



City of Seattle
 Gregory J. Nickels, Mayor

Department of Planning and Development
 D. M. Sugimura, Director

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

Application Number: 3005102
Applicant Name: David Neiman, Neiman Architects
Address of Proposal: 1311 30th Ave S

SUMMARY OF PROPOSED ACTIONS

Land Use Application to allow one 2-unit residential structure and one ground related residential unit for a total of 3 residential units in an environmentally critical area. Covered parking for 3 vehicles will be located at ground level. Existing single family residence to be demolished. Review includes future unit lot subdivision.

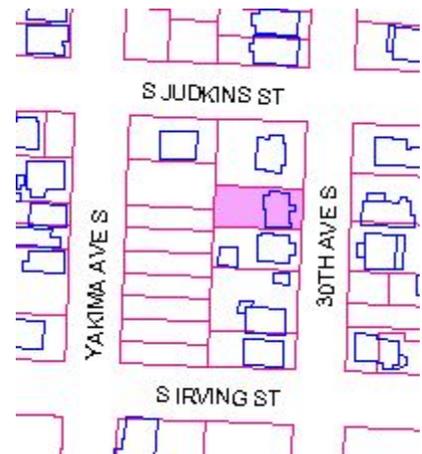
Administrative Design Review – Chapter 25.41. Seattle Municipal Code

SEPA - Environmental Determination (SMC Chapter 25.05)
 Grading in an ECA and future unit lot subdivision

SEPA DETERMINATION: [] Exempt [X] DNS [] EIS
 [] DNS with conditions
 [] DNS involving non-exempt grading or demolition or involving another agency with jurisdiction.

BACKGROUND INFORMATION & PROPOSAL:

The site is located on the west side of 30 the Avenue South between South Judkins Street and South Irving Street. The site slopes down to the west. The site is zoned Lowrise One (L1). Lowrise One allows one dwelling unit per 1,600 square feet of lot area. There is no alley in this block. Both sides of the street are built with single family homes. The block to the north is split zoned between single family residential and Lowrise One. The project received an eca exemption (3005102) and modification to submittal requirements from the geotechnical reviewer.



The proposal is for three (3) townhouses with code required parking. Parking is proposed to be via a shared driveway. On December 1, 2006 the applicant applied for Administrative Design Review in order to receive departures from the development standards described in the land use code. Any departures will need to demonstrate how the proposed design better meets the early design guidance given below.

PUBLIC COMMENTS:

Four (4) public comments were received during the official comment period. The letters pointed out that the area was not a good area for the Lowrise (L1) building massing as it may be too high and block views. The additional density is not welcomed due to extra cars and building massing and construction noise.

Planner note: The block in which this site is located is zoned Lowrise 1 (L1) zoning as well as the half block across 30th Avenue South. As new developments are initiated there will probably be a sense of more density and more traffic and parking pressures along this portion of 30th Avenue South. Remedies would include property covenants and rezone applications to the City, but neither are included in this review.

PRIORITIES:

After visiting the site, considering the analysis of the site and context provided by the proponents, and hearing public comment, the DPD planner provides the siting and design guidance described below and identifies 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 highest priority to this project. All city-wide guidelines apply, the following are of the highest priority.

A Site Planning

A-4 Human Activity

New development should be sited and designed to encourage human activity along the street.

In this residential development human activity should be in the form of visible neighborhood street-side space for residents to enter and exit the development, kids feeling safe at the sidewalk edge, bicycle access at the sidewalk, mailboxes, newspaper drop off, delivery area, gathering space for a ride or to gather before setting out on foot. Stoops and front yards to blend with the existing building types should be part of the design.

A-7 Residential Open Space

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

Useable, attractive and active open space should be a priority for residents of this development.

C Architectural Elements and Materials

C-2 Architectural Concept and Consistency (city-wide and WSJUV)

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.

Alternative 1 should be explored further. It appears to be nearest the well-proportioned and unified goals above. Also retaining the house on the lot and adding units to the rear would be a desirable solution to maintaining the residential scale of the street while adding units available in the L1 zone. The development should be unified as it is viewed from 30th Avenue S. The concept should be carried out from building form to small details, trim, roof treatment, fenestration etc. Color and modulation should be used to help define the units. Lighting and landscaping should be designed to enhance the overall concept. Overall the development should look like a small scale residential development to blend with the existing housing forms.

D Pedestrian Environment

D-7 Personal Safety and Security.

