



City of Seattle

Gregory J. Nickels, Mayor

Department of Planning and Development

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CITY OF SEATTLE ANALYSIS, RECOMMENDATION AND DECISION OF THE DIRECTOR OF THE DEPARTMENT OF PLANNING AND DEVELOPMENT

Application Number: 305123
Application Name: Melody B. McCutcheon for Meridian Greenfield
Address of Proposal: 2200 32nd Ave W
Council File Number: 309497

SUMMARY OF PROPOSED ACTION

The proposal is for a contract rezone from Single-Family 5000 (SF5000) to Multi-Family Lowrise 1 (L1). Property is 21,386 square feet (sq. ft.) and is bounded by 2230 32nd Ave West to the North, 2110 32nd Ave West to the South, 2121 and 2131 31st Ave West to the East, and 32nd Ave West to the West. Project includes review of four, 3-story townhouse structures and environmental review of future full subdivision into 10 Unit Lots. Below grade parking for 18 vehicles to be provided. Project also includes 2,906 cubic yards (cu. yds.) of grading. Existing structures to be demolished.

The following approvals are required:

Contract Rezone - To rezone a site from SF 5000 to L-1, in conjunction with construction of a 10-unit multi-family development, pursuant to Seattle Municipal Code (SMC) 23.34.004.

Design Review - pursuant to Seattle Municipal Code (SMC) 23.41
Design Departure for private open space to be in 2 parcels, rather than 1 contiguous parcel, for 2 units (SMC 23.45.016).

SEPA - Environmental Determination pursuant to SMC 25.05

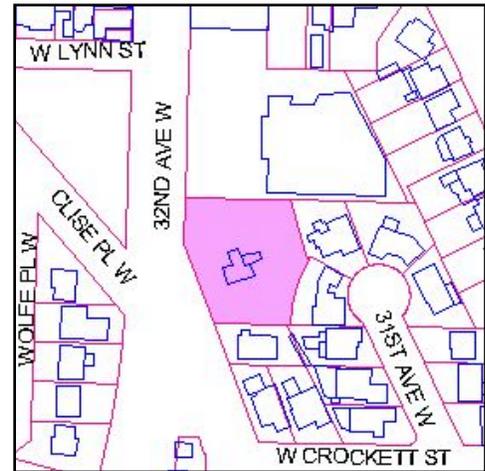
SEPA DETERMINATION: Exempt DNS MDNS EIS

DNS with conditions

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

BACKGROUND & VICINITY INFORMATION:

The Single-Family 5000 (SF5000) site is approximately a ½ acre (21,386 sq. ft.) located at the southern edge of Magnolia Village at the juncture of 32nd Avenue West and Clise Place West. The site is significantly larger than other single-family lots in the vicinity. The other notable feature of the site is its forest like setting with tree species of up to 60” in diameter. The existing single-family residence, which occupies the site, is a 2-story house with a daylight basement. Its vehicular access is through the parking lot of the adjacent Bartell Drugs to the north. The site slopes about 16.5 ft. from the east to the west, with a 10 ft. grade change along the Clise Place West property line.



The site abuts Neighborhood Commercial 2 (40 ft. height limit) (NC2-40) zoning to the north and SF5000 single-family zoning to the east and south. Immediately across 32nd Avenue West, a triangular parcel of land that is zoned NC2-40 is currently being developed with 15 ground related residences. There is a small traffic island separating Clise Place West and 32nd Avenue West, directly west of the site.

THE PROPOSAL

The proposed design is comprised of four, 3-story townhouse structures (for 10 residential units) over a common below-grade garage for 18 vehicles. Access to the garage is from a single curb cut on 32nd Avenue West. (See site plan on next page.) The design concentrates development into a tight cluster, thus pulling it away from the site perimeter to retain most of the substantial trees, including 4 of 5 existing Giant Sequoias. Additional street trees would be planted as privacy buffer from the street and to enhance the street character, as well as other replacement site trees. Five units have their entries from the street, while 5 internal units have their entries from the courtyard side. All units are accessible through the underground garage by way of individual private basement entries. One common access is provided from the parking garage to the courtyard.

Additionally, the proposal includes a contract rezone from SF 5000 to L-1 and environmental review of future full subdivision into 10 Unit Lots. L1 zoning would allow 13 units on this site. As part of the contract rezone, no more than 10 units would be built.

The project is proposed to be built and certified under the Built Green program. Measures such as energy efficiency, permeable landscape, recycled materials, and reduced use of Volatile Organic Compounds in materials used or applied will be among some of the measures adopted to earn this certification. In addition, stone from the existing structures on the site will be reused on the new site, where feasible, as part of the low wall along 32nd Avenue West.



PUBLIC COMMENT:

Public comments were received during the public comment periods, at the Design Review meetings, and at a public meeting on the rezone issue. Concerns were expressed about increased development of commercial and multi-family uses in the area and the desire to retain single-family zoning. Traffic on the two north-south streets bordering the site was characterized as heavy with a great deal of “cut through” traffic in the area, much of it speeding in an attempt to avoid congestion on nearby arterials. Parking in and around Magnolia Village was described as very congested.

Two Design Review meetings were held on this proposal and included opportunities for public comment. An Early Design Guidance meeting was held on March 7, 2007 and the Recommendation meeting was held on February 6, 2008. The public’s comments focused on traffic and parking issues as well as the density of the project. In addition, a public meeting on the rezone was held on March 26, 2008 at the Magnolia Community Center. Approximately 17 neighbors were in attendance. Comments focused on concerns with increased density, a loss of single-family zoning, traffic and parking, and groundwater. Refer to the Master Use Permit (MUP) file for details on these meetings.

Public Outreach by Applicant Team

The applicant and architect held three additional meetings with surrounding neighbors to receive feedback on the project and its design. The first meeting was on July 11, 2006, prior to commencement of design. The second meeting (held November 28, 2006) was to review three alternative site plans developed to address comments from the first meeting. The third community meeting (January 30, 2008) was held to obtain feedback on the design, prior to the final Design Review Board meeting. Community attendance was approximately 10-15 people at each meeting.

ANALYSIS - DESIGN REVIEW

At the two Design Review meetings noted above, the Design Review Board members provided siting and design guidance to be considered in the development of the site.

Design Guideline Priorities:

The initial ideas for the project were presented at the Early Design Guidance meeting on March 7, 2007, at which all members of the Board were present. Three schemes were presented. Scheme 1 showed the five single-family homes that could be built under existing zoning (no Design Review required). Access would be from a single curb cut in the middle of the site. The five homes would result in a loss of 13 of the 29 noteworthy trees. Scheme 2 showed a rezone to L1 for nine townhouse units, and retention of the existing single-family structure, which would be converted to a duplex. Due to the position of the existing house, any new development would be pushed close to the perimeter. A surface road through the site would provide access to above-grade garages. Approximately 15 of the 29 noteworthy trees would be removed. Scheme 3 was shown as the preferred alternative for a rezone to L1 for 10 townhouse units, in groupings of 2 and 3, constructed over a below-grade garage. The buildings in Scheme 3 are similar footprints to those of existing single-family structures, with lot coverage comparable to the single-family option. Scheme 3 concentrates development into a cluster, away from the site perimeter, and would result in removal of 10 of the 29 noteworthy trees.

