impacts on traffic, noise, circulation and parking in the area; and*
- 5. Impacts on housing and open space.*

The roll of the Director is described in SMC 23.79.010. The Director shall determine the amount of departure from established development standards that may be allowed or required, as well as mitigating measures that may be required.

Departure #1 is a School District request to allow up to 45% lot coverage. This number was chosen as it would allow SPS to place four (4) additional portable classrooms, 41.3% coverage, with an additional 3.7% coverage for future flexibility. (Documents showing details of the departure request are under the documents tab file in the city electronic file for this project.)

1. Appropriateness in relation to the character and scale of the surrounding area.

The proposed portable buildings are approximately 33 feet by 29 feet (including overhangs) for a footprint of 957 square feet. The proposed access ramp measures 5 feet by 33 feet for 165 square feet. The total is approximately 1,122 square feet. Four buildings would be approximately 4,488 square feet of additional lot coverage putting the lot coverage at 41.3%.

An installed portable classroom would measure approximately 13 and one half feet high from the pavement to the roof ridge of the building.

The surrounding area is characterized by single family homes, some with garages, with significant landscaping and street trees in the planting strips. The neighboring single family homes range from one story to larger two and one half story homes. Most homes have peaked roofs. Exterior materials are predominately horizontal wood siding, brick, and some stucco. The neighboring platting pattern is an arrangement of lots which vary in width from 50 feet wide to 75 feet wide. The school block is approximately 600 feet long and faces 9 to 11 homes across 46th Avenue NE and 47th Avenue NE respectively.

The relatively small size of the individual portable classrooms, 13 feet tall, 33 feet long, 29 feet wide, is within the scale of the surrounding residential area. The proposed portables are not overly large, they have vertical wood-like siding, peaked roofs, and residentially sized windows and doors. The proposed portables appear to be appropriate in relation to the character and scale of the surrounding area. Yet, siting four similar portables at this site would magnify a small addition to an outsized one as there would be little space or landscaping between them.

2. *Presence of edges (significant setbacks, major arterials, topographic breaks, and similar features) which provide a transition in scale.*

NE 45th Street and 47th Avenue NE are both collector arterials. They are not major arterials. There are no topographic breaks or other features which provide a transition in scale from the school grounds to the neighborhood. Setbacks are regular setbacks required of public schools in single family zones SMC 23.51B. Street trees along the rights of way help provide some transition in scale and screening.

3. *Location and design of structures to reduce the appearance of bulk;*

The School District has provided site plans that show proposed locations for one to four portable classrooms. Locating four portable classrooms on site appears to fill edges, corners, and interior school play lot space. Open space for recess play would be displaced and outdoor games more tightly clustered. The proposal to place four portables would expand the bulk of the school. One portable along the east property line would extend the school bulk creating a long wall of buildings. One interior-placed portable would be less visible as to bulk on the site. Another portable, two classrooms, at the southwest corner of the site at NE 45th Street and 46th Avenue NE, would increase the sense of bulk. Each portable structure design is compact at 13 feet high, 33 feet long, and 29 feet wide and could be painted a blending color; however, four portables would create increased bulk across the site even though a single, individual unit is fairly compact.

4. *Impacts on traffic, noise, circulation and parking in the area;*

According to Seattle Schools staff there is not expected to be substantial growth in student population at this site. Staff notes that the reasons for the additional portables are to serve current students who are in LASER-owned classroom space. The portable is not for new students, or increased enrollment, coming to the school. Therefore, little to no traffic, noise, circulation and parking should be affected by adding one or more portables.

5. *Impacts on housing and open space.*

Adding one to four portables at this site will not have impacts on housing in the area per se. No homes will be demolished or housing reduced. However, one portable, or more, located along the east property edge, next to the current portables, will change the view for residents along 47th Avenue NE. They would see an additional portable instead of a view into the playground. No change in landscaping in the right of way or on site is proposed. Portables located at the southwest corner of the site would be very visible and residents on 46th Avenue NE would notice increased bulk. The proposal will not impact open space in the area, the park or street rights of way, but it will impact play space on the school grounds. Four portables would reduce valuable play area at the school. Fewer portables would affect the play area less.

b. Need for Departure: The physical requirements of the specific proposal and the project's relationship to educational needs shall be balanced with the level of impacts on the surrounding area. Greater departure may be allowed for special facilities, such as a gymnasium, which are unique and/or an integral and necessary part of the educational process; whereas, a lesser or no departure may be granted for a facility which can be accommodated within the established development standards.

Seattle Public Schools is using one of the two LASER-owned portables for school classrooms. The LASER program is using the Laurelhurst multi-purpose room. At minimum, the District is asking for one additional portable to provide for the school class to be located in a dedicated SPS portable, and to allow the LASER program to return to its portable and to vacate the school multi-purpose room. Teachers and students are better served in a dedicated classroom. SPS would use its dedicated classroom space to fulfill its educational mission. The LASER program would like to control their buildings more completely for their extensive programs.

