



City of Seattle

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

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

Application Number: 3011365
Applicant Name: Ariel Kemp
Address of Proposal: 814 E. Blaine St.

SUMMARY OF PROPOSED ACTION

Land Use Application to allow two townhouses in an environmentally critical area.

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

- 1. Location of parking on a lot in a multifamily, LDT zone (SMC 23.45.018)

SEPA – Environmental Determination

Chapter 25.05, Seattle Municipal Code

SEPA DETERMINATION: Exempt DNS MDNS EIS

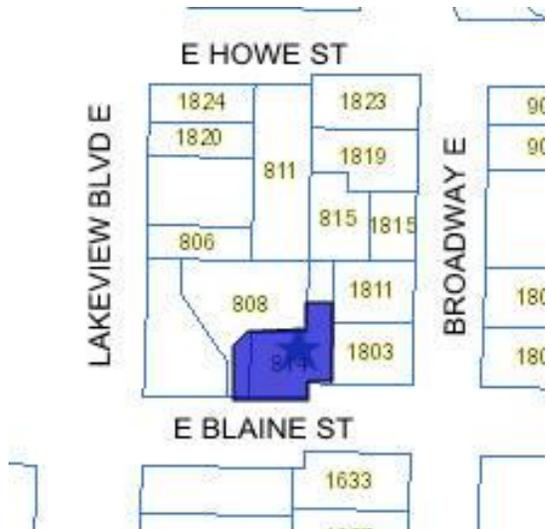
DNS with conditions

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

BACKGROUND DATA

Site Description

The development site is zoned LR1 and is located in the north Capitol Hill neighborhood. It is a midblock lot of 5,115 square feet, irregular in shape, abutting the unimproved E. Blaine Street right-of-way on the top of the hill above Lakeview Boulevard E. and the I-5 freeway. The lot lies approximately 70 feet west of Broadway E. and is connected to Broadway E. via an existing crushed rock 12-foot driveway. The lot,



whose north and west property lines were recently realigned through the instrument of Lot Boundary Adjustment #3011460 (King County Recording # 20110426900001), slopes approximately 39 feet between the east and the west property lines. The site is almost entirely characterized by steep slopes and is entirely within an environmentally critical area landslide-prone classification. A stairway within the Blaine Street E. right-of-way provides a pedestrian connection between Broadway E. and Lakeview Boulevard East.

The neighborhood is generally comprised of single family residences, duplexes and triplexes, with some multifamily condominiums and apartments located both to the north and south of the project site. These range in a variety of styles. The intervening lot between the subject site and Broadway E. is occupied by a single-family residence. There are two residential structures located on the property directly to the west.

Proposal Description

The applicant proposes to demolish the existing single-family structure and to develop a duplex townhome consisting of two units of approximately 1800 square feet each. Parking for two vehicles will be provided on site, with access via the existing driveway located within the E. Blaine Street right-of-way.

Design Guidance

After visiting the site and considering the analysis of the site in its context provided by the applicant, the Director provided the following siting and design guidelines found in the City of Seattle's *Design Review: Guidelines for Multifamily and Commercial Building* to be of highest priority for this project.

A-1 Responding to Site Characteristics

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

In the siting of the structure the tripartite street lot line poses special challenges for the orientation of the townhouse units to the public realm, challenges compounded by the fact that the E. Blaine Street right-of-way is not a developed street but occupied only by pedestrian steps providing access to and from Lakeview Blvd. and Broadway E. While one may subscribe to the saying that a man's house is his castle, the location of the moat and the drawbridge and entry historically were discernible to the approaching troubadour or approaching monarch. That courtesy should be extended to the postman and dinner guest as well, by providing a clearly readable pathway from Broadway E. to the two front entries. The façade is a "face" and civility suggests it should be accurately readable from the right-of-way. Additionally, care should be taken to explore and to accommodate or compensate for, if required, any existing pathways through the proposed development and property that may have been previously established by custom or law.

A-3 Entrances Visible from the Street

Entries should be clearly identifiable and visible from the street.

