



City of Seattle

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Gregory J. Nickels, Mayor  
**Department of Planning & Development**  
D.M. Sugimura, Director

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

**Application Number:** 3004322  
**Applicant Name:** Mike Moedritzer, Tonkin Hoyne Lokan Architects for the  
Archdiocesan Housing Authority  
**Address of Proposal:** 2429 SW Holden Street

**SUMMARY OF PROPOSED ACTION**

Land Use Application to allow a multifamily development consisting of two, three-story apartment buildings with parking for 10 vehicles located within the building; and two, two-story ground related structures with surface parking for 12 vehicles. (Total of 26 dwelling units).

The following Master Use Permit components are required:

**Design Review - Seattle Municipal Code (SMC) Section 23.41 with Development Standard Departures:**

1. Building Depth – To increase the building depth requirement (SMC 23.45.011)
2. Modulation – To decrease modulation requirements (SMC 23.45.012)
3. Setback – To decrease setback requirements (SMC 23.45.014)
4. Open Space – To provide less than required open space (23.45.016)

**SEPA Environmental Review - Seattle Municipal Code (SMC) Section 25.05**

**SEPA DETERMINATION:**  Exempt  DNS  MDNS  EIS

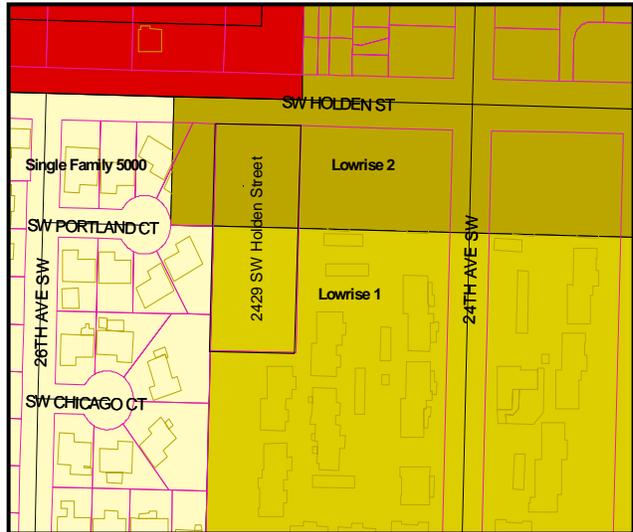
DNS with conditions

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

## **BACKGROUND DATA**

### **Site Description & Proposal**

The proposed project is split-zoned Lowrise 2 (L2) on the north, street-facing half and Lowrise 1 (L1) on the south one half. It is located on SW Holden Street between 24<sup>th</sup> and 26<sup>th</sup> Streets SW, just west of Delridge Way SW. The 40,170 square foot project site is vacant. The applicant proposes two, two-story multifamily structures on the north L2 portion of the site (18,200 sq. ft.) with under-building parking for 10 vehicles; and, two townhouse structures each with one additional (accessible) apartment on the south L1 portion of the site (29,370 sq. ft.) with adjacent parking for 12 vehicles. There will be a total of 26 units. The site is relatively flat on the easterly portion of the site but rises sharply 30-40 feet to the top of the slope at the west property line. The steeply sloping aspect of the site limits the buildable area particularly on the western portion of the site. The City's Environmentally Critical Areas ordinance applies to this site though a limited exemption has been granted. Though this site would not normally be subject to mandatory Design Review, the applicants have chosen to enter the process voluntarily to obtain some regulatory relief to offset some of the constraints caused by the steep slope area.



### **Vicinity**

The site is an interior lot, with approximately 130-feet of street frontage on SW Holden Street. The adjacent site to the east is a relatively dense 2 and 3-story multi-structure multifamily project also on L1 and L2 zoned land. The sides of these buildings facing the project site are only two stories high. Further east across 24<sup>th</sup> SW are more of the same type of multifamily development.

To the north, directly across SW Holden Street from the project site, is a recently completed townhouse cluster project. Immediately west of this is a project site still in review for additional townhouses.

The area immediately west of the site is zoned Single Family 5000 and is developed with single family homes on two short cul-de-sacs that connect to 26<sup>th</sup> Avenue SE.

Northeast of the site along both sides of 24th Avenue SW are identical multifamily structures operated by Seattle Housing Authority. This street ends at the parking lot of the Home Depot Store.

