



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: 3017168
Applicant Name: Meredith Everist of Baylis Architects
Address of Proposal: 3627 Stone Way North

SUMMARY OF PROPOSAL

Land Use Application to allow a 4-story structure containing 124 residential units above 7,400 sq. ft. of retail space. Parking for 119 vehicles to be provided below grade. Existing structures to be demolished. Project includes 18,100 cu. yds. of grading.

The following approvals are required:

Design Review pursuant to Chapter 23.41, Seattle Municipal Code, with Departures:

Development Standard Departure to allow a reduced floor-to-floor height for non-residential uses at street level (SMC 23.47A.008.B.3).

SEPA – Environmental Determination – Chapter 25.05, Seattle Municipal Code.

Administrative Conditional Use – to allow (SMC 23.42.042 and 23.44.022) residential use in a C2-40 zone.

SEPA DETERMINATION: [] Exempt [] DNS [] MDNS [] EIS

[X] DNS with conditions

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

Site

Site Zone: Commercial Two – 40-foot Height Limit (C2-40)

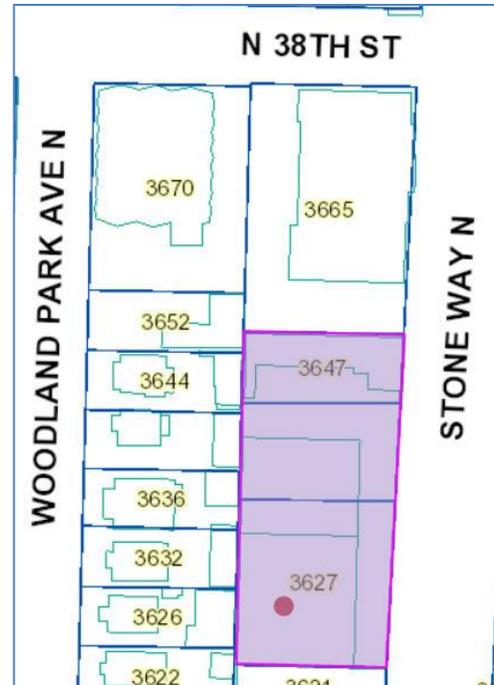
Fremont Hub Urban Village

Nearby Zones: (North) C2-40
(South) C2-40
(East) C2-40
(West) C1-40

Lot Area: 36,768 square feet

Site Development

The subject site includes two commercial structures with surface parking. All existing structures are proposed for demolition.



Surrounding Development and Neighborhood Character

The surrounding development and neighborhood character consists of residential, commercial and industrial uses. Abutting to the west is multiple family residential uses, while commercial abuts to the north and south. across Stone Way North to the east is a mixed use structure containing commercial and residential uses. This area of Stone Way North has witnessed considerable redevelopment activity in the past ten years, transitioning the corridor from a low scale commercial district to a mixed-use one with several hundred apartments.

I. ANALYSIS – DESIGN REVIEW

DESIGN PROPOSAL

The Early Design Guidance (EDG) Design Proposal booklet includes materials presented at the meeting, and is available online by entering the project number at this website:

http://www.seattle.gov/dpd/Planning/Design_Review_Program/Project_Reviews/Reports/default.asp.

The booklet is also available to view in the DPD file, by contacting the Public Resource Center at DPD:

Mailing Address: Public Resource Center
700 Fifth Ave., Suite 2000
P.O. Box 34019
Seattle, WA 98124-4019

Email: PRC@seattle.gov

EARLY DESIGN GUIDANCE MEETING: June 16, 2014

DESIGN DEVELOPMENT

The architect presented three design concepts. Along Stone Way North, all schemes propose retail at the south portion of the building, live-work units to the north, and a central lobby.

Concept 1 (p. 12 of the EDG packet) identified as a code compliant concept, has a plaza at the center of the Stone Way North façade. Entrances to the residential lobby, residential units, and retail are concentrated at the center. Below grade parking is proposed, with access from Stone Way North, to the north of the central plaza. A majority of the residential units are oriented east-west. A courtyard is proposed at the west side of the structure

Concept 2 (p. 13 of the EDG packet) is also identified as a code compliant concept, and maintains a similar arrangement of retail and live-work locations. Concept 2 reduces the size of the plaza on Stone Way North, and divides the westerly courtyard into two separate spaces. A majority of the residential units are oriented to receive daylight from the north and south. Parking is proposed below grade with a vehicular entrance dividing the live-work units from the retail.

Concept 3 (p. 14 of the EDG packet), the preferred concept creates a strong edge along Stone Way North, no plaza is proposed in this concept. Retail and residential entries are recessed, and two separate courtyards are proposed on the west side. Vehicular access is proposed at the north end of the site, bisecting the live-work units.

PUBLIC COMMENT SUMMARY

One letter was received, identifying a preference for retail, rather than live-work units, on the ground floor along Stone Way North.

