



City of Seattle

Department of Planning and Development
Diane Sugimura, Director

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

Application Number: 3014670
Applicant Name: Seth Hale, MAS Architects, LLC
Address of Proposal: 1401 W. Nickerson St

SUMMARY OF PROPOSED ACTION

Land Use Application to allow a change of use of the first floor of Building C from retail and office to four residential units (for a total of 28 units) and indoor sports and recreation (accessory to residential units). Project also includes change of use of the first floor of Building D from office to seven residential units (for a total of 53 units).

The following approval is required:

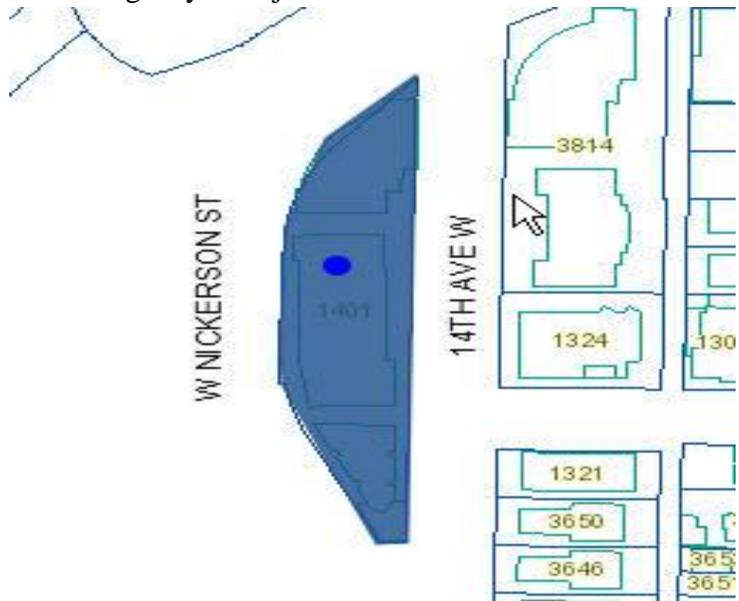
Administrative Conditional Use – To allow a residential use in a Commercial 2 (C2) zone — pursuant to Seattle Municipal Code (SMC) 23.47A.006.B.3.

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

BACKGROUND

The subject site consists of an irregularly shaped parcel totaling approximately 36,660 SF (.84 acres) and located between W. Nickerson Street and 14th Avenue W. The south 100 feet of this parcel is zoned LR3-RC and the remainder is zoned C2-40.

The site is occupied by three buildings situated above a single below-grade parking garage. Access to the parking is from a 24 foot driveway ramp off 14th Ave W., located approximately 100 feet south of the



intersection with W. Nickerson Street. The buildings are commonly referred to as buildings C (at the north), D (in the middle) and E (at the south). No alterations are proposed in building E. The site is currently landscaped with trees, shrubbery, paved courtyards, walkways and patios.

The subject buildings are managed together with building known as “A” and “B” on a separate site across 14th Avenue W., addressed as 3814 14th Avenue W.

Vicinity Description

The subject property is located at the imagined northwest corner of Queen Anne Hill and lies between multifamily areas and the Lake Washington Ship Canal industrial areas. Across W. Nickerson St. to the north and within the IBU45 Zoning is the Nickerson Street Self Storage Facility. Across the alley to the north and east is a continuation of the C2-40 zoning. To the south, a LR3-RC zone, which forms a transition to the single family area on Queen Anne, are numerous three and four story multifamily residential structures. To the west and across W. Nickerson Street is the on-ramp to the Ballard Bridge, the bridge approach along 15th Avenue W. and the viaduct of W. Emerson Street which connects to the Fishermen’s Terminal and the lower eastern edge of the Magnolia bluff. Properties across W. Nickerson Street to the north are zoned Industrial Buffer (IB U/45) and to the west across 15th Avenue W., General Industrial 1 and 2 (IG1 U/45 and IG 2 U/45).

Project Description

The applicant proposes to make alterations and convert some 9,520 square feet of office and retail/commercial space, and tenant gym in Buildings C and D to provide 11 new units, tenant gym and amenity areas, as well as leasing/manager’s office accessory to the residential use.

