



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:	3004273 (formerly 2504198)
Applicant Name:	Mark Wierenga, Vandervort Architects for Andrew Fortier, Developer
Address:	2622 Yale Avenue East

SUMMARY OF PROPOSED ACTION

Land Use Application to establish use for future construction of three, two-unit townhouse structures and one single-family residence in a UR (Urban Residential) Shoreline Environment. Parking for seven vehicles to be provided within the structures.

The following approvals are required:

Design Review - Chapter 23.41 Seattle Municipal Code (SMC). Design Departures are requested from the following Code sections: SMC 23.45.018.B (Vehicle Access), SMC 23.54.030 (Curb Cuts), SMC 23.45.014.F.2.a and c (Front Set-Back), SMC 23.45.016 (Open Space – four requests), SMC 23.45.014 (Rear Set-Backs), SMC 23.45.011 and 23.86.016 (Building Depth).

SEPA - Environmental Determination - Chapter 25.05 SMC

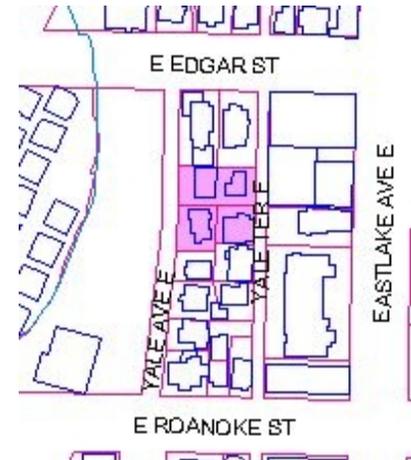
Shoreline Substantial Development Permit –to allow construction of multi-family residences in an Urban Residential (UR) shoreline environment (Section 23.60.540, Seattle Municipal Code).

SEPA DETERMINATION:

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

PROJECT AND SITE DESCRIPTION

The project proposes to construct three duplex townhouses and one single-family structure. Two townhouses would front Yale Avenue East (hereafter Yale Avenue) and have vehicular access from that street. One townhouse and the single-family structure would face and have vehicle access from Yale Terrace East (hereafter Yale Terrace). Parking for seven vehicles would be provided within the structures.



The project has been submitted for voluntary *Design Review* in order to seek design departures from various Land Use Code requirements.

Current development on the site consists of 4 older single-family structures that will be demolished.

The project site consists of three lots with a total area of approximately 10,500 square feet. The site slopes from Yale Terrace to the west approximately 16 feet, with the majority of that elevation drop from Yale Terrace to the middle of the site.

The zoning for the site and block face is Lowrise 1 (L1). Across Yale Avenue to the west the zoning is Lowrise 2 (L2) and is developed with the Mallard Cove Condominiums. Across Yale Terrace the block has frontage on Eastlake Avenue East and is zoned Neighborhood Commercial 2 with a 40 foot height limit (NC2-40). Development there is a mix of commercial and residential structures. The site (except for small portions fronting Yale Terrace) and surrounding parcels fronting on both sides of Yale Avenue are in the Urban Residential Shoreline Environment. The site is an “upland” lot and has no shoreline frontage.

ANALYSIS - DESIGN REVIEW

Design Guideline Priorities, Early Design Guidance Meeting of August 3, 2005.

At the Early Design Guidance meeting held on August 3, 2005 and after visiting the site, considering the analysis of the site and context provided by the proponents, the Design Review Board members provided the following siting and design guidance and identified 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 (the full EDG report is available in the project file at DPD):

- A-1 Responding to Site Characteristics
- A-2 Streetscape Compatibility
- A-4 Human Activity
- A-6 Transition between Residence and Street
- A-7 Residential Open Space
- A-8 Parking and Vehicle Access

- C-5 Structured Parking Entrances
- D-1 Pedestrian Open Spaces and Entrances
- D-5 Visual Impacts of Parking Structures
- D-7 Personal Safety and Security
- E-2 Landscaping to Enhance the Building and / or Site

