



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: 3005229
Applicant Name: Tess Weiger for Howland Homes LLC
Address of Proposal: 935 North 98th Street

SUMMARY OF PROPOSED ACTION

Land Use Application to preserve an exceptional tree and allow one, 2-unit and two, 3-unit townhouse structures (eight units total). Parking for six units to be located within the structures and two surface parking spaces will be provided on the site. Existing structures to be demolished.*

*Note: The project description has been revised from the original notice of application

The following approvals are required:

Administrative Design Review – Seattle Municipal Code (SMC) Section 23.41 to protect exceptional tree with the following Development Standard Departures:

1. Structure Depth – To allow an increase from the maximum building depth (SMC 23.45.011.A).
2. Front Setback – To allow less than the required front setback (SMC 23.45.014.A).
3. Rear Setback – To allow less than the required rear setback (SMC 23.45.014.B).
4. Open Space – To allow less than the minimum amount of open space per unit (SMC 23.45.016.A.3.a).

SEPA DETERMINATION: Exempt DNS MDNS EIS

DNS with conditions

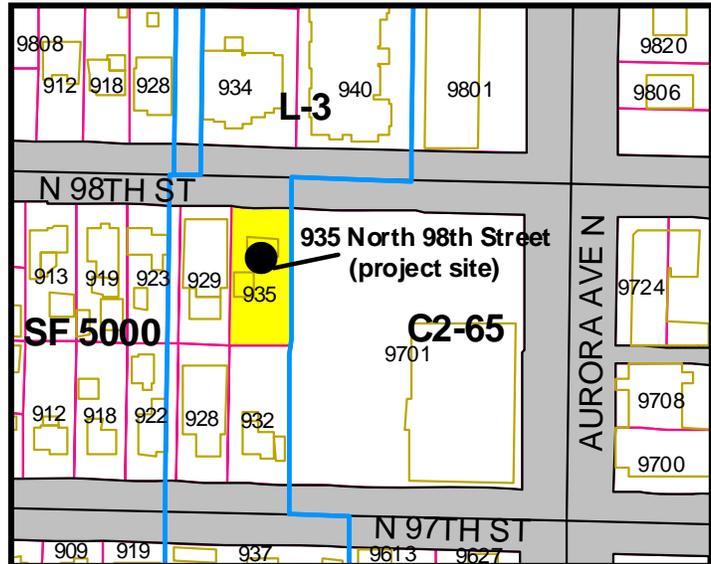
DNS involving non exempt grading or demolition or involving another agency with jurisdiction.

BACKGROUND INFORMATION

Site and Vicinity Description

This approximately 8,125.23 square foot (sq. ft.) site is a rectangular shaped lot with frontage on the south side of North 98th Street. The property is located in a Lowrise 3 (L-3) zone. A single family residence and accessory detached garage exists on the subject site.

The subject property is currently accessed via one (1) curb cut along North 98th Street. North 98th Street is a non-arterial street, improved with curbs, sidewalks and gutters on both sides of the street.



The site's topography is relatively flat and is modestly vegetated with mature trees and shrubs throughout the site. An existing 36" Douglas fir (*Pseudotsuga menziesii*) located near the site's eastern boundary line has been determined by an arborist (Tony Shoffner, ISA Certified Arborist, Arboricultural Consulting) as meeting the criteria to be classified as exceptional tree status (Director's Rule (DR) 6-2001). The site is not located within any identified or designated Environmentally Critical Areas.

Surrounding properties to the west, north and south of the property are also zoned L-3. Property east of the subject site is zoned Commercial 2 (C2-65). Existing development in vicinity west, north and south of the site mainly consists of single family residences and apartments. A gym facility (Gold's Gym) is located just east of the subject property.

Proposal

The proposed redevelopment of the site involves the construction of one (1) two-unit townhouse building and two (2) three-unit townhouse buildings for a total of eight (8) residential units. Accessory parking for six (6) vehicles to be provided within the structures and two (2) surface parking spaces will be provided on grade. Vehicular access to proposed parking spaces will occur via one (1) curb cut along North 98th Street. The existing structures (single family residence and detached garage) will be demolished. The existing exceptional tree (36" Douglas fir) will remain.

