



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

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

Application Number: 3010187
Applicant Name: Brian Malady of Eric Cobb Architects for Christopher Toly
Address of Proposal: 2301 West Newton

SUMMARY OF REVISED PROPOSED ACTION

Land Use Application to allow a two story, 18-unit apartment building in and environmentally critical area. Parking for 24 vehicles will be located below grade. Project to include 6,000 cu. yds. of grading. Existing structures (3) to be demolished. Early Design Guidance was conducted under 3008430.

Original Project Description: Land Use Application to allow a residential structure (total of 9 units) in an environmentally critical area. Parking for 17 vehicles will be provided within the structure below grade. Project to include 6,000 cu. yds. of grading. Existing structures to be demolished. Environmental review includes future unit lot subdivision (3008430).

The following approvals are required:

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

1. Access to parking – To allow access parking from street when site abuts a platted alley (SMC23.45.018B1)
2. Front setback – To allow less than required front setback (SMC23.45.014)
3. Side setback – To allow less than required side setback (SMC23.45.014)
4. Structure depth – To allow greater than allowed structure depth, (SMC23.45.011)
5. Structure width –To allow greater than allowed structure width (SMC23.45.011)

SEPA Environmental Review - Seattle Municipal Code (SMC) Section 25.05

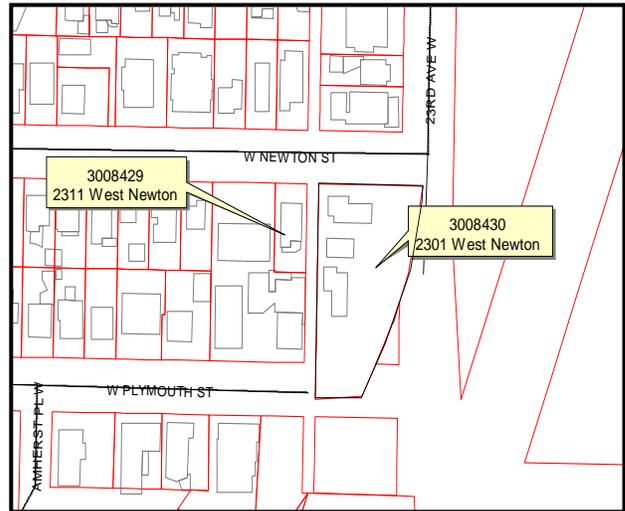
SEPA DETERMINATION: Exempt DNS MDNS EIS

DNS with conditions

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

SITE AND VICINITY

The proposed project is located between West Newton Street and West Plymouth Street on the east slope of Magnolia overlooking the Interbay industrial area. The site is bounded on the west by a 16 foot north-south alley. There are currently are two duplexes and a detached garage on the 24,000 sq. ft. site. The parcel is mapped as an environmentally critical area (steep slope, landslide hazard) with slopes that drop approximately 60 feet to the industrial area below to the east. It was the location at one time of the Officer's quarters for the Naval installation at Smith Cove. The zoning is Lowrise 2 as is most of the surrounding area. There is small portion (approximately 2,625 sq. ft.) at the south end of the larger parcel that is zoned Industrial Buffer with a 45 foot height limit (IB/U45).



The neighborhood is a mix of single family and multifamily structures dating from the early 1950s to the 1970s. There are several parcels in the neighborhood that are undergoing redevelopment with townhouse structures.

PROJECT DESCRIPTION

The applicant proposes to revise an issued Master Use Permit, DPD # 3008430, which permitted nine townhouse units on the site. The revised proposal is for 18 stacked apartments in approximately the same outward configuration and design as the original proposal. Parking for 24 vehicles is proposed to be below grade under the 18 units. Access to the garage would be from West Newton where it dead-ends at 23rd Avenue West. Approximately 1/3 to 1/2 of the site is an Environmentally Critical Area – Steep Slope. The applicants applied for, and were granted, a Limited Exemption from the Steep Slope development regulations for the Lowrise 2 portion of the site under the original permit 3008430.

PUBLIC COMMENTS

No comments were received after Notice of Application of a Post Permit Revision, which was published on May 7, 2009. The comment period ended May 20, 2009.