The first emphasis here is on *pedestrian* entrances. It would be an ironic outcome if the granting of a departure for the location of vehicular parking should result in a parking lot becoming the prominent feature of the front yard and of the development overall. The pedestrian entry or

entries should as far as possible, given the unusual relationship of lot to street, address the street straightforwardly and without confusing ambiguity, speak a language of residential entry, and be attractively and invitingly detailed. They should incorporate elements of artificial lighting that produce a glow rather than a glare, and suggest a lighting scheme as part of an overall lighting plan. If a departure were to be given to permit both the location of the parking and to permit a deviation from screening requirements, energy must be directed toward “designing” the housing entrances and entry doors. The entries should announce their functions and purposes to the pedestrian realm of the street as clearly as possible, and without any need for further signage.

C-3 Human Scale

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

The facade along E. Blaine Street and whatever glimpses of the east-facing façade are perceptible from the street should utilize details, elements, and materials that allow people to feel comfortable in passing by or approaching them. In general, the windows and doors chosen will add to a human scale, and relate the structure to the scale and texture of other residential structures in the general vicinity of the project. In particular, care must be lavished on the south-facing façade lest blank areas serve to give heightened emphasis to a sense of turning ones back to the city and the public realm.

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.

Should a departure be granted for a parking between the structure and the street, the locations and design of the parking area and its adjacencies should enhance the portion of the structure where the entries are located and complement any overhead weather protection extending above the entries. The composition, materials, and color of the entries themselves, the lighting and attendant landscaping should work together to subordinate the parking spaces to other, more substantial elements of the residences.

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

Landscaping, including plant material, special pavements, trellises, screen wall, planters, site furniture and similar features should be appropriately incorporated into the design to enhance the project.

A landscaping plan should be developed and incorporated into the project, one that: 1) integrates on-site plantings with the vegetation within the expanses of public right of way to the south and east of the development site; 2) identifies and preserves where warranted any significant plantings within the public right-of-way, or on site, protecting them during construction; 3) provides character, interest, comfort and an element of privacy to the building itself and any attendant open spaces for its dwellers, while, at the same time, 4) presenting at the plantings' maturity a melding of earth and building which complements the structure, rather than hiding or overwhelming it, and preserves a sense of inviting entry.

Development Standard Departures:

Certain departures from Land Use Code requirements may be permitted as part of the design review process. Departures may be allowed if an applicant demonstrates that a requested departure would result in a development which better meets the intent of the adopted design guidelines (see SMC 23.41.012).

SMC 23.45.018 would not allow parking within the front setback. The same sub-chapter of the Code would require screening of the proposed parking. SMC 23.54.030 D would require a driveway serving the lot to be a minimum of 10 feet in width. The applicant would seek relief from these requirements by means of departures.

The Director indicated at the time of Early Design Guidance that the Department would entertain the granting of a departure from these requirements, provided that the final design would successfully incorporate and integrate all the desired elements for the project discussed in the design guidelines enumerated above.

Public Comments:

One neighbor was concerned about impacts to existing easements on the subject site and adjacent sites.

ANALYSIS-DESIGN REVIEW

DESIGN REVIEW DEPARTURE ANALYSIS

Certain departures from Land Use Code requirements may be permitted as part of the design review process. Departures may be allowed if an applicant demonstrates that a requested departure would result in a development which better meets the intent of the adopted design guidelines (see SMC 23.41.012).

SMC 23.45.018 would not allow parking in the front setback. Further, landscaping and screening from direct street view would be required. Further, SMC 23.54.030 D would require that the driveway connecting to the parking area would be a minimum of ten feet in width. The Director indicated a willingness to entertain the granting of departures to allow parking in the required front setback between the street and the structure and to waive the requirement for landscaping and screening from street view, provided that the final design successfully incorporated and integrated all the desired elements for the project discussed in the design guidelines enumerated above.

In providing Early Design Guidance for the proposal, it was indicated that the Director would entertain the granting of departures to allow parking in the required front setback and to allow the parking without providing the required screening per SMC 23.45.018 C3 and SMC 23.45.018 D, as well as a departure to allow an undersized driveway (SMC 23.54.030 D1a). No other requests for departures from development standards were made by the applicant.