The applicant has submitted Master Use applications to demolish the existing single family residence and detached garage and construct a new townhouse cluster housing development (#6099633, #6099615, #6099620 & #6099621). A Master Use application to create individual unit lots (Unit Lot Subdivision) (#3003472) has also been submitted to DPD.

ANALYSIS - DESIGN REVIEW

Proposal At EDG Stage

An Early Design Guidance (EDG) application was made June 19, 2006. The design showed two (2) alternative design schemes in the submitted materials. Both options include cluster residential developments with parking located at grade within the structure and on a paved surface and including an internal parking drive accessed via North 98th Street. The first scheme (Option #1) proposed eight (8) residential units distributed amongst three (3) principal buildings—two (2) three-unit townhouse structures and one (1) two-unit structure—orientated in a stacked fashion situated near the western property boundary with parking access orientated along the east side of the lot. This option includes removal of the existing exceptional tree with the provision that replacement landscaping would be provided elsewhere on the property. No departures were anticipated with that proposed scheme.

The second alternative (Option #2) proposed a mirror version of the previously mentioned scheme with vehicular access proposed along the west property line and the three (3) principal buildings pushed closer to the eastern property line. This option includes the retention of the exceptional tree. In this configuration, several departures have been requested from front setbacks, rear setback and open space requirements. Option #1 was the preferred option by the applicant.

Public Comment

The public comment period for the Early Design Guidance ended July 26, 2006. DPD received no written comment regarding this proposal.

Administrative Early Design Guidance Review

An Early Design Guidance application was made June 19, 2006. After visiting the site, analyzing the site in its context and the conceptual massing and parking scheme provided by the proponents, DPD staff provided the following siting and design guidance described below and identified by letter and number those siting and design guidelines found in the City of Seattle's "Design Review: Guidelines for Multifamily and Commercial Buildings" of highest priority to this project.

A. Site Planning

A-1 Responding to Site Characteristics

The siting of buildings should respond to specific site conditions and opportunities such as non-rectangular lots, location on prominent intersections, unusual topography, significant vegetation and views or other natural features.

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-5 Respect for Adjacent Sites

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

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-8 Parking and Vehicle Access

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

DPD strongly recommends preservation of the Douglas fir tree, of which is considered exceptional, located on the subject site near the east property line. Therefore, Option #2 is the preferred scheme by DPD staff. The site plan and configuration of the access should endeavor to preserve this tree that is of significant value to the neighborhood and streetscape. DPD recommends that this scheme should be changed to not illustrate any development within the exceptional tree's drip line area. The designer should stagger the units (specifically units C2, B3 and A3) to the front and/or rear of the site or provide an alternative design that meets this requirement. Any proposal to reduce the tree protection area by substantially pruning the exceptional tree must be approved by DPD according to a plan prepared by an arborist.

The surrounding multifamily structures, commercial structure and single family structures have varied front setbacks. The pattern in the immediate vicinity shows the apartment west of the site and the commercial structure east of the subject property having existing and required front setbacks 12.25' and 5' respectively. The siting of the proposed northernmost building should create a pattern of transition from the commercial property to the multifamily structure directly west by providing a modulated front.

It is important that distinctive individual entries are incorporated in the design of every townhouse unit, especially those units that aren't visible from the street. Individual entrances to the rear and middle townhouse buildings should be clearly delineated. Please provide design alternatives regarding proposed unit address signage for those units not visible from the street.

Most of the surrounding residences have a single covered front ground-related entrance or fenced-in areas in front of the structure and all have a view to the street. In a similar fashion, the proponent should incorporate architectural features such as covered/roofed entries facing the street, fencing that might include ornamental iron work/trellis features, lighting fixtures and any other features that contribute to a continuous, safe and engaging streetscape.

DPD feels that the applicant has chosen the more logical driveway access location along the western portion of the site to maximize the potential of tree preservation near the east property line. The design of this driveway should minimize its impact on the pedestrian streetscape environment. Conversely, the project, as shown, does not illustrate a pedestrian walkway that extends from the street to the rear townhouse building. The design must include this detail in order to minimize future onsite pedestrian-vehicle conflicts. Grasscrete, brick or decorative pavers that have a residential appearance should be integrated into the walkway(s). Other features might include ornamental ironwork and/or trellis work.

