



City of Seattle
 Gregory Nickels, Mayor

Department of Planning and Development
 D. Sugimura, Director

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

Application Number: 3004998

Applicant Name: Michael Godfried of Nicholson Kovalchick Architects for Delbyrne LLC

Address of Proposal: 4310 36th Ave W

SUMMARY OF PROPOSED ACTION

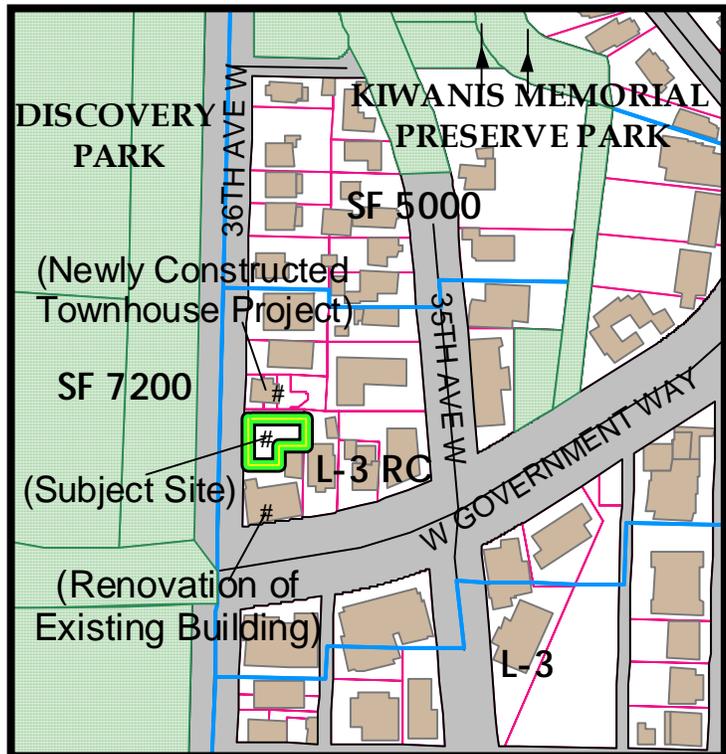
Land Use Application to allow a four unit townhouse development in one structure. Parking for four vehicles to be provided in private garages under each townhome. The following Land Use approvals are required:

- **Design Review – Chapter 23.41** Seattle Municipal Code.
- **SEPA – 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.

VICINITY AND BACKGROUND:

The applicant proposes to construct four townhouses in one structure. Parking for each unit will be located in garages underneath each unit and vehicle access will be via a shared driveway from 36th Ave W. Under a separate review, the existing commercial office building directly south of the proposed townhouse structure is to remain and is currently being renovated. Specifically for this commercial office structure, two irregular bump outs on the north façade of the building have been removed and new siding, windows and internal improvements are being applied.



The applicant proposes locating the new four-unit townhouse structure between the existing commercial office (3522 W Government Way) building and new townhouse structure directly north (4316 36th Ave W). The existing asphalted area between the southern office building and the proposal will be reconfigured to accommodate the office parking and common access drive between both buildings.

The approximately 4,970 square foot site is located in the Magnolia area of Seattle and is zoned Lowrise Three Residential Commercial (L3-RC). 36th Ave W is the site's only street frontage and as a result is the front lot line of the site. The north and south property lines are side lot lines and the eastern property line is the rear lot line.

L3-RC zoning exists along W Government Way in this area heading from east to west where it terminates at 36th Ave W. Single Family zoning (SF 7200) begins west of the site heading into Discovery Park. North of the site, SF 5000 zoning exists. L3 zoning is located south of W Government Way along 36th Ave W transitioning into SF 5000 zoning further south.

There are natural areas in close proximity to the subject site; Kiwanis Memorial Park to the northeast and to the west, Discovery Park. Heron Habitat Critical Area is mapped on the proposal site. The site is located between these two natural features. Development in the vicinity consists of some small multifamily structures and mostly small scale single family structures to the north and larger scale multifamily structures to the south with some small scale single family structures. A newly constructed townhouse structure is located adjacent to the site, to the north.

