



City of Seattle

Department of Planning & Development

Diane M. Sugimura, Director

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

Application Number: 3011162
Applicant Name: Philip Christofides, Harmonica
Projects LLC for
Robert Mohn
Address of Proposal: 3904 S Edmunds Street

SUMMARY OF PROPOSED ACTION

Land Use Application to allow a 4-story, six residential unit townhouse structure in an environmentally critical area. Surface parking for six vehicles to be provided. Project includes 11,984 cu. yds. of grading. Existing structures to be demolished. Review includes future unit lot subdivision.

The following approvals are required:

Administrative Design Review – pursuant to Seattle Municipal (SMC) 23.41

- Departure from Setbacks 23.45.014
- Departure from Open Space-quantity 23.45.016 A.3
- Departure from Modulation-front 23.45.012 D
- Departure from Parking Space Size 23.54.016 B
- Departure from [Vehicle] Backing Requirements 23.54.030 C.2

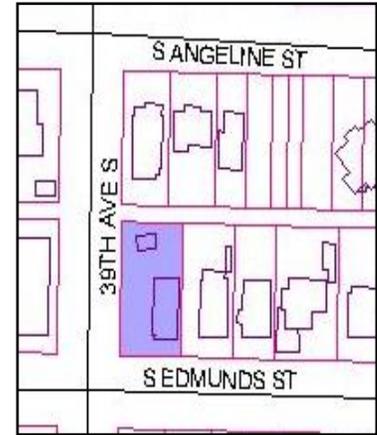
SEPA - Environmental Threshold Determination – pursuant to SMC 25.05

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

BACKGROUND DATA

Site and Proposal Description

The site is located at the corner of 39th Avenue South and South Edmunds Street on the northeast corner. The lot is about 6,000 square feet in a Lowrise 3 (L3) zone. There is an alley in the block, but it is open at one end only. The alley right of way next to the subject site is not open to 39th Avenue South and SDOT does not intend to open it to 39th. Previous grading activity has created a small slope at the edge of the property on 39th Avenue South. Existing buildings on the site are proposed to be demolished. The site is located across 39th from the Columbia City Historic District. There is a change of zone at the east property line. The properties to the east are zoned single family 5000 (SF 5000). There are several multifamily developments to the north and south along 39th Avenue south. The Lowrise zone is only one parcel deep along the east edge of 39th Avenue South.



ARCHITECT'S PROPOSAL:

The applicant proposes to build two to three story ground related townhouse style residential dwelling units in one or two structures. The parking is located underground in two schemes with access off of 39th Avenue South and surface parking with alley access in a third scheme.

Scheme A is a design alternative with 39th Avenue South parking area access, one building with four units. The proposed building is elevated from 39th Avenue South in that there is a tall retaining wall, approximately 12-16 feet at the sidewalk edge. Open space is split into areas east and west of the building. Underground parking is proposed to be accessed from 39th Avenue South. The building faces 39th Avenue South.

Scheme B splits 5 units into two townhouse buildings. One building faces South Edmunds Street and the other faces 39th Avenue South. The buildings are proposed to be atop a retaining wall as per Scheme A. Open space is split into areas east and west of the building. Underground parking is proposed to be accessed from 39th Avenue South.

Scheme C varies from the first two schemes in several ways. The parking is accessed from the alley and is surface parking along the east property edge. There is one building that has been pushed down to the sidewalk level of 39th Avenue South. The building only faces 39th Avenue South and the proposal shows a garden/landscaping treatment on South Edmunds Street. There are six units proposed in this scheme. Open space is provided along 39th Avenue South at grade and at the roof level. The building is sited farthest from the east property line in this scheme.

This Administrative Design Review process is an option to an applicant for new multifamily structures if the structure would not exceed SEPA thresholds. The purpose and intent is to provide flexibility in

the application of development standards to better meet the intent of the priority guidelines as established by City policy. See SMC 23.41.

PUBLIC COMMENTS *(during the early design guidance)*

Five public comments were received during the early design guidance comment period. Several comments discussed needed improvements for the alley. One mentioned on street parking preferences. One letter mentioned the height of the project and the shading and view blockage it would cause to neighboring sites. The letter mentioned that if parking is along the east property line then that would greatly impact the single family residence next door. One letter mentioned that scheme C massing seems very good because the building faces onto 39th Avenue South, parking is well located and parking is located away from the street. The same letter mentions that the treatment of the landscaping walls on South Edmunds Street should be studied with preference for high quality materials.

With impressive views of Lake Washington, Mt. Rainier and an adjacent park, the irregularly shaped, property comprises approximately 11,000 square feet (.25 acres) fronting on Lakeside Avenue South to the east, an unimproved right-of-way to the north, and a partially improved alley to the west. It borders two separate parcels to the south and west. The site houses a single-story, wood framed structure.

