



City of Seattle

Gregory J. Nickels, Mayor

Department of Planning and Development

D. M. Sugimura, Director

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

Application Number: 3005918
Applicant Name: Curtis McGuire for David Winters (Swedish Automotive).
Address of Proposal: 7901 35th Ave SW

SUMMARY OF PROPOSED ACTION

Land Use Application to change an existing 1,836 square foot religious facility to a minor auto repair (1st floor) and 1,989 square feet for offices (2nd floor of the existing building). The project includes a new one story structure with 7,661 square feet for minor auto repair on the ground level. (Planner note: Initial project proposal was for a two story minor auto repair building) Surface parking for 19 vehicles will be provided on the site.

The following approval is required:

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

Design Review - Chapter 23.41, Seattle Municipal Code. Design Review

SEPA DETERMINATION: Exempt DNS MDNS EIS

DNS with conditions

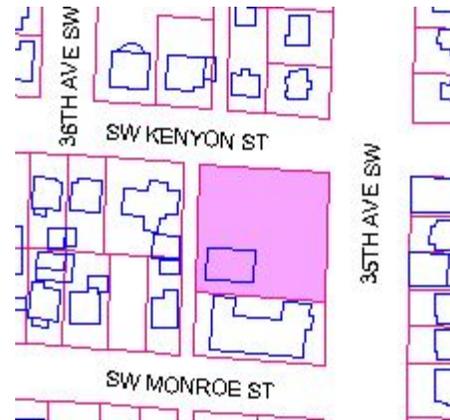
DNS involving non-exempt grading or demolition or involving another agency with jurisdiction.

BACKGROUND DATA

Site and Vicinity Description

The site is at 7901 35th Ave SW between SW Kenyon and SW Monroe. The site is zoned Neighborhood Commercial 1 with a 30-foot base height limit (NC1-30). Parcels across the alley and across SW Kenyon Street are Single Family 5000. The neighboring parcel on the block is zoned NC1-30 as well. There is an alley in this block which runs north south behind the two commercial parcels.

In general, development in the vicinity is residential and consists of single family structures and some multi-family structures. This parcel is part of a small commercial area at this intersection. There are more commercial uses to the north along 35th one half block.



The subject site is developed with a two story church building. Currently there are two curb cuts, one on each street frontage.

Proposal Description

The development objective is to build an automotive service facility. The existing building will be renovated and retained on site as accessory office to the automotive service use. The new building will be a one story building of automotive service bays. (The two story service bay and office above design has been revised to the one story submittal.) The alley and one curb cut on 35th Street is proposed to serve as vehicle access. The developer is proposing “green” aspects to the design and operation. There are large planting strips in the right of way which will be renovated as per SDOT and street trees will remain. There is a bus stop that will remain. The automotive service would be open Monday through Friday only.

EARLY DESIGN GUIDANCE

Architect’s presentation

The architect made the presentation. He presented the site analysis, area analysis and reviewed the uses in the surrounding blocks. Four initial studies show different configurations of proposed uses and their possible massing on the site. The development objective is to build an automotive service facility with a second story for office use. The existing building will be renovated and retained on site. Number one-A (1A) option presented at the meeting shows zoning compliant buildings lined up along Kenyon and 35th Ave with a parking court interior to the site. There is just one two way curb cut on 35th Street. Option one-B (1B) explores the same configuration of buildings and parking but adds a curb cut on Kenyon. Both options will have a walk up customer service office on the corner of Kenyon and 35th Ave. Option two-A (2A) sets the

building in the interior of the site (a double loaded) scheme with parking along the alley and along 35th Avenue. Option two B (2B) shows a similar building with a drive aisle replacing one set of service bays. Both 2 options have two curb cuts. The developer is proposing “green” aspects to the design and operation. There are large planting strips in the right of way which will be renovated as per SDOT and street trees will remain. There is a bus stop that will remain. The automotive service would be open Monday through Friday only.

Board Clarifying Questions and Comments

The Board asked about the parking access from the street or alley and asked for clarification on preference for access in the various options. The Board asked for clarification of business operations. The applicant added that there would be about 55 cars per week and about 11 cars serviced per day at this location. The Board asked a few zoning questions of the planner. The Board asked for more details on the proposed façade detailing along 35th Avenue.

Public Comments

There were five members of the public present. Comments included the following:

- Traffic Calming on Kenyon would be good and reducing any use of Kenyon for traffic would be preferable.
- The option with no curb cut on Kenyon is preferable.
- There is a school bus stop on Kenyon along this site.
- Having cars idle on site for long periods is distracting for the neighborhood.
- Continue efforts on sustainable and ecological design.
- This is not a good use at this site.
- Option 1B is preferred.
- Avoid using the alley for access, deliveries or garbage.

