



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 Numbers:** 3003172  
**Applicant Name:** Dave Van Skike, GordonDerr for Wards Cove Packing Company  
**Addresses of Proposal:** 2808 Fairview Ave E

**SUMMARY OF PROPOSED ACTION**

Land Use Application to allow seven triplex townhouse structures, for a total of 21 residential units and on-site parking for 21 vehicles. Parking is to be accessed primarily from the alley, with some driveways located on Fairview Ave E.

The following approvals are required:

**Design Review** – SMC Chapter [23.41](#), involving design departures from the following Land Use Code development standards:

- SMC [23.45.010 A](#), **lot coverage**,
- SMC [23.45.011 A](#), **structure depth**,
- SMC [23.45.014 B](#), **rear setback**,
- SMC [23.45.012 B & C](#), **modulation**,
- SMC [23.45.014 D](#), **internal setbacks**,
- SMC [23.45.016 A2a](#), **residential open space**,
- SMC [23.45.014 F2](#), **projections into front setback**;

**Shoreline Substantial Development Permit** – To allow construction in an Urban Stable (US) shoreline environment, SMC [23.60.020](#);

**SEPA** - Environmental Determination – SMC Chapter [25.05](#).

**SEPA DETERMINATIONS:**  Exempt  DNS<sup>1</sup>  MDNS  EIS

DNS with conditions

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

**RELATED PROJECTS:** MUP #3003444, 3003445: 88 E Hamlin St.

<sup>1</sup> Early DNS published March 9, 2006.

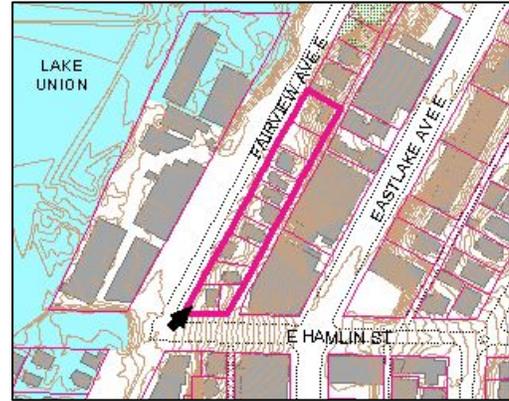
## **BACKGROUND DATA**

### **Site & Area Description**

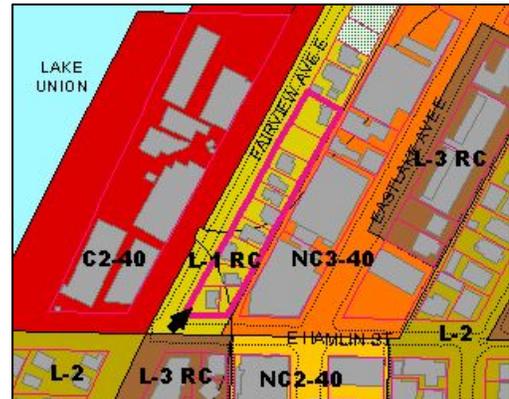
The site is located in the Eastlake neighborhood, at the northeast corner of Fairview Ave E and E Hamlin St. Both streets are nonarterials at the site. There is a largely unimproved alley to the east of the site. The vicinity slopes to the northwest. The property is located within 200' of the shoreline and is in the Eastlake Residential Urban Village.

The site is zoned Lowrise 1 Residential-Commercial (L1-RC, see Figure 2). The surrounding vicinity is an eclectic mix of residential and commercial zones, reflected in the neighborhood's considerable diversity of land uses and building types. The property across Fairview Ave E is zoned Commercial 2 with a 40-foot base height limit (C2-40), a zone that extends to the northeast along the waterward side of Fairview. To the east and uphill from the site, land is zoned Neighborhood Commercial 3 with a 40-foot base height limit (NC3-40). To the southeast of the site along Eastlake Ave E and south of Hamlin, the corridor transitions to Neighborhood Commercial 2 with a 40-foot base height limit (NC2-40). To the south across E Hamlin St, land is zoned Lowrise 3 Residential/Commercial (L3 RC) on the upland side of Fairview, and residential Lowrise 2 (L2) on the waterward side.

Development in the vicinity reflects its zoning, though some nearby commercial structures are clearly underutilized and do not approach full zoning potential, suggesting that the area could experience substantial future redevelopment. Fairview Ave E is a relatively quiet street at the site, partly because it is interrupted south of E Hamlin St and does not serve as a continuous route along the waterfront. Development on the waterward (west) side of Fairview includes marinas, yacht clubs, office buildings, street end shoreline access points, floating homes and dryland homes. On the landward (east) side are several single family homes, a pea patch, a public park, offices, an apartment building, and a research laboratory. Across Fairview, project proponents propose a mixed use development consisting of floating home moorages, a recreational



**Figure 1.** Local topography



**Figure 2.** Vicinity zoning



**Figure 3.** Aerial photo

marina, renovated office space, and surface parking (MUP #[3003444](#)). Two blocks to the south, the Mallard Cove townhomes were completed in 2000. Fairview Ave E is relatively unimproved at the site: there is a partial sidewalk but no curb along the east side of the street, while the west side of the right-of-way is occupied by a paved surface parking lot, and there is no curb or sidewalk.

The Eastlake Ave E corridor is characterized by a diverse mix of office, retail and apartment buildings, in varying architectural styles, scales, and states of repair. To the east, uphill, and across the alley from the site, the Eastlake Center office buildings are three stories tall above two levels of unscreened parking, structures that effectively serve as a backdrop to the proposed development. To the northeast of the site, the “Bar Mart” building is currently vacant, subject to an active permit to develop a mixed use structure (MUP #[2208108](#)). On either side of the Eastlake Ave corridor are residential neighborhoods, again with a diverse mixture of building types and scales, including apartments, townhomes, single family homes, and floating home moorages.

