



City of Seattle

Gregory J. Nickels, 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: 2400627
Applicant Name: Brian Regan
Address of Proposal: 600 North 36th Street

SUMMARY OF PROPOSED ACTION

Master Use Permit to establish use for future construction of a 4-story building containing 2,600 sq. ft. of retail on ground floor, 23,840 sq. ft. of custom and craft work and administrative offices on floors 2-4 and 1 residential unit. Parking for 29 vehicles to be provided in two levels at and below grade.

The following approvals are required:

SEPA - Environmental Determination - Chapter 25.05, Seattle Municipal Code (SMC)

Design Review, Chapter 23.41, Seattle Municipal Code (SMC) Development Standard

Departures from the Land Use Code are requested as follows:

1. Parking Space Requirements (SMC 23.54.030B2)
2. Driveways (SMC 23.54.030D2a(2))
3. Curbcuts (SMC 23.54.030F1d)

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 and Vicinity Description

The 9,508 square foot subject site is located at the northeast corner of Evanston Avenue North and North 36th Street at 600 North 36th Street. Fremont Place North forks into North 36th Street at this location creating an angled intersection. The site is located in the commercial core of the Fremont neighborhood across the street from the Lenin statue. The site is zoned Neighborhood Commercial 3 with a 40 foot height limit and is currently used as a principal use parking lot.



Surrounding property to the east is zoned NC3-40 and developed with a principal use parking lot and a 4-story mixed use building. Property to the west, across Evanston Avenue North is zoned Commercial 1 with a 40 foot height limit and developed with a cemetery and mortuary services. Property to the north is zoned NC3-40 and developed with a 2-story duplex. Property to the south is zoned NC2-40 with a pedestrian (P2) overlay and developed with a commercial building. See the map for further detail on zoning in the area.

North 36th Street is improved with curb, gutter, sidewalk, street trees and provides limited on-street parking. Evanston Avenue North is improved with curb, gutter, sidewalk, street trees and provides on-street parking.

The topography of the site ascends away from the street towards the back corner with a rise of about 8 feet. The site is predominately asphalt but some vegetation and small trees exist at the perimeter of the site.

Project Description

The proposal is to construct a 4-story building containing 2,600 square feet of ground level retail and 23,840 square feet of custom and craft work and administrative offices and one residential unit. The building will include 90 tenant spaces and will be marketed to sole proprietors and artists. Each floor will include bathrooms with showers and about 31 tenant spaces. The top floor will have 28 tenant spaces and one residential unit. At least one floor of tenant spaces will be designated as custom and craft work use and be marketed to artists. Parking for 29 vehicles is to be accessed from Evanston Avenue North near the north portion of the site. One parking garage will be located below grade and provide parking for 16 vehicles. Another parking garage will be located above grade and provide parking for 13 vehicles. The commercial and residential pedestrian entry will be located on North 36th Street near the eastern edge of the property. The retail entries will be located on both streets and at the corner. The corner entry is to feature roll up doors flanking the entry.

A separate project to install a traffic signal on North 36th Street at Evanston Avenue North is being funded by Seattle Department of Transportation along with many other improvements in Fremont, for more information go to the following link: <http://www.seattle.gov/transportation/fremontcirculation.htm>

In connection with the installation of the traffic signal, a large curb bulb at the intersection will be created which will be landscaped and improved with artwork. Mr. Regan, the developer for this site, The Fremont Arts Council, the Fremont Community and SDOT are working together to provide a large art sculpture at this location.

SDOT recently refined the intersection design so that left turns from North 36th Street will be able to access Evanston Avenue N. in addition to permitting right turns from Evanston Avenue North onto North 36th Street.

Public Comment

Public notice was provided for the Early Design Guidance (EDG) Design Review meetings that were held by the Design Review Board on May 3, 2004, August 2, 2004 and January 10, 2005.