The following comments were expressed at the Early Design Guidance meeting:

- Concerned about street level uses on Stone Way North, recommend siting only retail, not live-work, at the ground level.
- Likes the courtyard along Stone Way North proposed in Concept 1.
- Concerned that the driveway at the north of the site will create problems related to visibility of pedestrians.
- Suggested driveway be moved to the south portion of the site.
- Concerned that roof features will block views to the south and west.
- Suggested orienting the roof features north to south to reduce view blockage.
- Identified Stone Way North as a major retail corridor, and encouraged the design concept to be inspired by positive neighborhood attributes.

PRIORITIES & BOARD RECOMMENDATIONS

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 following siting and design guidance.

EARLY DESIGN GUIDANCE (JUNE 16, 2014)

CONTEXT & SITE

CS2 Urban Pattern and Form: Strengthen the most desirable forms, characteristics, and patterns of the streets, block faces, and open spaces in the surrounding area.

CS2-A Location in the City and Neighborhood

CS2-A-1. Sense of Place: Emphasize attributes that give a distinctive sense of place. Design the building and open spaces to enhance areas where a strong identity already exists, and create a sense of place where the physical context is less established.

CS2-B Adjacent Sites, Streets, and Open Spaces

CS2-B-2. Connection to the Street: Identify opportunities for the project to make a strong connection to the street and public realm.

CS2-B-3. Character of Open Space: Contribute to the character and proportion of surrounding open spaces.

CS2-D Height, Bulk, and Scale

CS2-D-5. Respect for Adjacent Sites: Respect adjacent properties with design and site planning to minimize disrupting the privacy of residents in adjacent buildings.

The Board discussed the plaza proposed in Option 1, and agreed that the plaza provides an opportunity to create a distinctive sense of place, and make a strong connection to the public realm. The Board recommended developing the plaza along Stone Way North as the design moves forward.

Wallingford Supplemental Guidance:

CS2-I Responding to Site Characteristics

CS2-I-ii. Solar Exposure: Design public and private outdoor spaces to take advantage of sun exposure.

CS2-I-iii. View Corridors: Development along North 45th Street, Stone Way North and other north-south streets south of North 40th Street with water, mountain and skyline views should use setbacks to complement and preserve such views from public rights-of-way.

The Board agreed the courtyard in Option 1 provides the useful space while also taking advantage of sun exposure. The Board agreed with public comment regarding view shed at this location, recommending that any rooftop features be of transparent material and/or oriented in such a way as to not obstruct views to the greatest extent possible.

CS3 Architectural Context and Character: Contribute to the architectural character of the neighborhood.

CS3-A Emphasizing Positive Neighborhood Attributes

CS3-A-1. Fitting Old and New Together: Create compatibility between new projects, and existing architectural context, including historic and modern designs, through building articulation, scale and proportion, roof forms, detailing, fenestration, and/or the use of complementary materials.

CS3-A-4. Evolving Neighborhoods: In neighborhoods where architectural character is evolving or otherwise in transition, explore ways for new development to establish a positive and desirable context for others to build upon in the future.

The Board discussed the evolving nature of the neighborhood and the Stone Way North corridor. The Board recommended that the architectural concept consider integration of roof forms, detailing, and fenestration to create compatibility with adjacent development.

Wallingford Supplemental Guidance:

CS3-I Architectural Context

CS3-I-i. Complement positive existing character: Complement or respond to nearby pre- World War II structures. Traditional early 20th Century commercial structures are primarily one story.

CS3-I-iii. Building Base Design:

- a. Ground floors or bases immediately next to pedestrians should reflect a higher level of detail refinement and high quality materials.
- b. Encourage transparent, open facades for commercial uses at street level (as an example, windows that cover between 50-80 percent of the ground floor façade area and begin approximately 24 to 30 inches above the sidewalk rather than continuing down to street level).

CS3-I-iv. Building Middle-floor Design:

- a. Mid-level building façade elements should be articulated to provide visual interest on a bay-by-bay scale. Architectural features should include: belt courses or horizontal bands to distinguish individual floors; change in materials and color and/or texture that enhance specific form elements or vertical elements of the building; a pattern of windows; and/or bay windows to give scale to the structure.
- b. Consider using detail elements such as a cast stone, tile or brick pattern that respond to architectural features on existing buildings.
- c. Consider using spacing and width of bays or pavilions to provide intervals in the façade to create scale elements similar to surrounding buildings.

CS3-I-v. Building Top-floor Design:

- a. Clearly distinguish tops of buildings from the façade walls by including detail elements consistent with the traditional neighborhood buildings such as steep gables with overhangs, parapets and cornices.

The Board discussed in detail the streetscape along Stone Way North, and encouraged the street-level façade to reflect a higher level of detail and quality materials. The Board recommended transparent storefront windows, opportunities for open facades such as roll up doors and operable windows, and architectural features to enhance the street-level experience.

PUBLIC LIFE

PL1 Connectivity: Complement and contribute to the network of open spaces around the site and the connections among them.

PL1-A Network of Open Spaces

PL1-A-1. Enhancing Open Space: Design the building and open spaces to positively contribute to a broader network of open spaces throughout the neighborhood.

PL1-A-2. Adding to Public Life: Seek opportunities to foster human interaction through an increase in the size and quality of project-related open space available for public life.

The Board discussed the plaza along Stone Way North, and recommended it be increased in size to foster human interaction.