The site measures about 480' by 75'. Due to the substandard 15' alley width, the applicant would generally dedicate 2.5' of the eastern portion of the property to the alley per Seattle Municipal Code (SMC) [23.53.030 B2 & F1](#). The applicant has requested modification of the standard, pursuant to SMC [23.53.030 G](#). After review and consultation with the Seattle Department of Transportation, DPD finds that the project and site qualify for the exception, as they meet a condition described in subsection G9:

*Widening and/or improving the right-of-way is not necessary because it is adequate for current and potential pedestrian and vehicular traffic, for example, due to the limited number of lots served by the development or because the development on the right-of-way is at zoned capacity.*

DPD therefore modifies the standard to require that full alley improvements be provided as shown on Master Use Permit drawings, and that a common access easement be recorded along the property's east 2.5'. Dedication is not required.

The site is currently occupied by nine single-family residences, all constructed in the mid 1910s, all proposed to be demolished. The site slopes downward from east to west and has a maximum grade change of approximately 28 feet. Portions of the site are designated as an Environmentally Critical Area on City maps (steep slope, potential slide, earthquake liquefaction). There are several mature trees and other other vegetation related to residential landscaping.

The site is served by public transit. Metro routes 70, 71, 72, and 73 pass nearby along Eastlake Ave E.

### **Public Comments**

The public comment period for this project ended on April 7, 2006. DPD received several comments specific to Design Review, which are summarized below.

DPD also received a petition signed by 33 people to request a public hearing. DPD conducted the hearing on February 16, 2006, at TOPS school in the Eastlake community, attended by about 40 members of the public. The hearing considered comments related to all development currently proposed by Ward Cove: the upland townhouses (Project #3003172), the marina and floating homes (#3003444, 3003445) and associated demolition and infrastructure improvements.

## **ANALYSIS – DESIGN REVIEW**

### **Early Design Guidance Meeting**

The Early Design Guidance meeting took place on November 16, 2005, in Room 3211 of Seattle Central Community College. The applicant submitted an early design packet, which provides a site and vicinity analysis that informs this report. The packet is available for public review at the Department of Planning and Development (DPD) Public Resource Center, located on the 20<sup>th</sup> floor of Seattle Municipal Tower, 700 5<sup>th</sup> Avenue.

### **11/16/2006 EDG: Applicant’s Presentation**

Bill Weisfield of Wards Cove Packing Company briefly described the company and the circumstances that have led to this redevelopment proposal.

John Savo, principal architect with NBBJ, described the site and vicinity, referring to much of the information presented above. He noted that Fairview’s existing parks are important, and this project is an opportunity to create pedestrian linkages and to open up views to Lake Union for the neighborhood. He said the existing street has a positive character – akin to a fishing village – that the design seeks to further enhance with appropriate sidewalks and pathways, and by supplementing existing mature trees with native plantings. A design goal is to “grow and improve that character”.

The design team also presented a model of the preferred development scheme, showing the proposed townhomes subject to this review, as well as the floating homes, boat moorage, and surface parking proposed for the Wards Cove site on the west side of Fairview.

As part of their analysis, the proponents identified design guidelines they felt were most relevant in their design considerations. Among these, the architect called out A-8 “Parking and vehicle access”, A-2 “Streetscape compatibility”, A-6 “Transition between residence and street”, C-4 “Exterior finish materials”, C-5 “Structured parking entrances”, and D-5 “Visual impacts of parking structures, and E-1 “Landscaping to reinforce design continuity with adjacent sites”. These guidelines are described in greater detail at the end of this report.

Kay Compton, project architect with NBBJ, showed a series of design concepts that the proponents had considered in their feasibility analysis. Alternative diagrams are available in the Early Design Guidance packet, located in the project file. The first concept involves an apartment building located on the south end of the site, 14 contiguous townhomes, all above a

common parking garage. The second concept shows two townhouse structures – eight units and 14 units – set above a common parking garage. A third concept shows 21 townhouses grouped in 7 triplexes, plus a single family home, all with garage access from the alley. The architect explained that the first two options were considered to be infeasible, because common parking garages must be entirely underground in order to be subdivided for fee-simple ownership, and existing topography doesn't allow for an entirely below-grade garage. The third alternative is also infeasible according to the applicant, because steep soils and stability concerns related to existing uphill structures mean the existing alleyway may be improved only to the approximate midpoint of the northern Eastlake Center office building. This necessitated the fourth and preferred concept, in which five townhouse structures of 3 units each provide vehicle access from the alley, and the two northernmost triplexes access from Fairview Avenue N, resulting in six driveways in rapid succession, ranging in width from 10'-20'.

Green Street: The design team presented two concept drawings for street improvements along Fairview Avenue E. One concept involves standard improvements, including a straight 40'-wide roadway centered in the right of way, with parallel sidewalks and street trees. An alternative concept is favored by the applicant and the Eastlake Community Council, which provides for a curved roadway of varying widths, midblock pedestrian crossings, and meandering sidewalks and pathways. The preferred concept would not include a formal curbed street edge, and could instead provide for runoff filtration swales or other similar types of catchments. The designers voiced some doubts about whether existing utilities located in the right of way will allow the preferred alternative to be built as proposed, but indicated they will continue to work with DPD staff to seek approval from affected agencies.

The architects outlined a series of requested departures from development standards. Proposed departures and their rationales are detailed at the end of this report.

### **11/16/2006 EDG: Clarifying questions by the Board**

*How will the proposed plantings in the right of way be maintained?* Plantings in the right of way will be publicly owned, but adjacent property owners will maintain them. Residents have ample incentive to take care of them. There are several examples in the neighborhood where people have done a great job of maintaining the landscaping in front of their properties.

*Does the overall proposal include any change to the existing Wards Cove office building?* The 1904 building will remain. It has character and we don't want to change it too much.

*Where do you propose to terminate the alley?* We've worked with our civil engineer to take the alley as far as we can. The space beyond will continue to be City property, but it's not possible for us to create an alley that works there.

*Does the preferred alternative provide west-facing front doors on all units?* Yes.

*Will the last (northern) units be able to use the alley for garbage?* Not likely.