### **Public Comments**

The Early Design Guidance Meeting was held on December 14, 2006 and three members of the public were present at the meeting. One neighbor to the west of the project site expressed concern about the stability of the steep slope next to their home and the distance of the closest building to the property line.

The Final Design Recommendation Meeting was held on April 26, 2007. Two members of the public attended this Recommendation meeting. The following comments, issues and concerns were raised:

- Concerned with the distance between Building #2 and the west property line. The applicant responded that it is nine (9) feet and 20 feet to the single family structure.
- Concerned with height of the retaining wall and proposed landscaping at the top of the retaining wall on the west side. The applicant responded that the wall will be approximately 10 feet tall and that trees and shrubs were proposed for the top of the slope. The applicant expressed a willingness to build a fence as well.
- Concerned for the location of windows on the west side of building #2.
- Most concerned about the retaining wall and drainage from the top of the slope. The applicant responded that the engineered solution will make the slope more stable than before and that French drains were to be installed along with a catch basin vault under the proposed play court.

No comment letters were received during the SEPA comment period for this proposal which ended on March 21, 2007.

## **ANALYSIS - DESIGN REVIEW**

### Design Guidance

At the Early Design Guidance meeting the architect presented three project site plans, massing diagrams, and building location drawings for the 26 multifamily units. The diagrams represented the neighborhood context and future massing conditions based on zoning. The four buildings of the preferred alternative will be relatively small-scaled as limited by zoning standards. Along the SW Holden Street frontage will be a pair of two-story stacked flat apartment buildings above under-structure or underground parking. The easternmost of the two buildings will also contain a small amount of project-related community space in a daylight basement. At the south end of the site, accessed by a driveway along the eastern edge of the site, will be the other two buildings in a north-south configuration, containing 2- and 3-story townhouses. Each of these buildings includes one additional daylight basement ADA-accessible flat unit underneath. Surface parking for these units will be provided in front of each unit.

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 and identified by letter and number those siting and design guidelines found in City of Seattle's "*Design Review: Guidelines for Multifamily and Commercial Buildings*" of highest priority to this project. Identification and discussion of the Guidelines have been incorporated into the citywide Design Guidelines in the priorities addressed below.

The Design Review Board reviewed the final project design on April 26, 2007 at which time site, landscaping and floor plans, as well as elevation sketches and renderings, were presented for the members' consideration. The design presented at the Recommendation meeting included an easement on the east boundary to accommodate the width of the driveway to the inner court and play area and for Fire Department turn-around. The proposed location of Building #2 on the west side of the site is shifted to the east to provide more distance from the single family residences to the west. The guidance by the Board appears after the bold guidelines text and the recommendations from the final meeting follow in italicized text.

## **A Site Planning**

### **A-1 Responding to Site Characteristics**

**The siting of buildings should respond to specific site conditions and opportunities.**

*At the Recommendation Meeting, the Board expressed concern for the significant departures being requested but agreed that the site was challenging and the site needed to be maximized because it is for low-income families. The Board noted, however, that the departures are not unreasonable as long as there is design continuity throughout the project.*

### **A-3 Entrances Visible from the Street**

**Entries should be clearly identifiable and visible from the street.**

*At the Recommendation Meeting, the Board agreed that the trellis design at the street successfully engaged the street without actually locating the building entrances at the street.*

### **A-5 Respect for Adjacent sites**

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

*At the Recommendation Meeting, the Board agreed that the height of Building #2 closest to the west property line would not present an intrusion on the privacy of the single family homes to the west. The proposed location of Building has been shifted to the east to provide even more separation from the adjacent homes.*

### **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.**

- The Board agreed that the #3 alternative (preferred) was probably the best given the difficulty of the site. The applicant must address the geotechnical issues relating to stabilizing the slope on the western margin of the site.

*The design team, which includes a geotechnical engineer, a civil engineer, a structural engineer and a landscape architect are carefully studying options for slope stabilization, storm and ground water drainage, rockeries, retaining walls and shoring to protect uphill properties during construction.*

- The Board appreciated the apparent street presence of the building on SW Holden Street and expressed concern for the bulk of the building #2 closest to the single family homes to the west.

