



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 Numbers: 3004100

Proponent Names: Peter David Greaves, AIA for TM New Home LLC

Address of Proposals: 2215 32nd Avenue West

SUMMARY OF PROPOSED ACTION

Land Use Application to approve 15 single-family structures with attached two car garages. Design Review done under Project No. 2403960.

This review contemplates a future unit lot subdivision.

The following approvals are required:

Design Review pursuant to Seattle Municipal Code (SMC) 23.41

Administrative Conditional Use – To allow single purpose residential use in a Neighborhood Commercial 2 (NC2) zone in a structure meeting mixed use development standards, pursuant to SMC 23.47.006.

SEPA - Environmental Determination pursuant to SMC 25.05

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

BACKGROUND & VICINITY INFORMATION:

The triangular shaped site is located in the Magnolia neighborhood. It is bordered on the north by West Lynn Street, on the east by 32nd Avenue West (a collector arterial) and on the southwest by Clise Place West (a secondary arterial). The site is known as the “Magnolia Parcel” which is part of the Carleton Park subdivision, originally platted in 1915. The topography for the site falls from the northwest corner of the site to the southeast corner of the site approximately 14’ (equivalent to a 5% slope).



The site is zoned NC2-40' (Neighborhood Commercial 2) with a base height limit of 40 feet— with five (5) feet of additional height permitted for pitched roofs and 15 feet of additional height for rooftop features, such as stair and elevator penthouses and mechanical equipment (SMC 23.47.012 G and H). Zoning on the adjacent properties directly north and east of the development site are zoned NC2-40'. The areas southwest and southeast are zoned SF-5000 (Single-Family Residential 5000).

Current commercial uses north of West Lynn Street and east of 32nd Avenue West reflect their zoning and contain structures of varying heights. The area southwest of Clise Place West contains single-family structures.

The site consists of six platted lots of varying sizes with an overall area of approximately 23,871.61 square feet. Potentially the development site would allow 20 dwelling units; however, the Applicant has presented a proposal for 15 dwelling units¹. No portion of the site is designated as an Environmentally Critical Area on City maps. The site is currently used as a surface parking lot.

According to King County Metro Transit Trip Planner, the site is within 0.1 mile of routes 19 and 31 and 0.2 mile of route 24².

Subdivision Restrictions

A restriction set forth on the face of the “Carlton Park” subdivision plat limits the uses that may be made of the “Magnolia Parcel” to “Nothing but a single detached residence shall be built on any one lot and when built shall be used for residence purposes only....³”. Based on this information DPD advised the applicant to apply for an Administrative Conditional Use Permit to allow a single purpose residential use in a Neighborhood Commercial 2 (NC2) zone.

Again, this review contemplates a future unit lot subdivision.

The Proposed Development

The Applicant proposes to redevelop a triangular shaped site with fifteen (15) ground related (single-family) structures with vehicle parking within each structure. Eight (8) structures would be located at the northern edge of the site (West Lynn Street); five (5) structures would be located at the east edge of the site (32nd Avenue West); and two (2) structures would be located on the southwest edge of the site (Clise Place West).



¹ The site area is 23,691 sq.ft. per King County Assessor's Data. A density limit of 1 unit per 1,200 applies to the site (SMC 23.47.009C.3.) 23,691 divided by 1,200 equals 19.74 rounded to 20 pursuant to SMC 23.86.002B.3.

² <http://tripplanner.metrokc.gov/cgi-bin/serv.pl>

³ JohnsMonroeMitsunaga, PPLC. Memorandum, November 26, 2001.

Proposed vehicular access is from 32nd Avenue West (one northeast entrance) and from Clise Place West (two entrances) in approximately the same location as the current access to the site but eliminating the southern access on 32nd Avenue West. All internal driveways and garages will be screened from view from West Lynn Street and 32nd Avenue West and somewhat screened from Clise Place West. All abutting rights-of-way will have some level of improvements to include one or more of the following: curbs & gutters, landscaping strips, sidewalks and on-street parking.

Public Review and Comment Periods

Three Design Review meetings were held on this proposal and included opportunities for the public to comment; an Early Design Guidance meeting was held on April 20, 2005, and two Recommendation meetings were held on October 6, 2005 and June 29, 2006. Public notice of the Land Use Master Use Permit (MUP) project application was published on February 2, 2006, and the comment period ended on February 15, 2006. DPD received five written comments on this proposal relating to increased traffic; parking and density (see additional comments below). The project file is available at the Public Resource Center located at 700 Fifth Ave, Suite 2000 (<http://www.seattle.gov/dpd/prc/>).

ANALYSIS — DESIGN REVIEW

Early Design Guidance Meeting – April 20, 2005

Architect's Presentation

At the Early Design Guidance Meeting, the architect for the applicant described the site and vicinity, referring to the information above, and articulated a desire to provide “single-family townhouses” reminiscent of housing found in northeastern urban cities and San Francisco. The northern and eastern structures are envisioned to be of a scale found in commercial development. The Applicant’s goals are to adhere to the development site’s restrictive covenants, to design structures that are considerate of the adjacent residential and commercial uses/zoning, provide residential housing to the neighborhood, and, where possible, to mitigate vehicle/pedestrian conflicts and traffic circulation.

The applicant presented three massing alternatives, shown as axonometric drawings that are available for review in the project file. The preferred alternative (Scheme 2), as noted above in the Project Description, limits vehicular access to the northern portion of 32nd Avenue West and to Clise Place West. Improvements to all three adjacent streets may include one or more of the following: pavement, curb and sidewalk installation, drainage, grading to future right-of-way grade, design of structures to accommodate future right-of-way grade, no-protest agreements, and planting of street trees and other landscaping.

