



Major Conditional Use Permit (CUP) Staff Report

File Number: CUP22-0003

Project Name: Tyee High School Replacement

Project Address: 4424 S 188th Street, SeaTac, WA 98188

Parcel Number: 3423049044

Project Summary: Demolition of the existing 129,000 SF Tyee High School on site and replacement with a new 210,000 SF educational facility serving grades 9-12 with a capacity for 1,200 students. The new facility will be one building comprised of one, two, and three stories with associated surface parking, drop-off/pick-up, and bus circulation.

Applicant/Property Owner: Ellie Daneshnia, Highline School District; 17810 8th Ave S Bldg. A; Burien, WA 98148; (206) 631-7575; ellie.daneshnia@highlineschools.org

Agent/Contact: Sam Schafer, Integrus Architecture; 117 S Main St, Ste 100; Seattle, WA 98104; (206) 628-3137; sschafer@integrusarch.com

I. Background

A. Proposal

The proposal is to demo the existing 129,000 SF Tyee High School and reconstruct one cohesive 210,000 SF building comprised of one, two, and three stories, with a maximum structure height of 46 feet. There are three site access points proposed. The existing east driveway at the signalized S 188th Street & 46th Avenue S intersection will remain and primarily serve as parent drop-off/pick-up. The existing west driveway to S 188th Street will remain and primarily serve buses and staff parking. An additional right in/out only access will be constructed between the two existing access points to allow westbound exiting students/parents to by-pass the 46th Avenue S signal. A surface parking lot will provide 208 stalls. The overall school district project also includes renovation of the existing track and field to the north associated with the high school but located on a separate parcel (3423049340 - park zone designation); however, this work is not subject to the conditional use permit and will be reviewed as part of the construction permits.

Due to the major conditional use permit application, the City does not require the separate submittal of a preliminary site plan review application and instead reviews the development proposal for compliance with the zoning code as part of the CUP application (Exhibit 2a).

B. Site and Neighborhood

1. Site Description

The site is located north of S 188th Street in between 42nd Ave S and 46th Ave S in a residentially zoned area. S 188th Street is a 5-lane, 35 mph principal arterial with sidewalks on both sides of the street. Two existing King County metro stops are near the signalized intersection of S 188th Street at 46th Avenue S, which has marked crosswalks on the north, south, and west.

Site topography across the project area for the high school replacement is relatively flat. Chinook Middle School is located on the same parcel immediately to the west of the high school, with a moderate slope creating the grade change between campuses.

The site shares a northerly property line with a Highline School District owned 'Park' zoned parcel containing a track & field and tennis courts that functions in conjunction with the high school. The site shares an easterly property line and driveway access with city owned and operated Valley Ridge Park, consisting of athletic facilities, playgrounds, a community center, and a parking area. An interlocal agreement between the City and District for shared facility use is currently established.

2. Land Use

The land use for the site and adjacent properties are as follows:

- a.* Site: High School, Elementary/Middle School
- b.* North: Park, track & field, and tennis courts
- c.* South: Dwelling Unit, Detached (low density residential)
- d.* East: Park, Valley Ridge Park
- e.* West: Religious Use Facility, Professional Office

3. Zoning (Exhibit 4b)

- a.* Site: UL-7,200 (Urban Low Density Residential)
- b.* North: UL-7,200 (Urban Low Density Residential) / P (Park)
- c.* South: UL-7,200 (Urban Low Density Residential)
- d.* East: P (Park)
- e.* West: UL-7,200 (Urban Low Density Residential) / OCM (Office/Commercial Medium)

4. Comprehensive Plan Designations (Exhibit 4c)

- a.* Site: RL (Residential Low Density)
- b.* North: RL (Residential Low Density) / P (Park)
- c.* South: RL (Residential Low Density)
- d.* East: P (Park)
- e.* West: RL (Residential Low Density) / CM (Commercial Medium Density)

5. Utilities, Services

The utilities and services for the site are as follows:

- a.* Water District: Highline Water District
- b.* Sewer District: Midway Sewer District
- c.* School District: Highline School District
- d.* Fire District: Puget Sound Regional Fire Authority

