



City of Seattle

Gregory J. Nickels, Mayor
Department of Planning and Development
Diane M. Sugimura, Director

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

Application Number: 2305334
Applicant Name: Ed Linardic for Bert Wicklund
Address of Proposal: 9600 Stone Avenue North

SUMMARY OF PROPOSED ACTION

Master use permit to establish use for future construction of a six-story building with 30 dwelling units and 2,000 square feet of ground floor commercial. Parking for 36 vehicles will be provided at and below grade. Single family residence to be demolished under separate permit.

The following approvals are required:

- Administrative Conditional Use** - Chapter 23.47
- SEPA - Environmental Determination** - Chapter 25.05, SMC
- Design Review** - Chapter 23.41, SMC

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

BACKGROUND DATA

Site & Vicinity Description

The subject site is located mid-block on Stone Avenue N. between N. 95th Street and N. 97th Street at 9600 Stone Avenue N. Stone Avenue N. is parallel to Aurora Avenue N. two blocks to the east. The site is located in a Commercial 2 zone with a 65 foot height limit (C2-40) in the Aurora-Licton Springs Urban Village.

The site is developed with a single family house. Abutting property to the north is owned by the same owner and is proposed to be combined with the site to the south according to the application. Surrounding property to the north, south and west is zoned C2 with a 65 foot height limit and is developed with one to three story office, warehouse and general commercial uses. Property to the east is zoned Lowrise 3 and developed with apartments. The commercial area along Stone Avenue is a characterized by a mixture of un-remarkable buildings, and under developed property consisting mostly of office and warehouse uses. The City of Seattle City Light North Service Center is located one block north and Oaktree Village Shopping Center is several blocks north.

An un-improved alley abuts the site on the east and will require a four foot dedication from the applicant as well as grading and pavement. Stone Avenue is improved with curb, gutter, sidewalk and roadway but no street trees. The topography of the site descends from the street towards the alley approximately 10-12 feet.

Project Description

The subject site is a portion of a larger site owned by the same entity. A related project is under review to adjust the lot lines (LBA #2500288). It was determined by the applicant that additional units are required to make the project feasible; therefore the subject site area has increased and additional units added to project as compared to the original public notice. The following table provides a comparison between the original application and the current application;

	Current	Original	Change
Subject site area in Square Feet	8,588	5,700	2,888
Number of Units	30	20	10
Quantity of retail	2,090	1,666	424
Quantity of off-street parking	36	23	13

The project consists of one contiguous retail floor plate at the ground level and a residential lobby and entry on the north side of the building. An upper parking level behind the retail and lobby will provide parking for 13 vehicles and be accessed from the north side of the building via an easement. Another level of parking partially below grade, accessed from the alley will provide parking for 23 vehicles. The residential entry will include an eight foot wide canopy denoting the entry and providing overhead weather projection. The retail entry will not include a canopy, but will be recessed to provide for a sense of entry and limited overhead weather protection.

Residential open space will be provided on a common roof top deck and on private residential balconies.

The building finish materials as presented consist of a brick base, horizontal hardiplank in the middle and hardipanel on the top and on the protruding bays.

Public Comment

Public notice was provided for an Early Design Guidance (EDG) Design Review meeting that was held by the Design Review Board on April 12, 2004. No members of the public attended the meeting.

