



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: 3003758
Applicant Name: Matt Driscoll, [Driscoll Architects](#)
for Darin Davidson, [Inland Group](#)
Address of Proposal: 909 N 143rd St

SUMMARY OF PROPOSED ACTIONS

Land Use Application to allow a six story, 474 unit residential structure with 7,100 sq. ft. of retail at ground level. Parking for 484 vehicles will be located at and below grade, primarily within the structure.

The following approvals are required:

Design Review – SMC Chapter [23.41](#), involving the following design departures from Land Use Code development standards:
SMC [23.47A.005 D3](#) and [23.47A.008 D](#), **street level uses & standards.**
SMC [23.47A.032 A3](#), **parking location and access.**

Administrative Conditional Use – To permit residential use in a C2 zone, SMC [23.47A.006 B3](#).

SEPA - Environmental Determination – SMC Chapter [25.05](#).

SEPA DETERMINATION: Exempt DNS¹ MDNS EIS

DNS with conditions

DNS involving non-exempt grading, or demolition, or involving another agency with jurisdiction.

¹ Early DNS published April 5, 2007.

BACKGROUND INFORMATION

Project Description

The applicant proposes a six-story mixed-use structure with 474 residential apartments and about 7,100 sq.ft. of retail space at ground level. The project includes parking for 484 vehicles at and below grade, to be accessed from N 143rd St and Linden Ave N.

Vicinity and Site

The site is located in the Bitter Lake neighborhood, at the southeast corner of Linden Ave N and N 143rd St. It is currently vacant and was previously developed with the “Crest Trailer Park”, which was recently demolished.

Linden is a collector arterial. It is formerly the route of the Seattle-Everett Interurban rail line, and is generally underdeveloped with an asphalt roadway without sidewalks or most other street improvements. N 143rd is classified as a nonarterial, and is similarly underdeveloped. The vicinity is generally quite flat. The property is located in the Broadview-Bitter Lake-Haller Lake Hub Urban Village.

The site is zoned Commercial 2 with a 65-foot base height limit (C2-65, see Figure 2). Properties to the north, east, and south of the site are also zoned C2-65. To the west of the site, across Linden Avenue N, the Bitter Lake Reservoir is zoned Single Family with a 7200 sq. ft. minimum lot size (SF 7200). To the northwest across the intersection, properties are zoned residential Lowrise 3 (L3).

Development in the vicinity generally does not reflect its full zoning potential, and nearby some smaller properties appear to have recently been aggregated, suggesting the area could experience substantial future redevelopment. To the south of the site are warehouses and construction storage yards. To the east is a hotel (built 2001), a retail plant nursery, and an auto sales lot fronting on Aurora Avenue North (Highway 99). Properties occupied by the hotel and nursery were previously an extension of the same mobile home park.

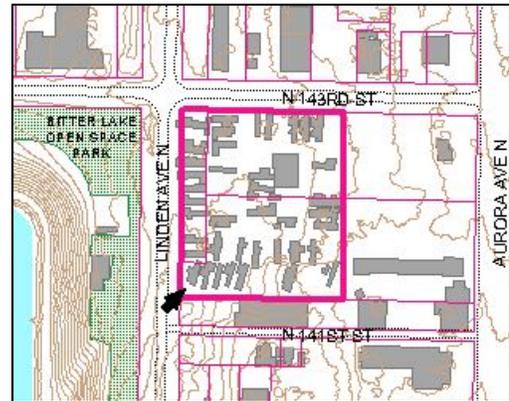


Figure 1. Local topography



Figure 2. Vicinity Zoning



Figure 3. Aerial View (1999 photo)

To the northeast and north of the site, across 143rd St, is a fast food drive-through restaurant, a low office-manufacturing building, and a one-story apartment building. To the northwest across the intersection is a three-story apartment building, transitioning to a residential neighborhood beyond. A relatively new (2001) office/retail building is located further to the north, on the corner of Linden and 145th. To the west is the Bitter Lake Reservoir, operated by Seattle Public Utilities, and contained within a 25'-tall earthen berm that obscures views from the sidewalk. It appears that in recent years that reservoir has been covered with tarpaulin. Portions of the reservoir grounds on the north and east have been improved with sidewalks and have been designated as public park space.

The project could potentially complement efforts by Seattle Department of Transportation (SDoT) to develop an “[Interurban Trail](#)”, a bicycle and pedestrian path to link Everett and Seattle along the original route of the Interurban rail system, which ran along Linden Ave N. The area is not currently an inviting place to walk, with interrupted and incomplete sidewalks and few street trees along a relentless “superblock” that runs from N 143rd to N 137th St.

On either side of Linden Avenue North, Seattle City Light (SCL) owns strips of land 50' wide and generally 300' long, currently vacant. Linden Avenue is a primary corridor bringing electricity into the City via high-voltage transmission lines located along the avenue's west edge. The Linden Avenue right-of-way is relatively wide (80'), and appears even wider when paired with the vacant SCL properties. At the outset of design review, the subject site included one such SCL-owned parcel, about 50' x 300', which was recently occupied by mobile homes but is currently vacant. The applicant has negotiated to purchase this property, including 2500 sq. ft. at the intersection.

The site is regularly shaped, consisting of three adjacent parcels. As proposed, the site would contain about 118,100 sq. ft. (2.7 acres), with about 370' of frontage on Linden and 320' on 143rd. The site is served by 24'-wide private access easements that run along the property's south and east margins. The site was recently occupied by about 30 mobile homes and a central administrative building, mostly in poor condition – these structures have been demolished. The site slopes slightly up to the southeast (see Figure 1), and no portion of the site is designated as Environmentally Critical Area on City maps. There are several mature trees existing on the site. There are no curbs, sidewalk, or landscape buffer.