About 10 members of the community attended the meeting, with three providing formal public comment. Concerns were expressed regarding groundwater, traffic, and access being proposed at the southern end of the site. Note: at the Early Design Guidance meeting, the proponent mentioned that the traffic island west of the site would be modified under any scheme. It was subsequently determined that such modification is not necessary and it is not being pursued.

After visiting the site, considering the analysis of the site and context provided by the proponent and architect, and hearing public comment, the Design Review Board members provided the following siting and design guidance to be considered in the development of the site. The highest design guideline priorities for this project are identified by letter and number in accordance with the siting and design guidelines found in the City of Seattle's "*Design Review: Guidelines for Multi-family & Commercial Buildings*," November 1998.

- 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-3 **Entrances Visible from the Street** - *Entries should be clearly identifiable and visible from the street.*
- A-4 **Human Activity** - *New development should be sited and designed to encourage human activity on the street.*

- 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.
- A-6 **Transition Between Residence and Street** - For residential projects, the space between the building and the sidewalk should provide security and privacy for residents and encourage social interaction among residents and neighbors.
- A-7 **Residential Open Space** - Residential projects should be sited to maximize opportunities for creating usable, attractive, well-integrated open space.
- 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.

Board Comments:

All of the Site Planning Design Guidelines were identified as priorities and were discussed together. The Board's consensus was that Scheme 3 was the best option for the site. Scheme 3 dealt with the density well and provided a lower height and better scale relationship to nearby structures than either Scheme 1 or 2. The underground parking was seen as a significant design benefit and much better than the paved access drive with surface garages in Scheme 2.

The Board commented that the building massing and location in Scheme 3 would help to activate the street. Special attention should be paid to building entries, and there needs to be a street presence created for this walkable neighborhood. Consideration should be given to the appropriate setback of units from the street.

In terms of A-8 to minimize parking and auto impacts on pedestrians, the Board's consensus was that a driveway at the south end of the site was appropriate. Consideration should be given to a departure for a narrower garage entry.

- 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.

Board Comments:

Scheme 3 was seen by the Board as providing a height, bulk and scale that was compatible with the surrounding area, and a sensitive transition to single-family areas and adjacent homes.

The Board commented that there needs to be diversity to the facades to avoid a monolithic look, and structures should not read as an abrupt transition to multi-family structures. Repetition of elements should be used sparingly.

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 neighborhood buildings.

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.

Buildings 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 facade walls.

C-3 Human Scale - The design of new buildings should incorporate architectural features, elements and details to achieve a good human scale.

C-4 Exterior Finish Materials - Building exteriors should be constructed of durable and maintainable materials that are attractive even when viewed up close. Materials that have texture, pattern, or lend themselves to a high quality of detailing are encouraged.

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.

Board Comments:

All of the Architectural Elements and Materials Design Guidelines were discussed together. The Board emphasized that architectural expression should be more traditional and not too edgy; such expression may be contemporary, but should maintain sensitivity to the context.

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.

D-5 Visual Impacts of Parking Structures - The visibility of all at-grade parking structures or accessory parking garages should be minimized. The parking portion of a structure should be architecturally compatible with the rest of the structure and streetscape. Open parking spaces and carports should be screened from the street and adjacent properties.

Board Comments:

The Board prioritized the above Guidelines for the site, noting again the visual benefits of an underground parking garage.

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.

E-3 Landscape Design to Address Special Site Conditions - The landscape design should take advantage of special on-site conditions such as high-bank front yards, steep slopes, view

corridors, or existing significant trees and off-site conditions such as greenbelts, ravines, natural areas, and boulevards.

Board Comments:

The Board prioritized the above Guidelines in terms of the importance of tree retention.

MASTER USE PERMIT APPLICATION

In response to the Design Review Board's guidance and recommendations from the Early Design Guidance meeting, the proponent applied for a Master Use Permit (MUP) on June 5, 2007.

DESIGN REVIEW BOARD RECOMMENDATIONS

The Design Review Board conducted a recommendation meeting on February 6, 2008 to review the applicant's formal project proposal developed in response to previously identified priorities and guidance. Four of the five Board members were in attendance. Eight members of the public spoke about density, access, trees and parking.

The architect's presentation to the Board emphasized the following points:

1. Site Planning

- The site is flanked by Single-Family zoning to the south and east, and Neighborhood Commercial zoning to the north. The site will provide a transition between the two zones through a L1 Contract Rezone, which would simultaneously respond to the residential scale while permitting an increase in density.
- Buildings are set back from the front property line an average of 15 ft.
- Three buildings face the street with entries and patios off the street. Some unit entries are accessed from the street side but are set back from the property line to allow landscaping and terraced patio decks, encouraging human activity and neighborhood interaction while maintaining privacy.
- Design responds to site topography by locating unit entries at a half level for the units that flank the street, which has the effect of reducing the appearance of the building height, and mitigates the impact of the parking structure below.
- Buildings are arranged in a tight cluster of 4 individual buildings to minimize the impact on existing trees. The clustering of the buildings also has the effect of providing greater yard setbacks, and increased distance from adjacent single-family properties.
- Buildings are stepped and skewed to provide pockets of landscaped terraces to enhance the privacy of neighboring buildings.
- Garage entry is placed where lowest site grade occurs to minimize the visual impact of the garage opening and to minimize ramping required. Access will be right in/right out.
- Higher grade is more appropriately located where there is pedestrian access to the courtyard.
- More parking is provided than is required by the zoning code.
- The cub cut and driveway have been reduced from 20 ft. to 16 ft. The driveway had been 20 ft. in width but has been revised to have a width of 16 ft. with a 4 ft. pedestrian walkway.

2. Height, Bulk, and Scale.

- While some amount of repetition is required to provide a sense of order, repetitive forms are used sparingly, as with the 3 town homes which comprise Building 1, and are balanced with more intricate and complex forms, to create a streetscape with 3 distinctly individual buildings with variety in massing and form.
- The grouping of the units into 4 individual buildings reduces the appearance of scale and bulk and the resulting buildings do not appear over scaled or monolithic.
- The units in this design are clustered in groups of 2 and 3, with building foot print areas that ranges from approximately 1,400 to 2,200 sq. ft. with the largest triplex building adjacent to the commercial zone, and the smallest duplex buildings adjacent to the Single-Family zone. In particular, the smallest building has been located on the southern end of the site, in order to provide an appropriate scale and transition adjacent to single-family zoning and use to the south.
- Individual building footprints are not dissimilar to the footprints, or bulk and scale of the adjacent residences. (*Conversely, 5 detached single family homes could each potentially have a maximum lot coverage of 1,750 sq. ft. with an approximate total buildable area of 4500 sq. ft.*)
- Each individual unit is approximately 2,000 sq. ft. with the upper most level contained within the roof structure. The bulk and scale of the proposal is greatly reduced because the parking garage is located below grade. The buildings appear to be 2 or 2-1/2 story structures as opposed to potentially 3 stories in the Single-Family 5000 zoning.
- The L1 Contract Rezone has the greater potential to mitigate the impact of height and scale through the use of a common garage and half level entries, which help to reduce the appearance of overall height.