ANALYSIS - DESIGN REVIEW

Design Guidance

At the Early Design Guidance meeting on June 18, 2008, the architect presented three design schemes which included both projects 3008429 and 3008430. This proposed revision is limited to the project 3008430 at 2301 West Newton.

The Design Review Board reviewed the final project design on November 19, 2008 at which time site, landscaping and floor plans, as well as elevation sketches and renderings, were presented for the members' consideration.

The Recommendation Meeting was attended by all six Board members. The architect presented a design consisting of nine townhouse units on the larger east parcel contained in three buildings oriented to the southeast to take advantage of city and sound views and respond to the site topography (steep slopes). There are three additional units proposed in a single building on the smaller west parcel across the alley which have been approved under DPD #3008429. The alley which dead-ends at the south end before it reaches West Plymouth St will be improved with paving and landscaping and a pedestrian pathway is proposed to connect to West Plymouth St. The proposed design is contemporary with extensive use of slab concrete.

A Site Planning

A-1 Responding to Site Characteristics

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

A-3 Entrances Visible from the Street

Entries should be clearly identifiable and visible from the street.

A-4 Human Activity

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

A-5 Respect for Adjacent sites

Buildings should respect adjacent properties by being located on their site 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-7 Residential Open Space

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

A-8 Parking and Vehicle Access

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

- The Board agreed that preferred Alternative 3 was preferable to the others as it minimizes the number of units on the site and provides for the greatest amount of open area.
- Because the buildings on the east site are turned to the southeast to take advantage of views, significant departures are requested in terms of setbacks and building depth though overall lot coverage is within code requirements. The Board is willing to consider the front setback departures depending on how well the units facing the right-of-way relate to the street. They look forward to seeing detailed drawings (including stoops, terraces and landscaping) of how the units enhance the right-of-way and the public realm.

- The Board questioned the location of the elevator tower shown in the center of the proposed courtyard. They feel that it creates a monolithic structure, breaks up the courtyard and reduces the usability of the space. They would like to see the elevator structure relocated to the side of the courtyard.
- The Board agreed that the applicant should re-visit the regulations for open space in Lowrise zones and provide the required amount of open space or request the appropriate departure.
- The Board agreed that the below grade parking enhances the public spaces at grade. Though they acknowledged that they have no authority over land use decisions, they wished to state that they supported a variance that would allow parking for the three units at the west of the alley in the below-grade parking structure.

At the Recommendation meeting, the Board agreed that the landscaping and street improvements on West Newton contribute positively to the streetscape. The design for the street-facing façade is proposed to be very contemporary and while the entries do not directly face the street, the façade is visually interesting making use of vertical and horizontal modulation and a variety of materials. The elevator tower located in the courtyard has been slightly repositioned closer to the adjacent unit. While it is not as central as it was at EDG, the tall slab concrete walls make it appear more prominent than it might be. DPD is recommending that the slab concrete walls be lowered by about two feet.

The applicant proposes most of the private open space on rooftop decks. There will, however, be some ground level open space. Parking for the three west townhouses which has previously been proposed to be located in the below-grade parking garage will now be located within the units eliminating a need for a variance.

Revision to 3008430: the Department finds no significant change in the design of the structure to warrant reconsideration by the Design Review Board. All guidance by the Board has been followed in the revised design.

B Height, Bulk and Scale

B-1 Height, Bulk and Scale

Projects should be compatible with the scale of development anticipated by the applicable Land Use Policies for the surrounding area and should be sited and designed to provide a sensitive transition to near-by, less-intensive zones.

- The Board feels that the preferred Alternative 3 is the best use of the site. They did question the functional desirability of the narrow gaps between the buildings and whether the gaps actually afforded any view toward downtown. The Board was particularly concerned with optimizing views of the adjacent neighbors and asked that the acute angle on the southernmost unit be chamfered back approximately 8 feet, such that the southwest wall is parallel to its opposite wall. The resulting area could be enhanced with a bench for pedestrians using the proposed pedestrian walkway connecting the alley with West Plymouth.

At the Recommendation meeting, some of the Board members still had questions about the practicality of the narrow gaps between the buildings which they believe offer no opportunity for views. The Board was pleased to see that the southwest wall of the southernmost unit was chamfered as directed by the Board. However, the Board was still concerned about the bulk of the

buildings and potential view blockage. In particular, the stair towers on the three western units appear to be taller and larger than necessary. The Board recommends that the stair towers be lowered in height and be made more transparent as shown on the applicants representative-work designs.