Summary of Early Design Guidance

- The Yale Avenue garages should be located further from the street edge.
- Driveways should be of a depth to be usable for tenants as well as to achieve the stated goal of providing adequate guest parking.
- The project should not crowd the street corridor by the proposed placement of the decks within two feet of the Yale Avenue roadway.
- The Yale Avenue driveway area should incorporate an extensive amount of and a variety of pervious paving materials to reduce run-off, reduce the scale of this 110 foot long area, and create variety.
- The proposed central pathway should extend to the street and clearly signal that the driveway area surrounding it is a shared pedestrian- vehicle space, distinguishing the pedestrian pathways from the vehicular area.
- The interior decks for the alley facing units should be moved further from the Yale Avenue units for privacy, or techniques to address these issues must be employed, such as strategic placement of windows and screening.
- Yale Avenue has a “lane-like” (mews) quality. The driveway area and garage facade materials and textures should reinforce this and should not read as predominately automobile oriented, although it will be primary vehicle access and provide on-site parking.
- Planting techniques to reduce the scale of the proposed driveway should not hinder visibility between vehicles and pedestrians.

Design Review Board Final Recommendations

The report of the June 7 *Recommendation* meeting was distributed to parties of record and is in the MUP project file at DPD. The four Board members in attendance gave a *Unanimous Recommendation of Approval* for the project design and the requested *Design Departures* (with a modification for an 8-foot deck front set-back instead of the requested 6-foot front set-back – see *Design Departure Matrix* below), along with the following Recommended *Conditions*:

1. Improve the site and landscape plan for the street frontage that includes increased plant landscaping, more interesting and possibly a variety of materials for the walkway / “hardscape”, removal of the side walls extending beneath the first level decks and the driveway, and better interaction between these elements.
2. Set back the first level decks 8 feet from the street pavement edge / property line.
3. Provide amenities for shared gathering and lingering, such as seating built in to the retaining walls of the central access-way in the north to south open space area.

Design response to the above *Conditions* would be reviewed for conformance with the intent of the design guidance and approved by the project planner.

Director’s Analysis and Decision – Design Review

The revised design submitted was reviewed by the project planner and found to meet the intent of the Board’s recommended design *Conditions*. The site and landscape designs for the driveway and street frontage includes a reduction in concrete areas by the inclusion of “Turfstone” grass grid pavers surrounding the requisite dual concrete wheel pavement strips for each combined two-car garage, expanded and enhanced landscape planters, and the integration of these peripheral areas to the driveway / garage entry area from the removal of the previously proposed ground level deck walls. The decks have been set back 8 feet and successfully create an appropriate visual transition between the street edge and front façade of Buildings 1 and 2. The central access-way in the north to south open space area now includes enhanced landscaping, paving and retaining wall masonry, and a stone bench built into the courtyard retaining wall in between Buildings 3 and 4.

The Director of DPD has reviewed the unanimous recommendations of the four Design Board members present at the final Design Review recommendation meeting and finds that the Board acted within its authority and the Board’s recommendations are consistent with the *City of Seattle’s “Design Review: Guidelines for Multifamily and Commercial Buildings”*.

Therefore, the proposed design and departures, as presented at the June 7, 2006 *Recommendation Meeting* and further updated and reviewed by the project planner, are **APPROVED** (subject to the *Conditions* at the end of this document).

SUMMARY OF DEPARTURE REQUESTS

Land Use Code Standard	Proposed Amount of Departure	Applicant’s Rationale for Request	Board Recommendation
Vehicle Access. SMC 23.45.018.B requires alley vehicle access when it is available.	Project proposes vehicle access for four units from Yale Avenue and three units from the alley (Yale Terrace).	The slope of the site makes alley access problematic for the street facing units. If required, a likely design for access would be a central vehicle court which would move the open space of the alley units to the alley, which is undesirable both for the loss of westerly views and the negative character of the structure facades across the alley to the east.	The Board supports the driveway and garage door configuration of Alternative Two provided the adjacent concrete areas are reduced and additional “green” and pervious hardscape materials are substituted. The applicants should engage a landscape architect for this. Approval recommended contingent on final review and approval by the project planner. (Guidelines A-1, A-5, C-1, and C-3)

