



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

Project Number: 3039304-SD
Applicant Name: Ryan Luthman for Seattle Public Schools
Address of Proposal: 2405 22nd Avenue East

SUMMARY OF PROPOSED ACTION

Public School Departure for Montlake Elementary School.

The following approvals are required:

Establishment of Development Standard Departure for Public Schools (SMC Chapter 23.79) to approve or condition the following departures:

1. To allow greater than allowed lot coverage. (SMC 23.51B.002 C)
2. To allow greater than allowed building height. (SMC 23.51B.002 D1c)
3. To allow less than required building setbacks. (SMC 23.51B.002E)
4. To allow less than required vehicular parking. (SMC 23.54.015)
5. To allow less than required loading dock depth. (SMC 23.54.015 Table C)
6. To allow a curb cut to a service area without parking. (SMC 23.54.030F2b3)
7. To allow less than required long term bicycle parking. (SMC 23.54.015 Table D)
8. To allow less than required secure bicycle parking stalls. (SMC 23.54.015 K2)
9. To allow a changing image electronic sign. (SMC 23.55.020B)

SITE AND VICINITY

Site Zone: Neighborhood Residential 3 (NR3)

Nearby Zones: Neighborhood Residential 3 (NR3)

ECAs: No Environmentally Critical Areas (ECA) are mapped at the site.

Proposal Information

Seattle Public Schools (SPS) proposes to construct an addition to an existing elementary school. Project documents are available in the electronic file at <http://www.seattle.gov/SDCI/>.



Previous SEPA Related Actions

Prior to application for a Public School Departure Permit, the District exercised its prerogative to act as lead agency. A Mitigated Determination of Non-Significance (MDNS) was issued by Seattle Public Schools on October 31, 2022. An appeal was registered. The MDNS was recommended to be affirmed by the SPS Hearing Examiner and accepted by the SPS SEPA official on March 13, 2023. The SEPA review does not affect the Public School Departure Process SMC 23.79, the subject of this decision. SEPA documents can be found on the Seattle Public Schools website.

Landmark Review Process

Montlake Elementary School is a landmark building and portions of the site. The Seattle Landmark Committee and DON landmark staff reviewed the project proposal and worked with the Landmarks Committee. Two Certificates of Approval (CoA) associated with Montlake Elementary School have been issued and the in-kind maintenance/restoration work that is also associated with the property. DONH-COA-00524; CoA letter LPB 124/23 and drawings are available in the portal, as well as the in-kind maintenance & restoration memo LPB 129/23 and narrative/specifications. Also, DONH-COA-00886; Administrative CoA letter LPB 128/23 and drawings are available in the project file.

Public Comment

The Department of Neighborhoods (DON) published a notice of Public School Advisory Committee formation as per the School Departure Process per SMC 23.79. DON received public comments during the process. The City of Seattle does not publish a notice of application for the Public School Departure process.

Development Standard Departure

The Seattle School District submitted a request for several departures from certain Seattle Municipal Code Development Standards (SMC 23.51B) for the proposed school. The Department of Neighborhoods (DON) is charged with administering the School Departure process per SMC 23.79.

PROCESS CHANGES DUE TO COVID-19

- Seattle City Council approved legislation on Monday April 27, 2020 to keep key projects safely moving forward for at least 180-days.
- The school departure recommendation process typically requires in-person public meetings, which are prohibited due to public health mandates on social distancing and limited gatherings.
- While this ordinance is in effect, DON staff will accept written public comment and the Director of Seattle Department of Neighborhoods will make a recommendation to the Seattle Department of Construction and Inspections (SDCI) taking into consideration the public's comments, in lieu of the committee holding public meetings.

The final Development Standard Departure Report is available in the public electronic file at the following link <http://www.seattle.gov/SDCI/> under the project number.

ANALYSIS – Development Standard Departure for Public Schools

The Development Standard Departure process is conducted pursuant to the provisions of Seattle Municipal Code (SMC) sections 23.79.002-012. Public comment was received, and a written recommendation to the Director of SDCI 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 and comments from the public. If the Director modifies the recommendations of the recommendation, the reasons for the modification shall be put forth in writing.

In reviewing the departure request, SMC Section 23.79.008 directs the Advisory Committee (DON in the Covid emergency legislation) 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 (DON) is directed to consider and balance the interrelationships among the factors in SMC 23.79.008 C 1. Departures shall be evaluated for consistency with the general objectives and intent of the City's Land Use Code, including the rezone evaluation criteria in Chapter 23.34 of the Seattle Municipal Code, to ensure that the proposed facility is compatible with the character and use of its surroundings. The code then distills the objectives and intent of the code into specific criteria to consider when assessing departures as follows:

- 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.*

Departure Request and Advisory Committee Recommendation

The Seattle School District submitted a request for a departure from certain Seattle Municipal Code Development Standards to accommodate the construction of a new school.

The City initiated the Development Standard Departure Process, pursuant to SMC 23.44.006F and 23.79. The Code requires that the Department of Neighborhoods (DON) convene a Development Standard Advisory Committee (hereinafter referred to as “the Committee”) when the School District proposes a departure from the development standards identified under the Code. These standards are popularly referred to as the “zoning code.”

The purpose of the Committee is 1) to gather public comment and 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 Seattle Department of Construction and Inspections (SDCI) from DON. (SMC 23.79.008)

Due to public health mandates on social distancing and limited gatherings related to COVID-19, the Seattle City Council approved legislation on Monday, April 27, 2020 to keep key projects safely moving forward by suspending public meeting requirements.

