



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**

Project Number: 3004972¹
Address: 1114 Lakeview Boulevard East
Applicant: Greg Wharton, Architect for the Sequoia Syndicate, LLC

SUMMARY OF PROPOSED ACTION

Land Use Application to establish use for the future construction of a four-story residential (apartment) building, containing six residential units in an Environmental Critical Area. Accessory parking for 11 vehicles will be provided within a below grade garage structure. The project includes grading of approximately 2,000 cubic yards of grading at the development site. Demolition of the existing structure will be under separate permit.

The following Master Use Permit components are required:

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

1. Lowrise – Lot Coverage (23.45.010.A.1)
2. Lowrise – Structure Width and Depth. (23.45.011.A)
3. Lowrise – Side Setback Requirements (23.45.014.C)
4. Lowrise – Open Space Requirements (23.45.016.A.3.b)

SEPA - Regulations for Environmentally Critical Areas (Chapter 25.05 .908 SMC).

SEPA DETERMINATION: [] Exempt [X] DNS [] EIS

[] DNS with conditions

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

¹ The original project number was #2500674, prior to conversion to DPD's current permit tracking system.

*Early Notice DNS published May 18, 2006

**The project was revised and re-noticed to include Environmental Critical Areas Variance to allow disturbance in the 40% steep slope and its buffer areas.

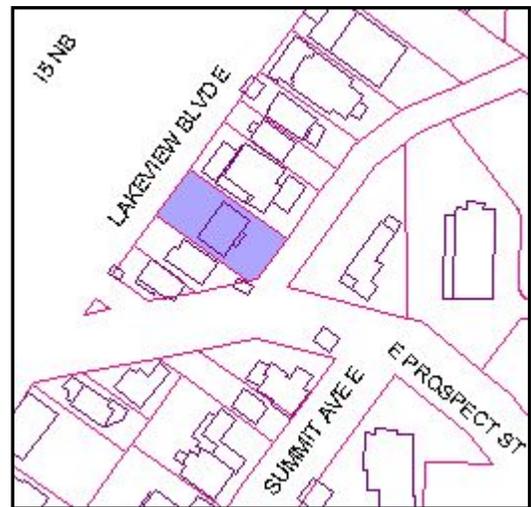
***ECA exemption request to waive steep slope development standards was granted below Elevation 200 on the basis that these slopes were previously developed with cuts and fills in the past, probably during construction of the existing structure. The slopes above the Elevation 200 contour are not exempt. ECA Geological Hazard Areas submittal standards are still applicable for property addressed for the entire development site.

BACKGROUND INFORMATION:

Site Development

The subject site is rectangular in shape and comprises a land area of approximately 7,320 square feet in the West Capitol Hill neighborhood overlooking South Lake Union. The development site is located within a Multifamily Lowrise Two (L-2) zone with a density limit of one unit per 1,200 square feet. The site contains Environmentally Critical Areas (ECA), 40% steep slope and potential landscaped areas.

The subject lot is located along the west face of Capitol Hill between East Prospect Street and East Highland Drive, just east of the Interstate Five (I-5) corridor with unencumbered views of South Lake Union. The site is an interior lot, abutting Lakeview Boulevard East to the west and a named alley, Summit Avenue East to the east. The street frontage (Lakeview Boulevard East) includes a roadway surface that abuts Interstate Five (I-5) right-of-way to the west. The unimproved alley abutting the subject site along the east property line is 30 feet in width. The site dramatically slopes upward 32 feet over 124 feet from the Lakeview frontage then levels off and then slopes upward towards the alley from west to east. The development site contains one residential duplex structure located mid-depth on the subject lot. The residential structure was built in 1952. From the Lakeview frontage the structure is hidden behind dense landscaping which includes ground cover, hedges and trees. The walkway leading up to the residential structure features a switchback from side lot line to side lot line as it ascends to the structure.



Area Development

The development site is located on a block that overlooks South Lake Union and East Queen Anne Hill. Residential structures in the area are a mix of post-modern and arts and craft styled residential structures. The contemporary structures feature large plate glass windows facing west. Access to the development site is limited to the Lakeview Boulevard East frontage approaching from the north and south. Zoning in the vicinity includes Multifamily, L-2 to the north and south, and Residential, Single Family 5,000 (SF 5000) across the alley to the east. To the west across I-5, the zone changes to Commercial Two with a 65 foot height limit. This area

includes warehouses, research and development laboratories, and office uses. The immediate residential neighborhood is a mixture of older lowrise apartments and single family homes. Given the current zoning, it is likely that redevelopment will occur on other nearby properties, particularly those developed with single family homes.