3. Architectural Elements

- The development maintains a contemporary expression while blending into the neighborhood, which has a variety of architectural styles, through the use of a subdued pallet of colors inspired by the northwest context.
- The proposed design relates to the residential character of the neighborhood through the use of pitch roof forms, modulation, balcony and bay window projections, to create visual interest and complexity which complement adjacent homes.
- Rich composition materials such as cedar lap siding, dark bronze metal colored window frames, re-use of existing sandstone from the site, heavy timber deck soffits, and galvanized metal deck rails and bracket accents give a sense of quality and refinement consistent with the neighborhood character.

4. Pedestrian Environment

- As the proposed site is on the edge of the commercial zone and on an arterial leading to Magnolia Village, pedestrian movement past the site is a significant factor. The proposed design encourages neighborhood interaction through the placement of front patio entry doors which face and enliven the street. Privacy is maintained by an elevation change between the street and the patios, and terraced landscape buffers.
- Openings between the buildings create a “mews like” vista into the landscaped courtyard, which contributes to the visual intricacy of the residential environment.
- The opening for the parking garage is flanked by landscaping on both sides to soften the impact, and the garage gate is set back further into the building beyond the opening so as to

be concealed by shadow. The curb cut is 16 ft. with a 4 ft. walkway, reduced from a previous curb cut of 20 ft.

5. Landscaping

- The most significant aspect of the site is the existing landscape, with its mature trees. The configuration and arrangement of the buildings, which was influenced by the existing landscape, will result in the preservation of 4 of the 5 existing Giant Sequoias trees.
- The tight configuration of the buildings will permit a landscape buffer adjacent to the neighboring properties.
- Magnolia street trees will line the exterior of the site, while the terraced planters, which will contain Vine or Full Moon Maples, will flank the opposite side of the sidewalk forming a shaded canopy for pedestrians.

Requested Design Departure:

An average area of 300 sq. ft. of open space is required per unit, with a minimum area of 200 sq. ft. per unit, to be in one contiguous parcel, per SMC 23.45.016B.1.c. The proposed departure is to provide the required open space in two separate parcels for the center and south units of Building 1, as opposed to one contiguous parcel. The architect explained further that this departure may not be required if the area designated for open space is reconfigured. This revision would not change the patio configuration.

After considering the proposed design and the project context, hearing public comment, and reconsidering the previously stated design priorities, the Design Review Board members agreed that the applicant addressed the design guidance provided in their previous meeting. The Board noted that the proposed project has a more positive scale and massing, and a greater level of tree preservation, than would be the case if the site were developed with 5 single-family residences. The Board commented that the overall scale and massing is in keeping with single-family uses in the area. The Board suggested that there may be additional ways to provide a slightly more unique identity for the 3-unit building facing 32nd Avenue West, and they asked the planner to work with the architect to explore this.

The **requested open space departure** is summarized as follows:

Requirement	Proposed	Comments	Board Recommendation
<p>SMC 23.45.016B.1.c Average of 300 sq. ft. open space per unit, with minimum of 200 sq. ft. per unit, in 1 contiguous parcel.</p>	<p>Center and south units in Building 1 would have required open space split between front and rear of unit (i.e. not 1 contiguous parcel). The 300 sq. ft. average and 200 sq. ft. minimum per unit would be provided.</p>	<p>The Board saw this as a minor departure.</p>	<p>The Board voted unanimously to recommend approval of this departure.</p>

The Design Review Board unanimously recommended approval of the design as presented at the February 6, 2008 Design Review Board meeting, and the requested open space departure.

DIRECTOR'S ANALYSIS - DESIGN REVIEW

The Director of DPD has reviewed the recommendation of the four Design Review Board members present at the Design Review meeting and finds that it is consistent with the City of Seattle Design Review Guidelines for Multi-Family and Commercial Buildings. Subsequent to the final meeting, the design team met with the planner to review methods to create a more unique identity for the 3-unit building facing 32nd Avenue West. Design revisions have been made to address this issue and have been incorporated into updated MUP plans.

DECISION - DESIGN REVIEW

Therefore, the proposed design and design departure as presented at the February 6, 2008 Design Review Board meeting and as subsequently updated is **CONDITIONALLY APPROVED**. Design review conditions are listed at the end of the decision.

REZONE - ANALYSIS AND RECOMMENDATION OF THE DIRECTOR

The applicable requirements for this rezone proposal are stated at Seattle Municipal Code (“SMC”) Sections 23.34.004 (contract rezones), 23.34.007 (rezone evaluation), 23.34.008 (general rezone criteria), 23.34.010 (designation of single-family zones), 23.34.011 (single-family zone function and locational criteria), and 23.34.016 (Lowrise 1 function and locational criteria).

The most logical order of analysis varies from the section numbering. In the following analysis, Sections 23.34.010 and 23.34.011 are considered first, as they determine whether it is possible to rezone single-family zoned property. Then follows a discussion of 23.34.016 (to determine if the site meets the Lowrise 1 function and locational criteria), followed by 23.34.008 (general rezone criteria), then 23.34.007 which requires synthesis of all of the preceding analysis, and finally, 23.34.004 which is specific to contract rezones. The applicable portion of the rezone criteria is in italics, with the analysis in regular typeface.

Section 23.34.010 Designation of Single-family Zones

- A. *Except as provided in subsections B or C of this section, single-family zoned areas may be rezoned to zones more intense than single-family 5000 only if the City Council determines that the area does not meet the criteria for single-family designation.*
- B. *Areas zoned single-family or RSL that meet the criteria for single-family zoning contained in subsection B of Section 23.34.011 and are located within the adopted boundaries of an urban village may be rezoned to zones more intense than single-family 5000 when all of the following conditions are met:*
 1. *A neighborhood plan has designated the area as appropriate for the zone designation, including specification of the RSL/T, RSL/C, or RSL/TC suffix when applicable;*
 2. *The rezone is:*
 - a. *To a Residential Small Lot (RSL), Residential Small Lot-Tandem (RSL/T), Residential Small Lot-Cottage (RSL/C), Residential Small Lot-Tandem/Cottage (RSL/TC), Lowrise Duplex/Triplex (LDT), Lowrise 1 (L1), or Lowrise 1/Residential-Commercial (L1/RC), or*
 - b. *Within the areas identified on Map P-1 of the adopted North Beacon Hill Neighborhood Plan, and the rezone is to any Lowrise zone, or to an NC1 zone or NC2 zone with a 30' or 40' height limit.*
- C. *Areas zoned single-family within the Northgate Overlay District, established pursuant to Chapter 23.71, that consist of one or more lots and meet the criteria for single-family zoning contained in subsection B of Section 23.34.011 may be rezoned through a contract rezone to a*

neighborhood commercial zone if the rezone is limited to blocks (defined for the purpose of this subsection C as areas bounded by street lot lines) in which more than 80% of that block is already designated as a neighborhood commercial zone.