Land Use Code Standard	Proposed Amount of Departure	Applicant’s Rationale for Request	Board Recommendation
<p>Curb Cuts. SMC 23.54.030. Two ten-foot curb-cuts are allowed for lots with 110 feet of street frontage. No curb cuts are allowed if street access is not allowed.</p>	<p>The east side of Yale Avenue does not have a curb. “Curb cuts” refers to the number of driveway access points. Project proposes four curb-cuts to access the four two-car garages that are a part of the vehicle access <i>departure</i> request.</p>	<p>Proposed Alternative Three explored using two curb cuts but found that this resulted in a wider effective driveway by each structure and a large uninterrupted expanse of garage doors. The use of “green grid” driveway pavement and other attractive pavement materials will be used to make this area not appear driveway dominated.</p>	<p>The Board recommends Approval of Alternative Two’s four curb cuts shown provided the design for the entire street frontage at grade (driveways, walkways, and landscape areas) respond to the Board recommendation above. (Guidelines A-2, A-6, and A-8)</p>
<p>Front Set-Backs. SMC 23.45.014.F.2.a and c requires a front set-back of the average of the building set-backs on adjacent properties. However, no less than 5 feet or more than 15 feet. Uncovered decks may project 4 feet into the set-back provided they are no closer than 10 feet to the property line and begin 8 feet above grade. Adjacent properties have an average set-back of 16 feet, hence 15 feet is required.</p>	<p>The second level decks of the Yale Avenue structures would have a set-back of 6 feet from the property line, project 9 feet into the required set-back, and be 7 feet above grade.</p>	<p>Because of the west to east uphill slope of the lot parking access and the provision of quality site-responsive open space is difficult. A substantial portion of the open space for each unit is on these decks. The decks will soften the garage and driveway areas and take advantage of the western views. Ground related open space would be in this same set-back if vehicle access were from the alley. The deck height is set to match the interior floor level.</p>	<p>The proposed 6-foot distance from the property line does not meet the previous guidance on streetscape compatibility. A minimum 8-foot deck set-back, however, does meet this guidance and will provide for a usable deck area. The deck height in the updated design creates a better scale on the street façade. The Board unanimously recommends Approval of an 8-foot deck set-back. (Guidelines A-1 and A-2)</p>
<p>Open Space. SMC 23.45.016 requires open space to be ground related.</p>	<p>Provide the majority of the required open space for the Yale Avenue units on two levels of decks. Each unit to have a small area of ground related open space.</p>	<p>For the Yale Avenue units, because of the proposed vehicle access and the low elevation of the existing grade relative to the views, the optimum open space location is along the street frontage above grade.</p>	<p>The Board recommends Approval of this request provided the decks do not exceed the front set-back <i>conditions</i> outlined above. (Guidelines A-1, A-2, A-7)</p>
<p>Open Space. SMC 23.45.016.B.1.c.(1) requires open space to be in one contiguous parcel.</p>	<p>Provide the open space for the Yale Avenue units on two levels of decks and small sections at grade.</p>	<p>Providing the open space on two decks better responds to the site’s view potential, reduces their visual size, and minimizes the structure’s bulk and creates a better neighborhood scale.</p>	<p>The Board recommends Approval of this request provided the decks do not exceed the front set-back <i>conditions</i> outlined above. (Guidelines A-1, A-7)</p>
<p>Open Space. SMC 23.45.016.B.1.c.(1) requires a minimum horizontal open space dimension of 10 feet.</p>	<p>Decks will have varying 6, 7, and 8 foot depths extending from the face of the structures</p>	<p>The decks provide usable open space areas. They are sized to also be scaled to the proportions of each structure and in accordance with the Board’s direction to minimize their extension into the front set back.</p>	<p>The Board recommends Approval of this request. (Guidelines A-1, A-2, A-7)</p>

Land Use Code Standard	Proposed Amount of Departure	Applicant's Rationale for Request	Board Recommendation
Open Space. SMC 23.45.016.C.2 requires ground level open space to be within 18 inches of existing grade.	The ground related open space for the Yale Terrace units will be from 2.5 to 3.5 feet above existing grade.	Previous design guidance noted that open space decks for these units would likely cause privacy conflicts with the Yale Avenue units to the west. To avoid this and have the open space be ground related and easily accessible to its respective unit, existing grade of this sloped area must be raised.	The Board recommends Approval of this request. (Guidelines A-1, A-7)
Rear Set-Backs. SMC 23.45.014. Twenty feet or twenty percent of lot depth, whichever is less. The alley center-line may be used in lieu of rear lot-line. At no point shall the structure be closer than 10 feet to the actual property line.	Applicant proposes the three rear units to be 16 feet from alley center-line and 8.5 feet from rear property line.	Because of the large and unsightly ground level of the structure to the east, the project proposes to minimize the amount of ground level open space facing the alley and place it in the center of the site. Moving the alley structures closer to the property line creates a larger central area to make this possible. This closer location fits contextually as the average set-back of the adjacent structures is 15.5 feet from the alley centerline.	The Board supports this request and recommends Approval . (Guidelines A-1, A-2, A-7, C-1, C-3)
Building Depth. SMC 23.45.011 and 23.86.016. Sun shades, as projecting segments of a façade, count toward measuring building depth.	Four foot deep sun shades would be added over the decks and to the west facades of the Yale Avenue units.	Because of the extensive glazing facing west, shading from afternoon sun is important. The proposed shades would be of a high architectural quality and complement the building design. They are of a small profile and will not visually increase the building depth.	The Board supports this request and recommends Approval . (Guidelines A-1, C-2, C-4)

