

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26

BEFORE THE HEARING EXAMINER
FOR THE CITY OF SEATTLE

In Re: Appeal by

FRIENDS FOR A SAFE ALKI
COMMUNITY

of the Revised Decisions and Analysis of the
Director of SDCI for
Project No. 3039297-SD

Hearing Examiner File: SDD-24-001

APPELLANT’S CLOSING BRIEF

I. INTRODUCTION

At a time when the City of Seattle Public School District (“District”) is closing one-quarter of its elementary schools due to declining enrollment and budget shortfalls, it seeks to build a new school at a constrained and challenging site where children’s safety is already a concern. Friends For a Safe Alki Community (“Friends”) ask the Examiner to determine that the District and Seattle Department of Construction & Inspection (“SDCI”) failed to evaluate the school proposal’s impacts to parking, traffic, and circulation; failed to balance the educational need against the impacts; and failed to consider the appropriateness in relation to the character and scale of the surrounding area.

Despite nearly a decade of declining enrollment at Alki Elementary, the District wants to build a new school and requested a total of 8 departures to cram an elementary school and preschool with nearly double the current enrollment and staff onto the smallest site in the entire district, in an area

1 with existing parking, traffic, and circulation issues, and while offering barely half the number of
2 parking spaces they had before. The existing school, before it was demolished in the summer of 2023,
3 had an enrollment of 271 students, 33 staff, no preschool, and a rear parking lot with approximately
4 29 parking spaces for staff and District vehicles. The Alki Elementary proposal would put up to 617
5 people (502 K-5 students + 40 preschoolers + 75 staff) in a 57-foot three-story building on a tiny 1.4-
6 acre site while providing only 15 parking spaces, including 1 ADA space. The school site is so small
7 that it does not have its own playground and shares gym space with the adjacent Alki Community
8 Center run by the Seattle Parks Department.

10 One of the 8 departures, and the subject of this appeal, is the departure to allow less than the
11 required vehicular parking required by Seattle Municipal Code (“SMC”) 23.54.015.¹ The code
12 requires at least 48 spaces for the proposed design. Had the gym area shared with the adjacent Alki
13 Community Center been included, the code would have required 123 spaces for a school of this size.
14 The decision to remove required parking spaces is particularly significant given the existing conditions
15 on and near the site. The school is accessible from a single road—59th Avenue Southwest—that allows
16 only one lane of travel, runs north-south between the dangerous Admiral Way and tourist/Parks
17 destination Alki Beach, is a primary access route for emergency response vehicles, and is already
18 plagued with illegal parking behaviors and safety issues—particularly during student pick up and drop
19 off. Other streets in the vicinity are not much better—allowing only one lane of travel, few available
20 spaces, missing sidewalks, blind corners, or steep inclines. Parking, traffic, and circulation are already
21 issues near this school and the proposed deviation will only make a bad situation worse. More people
22 and less parking will exacerbate traffic problems in the vicinity and compromise the safety of the
23
24
25

26 ¹ Other departures not part of this appeal included deviations from code requirements for building height, bus loading and unloading areas, the number of long-term bike spaces, and weather protection for bikes.

1 students and preschoolers. The District’s traffic analysis failed to consider these impacts when they
2 considered only the number of school staff in their analysis—ignoring that a larger school means more
3 students and parents. Friends urges the Examiner to consider the evidence and testimony in this matter
4 and to deny the departure for the reasons detailed below.

5 **II. STANDARD OF REVIEW**

6 Section 23.79.012.D of the Seattle Municipal Code (“SMC”) sets forth the standard of review
7 for the appeal to the Hearing Examiner. An appeal of a departure is considered de novo. “The decision
8 on the evidence before the Hearing Examiner shall be made upon the same basis as was required
9 of the Director. The decision of the Director shall be given substantial weight, and the burden of
10 establishing the contrary shall be upon the appellant.”² While the Director’s decision is given
11 substantial weight, that does not translate into simply accepting the decision without scrutiny.
12 Deference to department staff is “neither unlimited nor does it approximate a rubber stamp.”³ Instead,
13 deference remains bounded by the goals and requirements of the law at issue.⁴

14 **III. ARGUMENT**

15 **A. The Revised Decision fails to satisfy the criteria for a code departure request set 16 forth in SMC 23.79.008.C.1.a.**

17 Seattle Municipal Code requires that departures shall be evaluated for consistency with the
18 general objectives and intent of the City’s Land Use Code to ensure that the proposed facility is
19 compatible with the character and use of its surroundings.⁵ The departure decision must be based on
20 the relationship to surrounding areas—including impacts on traffic, noise, circulation, parking, and
21 open space—and the need for the departure.
22
23
24

25 ² SMC 23.79.012.D.