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

The development should promote eyes on the street and eyes on the alley to give a sense of security to the pedestrian and small scale community structures. Lighting should be adequate and maintainable yet not glaring.

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.

A landscaping plan following the above guidelines should be incorporated into the initial plans. There are two trees in the planting strip which should be retained. If they need to be replaced then the architect will consult with the city arborist for replacement street trees. The design of this project should follow the direction of SDoT for tree preservation and removal where deemed necessary.

Departure from Development Standards:

The applicant has requested possible departures from the Land Use Code development standards. These include departures from structure depth, lot coverage and building depth, open space standards, and landscape areas. The full extent of the requests will be shown on the MUP proposal plans and supporting documentation. Any departures will need to demonstrate how the proposed design better meets the early design guidance above.

RECOMMENDATION – January 24, 2008

Project

The proposed development is a three-unit townhouse complex. The rear unit will be used by the property owners as their primary residence. The two street-side units will be side by side townhouses. The required parking will be provided on site. The parking will be accessed by a common driveway and parking is designed to be in the center of the site. The parking is proposed to be covered by a landscaped rooftop garden. The roof garden will be counted in building depth due to the land use measurement methods. An entry porch and porch cover is proposed along 30th Avenue. Front doors will be visible from the sidewalk to keep the scale and residential character of the lowrise forms. The project will be conditioned to avoid tall fences at the front property line.

Several departures are contemplated with this project proposal. The departures are described in the table below.

Summary of Requested Departures

DESIGN DEPARTURE MATRIX:

Departure	Development Std.	Requirement	Proposed	Departure Amount	Related guideline
1	SMC 23.45.011.A Maximum allowable building depth	60% of the lot depth, or 57'-7"	79'-7"	20'-0"	A-7 Residential Open Space <i>The roof over the parking area creates an interior courtyard that is directly accessible from the primary living areas of each unit. The courtyard provides a large, quality open space, facilitates ADA access to the rear unit, and creates an opportunity for-- the homeowners to interact & build community. Without the courtyard, there would be not building depth issue.</i>
2	SMC 23.45.014.F.3 Front porch in front setback	An unenclosed porch or steps may extend a maximum of six (6) feet into the required front setback at ground level, provided that it is [a minimum of ten feet from front lot line]	The front porch projects only 5'-1 ½" into the front yard, but the extent of the front porch is only 7'- 1 ½" from the front lot line.	2'-10 ½"	A-4 Human Activity) <i>The land use code limits us to a 3'-1" wide porch, and would not allow us to orient the access stairs toward the street. A more generous front porch allows us to turn the stairs toward the street and add benches to the ends of the porch, creating a comfortable setting that supports human activities along the streetscape.</i>

3	SMC 23.45.016.C.2 Open space relationship to existing grade	The grade of the open space can either be the existing grade or within eighteen (18) inches of existing grade.	The primary open space (the central courtyard) is up to 12 feet above existing grade.	10'-6"	A-7 <i>Residential Open Space</i> <i>The project is organized around creating homes with meaningful open space directly adjacent to the primary living areas of each unit. Since the primary living spaces are above grade, the shared courtyard must be as well.</i>
3A	SMC 23.45.016.B.1.c(1) Open space criteria	Required open space shall be provided in one (1) contiguous parcel No horizontal dimension of the open space shall be less than ten (10) feet.	The open space is for each unit is provided partly in the courtyard and partly in the front or rear yard. The front yard open spaces are 7'-1 ½" along their narrow dimension. The rear yard open space is 9'-1 ½" along its narrow dimension.	2'-10 ½"	A-7 <i>Residential Open Space</i> <i>The courtyard, at 768 sf cannot quite accommodate the 900sf required to provide the total open space required for all units. By the same token, in order to create a sufficiently large courtyard (and accommodate the parking function below) the buildings are spread so far apart so that the front & rear yards cannot provide a 10' wide dimension of open space.</i>
4	SMC 23.45.014.F.1.A Overhang Projection into front & rear yards	External architectural details with no living space...may project a maximum of eighteen (18) inches into any required setback.	The front porch canopy projects 5'-1 ½" into the front yard	3'-7 ½"	C-2 <i>Architectural Concept and Consistency</i> <i>The canopy defines the entries to the front units, provides shelter at the front door, breaks down the mass of the front façade, and creates a small scale architectural feature that ties into the main roofs overhangs. On the whole, it creates a more modulated and interesting facade</i>
4A	SMC 23.45.014.F.1.A Overhang Projection into front & rear yards	External architectural details with no living space...may project a maximum of eighteen (18) inches into any required setback.	The main roof projects 4'-0" into the front & rear yards	2'-6"	C-2 <i>Architectural Concept and Consistency</i> C-4 <i>Exterior Finish Materials</i> <i>Four foot overhangs on the high roof help protect the exterior cladding, (allowing us to use natural materials where they are well protected) while creating a more dramatic & visually compelling roof form. The proposed overhangs project a maximum of 4' beyond the front & rear setback, which is the same as what is allowed for balconies under the zoning code.</i>
5	SMC 23.45.010.1 Allowable lot coverage	Max lot coverage for townhomes = 50% Max lot coverage for other structures = 40% Total allowable lot coverage = 46.67% (2016 sf)	Actual lot coverage = 60% (2591 sf)	575 sf	A-7 <i>Residential Open Space</i> <i>The interior courtyard is more than 18" above grade, and so creates additional lot coverage. Without the interior courtyard, we would be well under the allowable lot coverage.</i>

