



City of Seattle
Edward B. Murray, 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: 3016841
Applicant Name: Laura Duris for LIHI
Address of Proposal: 2014 Northwest 57th Street

SUMMARY OF PROPOSED ACTION

Master Use Permit to allow 1,952 square feet to be used as a community center (hygiene center) at ground level in a 51-unit low-income, elderly apartment building (approved under separate Permit #3012980 and 6305188).

The following approvals are required:

Administrative Conditional Use: To allow 1,952 square foot community center in a midrise (MR) zone within 600 feet of an existing institution (St. Luke's Church).

Administrative Conditional Use: To allow an institution in a midrise zone that does not meet parking requirements.

SEPA DETERMINATION: Exempt DNS MDNS EIS

DNS with conditions

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

* Early Notice DNS published on March 20, 2014.

BACKGROUND DATA

Site Location and Description

The proposed 1,952 sq. ft. hygiene center would be located in the western most portion of the ground floor of a six-story, 51-unit apartment building (Cheryl Chow Court) for the elderly.

Located in the Ballard neighborhood mid-block on NW 57th St. between 20th Ave. NW and 22nd Ave NW, the 10,000 square foot rectangular site lies within a multi-family Midrise, Residential-Commercial (MR-RC) zone and within the Ballard Hub Urban Village. The terrain's declension, roughly five feet, occurs from north to south. The vacant site has no mapped environmentally critical areas (ECA).

Multifamily development occurs to the east, west and north of the site. Across NW 57th St to the south are a pay, surface parking lot associated with a mortuary (with Master Use Permit application #3017791 for redevelopment), the recently completed Green Fire mixed use complex, the Ballard Library as well as several one-story commercial structures. To the west sits a newly constructed six-story apartment building. To the north lies two and three story apartment buildings and a church complex. Immediately to the north of the site's property line, the zoning transitions to a multifamily Lowrise Three (LR3) zone. The corner parcel at NW 58th St. and 20th Ave NW has an added (RC) designation, which allows small commercial uses. The MR-RC zone extends along the north side of NW 57th St. from 22nd Ave NW to 17th Ave NW. On the south side of NW 57th St and extending beyond NW Market St, a Neighborhood Commercial with a 65 foot height limit (NC3 65) zoning classification predominates.

Proposal Description

The applicant seeks to add a hygiene center to an unimproved storefront space in the yet unopened Cheryl Chow Court, an elderly apartment building. The storefront space, currently permitted for general retail sales and services, would cater to homeless individuals and families seeking laundry facilities and showers. The applicant does not propose to furnish parking.

Public Comments

During the land use review for MUP # 3012980, the hygiene center was an initial use of the mixed-use program including housing for the elderly. DPD received considerable correspondence and held a public meeting to listen to comment.

DPD published notice of the subject proposal on March 20, 2014. Based on public request, the comment period was extended for two weeks ending on April 16, 2014. DPD received numerous comment letters. In addition, DPD held a public meeting on June 4, 2014 to hear public comment.

ANALYSIS – ADMINISTRATIVE CONDITIONAL USES

- A. *Uses permitted as administrative conditional uses 23.45.504, may be permitted by the Director when the provisions of Section 23.42.042 and this Section 23.45.506 are met.*

23.42.042 Administrative Conditional uses

- A. *Administrative conditional uses and uses requiring Council approval as provided in the respective zones of Subtitle III, Part 2, of this Land Use Code, and applicable provisions of SMC Chapter 25.09, Regulations for Environmentally Critical Areas, may be authorized according to the procedures set forth in Chapter 23.76, Procedures for Master Use Permits and Council Land Use Decisions.*

- B. In authorizing a conditional use, the Director or City Council may impose conditions to mitigate adverse impacts on the public interest and other properties in the zone or vicinity.*
- C. The Director may deny or recommend denial of a conditional use if the Director determines that adverse impacts cannot be mitigated satisfactorily, or that the proposed use is materially detrimental to the public welfare or injurious to property in the zone or vicinity in which the property is located.*
- D. A use that was legally established but that is now permitted only as a conditional use is not a nonconforming use and will be regulated as if a conditional use approval had earlier been granted.*

Does not apply.

- E. Any authorized conditional use that has been discontinued may not be re-established or recommenced except pursuant to a new conditional use permit.*

The use has not been discontinued.

23.45.506 Conditional uses

SMC Section 23.45.506 provides that the Director may approve, condition, or deny an application for administrative conditional use. The Director's decision shall be based on a determination whether the proposed use meets the criteria for establishing specific conditional use and whether the use will be materially detrimental to the public welfare or injurious to property in the zone or vicinity in which the property is located. Institutions which include daycare and community centers, which do not meet development standards established in Section 23.45.508 of the Seattle Municipal Code (SMC), may be permitted in multifamily zones as administrative conditional uses. The following relevant criteria would be used to evaluate and/or condition the proposal.

