



City of Seattle

Gregory J. Nickels, Mayor  
**Department of Planning and Development**  
Diane M. Sugimura, Director

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

**Application Number:** 3004031  
**Applicant Name:** Nicholson Kovalchick Architects for Del Byrne, LLC  
**Address of Proposal:** 3606 Woodland Park Ave N

**SUMMARY OF PROPOSED ACTION**

Land Use Application to allow a mixed-use building consisting of four live/work units and eight townhouse units. Parking for 24 vehicles will be located in below grade garage. The existing multi-family structure will be removed.

The following approvals are required:

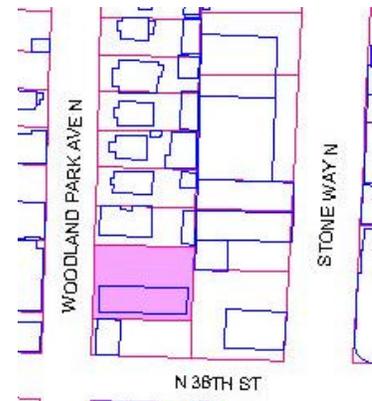
- **Design Review and Development Standard Departures**, pursuant to Chapter 23.41 Seattle Municipal Code.
- **SEPA - Environmental Determination**, pursuant to SMC Chapter 25.05.

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

**BACKGROUND**

The project site is located at 3606 Woodland Park Ave N. The site is a rectangular lot, mid-block, between N. 36<sup>th</sup> Street and N. 38<sup>th</sup> Street. Currently the lot contains a one-story five unit apartment building and a gravel parking lot. The property is zoned Commercial 1 with a 40 foot height limit (C1-40) and is within the Fremont Hub Urban Village.

The applicant proposes a mixed use development consisting of four live-work units along Woodland Park Ave N, and two four-unit residential townhouse units on the eastern portion of the site, with a shared below-grade parking garage. The units will stack with their portion of the garage below, and will range in size from 1,800 to 2,100 square feet. The work space for the live/work units along Woodland Park Ave N will be at ground level, and levels 2-4 will contain living space.



A land use application to short plat the site into five lots has also been applied for (3005230).

### Site and Vicinity

The site is a 12,740 square foot site with approximately 100 feet of street frontage on Woodland Park Ave N. The adjacent properties, directly north, south and west, along Woodland Park Ave N, are in the C1-40 zone. There is a two-story brick mixed-use building directly north of the property and a single family home and paved parking lot directly south of the site. West of the site, there are several two-story office and mixed use buildings. Properties directly east of the site are zoned Commercial 2 with a 40 foot height limit (C2-40) and are developed with a variety of commercial structures.

### Public Comments

- Public notice of the Master Use Permit application was published on June 29, 2006 and mailed to neighboring properties within 300 feet of the project site. The public comment period ended on July 12, 2006. Approximately four different people either sent in a letter or commented during the two public meetings leading up to this decision.

## **ANALYSIS – DESIGN REVIEW**

### **EARLY DESIGN GUIDANCE SUMMARY: MARCH 20, 2006 MEETING.**

The following design guidance was given during the Early Design Guidance meeting held on March 20, 2006. After visiting the site, considering the analysis of the site and context provided by the proponents, and hearing public comment, the Design Review Board members provided the siting and design guidance described below and identified by letter and number those siting and design guidelines found in the City of Seattle’s “*Design Review: Guidelines for Multifamily and Commercial Buildings*” of highest priority to this project.

## **DESIGN GUIDELINES**

### **A Site Planning**

#### **A-2 Streetscape Compatibility**

The siting of buildings should acknowledge and reinforce the existing desirable spatial characteristics of the right-of-way.

#### **A-3 Entrances Visible from the Street**

Entries should be clearly identifiable and visible from the street.

#### **A-4 Human Activity**

New development should be sited and designed to encourage human activity on the street.

#### **A-5 Respect for Adjacent sites**

Buildings should respect adjacent properties by being located on their site to minimize disruption of the privacy and outdoor activities of residents in adjacent buildings.

#### **A-7 Residential Open Space**

Residential projects should be sited to maximize opportunities for creating usable, attractive, well-integrated open space.

The Board agreed that the design of the proposed development should be compatible with surrounding development and existing streetscape characteristics.

- The proposed building siting should respect the surrounding built environment, being mindful of scale and setbacks of adjacent properties along Woodland Park Ave N.

- The design of the project should continue to encourage pedestrian activity. The building should provide a storefront character along Woodland Park Ave N. including clear points of entry, and canopies or other forms of overhead weather protection.
- The selected materials should provide a visual break between the commercial and the residential portion of the live/work portions of the structure along Woodland Park Ave N.
- The location and quality of the residential open space should be considered a high value element and should serve several functions in its open space role.
- There should be a clear vehicular point of access. Pedestrian access to the rear residential units and open space should be safe, open and inviting.