Proposal

On May 5, 2006, the applicant submitted an application for a Master Use Permit that included Administrative Design Review. The owner proposes to demolish one existing multi-family structure (containing a duplex) and construct a four -story multifamily (apartment) building containing six units. The structure would be oriented towards the west fronting Lakeview Boulevard, terracing up the sloping site to the east to maximize territorial views to Lake Union and beyond. The façade is proposed to be finished predominantly with masonry and will incorporate decks, bay windows and cornice to produce articulated features to create an Italianate-like design to better reflect the vernacular of the Capitol Hill area. The four-story building will feature a below grade single level parking garage, accessed near the property's north boundary line. Above the parking level, three floors will be devoted to residential use, with an average unit size of 1,480 square feet. The building will support a total of six residential units and 11 parking stalls. The applicant proposes to locate the pedestrian access near the south corner.

Public Comments

Date of Notice of EDG:	June 9, 2005
Date End of EDG Period:	June 22, 2005
Date of Notice of Application:	January 18, 2007
Date End of Comment Period:	January 31, 2007 ²
# Letters	4

The Department received a total of four comment letters to establish use for a four-story residential structure containing six units. Three letters were received during the EDG phase and one during the MUP phase. One responded wanted the department to be sensitive to the environmental critical areas at the development site; to assure to the greatest extent possible that the structure stay out of the steep slope and its buffer areas. If an ECA variance is granted to allow encroachment, then adverse impacts upon adjacent properties should be minimized.

The three comment letters received during EDG, were from an adjacent condo association addressing the following impacts; design compatibility, protected views, traffic, maintaining appropriate setbacks, and enhancing the planting strip within the right-of-way. The comment letters focused attention on proximity of proposed building upon abutting properties and adjacencies to right-of-ways. Several letters directed attention to creating good transition in height, bulk, and scale of the proposed structure to the neighboring properties. The above concerns were taken into consideration throughout the analysis process.

² The project was originally noticed on May 18, 2006 with the comment period concluding on May, 31, 2006. During the review phase it was determined that an ECA variance component needed to be added which resulted in re-noticing project.

ANALYSIS - DESIGN REVIEW

GUIDELINES; DESIGN RESPONSE

Director Guidance Priorities

After visiting the site, considering the analysis of the site, design context provided by the proponents, and reviewing public comment, DPD provided the following siting and design guidance and identified by letter and number those siting and design guidelines found in the City of Seattle's Design Review: *Guidelines for Multifamily and Commercial Buildings*" of the highest priority to this project.

The analysis below presents the priority guidelines first, followed by a description of the applicants design response and then the Directors recommendations are stated.

A *Site Planning*

A-1 *Responding to Site Characteristics*

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

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-6 *Transition between Residences and Street*

For residential projects, the space between the building and sidewalk should provide security and privacy for residents and encourage social interaction among residents and neighbors.

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 overall scale of the structure should be compatible with other buildings in the immediate area and a fine scale should be employed.
- The vehicular access should be designed to be clearly visible from the street.
- A pronounced pedestrian gateway entrance should be created to take advantage of topographic conditions and design features should be developed that create a visual focus.
- The proposed building should make a bold statement at the street edge to strengthen its presence along the street.

ARCHITECT'S DESIGN RESPONSE

A-1 *Responding to Site Characteristics*

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

The updated design submitted to DPD staff on May 5, 2006, strengthened the proposed building's presence by siting the building near Lakeview Boulevard and terracing upwards away from the right-of-way. The development site slopes upwards approximately 20 feet over a

distance of 100 feet. Stepping the structure back and upwards provides a number of benefits ranging from greater natural light filtering into the side setbacks, glazing and decks opening up to the South Lake Union below, and the Cascade Mountains beyond. The proposed building is nicely scaled to the development site and on the block front.

A-3 *Entrances Visible from the Street*
Entries should be clearly identifiable and visible from the street.