Board Deliberations

After visiting the site, considering the analysis of the site and context provided by the proponents, and hearing public comment, the Design Review Board members provided the siting and design guidance described below and identified by letter and number those siting and design guidelines found in the City of Seattle’s “*Design Review: Guidelines for Commercial and Mixed Use Buildings*” of highest priority to this project.

Board Discussion

The Board noted that the site is beginning to explore interesting options for the site and the proposed uses. The Board noted they would entertain departures if they help the project better meet the design guidelines. The Board expressed positive opinions on the sustainable building efforts of the building design as much as possible. The Board agreed that their preference is options which have no access onto Kenyon.

DESIGN GUIDELINES.

A Site Planning

A-5 Respect for Adjacent Sites

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

The Board requested that the architect create a scheme that improves the alley condition on the site and carefully considers trash noise on the alley or that property line. Transparent screening, such as a 4 foot fence and multilayered planting would be desirable. If the alley is improved then it would be good if the neighbor's hedge could be left as is.

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.

The Board directed the designer to use the 35th Avenue SW curb cut for access to the site unless the alley is improved. If the alley is improved then access on Kenyon or 35th Avenue would be considered as additional access points. The Board thought that Kenyon should not be impacted with a curb cut if possible. Eyes on the sidewalk are very important and the proposed 1A and 1B options show a lot of building transparency along both streets and the corner customer service office. The Board would like to see details of these facades at the next meeting that follow the initial presented layout.

A-10 Corner Lots

Buildings on corner lots should be oriented to the corner and public street fronts. Parking and automobile access should be located away from corners.

The Board requests that Option 1A or 1B be developed because they present the customer service office on the corner, good building design and parking and access away from the corner. The difference between the two was due to access which will be subject to further study by the architect and presented to the Board. (Planner note: The applicant is in discussion with SDOT on alley improvement requirements at the time of this publication)

B Height, Bulk and Scale

B-1 Height, Bulk and Scale

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.

The Board agreed that successfully addressing height, bulk and scale issues at this site is key to creating a successful building.

C Architectural Elements and Materials

C-4 Exterior Finish Materials.

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

The Board would like to see quality materials for this project. Green building materials and systems would be very desirable. Also any materials that help with any sound attenuation used on the inside or outside of the building would be desirable.

D Pedestrian Environment

D-2 Blank Walls

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

The Board would like to see further development of the presented transparency at the service bays and customer service office. Also any wall treatments with patterning, modulation and plants should be explored and presented.

D-6 Screening of Dumpsters, Utilities, and Service Area

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

The Board directed the applicant to clearly address this guideline in the project design by accessing garbage off of 35th Avenue.

D-10 Commercial Lighting

Appropriate levels of lighting should be provided in order to promote visual interest and a sense of security for people in commercial districts evening hours.

Lighting should be shown to help provide security and interest, yet not glaring or lighting beyond the property lines.

D-11 Commercial Transparency

Commercial storefronts should be transparent, allowing for a direct visual connection between pedestrians on the sidewalk and the activities occurring on the interior of a building. Blank walls should be avoided.

Modulation and transparency should continue to be shown as per the edg materials.

E Landscaping

E-3 Landscape Design to Address Special Site Conditions

The landscape design should take advantage of special on-site conditions.

The landscaping should be full and striving and designed to be long lived at this location. Landscaping along the alley should be multi layered.

Summary of Requested Departures

Possible departures may be access from Kenyon or 35th (depending on zoning interpretation outcome) The Board is willing to entertain these possible departures from the development standards after further information is provided by the architect which demonstrates how the departure helps the project better meet one or more of the above listed guidelines

The applicant applied for a Master Use Permit on August 17, 2007.

RECOMMENDATION MEETING – December 20, 2007

Architect's presentation

Curtis McGuire made the presentation to the Board and public. He briefly reviewed the project site, vicinity uses, opportunities and constraints of the project site. The proposed building is two story (subsequently revised with office use above and auto repair below. The Existing building would be used for the auto repair customer office and the new building would have service bays opening to the interior. Entries to the upper level offices would be located at the ends of the building arms near the alley and near the vehicle entry on 35th Avenue. The project proposes some rainwater storage, and solar collectors.

Departures are being sought to better site the buildings on the site, to work with the existing building, capture site opportunities and to better meet the identified design standards.

The Design Departure matrix was updated⁹ after the recommendation meeting to better meet Board requests.