C. Project Timeline

1. Mandatory Pre-application Meeting: June 7, 2022
2. CUP Application (Exhibit 2a) submitted: October 31, 2022
3. Determination of Completeness (DOC) (Exhibit 5) issued: November 22, 2022
4. Notice of Application (NOA) (Exhibit 6a) issued: December 6, 2022
5. SEPA determination (Exhibit 9) issued by the District: March 10, 2023
6. Public Hearing Notice (Exhibit 6b): June 7, 2023

D. SEPA Review

The Highline School District acted as SEPA Lead Agency. On October 28, 2022, a notice of SEPA consultation was issued; see Exhibit 8 for public comment submitted to the District on behalf of the City. On March 10, 2023 the Highline School District issued a Mitigated Determination of Nonsignificance (MDNS) for this proposal (Exhibit 9); per the Highline School Districts Policy 9280, there is no opportunity for appeal of this determination.

II. Staff Findings

A. Compliance with Zoning Standards

As part of the Conditional Use Permit review, City staff analyzed the proposal for compliance with the applicable development standards of the zoning code. As the tables below illustrate, the proposal complies with the applicable zoning code regulations.

Dimensional Standards (SMC 15.400.100 for the UL Zone)

Standard	Requirement	Proposal	Complies?
Lot area, minimum	7,200 SF	814,572 SF	N/A not subdividing
Development site area, minimum	N/A	N/A	N/A
Setbacks			
Front, minimum	15'	105'-11"	Yes
Front, maximum	N/A	N/A	N/A
Rear, minimum	15'	45'-5"	Yes
Side, minimum	5'	39'-3" – 135'-5"	Yes
Building lot coverage, maximum	35%	33.5%	Yes
Lot width, minimum	50'	1,418'	N/A
Structure height, minimum	N/A	N/A	N/A
Structure height, maximum	30'	46'	Yes. Conditionally permitted uses shall have their height limit established as a condition of CUP approval.

Landscaping Standards (SMC.15.445.210 for High School)

Standard	Requirement	Proposal	Complies?
Street frontage	10 feet, Type IV	10 feet, Type IV	Yes
Building façade	5 feet, Type V	5 feet, Type V	Yes

Side/rear yards	10 feet, Type IV	Not shown on plan set; however, the applicant has indicated they will provide 10 feet, Type IV along extent of East side property line and 10 feet, Type IV along the NW half of the Northerly rear property line. Applicant has expressed desire to pursue a departure for the 10 feet, Type IV along the NE half of the Northerly rear property line.	Applicant shall submit an updated site plan with landscaping width, type and planting specs with STE permit resubmittal for staff review. Currently, 10 feet, Type IV along the NE half of the Northerly property line is unaccounted for and will require an approved departure request or other code process if deviating from the code required standard. If a deviation is not granted, the proposal will need to comply and provide the 10 feet, Type IV along the NE half of the Northerly rear property line.
Side/rear yards for non-compatible uses	N/A	N/A	N/A
Parking lot	5 feet of Type III for the perimeter of the parking lot. At least one landscape island is required for every 7 parking spaces (total of 30). 10% of interior parking area landscaped.	5 feet, Type III, 10 islands, 5 large planting areas including 1 w/bioretenion, 11% interior landscaping.	Yes, landscape island siting and design may be adjusted to accommodate LID BMPS. The 5 large planting areas if separated into individual islands would meet the standard.

Parking Standards (SMC 15.455 for High School)

Standard	Requirement	Proposal	Complies?
Off-street parking spaces, minimum	1 per 35 students, 1 per faculty member total of 135 stalls	208 stalls	Yes
Off-street parking spaces, maximum	N/A	N/A	N/A
Parking space dimension	8.5 feet by 18 feet	8.5 feet by 18 feet	Yes
Bicycle Parking	N/A	56 spaces	Yes

B. Conditional Use Permit Criteria

Decision criteria for conditional use permits are found under SMC 15.115.020(D). The Applicant's and Staff's responses to the criteria are provided below.