The May 3, 2004 EDG meeting was attended by about ten members of the public. Generally, they encouraged more retail opportunities along North 36th Street, but felt Evanston Avenue North should be more residential in character because of the residential uses uphill from this site. They requested some setback between the proposed and the building to the north. Increased traffic on Evanston Avenue North was of particular concern because the street improvements would direct more traffic on Evanston especially if there was no access to the site from North 36th Street. Evanston Avenue North is developed to residential standards and does not provide two-way travel lanes; the roadway can only accommodate one vehicle at a time. They asked that private views from neighboring residential to the east be considered in the design. It was acknowledged that this is a prominent location in Fremont that should include storefronts that meet the street, include some whimsical design element or be unique by using color or other details. The applicant was encouraged to reference the traffic circulation and parking studies prepared for the area in that this is a critical issue in Fremont. They asked that the garbage and service areas be screened from neighboring properties and specifically referenced the importance of design guidelines A-7, A-10 and D-6. Comments were also received after the meeting which re-iterated the traffic concerns on Evanston Avenue North and also stated opposition to having any vehicular access on Evanston. They asked that the developer explore opportunities to provide access via the alley through an easement with the neighboring property.

The August 2, 2004 EDG meeting was attended by 4 members of the public. Most comments were design related; however, there was a question about whether Mr. Regan was truly pursuing negotiations with the neighboring property owner to provide vehicular access from the alley. Mr. Regan indicated that he would try to contact the property owner again about this matter. There were mixed comments on the access issue in that having all the access on Evanston helped to have continuous retail on North 36th; although, it placed all the traffic impact on Evanston. One commenter felt a more simple design was appropriate and did not like the whimsical designs. He felt that it was better to do simple things

well instead of trying to do a lot and not doing it so well. He emphasized the importance of retail and pedestrian environment on North 36th.

The January 10, 2005 meeting was attended by 5 members of the public. A member of the public questioned how the curb bulb would be improved and whether it was public property. The developer answered that it was public property. The attendees liked the awnings along the retail frontage, that the east elevation was plain so people and traffic would not be attracted to travel north up the alley, the different uses of materials, the setback on the north elevation and the lowered height on the southeast portion of the building. The property owner of the abutting property to the east stated that they intended to develop a small retail building to continue the retail on N. 36th Street.

Further notice and public comment opportunity was provided as required with the Master Use Permit application. Three written comments were received during the Master Use Permit comment period that ended on April 20, 2005. Concerns expressed in the comment letters included; height of the structure, width of the parking access and blockage of views.

Public notice was provided for a Recommendation Design Review meeting that was held by the Design Review Board on June 20, 2005. Four members of the public attended the recommendation meeting. Two members of the Fremont Arts Council spoke about the proposed art sculpture, the Art Monster. The concept is to create a sculpture that represents a wave of creative energy breaking out of the ground. The project is to be about 27 feet tall resting on a 9 foot by 11 foot base. Another member of the public spoke about the importance of parking and loading for artists, the retail streetscape and asked that the metal siding be finished aluminum not raw/galvanized.

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".

All design guidelines listed in the "Design Review: Guidelines for Multifamily and Commercial Buildings" and the Green Lake Neighborhood Design Guidelines apply to the project; only the guidelines with highest priority to this project are listed.

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.

A-2 Streetscape Compatibility

The siting of buildings should acknowledge and reinforce the existing desirable spatial characteristics of the right-of-way.

A-4 Human Activity

New development should be sited and designed to encourage human activity on the street.

The site is located at a prominent intersection in Fremont and is surrounded by an active streetscape. The architect must provide the Board with additional neighborhood context and what opportunities this site presents and how these opportunities will be reflected in the design at the next meeting.

The architect must pay special attention to the streetscape, particularly along North 36th Street, and must create a good project identity from the street.

2nd EDG

The Board wants to see the street level elevations further developed and see how the retail floor plates meets the sidewalk. Provide a more developed landscape plan with proposed sidewalk widths, plant species and paving materials indicated on the plan. The Board does not want the retail below the sidewalk level on North 36th Street. The Board supports moving all the vehicular access to Evanston Avenue North so that retail and pedestrian opportunities are maximized on North 36th Street. The project would better meet the priorities for the streetscape if there was no interruption of the façade on North 36th Street.