While this ordinance is in effect, in lieu of the committee holding public meetings, DON staff will accept written public comment and the Director of DON will make a recommendation to SDCI, taking into consideration the public's comments.

Following completion of the Recommendation Report and its transmittal to SDCI, the Director of SDCI will issue a formal report and decision. The Director of SDCI will consider the recommendations and will determine the extent of departure from established development standards which may be allowed, as well as identify all mitigating measures which may be required. The Director’s decision is appealable.

The Department of Neighborhoods sent notices to residents within 600 feet of the proposed new school and to a list of individuals and organizations that had shown interest in other community issues in the vicinity.

In order to accommodate the educational program for this project, the District requested the following departures from the development standards found in SMC 23.51B.002. The departure requests are further outlined in the applicant power point presentation found in the electronic public file under the project number.

	Development Standard	Required / Allowed	Proposed	Departure
1	SMC 23.51B.002 C Lot Coverage	45%	57%	12%
2	SMC 23.51B.002.D Building Height	44 feet 10 inches	60 feet	15 feet
3	SMC 23.51B.002E Building Setbacks	15 feet	north: 3 feet west: 6 feet south: 5 feet	north: 12 feet west: 9 feet south: 10 feet
4	SMC 23.54.015 Vehicular Parking	131 parking spaces	0 parking spaces	131 parking spaces
5	SMC 23.54.015 Table C Loading Dock Berth	40 feet	34 feet	6 feet
6	SMC 23.54.030F2b3 Curb Cut	Must lead to parking	Will not lead to parking	Will not lead to parking

7	SMC 23.54.015 Table D Long Term Bicycle Parking Quantity	55 spaces	30 spaces	25 spaces
8	SMC 23.54.015 K2 Secure Bicycle Parking	30 Secure spaces	12 secure spaces	18 secure spaces
9	SMC 23.55.020B Changing Image Electronic Sign	No Changing image electronic sign	Changing image electronic sign	Changing image electronic sign

Departure #1 for lot coverage. (SMC 23.51B.002 C)

The code allows a maximum of 45% lot coverage. SPS proposes a maximum lot coverage of 57% to meet the educational program at the site for a departure of 12%.

Departure #2 for building height for school additions. (SMC 23.51B.002.D)

The code allows a maximum building height to match the existing 44 feet 10 inches. SPS proposes a maximum building height of 60 feet above existing average grade plane for mechanical and elevator penthouses for a departure of 15 feet.

Departure #3 for building setbacks. (SMC 23.51B.002E)

The code requires 15 foot setbacks. SPS proposes setbacks of 3 feet along the north property line for a departure of 12 feet. Six feet along the west property line for a departure of 9 feet and 5 feet along the south property for a departure of 10 feet along the south property line.

Departure #4 for vehicular parking quantity. (SMC 23.54.015)

The code requires 131 parking spaces. SPS proposes no parking spaces for a departure request of 131 parking spaces.

Departure #5 for loading dock berth. (SMC 23.54.015 Table C)

The code requires a 40 foot long loading berth. SPS proposes a 34 foot long loading berth.

Departure # 6 for curb cut to service area without parking. (SMC 23.54.030F2b3)

The code requires curb cuts to lead to parking. SPS proposes a curb cut to a service area with no parking.

Departure # 7 for long term bicycle parking quantity. (SMC 23.54.015 Table D)

The code requires 55 long term bicycle parking spaces. SPS proposes 30 spaces for a departure of 25 spaces.

Departure #8 for fewer than required secure bicycle parking stalls. (SMC 23.54.015 K2)

The code requires bicycle parking spaces to have a secure enclosure. SPS proposes a secure enclosure for 12 of the 30 spaces for a departure of 18 spaces unsecured.

Departure #9 to allow a changing image electronic sign. (SMC 23.55.020B)

The code does not allow flashing, changing-image or message board signs in neighborhood residential zones. SPS proposes (1) single-sided, electric changing image message board sign as a departure.

Public Comment

The public comment period was opened on August 8, 2022. A press release was sent out directly to media outlets. Postcards were sent to addresses within approximately 600 ft of the school. DON created a webpage where the public could submit their comments. Signs were also posted at the perimeter of the school requesting public comment and shared in the Land Use Information Bulletin (LUIB) at DON request. The comment period ran through September 9, 2022. The comments are included at the end of the DON recommendation posted on the DON website and this project record.

Review Criteria

Section 23.79 of the Code directs the Committee to evaluate the requested departures for consistency with the general objectives and intent of the Code, and to balance the interrelationships. Departures shall be evaluated for consistency with the general objectives and intent of the City's Land Use Code, including the rezone evaluation criteria in Chapter 23.34 of the Seattle Municipal Code, to ensure that the proposed facility is compatible with the character and use of its surroundings. The code then distills the objectives and intent of the code into specific criteria to consider when assessing departures as follows:

a. Relationship to Surrounding Areas:

- (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 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.

Application of Review Criteria to Requested Departures and Committee Recommendations

The Seattle Municipal Code intent is to grant departures from the requirements of the Municipal Code to accommodate the educational needs of the programs to be located in single family zoned neighborhoods. The Seattle School District has demonstrated that it cannot accommodate the program necessary for this area without receiving departures.

Need for Departures

The public comments submitted to DON expressed a range of support and concern regarding the departure requests. This includes comments received by DON that expressed opposition to all departures without further explanation. DON also received several comments that were outside the scope of the departure process and unrelated to the requested deviations from the Land Use Code.

In response to the concerns raised in the received comments, SPS and the Design Team provided a letter to DON to clarify the potential impacts of the proposed departures on the surrounding neighborhood.