1. The proposed use is listed as a conditional use under SMC 15.205.040, Use Chart.
 - a. *Applicant Comment:* The Tyee High School site is currently zoned UL-7200 and allows use for educational facilities through a conditional use process.
 - b. *Staff Findings:* The 'High School' land use requires a conditional use permit in the UL zone per SMC 15.205.040. This proposal does not meet the minor conditional use permit criteria and therefore requires a major conditional use permit process.
2. The site is adequate in size and shape for the proposed project and the use conforms to the general character of the neighborhood.
 - a. *Applicant Comment:* The Tyee High School site will be maintained in its current use as a high school. The size of the site accommodates the proposed building size and site amenities.
 - b. *Staff Findings:* Traditionally, schools are located within residential neighborhoods as it serves those students who live in the neighborhood and are within walking, busing, and driving distance; therefore, the high school use conforms to the general character of the neighborhood. All structures existing and proposed on site are below the 35% maximum building lot coverage standard for the UL zone. The building meets minimum required setbacks and in combination with the adjacent 'Park' parcels on the north (rear) and east (side) of the site, further separation distance is created from the surrounding residential neighborhood. Due to the parcel topography, the high school will not impede views as the ground elevation is lower than the surrounding neighborhood to the north, east and west. Overall, the site complies with the dimensional, landscaping and parking code standards as described in Section A above, with the condition that the full extent of 10 feet, Type IV northerly rear yard landscaping as required per SMC 15.445.210 is shown on the plan set, a departure approved, or other code process complete and approved prior to building permit issuance (see Planning Division condition #5).
3. The unique character of topography, arterial streets and adjacent land use complement the proposed conditional use.
 - a. *Applicant Comment:* The site is generally flat with a gradual slope to 188th street. Based upon the geotechnical report, there are no known surface indications or history of unstable soils in the immediate vicinity.
 - b. *Staff Findings:* The site moderately slopes 10-20 feet from the west where Chinook Middle School is located down to the east and becomes relatively flat where the project area is. The topography creates a natural separation of the school campuses and reduces the visual impact of the three-story structure.
Access to the high school portion of the parcel is from S 188th Street, a sidewalk lined principal arterial with a preexisting dedicated center turn lane and signalized intersection at 46th Ave S to facilitate traffic flow. Two King County Metro bus stops are also in the immediate vicinity which provides multimodal transportation options for students and facility.
The surrounding land use of low density residential and Valley Ridge Park (in which the City and District have an active interlocal agreement for shared use of facilities) complement the continued use of this site as a school.

4. The conditional use would not be detrimental to surrounding land use.
 - a. *Applicant Comment:* The conditional use would maintain the use as a high school, maintaining required setbacks and would not be detrimental to the site.
 - b. *Staff Findings:* Staff agrees with the Applicant that the proposed use is a continuation of the pre-existing use, which was established since 1962 and will not be detrimental to surrounding land uses. A high school does not generate significant numbers of vehicle trips, noise, air pollution, or other negative externalities that can impact adjacent land uses. Based upon the traffic impact analysis, the project is not generating an increase in vehicle trips. Constructing an enclosed school campus instead of an exterior, open air campus will further reduce noise from students walking to their next class or lunch period during school hours. The additional of green spaces, landscaping and bioretention will improve the surrounding environment.
5. Modifications to standards are limited to those which will mitigate impacts in a manner equal to or greater than the standards of this code.
 - a. *Applicant Comment:* The use of the site as a school would not modify the current use. The maximum building height would be increased from the zoning requirement of 35' to 46' feet above finish grade. The departure to the standard would be consistent with the development of similar school district facilities within the City of SeaTac and in the same zoning designation. Specifically, Glacier Middle School, Madrona Elementary School, and Bow Lake Elementary School. The designation to the height standard will permit a use otherwise not allowed in the zone.
 - b. *Staff Findings:* Conditionally permitted uses shall have their height limit established as a condition of CUP approval. The maximum structure height limit in the UL-7,200 zone is 30' (from foundation to mid-point of roof); the Applicant is proposing a maximum height of 46' above grade, however, because the structure is comprised of one-, two- and three-story segments, the height will range from approximately 16 feet up to 46 feet. Architecturally, the proposed structure has a higher above grade roofline than the pre-existing campus, however, the varied heights and flat rooflines correspond with the natural landscape and aim to preserve and enhance the views of Mount Rainer and the Cascade Range. A neutral color scheme also helps blend the building in with the natural surroundings.
6. The conditional use is such that pedestrian and vehicular traffic associated with the use will not be hazardous or conflict with existing and anticipated traffic in the neighborhood.
 - a. *Applicant Comment:* The use of the site as a high school will maintain existing traffic patterns around the neighborhood. The attached TIA identifies acceptable levels of service for vehicular traffic. The site plan increases pedestrian access and clarity to and around the site.
 - b. *Staff Findings:* Tyee High School currently has an existing capacity of 1,200 students and the maximum capacity will remain at 1,200 students after the reconstruction is complete; with no increase in PM Peak hour trips, vehicle traffic should remain the same. The school's new proposed right-in/right-out access to S 188th Street will provide benefit by improving on-site circulation for drop off/pick up and reducing the queued vehicle count waiting on the signalized S 188th Street at 46th Avenue S intersection. Pedestrian