26 ³ *Whatcom County v. Hirst*, 186 Wn2d 648, 666 (2016).

⁴ *Id.* at 677.

⁵ SMC 23.79.008.C.1.

1 The departure must be evaluated using the following factors:

2 (1) Appropriateness in relation to the character and scale of the
3 surrounding area;

4 ...

4 (4) Impacts on traffic, noise, circulation and parking in the area; and
5 (5) Impacts on housing and open space. More flexibility in the
6 development standards may be allowed if the impacts on the
7 surrounding community are anticipated to be negligible or are
8 reduced by mitigation; whereas, a minimal amount or no departure
9 from development standards may be allowed if the anticipated
10 impacts are significant and cannot be satisfactorily mitigated.

11 SMC 23.79.008.C.1.a.

12 The testimony at the hearing from both the appellants and respondents demonstrated that the
13 departure decision did not adequately evaluate the required factors, as discussed in more detail below.

14 **1. The departure should be denied because it is not appropriate in relation
15 to the character and scale of the surrounding area.**

16 The proposed 3-story school of up to 542 children and 75 staff on a 1.4 acre site with only 15
17 parking spaces in a neighborhood that already struggles with traffic, parking, and circulation issues is
18 not appropriate in relation to the character and scale of the surrounding area. Friends for a Safe Alki
19 Community (“Friends”) witness testimony described the surrounding area as small residential
20 neighborhood with narrow and congested streets that are heavily utilized by local residents, Alki
21 Elementary School, Alki Community Center, nearby preschools, local businesses, Whale Tale Park,
22 Alki Playfield, Schmitz Park, and Alki Beach.⁶ With the exception of some parking spaces for the
23 school, community center, and preschools, most of these neighborhood features rely on street parking
24 in the area. Indeed, Alki Beach park, a block and a half away from the school, is the only large park
25 in the City without a dedicated parking lot, relying entirely on the surrounding neighborhood for park

26 ⁶ Linda Cuddy Test.; Steve Cuddy Test.; Maryanne Wood Test.; Judy Hall Test.; Dano Beal Test.; Shauna Causey Test.; Robert Laird Test.

1 visitor parking.⁷ Parking is so limited in the area, it has been designated as a parking overlay district.⁸
2 This parking overlay means that applicants cannot obtain exceptions to minimum parking
3 requirements for development in this area.⁹ This is an area with significant parking demands for public
4 resources, including Alki Elementary.

5
6 The now demolished 2-story Alki Elementary had been part of the neighborhood since
7 1968.¹⁰ At 1.4 acres, the site is so small that it shares a gym with the adjacent Alki Community Center,
8 operated by Seattle Parks, and relies on adjacent Seattle Parks property for playground space.¹¹
9 Despite the small lot size and site constraints, the school provided on-site parking for most of its staff.
10 It was a small school on the smallest site in the district.

11 Despite the small site, the District did not consider rebuilding a small or similarly sized school.
12 It sought 8 departures from code requirements to cram a larger school onto a tiny site—including the
13 removal of parking in this already parking constrained area.¹² The proposed school will be the largest
14 building in the area, generating approximately 788 car trips per day¹³—not including staff, busses,
15 deliveries, and operational trips—with very little parking. Witness Shauna Causey testified that the
16 architect’s challenges to fit everything on the small site is indicative that this small parcel is simply
17 not appropriate for the size of school that is being proposed in relation to the character and scale of
18 the surrounding area.¹⁴
19
20
21
22

23 ⁷ Shauna Causey Test.

24 ⁸ App. Ex. 2 at 10 (Map B for SMC 23.54.015).

25 ⁹ Shauna Causey Test.; SMC 23.54.020.A.3.b.

26 ¹⁰ District Ex. 11.

¹¹ SDCI Ex. 9.

¹² Becky Hutchinson Test.

¹³ SDCI Ex. 4 at 354.

¹⁴ Shauna Causey Test.

