



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

Project Number: 3011255
Applicant: Linda Abe for Su Development
Address: 7100 Delridge Way SW

SUMMARY OF PROPOSED ACTION

Land Use Application to allow a 4-story structure containing 58 residential units over 1,344 sq. ft. of retail space. Project includes three, 2-story single family structures and 88,800 cu. yds. of grading in an environmentally critical area. Project also includes pedestrian bridge between structures. Parking for 77 vehicles to be provided in two levels within the structure. Project includes review to place more than one house on a single family zoned lot with environmentally critical areas, per SMC 25.09.260.

The following approvals are required:

Design Review Departures (SMC Chapter 23.41)

- Development Standard Departure to allow less than the required upper level setback (SMC 23.47A.014).
- Development Standard Departure to allow more than the maximum setback for street facing facades (SMC 23.47A.008)
- Development Standard Departure to allow parking use adjacent to the sidewalk (SMC 23.47A.032.B.1.b)

SEPA – Environmental Determination –Chapter 25.05 Seattle Municipal Code.

Environmentally Critical Areas Administrative Conditional Use – to allow more than one house on a single family zoned lot with environmentally critical areas (SMC 25.09.260)

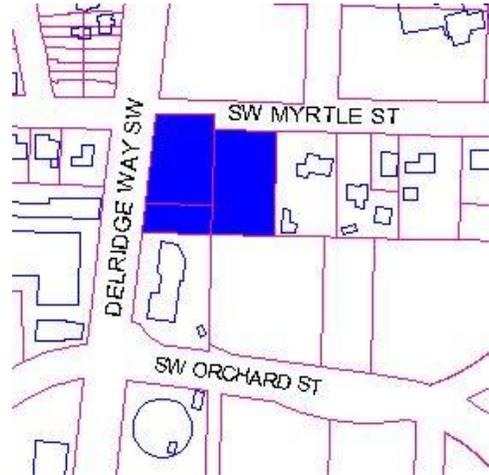
SEPA DETERMINATION: Exempt DNS MDNS EIS
 DNS with conditions
 DNS involving non-exempt grading or demolition,
 or involving another agency with jurisdiction.

SITE & VICINITY

Site Zone: Commercial (C1-40) for the western half of the site and Single Family (SF 5000) for the eastern half of the site.

Nearby Zones: (North) SF 5000
(South) C1-40 and SF 5000
(East) SF 5000
(West) SF 5000

Lot Area: 44,138 square feet.



Current Development: The site is currently undeveloped and is heavily vegetated with trees and shrubs.

Access: There is no existing vehicular access to the site. A public staircase is located in the unopened SW Myrtle St right-of-way on the north side of the site.

Surrounding Development: Commercial uses, multi-family development, and single family development are located to the west along Delridge Way SW. Single family development and a school are located to the east. The parcels north of SW Myrtle St right-of-way are also undeveloped and heavily vegetated, and are owned by the City of Seattle. The parcel to the south of the site includes a gas station, convenience store, and surface parking.

The area includes many environmentally critical areas, such as steep slopes on the ridge east of Delridge Way SW, and a riparian corridor and wetlands in the low areas west of Delridge Way SW.

ECAs: Several areas of the subject property have been mapped as steep slope Environmentally Critical Areas. DPD has granted an exemption from some of these areas, with the requirement that the entire site is subject to geotechnical review and conditions.

The areas on the eastern portion of the site have not been exempted, and therefore no development is permitted in these areas without additional environmentally critical area reviews.

The site is characterized by steep slopes and heavy vegetation, and separates the commercial node and multi-family development at Delridge Way SW from the single family residential and public school uphill to the east.

Neighborhood Character: Development along Delridge Way SW is oriented to this north-south corridor, and includes low density commercial uses that are primarily auto-oriented, with large surface parking areas separating the commercial use from the sidewalk. Newer townhouses and older single family residences are also located along this area of Delridge Way SW. Single family development dominates most of the areas east and west of the Delridge Way SW corridor.

Delridge Way SW is an arterial with a high amount of traffic and bus lines that connect this area with downtown Seattle. A bus stop is located immediately north of this site on Delridge Way SW. Another bus stop is located a block south on SW Orchard Street, where transit connects this area with the Admiral neighborhood to the north and Tukwila to the south.

PROJECT DESCRIPTION

The applicant proposes to develop the site with a mixed-use residential and commercial building, at grade and underground parking, and three single family residences. The proposed mixed-use building is four stories tall, including 1,344 sq. ft. of retail space and 77 parking spaces at grade, with 58 apartments above.

Three 2-story single family structures are proposed for the SF 5000 zoned portion of the site. Parking for the single family structures is proposed in the garage of the mixed-use building, with a bridge connecting the mixed-use building to the single family structures.

An Environmentally Critical Areas partial steep slope exemption was granted for the proposed construction and grading under this MUP number. The Exemption noted that the slope on the lower areas of the lot was created through previous legal grading activities. The upper steep slope areas were not exempted.

Many trees are located on site, with a grove of trees identified in the northeast corner of the site and some exceptional trees identified in various areas of the site. The applicant provided arborist reports identifying the exceptional trees and grove of trees.

The proposed Environmentally Critical Areas Administrative Conditional Use (ECA ACU) allows consideration of smaller than required lot sizes and yards, as well as clustering of more than one dwelling unit per lot. The applicant has proposed three residences on a single family lot.

EARLY DESIGN GUIDANCE MEETING: August 12, 2010

DESIGN DEVELOPMENT

Three alternative design schemes were presented. All of the options included the same proposed curb cut locations, most of the building mass at or near the west property line, pedestrian connections to the public staircase at SW Myrtle St, bus stop enhancements at Delridge Way SW, and detached single family residences with internal site connections to the larger building.

The first scheme (Option A) showed a large rectangular massing with a double loaded corridor, centrally located on the commercial portion of the site. The west façade was oriented at an angle to the property line, reflecting the context of nearby development and building orientation to Delridge Way SW. The west façade included a checkerboard pattern of windows, walls, and recessed decks to reduce the appearance of mass. Live-work units were located at the street level at Delridge Way SW. Four single family residences were located on the single family zoned portion of the site, with pedestrian connections to the larger building.