A-3 Entrances Visible from the Street

Entries should be clearly identifiable and visible from the street.

The project proposes residential, retail and office entries. A description of where and how many entries are to be provided must be described at the next meeting. The Board expects the entries to be clearly identifiable and visible from the street. At the next meeting, the architect needs to show how this will be achieved.

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.

The Board acknowledged that the site immediately to the north is also zoned Neighborhood Commercial 3 with a 40 foot height limit; however, the existing duplex is setback from the street and is of a smaller scale as compared to the proposed project. The Board wants the architect

to explore design options that minimize the differences in scale between the two sites perhaps through modulation or stepping the building back from the property line. These studies should be brought to the next meeting.

A-10 Corner Lots

Buildings on corner lots should be oriented to the corner and public street fronts.

Parking and automobile access should be located away from corners.

The applicant described a potential street improvement scheme that is proposed by Seattle Transportation, which includes a traffic light, re-configured turn lanes and a large bulb at the corner of North 36th Street and Evanston Avenue North. There will be a curb bulb at the corner pursuant to discussions the Land Use Planner had with the SDOT Planner. The bulb dimensions have not been determined but some bulbing will be required for this concept. The architect needs to show how the building will meet this corner bulb and how it responds to this unique opportunity.

2nd EDG

The Board did not feel that the design responded successfully to the prominent corner. They asked that the corner element be an essential part of the building and that it create a focal point for the project. The design should develop an element that creates a strong expression and defines the corner. The Board indicated that simplifying the design might help make the corner treatment stronger and more of a focal point.

3rd EDG

The Board was pleased with the design progression and thought the design responded to the guidance with respect to the corner. The Board expects to see further refinements that will strengthen the corner expression even more. Suggestions included, providing larger windows at the corner, increasing the height or perceived height at the corner, and simplifying the other elevations in an effort to make the corner expression stronger. The Board liked how the proposed retail entry and roll up garage doors will engage the sidewalk and strengthen the corner at street level.

B. Height, Bulk and Scale

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.

At the next meeting the Board needs to see, and the architect must present massing studies and potential modulation that create a sensitive transition in scale between the subject property and property to the north.

3rd EDG

The Board was pleased with the design progression. The Board thought the mass and scale of the design was appropriate for the context. They want to ensure that the scale of the building stays the same as shown and that further refinements occur to breakup the scale. They liked how the building was eroded at the corners and lower at the southeast edge in deference to the residential unit to the east (on upper floor of the adjacent building)

C. Architectural Elements and Materials

C-1 Architectural Context

New buildings proposed for existing neighborhoods with a well-defined and desirable character should be compatible with or complement the architectural character and siting pattern of neighboring buildings.

Provide a more detailed context of the Fremont neighborhood by presenting photographs and architectural characteristics found in the neighborhood.

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.

The Building should be designed to somehow express the particular retail, office and residential function inside.

2nd EDG

The Board did not see how the design expressed the particular functions or programs of the building. There was discussion about how the change in materials should occur in a manner that expressed a change in function. More depth needs to be provided where a change in material occurs so that the materials do not look like they are “papered on”. The design needs to be simplified in that there are too many material types and styles proposed. The design style needs to be consistent. Bold colors are appropriate if they are used in a manner to define certain elements or features. The Board was concerned that the use of bold colors might be too pervasive and needs to be more focused on certain features. For instance, highlighting the awning with colors but not the entire building would be more appropriate. The materials and the colors are competing so to resolve that the design needs to be simplified so there are not so many competing elements. The Board was careful to indicate that they do not prefer a bland building, but one that is simpler and represents a more consistent style. At the next meeting the

Board wants to see the entire building elevation colored with materials indicated, a lighting plan to show how the exterior of the building will be lit and how it will appear when lit.