Design review departures anticipated by DPD include departures for structure width and depth limits; setback requirements; modulation requirements; design, location and access to parking requirements; open space or common recreation area requirements; screening and landscaping requirements; and standards for the location and design of nonresidential uses in mixed use buildings. In Attachment A of DPD Client Assistance Memo #238, the applicant has identified only one potential departure relating to modulation requirements.

Public Comment

Approximately four members of the public attended the Early Design Guidance meeting on April 20, 2005. Comments from the meeting focused largely on the legal right of the applicant to consider developing the site with structures other than single-family residences, density, vehicle access and existing and proposed traffic volumes and circulation. Comments related to design review included the following:

- Vehicle/pedestrian conflicts with vehicle access on Clise Place West, with more cars impacting neighborhood traffic.
- Concern over the safety of streets/intersections.
- Limit availability of on-street parking.
- Privacy between the development site and adjacent residences.
- Too much density for a single-family neighborhood.
- Lighting and glare impacts on neighbors.
- Too much building mass along the street edges.
- Would like a generous amount of landscaping at the south and southwest portions of the site, which looks good year round and displays a mix of deciduous/coniferous trees.

Recommendation Meeting – June 29, 2006

Architect's Presentation

At the Recommendation meeting on June 29, 2006 Peter David Greaves, Architect, outlined revisions as requested by previous Board meeting, and presented additional data including a table of Design Departures and a colour and materials board. In response to the Board's comments Greaves noted the following:

1. The orientation and layout of the "B2" buildings has been changed;
2. all "A" buildings have been moved two feet back from the edge of sidewalk (property line) at West Lynn;
3. decks have been added to all buildings at the top floors (the model did not show this as yet);
4. the roof on the east building on West Lynn has been changed to a north/south gable roof; and
5. the "C" building has been changed to add parking and delete dumpster storage.

At this point, the Board offered the following Comments/Clarifying Guidance:

Maria Barrientos spoke at length about the nature of the project and the response to an emerging urban condition. She felt the project was a good model for Seattle. Barrientos stated she was disappointed by the graphics package and that Greaves' work was usually of a much higher caliber. She added that, perhaps the developer did not allow the team to produce the necessary additional materials and details. She was similarly disappointed by the landscape design and details. She felt the model saved the presentation.

Matt Roewe was supportive of the design. He had some comments concerning additional detailing that he hoped would be implemented as the design developed. Greaves assured him that the finished product would be well detailed and hold true to the urban form. Roewe asked that the curb bulbs on West Lynn be used to add some trees where possible and asked if the Board can take a position to encourage SDOT to allow this.

Christopher Kirk said he appreciated the changes made in response to the previous Board comments. He wondered if there was a way to add street trees at Clise Place. Greaves explained the comments from SDOT and SPU concerning the 42-inch storm sewer in line with the existing sidewalk. Kirk also expressed concern over the lack of open space for the residents, a concern shared by others on the Board. Greaves explained that this was an urban project, that the Zoning requirements were being met and that the buyer of this product would likely be someone who did not want the responsibility of a yard. Barrientos supported Greaves' comments.

Patrick Doherty also expressed support for the project as a positive addition to Magnolia. Doherty was concerned about the size of the decks (as requested in the Design Departures) and the lack of open space. Greaves responded that all of the decks exceeded minimum requirements in area, but that some were less than the 6-foot minimum depth. The open space response was addressed by the project by providing a variety of options to buyers. The B, B1 and B2 units had some private garden spaces. The A and A1 units had only deck spaces, one linear between buildings and one south facing on the upper floor. These buildings were more urban and would appeal to a different buyer. Nonetheless, Doherty felt the project would be better if the decks could all be 6 feet.

There was extended discussion regarding the added two-foot setback at the north face of the A units on West Lynn, a request made by the DRB at the last meeting. The discussion centered on the conflict between the desire for planting at this location and the desire of a door to the ground level space from the sidewalk. Both were requested by the Board, though they were at odds with each other. After all parties weighed in, the discussion was left unresolved. Greaves suggested that the users would create a variety of solutions in the end and that this was the real goal.

Bill Vandeventer expressed concern that there was no place for him to barbeque on this project. He was concerned that each building did not have a ground related open space. Greaves explained that the prospective buyer was, in all likelihood, someone who did not want to care for a yard. Greave added that there were some units that did have small gardens and that these might be bought by someone who did want to barbeque. Vandeventer also continued the discussion regarding the two-foot setback, again to no conclusion. Vandeventer also felt that the west face of the B2 buildings needed more fenestration. Greaves accepted that this could be accommodated.

Vandeventer asked that a Condition be added to the Approval to state that the west face of the B2 buildings receive more fenestration. Greaves accepted this Condition.

Project was accepted by the DRB, with the above condition.

Public Comment

No members of the public appeared for this meeting.

DESIGN GUIDANCE PRIORITIES:

After deliberation, The Design Review Board emphasized the following design guidelines as priorities to be considered in the evolution of the proposed design. The guidance described below, identified by letter and number, are siting and design guidelines found in the City of Seattle’s “*Design Review: Guidelines for Multifamily & Commercial Buildings*,” November 1998.