The second scheme (Option B) showed a similar double loaded corridor and a west façade placed at an angle to Delridge Way SW. Live-work units were again located at street level. The façade treatment for the residential building and the live-work units were distinct from each other, to draw attention to the different uses and scale. The east portion of the building included a courtyard with a bridge to access the four single family houses proposed immediately to the east.

The third scheme (Option C) was the applicant preferred option and included a U-shaped mass for the mixed-use building, with open space in the center. Three single family residences bordered the east side of the open space and were connected to the larger building via an open bridge walkway. The larger building was a story lower than options A and B, and the west façade was located at the west property line. Retail was provided at the street level on Delridge Way SW. The large opening at the second and third floors allowed a visual connection from the street through to the internal courtyard and would allow the front facing units to see into the courtyard. The materials were shown in concept as a neutral color for north-south oriented walls, and an intense color for east-west oriented walls (balconies, opening, etc.) to provide visual interest as a person moves past the building. The single family detached residences were intended to respond to the different context uphill from the site, which is smaller scale residential with more pedestrian activity and an urban forest setting.

PUBLIC COMMENT

Approximately five members of the public attended this Early Design Review meeting. The following comments, issues and concerns were raised:

- Appreciated the development located as far west on the site as possible, to reduce the noise and visual impacts to the residences uphill from the site.
- Appreciated the new development and the design response to the neighborhood.
- Appreciated the developer's other projects and operation of other projects around the Puget Sound area.
- Advised the applicant to retain the maximum number of trees to reduce noise and air pollution.
- The site should be activated at the perimeters, with open sight lines at the sidewalk. The SW Myrtle staircase should be activated, well lit, and safe.
- What does the south façade look like for the preferred option?
 - Apartment windows facing south, and a blank wall at the lower level adjacent to the gas station.
- Concerned about the slope stability at this site.
- Requested a setback at the west façade, with usable retail at the street level.

FINAL RECOMMENDATION MEETING: April 28, 2011

DESIGN PRESENTATION

The proposed development included a U-shaped mixed-use residential and retail building on the west portion of the site, with three single family houses east of the internal courtyard. A bridge was shown connecting the mixed-use building with the single family houses.

The proposed development would require removal of all trees and vegetation in the western part of the site, and retention of the trees and shrubs in the eastern part of the site. The applicant explained that they intend to remove non-native invasive species and garbage from the eastern areas of the site, and replant with Western Washington native plant species.



F - LOOKING EAST FROM THE WEST SIDE OF DELRIDGE AVE THROUGH THE RESIDENTIAL BLOCK AND INTO THE FORESTED COURTYARD



At the Delridge Way SW street front, the retail spaces included glass roll-up doors to connect the street with the retail or restaurant space. This would be the first type of pedestrian oriented retail in the immediate area.

The north portion of the street level façade was proposed as a green wall with seating and a canopy to offer bus patrons a place to wait for the bus. This area would connect the bus stop activity with the proposed retail/restaurant activity.

Another green wall was shown at the south end of the street level façade, near the driveway and apartment building entry. This green wall screens a blank wall and a service area of the building. The driveway was shown at near the south end of the street level façade, with the residential pedestrian entry immediately to the north.

The materials included fiber cement panels in a very light off-white color, corrugated metal siding in a combination of bright accent colors (red, aqua, and green), and two types of glass storefront treatment. The application of colors and materials was intended to provide a 'colorless' flat front façade, with bright color side wall accents visible as a person travels by the site.

The internal courtyard of the building was visually connected to the west, through a second level opening in the façade. The elevator to the parking garage was shown in this area, bringing activity to the street front at that level.

The courtyard was described as 80' wide, with three story tall buildings on three sides. The fourth side of the courtyard would be open to the single family structures to the east. The bridge would cross over the courtyard, one story above the courtyard surface. The separation between structures, the height of the structures, and the light colored internal walls were intended to maximize light and air to the courtyard.

 BIRDS-EYE VIEW LOOKING EAST AT THE COURTYARD & SINGLE FAMILY RESIDENCES



 LOOKING SOUTH AT PEDESTRIAN RIGHT OF WAY AND ILLUMINATED FACADE AND GREENWALL



The north elevation of the building includes windows, three points of entry to the development, and light fixtures near the entries to enhance security. The public right-of-way between the stairs and the building would be planted with shrubs and groundcover.

The efforts to enhance vegetation and green

site design include green walls, adequate soil depth for trees in the courtyard, pervious concrete sidewalks at Delridge Way SW, and retention of trees and shrubs on the eastern portion of the site.

PUBLIC COMMENT

Approximately three members of the public attended this Design Recommendation meeting. The following comments, issues and concerns were raised:

- Appreciated the proposed design.
- A green roof on the western portion of the mixed-use building would be good.
- Are the single family houses rentals as well?
 - Yes, they are.
- Why are three houses proposed, and will they be stable on the hillside?
 - Part of the Environmentally Critical Areas Administrative Conditional Use review; this is what is possible with the steep slope ECA on that part of the site.
 - The foundation will be pilings driven deep into the hillside to create stability and minimize the impact on the slope.
- How far to the east will the site be cleared of vegetation?
 - The steep slope buffer is immediately east of the houses, and no clearing will occur from the edge of the buffer to the east.
- Will the SW Myrtle stairs be closed during construction?
 - No.
- What is the applicant's plan for safety and trash pickup near the stairwell? The stairs have had problems with crime and debris.
 - The applicant will pick up any trash that falls on their property, and they intend to maintain and clean up the area.
 - Lighting and windows from the proposed development will add to safety in that area of the stairs.
 - The stairs are in good shape structurally, so there is no reconstruction proposed
- Will there be any tree clearing north of the stairs?
 - No, that property is not owned by the applicant.