Revision to 3008430: the Department finds no significant change in the design of the structure to warrant reconsideration by the Design Review Board. There is little appreciable difference in height, bulk and scale of revised proposal except that the southernmost unit has been eliminated making the overall structure a bit smaller in scale. All guidance by the Board has been followed in the revised design.

C Architectural Elements and Materials

C-2 Architectural Concept and Consistency

- *Building design elements, details and massing should create a well-proportioned and unified building form and exhibit an overall architectural concept.*
- *Buildings should exhibit form and features identifying the functions within the building.*

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.

- In general, the Board agreed that the proposed design will be above average in the use of materials and construction.
- The Board agrees that the cast concrete walls can be attractive if used in an innovative way. A landscape plan with plantings called out should be developed that will soften the effects of hard concrete edges.

The landscape plan should continue to include trees and shrubs of varying heights incorporated into the courtyard design, softening the effects of the hard-edged concrete walls.

Revision to 3008430: the Department finds no significant change in the design of the structure to warrant reconsideration by the Design Review Board. All guidance by the Board has been followed in the revised design.

D Pedestrian Environment

D-1 Pedestrian Open Spaces and Entrances

Provide convenient, attractive and protected pedestrian entries.

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 where possible. When elements such as dumpsters, utility meters, mechanical units and service areas cannot be located 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-8 Treatment of alleys

The design of alley entrances should enhance the pedestrians' street front.

- The Board is generally favorable to the “courtyard” treatment of the alley conceptually connecting the two sites while recognizing that any alley alterations and treatment need to also be approved by Seattle Department of Transportation. The Board likes the proposed design for the extended pedestrian path connecting the alley with West Plymouth and this should include a bench for respite and viewing.
- The Board questioned the proposed location of the trash and recycling receptacles at the rear of the three units building on the west side of the alley and suggested they be relocated to the parking garage. The Board agreed to entertain the building depth departure request for this building as long as this area is used for green space.

The Board was pleased with the proposed alley and landscape design that offers a more formalized pedestrian access in the alley right-of-way to West Plymouth. West Plymouth ends at the southern edge of the applicant's site. The applicants are willing to install a bench in this area for public use but the Board decided it was not necessary given potential liability issues for the applicant. The proposed design of the alley and pedestrian access in the public right-of-way are still under review with Seattle Department of Transportation.

Revision to 3008430: the Department finds no significant change in the design of the structure to warrant reconsideration by the Design Review Board. All guidance by the Board has been followed in the revised design. Proposed alley design, pedestrian access and vehicle access to below grade parking have been approved by SDOT.

E Landscaping

E-2 Landscaping to Enhance the Building and/or site

Landscaping, including living plants, special pavement, trellises, screen walls, planters, site furniture and similar features should be appropriately incorporated into the design to enhance the project.

- The Board is looking forward to a detailed landscape design that will soften the hard appearance of the concrete surfaces and present an active façade to West Newton.
- DPD would like the applicant to consider rain gardens and other sustainable features incorporated into the courtyard landscape design.

The courtyard landscape design is discussed above with to regard to its softening effect. No other sustainable features other than the required draught tolerant plants have been proposed or incorporated into the design.

Revision to 3008430: the Department finds no significant change in the design of the structure to warrant reconsideration by the Design Review Board. All guidance by the Board has been followed in the revised design.