PL2 Walkability: Create a safe and comfortable walking environment that is easy to navigate and well-connected to existing pedestrian walkways and features.

PL2-B Safety and Security

PL2-B-2. Lighting for Safety: Provide lighting at sufficient lumen intensities and scales, including pathway illumination, pedestrian and entry lighting, and/or security lights.

PL2-B-3. Street-Level Transparency: Ensure transparency of street-level uses (for uses such as nonresidential uses or residential lobbies), where appropriate, by keeping views open into spaces behind walls or plantings, at corners, or along narrow passageways.

PL2-C Weather Protection

PL2-C-1. Locations and Coverage: Overhead weather protection is encouraged and should be located at or near uses that generate pedestrian activity such as entries, retail uses, and transit stops.

PL2-C-2. Design Integration: Integrate weather protection, gutters and downspouts into the design of the structure as a whole, and ensure that it also relates well to neighboring buildings in design, coverage, or other features.

The Board discussed the safety and security of the street-level experience along Stone Way North, recommending the use of lighting and transparency. The Board also recommended the inclusion of overhead weather protection along Stone Way North, designed to relate to the design concept.

Wallingford Supplemental Guidance:

PL2-II Blank Walls

PL2-II-ii. Blank Wall Treatments: In situations where blank walls are necessary, encourage their enhancement with decorative patterns, murals or other treatment.

The Board expressed concern regarding blank walls at the north side of the project, and recommended further analysis of adjacent existing and future development. The Board recommended that any blank walls include design treatments of high quality elements and finishes to respond to the human scale and provide visual interest.

PL3 Street-Level Interaction: Encourage human interaction and activity at the street-level with clear connections to building entries and edges.

PL3-A Entries

PL3-A-1. Design Objectives: Design primary entries to be obvious, identifiable, and distinctive with clear lines of sight and lobbies visually connected to the street.

PL3-A-4. Ensemble of Elements: Design the entry as a collection of coordinated elements including the door(s), overhead features, ground surface, landscaping, lighting, and other features.

PL3-C Retail Edges

PL3-C-1. Porous Edge: Engage passersby with opportunities to interact visually with the building interior using glazing and transparency. Create multiple entries where possible and make a physical and visual connection between people on the sidewalk and retail activities in the building.

PL3-C-2. Visibility: Maximize visibility into the building interior and merchandise displays. Consider fully operational glazed wall-sized doors that can be completely opened to the street, increased height in lobbies, and/or special lighting for displays.

PL3-C-3. Ancillary Activities: Allow space for activities such as sidewalk vending, seating, and restaurant dining to occur. Consider setting structures back from the street or incorporating space in the project design into which retail uses can extend.

In the Board's discussion about the street-level experience, it recommended that entries be obvious and identifiable. The Board agreed the plaza along Stone Way North should include elements such as landscaping, lighting, and other features to reinforce the gracious entry space. Additionally, the Board recommended the retail space along Stone Way North be flexible as to offer the option of large and/or small spaces.

PL4 Active Transportation: Incorporate design features that facilitate active forms of transportation such as walking, bicycling, and use of transit.

PL4-B Planning Ahead for Bicyclists

PL4-B-1. Early Planning: Consider existing and future bicycle traffic to and through the site early in the process so that access and connections are integrated into the project along with other modes of travel.

The Board discussed the proximity of the site to public spaces such as the *Burke Gilman Trail*. The Board identified this proximity as an opportunity to provide access and connection for existing and future bicycle traffic; the Board recommended early planning.

DESIGN CONCEPT

DC1 Project Uses and Activities: Optimize the arrangement of uses and activities on site.

DC1-A Arrangement of Interior Uses

DC1-A-1. Visibility: Locate uses and services frequently used by the public in visible or prominent areas, such as at entries or along the street front.

DC1-B Vehicular Access and Circulation

DC1-B-1. Access Location and Design: Choose locations for vehicular access, service uses, and delivery areas that minimize conflict between vehicles and non-motorists wherever possible. Emphasize use of the sidewalk for pedestrians, and create safe and attractive conditions for pedestrians, bicyclists, and drivers.

The Board discussed the proposed uses along Stone Way North, retail, residential lobby, and live-work. The Board supported the inclusion of retail, and recommends against live-work units at ground level. Regarding the residential lobby, the Board recommended an increase in size.

The Board discussed the proposed location of the vehicular driveway, at the north end of the subject site. The Board recommended further consideration of relocating this driveway further south to avoid dividing the retail spaces and to provide a large flexible retail space.

DC2 Architectural Concept: Develop an architectural concept that will result in a unified and functional design that fits well on the site and within its surroundings.

DC2-A Massing

DC2-A-2. Reducing Perceived Mass: Use secondary architectural elements to reduce the perceived mass of larger projects.

DC2-B Architectural and Facade Composition

DC2-B-1. Façade Composition: Design all building facades—including alleys and visible roofs—considering the composition and architectural expression of the building as a whole. Ensure that all facades are attractive and well-proportioned.