*At the Recommendation Meeting, the Board agreed that the street presence was further engaged by addition of trellises. Site elevations showed that the bulk of Building #2 at the west of the site was not overly intrusive on the adjacent properties to the west*

- Respect for the adjacent sites was addressed by the Board relating to the height and bulk of the building at the northwest of the site. This is the largest of the four buildings and the one with the most impact on the neighbors. The Board would like the applicant to show a scheme switching buildings #1 and #2 to decrease the massing next to the single family homes. Since Building #1 contained the community space, the Board asked the applicant to look at separating out the community space in a stand-alone building.

*At the Recommendation Meeting, the applicants demonstrated how rearranging the two northernmost buildings would constrict the interior court and eliminate a portion of the play area. The applicants responded to the concern for the bulk of the building by shifting the building to the east and compressing the space between the two building on the north of the site (thus creating a need for further departure). The Board agreed that this was an appropriate solution.*

- The large proposed interior open space, which also serves as a Fire Vehicle turnaround, might function better if pushed to the south of the site. Consideration should be given to incorporating the same paving used in the open space into the paving for the parking spaces in front of the townhomes to soften the effect of so much parking.

*At the Recommendation Meeting, the Board generally agreed with the location of the access road, courtyard and pedestrian walkway, but strongly objected to the transition from the courtyard paving to the asphalt surface in front of Buildings #3 and #4. The Board felt that the paving effect should be continued to the pedestrian and parking areas to demonstrate continuity. There also needs to be some hard protection for the trees located in front of the buildings which should be incorporated into the hardscape design.*

- Alternatives to the parking configuration in front of the buildings at the south end of the property should be explored especially locating the parking along the fence at the east edge of the site.

*At the Recommendation Meeting, the applicant demonstrated how relocation of the parking adjacent to the fence would necessitate relocating Buildings #3 and #4 closer to the steep slope and reducing the amount of open space for these buildings. The Board agreed, however, also stressed the need to create more continuity of the hardscape by extending the paving effect from the courtyard to the parking and pedestrian areas in front of Buildings #3 and #4.*

## **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 feels strongly that the bulk of the building closest to the single family homes to the west should be addressed either by reducing the bulk of the proposed building or by switching the locations of Buildings #1 and #2. This might necessitate relocating the community space into a stand-alone building.

*At the Recommendation Meeting, the Board agreed that by shifting Building #2 to the east, the bulk of the building becomes less apparent and less intrusive to the single family homes to the west. The applicants demonstrated how switching the location of the two northernmost building would constrict the courtyard, play area and provide inadequate turnaround for Fire vehicles. Locating the community room to a stand-alone building would not be practical because of space and financial considerations. The Board agreed.*

## **C Architectural Elements and Materials**

### **C-3 Human Scale**

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

*At the Recommendation Meeting, the applicant pointed out the residential elements, such as pitched roofs, bay windows, trellis entries, that contributed to an inviting streetscape.*

### **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.**

*At the Recommendation Meeting, the Board noted several issues with Architectural design and consistency that will need further attention.*

1. *The modulation on Buildings #1 and #2 needs to be increased by increasing the bay window depth to give the buildings more character (to at least 24"). The Board would grant an increase in the setback departure request to compensate.*
  2. *The massing of the stoops on Buildings #3 and #4 needs to be expanded with a more substantial base perhaps thematically continuing the hardscape features to the base of the stoops.*
- The Board recommended creating a pedestrian-friendly character for the street facing façade because of the adjacency of the single family neighborhood to the west. Special attention should be paid to the western façade of northwest building closest to the adjacent single family homes.

*At the Recommendation Meeting, the applicant demonstrated the elements, such as pitched roofs, bay windows, trellis-covered walkway entries, that would contribute to a pedestrian-friendly street facing façade. The height of the northwest building (Building #2), as redesigned, is no higher than the adjacent single family home and the location of the windows on the west side of the building are low enough so that privacy is not compromised for the neighbors.*

- The exterior finishes should be consistent with applicants' previous projects shown and be more interesting than structures in the surrounding neighborhood.

*The proposed building materials consist of cementitious lap siding in a variety of rich colors including a dark grassy green, mustard yellow, colonial blue and chocolate brown. All trim is cream color. The Board generally supported the color scheme but stressed the importance of integrating the design of the hardscape features such as the retaining walls, and courtyard surfaces.*

- The proponent was asked by the board to produce new elevation drawings showing the street facing façade treatments and building intersections in relation to the adjacent single family homes.