The updated design relocated vehicle access to the parking level to create a greater separation from the primary pedestrian entry. Additionally, this shift in location takes greater advantage of the grades on a sloping street. The primary pedestrian access has been terraced and landscape with benches to clearly define the space for pedestrian activity. The canopy above the entry doors visually frames the front entrance to create a “gateway” entry along Lakeview Boulevard East. The entry pathway surface will be scored and colored to further demark the pedestrian entry.

A-4 *Human Activity*
New development should be sited and designed to encourage human activity on the street.

As noted under A-1 & 3, the building features a stoop-like entry and landscaping elements to encourage human interaction at street level. The upper level floors have decks fronting the right-of-way to add additional opportunities to place eyes on the street to encourage interaction and a sense of security within the street. Quality landscaping along the building’s street frontage and in the right-of-way is designed to promote a pleasant environment with rich landscaping.

A-6 *Transition between Residences and Street*
For residential projects, the space between the building and sidewalk should provide security and privacy for residents and encourage social interaction among residents and neighbors.

The updated design submitted to DPD addressed the concern of the vertical space between the residential level and street by focusing attention along the façade’s west elevation. As previously mentioned the residential portion of the structure is located near Lakeview right-of-way (approximately 20 feet horizontal beyond and 20 feet and above the sidewalk). Between the portion of the structure’s residential level and right-of-way, a stoop has been introduced to encourage social interaction. Privacy and security has been addressed along the street frontages in horizontal and vertical space with limited pedestrian access points. One bench seat is proposed in each of the two street frontages to encourage neighbors and residents to interact in the right-of-way.

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.

As noted under A-3, vehicle parking and pedestrian access will be taken off Lakeview Boulevard East. A ten foot wide driveway located near the north property line will serve 11 parking stalls within the proposed structure. The driveway is located at the highpoint along the right-of-way frontage to maximize visibility for both adjacent properties and pedestrian in the right-of-way.

The primary pedestrian access is located at the opposite corner along Lakeview Boulevard to minimize potential conflicts with pedestrian activity.

DIRECTOR'S GUIDANCE PRIORITIES

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 site is surrounded by properties of similar or greater height and zoning, so there is no zone transition issue.
- The proposal should take advantage of the rhythm and proportion of existing structures in the surrounding area, in particular the buildings to the north in order to create a similar human scale and proportion.
- The land along the eastside of Lakeview Boulevard slopes upwards, some structures are located at higher elevations on there respective development sites. The proposed design should be respectful in design to the adjacent buildings, honoring territorial views and setback characteristics.

ARCHITECT'S DESIGN RESPONSE

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 updated design submitted to DPD was informed by buildings in the neighborhood taking cues from modulation, roof top features, fenestration, and building details. The building design stayed within scale of similar sized buildings in the area. The application of horizontal modulation features including stepping back of façade up the slope, decks and bay windows visually reduced the building's scale.

DIRECTOR'S GUIDANCE PRIORITIES

C Architectural Elements and Materials

C-1 Architectural Context

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

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 high quality of detailing are encouraged.

- The proposed structure should take into consideration deck and terracing features to add character, texture, and massing layers that create visual interest along the streetscape.
- Street level facades for the lower half of the structure should provide design themes that enhance pedestrian experiences along the right-of-way and create a fine scaled appearance of the building's bulk.
- Utilize finished materials and colors that pick up on patterns of nearby structures.
- See comments in Site Planning.

ARCHITECT'S DESIGN RESPONSE

C-1 Architectural Context

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

As noted under B-1, the architect canvassed the neighborhood to inform design detail at the development site. The finished materials are proposed to be sensitive to existing buildings in the vicinity.

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 façade walls.

DPD approves the proposed design of the four-story brick, metal and concrete panel structure, which includes quality landscaping, textured pedestrian pathways, decks, trellises, and façade projections to reduce the appearance of bulk along the street frontage. Masonry Brick is used at the lower level at the building corners to solidly anchor the building visually into the hillside. Cement and metal materials are employed to successfully impart a sense of grandeur. Eaves extend a minimum of 3 feet from the façade creating a visor to crown the upper level.

DIRECTOR'S GUIDANCE PRIORITIES

D Pedestrian Environment

D-2 Blank Walls

Buildings should avoid large blank walls facing the street, especially near sidewalks.