6	SMC 23.45.014.B.1 Rear Yard setback	20% of lot depth = 19'-3"	9'-1 ½"	10'-1 ½"	A-7 Residential Open Space B-1 Height, Bulk, and Scale Compatibility <i>A reduction of the rear setback is required to spread the buildings wide enough to allow parking between them and to allow enough room for a meaningful shared open space in the courtyard. Parking between the buildings reduces the overall building heights about 10 feet when compared to a code compliant scheme – see EDG packet Alt. #1.</i>
7	SMC 23.45.014.G.1 Side Yard setback exceptions	Ramps or other devices necessary for access for the disabled and elderly, which meet Washington State Building Code, Chapter 11, are permitted in required front, side or rear setbacks	We believe that the access deck in its current configuration meets the definition of "necessary" for Ch. 11 access. Submitted as part of Design Review to verify that it is either allowable outright as shown, or permitted because it furthers the design goals of Guideline D-1	N/A	Guideline D-1: Pedestrian Open Spaces and Entrance <i>Provide visual and pedestrian access (including barrier-free access) into the site from the public sidewalk.</i>
8.	SMC 23.45.014.C TABLE 23.45.014 A Side Yard setback	Side Yard setback for 79'-7" building length = 6'-0"	5'-0"	1'-0"	A-7 Residential Open Space <i>The plate heights of the buildings along the north property line are all below 25'. Without the increase of building depth created by the interior courtyard, the buildings would qualify for a 5' side setback.</i>

Recommendation:

After considering the proposed design and the project context, hearing public comment, and reconsidering the previously stated design priorities, the planner felt that all of the guidance they had given had been addressed by the applicant. The planner supports the Departure requests and **recommends approval with conditions** to the design to the Director.

Recommended conditions are the following:

1. Maintain a full and healthy landscape for the life of the project with special attention to green architecture including vines and landscape screening and plants that trail over walls.
2. The project will be conditioned to avoid tall fences at the front property line.

Analysis- Administrative Design Review

The project has proposed a project that will address an L1 zone with a project of three residential units. The sloping site is designed to have two units on the street and one at the rear yard. Covered parking is proposed mid site. In order to create units with open space and parking the applicant has asked for relief from development standards in the form of departures.

Departure 1 and 5 and 6 are requests to increase the allowable building depth, lot coverage and setbacks. The project has created quality open space over parking mid site as per guidance A7 residential open space and has created this space over the parking. The land use code measures the open space platform in this scenario and thus pushes the building depth measurement up. The buildings have been arranged to provide parking, open space and parking access. The open space has been designed to be used and enjoyed by the tenants in a private yet not isolated environment. The departure helps the project better meet the A7 guidance.

Departure 2 is a request to allow the front porch to extend almost 3 feet into the front yard. A4 guidance asks that human activity be a design priority including front steps, mailboxes etc near and visible to the sidewalk. The front porches for the two units on 30th Avenue will help create this sense of activity at the requested location.

Departure 3 is a request to have some of the open space above 18 inches off the ground level. The units all have open space at ground level in the front on 30th Avenue or at the rear of the development along the back property line. There is additional open space on the raised open space area and thus triggers the departure request. This departure is supported by priority guideline A7 for quality residential open space.

Departure 4 and 4A are granted because guideline C2, architectural concept and consistency is allowed to be explored and executed by the architect. Entries are better defined, and modulation and roof forms are better expressed.

Departure 7 and 8 are requests for setback exceptions and is both a departure and an accessible route to the units depending on the user. Guideline D1 pedestrian open space and entrance is better defined through an accessible route through the raised garden court. The setback relief is for 1 foot of setback departure.

