



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: 3008124
Applicant Name: Rick Anderson Architect for JDR Development, LLC.
Address of Proposal: 4228 Chilberg Avenue Southwest

SUMMARY OF PROPOSED ACTION

Land Use Application to allow two, two-unit townhouse structures in an Environmental Critical Area. Parking for five vehicles will be located within the proposed structures.

The following approvals are required:

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

1. Lowrise – Lot Coverage (23.45.010.A)
2. Lowrise – Modulations (Interior Facades (23.45.012.C))
3. Lowrise – Front Setbacks (23.45.014.A)
4. Lowrise – Setbacks for Cluster Developments (23.45.014.D)
5. Lowrise – Open Space (23.45.016.A.1.c)

SEPA - Environmental Determination - SMC Chapter 25.05.

SEPA DETERMINATION: Exempt DNS MDNS EIS

DNS with conditions

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

BACKGROUND INFORMATION:

Site Development

The subject site combines two parcels of land, comprising a total area of approximately 10,000 square feet, in a West Seattle neighborhood overlooking Puget Sound. The development site is located within a Multifamily Lowrise Duplex Triplex (LDT) zone with a density limit of one unit per 2,000 square feet.

The lot is located mid-block along the east side of Chilberg Avenue SW between SW Genesee Street to the south and SW Douglas Place to the north. Vehicular access to the subject lot is limited due in part to the alignment of the street grid. The site is located on the west slope of a hill with panoramic views to the west of Puget Sound and the Olympics Mountain Range. The development site is a vacant lot with modestly dense vegetation, typical of the surrounding area. The street right-of-way is improved with a hard surface roadway and sidewalks.



The site contains a designated Environmental Critical Areas (ECA); 40% Steep Slope, Potential Landslide, and Liquefaction areas. On August 27, 2007, DPD approved a request to exempt the site from steep slope standards, with the condition that the owner maintain a twenty-five foot no disturbance zone from the east property line.

Vicinity Description

Zoning in the area is predominately residential with Multifamily Lowrise Two (L2) running along Beach Drive, one block west, providing the highest concentration of residential use. Along Chilberg residential density is moderate, set within Lowrise One (L-1) and the LDT zones. To the east across the rear property line, residential density becomes less intensive within a Single family 5,000 (SF 5000) zone.

Topographically, the site is located at the base of a hill that abruptly ascends upwards in excess of 40% to the top of bank, some 20 feet above the development site to the east. Though this area is dominated by the slope, nevertheless the area is well developed with residential structures. Housing stock within the area features a wide variety of structures from single-story wood frame structures to three-story concrete apartment buildings. The development site is set between two three-story single family structures.

Across the street to the west, multifamily structures (apartment type) dominate the block front. Due in part to the street alignment, multifamily structures located on the west side of Chilberg have oriented their front yards off Beach Drive - effectively limiting the Chilberg frontage as the rear yards where parking is located.

PROJECT DESCRIPTION

The owner proposes to construct 2, three-story residential buildings, each containing a two-unit townhouse structure with accessory parking at the ground level. The design intent is to incorporate traditional single family design themes, with gabled roofs and upper level terracing similar to residential buildings in the vicinity. The design will establish a strong street presence scaled to neighboring properties, using modulation and spatial separation to visually enliven the block. Each building will contain two-units and will be oriented to maximize territorial views to the west as the buildings step up the slope. Two, 10 foot wide curb cuts are proposed to serve four garage entries to minimize pedestrian disturbance in the right-of-way.

Public Comments

Date of Notice of EDG Application:	December 20, 2007
Date End of EDG Comment Period:	January 2, 2008
Date of Notice of MUP Application:	March 27, 2008
Date End of Comment Period:	April 23, 2008 ¹
# Letters	6

The Department received a total of six comment letters for the proposed two, two-unit residential (townhouse) structures containing a total of four units. Three letters were received during the EDG phase and three during the Master Use Permit (MUP) phase. The three letters received during the MUP public comment period encompassed the following issues:

- Protection of privacy and views will be adversely compromised with proposed decks extending the width of the structure that is only setback 15 feet from the front lot line.
- It is important that consideration be given to adjacent structures when establishing setbacks, lot coverage, building height, and open space; due in part to existing development patterns along the east side of Chilberg.
- On-street parking capacity is limited especially in the evenings, and the addition of four units will serve to constrict what little parking is now available in the area.
- The potential adverse impacts of hillside destabilization due in part to historic slide activity on the site may harm nearby properties.
- Conveyance and maintenance of surface water runoffs may prove more difficult during and after construction.

The above concerns and comments were taken into consideration throughout the analysis process.

DESIGN REVIEW PROCESS

Priorities Guidelines

After visiting the site, considering the analysis of the site, design context provided by the proponents, and reviewing public comment, DPD provided the following siting and design

¹ The comment period was extended an additional two weeks from April 9, 2008 to April 23, 2008, at public request.

guidance and identified by letter and number those siting and design guidelines found in the City of Seattle's Design Review: *Guidelines for Multifamily and Commercial Buildings*" of the highest priority to this project.

