



City of Seattle

Gregory J. Nickels, Mayor

Department of Planning and Development

D. M. Sugimura, Director

**CITY OF SEATTLE
ANALYSIS AND DECISION OF THE DIRECTOR
OF THE DEPARTMENT OF PLANNING AND DEVELOPMENT**

Application Number: 3003295
Applicant Name: Lance Mueller, Architect for Brian Regan
Address of Proposal: 711 N. 35th St.

SUMMARY OF PROPOSED ACTION

The proposal is for a four-story, 11,473 sq. ft. addition to an existing structure with 1,536 sq. ft. of administrative office, 1,080 sq. ft. of retail, 7,478 sq. ft. of live-work spaces, 756 sq. ft. of storage area and one 623 sq. ft. residential unit in an environmental critical area. An additional 12 parking spaces will be provided for a total of 35 parking spaces located within the structure.

The following approvals are required:

SEPA - Environmental Determination – Chapter 25.05 SMC

Design Review – Chapter 23.41 SMC

SEPA DETERMINATION: Exempt DNS MDNS EIS
 DNS with conditions
 DNS involving non-exempt grading, or demolition, or involving another agency with jurisdiction.

BACKGROUND INFORMATION

Site and Area Description

The proposal site, a 30 foot wide, 120 foot deep parcel, is between an existing mixed use residential and commercial building in the Fremont area of Seattle and a recently created Ernst public park. Further east, on the other side of the park from the proposal site is the historic Fremont Branch of the Seattle Public Library. The site slopes down from street to alley approximately 21 feet. The site is zoned NC3 40'.

Project Description

The proposal is for a four-story, 11,473 sq. ft. addition to an existing structure with 1,536 sq. ft. of administrative office, 1,080 sq. ft. of retail, 7,478 sq. ft. of live-work spaces, 756 sq. ft. of storage area and one 623 sq. ft. residential unit in an environmental critical area. An additional 12 parking spaces will be provided for a total of 35 parking spaces located within the structure. The alley is now two office spaces (on the P-1 parking level); with two more office spaces directly above them on the P-2 parking level (below the PT slab at the retail level). Formerly, it was a high-ceiling space at the alley level, now two levels. Also, much of the proposed office space in the new building will now be live-work. Parking and open space requirements will be met.

The proposal changed during the review period to function as an integral extension of the existing mixed use building to the west rather than as a separate building. This change is made possible by the purchase of the proposal site by Brian Regan, the owner of the western site. Externally, the proposal maintains the appearance of a separate building with distinct architecture. Internally, the proposed garage functions as an extension of the one to the west, gaining access from the alley through the existing garage. This access arrangement allows a commercial, loft space to be placed along the alley with parking internal, further north, within the new building. Residential entry to the new building would also be from the existing entry point off the N. 35th St. sidewalk in the building to the west.

A concrete base of the structure is below grade at N. 35th St. and about 30 feet tall at the alley. At the alley the height of this base structure allows for a tall, working-loft, commercial space. At the street a traditional storefront context is created with a single metal canopy (matching those on the building to the west) over three storefront window expressions and a commercial door in the center. A single, bay window expression rises above the commercial level through the three residential levels. A cornice expression runs along the top of the north, street front elevation and wraps the east elevation. Similar cornice lines are present atop other building elements in the proposal.

Above the concrete base there are two, wood frame building expressions one at the street and one at the alley. Between them a large area, approximately 1/3 of the east elevation (and almost a third of the building footprint area) is open to allow views from the existing residences to the west and provide open space for the existing building. Materials used are split face CMU, burgundy and gray metal siding and some board and bat wood siding (as a tie in to other buildings on the site).

A letter of agreement from the Seattle Parks Department (Parks) that they will not put structures within 10 feet of the west property line of Ernst Park will allow DPD to permit widow openings along the east property line of the new building. This arrangement is desired by Parks to provide “eyes on the park.”

The concrete base structure has glass block window penetrations in its upper third. The structures above have many window openings.

PUBLIC COMMENTS

No written public comment was received. Public comment made at design review meetings was very limited and focused on the way in which the proposed building relates to the existing mixed-use building. At the recommendation design review meeting comment indicated that this relationship between buildings was well integrated into the design.

ANALYSIS-DESIGN REVIEW

Design Guidelines of highest priority to the proposal, from among the Seattle Design Review Guidelines for Multifamily and Commercial Buildings were identified at a public meeting on December 12, 2005. Further guidance was offered at a subsequent public meeting on November 13, 2006. Written records of the substance of both those meetings is available in the project file for this application at DPD.

