City of Seattle

Gregory J. Nickels, Mayor
Department of Planning and Development
D. M. Sugimura, Director

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

Application Number: 2409284

Applicant Name: Ken Rupard Architecture for 429 Associates LLC

Address of Proposal: 429 13th Avenue East

SUMMARY OF PROPOSED ACTION

Master Use Permit to establish use for future construction of five (5) units total; two (2) three-story townhouse structures and one (1), three story, triplex townhouse structure in an environmentally critical area. Parking for 5 vehicles is proposed to be provided within the structures. The existing structure would be demolished.

The following approvals are required:

SEPA - Environmental Determination - Chapter 25.05, Seattle Municipal Code.

Design Review - Chapter 23.41, (SMC) including departures from development standards:

- Lot coverage
- Structure depth
- Landscaping
- Site Triangle
- Setbacks from Property lines
- Landscape screening
- Open Space

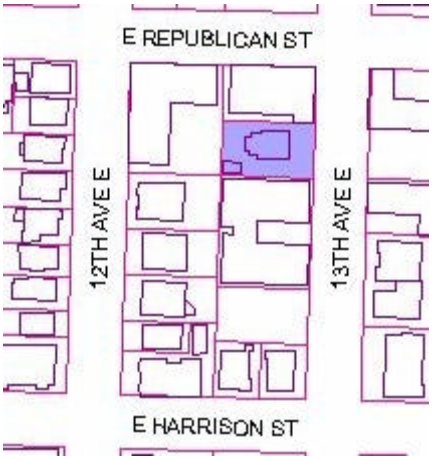
SEPA DETERMINATION: [ ] Exempt [ ] DNS [ ] MDNS [ ] EIS

[X] DNS with conditions

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

BACKGROUND INFORMATION:

The site, consisting of one platted lot, is located on the west side of 13th Avenue East one just south of East Republican Street. The site is zoned Lowrise 3 (L3). There is no alley in this block. The site has 40% steep slopes at the rear of the lot. The proposal is for 5 townhouses with code required parking. On January 18, 2005 the applicant applied for Administrative Design Review in order to receive departures from the land use code. Any departures need to demonstrate how the proposed design better meets the early design guidance as stated below.



AREA DEVELOPMENT

The area is multifamily development.

ANALYSIS – ADMINSTRATIVE DESIGN REVIEW

This project is subject to the City of Seattle administrative design review process. The designers received early design guidance March 15, 2005. The priority guidelines and early design public comments follow.

Public Comments:

Seven (7) public comments were received during the 2 week early design comment period. One asks that no zoning modifications be allowed for yards and for open space stating that these sorts of departures erode the urban amenities in this neighborhood. Another stated concern over construction impacts like noise and fugitive dust. The same letter noted that view protection should be observed to retain the views and light and air of the neighboring residences. Another letter comments that it is important to preserve the open feel of the neighborhood and to preserve the trees in the right of way planting strip. Another letter opposes any relief from the setback and open space requirements noting that the requirements are in place for a good reason, views and open space.

EARLY DESIGN GUIDANCE PRIORITIES:

After visiting the site, considering the analysis of the site and context provided by the proponents, and hearing public comment, the DPD planner provides the siting and design guidance described below and identifies by letter and number those siting and design guidelines found in the City of Seattle's *"Design Review: Guidelines for Multifamily and Commercial Buildings"* of highest priority to this project. All guidelines apply, the following are of the highest priority.

A Site Planning

A-1 Responding to Site Characteristics
The siting of buildings should respond to specific site conditions and opportunities.

The building should incorporate as much massing as possible away from the steep slope at the back of the lot in an effort to meet the density available in this zone and to capture any possible views. The site is located on a residential street with on-street parking and sidewalks, and multifamily structures. The street side should have yards, stoops, entries and gardens as useable open space. Buildings next door are built to the property lines and the existing resident's windows are highly valued. Provide side yards to provide light and air to the next door developments.

A-2 Streetscape Compatibility
The siting of buildings should acknowledge and reinforce the existing desirable spatial characteristics of the right-of-way.

The project should reinforce the residential spatial conditions characterized in the existing street and set a new and better standard for lowrise development by providing residential spatial characteristics such as the following: The design should create at least a two story character on 13th Avenue and possibly higher in back. A front yard should be created with gardens and open space. The open space should progress from the street and sidewalk public space to semi public space, semi private yard or garden and finally private open space near steps and front door or small porches or decks. The transition described above should be designed without opaque fences or screens. There should be an opportunity for "eyes on the street" that is for windows, doors, activity in view of the sidewalk and street.

A-3 Entrances Visible from the Street
Entries should be clearly identifiable and visible from the street.