- A-1 Responding to Site Characteristics*
- A-3 Entrances Visible from the Street*
- A-6 Transition between Residences and Street*
- A-7 Residential Open Space*
- A-8 Parking and Vehicle Access*
- B-1 Height, Bulk and Scale*
- C-1 Architectural Context*
- C-2 Architectural Concept and Consistency*
- C-4 Exterior Finish Materials*
- D-1 Pedestrian Open Spaces and Entrances*
- D-2 Blank Walls*
- D-5 Visual Impacts of Parking Structures*
- E-1 Landscaping to Reinforce Design Continuity with Adjacent Sites*
- E-3 Landscape Design to Address Special Site Conditions*

Design Guidelines:

Overall, DPD felt that the 2 duplex schemes (preferred) was well conceived and represented quality design. Ensuring a well proportioned scale at the development site is a critical factor to successfully integrating the project into the existing neighborhood fabric. The design should explore options that establish readable residential entries that are distinctive and attractive adjacent to the street system. The proposed building should make a bold statement at the street edge to strengthen its presence along the street - taking advantage of the rhythm and proportion of existing structures in the surrounding area. In particular, the buildings to the north and south in order to create a similar human scale in keeping with the area's residential character. The design should be respectful in design to the adjacent buildings, honoring existing characteristics such as; sculpted roof lines, modulation, fenestration; utilizing finished materials and colors that pick up on desirable patterns of nearby structures.

The location and quality of the residential open space should be considered a high value element and should serve the needs of its residential inhabitants. Residential open spaces should be functional and connected to residential uses. Where appropriate, landscaping should enhance the prior guidelines, by creating interesting and creative displays of hanging gardens and trellising at and above grade.

The proposed structure should include decks and terracing features to add character, texture, and massing layers that create visual interest along the streetscape. Additionally, the street-level facades for the lower half of the structure should provide design elements that enhance pedestrian experiences along the right-of-way and to create a fine scaled appearance of the building's bulk. Blank walls should be avoided whenever possible along all frontages. To the greatest extent, the design should de-emphasize vehicles in the parking area. DPD encourages the applicant to install pavers or other porous treatments to soften the parking court and driveway.

The previously stated design guidelines were all chosen to be high priority. DPD wants the developer to engage the streetscape wherever possible and scale the design to integrate itself into, and at a site with territorial views and limited access.

DPD instructed the architect to develop the following studies for review by DPD:

- Include colored and shadowed elevation drawings, sketches, and landscape/site plan illustrating the visual and textural design elements of the proposed building.
- Well developed landscape plan and character sketches.
- Provide illustrative detail of the parking area at street level.
- Include a narrative and graphic rationale for granting the requested design departures.

Refer to the MUP file for complete copies of the EDG document.

RECOMMENDATION:

The applicant applied for Master Use Permit on March 5, 2008. On June 11, 2008, DPD reviewed the applicant's response to the priority guidelines and guidance and made recommendations regarding the design of the project and the requested design departures.

Design Departures:

The applicant is proposing departures from lot coverage per SMC 23.45.010.A; modulations per SMC 23.45.012.C; front setback SMC 23.45.014.A; Setback for cluster developments SMC 23.45.014.D; and open space standards SMC 23.54.016.A.1

Response to Priority Guidelines and DPD Guidance

13. Site Planning: The residential entries will be distinguishable by a facade composition and use of modulation treatments. The use of color, materials, and lighting will add to readability of each unit. Each door to the units will be visible from the street and will emphasize street presence and create opportunities from the street perspective to encourage activity adjacent to the right-of-way. Private usable open space has been located on decks to maximize new opportunities and other advantages gained from a development site with topographic conditions that make usable open space at grade problematic. The rear 25 feet is off-limits to any active use pursuant to ECA regulations. Pavers have been added in the parking court, set in front of translucent garage doors to lessen visual impacts of vehicle-oriented activities in the front setback.
14. Height, Bulk and Scale: The updated design proposes roof lines that are more in keeping both in orientation and complexity of neighboring properties. The two, three-story structures with daylight basement, terrace up the slope to minimize visual impacts similar to the stepping of other structures in the vicinity. The third floor of the residential structure will step back an additional 16 feet from the westernmost extent of the lower level to create a sense of openness adjacent to Chilberg. The proposed structures modulates both vertically and horizontally to add greater design depth. Decks are proposed along the west façade in keeping with other nearby structures.

15. Architectural Elements and Materials: As viewed from the street front, which includes a higher residential density zone (L-2) to the south, the proposal seeks a scale of development in keeping with the rhythm of the existing residential character along the street. The façade's lower two levels have strong transparent elements including large windows and, glazed garage doors to visually open up the buildings. Multileveled decks attached to the building's west façade are similar to those in surrounding structures and will create opportunities for social engagement from the public right-of-way (e.g. eyes on the street). Quality material and colors are proposed in keeping with the better designed structures in the area.

