



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 DEPARTMENT OF PLANNING AND DEVELOPMENT**

Application Number: 3003424
Applicant Name: Matheia School
Address of Proposal: 6555 22nd Ave NW

SUMMARY OF PROPOSED ACTION

Land Use Application to change the use of a 6,347 square foot institution (religious facility) to a private school in a single family zone.

The following approval is required:

Administrative Conditional Use Permit - to allow a private school in a single family residential zone.
(Section 23.44.022 Seattle Municipal Code (SMC)).

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 Description

The approximately 10,200 square foot property is located on the southwest corner of NW 67th Street and 22nd Ave NW. The subject property is a relatively flat site and is located in the Single

Family 5000 (SF5000) zone. Improvements on site consist of a 6,347 square foot, one-story religious facility (institution) originally built in 1910, with a substantial addition in 1950. There is no parking provided onsite, but on-street parking is available in the general vicinity.

Area Development

Development in the vicinity consists primarily of single family residences. Salmon Bay Park is approximately one block north of the site and an elementary school three blocks to the east. Property zoned Lowrise 2 (L2) is located two blocks west of the site, and consists of a variety of multi-family structures.

Proposal Description

The applicant proposes to convert the existing church to a private elementary school for approximately 50 children and 5 staff. The institution will accommodate children from kindergarten through 5th grade. No exterior alterations to the structure are proposed. Interior alterations are proposed in the western half of the building, creating an office, hallway, four classrooms and a library. The eastern half of the building will remain an open space to be used for a lunchroom, indoor play area and performance area. Hours of operation will be Monday through Friday, from 8:30 a.m. to 3:30 p.m., with an after school program from 4:00 p.m. to 6:00 p.m. One curbside loading and unloading space will be provided, no on-site parking is available.

Public Comment

The comment period for this proposal ended on March 8, 2006. During the public comment period DPD received four written comments. The comments expressed concerns about traffic and parking impacts to the area.

ANALYSIS - ADMINISTRATIVE CONDITIONAL USE PERMIT (SMC 23.44.022)

Section 23.44.022A sets forth the types of institutions that may be permitted as conditional uses in single family zones which includes private schools.

Applicable criteria of Section 23.44.022 are discussed as follows:

B. Major Institutions. Existing major institutions and major institution uses within an existing Major Institution overlay district shall be permitted in accordance with the provisions of Chapter 23.69, Major Institution Overlay Districts, and the provisions of this section.

The proposed private school is not a major institution.

C. Public schools shall be permitted as regulated in Section 23.44.017.

The proposed private school is not a public school.

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.*

The proposed private school is to be located in an existing structure and no expansion is proposed.

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.*

A child care center is not proposed.

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.*

No expansion of an existing institution is proposed. There will be no increase in structure size or lot area.

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.*

The structure is not expanding, although it is a non-conforming structure, the current single-family zone and non-conforming standards are adequate for this proposal.

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 feet (600') or more from any lot line of any other institution in a residential zone.*

The proposed private school is to be located in a legally established institution and will not be expanding, therefore this section is satisfied.

- 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.*

There are no residential structures located on the subject property.

- 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 proposal is not converting a structure to an institutional use, but is rather changing an existing institutional use to a new institutional use. The front, rear and side yards are all less than the ten (10) feet required in Section 23.44.022-K2. Because the structure is already permitted as an institution, the yards are viewed as existing non-conformities. Adherence to the conditions listed below under H. *Noise and Odors* to mitigate noise impacts on neighboring properties will be adequate.

- 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, out-door 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.

Outdoor activities such as physical education classes and recess, will take place at Salmon Bay Park and Loyal Heights playfield. Music is part of the curriculum, consisting of vocals and guitar. There is a piano located in the east side of the building which may be used occasionally. Small groups of students (ten or fewer) may have outdoor time on the premises under supervision that are curriculum oriented (i.e. looking for bugs for science). All other activities are to occur indoors.

To mitigate potential adverse noise impacts, the applicant will replace the single pane classroom windows in the western portion of the building with double pane windows. A fence is proposed along the south property line, and existing landscaping onsite is adequate for noise control with respect to the neighboring residential properties.

- 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.

The site is currently landscaped with trees, bushes, lawn, flowers. The existing landscaping provides sufficient screening, integrates the institution with adjacent areas, and reduces the potential for erosion or extensive stormwater runoff. Therefore, no further mitigation is required.

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. Nonreflective surfaces shall be used to help reduce glare.

Infrared motion sensor lights are currently installed at the main entrance on the north side of the building, and the side entrance on the east side of the building. Lights stay on for two minutes, and then shut off automatically. The lights are directed to illuminate the entrances and the sidewalk for night entry. There will be no continuous lighting of the building overnight.

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:

The site is less than one (1) acre in size, therefore this section doesn't apply.

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 feet (10') to the side lot line. The Director may permit yards less than ten feet (10') but not less than five feet (5') 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.

The front, rear and side yards are all less than the ten (10) feet required in Section 23.44.022-K2. The church is already permitted as an institution and this permit changes the use of the building to a different institutional use. As a result, the yards are viewed as existing non-conformities.