D-3 Retaining Walls

Retaining walls near a public sidewalk that extend higher than eye level should be avoided where possible.

- Blank walls should be avoided whenever possible along all frontages.

- If retaining walls are present and visible to the street, the surface should be designed with reliefs and/or patterns and integral landscaping to make the walls visually engaging.

ARCHITECT'S DESIGN RESPONSE

D-2 Blank Walls

Buildings should avoid large blank walls facing the street, especially near sidewalks.

DPD supports the proposed design of the four-story brick and metal and concrete panel structure, which features terracing, landscaping, bay windows, fenestration, and nuance detailing to reduce blank walls.

D-3 Retaining Walls

Retaining walls near a public sidewalk that extend higher than eye level should be avoided where possible.

The updated design submitted to DPD includes a low retaining wall system along Lakeview Boulevard East. The proposed landscaped area framing the pedestrian entrance is terraced upward and away to punctuate the main entrance relationship to the sidewalk grade. The retaining walls framing the ADA ramp will employ landscaping, texturing, to soften the wall adjacent to the right-of-way to minimize visual impacts in the pedestrian environment.

DIRECTOR'S GUIDANCE PRIORITIES

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.

- Where appropriate, landscaping should enhance the prior guidelines, by creating interesting and creative displays of hanging gardens and trellising at grade level.

ARCHITECT'S DESIGN RESPONSE

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.

The updated design submitted to DPD includes a richly landscaped grand pedestrian entrance, which features a variety of ground covers, vines, low trees. The right-of-way planting strip will be landscaped to complement the vegetation at the development site.

***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.***

See E-1 for further discussion of the landscape plan. The development site will be framed with vigorous landscape features including, decorative paving, and terraced planting boxes. This landscaping frame extends to the planting strip in the right-of-way.

***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.***

DPD supports the proposed landscaped design, which will take advantage of an interior lot with western exposure.

DIRECTOR'S RECOMMENDATION – DESIGN REVIEW

Departure from Development Standards & Director's Analysis

The following **departures** from Land Use Code development standards requested by the applicant.

1. *Lot Coverage – to allow an increase in the maximum 40% of lot area for structural lot coverage:* The Code requires that structures other than townhouses located in a Lowrise Two zone be limited to a maximum 40% lot coverage (SMC 23.45.010.A.2). The development site encompasses a lot area of 7,422 square feet, which equals 2,969 square feet (or 40%) of lot area. The design includes a terraced building design that takes advantage of a development site that slopes upward away from the street. Essentially, each floor level decreases its footprint as it ascends up the slope; but when taken as a whole exceeds the allowable lot coverage. If the gross floor areas of each floor level were to be averaged out the project would be conforming to development standards. The terrace design affects a better design that is more sympathetic to the topographic conditions along the hillside, and along the block front. DPD supports the departure request of 62% (4,520 Sq. Ft) in order to maintain the horizontally articulated design, as noted in guidelines, is better scaled to the surrounding neighborhood. **In support of Design Guidelines C2 and C5, design features should be incorporated to better define and provide visual interest to the garage access entrance.** The proposed landscaped area between the driveway and structure provides a subtle frame to add elegance in the rear setback. The retaining wall will be scored to break the appearance of bulk and add depth to the wall which is in keeping with C-1, D-3, and E-2.
2. *Structure Width and Depth – to allow an increase in structure width and depth from the maximum required 50 feet width (with modulations meeting modulation standards) to 53 feet 5 inches (not meeting modulation standards), and 60% lot depth (or 74' - 10 1/2") to 67.57% (or 84' - 4") (SMC 23.45.011.A).* Due in part to the steep grade at the development site (approximately 33% in the building area), the proposed building has been terraced up from the street level. To accommodate adequate maneuvering area

within the parking level, the structure's base has been slightly widened; this effectively strengthens the overall design. In order to accommodate the terrace design and still have adequate floor area on the upper levels, the floors have been offset which has effectively increased the building's depth as measured from the western most wall to the most eastern projection. The applicant proposes to site the proposed building in a fashion that reduces the appearance of bulk along the front and side facades as noted in B-1. The Director agrees that a well modulated building with rich landscaping results in a superior proposal as a whole. DPD supports the departure request for increased structure width and depth in order to accommodate the terraced form along the front and side façade with a few conditions.

