



City of Seattle

Gregory J. Nickels, 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:	2407149
Applicant Name:	Michelle Quesada
Address of Proposal:	2734 Montlake Boulevard East

SUMMARY OF PROPOSED ACTION

Master Use Permit to change the use of an existing 2,035 square-foot single family residential structure to a day-care center with a future 78 square foot porch addition. The center will have three employees to care for 16 children. Two parking and two loading spaces will be located on the site. Three parking spaces for staff will be located off-site.

The following approval is required:

Administrative Conditional Use Permit - to allow a child care center in a single family residential 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 DATA

Site & Area Description

The 4,770 square foot property is located on the east side of Montlake Boulevard East between the Montlake Boulevard off-ramp and East Hamlin Street. One single family dwelling and a detached garage occupies the property. The adjacent street is fully improved with sidewalks, curbs, gutters, and paving. There is a 10'-wide alley adjacent to the property accessed from E.

Hamlin St. The alley turns east bound parallel to E. Hamlin until it reconnects with the street near East Park Drive E. by the Museum of History and Industry (MOHI).

The subject property is located in a Single Family zone with a minimum lot size of 5,000 sq.ft. (SF 5000), which encompasses most of the neighborhood to the east, west, and north. Zoning shifts to Single Family 7200 (SF 7200) at MOHI, one block to the east.



The surrounding land uses generally reflect their zoning designations. Single family homes predominate with the exception of MOHI, vacant land controlled by the University of Washington to the north of the Montlake Boulevard 520 off ramp, and facilities of the National Oceanic and Atmospheric Administration (NOAA) across Montlake Boulevard to the west.

Proposal

The applicant proposes to convert an existing, one story, single family residence into a child care center. The facility would accommodate 16 children and three staff. A detached garage would be removed to provide for a drop-off area and more

parking. A small entry porch (with stairs and ADA accessible lift) would be added to the rear of the structure. As proposed, conversion from residential to child care would constitute a change of use to an institutional child care center, allowed in a single family zone as an Administrative Conditional Use. Operations would extend from 7:00 AM to 6:00 PM. As proposed, the child care center would occupy the entire structure.

Public Comment

Notice of the proposed project was published on March 3, 2005. The public comment period ended on March 16, 2005. To date, DPD has received approximately 11 written comments from neighbors. Five of the letters were supportive of the proposal. The other six raised several traffic concerns. Comments focused on the following issues:

- Adding vehicles to the drop-off near the corner of Hamlin and Montlake will contribute to an already congested area.
- Lost drivers (those attempting to return to Montlake Blvd) navigating Hamlin and Shelby are common.
- Addition of 16 children and staff (32 daily trips) will compound traffic problems and hazards in the area.
- Employees of the current daycare at 2740 Montlake Boulevard East use a guest pass to park on the street on a daily bases or are constantly moving their cars to avoid parking violations.
- The alley is narrow, crowded and often blocked by parents dropping off or picking up their children.

- Hamlin Street is narrow with parallel parking on both sides. 32 additional trips will generate additional safety hazards.
- The applicants currently run an outstanding daycare from their home. The remodel to their home has greatly enhanced the neighborhood.
- The neighborhood encompasses more than single family houses. University of Washington hospital, Husky stadium, the Museum of History and Industry, in-home businesses and retail businesses on Montlake Boulevard are all representative of the area and contribute to the traffic far more than a childcare operation.
- There are no traffic impacts from the children's arrivals and departures.

ANALYSIS - ADMINISTRATIVE CONDITIONAL USE PERMIT (SMC 23.44.022)

SMC Section [23.44.022](#) sets forth the types of institutions that may be permitted as conditional uses in single family zones, which includes child care centers.

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.*

With regard to the above cited sections, the proposed new institutional use is no more nonconforming to standards than the existing single family home.

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.*

Not applicable

3. *Institutions seeking to establish or expand on property which is developed with residential structures may expand their campus up to a maximum of two and one-half (2 1/2) acres. An institution campus may be established or expanded beyond two and one-half (2 1/2) acres if the property proposed for the expansion is substantially vacant land.*

The proposed institution will encompass 4,770 sq. ft.

4. *An institution which finds that the development standards of the single-family zone classification are inadequate to its development needs may apply for reclassification to Major Institution status.*

N/A.

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 is approximately 470 feet from the west property line of another institution, Museum of History and Industry, and 25 feet from vacant property owned by the University of Washington. Neither of the above exceptions applies in this case.

- 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.*

The proposed child care center (serving no more than 16 children at any one time) is approximately 470 feet from the west property line of the Museum of History and Industry and 25 feet from vacant property owned by the University of Washington. In order to qualify for this provision, all the above conditions must be met.