Individual unit entrances should be visible and accessible from the street. Entrances for residences at the back of the lot should have a separate entrance from the sidewalk and not via a driveway walk to the back units. Entries should have architectural detailing to signal the entry.

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

A-5 Respect for Adjacent Sites
Buildings should respect adjacent properties by building located on their sites to minimize disruption of the privacy and outdoor activities of residents in adjacent buildings.

The project should be massed to preserve westerly views of neighbors across the street and next door as much as possible. This could be achieved through careful massing, restrained use of non essential bulk and adherence to setback requirements.

A-6 Transition between Residence and Street

For residential projects, the space between the building and the sidewalk should provide security and privacy for residents and encourage social interaction among residents and neighbors.

The area is very pedestrian friendly and has a lot of activity. The existing scale of residences on the street encourages this. This development should retain that design scale. Units on 13th Avenue should have architectural elements facing the street which will provide residents room to gather, enter, exit, and garden, talk to passers-by and to see and be seen. The design should include front porches, steps, mailboxes, newspaper boxes, space for gardening and waiting for a ride and similar features. The area between residence and street should be somewhat transparent.

A-7 Residential Open Space

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

Creating useable, attractive and active open space should be a priority for 13th Avenue.

A-8 Parking and Vehicle Access

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

The impact of the automobile should be minimized. There should only be one driveway. Cars should be parked out of sight. Cars and pedestrians should not share the same access to the sidewalk. Create a development that allows the pedestrian access to the sidewalk without walking through a parking lot or parked cars.

B Height, Bulk and Scale

B-1 Height, Bulk and Scale

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

This project should set a new standard in the area in creating housing that transitions in bulk and scale from property line to property line, by using architectural features that create a sense of less bulk. For instance hipped roofs, window detail, small balconies or bay windows, peaked roofs, porches, trellises and landscape elements should all be explored. The design should provide a strong street edge with front yards and front facades set at the same or nearly the same as the neighboring buildings to create a strong and pedestrian friendly urban streetscape. Required side yards should be retained and modulation along the side yard is encouraged to present a good human scale to next door buildings.

C Architectural Elements and Materials

C-1 Architectural Context
New buildings proposed for existing neighborhoods with a well-defined and desirable character should be compatible with or complement the architectural character and siting pattern of neighboring buildings.

This project should set a standard for well-designed, small scale residential development in this area. The context of this and nearby residential areas and the density of the lowrise zones should marry to create a highly-textured and multi-faceted development. The design should consider the "historic context" of its location. The site is surrounded by masonry buildings constructed in the 1920's, some of them historic in nature. Any design for new construction in the area should either complement the design qualities and context of the neighborhood, or alternatively, present a gracious counterpoint to the historic qualities of the neighborhood recalling architectural elements such as massing, scale, materials, proportions, fenestration, and evidence of the interior uses.

C-2 Architectural Concept and Consistency
Building design elements, details and massing should create a well-proportioned and unified building form and exhibit an overall architectural concept.

Buildings should exhibit form and features identifying the functions within the building.

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

A variety of residential forms should be explored. The development should be unified as it is viewed from 13th Avenue, but the western units may transition into other forms as they take advantage of the slope. The concept should be carried out from building form to small details, trim, roof treatment, fenestration etc. Color and modulation should be used to help define the units. Lighting and landscaping should be designed to enhance the overall concept.

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

The design should include bay windows, peaked roofs, porches, trellises, interesting paving, small balconies or Juliet balconies, changes in siding details, window details, trees and shrubs to create space, benches, and interesting doors.

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.

Exterior materials should be of high quality durable and maintainable. The neighboring buildings use brick and stone masonry and thus present a "timeless" quality that should be exhibited in the new building. Inexpensive building materials should be used sparingly while materials that blend with the surrounding buildings should be used. The project will need to exhibit very deliberate efforts in choice of materials.

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.

The automobile and parking should "disappear" in this project. This is an important guideline to enable the rest of the project to provide a good pedestrian friendly streetscape

D Pedestrian Environment

D-1 Pedestrian Open Spaces and Entrances
Provide convenient, attractive and protected pedestrian entries.

Entry arbors or entry pergolas with mailbox, benches, newspaper boxes, signage and addressing and front doors with a small covered porch are reasonable and practical features to include in this climate. Open spaces should be well-designed with a variety of landscape elements. Pedestrian scale (low level) lighting should an integral part of the design.

D-6 Screening of Dumpsters, Utilities and Services Areas
Building sites should locate service elements like trash dumpsters, loading docks and mechanical equipment away from the street front where possible.

Trash should be located in a parking garage. Otherwise a well-designed enclosure for recycling and garbage that is durable and maintainable with hose bib and drain could be an alternative.