PRIORITIES & BOARD RECOMMENDATIONS

After visiting the site, considering the analysis of the site and context provided by the proponents, and hearing public comment, the Design Review Board members provided the following siting and design guidance. The Board identified the Citywide Design Guidelines of highest priority for this project.

A. Site Planning

A-1 Responding to Site Characteristics. The siting of buildings should respond to specific site conditions and opportunities such as non-rectangular lots, location on prominent intersections, unusual topography, significant vegetation and views or other natural features.

At the Early Design Guidance Meeting, the Board expressed appreciation for the bridge connecting the proposed mixed-use and single family structures and the response to grade changes. The applicant should continue with the preferred design concept and focus on opportunities provided by the changes in grade, with attention to retaining wall treatment.

The preferred option massing was supported by the Board in relation to height, orientation of the west façade to the property line, the internal courtyard, and the large opening in the building between the courtyard and the street.

At the Final Recommendation Meeting, the Board noted that the bridge is a critical feature of the design and it should be retained in the scale and detail shown. The Board recommended a condition that if zoning identifies any conflicts with height measurement requirements in the commercial zone portion of the site, the tallest part of the bridge support should be shifted to the single family zoned site.

The Board expressed appreciation for the design response to the site characteristics, particularly the bridge and the opening on the west façade.

The Board recommended that DPD approve the design that requires removal of the two exceptional trees near the north property line and center of the site. The proposed design includes a wide courtyard, the visual interest and pedestrian connection of the bridge, and “eyes on the street” for the stairs at the north property line. The design modifications to save these trees would result in a design that doesn’t meet the design review guidelines as well as the proposed design.

A-4 Human Activity. New development should be sited and designed to encourage human activity on the street.

At the Early Design Guidance Meeting, the Board directed the applicant to enhance physical and visual connections to the staircase at SW Myrtle St right-of-way and the sidewalk at Delridge Way SW. The proposed opening in the building at the west façade should be enhanced to create visual interest and maximize visual connections. The proposed physical connections to SW Myrtle St staircase should be designed for safety and pedestrian comfort.

At the Final Recommendation Meeting, the Board appreciated the design of the west façade opening, as described in response to Guideline A-1.

The Board expressed concern about whether the lighting at the north façade was sufficient, given the public’s concerns about safety at the SW Myrtle St stairs. Additional lighting will discourage unsafe activity, and will encourage residents and neighbors to use the stairs. The Board recommended a condition to provide additional lighting at that façade, either via building mounted lights, or light fixtures in the public right-of-way. The applicant should work with Seattle Department of Transportation to install any fixtures in the public right-of-way.

A-7 Residential Open Space. Residential projects should be sited to maximize opportunities for creating usable, attractive, well-integrated open space.

At the Early Design Guidance Meeting, the Board gave guidance that the internal courtyard may include large retaining walls as a result of grading for the parking garage. The applicant should create a design for these walls that could include visual interest in the retaining wall material, and/or a softening of the wall with vegetation.

At the Final Recommendation Meeting, the Board expressed appreciation for the proposed courtyard design, and noted the critical design of the bridge in contribution to the courtyard, as described in the response to Guideline A-1. The proposal meets this guideline, subject to the conditions listed.

B. Height, Bulk and Scale

- B-1 Height, Bulk, and Scale Compatibility. Projects should be compatible with the scale of development anticipated by the applicable Land Use Policies for the surrounding area and should be sited and designed to provide a sensitive transition to near-by, less intensive zones. Projects on zone edges should be developed in a manner that creates a step in perceived height, bulk, and scale between anticipated development potential of the adjacent zones.**

At the Early Design Guidance Meeting, the Board directed the applicant to design the project in response to the context of transitions along Delridge Way SW. North of the subject property the lots are zoned Single Family 5000 and are owned by the Seattle Parks Department so are unlikely to be developed. South of the site is a gas station and other sparse commercial development. The applicant has done a good job of responding to the east-west transition and context, and should also respond to this north-south transition and context.

The building mass could also be re-organized slightly to provide additional solar exposure for the proposed internal courtyard. The applicant should consider methods to reduce building mass at the upper level of the south façade to allow additional light into the courtyard.

At the Final Recommendation Meeting, the Board agreed that the applicant had demonstrated sufficient light and air to the courtyard, and sensitive transition to the adjacent areas height, bulk and scale. The proposal meets this guideline.

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 facade walls.**

At the Early Design Guidance Meeting, the Board expressed appreciation for the direction of the design and the preferred concept modulation and use of color to highlight visual interest in the west façade. The Board noted that this will continue to be an important element of the design and additional information will be required at the Design Recommendation stage.

At the Final Recommendation Meeting, the Board expressed some concern about the consistent use of color in the single family structures and the mixed-use building. The Board also noted that the street facing façade at the upper levels appears flat. Some shadow lines or another accent color would help to create depth in the long façade.

Use of the red color in the mixed-use building could visually tie the two parts of the development and add some depth to the façade. The Board recommended a condition for the applicant to work with DPD to add depth to the street facing façade, either by introducing a third color or slightly recessing the windows.

The Board also discussed the visual effect of the joint between the corrugated metal and the fiber cement panels. They noted that this joint should be detailed consistent with the overall design theme. For instance, if the idea is a thin ‘skin’ for the building, with a precise cut to the colored side walls, then the joint should be finely detailed. If the idea is a ‘peeling’ back of the layers of exterior materials, the joint could occur around a wrapped corner. The Board discussed this item, but they declined to recommend a specific condition.

C-3 Human Scale. The design of new buildings should incorporate architectural features, elements, and details to achieve a good human scale.

At the Early Design Guidance Meeting, the Board directed the applicant to focus on creating human scale at the street level. This can be enhanced with glazing and architectural details. Additional information should be provided at the Design Recommendation stage.

At the Final Recommendation Meeting, the Board noted the proposed glass storefronts and lobby façade, as well as the green walls on the north and south sides of the street level façade. The concrete treatment behind the green walls will help to provide human scale while the plants are becoming established. The high degree of glazing at the street front will achieve human scale and activate the street front. The proposal meets this guideline.