After considering the proposed design and the project context, hearing public comment, and reconsidering the previously stated design priorities, the planner felt that all of the guidance she had given had been addressed by the applicant. In addition, the planner supported the Departure requests and **recommended approval with conditions** to the design to the Director.

ANALYSIS - SEPA

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

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

The initial disclosure of the potential impacts from this project was made in the environmental checklist submitted by the applicant. The information in the checklist and the experience of the lead agency with review of similar projects form the basis for this analysis and decision.

The SEPA Overview Policy (SMC 23.05.665) discusses the relationship between the City's code/policies and environmental review. 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 limitation". The Overview Policy in SMC 23.05.665 D1-7, states that in limited circumstances it may be appropriate to deny or mitigate a project based on adverse environmental impacts.

The policies for specific elements of the environment (SMC 25.05.675) describe the relationship with the Overview Policy and indicate when the Overview Policy is applicable. Not all elements of the environment are subject to the Overview Policy (e.g., Traffic and Transportation, Plants and Animals and Shadows on Open Spaces).

Short-term Impacts

Construction of the proposed structures may have short-term impacts on the environment; however, temporary soil erosion impacts on the identified critical areas (steep slope/landslide prone) will be limited and relatively minor.

Several adopted codes and/or ordinances provide mitigation for temporary soil erosion. 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's with identified geologic hazards. The Building Code provides for construction measures and life safety issues. Compliance with these applicable codes and ordinances will reduce or eliminate most short-term impacts to the environment. Due to the fact that grading will be undertaken during construction, additional analysis of earth and soils impacts are warranted.

Earth/Soils

The ECA Ordinance and Directors Rule (DR) 3-93 require submission of a soil report to evaluate the site conditions and provide recommendations for safe construction in areas with landslide potential and/or a history of unstable soil conditions. The applicant submitted a soils report dated October 18, 2006 prepared by Geotech Consultants, Inc., and the report was reviewed by the DPD Land Use Planner and DPD Geotechnical staff. The construction plans, including shoring of excavations as needed and erosion control techniques are being reviewed by DPD to ensure compliance with the ECA regulations. Any additional information required showing conformance with applicable ordinances and codes (ECA ordinance, The Stormwater, Grading and Drainage Control Code, DR 3-93, and 3-94) will be required prior to issuance of the building permit. Applicable codes and ordinance provide extensive conditioning authority and prescriptive construction methodology to assure safe construction techniques are used; therefore, no additional conditioning is warranted pursuant to SEPA policies.

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 and loss of plant and animal habitat.

Several adopted City codes and/or ordinances provide mitigation for some of the identified impacts. Specifically these are: the ECA Ordinance, the Stormwater, Grading and Drainage Control Code which requires provisions for controlled tightline release to an approved outlet and may require additional design elements to prevent isolated flooding. Compliance with these applicable codes and ordinances is adequate to achieve sufficient mitigation of long term impacts on the identified environmentally critical area.

The proposal is consistent with the City's Environmentally Critical Areas (ECA) regulations and no further conditioning is necessary.

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 –SEPA

None.

CONDITIONS – DESIGN REVIEW

For the Life of the Project

1. Landscaping must be hardy and attractive with low maintenance and low water usage choices. Use native plants as much as possible. All landscaping areas will be irrigated.
2. The project is conditioned to avoid fences above three feet tall at the front and front-sides property lines.

Non-Appealable Conditions

3. Any proposed changes to the exterior of the building or the site or must be submitted to DPD for review and approval by the Land Use Planner (Holly Godard 206-615-1254). Any proposed changes to the improvements in the public right-of-way must be submitted to DPD and SDOT for review and for final approval by SDOT.
4. Compliance with all images and text on the MUP drawings, design review meeting guidelines and approved design features and elements (including exterior materials, landscaping and ROW improvements) shall be verified by the DPD planner assigned to this project (Holly Godard 206-615-1254), or by the Design Review Manager. An appointment with the assigned Land Use Planner must be made at least three working days in advance of field inspection. The Land Use Planner will determine whether submission of revised plans is required to ensure that compliance has been achieved.
5. Embed all of these conditions in the cover sheet for the MUP permit and for all subsequent permits including updated MUP plans, and all building permit drawings and embed the colored MUP recommendation drawings in the building permit plan sets.

Signature: _____ (signature on file) Date: February 14, 2008
Holly J. Godard, Land Use Planner
Department of Planning and Development

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