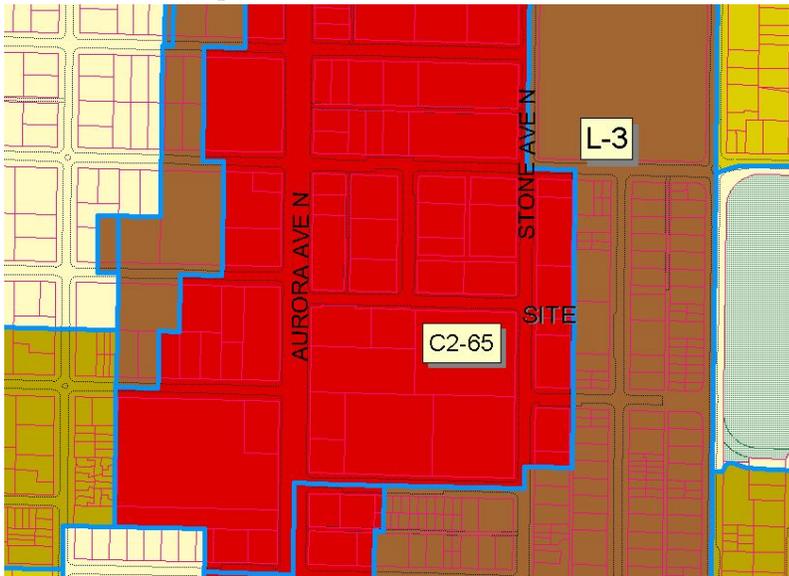
Further notice and public comment opportunity was provided as required with the Master Use Permit application. Four written comments were received during the original Master Use Permit comment period that ended on September 8, 2004. Comments were related to alley improvements and lack of parking. The project was re-noticed to account for the increased site area and size of the project. No written comments were received during the second comment period which ended on November 23, 2005.

Public notice was provided for a Recommendation Design Review meeting that was held by the Design Review Board on November 14, 2005. Three members of the public attended the recommendation meeting, but no comments were made.

ANALYSIS - ADMINISTRATIVE CONDITIONAL USE

The proposal is to construct a mixed-use structure which includes 30 residential units in a C2 zone. Establishment of residential uses in C2 zones requires approval of an administrative conditional use permit pursuant to the criteria identified at SMC Section 23.47.006.B.5. The applicable criteria are as follows:

- (1) *Availability of suitable land for C2 activities. Residential uses shall generally be discouraged in areas which have limited vacant land and where, due to terrain and large parcel size, land is particularly suitable for commercial rather than residential development.*



The subject site is located two blocks east of Aurora Avenue, in a large commercial node which is sited along the Aurora Avenue corridor and varies in width as it traverses the city. The C2 zoning established on the east side of Stone Avenue North is present from NE 94th Street to NE 97th Street a relatively short distance within the Aurora corridor and it represents a wider portion of the commercial zoning along the corridor (see map). Property on the east side of Stone Avenue located south of NE 94th Street and north of NE 97th

street is zoned Lowrise 3. The commercial area is generally underdeveloped with respect to zoning envelopes and the development activity in this area has not kept pace with development activity in the rest of the city. Many of the parcels in the vicinity have relatively small buildings with large expanses of surface parking.

The site is also located within the Auroura-Licton Springs Residential Urban Village. The residential urban village goal is to “*promote the development of residential urban villages, which function primarily as compact residential neighborhoods providing opportunities for a wide range of housing types and a mix of activities that support the residential population. Support densities in residential urban villages that support transit use*” (UVG28 Seattle’s Comprehensive Plan, Urban Village Element). The Aurora Licton Springs neighborhood plan generally encourages pedestrian friendly mixed use developments and does not specifically address availability of suitable lands for C2 activities. The proposal meets these goals.

The parcel size is not large or particularly suitable for commercial rather than residential development. The terrain of the site is not ideal for commercial development in that the front half of the site is about 9 feet higher than the back half of the site; therefore, there is not a large amount of flat terrain.

The design of the project is sensitive to the less intense Lowrise 3 zoning to the east in that the mass of the building is setback from the alley property line. This is possible because of the flexibility of residential floor plates. In this case, a residential use is more compatible with the Lowrise 3 property to the east in that a non-residential use would inherently desire a larger floor plate that maximizes the zoning envelope.

There seems to be ample availability of land suitable for C2 activities, and the subject site is not best suited solely for C2 activities.

- (2) *Relationship to transportation systems. Residential uses shall generally be discouraged in areas with direct access to major transportation systems such as freeways, state routes and freight rail lines.*

The project site is located two blocks from Aurora Avenue North which is a state route, but does not have direct access on Aurora Avenue North. The roadway widths of the streets between the site and Aurora Avenue North are narrower than the desirable roadway width for streets in C2 zones according to the Seattle Department of Transportation (SDOT). The SDOT Street Improvement Manual indicates roadway widths for new non-arterial streets in C2 zones to be 40 feet wide and the existing roadways, Stone Avenue and NE 97th Street, are between 34 and 36 feet wide.