- A. Bulk and Siting: In order to accommodate the special needs of the proposed institution, and to better site the facility with respect to its surroundings, the Director may modify the applicable development standards. In determining whether to allow such modifications, the Director shall balance the needs of the institution against the compatibility of the proposed institution with the residential scale and character of the surrounding area.*

The proposal does not alter the approved design of the building. The hygiene center would occupy 1,952 sq. ft. of first floor within the structure approved for MUP #3012980, space originally permitted for general retail sales and services. The bulk of the overall structure, as reviewed by the Northwest Design Review Board, was found to be compatible with the type of structures and zoning allowed in the neighborhood. Since the approval of MUP #3012980 for the overall structure, an adjacent seven-story residential building of comparable height has been constructed to the west.

The applicant has not requested alterations of development standards related to bulk and setbacks already approved for the building.

The interior of the proposed hygiene center would be screened from the abutting right of way by its masonry and glass front elevation. Its entry faces west toward the side setback and an outdoor plaza. Other than two doors and associated window lites fronting the west, this portion of the hygiene center is opaque. The northern and eastern portion of the facility would be surrounded by administrative and associated spaces for the apartments.

The plaza for the hygiene center would sit between the west elevation and the west property line. To be used for access and queuing, the roughly 445 sq. ft. outdoor space would be L-shaped extending along a portion of the structure's length. A fence and gate would separate the plaza from the NW 57th St. right of way and lead to the west facing entry. A raised planter would also provide screening between the plaza and the right of way. A six foot high opaque wall on the west property line, approved in the earlier MUP, would separate the waiting area in the setback from the new residential building to the west.

At times clients of the hygiene center waiting their turn for its services may wait in this partially covered plaza within the side setback between the building and the west property line. This open space and the canopy above it were approved in the earlier MUP. The only proposed change to this area is added sound baffling material on the lower side of the canopy. See the discussion of noise below in part C.

*B. Dispersion Criteria: An institution which does not meet the dispersion criteria of **Section 23.45.570** may be permitted by the Director upon determination that it would not substantially aggravate parking shortages, traffic safety hazards, and noise in the surrounding residential area.*

Seattle Municipal Code Section 23.45.570 requires that the lot line of a new or expanding institution be located a minimum of 600 feet from any other institution in a residential zone otherwise additional analysis is required. The proposal lies within 600 linear feet of St. Luke's Church. Discussion of the proposal's impact on parking shortages, traffic safety hazards and noise are discussed in the sections below.

C. Noise: The Director may condition the permit in order to mitigate potential noise problems. Measures the Director may require for this purpose include, but are not limited to the following: landscaping, sound barriers, fences, berms, adjustments to yards or the location of refuse storage areas, location of parking areas and access, structural design modifications, and regulating hours of use.

Most of the activity that takes place at the proposed hygiene center occurs inside the building. This includes showering, the washing and drying of clothing and administrative functions. The lobby would serve as a waiting area for clients. Due to the demand for these services by its clients, the operator of the facility expects that clients will wait outside of the facility in the morning before its opening and when the interior waiting area has reached its capacity of 14

people. The applicant expects that the managers of the facility may open the gate to the outdoor waiting area, on the west side of the building, prior to the opening of the indoor space. The exterior space has a capacity of 21 people with many of them bringing their belongings to launder or keep safe. It is quite possible that prior to the opening of the enclosed west plaza (queuing area), clients may congregate on the NW 57th St. sidewalk.

In the approved MUP # 3012980, DPD required, based on the Design Review Board recommendation, an opaque fence along the west property line to mitigate sound and the visual impacts on the adjacent property. In the interim period, the site of a former, one-story house to the west has been developed as a seven-story, 20-unit residential building. The first floor of the eastern portion of the Solo apartments accommodates the driveway ramp into the garage. A total of ten units, a combination of one and two bedroom apartments, on the six upper floors would overlook the waiting area of the proposed hygiene center.

The applicant proposes to add noise baffling to the underside of the canopy that extends over a portion of the exterior waiting area. This would have modest sound attenuating effects; it would likely, based on DPD's noise expertise, reduce some of the sound emanating from the exterior waiting area. The potential noise from waiting clients in the west plaza would likely be most intrusive on adjacent neighbors during early hours of the morning. At this point in time, the applicant has not wished to specify hours of operation. In order to ensure quiet in the plaza and the sidewalk prior to the opening of the gates and the facility, the operator of the hygiene center will need to provide a staff person on site to monitor noise in the exterior waiting area and the sidewalk at all times prior to 8:00 AM.

In addition, as proposed by the applicant, the operator will comply with its Ballard Urban Rest Stop Good Neighbor Policy Plan and post its Ballard Urban Rest Stop Patron Code of Conduct on the exterior of the building facing the west side queuing area and the sidewalk in front of the building. These documents shall be annually distributed to adjacent neighbors on three sides of the building and to the properties across NW 57th St.