The applicant has volunteered for the Administrative Design Review process to request departures from development standards. Administrative Design Review is conducted by DPD staff and does not involve a Design Review Board. Departures are granted based on how well the proposed design responds to the Early Design Guidance (EDG) and how the project design is made better as a whole.

The number of units proposed does not exceed SEPA thresholds, but due to the existence of an ECA on the site (Fish and Wildlife Habitat Conservation Area; Great Blue Heron Management Area), limited SEPA is triggered and reviewed pursuant to SMC 25.05.908.

ADDITIONAL INFORMATION

A unit lot subdivision to create separate ownership of the townhouses will be requested as a subsequent permit to these actions. Separate Land Use public notice will be required for the unit lot subdivision of the townhomes.

REQUESTED DEPARTURES

The applicant is requesting the following seven (7) Land Use Code departures:

- 1. Maximum Structure Depth (SMC Table 23.45.011-A): To allow greater (67' proposed) than the allowed structure depth (50.7' allowed) in the L3 zone.*

2. *Front Setback (SMC 23.45.014-A3b): To allow less (4' proposed) than the minimum (5' allowed) front setback in the L3 zone.*
3. *Rear Setback (SMC 23.45.014-B.1): To allow less (7' proposed) than the required (15' allowed) rear setback in the L3 zone.*
4. *Side Setback (SMC 23.45.014-C): To allow one unit (3rd from the 36th Ave W) to have less (2'-2" proposed) than the required south side setback (5' – 6' avg allowed).*
5. *Deck in Front Setback: (SMC 23.45.014-F.2.a): To allow a deck of one unit (1st from 36th Ave W) within the front setback, up to the property line.*
6. *Deck in Side Setback: (SMC 23.45.014-F.2.b): To allow a deck of one unit (3rd from 36th Ave W) within the south side setback, up to the property line.*
7. *Deck in Rear Setback: (SMC 23.45.014-F.2.b): To allow a deck of one unit (4th from 36th Ave W) within the rear setback, 5' from the property line.*
8. *Principal Entrance in Setback: (23.45.014-C.2.a): To allow a principal entrance of one unit (3rd from the 36th Ave W) within the required side setback. The entry is proposed 2'-2" from the south property line.*
9. *Open Space (SMC 23.45.016-A.3.a.(1) and SMC 23.45.016-B.1.c.(1): To allow less (≈266 sq ft proposed) than the required 300 sq ft average of required open space at ground level. To allow less (8' proposed) than the required (10' ft required) dimension for open space for the third unit from the street.*

As proposed on the MUP plans, a side setback, a deck in setback and principal entrance proximity to a side lot line are departures requested (numbers 4, 6 and 8 above). The proponent intends on doing a lot boundary adjustment (LBA) at a later date to eliminate the need for these three departure requests. As a result a condition is justified to ensure the LBA is recorded prior to final inspection of the related building permit.

DESIGN REVIEW EARLY DESIGN GUIDANCE & RECOMMENDATION

PROPOSAL AT EDG STAGE

The design concept proposes a maximum base height of 30 ft with a pitched roof extending to 35 ft, with vehicle access proposed to be shared with the existing commercial office building to the south of the site. Parking will be re-stripped for the existing commercial office building under a separate permit review.

All three proposed development schemes show garages facing south into the north façade of the commercial office structure. Option 1 shows a 22' setback from the north (side) property line, a 7' setback from the east (rear) property line, a 7' setback from the east (front) property line. Option 2 shows a 15' setback from the north (side) property line, a 15' setback from the east (rear) property line, a 5' setback from the east (front) property line.

Option 3, the applicant's preferred design, shows a staggered setback from the north side property line from 23' to 10' moving eastward into the site. The rear setback from the east property line is proposed at 7' with a 5' front setback proposed along the 36th Ave W property. The isometric massing diagrams submitted show an offset ridge pitched roof system for the townhouse structure.

MASTER USE PERMIT APPLICATION

The applicant submitted a complete Master Use Permit and preferred design to DPD on January 4th, 2007. The overall scale and massing of the building is similar to the 3rd scheme presented during EDG. The updated design staggers the townhomes, which are oriented north and south. 4' is proposed for the front setback. The proposed north side setbacks for each of the four townhomes are 23', 14', 8' and 10' respectively moving from west to east with a 7' setback proposed along the rear property line. The south side setback is proposed with a minimum 2'-2" (for only one townhouse) and the total south side setback averages 13'-6". As stated, an LBA at a later date will yield a Code compliant side setback; a condition will be imposed to ensure the LBA is executed. The applicant has submitted an arborist's report at the request of the Department which analyzes and provides recommendations for all trees on site.