Per SMC 23.79.008, the DON Director evaluates the departure requests balancing the interrelationships as enumerated in SMC 23.79.008C1 (a) 1-5. Per SMC 23.79.008C1 (b) and upon further review of all public comments and the district response letter. The DON Director recommends and considers the need for the departures as described in the following:

DON Recommendations

Departure #1 – Increased lot coverage

- 1) **Appropriateness in relation to the character and scale of the surrounding area** was considered and DON did not have concerns about the school's increased lot coverage having an impact on its relationship to the character and scale of the surrounding neighborhood.
- 2) **Presence of edges (significant setbacks, major arterials, topographic breaks, and similar features) which provide a transition in scale** was considered and DON did not have concerns about the school's increased lot coverage having an impact on the transition in scale.
- 3) **Location and design of structures to reduce the appearance of bulk** was considered and DON did not have concerns about the school's increased lot coverage having an impact on the appearance of bulk.
- 4) **Impacts on traffic, noise, circulation, and parking in the area** was considered, and DON did not have concerns about the school's increased lot coverage having an impact on traffic, circulation, and parking in the neighborhood.
- 5) **Impacts on housing and open space** was considered and DON did not have concerns about the school's increased lot coverage having an impact on housing and open space.

DON received several comments opposing the requested departure. One individual commented that the lot coverage would reduce the amount of outdoor space and play area, and another commented that the departure is inappropriate to the history and size of the school.

SPS and the Design Team noted in their presentation and in their response to public comments that the limited size of the site necessitates a departure from lot coverage requirements to meet educational requirements and avoid an expansion of the school site into adjacent residential properties.

After consideration of the public comments received and SPS' response, DON recommends:

Recommendation #1 – That the departure to allow increased lot coverage be GRANTED as requested by Seattle Public Schools.

Departure #2 – Greater than allowed building height

- 1) **Appropriateness in relation to the character and scale of the surrounding area** was considered and DON did have concerns about the school's greater than allowed building height having an impact on its relationship 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** was considered and DON did not have concerns about the greater than allowed building height affecting the presence of edges which provides a transition in scale.
- 3) **Location and design of structures to reduce the appearance of bulk** was considered and DON did not have concerns about the greater than allowed building height affecting the location and design to reduce the appearance of bulk.
- 4) **Impacts on traffic, noise, circulation, and parking in the area** was considered and DON did not have concerns about the greater than allowed building height impacting on traffic, noise, circulation, and parking in the area.
- 5) **Impacts on housing and open space** was considered and DON did not have concerns about the greater than allowed building height impacting housing and open space.

DON received several comments opposing the requested departure. Several individuals commented that it is out of scale and would block sunlight and create shadows in the residential neighborhood. Others commented that it would ruin the views and livability of existing Montlake neighborhood residences. One individual requested SPS provide any shadow studies related to the departure.

SPS and the Design Team noted in their presentation and in their response to public comments that the three-story addition allows for expanded educational programming while also respecting the height and materiality of the existing landmarked building.

The building height departure is only required to accommodate a mechanical penthouse which covers approximately 11% of the overall roof area and is set back from the edge of the building. The building has been designed to respect the height of the existing, landmarked school building and align with that height.

After consideration of the public comments received and SPS' response, DON recommends:

Recommendation #2 – That the departure to allow greater than allowed building height be GRANTED as requested by Seattle Public Schools.

Departure #3 – Reduced setbacks

- 1) **Appropriateness in relation to the character and scale of the surrounding area** was considered and DON did not have concerns about the reduced setbacks having an impact on 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** was considered and DON did not have concerns about the reduced setbacks having an impact on the presence of edges.

- 3) **Location and design of structures to reduce the appearance of bulk** was considered and DON did not have concerns about the reduced setbacks having an impact on the location and design of structures to reduce the appearance of bulk.
- 4) **Impacts on traffic, noise, circulation, and parking in the area** was considered and DON did not have concerns about the reduced setbacks having an impact on traffic, noise, circulation, and parking in the area.
- 5) **Impacts on housing and open space** was considered and DON did not have concerns about the reduced setbacks having an impact on housing and open space.

DON received several comments opposing and expressing concerns about the requested departure. These included a comment from an individual that the setbacks are not sufficient, and residents will be confronted with a towering and overpowering wall. One comment expressed that this departure is an attempt to squeeze in a school that is too large for the lot.

SPS and the Design Team noted in their presentation and in their response to public comments that concerns over the building's scale may be lessened by the property line not being at the sidewalk and the existing trees surrounding the site, which will remain or replaced at select locations.

The existing property line around the site is consistently 6'-6" from the back of the sidewalk. As the Code requires the setback to be calculated from the property line, the actual distance from sidewalk to building face will be greater. The additional distance will make the perceived setback more generous and soften the transition in scale.

After consideration of the public comments received and SPS' response, DON recommends:

Recommendation #3 – That the departure to allow reduced setbacks be GRANTED as requested by Seattle Public Schools.

Departure #4 – Reduced vehicular parking quantity

- 1) **Appropriateness in relation to the character and scale of the surrounding area** was considered and DON did not have concerns about the reduced vehicular parking quantity having an impact on 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** was considered and DON did not have concerns about reduced parking quantity having an impact on the presence of edges.
- 3) **Location and design of structures to reduce the appearance of bulk** was considered and DON did not have concerns about the reduced vehicular parking quantity having an impact on the appearance of bulk.
- 4) **Impacts on traffic, noise, circulation, and parking in the area** was considered and DON did have concerns about the reduced vehicular parking quantity having an impact on traffic, noise, circulation, and parking in the area.
- 5) **Impacts on housing and open space** was considered and DON did not have concerns about the reduced vehicular parking quantity having an impact on housing and open space.