The approved design functionally allows for parking for two vehicles on a site limited in developable space because of extensive steep slopes. Given the limited access to the site, since E. Blaine Street is unimproved, the narrow driveway provides functional but unobtrusive vehicular access to the site. The area for parking on site is limited because of the limited area of developable property on site and the need to confine new construction to the footprint of the existing dwelling which will be demolished. The design proposed, allows for the accommodation of two vehicles on site and access to parking by means of an existing driveway in the right-of-way which, while functionally adequate, does not meet the Code-proscribed minimum of ten feet in width. The design as approved further provides for clear lines of sight and perceptible pathways to the front doors of each of the two units, a clear response to Design Review Guideline A-3, determined to be of special significance for the success of the overall design. The guidance given stated that “if a departure were to be given to permit both the location of the parking and to permit a deviation from screening requirements, energy must be directed toward ‘designing’ the housing entrances and entry doors.” The final design shows entries that announce their functions and purposes to the pedestrian realm of the street as clearly as possible, and without any need for further signage.

DIRECTOR’S DECISION

SMC 23.41.016 states that the Director’s decision shall be based on the extent to which the proposed project meets applicable design guidelines and in consideration of public comments on the proposed project.

In light of the applicant’s positive response to the Early Design Guidelines for this project, in consideration of the public comments received on the proposed project, and following the analysis provided above, the Director approves the overall project design and approves the requested departures.

The requests for departures: 1) to allow parking for two vehicles in the front setback, 2.) without screening from the street view and with access from E. Blaine Street, 3.) by means of a driveway less than ten feet in width are hereby **CONDITIONALLY GRANTED**. See **CONDITIONS-DESIGN REVIEW** below.

ANALYSIS - STATE ENVIRONMENTAL POLICY ACT (SEPA)

The initial disclosure of the potential impacts from this project was made in the environmental checklist submitted by the applicant, dated July 7, 2010. The information in the checklist, the supplemental information submitted by the applicant and the experience of the lead agency with the review of similar projects form the basis for this analysis and decision. This decision also makes reference to and incorporates the project plans submitted with the project application.

The Seattle SEPA Ordinance provides substantive authority to require mitigation of adverse impacts resulting from a proposed project (SMC 25.05.655 and 25.06.660). Mitigation, when required, must be related to specific environmental impacts identified in an environmental document and may be imposed to the extent that an impact is attributable to the proposal, and

only to the extent the mitigation is reasonable and capable of being accomplished. Additionally, mitigation may be required when based on policies, plans and regulations as enunciated in SMC 25.05.665 to SMC 25.05.675 inclusive (SEPA Overview Policy, SEPA Cumulative Impacts Policy, SEPA Specific Environmental Policies). In some instances, local, state or federal regulatory requirements will provide sufficient mitigation of an impact and additional mitigation imposed through SEPA may be limited or unnecessary.

The SEPA Overview Policy (SMC 25.05.665) clarifies the relationship between codes, policies and environmental review. Specific policies for each element of the environment, certain neighborhood plans, and other policies explicitly referenced may serve as the basis for exercising substantive SEPA authority. The Overview Policy states in pertinent part that “where City regulations have been adopted to address an environmental impact, it shall be presumed that such regulations are adequate to achieve sufficient mitigation.” Under specific circumstances, mitigation may be required even when the Overview Policy is applicable SMC 25.05.665(D).

ENVIRONMENTAL IMPACTS

The information provided by the applicant and its consultants, the public comments received, and the experience of DPD with the review of similar proposals form the basis for conditioning the project. The potential environmental impacts disclosed by the environmental checklist are discussed below. Where necessary, mitigation is called for under Seattle’s SEPA Ordinance (SMC 25.05).