- (3) *Compatibility with surrounding areas. Explain how the residential use is compatible with the surrounding area.*

Surrounding property to the north, south and west is also zoned C2-65, but property to the east is zoned Lowrise 3. A residential use is compatible with the L-3 zone and apartments to the east. While nearby warehousing and office uses exist, the project site is not in close proximity to major industrial uses or other nonresidential uses that might create a nuisance or adversely affect the desirability of the area for living purposes.

Two additional criteria for approval of all conditional use applications in commercial zones, stated at SMC Section 23.47.006.A.1 and 2 are as follow:

1. *The use shall not be materially detrimental to the public welfare or injurious to property in the zone or vicinity in which the property is located.*

The proposed residential use would not be materially detrimental to the public welfare or injurious to property in the zone or vicinity.

2. *In authorizing a conditional use, adverse impacts may be mitigated by imposing any conditions needed to protect other properties in the zone or vicinity and to protect the public interest. The Director shall deny or recommend denial of a conditional use if it is determined that adverse impacts cannot be mitigated satisfactorily.*

No adverse uses requiring mitigation pursuant to the conditional use authority have been identified. Design Review authority, as part of this Master Use Permit approval is sufficient to address potential adverse bulk and aesthetic impacts.

Conclusion

Application of the conditional use criteria to the subject site leads to the conclusion that residential uses should be permitted. The area is suited for a mix of residential and commercial uses. It is not ideally suited to commercial and industrial uses in a way that residential uses should be disallowed.

DECISION – ADMINISTRATIVE CONDITIONAL USE

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

ANALYSIS - DESIGN REVIEW

Early Design Guidance

PRIORITIES:

The Design Review Board members provided the siting and design guidance described below after visiting the site, considering the analysis of the site and context provided by the proponents and hearing public comment. The Design Guidelines of highest priority to this project are identified by letter and number below. The Design Review program and City-wide Guidelines are described in more detail in the City of Seattle’s “Design Review: Guidelines for Multifamily and Commercial Buildings”.

A. Site Planning

A-1 Responding to Site Characteristics

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

The Board asked that views to Mt. Rainier be created by providing windows on the south wall of the structure.

A-3 Entrances Visible from the Street

Entries should be clearly identifiable and visible from the street.

Separate commercial and residential entries must be clearly identifiable and visible from the street. The Board requested that the entries not be combined.

A-5 Respect for Adjacent Sites

Buildings should respect adjacent properties by being located on their sites to minimize disruption of the privacy and outdoor activities of residents in adjacent buildings.

An apartment building is located to the east across the alley. The proposed building design should address the transition in zoning and respect the adjacent property. One method suggested by the Board is to push the mass of the proposed building towards Stone Avenue North or step the building back from the alley.

A-7 Residential Open Space

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

Describe where and how the open space will be provided. The architect should present a well designed open space plan at the next meeting.

A-8 Parking and Vehicle Access

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

A-9 Location of Parking on Commercial Street Fronts

Parking on commercial street fronts should be minimized and where possible should be located behind a building.

The Board asked the architect to explore an option to widen the area of development to include enough land from the parcel to the north so that all vehicular access could be provided on one level and accessed from the alley. The additional land would make a double loaded parking garage viable eliminating the need for two levels of access, and eliminating a curbcut on Stone Avenue. This option would also provide more opportunity for commercial activity at the street front.

B-1 Height, Bulk and Scale Compatibility.

Projects should be compatible with the scale of development anticipated by the applicable Land Use Policies for the surrounding area and should be sited and designed to provide a sensitive transition to near-by, less-intensive zones. Projects on zone edges should be developed in a manner that creates a step in perceived height, bulk and scale between the anticipated development potential of the adjacent zones.

The proposed building is allowed a maximum height of 65 feet, and it would be the tallest in the neighborhood. The structure would tower over the surrounding structures. The Board asked the Architect to minimize the impacts of the height by softening the mass on the upper floors and pushing the mass towards Stone Avenue N. Creating a wider more squatty building would respond to the site characteristics and minimize the perception of height.

C-2 Architectural Concept and Consistency.

Building design elements, details and massing should create a well-proportioned and unified building form and exhibit an overall architectural concept.