Development Standard Departure Matrix 3005918

Item	Development standard	Requirement	Proposed	Departure amount	Related guideline	Board Recommendation
1	SMC 23.47A.008 B2 Street level transparency.	60% transparency between 2 and 8 feet. 81 linear feet.	54% on SW Kenyon 73 linear feet.	6% on Kenyon. 8 linear feet.	A-5 less light, glare and auto repair noise through glass, enough for visibility but not too much B1 building design is stronger with less glass at pedestrian level but plenty of glass overall, modulation and landscape.	Approved with condition.
2	SMC 23.47A.032 1a. Parking location and access.	Access must be from the alley when site abuts an improved alley.	Improve alley and have access off of alley , but also provide a curb cut/access from 35 th Ave SW.		A-8 reduce use of alley as only access to site which would cause the alley next to the single family zone to be somewhat busy. Use 35 th , a busy street, rather than Kenyon.	Approved
3	SMC 23.47A.032 1c. Parking location and access.	Access must be from street with the fewest lineal feet of commercial frontage which is SW Kenyon.	Use access from 35 th Avenue SW requested.		A-10 auto access is located away from the corner.	Approved
4	SMC 23.47A.032 B1a location of parking.	Parking may not be located between a structure and a street lot line.	Maintain existing 8 stalls located between the existing building and 35 th Ave SW.		A-8 by providing more than the minimum parking impacts area reduced for the neighborhood. A-10 most of parking is behind building and away from street lot lines.	Approved

Board comments and Questions

The Board asked for further clarification on landscape areas and trees and rainwater storage. The architect was asked to walk the Board through the uses in the two buildings including a review of the entries and exits. The alley treatment was also reviewed by the architect. The Board discussed aspects of the proposed rainwater storage tanks, transparency along the two street fronts, office access stairways, general roof forms and corner roof forms and ground level use.

Public Comments

Public comments included the following:

- The project looks good.
- The project is too big at this location.
- The proposed use is a poor choice for this location.
- The rainwater storage and solar collectors are a good thing.
- The alley improvements are a positive aspect of the proposal.

Board deliberations

The Board discussed the departure requests and wanted to see more transparency on the street facades, corner roof forms redesigned, a reduction in rainwater storage tanks, better office entries to the upstairs offices and exploration of an office lobby at the corner. The Board also asked that the vehicle entry off of 35th Avenue be redesigned with a greater sense of entry. The Board members recommended approving departures, except that the departure request for transparency relief was recommended to be approved with conditions. The Board wants to see more transparency along 35th Avenue and at least a little more transparency along Kenyon Street.

ANALYSIS AND DECISION – DESIGN REVIEW

Revised proposal

After the recommendation meeting the owners of the property decided to revise the proposal to better suit their program needs, the recommendations of the Design Review Board and the site. The design for the new building has been changed to be a one story auto repair building. The existing building to the rear of the site will still be renovated and remain at two stories.

The architect has changed plans to better meet the Board recommendations. The street level transparency has been increased along both streets. There is still a departure request for a small portion of the Kenyon façade. The departure will help the project meet A-5 Respect for Adjacent Sites in that there will be a little less chance for glare from lights or window glazing to disrupt neighbors and B-1 Height Bulk and Scale where the current building design is stronger with less glass at the pedestrian level but plenty of glass overall, good modulation and full and striving landscaping. There is an alley at the rear of the site which is currently a gravel alley. The alley will be improved and is proposed to be used for part of the access. There is a single

family zone across the alley. The applicant has asked for another curb cut and access to the site from the busiest street, 35th Avenue SW. The Board approved this curb cut departure to take pressure off of the alley use and agreed that the best location was on 35th Avenue SW and not on Kenyon. These departures help the project better meet guidelines A-8 Parking and Vehicle Access and A-10 Corner Lots. The applicant also is requesting a departure for parking location for 8 parking stalls to be between the existing building and 35th Avenue SW. The board was comfortable that this would help the project serve the clients better by providing additional parking and that the new building would be partial screening for those spaces. The departure helps the proposal to better meet guideline A-8 Parking location to minimize impact on adjacent properties.

The Director of DPD has reviewed the recommendations of the full Design Review Board and finds that they are consistent with the City of Seattle Design Review *Guidelines for Multifamily & Commercial Buildings* and that the development standard departures present an improved design solution, better meeting the intent of the Design Guidelines, than would be obtained through strict application of the Seattle Land Use Code. Therefore, the Director **approves** the proposed design as presented in the official plan sets on file with DPD as of June 11, 2008. The Design Review Board meeting and the recommended **development standard departures** described above are **approved**.