DC2-B-2. Blank Walls: Avoid large blank walls along visible façades wherever possible. Where expanses of blank walls, retaining walls, or garage facades are unavoidable, include uses or design treatments at the street level that have human scale and are designed for pedestrians.

DC2-D Scale and Texture

DC2-D-1. Human Scale: Incorporate architectural features, elements, and details that are of human scale into the building facades, entries, retaining walls, courtyards, and exterior spaces in a manner that is consistent with the overall architectural concept

DC2-D-2. Texture: Design the character of the building, as expressed in the form, scale, and materials, to strive for a fine-grained scale, or “texture,” particularly at the street level and other areas where pedestrians predominate.

The Board discussed the proposed modulation of the structure, and recommended the use of architectural elements to further reduce the perceived mass. The Board recommended that all facades be attractive and well-proportioned. The Board expressed some concern regarding blank walls at the northwest side of the project, and recommended that any blank walls include design treatments of high quality elements and finishes to respond to human scale and visual interest.

The Board discussed at length the street-level experience along Stone Way North, and recommended the incorporation of architectural features, elements and details of human scale into the building façade, plaza, and courtyard. The texture at the street-level façade should be of a fine-grained scale.

DC3 Open Space Concept: Integrate open space design with the building design so that they complement each other.

DC3-C Design

DC3-C-1. Reinforce Existing Open Space: Where a strong open space concept exists in the neighborhood, reinforce existing character and patterns of street tree planting, buffers or treatment of topographic changes. Where no strong patterns exist, initiate a strong open space concept that other projects can build upon in the future.

The Board discussed the existing street trees on Stone Way North agreeing that they should be preserved. These trees enhance the pedestrian street-level experience. The Board noted, however, that if a tree needed to be removed to accommodate a different driveway location near the south end of the site, they would be supportive.

DC4 Exterior Elements and Finishes: Use appropriate and high quality elements and finishes for the building and its open spaces.

DC4-B Signage

DC4-B-1. Scale and Character: Add interest to the streetscape with exterior signs and attachments that are appropriate in scale and character to the project and its environs.

DC4-C Lighting

DC4-C-1. Functions: Use lighting both to increase site safety in all locations used by pedestrians and to highlight architectural or landscape details and features such as entries, signs, canopies, plantings, and art.

DC4-D Trees, Landscape, and Hardscape Materials

DC4-D-1. Choice of Plant Materials: Reinforce the overall architectural and open space design concepts through the selection of landscape materials.

FINAL RECOMMENDATION MEETING: January 26, 2015

DESIGN DEVELOPMENT

In response to the Early Design Guidance (EDG), the applicant described how the design concept for the preferred scheme had been further developed. The applicant specifically addressed the streetscape along Stone Way North, the central plaza at the residential lobby, and the response to development to the west.

The central plaza on Stone Way North contained site furnishings, landscape planters, and a variety in paving patterns and textures. Canopies, bicycle racks, and lighting were proposed along the streetscape. To avoid large blank walls on the west façade, the proposal was revised to include setbacks and glazing.

PUBLIC COMMENT SUMMARY

The following comments were expressed at the Recommendation meeting:

- Encouraged larger canopies along Stone Way North;
- Encouraged revising the lighting on the east façade to reduce heat. Suggested ground lighting.
- Encouraged additional roll up doors for the non-residential uses along Stone Way North.
- Encouraged a sight triangle or other visual or audible alter at the garage door to promote pedestrian safety.
- Encouraged a garage door that is detailed and interesting.
- Encouraged the use of compost, solar panels or other sustainable-minded features.

RECOMMENDATIONS (JANUARY 26, 2015)

- 1. Public Life and Streetscape.** The Board supported the location of the central courtyard along Stone Way North. The Board was concerned that the size of the courtyard was too small, and would not allow space for activities such as sidewalk vending, seating, and restaurant dining to occur.
 - a. The Board recommended a condition to expand the courtyard to encourage human interaction, provide opportunity for retail spill-out from the building, and allow for adequate circulation within the space (PL1-A, PL3-C).
 - b. The Board agreed the location of the bicycle racks at the north and south retail entrances along Stone Way North and the location of the vehicular driveway at the south portion of the site were critical aspects of the approved design. The Board encouraged the project to keep the aluminum mesh garage door as proposed and a reduction of the width of the driveway if possible. (DC1-B, PL4-B)
 - c. Lighting along Stone Way North was proposed to include wall sconces. The Board agreed the lighting should be revised to include baffles or other type of indirect light to absorb excess light and reduce glare. The Board conditioned the project to revise the lighting. (PL2-B, PL3-A, PL3-C, DC4-C)
 - d. Overhead weather protection was proposed along Stone Way North in a variety of colors including gold, beige, and brown. The Board supported the location and colors of the canopies, and conditioned the project to increase the size of the canopies to provide seven-foot depth of coverage adjacent to the building. In those locations where a seven-foot deep canopy is not feasible due to an interference with the existing tree canopies, the Board supported a reduced canopy size. (PL2-C, PL3-A)
 - e. The Board agreed that the use of stained paving, overhead sectional doors, seating benches, tables, and chairs within the central courtyard were critical aspects of the approved design. In order to increase the usability of the plaza, and allow space for activities such as vending, seating, and retail spill-out to occur, the Board recommended a condition to further refine the plaza. The plaza should be large enough to accommodate outdoor seating, retail spill-out, and circulation. (PL1-A, PL3-C, DC1-B)
- 2. Architectural Concept.**
 - a. The Board supported the materials and colors proposed for the streetscape along Stone Way North, including horizontal wood siding, ledge stone panels, and a color pallet of beige, brown, grey, and white. The Board agreed these materials reflect a high level of detail and quality, and they would support a change in materials. (CS3-I, DC2-D, DC4-D)