16. Pedestrian Environment: The neighborhood character is eclectic and the design has added some modern flourishes to establish a visually engaging street presence compatible to surrounding structures. Façade modulations, fenestration, doors, low walls, and landscaping all combine to embrace activity within the right-of-way. As viewed from the street, a central waterfall feature becomes the focal point of the proposal. The applicant is taking advantage of a manmade surface draining condition, and has turned it into a landscape element to soften the impact of the new proposal. The parking area in the front setback has been designed to create visual interest. Blanks walls have been avoided to a great extent to open the structures interior to the outdoors.

17. Landscaping: Landscaping is employed in a multitude of layers to accentuate a lot that slopes up and away from the street. Terracing planters cascading downward adjacent to the water feature and along pedestrian pathways to provide a quality frame for homeowners and visitors. Upon tall planter walls creeping plants to provide a cascading landscape affect, as well.

DPD took into consideration public comments to inform their analysis and design recommendations.

Discussion and Recommendations:

The assigned planner has concerns with the building's scale, façade detailing, and parking court design, but feels that with modifications the design could be successfully integrated into a neighborhood which features a wide array of architectural styles. The project is well designed and conceived with more attention needed to the pedestrian experience along Chilberg Avenue Southwest and spatial relationships with adjacent structures. DPD notes that greater sensitivity to adjacent rooflines is needed. In particular, the roof projecting from the front façades, over the middle portion above the storage area on the upper level deck, are out of scale and do not fit within the neighborhood context - adding unnecessary bulk to the front of the proposal. This area needs additional attention. The roof seems to lack graciousness to adjacent structures. The roof lines need to be scaled down to lessen visual impacts upon adjacent properties. In so doing, the buildings' design along the street frontage should establish a more significant presence that plays on the eclectic urban form in the immediate area.

To encourage greater interaction with pedestrians along Chilberg the design should create readable and usable entries on street-level facing façades. This area should be more welcoming.

The design should be changed to reduce the amount of hard surfaces by employing permeable paving materials in the driveway such as grasscrete to soften and green up the parking court surfaces. All retaining walls and planter walls should include patterns created by kerfs and form boarding especially near the top and base portions or introduce rockeries where appropriate. Retaining walls abutting the sidewalk should be designed at a low height to allow pedestrians to use as seating; lights should be installed to accentuate the wall. The termination of the waterfall feature should be enclosed by low walls and have low water depth to not present a safety hazard.

DPD would like to see careful attention directed towards creating a more landscaping around the site's perimeter with equal time devoted to designing the planters with attractive flourishes. Due in part to the restricted development ECA area in the rear 25 feet, which causes a net loss of 5 feet of developable area, the applicant has proposed to plant six trees in the rear. This would not be allowed by code, without a re-vegetation plan. DPD feels that more measures are warranted to beautify this area with additional landscaping of native species; therefore the applicant will be required to submit a re-vegetation plan to green-up and stabilize this rear setback area.

Departure from Development Standards, Director's Analysis & Decision

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

1. Lot Coverage – *to allow an increase in the maximum lot coverage for townhouse structures (45%). The lot area is 10,000 square feet which equals 4,500 square feet lot coverage (SMC 23.45.010.A). The applicant proposes 4,629.2 square feet or 46.3% lot coverage.* The design includes a terraced building that takes advantage of a development site that slopes upward from west to east. Essentially, the proposed footprint would meet the required lot coverage; however, due in part to the limit availability of usable ground floor open space and the ability to take advantage of territorial views to the west, decks are being proposed on the upper two levels which has increased the building's footprint and thus the departure request from development standards. The terraced design with open decks affects a better design that is more sympathetic to the topographic conditions along the hillside, and along the block front. The inclusion of projection features (i.e., decks) enhances the building's character to set up a rhythm of materials, fenestration, and architectural elements to lend scale and cadence to the overall design composition. DPD supports the departure request to increase lot coverage to 46.3% beyond the 45% maximum allowed in order to maintain a design form sympathetic to the site's topography, as noted in the guidelines, and affords increased residential amenities areas. (See open space departure below) **In support of Design Guidelines A-1, A-5, B-1, C2 and C4, the upper level deck should provide a notch to open a greater separation between the adjacent structures. To maximize adjacent properties visual field the notches shall be located on the top deck, by eliminating an approximate area of four feet by four feet of deck area.** Design features should be incorporated to better define entries and provide visual interest along the street facing façade in keeping with; A-1, A-3, A-5, A-6, B-1, C-1, C-2, D-5, E-1, & E-2.
2. Modulations; Interior Facades – *to allow an increase within a cluster development where all interior facades wider than forty feet shall be modulated according to the standards of Section 23.45.012, provided that the maximum modulation width shall be 40 feet (SMC 23.45.012.C).* The applicant proposes to modulate the facing facades at 46 feet as