<u>Guideline Priorities, Board’s Comments/Guidance and Applicant’s Response</u>	
<u>A. Site Planning</u>	
<p><u>A-1 Responding to Site Characteristics</u>—<i>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.</i></p>	<p><u>The Board’s Comments/Guidance at Early Design Guidance:</u></p> <p>The Board looks forward to seeing further details on the Applicant’s preferred scenario as noted in the <u>Project Description</u> above. The Board felt that the Applicant had placed the driveway accesses in the most logical location.</p> <p>The Board felt that the Applicant should be prepared to present their definition of the street edges—on 32nd Avenue West, and particularly on West Lynn Street and Clise Place West. At next meeting, the applicant should be prepared to discuss how the project interacts with these streets (provide elevations that shows the development will not be an imposing wall along West Lynn Street and 32nd Avenue West). The applicant should also discuss the project from a safety perspective, considering all three streets.</p> <p><u>Response by the Architect</u></p> <p>A-1. The proposed development forms a deliberate building wall, with narrow gaps between units, to address the commercial activity to the north and the east.</p> <p>The proposed development responds to the west context, across Clise Place West, with a pair of single-family dwellings behind garden walls.</p>
<p><u>A-2 Streetscape Compatibility</u>—<i>The siting of buildings should acknowledge and reinforce the existing desirable spatial characteristics of the right-of-way.</i></p>	<p>A-2. The arrangement of the structures in the proposed development changes to address the difference in context of commercial activity to the north and the east.</p> <p>To the north, across West Lynn Street, the existing context is not organized and presents a somewhat ragged edge. The north wall of the proposal is tight to the sidewalk and holds the street edge. As this is the north side of the project, any green space would always be in shade. The regular rhythm the proposed building presents a balance counterpoint to the existing “soft” street edge across West Lynn Street. The space created between the individual residences allows sunlight to penetrate to the street. To the east, across 32nd Avenue West, the existing structure (Bartell’s) is</p>

<p>A-7 Residential Open Space— <i>Residential projects should be sited to maximize opportunities for creating usable, attractive, well-integrated open space.</i></p> <p>A-8 Parking and Vehicle Access— <i>Siting should minimize the impact of automobile parking and driveways on the pedestrian environment, adjacent properties and pedestrian safety.</i></p> <p>A-10 Corner Lots— <i>Structures on corner lots should be oriented to the corner and public street fronts. Parking and automobile access should be located away from corners.</i></p>	<p>The glass-fronted spaces at ground floor of the units facing 32nd Avenue West are set back from the sidewalk by a small garden. The garden will be differentiated from the sidewalk by an open fence, similar in scale and feel to a traditional wrought iron fence. The fence will have a gate allowing entry to the garden, or the stairs up to the unit, or both.</p> <p>The ground floor spaces of the units facing Clise Place West are set back from the sidewalk by a small garden. The garden will be differentiated from the sidewalk by a hedge or semi-open fence, similar in scale and feel to the existing properties to the west across Clise Place West. The fence will have a gate allowing entry to the garden, or the stairs up to the unit, or both.</p> <p>A-7. The units facing West Lynn Street will be built to the sidewalk line. These units are primarily glass facing south, to the interior of the site. The open space for these units will be provided by terrace(s) at one or more upper living levels. The units will share open space in the central courtyard with the other residents.</p> <p>The units facing 32nd Avenue West will be setback from the sidewalk line. A shallow garden mediates between the residence and the public. These units are primarily glass facing west, to the interior of the site. The open space for these units will be provided by the garden (approximately 150 s.f.) at the ground level. These units will also have a terrace(s) at the first living levels and potential terrace at the upper most level. The units will also share open space in the central courtyard with the other residents.</p> <p>The units facing Clise Place West will be set back from the sidewalk line. These units are primarily glass facing west, away from the interior of the site. The open spaces for these units will be provided by two or three small garden spaces at the ground floor, each space ranging from 200 to 300 s.f. The units can also share open space in the central courtyard with the other residents.</p> <p>A-8. Each unit will be built on top of a two-car garage at the ground floor. The garage access will be from the interior hard surface space.</p> <p>Access to the site for both vehicles and pedestrians will be through two curb cuts, at the north end of the site. One will be located at 32nd Avenue West, the other at Clise Place West. Both proposed curb cuts are at or near existing curb cuts. The proposed width of each curb cut will be approximately 16 feet.</p> <p>A-10. The corner of 32nd Avenue West and Clise Place West is a prominent access to the commercial district of Magnolia. As identified in The Magnolia Village Plan (Makers, April 2002) as a gateway location. The proposal will use specimen trees at the point, paired with existing mature trees across 32nd Avenue West to reinforce this gateway. The southern most residential unit on the site, labeled Unit B1 on the Site Plan, will form a backdrop for this landscape element. The south wall of the unit will be predominantly solid, to mitigate the privacy in this location and the impact of headlights shining into the unit.</p>
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	<p>The corner of West Lynn Street and Clise Place West is a similar prominent access to the commercial district of Magnolia. As identified in The Magnolia Village Plan (Makers, April 2002) as a gateway location. The proposal will use a specific unique building design, labeled Unit C on the site plan, to reinforce this gateway. The unit presents as a tower element at the corner. A specimen tree (or trees) will be planted at the point of the site as a part of the design.</p> <p>The corner of 32nd Avenue West and West Lynn Street forms a right angle. It is part of the fabric of the proposed residential development and the commercial district of Magnolia. The building will downplay this corner of the site. The response will be designed to give privacy to this unit and the street edge at this corner.</p>
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B. Height, Bulk and Scale