The site is served by public transit, including routes 5, 28, and 358. Metro buses stop on 143rd across Linden from the site.

ANALYSIS OF THE DIRECTOR – DESIGN REVIEW

The Early Design Guidance meeting took place on February 13, 2006, at the North Seattle Community College – four Design Review Board (DRB) members attended.

The applicant submitted a complete Master Use Permit (MUP) application on March 21, 2007.

A Recommendations meeting took place on July 23, 2007, at Ballard High School – five DRB members attended. DPD Land Use Planner Jess Harris staffed this meeting.

A second Recommendations meeting took place on August 27, 2007, also at Ballard High School – five DRB members attended.

This report summarizes the Design Review Board's Early Design Guidance and Recommendations. For design materials presented at these meetings, please refer to the project file.

2/13/2006 EDG: Architect's presentation

Matt Driscoll presented the site and the design, touching on much of the information presented in the above analysis of site & vicinity. The design intent is to provide a mixed use housing development, with commercial located at ground level and oriented toward the north, and residential apartments that complement the proposed Interurban Trail. Part of that commitment would likely involve voluntary improvements of the entire width of the rights-of-way adjacent to the site, in excess of those typically required for new development.

Mr. Driscoll briefly discussed efforts to renovate the existing mobile home park. He cited the opinion of a leader of an unnamed mobile home advocacy organization, who judged renovation to be infeasible.

The presentation featured generalized massing alternatives, though the architect did not identify any of them as preferred; in fact he qualified that the updated design would "ultimately probably be none of these alternatives." He noted that the surrounding neighborhood is eclectic, offering few clear design cues for future development, and that this proposal should ultimately create its own context. He welcomed suggestions for how best to respond to and improve the neighborhood.

All three alternatives involve a ground level that covers almost the entire site, with courtyard open space generally located on the second level. Alternative "A" configures the upper residential levels around the site's periphery, with a courtyard located at its center. Alternative "B" shows three corridors oriented E-W, joined on the east side by a N-S oriented spine, such that two elongated courtyards would be oriented to the west. Alternative "C" appears to involve two separate structures with a fairly narrow E-W oriented passage bisecting the site. The structures would mirror each other to create a roughly triangular central courtyard open space at ground level, with its apex oriented to the west. Alternative "D" appears to be two separate residential towers surrounding a heavily modulated interior courtyard, with a relatively narrow gap oriented E-W that divides the two masses.

Vehicle access is likely to be from both streets.

A future proposal could include a request for departure from the development standard related to nonresidential frontage. The requirement applies to the façade on the street with the longest commercially zoned frontage. In this case, that street would be Linden, but the design is likely to locate the nonresidential on the north side, 143rd.

2/13/2006 EDG: Clarifying questions by the Board

What would be the rationale for Seattle City Light to maintain a 50' x 50' lot on the corner? I'm not sure.

Describe the proposed development of the Interurban Trail. What would it include? Seattle Department of Transportation (SDoT) is considering a boulevard with a planted median, car lanes, bike lanes, parking, sidewalks, and planting. The right-of-way ranges from 80' to 100' wide.

Please comment on the pros and cons of each alternative. Alternative "A" is most economical and simple building form. No opening to the street, and presents straight walls along the streetfront. Many units are oriented toward the interior court. We generally don't like alternative "A". "B" presents the same benefits of economical design, but it successfully breaks up the façade along Linden. The building we designed to the south (Linden Square, 13530 Linden Ave N) is designed with a similar concept. "C" offers a courtyard at grade – we might develop C with more variation. For any design, it's important that there be a sense of living on and accessing Linden Avenue.

What are the property's dimensions? Approximately 320' x 370'.

2/13/2006 EDG: Public comment

19 members of the public signed in at the Early Design Guidance meeting on February 13, 2006. Comments from the meeting focused almost entirely on design considerations under the Board's purview, and included the following:

- I welcome the proposed boulevard-style improvements.
- This is a potholed road, uncertain territory for cars and walkers. Even some white lines would help.
- Consider "CPTED" – "Crime Prevention Through Environmental Design". This is a bad corner. It could be helped with more eyes on the street.
- The streetscape should be compatible with the building. Don't design just a flat wall against the property line.
- This is an opportunity to build a community, make it safer for walking and biking, bring people together in a neighborhood-oriented space.
- Linden Square is nicely designed and well landscaped. I compliment you. I hope this project will have similar quality landscaping.

7/23/2007 Public Comment

Public comments from the meeting focused on the following:

- Why doesn't the proposal include a median and street improvements on the west side of Linden?
- More retail in the project is needed and desired.

- Consider “CPTED” – “Crime Prevention Through Environmental Design”. Needs good lighting and eyes on the streets. This is a high crime area
- This area has been underserved since the 1990’s. We need new infrastructure pursuant to the neighborhood plan.
- South facing façade does not look friendly. The upper floor/cornice line looks dark and sinister. Looks like a bunker.

7/23/2007 Recommendations: Summary

Board members present considered the site and context, the public comments, the previously identified design guideline priorities, and reviewed the drawings presented by the applicant. The Board did not feel that the design fully met the guideline priorities set at EDG. The Board provided initial recommendations and asked the applicant to return when an updated design better met their guidance.