The Board recommended actions are summarized below:

1. Landscaping must be hardy and attractive with low maintenance and low water usage choices. Use native plants as much as possible. All landscaping areas shall be irrigated.
2. The building materials presented are acceptable. The building style and materials are to remain the same through the construction and building phase. If there are changes then the architect must contact the land use planner (Holly Godard at 615-1254) in advance to discuss the proposed changes.
3. Transparency must be improved especially along 35th Avenue SW. (planner note: This condition was addressed in the redesign after the recommendation meeting and therefore is met.)

ANALYSIS - SEPA

The initial disclosure of the potential impacts from this project was made in the annotated environmental checklist dated August 17, 2007 and revised May 29, 2008, and supplemental information in the project file submitted by the applicant's agent. The information in the checklist, the supplemental information, and the experience of the lead agency with the review of similar projects form the basis for this analysis and decision.

Seattle Municipal Code (SMC) Section 25.05.665(D), the SEPA Overview Policy, clarifies the relationship among 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. Per SMC 25.05.665 D 1-7, mitigation can be considered for specified limitations and/or circumstances. Therefore, a more detailed discussion of some of the anticipated impacts is appropriate.

Short - Term Impacts

The following temporary or construction-related impacts are expected: decreased air quality due to increased dust and other suspended air particulates during construction; potential soil erosion during excavation and general site work; increased runoff; tracking of mud onto adjacent streets by construction vehicles; increased demand on traffic and parking from construction equipment and personnel; conflict with normal pedestrian and vehicular movement adjacent to the site; increased noise; and consumption of renewable and non-renewable resources.

Several adopted codes and/or ordinances provide mitigation for some of the identified impacts. Specifically these are: the Stormwater, Grading and Drainage Control Code (grading, site excavation and soil erosion); Street Use Ordinance (watering streets to suppress dust, obstruction of the rights-of-way during construction, construction along the street right-of-way, and sidewalk repair); Building Code (construction standards in general); and Noise Ordinance (construction noise that is permitted in the city). Compliance with these codes and ordinances will be adequate to achieve sufficient mitigation of potential adverse impacts. Thus, mitigation pursuant to SEPA is not necessary for these impacts.

Long - Term Impacts

Long-term or use-related impacts are also anticipated from the proposal: increased bulk and scale on the site; increased traffic and parking demand due to expanded business; minor increase in airborne emissions resulting from additional traffic; minor increase in ambient noise due to increased human activity; increased demand on public services and utilities; and increased energy consumption.

Height, Bulk and Scale

The proposed one-story project will have a corner building element that rises to approximately 20 feet at the corner and is lower on the two wings along Kenyon and 35th. The roof forms will be sloped and saw tooth in form. The proposed project is being developed to below the NC1-30 standards, as allowed by the Land Use Code, and is thereby in keeping with the scale of the potential of the zone as well as that of several existing structures in the vicinity.

The SEPA Height, Bulk and Scale Policy (Sec. 25.05.675.G, SMC) states that "*the height, bulk and scale of development projects should be reasonably compatible with the general character of development anticipated by the adopted Land Use Policies...for the area in which they are located, and to provide for a reasonable transition between areas of less intensive zoning and more intensive zoning.*"

In addition, the SEPA Height, Bulk and Scale Policy states that “(a) project that is approved pursuant to the Design Review Process shall be presumed to comply with these Height, Bulk and Scale policies. This presumption may be rebutted only by clear and convincing evidence that height, bulk and scale impacts documented through environmental review have not been adequately mitigated.” Since the discussion in the previous paragraph indicates that there are no significant height, bulk and scale impacts as contemplated within this SEPA policy, and since the Design Review Board approved this project with conditions, no mitigation of height, bulk and scale impacts is warranted pursuant to this SEPA policy.

DECISION - SEPA

This decision was made after review by the responsible official on behalf of the lead agency and was based on 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 43.21.C), 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 SEPA

None.

CONDITIONS DESIGN REVIEW

Non-Appealable Conditions

1. Any proposed changes to the exterior of the building or the site or must be submitted to DPD for review and approval by the Land Use Planner (Holly Godard 206-615-1254). 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.
2. 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 (Holly Godard 206-615-1254), or by the Design Review Manager. An appointment with the assigned Land Use Planner must be made at least three 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.

3. 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 and embed the colored MUP recommendation drawings in the building permit plan sets.

Signature: (signature on file)
Holly Godard, Land Use Planner
Department of Planning and Development

Date: July 21, 2008