- b. The rooftop contains opportunity for food production and passive and active space. The Board supported the location and materials of the trellis, including glulam with polycarbonate panels. The Board would support a potential removal of the trellis (CS2-I)
- c. The green screens proposed along the north and south property line were supported by the Board. The Board conditioned the project to provide green screens that are of a high quality and durable material so as to be aesthetically pleasing with or without vegetation. (DC4-D)
- d. The spandrel glass element on the east façade was supported by the Board. The Board agreed the 30-inch window design as proposed was a critical aspect of the approved design. (DC2-B)
- e. The Board recommended a condition to add additional finish, frame, or element to the stone panels to provide a secondary scale along Stone Way North. (CS3-I)
- f. The Board agreed the modulation and addition of windows on the west façade, and the pattern along the south elevation to avoid blank walls were critical aspects of the approved design (DC2-B).
- g. The Board supported the conceptual wall mural proposed on the south elevation, and encouraged the inclusion of the mural (CS3-I, DC2-B).

DEVELOPMENT STANDARD DEPARTURES

The Board's recommendation on the requested departures are based on the departure's potential to help the project better meet these design guidelines priorities and achieve a better overall project design than could be achieved without the departure(s).

At the time of the Recommendation meeting, the following departures were requested:

1. **Street Level Development Standards, floor to floor height (SMC 23.47A.008.B.3):**
The Code requires a floor-to-floor height of 13-feet for non-residential uses at street level. The applicant proposes 12-feet, 3-inches. The extent of the reduced floor-to-floor height is a linear distance of 43-feet, approximately 15% of the street facing façade. The departure request is in response to the topography of the site.

At the Recommendation meeting, the Board unanimously recommended that DPD grant the departure. The Board indicated that the reduction in floor-to-ceiling height at this retail space will remain an acceptable height, maintain human scale and provide an enhanced pedestrian experience. (PL3-C, DC2-B, DC3-D, DC4-A)

BOARD RECOMMENDATION

The recommendation summarized above was based on the design review packet dated Monday, January 26, 2015, and the materials shown and verbally described by the applicant at the Monday, January 26, 2015 Design Recommendation meeting. After considering the site and context, hearing public comment, reconsidering the previously identified design priorities and reviewing the materials, the four Design Review Board members recommended APPROVAL of the subject design and departures with the following conditions.

1. Increase the size of the plaza/courtyard on Stone Way North at the residential lobby. Increase this area to provide room to accommodate outdoor seating, retail spill-out, and circulation. (PL1-A, PL3-C)

2. Increase the size of the canopies (overhead weather protection) along Stone Way North to a depth of at least seven-feet from the building face. In those locations where a seven-foot deep canopy is not feasible due to an interference with the existing tree canopies, a reduced canopy size is permitted. (PL2-C, PL3-A)
3. Revise the proposed sconce lighting on the east façade to include baffles or other type of indirect light to absorb excess light and reduce glare (PL2-B, PL3-A, PL3-C, DC4-C).
4. Provide green screens that are of a high quality and durable material so as to be aesthetically pleasing with or without vegetation (DC4-D).
5. Add additional finish, frame, or other element to the stone panels on the east façade to provide a secondary scale along Stone Way North (CS3-I).

DECISION – DESIGN REVIEW

Director’s Analysis

Four members of the Northeast Design Review Board were in attendance and provided recommendations (listed above) to the Director and identified elements of the Design Guidelines that are critical to the project’s overall success. The Director must provide additional analysis of the Board’s recommendations and then accept, deny or revise the Board’s recommendations (SMC 23.41.014.F.3). The Director agrees with and accepts the conditions recommended by the Board that further augment the selected Guidelines.

Following the Recommendation meeting, DPD staff worked with the applicant to update the submitted plans to include the recommendations of the Design Review Board. The Director of DPD has reviewed the decision and recommendations of the Design Review Board made by the four members present at the decision meeting and finds that they are consistent with the City of Seattle *Design Review Guidelines for Multifamily and Commercial Buildings*. The Director agrees with the Design Review Board’s conclusion that the proposed project and conditions imposed result in a design that best meets the intent of the Design Review Guidelines and accepts the recommendations noted by the Board. The Director is satisfied that all of the recommendations imposed by the Design Review Board have been met.