opposed to 40 feet (of the structure's 60 foot depth). The modulation depth is proposed to increase from four (4) feet to seven (7) feet to offset the requested additional exterior wall length. The impact is borne solely internal to the development site. The structures employ modulation and separation techniques to break up the length of the facing facades. Spatially the design layout is oriented along the east/west axis. Set between the facing facades at grade level, landscaping including a waterfall feature will soften adjacency concerns. When taken all together the structure depth shall be minimized by the proposed modulation and architectural detailing. The key design feature will be the landscaping elements set between the facing facades that are intended to pull attention and focus to the ground level. The Director agrees that a well defined and modulated building with rich landscaping results in a superior proposal as a whole. DPD supports the departure request for increased modulation length in order to accommodate the terraced form with articulated front façade form. The proposed building has successfully achieved architectural compatibility with a well portioned design that has responded to site characteristics; A-6, B-1, C-2, C-4, & D-2.

3. *Front Setbacks Requirements – to allow a decrease in front setback from the required amount:* The Code establishes that *in on case shall the setback be less than 5 feet and it shall not be required to exceed 20 feet. Townhouses may project into the required front setback, as long as the average distance from the front property line to the structure satisfies the minimum front setback requirement. Required is 20 feet average (SMC 23.45.014.A).* The applicant has proposed to reduce the front setback along the west property line down to *17.13 feet* to accommodate an extended deck projection. Decks projections are allowed to project no more than four (4) feet into the front setback area. The applicant is requesting to encroach 2.87 feet into the front setback to allow adequate residential amenity (open space) areas and to maintain uniformity of the design composition in an area where the structure modulates horizontally. The loss of 5 feet in the rear setback area has pushed the proposed structure forward to accommodate a terracing effect incorporating a vertical modulation system to soften the appearance of bulk upon adjacent properties. To create a more attractive and inviting amenity space glass framed decks have been proposed. In locating decks in the front setback have increased opportunities for socially engaging neighbors and increasing security with “eyes on the street.”

DPD approves the departure for the decreased front setback for the decks only, determining that the decks would provide an appropriate architectural element to the façade and contribute to a more desirable design composition. The proposed building's terraced look increases visual interest as viewed from the front setback to obtain a better scale that turns the corners onto the side setback area. As was noted previously, the upper level decks facing neighboring properties would be notch to be more gracious to protecting existing privacy and visual field; A-1, A-2, A-5, A-6, A-8, B-1, C-1, C-2, C-4, D-5, & E-3.

4. *Setbacks for Cluster Developments – to allow less than the required 15 feet between principal structures.* The Code establishes *when two or more principal structures are located on a lot, the required setback between those portions of interior facades which face each other shall be ten (10) feet when the length of the facing portions of facades is 40 feet or less and 15 feet when the length of facing portions exceeds 40 feet (SMC*

23.45.014.D). The applicant has proposed a 10 foot minimum setback with a 12.14 foot average. Approximately 43 feet of the building's 60 foot depth will be setback 10 feet from each facing façade, the remaining depth will setback 24 feet. The design layout emphasizes an orientation along the east/west axis to set up a rhythm of modulations, materials, fenestration, and architectural elements to lend scale and cadence within the development site. To enhance the site's character with the inclusion of a water feature streaming between the two structures will mitigate the requested reduction in setbacks for cluster developments. Refer to rationale in modulations section for DPD's support of the requested departure.

DPD approves the departure request for the decreased setback for cluster developments, determining that, territorial views to the west, quality design with few lapses, well-developed and highly functional landscaping plan will more than make up for the reduction in the separation between facing facades that would otherwise be developed fence and pedestrian pathway: A-1, A-6, B-1, C-2, C-4, & D-2.

5. Open Space – *to allow reduction and relocation of private, usable open space:* The Code requires *structures with two dwelling units; at least one (1) unit shall have direct access to a minimum of 400 square feet of private, useable open space. The second unit shall also have direct access to 400 square feet of private useable open space; or 600 square feet of common open space shall be provided on the lot* (23.45.016.A.1.c). The applicant has proposed to relocate open space on two upper levels decks to maximize solar exposure with territorial views to the west. In addition, the applicant would like the required horizontal dimensions of the open space to be reduced, which otherwise would not be allowed per Code in the LDT zone. Due to the presence of an ECA no-disturbance area in the rear setback open space is proposed in other locations. The topographic conditions at the development site create challenges to provide quality ground level open space. Locating ground level open space at the lowest elevation along the west property line or in the setback area between facing facades and between property lines would be heavily shadowed with adjacent structures and/or the proposed building. The applicant desires to lift the open space to an area that can take full advantage of the site's unique topographic site conditions. Private decks with views to west including Puget Sound and the Olympics would more than compensate for lack of ground level open space. At ground level dramatic landscaped detailing will enhance the pedestrian experience in and around the development site. If project includes all forms of decks and landscaping then the project would exceed maximum thresholds of open space for each unit at the development site.