ANALYSIS - SEPA

The initial disclosure of the potential impacts of this project was made in the environmental checklist submitted by the applicant dated December 5, 2005 and annotated by the Department. The information in the checklist, supporting documents, project plans, and the experience of the lead agency with review of similar projects forms the basis for this analysis and decision.

The SEPA Overview Policy (SMC 25.05.665D) 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 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 certain limitations or circumstances mitigation can be considered (SMC 25.05.665 D 1-7). Thus, a more detailed discussion of some of the impacts is appropriate.

Short-term Construction Impacts

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

- Erosion from excavation and storm water impacts on Lake Union,
- Increased demand for parking from construction equipment and personnel,
- Increased noise levels,
- Disruption of adjacent vehicular traffic,
- Decreased air quality due to suspended particulates (construction dust) from excavation and construction and hydrocarbon emissions from construction vehicles and equipment.

Several adopted codes and/or ordinances provide mitigation for some of the identified impacts: The Stormwater Grading and Drainage Control Code, the Noise Ordinance, the Street Use Ordinance, and the air pollution standards of the Puget Sound Clean Air Agency (PSCAA). The Stormwater, Grading and Drainage Control Code regulates site excavation and shoring for foundation purposes, requires that soil erosion control techniques be initiated for the duration of construction, and regulates the capture and treatment of on-site ground and storm water. The Noise Ordinance regulates the time and amount of construction noise that is permitted in the City. The Street Use Ordinance regulates use of the right of way for temporary construction purposes and regulates obstruction of the pedestrian right-of-way. The Puget Sound Clean Air Agency regulations require control of fugitive dust and construction machinery emissions in order to protect air quality. Compliance with these applicable codes and ordinances will reduce or eliminate most short-term impacts to the environment. However, some impacts may not be entirely mitigated by existing codes and ordinances, such as construction noise, increased construction personal parking demand, and disruption of adjacent vehicular traffic, and therefore warrant further analysis.

Noise

The site is surrounded by residential uses to the north, across Yale Avenue to the west, along the south property boundary and across the alley (Yale Terrace) to the southeast. Due to the proximity of these residential dwellings, further conditioning is required to address noise impacts during construction. In addition to the Noise Ordinance requirements, to reduce the noise impact of construction on nearby properties all construction activities shall be limited to non-holiday weekdays between 7:30 a.m. and 6:00 p.m. (minor work between the hours of 7 and 7:30 may be allowed with the submittal and approval of a noise mitigation plan that would then be posted on the site perimeter, both street and alley sides, for public view). In addition, only low noise impact work such as that listed below shall be permitted on Saturdays from 9:00 a.m. to 6:00 p.m. and on Sundays from 10:00 a.m. to 6:00 p.m.:

1. Surveying and layout;
2. Other ancillary tasks to construction activities will include site security, surveillance, monitoring, and maintenance of weather protecting, water dams and heating equipment.

After each floor of the building is enclosed with exterior walls and windows, interior construction on the individual enclosed floors can be done at other times in accordance with the Noise Ordinance. Such construction activities will have a minimal impact on adjacent uses. Restricting the ability to conduct these tasks would extend the construction schedule, thus the duration of associated noise impacts. DPD recognizes that there may be occasions when critical construction activities could be performed in the evenings and on weekends, which are of an emergency nature or related to issues of safety, or which could substantially shorten the total construction time frame if conducted during these hours. To this end, the hours may be extended and/or specific types of construction activities may be permitted on a case-by-case basis by approval of the Land Use Planner prior to each occurrence. Periodic monitoring of work activity and noise levels may be conducted by DPD Construction Inspections.

As conditioned, noise impacts to nearby residential uses are considered adequately mitigated.

