

TO:

City of Seattle Hearing Examiner
Electronically submitted: <https://www.seattle.gov/hearing-examiner/citations/e-file>
P.O. Box 94729
Seattle, WA 94124-4729

SUBJECT:

Land Use Appeal

Decision: School Departures for Alki Elementary School
Address: 3010 59th Ave SW
SDCI Project: 3039297-SD

APPELLANTS:

Donald Brubeck and Lynn Shimamoto, 5730 SW Admiral Way, Seattle, WA 98116.
Authorized Representative: Donald Brubeck. Email: d2brubeck@gmail.com

Elements of Decision being appealed:

- Departure #1 -- Greater than allowed building height.
- Departure #3 -- Bus load and unload off site.
- Departure #5 -- Larger curb cut city width
- Departure #6 -- Larger curb cut flare
- Departure #7 -- Less than required long-term bicycle parking

1. What is your interest in this decision? (State how you are affected by it)

Appellants are residents and property owners adjacent to the southeast corner of the project site. The Departures will adversely affect the value and enjoyment of our home and neighborhood. The Departures will increase vehicle traffic, congestion, noise, air pollution and make it less safe to walk and bike in our neighborhood.

Departure #1:

Our home will be facing a massively larger building than the existing building, with three tall stories of classrooms with 9-foot-high windows, lit in hours of darkness and reflecting sun in daytime, with intrusive views from the school to our home, and blocking views of Puget Sound and mountains. The proposed mechanical penthouse will place HVAC equipment much closer to us.

Departures #3 and #7:

The failure to provide Code-minimum bus loading and bike parking for a project with a huge increase in student capacity will increase vehicle use for student and staff transportation. Lack of secure bike parking will decrease the amount of bike trips. Reducing bike parking conflicts with the attempt to minimize vehicle trips and on-site vehicle parking by making the alternative of biking less convenient and secure. This will impact traffic and parking, pollution, pedestrian and biking safety, and noise at our home and neighborhood.

Departures #5 and #6 for wider curb cut and curb cut flare:

Children and older adults, including members of our multi-generation household, use the sidewalk at this driveway during times of truck access to the school. 30 feet is the maximum width for good reason: to protect people on the sidewalk. We chase a four-year old down this sidewalk on her way to preschool when the loading berth is most used. Pedestrian safety is imperative, and these departures will not ensure optimal safety. City standard widths will work on this street for delivery and waste removal trucks. Minimizing curb width makes drivers go more slowly, at closer to a 90-degree angle to the sidewalk for better visibility.

2. What are your objections to the decision? (List and describe what you believe to be the errors, omissions, or other problems with this decision.)

Departure #1 -- Greater than allowed building height:

The departure waives the 35-foot height limit for public schools in a residential zone. The cited Code paragraph states, "Height maximums in all residential zones may be waived by the Director as a Type I Decision when the waiver will contribute to reduced demolition of residential structures." Because the application does not demonstrate a feasible plan that would demolish any residential structures if the height limit waiver is not granted, the request for increased height would require rezoning or a Variance, a Type II Decision [Table A for 23.76.004].

The departure does not meet the requirement for consistency with rezone criteria in SMC 23.34:

- The project does not include buffers or transitions in height to adjacent properties with lower height limits [23.34.008 E.1 and 23.79.008 C.1.a].
- The project exceeds the 55-foot-maximum height for areas outside of urban villages [23.34.008 E.4].
- The design does not reduce the appearance of bulk [23.79.008 C.1].
- The project is intended to increase the school student capacity by 77 percent, which will negatively impact traffic, noise, circulation, and parking in the area [23.79.008 C.1].

The extraordinary height increase is not due to need for special facilities, such as a gymnasium. All types of facilities in the proposed addition are routinely accommodated within a 35-foot height limit. No mitigation is included for impacts. [23.79.008 C.1.b]

Departure #3 -- Bus load and unload off site:

The project is not eligible for a Departure. Projects with capacity increase greater than 25 percent require a Variance for off-site bus loading and unloading. [SMC 23.51B.002-002.1]. The project capacity increase of 77 percent is more than three times the maximum for eligibility for a Departure.

Departure #5 -- Larger curb cut city width:

For pedestrian safety, the City's development standard for a curb cut is 25-foot-maximum width. The standards allow the Director to approve up to 30-foot-maximum width for a curb cut for off-street loading berth access on streets with a single traffic lane. There is no condition at this location indicating a need for more than a 30-foot width.

Departure #6 -- Larger curb cut flare:

For pedestrian safety, the City's development standard is a 2.5-foot width. There is no condition at this location requiring double the standard width.

Departure #7 -- Less than required long-term bicycle parking:

The Departure reduces bike parking significantly below the minimum required. The requirement's intent is to encourage biking instead of driving, for the benefit of student, staff and parent health and safety and to meet Seattle's climate change goals. The District should honor the Seattle School Board's 2022 commitment to provide the number of secure bike parking spaces required by Code. The City should enforce the modest minimum intentionally established for this use.

3. What relief do you want? (Specify what you want the Examiner to do: reverse the decision, modify conditions, etc.)

Departure #1 -- Greater than allowed building height:

Reverse the Decision and remand to SDCI with the following instructions:

- a. Require the applicant to apply for a Variance for height increases above 35 feet.
- b. Deny approval of any height increase above the Code's 55-foot-maximum applicable outside of Urban Village areas.
- c. For any height increase above the code's 35-foot-height limit for schools in residential zones, impose the following conditions:
 - i. Added setback distance on the south and east for third story and penthouse to meet the rezone criteria for buffers or transitions in height to adjacent properties with lower height limits [23.34.008 E.1 and 23.79.008 C.1.a] and to reduce the appearance of bulk [23.79.008 C.1].
 - ii. Shield south facing windows with sunshades that will also shield views to neighbors on south and east.
 - iii. Limit clear vision glass in windows to a band from sill height to five or six feet above floor, with translucent instead of transparent glazing used above that height at windows facing residential properties to south and east.
 - iv. Provide sound level analysis of noise of ventilation equipment, kitchen exhaust and emergency generator, demonstrating appropriate equipment selection, location, ductwork design and enclosure design to minimize noise impact on adjacent residences.
 - v. Modeling and design to minimize glare impacts on neighbors from Solar PV panel arrays.
 - vi. Landscape design and management plan meeting City requirements for steep slopes and mitigating neighbor impacts. The site design should protect the slopes from erosion, restore the degraded former wetland area, improve soil, remove invasive plants, restore native planting and habitat, screen views of the buildings from immediately adjacent neighbors and preserve neighbors' views.

Departure #3 -- Bus load and unload off site:

Reverse the Decision and require the applicant to apply for a Variance pursuant to SMC 23.51B.002-002.1.

Departure #5 -- Larger curb cut city width:

Reverse the Decision.

Departure #6 -- Larger curb cut flare:

Reverse the Decision.

Departure #7 -- Less than required long-term bicycle parking:

Condition the Decision to require compliance with minimum number of bicycle parking spaces per SMC 23.54.015 Table D but allow half of long-term spaces to be without weather protection and located on site or off site on adjacent City park property with a memorandum of understanding between SPS and SPR for shared use.

End