The subject site is not located within the boundaries of an urban village or the Northgate Overlay District. Therefore, to approve the rezone, the City Council will need to determine that the criteria for single-family designation are not met.

Section 23.34.011 Single-family Zones Function and Locational Criteria

A. Function. An area that provides predominantly detached single-family structures on lot sizes compatible with the existing pattern of development and the character of single-family neighborhoods.

The subject site is more than four times the minimum lot size for its zone designation and is significantly larger than other single-family lots in the vicinity. The site is bordered on the north by Commercial zoning (NC2 40) and a large retail store with a large surface parking area oriented to 32nd Avenue West. This retail property is part of the larger Magnolia Village commercial area. The triangular property across the street from the site is also zoned NC2 40, and 15 townhouse-style housing units are presently under construction on that property.

Abutting property to the east and south is zoned single-family and developed with single-family residences, as is the property west of Clise Place West. However, the subject site is the only parcel abutting, and across the street from, NC zoning. Thus, its location and size differentiate it from other single-family lots.

B. Locational Criteria. A single-family zone designation is most appropriate in areas meeting the following criteria:

- 1. Areas that consist of blocks with at least seventy (70) percent of the existing structures, not including detached accessory dwelling units, in single-family residential use; or*
- 2. Areas that are designated by an adopted neighborhood plan as appropriate for single-family residential use; or*
- 3. Areas that consist of blocks with less than seventy (70) percent of the existing structures, not including detached accessory dwelling units, in single-family residential use but in which an increasing trend toward single-family residential use can be demonstrated; for example:*
 - a. The construction of single-family structures, not including detached accessory dwelling units, in the last five (5) years has been increasing proportionately to the total number of constructions for new uses in the area, or*
 - b. The area shows an increasing number of improvements and rehabilitation efforts to single-family structures, not including detached accessory dwelling units, or*
 - c. The number of existing single-family structures, not including detached accessory dwelling units, has been very stable or increasing in the last five (5) years, or*
 - d. The area's location is topographically and environmentally suitable for single-family residential developments.*

From the very beginning of the rezone process, careful consideration was given to whether the subject site is part of a “block” that met the single-family locational criteria. Two possible

depictions of the “block” were identified. As further explained below, for both possible depictions, the conclusion was that single-family locational criteria were not met for the subject site. Thus, the subject site is eligible for a rezone to a more intensive zone.

A “block” is defined in SMC 23.84.004 as two facing block fronts bounded on two sides by alleys or rear property lines and on two sides by the centerline of platted streets, with no other intersecting streets intervening. A “block front” is defined as the frontage of property on one side of a street bound on three sides by the centerline of platted streets and on the fourth side by an alley or rear property lines.

Applying these definitions, West McGraw Street is the northern boundary of the “block,” and the eastern boundary is the rear property lines of the parcels fronting 32nd Avenue West between West McGraw and West Crockett Streets. As to the southern and eastern boundaries, there are two possible configurations using the Code definitions. The first uses Clise Place West as the southern and eastern boundary (“Option 1”), and the second defines the boundary as parallel to West Crockett Street, to take in the four parcels south of Clise Place West that border on 32nd Avenue West (“Option 2”). Under either Option, the 15 structures on the Commercial-zoned triangle parcel opposite the subject site are considered an anomaly. The 15 structures on one parcel were reviewed as a single project, and numerous design departures were approved. From a neighborhood character standpoint, the triangle parcel is a unique development. Therefore, that site has not been included in the calculation.

Under the Option 1 configuration with the boundary at Clise Place West, there are a total of nine structures, only 3 of which are single-family residences (33% single-family). This is below the threshold of 70% single-family referred to in the locational criteria.

Under the Option 2 configuration with the boundary parallel to West Crockett Street, there are 13 structures, only seven of which are single-family residences (54% single-family). This is also below the 70% threshold.

In conclusion, under either “block” configuration defined by the Code, the number of single-family structures is well below the 70% threshold described in 23.34.011.B.1 for retention of single-family zoning. In addition, there is no adopted neighborhood plan for this area, nor any evidence of an increasing trend to single-family use within the block. Therefore, the site is eligible for a rezone.

C. An area that meets at least one (1) of the locational criteria in subsection B above should also satisfy the following size criteria in order to be designated as a single-family zone:

- 1. The area proposed for rezone should comprise fifteen (15) contiguous acres or more, or should abut an existing single-family zone.*
- 2. If the area proposed for rezone contains less than fifteen (15) contiguous acres, and does not abut an existing single-family zone, then it should demonstrate strong or stable single-family residential use trends or potentials such as:*
 - a. That the construction of single-family structures, not including detached accessory dwelling units, in the last five (5) years has been increasing proportionately to the total number of constructions for new uses in the area, or*
 - b. That the number of existing single-family structures, not including detached accessory dwelling units, has been very stable or increasing in the last five (5) years, or*

- c. That the area's location is topographically and environmentally suitable for single-family structures, or*
- d. That the area shows an increasing number of improvements or rehabilitation efforts to single-family structures, not including detached accessory dwelling units.*

Subsection C is inapplicable as the subject site does not meet the locational criteria in subsection B for retention of single-family zoning.

D. Half-blocks at the edges of single-family zones which have more than fifty (50) percent single-family structures, not including detached accessory dwelling units, or portions of blocks on an arterial which have a majority of single-family structures, not including detached accessory dwelling units, shall generally be included. This shall be decided on a case-by-case basis, but the policy is to favor including them.

Subsection D applies to determine when a half block zoned single-family, but developed with a mix of single-family and non-single-family uses, should be included in a single-family area. In the case of the subject site, the half block east of 32nd Avenue West is not all zoned single-family; half of it is zoned NC 2. Also, Clise Place West is a designated arterial, but 32nd Avenue West in front of this half-block is not a designated arterial. Given that the subject site abuts NC2 zoned property and is part of a half block with both single-family and NC 2 zoning, it presents a different set of physical circumstances to the half block referred to in Subsection D.

Section 23.34.016 Lowrise 1 Zone Function and Locational Criteria

B. Function. An area that provides low density, primarily ground-related multifamily housing opportunities.

The subject site is across the street from the 15-unit development under construction on the triangle property. The proposal for a 10-unit, Lowrise 1 ground-related development is consistent with the Lowrise 1 zone function.