3rd EDG

The Board wants to ensure that the base, middle and top of the building continues to be expressed as the design progresses. The architect presented a design rationale for the existing pattern of windows and explained that the window heights functioned well with the use as an office since desks fit under the windows. The Board was satisfied with this response, but one member wanted the architect to explore a design solution, such as window detailing to express the 2-story vertical expression in the middle of the building. Others on the Board thought the simple design of the middle part of the building was more appropriate. The architect should be prepared to discuss this further at the next meeting.

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.

The Board feels there is more traditional architecture in Fremont and suggested brick as a principal finish material. Providing more neighborhood context at the next meeting will help inform the Board of a prevalent style and material in Fremont

2nd EDG

The Board acknowledged an eclectic style in Fremont. The Board felt the use of timber and river rock did not complement the other materials or relate to the function of the building. The proposed design has metal panels and hardiplank materials that are supported on a heavy timber rock base but they do not appear complementary. The Board suggested the use of other materials like concrete or stone instead of the river rock. Also, the heavy timber arcade on the ground floor in front of the retail storefront could make it difficult to see what's happening in the retail space. The Board suggested using a more traditional clear glass canopy supported by a cable or rod bolted to the structure instead of using the heavy timbers in front of the retail storefront.

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.

C-5 Structured Parking Entrances

The presence and appearance of garage entrances should be minimized so that they do not dominate the street frontage of a building.

The applicant identified a potential development departure which consisted of a garage entrance wider than allowed by the Land Use Code. In light of that, it is particularly important that the presence and appearance of the garage entrances be minimized.

2nd EDG

The Board will not support a departure which allows the barrier free van space outside of the garage structure. The Board thought that the 14 foot wide space needed for the van space would dominate the street frontage on Evanston and asked that the barrier free space be moved to be within the parking garage. Additionally, the Board wants the existing curbcuts and driveways to be minimized. They asked that the driveways be narrowed as much as possible as long as the driveways are safe and function efficiently. They suggested that a traffic engineering consultant be used to explore the circulation issues.

D. Pedestrian Environment

D-1 Pedestrian Open Spaces and Entrances

Convenient and attractive access to the building's entry should be provided. To ensure comfort and security, paths and entry areas should be sufficiently lighted and entry areas should be protected from the weather. Opportunities for creating lively, pedestrian-oriented open space should be considered.

The Board expressed concern about providing exterior decks on the building edge in that the abutting property when developed would turn these spaces into uncomfortable and dark spaces.

3rd EDG

The Board wants to see a lighting plan to show how the exterior of the building will be lit and how it will appear when lit. The Board wants to see how signage will identify the retail and uses for the building. The architect must prepare graphics to depict the lighting and signage concepts.

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.

The Board would like to see an artistic response to decrease the appearance of blank walls in that Fremont is a very artistic community.

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.

Trash receptacles must be screened and designed to decrease impacts from noise, odor and sight from adjacent neighboring properties.

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.

The architect needs to explore opportunities with SDOT to provide special features in the bulb area that will enhance the building and create a nice space for pedestrians. A well designed lighting plan must be provided.

3rd EDG

The Board wants to see more detailed landscape drawings depicting the right of way landscaping and the residential open space. The entire sidewalk length needs to be shown at future meetings not just the bulb area.

The applicant applied for the MUP (Master Use Permit) on February 17, 2005. After initial DPD zoning, design and SEPA review, the Design Review Board was reconvened on June 20, 2005 to review the project design and provide recommendations. The three 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 recommended conditional approval.**

The Board appreciated the design progression of the project and felt the design has evolved well since the last meeting.

The Board discussed the departure request to allow more than 51% of the non-residential façade below grade. The Board liked that the entrance to the middle retail space met the sidewalk grade at the corner as compared to the code compliant design. The code compliant design would require that the middle retail entrance be above sidewalk grade, and the flanking retail entrances be below grade as compared to the proposed design with the middle retail entrance at sidewalk grade and the flanking retail spaces farther below sidewalk grade. The Board acknowledged that this scenario assumed a flat slab, but it was thought that a flab slab provides more flexibility for leasing in that the retail could be used by one large tenant or split up into three. The Board recommended approval of this departure with no conditions in that the design responded better to the site characteristics (A-1), addressed the corner better (A-10) and would result in a better transition from the sidewalk to the retail resulting in more activity (A-4). DPD determined that the technique used to measure whether 51 % of the non-

residential facade was at or above grade was incorrect and subsequently determined that the proposed design is code compliant with this standard.