<p>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.</p>	<p><u>The Board’s Comments/Guidance at Early Design Guidance and the Recommendation Meetings:</u></p> <p>The Board generally agreed with the concept that structures should be sited to provide a better quality of light and air for each dwelling unit. Board members focused their concern on height, bulk and scale compatibility along Clise Place West. Additionally the Board encourages the Applicant to consider differing stairway entrances or other visual changes to help minimize potential massiveness and repetitiveness on West Lynn Street and 32nd Avenue West. At the next meeting, the applicant should bring streetscape elevations for West Lynn Street, 32nd Av W, and Clise Place West.</p> <p>The Board would like the Applicant to ‘gateway’ the southern corner of the site at the intersection of Clise Place West and 32nd Avenue West.</p> <p><u>Response by the Architect</u></p> <p>B-1. The site fronts the commercial district of Magnolia across West Lynn Street to the north and 32nd Avenue West to the east. The proposal is designed to hold both of these street edges with buildings as tall as allowed by the code.</p> <p>The north edge of the site faces the back side of existing one and two story commercial spaces. The opposite site, between West Lynn Street and W McGraw St, is also zoned NC2/40 and will likely be rebuilt to the maximum allowable height over time.</p> <p>The east edge the existing context faces the back side of existing one and two story commercial spaces. The opposite site, between West Lynn Street and W McGraw St, is also zoned NC2/40 and will likely be rebuilt to the maximum allowable height over time.</p>
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	<p>The corner of West Lynn Street and Clise Place West is a similar prominent access to the commercial district of Magnolia. As identified in The Magnolia Village Plan (Makers, April 2002) as a gateway location. The proposal will use a specific unique building design, labeled Unit C on the site plan, to reinforce this gateway. The unit will feature an access stair and a tower element at the corner. A specimen tree will be planted at the point of the site as a part of the design.</p> <p>The corner of 32nd Avenue West and West Lynn Street forms a right angle. It is a part of the fabric of the proposed residential development and the commercial district of Magnolia. The building will downplay this corner of the site. The response will be designed to give privacy to this unit and the street edge at this corner .</p>
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C. Architectural Elements and Materials

<p>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.</p>	<p><u>The Board’s Comments/Guidance at Early Design Guidance Meeting:</u> The Board members agreed that the site concept and the architectural concept are workable for this neighborhood. At next meeting, the applicant should be prepared to present the architectural details/elements/treatments, materials and colors for the structures. While being mindful of the residential to commercial relationship on West Lynn Street, the residential to commercial relationship on 32nd Ave W, and the residential to residential relationship on Clise Place West.</p> <p><u>Response by the Architect</u></p> <p>C-1. The site fronts the commercial district of Magnolia across West Lynn Street to the north and 32nd Avenue West to the east. The proposal is designed to hold both of these street edges with buildings as tall as allowed by the code. Each residence will be approximately 19 feet wide with a 5-foot “slot” between each. Similar to urban row houses in a city like Chicago these are true single family detached units, establishing a rhythm on the street.</p> <p>The east facing building and the west facing buildings will be similar in scale and rhythm, but will differ in the arrangement of the living levels and roofs.</p> <p>The west facing buildings will be set behind a garden wall and will be oriented so that the widest face is the street façade, similar to the single family across the street.</p> <p>Within the mass of each row house, the individual floor levels and the rooms at the façade will be articulated by the size and placement of the glass and solid elements. Each individual unit will be articulated while forming a portion of a larger rhythm. Each block front will have its own variant of this pattern.</p>
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<p>C-2 Architectural Concept and Consistency—<i>Building design elements, details and massing should create a well-proportioned and unified building form and exhibit an overall architectural concept. Structures should exhibit form and features identifying the functions within the building. In general, the roofline or top of the structure should be clearly distinguished from its façade walls.</i></p> <p>C-3 Human Scale—<i>The design of new builds should incorporate architectural features, elements and details to achieve a good human scale.</i></p>	<p>The corner of 32nd Avenue West and Clise Place West forms an acute angle. This corner will have a special unit marking the entry to the commercial district of Magnolia. The corner of West Lynn Street and Clise Place West forms a more obtuse angle. This corner will also have a special unit marking the proximity to the commercial district of Magnolia.</p> <p>C-2. The proposal is designed to hold both the street edges at 32nd Avenue West and West Lynn Street with buildings as tall as allowed by the code. Each residence will be approximately 19 feet wide with a 5-foot “slot” between each. Similar to urban row houses in a city like Chicago, Baltimore or London, these are true single family detached units, establishing a rhythm on the street.</p> <p>The concept is for the assemblage to have multiple readings. On one hand, the units will read as a consistent building fronting the street. On the other hand, each unit will be read as a single entity. Each entry will be separate.</p> <p>The west facing buildings will be presented as a pair of single family residences set behind a garden wall. These will be oriented so that the widest face is the street façade, similar to the single family across the street.</p> <p>The project will be constructed of a consistent palette of building elements and materials. Each individual unit will be articulated while forming a portion of a larger rhythm. Each block end will have its own special variant of this pattern.</p> <p>C-3. The site fronts the commercial district of Magnolia across West Lynn Street to the north and 32nd Avenue West to the east. The proposal is designed to hold both of these street edges and address the sidewalk with an amply glazed lower floor.</p> <p>The north face, at West Lynn Street, is tighter to the sidewalk with a shallow setback, if any, as it is the north side and will not support plantings. This façade presents an opportunity to have the lower floor have uses more compatible with a pedestrian environment, such a home occupation, or similar use. Each unit will have a gate at the sidewalk leading to the stairs to the upper floor(s); these units could have an entry to the lower floor at the sidewalk.</p> <p>The east face, at 32nd Avenue West, will have each unit setback from the sidewalk with a shallow garden or courtyard. These private spaces will be separated from the public sidewalk by an open fence of iron, painted metal, or wood lattice.</p> <p>The west facing buildings will be set with a shallow garden or court behind a wall with a gated entry. This wall may be more solid, similar to the single family residences across Clise Place West.</p>
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<p>C-4 Exterior Finish Materials—<i>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.</i></p>	<p>The upper floors of all units will have a rhythm of a similar set of building elements. There will be patterns of solid and void, large windows and smaller windows, wall and recessed decks, chimneys, window eyebrows, and roof overhangs to lend passers by a sense of human scale from the sidewalk.</p> <p>C-4. The site fronts the commercial district of Magnolia across West Lynn Street to the north and 32nd Avenue West to the east. The existing context has not reached the level of height, bulk and scale allowed by current zoning codes. The proposal project must seek to establish a new context.</p> <p>The proposed development tries to anticipate a future of the Magnolia commercial district. The goal of the project is to create a building type that is timeless, both contemporary and familiar in a traditional sense.</p> <p>The public faces of the proposal will be constructed of the following elements:</p> <p>Base: Cast-in-place architectural concrete (natural) Exterior cladding: Brick veneer (red/brown blend) Floor line elements: Painted wood or stucco (white) Solid balcony elements: Painted wood or stucco (white) Open balcony elements: Painted metal (black) Elevator tower: Painted stucco (light neutral) Chimney: Painted stucco (dark neutral) Window and doors: Aluminum or vinyl (black) Trim: Painted wood (white) Roof: Pre-finished metal (dark)</p> <p>The proposed development will transition from a masonry exterior to a wood and glass exterior at the interior (courtyard) face. The transition to a wood cladding will occur at vertical elements on the side wall of the units. The wood cladding will be clapboard siding at the same gauge as the brick coursing.</p>
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<p>D. Pedestrian Environment</p>	
<p>D-1 Pedestrian Open Spaces and Entrances—<i>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.</i></p>	<p><u>The Board’s Comments/Guidance at Early Design Guidance:</u> The Board directed the applicant to show streetscape elevations along Clise Place West, 32nd Av W and West Lynn Street and to address the pedestrian environment along these streets.</p> <p><u>Response by the Architect</u> D-1. The site is a private, single family development fronting a public way on three faces. Each block front abuts a sidewalk.</p> <p>At the east face (32nd Avenue West) and the west face (Clise Place West) the pedestrian open space will predominately be the sidewalk and parking strip. The sidewalks are currently built to City of Seattle standards (6 foot wide sidewalk with 2 by 2 score pattern). This pattern</p>