B. Height, Bulk and Scale

B-1 Height, Bulk and Scale Compatibility

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. Projects on zone edges should be developed in a

manner that creates a step in perceived height, bulk and scale between the anticipated development potential of the adjacent zones.

The proposed project is surrounded by three and four-story apartment buildings in an L-3 zone and abuts a C2-65 zone where the maximum allowable structure height is 65'. As proposed, the structures will be less than 35' in height to the roof plate, which is similar and less than the maximum allowable height limit. The single family zone begins 60' to the west of the site. Therefore, the proposal is not out of character of neighboring zone development standards.

The neighborhood provides examples of a variety of pitched roofs of variable ratios. This project should include pitched roofs to reflect the prevalent roof forms in the area.

DPD feels that the massing of the proposed buildings should be sensitive to the existing surrounding built environment. In particular, every effort should be made to protect the privacy, light and air of the nearby residential uses. In this respect, no exterior decks should be included that cantilever into the front or rear setback areas.

C. Architectural Elements and Materials

C-4 Exterior Finish Materials

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

Materials, textures and pattern should contribute to, and reinforce, the desired individual townhouse character. Finish materials should also be selected that further reduce the scale of the building by reinforcing intervals while creating individual identity among the units. This guideline is of highest priority, as successful arrangement of finish materials to building forms, features and details should aid in defining attractive, distinctive and high quality townhouse units. The designer should explore use of light-medium earth tone colors that relate to the close proximity of vegetated areas. A color and material board should be submitted.

D. Pedestrian Environment

D-6 Screening of Dumpsters, Utilities and Service Areas

Building sites should locate service elements like trash dumpsters, loading docks and mechanical equipment away from the street front, they should be situated and screened from view and should not be located in the pedestrian right-of-way.

D-7 Personal Safety and Security

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

The design should ensure that there will be no dumpsters or recycle areas (if proposed) directly visible from the street and that they shall be screened from view.

Convenient and attractive access to the buildings' entries should be provided-especially the three (3) principal entries along the northern façade of the townhouse building (#A) situated near the northern property line. To ensure comfort and security, paths and entry areas should be sufficiently lighted and entry areas should be protected from the weather.

DPD directs the applicant to work with screening elements, both architectural and landscaping to help minimize the visual impacts on adjacent properties by the proposed surface parking stalls

for the two (2) vehicles. This applies to both parked cars, as well as the vehicular driveway accessing the site.

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.

DPD recommends development of a landscape design that generously incorporates landscaping to enhance both the streetscape and setback areas. Landscaping should also be used as a screening device for the surface parking area near the southwest corner of the site. The landscaping along the side and rear setbacks should be selected and sited to mitigate noise and privacy impacts on adjoining properties. Proposed pedestrian pathways should be clearly articulated.

Design Departure Requests

During the EDG stage, the applicant requested three (3) Design Departures from the Land Use Code: Structure Setback from the Front Property Line, Structure Setback from the Rear Property Line and Open Space Quantity. The specific requests have been modified over the course of project design development. Please refer to the *Design Departure Matrix* at the end of the document for current requests.

Administrative Design Review Master Use Permit

Proposal At MUP Stage

The applicant submitted a complete Master Use Permit and preferred design to DPD December 14, 2006. The overall scale and massing of the development is similar to the 2nd scheme (Option #2) presented during the EDG phase. Eight (8) residential units divided into three (3) principal buildings are proposed; two (2) three-unit townhouse structures and one (1) two-unit structure are orientated in a stacked fashion situated near the eastern property line with vehicular access along the western property line leading to six (6) enclosed parking stalls within two (2) of the townhouse buildings (Buildings “A” and “B”) and two (2) surface parking stalls oriented near the rear property line allocated to the townhome units in Building “C”. The applicant has submitted an amended arborist report (dated February 13, 2007) and proposed tree protection plans at DPD’s request. This report analyzes and provides recommendations for the identified exceptional tree (36” Douglas fir (*Pseudotsuga menziesii*)) located near the subject site’s eastern boundary line. The design continues its request for certain design departures as identified in the *Design Departure matrix*.