The Board focused their deliberations on the following issues;

- How the small building fronting on Linden Avenue met the street.
- The proposed color scheme and treatment of height, bulk and scale
- The *woonerf* and how the buildings connected to it.

The Board appreciated how the massing was distributed and the [*woonerf*](#) concept.

The Board expressed concern about how the Linden building (building 1) met the street and the general appearance at the ground plane in that the proposal showed the structure setback by about 15 feet with no primary pedestrian entrances into the site. The Board wants the design changed to create a better connection to the street. The Board suggested creating residential stoops or live-work units along Linden. The Board wants the corner of Linden Avenue and 143rd to have a commercial feel with overhead weather protection. The Board felt a continuation of commercial along NE 143rd Street was feasible. The Board had concern that the amenity spaces proposed for the ground floor of the building would not enliven the street front to the extent advertised by the architect. Also regarding the siting of building 1 was the location of the play area. The Board thought there was opportunity to locate in a more serene location more internal to the site.

The Board expressed a concern about how the west facades of building 2 and the east façade of building 1 connected to the *woonerf*. They want a better connection made to the *woonerf* by providing stoops and/or residential entries and windows. They suggested internalizing the stair tower to create more living space and eyes on the *woonerf*. One member noted that living room and kitchen rooms facing the *woonerf* is more advantageous than bedrooms. The Board suggested refining the floor plans to enable this condition. The Board had more concern about the facades of building 2 that will be visible from Linden Street.

With respect to the color scheme and height, bulk and scale, the Board indicated that the colors were very important since that was the primary tool being used to mitigate the height, bulk and scale of these buildings. The presentation showed a color difference between building 1 and building 2 and the Board wants this distinction to be further studied and refined. The Board agreed that the two buildings need to be difference but unified.

The Board focused on the south-facing elevation in that it was the longest. The Board wants the colors lightened up and break up the heavy horizontal band of the top floor. The Board suggested bringing the protruding bays up to the top floor as a means to break the horizontal, varying the height of the roof or breaking the continuous parapet. The Board generally supported the methods to break up the height, bulk and scale and did not prescribe changing the unit configuration to meet their guidance. However, the importance of how the colors and materials worked to break up height, bulk and scale was emphasized. One member suggested the use of a color consultant to achieve this goal.

The Board wants to see how the landscaping plan relates to the park/reservoir to the west. The Board wants to see more details on the landscaping proposed in the *woonerf*. The Board wants the design to include bollards instead of curbs. The Board wants the commercial to be able to spill out in the future if retail becomes prevalent. Currently the building is setback 5 feet from property line.

8/27/2007 Recommendations: Architect's presentation

Matt Driscoll presented the project, providing a brief recap of the site and vicinity analysis. Principal design updates are as follows:

- changed the horizontal and vertical modulations,
- changed the colors and materials to reorganize the massing,
- enhanced the *woonerf*,
- deepened the commercial space, so that it meets the development standard,
- internalized a stairway, narrowed the profile of other prominent stair towers,
- four live-work units address the street more successfully,
- provide a separate play area oriented toward toddlers.

By moving the staintower of Building 1 [corner building] to the interior, residential units now have appropriate prospect over the *woonerf* and the park to provide a sense of safety and dominion. Updated drawings show increased fenestration and patios that step down to the *woonerf* or the street, creating a grade connection that further enlivens this space.

Along Linden Ave N, appropriate modulation creates a visual connection between the upper bays and the live-work units at ground level. Materials are unified, top and bottom, likely to be [Trespa](#), a resinous panel cladding. Entries are defined by marquees, and set back enough to provide a sense of territoriality and surveillance. The intent is to provide a storefront materials treatment on this side.

Where the earlier design showed a play area along Linden, updated drawings show a second, smaller play area on the east side of the *woonerf*, adjacent to Building 2. Residential units are appropriately screened here and raised up somewhat. The space is adjacent to the residential lobby.

Building 2's stairwells are narrower than previously shown, allowing for improved residential fenestration toward the *woonerf*. The stairwells are a counterpoint to the main façade and an opportunity for a change in color that articulates the vertical. Colors are to be straightforward and applied with wayfinding in mind.

Building 1's entry to the leasing office is its own module, with the same character as the residential entries facing the *woonerf*.

An intent of the *woonerf*'s design is that it be the precinct of residents and of people passing through. Lighting has safety and surveillance in mind, and there's no place to hide. Residential windows overlook all the publicly available spaces. This is also true of the "alleys" to the east and south, where appropriate lighting is shown.

Signs will include monument signs for the building and externally lit blade signs for individual commercial tenants.

The project landscape architect presented the landscape design. He described the approach to the *woonerf* as a series of "zones" with four distinct crossing points for pedestrians, framed with brightly colored paving, highly texturized. This material would carry through to the main pedestrian entries to the buildings. Play areas would provide two visual termini at either end of one crossing. Surface parking would be scored differently, with a lighter colored concrete. The design packet shows bollards, benches adjacent the play areas, along with catalog cuts of possible play structures.

The toddler play area would be fairly linear, so its activities would have to fit the space and compliment the architecture. A true play structure is therefore unlikely. Sand tables are possible.

In the Linden Avenue right-of-way, preliminary plans had called for a landscaped median. Recent input from the Seattle Department of Transportation (SDoT) indicates that such a median isn't possible. However, the project continues to propose full street improvements (curb, gutter, sidewalks, and street trees, in accordance with the adopted street improvement plan) along both sides of Linden adjacent to the project.

The design contemplates two departures from land use standards, discussed on page 14, below.