The Board thought that providing vehicular access from Evanston Avenue N. was preferred over having access from North 36th Street in that a strong commercial presence along North 36th Street was more important considering the context. In light of that, the Board approved the departure to allow a two-way curbcut to be only 12 feet wide on Evanston Avenue North. The Board also approved a departure to allow two curbcuts, one accessing the upper parking and another accessing the lower parking, to abut instead of providing the 30 foot separation required by the Code. The Board noted that the proposed ramps to the parking garages were straight and the openings narrow. A typical two-way commercial curbcut may be 25 feet wide whereas these two are a combined 24 feet wide. The applicant indicated a willingness to provide mirrors or sound alerts to address any safety concerns with respect to the driveways. The Board recommended approval with no conditions in that the project would be able to provide more retail on North 36th Street (Human Activity A-4) and reduced the impact of vehicle driveway on North 36th Street (A-8 Parking and Vehicle Access).

The Board discussed the departure request to allow less large stalls than required by code. The applicant indicated that the retail spaces would have a reduced depth to allow for a wider aisle width and parking space length if more large spaces are to be provided. The Board generally agreed that providing more medium spaces and providing more quantity of parking was preferred over the code compliant option which would provide additional large spaces, but a reduced quantity of parking and slightly smaller depth of the retail spaces. The Board understood the challenge of providing parking for this site, and preferred the departure option as compared to a compliant project with less quantity of parking and smaller retail spaces. The Board recommended approval with no conditions in that the project would have a better opportunity to be successful with more parking and larger retail spaces resulting in more activity along the street edge (A-4 Human Activity).

The Board recommended the blank wall on the north and east sides should be more visually appealing and recommended the installation of a vigorous vine on those facades. The applicant indicated there was 3 inches of soil at these locations and the Board concurred that this dimension was sufficient for a plant material like Boston ivy.

The materials and colors presented included; a 6 inch smooth horizontal hardiplank with a light brown tone color (Colonial); vertical corrugated metal panels with a galvanized finish; vertical corrugated metal panel with a red tone; aluminum windows at the corner and vinyl widows elsewhere; exposed concrete; CMU; glass block; red tone metal roof; timber sunshades and canopy; and roll up doors flanking the middle retail space.

The Board was pleased with the massing and exterior materials proposed. They appreciated that the design shows the north and east corners eroded by slightly reducing the mass in deference to the adjacent sites.

Summary of Departures from Development Standards

<i>Requirement</i>	<i>Proposed</i>	<i>Board Action</i>
<p>SMC 23.54.030B2c Parking Space Requirements A minimum of 35% of spaces must be striped for large vehicles and a minimum of 35% of spaces must be striped for small vehicles. Required: 24 parking spaces total comprised of 8 large, 8 small and 8 medium.</p>	<p>29 parking spaces comprised of 27 medium stalls (93%) and 2 large stalls (7%)</p>	<p>The Board recommended approval with no conditions in that the project would have a better opportunity to be successful with more parking and larger retail spaces resulting in more activity along the street edge (A-4 Human Activity).</p>
<p>SMC 23.47.008B6 Non-residential façade above grade must provide a minimum of 51% (69 feet) of the non-residential use at or above grade.</p>	<p>28% (37.5 feet)</p>	<p>The Board recommended approval of this departure with no conditions in that the design responded better to the site characteristics (A-1), addressed the corner better (A-10) and would result in a better transition from the sidewalk to the retail resulting in more activity (A-4).</p>
<p>SMC 23.54.030D2a(2) The minimum width of driveways for two way traffic shall be 22 feet and the maximum width shall be 25 feet.</p>	<p>12 feet</p>	<p>The Board recommended approval with no conditions in that the project would be able to provide more retail on North 36th Street (Human Activity A-4) and reduced the impact of vehicle driveway on North 36th Street (A-8 Parking and Vehicle Access).</p>
<p>SMC 23.54.030F1d There shall be at least thirty feet between any two curbcuts located on a lot.</p>	<p>0</p>	<p>The Board recommended approval with no conditions in that the project would be able to provide more retail on North 36th Street (Human Activity A-4) and reduced the impact of vehicle driveway on North 36th Street (A-8 Parking and Vehicle Access).</p>