Parking

Construction of the project is proposed to last for several months. Due to the limitations of on-street parking on Yale Avenue and the surrounding streets (East Edgar and East Roanoke Streets) parking impacts from construction are likely. Demand for parking by construction workers during construction is likely to exacerbate the demand for already limited on-street parking and result in an adverse impact on surrounding residential properties. To mitigate the anticipated parking impact the project is **Conditioned** as follows:

- The owner and/or responsible party along with the general contractor shall notify construction personnel (employees and subcontractor employees) that parking is prohibited on Yale Avenue between East Roanoke and East Edgar Streets and on East Edgar Street between Lake Union and Eastlake Avenue East. This condition shall be posted on both the west and east sides of the site and visible from Yale Avenue and Yale Terrace. The posting shall contain the name and number of the direct phone line for the general contractor's employee / person assigned to directly manage and monitor compliance with this *Condition*. A copy of the required posting and name and phone number of the contact person shall be submitted to the DPD Planner prior to the issuance of any construction permits.

Transportation

Truck traffic for material deliveries will be necessary during construction along with some hauling of excavation materials. Because of the narrow ROW width and paved road surface of Yale Avenue (approximately 20 feet from the western curb to the site's property line, which includes west side of the street parking) trucks for delivery of materials, hauling excavate, and concrete pumping using this street would block through street circulation and access to property. To minimize these impacts to the greatest extent possible within the limitations of site access from the street and alley, a truck routing and transportation plan will be required. A truck routing plan shall be submitted by the project contractor and approved by SDOT prior to issuance of any building permits. If trucks and equipment will be on-site during grading and excavation and then entering the City streets is the possibility of tracking dust and dirt on to the surrounding streets. Wheel washing capability shall be available at the site and be used as necessary before trucks enter City streets. Consequently, the project is **Conditioned** as follows:

- The owner, responsible party, or general contractor shall submit a construction phase transportation plan to SDOT, with a copy to the DPD project planner, for review and approval before issuance of any project building permits. Following approval of the plan, the plan requirements shall be posted at the construction site (street and alley sides) for public view for the duration of construction activity along with the name and number of the direct phone line for the general contractor's employee / person assigned to directly manage and monitor compliance with the approved construction phase transportation plan.

Long-term Impacts

Long-term or use-related impacts are also anticipated as a result of approval of this proposal including: increased demand for public services and utilities; increased height, bulk, and scale on the site; and increased 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 conformance with current building insulation requirements; and the Land Use Code which controls site coverage, setbacks, building height and use, parking requirements, and contains other development and use regulations to assure compatible development.

Height, Bulk, and Scale

The City's SEPA Height, Bulk and Scale Policy states that "*(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.*" The discussion above in the Design Review portion of this decision regarding the Director's Design Review decision indicates that there are no significant height, bulk and scale impacts as contemplated within this SEPA policy. Since the Design Review Board recommended approval of this project with conditions, and the Director agrees, no mitigation of height, bulk and scale impacts is warranted pursuant to this SEPA policy.

Parking

The project will create seven (7) new dwelling units in three-duplex townhouse and one single-family structure. The Land Use Code requires one (1) parking space for each townhouse dwelling unit and each single-family structure in the Lowrise 1 zone. In response to the limited off-site parking conditions on Yale Avenue, which allows parking along the west side of the street only, the project originally proposed two structured parking spaces for each dwelling unit, and located within enclosed garages. Following strong community concerns about providing limited on-site parking for resident's guests and the Design Review Board's design guidance to locate the building's ground level façade no closer than 15 feet from the property line / street edge, the resultant 15-foot setback will provide off street guest parking for small vehicles in the single-width driveways leading to each unit's structured parking area along Yale Avenue. Consequently no mitigation for parking impacts is necessary or warranted.

DECISION - STATE ENVIRONMENTAL POLICY ACT

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

- [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.030.2C.
- [] Determination of Significance. This proposal has or may have a significant adverse impact upon the environment. An EIS is required under RCW 43.21C.030. 2.C.

CONDITIONS - SEPA

See end of document.

ANALYSIS - SHORELINE SUBSTANTIAL DEVELOPMENT

Section 23.60.030 of the Seattle Municipal Code provides criteria for review of a shoreline substantial development permit and reads: “A *substantial development permit shall be issued only when the development proposed is consistent with:*”

- A. *The policies and procedures of Chapter 90.58 RCW;*
- B. *The regulations of this Chapter; and*
- C. *The provisions of Chapter 173-27 WAC.*

Conditions may be attached to the approval of a permit as necessary to assure consistency of the proposed development with the Seattle Shoreline Master Program and the Shoreline Management Act.