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.

Early Design Guidance reflected the comments in response to Guideline C-3.

Recommendation response reflects the comments in response to Guideline C-3.

D. Pedestrian Environment

D-1 Pedestrian Open Spaces and Entrances. Convenient and attractive access to the building’s entry should be provided. To ensure comfort and security, paths and entry areas should be sufficiently lighted and entry areas should be protected from the weather. Opportunities for creating lively, pedestrian-oriented open space should be considered.

At the Early Design Guidance Meeting, the Board noted that Overhead weather protection should be included at the bus waiting area, retail entry and residential entry. This can be partially achieved with building overhangs.

Lighting for security and safety should be included at the north façade adjacent to the SW Myrtle St staircase. Consider working with nearby residents and the elementary school (PTA, etc) to determine the need for safety and design strategies to meet the need. Work with SDOT for specific lighting strategies for the public right-of-way.

At the Final Recommendation Meeting, the Board appreciated the addition of a canopy and seating area near the north end of the street level façade, providing a place for bus patrons to wait and connect the bus stop to the proposed retail/restaurant at this site.

The Board recommended a condition for additional lighting near the stairs, as described in the response to Guideline A-1.

The Board expressed concern about the proposed residential entry directly adjacent to the proposed curb cut. The Board recommended a condition for the applicant to either relocate the lobby entry to the north end of the lobby, or leave the entry in the current proposed area and provide separation between the driveway and pedestrian entry, and safety measures to prevent vehicular and pedestrian conflicts.

With either residential entry location, the Board also recommended that the applicant revise the residential entry to make it visually distinct from the retail entry. This could include a distinct canopy treatment, signage, lighting, or colors and materials.

D-2 Blank Walls. Buildings should avoid large blank walls facing the street, especially near sidewalks. Where blank walls are unavoidable they should receive design treatment to increase pedestrian comfort and interest.

At the Early Design Guidance Meeting, the Board was confused about the retaining wall and parking structure wall location. There may be some proposed blank wall areas at the north and south facades and at the internal courtyard. The applicant should work to minimize these areas, mitigate blank walls with materials that lend visual interest and/or soften the walls with landscaping. More information is needed about this at the Design Recommendation stage.

At the Final Recommendation Meeting, the Board noted the proposed concrete treatments and green walls mitigate any retaining walls and parts of the garage structure that may be visible. The proposal meets this guideline.

D-5 Visual Impacts of Parking Structures. The visibility of all at-grade parking structures or accessory parking garages should be minimized. The parking portion of a structure should be architecturally compatible with the rest of the structure and streetscape. Open parking spaces and carports should be screened from the street and adjacent properties.

At the Early Design Guidance Meeting, the Board noted that in addition to guidance provided in response to guidelines A-7 and D-2, the applicant should indicate how the proposed design will respond to the bus stop at the northwest area. The parking levels are at or below grade, and the walls of the parking structure may be visible at the bus stop and the north façade. More information is needed about this at the Design Recommendation stage.

Recommendation response reflects the comments in response to Guidelines D-1 and D-2.

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

Early Design Guidance reflected the comments in response to Guideline D-1.

Recommendation response reflects the comments in response to Guideline D-1.

D-11 Commercial Transparency. Commercial storefronts should be transparent, allowing for a direct visual connection between pedestrians on the sidewalk and the activities occurring on the interior of a building. Blank walls should be avoided.

Early Design Guidance reflected the comments in response to Guideline C-3.

Recommendation response reflects the comments in response to Guideline C-3.

E. Landscaping

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.

At the Early Design Guidance Meeting, the Board gave guidance that the applicant should first try to meet the Green Factor on the Commercially-zoned site, rather than request a departure to provide the requirement on the single family zoned site. Consider a vegetated roof to both meet Green Factor and enhance the view for the proposed single family residences uphill of the proposed mixed-use building.

The Board also noted that the applicant should work to meet the Green Factor requirements on the Commercially zoned site. The site is adjacent to two public right-of-ways, and landscaping in the public right-of-way can be used to achieve Green Factor. Rooftop landscaping could also work to achieve Green Factor and create a better view for uphill residences (proposed and existing).

Any trees that are proposed for the internal courtyard should be planted in soil that is deep enough to support the proposed species of tree. There is an opportunity to plant additional trees between the proposed single family residences and other areas where there is no structure proposed below the soil.

A detailed landscape plan is needed at the Design Recommendation stage for review of this item.

At the Final Recommendation Meeting, the Board found the proposed landscape plan to be acceptable, although a green roof would have helped with the increased storm water runoff at this site from the new impervious surfaces. The Board declined to make this a condition of approval.

The Board agreed that the proposed design with exceptional tree removal better meets the intent of the design review guidelines, compared with a design that would save the trees but require a smaller courtyard, no bridge connection, and fewer windows adjacent to the SW Myrtle St stairs.

DEVELOPMENT STANDARD DEPARTURES

The Board's recommendation on the requested departures was based upon the departure's potential to help the project better meet the design guideline priorities and achieve a better overall design than could be achieved without the departures.

Upper level setback (23.47A.014): The Code requires a setback of 10' for portions of structures that are 13-65' tall and adjacent to a residential zone. The applicant proposes to provide no setback in this area, since it's adjacent to the single family zoned portion of the overall proposed development site.

This departure would provide an overall design that would better meet the intent of Design Review Guidelines A-1, A-7, B-1, D-1, and D-7, as conditioned below, by providing larger residential open space, minimizing scale impacts between the buildings on site, and providing increased security for the public stairs by locating units directly adjacent to that area.

The Board unanimously recommended that DPD grant the departure, subject to the conditions listed below.

Street facing facades (23.47A.008): The Code requires a maximum street level setback of 10' for street level street facing facades. The applicant proposes modulation at the street level, with some areas of the façade located more than 10' from the property line.

This departure would provide an overall design that would better meet the intent of Design Review Guidelines A-1, B-1, C-3, and D-1, as conditioned below, by modulation at the street front, additional area for sidewalk width adjacent to Delridge Way SW, and a design response to the nearby context of street facing facades.