E Landscaping

E-1 landscaping to Reinforce Design Continuity with Adjacent Sites
Where possible, and where there is not another overriding concern, landscaping should reinforce the character of neighboring properties and abutting streetscape.

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

A landscaping plan following the above guidelines should be incorporated into the initial plans. There are two nice Kwanzan cherry trees in the planting strip (13 and 17 inches in diameter). The design of this project should preserve these trees.

MASTER USE PERMIT

The applicant applied for the Master Use Permit April 22, 2005.

RECOMMENDATION

Departure from Development Standards:

The applicant has requested departures from the Land Use Code development standards. They are the following:

Development Standard	***Requirement***	***Proposed***	***Departure***	***Action***
23.45.010 lot coverage	50% coverage	57 % coverage	7% increase	approval
23.45.011A structure depth	65% lot depth	70% lot depth	5% increase	approval
23.45.014 C side setback	6' average 5' minimum	5'average 5' minimum	1' decrease	approval
23.45.014A front setback	5' minimum	2'-9" minimum	2'-3" decrease	approval
23.45.014 B rear setback	15'	3'-3"	12'- 9" decrease	approval
23.45.016 A 3 open space	300 sf/unit within 10' of grade	412 and 555 sf /unit	Above 10' of grade	approval
23.45.015 B1a landscaping	3' landscape in front	2'-9"	3" with curb and short fence	approval
23.45.030 site triangle	10' site triangle	10'site triangle with obstructions	Knee wall and column in triangle	approval

Architect Presentation

The Architect and owner met with the land use planner to review corrected submittal drawings. The Architect described the site context and project goals. The group discussed the neighboring buildings and window placement, site constraints and necessity for locating parking on site. Trash and recycling locations, and landscaping and open space were revised.

Recommendation:

After considering the proposed design and the project context, hearing public comment, and reconsidering the previously stated design priorities, the planner feels that all of the guidance the architect received has been successfully addressed. After much scrutiny of the site, the neighborhood context, proposed architectural massing and facades, open space, and materials the Department supports the departures and recommends **approval** of the design.

ANALYSIS AND DECISION - DESIGN REVIEW

The Director of DPD has reviewed the design and finds that it is consistent with the City of Seattle Design Review *Guidelines for Multifamily & Commercial Buildings.*

This infill project is sandwiched between two older buildings with large building footprints which would not comply with the current Land Use Code. This project takes advantage of the site and the surrounding buildings by providing a housing type that is very desirable to many purchasers, provides the required parking and maximizes available views out. (A1) The building to the west is much lower due to the east west slope of this block and will not intrude on the backyard of that building. (A1) There will be small knee walls along the street and resident's windows and a small garden will give eyes on the street. (A2) An entry gate will allow the vehicles and pedestrians to come and go with minimal intrusion on the pedestrian environment. (A2) Massing will interrupt some views, but any building meeting code standards at this site would do the same. Non-essential bulk has been minimized. The design is sparse and modern in its architectural language. Transition to the sidewalk is achieved with the knee wall and fence and small garden. (A6) Open Space is centered on the rooftops and will be allow for a lot of light and air for the residents. (A7) The courtyard parking minimizes the effect of parking on the street and pedestrian way. Underground parking is desirable but too limiting in this small development. (A8) The project will have a strong street presence and a modern take on the urban townhouse. Windows and courtyard entries will create a sense of "broken bulk" to help the proposal fit in its surroundings. (B-1) Architectural elements and materials are appropriate for the design concept and carryout creating scale and consistency. (C all) The pedestrian environment is appropriate for the site. (D 1,6) Landscaping helps to soften the development (L 1,2)

Therefore, the Director determines that the project has satisfactorily responded to the early design guidance. The Director **approves** the proposed project and grants the requested departures.

ANALYSIS – SEPA

Environmental review resulting in a Threshold Determination is required pursuant to the Seattle State Environmental Policy Act (SEPA), WAC 197-11, and the Seattle SEPA Ordinance (Seattle Municipal Code Chapter 25.05). The project received a limited steep slope exemption due to previously developed site (2500362).

The initial disclosure of the potential impacts from this project was made in the environmental checklist submitted by the applicant and dated April 20, 2005 and annotated by the Land Use Planner. The information in the checklist, the supplemental information submitted by the applicant, and the experience of the lead agency with the review of similar projects form the basis for this analysis and decision.

The SEPA Overview Policy (SMC 25.05.665) clarifies the relationship between codes, policies, and environmental review. Specific policies for each element of the environment, certain neighborhood plans, and other policies explicitly referenced may serve as the basis for exercising substantive SEPA authority.