*The applicant produced the requested drawings which the Board agreed showed that the street facing façade was adequately integrated with the adjacent homes. However, the Board noted that the garage door on Building #2 needs further attention, either by the use of materials or paint color, to soften and integrate its appearance into the main structure.*

## **D Pedestrian Environment**

### **D-1 Pedestrian Open Spaces and Entrances**

**Provide convenient, attractive and protected pedestrian entries.**

### **D-3 Retaining Walls**

**Retaining walls near a public sidewalk that extend higher than eye level should be avoided where possible. Where high retaining walls are unavoidable, they should be designed to reduce their impact on pedestrian comfort and to increase the visual interest along the streetscape.**

### **D-6 Screening of Dumpsters, Utilities and Service Areas:**

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

### **D-7 Pedestrian Safety**

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

- The open space and the “internal streets” should have consistent paving patterns to emphasize pedestrian use and circulation.

*At the Recommendation Meeting, the Board again stressed the importance of thematically continuing the hardscape patterning from the interior courtyard – play area to the pedestrian and parking areas in front of Buildings #3 and #4 and into the bases of the stoops and the tree protection areas.*

- The Board also had strong comments relating to the steep slope and any retaining wall that may be used to preserve the integrity of the slope adjacent to the single family home to the west. Existing vegetation and storm runoff from uphill sites are important issues that must be addressed.

*At the Recommendation Meeting, the Board stressed the importance of successful landscape screening which may include fencing for the neighbors to the west.*

- The applicant should consider relocating the parking for the townhomes next to the existing east fence and meander the long driveway from the street entrance at SW Holden Street. Use of the same paving as for the open space area would soften the effect of the parking area.

*At the Recommendation Meeting, the applicant demonstrated how relocation of the parking adjacent to the fence would necessitate relocating Buildings #3 and #4 closer to the steep slope and reducing the amount of open space for these buildings. The Board agreed, however, also stressed the need to create more continuity of the hardscape by extending the paving effect from the courtyard to the parking and pedestrian areas in front of Buildings #3 and #4.*

- Though not discussed at this meeting, the Board wishes the applicant to specifically address the screening and design of dumpsters, utilities and service areas on the site.

*At the Recommendation Meeting, the applicant explained that all garbage and recycling services will be contained within Buildings #1 and #2 and that all electric meters and sprinklers control will be located out of view of the public.*

## **E Landscaping**

### **E-1 Landscaping to Reinforce Design Continuity with Adjacent Sites**

**Where possible, and where there is not another overriding concern, landscaping should reinforce the character of neighboring properties and abutting streetscape.**

### **E-2 Landscaping to Enhance the Building and/or site**

**Landscaping, including living plants, special pavement, 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.**

- Landscaping that addresses the privacy and slope stability of the adjacent single family neighborhood to the west is of paramount importance.

*At the Recommendation Meeting, the Board stressed the importance of successful landscape screening which may include fencing for the neighbors to the west.*

**DEVELOPMENT STANDARD DEPARTURES**

The following departures were requested:

**Departure Summary Table**

STANDARD	REQUIREMENT	REQUEST	APPLICANT'S JUSTIFICATION	BOARD RECOMMENDATION
<b>Structure width and depth (SMC23.45.011A)</b>	L2 & L1: 30' or 40' max. width w/entrance facing street  L1 & L2: 60% of lot depth	Bldg. 1- 42' 1 1/2" Bldg. 2-44' 3"  Bldgs. 1 & 2: 69% Bldgs. 3 & 4: 72%	All departures requested are in order to reduce impact on steep hillside on the west side of the site. Responding to Environmental constraints A-1	The Board recognizes the site constraints considers the departures requested to be reasonable. The Board unanimously and conditionally approves the departure requests.
<b>Modulation Width (SMC23.45.012D)</b>	L2 & L1: front and interior: 30' max. width, 40' w/entrance facing street, & 4' min. depth	Front Modulation Width: Bldg.1 32' 8 1/2"; Bldg. 2 36' 4"  Interior Modulation Width: Bldg. 1 45' 1 1/2"; Bldg. 2 85' 3"	Buildings are well articulated within the site with broken roof lines and bay windows. C-1; C-2; C-3	The Board considers that these departure requests contribute to a better overall design and unanimously approves the departure requests.
<b>Setbacks (SMC23.45.014)</b>	Front: Avg. of structures either side; Avg - 12' 6"  Rear: 20' (lesser of 20' or 20% lot depth)  Cluster: 20' avg. & 10' min (for 61' - 80' façade length)	Front Setbacks: Bldg. 1 11' 7" Bldg. 2 10' 9 1/2"  Rear Setback: 6' 10"  Cluster Setback: 17' 8" Avg. interior setback for 73' 4 1/2" facing façade segments	Responding to environmental constraints and respect for adjacent sites. A-1; A-5	The Board recognizes the site constraints posed by the steep slopes and conditionally approves the departure requests as a response to the priority guidelines to create a pedestrian friendly street-facing façade.
<b>Open Space (SMC 23.45.016)</b>	L2 Apartments: common open space 30% of lot area or 5,460 SF min.  L1 Ground-related units: private open space 300 SF Avg., 200 SF min.	L2: 20.9% of lot area or 3,806 SF  L1: 202 SF Avg.; 5 of 12 units with less than 200SF	Though open spaces have been reduced because of the site constraints, the quality of the open space is well-designed. A-1; A-7; D-1	The Board considers that these departure requests contribute to a better overall design and unanimously approves the departure requests.