Applicant proposes the following:

- Unit One; 53.7 square feet of ground level open space, with minimum horizontal dimension of 2 feet 3 inches, and not less than 300 square feet of deck area
- Unit Two; 48.9 square feet of ground level open space, with minimum horizontal dimension of 3 feet 4 inches, and not less than 300 square feet of deck area.
- Unit Three; 48.9 square feet of ground level open space, with minimum horizontal dimension of 3 feet 4 inches, and not less than 300 square feet of deck area.
- Unit Four; 139.2 square feet of ground level open space, with minimum horizontal dimension of 4 feet 4 inches, and not less than 300 square feet of deck area.

DPD approves the departure request for the reduction and relocating open space, determining that, territorial views to the west, high quality, well-developed and a highly functional landscaping plan will more than make up for the open space that would otherwise be shadowed by surrounding structures. Furthermore, the proposed landscaping at the development increases the overall aesthetic integrity at the ground level of the site while establishing a soft framed design composition for the proposed structures. **In support of Design Guidelines A-1, A-6, A-7, E-1, and E-3, the unruly brambles to the east (in the ECA non-disturbance area), the applicant will be required to re-vegetate the area meeting ECA guidelines for landscaping.** The proposed plantings in the landscaped areas and open space areas as a whole provide green areas that satisfy the intent of the open space standard: A-7, D-1, E-1, & E-2.

DIRECTOR'S 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 supports the proposed design of the two, two-unit (townhouse) structures, which includes an invigorated landscaping plan, building modulation, roof form, decks, and architectural detailing that have served to establish a scaled design which captures an architectural form in keeping with the neighborhood. Therefore, the Director **approves** the proposed design, including the five (5) departure requests from the development standards subject **to the conditions identified below.**

Summary of Recommendations:

DPD acknowledged appreciation of the design response to a development site that will have a positive contribution to the immediate area. In approving the project, DPD plans the following conditions on the project, with the refinements noted to be worked out with assigned planner.

- Redesign the “shed roof” between the upper decks to achieve a more integrated design with less visible roof area.
- Clip off gable ends of the north and south gables to allow more light and air to adjacent structures and to reflect the clipped gable ends of structure to the north.
- Cliff off upper level decks at the outside corners to optimize views from north and south structures.
- Add signature gabled vents or windows on the west facing gables to add distinction between proposed structures.
- To achieve the desired street presence the design should create readable and usable entries on street-level facing façades.
- Provide a more rigorous design solution to soften and green up the parking court surfaces with the placement of permeable pavers (i.e., grasscrete), and
- Soften retaining walls utilizing different techniques including form board impressions or rockeries where appropriate as viewed from Chilberg.
- Redesign retaining walls abutting the sidewalk to be designed at a lower height to allow pedestrians to use as seating, and include lights should be installed to accentuate the wall.

- The termination of the waterfall feature should be enclosed by low walls and have low water depth to not present a safety hazard.
- Submit a re-vegetation plan to beautify the ECA environment in the rear setback with additional landscaping of native species.

Summary of Departures Requested by the Applicant:

<i>Development Standard</i>	<i>Requirement</i>	<i>Proposed</i>	<i>Applicant rationale</i>	<i>Recommendation by DPD</i>
<i>1. Lot coverage 23.45.010.A</i>	<i>Maximum lot coverage for townhouses is 45%, or for other structures 35%. Lot area is 10,000 sq. ft. which equals 4,500 sq. ft.</i>	<i>4,629.2 sq. ft. = 46.3%</i>	<i>To set up a rhythm of materials, fenestration, and architectural elements to lend scale and cadence. To enhance the building's character with the inclusion of projection features (i.e., decks)</i>	<ul style="list-style-type: none"> ▪ Approved (Design Guidelines: A-1, A-3, A-5, A-6, B-1, C-1, C-2, D-5, E-1, & E-2)
<i>2. Modulational (interior facades). 23.45.012.C</i>	<i>Within a cluster development all interior facades wider than forty feet shall be modulated according to the standards of Section 23.45.012, provided that the maximum modulation width shall be 40 feet.</i>	<i>Modulation to occur at 46 feet.</i>	<i>The structures employ modulation and separation techniques to minimize visual presence along the length of the facing facades.</i>	<ul style="list-style-type: none"> ▪ Approved (Design Guidelines: A-6, B-1, C-2, C-4, & D-2)
<i>3. Front setbacks 23.45.014.A</i>	<i>In no case shall the setback be less than 5 feet and it shall not be required to exceed 20 feet. Townhouses may project into the required front setback, as long as the average distance from the front property line to the structure satisfies the minimum front setback requirement. Required is 20 feet.</i>	<i>Average 17.13 feet</i>	<i>The loss of 5 feet in the rear setback area has pushed the proposed structure forward to accommodate a terracing effect incorporating a vertical modulation system to soften the appearance of bulk upon adjacent properties. To create a more attractive and inviting space with a humanscale.</i>	<ul style="list-style-type: none"> ▪ Approved (Design Guidelines: A-1, A-2, A-5, A-6, A-8, B-1, C-1, C-2, C-4, D-5, & E-3)
<i>4. Setbacks for cluster developments 23.45.014.D</i>	<i>When two or more principal structures are located on a lot, and the structures width is greater than 40 feet, then the setback shall be 15 feet.</i>	<i>12.14 feet</i>	<i>To set up a rhythm of materials, fenestration, and architectural elements to lend scale and cadence. To enhance the site's character with the inclusion of a water feature streaming between the two structures.</i>	<ul style="list-style-type: none"> ▪ Approved (Design Guidelines: A-1, A-6, B-1, C-2, C-4, & D-2)