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26

2. The departure should be denied because it did not adequately evaluate impacts on traffic, parking, and circulation.

i. Ongoing issues will be made worse

Friends witnesses described how parking, traffic, and circulation have been ongoing community issues and have posed serious safety concerns at the Alki Elementary site for decades.¹⁵ Unlike most schools in the district, Alki Elementary is adjacent to only one street. It is landlocked by Seattle Parks Department property to the north and east and a slope and residential properties to the south.¹⁶ The primary street access—59th Avenue Southwest—is a narrow road that runs north-south on the east side of the school. When cars are parked on both sides of the street, 59th becomes a one lane road. This presents challenges as 59th is also a primary access route for the fire department, delivery vehicles, and people heading to Alki Beach.¹⁷ The already considerable traffic and congestion during pick up and drop off results in illegal parking throughout the area such as parking in vegetated strips, driveways, crosswalks, intersections, too close to stop signs, and facing the wrong direction.¹⁸ Below are just a few of the many photos discussed during Friend’s testimony illustrating this issue.¹⁹

¹⁵ Steve Cuddy Test.; Linda Cuddy Test.; Maryanne Wood Test.; Dano Beal Test.; Shauna Causey Test.; Judy Hall Test.; Robert Laird Test.

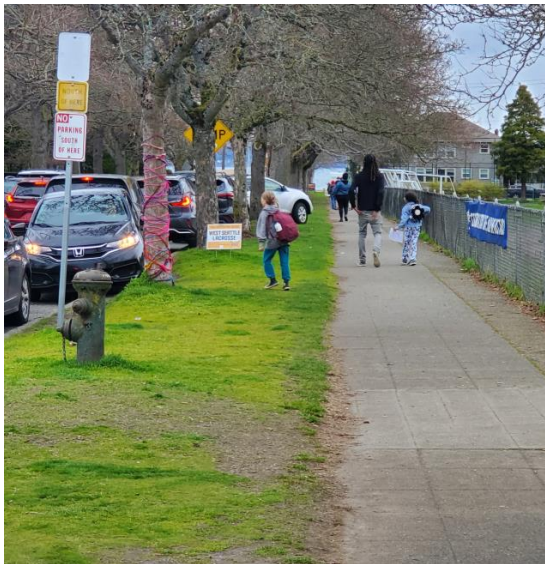
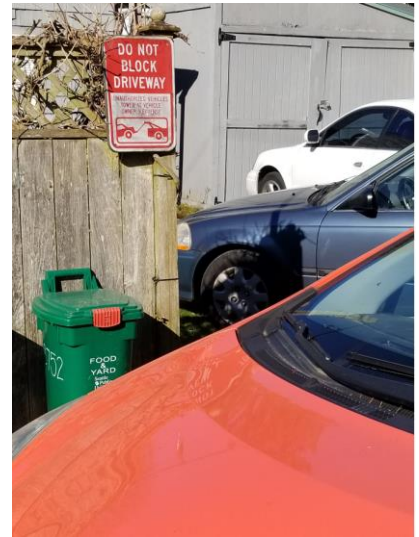
¹⁶ App. Ex. 2 at 20; Steve Cuddy Test.

¹⁷ *Id.*

¹⁸ Linda Cuddy Test.

¹⁹ App. Ex 1 at 53 (parked facing wrong direction, too close to stop sign, and in crosswalk on the corner of 59th and Stevens), 85 (parked in driveway in front of sign saying do not block driveway on Stevens near 58th), 17 (parked on curb to allow single lane of traffic on 59th), 68 (parked wrong direction near bus loading and one lane of traffic), 69 and 45 (cars parked the wrong way, in vegetated strip, white car almost on sidewalk, in no parking area).

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26



1 Friends witness and recently retired Alki Elementary teacher Dano Beal described the traffic,
2 parking, and circulation issues during pick up and drop off as mayhem.²⁰ Friends witness and long-
3 time resident near the school, Maryanne Wood, testified that competition for parking gets intense and
4 when school is in session, people have to park many blocks away.²¹ The situation was so bad that
5 staff and the principal, without training or without such duties included in their contracts, took it upon
6 themselves to direct traffic²²—pictured below.²³
7



²⁰ Dano Beal Test.

²¹ Maryanne Wood Test.

²² Dano Beal Test.; Mason Skeffington Test.; App. Ex. 14.

²³ App. Ex. 1 at 8, 13.