Driveway access continues to be provided along the site's south and east sides, subject to a shared easement with neighboring properties. These sides are modulated by vertical bays and some residential decks. Breaks in the roofline also lend to a better sense of proportion. Green screens are possible along the larger areas of blank wall to the south and east.

8/27/2007 Recommendations: Clarifying questions by the Board

For residents and future residents, do you see a need to play up the entry to the leasing space on the Linden façade? There will be some signage element at that point. There will be more primary colors at the entries – a painted metal. The Trespa colors will be set off by a relatively neutral, warm, earth tone.

*In the plan view of the *woonerf*, please clarify the intent of the different shading.* Gray areas have become parking. The lighter shaded areas are intended to be pedestrian crossings. Lighter areas would be more heavily landscaped. We're trying to differentiate the three different use areas.

Did you consider unifying the two play areas? We had the opposite notion, that it would be better to separate the toddlers from the older kids. This smaller space made more sense for a less active toddler space.

Please walk us around the base of the design and clarify materials. The colored elements, the panels and the bays would be colored Trespa panels. These colors here (?), that's what we're calling "field". Inbetween would be a vertical material, at this point it's board and batten acrylic panel. At the top level would be horizontal Hardieboard.

What is Trespa? [An integral color panel system](#). It's been used on a couple of local buildings, [such as the renovated repo garage on 45th in Wallingford].

Are the green bays flush with the base elements? Almost, not quite.

Discuss how the play area interacts with the woonerf. Is there fencing? The toddler play area is an alcove off the woonerf. It probably won't be fenced, but will be bounded by sidewalk and the proper selection of plant material.

So the live-work units are at grade, not through raised stoops? Yes, with planting areas in front. This façade would be a storefront system. The only part that wouldn't be storefront are a few units that face Linden. Those are regular height with regular windows.

What is the floor-to-floor height for the commercial space? 13', with a concrete lid.

Are you applying the same color scheme on the two back sides? Yes, we would carry these colors back. There's a common color on the vertical siding that carries throughout. The bays themselves would be paneled. It would be less of the fancy paneling, but we'll use it on the bays.

8/27/2007 Recommendations: Public comment

Nine members of the public signed in at the Recommendations meeting on August 27, 2007. Comments from the meeting focused almost entirely on design considerations under the Board's purview, and included the following:

- It's appropriate to put retail on Linden. The neighborhood plan calls for it. That's great.
- As long as the street improvements are consistent with the SDoT street plan, it's OK. It calls for a certain cross section. The street will eventually have to be consistent N-S.
- We worked many hours coming up with a plan for this street, with street lighting and everything else. We want it to be taken into consideration for continuity.
- The top six colors on the board are nice. Watch out for brighter colors – I think the apartment buildings in Lake City at 124th and Lake City Way are awful. One looks like a patchwork quilt. That's not what we envision.
- On the south side, decks and surveillance lighting are important.

- I would like the architect to consult with SPD to go through their CPTED (Crime Prevention Through Environmental Design) review. Have them look at what you've done and suggest improvements. Benches shouldn't be for sleepovers, for instance.
- I suggest trees along the building on the south and east sides, not just trees in the street.
- I hope the *woonerf* works well and that people will know how to use it, not run into pedestrians. It could be a cozy spot.

Guidelines

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 of highest priority to this project, found in the City of Seattle's [*Design Review: Guidelines for Multifamily and Commercial Buildings*](#).

A. Site Planning

A-1 Responding to Site Characteristics

The siting of buildings should respond to specific site conditions and opportunities such as non-rectangular lots, location on prominent intersections, unusual topography, significant vegetation and views or other natural features.

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-6 Transition Between Residence and Street

For residential projects, the space between the building and the sidewalk should provide security and privacy for residents and encourage social interaction among residents and neighbors.

A-7 Residential Open Space

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

A-8 Parking and Vehicle Access

Siting should minimize the impact of automobile parking and driveways on the pedestrian environment, adjacent properties and pedestrian safety.

A-10 Corner Lots

Buildings on corner lots should be oriented to the corner and public street fronts. Parking and automobile access should be located away from corners.

2/13/2006 Guidance – Site Planning

The Board recognized the value of orienting most of the residences toward Linden Avenue. The updated design should orient largely to the west, and it should feature open space that is visually accessible from Linden Avenue.

Board members differed in the degree of support for at-grade residential open space: some strongly supported the idea, particularly if it included soil deep enough for substantial plantings, while others considered open space on a second-level pedestal to be less desirable but acceptable nonetheless.

Board members supported the idea of locating a commercial space along the north side of the site. The applicant should provide at least one alternative that features ground-related residential stoops along the west side, facing Linden. Such entries should be located somewhat above grade, in order to create a strong visual connection to the adjoining sidewalk and the trail.

It is appropriate to locate vehicle access from both streets, as long as accesses are located as far from the corner as possible.

8/27/2007 Recommendations – Site Planning

The Board recognized the value of orienting most of the residences toward Linden Avenue. The updated design should orient largely to the west, and it should feature open space that is visually accessible from Linden Avenue.

B. Height, Bulk & Scale

B-1 Height, Bulk and Scale Compatibility

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. Projects on zone edges should be developed in a manner that creates a step in perceived height, bulk and scale between the anticipated development potential of the adjacent zones.

2/13/2006 Guidance – Height Bulk & Scale

Board members recognized that development on this site could present two long façades to the neighborhood. The updated design should be well modulated, and it should include at least one alternative that treats the principal facades to look like different buildings.