<p><i>5. Open space. 23.45.016.A.1.c</i></p>	<p><i>Structures with two dwelling units. At least 1 unit shall have direct access to a minimum of 400 square feet of private, useable open space. The 2nd unit shall also have direct access to 400 square feet of private useable open space; or 600 square feet of common open space shall be provided on the lot.</i></p>	<p><i>Unit One; 53.7 sq. ft. of ground level open space, with minimum horizontal dimension of 2 ft. 3 inches, and not less than 300 sq. ft. of deck area. Unit Two; 48.9 sq. ft. of ground level open space, with minimum horizontal dimension of 3 ft. 4 inches, and not less than 300 sq. ft. of deck area. Unit Three; 48.9 sq. ft. of ground level open space, with minimum horizontal dimension of 3 ft. 4 inches, and not less than 300 sq. ft. of deck area. Unit Four; 139.2 sq. ft. of ground level open space, with minimum horizontal dimension of 4 feet 4 inches, and not less than 300 sq. ft. of deck area.</i></p>	<p><i>Due to the presence of an ECA no-disturbance area open space is proposed in other areas. Private decks with views to west including Puget Sound and the Olympics more than compensates for lack of ground level open space. At ground level dramatic landscaped detailing will enhance the pedestrian experience in and around the development site. If project includes all forms of decks and landscaping then project exceeds maximum thresholds of open space.</i></p>	<p>▪ Approved (Design Guidelines: A-7, D-1, E-1, & E-2)</p>
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SEPA DETERMINATION

The development site is located in the following critical areas; Steep Slope, New Potential Slide, and Liquefaction Prone Areas, thus the application is not exempt from SEPA review. An Environmental Critical Areas (ECA) Exemption Requests & Modifications to Submittal Requirements was applied for and conditionally approved. The ECA Steep Slope Development Standards were waived due in part to previous grading and/or construction activities pursuant to 25.09.045 on August 27, 2007, but the Geological Hazard Areas Development Standards as well as other applicable ECA standards will apply to the project. However, SMC 25.05.908 provides that the scope of environmental review of projects within critical areas shall be limited to: 1) documenting whether the proposal is consistent with the City’s Environmentally Critical Areas (ECA) regulations in SMC 25.09; and 2) Evaluating potentially significant impacts on the critical area resources not adequately addressed in the ECA regulations. This review includes identifying additional mitigation measures needed to protect the ECA in order to achieve consistency with SEPA and other applicable environmental laws.

The initial disclosure of the potential impacts from this project was made in the environmental checklist submitted by the applicant (dated March 5, 2008) and annotated by the Land Use Planner. The information in the checklist, the supplemental information submitted by the applicant and the experience of the lead agency with the review of similar projects form the basis for this analysis and decision.

The SEPA Overview Policy (SMC 25.05.665) clarifies the relationship between codes, policies and environmental review. Specific policies for each element of the environment, certain neighborhood plans, and other policies explicitly referenced may serve as the basis for exercising substantive SEPA authority. Environmental review resulting in a Threshold Determination is required pursuant to the Seattle State Environmental Policy Act (SEPA), WAC 197-11, and the Seattle SEPA Ordinance (Seattle Municipal Code Chapter 25.05).

The Overview Policy states, in part, “Where City regulations have been adopted to address an environmental impact, it shall be presumed that such regulations are adequate to achieve sufficient mitigation” subject to some limitations. Under such limitations/circumstances (SMC 25.05.665) mitigation can be considered.

Short-term Impacts

The following temporary or construction-related impacts are expected: decreased air quality due to suspended particulate from building activities and hydrocarbon emissions from construction vehicles and equipment; increased dust caused by drying mud tracked onto streets during construction activities; increased traffic and demand for parking from construction equipment and personnel; conflict with normal pedestrian movement adjacent to the site; increased noise; and consumption of renewable and non-renewable resources.