Board Recommendations

1. The installation of vigorous plants to address blank façade on the north and east facades in the 3 inch space proposed between the building and the property lines.

Director's Analysis

DPD determined that no departure was necessary to allow less than 51% of the non-residential façade above grade in that the proposed design is code compliant. The Director concurs with the Design Review Board's determination to approve the proposed design with the above conditions. 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 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 February 17, 2005 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, noise, construction traffic and parking warrant further discussion.

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 are developed with multifamily housing uses 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.

Construction Worker Parking

Parking utilization along streets in the vicinity is high and the demand for parking by construction workers during construction could reduce the supply of parking in the vicinity. Some workers will carpool or bus into work. However, the workers could utilize on-street parking and exacerbate the demand for parking in the immediate vicinity. This temporary demand on the on-street parking in the vicinity due to construction workers' vehicles may be adverse. In order to minimize adverse impacts, construction workers will be required to park in the garage as soon as it is constructed for the duration of construction and to make efforts to only utilize street parking on the streets abutting the site. The authority to impose this condition is found in Section 25.05.675B2g of the Seattle SEPA Ordinance.

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 proposed 4-story project will be located in a Neighborhood Commercial 3 with a 40 foot height limit (NC3-40). The subject site is surrounded by the same intensity zoning or greater except on the north side which is zoned Lowrise 3. The less intense Lowrise 3 zone is at a higher elevation than the subject site so perception of height, bulk and scale is expected to be less than if it was at the same elevation or higher.

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 adopted Land Use Polices...for the area in which they are located, and to provide for a reasonable transition between areas of less intensive zoning and more intensive zoning.”* 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. Design details, colors and finish materials 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.).

Traffic

The traffic impacts were examined in a Traffic Impact Analysis (TIA) and subsequent memoranda prepared by Heffron Transportation, Inc. dated July 16, 2004 and July 15, 2005. The TIA based trip rates on data published by the Institute of Transportation Engineers (ITE) in *Trip Generation* (7th Edition, 2003) for office, for the one dwelling unit and for the retail. The analysis estimated net trip generation from the proposed project as 274 vehicle trips per day, 39 AM peak hour vehicle trips and 36 PM peak hour vehicle trips.

The proposed project will provide 90 work spaces within a 20,000 square foot space which represents a more dense office environment. The TIA states that a typical office space has a density of 1 work space per 300 square feet as compared to this project with a density of 1 work space or unit per 222 square feet. To account for the high density of workers, employee trip rates in ITE's Trip Generation were used assuming that employment for the entire facility would average 1.5 employees per unit. This is conservative given the small size of the units and likelihood that many of them may be used by sole proprietors.

The ITE rates for person trips were adjusted to reflect the higher level of transit and non-automobile mode use expected in an urban neighborhood. The Heffron analysis estimated the trip distributions, applied the trip generations and estimated the future 2007 traffic conditions. A level of service analysis was conducted for the two intersections on either side of the proposed project on Evanston Avenue North, during both the AM and PM peak hours. Both intersections will remain unsignalized after the City's planned improvements in the Fremont area. The north 36th Street/Evanston Avenue North intersection would operate at LOS A during both peak times with or without the proposed project. The North 39th Street/Evanston Avenue North intersection would operate at LOS C during both peak times without or with the proposed project.