<p><i>D-2 Blank Walls—Buildings should avoid large blank walls facing the street, especially near sidewalks. Where blank walls are unavoidable the should receive design treatments to increase pedestrian comfort and interest.</i></p>	<p>will be maintained. The parking strips will be planted with street trees in ground cover. The building side will have a low fence (+/- 4 feet) alternating between solid elements (cast-in-place concrete) and open elements (painted metal fencing or stained wood fencing). Each unit will have a gate on the sidewalk.</p> <p>At the north face (West Lynn Street) the pedestrian open space will be the sidewalk. The sidewalk will be built to City of Seattle standards (6 foot wide with 2 by 2 score pattern). There are no parking strips. The building side will be at or near to the sidewalk edge. Each unit will have a gate to the entry stairs on the sidewalk.</p> <p>The corner of 32nd Avenue West and Clise Place West forms an acute angle. This corner will have an opportunity for a small open space and landscaping elements. This site forms part of the southern gateway to Magnolia commercial district.</p> <p>The corner of West Lynn Street and Clise Place West forms a more obtuse angle. This corner will also have a landscape treatment marking this transition from the residential to commercial district of Magnolia.</p> <p>D-2. The unit at the corner of West Lynn Street and 32nd Avenue West require that a row house be designed to turn the corner, exposing the deep side to the street. The proposed unit wraps the corner in the typical palette of materials and becomes more open above the sidewalk level. The base will be predominantly solid cast-in-place concrete softened by climbing vines and landscaping. The upper floors give way to a pattern of brick walls and window openings.</p> <p>The unit at the corner of 32nd Av W and Clise Place West will require that a row house be designed to turn the corner. The proposed unit wraps the corner in the typical palette of materials and presents a special window element on the south face, sidewalk level. The base will be predominantly solid cast-in-place concrete softened by climbing vines and landscaping.</p> <p>The unit at the corner of West Lynn Street and Clise Place West require a building designed to face both corners. This building is the most commercial in appearance of all 15 units. The proposed unit wraps the corner in the typical palette of materials and is predominantly open above the sidewalk level. Again the base will be solid cast-in-place concrete softened by climbing vines and landscaping. The upper floors give way to a more open pattern of brick walls and window walls.</p> <p>The three corners mentioned above function as exceptional elements for making the development in the context of the commercial district of Magnolia.</p>
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E. Landscaping

E-2 Landscaping to Reinforce Design Continuity with Adjacent Sites—Where possible, and where there is not another overriding concern, landscaping should reinforce the character of neighboring properties and abutting streetscape.

The Board's Comments/Guidance at Early Design Guidance and
The Board agreed that any proposed landscaping must be more generous than generally seen on other projects. Street trees, open space, and landscape are major components to be incorporated into the project; the applicant is requested to use 'seasonal' landscaping (landscape that looks good in all seasons). At the next meeting, show all landscaping elements and details along Clise Place West and 32nd Avenue West, and interior driveways (pavements) material details and impervious amounts.