*Please clarify the requested departures. Is it true that the attached garage would be allowed in the rear setback, but that habitable space above the garage would not be otherwise allowed?*

Yes. [DPD staff clarification: garages attached to dwellings in lowrise residential zones are required to be set back 10' from the rear property line, per SMC [23.45.014 B](#). Considering the alley dedication<sup>2</sup>, proposed structures are 2.5' from the rear line. See the matrix of proposed departures at the end of this report.]

*Have you considered combining the driveways of the northern units? We're currently trying to see if we can combine two of each set of three driveways.*

*Please clarify proposed open space, particularly for the units with vehicle access from the street. Is there enough space provided? We'll double-check.*

### **11/16/2006 EDG: Public Comment**

Sixteen members of the public signed in at the Early Design Guidance meeting on November 16, 2005. Comments from the meeting focused almost entirely on the proposed street improvements to Fairview Ave E along the site. Several comments related to the proposed improvements to Wards Cove's waterfront property, across Fairview from the subject site, development that is not subject to Design Review. Other comments related to scarce on-street parking in the neighborhood. Comments related to design review included the following:

- I like the curved road concept.
- I like the proposed landscaping.
- I support the project generally.
- The applicant has tried to listen to the neighborhood's Green Street committee: I congratulate them. We hope the City works with us too to meet our needs.
- The Green Street provides better drainage, calms traffic.
- Wards cove has thought carefully about how to "countrify" this corridor. Let's make it happen.

DPD also received a letter from the Eastlake Community Council, expressing support for the project approach.

### **Recommendations Meetings**

The applicant submitted a complete Master Use Permit (MUP) application on February 8, 2006. The Recommendations meeting took place on May 17, 2006 in Room 3211 of Seattle Central Community College. A second and final Recommendations meeting took place on November 15, 2006, in the same location. For both meetings, the applicant submitted updated design packets to document the response to early guidance and recommendations. The packet is

---

<sup>2</sup> Through subsequent review, DPD modified the alley dedication requirement, pursuant to SMC [23.53.030 G](#), such that the dedication is replaced by an access easement common to all properties. DPD requires full improvement of the alley and the access easement according to SDoT standards. The location of the proposed structures remains unchanged, but the requested departure is technically diminished, to allow for a setback 5.0' from a rear property line.

available for public review at the Department of Planning and Development (DPD) Public Resource Center, located on the 20<sup>th</sup> floor of Seattle Municipal Tower, 700 5<sup>th</sup> Avenue.

### **5/17/2006 Recommendations: Applicant's Presentation**

NBBJ architect John Savo recapped the context analysis and provided a project update. He noted that DPD had conducted a public meeting on February 16, 2006, in the Eastlake neighborhood to hear public input.

NBBJ architect Kay Compton introduced the design team. She described the existing, relatively undefined streetscape along Fairview Avenue and contrasted it with the proposed Green Street design. The Green Street would be a curbsless, curvilinear road "with the feel of a country lane". Hardscape is minimized, supplanted where possible by dense landscaping. The proposed curve introduces a substantial planted buffer along the north side.

The updated design still involves seven "pods", each with three townhouse units. Most units access parking from the alley, and the five northernmost units have driveways on Fairview. Compared to the earlier iteration, drawings now show three 12'-wide driveways at the property line. At the edges, arbors and other screening will define the space and help block views of any vehicles in driveways. Driveways could be acid-etched, colored concrete. Mr. Savo identified the Harvard Estates (high-end Capitol Hill duplexes located at Harvard and Roy) said that the Harvard Estates are a model for the intended streetfront design features.

The design employs modulation along the front face and shifts in roof height. Bays are different sizes. Daylight penetration increases with each level, so top floors are reserved for living area, and windows open onto a winter porch.

Proposed materials are generic, as the design team is still working through budgeting. At this stage the intent is to identify color and texture choices instead of specific products. Areas shown in dark brown will likely be wood siding. Areas shaded in a lighter color will be a more solid element, such as concrete, CMU, or a cementitious product. Windows are likely to be darker than the typical white vinyl – they could be aluminum. Finished materials are likely to include a warm-colored, weathered steel, such as [Cor-ten](#), considered to be a contextual nod to the existing neighborhood.

The design features front entries off Fairview, through landscaping that accentuates the topography, progressing through a garden element and a semi-private terrace. Middle units have private walkways. Side units share pathways with their neighbors, and the entries are recessed, accessed from the side.

The applicants outlined proposed depatures, summarized in the table on page 15.

### **5/17/2006 Recommendations: Clarifying questions by the Board**

*What's the length of the longest unit?* 55' Habitable space stays within the 45' requirement. The garage is incorporated into the principal structure, which serves to extend it.

*How will the new development fit with the existing neighborhood character?* We pick up some of the materials. We're introducing arbors to frame the entrances – it's something you find all along Fairview. We'd love each one to be unique to each structure, something that will be apparent to pedestrians.

*Describe the scale of the proposed buildings.* Three stories mostly. Some are four-story. Main living spaces are on the top floor, with access to a roof terrace. That's why roofs are flat here. Stair and elevator towers will screen the terraces from the commercial building behind them.

*Do units have a pedestrian door on the alley?* Yes, there are person-doors on the east side. We wanted to make it a nice experience as people come home from work. We allow natural light to come in, and have located a vertical garden at the doorway, which provides a screen for views across the alley.

*Elaborate on windows and light access in the units.* There are light slots at the stairwell that allow for borrowed light into the top levels. Side units have large windows toward the back, which provide for prospect and refuge. They give views, but they also provide for privacy.

*Describe the window treatment of the two end units: south elevation of Pod G, North elevation of Pod A.* They're 5' from the property line on the north side, so privacy becomes an important issue there. On the south side, there are lots of windows.

*Tell us how the private and the public spaces interact where private property meets the green street.* Property owners are likely to maintain their side of the road, collectively through a homeowners' agreement. The intention is that it will feel public. As an element of the green street process, a private contract will include provisions that require property owners to maintain the landscaping and the green street features. There will be atypical native plantings, bioswales, etc.

