



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

Project Number: 3039303-SD
Applicant Name: Justine Kim for Seattle Public Schools
Address of Proposal: 1600 S. Columbian Way

SUMMARY OF PROPOSED ACTION

Public School Departure for Mercer Middle 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 building height. (SMC 23.51B.002 D1b)
2. To allow a changing image electronic sign. (SMC 23.55.020B)
3. To allow a structure in the required building setback. (SMC 23.44.014C10)
4. To allow less than required parking. (SMC 23.54.015)

BACKGROUND

Site and Vicinity

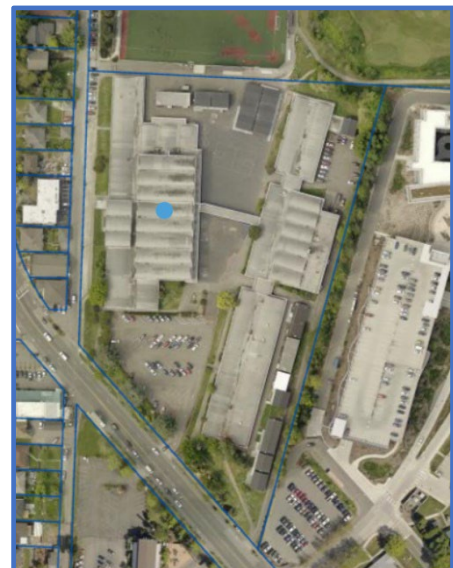
Site Zone: Neighborhood Residential 3 (NR3) formerly Single Family (SF 5000)

Nearby Zones: Surrounded by Neighborhood Residential 3 (NR3) zoning to the north and northwest. Neighborhood Commercial (NC1-55 (M)) zoning is directly to the west. A Major Institution Overlay (MIO; Veterans Puget Sound Health Care) 240-MR (M) and 105-LR3 (M) are adjacent to the east.

ECAs: Steep slope Environmentally Critical Areas (ECA) are mapped along the south and east property edges.

Proposal Information

Seattle Public Schools (SPS) proposes to demolish the old school and construct a new middle 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 SEPA agency. A Determination of Non-Significance (DNS) was issued by Seattle Public Schools. The SEPA review does not affect the Public School Departure Process SMC 23.79, the subject of this decision.

Public Comment

The Department of Neighborhoods (DON) published a notice of 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.

Public School Development Standard Departure

The Seattle School District submitted a request for several departures from certain Seattle Municipal Code Development Standards 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 Recommendation 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

LAND USE CODE PROCESS

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 by DON, and a written recommendation to the Director of SDCI was 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 DON, 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 following factors in SMC 23.79.008 C 1:

- 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 DON DIRECTOR 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)

As noted above, 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.

In order to accommodate the educational program for this project, the District requested the following departures from development standards found in the land use code. The departure requests are further outlined in the applicant presentation found in the electronic public file under the project number.

Table A- Departure requests			
	Development Standard	Required/Allowed	Proposed Departure
1	SMC 23.51B.002 D1b Building Height	35 feet is allowed.	To allow greater than allowed building height at portions of the building.
2	SMC 23.55.020B Signage	No flashing, changing-image message board signs shall be permitted in neighborhood residential zones.	To allow a changing-image message board sign.
3	SMC 23.44.014C10 Structures in Setbacks	6 foot fences are allowed.	To allow higher fencing in the required setback, 8 and 10 feet for ball control.
4	SMC 23.54.015 Table C Vehicle Parking	167 parking spaces are required.	To allow less than required parking, 84 parking spaces.

Departure #1 for Building Height SMC 23.51B.002.D1b

The code allows a maximum building height of 35' above existing average grade. SPS proposes a maximum building height of 67' above existing average grade for mechanical penthouses and building parapet for a departure of 32' in those areas.

Departure #2 for Double-Sided, Electric Changing Image Message Board Sign SMC 23.55.020 B

The code does not allow changing image signs in residential zones. The departure requests is to allow a changing image reader board.

Departure #3 for Structure Height in a Setback SMC 23.44.014C10

The code allows six foot fences in property setbacks and the applicant proposes taller fences in a couple locations for ball control. The project is proposing an 8 foot fence along the east property edge and a 10 foot fence along the south of the soccer field.

Departure #4 for Parking Quantity (Automobile) SMC 23.54.015 Table C

Vehicle parking numbers are calculated by public assembly areas in schools. The code requires 167 automobile parking spaces. SPS proposes 84 automobile parking spaces for a departure of 83 spaces.

DON REVIEW AND RECOMMENDATIONS

Public Comment

The public comment period began via a DON press release issued on June 10, 2022. The press release was translated into Vietnamese and Spanish to provide an opportunity for nearby neighbors who do not speak or read English as their primary language learn about the project and submit comments. DON sent the press release directly to media outlets and mailed postcards about the public comment period to addresses within approximately 600 feet of the school property.

DON also created a webpage where the public could submit their comments. In addition, DON instructed SPS to post signs at the perimeter of the school property. A notice of public comment opportunity was also published in the City's Land Use Information Bulletin (LUIB).