MASTER USE PERMIT APPLICATION

The applicant revised the design according to the Design Review Board's guidance and applied for a Master Use Permit with a design review component on January 19, 2007.

DESIGN REVIEW BOARD RECOMMENDATION

The Design Review Board conducted a Recommendation Meeting on March 26, 2007 to review the applicant's formal project proposal developed in response to the previously identified priorities. At the public meeting, site plans, elevations, floor plans, landscaping plans and computer renderings of the proposed exterior materials were presented for the Board members' consideration.

Board Deliberation

The Board reviewed the plans for and elevations presented at the recommendation meeting and recommended, by a vote of all four members present, approval of that design with several recommended conditions listed below:

1. Provide additional landscaping in the park in front of the blank eastern wall in a manner approved by the Seattle Parks Department.
2. Wall lights on the east wall shall be designed so as not to create any glare, but to cast light onto the building wall.
3. Incorporation of a clerestory feature is encouraged, but not required.

DIRECTOR'S ANALYSIS - DESIGN REVIEW

The Director finds no conflicts with SEPA requirements or state or federal laws, and has reviewed the Citywide Design Guidelines and finds that the Board neither exceeded its authority nor applied the guidelines inconsistently in the approval of this design. In addition, the Director is bound by any condition where there was consensus by the Board and agrees with the conditions recommended by four Board members and the recommendation to approve the design, as stated above.

DECISION - DESIGN REVIEW

The design review approval of the proposed design is **CONDITIONALLY GRANTED**. Design Review conditions are listed at the end of this report.

ANALYSIS-SEPA

The initial disclosure of the potential impacts from this project was made in the environmental checklist prepared by the applicant on January 15, 2007 and annotated by the Department. The information in the checklist, the supplemental information submitted by the applicant and the experience of the lead agency with the review of similar projects form the basis for this analysis and decision.

The SEPA Overview Policy (SMC 25.05.665D) clarifies the relationship between codes, policies and environmental review. Specific policies for each element of the environment, certain neighborhood plans, and other policies explicitly referenced may serve as the basis for exercising substantive SEPA authority.

The Overview Policy states, in part, "Where City regulations have been adopted to address an environmental impact, it shall be presumed that such regulations are adequate to achieve sufficient mitigation" subject to some limitations. Under such limitations/circumstances (SMC 25.05.665D1-7) mitigation can be considered.

Short-term Impacts

Construction activities could result in the following adverse impacts: construction dust and storm water runoff, erosion, emissions from construction machinery and vehicles, increased particulate levels, increased noise levels, occasional disruption of adjacent vehicular and pedestrian traffic, and a small increase in traffic and parking impacts due to construction related vehicles. Several construction-related impacts are mitigated by existing City codes and ordinances applicable to the project such as the Noise Ordinance, the Stormwater Grading and Drainage Control Code, the Street Use Ordinance, and the Building Code. Additionally, due to the temporary nature and limited scope of these impacts, they are not considered significant per SMC 25.05.794. The following is an analysis of construction-related noise, traffic and parking impacts as well as mitigation.

Noise

The project is expected to generate loud noises during demolition, grading, and construction. These impacts would be especially adverse in the early morning, in the evening, and on weekends. The surrounding properties are developed with retail, restaurant, commercial, and residential uses and will be impacted by construction noise. Due to the proximity of other sensitive uses, the limitations of the Noise Ordinance are considered inadequate to mitigate the potential noise impacts. Pursuant to the SEPA Overview Policy (SMC.25.05.665) and the SEPA Construction Impacts Policy (SMC 25.05.675 B), mitigation is warranted. The applicant will be required to limit periods of construction to between the hours of 7:00 AM to 6:00 PM on non-holiday weekdays. To shorten the overall construction time frame, construction will also be allowed on Saturdays between the hours of 9:00 AM and 6:00 PM.

The Department may allow work of an emergency nature or allow low noise interior work after the exterior of the structure is enclosed outside the above-approved hours. Subject to approval by the Department, low noise exterior work (e.g., installation of landscaping), may also be allowed outside the above-approved hours.

Earth//Grading

An excavation to construct two levels of below grade parking for the proposal will be necessary. Approximately 1,500 cubic yards of soil and existing material will be removed from the site, which could create potential earth-related impacts. Compliance with the Stormwater, Grading, and Drainage Control Code (SMC 22.800) will require the proponent to identify a legal disposal site for excavation and demolition debris prior to commencement of demolition/construction.

Compliance with the Uniform Building Code and the Stormwater, Grading, and Drainage Control Code will also require that Best Management Practices (BMPs) be employed during demolition/excavation/construction including that the soils be contained on-site and that the excavation slopes be suitably shored and retained in order to mitigate potential water runoff and erosion impacts during excavation and general site work.