Public Comment

The public comment period for this MUP project ended January 24, 2007. DPD received no written comments regarding this proposal.

DIRECTOR'S ANALYSIS – ADMINISTRATIVE DESIGN REVIEW

The submitted MUP proposal substantially responded to the Early Design Guidance (EDG) outlined in detail above. Additional design discussion between the project planner and applicant further refined the proposal to better achieve the intent of the design guidance given.

The project goal is to create a cluster development of three (3) townhouse structures that better respond to the unique site characteristics, neighborhood development patterns and retention of the existing exceptional tree. To achieve this goal, the final project design requires four (4) Design Departures.

The Director finds that the final proposal responds to the previous design guidance. The street facing structures and vehicular access situated along the westernmost property line have been oriented in order to avoid development near the exceptional tree. Per DPD's request, the townhouse units are oriented in a staggered fashion towards the front and rear of the site which also assists in creating a streetscape pattern of transition from the easterly commercial property to the apartment just west of the subject property. Covered residential entries distinguished by color and decorative wall lighting fixtures have been incorporated in the design of every townhouse unit. Low height fencing with trellis features has been included for two (2) units located in the northernmost structure (Building "A") to assist in contributing to a continuous, safe and engaging streetscape. Two (2) pedestrian walkways extending from the street to the rear townhouse building are proposed along the eastern and western property lines and distinguished by stained exposed aggregate concrete. To assist in pedestrian safety, convex mirrors attached to westerly facades of Buildings "A" and "B".

The proposal is sensitive to the existing surrounding developments. No exterior decks cantilever into front and rear setback areas so that privacy, light and air of nearby residential uses can be preserved.

Materials consisting of a mix of 4" and 6" lap siding, cedar shingles and trim board will assist in providing an attractive development. The choice of earth tone colors consisting of forest green, dark brown, pea green will relate well to nearby vegetation.

Design Departure Requests and Analysis

Tree Preservation

The matter of tree preservation at this site is of enormous importance to DPD. The Seattle Department of Transportation's Landscape Architect office coordinates tree issues associated with development projects. An initial review made by staff in consultation with the City forester noted one (1) Douglas fir tree on the subject property that is of exceptional quality. As a result, the proponent had an analysis of the tree done by a Certified Arborist (Tony Shoffner, Arboricultural Consulting), who states that the tree should remain healthy with proper protection measures in place and minor pruning to achieve two objectives: to reduce the distance of crown spread and, if necessary, to raise the crown in order to accommodate the heights of the proposed buildings. Retention of valuable and healthy trees is encouraged by the City and Department. The condition and significance of the potentially affected tree must be further documented in the

siting of the proposed structures taking into consideration the recommendations of the proponent’s landscape architect.