8/27/2007 Recommendations – Height Bulk & Scale

Board members had no further recommendations in this regard.

C. Architectural Elements and Materials

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-3 Human Scale

*The design of new buildings should incorporate architectural features, elements and
details to achieve a good human scale.*

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 them-
selves to a high quality of detailing are encouraged.*

C-5 Structured Parking Entrances

*The presence and appearance of garage entrances should be minimized so that they do
not dominate the street frontage of a building.*

2/13/2006 Guidance – Architectural Elements and Materials.

Board members identified each of the above guidelines as priorities, but did not discuss guidance
in any detail.

8/27/2007 Recommendations – Architectural Elements and Materials.

Board members discussed the proposed siding materials and came to consensus that the proposed
“field” plane is overly complicated on the principal façades. They recommended that materials
comprising the background color (the “field”) be simplified. One Board member felt the current
composition was appropriate as proposed.

Board members approved of finish colors as proposed.

D. Pedestrian Environment

D-1 Pedestrian Open Spaces and Entrances

*Convenient and attractive access to the building’s entry should be provided. To ensure
comfort and security, paths and entry areas should be sufficiently lighted and entry areas
should be protected from the weather. Opportunities for creating lively, pedestrian-
oriented open space should be considered.*

D-2 Blank Walls

*Buildings should avoid large blank walls facing the street, especially near sidewalks.
Where blank walls are unavoidable, they should receive design treatment to increase pe-
destrian comfort and interest.*

D-7 Personal Safety and Security

*Project design should consider opportunities for enhancing personal safety and security in
the environment under review.*

2/13/2006 Guidance – Pedestrian Environment

Board members discussed townhouse-style entries (above), recognizing their value as “eyes on the street” and as a means for enlivening this corridor. They identified the above priorities, but did not discuss guidance in any further detail.

8/27/2007 Recommendations – Pedestrian Environment

Board members were generally skeptical about whether the smaller playspace would function as intended. They encouraged the design to treat this area as a more informal and unprogrammed play space. They also recommended a realignment of the drive access from Linden to allow for a somewhat larger, more unified play area.

The Board recommended that the design team rethink their approach to the identified “zones” in the *woonerf*. This space should not have defined and distinct areas for pedestrians and vehicles. It should be more uniformly available to pedestrians, and it should contain several design cues that cause drivers to slow down and defer to pedestrians. Highly textured surfaces, uniform patterning, diminished curbs, landscaping, bulbing, or other “random treatments” – all are possible strategies that could cause drivers to cross this area more carefully.

Board members supported public comment about appropriate street lighting, in accordance with Seattle Department of Transportation’s overall concept for the Linden Avenue corridor. They recommended that completion of the identified improvements be included as a condition of approval. DPD therefore conditions its Design Review approval to address this concern (see Condition #2).

E. Landscaping

E-2 Landscaping to Enhance the Building and/or Site

Landscaping including living plant material, special pavements, 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.

2/13/2006 Guidance – Landscaping

Special off-site conditions include the nearby park and the proposed right-of-way improvements along Linden. The design should clearly respond to these two significant features.

8/27/2007 Recommendations – Landscaping

Board attention to landscaping focused primarily on the organization of the two play areas, as discussed above. The larger play area should be extended, and the smaller play area should either be integrated into it, or it should be designed as a more passive feature that simply encourages informal play.

DEPARTURE FROM DEVELOPMENT STANDARDS

The applicant identified the following requested departures from Land Use Code development standards.

<i>Requirement</i>	<i>Proposed</i>	<i>Comments</i>	<i>Board Recommendation</i>
SMC 23.47A.005 D3 and 23.47A.008 D , street level uses & standards . Nonresidential uses shall occupy 80% of certain street frontages.	The design includes 48% nonresidential frontage.	The Board’s guidance and the design intent is to activate both frontages. The design achieves this intent with a combination of small-scale live-work and residential uses at grade along Linden.	The Board recommended that DPD approve the departure in consideration of the substantial attention to sidewalk detail and infrastructure improvement on both sides of Linden Avenue.
SMC 23.47A.032 A3 , parking location and access . A single curb cut is allowed for a site in this location.	Applicant proposes four curbcuts – one at either end of the <i>woonerf</i> , and one at either side of the “alley”	The site is large enough that four curb cuts do not unduly affect the sidewalks. Access to the structure’s south and east is important, akin to alley access. The <i>woonerf</i> is designed to be an activating feature, in which cars are present but not dominant.	The Board recommended that DPD approve the departure in consideration of the overall quality of the <i>woonerf</i> , including recommended updates.

DECISION – DESIGN REVIEW

The Director concurs with the recommendations of the Northeast Seattle Design Review Board, delivered August 27, 2007. DPD staff has discussed outstanding design recommendations and has included these considerations as conditions of approval.

DPD **GRANTS** the requested departures from SMC [23.47A.005 D3](#) and [23.47A.008 D](#), street level uses & standards, and SMC [23.47A.032 A3](#), parking location and access.

DPD **CONDITIONALLY APPROVES** the project’s Design Review component. Conditions are listed at the end of this report.

ANALYSIS - ADMINISTRATIVE CONDITIONAL USE

SMC [23.47A.006 B3](#) provides that “residential uses may be permitted in C2 zones as a conditional use”, subject to specific criteria.

B3a(1) The residential use generally should not be located in an area with direct access to major transportation systems such as freeways, state routes and freight rail lines.