1 Principal Skeffington’s attempts to direct traffic flow were communicated to the parents but still
2 resulted in chaotic conditions.²⁴

3 The public repeatedly raised these concerns during all stages of comment for the project.²⁵
4 District witness Brian Fabella conceded that traffic, parking, and safety comprised the vast majority
5 of public comments related to the project.²⁶ Despite these comments and concerns from the public—
6 including many parents and teachers²⁷—the resulting proposal was for a larger school, a new
7 preschool, and fewer parking spaces than they had before.
8

9 Many hoped that the Alki Elementary rebuild would be an opportunity to address or mitigate
10 these parking, traffic, and circulation issues, but they are instead faced with a proposal that will
11 undoubtedly make it worse for the community, parents, and children who will be forced to navigate
12 the mayhem.²⁸ Both the District and SDCI did not adequately evaluate the school departure’s impact
13 on parking, traffic, and circulation.
14

15 **ii. Traffic, parking, and circulation evaluation failures**

16 The updated traffic analyses by Hefron and TranspoGroup fail to consider or omit key
17 information needed for decision makers to evaluate the traffic, parking, and circulation impacts of the
18 project. The failures are detailed below.

19 First, the data was not representative of traffic and parking conditions around the school. As
20 Mr. Norris and Friends witnesses testified, the updated traffic study was conducted *after* the school
21 had been demolished. This fails to provide a representative baseline against which to assess how the
22 increased students and staff will impact parking, traffic, and circulation—particularly during pick up
23
24

25 ²⁴ Mason Skeffington Test.

26 ²⁵ Dano Beal Test.; Steve Cuddy Test; App. 3; App. 29 at 3; App. 31 at 4.

²⁶ Brian Fabella Test.

²⁷ App. Ex. 3; App. Ex. 29.

²⁸ Shauna Causey Test.; Steve Cuddy Test.; Dano Beal Test.

1 and drop off. Additionally, multiple Friends witnesses who live near the school testified that the
2 parking supply is frequently much less than what was found by Heffron and TranspoGroup—
3 particularly in the afternoon.²⁹

4 Second, Heffron and TranspoGroup failed to consider the number of students, and thus the
5 number of cars that a school for a larger student population would generate, in their demand analysis.
6 Demand is the number of people who are expected to need parking spaces, and supply is the number
7 of spaces that were available during the study.³⁰ As Friends expert witness Mr. Norris explained, the
8 District’s traffic analyses only considered the projected number of staff in its demand calculations.³¹
9 Heffron assumed that if there were 75 staff projected, and assuming a staff generated parking demand
10 of .88 vehicles per employee, staff would generate a demand of 51 parking spaces (66 minus the 15
11 spaces in the school lot).³² Heffron’s studies, conducted on 3 separate dates when the school was
12 demolished, indicated that there were between 108 and 167 spaces available within an 800 foot
13 radius.³³ Considering only the demand of 51 staff against the 108 to 167 supply, Heffron concluded
14 there was adequate parking supply.³⁴ But Heffron failed to consider the students or preschoolers, or
15 rather their car-driving parents, and whether there would be adequate spaces for those parents to park
16 to drop off or pick up their children. Or whether it was reasonable to expect preschoolers to walk 800
17 feet to get to/from the school. This is a significant omission as children do not simply teleport from
18 their cars to the school. The parents need somewhere to safely park.
19
20
21

22
23
24 ²⁹ Shauna Causey; Maryanne Wood.

³⁰ Gary Norris Test.

³¹ Gary Norris Test.

³² SDCI Ex. 10 at 13.

25 ³³ SDCI Ex. 10 at 5. Note that TranspoGroup witness Mike Swenson acknowledged that while it is common
26 practice to consider demand in a traffic analysis, he did not analyze demand—only supply, and that TranspoGroup’s supply
numbers were slightly less than those of Heffron.

³⁴ SDCI Ex. 10 at 13.

1 If you increase the number of students in a school, you also increase the number of parents
2 who need a parking spot. Heffron did not do the math, but Friends’ traffic expert Gary Norris did.
3 Utilizing the most recent available “Hands Up” surveys conducted at Alki Elementary, approximately
4 57% of students arrive by car—a rate significantly higher than the district average of 37%.³⁵