*Tell us more about the plantings at the property line.* The intent is to plant low shrub materials for screening and privacy. There will be some patio courts, with views out toward the lake. Toward the pea patch, the textures should be soft, predominantly well-maintained annuals, along with trellised fencing at the autocourts. Toward the south, the emphasis will be on native plantings.

*Can you give a range of possible options for the finish materials? It's OK to be flexible, but for this process we'd like some amount of certainty.* These are the dominant materials – Wood siding is important and necessary. Other materials are difficult to know for certain. We prefer the idea of a warm, rusty metal-looking material. The panelized siding is mainly where we'd like flexibility, but the idea is to provide a cementitious look. Concrete block, board-formed concrete, or hardi-siding. It may make sense to shift from cement block down low to cementitious panel higher up, to avoid a tall, concrete wall. The back should be more flexible and budget-minded. Dark vinyl windows can be of good quality – the Energy Code makes it difficult to move to aluminum, but we're not yet ready to exclude that possibility.

*What is material do you propose for the penthouse?* It should be in the same vein as the more solid material, the same light color. Light monitors will have a dark mullion. Elevators will be encased in a solid light-color material.

*On the south elevation, is that a Cor-ten panel?* It could be, depending on the budget. It could be tin, which is fun and festive, like the little sculptures found in the neighborhood.

*How does trash pickup work?* We've included a place for an alley turnaround. Some trash pickup will happen along Fairview. *Is it possible to provide some sort of enclosure at the end of the alley?* Our understanding is that the alley can accommodate garbage trucks as designed, and that a certain distance is OK for backing. We're not sure if they're willing to do it.

### **5/17/2006 Recommendations: Public Comment**

Nine members of the public signed in at the Recommendations meeting on May 17, 2006. Comments related to design review included the following:

- The original green street concept involved no curbcuts, because there are no curbs. We'd like a more natural expression.
- No stuck-on balconies please.
- The gree street concept involves a concrete edge. If there's to be a curb, it should be rolled.
- I appreciate wanting to make the materials reference the neighborhood's water uses.
- These are "contemporary", not "funky".
- Consider varying the roof forms to give a feeling of community, maintaining the same character we've got here now. If the roofs will bew flat, then take a look at other kinds of flat roofed buildings. Provide some roof modulation.
- There's lots of glass on the water side. I see lots of hard shining surfaces coming at us.

### **11/15/2006 Recommendations: Applicant's Presentation**

John Savo of NBBJ presented briefly, recapped the project and the context, and explained that the design team has returned to request an added departure. The design had not changed from the previous presentation. The need for a departure turned on a question of whether decks may be included in front setback averaging. As fully enclosed living space, such projections would be allowed outright as proposed. However, the Land Use Code otherwise requires that open decks be at least 10' from a front property line. Less than half of the proposed balconies extend closer than 10'.

The setback is measured from the property line, not the curb or sidewalk. Fairview Ave N is proposed to be improved with a curve that expands the perceived setback, particularly for townhouses on the site's southern half. Proposed decks protrude most where the curve is most pronounced. Mr. Savo concluded that the design, taken in context, meets the Code's intent. The decks' varying widths also provide a means for distinguishing the individual units.

### **11/15/2006 Recommendations: Clarifying questions by the Board**

*Would it be accurate to say we recommended approval, we saw it, but we didn't recognize the need for a departure? We think that's accurate.*

*Do you think Fairview will ever be widened at this point? Not in the foreseeable future.*

### **11/15/2006 Recommendations: Public Comment**

One member of the public signed in at the Recommendations meeting on November 15, 2006. Comments related to design review included the following:

- How far do the balconies extend? 48".

### **Guidelines**

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 of highest priority to this project, found in the City of Seattle's [\*Design Review: Guidelines for Multifamily and Commercial Buildings\*](#).

#### **A. Site Planning**

##### **A-2 Streetscape Compatibility**

*The siting of buildings should acknowledge and reinforce the existing desirable spatial characteristics of the right-of-way.*

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

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

##### **A-6 Transition Between Residence and Street**

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

##### **A-7 Residential Open Space**

*Residential projects should be sited to maximize opportunities for creating usable, attractive, well-integrated open space.*

##### **A-8 Parking and Vehicle Access**

*Siting should minimize the impact of automobile parking and driveways on the pedestrian environment, adjacent properties and pedestrian safety.*

### **11/16/2005 Guidance – Site Planning**

The Board thanked the applicant for preparing the model of the site and vicinity: an effective tool for communicating the overall design concepts.

The Board indicated support for the proposed Green Street improvements, recognizing the intent to make a significant gesture toward the pedestrian realm.

As proposed, the driveways of the northernmost structures are wide and spaced close together. Board members felt that six curb cuts in rapid succession would be too many, especially considering the effort to create a successful Green Street. While the Board understood the need to provide vehicle access from Fairview for these units, they said the design team should explore and show alternatives that narrow the driveway accesses as much as possible and that create a positive appearance for pedestrians. If possible, the design should combine multiple curb cuts into a single cut.

### **5/17/2006 Recommendation – Site Planning**

The Board supported the design decision to locate principal entries at the sides of the structures.

### **11/15/2006 Recommendation – Site Planning**

The Board offered no further recommendations in this regard.

## **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 complement 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-3 Human Scale**

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

### **C-4 Exterior Finish Materials**

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

### **C-5 Structured Parking Entrances**

*The presence and appearance of garage entrances should be minimized so that they do not dominate the street frontage of a building.*

#### **11/16/2005 Guidance – Architectural Elements and Materials**

Board members identified the proposed modulation of the townhouse façades as a positive design feature, and they supported some appropriate variations to distinguish each structure from its neighbors.

With regard to finish materials, the Board wants the design team to consider the neighborhood fabric of the existing buildings on the site, indicating that using similar materials would likely play well with the new development.

#### **5/17/2006 Recommendation – Architectural Elements and Materials**

Board members noted the lack of a finish material palette.