The site is located at the southeast corner of Linden Ave N and N 143rd St. Aurora Avenue North is a state route (Hwy 99) located nearby to the east, accessible via 143rd. The site has no direct frontage on Aurora, and visibility from Aurora Ave N to the project's ground level is somewhat limited. The site therefore meets this criterion.

B3a(2) The residential use generally should not be located in close proximity to industrial areas and/or nonresidential uses or devices that have the potential to create a nuisance or adversely affect the desirability of the area for living purposes as indicated by one of the following:

- (a) The nonresidential use is prohibited in the NC3 zone*
- (b) The nonresidential use or device is classified as a major noise generator; or*
- (c) The nonresidential use is classified as a major odor source.*

Surrounding uses are as described in the vicinity analysis on page 2 above.

- The warehouse located to the south of the site is smaller than 25,000 sq.ft. and is therefore allowed in an NC3 zone, per SMC [23.47A.004](#). DPD considers it to be neither a major noise generator nor a major odor source.
- 75' to the south, across an intervening property and alley, there is a construction storage yard and office. These uses are generally not allowed in NC3 zones and might involve certain impacts, such as aesthetic impacts, dust and occasional engine noise. However, the intervening uses and space are likely to be an appropriate buffer for future residents.
- To the east of the site, the plant nursery is a retail use allowed in an NC3 zone. DPD considers it to be neither a major noise generator nor a major odor source.
- To the southeast of the site, an auto sales lot fronts on Aurora Avenue North. Vehicle sales and service is a use permitted outright in an NC3 zone. DPD considers it to be neither a major noise generator nor a major odor source.
- DPD considers all other nearby uses to be clearly conducive to the proposed residential use.

The project therefore satisfies this criterion.

B3a(3) In making a determination to permit or prohibit residential uses in C2 zones, the Director shall take the following factors into account:

- (a) The distance between the lot in question and major transportation systems and potential nuisances;*
- (b) The presence of physical buffers between the lot in question and major transportation systems and potential nuisance uses;*
- (c) The potential cumulative impacts of residential uses on the availability for nonresidential uses of land near major transportation systems; and*
- (d) The number, size and cumulative impacts of potential nuisances on the proposed residential uses.*

DPD has taken the above factors into account. The land use history of this site and other nearby sites indicates that limited commercial use is possible on the site, but not at the scale or intensity exhibited by commercially zoned properties fronting Aurora Avenue North. Its proximity to Aurora Avenue North therefore does not detract from its potential for residential use. Appropriate physical buffers do exist between the site, the highway, and more intensive commercial uses located nearby. As proposed, a portion of the site would be devoted to nonresidential use, thereby increasing the presence of commercial uses over single-purpose residential uses that have traditionally occupied the site. As discussed, DPD deems the number, size, and cumulative impacts of potential nuisances on future residents to be relatively minor and acceptable for purposes of permitting residential uses on this site.

B3b Residential uses required to obtain a shoreline conditional use are not required to obtain an administrative conditional use permit.

This criterion does not apply.

B3c. Additions to, or on-site accessory structures for, existing residential structures are permitted outright.

This criterion does not apply.

In addition to the above criteria, SMC [23.47A.006 A](#) states:

All conditional uses are subject to the procedures described in Chapter [23.76](#), Master Use Permits and Council Land Use Decisions, and must not be materially detrimental to the public welfare or injurious to property in the zone or vicinity in which the property is located. In authorizing a conditional use, the Director or City Council may require that adverse impacts be mitigated by imposing any conditions to protect other properties in the zone or vicinity, to compensate for impacts, and to protect the public interest. The Director shall deny or recommend denial of a conditional use if the Director determines that adverse impacts cannot be mitigated satisfactorily.

Potential impacts of the proposed residential apartments are further discussed in the SEPA analysis below. DPD determines that mitigation pursuant to SEPA is adequate to satisfy the above stated condition, and that further conditioning is therefore not necessary.

After applying the conditional use criteria to the subject site, DPD concludes that residential uses should be permitted as proposed.

DECISION – ADMINISTRATIVE CONDITIONAL USE

DPD **GRANTS** the proposed action.

ANALYSIS – SEPA

Environmental review resulting in a Threshold Determination is required pursuant to the Seattle State Environmental Policy Act (SEPA), WAC [197-11](#), and the Seattle SEPA Ordinance (Seattle Municipal Code Chapter [25.05](#)).

The applicant provided the initial disclosure of this development's potential impacts in an environmental checklist signed and dated on April 5, 2007. DPD received letters and emails from neighbors, focusing primarily on issues of pedestrian improvements around the site and appropriate drainage from the site. The checklist, a traffic impact study by Transportation Engineering Northwest (July 2007, updated August 2007), a geotechnical engineering study by Earth Solutions Northwest (December 2005) and the experience of the lead agency in similar situations form the basis for this analysis and decision. This report anticipates short and long-term adverse impacts from the proposal.

The SEPA Overview Policy (SMC [25.05.665](#)) 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, mitigation can be considered. Thus a more detailed discussion of some of the impacts is appropriate.

Short-term Impacts

The following temporary or construction-related impacts are expected: minor decreased air quality due to suspended particulate from building activities and hydrocarbon emissions from construction vehicles and equipment; increased traffic and demand for parking from construction equipment and personnel; increased noise, and consumption of renewable and non-renewable resources. Several adopted codes and/or ordinances provide mitigation for some of the identified impacts. 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, and includes regulations for maintaining circulation in the public 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. Most of these impacts are minor in scope and are not expected to have significant adverse impacts (SMC [25.05.794](#)). However, due to the proximity of surrounding residences, further analysis of construction impacts is warranted. The following is an analysis of the short-term impacts to the environment as well as mitigation.