DON received several comments opposing and expressing concerns about the requested departure. These include an individual comment about the lack of disabled parking spaces, compliance with the Americans with Disabilities Act (ADA), and lack of a bus loading area. One comment expressed that parking for additional staff and students are non-existent and will not be adequate. One individual commented that this departure is an attempt to squeeze in a school that is too large for the lot.

SPS and the Design Team noted in their presentation and their response to public comments that the current school there is no striped vehicular parking on-site. The proposed design maintains the existing conditions of no on-site striped (official) vehicular parking.

Due to the limited area of the site, providing on-site vehicular parking would result in sacrificing educational opportunities and outdoor play space. Parking requirements in the SMC are measured by the square footage of assembly space, not the number of students or teachers.

The results of a traffic study conducted by Heffron Transportation, Inc. indicated that on-street parking space utilization is below levels considered full capacity and there is sufficient available on-street parking to accommodate daily parking and school events. Transportation and parking recommendations for large events are provided in the above-mentioned study. These recommendations are summarized in the slide presentation.

After consideration of the public comments received and SPS' response, DON recommends:

Recommendation #4 – That the departure to allow reduced vehicular parking quantity be GRANTED as requested by Seattle Public Schools with the following conditions:

- 1) **School Transportation Management Plan (STMP):** Prior to the school reopening, SPS and the principal of Montlake Elementary should establish a STMP to educate families about access load/unload procedures for the site. They should require the school to distribute information to families about onsite vehicular access as well as travel routes for approaching and leaving the school. Staff and parents should also be instructed not to block or partially block any residential driveways with parked or stopped vehicles.
- 2) **Engage Seattle Safety School Committee:** SPS should continue ongoing engagement with the Seattle School Safety Committee (led by SDOT), Risk Management Office to review access if any changes should be made to crossing paths with school buses or traffic control to help encourage pedestrian and non-motorized flows at designated crosswalk locations.
- 3) **Neighborhood Communication Plan for School Events:** SPS and Montlake Elementary's administration should develop a Neighborhood Communication Plan to inform nearby neighbors of large events each year. The plan should be updated annually (or as events are scheduled) and provide information about the dates, times, and magnitude of large-attendance events. The communication would be intended to allow neighbors to plan for occasional increases in on-street parking demand that would occur with large events.
- 4) **Update right-of-way and curb-side signage:** SPS should work with SDOT to confirm locations, extents, and signage (such as times of restrictions) of the school bus and/or school load zones established or eliminated on adjacent streets.

Departure #5 – Reduced loading dock depth

- 1) **Appropriateness in relation to the character and scale of the surrounding area** was considered and DON did not have concerns about reduced loading dock depth having an impact on 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** was considered and DON did not have concerns about reduced loading dock depth having an impact on the presence of edges.
- 3) **Location and design of structures to reduce the appearance of bulk** was considered and DON did not have concerns about reduced loading dock depth having an impact on the appearance of bulk.
- 4) **Impacts on traffic, noise, circulation, and parking in the area** was considered and DON did not have concerns about reduced loading dock depth having an impact on traffic, noise, circulation, and parking in the area.
- 5) **Impacts on housing and open space** was considered and DON did not have concerns about reduced loading dock depth having an impact on housing and open space.

DON received very few comments on this departure. Some of the comments received expressed neutrality about the departure while others supported denying the departure without offering any further explanation.

After consideration of the public comments received, DON recommends:

Recommendation #5 – That the departure to allow reduced loading dock depth be GRANTED as requested by Seattle Public Schools.

Departure #6 – New curb cut to service area without parking.

- 1) **Appropriateness in relation to the character and scale of the surrounding area** was considered and DON did not have concerns about the new curb cut to service area without parking having an impact on 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** was considered and DON did not have concerns about the new curb cut to service area without parking having an impact on the presence of edges.
- 3) **Location and design of structures to reduce the appearance of bulk** was considered and DON did not have concerns about the new curb cut to service area without parking having an impact on the appearance of bulk.
- 4) **Impacts on traffic, noise, circulation, and parking in the area** was considered and DON did not have concerns about the new curb cut to service area without parking having an impact on traffic, noise, circulation, and parking in the area.
- 5) **Impacts on housing and open space** was considered and DON did not have concerns about the new curb cut to service area without parking having an impact on housing and open space.

DON received very few comments on this departure. Some of the comments received expressed neutrality about the departure while others supported denying the departure without offering any further explanation.

After consideration of the public comments received, DON recommends:

Recommendation #6 – That the departure to allow a new curb cut to the service area without parking be GRANTED as requested by Seattle Public Schools.

Departure #7 – Reduced bicycle (long-term) quantity parking

- 1) **Appropriateness in relation to the character and scale of the surrounding area** was considered and DON did not have concerns about reduced bicycle (long-term) quantity parking having an impact on 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** was considered and DON did not have concerns about reduced bicycle (long-term) quantity parking having an impact on the presence of edges.
- 3) **Location and design of structures to reduce the appearance of bulk** was considered and DON did not have concerns about reduced bicycle (long-term) quantity parking having an impact on the appearance of bulk.
- 4) **Impacts on traffic, noise, circulation, and parking in the area** was considered and DON did not have concerns about reduced bicycle (long-term) quantity parking having an impact on traffic, noise, circulation, and parking in the area.
- 5) **Impacts on housing and open space** was considered and DON did not have concerns about reduced bicycle (long-term) quantity parking having an impact on housing and open space.