Designated Priority Guidelines During EDG

A-1	Responding to Site Characteristics
A-2	Streetscape Compatibility
A-3	Entrances Visible from the Street
A-5	Respect for Adjacent Sites
A-6	Transition Between Residence and Street
A-7	Residential Open Space
A-8	Parking and Vehicle Access
C-3	Human Scale
C-4	Exterior Finished Materials
D-1	Pedestrian Open Spaces and Entrances
D-6	Screening of Dumpsters, Utilities and Service Areas
D-7	Pedestrian Safety
E-2	Landscaping to Enhance the Building and/or Site
E-3	Landscape Design to Address Special Site Conditions

Design Summary

- The main body finish material for the building is vertical cedar siding.
- Two horizontal bands at floors 1 and 3 are used to break up the verticality of the building.
- A standing seam metal roof (Gray Velvet) is proposed.
- Decks are proposed for all units, internal units are south facing and outer units face east and west.
- A variety of black aluminum windows are proposed with each unit having large four-pane windows (large panel and trim) above the deck glass sliders.
- The decks are proposed as metal (Grey Velvet to match roof) with wood handrails to match the body of the building and cable rails.
- Individual metal with frosted glass weather protected entries (Gray Velvet) are proposed for the rear three units while decks provide weather protection for the east/west unit entries, all better accentuating the pedestrian accesses.
- The principal pedestrian doors are proposed to be metal (Hunter Green) with sidelights.
- A lighting plan includes down-lighting fixtures (black finish) at each entry and patio spaces (to the north).
- Individual wall sconces, unit address signs, and mailbox at the entries.
- Application of eco-stone drainage pavers for the vehicle drive with contrasting pavers (SF Rima) to delineate the pedestrian path to each unit's front door.
- Garage faces use glass (2 over 4) panes and metal to better accentuate the southern façade and mitigate the visibility of the garage doors from the street.

The applicant proposes to retain all but one diseased tree on site. The elements of the applicant's preferred design are summarized in text box below:

PUBLIC COMMENT

DPD received five written comment letters and some phone calls during the EDG comment period (8.10.06 to 8.23.06). The comments were concerning the retention of trees to buffer the Heron Habitat Area, orientation of the townhouses and retention of the existing structure on site.

During the Master Use Permit comment period (2.01.07 to 2.14.07) DPD received five written comments for the project. The comments were regarding parking impacts and retention of trees for Heron Habitat protection.

EDG, RECOMMENDATIONS AND DPD ANALYSIS: DESIGN REVIEW

The applicant applied for a MUP on January 4th, 2007. On March 5th, 2007 DPD issued the final design recommendations for the proposal based on the applicant's design response to the priority design guidelines issued during the EDG phase of the project.

Below is a summary of the EDG guidelines and guidance statements determined to be of highest priority for this project identified by letter and number (*Citywide Design Review Guidelines for Commercial and Multifamily Buildings*). Listed below the EDG guidelines and statements are DPD's recommendations based on the applicant's design response. These recommendations were transmitted to the applicant and parties of record following the MUP review. The absence of DPD recommendations regarding specific guidelines below indicates that DPD determined the design achieved the priority guidelines set during the EDG stage. The applicant re-submitted the MUP plans for review to the Department on April 10th, 2007 responding to the recommendations report. The Director's final analysis & decision is at the end of this section.

A. Site Planning

A-1 Responding to Site Characteristics

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

A-2 Streetscape Compatibility.

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

A-3 Entrances Visible from the Street

Entries should be clearly identifiable and visible from the street.

A-5 Respect for Adjacent Sites

Buildings should respect adjacent properties by being located on their sites to minimize disruption of the privacy and outdoor activities of residents in adjacent buildings.

A-6 Transition Between Residence and Street

Use space between building and sidewalk to provide security, privacy and interaction among residents and neighbors.