Public comments supported the departure request and some raised concerns over transportation and parking, traffic circulation, carbon footprint impact, air quality and noise, and exterior building aesthetics. Comments noted that the new school is not needed, traffic in the area will intensify and cause a reduction in air quality and increase noise. A comment noted that the building exterior was not welcoming.

DON asked Seattle Public Schools to respond to the public comments. The DON Recommendation summarizes the public comments and the SPS response. The public comments are attached to the Recommendation file. The Recommendation can be found in the public file for this project.

Application of Review Criteria to Requested Departures and DON Recommendations

DON accepted and evaluated all public comments regarding the SPS departure requests. DON indicated no concerns about the new school, as described by SPS and conditioned by DON.

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

a. Relationship to Surrounding Areas:

The Department of Neighborhoods considered Departure #1 to allow greater building height in areas of the building including parapets and enclosed mechanical equipment and did not have concerns with the proposal. DON balances the interrelationships with the surrounding areas and the need for SPS to realize the programmatic needs of serving students in academic classroom space and outdoor activity space. DON recommends that the departure to allow greater than allowed building height to be GRANTED as requested by SPS.

The Department of Neighborhoods considered Departure #2 to allow a changing image message board and did not have concerns with the proposal when balancing the interrelationships with the surrounding areas and the need for SPS to realize the programmatic needs of serving students. DON recommended the following conditions be placed in the Directors Decision to create a better fit with the surrounding area:

1. The reader board will only face the neighborhood commercial zone.
2. The reader board will only be on from 8am-9pm.
3. No flashing, scrolling, or moving images, but messages can change to show content.
4. The sign should be lit only when school is in session, and not used on holidays.
5. Sign illumination should be limited to two colors to allow the messaging to be more legible and with a dark background.

The Department of Neighborhoods considered Departure #3 to allow taller than code allowed fences in the setback area and did not have concerns with the proposal when balancing the interrelationships with the surrounding areas and the need for SPS to realize the programmatic needs of serving students. DON recommended approval as proposed by SPS.

The Department of Neighborhoods considered Departure #4 to allow less than code required vehicle parking and did not have concerns with the proposal when balancing the interrelationships with the surrounding areas and the need for SPS to realize the programmatic needs of serving students. DON recommended the following conditions be placed on the project to help address traffic and parking public comment concerns:

1. **Transportation Management Plan (TMP):** Prior to the school reopening, SPS and school administration should establish a TMP to educate families about access load/unload procedures for the site. SPS should also require the school to distribute information to families about onsite pick-up/drop-off on 16th Ave S. 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 School Safety Committee:** SPS should continue partnering with SDOT's Seattle School Safety Committee and the Risk Management Office to review any adjustments made to traffic control and crossing paths with school buses with the goal of maintaining safe pedestrian and non-motorized flows at designated crosswalk locations.
3. **Neighborhood Communication Plan for School Events:** SPS 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 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 could accompany large events.

b. Need for Departures

Each departure was evaluated by DON staff for consistency with the general objectives and intent of the Code, and to balance the interrelationships of school functions and neighborhood fit. The analysis is included in the DON Design Departure Recommendation Report in the public electronic file.

SDCI DIRECTOR'S ANALYSIS

The Director's decision shall be based on an evaluation of the factors set forth in Section 23.79.008 C1a and b, the majority recommendations and minority reports of the Advisory Committee, comments at the public meeting, (DON, emergency legislation) and comments from the public.

Section 23.79.008 C1 criteria are the following:

- 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.*

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

a. *Relationship to Surrounding Areas:*

Departure #1 – To allow greater than allowed building height. (SMC 23.51B.002 D1b)

Departure #1 is to allow increased height in several areas of the building. The request for added height includes areas of the building along the top edge, the parapet, the mid site library and commons, the enclosed mechanical equipment, and classrooms of the north wing. The commons and library are over height by 5 feet, the north classroom wing by approximately 15 feet. The enclosed mechanical space is the tallest at 32 feet above code allowed and is located interior to the site and has a small footprint. The tallest over height areas would not be visible from the west sidewalk of 16th Avenue South. SPS chooses to request the departure in order to avoid greater building lot coverage which then allows for more play and sports field space.

While some commenters felt the building should be no taller than two-stories and questioned the School proposal other commenters supported the idea.

After consideration, the Department of Neighborhoods recommended approval of the departure.

The Director of SDCI finds that 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 north wing building footprint and limited in area. The over height areas will increase the appearance of bulk but is commensurate with the overall scale of institutions in the area. The Director finds that the height departure will not exacerbate existing traffic, noise, circulation, or significant impacts on housing in the area.

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

Departure #2 – To allow a single-sided, electronic, changing image message board (SMC 23.55.020B)

Departure #2 is a School District request to allow a changing image electronic message board in the Neighborhood Residential 3 zone. Changing image message boards are not allowed in Neighborhood Residential 3 zones (NR3) (formerly single family 5000). The proposal is for a single sided message board with changing images located at the intersection of S. Columbian Way and 16th Avenue South. The sign will face the Neighborhood Commercial Zone across 16th Avenue South.

The Department of Neighborhoods considered the changing image development standard and understood the School District's desire to provide a way to communicate to the community and school 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.