Short - Term Impacts

Anticipated short-term impacts that could occur during demolition excavation and construction include; increased noise from construction/demolition activities and equipment; decreased air quality due to suspended particulates from building activities and hydrocarbon emissions from construction vehicles and equipment; increased dust caused by construction activities; potential soil erosion and potential disturbance to subsurface soils during grading, excavation, and general site work; increased traffic and demand for parking from construction equipment and personnel; conflicts with normal pedestrian and vehicular movement adjacent to the site; increased noise; and consumption of renewable and non-renewable resources. Due to the temporary nature and limited scope of these impacts, they are not considered significant (SMC 25.05.794).

Many of these impacts are mitigated or partially mitigated by compliance to existing codes and ordinances; specifically these are: Storm-water, Grading and Drainage Control Code (grading, site excavation and soil erosion); Street Use Ordinance (watering streets to suppress dust, removal of debris, and obstruction of the pedestrian right-of-way); the Building Code (construction measures in general); and the Noise Ordinance (construction noise). The Department finds, however, that certain construction-related impacts may not be adequately mitigated by existing ordinances. Further discussion is set forth below.

Earth

It is not anticipated that perched groundwater will be encountered during the minor amount of excavation required for the project; any construction dewatering can be handled with ditching and sumps within the excavation. The Seattle Stormwater Grading and Drainage Control Code

requires that water released from the site be clean and limits the amount of suspended particles therein. Specifically, the ordinance provides for Best Management Practices to be in place to prevent any of the water or spoil resulting from excavation or grading to leave the site. No SEPA policy based conditioning of earth impacts during construction is necessary.

Noise-Related Impacts

Residential uses in the vicinity of the proposal will experience increased noise impacts during the different phases of construction. Compliance with the Noise Ordinance (SMC 22.08) is required and will limit the use of loud equipment registering 60 dBA or more at the receiving property line or 50 feet to the hours between 7:00 a.m. and 10:00 p.m. on weekdays, and between 9:00 a.m. and 10:00 p.m. on weekends and holidays.

Although compliance with the Noise Ordinance is required, additional measures to mitigate the anticipated noise impacts may be necessary because of nearby residential uses. The SEPA Policies at SMC 25.05.675.B and 25.05.665 allow the Director to require additional mitigating measures to further address adverse noise impacts during construction. Pursuant to these policies, it is Department's conclusion that limiting hours of construction beyond the requirements of the Noise Ordinance is appropriate due to the proximity of the development site to established residential uses. As a condition of approval, therefore, the proponent will be required to limit the hours of construction activity not conducted entirely within an enclosed structure to non-holiday weekdays between 7:00 a.m. and 7:00 p.m. and on Saturdays between 9:00 a.m. and 6:00 p.m.

Air Quality Impacts

Demolition and construction activities could result in the following temporary or construction-related adverse impacts:

- Erosion from excavation and storm water impacts from ground clearing,
- Increased noise levels,
- Decreased air quality due to suspended particulates (dust) from excavation and construction, hydrocarbon emissions and greenhouse gas emissions from construction vehicles, equipment, and the manufacture of the construction materials.

Construction will create dust, leading to an increase in the level of suspended air particulates, which could be carried by wind out of the construction area. Compliance with the Street Use Ordinance (SMC 15.22.060) will require the contractors to prevent water the site or use other dust palliative, as necessary, to reduce airborne dust. In addition, compliance with the Puget Sound Clean Air Agency regulations will require activities, which produce airborne materials or other pollutant elements to be contained with temporary enclosure. Other potential sources of dust would be soil blowing from uncovered dump trucks and soil carried out of the construction area by vehicle frames and tires; this soil could be deposited on adjacent streets and become airborne. The Street Use Ordinance also requires the use of tarps to cover the excavation material while in transit, and the cleanup of adjacent roadways and sidewalks periodically. Construction traffic and equipment are likely to produce carbon monoxide and other exhaust fumes. Regarding asbestos, Federal Law requires the filing of a Notice of Construction with the Puget Sound Clean Air Agency ("PSCAA") prior to any demolition on site. If any asbestos is

present on the site, PSCAA, the Department of Labor and Industry, and EPA regulations will provide for the safe removal and disposal of asbestos.