In order to strengthen the proposed building's classical form the roofline shall include a strong uniform eave line to frame the upper level. Subtle detailing shall be introduced on the upper level façade to add visible interest from the street perspective. The decks and railings shall be redesigned to be more decorative. The canopy over the pedestrian entry shall be designed to better articulate the building form. In support of Design Guidelines A-1, A-3, B-1, C-1, and C-3 the design with the above mentioned conditions should strengthen the design composition with the granting of the departure. The proposed building has successfully achieved architectural compatibility with a well portioned design that has responded to site characteristics.

3. *Side Setback Requirements – to allow a decrease in side setback from the minimum side setback of six feet (eight foot average):* The Code establishes a minimum setback of six feet base on structure height and depth (SMC 23.45.56.C). The applicant has proposed to reduce side setbacks at the parking level to essentially zero feet along the side property boundary lines. The top of the parking level which is partially above grade in the setback area will feature planters and passive open space areas. The façade above the parking level will step back 6 feet from the property line. Bay windows will be introduced on either side, no closer than five feet to the side property line. The side facades are well articulated with glazing to animate the walls. Each residential unit's decks are placed in a fashion to create more openness along the façade.

DPD supports the departure for the decreased side setback, determining that the window bays and decks would provide appropriate modulation to this façade and contribute to a desirable design composition as a whole. The proposed building's terraced look increases visual interest as viewed from the front setback to obtain a better scale that turns the corners onto the side setback area. Opportunities for social interaction along street frontage are expected with the placement of the decks. Decreasing the side setback will enable the design to provide well-defined modulated features to add character in scale. Robust landscaping proposed in the right-of-way should successfully achieve an active and vibrant buffer along the west facade. (A-1, A-6, B-1, C-1, D-2, and E-3)

4. *Open Space Requirements – to allow less than the required open space requirement of 30% of lot area:* The Code establishes an open space requirement of 30% for apartment uses when open space is proposed to be located at and above grade so long as the above grade open space does not exceed 1/3 of the required open space (SMC 23.45.016.A.3.b) which equals 2,227 square feet for the development site. Additionally, terrace housing on a slope of twenty-five 25 percent (25%) or more no horizontal dimension for ground-level open space shall be less than ten feet. The applicant has proposed 1,526.5 square

feet (or 20.6 %) of open space. Landscaped areas outside the required open space at grade level are approximately 1,640 square feet. The above grade area dedicated to open space will encompass a maximum area of 1,456.5 square feet on four levels (balconies and roof deck). The design proposes to provide above grade open space in the form of decks and balconies with territorial views to the west, which otherwise will not be allowed per Code in the L-2 zone. Of the 2,277 square feet of open space required, 1,526.5 square feet of open space complies with Code dimensions requirements at and above grade level, which represents providing 68.5% of the required amount. If one includes the landscaped areas, decks, and areas dedicated to providing opportunities for recreation which are predominately open to the sky, then area would be 2,983 square feet well above the required amount.

DPD supports the departure request for the decreased open space, determining that, territorial views to the west, high quality, well-developed and highly functional landscaping plan will more than make up for the open space dimensional deficiency. Furthermore, with concurrence, the proposed landscaping above the 200 foot elevation at the development increases the overall aesthetic integrity at the ground level of the site while riding the site of noxious ivy. **In support of Design Guidelines A-6, E-1, E-2, and E-2, the proposed landscaping features in the right-of-way, landscaped areas, and open space areas as a whole provide green areas that satisfy the intent of the open space standard.**