Several adopted codes and/or ordinances provide mitigation for some of the identified impacts. The Stormwater, Grading and Drainage Control Code regulates site excavation for foundation purposes and requires that soil erosion control techniques be initiated for the duration of construction. The ECA ordinance and DR 3-93 and 3-94 regulate development and construction techniques in designated ECA areas with identified geologic hazards. The Street Use Ordinance requires debris to be removed from the street right of way, and regulates obstruction of the pedestrian right-of-way. Puget Sound Air Pollution Control Agency regulations require control of fugitive dust to protect air quality. The Building Code provides for construction measures and life safety issues. Finally, the Noise Ordinance regulates the time and amount of construction noise that is permitted in the city. Compliance with these applicable codes and ordinances will reduce or eliminate most short-term impacts to the environment and no further conditioning pursuant to SEPA policies is warranted.

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

Earth - The initial disclosure of the potential impacts of this project’s impact to the Environmental Critical Areas; Steep Slope and Potential Landslide was made in the environmental checklist submitted by the applicant dated March 5, 2008. The information in the checklist, a Geotechnical Report prepared by Earth Solutions NW, LLC dated August 8, 2007 and supplemental document dated May 12, 2008, informed the basis for this analysis and

decision. Note that pursuant to SMC 25.05.908.B, the scope of the environmental review of the subject establishment of a total of four residential units in two buildings is limited to:

1. Documenting whether the proposal is consistent with The City of Seattle Regulations for Environmentally Critical Areas, SMC Chapter 25.09; and
2. Evaluating potentially significant impacts on the environmentally critical area resources not adequately addressed in The City of Seattle Environmentally Critical Areas Policies or the requirements of SMC Chapter 25.09, Regulations for Environmentally Critical Areas, including in additional mitigation measures needed to protect the environmentally critical areas in order to achieve consistency with SEPA and other applicable environmental review laws.

The undersigned planner and (DPD) Geotechnical Engineer have analyzed the environmental checklist submitted by the project applicant; reviewed the project plans and the additional information in the file; and any comments which may have been received regarding this proposed action have been considered. As initially identified in the submitted survey the development site ascended approximately 40 feet over a distance of 100 feet (property line to property line). The entire development site is also classified as New Potential Slide and Liquefaction Prone Areas.

The subject site was previously developed with a residential structure that was removed sometime between 1960 and 1969 which has attributed to its current topographic conditions. Since the early 1970's surface water runoff has been an ongoing problem which has not been adequately addressed. Several landslides have occurred to the east and north of the development site. Two of which have had an indirect impact on the subject lot. Two landslides (1983 & 1997) occurred at the property addressed at 4206 Atkins Southwest, located upslope to the east of the subject lot, and is believed to have revealed groundwater seepage that has contributed to surface water problems at the subject lot.

The analysis included two exploration borings to examine soil composition and integrity. Additional subsurface soil analysis included evaluating previous boring logs and two hand auger test hole logs and geological maps. Soil at the development site consists of silty sand, poorly graded sand with silt, poorly graded sand, medium stiff lean clay, and medium dense soils. The two test borings at the development site reached medium dense soils extending to a depth of 20 to 30 feet below surface grade. Test boring number One (B-101) was taken towards northeast corner; while boring number two (B-102) was located near the southwest corner. The consulting engineer determined that the subject site is feasible to develop provided adherence to recommendations, and they did not expect any major impacts to the slope stability. A number of recommendations were identified, including the installation a grade beam foundation system supported on pin piles. With slab-on-grade floors being supported on a minimum of 2 feet of structural fill. The developer will be required to follow recommendations set forth in the geotechnical reports and related documents. Otherwise, any other potential short-term, construction related impacts anticipated from future construction will be addressed by adopted City regulations regarding grading, erosion control and noise. Therefore, no further conditioning for grading and earthwork activities is warranted pursuant to SEPA policies. As indicated in the checklist, this action may result in impacts to the environment. However, due to their temporary nature and limited effects, the impacts are not expected to be significant.

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

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

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

Long-term Impacts

Long-term or use-related impacts are also anticipated as a result of this proposal including: increased surface water runoff due to greater site coverage by impervious surfaces; increased bulk and scale on the site; increased traffic in the area and increased demand for parking; increased demand for public services and utilities; loss of plant and animal habitat; and increased light and glare.

Several adopted City codes and/or ordinances provide mitigation for some of the identified impacts. Specifically these are: the ECA Ordinance, the Stormwater, Grading and Drainage Control Code which requires provisions for controlled tightline release to an approved outlet and may require additional design elements to prevent isolated flooding. The City Energy Code will require insulation for outside walls and energy efficient windows. The Land Use Code controls site coverage, setbacks, building height and use and contains other development and use regulations to assure compatible development. Compliance with these applicable codes and ordinances is adequate to achieve sufficient mitigation of most long term impacts and no further conditioning is warranted by SEPA policies. Potential long-term impacts that may occur on the identified environmentally critical area as a result of this project include: 1) increased surface water runoff from greater site coverage by impervious surfaces. This long-term impact is not considered significant because the impacts are minor in scope.