A drainage control plan, including a temporary erosion and sedimentation control plan will be required with the building permit application. In addition, a Shoring and Excavation Permit will be required by SDOT prior to issuance of a building permit.

Based upon the above considerations it is concluded that no SEPA based conditioning is necessary for the anticipated earth-related impacts.

Pedestrian Circulation

The Street Use Ordinance includes regulations that regulate dust, mud, and circulation within the public right-of-way. Street use permits obtained from SDOT will be necessary for any temporary closures of sidewalks and/or traffic lanes. The sidewalk along the site is an important pedestrian route which should be kept open to the greatest extent possible. SEPA authority will be exercised to require that a safe pedestrian route be kept open as much as possible. Permit approval by SDOT to allow closure of the route as necessary will overrule this condition.

Construction-Related Traffic and Parking

Under SMC 25.05.675.B.2, DPD has authority under SEPA to impose conditions to mitigate parking impacts related to the project. During construction, parking demand will increase due to construction personnel and equipment. Off-site parking during construction hours in the general vicinity of the project is limited. To minimize on-street parking in the vicinity due to construction impacts, construction workers will be required to park in the on-site garage when it becomes available.

Truck trips could be generated during excavation, shoring, and foundation construction. A truck route for site excavation has not yet been developed with the City. A construction traffic plan must be provided to the City in connection with the issuance of a street use permit.

It is the policy of the City of Seattle to minimize or prevent temporary adverse impacts associated with construction activities, including measures to address parking and transportation impacts during construction per SMC 23.05.675.B.1.g. Pursuant to this policy, project approval shall be conditioned upon the following:

- To minimize on-street parking in the project vicinity due to construction impacts, construction workers will be required to park in the on-site garage when it becomes available.
- Prior to issuance of a street use permit, the contractor shall provide the City with a construction traffic plan. Site work shall be conducted in a manner that would minimize interference with vehicular, pedestrian, and other non-motorized forms of circulation. Temporary traffic control or pedestrian obstructions during construction (if any) shall be managed in accordance with the current City of Seattle Traffic Control Manual for In-Street Work and Manual of Uniform Traffic Control Devices. In the event that work requires closure of an entire sidewalk or travel lane, a signage plan and traffic control plan shall be prepared for approval by SDOT.

Long-term Impacts

Long-term or use-related impacts are also anticipated as a result of approval of this proposal including: increased surface water runoff from greater site coverage by impervious surfaces, potentially decreased water quality in surrounding watersheds, increased on-site bulk and scale, increased ambient noise due to increased human activity, increased demand on public services and utilities, increased light and glare, increased energy consumption, increased on-street parking demand, and increased vehicle traffic. These long-term impacts are not considered significant.

Notwithstanding the Determination of Non-Significance, the following impacts merit more detailed discussion.

Earth

There would be almost no potential for erosion from the completed development, since almost no exposed earth would remain on-site. Open space would be provided in the form of interior courtyards. Landscaping would be provided by built-in containers and by street trees. As there is no erosion potential, impacts are not considered significant and no mitigation is warranted.

Traffic and Parking

The addition of 12 new parking spaces to serve one residential unit and 1,536 sq. ft. of administrative office use should result in minimal, if any impacts on the availability of on street parking. Increase traffic impacts from this additional amount of office uses and one residential unit is expected to be minimal and unnoticeable on surrounding streets.

No SEPA policy based mitigation of parking or a traffic impact is warranted.

Water Quality/Drainage

The site is not located within the Shoreline District. Upon completion of the project, the site will be mostly covered by impervious surfaces. All vehicle parking will be provided in an underground parking garage. Stormwater from impervious surfaces will be collected for on-site detention and controlled release to the City's stormwater conveyance system. Most stormwater runoff from the completed project would be from "clean" surfaces (i.e., not exposed to vehicular traffic). Impacts to stormwater are not considered significant and no mitigation is warranted.

Plants/Animals

All existing vegetation would be removed during the site excavation and construction. There is no known occurrence of threatened or endangered species on or near the site.

Frontage improvements will include street trees. Landscaped open spaces will be provided in the interior courtyards and public rights-of-way.

Impacts to plants and animals are expected to be minimal and no mitigation is warranted.

Housing

The City's SEPA policies encourage preservation of housing opportunities, especially low income housing. The proposed project would not demolish any housing. An additional residential unit is proposed. Utilities and transportation infrastructure are adequate to serve the project without adverse impacts. Housing opportunities close to downtown and in urban villages minimize impacts to the regional transportation system.