A. The Policies and Procedures of Chapter 90.58 RCW

Chapter 90.58 RCW is known as the Shoreline Management Act of 1971. It is the policy of the State to provide for the management of the shorelines of the state by planning for and fostering all reasonable and appropriate uses. This policy seeks to protect against adverse effects to the public health, the land and its vegetation and wildlife, and the waters of the state and their aquatic life, while protecting generally public rights of navigation and corollary incidental rights. Permitted uses in the shorelines shall be designed and conducted in a manner to minimize, insofar as practical, any resultant damage to the ecology and environment of the shoreline area and any interference with the public’s use of the water.

The 200-foot Shoreline zone extends approximately the depth of the 100-foot site. The Ordinary High Water Line (OHWL), at its closest point, is approximately 110 feet from the northwest corner of the site. The site is considered an “upland” lot, that is, it does not have shoreline frontage on Lake Union, but is separated from the lake by a large multi-family structure (Mallard Cove Condominium) and Yale Avenue East. Multi and single-family dwellings are allowed outright in the Urban Residential (UR) Shoreline Environment, provided the associated general and specific shoreline environment development standards are followed. The site is in an area with extensive urban development and has been occupied with four single-family structures since the early 1900’s, which will be demolished for this project. Based on the existing conditions and proposed use, the subject application is consistent with the procedures outlined in RCW 90.58.

B. The regulations of Chapter 23.60.

Chapter 23.60 of the Seattle Municipal Code is known as the “Seattle Shoreline Master Program”. In evaluating requests for substantial development permits, the Director must determine that a proposed use meets the approval criteria set forth in SMC 23.60.030 (cited above). Development standards of the shoreline environment and underlying zone must be considered, and a determination made as to any special requirements (shoreline conditional use, shoreline variance, or shoreline special use permit) or conditioning that is necessary to protect and enhance the shorelines area (SMC 23.60.064). In order to obtain a shoreline substantial development permit, the applicant must show that the proposal is consistent with the shoreline policies established in SMC 23.60.004 which are found in the Seattle Comprehensive Plan, and meets the criteria and development standards for the shoreline environment in which the site is located, any applicable special approval criteria, general development standards, and the development standards for specific uses.

SMC 23.60.004 - Shoreline Policies

The Shoreline Goals and Policies which are part of the Seattle Comprehensive Plan’s Land Use Element and the purpose and location criteria for each shoreline environment designation contained in SMC 23.60.220 must be considered in making all discretionary decisions in the shoreline district. The goals for shoreline use include long-term over short-term benefits, the integration and location of compatible uses within segments of the shoreline, and the location of all non-water dependent uses upland to optimize shoreline use and access. The goals also include providing for the optimum amount of public access – both physical and visual – to the shorelines of Seattle and the preservation and enhancement of views of the shoreline and water from upland areas where appropriate and required.

SMC 23.60.152 - Development Standards for all Environments

These general standards apply to all uses in the shoreline environments. The standards require that design and construction of all uses be conducted in an environmentally sound manner, consistent with the Shoreline Management Program and with best management practices for the specific use or activity. SMC 23.60.152 sets forth the general development standards with which all uses must comply, including best management practices. The proposed development will be consistent with these development standards.

A. SMC 23.60.220 – Shoreline Environments

The purpose of the Urban Residential (UR) environment as set forth in SMC 23.60.220.C.6 is to protect residential areas. This residential area would continue to be protected by allowing seven new residential units with accessory parking as proposed.

B. SMC 23.60.540 – Uses Permitted Outright in the UR Environment

The Urban Residential environment permits multi-family and single-family residences as a principal use. The proposed three duplex and one single-family structure are allowed principal uses and meet the requirements as described in the UR environment.

SSMP 23.60.570, Development Standards for UR Environments

All development must conform to the development standards in the UR shoreline environment, as well as the underlying Residential zone. All pertinent standards, such as height and lot coverage, have been met.

C. The Provisions of Chapter 173-27 WAC

WAC 173-27 establishes basic rules for the permit system to be adopted by local governments, pursuant to the language of RCW 90.58. It provides the framework for permits to be administered by local governments, including time requirements of permits, revisions to permits, notice of application, formats for permits, and provisions for review by the State's Department of Ecology (DOE). As the Seattle Shoreline Master Program has been approved by DOE, consistency with the criteria and procedures of SMC Chapter 23.60 is also consistency with WAC 173-27 and RCW 90.58.