Construction activities themselves will generate minimal direct impacts. However the indirect impact of 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 due to the relatively minor contribution of greenhouse gas emissions from this project. No potential short term adverse impact to air is anticipated and therefore air quality mitigation is not necessary.

Long-term Impacts

Long-term or use-related impacts are also anticipated as a result of approval of this proposal including: increased carbon dioxide and other greenhouse gas emissions primarily from increased vehicle trips but also the projects energy consumption, increased demand for public services and utilities; increased height, bulk, and scale on the site; and increased area traffic and demand for parking. Several adopted City codes and/or ordinances provide mitigation for some of the identified impacts. Specifically these are: the City Energy Code which will require insulation for outside walls and energy efficient windows; and the Land Use Code which controls site coverage, setbacks, building height and use, parking requirements, shielding of light and glare reduction, and contains other development and use regulations to assure compatible development.

Earth

The applicant filed a request for an Environmentally Critical Areas Exemption in December, 2010. Based on a review of the submitted information and the City GIS system, DPD concluded the proposed development appears to conditionally qualify for the criteria established in the Critical Areas Regulations, SMC 25.09.180.B2a. Specifically, the submitted information for the steep slope developmental allowance application, with modification, indicated development is located where existing development is located. For this reason, DPD conditionally waived the required ECA Steep Slope Variance associated with DPD Application No. 3011365, provided development is limited to areas previously developed. Steep slope areas at and near the subject site are not exempted. This approval was conditioned upon the following: (1) plan revision that demonstrates the proposed development will be located in areas delineated as previously developed areas, to be shown on Sheet A0.1 of the MUP permit), and (2) approval of building permits for a design that demonstrates the proposed development project will be completely stabilized in accordance with provisions of the ECA code. All other ECA Submittal, General, and Landslide-Hazard, and development standards still apply for this development. No further conditioning under SEPA authority is warranted.

Air Quality

The number of vehicular trips associated with the project will increase the quantities of carbon dioxide and other greenhouse gas emissions in the area. Additionally, the project will create a

level of electrical energy demand and natural gas consumption that does not currently exist on the site. Together these changes will result in ambient 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 due to the relatively minor contribution of greenhouse gas emissions from this project.

Greenhouse Gas Emissions

Operational activities, primarily vehicular trips associated with the project and the project's 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.

Height, Bulk, and Scale

The proposal does not exceed the height of development allowed in the LR1 zone.

Transportation

The proposed projects would increase traffic in the area insignificantly. The project trips would add miniscule delays to the area intersections. No off-site transportation mitigation is required to accommodate the development.

Parking Impacts

The proposed supply of 2 parking spaces meets the minimum required by Code. No other SEPA conditioning of parking impacts will be imposed.

DECISION - SEPA

This decision was made after review by the responsible official on behalf of DPD as the lead agency of the 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 43.21C.030 (2) (C).

SEPA CONDITIONS

Based upon the above analysis, the Director has determined that the following conditions are reasonable and shall be imposed pursuant to SEPA and SMC Chapter 25.05 (Environmental Policies and Procedures).

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

During Construction

1. 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. 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:

The hours of construction activity not conducted entirely within an enclosed structure shall be limited to non-holiday weekdays between 7:00 a.m. and 7:00 p.m. and on Saturdays between 9:00 a.m. and 6:00 p.m. unless this restriction is modified on a case by case basis.

CONDITIONS-DESIGN REVIEW

During Construction:

Prior to proceeding with any changes to the exterior facades of the building or to the landscaping on site or in the public right-of-way from those approved in the plans accompanying this application, the owner/applicant/ responsible party must get approval for such changes from the Land Use Planner.

Any deviation from compliance with the issued MUP plans must be approved by the Land Use Planner, Michael Dorcy (206-615-1393), or Supervisor, Jerry Suder (206-386-4069). The Land Use Planner shall determine whether any proposed change requires submission of additional documentation or field verification to assure that compliance has been achieved.

Signature: _____ (signature on file) _____ Date: May 19, 2011
Michael Dorcy, Senior Land Use Planner

MD:bg