There would be no long term significant impacts to housing. Therefore, no mitigation measures for such impacts are warranted.

Height, Bulk and Scale

The subject proposal has been through the Design Review Process, previously discussed in this decision. A project that is approved pursuant to the design review process is presumed to comply with the City's height, bulk and scale policies. This presumption may be rebutted only by clear and convincing evidence that the height, bulk and scale impacts documented through environmental review have not been adequately mitigated. SMC 25.05.675.G.2. Measures employed to mitigate height, bulk and scale impacts, as incorporated into the building architecture, were reviewed by the Design Review Board and found sufficient.

Long-term height, bulk and scale impacts have been addressed through the Design Review process. No additional SEPA mitigation measures are warranted.

Summary

In conclusion, certain non-significant adverse impacts on the environment are anticipated to result from the proposal. The conditions imposed below are intended to mitigate specific impacts identified in the foregoing analysis, or to control impacts not regulated by codes or ordinances per adopted City policies.

DECISION - SEPA

This decision was made after review by the responsible official on behalf of the lead agency of a completed environmental checklist and other information on file with the responsible department. This constitutes the Threshold Determination and form. The intent of this declaration is to satisfy the requirement of the State Environmental Policy Act (RCW 43.21.C), including the requirement to inform the public of agency decisions pursuant to SEPA.

- [X] Determination of Non-Significance. This proposal has been determined to not have a significant adverse impact upon the environment. An EIS is not required under RCW 43.21C.030(2)(C).
- [] Determination of Significance. This proposal has or may have a significant adverse impact upon the environment. An EIS is required under RCW 43.21C.030(2)(C).

CONDITIONS - SEPA

The owner(s) and/or responsible parties shall:

Prior to Issuance of Demolition, Grading, or Building Permits:

1. Prior to issuance of a street use permit, the contractor shall provide a construction traffic plan to SDOT for review and approval. Site work shall be conducted in a manner that would minimize interference with vehicular, pedestrian, and other non-motorized forms of circulation. Temporary traffic control or pedestrian obstructions during construction (if any) shall be managed in accordance with the current City of Seattle Traffic Control Manual for In-Street Work and Manual of Uniform Traffic Control Devices. In the event that work requires closure of an entire sidewalk or travel lane, a signage plan and traffic control plan shall be prepared for approval by SDOT.
2. A drainage control plan, including a temporary erosion and sedimentation control plan will be required with the building permit application.
3. A Shoring and Excavation Permit shall be required by SDOT prior to issuance of a building permit.

During Construction

4. Construction work shall be limited to between the hours of 7:00 AM and 6:00 PM on non-holiday weekdays and on Saturdays between the hours of 9:00 AM and 6:00 PM.
5. A safe pedestrian route along N. 35th St. shall be kept open past the project site during construction. Permit approval by SDOT to allow closure of these routes as necessary will overrule this condition.
6. Construction workers shall limit parking in residential neighborhoods and will utilize the on-site parking garage when it becomes available.

CONDITIONS – DESIGN REVIEW

7. The proposed development must remain as represented to the Design Review Board and must retain site plan, landscape and architecture including, but not limited to, fenestration, architectural features and elements, arrangement of finish materials and colors relied upon by the Design Review Board in making its final recommendation.
8. Any proposed changes to the exterior of the building or the site must be submitted to DPD for review and approval of the Land Use Planner (Scott Kemp, scott.kemp@seattle.gov). Any proposed changes to the improvements in the public right-of-way must be submitted to DPD and SDOT for review and for final approval by SDOT.
9. Compliance with all images and text on the MUP drawings, Design Review meeting guidelines and approved design features and elements (including exterior materials, landscaping and ROW improvements) shall be verified by the DPD planner assigned to this project, or by the Design Review Manager.
10. An appointment with the assigned Land Use Planner must be made at least three (3) working days in advance of field inspection. The Land Use Planner will determine whether submission of revised plans is required to ensure that compliance has been achieved.
11. All of the conditions contained in this decision must be embedded in the cover sheet for updated MUP permit plans and for all subsequent permits including any MUP revisions, and all building permits.
12. Provide additional landscaping in the park in front of the blank eastern wall in a manner approved by the Seattle Parks Department.
13. Wall lights on the east wall shall be designed so as not to create any glare, but to cast light onto the building wall.
14. Incorporation of a clerestory feature is encouraged, but not required.

Signature: _____ (signature on file)
Scott Kemp, Senior Land Use Planner
Department of Planning and Development
Land Use Services

Date: August 13, 2007