- a. The proposed child care center would be located within an existing single family home, a structure that fits well within the scale of the existing residential neighborhood. Viewed from Montlake Boulevard E., the structure resembles the other craftsman style (bungalow) houses built in Montlake during the early part of the 20th century.*
- b. The traffic study reviewed accident data in the immediate vicinity. Over the past five years, a total of ten accidents occurred at the intersection of E. Hamlin St., an average of two accidents per year. The study states that this is well below a critical threshold of five accidents per year at a signalized intersection. The day care center would not have access directly onto Montlake Boulevard E. or the intersection. The accidents at E. Hamlin St. were limited to parked-car-hit accidents only, one per year, in 2001 through 2003. No accident occurred in 2004 at this location. Since the day care access is planned to be via an alley from E. Hamlin St., this data can be viewed as a very significant measure of safety for the already existing day care operation in this area.*
- c. Both sides of E. Hamlin and E. Shelby Streets provide parking. Parking is not allowed along East Park Drive E. On-street parking is restricted to two hours only and between 8 AM and 5 PM daily. Parking is also prohibited at certain posted days in September and October.*

There is a Zone 1 parking exception to all parking notices. Residential access to garages or off-street parking occurs from either the street or the alley behind E. Hamlin St.

One drop off space, two van loading spaces and one medium parking space would be available on the site of the proposed day care center. In addition, three off-site parking spaces for staff would be located at the Museum of History and Industry. Since parents or caregivers of the existing day care facility use on-street parking adjacent to E. Hamlin St. for parking, it is possible that E. Hamlin St. would be used to a limited extent by parents and other caregivers affiliated with the proposed center. In April 2005, a parking utilization study was conducted along both sides of E. Hamlin St. in which analysts made counts and observations during the morning (for drop off) and in the afternoon (for pick up). The study shows that at no time was there more than 40 percent parking utilization (afternoon) on E. Hamlin St. Observations indicated the absence of double parking and obstruction of driveways. Even with the close proximity to the University of Washington, it did not appear that students parked on the street. Signing and the two-hour parking limit may dissuade student parking.

Comment letters to DPD noted the practice of staff from the existing day care facility at 2740 Montlake Boulevard E. abusing the on-street parking regulations by frequently moving their cars during the day. The proposal allocates three parking spaces for staff at MOHI.

d. Neighbor concerns did not focus on increased noise levels resulting from the child care center. DPD does not anticipate an increase in noise levels during the week. Apart from increased noise levels when the children are in the play area, the extent of noise generated by the child care center would be a minor increase.

As the proposed child care satisfies all criteria listed in SMC [23.44.022 E2](#), DPD may therefore allow this institution to be located within the 600-foot dispersion otherwise required of new institutions in single family zones.

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.

N/A. A detached garage would be removed to provide surface parking.

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.

The existing single family structure does not meet the 10' side yard standard otherwise applied to institutional uses (see section K.2). However, considering the small lot and the existing structure, flexibility provided by this section is warranted in this case. One side yard (five feet) adjoins a property already owned by the child care provider which has a home occupation of a child care program. The other side yard (six feet) lies adjacent to a wooded unimproved right-of-way near vacant property owned by the University of Washington and a SR 520 off-ramp. The front yard does not conform to current land use current standards. The house fronts onto Montlake Boulevard E. and has the same front yard dimension as its only neighbor on Montlake Blvd. E. The Director identifies no inherent negative impacts with the current side yards and does not require mitigation. DPD therefore requires no additional mitigating measures in this regard.

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.

Child care facilities necessarily generate noise, largely the result of children's outdoor play. The wooded right-of-way near the highway should reduce the sounds from the children's outdoor play.

Odors generated by the child care facility would likely be limited to those associated with any cooking and refuse disposal. Neither activity would likely generate odors that would warrant any further programmatic controls beyond what is already proposed. In comments submitted to DPD, neighbors did not identify odors as a principal concern.

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.

Existing landscaping on the site is typical of single family residential properties in the neighborhood.

- 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. Non-reflective surfaces shall be used to help reduce glare.*

The proposal involves no changes from the existing home with regard to light and glare.

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.*
2. *Yards. Yards of institutions shall be as required for uses permitted outright in Section [23.44.008](#), provided that no structure other than freestanding walls, fences, bulkheads or similar structures shall be closer than ten (10) feet to the side lot line. The Director may permit yards less than ten (10) feet but not less than five (5) feet after finding that the reduced setback will not significantly increase impacts, including but not limited to noise, odor and comparative scale, to adjacent lots zoned residential and there will be a demonstrable public benefit.*
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.*
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 three to twelve (3:12) 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.*
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.*

The proposal involves minimal changes to the existing home with regard to bulk and siting. A proposed deck facing the alley would be constructed for access and the existing detached garage would be demolished. The proposed deck and stairs would extend into the ten foot side yard near the northern property line required for institutions. Because adjacent properties are under the same ownership and they operate a child care center as a home occupation in the adjacent house, DPD finds that the reduce side yard (five feet) would not significantly increase impacts. By establishing a small enclave of childcare facilities, the reduction in the side yard reduces the potential of negative impacts upon the neighborhood creating a public benefit.

Most of the above development standards apply to new institutional structures of a considerably different scale than their surrounding neighborhoods. This proposal involves no such transition in scale, and most of the limits discussed above do not apply. Given the residential scale of the existing structure, the Director finds in accordance with subsections [G](#) and [K2](#) that the existing residential side setbacks are appropriate for the child care center as proposed.