Response by the Architect

E-2. There are special opportunities for landscaping at two of the three corners of the triangle. These allow for small pockets of green. These locations will figure prominently in the landscaping plan for the site.

The east and west faces are held back from the sidewalk and allow for private gardens at these row houses. These gardens will be separated from the sidewalk by a low fence comprised of solids sections anchoring sections that are more open.

The north face will be built to the sidewalk edge. The north face does not allow for much light for growing plants. To the extent possible, we would like to create pockets in the sidewalk for street trees.

The corner of 32nd Avenue West and Clise Place West forms an acute angle. This corner will have the tall narrow end of a row house presented as a tower; marking the entry to the commercial district of Magnolia. This corner will also feature a landscaped triangle at sidewalk level.

The corner of West Lynn Street and Clise Place West forms a more obtuse angle. This corner will have a special unit, detailed as a more commercial building, marking the proximity to the commercial district of Magnolia. This corner will also feature a landscaped triangle at sidewalk level.

Departures Summary and Analysis			
DEVELOPMENT STANDARD DEPARTURE MATRIX			
Development Standard Requirement	Request/Proposal	Justification	Board's Recommendation⁴
<p>The depth of street level uses shall extend at least 30 feet ... with no depth less than 15 feet. SMC 23.47.008B.</p> <p>Uses at street level shall have a minimum floor-to-floor height of 13 feet. SMC 23.47.008C.2.</p> <p>A 5-foot setback shall be required from all street property lines where street trees are required.... SMC 23.47.014C.</p> <p>Balconies and decks above ground level shall have a minimum horizontal dimension of 6 feet. SMC 23.47.024B.2.</p> <p>Open space shall have a minimum area of 250 s.f. SMC 23.47.024B.3.</p>	Proposed 14 feet, typical.	<ul style="list-style-type: none"> See the Architect's response noted above for each guideline. 	Approval of the design based on the Architect's response to the <i>Guidelines noted above.</i>
	Proposed 10 feet, typical	<ul style="list-style-type: none"> See the Architect's response noted above for each guideline. 	Approval of the design based on the Architect's response to the <i>Guidelines noted above.</i>
	Proposed 2 feet for West Lynn St.	<ul style="list-style-type: none"> See the Architect's response noted above for each guideline. 	Approval of the design based on the Architect's response to the <i>Guidelines noted above.</i>
	Proposed 5 feet or less. All to exceed an area of 60 s.f.	<ul style="list-style-type: none"> See the Architect's response noted above for each guideline. 	Approval of the design based on the Architect's response to the <i>Guidelines noted above.</i>
	Proposed 150 s.f. for the B units. A and A1 units will have no open space at grade.	<ul style="list-style-type: none"> See the Architect's response noted above for each guideline. 	Approval of the design based on Architect's response to the <i>Guidelines noted above.</i>

⁴http://www.seattle.gov/DCLU/publications/Design_Review_Guidelines/MF_Commercial_1998.pdf

BOARD RECOMMENDATION⁵

The Board expressed approval of the design, after considering the proposed design and the project's context, hearing public comment, and reconsidering the previously stated design priorities, the three Design Review Board members agreed that the applicant addressed the design guidance provided in their previous meetings. The Design Review Board **recommends approval** of the design as shown in updated Master Use Permit Plans. (*Based on the Guidelines noted above*)

DECISION – DESIGN REVIEW

The Director of DPD has reviewed the recommendations of the Design Board members present at the final Design Review recommendation meeting and finds that the Board acted within its authority and the Board's recommendations are consistent with the *City of Seattle Design Review: Guidelines for Multifamily & Commercial Buildings* (November 1998).

Therefore, the proposed design and departures are **APPROVED** as conditioned at the June 29, 2006 Design Review Board meeting⁶.

CONDITIONS – DESIGN REVIEW are noted at the end of this decision.

ADMINISTRATIVE CONDITIONAL USE — ANALYSIS

The proposal, to establish a residential use in a NC2 zone requires approval of an administrative conditional use permit pursuant to the criteria identified in SMC Section 23.47.006B.4. The applicable criteria are as follows (discussion of consistency with criteria interspersed):

a. Due to location or parcel size, the proposed site is not suited for commercial development; or

Given the current conditions in place in the zone and the widths for the adjacent rights-of-way, the proposed single-purposed residential use appears to be compatible with the adjacent lots and surrounding area. The block fronts adjacent to the proposal site are developed with multiple retail sales and service uses to the north, a retail sales and service use (Bartell's) to the east, and residential to the southwest and south. No commercial nuisances or adverse effects are anticipated that would impinge on the desirability of the area for living purposes.

b. There is substantial excess supply of land available for commercial use near the proposed site, evidenced by such conditions as a lack of commercial activity in existing commercial structures for a sustained period, commercial structures in disrepair, and vacant or underused commercially zoned land; provided that single-purpose residential development shall not interrupt an established commercial street front. As use in this subsection, an "established commercial street front" may be intersected by streets or alleys, and some lots with no current commercial use.

⁵ Attending Board members—Maria Barrientos, Patrick Doherty, Chris Kirk, Matt Roewe, and Bill Vanderverter.

⁶ The applicant shall revise the west facades of the B2 buildings to show fenestration as recommended and accepted by the Architect at the June 29, 2006 Design Review meeting.

The site and the areas north and east of the site are well suited to commercial uses as evidenced by existing development. The existing development on the site includes a surface parking lot use. The northern and eastern land area use(s) adjacent to the site are a mix of retail/sales and services.