circulation and access will be improved, and hazards reduced through frontage improvements along S 188th St including a new 14' landscaping strip and 8' sidewalk that connects with on-site pedestrian walkways.

7. The conditional use will be supported by adequate public facilities or services and will not adversely affect public services to the surrounding area unless conditions can be established to mitigate adverse impacts.
 - a. *Applicant Comment:* The existing and proposed use of the site as a high school will not adversely affect public services in the surrounding area and will also increase vehicular and pedestrian traffic to the adjacent Valley Ridge Community Center.
 - b. *Staff Findings:* Adequate public facilities and services are available to the site. Water utilities are provided by the Highline District, sewer utilities are provided by the Midway District, and emergency services are provided by the Puget Sound Regional Fire Authority. King County Metro has two active bus stops/routes in the immediate vicinity. Staff has not been made aware of any reasons to believe the use will adversely affect such services.

C. Compliance with Engineering Standard

The City of SeaTac Engineering Review Division is recommending preliminary conceptual approval of the project subject to the conditions of approval included in this staff report.

Frontage Improvement – S. 188th Street

The Engineering Review Division has reviewed the proposed frontage improvement for the project and approved the following half-street cross section applicable for the entire property frontage of S. 188th Street: 12' center turn lane, two (2) 11' travel lanes, 0.5' curb and gutter, 14' landscaping strip, 8' sidewalk, and 2.5' ROW buffer.

Dedication of ROW – S 188th Street

The Engineering Review Division has provided preliminary approval of the project's frontage improvement as described above, conditional upon the applicant's dedication of 5' of ROW frontage to the city along the S. 188th Street property frontage.

Deferred Improvements - 42nd Ave South and Undergrounding of Utilities

Public Works has deferred the required frontage improvement of 42nd Ave South and undergrounding of existing overhead utilities via a separate agreement between the applicant and the city.

Traffic Concurrency

The engineering review division has reviewed and confirmed the project's compliance with the city's Traffic Concurrency Program. A temporary concurrency certificate was issued on 6/14/2023 (exhibit 11). The project is not proposing an increase in PM peak hour trips. No further mitigation is required relating to the transportation network impacts for this project beyond any required frontage improvements and any requirements for access from the development.

D. Public Comments

1. The NOA was published in the Seattle Times on December 6, 2022 (Exhibit 9b). The NOA was also posted on the site and mailed to property owners within 500 feet of the site. Public comments (Exhibit 7a) were received from the following individuals/organizations:
 - a. Mary Ryding, a resident expressed concerns regarding the existing west driveway access causing turn lane backups from eastbound cars making a left from S 188th St which blocks access into residential driveways, as well as safety concerns regarding eastbound vehicles and buses existing the site, making a left turn through two lanes of S 188th Street traffic.
 - b. *Staff response:* The City notified the Applicant of the concerns. This West access point is pre-existing and not proposed to be changed as part of the project scope. City Engineering Review Division did not raise concerns about this driveway during the course of their review. Furthermore, on-site/access improvement recommendations as listed in section 7.1 of the Kimley Horn Traffic Impact Analysis to enhance the traffic flow and safety conditions at the site access did not include a change to said driveway.