B. Locational Criteria. Lowrise 1 zone designation is most appropriate in areas generally characterized by the following:

1. Development Characteristics of the Area.

- a. Areas where structures of low heights, generally less than thirty (30) feet, and small bulk establish the pattern of development;*
- b. Areas with:*
 - (1) A mix of single-family structures, small multifamily structures and single-family structures legally converted into multiple units where, because of the type and quality of the existing housing stock, it is desirable to encourage new development opportunities, or*
 - (2) Numerous or large vacant parcels suitable for family housing where densities greater than single-family are desired; and*
- c. Areas where internal vehicular circulation is conducive to residential units that are oriented to the ground level and the street. Preferred locations are generally separated from principal arterials, as defined by the Seattle Comprehensive Transportation Program, which conflict with the desired character of L1 areas.*

The subject site is part of an area with a mix of small scale building heights, including the one story Bartell's building immediately to the north, typically two story single-family residences, and the 40-foot housing units under construction on the triangle property. The abutting streets are not defined as principal arterials. Thus, the subject site meets the Lowrise 1 locational criteria.

2. *Relationship to the Surrounding Areas.*
 - a. *Properties that are definable pockets within a larger, higher density multifamily area, where it is desirable to preserve a small-scale character;*
 - b. *Properties generally surrounded by a larger single-family area where variation and replacement in housing type could be accommodated without significant disruption of the pattern, character or livability of the surrounding development;*
 - c. *Properties where a gradual transition is appropriate between single-family areas and more intensive multifamily or neighborhood commercial zones;*
 - d. *Properties in areas where narrow streets, on-street parking congestion, local traffic congestion, or irregular street patterns restrict local access and circulation;*
 - e. *Properties in areas close to facilities and services used by households with children, including schools, parks and community centers.*

The subject site is adjacent to both commercial and single-family zoning, in an area with an irregular street pattern. The proposed Lowrise 1 zone provides a gradual transition between the single-family and commercial areas. That transition is presently lacking, with single-family uses adjacent to a large retail store and parking lot.

The proposed development can be accommodated without significant disruption to the surrounding development, and would be superior to development under the existing single-family zoning.

The design of the proposed development, as affirmed by the Design Review Board, is sensitive to its surroundings. Buildings are oriented in a tight cluster to allow most significant trees to be retained, and to increase setbacks and physical buffers to the single-family properties to the east and south. (See site plan on page 3.) The units would be in four separate structures, over a parking garage, with a central landscaped courtyard atop the garage. Three fewer units would be provided than allowed by the Lowrise 1 zoning (10 units instead of 13).

The buildings are in groupings of 2 or 3 units, with the smaller building foot prints located adjacent to the single-family zone, and the larger buildings next to the street and Bartell parking lot. The building footprints are similar to what is allowed and provided in the single-family zone. For example, the overall lot coverage percentage would be the same as is allowed in a single-family zone.

The proposed design includes increased setbacks to adjoining properties. For example, Lowrise zoning requires greater side yard setbacks than single-family zoning, and the proposed structures exceed the Lowrise side yard setback requirements.

With respect to building height, Lowrise 1 zoning permits a base height of 25 feet with an additional 10 feet for a pitched roof. When compared to the single-family height limit with a base height of 30 feet and an additional five feet for a pitched roof, the Lowrise 1 zoning results in a lower perceived height even though both zones have the same overall height limit. This is the case

because single-family allows a higher building façade in the area between 25 and 30 feet, which adds to the perception of height, bulk, and scale. Thus, the Lowrise 1 height limit actually is an improved condition over the height allowed in a single-family zone.

It is also important to note that five residences could be built under the existing single-family zoning, as confirmed by the Department of Planning and Development. Based on market demands for single-family homes, it is very likely that such homes would be built to the maximum zoning standards, allowing larger houses and less yard area.

Drawings were prepared to depict the likely development of the five houses, and these drawings were reviewed with the Design Review Board at an Early Design Guidance meeting on March 7, 2007. The Board concluded that the Lowrise 1 proposal for 10 units was more consistent with the height, bulk, and scale of the single-family neighborhood to the east and south, than construction of five new single-family houses. The Board also noted that the 10-unit, Lowrise 1 proposal represented a reasonable transition in use and scale from the commercial area to the north, to the single-family area to the south.

Therefore, given the proximity of Commercial zoning, the appropriateness of the Lowrise 1 zone as a transition between zones, and a proposal with less height, bulk, and scale impacts than development of the property with five houses under existing zoning, the proposed rezone meets the criteria for rezoning to Lowrise 1.

B. Areas zoned single-family meeting the locational criteria for single-family designation may be rezoned to L1 only when the provisions of Section 23.34.010 B are met.

Subsection B is inapplicable as the subject site does not meet the locational criteria for single-family designation, as described above.

Section 23.34.008 General Rezone Criteria

A. To be approved a rezone shall meet the following standards:

- 1. In urban centers and urban villages the zoned capacity for the center or village taken as a whole shall be no less than one hundred twenty-five percent (125%) of the growth targets adopted in the Comprehensive Plan for that center or village.*
- 2. For the area within the urban village boundary of hub urban villages and for residential urban villages taken as a whole the zoned capacity shall not be less than the densities established in the Urban Village Element of the Comprehensive Plan.*

Subsection A is inapplicable as the subject site is not within an urban center or urban village.

B. Match Between Zone Criteria and Area Characteristics. The most appropriate zone designation shall be that for which the provisions for designation of the zone type and the locational criteria for the specific zone match the characteristics of the area to be rezoned better than any other zone designation.

The subject site does not meet the criteria for retention of single-family zoning. Given its large size and location next to a large retail store and parking lot, and across the street from 15 units on one parcel, it is appropriately rezoned to a low density multifamily zone to allow a transition between the abutting NC2 zone, and the higher density development in the NC2 zone on the

triangle parcel. The lowest density multifamily zone has been selected for the rezone and is a good match to the site and area characteristics.

C. Zoning History and Precedential Effect. Previous and potential zoning changes both in and around the area proposed for rezone shall be examined.

There have not been any previous zoning changes in the area, nor have other potential rezones been identified. As for concerns about precedential effect, this is the only parcel of its size that is both abutting and across the street from NC2 zoning. No other adjacent parcel has these same characteristics. In addition, this is proposed as a contract rezone to limit the number of units to 10 (three below the number allowed by the Lowrise 1 zone) and to require that the units be distributed in four buildings, in order to reduce bulk and scale. Therefore, the parcel is receiving individualized attention and is not expected to be a precedent for rezoning other single-family parcels.