5
6 Mr. Norris asserted, and Mr. McBryan conceded, that there is a trend that more and more
7 children are being driven to school than years past.³⁶ Therefore, this Alki percentage is likely higher,
8 but even using 57%, it means that the proposed school could generate as many as 326 cars.³⁷ This
9 means that even with the available supply of up to 116 spaces, there would be over 200 cars that need
10 a place to park. District witness Tod McBryan, author of the Heffron report, acknowledged that there
11 were insufficient parking spaces for the number of trips that would be generated and asserted that
12 trips do not require parking spaces, but failed to explain how that would work here. Elementary and
13 preschool children entering/exiting vehicles in the middle of the street is not an option. As Mr. Norris
14 testified, there simply are not enough spots for a school of this size in this location.³⁸

15
16 Third, neither Heffron nor TranspoGroup provided any data or analysis on how the small
17 pick-up/drop-off area on the east side of 59th, north of the bus loading zone, will function or alleviate
18 the demand created by students/parents.³⁹ Their designated pick-up/drop-off zone can accommodate
19 9 cars at a time.⁴⁰ The time limit for these spots is 15 minutes. Mr. Norris calculated that it would
20 take 5.7 hours to accommodate the 207 cars that exceed parking available parking supply .⁴¹ During
21 testimony, Mr. Norris reduced that time period to just under 2 hours (assuming 5 minutes per car).⁴²

22
23 _____
24 ³⁵ App. Ex. 10 at 2. Note that Alki Elementary has not participated in more recent “Hands Up” surveys.

25 ³⁶ Garry Norris Test.; Todd McBryan Test.

26 ³⁷ $500 \times .57 = 286 + 40$ (assuming all preschoolers are driven) = 326.

³⁸ Garry Norris Test.

³⁹ Gary Norris Test.

⁴⁰ App. Ex. 6 at 2.

⁴¹ App. Ex. 6 at 3.

⁴² Garry Norris Test.

1 District witness Mr. McBryan criticized Mr. Norris’s calculation but provided no data or analysis to
2 support his criticism.⁴³ Mr. McBryan floated a 30 second estimate for the pick-up/drop-off zone—
3 despite the 15 minute limit—but provided no basis for that number. This 30 second estimate is also
4 inconsistent with witness testimony describing that children and parents tend to linger during pick up
5 and drop off, particularly in the afternoon.⁴⁴ District witness and Alki parent Ashley Clingon testified
6 that parents often park for 20 minutes during drop off and pick up. There was no support for Mr.
7 McBryan’s estimate. Additionally, the proposal to slightly extend pick up/drop off area to the north
8 will do little to address the issue because it was already being utilized for that purpose—albeit
9 illegally.⁴⁵

11 Fourth, the traffic study failed to consider upcoming parking reductions in the area that would
12 reduce supply in the study area. In addition to the loss of 29 spaces at the now demolished school and
13 the 27 spaces on Seattle Parks lot just north of the school that will no longer be available⁴⁶, the Alki
14 Point Healthy Street initiative by Seattle Department of Transportation will be removing 58 spaces
15 from 3300 Beach Dr SW to 64th Ave SW.⁴⁷ As a result, people driving to Alki Beach will seek parking
16 in the neighborhood west of the school where parents will struggle to find parking.⁴⁸ Mr. McBryan
17 testified that public parking would be added, but he did not know how much.⁴⁹ Additionally, the
18 public parking identified by Mr. McBryan is described as “*Existing* public parking has been
19 identified...for possible restriping, improved signage, or other updates to better indicate its
20
21
22
23

24 ⁴³ Tod McBryan Test.

25 ⁴⁴ Dano Beal Test.

26 ⁴⁵ App. Ex. 1 at 45, 46, 63, 68, and 69.

⁴⁶ Cuddy Test.; App. 1 at 28-39; App. Ex. 35 & 36.

⁴⁷ App. Ex. 15 at 12.

⁴⁸ Steve Cuddy Test.

⁴⁹ Tod McBryan Test.

1 availability for visitors.”⁵⁰ Hence, *new* parking will not be added and the project still results in a loss
2 to parking in the nearby area that has not been considered in this proposal.