DEPARTURES FROM DEVELOPMENT STANDARDS

Departure Summary Table for the large east parcel at 2301 West Newton

REQUIREMENT	REQUEST	APPLICANT'S JUSTIFICATION	BOARD RECOMMENDATION
Access to parking (SMC23.45.018B1) Access to parking shall be from the alley when the site abuts a platted alley improved to SDOT standards.	Request access to below-grade parking garage from West Newton where it intersects with 23 rd Avenue W.	Access is proposed at the point where West Newton ends at the lowest grade. Access here would decrease traffic in the alley so it could more freely used as a pedestrian thruway.	The 6 Board members unanimously agreed to grant this departure. A-1; A-7; A-8; C-3; C-5; D-1 *Revised design requires no change to this departure.
Front setback (SMC23.45.014) Average of adjacent structures or 5' minimum or 15' maximum	Request 5' front setback for both sites. A reduction of 10'.	Reducing front setback will encourage activity on the street. West Newton is a 60' ROW and 17' from curb to property line.	The 6 Board members unanimously agreed to grant this departure. A-1; A-2; A-4; A-6; C-3 *Revised design requires no change to this departure.
Side Setback (SMC23.45.014A) Structures 25' high and 75' deep – side setback to a minimum of 9' and average of 19'	Request a reduction in side setbacks to 5' and 11' average on west side; 5' and 19' average on east side.	Because Building is canted to the southeast to take advantage of views portion so the building need to extend into side yards.	The 6 Board members unanimously agreed to grant this departure. A-1; A-7; C-5; D-1 *Revised design requires no change to this departure.
Structure depth (SMC23.45.011) 65% of lot depth permitted or 156'	Request increase in structure depth to 165'.	Increased depth does not increase allowable lot coverage; allows building to be turned to the SE to take advantage of solar exposure and views; allows larger courtyard.	The 6 Board members unanimously agreed to grant this departure. A-1; A-5; A-7; B-1; C-1 *Revised design results in decreased structure depth departure request.
Structure width (SMC23.45.011) 90' permitted for townhouses	Request structure width of 116.5'	Increased width does not increase allowable lot coverage; allows larger courtyard; allows for three residential entries at street level activating the street;	The 6 Board members unanimously agreed to grant this departure. A-1; A-2; A-3; A-7; C-3; D-7 *Revised design results in decreased structure width departure request.

The Board recommended CONDITIONAL APPROVAL. All conditions of approval were subsequently met and the design was approved.

The proposal to revise the design to build 18 apartment units instead of 9 townhouse units is still within the guidance provided by the Design Review Board for the original proposal. The Department has determined that the revised design differs in only minors respects from the original proposal and, therefore, does not warrant additional review by the Design Review Board. Therefore, the Director APPROVES the revised design and the requested departures with the conditions summarized at the end of this Decision.

ANALYSIS - SEPA

Environmental review resulting in a Threshold Determination is required pursuant to the Seattle State Environmental Policy Act (SEPA), WAC 197-11, and the Seattle SEPA Ordinance (Seattle Municipal Code Chapter 25.05). The proposed structure contains 18 residential units, greater than the SEPA exemption threshold of six (6) when located in a Lowrise 2 zone outside of an Urban Center. Additionally, the proposal site is located in an environmentally critical area, steep slopes, thus the application is not exempt from SEPA review.

The initial disclosure of the potential impacts from this project was made in the environmental checklist submitted by the applicant dated April 23, 2009 and annotated by the Land Use Planner. The information in the checklist, pertinent public comment, and the experience of the lead agency with review of similar projects form the basis for this analysis and decision.

The Department of Planning and Development has analyzed the environmental checklist and geotechnical report submitted by the project applicant; and reviewed the project plans and any additional information in the file. As indicated in this analysis, this action will result in adverse impacts to the environment. However, due to their temporary nature and limited effects, the impacts are not expected to be significant.

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, and certain neighborhood plans and other policies explicitly referenced, may serve as the basis for exercising substantive SEPA authority. The Overview Policy states, in part, "*Where City regulations have been adopted to address and environmental impact, it shall be presumed that such regulations are adequate to achieve sufficient mitigation*" subject to some limitations. Short-term adverse impacts are anticipated from the proposal. No adverse long-term impacts on the environmentally critical area are anticipated.

Short-term Impacts

The following temporary or construction-related impacts on the identified critical area are expected: 1) temporary soil erosion; and 2) increased vibration from construction operations and equipment. These impacts are not considered significant because they are temporary and/or minor in scope (SMC 25.05.794).