III. Staff Conclusions and Recommendation

Staff concludes that the proposed major conditional use permit and development proposal complies with the applicable development standards and criteria for approval if conditions below are met.

Staff recommends approval of the major conditional use permit subject to the following conditions:

A. Planning Division

1. The Conditional Use Permit approval shall be valid for a period of two (2) years. If a building permit application is not made before the expiration of that period, a new Conditional Use Permit application will be required.
2. Site and building development shall substantially conform to the submitted site plan and building elevations.
3. The landscaping details (e.g. species, location, number, size, spacing, legend, notes) and irrigation have not been reviewed with the CUP and will be reviewed at the time of building permit. Only the landscaping widths and types were reviewed.
4. The maximum structure height of the high school shall be limited to 46 feet as measured per SMC 15.110.070(A).
5. Compliance with side/rear yard landscaping per SMC 15.445.210, or a landscape departure approved per SMC 15.445.015, is required prior to building permit issuance.

B. Engineering Division

1. Frontage Improvements on S 188th Street: The developer shall construct street frontage improvements consisting of a 12' center turn lane, two (2) 11' travel lanes, 0.5' curb and gutter, 14' landscaping strip, 8' sidewalk, and 2.5' ROW buffer.
2. Five (5) feet of right-of-way along S 188th Street shall be dedicated before the issuance of a certificate of occupancy or the granting of phased occupancy.
3. The Applicant shall submit an STE Permit Application to comply with King County Surface Water Design Manual, King County Road Design and Construction Standards, and the City of SeaTac Addendum to King County Surface Water Design Manual, latest editions. It should include:

- a. Technical Information Report,
 - b. Traffic Impact Analysis (updated for final unit counts and including appendices with Synchro information, particularly for the accesses),
 - c. Geotechnical Information Report,
 - d. Bond Quantity Worksheet (For On-Site & Right-Of-Way Work),
 - e. Recorded Documents (i.e., Easements, Utility Availability, Access, ROW Dedication documentation, etc.),
 - f. Declaration of Covenant for all Stormwater Facilities,
 - g. Frontage improvements per Engineering Division condition B.1.
 - h. Traffic Control Plans to meet the minimum requirements of the Manual on Uniform Traffic Control Devices, the latest edition.
4. The Applicant shall submit a Right-Of-Way Permit Application complying with the latest edition of the King County Road Design and Construction Standards for all work performed within the City's Right-of-Way.
5. The developer may be required to submit a Haul Permit per SMC 11.10.080.D and RCW 70.105.010, and RCW 43.200.015 prior to site grading activities.

Prepared by: Alena Tuttle, *Associate Planner*

Prepared on: 06/14/2023

Exhibits List:

1. Staff Report, dated June 14, 2023
2. Application Materials
 - a. Conditional Use Permit Application, received October 31, 2022
 - b. Applicant's Project Narrative and Response to Criteria of Approval, received October 31, 2022
 - c. Multimodal Transportation Concurrency, received October 31, 2022
3. Plan Set, submitted May 5, 2023
 - a. Architectural
 - b. Landscape
 - c. Frontage Improvements
4. Zoning/Comprehensive Plan Information
 - a. Vicinity Map
 - b. Zoning Map
 - c. Comprehensive Plan Land Use Map
5. Determination of Completeness (DOC), issued November 22, 2022
6. Public Notices
 - a. Notice of Application (NOA), issued December 6, 2022
 - b. Public Hearing Notice, issued June 7, 2023
7. Public Comments
 - a. Resident Mary Ryding, (NOA comment), dated December 20, 2022
8. City of SeaTac SEPA Comment, dated November 29, 2022
9. Highline School District SEPA MDNS, issued March 10, 2023
10. Traffic Impact Analysis (TIA), dated October 2022
11. Temporary Concurrency Certificate, issued June 14, 2023 (to be provided separately prior to Hearing)