**Summary of Board's Recommendations**

The recommendations summarized below are based on the plans submitted at the Final Design Review meeting. Design, siting or architectural details specifically identified or altered in these recommendations are expected to remain as presented in the presentation made at the August 17, 2005 public meeting and the subsequent updated plans submitted to DPD. After considering the site and context, hearing public comment, reconsidering the previously identified design priorities, and reviewing the plans and renderings, the Design Review Board members recommended

**CONDITIONAL APPROVAL** of the proposed design including the requested departures subject to the following design elements in the final design. The Board recommended that the applicant work with staff to resolve the following issues:

1. Thematically expand the hardscape features from the retaining walls to the courtyard through to the pedestrian and parking areas at the south and east of the site.
2. Increase the modulation of Buildings #1 and #2 by increasing the depth of the bay windows on all sides.
3. Add protection and survival solutions for trees in the parking areas in front of Buildings #3 and #4.
4. Integrate and soften the look of the garage door on the front of Building #2 by use of either materials or paint color.
5. Provide more detail with respect to screening (landscaping and fencing) solutions for top of retaining wall adjacent to single family homes.

The design review process prescribed in Section 23.41.014.F of the Seattle Municipal Code describing the content of the DPD Director's decision reads in part as follows:

*The Director's decision shall consider the recommendation of the Design Review Board, provided that, if four (4) members of the Design Review Board are in agreement in their recommendation to the Director, the Director shall issue a decision which incorporates the full substance of the recommendation of the Design Review Board, unless the Director concludes the Design Review Board:*

- a. *Reflects inconsistent application of the design review guidelines; or*
- b. *Exceeds the authority of the Design Review Board; or*
- c. *Conflicts with SEPA conditions or other regulatory requirements applicable to the site;*  
*or*
- d. *Conflicts with the requirements of state or federal law.*

Subject to the above-proposed conditions, the design of the proposed project was found by the Design Review Board to adequately conform to the applicable Design Guidelines.

## **ANALYSIS & DECISION – DESIGN REVIEW**

### **Director's Analysis**

Five members of the Southwest Design Review Board were in attendance and provided recommendations (listed above) to the Director and identified elements of the Design Guidelines which are critical to the project's overall success. The Director must provide additional analysis of the Board's recommendations and then accept, deny or revise the Board's recommendations (SMC 23.41.014.F3). The Director agrees with and accepts the conditions recommended by the Board that further augment the selected Guidelines.

Following the Recommendation meeting, DPD staff worked with the applicant to update the submitted plans to include all of the recommendations of the Design Review Board. The Director of DPD has reviewed the decision and recommendations of the Design Review Board made by the five members

present at the decision meeting and finds that they are consistent with the City of Seattle Design Review Guidelines for Multifamily and Commercial Buildings. The Director agrees with the Design Review Board's conclusion that the proposed project and conditions imposed result in a design that best meets the intent of the Design Review Guidelines and accepts the recommendations noted by the Board. The Director is satisfied that all of the conditions imposed by the Design Review Board have been met.