Public Notice and Comment Period

The public comment period for this project ended on April 17, 2013. The Land Use Application information is available at the Public Resource Center located at 700 Fifth Ave, Suite 2000¹.

ANALYSIS - ADMINISTRATIVE CONDITIONAL USE

The proposal, to establish a residential use in a C2 zone requires approval of an administrative conditional use permit pursuant to the criteria identified at SMC Section 23.47A.006.A.3. The applicable criteria are as follows (discussion of consistency with criteria interspersed):

23.47A.006A.3.a. Residential uses may be permitted in C2 zones as a conditional use subject to the following criteria:

- 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.*
- 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:*
 - i. The nonresidential use is prohibited in the NC3 zone;*

¹ <http://www.seattle.gov/dpd/toolsresources/default.htm>

- ii. *The nonresidential use or device is classified as a major noise generator; or*
 - iii. *The nonresidential use is classified as a major odor source.*
- 3) *In making a determination to permit or prohibit residential uses in C2 zones, the Director shall take the following factors into account:*
- i. *The distance between the lot in question and major transportation systems and potential nuisances;*
 - ii. *The presence of physical buffers between the lot in question and major transportation systems and potential nuisance uses;*
 - iii. *The potential cumulative impacts of residential uses on the availability for nonresidential uses of land near major transportation systems; and*
 - iv. *The number, size and cumulative impacts of potential nuisances on the proposed residential uses.*

The existing mixed use structure is bounded by W. Nickerson Street to the west, 14th Ave W. to the east, and W. Nickerson St. to the north. W. Nickerson St is considered a principal arterial per the Seattle Department of Transportation and as indicated on the Seattle Arterial Classifications Map. Both 15th Avenue W. and W. Nickerson Street are considered “Major Truck Streets.” Furthermore, 15th Avenue W. is also classified as a “Seaport Highway Connector.” 14th Ave W. is classified as an Access Street. There are no major transportation systems such as freeways or state routes adjacent to the site. A dead end railroad spur is located west and north of the site and is separated by W Nickerson St, the Nickerson Street Self Storage Facility and a +/-25’ grade difference. The spur does not appear to currently serve any of the uses to the north. The railroad spur at the closest point is approximately 280 ft. north of Building A. Access to the railroad spur and adjacent industrial zoning is accessed only by a separate intersection, W Nickerson St. and 13th Ave W., which intersection is located approximately 225 ft. east of the subject site.

The proposed residential use will not have a large impact on the availability of nonresidential uses of land near major transportation uses. Although the subject site is near 15th Ave W. which is listed as a principal arterial, and provides connections to Ballard and to downtown, there is no easy access to Hwy 99 or I-5. The site is near the ship canal but direct water access is not possible. Similarly, freight rail service is available nearby, but access is not direct.

The existing mixed use structure is bounded by LR3/RC Zoning to the south and southeast, C2-40 zoning to the west and northeast and IBU/45 Zoning to the north. The uses to the south and southeast are residential in nature. The IBU/45 Zoning to the north is separated from the subject site by W. Nickerson St., a 100 foot right-of-way improved with roadways at two different grade levels to interface with the interchange at 15th Avenue W. In addition there is a vertical grade difference of approximately 25 feet between the subject site and the nearest structure within the IBU/45 Zoning. The structure located north of the W. Nickerson St. right-of-way is the Nickerson Street Self Storage with surface parking located to the west. The Nickerson Street Self Storage Facility is a permitted use within IB1 zoning. The facility located in IBU/45 Zoning to the north provides a buffer and transition to more intensive IG1U/45 waterside industrial land to the north.

The adjacent uses, and specifically the adjacent use, self-storage, within the IBU/45 Zoning is not listed as a Major Noise Generator per Section 23.47A.018.B of the Seattle Land Use Code nor is it a Major Odor Source per Section 23.47A.020.B of the Seattle Land Use Code. Although adjacent to industrial buffer zoning the subject site is already utilized for residential purposes and numerous

physical buffers exist between the uses. The industrial buffer zoning to the north is separated by W. Nickerson St., a 100 foot ROW, a 20 ft band of trees and vegetation, a single lane one way vehicle access that leads to southbound 15th Ave W., another narrow band of vegetation, a 25' foot grade difference and finally a self storage facility that is not considered a noise or odor generator and which acts as a buffer to the more intensive IG1 zoning beyond.