ANALYSIS-DESIGN REVIEW

Design Guidelines Priorities

The project proponents presented their initial ideas in the form of an Early Design Guidance packet date stamped June 4, 2010. After visiting the site, considering the analysis of the site and context provided by the proponents, and hearing public comment, DPD staff identified the following Citywide Design Guidelines, found in the City of Seattle's "*Design Review: Guidelines for Multifamily & Commercial Buildings*", as high priorities to be considered in the final proposed design.

Departures are contemplated for these design alternatives. Possible departures may be structure depth and building setbacks, and / or open space quantity, size and location. Scheme C is the departments' preferred scheme with further study on the parking access and location. The parking access and location should be carefully studied for workability and conversations with SDOT preferences for alley treatment should be considered.

A. Site Planning

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-8 *Parking and Vehicle Access.* *Siting should minimize the impact of automobile parking and driveway on the pedestrian environment, adjacent properties and pedestrian safety.*

The project should minimize the impact of the building and parking on neighboring sites, particularly the adjoining site to the east. There should be intervening landscaping and screening to minimize noise, odors and dust. Edge conditions should be well-designed to increase the single family sense of privacy. Access to underground parking from 39th Avenue South should be considered in scheme C as a way to better locate parking on the site while retaining a large building setback from the single family zone edge.

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 project should explore Scheme C in that it begins to approach a sensitive transition to the adjoining, less intensive zone, the single family 5000 zone. The buildings in Scheme C are pushed to the sidewalk on 39th Avenue South and should be kept as low in height as possible. Shading on the neighboring property should be kept to a minimum. The development should continue design development with Scheme C where all units face 39th Avenue South and the South Edmunds portion of the site is landscaped with no units facing South Edmunds.

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.

In general, the roofline or top of the structure should be clearly distinguished from its façade walls.

C-4 Exterior Finish Materials. *Building exteriors should be constructed of durable and maintainable materials that are attractive even when viewed up close. Materials that have texture, pattern, or lend themselves to a high quality of detailing are encouraged.*

C-5 Structured Parking Entrances. *The presence and appearance of garage entrances should be minimized so that they do not dominate the street frontage of a building.*

Building design elements, details and massing should create a well-proportioned and unified building form and exhibit an overall architectural concept. Exterior finish materials should be of high quality and reflect area wide materials and uses. Parking entrances should be minimized.

D. Pedestrian Environment

D-3 Retaining Walls. *Retaining walls near a public sidewalk that extend higher than eye level should be avoided where possible.*

D-7 Pedestrian Safety. *Project design should consider opportunities for enhancing personal safety and security in the environment under review.*

Scheme C does more to meet guideline D-3 and should be explored more as no retaining wall is a good idea for this site. Pedestrian safety along both street frontages should be carefully considered.

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 plants, special pavement, trellises, screenwalls, 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.*

Full and striving landscaping should be designed for all areas of this proposal. Edible landscaping and native landscaping should be integral to the design concept. Screening and fencing to buffer the neighboring properties should be well-designed for noise, odor, and dust mitigation and should recognize plants as acoustically transparent, yet useful for a sense of privacy.

MASTER USE PERMIT APPLICATION

The applicant revised the design and applied for a Master Use Permit with a design review component on September 2, 2010.

PUBLIC COMMENTS *(during the Notice of Application period)*

Notice of the application was published on September 23, 2010. The required public comment period ended on November 6, 2010. No additional comments were received during this timeframe (see **PUBLIC COMMENTS** — *during the early design guidance*, above).

The Land Use Application file is available at the Public Resource Center located at 700 Fifth Ave, Suite 2000¹.

DESIGN REVIEW RECOMMENDATION

DPD staff conducted a review of the applicant's formal project proposal developed in response to the previously identified priorities. The applicant submitted site plans, elevations, floor plans, and landscaping plans for staff's consideration.

¹ <http://www.seattle.gov/dpd/PRC/LocationHours/default.asp>

Development Standard Departures

The applicant has requested departures from the following standards:

1. Departure from Setbacks 23.45.014
2. Departure from Open Space-quantity 23.016 A.3
3. Departure from Modulation-front 23.45.045 D
4. Departure from Parking Space Size 23.54.016 B
5. Departure from [Vehicle] Backing Requirements 23.54.030 C.2

RECOMMENDATIONS

A. Site Planning

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-8 *Parking and Vehicle Access.* Siting should minimize the impact of automobile parking and driveway on the pedestrian environment, adjacent properties and pedestrian safety.

The proposal is a building ‘pushed down’ at the sidewalk level of 39th Ave S. Each unit has pedestrian access, private open space, and unit entry to 39th Ave S. The entire complex has a coherent logic and intelligence. Townhouses and landscaping reinforce one another.