D. Neighborhood Plans.

- 1. For the purposes of this title, the effect of a neighborhood plan, adopted or amended by the City Council after January 1, 1995, shall be as expressly established by the City Council for each such neighborhood plan.*
- 2. Council adopted neighborhood plans that apply to the area proposed for rezone shall be taken into consideration.*
- 3. Where a neighborhood plan adopted or amended by the City Council after January 1, 1995 establishes policies expressly adopted for the purpose of guiding future rezones, but does not provide for rezones of particular sites or areas, rezones shall be in conformance with the rezone policies of such neighborhood plan.*
- 4. If it is intended that rezones of particular sites or areas identified in a Council adopted neighborhood plan are to be required, then the rezones shall be approved simultaneously with the approval of the pertinent parts of the neighborhood plan.*

Subsection D is inapplicable as the subject site is not part of an adopted neighborhood plan.

E. Zoning Principles. The following zoning principles shall be considered:

- 1. The impact of more intensive zones on less intensive zones or industrial and commercial zones on other zones shall be minimized by the use of transitions or buffers, if possible. A gradual transition between zoning categories, including height limits, is preferred.*
- 2. Physical buffers may provide an effective separation between different uses and intensities of development. The following elements may be considered as buffers:*
 - a. Natural features such as topographic breaks, lakes, rivers, streams, ravines and shorelines;*
 - b. Freeways, expressways, other major traffic arterials, and railroad tracks;*
 - c. Distinct change in street layout and block orientation;*
 - d. Open space and greenspaces.*

The proposed rezone and development are consistent with the above zoning principles. Impacts of the Lowrise 1 zone on the single-family zones to the east and south have been minimized through multiple aspects of the project design, as described above.

With respect to a gradual transition in height limits, it should be noted that both the Lowrise 1 zone and the single-family zone have a similar ultimate roofline height of 35 feet. As explained above, however, the height limit of the Lowrise 1 zone is actually more restrictive than the single-family zone, resulting in a reduced appearance of height and bulk from Lowrise 1 zoning.

Physical buffers are provided on the eastern and southern portions of the property, in the form of open space and greenspaces, to provide a physical buffer to the adjacent single-family homes. (See site plan included on page 3.) As noted above, the setbacks proposed with this development exceed those that are required and would likely be provided if the property were instead developed under the existing single-family zoning. Proposed structures have been held back from the single-family edges of the site to provide increased setbacks and to retain additional large trees that provide an effective buffer to adjacent uses. See below for building elevations.

32nd Avenue West - Elevation



Eastern Elevation



3. *Zone Boundaries.*
 - a. *In establishing boundaries the following elements shall be considered:*
 - (1) *Physical buffers as described in subsection E2 above;*
 - (2) *Platted lot lines.*
 - b. *Boundaries between commercial and residential areas shall generally be established so that commercial uses face each other across the street on which they are located, and face away from adjacent residential areas. An exception may be made when physical buffers can provide a more effective separation between uses.*

The proposed rezone is consistent with zone boundary criteria. The proposed rezone would follow platted lot lines. Also, no commercial use is proposed.

4. *In general, height limits greater than forty (40) feet should be limited to urban villages. Height limits greater than forty (40) feet may be considered outside of urban villages where higher height limits would be consistent with an adopted neighborhood plan, a major institution's adopted master plan, or where the designation would be consistent with the existing built character of the area.*

The Lowrise 1 height limit is 35 feet, so this subsection is inapplicable.

- F. *Impact Evaluation. The evaluation of a proposed rezone shall consider the possible negative and positive impacts on the area proposed for rezone and its surroundings.*
 1. *Factors to be examined include, but are not limited to, the following:*
 - a. *Housing, particularly low-income housing;*
 - b. *Public services;*
 - c. *Environmental factors, such as noise, air and water quality, terrestrial and aquatic flora and fauna, glare, odor, shadows, and energy conservation;*

- d. Pedestrian safety;*
- e. Manufacturing activity;*
- f. Employment activity;*
- g. Character of areas recognized for architectural or historic value;*
- h. Shoreline view, public access and recreation.*

As explained above, the design of the proposed developed has mitigated bulk and scale impacts on single-family houses in the vicinity and provides an appropriate transition from the commercial and multi-unit development to the north and west, to the single-family development to the south. As part of the contract rezone, the applicant would agree to put in three fewer units than allowed by the Lowrise 1 zone (10 units as opposed to 13).

The proposed rezone would add market rate housing right next to the commercial services available in the Magnolia Village. Providing additional density within walking distance of commercial services helps to encourage pedestrian activity. No concerns with pedestrian safety have been identified. The proposal would have a single curb cut on the south end of the site, and the traffic generated by the proposal would be less than the traffic from the five homes that could be developed on the site without a rezone.

The subject site includes tree species of up to 60 inches in diameter that are a distinctive part of the environment. For example, there are seven Giant Sequoia trees on the site. Under a single-family development, five of these large trees would likely be removed. In contrast, under the proposed Lowrise 1 development where structures have been sited to preserve as many of the large trees as possible, only 2 Giant Sequoias would be removed. Thus, with the rezone, three additional Giant Sequoias would be preserved.

- 2. Service Capacities. Development which can reasonably be anticipated based on the proposed development potential shall not exceed the service capacities which can reasonably be anticipated in the area, including:*
 - a. Street access to the area;*
 - b. Street capacity in the area;*
 - c. Transit service;*
 - d. Parking capacity;*
 - e. Utility and sewer capacity;*
 - f. Shoreline navigation.*

The proposed rezone would not adversely affect service capacities for the area. The vehicular traffic generated by the development would be less than if the site were developed under the current single-family zoning, which would allow five houses to be built on the property. In terms of parking, the development exceeds Land Use Code parking requirements.

G. Changed Circumstances. Evidence of changed circumstances shall be taken into consideration in reviewing proposed rezones, but is not required to demonstrate the appropriateness of a proposed rezone. Consideration of changed circumstances shall be limited to elements or conditions included in the criteria for the relevant zone and/or overlay designations in this chapter.

Although the rezone justification is not based on changed circumstances, it is noteworthy that development of the triangle parcel with 15 units is a change in land use patterns in close proximity to the subject site.

H. Overlay Districts. If the area is located in an overlay district, the purpose and boundaries of the overlay district shall be considered.

The subject site is not located in an Overlay District, so this subsection is inapplicable.

I. Critical Areas. If the area is located in or adjacent to a critical area (SMC Chapter 25.09), the effect of the rezone on the critical area shall be considered.

An Environmentally Critical Areas assessment was done of the subject site to determine if the drainage ditch along the northern property line meets the definition of a “stream” and whether there are any wetlands on the site. Based on a January 12, 2007 report done by Gray Rand, Senior Scientist at David Evans and Associates, the drainage ditch is not a stream and is not a regulated watercourse under Environmentally Critical Area regulations. He also concluded that there are no wetlands on the site.