By reducing the building heights and stepping it back from the alley, the structure will not seem so imposing. The architectural context in this neighborhood is eclectic, so it is important that the building establish a good example for the neighborhood.

C-3 Human Scale

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

C-4 Exterior Finish materials.

Building exteriors should be constructed of durable and maintainable materials that are attractive even when viewed up close. Materials that have texture, pattern, or lend themselves to a high quality of detailing are encouraged.

To minimize the perception of height, use features, elements, details and finish materials to achieve good human scale and decrease the verticality. Provide examples of potential finish materials at the next meeting.

D. Pedestrian Environment

D-2 Blank Walls

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

Explore opportunities to provide windows on the north and south elevations and avoid large blank walls.

D-6 Screening of Dumpsters, Utilities and Service Areas.

Building sites should locate service elements like trash dumpsters, loading docks and mechanical equipment away from the street front where possible. When elements such as dumpsters, utility meters, mechanical units and service areas cannot be located away from the street front, they should be situated and screened from view and should not be located in the pedestrian right-of-way.

These service areas need to be fully screened and inside the parking garage in order that they are not obtrusive to the residents of the apartment across the alley.

D-7 Personal Safety and Security

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

Provide appropriate site lighting to create a safe environment for residents. Create spaces that enhance safety and security.

E. Landscaping

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

Landscaping, including living plant material, special pavements, trellises, screen walls, planters, site furniture and similar features should be appropriately incorporated into the design to enhance the project.

Utilize landscaping elements to address blank walls, screen service areas and minimize the impacts of vehicular access.

Design Review Board Final Recommendations

The applicant applied for the MUP (Master Use Permit) on August 5, 2004. After initial DPD design, zoning and SEPA review, the Design Review Board was reconvened on November 14, 2005 to review the project design and provide recommendations. The four Design Review Board members present considered the site and context, the previously identified design guideline priorities, and reviewed the drawings presented by the applicant. **The Board unanimously recommended conditional approval.**

The Board focused their comments on the massing, landscaping, residential open spaces and the façade expression and details.

The Board appreciated that the mass of the building was shifted towards Stone Avenue North; the use of lightly colored hardipanel on the top floor; windows on the north and south facades and continuation of the base brick material to the north façade.

The Board was concerned about how the proposed design for east façade at the parking levels would be perceived by the residential neighbors. The design includes a 3-4 foot wide planting bed along the alley to screen the lower level parking wall and container plants on the plinth of the garage to screen the upper level parking wall. The Board emphasized that the proposed plant material on these elevations should be of sufficient height to screen the view of the parking levels when the plants mature.

The Board was concerned about the blank walls on the north and south elevations considering the building is the tallest building in the neighborhood and will be highly visible. The Board

appreciated that the design included windows on these facades but recognized a missed opportunity to provide more windows and recommended that more should be added. The Board did not recommend the size of window or the exact location but emphasized there should be at least one more window on each residential floor on the north and south façades.

Departure from Development Standards

The applicant requested no departures from the Land Use Code.

Recommended Conditions

1. The Board recommended that the design include at least one additional window on each residential floor on the north and south facades. (D-2 Blank Walls)

Director's Analysis

The Design Review Board's recommendation does not conflict with applicable regulatory requirements and law, is within the authority of the Board and is consistent with the design review guidelines.

DECISION - DESIGN REVIEW

The proposed design with departures is **CONDITIONALLY APPROVED**.

CONDITIONS

Design Review conditions are listed at the end of this report.

ANALYSIS - SEPA

The initial disclosure of the potential impacts from this project was made in the environmental checklist submitted by the applicant dated August 5, 2004 and annotated by the Department. The information in the checklist, supplemental information provided by the applicant, project plans, and the experience of the lead agency with review of similar projects form the basis for this analysis and decision.

The SEPA Overview Policy (SMC 23.05.665) discusses the relationship between the City's code/policies and environmental review. 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 limitation". The Overview Policy in SMC 23.05.665 D1-7, states that in limited circumstances it may be appropriate to deny or mitigate a project based on adverse environmental impacts.