The Board unanimously recommended that DPD grant the departure, subject to the conditions listed below.

Location of Parking (23.47A.032.B.1.b): The Code requires separation of street level parking from the sidewalk with another use. The applicant proposes parking near the north end of the street level façade, separated from the sidewalk with a green wall, seating areas, and overhead weather protection.

This departure would provide an overall design that would better meet the intent of Design Review Guidelines A-1, A-4, C-4, D-2, and D-5, as conditioned below, by providing a sheltered seating area for bus patrons, a green wall to soften the streetscape, and creation of a connection between the proposed retail and the bus stop area.

The Board unanimously recommended that DPD grant the departure, subject to the conditions listed below.

BOARD RECOMMENDATION

The recommendation summarized below was based on the design review packet dated April 28, 2011, and the materials shown and verbally described by the applicant at the April 28, 2011 Design Recommendation meeting. After considering the site and context, hearing public comment, reconsidering the previously identified design priorities and initial recommendation conditions, and reviewing the plans and renderings, the four Design Review Board members recommended APPROVAL of the subject design and the requested development standard departure from the requirements of the Land Use Code (listed above). The Board recommends the following CONDITIONS (Authority referred in the letter and number in parenthesis):

1. Provide additional lighting at the north façade, either via building mounted lights, or light fixtures in the public right-of-way. The applicant should work with Seattle Department of Transportation to install any fixtures in the public right-of-way. (A-4, D-1, D-7)
2. Shift the bridge peak to the single family zoned site, if it's necessary to meet Land Use Code height requirements. The bridge is a critical aspect of the overall design and should be retained in shape and scale. (A-1, A-7)
3. The applicant shall work with DPD to add depth to the street facing façade, either by introducing a third color or slightly recessing the windows. (C-2)
4. Relocate the lobby entry to the north end of the lobby, or leave the entry in the current proposed area and provide separation between the driveway and pedestrian entry with safety measures to prevent vehicular and pedestrian conflicts. (D-1)
5. Revise the residential entry to make it visually distinct from the retail entry. (D-1)

Response to Design Review Board Recommended Conditions:

1. The applicant has proposed additional building mounted light fixtures on the north façade to illuminate the connection to the pedestrian stairs in SW. Myrtle St right-of-way. This recommended design review condition has been satisfied.
2. The bridge peak was shifted into the single family zoned site to meet maximum height requirements of the Land Use Code. The scale and height of the bridge remained unchanged from the Design Recommendation meeting. This recommended design review condition has been satisfied.
3. The applicant has demonstrated that the application of color and materials will serve to emphasize the depth of the street facing façade and will be consistent with the design concept of the building. This recommended design review condition has been satisfied.
4. The residential lobby entrance is now proposed via a shared entry door with the commercial space, on the north side of the lobby. The driveway design includes a 30" concrete planter at the north edge of the driveway, which serves to draw attention to the transition point between sidewalk and driveway. This recommended design review condition has been satisfied.
5. The residential lobby entrance is now combined with the retail entry via a common vestibule, as described in response to item 4 above. This recommended design review condition has been satisfied.

DECISION – DESIGN REVIEW

The proposed design and Development Standard Departures are **CONDITIONALLY GRANTED**, subject to the conditions listed below.

ANALYSIS – ENVIRONMENTALLY CRITICAL AREAS ADMINISTRATIVE CONDITIONAL USE

Environmentally Critical Areas Regulations

SMC Section 25.09.180 provides specific standards for all development on steep slopes and steep slope buffers on existing lots, including the general requirement that development shall be avoided in these areas whenever possible.

General requirements and standards are described in Section 25.09.060 of the ECA ordinance and include the recording of conditions of approval, the recording of the identified ECA areas in a permanent covenant with the property as well as specific construction methods and procedures. The proposal must also comply with the specific requirements for development in areas with landslide potential areas (Section 25.09.080), wetlands (Section 25.09.160), steep slopes (Section 25.09.180), and trees and vegetation (Section 25.09.320). All decisions subject to these standards are non-appealable Type I decisions made by the Director (or designee) of DPD.

SMC Section 25.09.260 makes provision for an Environmentally Critical Areas Conditional Use Permit (ECA ACU). The development must be located outside of the ECA areas, protect and improve existing habitat, and be compatible with the existing neighborhood. Relevant criteria are discussed below. ECA \ACU decisions, Unit Lot Subdivision decisions, and SEPA determinations are Type II decisions, which are subject to the provisions of SMC 23.76 and are appealable to the City Hearing Examiner.

Section 23.42.042 of the Seattle Land Use Code authorizes review of conditional use permits according to the procedures set forth in Chapter 23.76, Procedures for Master Use Permits and Council Land Use Decisions. Section 25.09.260 of the ECA ordinance sets forth the review criteria for Environmentally Critical Area Administrative Conditional Use Permits [ECA ACU] to create development with smaller than required lot sizes and yards, and/or more than one (1) dwelling unit per lot.

Applicable review criteria and supporting analysis follows:

SMC 25.09.260. Environmentally Critical Areas Administrative Conditional Use.

B. Standards. The Director may approve an administrative conditional use for smaller than required lot sizes and yards, and/or more than one (1) dwelling unit per lot if the applicant demonstrates that the proposal meets the following standards:

1. Environmental Impacts on Critical Areas.

a. No development is in a riparian corridor, shoreline habitat, shoreline habitat buffer, wetland, or wetland buffer.

There is no riparian corridor, shoreline habitat, shoreline habitat buffer, wetland, or wetland buffer on the subject property. The proposal meets this criterion.

b. No riparian management area, shoreline habitat buffer, or wetland buffer is reduced.

The subject property does not include any riparian management area or shoreline habitat buffer, and the proposal would not reduce any wetland buffer. The proposal meets this criterion.

c. No development is on a steep slope area or its buffer unless the property being divided is predominantly characterized by steep slope areas, or unless approved by the Director under Section 25.09.180.B2a, b or c.