Conclusion

Application of the conditional use criteria to the subject site leads to the conclusion that residential uses should be permitted. The area is suitable for a mix of commercial and residential uses. It is not so particularly suited to extensive commercial uses or intensive/extensive industrial uses that preclude residential uses in the area.

DECISION – ADMINISTRATIVE CONDITIONAL USE

The proposal for residential use in a mixed-use structure in a C2 zone is **GRANTED**.

CONDITIONS – ADMINISTRATIVE CONDITIONAL USE

None required.

ANALYSIS-SEPA

The initial disclosure of the potential impacts of this project was made in the environmental checklist submitted by the applicant. The information in the checklist and the experience of the lead agency with review of similar projects form the basis for this analysis and decision.

Seattle Municipal Code (SMC) Section 25.05.665(D), the SEPA Overview Policy, clarifies the relationship among 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. Per SMC 25.05.665 D 1-7, mitigation can be considered for specified limitations and/or circumstances. Therefore, a more detailed discussion of some of the anticipated impacts is appropriate.

Short - Term Impacts

The following temporary or construction-related impacts are expected: 1) decreased air quality due to increased dust and other suspended air particulates during construction; 2) increased noise and vibration from construction operations and equipment; 3) increased traffic and parking demand from construction personnel; 4) blockage of streets by construction vehicles/activities; 5) conflict with

normal pedestrian movement adjacent to the site; 6) consumption of renewable and non-renewable resources. The impacts, although adverse, are of short duration and not significant. Mitigation measures are not necessary.

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 (grading, site excavation and soil erosion); Street Use Ordinance (watering streets to suppress dust, obstruction of the rights-of-way during construction, construction along the street right-of-way, and sidewalk repair); Building Code (construction standards in general); and Noise Ordinance (construction noise that is permitted in the city). Compliance with these codes and ordinances will be adequate to achieve sufficient mitigation of potential adverse impacts. Thus, mitigation pursuant to SEPA is not necessary for these impacts.

Greenhouse Gas

Construction activities including construction worker commutes, truck trips, the operation of construction equipment and machinery, and the manufacture of the construction materials themselves result in increases in carbon dioxide and other greenhouse gas emissions which adversely impact air quality and contribute to climate change and global warming. While these impacts are adverse, they are not expected to be significant due to the relatively minor contribution of greenhouse gas emissions from this project.

Long -term Impacts

Long-term or use-related impacts are also anticipated as a result of approval of this proposal: increased traffic and parking demand in the area due to expanded residential use; minor increase in airborne emissions resulting from additional traffic; minor increase in ambient noise due to increased human activity; increased demand on public services and utilities; and increased energy consumption. These long-term impacts are minor in scope and do not warrant additional conditioning pursuant to SEPA policies.

Greenhouse Gas

Operational activities, primarily vehicular trips associated with the project and the project's energy consumption, are expected to result in increases in carbon dioxide and other greenhouse gas emissions which adversely impact air quality and contribute to climate change and global warming. The existing floor area already in non-residential use has and would continue to contribute to greenhouse gas emissions. It is not clear whether the change in use would increase or decrease the long-term production of greenhouse gas emissions. Adverse impacts, if any are not in any case expected to be significant due to the relatively minor contribution of greenhouse gas emissions from this project.

The long-term impacts identified above are typical of this kind of urban development and are not considered significant. Codes and development regulations applicable to this proposed project will provide sufficient mitigation of long term impacts and no further conditioning or mitigation is warranted pursuant to the SEPA Overview Policy (SMC 25.05.030).

DECISION - SEPA

This decision was made after review by the responsible official on behalf of the lead agency and was based on 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 43.21.C), including the requirement to inform the public of 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 (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

None.

Signature: (signature on file) Date: October 31, 2013
Michael Dorcy, Senior Land Use Planner