A-7 Residential Open Space

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

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.

Early Design Guidance

The project should be designed to recognize and respect the Heron Habitat to the northeast of the site by at a minimum preserving the evergreen trees along the north and east property lines (A-1).

The applicant must provide an arborist report to include a survey of the health of all the trees on the site, protection measures during construction and continued care plan post construction. The preferred design shows retention of the cluster of trees at the northwest area of the site, this decision should be carried through in the updated design. Views to Discovery Park should be maximized from the units where possible, the use of the stepped north facades in the preferred option is supported by the Department to achieve this (A-1).

Setback along 36th Ave W should find an appropriate line using the newer townhouse structure to the north and the commercial structure to the south to create a consistent street front. The retention of the cluster of evergreens at the northwest corner of the site will assist in meeting this guideline as landscaping is found near the street on many properties in the area which complements the boulevard plantings of W Government Way (A-2).

Each townhouse pedestrian entry should be readable from the street, this will be especially important for the western most unit directly facing 36th Ave W, as it is the most visible. Do to the orientation of the units the rear units pose a challenge, but the designer should make a concerted effort to make these entries visible when viewing the structure moving northward along 36th Ave W. Use of a combination of trellis structures, color, archways, alternate fascia materials, paving or other features of the architects should be used (A-3).

This guideline applies to the sites located to the north and east. The eastern façade of the proposed structure should be designed to minimize the disruption of the abutting property and residence to the east of the site. Retention of the mature trees along the east property line will assist in meeting this guideline. Also providing a fence along the east property line will assist in keeping open spaces private and respecting privacy between the north and east abutting sites (A-5).

The proponent should provide a detailed colored landscape plan that shows the programming for each unit including patios, decks, pavers, planters and any other element to create attractive open space. Considering the stepped north façade the open spaces should be visible from 36th Ave W. The open space shouldn't be obscured or block from street view. Any fence or street wall proposed along 36th Ave W should be low enough to provide some security for the open space and at the same time allow the area to be seen from the right of way (A-7).

The Department supports using a shared driveway as proposed in the initial schemes and should be carried through to the refined design. Use of alternate paving for the residential project separate from the existing office should be explored. Use of pedestrian scale pavers or delineated walkways from the unit entries to the street is also one way to assist in meeting this guideline. Fencing along the western property line will be important to reduce the impact of the driveway and the surface parking area (A-8).

DPD Recommendations

The proposal narrative states that high quality permeable pavers are proposed, but the materials and plans do not show or provide examples of their application. The proponent must amend the site and color landscape plan to reflect the high quality pavers and provide the Land Use planner with sample of the proposed paver (A-3, A-6).

The design of the pavers should include a mix of alternate coloring or patterns for the pedestrian access doors. These accentuated pavers should tie into a common pedestrian path to the sidewalk (A-3, A-6).

C. Architectural Elements and Materials

C-4 Exterior Finished Materials

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

Early Design Guidance

Materials, textures and pattern should contribute to and reinforce the desired individual townhouse character. Finish materials should also be applied to further reduce the scale of the building by reinforcing intervals while creating individual identity among units. This guideline is of highest priority, as successful arrangement of finish materials to building forms, features and details should aid in defining attractive, distinctive and high quality townhouse units. The designer should explore use of light earth and natural tone colors that relate to the close proximity of natural areas. The applicant should submit a materials board with actual product samples and true color samples for review by DPD with the Master Use Permit Application(C-4).

Also provide three (3) true color drawings (two elevations & one perspective) with material callouts. The two color elevations should be the south and west elevations. The perspective drawing should be from a pedestrian southwest vantage point. These studies should show specific material and color detailing for facades, windows, doors, and pedestrian entrances. The applicant should provide these color drawings embedded in the MUP plans. These drawings should include the proposed/existing landscaping, power lines & Poles and the outline of the adjacent structures to gain a holistic view of the proposal (C-4).

DPD Recommendations

The proposed color scheme and materials are supported by the Department, but a true sample material and color board for all elements must be submitted. It was not included in the application materials. These are very important and are used to perform final inspection of the building to ensure compliance with the Design Review Decision (C-4).