#### Director's Decision

The design review process is prescribed in Section 23.41.014 of the Seattle Municipal Code. Subject to the above-proposed conditions, the design of the proposed project was found by the Design Review Board to adequately conform to the applicable Design Guidelines. The Director of DPD has reviewed the decision and recommendations of the Design Review Board made by the three members present at the decision meeting, provided additional review and finds that they are consistent with the City of Seattle Design Review Guidelines for Multifamily and Commercial Buildings. The Design Review Board agreed that the proposed design, along with the conditions listed, meets each of the Design Guideline Priorities as previously identified. Therefore, the Director accepts the Design Review Board's recommendations and **CONDITIONALLY APPROVES** the proposed design and the requested departures with the conditions summarized at the end of this Decision.

#### **ANALYSIS - SEPA**

The proposal site is located in an environmentally critical area, thus the application is not exempt from SEPA review. However, SMC 25.05.908 provides that the scope of environmental review of projects within critical areas shall be limited to: 1) documenting whether the proposal is consistent with the City's Environmentally Critical Areas (ECA) regulations in SMC 25.09; and 2) Evaluating potentially significant impacts on the critical area resources not adequately addressed in the ECA regulations. This review includes identifying additional mitigation measures needed to protect the ECA in order to achieve consistency with SEPA and other applicable environmental laws.

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

The initial disclosure of the potential impacts from this project was made in the environmental checklist submitted by the applicant dated December 12, 2006 and annotated by the Land Use Planner. The information in the checklist, pertinent public comment, and the experience of the lead agency with review of similar projects form the basis for this analysis and decision.

The Department of Planning and Development has analyzed the environmental checklist and geotechnical report submitted by the project applicant; and reviewed the project plans and any additional information in the file. As indicated in this analysis, this action will result in adverse impacts to the environment. However, due to their temporary nature and limited effects, the impacts are not expected to be significant.

The SEPA Overview Policy (SMC 25.05.665) clarifies the relationship between codes, policies, and environmental review. Specific policies for each element of the environment, and 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 and environmental impact, it shall be presumed that such regulations are adequate to achieve sufficient mitigation*” subject to some limitations. Short-term adverse impacts are anticipated from the proposal. No adverse long-term impacts on the environmentally critical area are anticipated.

### Short-term Impacts

The following temporary or construction-related impacts on the identified critical area are expected: 1) temporary soil erosion; and 2) increased vibration from construction operations and equipment. These impacts are not considered significant because they are temporary and/or minor in scope (SMC 25.05.794).

Several adopted codes and/or ordinances provide mitigation for some of the identified impacts. The Stormwater, Grading and Drainage Control Code regulates site excavation for foundation purposes and requires that soil erosion control techniques be initiated for the duration of construction. The ECA ordinance and DR 33-2006 and 3-2007 regulate development and construction techniques in designated ECA areas with identified geologic hazards. The Building code provides for construction measures and life safety issues. Compliance with these applicable codes and ordinances will reduce or eliminate most short-term impacts to the environment and no further conditioning pursuant to SEPA policies is warranted.

Due to the fact that grading will be undertaken during construction, additional analysis of earth and grading impacts is warranted.

### Earth/Soils

The ECA Ordinance and Directors Rule (DR) 33-2006 require submission of a soils report to evaluate the site conditions and provide recommendations for safe construction in areas with landslide potential and/or a history of unstable soil conditions. A Geotechnical Engineering Study prepared by Cornerstone Geotechnical, Inc. dated March 15, 2005 and supplemented on May 21, 2007, was submitted with this application and has undergone separate geotechnical review by DPD. The construction plans, including shoring of excavations as needed and erosion control techniques are receiving separate review by DPD. Any additional information showing conformance with applicable ordinances and codes (ECA ordinance, The Stormwater, Grading and Drainage Control Code, DR 33-2006, and 3-2007) will be required prior to issuance of building permits. Applicable codes and ordinances provide extensive conditioning authority and prescriptive construction methodology to assure safe construction techniques are utilized; therefore, no additional conditioning is warranted pursuant to SEPA policies.

### Drainage

Soil disturbing activities during site excavation for foundation purposes could result in erosion and transport of sediment. The Stormwater, Grading and Drainage Control Code provides for extensive review and conditioning of the project prior to issuance of building permits. Therefore, no further conditioning is warranted pursuant to SEPA policies.

Noise

There will be excavation required to prepare the building site and foundation for the new building. Additionally, as development proceeds, noise associated with construction of the building could adversely affect the surrounding residential uses. Due to the proximity of these uses, the limitations of the Noise Ordinance are found to be inadequate to mitigate the potential noise impacts. Pursuant to the SEPA Overview Policy (SMC.25.05.665) and the SEPA Construction Impacts Policy (SMC 25.05.675 B), mitigation is warranted.