## **B Height, Bulk and Scale**

### **B-1 Height, Bulk and Scale**

Projects should be compatible with the scale of development anticipated by the applicable Land Use Policies for the surrounding area and should be sited and designed to provide a sensitive transition to near-by , less-intensive zones.

The Board determined that the design should create a good transition in height, bulk and scale to the development to the north. A particular area of concern is the increased height proposed in the preferred scheme along the northern massing. The Board agreed that the operating design principle must be to provide a meaningful and sensitive design response to that building through restraint in height, bulk, and scale in the design of the new structure.

## **C Architectural Elements and Materials**

### ***C-1 Architectural Context***

New buildings proposed for existing neighborhoods with a well-defined and desirable character should be compatible with or complements the architectural character and siting pattern of neighboring buildings.

### **C-2 Architectural Concept and Consistency**

Building design elements, details and massing should create a well-proportioned and unified building form and exhibit an overall architectural concept.

*Buildings should exhibit form and features identifying the functions within the building. In general, the roofline or top of the structure should be clearly distinguished from its façade walls.*

### **C-4 Exterior Finish Materials**

Building exteriors should be constructed of durable and maintainable materials that are attractive even when viewed up close. Materials that have texture, pattern, or lend themselves to a high quality of detailing are encouraged.

The Board agreed that the building design and materials should provide a weaving of the residential and commercial elements of the live/work units along Woodland Park Ave N. The designer should bring concept(s) or parti for the building/façade for the next meeting and show the design development for this project in relationship to the concept or parti. The Board indicated that each unit should appear as a “mini mixed use structure”. Architectural concept, materials, scale and details should be integrated for a building whose concept is appropriate for the site, its surroundings and uses. The architect should present this next iteration of the design at the next meeting.

## **D Pedestrian Environment**

### **D-1 Pedestrian Open Spaces and Entrances**

Provide convenient, attractive and protected pedestrian entries.

### **D-5 Visual Impacts of Parking**

*The parking portion of a structure should be architecturally compatible with the rest of the structure and streetscape.*

### **D-6 Screening of Dumpsters, Utilities and Services Areas**

Building sites should locate service elements like trash dumpsters, loading docks and mechanical equipment away from the street front where possible.

The architect should explore moving the pedestrian/residential entry pathway in the center of the site and away from the proposed vehicle entrance in order to create a safer and more desirable pedestrian entrance and more of a direct connection to the proposed court yard open space area located east of the live/work units.

The architect should study the surrounding pedestrian environment and present a design which creates a generally friendly and lively environment at street level.

## **E Landscaping**

### **E-1 Landscaping to Reinforce Design Continuity with Adjacent Sites**

Where possible, and where there is not another overriding concern, landscaping should reinforce the character of neighboring properties and abutting streetscape.

### **E-2 Landscaping to Enhance the Building and/or site**

Landscaping, including living plants, special pavement, trellises, screen walls, planters, site furniture and similar features should be appropriately incorporated into the design to enhance the project.

### **E-3 Landscape Design to Address Special Site Conditions**

The landscape design should take advantage of special on-site conditions such as high-bank front yards, steep slopes, view corridors, or existing significant trees and off-site conditions such as greenbelts, ravines, natural areas, and boulevards.

The design of the landscaping should enhance the prior guidelines, by creating transition from neighboring lots and the street, softening edge conditions and by helping create a green streetscape. The applicant should show in more detail how the landscape will be an amenity for the project and function as usable open space for the inhabitants.

## **DESIGN REVIEW RECOMMENDATION MEETING SUMMARY: OCTOBER 16, 2006 MEETING**

The applicant applied for a Master Use Permit (MUP) on June 12, 2006. On October 16, 2006, the Board met again to consider the design response to the guidance provided at the previous EDG meeting and to make recommendations to DPD on the design.

## **ARCHITECT'S PRESENTATION**

At the Final Recommendation meeting, a more detailed and evolved design was presented to the Board based on guidance provided by the Board at the first meeting. Shawna Kovalchick of Nicholson Kovalchick Architects made the substantive presentation at this meeting. The architect presented a zoning map, a site plan, aerial photos and photos of surrounding

development, a landscaping plan, color elevations and a materials board. The dominant materials proposed include a horizontal wood rainscreen system and a vertical metal panel system. The wood portions provide a sense of rhythm and repetition along the street, while the recessed metal sections provide a vertical connection from the street level up to the roof, thereby providing a weaving the two elements. The architect also showed a streetscape elevation from Woodland Park Avenue N to demonstrate the enhancements to the pedestrian environment including landscaping, large storefront windows, and overhead weather protection. The updated design has reduced the height of the northern portion of the structure to provide a better scaled relation to the structure to the north.

**BOARD CLARIFYING COMMENTS**

The Board had no clarifying comments.