Construction vehicles. Existing City code (SMC [11.62](#)) requires truck activities to use arterial streets to every extent possible. The subject site abuts Linden Ave N and N 143rd St. Linden is a collector arterial, and traffic impacts resulting from the truck traffic associated with grading will be of short duration and mitigated in part by enforcement of SMC [11.62](#). This area along Aurora Ave N subject to traffic congestion during the PM peak hours, and large trucks turning onto arterial streets would further exacerbate the flow of traffic. Pursuant to SMC [25.05.675 B](#) (Construction Impacts Policy) and SMC [25.05.675 R](#) (Traffic and Transportation) additional mitigation is warranted.

The construction activities will require the removal of material from the site and can be expected to generate truck trips to and from the site. In addition, delivery of concrete and other building materials to the site will generate truck trips. As a result of these truck trips, an adverse impact to existing traffic will be introduced to the surrounding street system, which is unmitigated by existing codes and regulations.

For the duration of the grading activity, the applicant(s) and/or responsible party(ies) shall cause grading truck trips to cease during the hours between 4 PM and 6 PM on weekdays. This condition will assure that truck trips do not interfere with daily PM peak traffic in the vicinity (see Condition #6). As conditioned, this impact is sufficiently mitigated in conjunction with enforcement of the provisions of SMC [11.62](#).

Construction Noise. Due to the close proximity of residential uses, the limitations of the Noise Ordinance are likely to be inadequate to mitigate potential noise impacts. Pursuant to SEPA policies in SMC Section [25.05.675 B](#), the hours of all work not conducted entirely within an enclosed structure (e.g. excavation, foundation installation, framing and roofing activity) shall be limited as detailed at the end of this report. See Condition #5 and Table 1 below.

Parking. Short-term parking impacts involve additional parking demand generated by construction personnel and equipment. The applicant has provided limited information related to short-term construction related parking impacts on the vicinity. During early stages of construction, workers are likely to park on nearby streets, which appear to have sufficient capacity to absorb such demand. DPD staff conducted various drive-by site visits, which indicate that weekday parking utilization in the area is not at capacity, and construction-related parking is not likely to exceed capacity. DPD also anticipates that workers will park on the site once the parking garage is completed. DPD therefore determines that construction-related parking does not constitute an impact warranting mitigation.

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 due to greater site coverage by impervious surfaces; increased bulk and scale on the site; increased traffic in the area; increased demand for parking; and increased demand for public services and utilities.

Several adopted City codes and/or ordinances provide mitigation for some of the identified impacts. Specifically these are: the Stormwater, Grading and Drainage Control Code which requires on site collection of stormwater with provisions for controlled tight line release to an approved outlet and may require additional design elements to prevent isolated flooding; the City Energy Code which will require insulation for outside walls and energy efficient windows; and the Land Use Code which controls site coverage, setbacks, building height and use and contains other development and use regulations to assure compatible development. Compliance with these applicable codes and ordinances is adequate to achieve sufficient mitigation of most long term impacts and no further conditioning is warranted by SEPA policies.

Other impacts not noted here as mitigated by codes, ordinances, or conditions (increased ambient noise and increased demand on public services and utilities, for example) are generally not sufficiently adverse to warrant further mitigation by conditions.

Public services and utilities. In its preliminary review of the project Seattle Public Utilities (SPU) has identified a likely adverse impact to public services warranting mitigation. Barring adequate mitigation, the introduction of more than 400 residential units in this neighborhood will likely overcharge existing sewer infrastructure. In a letter to the applicant dated September 5, 2007, SPU official Ed Mirabella states:

An analysis of the existing flow capacity of the sewer system indicated that adequate capacity may not be available to handle the added flows anticipated to be generated by the new development. In order to confirm the situation, the Project Developer agreed to partially finance a two-month flow monitoring investigation. SPU agreed to provide flow monitors and data analysis services for the investigation and the Developer is providing site assessments, flow monitor installations and field data collection (via subcontractor). Monitoring commenced on August 14, 2007.

Initial assessment of the monitoring data indicates that sewer capacity will be exceeded in one location downstream of the Project. In order to mitigate this situation, the Developer has agreed to upgrade the existing sanitary sewer line between the City of Seattle sanitary sewer manholes MH 219-200 and MH 219-201 (“Sewer Upgrade”) to standards to be determined and set forth in SPU’s final sewer study. The Sewer Upgrade shall be incorporated into the permit process as a SEPA condition. The Sewer Upgrade shall be constructed by the Developer and accepted by the City of Seattle prior to occupancy of the proposed buildings.

In order to ensure completion of the mitigation described above, SPU staff has requested that the agreement be included as a condition of approval. Pursuant to SEPA policies in SMC Section [25.05.675 O](#), DPD therefore conditions the project to require that, prior to occupancy, the applicant(s) and/or responsible party(ies) shall upgrade the existing sanitary sewer line according to the provisions laid out in SPU’s September 5 letter, and according to SPU specifications (see Condition #7). So conditioned, DPD and SPU staff consider the project’s likely impacts to be appropriately mitigated in this regard.

Parking. The Seattle SEPA policy for parking impacts (SMC [25.05.675 M](#)) provides authority to mitigate parking impacts of residential development when on-street parking is at capacity as defined by the Seattle Department of Transportation or where the development itself would cause on-street parking to reach capacity as so defined.