The one color and material may be too monochromatic. Provide to DPD for review and approval, an alternative showing a darker brown at the first level. This darker color should anchor the building and read lighter from the dark base to the lighter gray roof (C-4).

D. Pedestrian Environment

D-1 Pedestrian Open Spaces and Entrances

Convenient and attractive access to the building's entry should be provided. To ensure comfort and security, paths and entry areas should be sufficiently lighted and entry areas should be protected from the weather. Opportunities for creating lively, pedestrian oriented open space should be considered.

D-6 Screening of Dumpsters, Utilities and Service Areas

Building sites should locate service elements like trash dumpsters, loading docks and mechanical equipment away from the street front where possible. When elements such as dumpsters, utility meters, mechanical units and service areas cannot be located away from the street front, they should be situated and screened from view and should not be located in the pedestrian right-of-way.

D-7 Pedestrian Safety

Project design should consider opportunities for enhancing personal safety and security in the environment under review.

Early Design Guidance

The design should ensure that there will be no dumpsters/recycle areas (if proposed) directly visible from the street and that they are screened from view. Utility or meter locations should be thought of during the design of the project so that they are minimized from view to the greatest extent possible (D-6).

A lighting plan should be provided on the site or landscape plan to ensure that areas for pedestrians along 36th Ave W and walkways on site are sufficiently lit. The preferred design appears to have good sight lines to all common and accessible areas of the site. This should be continued in the further developed with the design (D-7).

DPD Recommendations

None.

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-3 Landscape Design to Address Special Site Conditions.

The landscape design should take advantage of special on-site conditions such as high-bank front yards, steep slopes, view corridors, or existing significant trees and off-site conditions such as greenbelts, ravines, natural areas, and boulevards.

Early Design Guidance

The guideline reinforces the importance of retaining the evergreen trees along the north and east property lines. Also, retention of the cluster of trees located at the northwest corner of the site is of significant importance in order to mimic the neighborhood pattern of landscaping between the structures and the street (E-1).

This guideline reinforces the retention of trees for the protection of the Heron Habitat Area to the northeast of the site. Additional landscaping to go beyond retention should be provided. A full color landscape plan should be provided including the full plant schedule with the Master Use Permit application (E-3).

DPD Recommendations

The trees along the north and east property lines must be preserved as shown. Also, the design proposes four new trees to be planted along the north property line. This all contributes to meeting the guideline of buffering the development from the Heron Habitat to the northeast. The Department supports the current tree retention and planting plans with the building siting to accomplish this. DPD will impose conditions in the MUP decision to ensure the trees proposed to be retained are properly protected during construction (E-1).

Director's Analysis

(A - Site Planning)

The applicant provided permeable pavers that soften the impact of the vehicle access area and also provided different pavers to accentuate and contrast the pedestrian walk to the unit entries. The building permit needs to reflect the permeable pavers as depicted on the color landscape plan dated 5.18.07, imposition of a condition is necessary to ensure this occurs. As a result, DPD conditionally approves the Design Review regarding Site Planning issues.

(C - Architectural Elements and Materials)

The applicant submitted the color scheme and major materials. DPD sees the modern approach of the design with cleaner wrapping and agrees with the proponent that using an alternate color above the base is one method on more traditional townhomes but may detract from the simpleness and strength of the building. Other defining features offset the monochromatic ness of the vertical cedar siding, such as the large metal windows and mullions, glazed metal garage doors, metal decks and the light colored metal roof. As a result, DPD approves the Design Review for Architectural Elements and Materials issues.

(E - Landscaping)

The applicant provided a comprehensive arborist report which provides recommendation to preserve all but one tree on site; most importantly preserving trees along the north and east property lines along with the clump of trees located in the northwest corner of the site. Also, the applicant places 4 new trees along the north property line to further meet this guideline.

Conditioning is warranted to ensure the recommendations proposed the by the arborist are noted on the building permit, subject to change as approved by a certified arborist. In consideration of the above analysis, DPD conditionally approves the Design Review for Landscaping issues.