The policies for specific elements of the environment (SMC 25.05.675) describe the relationship with the Overview Policy and indicate when the Overview Policy is applicable. Not all elements of the environment are subject to the Overview Policy (e.g., Traffic and Transportation, Plants and Animals and Shadows on Open Spaces). A detailed discussion of some of the specific elements of the environment and potential impacts is appropriate.

Short-term Impacts

The following temporary or construction-related impacts are expected; decreased air quality due to suspended particulates from demolition and building activities and hydrocarbon emissions from construction vehicles and equipment; increased dust caused by drying mud tracked onto streets during construction activities; increased traffic and demand for parking from construction equipment and personnel; increased noise; and consumption of renewable and non-renewable resources.

Several adopted codes and/or ordinances provide mitigation for some of the identified impacts. The Stormwater, Grading and Drainage Control Code regulates site excavation for foundation purposes and requires that soil erosion control techniques be initiated for the duration of construction. Puget Sound Clean Air Agency (PSCAA) regulations require control of fugitive dust to protect air quality. The Building Code provides for construction measures in general. Finally, the Noise Ordinance regulates the time and amount of construction noise that is permitted in the City.

Most short-term impacts are expected to be minor. Compliance with the above applicable codes and ordinances will reduce or eliminate most adverse short-term impacts to the environment. However, impacts associated with air quality and noise warrant further discussion.

Air Quality

The Puget Sound Clean Air Agency (PSCAA) regulations require control of fugitive dust to protect air quality and will require permits for removal of asbestos or other hazardous substances during demolition. The applicant will likely perform an environmental site assessment to identify all hazardous materials requiring abatement, and is required to obtain permits from PSCAA to ensure proper handling and disposal these materials. The permit standards and regulations administered by PSCAA will sufficiently mitigate any adverse impacts to air quality; therefore no further mitigation is recommended pursuant to SEPA 25.05.675A.

Noise

The project is expected to generate loud noise during demolition, grading and construction. These impacts would be especially adverse in the early morning, in the evening, and on weekends. The surrounding properties to the east are developed with multifamily residential and will be impacted by construction noise. Pursuant to SEPA authority, the applicant shall be required to limit periods of construction to between the hours of 7:30 a.m. and 6:00 p.m. during non-holiday weekdays. This condition may be modified by DPD to allow work of an emergency

nature or allow low noise interior work after the exterior of the structure is enclosed. This condition may also be modified to permit low noise exterior work (e.g., installation of landscaping) after approval from DPD.

Long-term Impacts

Long-term or use-related impacts are also anticipated as a result of approval of this proposal including: increased bulk and scale on the site; increased traffic in the area and increased demand for parking; increased demand for public services and utilities; and increased light and glare.

Several adopted City codes and/or ordinances provide mitigation for some of the identified impacts. Specifically these are: the Stormwater, Grading and Drainage Control Code which requires on site detention of stormwater with provisions for controlled tightline release to an approved outlet and may require additional design elements to prevent isolated flooding; the City Energy Code which will require insulation for outside walls and energy efficient windows; and the Land Use Code which controls site coverage, setbacks, building height and use and contains other development and use regulations to assure compatible development. Compliance with these applicable codes and ordinances is adequate to achieve sufficient mitigation of most long term long term impacts, although some impacts warrant further discussion.

Height, Bulk and Scale

The SEPA Height, Bulk and Scale Policy (Section 25.06.675.G., SMC) states that *“the height, bulk and scale of development projects should be reasonably compatible with the general character of development anticipated by the goals and policies set forth in Section B of the land use element of the Seattle Comprehensive Plan regarding Land Use Categories, ...and to provide for a reasonable transition between areas of less intensive zoning and more intensive zoning.”* The surrounding property to the west, north and south is zoned C2-65 and potential development is expected to be similar to the proposed project. Property to the east, across the alley, is zoned Lowrise 3 and is topographically lower in elevation than the subject site. To provide a sufficient transition, the building is designed with a 25 foot setback on the upper floors (21 feet to 65 feet) from the alley property line. The lower floors of the building related to the parking garage will be closer to the L-3 zone, but will be screened by landscaping to soften the appearance of blank wall and height, bulk and scale.