Director’s Decision

The design review process is prescribed in Section 23.41.014 of the Seattle Municipal Code. Subject to the above-proposed conditions, the design of the proposed project was found by the Design Review Board to adequately conform to the applicable Design Guidelines. The Director of DPD has reviewed the decision and recommendations of the Design Review Board made by the four members present at the decision meeting, provided additional review and finds that they are consistent with the City of Seattle *Design Review Guidelines for Multifamily and Commercial Buildings*. The Design Review Board agreed that the proposed design, along with the conditions listed, meets each of the Design Guideline Priorities as previously identified; therefore, the Director accepts the Design Review Board’s recommendations and **CONDITIONALLY APPROVES** the proposed design and the requested departures with the conditions summarized at the end of this Decision.

II. ANALYSIS – ADMINISTRATIVE CONDITIONAL USE

Seattle Municipal Code Section 23.47A.006.A.3. states that residential uses may be permitted in C2 zones as a conditional use subject to its relationship to major transportation systems and compatibility with surrounding areas. The Code contains the following criteria.

- 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.*
 - 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.*
 - 4) *Residential uses required to obtain a shoreline conditional use permit are not required to obtain an administrative conditional use permit.*
 - 5) *Additions to, and accessory structures on the same lot as, existing residential structures are permitted outright.*

The subject site is located on the west side of Stone Way North between North 38th and 36th Streets. Stone Way North at this location is classified a minor arterial. The site is not located in an area with direct access to major transportation systems such as freeways, state routes, or freight rail lines. The site is located approximately one mile west of Interstate-5, and four blocks east of State Highway 99.

The 3400 and 3500 blocks of Stone Way North, south of the project site, are zoned Industrial Commercial with a 45-foot height limit (IC 45). The mix of businesses in this area include a paint and decorating supply, book center, café, pub, and offices and warehouses, and exercise places for yoga, running, etc. The addition of residences would likely complement most of these businesses. The emission of odors from the business would be negligible. The Seattle Public Utilities (SPU) North Recycling and Disposal Station, located two blocks south and one blocks east of the subject site, may produce odor; however, SPU plans to redevelop the site with a new, more modern facility. The facility enables the transfer of recycling and other solid waste to other facilities. The subject site is not 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.

The nonresidential uses in the vicinity of the subject property (office, retail, restaurant, and light industrial) are all permitted in the Neighborhood Commercial Three (NC3) zoning district. None of the nonresidential uses would be considered a major source of odor or noise. Few sources of potential nuisances in the vicinity exist to impact the proposed residential use. Predominant uses are multiple-family, retail/restaurant, and office. The residential use is not required to obtain a shoreline conditional use permit; therefore an administrative conditional use permit is required. The subject site does not contain existing residential structures.

DECISION – ADMINISTRATIVE CONDITIONAL USE PERMIT

The proposed administrative conditional use permit is **GRANTED**.

III. ANALYSIS - SEPA

Environmental review resulting in a Threshold Determination is required pursuant to the Seattle State Environmental Policy Act (SEPA), Washington Administrative Code (WAC) 197-11, and the Seattle SEPA Ordinance (SMC 25.05).

The initial disclosure of the potential impacts from this project was made in the environmental checklist submitted by the applicant. The Department of Planning and Development (DPD) has analyzed and annotated the environmental checklist submitted by the project applicant, reviewed the project plans, any additional information in the file, and considered any pertinent comments which may have been received regarding this proposed action. As indicated in the checklist, this action may result in adverse impacts to the environment; however, due to their temporary nature or limited effects, the impacts are not expected to be significant.

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, and certain neighborhood plans and other policies explicitly referenced, may serve as the basis for exercising substantive SEPA authority. The *SEPA 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 (SMC 25.05.665). Under such limitations, mitigation may be considered; a detailed discussion of some of the impacts is appropriate.

Codes and development regulations applicable to this proposed project that will provide mitigation for short and/or long term impacts may include the *Stormwater Code* (SMC 22.800-808), the *Grading Code* (SMC 22.170), the *Street Use Ordinance* (SMC Title 15), the *Seattle Building Code*, and the *Noise Control Ordinance* (SMC 25.08). Puget Sound Clean Air Agency regulations require control of fugitive dust to protect air quality. Additional discussion of short- and long-term impacts, and conditions to sufficiently mitigate impacts where necessary, is found below.

Public Comment

The SEPA public comment period ended June 18, 2014. Comments were received in response to the design review aspects of the proposal.

Short-Term Impacts

Temporary or construction-related impacts are anticipated to result in some adverse impacts. Examples of impacts may include temporary soil erosion, decreased air quality due to increased dust and other suspended air particulates during excavation, filling and transport of materials to

and from the site, increased noise and/or vibration from construction operations and equipment, increased traffic and parking demand from construction personnel traveling to and from the work site, consumption of renewable and non-renewable resources, and/or an increase in carbon dioxide and other greenhouse gas emissions which adversely impact air quality and contribute to climate change and global warming. Compliance with applicable codes and ordinances will reduce or eliminate most adverse short-term impacts to the environment.

Air Quality/Greenhouse Gas Emissions

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. SEPA conditioning is not warranted to mitigate air quality impacts pursuant to *SEPA Policy* (SMC 25.05.675.A.).