3 Fifth, the District’s references to other schools to support its conclusions are not appropriate
4 because those schools are not comparable to Alki. While every site is unique, Alki is particularly
5 constrained with respect to size, street access, street circulation, and proximity to Alki Beach. The
6 District references other schools like Montlake, Loyal Heights, and Magnolia, but conditions at these
7 schools are not comparable to the conditions at Alki. ⁵¹ The other schools referenced all have street
8 access on more sides of the building, better circulation, wider streets that accommodate two-way
9 traffic, high volume public transit stops nearby, and are not close to one of the City’s busiest
10 tourist/park attractions.⁵²

11
12 Sixth, the District materials assume a level of walking or public transportation that is just not
13 supported by data or infrastructure in the vicinity. Friends witnesses testified that there are multiple
14 safety issues for pedestrians in the area such as steep, narrow, cracked or broken sidewalks, lack of
15 sidewalks, line-of-sight impediments, and blind corners/intersections.⁵³ Indeed, many of the streets to
16 the east and south of the school are exceptionally steep, which makes walking difficult and biking
17 downright dangerous for children.⁵⁴ District witness and Alki parent Mr. Chad Kersman mentioned
18 the steepness of the hills in the area as part of why he drives his child to school at Schmitz. Other
19 witnesses testified that they would not want their children crossing Admiral Way on their way to
20 school. Friends witnesses Steve Cuddy and Bob Laird also explained that public transit was not an
21
22
23

24 ⁵⁰ App. Ex. 15 at 8 (emphasis added).

25 ⁵¹ SDCI Ex. 3 at 59-60.

26 ⁵² App. Ex. 1 at 16-18.

⁵³ Linda Cuddy Test.; Steve Cuddy Test; Shauna Causey Test.; Garry Norris Test.; App. Ex. 1 at 84, 88, 93-99,
107-112, 116-131; App. 42 at 12-13.

⁵⁴ App. Ex. 2 at 22 (SDOT map); App. 42 at 4-40 (photos of steep hills); Linda Cuddy Test.; Garry Norris Test.

1 option for many parents—noting bus route closures and limited run times/locations.⁵⁵ These
2 pedestrian, biking, and public transit challenges for this particular site—and how it might impact
3 traffic, parking, and circulation— were not considered by the District or SDCI in its evaluation.

4 Seventh, the proposal does not provide adequate parking and services for people with
5 disabilities. The proposed school would nearly double the current levels of students and staff and add
6 a preschool yet would provide only 1 ADA space.⁵⁶ Friends witness, Maryanne Wood, explained the
7 importance of accessibility for individuals with disabilities—including herself and her
8 granddaughter—and how a single stall is not adequate.⁵⁷ Friends traffic expert Mr. Norris testified
9 that he would expect 5 ADA stalls for a school of this size.⁵⁸

10 Eighth, the proposal is inconsistent with many of the elementary school design specifications
11 related to circulation and parking. Below are a few examples of elementary school specifications that
12 are not satisfied:⁵⁹

- 13 • It is preferred that the site be accessible from at least two streets
- 14 • Car and bus traffic must be separated
- 15 • ADA access is required to the main entry to the building whenever feasible
- 16 • Arrange site circulation so drop-off/pick-up activity doesn't stop all car traffic
17 [provides 2 lanes of one-way traffic at drop-off zone]
- 18 • Locate parking near front entrance of school
- 19 • Locate parking easily accessible for shared use for areas such as Gymnasium, Dining
20 Commons, and Library/Media Center
- 21 • Provide zone of parking designated for Child Care parent drop-off and pickup
- 22
- 23
- 24

25 ⁵⁵ Steve Cuddy Test.; Robert Laird Test.; App. 46; App. 01 at 82.

26 ⁵⁶ SDCI Ex. 9 at 13.

⁵⁷ Maryanne Wood Test.

⁵⁸ Garry Norris Test.

⁵⁹ App. Ex. 24 at 16–8.

1 The proposed design also violates the School Safety Committee’s “Golden Rule” for a good
2 arrival and departure plan which states “Buses, cars, people walking, and young bike riders need well-
3 defined, separated approaches to campus. For instance, pedestrian access should not require walking
4 through a parking lot, and drop-off and pick-up by car should be situated toward a different door than
5 the school bus zone.”⁶⁰

6
7 Ninth, the District’s materials do not address a number of safety concerns related to parking,
8 traffic, and circulation of this site. For example, Friends witnesses with expertise in preschool care
9 and operations testified that access to safe parking near the school is important for preschool age
10 children and their families, and how this proposal does not provide that.⁶¹ Additionally, the proposal
11 is in close proximity to Admiral Way to the south—a busy high-speed arterial with a history of
12 pedestrian fatalities.⁶² Further, the neighborhood has a network of alleys that parents frequently use
13 as shortcuts to bypass school traffic queues.⁶³ Friends witnesses Judy Hall and Steve Cuddy explained
14 that people speed through the alleys and there has been at least one injury and a number of near misses
15 involving children in these alleys.⁶⁴ Furthermore, 59th Avenue SW is considered a primary response
16 route by emergency services and increased parking, traffic, and circulation around school impacts
17 first responder’s ability to maneuver these streets.⁶⁵ These safety issues were simply not addressed by
18 the District or SDCI.
19
20
21
22
23

24 ⁶⁰ App. Ex. 13 at 5.