The Rand report did observe an area of seeping water just outside of the property line at the southwest corner. This small area may qualify as a regulated wetland, depending on when the slope was cut for the sidewalk. In any case, even if it is a regulated wetland, it would be classified as a Category IV due to its small size, lack of hydrologic and habitat function, and isolation. Development of this type of wetland is allowed with no buffer required, as long as an area of native vegetation equal or greater in size to the area of the developed wetland is provided. The proposed project meets this landscaping requirement.

Section 23.34.007 Rezone Evaluation

- A. The provisions of this chapter apply to all rezones except correction of mapping errors. In evaluating proposed rezones, the provisions of this chapter shall be weighed and balanced together to determine which zone or height designation best meets those provisions. In addition, the zone function statements, which describe the intended function of each zone designation, shall be used to assess the likelihood that the area proposed to be rezoned would function as intended.*
- B. No single criterion or group of criteria shall be applied as an absolute requirement or test of the appropriateness of a zone designation, nor is there a hierarchy or priority of rezone considerations, unless a provision indicates the intent to constitute a requirement or sole criterion.*
- C. Compliance with the provisions of this chapter shall constitute consistency with the Comprehensive Plan for the purpose of reviewing proposed rezones, except that Comprehensive Plan Shoreline Area Objectives shall be used in shoreline environment redesignations as provided in SMC Subsection 23.60.060 B3.*
- D. Provisions of this chapter that pertain to areas inside of urban centers or villages shall be effective only when a boundary for the subject center or village has been established in the Comprehensive Plan. Provisions of this chapter that pertain to areas outside of urban villages or outside of urban centers shall apply to all areas that are not within an adopted urban village or urban center boundary.*

As described above, the criteria for rezoning single-family zoned property are met, so the proposed rezone is consistent with the overall hierarchy of rezone criteria.

In weighing and balancing the various other rezone criteria, the analysis shows that the rezone is consistent with the Lowrise 1 function and locational criteria, and the site will function as intended for the Lowrise 1 zone.

Section 23.34.004 Contract Rezones

B. Property Use and Development Agreement (PUDA). The Council may approve a map amendment subject to the execution, delivery and recording of an agreement executed by the legal or beneficial owner of the property to be rezoned to self-imposed restrictions upon the use and development of the property in order to ameliorate adverse impacts that could occur from unrestricted use and development permitted by development regulations otherwise applicable after the rezone. All restrictions shall be directly related to the impacts that may be expected to result from the amendment. A rezone shall be conditioned on performance or compliance with the terms and conditions of the property use and development agreement. Council may revoke a contract rezone or take other appropriate action allowed by law for failure to comply with a PUDA. The agreement shall be approved as to form by the City Attorney, and shall not be construed as a relinquishment by the City of its discretionary powers.

B. Waiver of Certain Requirements. The ordinance accepting the agreement may waive specific bulk or off-street parking and loading requirements if the Council determines that the waivers are necessary under the agreement to achieve a better development than would otherwise result from the application of regulations of the zone. No waiver of requirements shall be granted which would be materially detrimental to the public welfare or injurious to property in the zone or vicinity in which the property is located.

A contract rezone is proposed to recognize the unique circumstances of the subject site. A Property Use and Development Agreement would: 1) limit development to 10 units (rather than the 13 allowed by the Lowrise 1 zoning), 2) require that the units be provided in four buildings in order to mitigate bulk and scale, and 3) require that the development conform to the Master Use Permit plans approved by the Design Review Board. No waiver of City standards is sought from the City Council.

RECOMMENDATION – REZONE

Analysis of the rezone criteria above reveals that the subject site and immediately surrounding area are appropriately located for the proposed use, and a contract rezone is the appropriate mechanism for changing the zone classification of the property. The site is significantly larger than other single-family lots in the vicinity, and it is the only parcel abutting, and across the street from, NC zoning. The proposal provides a transition between the NC and Single-Family zones that responds to the residential scale of the vicinity while permitting an increase in density next to Magnolia Village. The contract rezone is to build the specific project developed in neighborhood Design Review to be highly compatible with the surrounding area.

Recommended Rezone Conditions

1. The L1 zoning classification shall be used only for the specific development developed through neighborhood Design Review and evidenced in the DPD project documents for application numbered 3005123.

ANALYSIS - SEPA

The initial disclosure of the potential impacts from this project was made in the environmental checklist submitted by the applicant, dated June 1, 2007 and annotated by the Land Use Planner. The information in that checklist, supplemental information submitted by the applicant (plans for the proposed development, historic and cultural resources report, soils information; and meetings with members of the public, private consultants and City staff), and the experience of the lead agency with the review of similar projects form the basis for this analysis and decision.

The SEPA Overview Policy (SMC 23.05.665) 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 such limitations/circumstances, (SMC 25.05.665 D) mitigation can be considered. Thus, a more detailed discussion of some of the impacts is appropriate.

Short -Term Impacts

The following temporary construction-related impacts are expected: temporary soils erosion; decreased air quality due to dust and other suspended air particulates; 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; consumption of renewable and nonrenewable resources; and removal of ground water. Due to the temporary nature and limited scope of these impacts, they are not considered significant. Although not significant, these impacts are adverse, and in some cases, mitigation is warranted.

City codes and/or ordinances apply to the proposal and will provide adequate mitigation for some of the identified impacts. 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

The Puget Sound Clean Air Agency (PSCAA) regulations require control of fugitive dust to protect air quality. Filing of a Notice of Intent to that that agency will alert them of the development proposal and help insure air quality impacts during demolition and construction are controlled. To insure this outcome SEPA Construction Impacts authority will be imposed to require the owner or developer of the proposed project to file a Notice of Intent with the PSCAA prior to beginning any work on the site.

Greenhouse Gas Emissions

Construction activities including construction worker commutes, truck trips, the operation of construction equipment and machinery, and the manufacture of the construction materials themselves result in increases in carbon dioxide and other greenhouse gas emissions which adversely impact air quality and contribute to climate change and global warming. While these impacts are adverse, they are not expected to be significant.

Street and Sidewalks

The proposed on-site excavation is controlled by an excavation permit. The Street Use Ordinance includes regulations which 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. It is the City's policy to minimize or prevent adverse traffic impacts which would undermine the stability, safety, and/or character of a neighborhood or surrounding areas (25.05.675 R).

In this case, adequate mitigation is provided by the Street Use Ordinance, which regulates and provides for accommodating pedestrian access. Therefore, additional mitigation under SEPA is not warranted.

Construction Noise

There will be demolition of the house and garage on the site and grading to prepare the building site, as well as other noise generating construction activities. Noise associated with construction could adversely affect the residential areas in the vicinity of the proposal site, particularly those directly adjacent to the site. Due to the proximity of residentially zoned areas in relation to the proposal site, the limitations of the Noise Ordinance appear to be inadequate to protect the residential neighborhood. To minimize construction noise impacts to residential neighborhoods, DPD has conditioned projects of a similar scale to limit hours of construction to 7:00 A.M. to 6:00 P.M. on weekdays. This condition has been successfully applied in the past and will be imposed here.

