



# 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:** 3014706  
**Applicant Name:** Seth Hale  
**Address of Proposal:** 3814 14<sup>th</sup> Ave W [Wharfside Pointe]

### SUMMARY OF PROPOSED ACTION

Land Use Application to allow interior alterations to existing 33 unit apartment, lodging and office building and change 4,271 sq. ft. of lodging use and 730 sq. ft. of office use to seven apartment units (total 40 units). (North building). Parking for 92 vehicles will be provided on the site. Existing residential structure to remain.

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

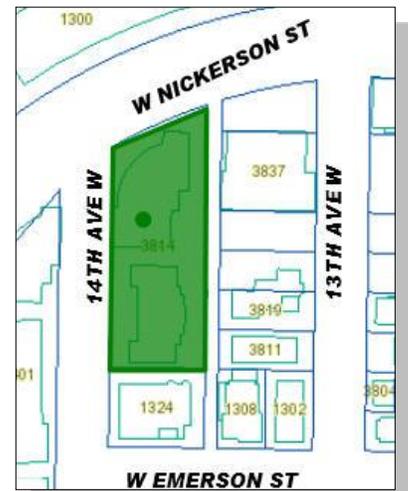
### BACKGROUND

The subject site consists of a parcel totaling approximately 36,660 SF (.84 acres) with 274 feet of frontage on the east side of 14th Ave West. This parcel is roughly rectangular, 120 feet deep and fronts on West Nickerson Street to the north. A paved alley abuts the east side of the parcel. The south 100 feet of this parcel is zoned LR3RC and the remainder is zoned C240.

The site is occupied by two buildings situated above a single below-grade parking garage. The buildings are commonly referred to as building A (north) and building B (south).

*\*(no alterations are proposed in building B)*

The two buildings are connected by a below grade parking garage for 84 vehicles and an additional space dedicated to a bike rack. Access to the parking is from a 24 foot driveway ramp off 14th Ave W located approximately 100 feet south from the Nickerson intersection.



The site is currently landscaped with a mix of madrones, aucubas, azaleas, cotoneaster, escallonia, dwarf plum, flowering cherry and abelia. Paved courtyards, walkways and patios are located within the landscaped areas.

### **Vicinity Description**

The subject property is at the northwest corner of Queen Anne Hill between the west Queen Anne multifamily areas and the Lake Washington Ship Canal industrial areas. Across W Nickerson St to the north within the IBU45 Zoning is the Nickerson Street Self Storage Facility. Across the alley to the north and east is a continuation of the C240 zoning. Located on the site is the Nickerson Business Center; a two story commercial structure housing numerous small businesses and a daycare center. To the southeast and south within the LR3RC zone, which forms a transition to the single family area on Queen Anne, are numerous three and four story multi-family residential structures. To the west and across 14<sup>th</sup> Ave W are three multi-family structures (4 stories) which are owned and operated as a single apartment complex as the subject site.

### **Project Description**

The applicant proposes to convert 730 square feet of commercial space, currently used as the apartment complex manager's and leasing office within Buildings A to an apartment unit. The existing office leasing/manager's office is at grade, with direct access and faces 14th Ave W. In addition a change of use is proposed for 6 sleeping units to dwelling units — located on the curved building façade and face 14th Ave W and W Nickerson St with the other unit located along the east façade adjacent to the alley.

### **Public Notice and Comment Period**

The public comment period for this project ended on March 27, 2013. The Land Use Application information is available at the Public Resource Center located at 700 Fifth Ave, Suite 2000<sup>1</sup>.

### **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;*
  - 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.*

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

- 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 14th Ave W to the west, W Nickerson St to the north and an alley to the east. W Nickerson St is considered a principal arterial per the Seattle Department of Transportation and as indicated on the Seattle Arterial Classifications Map. 14th Ave W is classified as an Access Street and is residential in Wharfside Pointe Administrative Conditional Use 3014706 nature. 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. The railroad spur and adjacent industrial zoning is only accessed by a separate intersection, W Nickerson St and 13th Ave W which 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 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 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 use to the south, southeast and west 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. In addition there is a 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 Self Storage Facility is approximately 125 ft. north of the subject site and 165 ft. from the nearest proposed dwelling unit. (Unit A1-1) Across the alley to the east of building A is the Nickerson Business Center, a two story commercial structure housing numerous small businesses(office) and a daycare center.

The Nickerson Street Self Storage Facility is a permitted use within NC3 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 15<sup>th</sup> 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.

Signature: \_\_\_\_\_ (signature on file) \_\_\_\_\_ Date: September 9, 2013  
Colin R. Vasquez, Senior Land Use Planner  
Department of Planning and Development

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