2. The hours of construction activity shall be limited to non-holiday weekdays between the hours of 7:30 a.m. and 6:00 p.m. and between the hours of 9:00 a.m. and 6:00 p.m. on Saturdays (except that grading, delivery and pouring of cement and similar noisy activities shall be prohibited on Saturdays). This condition may be modified by DPD to allow work of an emergency nature. This condition may also be modified to permit low noise exterior work (e.g., installation of landscaping) after approval from DPD.

Long-term Impacts

Long-term or use-related impacts are also anticipated as a result of this proposal including: increased surface water runoff due to greater site coverage by impervious surfaces, and loss of plant and animal habitat.

Several adopted City codes and/or ordinances provide mitigation for some of the identified impacts. Specifically these are: the ECA Ordinance, the Stormwater, Grading and Drainage Control Code which requires provisions for controlled tightline release to an approved outlet and may require additional design elements to prevent isolated flooding. Compliance with these applicable codes and ordinances is adequate to achieve sufficient mitigation of most long-term impacts and no further conditioning is warranted by SEPA policies.

**DECISION - SEPA**

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

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

**CONDITIONS – SEPA**

The owner applicant/responsible party shall:

During Construction

The following condition(s) to be enforced during construction shall be posted at the site in a location on the property line that is visible and accessible to the public and to construction personnel from the street right-of-way. If more than one street abuts the site, conditions shall be posted at each street.

The conditions will be affixed to placards prepared by DPD. The placards will be issued along with the building permit set of plans. The placards shall be laminated with clear plastic or other waterproofing material and shall remain posted on-site for the duration of the construction.

1. The hours of construction activity shall be limited to non-holiday weekdays between the hours of 7:00 a.m. and 6:00 p.m. and between the hours of 9:00 a.m. and 6:00 p.m. on Saturdays (except that grading, delivery and pouring of cement and similar noisy activities shall be prohibited on Saturdays). This condition may be modified by DPD to allow work of an emergency nature. This condition may also be modified to permit low noise exterior work (e.g., installation of landscaping) after approval from DPD.

### **NON-APPEALABLE CONDITIONS – DESIGN REVIEW**

2. Prior to issuance of any permit to establish, construct or modify any use or structure, or to reduce any parking accessory to a multifamily use or structure, if the applicant relies upon these reduced parking requirements, the applicant shall record in the King County Office of Records and Elections a declaration signed and acknowledged by the owner(s), in a form prescribed by the Director, which shall identify the subject property by legal description, and shall acknowledge and provide notice to any prospective purchasers that specific income limits are a condition for maintaining the reduced parking requirement. (SMC 23.54.015, Chart B, Note 4: Notice of Income Restrictions)
3. 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 (Marti Stave, 684-0239), or by the Design Review Manager (Vince Lyons, 233-3823). 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.
4. 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 Land Use Planner assigned to this project or by the Design Review Manager. An appointment with the assigned Land Use Planner must be made at least (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.
5. Embed all of the conditions listed at the end of this decision in the cover sheet for the MUP permit and for all subsequent permits including updated MUP plans, and all building permit drawings.
6. Embed the 11 x 17 colored elevation drawings from the DR Recommendation meeting and as updated, into the MUP plans prior to issuance, and also embed these colored elevation drawings into the Building Permit Plan set in order to facilitate subsequent review of compliance with Design Review.
7. Include the Departure Matrix in the Zoning Summary section of the MUP Plans and on all subsequent Building Permit Plans. Add call-out notes on appropriate plan and elevation drawings in the updated MUP plans and on all subsequent Building Permit plans.

Compliance with all applicable conditions must be verified and approved by the Land Use Planner, Marti Stave, (206 684-0239) at the specified development stage, as required by the Director's decision. The Land Use Planner shall determine whether the condition requires submission of additional documentation or field verification to assure that compliance has been achieved. **Prior to any alteration of the approved plan set on file at DPD, the specific revisions shall be subject to review and approval by the Land Use Planner.**

Signature: \_\_\_\_\_ (signature on file) \_\_\_\_\_ Date: July 19, 2007

Marti Stave, Land Use Planner  
Department of Planning and Development

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