Table: Departure Summary

<i>Development Standard</i>	<i>Proposed</i>	<i>Comment/Rationale</i>	<i>DPD Action</i>
<i>1. Lot Coverage 23.45.010.A.1 Maximum lot coverage for structures other than townhouses is 40% (equals 2,969 sq. ft.)</i>	<i>62% (or 4,520 sq. ft.)</i>	<i>To set up a rhythm of materials, fenestration, and architectural elements to lend scale and cadence. To enhance the buildings character with the inclusion of projection features.</i>	<i>Approved</i>
<i>2. Structure Width & Depth 23.45.011.A 60% of lot depth or 74 feet 10 1/2 inches for development site</i>	<i>Structure width is 53 feet 5 inches. Structure depth is 67.57% (or 84.3333 feet).</i>	<i>To set up a rhythm of materials, fenestration, and architectural elements to lend scale and cadence. To enhance the buildings character with the inclusion of projection features.</i>	<i>Approved</i>
<i>2. Side Setback Requirement 23.45.056 6 feet minimum (8 feet average)</i>	<i>Zero at parking level, upper level 6 feet with bay windows set at 5 feet from property line.</i>	<i>Parking level will be feature landscaping and deck areas. Bay window elements in the setback area add good modulation and scale. See comments above.</i>	<i>Approved</i>

<i>Development Standard</i>	<i>Proposed</i>	<i>Comment/Rationale</i>	<i>DPD Action</i>
4. Open Space 23.45.058.A.2 30% of lot area when a maximum of (1/3) required open space is in the form of decks and balconies. Required 2,227 sq. ft.	20.7% or (1,526.5 sq. ft) at grade	Private decks with views to South Lake Union and the Olympics more than compensates for lack of ground level open space. At ground level dramatic landscaped detailing both on and off- site (ROW planting strip) will enhance the pedestrian experience in and around the development site. If project includes all forms of decks and landscaping then project exceeds maximum thresholds (40.19 % or 2,983 sq. ft.	Approved

DECISION – DESIGN REVIEW

Director’s Decision

The design review process is prescribed in Section 23.41.014 of the Seattle Municipal Code. The design of the proposed project was found by DPD to adequately conform to the applicable Design Guidelines. DPD finds the proposed design to be consistent with the City of Seattle Design Review Guidelines for Multifamily and Commercial Buildings. Therefore, the Director **approves** the proposed design, including the four (4) departure requests from the development standards subject **to the conditions identified below.**

SEPA DETERMINATION

The development site is located in a steep slope critical area, thus the application is not exempt from SEPA review. An Environmental Critical Areas (ECA) Exemption Requests & Modifications to Submittal Requirements was applied for and conditionally waived. The ECA Variance and Steep Slope Development Standards were waived for slopes below elevation 200 pursuant to 25.09.040 on February 22, 2007, but the Geological Hazard Areas Development Standards as well as other applicable ECA standards will apply to the project. 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.

The initial disclosure of the potential impacts from this project was made in the environmental checklist submitted by the applicant (dated May 5, 2006) and annotated by the Land Use Planner. The information in the checklist, the supplemental information submitted by the applicant 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 25.05.665) clarifies the relationship between codes, policies and environmental review. Specific policies for each element of the environment, certain neighborhood plans, and other policies explicitly referenced may serve as the basis for exercising substantive SEPA authority. 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 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) mitigation can be considered.

Short-term Impacts

The following temporary or construction-related impacts are expected: decreased air quality due to suspended particulate from building activities and hydrocarbon emissions from construction vehicles and equipment; increased dust caused by drying mud tracked onto streets during construction activities; increased traffic and demand for parking from construction equipment and personnel; conflict with normal pedestrian 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. 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 3-93 and 3-94 regulate development and construction techniques in designated ECA areas with identified geologic hazards. The Street Use Ordinance requires debris to be removed from the street right of way, and regulates obstruction of the pedestrian right-of-way. Puget Sound Air Pollution Control Agency regulations require control of fugitive dust to protect air quality. The Building Code provides for construction measures and life safety issues. Finally, the Noise Ordinance regulates the time and amount of construction noise that is permitted in the city. 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 - The initial disclosure of the potential impacts of this project’s impact to the Environmental Critical Areas; Steep Slope and Potential Landslide was made in the environmental checklist submitted by the applicant dated May 5, 2006. The information in the checklist, a Geotechnical Report prepared by The Riley Group, Inc., dated March 22, 2005 and supplemental documents dated December 26, 2006 and January 5, 2007, informed the basis for this analysis and decision. Note that pursuant to SMC 25.05.908.B, the scope of the environmental review of the subject establishment of a six-unit residential use is limited to:

1. Documenting whether the proposal is consistent with The City of Seattle Regulations for Environmentally Critical Areas, SMC Chapter 25.09; and
2. Evaluating potentially significant impacts on the environmentally critical area resources not adequately addressed in The City of Seattle Environmentally Critical Areas Policies

or the requirements of SMC Chapter 25.09, Regulations for Environmentally Critical Areas, including in additional mitigation measures needed to protect the environmentally critical areas in order to achieve consistency with SEPA and other applicable environmental review laws.