1) The preference is to cluster units away from steep slope areas and buffers.

An Environmentally Critical Areas steep slope exemption was granted for the slopes on the west (lower) portion of the development site. The proposed development is located outside of the steep slope and buffer on the eastern portion of the site. The three single family houses are clustered near the west edge of the single family zoned parcel. The three single family houses meet or exceed all development standards, with the exception of the rear yard (proposed at 5' from the south property line). The proposal meets this criterion.

2) The Director shall require clear and convincing evidence that the provisions of this subsection B are met when clustering units on steep slope areas and steep slope area buffers with these characteristics:

- a) A wetland over fifteen hundred (1,500) square feet in size or a watercourse designated part of a riparian corridor;***
or
- b) An undeveloped area over five (5) acres characterized by steep slopes; or***
- c) Areas designated by the Washington Department of Fish and Wildlife as urban natural open space habitat areas with significant tree cover providing valuable wildlife habitat.***

The proposal does not cluster the units on the steep slope or steep slope buffers. Furthermore, the proposed development does not include a wetland over 1,500 square feet in size, a watercourse, an undeveloped area over 5 acres in size characterized by steep slopes, or an area designated by WDFW as urban natural open space habitat. This criterion does not apply to the proposal.

d. The proposal protects Washington State Department of Fish and Wildlife priority species and maintains wildlife habitat.

No priority species have been determined to be at this site. The proposal includes clustering of the proposed structures and development on the western portion of the single family zoned parcel, away from the steep slope area. The eastern portion of the lot is characterized by steep slopes and native vegetation, which provides opportunity for wildlife habitat. The steep slope areas will remain undisturbed during construction, with the exception of removal of invasive species and planting of native shrubs and ground cover. The proposal does not include any tree removal. The re-vegetation plan includes removal of invasive species and hand planting of native plants in steep slope areas. The additional native vegetation will provide additional habitat for wildlife. The proposal meets this criterion, subject to the conditions listed below.

e. The open water area of a shoreline habitat, wetland or riparian corridor shall not be counted in determining the permitted number of lots.

There are no shoreline habitat, wetland, or riparian corridors located on this site. This criterion does not apply.

- f. The proposal does not result in unmitigated negative environmental impacts, including drainage and water quality, erosion, and slope stability on the identified environmentally critical area and its buffer.*

The proposed development on the site is downhill from the steep slope ECA. Therefore, any impacts from drainage or water quality would be unlikely to impact the uphill ECA.

The DPD Geotechnical Engineers have reviewed the proposed development for erosion and slope stability impacts, and determined that there are no unmitigated negative environmental impact. Further specific reports and structural stability measures may be imposed during construction permit review.

All storm water runoff from impervious surfaces will be subject to a drainage control plan that complies with the City's Stormwater Code. The proposed construction will be reviewed with the construction application. The DPD Drainage reviewer will review drainage details for that application and may require specific mitigation per the Stormwater Code.

Reviews and reports that relate to geotechnical and drainage reviews are discussed in more detail under "Earth" impacts in the SEPA section earlier in this document. The proposal meets this criterion.

- g. The proposal promotes expansion, restoration or enhancement of the identified environmentally critical area and buffer.*

The applicant has proposed to remove invasive shrubs and ground cover and plant native vegetation in the eastern portion of the lot, in the steep slope and steep slope buffer. The proposal promotes restoration and enhancement of the identified environmentally critical area and buffer and therefore meets this criterion.

2. General Environmental Impacts and Site Characteristics.

- a. The proposal keeps potential negative effects of the development on the undeveloped portion of the site to a minimum and preserves topographic features.*

The potential negative effects of the development on the undeveloped portion of the site have been kept to a minimum. The proposed grading is minimal and would occur in the non-steep slope areas of the site, outside of the ECA buffer, which therefore preserves topographic features. Any revegetation in the steep slope and buffer shall be done using only hand tools, per the conditions listed below. Potential negative effects have been minimized and conditioned through this Master Use Permit decision. The proposal meets this criterion, subject to the conditions listed below.

- b. The proposal retains and protects vegetation on designated nondisturbance areas, protects stands of mature trees, keeps tree removal to a minimum, removes noxious weeds and protects the visual continuity of vegetated areas and tree canopy.*

The proposal does not include any development in the ECA areas. All the trees in the Environmentally Critical Areas would be located in a designated non-disturbance area, as conditioned below.

The applicant has provided an Arborist Report describing the trees on site and recommended tree protection plans, described in further detail under “Plants and Animals” SEPA analysis, earlier in this document.

There are 73 existing trees on the entire two-parcel site. Of these, approximately half are on the Commercially zoned site. All of those would be removed and some have been designated exceptional.

The remainder of the trees are located on the Single Family zoned site, which is the subject of this ECA ACU review. Of the trees on that site, 29 will be retained. Of those 29, seven are exceptional trees and 12 are part of a grove of trees in the northeast corner of the site. All retained trees would require tree protection, as described in the September 21, 2010 Arborist Report, with the exception of providing chain link fence at the Root Protection Zone instead of orange mesh fence. If a chain link fence is installed at the edge of the 15’ steep slope buffer, additional Root Protection Zone fencing east of the buffer is not required, since this area is a designated Non-Disturbance area.

A discussion of which trees are exceptional and would be removed with construction can be found in response to the Design Review Guidelines earlier in this document.

The entire site is currently covered by tree canopy, but a large portion of the east parcel will remain undisturbed with continuous tree canopy. New native species trees will be added between and around the single family residences, as shown in the Master Use Permit plan set. A revegetation plan is proposed for the steep slope and buffer, which includes removal of invasive shrubs and ground cover on site, and replanting with native vegetation.

The proposal meets this criterion, subject to the conditions listed below.

3. *Neighborhood Compatibility.*

- a. The total number of lots permitted on-site shall not be increased beyond that permitted by the underlying single-family zone.***

The single family zoned parcel on the subject property is 20,350 square feet in size and the zoning of SF 5000 requires minimum lot sizes of 5,000 square feet. The underlying single family zone permits four lots. The proposal is to build three residences on one lot. The proposal meets this criterion.