25 ⁶¹ July Hall Test.; Shauna Causey Test.

26 ⁶² Causey Test.; App. 47; App. 42 at 14.

⁶³ July Hall Test.

⁶⁴ July Hall Test.; Steve Cuddy Test.

⁶⁵ App. Ex. 38; Cuddy Test.

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26

iii. Transportation Management Plan

The condition to create a Transportation Management Plan (“TMP”) after construction will not mitigate the impacts. First, a version of it was already in place which still resulted in the chaotic traffic conditions. Principal Mason Skeffington was already attempting to direct and manage traffic at the school at the intersection of 59th and Stevens, but acknowledged that it did not function perfectly and created pinch points.⁶⁶ Second, due to the single access street and the inability to change the width or location of existing roads after construction, there simply are not many options for managing traffic. The District traffic expert Mike Swenson who prepared a draft TMP acknowledged that options for traffic management are limited.⁶⁷ Accordingly, the TMP condition is unlikely to manage traffic to mitigate the impacts of the proposal. This conclusion is confirmed by reviewing the draft TMP.

Following the revised departure decision, the District submitted a “Peer Review Summary and Transportation Management Plan” by TranspoGroup which included a draft TMP.⁶⁸ This draft TMP is flawed for a number of reasons. First, the document is dated May 7, 2024 and therefore was not considered in the departure decision.⁶⁹ Second, because of the limited access streets, it reveals what is essentially the only possible plan for this site and turns all streets into one lane streets. Pictured below:

⁶⁶ Mason Skeffington Test.
⁶⁷ Mike Swenson Test.
⁶⁸ District Ex. 5.
⁶⁹ District Ex. 5 at 1.



1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26

To the west, 60th is a narrow and congested road that is already a one lane road at all times.⁷⁰ Parking is permitted on both sides of the street, meaning that only one car can get through at a time, forcing cars to tuck to the side and in driveways to allow cars to pass. Friends witness Dano Beal testified that finding parking on 60th was often difficult and he would often avoid moving his car so that he didn't give up a previous parking spot.⁷¹ By routing all school traffic on the narrow street it will not only trap residents seeking to get out of their parking spaces and driveways on 60th, Stevens, and 59th, but the whole TMP can be brought to a standstill by a single car going in the opposite direction on any of these streets.

The draft TMP claims the school will communicate the plan to the parents but offers little data or assurance that parents will actually follow the plan. Both District experts McBryan and Swenson suggest that compliance will be primarily reliant upon peer pressure. That is not assuring. Friends witness and retired SDCI enforcement staff Robert Laird testified that people are unlikely to follow TMP guidance.⁷² The disregard for traffic rules by both the public and Alki parents during pick up

⁷⁰ Dano Beal Test.
⁷¹ Dano Beal Test.
⁷² Robert Laird Test.

1 and drop off is evident in the multiple photos identified and discussed during Mr. Norris's testimony.⁷³
2 People already weren't following the rules. Additionally, the school cannot control members of the
3 public or delivery drivers from going against the proposed one-way flow of traffic.⁷⁴ And with the
4 draft TMP, a single car can bring the whole plan to a screeching halt. That is not effective mitigation
5 of traffic and circulation impacts.
6

7 The third issue with the draft TMP is that it creates a situation that is inconsistent with the
8 Best Practices for School Traffic Design which states that "Pedestrian routes should not be crossed
9 by traffic."⁷⁵ Due to the steep slopes, lack of sidewalks, or busy Admiral street to the to the east and
10 south, most parents will likely park to the north and west of the school site. Therefore, the draft TMP
11 will force children to cross the TMP's primary car traffic routes on 60th and Stevens on their trek to
12 the school entrance. The draft TMP essentially funnels young pedestrians toward traffic. The fact that
13 it is the only option does not mean it is a good option. As Friends traffic expert Gary Norris testified,
14 this site has greater safety and circulation needs that what is or can be provided for in this draft TMP.⁷⁶
15

16 **3. The departure should be denied because it fails to demonstrate that it has**
17 **balanced the educational need with the level of impacts.**

18 The code requires that,

19 The physical requirements of the specific proposal and the project's
20 relationship to educational needs shall be balanced with the level
21 of impacts on the surrounding area. Greater departure may be
22 allowed for special facilities, such as a gymnasium, which are
23 unique and/or an integral and necessary part of the educational
24 process; whereas, a lesser or no departure may be granted for a
25 facility which can be accommodated within the established
26 development standards.⁷⁷

25 ⁷³ App. Ex. 1.