The Overview Policy states, in part, "Where City regulations have been adopted to address an environmental impact, it shall be presumed that such regulations are adequate to achieve

sufficient mitigation" subject to some limitations. Under such limitations/circumstances (SMC25.05.665) mitigation can be considered. Thus a more detailed discussion of some of the impacts is appropriate.

Short-term Impacts

Construction Impacts

The following temporary or construction-related impacts are expected: minor decreased air quality due to suspended particulate from building activities and hydrocarbon emissions from construction vehicles and equipment; increased traffic and demand for parking from construction equipment and personnel; conflict with normal pedestrian movement adjacent to the site; increased noise, and consumption of renewable and non-renewable resources. Several adopted codes and/or ordinances provide mitigation for some of the identified impacts. The Stormwater, Grading and Drainage Control Code regulates site excavation for foundation purposes and requires that soil erosion control techniques be initiated for the duration of construction. The Street Use Ordinance requires debris to be removed from the street right-of-way, and includes regulations for maintaining circulation in the public right-of-way. Puget Sound Clean Air Agency regulations require control of fugitive dust to protect air quality. The Building Code provides for construction measures in general. Finally, the Noise Ordinance regulates the time and amount of construction noise that is permitted in the city. Compliance with these applicable codes and ordinances will reduce or eliminate most short-term impacts to the environment. Most of these impacts are minor in scope and are not expected to have significant adverse impacts (SMC 25.05. 794).

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

Long-term Impacts

Long-term or use-related impacts are not anticipated as a result of approval of this proposal including: increased bulk and scale on the site; noise, traffic or parking in the area; demand for public services and utilities; and light and glare.

Height, Bulk and Scale

Section 25.05.675G2c of the Seattle SEPA Ordinance provides the following: "The Citywide Design Guidelines (and any council-approved, neighborhood design guidelines) are intended to mitigate the same adverse height, bulk, and scale impacts addressed in these policies. A project that is approved pursuant to the Design Review Process shall be presumed to comply with these Height, Bulk and Scale policies. This presumption may be rebutted only by clear and convincing evidence that height, bulk and scale impacts documented through environmental review have not

been adequately mitigated. Any additional mitigation imposed by the decision maker pursuant to these height, bulk, and scale policies on projects that have undergone Design Review shall comply with design guidelines applicable to the project."

There are no sensitive height, bulk or scale impact issues which have not been addressed during the Design Review process in the design of this residential project in a Lowrise 3 zone. (L3). Therefore, no additional height, bulk, or scale SEPA mitigation is warranted pursuant to the SEPA height, bulk and scale policy.

Several adopted City codes and/or ordinances provide mitigation for some of the identified impacts. Specifically these are: the Stormwater, Grading and Drainage Control Code which requires on site collection of stormwater with provisions for controlled tight line release to an approved outlet and may require additional design elements to prevent isolated flooding; 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 and contains other development and use regulations to assure compatible development. Compliance with these applicable codes and ordinances is adequate to achieve sufficient mitigation of adverse impacts and no further conditioning is warranted by SEPA policies.

DECISION - SEPA

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

[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).

CONDITIONS – Design Review

Non-Appealable Conditions

1. Any proposed changes to the exterior of the building or the site or must be submitted to DPD for review and approval by the Land Use Planner (Holly Godard 206-615-1254). Any proposed changes to the improvements in the public right-of-way must be submitted to DPD and SDOT for review and for final approval by SDOT.

2. Compliance with all images and text on the MUP drawings, design review meeting guidelines and approved design features and elements (including exterior materials, landscaping and ROW improvements) shall be verified by the DPD planner assigned to this project (Holly Godard 206-615-1254), or by the Design Review Manager. An

appointment with the assigned Land Use Planner must be made at least (3) working days in advance of field inspection. The Land Use Planner will determine whether submission of revised plans is required to ensure that compliance has been achieved.

3. Embed all of these conditions in the cover sheet for the MUP permit and for all subsequent permits including updated MUP plans, and all building permit drawings and embed the colored MUP recommendation drawings in the building permit plan sets.

CONDITIONS - SEPA

During Construction

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

1. To reduce the noise impact of construction on nearby properties, construction activities shall generally be limited to non-holiday weekdays between 7:30 A.M. and 6:00 P.M. In addition to the Noise Ordinance requirements, to reduce the noise impact of construction on nearby residences, only low noise impact work will be permitted on Saturdays from 9:00 A.M. to 6:00 P.M. and Sundays from 10:00 A.M. to 6:00 P.M. Hours on weekdays may be extended from 6:00 P.M. to 8:00 P.M. on a case by case basis. All evening work must be approved by the DPD planner prior to each occurrence. Construction on the individual enclosed floors can be done at other times in accordance with the Noise Ordinance.

Signature: (signature on file) Date: March 13, 2006
Holly J. Godard, Land Use Planner

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