Development Standard Requirement: Seven Departures	Proposed	DPD Decision
(1) Structure Depth: 65% of lot depth 78' or 50.7'. SMC Table 23.45.011-A	67'	The Department approves the departure. The stepping of the each unit and façade treatments mitigate the depth of the building while the building width is well below the code allowance. (A2, A-3, A8, E2)
(2) Front Setback: Not less than 5' and not required to exceed 15' or average of front setbacks on either side. SMC 23.45.014-A3b	4' min	The Department approves the departure. The proposed setback provides an appropriate setback considering the neighboring structures considering the stepping façade. A nice fill in setback between the northern townhomes and the office structure to the south. (A1, A2, A3, A7, A8, E2, E3)
(3) Rear Setback: 15' SMC 23.45.014-B	7'	The Department approves the departure. The setback departure allocates the structure away from the north property to respect the Heron habitat and provide additional landscaping for the project while having well designed open space. (A1, A5, C3, C4, D1, E2, E3)
(4) Side Setback: (5' min. – 6' avg). (SMC 23.45.014-C)	To allow a portion of the structure (3 rd from 36 th Ave W) to project (2'-2") into the required south side setback	The Department approves the departure with a condition that an LBA be executed to eliminate the need for the departure prior to final of the related building permit.
(5) Deck in Front Setback: 4 feet into the required front setback and eight (8) feet from the front lot line (SMC 23.45.014-F.2.a)	To allow a deck of one unit (1 st from 36 th Ave W) within the front setback, up to the property line.	The Department approves the departure as the deck provides a positive street connection with the structure and provides depth to the front façade beyond the stepped facades northward. Deck placement better announces the front entrance and keeps eyes on the street (A1, A2, A3, A6)
(6) Deck in Side Setback: 5' from side lot line. (SMC 23.45.014-F.2.b):	To allow a deck of one unit (3 rd from 36 th Ave W) within the south side setback, up to the property line.	The Department approves the departure with a condition that an LBA be executed to eliminate the need for the departure prior to final of the related building permit.

<p>(7) Deck in Rear Setback: (SMC 23.45.014-F.2.b):</p>	<p>To allow a deck of one unit (4th from 36th Ave W) within the rear setback, 5' from the property line.</p>	<p>The Department approves the departure as the small 2' depth deck is well shielded by the trees that are being retained by the project. (A5, A6, C2)</p>
<p>(8) Principal Entrance Setback: 3' from required side setback. (23.45.014-C.2.a)</p>	<p>To allow a principal entrance of one unit (3rd from 36th Ave W) within 3' of the required side setback. The entry is proposed 2'-2" from the south property line.</p>	<p>The Department approves the departure with a condition that an LBA be executed to eliminate the need for the departure prior to final of the related building permit.</p>
<p>(9) Open Space: Average 300 sq ft with no unit having less than 200 sq ft. & No horizontal dimension less than 10'. SMC 23.45.016-A.3.a.(1) & SMC 23.45.016-B.1.c.(1)</p>	<p>Allow one unit (3rd from the street) to have less (124 sq. ft.) than 200 sq. ft. of open space and the average of all open space to be less than 300 sq. ft. Allow one unit's (3rd from the street) open space to have less (8') than 10' of horizontal dimension requirement.</p>	<p>The Department approves the departure based upon the design response. The design provides well designed open spaces along with the proposed stepped unit layout. Considering the proximity to Discovery Park, the departure is appropriate. Treatment of the vehicle access area also can serve as nice outdoor use when not in use. (A1, A6, A7, A8, D1, E2, E3)</p>

DECISION: DESIGN REVIEW

After analyzing the site in its context, the MUP plans, the recommendation packet and the applicant's design responses, the Director **conditionally approves** the Design Review of the proposal and the above departures.

ANALYSIS – SEPA

The proposed four-unit townhouse structure is located in an environmentally critical area (Fish and Wildlife Habitat Conservation Area; Great Blue Heron Management Area), thus the application is not exempt from SEPA review. However, SMC 25.05.908 provides that the scope of environmental review of projects within critical areas shall be limited to: 1) documenting whether the proposal is consistent with the City's Environmentally Critical Areas (ECA) regulations in SMC 25.09; and 2) Evaluating potentially significant impacts on the critical area resources not adequately addressed in the ECA regulations. This review includes identifying additional mitigation measures needed to protect the ECA in order to achieve consistency with SEPA and other applicable environmental laws.