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 shall be encouraged.*
- b. Parking and loading shall be required as provided in Section [23.54.015](#).*
- c. The Director may modify the parking and loading requirements of Section [23.54.015](#), Required parking, and the requirements of Section [23.44.016](#), Parking location and access, on a case-by-case basis using the information contained in the transportation plan prepared pursuant to subsection M of this section. The modification shall be based on adopted City policies and shall:
 - i. 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*
 - ii. Not cause undue traffic through residential streets nor create a serious safety hazard.**
- 2. Parking Design. Parking access and parking shall be designed as provided in Design Standards for Access and Off-street Parking, Chapter 23.54.*
- 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.*

L.1.a. The project site is within close walking distance of public transportation. Transit in the vicinity includes eight separate bus routes in each direction along Montlake Boulevard E. with bus stops at the north side of the intersection with E. Hamlin St. There are an additional nine bus routes with stops on the south side of the interchange of Montlake Blvd. E. and SR 520 ramps.

1b.c. The proposal meets parking and loading requirements as described in Section [23.54.015](#).

2. Parking design conforms to Design Standards for Access and Off-street Parking, chapter 23.54.

3. The quantity and design of loading berths meets the Design Standards for Access and Off-street Parking, Chapter 23.54.

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.*

The applicant provided a traffic study which is available in the public file. The report adequately informs the transportation analysis. Addressing traffic, parking, safety and public transportation system, proposed mitigating measures include the following:

- In accordance with Land Use Code standards, the applicant shall provide four conforming parking spaces on site
- The applicant will provide by parking covenant three off-site parking spaces for staff at the Museum of History and Industry for the life of the institution.

N. Development Standards for Existing Institutes for Advanced Study.

1. *The institute shall be located on a lot of not less than fifteen (15) acres.*
2. *The lot coverage for all structures shall not exceed twenty (20) percent of the total lot area.*
3. *Structures shall be set back a minimum of twenty-five (25) feet from any lot line.*
4. *Parking areas shall be set back a minimum of ten (10) feet from any lot line.*
5. *In the event of expansion, parking shall be required as provided for "existing institutes for advanced study" in Section 23.54.015, required parking.*
6. *Landscaping shall be provided between a lot line and any structure and shall be maintained for the duration of the use.*

N/A.

Administrative Conditional Use General Provisions (SMC [23.44.018](#))

- A. *Only those conditional uses identified in this subchapter as conditional uses may be authorized as conditional uses in single family zones. The Master Use Permit process set forth in Chapter [23-76](#), Procedures for Master Use Permits and Council Land Use Decisions, shall be used to authorize conditional uses.*

The Department recognizes the public benefit achieved by accommodating institutions such as child care centers in single family zones. The Land Use Code, as an enunciation of City policy, allows these institutions in single family zones, but establishes the administrative conditional use process as the mechanism for screening and mitigating impacts related to the uses. The proposed facility, as conditioned by the Department, is identified as a conditional use which can be authorized in a single family zone.

- B. *Unless otherwise specified in this subchapter, conditional uses shall meet the development standards for uses permitted outright in Sections [23.44.008](#) through [23.44.016](#).*

The subject proposal meets all of the development standards or allowable exceptions for uses permitted outright.

- C. *A conditional use may be approved, conditioned or denied based on a determination of whether the proposed use meets the criteria for establishing a specific conditional use and whether the use will be materially detrimental to the public welfare or injurious to property in the zone or vicinity in which the property is located.*

The proposal, as discussed under the specific criteria (SMC [23.44.022](#)), meets the criteria for establishing a specific conditional use and has been conditioned such that potential negative impacts are mitigated.

- D. *In authorizing a conditional use, the Director or Council may mitigate adverse negative impacts by imposing requirements or conditions deemed necessary for the protection of other properties in the zone or vicinity in which the property is located.*

The Director conditions the project to establish, in addition to the four conforming parking spaces on site including drop-off and loading, by parking covenant three off-site parking spaces for staff.

Conclusion

Based on the foregoing analysis and review, the proposed action satisfies all the relevant requirements of [23.44.018](#) and [23.44.022](#) governing administrative conditional uses in single family zones. It is the Director's determination that the proposal as conditioned would not be materially detrimental to the public welfare nor injurious to property in the zone or vicinity in which the child care center will be located, and should be granted.

DECISION – ADMINISTRATIVE CONDITIONAL USE PERMIT

The application for an administrative conditional use is **CONDITIONALLY GRANTED.**

CONDITIONS – ADMINISTRATIVE CONDITIONAL USE PERMIT

Permanent for the Life of the Project

1. In accordance with the terms of the Master Use Permit, the owner(s) or responsible party(ies) shall provide by parking covenant three off-site staff parking spaces.

Signature: (signature on file)
Bruce Philip Rips, Senior Land Use Planner
Department of Planning and Development

Date: December 22, 2005