The proposed project incorporates 484 parking spaces, more parking than would otherwise be required by the Land Use Code. The study conducted by Transportation Engineering Northwest does not analyze the project’s likely parking demand. DPD experience with similar projects and periodic visits to the site indicate that proposed parking will likely satisfy the project’s parking demand, and periodic overflow will likely be absorbed by existing capacity along adjacent segments of Linden and 143rd. No further mitigation is warranted.

Traffic. The project's probable long-term traffic impacts are discussed in Transportation Engineering Northwest's August 2007 update to its July 2007 study. The study considers the project's likely peak traffic demand, as well as other factors, such as a new traffic signal to be installed at Linden Ave N and N 145th St. The study concludes that such traffic would not have adverse impacts on vicinity traffic flows warranting mitigation. DPD concurs, and concludes that no mitigation is warranted in this regard.

Summary

The Department of Planning and Development has reviewed the environmental checklist and supplemental materials submitted by the project applicant, considered comments submitted by members of the public, and reviewed the project plans and any additional information in the file. As indicated in the checklist, this action will result in adverse impacts to the environment. However, due to their temporary nature and limited effects, the impacts are not expected to be significant.

Codes and development regulations applicable to these proposed projects will provide sufficient mitigation and no further conditioning or mitigation is warranted pursuant to the SEPA Overview Policy (SMC [25.05.665](#)).

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 requirements of the State Environmental Policy Act (RCW [43.21C](#)), including the requirement to inform the public agency decisions pursuant to SEPA.

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 2c](#).

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 2c](#).

DESIGN REVIEW CONDITIONS

The following Design Review conditions 1-4 are not subject to appeal.

Prior to Issuance of the Master Use Permit

1. **Update plans and provide color drawings.** The applicant shall update the Master Use Permit plans to reflect the recommendations and conditions of this decision. The applicant shall embed conditions and colored landscape and elevation drawings into updated Master Use Permit and all building permit sets.

2. The applicant(s) and/or responsible party(ies) shall update plans to show full street improvements (sidewalk, curb, lighting, and landscaping per Seattle Department of Transportation street improvement standards) on either side of Linden Ave N and on the south side of N 143rd St. Street improvements along Linden shall be substantially in accordance with Seattle Department of Transportation's approved street plan for this corridor. Such street improvements are subject to review and approval by the Seattle Department of Transportation's (SDoT) Traffic Operations Engineering group ([Pete Lagerwey](#) or his successor, 684-5108).

Prior to and/or During Construction

3. **Design changes.** Any changes to the exterior façades of the building, signage, and landscaping shown in the building permit must involve the express approval of the DPD Planner prior to construction.

Prior to Issuance of the Certificate of Occupancy

4. **Design review inspection.** Compliance with the approved design features and elements, including exterior materials, roof pitches, façade colors, landscaping and right of way improvements, shall be verified by the DPD planner assigned to this project (Scott Ringgold, 233-3856) or by the Design Review Manager. The applicant(s) and/or responsible party(ies) must arrange an appointment with the Land Use Planner at least three (3) working days prior to the required inspection.

CONDITIONS – SEPA

Prior to Issuance of the Master Use Permit

None.

During Construction

The following condition to be enforced during construction shall be posted at the site in a location on the property line that is visible and accessible to the public and to construction personnel from the street right-of-way. The conditions will be affixed to placards prepared by DPD. The placards will be issued along with the building permit set of plans. The placards shall be laminated with clear plastic or other weatherproofing material and shall remain in place for the duration of construction.

5. **Noise.** All construction activities are subject to the limitations of the Noise Ordinance. Construction activities (including but not limited to demolition, grading, deliveries, framing, roofing, and painting) shall be limited to non-holiday weekdays² from 7am to 6pm. Interior work that involves mechanical equipment, including compressors and generators, may be allowed on Saturdays between 9am and 6pm once the shell of the structure is completely enclosed, provided windows and doors remain closed. Non-noisy activities, such as site security, monitoring, weather protection shall not be limited by this condition.

² Holidays recognized by the City of Seattle are listed on the City website, <http://www.seattle.gov/personnel/services/holidays.asp>

Construction activities outside the above-stated restrictions may be authorized by the Land Use Planner when necessitated by unforeseen construction, safety, or street-use related situations. Requests for extended construction hours or weekend days must be submitted to the Land Use Planner at least three (3) days in advance of the requested dates in order to allow DPD to evaluate the request.

Non-holiday work hours							
	Sun	Mon	Tues	Wed	Thurs	Fri	Sat
7:00 am							
8:00							
9:00							
10:00							
11:00							
12:00 pm							
1:00							
2:00							
3:00							
4:00							
5:00							
6:00							
7:00							
8:00							

Table 1, Non-holiday work hours. Unshaded work hours shown above are permitted outright. For certain work, it is possible to request DPD approval for additional hours shaded in gray.

- For the duration of grading activity, the owner(s) and/or responsible party(ies) shall cause grading truck trips to and from the project site to cease during the hours between 4 PM and 6 PM on weekdays.

Prior to Certificate of Occupancy

- The applicant(s) and/or responsible party(ies) shall upgrade the existing sanitary sewer line according to the provisions laid out in SPU’s September 5 letter, and according to SPU specifications.
- The applicant(s) and/or responsible party(ies) shall install street improvements as shown in the approved street improvement plan.

Signature: _____ (signature on file) Date: September 13, 2007
 Scott A. Ringgold, Land Use Planner
 Department of Planning and Development

SR:lc

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