- b. Where dwelling units are proposed to be attached, they do not exceed the height, bulk and other applicable development standards of the Lowrise 1 (L-1) zone.***

There are no proposed attached dwelling units on the single family zoned parcel for this application. The criterion does not apply.

- c. The development is reasonably compatible with and keeps the negative impact on the surrounding neighborhood to a minimum. This includes, but is not limited to, concerns such as neighborhood character, land use, design, height, bulk, scale, yards, pedestrian environment, and preservation of the tree canopy and other vegetation.*

The neighborhood character is described at the beginning of this document and the development's response to neighborhood character is described in the Design Review analysis of this document. Through Design Review, the Design Review Board recommended and DPD has determined that the proposed development is reasonably compatible with and keeps the negative impact on the surrounding development to a minimum. Design Review included consideration of neighborhood character, land use context, design of the proposed buildings, bulk, scale, transition to adjacent sites, the pedestrian environment, and tree canopy and other vegetation.

The proposed development will also meet many of the Single Family zone development standards, including height and lot coverage. It will not meet rear yard development standards (rear yard proposed at 5'). The lot south of this site is a vacant lot zoned LR2, with similar vegetation and steep slope challenges as this site. The lot east of this site will be separated from the proposed development by a Non-Disturbance area (steep slope and buffer). The lot north of this site is separated from the site by a public right-of-way and pedestrian stair.

The negative impact to the surround neighborhood is minimal, and the proposal meets this criterion subject to the conditions listed below.

Summary for SMC 25.09.260.B.3.c:

If the subject property were developed with one single family lot under the Land Use Code requirements allowed by right, a new single family structure could easily exceed the height, bulk, and scale of the three structures on one lot that would result from this application. The creation of three separate structures with open space between structures results in less height, bulk and scale than could otherwise be developed under Land Use Code requirements.

The proposed tree removal has been kept to a minimum on the Single Family zoned lot, and the applicant has proposed planting additional trees and shrubs. The pedestrian environment would be consistent with existing neighborhood character.

The proposal is found to be reasonably compatible with and keeps the negative impact to a minimum regarding neighborhood character, land use, design, height, bulk, scale, yards, pedestrian environment, and preservation of tree canopy and vegetation, subject to the conditions at the end of this document.

C. Conditions.

- 1. In authorizing an administrative conditional use, the Director may mitigate adverse negative impacts by imposing requirements and conditions necessary to protect riparian corridors, wetlands and their buffers, shoreline habitats and their buffers, and steep slope areas and their buffers, and to protect other properties in the zone or vicinity in which the property is located.*

Conditions addressing the protection of steep slope areas and their buffers are listed at the end of this document. Conditions are associated with requirements in other sections of the Environmentally Critical Areas code (SMC 25.09) and are not exclusively applicable to the ECA ACU review.

2. In addition to any conditions imposed under subsection 1, the following conditions apply to all administrative conditional uses approved under this subsection:

- a. Replacement and establishment of native vegetation shall be required where it is not possible to save trees or vegetation.**

Existing trees proposed for retention and recommended for removal are described in the Arborist Report, described in response to SMC 25.09.260.B.2.b above. The Arborist Report includes a recommended tree protection plan for trees to be retained. The trees shall be protected using these methods, with the exception of chain link fencing at the Root Protection Zone, as conditioned below.

The proposal includes removal of invasive shrubs and ground cover, and a planting plan with native vegetation. The proposed additional vegetation is described in response to SMC 25.09.260.B.1.g above.

The proposal meets this criterion, subject to the conditions listed below.

- b. Where new lots are created, the provisions of Section 23.22.062, Unit lot subdivisions, or Section 23.24.045, Unit lot subdivisions, apply, regardless of whether the proposal is a unit lot subdivision, so that subsequent development on a single lot does not result in the development standards of this chapter being exceeded for the short subdivision or subdivision as a whole.**

The applicant has not proposed to create any new lots. This criterion does not apply.

DECISION – Administrative Conditional Use

The proposal is **CONDITIONALLY GRANTED.**

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 initial disclosure of the potential impacts from this project was made in the environmental checklist submitted by the applicant dated October 6, 2010. 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 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.

Codes and development regulations applicable to this proposed project will provide sufficient mitigation for most of the impacts and no further conditioning or mitigation is warranted pursuant to specific environmental policies or the SEPA Overview Policy (SMC 25.05.665). Further discussion and mitigation of some impacts is warranted, as listed below.

Short Term Impacts

Earth

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. The site includes a steep slope Environmentally Critical Area. The applicant has submitted "Geotechnical Engineering Study, Proposed Delridge Apartments and Residences, 7100 Delridge Way Southwest, Seattle, Washington," a report by Geotech Consultants, Inc. for John Su, dated September 22, 2010. This information was reviewed by DPD geotechnical engineers. A Steep Slope Exemption was granted for a portion of the site.

The construction plans, including shoring of excavations as needed and erosion control techniques will receive separate review by DPD geotechnical engineers. 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.

Noise

The project is expected to generate loud noise during demolition, grading and construction. These impacts would be especially adverse in the early morning, in the evening, and on weekends. The Seattle Noise Ordinance permits increases in permissible sound levels associated with construction and equipment between the hours of 7:00 AM and 10:00 PM on weekdays and 9:00 AM and 10:00 PM on weekends. Some of the surrounding properties are developed with housing and will be impacted by construction noise. The limitations stipulated in the Noise Ordinance are not sufficient to mitigate noise impacts; therefore, pursuant to SEPA authority, the applicant shall be required to limit periods of construction activities (including but not limited to grading, deliveries, framing, roofing, and painting) to non-holiday weekdays from 7:00 AM to 6:00 PM, unless modified through a Construction Noise Management Plan, to be determined by DPD prior to issuance of a building permit.