Conclusion

SMC Section 23.60.064.E provides authority for approval, denial, or conditioning of shoreline substantial development permits as necessary to carry out the spirit and purpose of and assure compliance with the Seattle Shoreline Code, Chapter 23.60, and with RCW 90.58.020 (State policy and legislative findings). Thus, as proposed and analyzed above, this development is consistent with the criteria for a shoreline substantial development permit and may be approved.

DECISION - SHORELINE SUBSTANTIAL DEVELOPMENT

The Shoreline Substantial Development Permit is **GRANTED**.

DESIGN REVIEW CONDITIONS

Non-Appealable Design Review Conditions

1. Any proposed changes to the exterior of the building or the site must be submitted to DPD for review and approval by the Land Use Planner (Art Pederson, 206-733-9074).

2. The building constructed shall comply with all images and text on the MUP drawings, design review meeting guidelines and approved design features and elements (including exterior materials, and landscaping). This shall be verified by the assigned DPD planner, or by the Design Review Manager, before the issuance of the Certificate of Occupancy. An appointment with the assigned Land Use Planner must be made at least three 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 conditions in the cover sheet for the MUP permit and for all subsequent permits including updated MUP plans, and all building permit plan sets.
4. Call out all departures on relevant updated MUP plan sheets and building permit plan sheets. Add Decision Design Matrix to Site Plan Sheet 01.

Prior to Issuance of the Building Permit

5. The design shown in the building permit plans must be reviewed and approved by the project planner to verify conformance with the approved MUP design.

CONDITIONS – SEPA

Prior to Issuance of Construction Permit

6. The owner, responsible party, or general contractor shall submit a construction phase transportation plan to SDOT, with a copy to the DPD project planner, for review and approval before issuance of any project building permits. Following approval of the plan, the plan requirements shall be posted at the construction site (street and alley sides) for public view for the duration of construction activity along with the name and number of the direct phone line for the general contractor's employee / person assigned to directly manage and monitor compliance with the approved construction phase transportation plan.

During Construction

7. In addition to the Noise Ordinance requirements, to reduce the noise impact of construction on nearby properties all construction activities shall be limited to non-holiday weekdays between 7:30 a.m. and 6:00 p.m. (minor work between the hours of 7 and 7:30 may be allowed with the submittal and approval of a noise mitigation plan that would then be posted on the site perimeter, both street and alley sides, for public view). In addition, only low noise impact work such as that listed below shall be permitted on Saturdays from 9:00 a.m. to 6:00 p.m. and on Sundays from 10:00 a.m. to 6:00 p.m.:
 - Surveying and layout;
 - Other ancillary tasks to construction activities will include site security, surveillance, monitoring, and maintenance of weather protecting, water dams and heating equipment.

After each floor of the building is enclosed with exterior walls and windows, interior construction on the individual enclosed floors can be done at other times in accordance with the Noise Ordinance. Such construction activities will have a minimal impact on adjacent uses. Restricting the ability to conduct these tasks would extend the construction schedule, thus the duration of associated noise impacts. DPD recognizes that there may be occasions when critical construction activities could be performed in the evenings and on weekends, which are of an emergency nature or related to issues of safety, or which could substantially shorten the total construction time frame if conducted during these hours. To this end, the hours may be extended and/or specific types of construction activities may be permitted on a case-by-case basis by approval of the Land Use Planner prior to each occurrence. Periodic monitoring of work activity and noise levels may be conducted by DPD Construction Inspections.

8. The owner and/or responsible party along with the general contractor shall notify construction personnel (employees and subcontractor employees) that parking is prohibited on Yale Avenue between East Roanoke and East Edgar Streets and on East Edgar Street between Lake Union and Eastlake Avenue East. This condition shall be posted on both the west and east sides of the site and visible from Yale Avenue and Yale Terrace. The posting shall contain the name and number of the direct phone line for the general contractor's employee / person assigned to directly manage and monitor compliance with this *Condition*. A copy of the required posting and name and phone number of the contact person shall be submitted to the DPD Planner prior to the issuance of any construction permits.

CONDITIONS – SHORELINE SUBSTANTIAL DEVELOPMENT PERMIT

None.

Signature: _____ (signature on file)
Art Pederson, Land Use Planner
Department of Planning and Development

Date: November 9, 2006