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 33-2006 and 3-2007 regulate development and construction techniques in designated ECA areas 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 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/Soils

The ECA Ordinance and Directors Rule (DR) 33-2006 require submission of a soils 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. A Geotechnical Engineering Study prepared by Geotech Consultants, Inc. of Bellevue, WA, and dated July 20, 2007 (and supplemented on November 7, 2008 and December 29, 2008) was submitted with this application and has undergone separate geotechnical review by DPD. A letter from the geotechnical engineer dated June 11, 2009, confirms that the revised plans conform to the recommendations in the geotechnical engineering report as supplemented. The construction plans, including shoring of excavations as needed and erosion control techniques will receive separate review by DPD. Any additional information showing conformance with applicable ordinances and codes (ECA ordinance, The Stormwater, Grading and Drainage Control Code, DR 33-2006, and 3-2007) will be required prior to issuance of building permits. Applicable codes and ordinances provide extensive conditioning authority and prescriptive construction methodology to assure safe construction techniques are utilized; therefore, no additional conditioning is warranted pursuant to SEPA policies.

Greenhouse Gas Emissions

Construction activities including construction worker commutes, truck trips, the operation of construction equipment and machinery, and the manufacture of the construction materials themselves result in increases in carbon dioxide and other greenhouse gas emissions which adversely impact air quality and contribute to climate change and global warming. While these impacts are adverse, they are not expected to be significant.

Drainage

Soil disturbing activities during site excavation for foundation purposes could result in erosion and transport of sediment. The Stormwater, Grading and Drainage Control Code provides for extensive review and conditioning of the project prior to issuance of building permits. Therefore, no further conditioning is warranted pursuant to SEPA policies.

Noise

There will be excavation required to prepare the building site and foundation for the new building. Additionally, as development proceeds, noise associated with construction of the building could adversely affect the surrounding residential uses. Due to the proximity of these uses, the limitations of the Noise Ordinance are found to be inadequate to mitigate the potential noise impacts. Pursuant to the SEPA Overview Policy (SMC.25.05.665) and the SEPA Construction Impacts Policy (SMC 25.05.675 B), mitigation is warranted.

The hours of construction activity shall be limited to non-holiday weekdays between the hours of 7:00 a.m. and 6:00 p.m. and between the hours of 9:00 a.m. and 6:00 p.m. on Saturdays (except that grading, delivery and pouring of cement and similar noisy activities shall be prohibited on Saturdays). This condition may be modified by DPD to allow work of an emergency nature. This condition may also be modified to permit low noise exterior work (e.g., installation of landscaping) after approval from DPD.

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, 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 most long-term impacts and no further conditioning is warranted by SEPA policies.

Operational activities, primarily vehicular trips associated with the project and the projects' energy consumption, are expected to result in increases in carbon dioxide and other greenhouse gas emissions which adversely impact air quality and contribute to climate change and global warming. While these impacts are adverse, they are not expected to be significant.

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.

- 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

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.

1. The hours of construction activity shall be limited to non-holiday weekdays between the hours of 7:00 a.m. and 6:00 p.m. and between the hours of 9:00 a.m. and 6:00 p.m. on Saturdays (except that grading, delivery and pouring of cement and similar noisy activities shall be prohibited on Saturdays). This condition may be modified by DPD to allow work of an emergency nature. This condition may also be modified to permit low noise exterior work (e.g., installation of landscaping) after approval from DPD.

CONDITIONS – DESIGN REVIEW

For the Life of the Project

2. 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 (Marti Stave, 684-0239), or by the Design Review Manager (Vince Lyons, 233-3823). 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.

Prior to Certificate of Occupancy

3. 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 Land Use Planner assigned to this project or by the Design Review Manager. An appointment with the assigned Land Use Planner must be made 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.

Prior to Issuance of the Master Use Permit and/or Building Permit

4. 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.
5. Embed the 11 x 17 colored elevation drawings from the DR Recommendation meeting **and as updated**, into the MUP plans prior to issuance, and also embed these colored elevation drawings into the Building Permit Plan set in order to facilitate subsequent review of compliance with Design Review.
6. Include the Departure Matrix in the Zoning Summary section of the MUP Plans and on all subsequent Building Permit Plans. Add call-out notes on appropriate plan and elevation drawings in the updated MUP plans and on all subsequent Building Permit plans.

Compliance with all applicable conditions must be verified and approved by the Land Use Planner, Marti Stave, (206 684-0239) 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.**

Signature: _____ (signature on file) Date: July 13, 2009
Marti Stave, Land Use Planner
Department of Planning and Development

MS:bg