One Board member noted that the design does not draw strongly from the existing community. Board members agreed that the existing variety along this street is a design asset. Another Board member felt that, by themselves, each triplex design showed good composition, but that they read as monotonous in the aggregate. Board members recommended more individual expression, such as a variation in color, or a slight change in fenestration pattern, with different mullion arrangements or head heights. Background cementitious materials could be painted, or fin walls dividing the units could be individually expressed. Metal balconies could be colored differently. Variety could be expressed within the units, not simply pod to pod. The Board recommended that each triplex exhibit some subtle change to distinguish it from its neighbors.

Board members responded positively to the idea of a warm metal finish material with a patina. Cor-ten would therefore be an appropriate choice. Considering the above recommendation that the units exhibit more variety, they further recommended that this warm material be a unifying element across all the pods.

#### **11/15/2006 Recommendation – Architectural Elements and Materials**

The Board offered no further recommendations in this regard.

## **D. Pedestrian Environment**

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

*Convenient and attractive access to the building's entry should be provided. To ensure comfort and security, paths and entry areas should be sufficiently lighted and entry areas should be protected from the weather. Opportunities for creating lively, pedestrian-oriented open space should be considered.*

#### **D-5 Visual Impacts of Parking Structures**

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

#### **11/16/2005 Guidance – Pedestrian Environment**

The updated design should develop and show a lighting plan that is appropriate to a pedestrian scale.

The Board's principle stated concern was that driveways and parking entrances for the six northern townhouse units should not dominate the sidewalk. As proposed, they appear to undermine the values promoted by the Green Street. The updated design should consider feasible alternatives for narrowing and combining the proposed driveways to diminish the potential impacts on the sidewalk, provide for a strong sense of entry, and enhance the front-door aesthetic of these façades.

#### **5/17/2006 Recommendation – Pedestrian Environment**

The Board appreciated the clear effort to reduce the number of driveways and to soften the sidewalk edge. They recommended some change of materials at the curbcuts, such as a textural change in the driveway.

#### **11/15/2006 Recommendation – Pedestrian Environment**

The Board offered no further recommendations in this regard.

### **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 plant material, special pavements, trellises, screen walls, planters, site furniture and similar features should be appropriately incorporated into the design to enhance the project.*

#### **E-3 Landscape Design to Address Special Site Conditions**

*The landscape design should take advantage of special on-site conditions such as high-bank front yards, steep slopes, view corridors, or existing significant trees and off-site conditions such as greenbelts, ravines, natural areas, and boulevards.*

**11/16/2005 Guidance – Landscaping**

At the design recommendations meeting, the proponents should provide a detailed, colored landscape plan that shows how on-site plantings and entries will relate to landscaping in the right of way.

**5/17/2006 Recommendation – Landscaping**

Board members approved the landscape concept as described.

**11/15/2006 Recommendation – Landscaping**

The Board offered no further recommendations in this regard.

**DECISION – DESIGN REVIEW**

The Director concurs with the recommendations of the Capitol Hill/First Hill Design Review Board, delivered November 15, 2006. Two recommendations are left outstanding, related to the following:

- The Board recommended more individual expression of each triplex structure or of individual units, and offered suggestions detailed on page 12. They further recommended that a “warm material” be a unifying element across all the structures.
- The Board recommended some change of materials at the curbcuts, such as a textural change in the driveway.

This report incorporates the recommendations as conditions of approval. DPD therefore **CONDITIONALLY APPROVES** the project’s Design Review component and the requested departures, listed on page 15. Conditions are listed on page 24.

**DEPARTURE FROM DEVELOPMENT STANDARDS**

The applicant requested the following departures from the following Land Use Code development standards:

<i>Requirement</i>	<i>Proposed</i>	<i>Applicant comments</i>	<i>Board Recommendation</i>
SMC <a href="#">23.45.010 A</a> , <b>lot coverage</b> . 50% for townhomes.	51.7%	<ul style="list-style-type: none"> <li>• Within 200' of the shoreline, lot coverage is similarly limited to 50%, but there is no provision for departures from SMC <a href="#">23.60.634 B2</a>. The proposal therefore must meet the 50% limit within the shoreline environment.</li> </ul>	The Board recommended approval of the departure, in consideration of the overall quality of the design's substantial modulation that effectively addresses bulk and massing considerations.
SMC <a href="#">23.45.011 A</a> , <b>structure depth</b> . 60% depth of lot. 72.5' x 0.6 = 43.5'	60'. Requested departure is 16.5' for portions of each structure, or 38% deeper than otherwise allowed.	<ul style="list-style-type: none"> <li>• One of the units in each triplex is staggered with respect to the other two units. The longer unit has a depth of 56'. The other two units together have a depth less than 45'.</li> <li>• The increase in structural depth is principally due to the stepping of the building structures in reflection of the large change in grade from west to east.</li> <li>• The new design staggers the fronts of the individual townhouses in relation to one another – very much like the staggered relationship between existing houses on the block that were built incrementally over time</li> </ul>	The Board recommended approval of the departure, in consideration of the substantial modulation achieved at the front, the successful alley access at the rear, and the site's unique shape and location where increased structure depth does not appear to be an overriding design concern.