DON received several comments that expressed concerns regarding the requested departure for long term bicycle parking quantity. These include an individual comment about providing bicycle parking that meets the minimum requirements of the SMC, especially for covered parking. Other comments also expressed support for access to safe, secure, innovative, and long-term bicycle parking solutions.

SPS and the Design Team noted in their presentation and their response to public comments that the proposal provides 30 long term bicycle spaces. The current site does not provide any facilities that meet the SMC standards for long-term bike parking. The proposed quantity brings the site closer to compliance with the SMC.

Recommendation #7 – That the departure to allow reduced bicycle parking (long-term) quantity be GRANTED as requested Seattle Public Schools.

Departure #8 – Simplified bicycle parking standards

- 1) **Appropriateness in relation to the character and scale of the surrounding area** was considered and DON did not have concerns about the simplified bicycle parking standards having an impact on 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** was considered and DON did not

have concerns about the simplified bicycle parking standards having an impact on the presence of edges.

- 3) **Location and design of structures to reduce the appearance of bulk** was considered and DON did not have concerns about the simplified bicycle parking standards having an impact on the appearance of bulk.
- 4) **Impacts on traffic, noise, circulation, and parking in the area** was considered and DON did not have concerns about the simplified bicycle parking standards having an impact on traffic, noise, circulation, and parking in the area.
- 5) **Impacts on housing and open space** was considered and DON did not have concerns about the simplified bicycle parking standards having an impact on housing and open space.

DON received very few comments about this departure. The comments received either expressed neutrality about the departure or offered support for a simplified bicycle parking structure.

After consideration of the public comments received, DON recommends:

Recommendation #8 – That the departure to simplified bicycle parking standards be GRANTED as requested Seattle Public Schools.

Departure #9 – Electric changing-image sign

- 1) **Appropriateness in relation to the character and scale of the surrounding area** was considered and DON did have concerns about the electric changing-image sign having an impact on the character and scale of the surrounding area. SPS and the Design Team responded with a variety of mitigation measures for the sign design and use and recommended conditions listed below.
- 2) **Presence of edges (significant setbacks, major arterials, topographic breaks, and similar features) which provide a transition in scale** was considered and DON did not have concerns about the electric changing-image sign having an impact on the presence of edges.
- 3) **Location and design of structures to reduce the appearance of bulk** was considered and DON did not have concerns about the electric changing-image sign having an impact on the appearance of bulk.
- 4) **Impacts on traffic, noise, circulation, and parking in the area** was considered and DON did not have concerns about the electric changing-image sign having an impact on traffic, noise, circulation, and parking in the area.
- 5) **Impacts on housing and open space** was considered and DON did not have concerns about the electric changing-image sign having an impact on housing and open space.

DON received several comments that expressed concerns about or opposition to the departure to allow an electric changing-image sign. These comments stated the sign would be unnecessary and/or intrusive, and out of character to the residential neighborhood. Others commented that the current message board should remain and continue to serve its purpose.

SPS and the Design Team noted in the departure request and their response letter that the sign would not include video, flashing, scrolling, or moving images and would only operate during specific times (7am to 9 pm).

The sign would also enable SPS to alert families and the community to events taking place at the school and allows for the display of messages in multiple languages.

The proposed sign would be set back from E. Calhoun St in a flowerbed and across the street from residences with significant foliage and/or similarly set back from the right of way, thus the sign will not be of significant impact to the adjacent neighbors.

After consideration of the public comments received and the SPS response, DON recommends:

Recommendation #9 – That the departure to allow an electric changing-image sign be GRANTED as requested Seattle Public Schools with the following conditions:

- 1) The electric reader board may only be turned on between 7am to 9pm.**
- 2) No video, flashing, scrolling, or moving images; however, messages can change to show content.**
- 3) Sign illumination should be limited to one color with a dark background.**

DON Recommendation Summary:

Departure #1	Lot Coverage	Granted
Departure #2	Building Height	Granted
Departure #3	Setbacks	Granted
Departure #4	Vehicular Parking Quantity	Granted with conditions
Departure #5	Loading dock depth	Granted
Departure #6	Curb cut to service area without parking	Granted
Departure #7	Bicycle parking	Granted
Departure #8	Bicycle Parking standards	Granted
Departure #9	Signage/Changing Image Sign	Granted with conditions

Per SMC 23.790081C1 (b), the DON Director has considered the need for the above departure requests. DON has determined that for the Seattle Public Schools to meet the educational specifications, the above departures are required at this site. The physical requirements of the specific proposal and the project's relationship to the educational needs are balanced with the level of impacts on the surrounding area.

SDCI DIRECTOR'S ANALYSIS

The Director's decision shall be based on an evaluation of the factors set forth in Section 23.79.008 C1, the majority recommendations and minority reports of the Advisory Committee, comments at the public meeting, (DON, emergency legislation) and comments from the public. Departures shall be evaluated for consistency with the general objectives and intent of the City's Land Use Code, including the rezone evaluation criteria in Chapter 23.34 of the Seattle Municipal Code, to ensure that the proposed facility is compatible with the character and use of its surroundings. The code then distills the objectives and intent of the code into specific criteria to consider when assessing departures as follows:

Section 23.79.008 C1

a. *Relationship to Surrounding Areas:*

- (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 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.*

SDCI's responses to the aforementioned criteria are detailed below.

a. *Relationship to Surrounding Areas:*

Departure #1 for lot coverage. (SMC 23.51B.002 C)

The code allows a maximum of 45% lot coverage. SPS proposes a maximum lot coverage of 57% to meet the educational program at the site for a departure of 12%.