The Department recognizes there may be occasions when critical construction activities of an emergency nature, related to safety or traffic issues, or that could substantially shorten the total construction time frame, may need to be completed after regular construction hours as conditioned herein. Therefore, the Department reserves the right to approve waivers of this restriction on construction hours and days. Such waivers must be approved by the Department on a case-by-case basis prior to such work.

It is also recognized that there are quiet non-construction activities that can be done at any time such as, but not limited to: site security, surveillance, monitoring for weather protection, checking tarps, surveying, landscaping, painting, and walking on and around the site and structure. These types of activities are not considered construction and will not be limited by the conditions imposed on this Master Use Permit.

In addition, after the building is fully enclosed, interior work may be done at any time in compliance with the Noise Ordinance with no pre-approval from the Department.

Construction Parking

During construction, parking demand will increase due to additional demand created by construction personnel and equipment. It is the City's policy to minimize temporary adverse impacts associated with construction activities. Construction workers can be expected to arrive in early morning hours and to leave in the mid-afternoon. Surrounding residents generate their peak need for on-street parking in the evening and overnight hours when construction workers can be expected to have departed. SEPA mitigation of parking impacts during construction appears to be unwarranted.

Long-Term Impacts

Potential long-term or use impacts anticipated by the proposal include: increased height, bulk and scale of building in some areas of the proposal site; increased light and glare from exterior lighting, increased noise due to increased human activity; increased demand on public services; increased traffic on adjacent streets; increased on-street parking, increased energy consumption. These long-term impacts are not considered significant because they are minor in scope, but some warrant further discussion.

Light and Glare

Lighting on the exteriors of proposed structures and of walkways within the proposal site should be shielded and of moderate intensity to limit impacts beyond the proposal site. Due to the unusual situation here where a greater number of residential units and large areas of common open space are proposed to be created in an area with adjacent single-family character, a SEPA condition will be imposed to require all exterior building and site lighting to be screened from direct view and of moderate intensity.

Parking

On site parking is proposed at a ratio of 1.8 spaces per residential unit, which is greater than the Code requirement of 1.1 spaces per unit. Experience of DPD and past parking surveys has determined that this ratio of spaces to units can reasonably be expected to meet the project-generated parking demand. No SEPA based conditioning of parking impacts appears warranted.

Traffic and Transportation

Traffic will increase over existing conditions due to the net increase of 9 dwelling units on the site. However, it must be acknowledged that the site is presently under-developed and 5 new single-family houses could be constructed on the property under existing zoning. The amount of traffic from the 10 townhouse units is less than would be expected for 5 single-family residences. Although neighbors have expressed concern over existing traffic levels, this development is not anticipated to cause adverse impacts in terms of roadway congestion or safety. No SEPA based conditioning of traffic impacts appears warranted.

Historic Preservation

Re-development of the project site would result in demolition of the existing house and garage built in 1946 for Charles Amos. Staff within the Office of Urban Conservation in the Department of Neighborhoods has reviewed a historic survey of the existing structures on the site and has found the structures to be unlikely to meet the criteria for designation as a City of Seattle Historic Landmark. No further mitigation under SEPA authority is warranted or necessary.

Ground Water

Public comment indicated a historic creek on the site and concern that on-going removal of ground water might negatively impact water flows in the vicinity. However, whatever creek may have been on the site was eliminated many years ago when the Bartell retail store and parking lot were constructed on the lot to the north. Based on a consultant's site reconnaissance, there is a ditch along the northern property line of the subject property that accepts water from a 12-inch PVC pipe. At the western property boundary, the ditch ends in a 12-inch concrete pipe. The consultant noted that hydrology in the ditch appeared artificial and there is no evidence that drainage continues on properties to the north or east. The ditch is not considered a riparian watercourse. As for water flows, groundwater impacts will be addressed as part of DPD review of construction permits. No SEPA based conditioning to protect ground water assets is deemed necessary.

Other Impacts

Several codes adopted by the City will appropriately mitigate the use-related 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 Clean Air 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).
- [] Determination of Significance. This proposal has or may have a significant adverse impact upon the environment. An EIS is required under RCW 43.21C.030 (2) (c).

CONDITIONS – DESIGN REVIEW

For the Life Project

1. The applicant must retain the fenestration, architectural features and elements, and arrangement of finish materials and colors presented to the Design Review Board on February 6, 2008, and as modified in updated plans approved by Colin R. Vasquez, senior Land use Planner, following the Board's recommendation meeting.
 - Compliance with this condition shall be verified and approved by Colin R. Vasquez, Senior Land Use Planner, 206-233-3866 or by Vincent T. Lyons, Architect & Design Review Manager, 206-233-3823 at a Pre-construction meeting. The purpose of the meeting will be to review the approved Design Review Plans and to inform the contractor that any changes to the exterior of the building must be reviewed and approved by the Land Use Planner prior to proceeding with any proposed changes.

- (You must make an appointment with the assigned Land Use Planner or Design Review Manager at least three (3) working days in advance of scheduling a date for a Pre-construction meeting.)

Prior to Building Permit Issuance

2. Any proposed changes to the exterior of the building or the site must be submitted to DPD for review and approval of the Senior Land Use Planner (Colin R. Vasquez, 206-684-5639). Any proposed changes to the improvements in the public right-of-way must be submitted to DPD and SDOT for review and for final approval by SDOT.
3. Compliance with all images and text on the MUP drawings, design review meeting guidelines and approved design features and elements (including exterior materials, landscaping and ROW improvements) shall be verified by the DPD planner assigned to this project, or by the Design Review Manager. An appointment with the assigned Land Use Planner must be made at least three (3) working days in advance of field inspection. The Land Use Planner will determine whether submission of revised plans is required to ensure that compliance has been achieved.
4. 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.

CONDITIONS – SEPA

5. The owner or developer of the proposed project shall file a Notice of Intent with the PSCAA prior to beginning any work on the site.

For the Life Project

6. All exterior building and site lighting to be screened from direct view and of moderate intensity.

During Construction

7. Construction activities, other than those taking place within the enclosed building, are limited to the hours of 7:00 A.M. to 6:00 P.M. on non-holiday weekdays. It is recognized that there may be occasions when critical construction activities of an emergency nature, related to safety or traffic issues may need to be completed after regular construction hours as conditioned herein. Therefore the Department reserves the right to approve waivers of these construction hour and day restrictions. Such waivers must be requested at least three business days in advance, and approved by the Department on a case-by-case basis prior to such work. After the building is fully enclosed, on a floor-by-floor basis, interior work may be done at any time in compliance with the Noise Ordinance with no pre-approval from the Department.

Signature: _____ (signature on file) Date: August 21, 2008
Colin R. Vasquez, Senior Land Use Planner
Department of Planning and Development

CRV:lc