<i>Requirement</i>	<i>Proposed</i>	<i>Applicant comments</i>	<i>Board Recommendation</i>
<p>SMC <a href="#">23.45.014 B</a>, <b>rear setback</b>. At no point shall the principal structure be closer than 10' to the actual property line at the alley.</p>	<p>For one of the three units in each triplex, the proposed garage façade and upstairs living area is located at 12.5' from the centerline of alley, 2.5' from the property line. Requested departure is 7.5'.</p>	<ul style="list-style-type: none"> <li>• The average setback from property line [after dedication] for each proposed structure (all three units) is 12'-10".</li> <li>• The average setback is more than the minimum 10' requirement.</li> <li>• The property is backed by a commercial building with the parking garage located at the opposite side of alley.</li> <li>• Proposed design provides better visual integration of townhouse and garage. The garage is no longer a stand alone element, but part of the overall expression of the townhouse.</li> <li>• By integrating the garage in the overall structure and placing their entries in different planes, the visual impact of the garage entries is minimized</li> </ul>	<p>The Board recommended approval of the departure, in consideration of successful site planning and appropriate vehicular access from the alley, where possible.</p>
<p>SMC <a href="#">23.45.012 B &amp; C</a>, <b>modulation</b> of street side and interior facing façades. 4' minimum depth, 40' maximum width.</p>	<p>Varies between structures. 2' minimum depth, 27'-8" maximum width. 2' less modulation depth on side street (Hamlin) and in four interior façade conditions.</p>	<ul style="list-style-type: none"> <li>• Landscaping, quality materials, and architectural detailing address the design intent of the modulation requirements.</li> </ul>	<p>The Board recommended approval of the departure, in consideration of the identified variety of quality materials.</p>

<i>Requirement</i>	<i>Proposed</i>	<i>Applicant comments</i>	<i>Board Recommendation</i>
<p>SMC <a href="#">23.45.014 D</a>, <b>internal setbacks</b> for cluster developments. Average 15', minimum 10'.</p>	<p>14'-2" average, 6' minimum. Requested departure is 8" less than required average, 4' less than required minimum.</p>	<ul style="list-style-type: none"> <li>• Building modulation and articulation carry the front façade concept consistently around to the sides. The concept is to provide natural light, and visual access to outside from living space. The building modulation and scale corresponds to the interior functions.</li> <li>• Portions of façade project out into side yards to allow light and water views into the unit while also minimizing views into adjacent units. Since the neighboring buildings that will be impacted are designed as part of the same project, their design accounts for the proposed change in setback.</li> </ul>	<p>The Board recommended approval of the departure in consideration of the identified variety of quality materials.</p>
<p>SMC <a href="#">23.45.014 F2</a>, projections into required setbacks. Unenclosed decks and balconies may project ... into the required front setback provided they are a minimum of ten (10) feet from the front lot line.</p>	<p>Varies. The most pronounced projection is 48" closer than otherwise allowed.</p>	<ul style="list-style-type: none"> <li>• Fairview Ave N is proposed to be improved with a curve that expands the perceived setback, particularly for townhouses on the site's southern half.</li> <li>• Proposed decks protrude most where the curve is most pronounced.</li> <li>• The decks' varying widths also provide a means for distinguishing the individual units.</li> </ul>	

<i>Requirement</i>	<i>Proposed</i>	<i>Applicant comments</i>	<i>Board Recommendation</i>
<p>SMC <a href="#">23.45.016 A2a</a>, <b>residential open space</b>. 300 sq. ft. average per unit, 200 sq.ft. minimum, all at grade.</p>	<p>448 sq.ft. average, minimum 295 sq.ft. (both including ground level and roof deck area).</p>	<ul style="list-style-type: none"> <li>• Departure would be to allow required open space to be provided in more than one contiguous parcel per unit,</li> <li>• to include roof deck area to meet some or all of the open space requirement,</li> <li>• to include ground-level open space at an elevation greater than 18" above existing grade to meet some or all of the open space requirement.</li> </ul>	<p>The Board recommended approval of the departure in consideration of the substantial landscaping associated with the project, and the provision of quality residential open space in upper level decks.</p>

## **ANALYSIS – SHORELINE SUBSTANTIAL DEVELOPMENT**

The subject property is classified as an upland lot (SMC [23.60.924](#)) and is located within an Urban Stable (US) environment, as designated by the Seattle Shoreline Master Program. The principal use on this upland lot has been single family homes, and the applicant proposes to construct 21 townhomes.

Section [23.60.030](#) of the Seattle Municipal Code provides criteria for review of a shoreline substantial development permit and reads: *A substantial development permit shall be issued only when the development proposed is consistent with:*

- A. *The policies and procedures of Chapter [90.58](#) RCW;*
- B. *The regulations of this Chapter; and*
- C. *The provisions of Chapter [173-27](#) WAC*

**RCW Policies and WAC provisions.** Chapter [90.58](#) RCW is known as the Shoreline Management Act of 1971. It is the policy of the state to provide for the management of the shorelines of the state by planning for and fostering all reasonable and appropriate uses. This policy seeks to protect against adverse effects to the public health, the land and its vegetation and wildlife, and the waters of the state and their aquatic life, while protecting generally public rights of navigation and corollary incidental rights. Permitted uses in the shorelines shall be designed and conducted in a manner to minimize, insofar as practical, any resultant damage to the ecology and environment of the shoreline area and any interference with the public's use of the water.

The Shoreline Management Act provides definitions and concepts, and gives primary responsibility for initiating and administering the regulatory program of the Act to local governments. The Department of Ecology is to primarily act in a supportive and review capacity, with primary emphasis on ensuring compliance with the policy and provisions of the Act. As a result of this Act, the City of Seattle adopted a local shoreline master program, codified in the Seattle Municipal Code at Chapter [23.60](#). Development on the shorelines of the state is not to be undertaken unless it is consistent with the policies and provisions of the Act, and with the local master program. The Act sets out procedures, such as public notice and appeal requirements, and penalties for violating its provisions.

In evaluating requests for substantial development permits, the Director must determine that a proposed use meets the relevant criteria set forth in the Land Use Code. Section [23.60.004](#) states that the Shoreline Goals and Policies, which are part of the Seattle [Comprehensive Plan](#), and the purpose and locational criteria for each shoreline environment must be considered. A proposal must be consistent with the general development standards of section [23.60.152](#), the specific standards of the shoreline environment and underlying zoning designation, any applicable special approval criteria, and the development standards for specific uses.

**Proposed Uses.** With regard to project 3003444, 88 E Hamlin St, the existing development and proposed project are located on property classified as an upland lot (SMC [23.60.924](#)) and are located within an Urban Stable (US) shoreline environment.

Residential uses are allowed on upland lots within the Urban Stable (US) shoreline environment (SMC [23.60.608 A1](#)). The subject application is consistent with the policies and procedures outlined in RCW [90.58](#).