Long Term Impacts

Plants and Animals

There are several mature trees on the subject properties, as well as some exceptional trees and a grove of trees. Most of the exceptional trees and the grove of trees are located in the steep slope Environmentally Critical Areas on the eastern part of the site, which will be protected during and after construction. The applicant submitted a series of arborist reports from Washington Forestry Consultants, Inc. and identified the exceptional trees and grove of trees on the MUP plan set. DPD's arborist has reviewed the information and tree protection areas. Through this review, several of the trees originally identified as exceptional were determined to have a high enough risk factor to lose 'exceptional' status. Some trees that meet the 'exceptional' definition would be removed as a result of construction. The remaining trees that meet the 'exceptional' definition would be preserved. The grove of trees would also be preserved. The proposed removal of some exceptional trees and protection of other exceptional trees is discussed in more detail in the Design Review analysis section of this document.

The construction plans will be required to show the identified trees and tree protection areas. The exceptional trees and grove of trees have been identified and DPD has reviewed the proposed tree protection areas. In order to be consistent with SEPA policies and the tree protection requirements in SMC 25.11, the construction plans shall identify the exceptional trees to be preserved as identified in the 3011255 MUP plans. Tree protection areas shall be shown on the construction plans, including chain link fencing installed at the Critical Root Zone prior to any clearing or grading. Additional tree protection methods may be placed on the construction permit by DPD.

DETERMINATION OF NONSIGNIFICANCE

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).

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.

- There is no comment period for this DNS.
- 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.
- This DNS is issued under WAC 197-11-340(2); the lead agency will not act on this proposal for 14 days after the date of issuance of a DNS.

CONDITIONS – DESIGN REVIEW

Prior to Certificate of Occupancy

1. The Land Use Planner shall inspect materials, colors, and design of the constructed project. All items shall be constructed and finished as shown at the design recommendation meeting, and the Master Use Plan sets. Any change to the proposed design, materials, or colors shall require prior approval by the Land Use Planner (Shelley Bolser 206-733-9067 or shelley.bolser@seattle.gov).
2. The applicant shall provide a landscape certificate from Director's Rule 6-2009, indicating that all vegetation has been installed per approved landscape plans. Any change to the landscape plans approved with this Master Use Permit shall be approved by the Land Use Planner (Shelley Bolser (206) 733-9067 or shelley.bolser@seattle.gov).

For the Life of the Project

3. The building and landscape design shall be substantially consistent with the materials represented at the Recommendation meeting and in the materials submitted after the Recommendation meeting, before the MUP issuance. Any change to the proposed design, including materials or colors, shall require prior approval by the Land Use Planner (Shelley Bolser 206-733-9067 or shelley.bolser@seattle.gov).

CONDITIONS – ENVIRONMENTALLY CRITICAL AREAS ADMINISTRATIVE CONDITIONAL USE

Prior to Issuance of a Master Use Permit

4. Mark all areas on the plans east of the steep slope 15 foot buffer as “non-disturbance areas,” per SMC 25.09.060 and 25.09.335.
5. Permanent visible markers shall be placed along the edge of the Environmentally Critical Area and non-disturbance area. The markers shall be either reinforcing steel or metal pipe driven securely into the ground with a brass cap affixed to the top similar to survey monuments. The brass cap shall be visible at the ground surface and indicate the purpose of the marker. Markers shall be placed at all points along the delineation where the line changes direction. Markers must be in place before issuance of this Master Use permit. Provide proof of placement to Land Use Planner via photograph, survey, or other acceptable means (Shelley Bolser, shelley.bolser@seattle.gov or (206) 733-9067).
6. Submit a recorded copy of the non-disturbance ECA Covenant (form to be provided by DPD) to the Land Use Planner (Shelley Bolser, shelley.bolser@seattle.gov or (206) 733-9067).

Prior to Issuance of any Building Permit

7. Show on the site plan the location of the permanent ECA markers.
8. Show on building plans the location of a temporary, durable, highly visible construction fence at the boundary between the construction activity area and areas of steep slope and steep slope buffer which are to be left undisturbed, per SMC 25.09.060.

9. Include the Arborist recommended tree protection measures on the site plan and landscape plan, as detailed in the September 21, 2010 Arborist Report, with the exception of providing chain link fence instead of orange mesh fence at the Root Protection Zone.

During Construction

10. The proposed revegetation plan in the steep slope and steep slope buffer shall be completed using only hand tools (including any removal of invasive shrubs and planting of native shrubs and groundcover).

CONDITIONS – SEPA

Prior to Issuance of a Building Permit

11. If the applicant intends to work outside of the limits of condition #13, a Construction Noise Management Plan shall be required, subject to review and approval by DPD.
12. The construction plans shall identify the exceptional trees to be preserved as identified in the 3011255 MUP plans. Tree protection areas shall be shown on the construction plans as detailed in the September 21, 2010 Arborist Report, with the exception of providing chain link fence instead of orange mesh fence at the Root Protection Zone. Additional tree protection methods may be placed on the construction permit by DPD.

During Construction

13. All construction activities are subject to the limitations of the Noise Ordinance. Construction activities (including but not limited to demolition, grading, deliveries, framing, roofing, and painting) shall be limited to non-holiday weekdays from 7am to 6pm. Interior work that involves mechanical equipment, including compressors and generators, may be allowed on Saturdays between 9am and 6pm once the shell of the structure is completely enclosed, provided windows and doors remain closed. Non-noisy activities, such as site security, monitoring, weather protection shall not be limited by this condition.

Construction activities outside the above-stated restrictions may be authorized upon approval of a Construction Noise Management Plan to address mitigation of noise impacts resulting from all construction activities. The Plan shall include a discussion on management of construction related noise, efforts to mitigate noise impacts and community outreach efforts to allow people within the immediate area of the project to have opportunities to contact the site to express concern about noise. Elements of noise mitigation may be incorporated into any Construction Management Plans required to mitigate any short -term transportation impacts that result from the project.

Signature: _____ (signature on file)
Shelley Bolser, AICP, LEED AP
Senior Land Use Planner
Department of Planning and Development

Date: November 7, 2011