The siting of the townhouses minimizes the impact of the building and parking on neighboring sites, particularly the adjoining site to the east. The intervening landscaping and screening minimizes noise, odors and dust. Edge conditions have been designed to increase the single family sense of privacy. Alley access to the surface parking on the site retains a large building setback for the single family zone edge.

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 project provides a sensitive transition to the adjoining, less intensive zone, the single family 5000 zone. The building is pushed to the sidewalk on 39th Avenue South. Shading on the neighboring property has been kept to a minimum. All units face 39th Avenue South and the South Edmunds portion of the site is landscaped with no units facing South Edmunds.

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.

In general, the roofline or top of the structure should be clearly distinguished from its façade walls.

C-4 Exterior Finish Materials. *Building exteriors should be constructed of durable and maintainable materials that are attractive even when viewed up close. Materials that have texture, pattern, or lend themselves to a high quality of detailing are encouraged.*

C-5 Structured Parking Entrances. *The presence and appearance of garage entrances should be minimized so that they do not dominate the street frontage of a building.*

Building design elements, details and massing should create a well-proportioned and unified building form and exhibit an overall architectural concept. Exterior finish materials should be of high quality and reflect area wide materials and uses. Parking entrances should be minimized.

The townhouses have a uniform palette of colors and materials. The combination of elements is well-proportioned and exhibits an overall architectural concept. One of the nicest aspects of the proposal is that the designers have restrained themselves from choosing separate colors for each unit.

D. Pedestrian Environment

D-3 Retaining Walls. *Retaining walls near a public sidewalk that extend higher than eye level should be avoided where possible.*

D-7 Pedestrian Safety. *Project design should consider opportunities for enhancing personal safety and security in the environment under review.*

The applicant's landscape architect has made a good attempt at resolving the issues raised by the early design guidance. The site plan has semi-public/private and private open spaces. The softscape tends to outline the structural footprints or the site's perimeter.

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.*

The project site will be fenced along the eastern property line and on southern edge of the vehicle parking/access area. Landscaping areas will be provided along the eastern, southern, and western portions of the site.

E-2 Landscaping to Enhance the Building and/or site. *Landscaping, including living plants, special pavement, trellises, screenwalls, planters, site furniture and similar features should be appropriately incorporated into the design to enhance the project.*

Special pavement has been proposed to the vehicle parking/access area.

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.*

The proposed landscape plan meets the intent of the guidelines.

Full and striving landscaping has been designed for all areas of this proposal. Edible landscaping and native landscaping should be integral to the design concept. Screening and fencing to buffer the neighboring properties should minimize noise, odor, and dust.

Department Recommendations: The recommendations summarized below were based on the plans submitted on September 2, 2010 (revised November 5, 2010). Design, siting or architectural details not specifically identified or altered in these recommendations are expected to remain as presented in the plans and other drawings. After considering the site and context, reviewing public comment, reconsidering the previously identified design priorities, and reviewing the plans and renderings, DPD staff recommended approval of the subject design and the requested development standard departures from the requirements of the Land Use Code (listed below).

STANDARD	REQUEST	JUSTIFICATION	ACTION
Setbacks 23.45.014. 10' from front lot line.	0'-0" to 2 nd Floor sun screen. 3'-0" to 3 rd Floor deck 4'-0" to wing walls.	Eliminates the impact of tall retaining wall on 39 th Ave S — creating a pedestrian oriented street. Allow the structure to be sited further to the west — minimizing the bulk/shading impact of the eastern single-family structure.	Approved
Open Space-quantity 23.45.016 A.3. 300 sq.ft. req.	262 sq.ft. proposed (38 sq.ft. deficit).	The combination of an intimate entry court at street level and a private roof deck satisfies the needs for privacy and safety while connecting the street through stoops and residential entries.	Approved
Modulation-front 23.45.012 D. Required if the façade exceeds forty (40) with a principal entrance facing the street.	Structure width is 85'-8" (with Unit width's of 13'-6")	Each unit will be modulated through wing walls, recessions, overhangs (sun screens/railed floor decks), articulated glazing, and exterior material changes.	Approved
Parking space size 23.54.016 B. 4 medium spaces & 2 small [compact] spaces	2 medium spaces and 4 small [compact] spaces	Allows for less encroachment (visual impacts) into the side setback along S Edmunds St. Provides more landscaping area and less impervious surface on the site.	Approved with conditions.