26 ⁷⁴ Norris Test.

⁷⁵ App. Ex. 12 at 5.

⁷⁶ Norris Test.

⁷⁷ SMC 23.79.008.C.1.b.

1 At a time when the District is closing 20 schools due to declining enrollment and budget
2 constraints, the question of educational need at this site is paramount. There are a number of
3 factors related to educational need that were not adequately evaluated in the departure decision.

4 First, enrollment at Alki Elementary has been steadily declining for the past 10 years—
5 even well before the pandemic.⁷⁸ The current enrollment at Alki Elementary (now at Schmitz
6 Elementary) is 270 and the rates for kids from birth to grade 5 have been declining district-
7 wide.⁷⁹ Despite this steady downward trend, the District never even considered that perhaps this
8 small constrained site wasn't the right spot for a school and preschool with almost double the
9 current enrollment, insufficient parking, and existing traffic and circulation issues.

10 Second, the materials do not discuss whether a preschool is needed at this site. One of
11 the reasons the building footprint cannot be smaller and adequate parking is not possible is due
12 to the addition of a preschool that was not part of the previous building. Additional parking could
13 be provided if the preschool were removed. While the District asserts that the BEX V levy funds
14 the construction of a 500 student school at Alki, the levy document does not mention a preschool
15 for this site.⁸⁰ There is no requirement that new elementary school builds include a preschool
16 component. There are multiple preschools in the vicinity. Steve Cuddy testified that there are 3
17 preschools located half a block from the Alki Playfield and the Alki Coop preschool located
18 approximately 4 blocks away.⁸¹ The educational need for a preschool here has not been evaluated
19 against the impacts on this small site.
20
21
22

23
24
25

⁷⁸ App. Ex. 21 at 2; 26; 22 at 4.

26 ⁷⁹ App. Ex. 22 at 15.

⁸⁰ Rebecca Ascensio Test.; District Ex. 9.

⁸¹ Steve Cuddy Test.

1 Third, the District did not consider a smaller or similar sized school for the tiny site. A
2 number of the features District witnesses cited as why the design could not provide adequate
3 parking are determined by school capacity. The size of first floor commons space is based on
4 the number of students. The number of classrooms—including the first-floor preschool and
5 Kindergarten classrooms—is based on the number of students. Fewer students would mean
6 fewer classrooms, smaller common space, and the required number of parking spaces. District
7 architect Rebecca Hutchinson testified that she was told to design a school for 500 students and
8 did not consider anything smaller.⁸² The fact that it may be difficult to fit ground floor services
9 for a large school on a small site is not adequate justification for a large school that will eliminate
10 needed parking, exacerbate unsafe conditions, and result in impacts that cannot be mitigated.
11

12
13 It is also worth noting that there are already 3 elementary schools within a mile of the
14 Alki Elementary School site—each on significantly larger sites and with better parking and
15 traffic circulation than Alki Elementary. Yet the District did not consider whether the other sites
16 such as Lafayette or Schmitz were more appropriate sites for expansion that would better balance
17 the educational need with the impacts of the development.

18 **IV. CONCLUSION**

19 The Director’s revised decision to grant the departure constituted a breach of their responsibility
20 under the Seattle Municipal Code. The Director’s revised decision granting the departure was
21 inconsistent with SMC 23.79.008(C)(1)(a) & (b). Based upon the evidence and testimony in this
22 matter, Friends requests that the Examiner reverse the department’s revised decision and deny the
23 departure.
24

25
26


⁸² Rebecca Hutchinson Test.

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26

Dated this 27th day of June, 2024.

Respectfully submitted,

BRICKLIN & NEWMAN, LLP

By: 

Audrey Clungeon, WSBA No. 55133
Claudia M. Newman, WSBA No. 24928
123 NW 36th Street, Suite 205
Seattle, WA 98107
(206) 264-8600
clungeon@bnd-law.com
newman@bnd-law.com
*Attorneys for Friends for a Safe Alki
Community*