



City of Seattle
Edward B. Murray, Mayor

Department of Construction and Inspections
Nathan Torgelson, Director

**CITY OF SEATTLE
ANALYSIS AND DECISION OF THE DIRECTOR OF
THE SEATTLE DEPARTMENT OF CONSTRUCTION AND INSPECTIONS**

Application Number: 3022333
Applicant Name: Cameron Fultz
Address of Proposal: 12702 35th Avenue North

SUMMARY OF PROPOSAL

Land Use Application to change the use from single family (Parish House) to private school (Applied Scholastic Academy). Project includes new play area and student garden. 29 parking spaces to remain.

The following approvals is required:

Administrative Conditional Use – to change the use from single family (Parish House) to private school (Applied Scholastic Academy). (Seattle Municipal Code Chapter 23.45.)

Seattle DCI SEPA DETERMINATION

Determination of Non-significance

- No mitigating conditions of approval are imposed.
- Pursuant to SEPA substantive authority provided in SMC 25.06.660, the proposal has been conditioned to mitigate environmental impacts

SITE AND VICINITY

Site Zoning: Lowrise 2 (LR2)
Nearby Zoning: Single Family (SF 7200), Neighborhood Commercial (NC3-65)
Existing Use: Single family home (Parish House)
Lot Area: 24,500 sq. ft. (0.56 acres)
ECA: This site does not contains an Environmentally Critical Area (potential slide area).

- 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.*
- 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 proposal has been reviewed consistent with criteria A through C.

- 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.*
- 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.*

Criteria D and E are not applicable to this proposal.

SMC 23.45.506.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. No additions are proposed to the existing building. The existing structure is compatible with the residential scale and character of the neighborhood. This criterion is met.

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.*

There are two institutions within the 600 foot radius, Elite Kids and Church of Christ. As such, additional traffic information was analyzed to determine the potential impacts of the proposed additional classroom space. Approximately 24 students will be added ranging from 3 to 5 years and 3-5 employees will be added. The main campus currently has a wide drop-off and pick-up window which limits congestion in the parking lot. The drop-off window is 7:30 to 9:30 am and the pick-up window is 3:30 to 5:30. In addition, the school has implemented designated spots for “drop-off zones” where parents can park while walking in younger students. In addition, the original traffic study prepared for the school included analysis of 110 students, however the student population did not meet this anticipated student count. The added 22 preschool students would create a new total of 97, which is still below the analyzed student count. No significant negative traffic, parking or noise impacts are anticipated from the added students. 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 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 Laurel School use.

No additional playground equipment is proposed and the noise levels are expected to remain comparable to existing conditions. The Noise Ordinance (SMC 25.08) does not regulate the sound of human voices.

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 applicant is proposing conversion of an existing 1,792 square foot structure into additional classroom space for the Laurel Academy. As such, the proposed expansion of the use does not exceed the 4,000 square foot threshold, which would require a transportation plan. However, as the proposed expansion does not meet the dispersion criteria, traffic information was analyzed above in the dispersion section (SMC 23.45.506.C.2). This criterion does not apply.

DECISION - ADMINISTRATIVE CONDITIONAL USE

No conditions required.

CONDITIONS – ADMINISTRATIVE CONDITIONAL USE

None.

Crystal Torres, Land Use Planner
Seattle Department of Construction and Inspections

Date: May 19, 2016

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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 Seattle DCI 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.