Because the proposal is subject to a plat condition that limits the site to single family residential use the applicant's administrative remedy is the conditional use process.

The establishment of residential dwelling units will not adversely affect the supply of commercially suitable land in the area.

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 should not be materially detrimental to the public welfare or injurious to property in the zone or vicinity in which it is located. Establishing ground level and upper level residential uses should enhance the visual, physical and functional conditions of the property. A residential activity within the structures should increase property/pedestrian safety for the area through informal surveillance of the commercial zone.

- 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 impacts have been identified for the residential use being proposed that would require mitigation pursuant to the conditional use authority.

Conclusion

Application of the conditional use criteria to the subject site leads to the conclusion that residential uses should be permitted. The area is suitable for a mix of commercial and residential uses. The proposed development site is not particularly suited to intensive/extensive commercial uses that preclude residential uses in the area.

DECISION – ADMINISTRATIVE CONDITIONAL USE

The proposal for single-purpose residential use in a NC2 zone is **GRANTED**.

CONDITIONS – ADMINISTRATIVE CONDITIONAL USE

None required.

ANALYSIS - SEPA

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

This analysis relies on the *Environmental (SEPA) Checklist* submitted by the applicant's agent (dated December 29, 2005) and annotated by the Land Use Planner. The information in the checklist (that discloses the potential impacts from this project), 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 Seattle SEPA ordinance provides substantive authority to require mitigation of adverse impacts resulting from a project (SMC 25.05.655 and 25.05.660). Mitigation, when required, must be related to specific adverse environmental impacts identified in an environmental document and may be imposed only to the extent that an impact is attributable to the proposal. Additionally, mitigation may be required only when based on policies, plans, and regulations as enunciated in SMC 25.05.665 to SMC 25.05.675, inclusive, (SEPA Overview Policy, SEPA Cumulative Impacts Policy, and SEPA Specific Environmental Policies). In some instances, local, state, or federal requirements will provide sufficient mitigation of a significant impact and the decision maker is required to consider the applicable requirement(s) and their effect on the impacts of the proposal.

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, certain neighborhood plans, and other policies explicitly referenced may serve as the basis for exercising substantive SEPA authority. 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 limitations. Under specific circumstances, (SMC 25.05.665 D 1-7) mitigation can be required.

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). A detailed discussion of some of the specific elements of the environment and potential impacts are appropriate and are noted below.

Short -Term Impacts

The following temporary construction-related impacts are expected on this site: temporary soils erosion; increased noise from construction operations and equipment; increased traffic and parking demand from construction personnel; tracking of mud onto adjacent streets by construction vehicles; conflict with normal pedestrian movement adjacent to the site; and consumption of renewable and nonrenewable resources. Due to the temporary nature and limited scope of these impacts, they are not considered significant.

City codes and/or ordinances apply to this proposal. Specifically these are: 1) Grading and Drainage Control Ordinance (storm water runoff, temporary soil erosion, and site excavation) and 2) Street Use Ordinance (tracking of mud onto public streets, and obstruction of rights-of-way during construction).

Air Quality Impacts

Construction on this site will create dust, leading to an increase in the level of suspended air particulates, which could be carried by wind out of the construction area. Compliance with the Street Use Ordinance (SMC 15.22.060) will require the contractors to water the site or use other dust palliative, as necessary, to reduce airborne dust. In addition, compliance with the Puget Sound Clean Air Agency regulations will require activities that produce airborne materials or other pollutant elements to be contained with temporary enclosure. Other potential sources of dust would be soil blowing from uncovered dump trucks and soil carried out of the construction area by vehicle frames and tires; this soil could be deposited on adjacent streets and become airborne.

The Street Use Ordinance also requires the use of tarps to cover the excavation material while in transit, and the clean up of adjacent roadways and sidewalks periodically. Construction traffic and equipment are likely to produce carbon monoxide and other exhaust fumes. Regarding asbestos, Federal Law requires the filing of a Notice of Construction with the Puget Sound Clean Air Agency (“PSCAA”) prior to demolition. Thus, as a condition of approval prior to demolition, the proponent will be required to submit a copy of the required notice to PSCAA. If asbestos is present on the site, PSCAA, the Department of Labor and Industry, and EPA regulations will provide for the safe removal and disposal of asbestos. The applicant will take the following precautions to reduce or control emissions or other air impacts during construction:

- *During demolition, excavation and construction, debris and exposed areas shall be sprinkled as necessary to control dust; and vehicle loads and routes shall be monitored to minimize dust-related impacts.*
- *All construction equipment used shall be well-maintained equipment and prolonged vehicle idling shall be avoided to reduce emissions from construction equipment and construction-related vehicles.*
- *Electrically operated tools shall be used in place of gas-powered tools wherever feasible.*
- *Construction materials transported by vehicles to and from the project site shall be scheduled and coordinated to minimize congestion on the adjacent rights-of-way during peak travel times.*

Noise-Related Impacts

The project is expected to generate loud noise during demolition, grading and construction. Compliance with the Noise Ordinance (SMC 25.08) is required and will limit the use of loud equipment registering 60 dBA (not including construction equipment exceptions in SMC 25.08.425) or more at the receiving property line or 50 feet to the hours between 7:00 a.m. and 10:00 p.m. on weekdays, and between 9:00 a.m. and 10:00 p.m. on weekends and holidays.