The proposed project will provide 9 covered bicycle spaces, and the office spaces will be marketed to persons who want to work close to home and not utilize automobiles to commute. The site is well served by transit with King County Metro bus routes 46 and 28 operating along streets adjacent to the site. Numerous other bus routes operate close by on Aurora Avenue North, Dexter Avenue North, and Leary Way NW.

Traffic generated by the proposed project is not expected to degrade any of the intersections in the area; therefore, no SEPA conditioning is necessary to mitigate for traffic impacts.

Parking

The parking impacts were examined in a Traffic Impact Analysis (TIA) and subsequent memoranda prepared by Heffron Transportation, Inc. dated July 16, 2004 and July 15, 2005. The proposed project will provide a total 29 off-street parking spaces and the Land Use Code requires 22 parking spaces. The TIA estimated future parking demand using Parking Generation manual published by Institute of Transportation Engineers (ITE). The peak parking demands for residential and non-residential occur at different times of the day according to a published study from the Urban Land Institute, *Shared Parking* (Urban Land Institute [ULI], 1983). The study found that peak parking demand for residential use is in the evening after residents return home from work whereas peak parking demand for non-residential is during the day. The estimates provided in the TIA account for this shared parking scenario. The TIA estimated that the peak parking demand of 33 spaces would occur in the late morning between 10 and 11 am. The proposed project's parking demand would slightly exceed the on-site supply (4 vehicles at the peak).

The Downtown Fremont Parking Study (Heffron Transportation, Inc., May 2001) was the last study to document off-street parking conditions in Fremont. That study as stated, "Utilization of off-street parking facilities averaged 62% for all types of off-street parking. Off-street spaces for general or

professional office use had an average utilization rate of 67%, and accounted for the vast majority of all off-street parking spaces. Off-street parking facilities available to the public had the lowest utilization rate. An average of 36% of the 120 public off-street parking spaces were utilized on the day data were collected.” Based on this information, there were an estimated 930 publicly available off-street parking spaces in Fremont.

The Seattle Department of Transportation (SDOT) recently performed a comprehensive study of on-street parking management needs in the core area of Fremont (Fremont Parking Study Technical Memorandum, Heffron Transportation, March 31, 2005). This study recommended eliminating almost all currently unrestricted parking in the core commercial area. In the near-term, signed parking restrictions (one-hour or two-hour limits) will be implemented in Fremont. In the long-term, on-street parking may be managed with pay stations. As part of a separate effort, the residential neighborhood located north of N 36th Street has petitioned the City of Seattle for a residential (restricted) parking zone (RPZ). This would eliminate all unrestricted parking north of N 36th Street, and limit it to two-hour parking for non-RPZ-permitted vehicles. Based on all of the proposed parking management measures coming to Fremont, no long-term parking will remain for tenants of the building. Therefore, the assumption that all parking overflow will be short-term parking is reasonable. In addition, the parking management proposals should increase parking availability for short-term customers by increasing parking turnover.

Based on the above information, the parking demand for this project is expected to be met predominantly on-site, but any spillover parking could be accommodated in publicly available pay lots. Additionally, because of the upcoming changes to on-street parking restrictions it is likely that there would be available spaces for short-term customers to this project; whereas, tenants (long-term users) would need to park in the building or in pay lots in the Fremont area.

Other Impacts

The other impacts such as but not limited to, 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.

- 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 document compliance with the following;

1. The installation of vigorous plants to address blank façade on the north and east facades in the 3 inch space proposed between the building and the property lines.

Prior to the Final Certificate of Occupancy

1. Install the features described in numbers 1.

NON-APPEALABLE CONDITIONS - DESIGN REVIEW

During construction

1. 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

2. 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- 386-4069). Inspection appointments must be made at least 3 working days in advance of the inspection.

CONDITIONS SEPA

Prior to Issuance of Master Use Permit

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

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.

1. The hours of construction activity shall be limited to non-holiday weekdays between the hours of 7:30 a.m. and 6:00 p.m. 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) Date: August 25, 2005
Jess E. Harris, AICP, Senior Land Use Planner

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