While the site has been clearly delineated in terms of where new development is to be located in relation to slopes that can or cannot be disturbed, there has been an extensive analysis of the ECA that will not be disturbed. This area of 'non-disturbance' was evaluated to determine the health of the plant stock in relation to these areas and any methods to employ that will ensure the viability of the vegetation in these areas. The long term viability of the existing vegetation in the non-disturbance area (eastern portion of the site) has been determined incongruous to soil stability. The applicant will be required to submit an Environmental Critical Areas Standard Mitigation Plan that replaces noxious groundcover with native trees and shrubbery. After which, this area will be off limits to future development. All work in this area will rely on hand held tools only; no machine vehicles of any kind will be allowed. It is envisioned that new plants will positively contribute to the slopes long-term stability. Accordingly, a SEPA condition is stated below.

CONCLUSION - SEPA

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

DECISION – SEPA/ECA

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

- [X] Determination of Non-Significance. This proposal has been determined to not have a significant adverse impact upon the environment. An EIS is not required under RCW 43.21.030(2) (c).
- [] Determination of Significance. This proposal has or may have a significant adverse impact upon the environment with respect to transportation, circulation, and parking. An EIS limited in scope to this specific area of the environment was therefore required under RCW 43.21C.030 (2) (C).

CONDITIONS – DESIGN REVIEW

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

Prior to MUP Issuance

1. 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.
2. Update plan set to include Design Departure Matrix found within the decision.

During Construction

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

Prior to Issuance of a Certificate of Occupancy

4. Compliance with the approved design features and elements, including exterior materials, retaining walls, facade colors, landscaping and ROW improvements, shall be verified by the DPD Planner assigned to this project or by the Manager of the Urban Design Program. Inspection appointments with the Planner (Bradley Wilburn, tel 206-615-0508) must be made at least 3 working days in advance of the inspection.
5. Outcomes identified during July 1, 2008 telephone meeting and outstanding zoning corrections. To be approval by the Land Use Planner.

For the Life of the Project

6. Any proposed changes to the exterior of the building or the site or must be submitted to DPD for review and approval by the Land Use Planner (Bradley Wilburn, 615-0508). Any proposed changes to the improvements in the public right-of-way must be submitted to DPD and SDOT for review and for final approval by SDOT.
7. Compliance with all images and text on the MUP drawings, design review recommendations and approved design features and elements (including exterior materials, landscaping and ROW improvements) shall be verified by the DPD planner assigned to this project (Bradley Wilburn, 206-615-0508), or by the Design Review Manager. An appointment with the assigned Land Use Planner must be made at least (3) working days in advance of field inspection. The Land Use Planner will determine whether submission of revised plans is required to ensure that compliance has been achieved.

Prior to MUP Issuance:

Update plans to show:

8. Provide a more rigorous design solution to softening and greening up the parking court surfaces with the placement of permeable pavers (i.e., grasscrete) to be reviewed and approved by the DPD planner.
9. Redesign the “shed roof” at the top floor; and Clip off gabled ends to allow more light and air to adjacent structures to reflect the clipped gable ends of structure to the north, to be reviewed and approved by the DPD planner.
10. Clip off upper level decks at corners to optimize views from north and south structures, all to be approval by DPD planner.
11. To achieve the desired street presence the applicant is encouraged to create readable and usable entries on street-level facing façades. In addition, add signature gabled vents or windows on the west facing gables to add distinction between proposed structures. Provide detailed colored drawings; including detail within the plan set to be approved by DPD planner.

12. Soften retaining walls utilizing different techniques including form impressions or rockeries where appropriate as viewed from Chilberg. Redesign retaining walls abutting the sidewalk to be designed at a height to allow pedestrians to use as seating, and if possible lights should be installed to accentuate the wall to be approved by DPD planner.
13. The termination of the waterfall feature should be enclosed by low walls and have low water depth to not present a safety hazard to be reviewed and approved by the DPD planner.

For the Life of the Project

14. **Compliance with all applicable conditions must be verified and approved by the Land Use Planner, Bradley Wilburn, (206 615-0508) or the Manager of the Urban Design Program, Vince Lyons, (206 233-3823) at the specified development stage, as required by the Director's decision. The Land Use Planner shall determine whether the condition requires submission of additional documentation or field verification to assure that compliance has been achieved. Prior to any alteration of the approved plan set on file at DPD, the specific revisions shall be subject to review and approval by the Land Use Planner who conducted the Design Review.**

CONDITIONS - SEPA

At the time of Building Permit intake Appointment

15. Submit an Environmental Critical Areas Standard Mitigation Plan that replaces noxious groundcover with native trees and shrubbery (see CAM #331) to be reviewed and approved by the MUP DPD planner.

After Issuance of Building Permit and Prior to finalization

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

During Construction:

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

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

Signature: _____ (signature on file) Date: July 14, 2008
Bradley Wilburn, Land Use Planner
Department of Planning and Development
Land Use Services

BW:bg

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