The undersigned planner and (DPD) Geotechnical Engineer has analyzed the environmental checklist submitted by the project applicant; reviewed the project plans and the additional information in the file; and any comments which may have been received regarding this proposed action have been considered. Several areas of steep slope were initially identified in the submitted survey; one, located along the front property line (west); a second, "L-shaped" area situated at the subject lot's rear (northeast) corner and; the third location near the southeast corner. The entire development site is also classified as potential slide areas.

The analysis included two exploration borings to examine soil composition and integrity. Additional soil analysis included evaluating geological maps and two geotechnical reports for nearby projects to the south and east. Soil in the area consists of light-red brown gravel and sand, and light brown to gray silt and clay, moderate to well sort (commonly referred to as; Vashon advanced outwash deposits). The two test borings at the development site reached a depth of 31.5 feet below surface grade. Test boring number One (B-1) was taken towards east; while boring number two (B-2) was located to the west. The borings were sited near the proposed structure's outer north and south walls. Subsurface conditions uncovered loose silty sand to hard silt. Minor groundwater seepage was encountered at 10 feet (bgs) in B-1 during the subsurface investigation. Based on the boring samples the groundwater seemed to be perched over less pervious native soil. In conclusion, the consulting engineer determined that if the proposed development's earthwork stayed outside the eastern slope area they did not expect any major impact to the slope stability. A number of recommendations were identified, including the installation of a shoring wall along the toe of the existing eastern slope before general excavation starts. The developer will be required to follow recommendations set forth in the geotechnical reports and related documents. Otherwise, any other potential short-term, construction related impacts anticipated from future construction will be addressed by adopted City regulations regarding grading, erosion control and noise. Therefore, no further conditioning for grading and earthwork activities is warranted pursuant to SEPA policies. As indicated in the checklist, this action may result in impacts to the environment. However, due to their temporary nature and limited effects, the impacts are not expected to be significant.

Codes and development regulations applicable to this proposed project will provide sufficient mitigation and no further conditioning or mitigation is warranted pursuant to the SEPA Overview Policy (SMC 25.05.665).

Traffic - Construction of the project is proposed to last for several months. The Street Use Ordinance includes regulations that mitigate dust, mud, and circulation. Temporary closure of sidewalks and/or traffic lane(s) would be adequately controlled with a street use permit through the Department of Transportation, and no further SEPA conditioning would be needed.

Air and Environmental Health - Given the age of the existing structure on the site, it may contain asbestos, which could be released into the air during demolition. The Puget Sound Clean Air Agency (PSCAA), the Washington Department of Labor and Industry, and EPA regulations

provide for the safe removal and disposal of asbestos. In addition, federal law requires the filing of a demolition permit with PSCAA prior to demolition.

Construction is expected to temporarily add particulates to the air and will result in a slight increase in auto-generated air contaminants from construction worker vehicles; however, this increase is not anticipated to be significant. Federal auto emission controls are the primary means of mitigating air quality impacts from motor vehicles as stated in the Air Quality Policy (Section 25.05.675 SMC). No unusual circumstances exist, which warrant additional mitigation, per the SEPA Overview Policy.

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; increased bulk and scale on the site; increased traffic in the area and increased demand for parking; increased demand for public services and utilities; loss of plant and animal habitat; and increased light and glare.

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. The City Energy Code will require insulation for outside walls and energy efficient windows. The Land Use Code controls site coverage, setbacks, building height and use and contains other development and use regulations to assure compatible development. Compliance with these applicable codes and ordinances is adequate to achieve sufficient mitigation of most long term impacts and no further conditioning is warranted by SEPA policies. Potential long-term impacts that may occur on the identified environmentally critical area as a result of this project include: 1) increased surface water runoff from greater site coverage by impervious surfaces. This long-term impact is not considered significant because the impacts are minor in scope.