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

The initial disclosure of the potential impacts from this project was made in the environmental checklist submitted by the applicant dated December 29th, 2007. The information in the checklist, pertinent public comment, and the experience of the lead agency with review of similar projects form the basis for this analysis and decision.

The Department of Planning and Development has analyzed the environmental checklist submitted by the project applicant; and reviewed the project plans and any additional information in the file. As indicated in this analysis, this action will result in some adverse impacts to the environment. However, due to their temporary nature and limited effects, the impacts are not expected to be significant.

The SEPA Overview Policy (SMC 25.05.665) clarifies the relationship between codes, policies, and environmental review. Specific policies for each element of the environment, and certain neighborhood plans and other policies explicitly referenced, may serve as the basis for exercising substantive SEPA authority. The Overview Policy states, in part, “*Where City regulations have been adopted to address and environmental impact, it shall be presumed that such regulations are adequate to achieve sufficient mitigation*” subject to some limitations. Short-term adverse impacts are anticipated from the proposal. With conditions, no adverse long-term impacts on the environmentally critical area are anticipated.

Short-term Impacts

The following temporary or construction-related impacts to the environmentally critical area are expected: 1) temporary soil erosion, 2) increased vibration from construction operations and equipment; 3) Noise/construction impacts on Great Blue Heron nesting season. Impacts numbers 1) and 2) are not considered significant because they are temporary and/or minor in scope (SMC 25.05.794). Impact 3), regarding the Blue Heron nesting season, is considered an adverse impact and while Director’s Rule 5-2007 provides adequate no build times during the nesting season (February 1st through July 31st) a SEPA condition is warranted to ensure compliance. The Director’s Rule does not permit any clearing, grading or outside construction outside of the nesting. The Washington Department of Fish and Wildlife may be willing to approve an alternative site-specific plan.

DECISION

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

Determination of Non-Significance. This proposal has been determined to not have a significant adverse impact upon the environment. An EIS is not required under RCW 43.21.030(2)(C).

CONDITIONS - DESIGN REVIEW

General Conditions

1. Amend the Building Permit landscape plan and symbol key to clearly call out and depict the patterned Eco-stone parking area surface and the SF Rima pedestrian path.
2. Any proposed changes to the exterior of the building or the site or must be submitted to DPD for review and approval by the Land Use Planner (Lucas DeHerrera, 206.615.0724). 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.

3. Copy and insert the above departure matrix in the MUP and Building Permit plans.
4. Embed all of these conditions on the cover sheet of the MUP permit sets 1 and 2 and all Building Permit drawings prior to issuance.
5. Amend the MUP plans to reflect a code conforming sight triangle and curbcut location and dimensions.

Prior to Building Permit Certificate of Occupancy

6. Compliance with all images and text on the MUP drawings, design review meeting guidelines, approved design features and elements (including exterior materials, landscaping and ROW improvements) and as conditioned hereto in shall be verified by the DPD planner assigned to this project (Lucas DeHerrera, 206.615.0724), or by the Design Review Manager. 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.
7. Incorporate a copy of the arborist's report by Arborea Consultants, LLC (report dated December 15th 2006) to be apart of the Building Permit plan set so that it always accompanies it. The report may be modified by a certified arborist as necessary with DPD approval.
8. Execute a lot boundary adjustment that creates a code complying south side setback and ensure all deck and principal entry locations meet code requirements.

During Construction and for the Life of the Project

9. Implement all recommendations for tree protection as recommended (pages 17-22) Arborea Consultants, LLC (report dated December 15th 2006). The report may be modified by a certified arborist as necessary with DPD approval.
10. All changes to the exterior facades of the building and landscaping on site and in the R.O.W. must be submitted as a revision to the building permit and reviewed by a Land Use Planner prior to proceeding with any proposed changes.

CONDITIONS - SEPA

11. Any clearing, grading or outside construction shall be done outside of the nesting season (February 1st - July 31st). The Washington Department of Fish and Wildlife may approve an alternative site-specific plan, depending on likely impacts of the plan.

Signature: (signature on file)
Lucas DeHerrera, Land Use Planner
Department of Planning and Development

Date: July 5, 2007