In evaluating this departure request, the Director has reviewed the district required school program, public comment, the proposed site plan, and location of programmatic elements. Neighborhood Residential zoning with lot coverage restrictions of 35% and 30-foot height limitations dominate the neighboring area. The site has a grade change of approximately 12 feet, sloping high to low from east to west. The school addition must serve the future population of students and staff. The Director recognizes that a public school cannot approximate the scale and bulk of a single-family dwelling in the area, but will continue to be recognizable, in bulk and scale, as a significant landmarked institution in the neighborhood.

As much as possible the proposal aims at reducing the appearance of bulk by providing building modulation and adding landscaping. The gym is slightly lowered in an effort to reduce the appearance of bulk and to provide some scale transition. Architectural elements and materials are appropriate choices to help the building addition blend with the character and scale of the existing school. The applicant has proposed brick which is sympathetic to the original brick building. The proposed addition will replace the aging portable classroom buildings with a modern, integrated, and better designed structure to serve students. Childcare, loading and trash/recycling and classrooms are necessary for the school to locate on the site while preserving the landmarked existing school.

The Department of Neighborhoods has reviewed the departure request, public comments and SPS responses and recommended approval. Lot coverage restrictions may be waived by the SDCI Director as a Type I decision when the waiver would contribute to reduced demolition of residential structures. (SMC 23.51B.002C3) SDCI has considered the DON review and recommendation and understands that in order to keep the lot coverage at the code allowed additional school property would be necessary. SDCI understands that SPS is not contemplating right of way vacations or condemnation of private property for public institutions. The increase in lot coverage allows the school program to have the necessary elements and provide some outdoor play area.

The departure neither impacts traffic, noise and circulation nor impacts housing. Considering the criteria, the DON recommendation, and public comments, the Director GRANTS the departure request of 57% lot coverage with no conditions.

Departure #2 for Building Height for school additions. (SMC 23.51B.002.D)

The code allows a maximum building height to match the existing building of 44 feet 10 inches. SPS proposes a maximum building height of 60 feet above existing average grade plane for mechanical and elevator penthouses (equipment enclosures) for a departure of 15 feet.

The request for a departure of 15' of additional height at the mechanical penthouses is a limited section of the building and has been located at a central building area set back far enough from the four rights of way so that it will be minimally noticeable to the neighborhood.

The proposed design maintains the parapet line of the existing school and is in keeping with the established scale of the site. Mechanical and elevator equipment enclosures have been sized and located to minimize visibility from pedestrians on the sidewalk. The Montlake Elementary School needs to accommodate the mechanical equipment to provide heating, cooling and fresh air to students as well as an elevator to provide accessible travel through the building. The requested enclosures allow this equipment to function properly without taking program space out of the main building volumes. The over height area will be painted to blend with the school.

While some public commenters felt the building should be no taller than two-stories and questioned the city's methods for determining average existing grade, the design team was creative in using the site topography to locate the building, suppress elements where possible and create a unified whole.

After consideration, DON recommended approval of the departure.

The departure is appropriate in relation to the character and scale of the surrounding area. The main over height area will be the mechanical equipment rooms, which are central to the building footprint and limited in area. A transition in scale is achieved in part by the topography of the site, proposed and existing vegetation. The over height areas will increase the appearance of bulk but is commensurate with the overall scale of the addition and not at the building edge.

The Director finds that the height departure will not exacerbate existing traffic, noise, circulation, or significant impacts on housing in the area. The areas of additional height are somewhat interior to the site and not at the edge of the school or near property lines.

Considering the criteria, the recommendation from the Department of Neighborhoods, and public comments, the Director grants the departure request.

Departure #3 for building setbacks. (SMC 23.51B.002E)

The code requires 15 foot setbacks. SPS proposes setbacks of 3 feet along the north property line for a departure of 12 feet. Six feet along the west property line for a departure of 9 feet and 5 feet along the south property for a departure of 10 feet along the south property line.

DON received several comments opposing and expressing concerns about the requested departure as noted above.

The existing property line around the site is consistently 6'-6" from the back of the sidewalk. The Code requires the setback to be calculated from the property line. Often the public considers the back of sidewalk to be the property line. There are some cases in the city like that. The reductions in the required setbacks will vary as noted in the departure request. The reduced setbacks are efforts to accommodate classroom and other school programmatic needs.

The departure meets the criteria of appropriateness in relation to the character and scale of the surrounding area because the areas of reduced setback will have existing and new landscaping and street trees to partially mitigate the closer building facades by creating scale and visual buffering. There are no major arterials, topographic breaks which give a transition in scale, but the property is surrounded by right of way, planting strips and SDOT street trees at many locations. The design of the structure carves away some building mass on the south side for a reduction in bulk.

The Director finds that the setback departures will not exacerbate existing traffic, noise, circulation, or significant impacts on housing in the area.

Considering the criteria, the recommendation from the Department of Neighborhoods, and public comments, the Director grants the departure request with no conditions.

Departure #4 for less than required vehicle parking. (SMC 23.54.015)

The code requires 131 parking spaces. SPS proposes no parking spaces for a departure request of 131 parking spaces.

DON received several comments opposing and expressing concerns about the requested departure. These include an individual comment about the lack of disabled parking spaces, compliance with the Americans with Disabilities Act (ADA). One comment expressed that parking for additional staff and students are non-existent and will not be adequate. One individual commented that this departure is an attempt to squeeze in a school that is too large for the lot.

SPS and the Design Team noted in their presentation and their response to public comments that the current school has no striped (official) vehicular parking on-site. The proposed design maintains the existing conditions of no on-site striped (official) vehicular parking.

Due to the limited area of the site, providing on-site vehicular parking would result in sacrificing educational opportunities and outdoor play space.