Development Standard	Proposed Departure	Rationale for Request	DPD Decision
<p>Front Setback: Not less than 5’ and not required to exceed 15’ or the average of front setbacks of the first principal structures on either side of the subject site (11.17’).</p> <p>(SMC 23.45.014.A.1&3 and 23.86.012.A.2)</p>	<p>Allow an 8.24’ average front setback from North 98th Street measured at grade and a 3’ minimum setback from the upper stories.</p>	<p>This departure is requested to accommodate the adequate of amount of area needed for protection of the exceptional tree.</p>	<p>The Director finds that the final design responds to the design guidance and will result in a superior design that will allow appropriate tree protection from the identified exceptional tree on the subject site. The departure request is approved. (A-1, A-2, A-3, A-5,A-6, E-1, E-2, E-3)</p>
<p>Rear Setback: 25’ or 15% or lot depth (20.29’ req.), whichever is less, but in no case less than 15’.</p> <p>(SMC 23.45.014.B.1)</p>	<p>Allow a 6’ rear setback.</p>	<p>This departure is requested to accommodate the adequate of amount of area needed for protection of the exceptional tree.</p>	<p>The Director finds that the final design responds to the design guidance and will result in a superior design that will allow appropriate tree protection from the identified exceptional tree on the subject site. The departure request is approved. (A-1, A-5, B-1, E-1, E-2, E-3)</p>
<p>Open Space: An average of 300 sq. ft. of ground level open space per unit with no unit having less than 200 sq. ft. and no horizontal dimension less than 10’.</p> <p>(SMC 23.45.016.A.3.a & 23.45.016.B.1.c.(1))</p>	<p>Allow no minimum open space and horizontal dimensions less than 10’ for three (3) units in Building “A”. Allow an average of 193 sq. ft. of ground level open space per the total amount of units on-site.</p>	<p>This departure is requested to accommodate the adequate of amount of area needed for protection of the exceptional tree and to address DPD’s request for increased modulation along Building “A” street-facing façade.</p>	<p>The Director finds that the final design responds to the design guidance and will result in a superior design that will allow appropriate tree protection from the identified exceptional tree on the subject site. The departure request is approved. (A-1, E-1, E-2, E-3)</p>
<p>Structure Depth: 65% of lot depth which equates to 87.92’ maximum.</p> <p>(SMC 23.45.011.A)</p>	<p>Allow a combined structure depth of 88.87’.</p>	<p>This departure is requested as a result of DPD design guidance to offset the front structure (Building “A”) for additional modulation and to accommodate the adequate amount of area needed for protection of the exceptional tree.</p>	<p>The Director finds that the final design responds to the design guidance and will result in a superior design that will allow appropriate tree protection from the identified exceptional tree on the subject site. The departure request is approved. (A-1, B-1, E-3)</p>

DECISION – DESIGN REVIEW

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. DPD approves the proposed design of the three-story cluster townhome development proposal illustrated on the project plans dated August 24, 2007 which will allow for the retention of the exceptional tree. Therefore, the Director **CONDITIONALLY APPROVES** the proposed design, including the four (4) departure requests from the development standards subject **to the conditions identified below.**

CONDITIONS – DESIGN REVIEW

Prior to Issuance of the Master Use Permit (Non-Appealable)

1. Update the submitted MUP plans to include the above departure matrix. The plans shall also include those architectural features, details and materials described on the submitted colored board.
2. Embed all of the conditions listed at the end of this decision in the cover sheet for the MUP permit and for all subsequent permits including updated MUP plans, and all building permit drawings.
3. Embed the 11" x 17" colored elevation and landscape drawings and as updated, into the MUP plans prior to issuance, and also embed these colored drawings into the Building Permit Plan set in order to facilitate subsequent review of compliance with Design Review.

Prior to Issuance of a Demolition and/or Building Permit

4. Incorporate a copy of the approved tree protection landscape plan and arborist report with future demolition/building permit application plans. Plans should meet all requirements per Arborist report. Final design must be reviewed by City of Seattle Forester prior to final approval.
5. The plans shall reflect those architectural features, details and materials described under Guidelines A-1, A-2, A-3, A-5, A-6, A-8, B-1, C-4, D-6, D-7, E-1, E-2, and E-3.

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.

6. Implement all recommendations for tree protection as identified in the approved arborist report and illustrated on the approved tree protection landscape plan.
7. All changes to the exterior facades of the building and landscaping on site must be reviewed by a Land Use Planner prior to proceeding with any proposed changes.

Prior to Issuance of a Certificate of Occupancy (Non-Appealable)

8. Compliance with all images and text on the MUP drawings, design review guidelines and approved design features and elements (including exterior materials, landscaping and ROW improvements) shall be verified by the DPD Land Use Planner assigned to this project (Tamara Garrett, 684-0976) or by the Design Review Manager (Vince Lyons, 233-3823) prior to the final building inspection. The applicant/responsible party is responsible for arranging an appointment with the assigned Land Use Planner at least three (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.

For the Life of the Project

9. The existing 36" Douglas fir (*Pseudotsuga menziesii*) shall be preserved. A covenant shall be placed on any future unit lot subdivision that has the exceptional tree within its boundary or has identified common ownership. It will be the responsibility of the owner(s) to maintain this tree's health and specified treatment plans prescribed by the proponent's tree professional.

Signature: _____ (signature on file) Date: December 20, 2007
Tamara Garrett, Land Use Planner
Department of Planning and Development

TYG:lc

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