**PUBLIC COMMENTS**

Three (3) members of the public attended this Recommendation meeting. The following comments, issues and concerns were raised:

- *Sight Triangle* - Concerns were voiced about potential traffic hazards associated with the proposed departure to sight triangle requirements. The façade should be pushed back to provide adequate space for a sight triangle. Safety should remain a priority, even if it results in a different building design.
- *Building Design* - Neighbors felt that the proposed materials were distracting and that the bulk, scale and design of the proposed development will dwarf surrounding buildings and is generally not a good fit with older structures in the area.

**DEPARTURES FROM DEVELOPMENT STANDARDS:**

Standard	Proposal	Rationale	Recommendation
13-foot floor to floor height required per SMC 23.47.008.C.2	Reduce to 10.5-feet at the two northern live/work units	Eliminating the stepping, and lowering the two northern spaces allows all four units to be the same height at street level.	Recommended approval. (C-1, C-2)
Solid waste and recyclable material storage loading requirement per SMC 23.47.029.	Provide no loading. Allow all owners to be responsible for their own trash /recycling pick-up	The building provides adequate storage space, but the ramp is too steep for garbage pick-up	Recommended approval. (D-6)
Per SMC 23.47.030.B.2a, commercial development must provide a minimum of 75% large parking stalls and 25% other (medium or small).	Provide 50% large and 50% small commercial spaces.	More than double the required parking is being provided. It is more beneficial to provide more non-conforming parking than less conforming.	Recommended approval. (A-4, A-4, A-5)
22-foot required driveway width for two-way traffic per SMC 23.54.030.D.2	Provide a 12-foot driveway	A reduced driveway width allows a greater street presence for the live/work units, encouraging human activity.	Recommended approval. (A-4, D-5)

Standard	Proposal	Rationale	Recommendation
10ft x 10ft sight triangle required per SMC 23.54.030.G.	Provide no sight triangle.	A sight triangle will negatively impact the proposed design along the street frontage.	Recommended a reduced sight triangle be provided to mitigate potential safety problems. (D-1, D-5)
10-foot minimum dimension for ground level open space per SMC 23.47.024.B.3	8-foot minimum dimension for ground level open space.	The overall quantity of open space provided for each townhouse is greater than what is required.	Recommended approval. (A-7)

**SUMMARY OF RECOMMENDATION**

After re-considering the site and context, hearing public comment, reconsidering the previously identified design priorities, and reviewing the revised plans and renderings, the Design Review Board members recommended **approval** of the proposed design, noting the following comments and recommending the following **recommended conditions**. All recommendations were “consensus” recommendations, unless otherwise indicated. In addition the authority for the recommended condition is provided by the Design Review guideline(s).

**DIRECTOR’S ANALYSIS - DESIGN REVIEW**

The Director 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. The Director also concurs with the conclusions of the Board that the project does meet the Citywide design guidelines. The Board members made the following recommendations:

- Provide a sight triangle at the driveway entrance. A reduced site triangle may be acceptable as opposed to providing the full dimensional requirement of 10ft x 10ft.
- Submit a lighting plan highlighting the driveway access area, pedestrian areas, landscaping and building details.

**DECISION - DESIGN REVIEW**

The Director accepts the Board’s recommendations to approve the project design. Conditions listed at the end of this report are provided to ensure that the design details approved with this project are implemented through the construction process.

**ANALYSIS - SEPA**

The initial disclosure of the potential impacts from this project was made in the environmental checklist submitted by the applicant and dated June 12, 2006, and annotated by this Department. This information in the checklist, supplemental information provided by the applicant (plans, including landscape plans), comments from members of the community, and the experience of the lead agency with review of similar projects form the basis for this analysis and decision.

The SEPA Overview Policy (SMC 25.05.665) establishes the relationship between codes, policies, and environmental review. Specific policies for specific elements 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 certain limitations/circumstances (SMC 25.05.665 D 1-7) mitigation can be considered. Thus, a more detailed discussion of some of the impacts is appropriate.

### Short-term Impacts

Demolition and construction activities could result in the following temporary or construction-related adverse impacts:

- Storm water runoff;
- Erosion;
- Increased traffic and demand for parking from construction equipment and personnel;
- Increased noise levels;
- Decreased air quality due to suspended particulates from building activities and hydrocarbon emissions from construction vehicles and equipment.

Several adopted codes and/or ordinances provide mitigation for some of the identified impacts: The Noise Ordinance, the Stormwater Grading and Drainage Control Code, the Street Use Ordinance, and the Building Code. The Stormwater, Grading and Drainage Control Code regulates site excavation for foundation purposes and requires that soil erosion control techniques be initiated for the duration of construction. The Street Use Ordinance requires debris to be removed from the street right-of-way. Puget Sound Clean Air Agency regulations require control of fugitive dust to protect air quality. The Building Code provides for construction measures in general. Finally, the Noise Ordinance regulates the time and amount of construction noise that is permitted in the City. Compliance with these applicable codes and ordinances will reduce or eliminate most short-term impacts to the environment.