The results of a traffic study conducted by Heffron Transportation, Inc. (Heffron, Transportation Technical Report, 2022) indicated that on-street parking space utilization is below levels considered full capacity and there is sufficient available on-street parking to accommodate daily parking and school events. Transportation and parking recommendations for large events are provided in the above-mentioned study. Demand for on-street parking in the area would increase due to higher numbers of staff, visitors, and volunteers. The increase in school-day on-street parking demand could be accommodated by unused supply and typical utilization is estimated to remain between 65% and 71%.

Larger events (those other than Curriculum Night) could generate parking demand between 45 and 120 vehicles, which could be accommodated by unused on-street parking near the site. The largest event—Curriculum Night—is likely to cause on-street parking within the study area to be full or to have demand that extends beyond the 800-foot study area.

Seattle Public Schools prioritizes area for learning and play rather than parking private automobiles. Parking requirements in the SMC are measured by the square footage of assembly space, not the number of students or teachers.

In evaluating this departure request, the Director has reviewed the district required school program, public comment, the proposed site plan, and location of the programmatic elements such as circulation, shared learning areas, outdoor play area and classroom spaces.

The new development will add some new traffic to the area. The increase may be felt in the peak morning hours more than the evening peak travel and parking demand. The peak afternoon hours for a school are between 2:15 and 3:15 p.m. while the city afternoon peak is later. The traffic consultant studies show that there are on street parking spaces in the vicinity and that the local intersections will operate at an acceptable level of service. The departure will add traffic but is not expected to significantly exacerbate existing traffic, noise, circulation, or impact housing in the area.

DON proposed frequently used measures to help reduce any impacts of the parking reduction. They are 1. a School Transportation Management Plan (STMP) to aid communication between the school and parents regarding good practices for student drop off and pick up, general communication; 2. work with the SDOT School Safety Committee; and 3. a Neighborhood Communication Plan for school events; 4. SDPT signage discussions. The proposed measures are effective to help manage traffic and safety around the school building. The Director grants the departure request with the following conditions:

1) School Transportation Management Plan (STMP): Prior to the school reopening each year, the District and school Principal shall establish a STMP to educate families about the access load/unload procedures for the site layout. The STMP should also encourage school bus ridership, carpooling, and supervised walking (such as walking school buses). The plan should require the school to distribute information to families about drop-off and pick-up procedures, as well as travel routes for approaching and leaving the school. It should also instruct staff and parents not to block or partially block any residential driveways with parked or stopped vehicles. The information should be available on the school website and via paper copies.

2) Engage Seattle School Safety Committee: The District should continue the ongoing engagement with the Seattle School Safety Committee (led by SDOT) to review the new access

for pedestrian and bicycles and determine if any changes should be made to crosswalks, traffic control, crossing guard locations, or to help encourage pedestrian and non-motorized flows at designated crosswalk locations.

3) Develop a Neighborhood Communication Plan for School Events: The District and school administration should develop a neighborhood communication plan to inform nearby neighbors of large events each year. The plan should be updated annually (or as events are scheduled) and should provide information about the dates, times, and rough magnitude of large-attendance events. The communication would be intended to allow neighbors to plan for the occasional increase in on-street parking demand that would occur with large events. The information should be available on the school website and via paper copies.

4) Update right-of-way and curb-side signage: The District should work with SDOT to confirm the locations, restrictions, and durations for curb-side parking and load/unload zones adjacent to the school.

Departure #5 for loading dock berth. (SMC 23.54.015 Table C)

The code requires a 40 foot long loading berth. SPS proposes a 34-foot-long loading berth.

The Department of Neighborhoods received few comments on the departure request. The applicant is able to use a short loading berth for the types of trucks which deliver and pick up at the school.

After consideration, the DON recommended that the departure be granted as requested by Seattle Public Schools with no conditions.

The Director finds that the departure will not impact the character and scale of the surrounding area, presence of edges, or exacerbate existing traffic, noise, circulation, or housing in the area. The departure does not have impacts on housing. The departure request does not impact the appearance of bulk or open space at the site. Considering the criteria, the recommendations from DON and public comments, the Director grants the departure request with no conditions.

Departure #6 for curb cut to service area without parking. (SMC 23.54.030F2b3)

The code requires curb cuts to lead to onsite parking. SPS proposes a curb cut to a service area with no parking.

The Department of Neighborhoods received few comments on the departure request, one stated they were ok on the idea another cited the loss of one or two curb side parking spaces as the impact of a curb cut.

After consideration, the DON recommended that the departure be granted as requested by Seattle Public Schools with no conditions.

The Director finds that the departure will not impact the character and scale of the surrounding area, presence of edges, or exacerbate existing traffic, noise, circulation, or housing in the area. The departure does not have impacts on housing. The departure request does not impact the appearance of bulk or open space at the site. Considering the criteria, the recommendations from DON and public comments, the Director grants the departure request with no conditions.

Departure #7 for long term bicycle parking quantity. (SMC 23.54.015 Table D)

The code requires 55 long term bicycle parking spaces. SPS proposes 30 spaces for a departure of 25 spaces.

DON received several comments that expressed concern for reduced long term bicycle parking quantity. These include an individual comment about providing bicycle parking that meets the minimum requirements of the SMC, especially for covered parking.

SPS and the Design Team noted in their presentation and their response to public comments that the proposal provides 30 long term bicycle spaces. The current site does not provide any facilities that meet the SMC standards for long-term bike parking. The proposed quantity brings the site closer to compliance with the SMC.

After consideration, the DON recommended that the departure be granted as requested by Seattle Public Schools with no conditions.