Noise

Noise associated with construction of the mixed use building could adversely affect surrounding uses in the area, which include residential and commercial uses. Surrounding uses are likely to be adversely impacted by noise throughout the duration of construction activities. Due to the proximity of the project site to residential uses, the limitations of the Noise Ordinance are found to be inadequate to mitigate the potential noise impacts. Pursuant to *SEPA Overview Policy* (SMC 25.05.665) and *SEPA Construction Impacts Policy* 23.05.675.B, mitigation is warranted. Prior to issuance of demolition, grading and building permits, the applicant shall submit a construction noise mitigation plan. This plan shall include steps to (1) limit noise duration, and (2) procedures for advanced notice to surrounding properties. The plan will be subject to review and approval by DPD.

Parking and Traffic

During construction a temporary increase in traffic volumes to the site is expected due to travel to the site by construction workers and the transport of construction materials. Furthermore, additional parking demand from construction vehicles is expected to further exacerbate the supply of on-street parking. It is the City's policy to minimize temporary adverse impacts associated with construction activities. The Street Use Ordinance contains regulation that mitigate dust, mud, and circulation. Any temporary closure of the sidewalk and/or traffic lane(s) is regulated with a street use permit through the City of Seattle Department of Transportation (SDOT).

Parking utilization along streets in the vicinity is near capacity and the demand for parking by construction workers during construction could reduce the supply of parking in the vicinity. Due to the large scale of the project, this demand could be adverse. Pursuant to *SEPA Policy* SMC 25.05.675.B.2.g., in order to minimize adverse impacts, the applicant shall provide a construction worker parking plan to reduce on-street parking.

Approximately 18,000 cubic yards of soil are expected to be excavated from the project site. The soil removed for the garage structure will not be reused on site, requiring disposal off site. Excavation and fill activity will require approximately 1,800 round trips with 10-yard hauling trucks or 900 round trips with 20-yard hauling trucks. Considering the large volume of truck trips anticipated during construction, it is reasonable that truck traffic avoid the afternoon peak hours. Large (greater than two-axle) trucks will be prohibited from entering or existing the site after

3:30PM – 7:00PM. Compliance with the Street Use Ordinance is expected to mitigate any additional adverse impacts to traffic which would be generated during construction of this proposal.

Environmental Health

The subject site was previously occupied by a paint retailer. The SEPA Checklist indicates that investigations on site have revealed no contaminate soils, and in the event that contaminated material is identified, the handling and disposal of the material will be conducted in accordance with site-specific health and safety plan (HASP) prepared in accordance with the Model Toxic Control Act (WAC 173-340) and the Code of Federal Regulations (CFR 1910.120). Pursuant to the *SEPA Overview Policy* SMC 25.665.E. such a condition is contained herein.

Long-Term Impacts

Long term or use-related impacts are also anticipated as a result of this proposal. Examples of such impacts may include an increased surface water runoff due to greater site coverage by impervious surfaces, increased traffic in the area, an increase in carbon dioxide and other greenhouse gas emissions which adversely impact air quality and contribute to climate change and global warming, and increased demand for public services and utilities. Compliance with applicable codes and ordinances will reduce or eliminate most adverse long-term impacts to the environment; however, height, bulk and scale, historic preservation, and parking and traffic warrant further analysis.

Air Quality/Greenhouse Gas Emissions

Operational activities, primarily vehicular trips associated with the projects' 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. 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. SEPA conditioning is not warranted to mitigate air quality impacts pursuant to *SEPA Policy* SMC 25.05.675.A.

Height, Bulk & Scale

The project went through a Design Review process which addressed the issue of height, bulk and scale; see the above *Design Review Analysis* for details of the process and design changes. "The Citywide Design Guidelines (and any Council-approved, neighborhood Design Guidelines) are intended to mitigate the same adverse height, bulk and scale impacts addressed in these policies. A project that is approved pursuant to the Design Review process is presumed to comply with the height, bulk and scale policies. This presumption may be rebutted only by clear and convincing evidence that height, bulk and scale impacts documented through environmental review have not been adequately mitigated. Any additional mitigation imposed by the decision maker pursuant to these height, bulk and scale policies that have undergone design review shall comply with the design guidelines applicable to the project" (SMC 25.05.675.G). No further SEPA mitigation is warranted.

Historic Preservation

The subject site contains two existing commercial structures, both more than 50 years old. The Department of Planning and Development (DPD) referred the proposal to the Department of Neighborhoods (DON) for review per SMC 25.05.675.H.2.c. Based on the review of the referral, DON has determined that it is unlikely that either of the subject buildings would meet the

standards for designation as an individual landmark (LPB 350/14). No mitigation is warranted pursuant to *SEPA Policy SMC 25.05.675.H*.

Parking and Traffic

The Traffic Impact Analysis (Gibson Traffic Consultants, June 2014) estimates that the project will generate 746 average daily trips, 527 trips related to the apartments and 219 trips related to the commercial spaces. With the removal of existing uses on site, it is estimated that the total average daily trips for the site will be reduced by 27 daily trips, with 17 new AM peak-hour trips and negative 12 new PM peak-hour trips.