### Grading

Approximately 4,500 cubic yards of grading is proposed for the construction of the three structures and the underground parking garage. If material is transported to or from the site, City code (SMC 11.74) provides that material hauled in trucks not be spilled during transport. The City requires that a minimum of one foot of "freeboard" (area from level of material to the top of the truck container) be provided in loaded uncovered trucks which minimize the amount of spilled material and dust from the truck bed enroute to or from a site. No conditioning of the grading/excavation element of the project is warranted pursuant to SEPA policies.

### Construction Parking

Construction of the project is proposed to last for approximately 12 months. On-street parking in the vicinity is limited, and the demand for parking by construction workers during construction could exacerbate the demand for on-street parking and result in an adverse impact on surrounding properties.

Accordingly, the owner and/or responsible party shall assure that construction vehicles and equipment are parked on the subject site for the term of construction whenever possible. It is expected that all workers will be able to park on-site once the parking garage phase is completed

and for the remaining duration of construction activity. To further facilitate this effort, the owner and/or responsible party shall submit a construction phase transportation plan. The plan shall identify approximate phases and duration of construction activities, haul routes to and from the site, address ingress/egress of trucks/personnel/equipment and construction worker parking. Thus, the construction phase transportation plan will be a condition of this decision. The authority to impose this condition is found in Section 25.05.675B2g of the Seattle SEPA ordinance.

#### Long-term Impacts

Long-term or use-related impacts are also anticipated from the proposal and include: increased bulk and scale on the site; 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. These long-term impacts are not considered significant because the impacts are minor in scope.

#### Height, Bulk & Scale

Since the Design Review Board and the Director have considered the potential height, bulk and scale impacts and acted to limit those impacts, the Director concludes that the negative impacts of height, bulk and scale have been adequately mitigated and no additional SEPA height, bulk and scale mitigation is warranted.

#### Other Impacts

Several adopted Codes and Ordinances and other agencies will appropriately mitigate the other use-related adverse impacts created by the proposal. Specifically, these are the Puget Sound Clean Air Agency (increased airborne emissions); and the Seattle Energy Code (long-term energy consumption). The other impacts not noted here as mitigated by codes, ordinances, or conditions (increased ambient noise, increased demand on public services and utilities) are not sufficiently adverse to warrant further mitigation by conditions.

### **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 - DESIGN REVIEW**

### *Non-Appealable Conditions*

1. Any proposed changes to the exterior of the building or the site must be submitted to DPD for review and approval by the Land Use Planner (Naomi Henry, 206-684-5223). 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.
2. 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 right-of-way improvements) shall be verified by the DPD planner assigned to this project (Naomi Henry, 206-684-5223), or by the Design Review Manager. An appointment with the assigned Land Use Planner must be made at least (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.
3. Embed all of these conditions and colored elevation drawings in the cover sheet for the MUP permit and for all subsequent permits including updated MUP plans, and all building permit drawings.
4. All changes to the exterior facades of the building and landscaping on site and in the right-of-way must be reviewed by the Land Use Planner prior to proceeding with any proposed changes.

### *Prior to Issuance of a Certificate of Occupancy:*

5. Compliance with the approved design features and elements, including exterior materials, roof pitches, facade colors, landscaping and ROW improvements, shall be verified by the DPD Planner assigned to this project. Inspection appointments with the Planner (Naomi Henry, 206-684-5223) must be made at least 3 working days in advance of the inspection.

## **CONDITIONS - SEPA**

### *Prior to Issuance of a Building Permit:*

6. The owner(s) and/or responsible party(s) shall provide a construction phase parking plan. A copy of that plan must be kept on-site.

### *Prior to Issuance of a Demolition Permit:*

7. A Notice of Intent to Demolish shall be filed with PSCAA and all asbestos-containing materials are required to be removed prior to demolition in accordance with PSCAA regulations by persons trained in accordance with Labor & Industries or OSHA standards.

During construction:

8. Implement the construction-worker parking plan, required above.
9. All construction activities shall be limited to non-holiday weekdays between 7:30 a.m. and 6:00 p.m. In addition to the Noise Ordinance requirements, to reduce the noise impact of construction on nearby residences, only low noise impact work such as that listed below, shall be permitted on Saturdays and Sundays from 9:00 a.m. to 6:00 p.m.:
  - Surveying and layout;
  - Other ancillary tasks to construction activities will include site security, surveillance, monitoring, and maintenance of weather protecting, water dams and heating equipment.

Signature: (signature on file) Date: May 14, 2007  
Naomi Henry, Land Use Planner  
Department of Planning and Development