**SMC [23.60.004](#) - Shoreline Policies.** All discretionary decisions in the shoreline district require consideration of the Shoreline Goals and Policies, which are part of the Seattle Comprehensive Plan's [Land Use Element](#) and consideration of the purpose and locational criteria for each shoreline environment designation contained in SMC [23.60.220](#). The policies support and encourage the continuance of water dependent uses, depending upon the purpose of the shoreline environment.

Most shoreline policies relate specifically to development on waterfront lots and/or over water. Regarding the proposed multifamily residential use on this upland lot, Policy LU232 states a preference for uses that complement nearby water dependent uses. The site has traditionally supported housing and will continue to serve that role. Some limited commercial use of the site is allowed in the underlying residential/commercial zone, but the project team has deemed such mixed uses to be infeasible.

Proposed improvements to the Fairview Ave N right of way emphasize detention and in-place treatment local runoff, which appropriately addresses Policy LU248.

**SMC [23.60.152](#) – Development Standards for all Environments.** These general standards apply to all uses in the shoreline environments. They require that design and construction of all uses be conducted in an environmentally sound manner, consistent with the Shoreline Management Program and with best management practices for the specific use or activities. The section states, in part:

- A. *The location, design, construction and management of all shoreline developments and uses shall protect the quality and quantity of surface and ground water on and adjacent to the lot and shall adhere to the guidelines, policies, standards and regulations of applicable water quality management programs and regulatory agencies. Best management practices such as paving and berming of drum storage areas, fugitive dust controls and other good housekeeping measures to prevent contamination of land or water shall be required.*
- B. *Solid and liquid wastes and untreated effluents shall not enter any bodies of water or be discharged onto the land.*
- E. *All shoreline developments and uses shall minimize any increases in surface runoff, and control, treat and release surface water runoff so that receiving water quality and shore properties and features are not adversely affected. Control measures may include, but are not limited to, dikes, catchbasins or settling ponds, interceptor drains and planted buffers.*

- F. All shoreline developments and uses shall utilize permeable surfacing where practicable to minimize surface water accumulation and runoff.*
- G. All shoreline developments and uses shall control erosion during project construction and operation.*
- J. All shoreline developments and uses shall be located, designed, constructed and managed in a manner that minimizes adverse impacts to surrounding land and water uses and is compatible with the affected area.*
- N. All debris, overburden and other waste materials from construction shall be disposed of in such a way as to prevent their entry by erosion from drainage, high water or other means into any water body.*

The proposed development largely adheres to the general development standards enumerated in SMC [23.60.152](#). Project construction will be conditioned to apply Best Management Practices (see Condition #6). The site's surface runoff will be appropriately addressed. Surrounding land and water uses will not likely be affected, and the proposal would not likely constitute a hazard to public health and safety.

The proposed project must meet the standards of the underlying Lowrise 1 Residential-Commercial zone, the development standards for the US shoreline environment (SMC [23.60.630-642](#)) and the general development standards for all shoreline environments (SMC [23.60.152](#)). The Director may attach to the permit or authorize any conditions necessary to carry out the spirit and purpose of, and ensure the compliance with, the Seattle Shoreline Master Program (SMC [23.60.064](#)).

#### SMC [23.60.630-642](#) – Development Standards for US Environments

All development must conform to the development standards in the US shoreline environment, as well as the underlying L1 RC zone. Standards such as height, lot coverage, public access and view corridors have been met or are not affected by this proposal. Where permitted by the Shoreline Code, multifamily, ground related housing is a permitted use in L1 RC zones (SMC [23.45.004](#)). Regulated public access and view corridors are not required for this use on an upland lot.

#### Conclusion

DPD can approve development requiring a Shoreline Substantial Development Permit only if the proposed development conforms to the policies and procedures of the WAC, RCW and with the regulations of Chapter [23.60](#), Seattle Shoreline Master Program.

The project as proposed meets the specific standards for development in the Urban Stable environment. It also conforms to the general development standards, as well as the requirements of the underlying zone, and therefore should be approved.

## **DECISION – SHORELINE SUBSTANTIAL DEVELOPMENT**

DPD **CONDITIONALLY GRANTS** the Shoreline Substantial Development Permit. Conditions are listed at the end of this report.

### **ANALYSIS – SEPA**

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 disclosures of the potential impacts from these projects were made in an environmental checklist dated February 7, 2006. The information in the checklist submitted by the applicant, supplementary materials (traffic study, geotechnical report) information submitted by the public 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.

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, mitigation can be considered. Thus a more detailed discussion of some of the impacts is appropriate.

#### **Short-term Impacts**

The following temporary or construction-related impacts are expected: minor decreased air quality due to suspended particulate from building activities and hydrocarbon emissions from construction vehicles and equipment; increased traffic and demand for parking from construction equipment and personnel; 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 Street Use Ordinance requires debris to be removed from the street right-of-way, and includes regulations for maintaining circulation in the public right-of-way. Puget Sound Clean Air Agency regulations require control of fugitive dust to protect air quality. The Building Code provides for construction measures in general. 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. Most of these impacts are minor in scope and are not expected to have

significant adverse impacts (SMC [25.05.794](#)). However, due to the proximity of surrounding residences, further analysis of construction impacts is warranted. The following is an analysis of the short-term impacts to the environment as well as mitigation.

**Construction Noise.** Due to the close proximity of residential uses, the limitations of the Noise Ordinance are likely to be inadequate to mitigate potential noise impacts. Pursuant to SEPA policies in SMC Section [25.05.675 B](#), the hours of all work not conducted entirely within an enclosed structure (e.g. excavation, foundation installation, framing and roofing activity) shall be limited as detailed at the end of this report. See Condition #9 and Table 1 below.