The proposal to locate four portable classrooms at Laurelhurst Elementary appears to fall short of meeting the criteria as outlined in SMC 23.79.008 C a 1-5 or b. Appropriateness and impacts of four portables over-crowds the site and reduces needed play area. The project's relationship to stated educational needs does not support four new portables. The District has not presented information to support four portable classrooms resulting in lot coverage of 41.3%. However, the District's desire to work with the LASER program for students and current student enrollment causes students to be located in classrooms not dedicated to SPS students. SPS has stated that one portable would be a minimum to allow the Laurelhurst students to move out of a LASER portable and into an SPS portable and to allow the multipurpose room to be used for Laurelhurst School activities rather than LASER programs. The Director, per SMC 23.79.010, must balance educational need for students to be in a dedicated school classroom and the impact of one portable on site.

- 2.) In considering the request for 45% lot coverage departure the Director must consider the Advisory Committee majority recommendation. The Committee heard public comment, considered written comments and petitions, and recommended to deny the departure request. The Director has considered the Committee recommendation per SMC 23.79.010.

- 3.) The Director has heard and considered the public comment at the public meeting and other comments from the public. In considering the request for four portables (45% lot coverage) the Director finds a lack of justification for four portables and, at the same time, acknowledges the programmatic needs of Seattle Public Schools to provide functional and dedicated classrooms for Laurelhurst students.

Seattle Public Schools requested that the Committee allow one portable at the site for a 39.0% lot coverage departure during Committee deliberations. The Committee also opposed the request. The Committee report reflects the Committee recommendation and records the Committee's decision to deny the request for four, or one, portable at this site.

The Director must consider the educational programs outlined by Seattle Public Schools. The Director requested additional information regarding the use of portables, their design, and proposed placement. After extensive consideration, Seattle Public School students should be accommodated in classrooms owned by SPS and not rented from other entities causing other school rooms to stand in for before-and-after-school programs. Allowing one portable classroom, (size described above), rather than four portables will be appropriate in relation to the residential character and scale of the neighborhood. One portable located next to the existing portables, along the east property line, is the best location to minimize impacts. The portable classroom design is appropriate for a residential area. The addition of one portable classroom represents only 0.5% increase in lot coverage. Existing landscaping and setbacks will minimally help a transition in scale along with the existing setbacks and street trees. One portable located along the east edge of the site will cluster the portables in one area for better staff oversight, but will not reduce the appearance of overall bulk at the site of the portable cluster. The program for one portable will be to relocate students, not increase the student population, so no impacts on traffic, noise, circulation and parking are expected. Minimal impacts on housing and community open space would occur. Play space on the school grounds will be somewhat diminished by adding one portable. However, Laurelhurst School has the largest north end school gymnasium space (7,000 square feet) for covered activities and a large covered play area (4,000 square feet) to add to the available play area.

In light of District educational needs outlined in application materials one portable classroom, located as proposed along the east side of the property, is adequate. The lot coverage limit would allow one portable classroom and access ramp at 39.0% lot coverage.

DECISION-DEVELOPMENT STANDARD DEPARTURES

The school development standard departures request is **CONDITIONALLY APPROVED**.

CONDITIONS-DEVELOPMENT STANDARD DEPARTURE FOR PUBLIC SCHOOLS

For Life of the Project

1. One portable classroom may be located at Laurelhurst Elementary School for a lot coverage maximum of 39.0 %.

Signature: Betty Galarosa for Date: July 13, 2015
Holly J. Godard,
Senior Land Use Planner
Department of Planning and Development

HJG:bg

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IMPORTANT INFORMATION FOR ISSUANCE OF YOUR MASTER USE PERMIT

Master Use Permit Expiration and Issuance

The appealable land use decision on your Master Use Permit (MUP) application has now been published. At the conclusion of the appeal period, your permit will be considered “approved for issuance”. (If your decision is appealed, your permit will be considered “approved for issuance” on the fourth day following the City Hearing Examiner’s decision.) Projects requiring a Council land use action shall be considered “approved for issuance” following the Council’s decision.

The “approved for issuance” date marks the beginning of the **three year life** of the MUP approval, whether or not there are outstanding corrections to be made or pre-issuance conditions to be met. The permit must be issued by DPD within that three years or it will expire and be cancelled. (SMC 23-76-028) (Projects with a shoreline component have a **two year life**. Additional information regarding the effective date of shoreline permits may be found at 23.60.074.)

All outstanding corrections must be made, any pre-issuance conditions met and all outstanding fees paid before the permit is issued. You will be notified when your permit has issued.

Questions regarding the issuance and expiration of your permit may be addressed to the Public Resource Center at prc@seattle.gov or to our message line at 206-684-8467.