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

1. The reader board will only face the Neighborhood Commercial zone.
2. The reader board will only be on from 8am-9pm.
3. No flashing, scrolling, or moving images, but messages can change to show content.
4. The sign should be lit only when school is in session, and not used on holidays.
5. Sign illumination should be limited to two colors to allow the messaging to be more legible and with a dark background.

The Director finds that, condition 2 above should be adjusted. The reader board should be adjusted to 7 a.m. start time every day of the week to allow earlier communication to the community and weekend communication if desired. This change will help align the start time with other public schools and address future fluctuations in school start times. Since the sign faces a Commercial zone the earlier start date will not interfere with residents in a Neighborhood Residential zone.

The Director also finds that condition 4 above should be removed. The sign may be used per item 2 from 7 am to 9 pm every day. The school may choose to reduce the hours and days in use. The condition includes unclear language (in session) and limits use on holidays. Since there are many holidays in a year and holidays vary across religions and cultures the Director finds that calling out holidays is unclear.

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 modifications to the recommended conditions from DON. Revised conditions are enumerated at the end of this document.

Departure #3 – To allow a structure in the required building setback. (SMC 23.44.014C10)

Departure #3 concerns the height of structures in setbacks. The land use code allows structures in setbacks, such as fences, to be six feet or less. (SMC 23.44.014.C.10) The applicant is proposing replacing the existing fence along the east edge of the property with an 8-foot fence for security purposes and a 10-foot fence along the south edge of the soccer field to prevent balls from going past the field.

The Department of Neighborhoods did not receive comments critical of this departure proposal. DON recommended approval of the departure with no conditions.

The Director finds that the departure will not significantly 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 will create some increased height and appearance of bulk and open space near and along the east property line. The neighboring property is an institutional use and an access road, parking, and landscaping border the proposed installation area. The departure does not have impacts on housing. Considering the criteria, the recommendations from DON and public comments, the Director grants the departure request with no conditions.

Departure #4 – To allow less than required parking. (SMC 23.54.015)

Departure #4 is a School District request to allow less than the code required parking. The code requires 167 parking spaces. The School District is proposing 84 parking spaces for a departure of 83 spaces.

The proposed parking lot configuration allows more of the school property to be devoted to outdoor classroom and play and sport space.

The Department of Neighborhoods received comments expressing concerns about transportation, traffic circulation, and parking around the school site. After consideration, DON recommended that the departure to allow less than required parking be granted as requested by the Seattle Public Schools with conditions.

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 parking amount will help fill needs of parking for staff and visitors.

Open space at the site will be impacted by the additional parking since some play area will be dedicated to parking.

Seattle Public Schools suggested mitigating measures to help reduce impacts of the parking reduction including a School Transportation Management Plan to aid communication between the school and parents regarding good practices for student drop off and pick up, a communication plan for school events, and working with the SDOT School Safety Committee. The proposed measures will be conditions on the project 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, SPS and school administration should establish a TMP to educate families about access load/unload procedures for the site. SPS should also require the school to distribute information to families about onsite pick-up/drop-off on 16th Ave S. 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 the Seattle School Safety Committee:** SPS should continue partnering with SDOT's Seattle School Safety Committee and the Risk Management Office to review any adjustments made to traffic control and crossing paths with school buses with the goal of maintaining safe pedestrian and non-motorized flows at designated crosswalk locations.
- 3. Neighborhood Communication Plan for School Events:** SPS 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 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 could accompany large events.

The Director finds that the departures will not significantly impact the character and scale of the surrounding area, presence of edges, or existing traffic, noise, circulation, or housing in the area, although some increase in traffic and parking will be noticed during school arrival and departure times. The school arrival and departures are often offset from peak city morning and afternoon commute times. The departure does not have impacts on housing. The departure request does not impact the appearance of bulk on the site. The departure does allow for more green open space on site rather than parking lots. Considering the criteria, the recommendations from DON and public comments, the Director grants the departure request with the recommended conditions as stated above.

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 Department of Neighborhoods considered the overall need for the four 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 school programs. In this case, the Seattle School District stated that both the need for the new school 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 and sport 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 departure requests two and four are **GRANTED with conditions**. Departure requests one and three 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, SPS and school administration should establish a TMP to educate families about access load/unload procedures for the site. SPS should also require the school to distribute information to families about onsite pick-up/drop-off on 16th Ave S. 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 the Seattle School Safety Committee:** SPS should continue partnering with SDOT's Seattle School Safety Committee and the Risk Management Office to review any adjustments made to traffic control and crossing paths with school buses with the goal of maintaining safe pedestrian and non-motorized flows at designated crosswalk locations.
3. **Neighborhood Communication Plan for School Events:** SPS 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 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 could accompany large events.
4. The electric changing image message board sign will be operated as follows:
 - a. The reader board will only face the Neighborhood Commercial zone.
 - b. The reader board may operate from 7am to 9pm every day.
 - c. No flashing, scrolling, or moving images, but messages can change to show content.
 - d. Sign illumination should be limited to two colors to allow the messaging to be legible and have a dark background.

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

Date: November 3, 2022