**Air Quality, Environmental Health.** Given the age of the existing structures on site, they may contain asbestos, which could be released into the air during demolition. The [Puget Sound Clean Air Agency](#), 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. Pursuant to SMC Sections [25.05.675 A](#) and [E](#), to mitigate potential adverse air quality and environmental health impacts, project approval will be conditioned upon submission of a copy of the PSCAA “notice of intent to demolish” prior to issuance of a DPD demolition permit. So conditioned, the projects’ anticipated adverse air and environmental health impacts will be adequately mitigated. See Condition #8 below.

#### Long-term Impacts

Long-term or use-related impacts are also anticipated as a result of approval 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; increased demand for parking; and increased demand for public services and utilities.

Several adopted City codes and/or ordinances provide mitigation for some of the identified impacts. Specifically these are: the Stormwater, Grading and Drainage Control Code which requires on site collection of stormwater with provisions for controlled tight line release to an approved outlet and may require additional design elements to prevent isolated flooding; the City Energy Code which will require insulation for outside walls and energy efficient windows; and the Land Use Code which 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.

Other impacts not noted here as mitigated by codes, ordinances, or conditions (increased ambient noise and increased demand on public services and utilities, for example) are not sufficiently adverse to warrant further mitigation by conditions.

**Historic Preservation.** The applicant has provided a historic report prepared by BOLA Architecture and Planning, which documents the historic land uses of the site and vicinity and provides a record of the site’s past tenancies. Based on this analysis, the City’s Department of Neighborhoods has determined that none of the structures to be demolished represent potential landmarks. DPD therefore determines that no conditioning is warranted in this regard.

### Summary

The Department of Planning and Development has reviewed the environmental checklist and supplemental materials submitted by the project applicant, considered comments submitted by members of the public, and reviewed the project plans and any additional information in the file. As indicated in the checklist, 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.

Codes and development regulations applicable to these proposed projects will provide sufficient mitigation and no further conditioning or mitigation is warranted pursuant to the SEPA Overview Policy (SMC [25.05.665](#)).

### **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.

- [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 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 – DESIGN REVIEW**

The following Design Review conditions 1, 4, and 5 are not subject to appeal.

#### *Prior to Issuance of the Master Use Permit*

1. **Update plans and provide color drawings.** The applicant shall update the Master Use Permit plans to reflect the recommendations and conditions of this decision. The applicant shall embed conditions and colored landscape and elevation drawings into updated Master Use Permit and all building permit sets.
2. The Design Review Board recommended more **individual expression** of each triplex structure or of individual units, and offered suggestions detailed on page 12. They further recommended that a “warm material” be a unifying element across all the structures. The applicant shall update construction plans to reflect this change.

3. The Board recommended some change of **materials at the curbcuts**, such as a textural change in the driveway. The applicant shall update construction plans to reflect this change.

Prior to and/or During Construction

4. **Design changes.** Any changes to the exterior façades of the building, signage, and landscaping shown in the building permit must involve the express approval of the DPD Planner prior to construction.

Prior to Issuance of the Certificate of Occupancy

5. **Design review inspection.** Compliance with the approved design features and elements, including exterior materials, roof pitches, façade colors, landscaping and right of way improvements, shall be verified by the DPD planner assigned to this project (Scott Ringgold, 233-3856) or by the Design Review Manager. The applicant(s) and/or responsible party(ies) must arrange an appointment with the Land Use Planner at least (3) working days prior to the required inspection.

**CONDITIONS – SHORELINE SUBSTANTIAL DEVELOPMENT**

Prior to Issuance of any Permit to Construct or Demolish

6. The applicant shall update plans to incorporate Best Management Practices acceptable to the assigned land use planner, including but not limited to the following:
  - a. install and maintain a silt curtain/sediment control fence at the edge of the parking area and filter fabric over existing drainage intakes to minimize the amount of sediment introduced to Lake Union,
  - b. surround any stockpiled construction debris with appropriate containment material, such that construction debris does not enter the water, and
  - c. dispose of all construction debris in an appropriate upland facility.

Prior to and During Construction

7. The owner(s) and/or responsible party(ies) shall implement the program of Best Management Practices identified in condition #6

**CONDITIONS – SEPA**

Prior to Issuance of the Master Use Permit

None.

Prior to Issuance of any Permit to Construct or Demolish

8. The owner(s) and/or responsible party(ies) shall submit a copy of the PSCAA “notice of intent to demolish” prior to issuance of a demolition permit.

During Construction

The following condition 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. 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 weatherproofing material and shall remain in place for the duration of construction.

9. **Noise.** All construction activities are subject to the limitations of the Noise Ordinance. Construction activities (including but not limited to demolition, grading, deliveries, framing, roofing, and painting) shall be limited to non-holiday weekdays<sup>1</sup> from 7am to 6pm. Interior work that involves mechanical equipment, including compressors and generators, may be allowed on Saturdays between 9am and 6pm once the shell of the structure is completely enclosed, provided windows and doors remain closed. Non-noisy activities, such as site security, monitoring, weather protection shall not be limited by this condition.

Construction activities outside the above-stated restrictions may be authorized by the Land Use Planner when necessitated by unforeseen construction, safety, or street-use related situations. Requests for extended construction hours or weekend days must be submitted to the Land Use Planner at least three (3) days in advance of the requested dates in order to allow DPD to evaluate the request.

---

<sup>1</sup> Holidays recognized by the City of Seattle are listed on the City website, <http://www.seattle.gov/personnel/services/holidays.asp>

Non-holiday work hours							
	Sun	Mon	Tues	Wed	Thurs	Fri	Sat
7:00 am							
8:00							
9:00							
10:00							
11:00							
12:00 pm							
1:00							
2:00							
3:00							
4:00							
5:00							
6:00							
7:00							
8:00							

**Table 1, Non-holiday work hours.** Unshaded work hours shown above are permitted outright. For certain work, it is possible to request DPD approval for additional hours shaded in gray.

Signature: \_\_\_\_\_ (signature on file)  
 Scott A. Ringgold, Land Use Planner  
 Department of Planning and Development

Date: November 5, 2007

SAR:ga

H:\Doc\Current\3003172DaveVanSkike\3003172dec.doc