The Director finds that the departure will not impact the character and scale of the surrounding area, presence of edges, or exacerbate existing traffic, noise, circulation, or housing in the area. The departure does not have impacts on housing. The departure request does not impact the appearance of bulk or open space at the site. Considering the criteria, the recommendations from DON and public comments, the Director grants the departure request with no conditions.

Departure #8 for fewer than required secure bicycle parking stalls. (SMC 23.54.015 K2)

The code requires bicycle parking spaces to have a secure enclosure. SPS proposes a secure enclosure for 12 of the 30 spaces for a departure of 18 spaces unsecured.

The Department of Neighborhoods considered the reduced development standard and understood the School District's desire to continue providing bicycle parking with some unsecured as proposed. The DON received few contrary public comments on the departure request.

After consideration, the DON recommended that the departure be granted as requested by Seattle Public Schools with conditions listed below.

The Director finds that the departure will not impact the character and scale of the surrounding area, presence of edges, or exacerbate existing traffic, noise, circulation, or housing in the area. The departure does not have impacts on housing. The departure request does not impact the appearance of bulk or open space at the site. Considering the criteria, the recommendations from DON and public comments, the Director grants the departure request with no conditions.

Departure # 9 to allow a changing image electronic sign. (SMC 23.55.020B)

The code does not allow flashing, changing image or message board signs in neighborhood residential zones. SPS proposes (1) single-sided, electric changing image message board sign as a departure.

The Department of Neighborhoods considered the changing image development standard and understood the School District's desire to continue providing a way to communicate to the community, students, and staff. The DON was favorable to the benefits of a changing image message board to post school information, post in multiple languages, provide a means of

information for those who do not have internet or mobile devices, and to be used in emergencies for neighborhood communication.

Concerns around the electronic sign were around the height and brightness of the sign and reluctance to see a change at the site. The proposed sign would be mounted on a concrete block and located in a flowerbed (a monument sign). Seattle Public Schools has proposed conditions to ensure the sign is consistent with other neighborhood schools and is able to equitably communicate with the community.

After consideration, the DON recommended that the departure be granted as requested by Seattle Public Schools with conditions listed below.

The Director finds that the departure will not impact the character and scale of the surrounding area, presence of edges, or exacerbate existing traffic, noise, circulation, or housing in the area. The departure does not have impacts on housing. The departure request does not impact the appearance of bulk or open space at the site. Considering the criteria, the recommendations from DON and public comments, the Director grants the departure request with the recommended conditions and clarifies that the sign may be in operation each day of the week as follows:

1. Limited to one single-faced sign.
2. Time of use is restricted to 7:00 a.m. - 9:00 p.m. every day.
3. The sign must be lit using only one color with a dark background.
4. No flashing, scrolling, rolling, tumbling, video, or moving images are allowed. Messages are allowed to change.

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.

The DON considered the overall need for departures (SMC 23.79.008C1b) as part of its deliberations. The Seattle Municipal Code provides for granting departures from the requirements of the Municipal Code to accommodate educational needs of programs to be located in proposed buildings. In this case, the Seattle School District stated that both the need for the new school addition and the need to meet educational standards present site planning challenges. SPS notes that without departures to development standards the educational program could not be met. Without the departures, reasonable alternatives could be reductions in important open play space.

The Director balances departure requests through criteria based on the relationship to surrounding areas with need for development standards departures to meet educational program requirements and finds that there is a need for the departure requests and that they are in balance with the level of impacts on the surrounding area.

DECISION-PUBLIC SCHOOL DEVELOPMENT STANDARD DEPARTURES

The school development standard departures four and nine are **GRANTED with conditions**. Departure requests one, two, three, five, six, seven, and eight are **GRANTED**.

CONDITIONS –PUBLIC SCHOOL DEVELOPMENT STANDARD DEPARTURES

For the life of the project

- 1) **School Transportation Management Plan (STMP):** Prior to the school reopening each year, the District and school Principal shall establish a STMP to educate families about the access load/unload procedures for the site layout. The STMP should also encourage school bus ridership, carpooling, and supervised walking (such as walking school buses). The plan should require the school to distribute information to families about drop-off and pick-up procedures, as well as travel routes for approaching and leaving the school. It should also instruct staff and parents not to block or partially block any residential driveways with parked or stopped vehicles. The information should be available on the school website and via paper copies.
- 2) **Engage Seattle School Safety Committee:** The District should continue the ongoing engagement with the Seattle School Safety Committee (led by SDOT) to review the new access for pedestrian and bicycles and determine if any changes should be made to crosswalks, traffic control, crossing guard locations, or to help encourage pedestrian and non-motorized flows at designated crosswalk locations.
- 3) **Develop a Neighborhood Communication Plan for School Events:** The District and school administration should develop a neighborhood communication plan to inform nearby neighbors of large events each year. The plan should be updated annually (or as events are scheduled) and should provide information about the dates, times, and rough magnitude of large-attendance events. The communication would be intended to allow neighbors to plan for the occasional increase in on-street parking demand that would occur with large events. The information should be available on the school website and via paper copies.
- 4) **Update right-of-way and curb-side signage:** The District should work with SDOT to confirm the locations, restrictions, and durations for curb-side parking and load/unload zones adjacent to the school.
- 5) The single-faced electronic sign is allowed with the following operational conditions:
 - a. Time of use is restricted to 7:00 a.m. - 9:00 p.m. every day.
 - b. The sign must be lit using only one color with a dark background.
 - c. No flashing, scrolling, rolling, tumbling, video, or moving images are allowed. Messages are allowed to change.

Holly J. Godard, Senior Land Use Planner
Seattle Department of Construction and Inspections

Date: May 15, 2023

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