While the site has been clearly delineated in terms of where new development is to be located in relation to slopes that can or cannot be disturbed, there has been an extensive analysis of the ECA that will not be disturbed. This area of 'non-disturbance' was evaluated to determine the health of the plant stock in relation to these areas and any methods to employ that will ensure the viability of the vegetation in these areas. The long term viability of the existing vegetation in the non-disturbance area (eastern portion of the site) has been determined incongruous to soil stability. The applicant submitted an Environmental Critical Areas Standard Mitigation Plan that replaces noxious English Ivy and Himalayan Blackberry with native trees and shrubbery. After which, this area will be off limits to future development. It is envisioned that new plants will positively contribute to the slopes long-term stability. Accordingly, a SEPA condition is stated below.

CONCLUSION - SEPA

In conclusion, several adverse effects on the environment are anticipated resulting from the proposal, which are non-significant. The conditions imposed below are intended to mitigate specific impacts identified in the foregoing analysis, or to control impacts not regulated by codes or ordinances, per adopted City policies.

DECISION – SEPA/ECA

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 requirement 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 43.21.030(2) (c).
- [] Determination of Significance. This proposal has or may have a significant adverse impact upon the environment with respect to transportation, circulation, and parking. An EIS limited in scope to this specific area of the environment was therefore required under RCW 43.21C.030(2)(C).

CONDITIONS – DESIGN REVIEW

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

NON-APPEALABLE CONDITIONS

Prior to MUP Issuance

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 (Bradley Wilburn, 615-0508). 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 (Bradley Wilburn, 615-0508), 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.
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.
4. Update plan set to including ECA Mitigation and Landscape Plans, and items identified during April 2, 2007 meeting. To be approval by the Land Use Planner.
5. Embed the 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.

6. Update plan set to include Design Review Matrix found within the decision.

Prior to Start of Construction Activities

7. Arrange a pre-construction conference with the contractor and the Land Use Planner.

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.

8. All proposed changes to the exterior facades of the building and landscaping on site and in the ROW must be reviewed by a Land Use Planner prior to proceeding with any proposed changes.

Prior to Issuance of a Certificate of Occupancy

9. Compliance with the approved design features and elements, including exterior materials, retaining walls, facade colors, landscaping and ROW improvements, shall be verified by the DPD Planner assigned to this project or by the Manager of the Urban Design Program. Inspection appointments with the Planner must be made at least 3 working days in advance of the inspection.

APPEALABLE CONDITIONS

Prior to MUP Issuance

10. Design and install surface treatments using quality materials to green up and/or soften the pedestrian walkways to be reviewed and approved by the DPD planner.

For the Life of the Project

11. The proposed landscaping within the right-of-way shall be preserved.

Compliance with all applicable conditions must be verified and approved by the Land Use Planner, Bradley Wilburn, (206 615-0508) or the Manager of the Urban Design Program, Vince Lyons, (206 233-3823) 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 who conducted the Design Review.**

CONDITIONS - SEPA

Prior to Issuance of Building permit

12. Record a required ECA covenant.

After Issuance of Building permit and Prior to finalization

13. Remove all English Ivy from the development site, including the ECA steep slope. Ground cover within the steep slope environment shall be replanted with native ground cover species.

During Construction:

14. The hours of exterior construction shall be limited to non-holiday weekdays between the hours of 7:00 a.m. and 6:00 p.m. Limited work on weekdays between 6:00 p.m. and 8:00 p.m. and on Saturdays between 9:00 a.m. and 6:00 p.m. may be allowed if prior approval is obtained from the Land Use Planner at DPD. Such after hours work could include emergency construction necessitated by safety or street use concerns, or work which would substantially shorten the overall construction timeframe. Application for approval for such work shall be made at least two working days prior to the date of the activity.

Compliance with all conditions must be verified and approved by the Land Use Planner, Bradley Wilburn, ph.: 206-615-0508, at the specified development stage, as required by the Director's decision. The applicant/responsible party are responsible for providing the Land Use Planner with the appropriate documents at the construction intake appointment. The Land Use Planner shall determine whether the condition requires submission of additional documentation or field verification to assure that compliance has been achieved

Signature: _____ (signature on file) Date: June 18, 2007
Bradley Wilburn, Land Use Planner
Department of Planning and Development
Land Use Services

BW:bg

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