While on-site vehicular parking is not required due to the site's location within the Fremont Hub Urban Village, 119 spaces are provided. For general retail and eating/drinking establishments, the land use code allows a parking waiver for the first 5,000 square feet of general sales and service and for the first 2,500 square feet of restaurants. Although the code would likely not require any parking depending on the split of commercial uses; the parking demand for similar commercial uses would be approximately 14 to 22 parking spaces. As residential parking peaks after 9:00 PM and before 6:00 AM and retail/restaurant parking peaks after 10:00 AM and before 9:00 PM, the ability to share the residential parking spaces with the commercial uses during the day would allow an efficient use of the available parking.

Based on the Traffic Impact Analysis (Gibson Traffic Consultants, June 2014), the project is expected to generate spillover parking demand for about 28 vehicles. The peak demand is expected to occur in the late evening/overnight hours. The on-street parking utilization study conducted by the traffic consultant indicated that current evening parking utilization within 800-feet of the project site is 66 percent; a demand of 253 vehicles in 386 spaces. The increase in on-street demand expected from the project will increase this to approximately 73 percent, or 281 vehicles in 386 spaces. Three projects in the general vicinity of the subject site are also expected to add to on-street evening/overnight parking demand. These projects are located at 3642 and 3635 Woodland Park Avenue North and 3651 Overlake Avenue North. Together, these projects will increase on-street parking demand by 63 vehicles. Each of the projects is approximately 800-1,000-feet from the subject site (measured along block fronts). Therefore, not all spillover parking will occur within the parking study area for the subject project. Approximately one-third of the spillover parking from each of these nearby projects is expected to park within the study area, increasing the on-street parking demand by roughly 21 vehicles. The cumulative impact is expected to be 302 vehicles, for a utilization rate of 78 percent.

The DPD Transportation Planner reviewed the information and has determined that while these impacts are adverse, they are not expected to be significant. Furthermore, no SEPA authority is provided for mitigation of the impact of development on parking availability for residential uses at this location within the Fremont Hub Urban Village. Additionally, no SEPA authority is provided for mitigation of the impact of development on parking availability for nonresidential uses when on-street parking is not at capacity. No mitigation for parking is available or warranted pursuant to *SEPA Policy SMC 25.05.675.M*.

Summary

In conclusion, several adverse impacts to the environment are anticipated to result from the proposal, which are anticipated to be non-significant. The conditions imposed below are intended to mitigate construction impacts identified in the foregoing analysis, or to control impacts not regulated by codes or ordinances, per adopted City policies.

DECISION - STATE ENVIRONMENTAL POLICY ACT (SEPA)

This decision was made after review by the responsible official on behalf of the lead agency of a completed environmental checklist and other information on file with the responsible department. This constitutes the Threshold Determination and form. The intent of this declaration is to satisfy the requirement of the State Environmental Policy Act (Revised Code of Washington (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 Environmental Impact Statement (EIS) is not required under RCW 43.21.030(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).

The lead agency for this proposal has determined that it does not have a probable significant adverse impact on the environment. An environmental impact statement (EIS) is not required under RCW 43.21C.030 (2)(c). This decision was made after review of a completed environmental checklist and other information on file with the lead agency. This information is available to the public on request.

This DNS is issued after using the *Optional DNS Process* in WAC 197-11-355 and *Early Review DNS Process* in SMC 25.05.355. There is no further comment period on the DNS.

DESIGN REVIEW - CONDITIONS OF APPROVAL

Prior to Certificate of Occupancy

1. The Land Use Planner shall inspect materials, colors, and design of the constructed project. All items shall be constructed and finished as shown at the design recommendation meeting and the subsequently updated Master Use Plan set. Any change to the proposed design, materials, or colors shall require prior approval by the Land Use Planner.
2. The applicant shall provide a landscape certificate from Director's Rule 10-2011, indicating that all vegetation has been installed per approved landscape plans. Any change to the landscape plans approved with this Master Use Permit shall be approved by the Land Use Planner.

For the Life of the Project

3. The building and landscape design shall be substantially consistent with the materials represented at the Recommendation meeting and in the materials submitted after the Recommendation meeting, before the MUP issuance. Any change to the proposed design, including materials or colors, shall require prior approval by the Land Use Planner.

SEPA - CONDITIONS OF APPROVAL

Prior to Issuance of a Building Permit

4. The applicant shall submit a construction worker parking plan with the intent to reduce on-street parking.

5. The applicant shall submit a construction noise mitigation plan. This plan shall include steps to: (1) limit noise decibel levels and duration, and (2) procedures for advanced notice to surrounding properties.

During Demolition, Excavation or Construction

6. The plan will be subject to review and approval by DPD. In the event that contaminated material is identified, the handling and disposal of the material shall be conducted in accordance with the Model Toxic Control Act (WAC 173-340) and the Code of Federal Regulations (CFR 1910.120).
7. Large (greater than two-axle) trucks will be prohibited from entering or existing the site 3:30PM – 7:00PM.

ADMINISTRATIVE CONDITIONAL USE – CONDITIONS OF APPROVAL

None.

Signature: retagonzales-cunneutabby for _____ Date: April 13, 2015
Carly Guillory
Land Use Planner
Department of Planning and Development

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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.