D. Transportation Plan

A transportation plan is required for proposed new institutions and for those institutions proposing to expand larger than 4,000 square feet of floor area and/or required to provide 20 or more new parking spaces. The Director may condition a permit to mitigate potential traffic and parking impacts pursuant to a Transportation Management Plan or Program as described in directors rules governing such plans or programs. The Director will determine the level of detail to be disclosed in the transportation plan based on the probable impacts and/or scale of the proposed institution.

Transportation impacts from the establishment of the URS at this site are expected to be minor. Based on experience at two other URS location, LIHI estimates that about 5% of the clients of the facility would drive to the site and park. Heffron Transportation indicated that the greatest use of the facility is likely to occur in the first two hours, when 20 to 30 persons per hour may arrive at the site. With auto usage of 5%, this would result in one or two client vehicle trips at peak times. Auto usage is expected to be low both because the population served is homeless

and less likely than the typical resident to have access to a car, and because the facility is located near several transit lines. Ballard URS will have two staff and two to three volunteers per day, also generating a small amount of traffic. Both daily and peak hour vehicle trip volumes are expected to be low, and easily accommodated by the roadway network near the project site. The project is not anticipated to aggravate any traffic safety hazards.

As use of the facility will be greatest in the first two hours of opening, this also is when the highest parking demand is apt to occur. As noted above, client auto usage is expected to be about 5%; this would result in a parking demand of one or two vehicles during peak times. Staff and volunteers that drive also would be expected to generate parking demand. If the majority of staff and volunteers drive, and if their schedules overlap, an additional parking demand of three or four vehicles could result. Overall, it is expected that the URS would generate a peak parking demand of no more than five vehicles.

Heffron Transportation conducted parking demand counts on May 22, 2014. Counts were taken at 7 AM (to reflect the expected peak time of URS parking demand) and 12 PM (to reflect the peak commercial time), and documented availability of on-street parking within 800' of the project site. At 7 AM, 68% of the on-street spaces within the study area were utilized; at noon, 84% of the spaces were utilized. The small amount of additional parking demand expected to be generated by URS would not have a noticeable impact on parking availability within the study area.

It should be noted that the URS would be located in space currently permitted for commercial use. This commercial space also would generate both vehicle trips and demand for parking. Replacement of this space by URS is likely to result in very little if any increase in traffic or parking demand relative to currently-permitted activity.

DECISION – ADMINISTRATIVE CONDITIONAL USE

Based on the forgoing analysis and review, the proposal satisfies all relevant requirements of SMC Sections **23.45.504** and **23.45.506 OTHERS??** governing administrative conditional uses in multifamily L-3 zones. The proposal is not expected to be materially detrimental to the public welfare or injurious to property in the zone or vicinity in which the institution is located, and should be **CONDITIONALLY GRANTED.**

CONDITIONS - ADMINISTRATIVE CONDITIONAL USE PERMIT

Prior to Issuance of a Certificate of Occupancy

The owners and/or responsible party(s) shall:

1. The hygiene center operator will comply with its Ballard Urban Rest Stop Good Neighbor Policy Plan and post its Ballard Urban Rest Stop Patron Code of Conduct on the exterior of the building facing the west side queuing area and the sidewalk in front of the building.

For the Life of the Project

2. The operator of the hygiene center will provide a staff person on site to monitor noise in the exterior waiting area and the sidewalk at all times prior to 8:00 AM during days of operation.
3. The Ballard Urban Rest Stop Good Neighbor Policy Plan and the Ballard Urban Rest Stop Patron Code of Conduct shall be distributed annually to adjacent neighbors on all three sides of the building and to the properties directly across NW 57th St.

Signature: _____ (signature on file) Date: December 1, 2014
Bruce P. Rips, Land Use Planning Supervisor
Department of Planning and Development

IMPORTANT INFORMATION FOR ISSUANCE OF YOUR MASTER USE PERMIT

Master Use Permit Expiration and Issuance

The appealable land use decision on your Master Use Permit (MUP) application has now been published. At the conclusion of the appeal period, your permit will be considered “approved for issuance”. (If your decision is appealed, your permit will be considered “approved for issuance” on the fourth day following the City Hearing Examiner’s decision.) Projects requiring a Council land use action shall be considered “approved for issuance” following the Council’s decision.

The “approved for issuance” date marks the beginning of the **three year life** of the MUP approval, whether or not there are outstanding corrections to be made or pre-issuance conditions to be met. The permit must be issued by DPD within that three years or it will expire and be cancelled. (SMC 23-76-028) (Projects with a shoreline component have a **two year life**. Additional information regarding the effective date of shoreline permits may be found at 23.60.074.)

All outstanding corrections must be made, any pre-issuance conditions met and all outstanding fees paid before the permit is issued. You will be notified when your permit has issued.

Questions regarding the issuance and expiration of your permit may be addressed to the Public Resource Center at prc@seattle.gov or to our message line at 206-684-8467.

BPR:bg

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