<p>[Vehicle] backing 23.54.030 C.2. ... with 3 or more vehicles are not allowed to back-up more than 50'.</p>	<p>6 vehicles total, 2 cars to back-up more than 50'.</p>	<p>Only two vehicles would be backing-up more than 50'. Departure provides for less area devoted to surface parking. Again, providing for more landscaping area and less visual impacts along S Edmunds St.</p>	<p>Approved with conditions</p>
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DPD staff recommends the following **CONDITION** for the project. (Authority referenced in the letter and number in parenthesis):

1. The plans should be revised to show the southern parking space having the vehicle parked with a northern orientation. (see sheet A1.2) (Guidelines A-5, A-8)

DIRECTOR’S ANALYSIS - DESIGN REVIEW

The Director has reviewed the City-wide Design Guidelines and finds that DPD staff neither exceeded its authority nor applied the guidelines inconsistently in the approval of this design.

DECISION - DESIGN REVIEW

The proposed design is **CONDITIONALLY GRANTED** as noted below.

ANALYSIS – SEPA

The proposal site is located in an environmentally critical area, as noted above. Proposals located in landslide prone areas (i.e. known landslide areas, potential landslide areas, and steep slopes), wetlands, and fish and wildlife habitat conservation areas may require environmental review (SMC 25.05.908), thus this application is not exempt from SEPA review. However, the scope of environmental review of projects within these critical areas is limited to: 1) documenting whether the proposal is consistent with the City’s Environmentally Critical Areas (ECA) regulations in SMC 25.09; and 2) Evaluating potentially significant impacts on the critical area resources not adequately addressed in the ECA regulations. This review includes identifying additional mitigation measures needed to protect the ECA in order to achieve consistency with SEPA and other applicable environmental laws.

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

The initial disclosure of the potential impacts from this project was made in the environmental checklist submitted by the applicant. The Department of Planning and Development has analyzed and annotated the environmental checklist submitted by the project applicant; reviewed the project plans and any additional information in the file and any pertinent comments which may have been received

regarding this proposed action have been considered. As indicated in the checklist, this action may result in adverse impacts to the environment. However, due to their temporary nature and limited effects, the impacts are not expected to be significant

City codes and/or ordinances apply to the proposal and will provide mitigation for some of the identified impacts. Specifically these are: the Stormwater Code (SMC 22.800-808), the Grading Code (SMC 22.170), the Street Use Ordinance (SMC Title 15), the Seattle Building Code, and Regulations for Environmentally Critical Areas (SMC 25.09).

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. Under such limitations or circumstances (SMC 25.05.665 D) mitigation can be considered. Thus, a more detailed discussion of some of the impacts is appropriate. Short-term and long-term adverse impacts are anticipated from the proposal.

Short-term Impacts

The following temporary or construction-related impacts on the environmentally 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).

Earth/Soils

The ECA Ordinance and Director’s Rule ([DR 33-2006](#)) require submission of a soils report to evaluate the site conditions and provide recommendations for safe construction in landslide prone areas. Pursuant to this requirement the applicant submitted a geotechnical engineering study. The study has been reviewed and approved by DPD’s geotechnical experts, who will require what is needed for the proposed work to proceed without undue risk to the property or to adjacent properties.

No additional conditioning is warranted pursuant to SEPA policies.

Long Term Impacts

Long term or use-related impacts on the environmentally critical area are also anticipated as a result of this proposal, including: increased surface water runoff due to greater site coverage by impervious surfaces; loss of plant and animal habitat. Compliance with applicable codes and ordinances will reduce or eliminate most adverse long-term impacts to the environment.

No additional conditioning is warranted pursuant to SEPA policies.

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 requirement of the State Environmental Policy Act (RCW 43.21.C), including the requirement to inform the public of 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 43.21.030(2) (c).

The lead agency for this proposal has determined that it does not have a probable significant adverse impact on the environment. An environmental impact statement (EIS) is not required under RCW [43.21C.030](#) (2)(c). This decision was made after review of a completed environmental checklist and other information on file with the lead agency. This information is available to the public on request.

This DNS is issued after using the optional DNS process in WAC [197-11-355](#) and Early review DNS process in SMC 25.05.355. There is no further comment period on the DNS.

CONDITIONS-DESIGN REVIEW

Prior to Issuance of the Master Use Permit

1. Revise the plans to show the southern parking space having the vehicle parked with a northern orientation. (see sheet A1.2)

Prior to Building Permit Issuance

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 noted in this decision.
3. Compliance with all images and text on the MUP drawings, design review meeting guidelines and approved design features and elements (including exterior materials and landscaping shall be verified by the DPD planner assigned to this project (Colin R. Vasquez, 206-684-5639), or by

Bruce Rips, Design Review Manager, 206-615-1392. 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.

4. Embed the MUP conditions in the cover sheet for the MUP permit and for all subsequent permits including updated MUP plans, and all building permit drawings.

Signature: _____ (signature on file)
Colin R. Vasquez, Senior Planner
Department of Planning and Development

Date: January 20, 2011