The occupants of the residential dwelling units and commercial uses near the proposal will experience increased noise impacts during construction (including demolition and excavation). Compliance with the Noise Ordinance (SMC 22.08) is required but is not adequate to mitigate the construction noise impacts on nearby users. Therefore, the proposal is conditioned to limit the hours of construction as described in The Conditions section of this decision.

Streets and Sidewalks

An excavation permit controls the proposed on-site excavation on this site. The Street Use Ordinance includes regulations that mitigate dust, mud, and circulation. Any temporary closure of the sidewalk and/or traffic lane(s) is controlled with a street use permit through the Seattle Department of Transportation (SDOT). It is the City's policy to minimize or prevent adverse traffic impacts that would undermine the stability, safety, and/or character of a neighborhood or surrounding areas (25.05.675 R).

A construction-phase transportation plan addressing street and sidewalk closures, as well as truck routes and hours of truck traffic, will be required to mitigate impacts between 8:00am to 10:00am and 4:00pm to 6:00pm during demolition and excavation activities.

Long-Term Impacts

Potential long-term or use impacts anticipated by this project include: increased bulk on the site; increased ambient noise associated with increased human activity and vehicular movement; minor increase in light and glare from exterior lighting, light from windows and from vehicle traffic (headlights); increased traffic and parking demand due to new residents and visitors; increased airborne emissions resulting from additional vehicle traffic; increased demand on public services and utilities; and increased energy consumption. These long-term impacts are not considered significant because they are minor in scope.

Parking

The proposed development will provide approximately 30 parking spaces, including two spaces within each structure in the form of a ground-level garage. Based on the Seattle Parking Code and Land Use Code, the proposed development is required to provide 15, i.e., one space for each dwelling unit pursuant to SMC 23.54.015 Chart A. Based on this analysis no adverse impacts would result from the proposal; therefore, additional parking mitigation is not warranted.

Other Impacts

Several codes adopted by the City will appropriately mitigate other long-term adverse impacts created by the proposal. Specifically these are: Grading and Drainage Control Ordinance (storm water runoff from additional site coverage by impervious surface); Puget Sound Air Pollution Control Agency regulations (increased airborne emissions); and the Seattle Energy Code (energy consumption in the long term).

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 of 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 (2)(C).

CONDITIONS - SEPA are noted at the end of this decision.

NON-APPEALABLE CONDITIONS – DESIGN REVIEW

1. The proponent must retain the landscaping, fenestration, architectural features and elements, and arrangement of finish materials and colors presented to the Design Review Board on June 29, 2006. Compliance with all images and text on the MUP drawings, design review meeting guidelines and approved design features and elements (including exterior materials and landscaping) shall be verified by Colin R. Vasquez, Senior Land Use Planner, 206-684-5639, or by Vincent T. Lyons, Design Review Manager, 206-233-3823 at a Pre-Construction meeting.
 - The applicant shall revise the west facades of the B2 buildings to show fenestration as recommended and accepted by the Architect at the June 29, 2006 Design Review meeting.
2. Any proposed changes to the exterior of the building or the site or must be submitted to DPD for review and approval by Colin R. Vasquez, Senior Land Use Planner, 206-684-5639, or by Vincent T. Lyons, Design Review Manager, 206-233-3823.
 - An appointment with the assigned Land Use Planner must be made at least three (3) working days in advance of the meeting. The Land Use Planner will determine whether submission of revised plans is required to ensure that compliance has been achieved.
 - Embed all of these conditions in the cover sheet for the MUP permit and for all subsequent permits including updated MUP plans, and all building permit drawings. Call out on the appropriate plan sheets where and what departures have been granted.

CONDITIONS – SEPA

Prior to the Building Permit Issuance

3. The applicant shall submit for review and approval a Construction Impact Management Plan to the Department of Planning and Development (DPD) for concurrent review and approval with Seattle Department of Transportation (SDOT). The plan shall identify management of construction activities including construction hours, parking, traffic and issues concerning

street and sidewalk closures. The plan shall include means to limit the impact of construction on existing rights-of-way, discourage construction staging in the rights-of-way; preserve vehicular circulation on the existing rights-of-way, and to provide advance notice to the adjacent property users; and to minimize construction-related conflicts with existing household/business activities.

During Construction (including Excavation and Demolition)

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.

4. The applicant will be required to limit the hours of construction activity not conducted entirely within an enclosed structure to non-holiday weekdays between 7:30 a.m. and 6:00 p.m. and on Saturdays between 9:00 a.m. and 6:00 p.m. The Director may consider approving construction activity outside these time restrictions so long as the activity complies with the City's noise ordinance. (Work would not be permitted on the following holidays: New Years Day, Martin Luther King Jr.'s Day, Presidents' Day, Memorial Day, Independence Day, Labor Day, Thanksgiving Day, Day following Thanksgiving Day and Christmas Day).
5. Comply with the limitations contained in the approved construction-phase transportation plan.
6. The applicant shall take the following precautions:
 - *During demolition, excavation and construction, debris and exposed areas shall be sprinkled as necessary to control dust; and vehicle loads and routes shall be monitored to minimize dust-related impacts.*
 - *All construction equipment used shall be well-maintained and prolonged vehicle idling shall be avoided to reduce emissions from construction equipment and construction-related vehicles.*
 - *Electrically operated tools shall be used in place of gas-powered tools wherever feasible.*
 - *Construction materials transported by vehicles to and from the project site shall be scheduled and coordinated to minimize congestion on the adjacent rights-of-way during peak travel times.*

Signature: (signature on file)
Colin R. Vasquez, Senior Land Use Planner
Department of Planning and Development

Date: November 16, 2006