3. Institutions Located on Lots in More Than One (1) Zone Classification.

The lot is not located in more than one zone, therefore this section doesn't apply.

4. Height Limit. A religious symbol and that portion of the roof supporting it, including but not limited to a belfry or a spire, may extend an additional twenty-five feet (25') above the height limit.

There is no proposed religious symbol for this project; therefore this section does not apply.

5. *Facade Scale. If any facade of a new or expanding institution exceeds thirty feet (30') 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 structure was previously permitted as an institution prior to the subject of this proposal and no floor area or building expansion is proposed; therefore this section does not apply.

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.*

The school will provide van transportation to students living in the Queen Anne neighborhood. The van will pick up 10-12 students at around 8:00 a.m. and arrive at the school at 8:30 a.m. The van will be parked directly in front of the school during school hours. At 3:30 p.m., the van will be used to transport the students back to Queen Anne. The van will return to Ballard at about 4:30 and be parked directly in front of the school over night. Public transportation should be used by staff members when possible to reduce the use of single occupancy vehicles.

- b. *Parking and loading shall be required as provided in Section 23.54.015.*

There is no onsite parking provided for the existing church. Under current zoning standards, 28 parking spaces would be required for the religious facility. 10 spaces would be required for the proposed private school. Therefore, the site has a legal parking deficit of 18 parking spaces and no parking is required.

- 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.*

Per SMC 23.44.022-M, transportation plans are only required for institutions proposing expansions which are larger than 4,000 sq. ft. or when the proposal is required to provide an additional twenty spaces. The proposed private school use is not an expansion of an existing institutional use. Therefore no parking is required.

The applicant conducted a parking utilization study to identify potential parking overflow impacts within 800 feet of the site. The study took place on two weekdays between 8:15 am – 8:45 am, which will be the school’s largest parking demand. The results of the parking study indicate that 37 of the 87 on-street parking spaces available within 800 feet of the site are being used; therefore the parking utilization rate is 43%. Staff for the proposed private school use will occupy 4-5 on-street parking spaces, thereby increasing the parking utilization rate to 48%. Mitigation isn’t required for parking utilization rates under 80%. In order to mitigate possible parking conflicts during peak load and unload times, the school will provide a Load/Unload Zone in the NW 65th Street right-of-way adjacent to the school with signage and yellow paint on the curb as allowed by the Seattle Department of Transportation.

2. *Parking Design. Parking access and parking shall be designed as provided in Design Standards for Access and Off-street Parking, Chapter 23.54.*

No parking is required, therefore this section doesn’t apply.

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.*

The proposal does not propose any change in floor area and the structure is already permitted as an institution, so loading berth requirements do not apply to the proposal.

- 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 proposed private school use is not an expansion of an existing institutional use, and has a legal parking deficit of 18 parking spaces. Parking and loading requirements of SMC 23.54.015 do not apply. All parking is to be provided on the adjacent streets.

- N. *Development Standards for Existing Institutes for Advanced Study.*

The private school is not an institute for advanced study.

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 private schools 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 23.44.006 through 23.44.016.

The subject proposal meets all of the development standards or allowable exceptions permitted through SMC 23.44.022 (Institutions) or SMC 23.42.112 (Non-conforming to development standards).

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 SMC 23.44.022, meets the criteria for establishing a specific conditional use and has been conditioned such that the potential negative impacts will be substantially 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 conditions which mitigate the potential adverse impacts of this use will require maintenance of the landscaping, providing all outdoor physical education classes and recess off-site, providing carpooling and vanpooling services to off-set traffic and parking impacts to the surrounding areas, and provide an on-street load/unload space. These conditions combine to provide reasonable mitigation for the proposed private school and are authorized by this provision.

Conclusion

Based on the above analysis and review, the determination is that 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 private school 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

Prior to Issuance of Master Use Permit

The owners and/or responsible party(s) shall:

1. Obtain applicable street use permits from the Seattle Department of Transportation for the proposed load/unload area in the NE 67th Street right-of-way. A copy shall be provided to the Land Use Planner.
2. Provide a copy of the agreement with the Seattle School District for use of the Loyal Height Playfield for outdoor activities.

Permanent for the Life of the Project

The owners and/or responsible party(s) shall:

3. Require all outdoor physical education classes and recess to take place at Salmon Bay Park, Loyal Heights playfield or other designated off-site location.
4. Maintain the landscaping under the approved plan, MUP No. 3003424.

Compliance with conditions 1 and 2 must be verified and approved by the Land Use Planner assigned to this project Naomi Henry, telephone 206.684.5223 or by the Supervising Land Use Planner for the area where the project is located (Stephanie Haines telephone: 206.684.5014). Compliance shall be at the specified development stage, as required in the Director's decision. An appointment shall be made with the assigned Land Use Planner at least three (3) working days in advance of a final inspection. The Land Use Planner will determine whether the condition requires submission of additional documentation or a verification to ensure that compliance has been achieved.

Signature: _____ (signature on file) Date: July 20, 2006
Naomi Henry, Land Use Planner
Department of Planning and Development

NH:bg

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