In addition, the SEPA Height, Bulk and Scale Policy states that *“(a) project that is approved pursuant to the Design Review Process shall be presumed to comply with these 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.”*

The proposal was reviewed and approved through the Design Review process and conforms to the Citywide Design Guidelines. The project will include modulation; design details, colors and finish materials that will contribute towards mitigating the perception of height, bulk and scale in

that these elements will break down the overall scale of the building. No further mitigation of height, bulk and scale impacts is warranted pursuant to SEPA policy (SMC 25.06.675.G.).

Parking

The proposed project will provide a total 36 off-street parking spaces and the Land Use Code requires 36 parking spaces for the proposed 30 dwelling units. The 2090 square foot commercial space requires no off-street parking pursuant to the Land Use Code.

Based on Parking Generation manual published by Institute of Transportation Engineers (ITE), 3rd Edition, 2004 it is estimated that the average peak parking demand during the weekday would be 1.37 vehicles per dwelling unit based on ITE data for high-rise apartment (222). This results in a peak parking demand of 41 vehicles which would likely take place in the evening when residents are home from work. This estimate predicts that the project would generate 5 spillover parking spaces which might utilize street parking.

The parking demand for the commercial space is more difficult to estimate in that the specific use of the space and success of the business has not been determined. However, if the commercial use was only open during the daytime, then its likely there would be no spillover parking generated from the commercial use because the residential spaces could be utilized when residents are not home through a shared parking agreement. Likewise, when the adjacent businesses are closed then residents could use the abutting surface parking lot in the evening decreasing or eliminating the spillover parking. The adjacent surface parking lot is owned by the same entity so it seems a shared parking agreement would be feasible. Therefore, no SEPA conditioning is warranted for parking impacts.

Other Impacts

The other impacts such as but not limited to, increased traffic; increased ambient noise, and increased demand on public services and utilities are mitigated by codes and are not sufficiently adverse to warrant further mitigation by condition.

DECISION - SEPA

This decision was made after review by the responsible official on behalf of the lead agency of a completed environmental checklist and other information on file with the responsible department. This constitutes the Threshold Determination and form. The intent of this declaration is to satisfy the requirements of the State Environmental Policy Act (RCW 43.21C), including the requirement to inform the public agency decisions pursuant to SEPA.

- [X] Determination of Non-Significance. This proposal has been determined to not have a significant adverse impact upon the environment. An EIS is not required under RCW 43.21C.030 2C.

- [] Determination of Significance. This proposal has or may have a significant adverse impact upon the environment. An EIS is required under RCW 43.21C.030 2C.

CONDITIONS - DESIGN REVIEW

Prior to Issuance of Master Use Permit

Revise the MUP drawings to show the following:

1. At least one additional window on each residential floor on the north and south facades. (D-2 Blank Walls)

Prior to the Final Certificate of Occupancy

2. Install the windows described in numbers 1 above.

NON-APPEALABLE CONDITIONS - DESIGN REVIEW

Prior to Issuance of the Master Use Permit and Building Permit Issuance

3. The owner or responsible party shall embed into the updated MUP plans the 11x 17 inch version of the November 14, 2005 colored presentation drawings and embed these into the building permit set.

During construction

4. All changes to approved plans with respect to the exterior façade of the building and landscaping on site and in the right of way must be reviewed by a Land Use Planner prior to proceeding with any proposed changes.

Prior to Issuance of Certificate of Occupancy

5. Compliance with the approved design features and elements, including exterior materials, roof pitches, façade colors, landscaping and right of way improvements, shall be verified by the DPD Land Use Planner assigned to this project (Jess Harris- 206-684-7744) or by a Land Use Planner Supervisor (Jerry Suder- 206-386-4069). Inspection appointments must be made at least 3 working days in advance of the inspection.

CONDITIONS SEPA

During Construction

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

6. The hours of construction activity shall be limited to non-holiday weekdays between the hours of 7:30 AM and 6:00 PM. This condition may be modified by DPD to allow work of an emergency nature or allow low noise interior work after the exterior of the structure is enclosed. This condition may also be modified to permit low noise exterior work (e.g., installation of landscaping) after approval from DPD.

Signature: (signature on file)
Jess E. Harris, AICP, Senior Land Use Planner
Department of Planning and Development

Date: March 2, 2006

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