



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: 3003049 and 3003923
Applicant Name: Todd Curry
Address of Proposal: 13716 30th Ave NE and 3030 NE 137th St

SUMMARY OF PROPOSED ACTION

Land Use Application to allow three townhouse structures and two single family residences in an environmentally critical area (total of 15 units). Parking for fifteen vehicles will be located within the structures. Parcels were modified through lot boundary adjustment #3004414 (final).

The following approvals are required:

Administrative Design Review pursuant to Chapter 23.41 Seattle Municipal Code, with Departures:

Development Standard Departure to increase structure depth (SMC 23.45.011.A).

Development Standard Departure to reduce front setbacks (SMC 23.45.014.A).

Development Standard Departure to reduce rear setbacks (SMC 23.45.014.B).

Development Standard Departure to reduce rear setbacks (SMC 23.45.014.C).

Development Standard Departure to reduce the amount of required open space at grade (SMC 23.45.016.A.3)

Development Standard Departure to locate required open space more than 18” above grade (SMC 23.45.016.C)

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

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

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

SITE & VICINITY

The 28,477 square foot site is composed of two parcels. The southern parcel has street frontage on NE 137th St.

The southern parcel (“Parcel D”) includes one existing single family house and one garage. The northern parcel (“Parcel A”) is currently vacant.

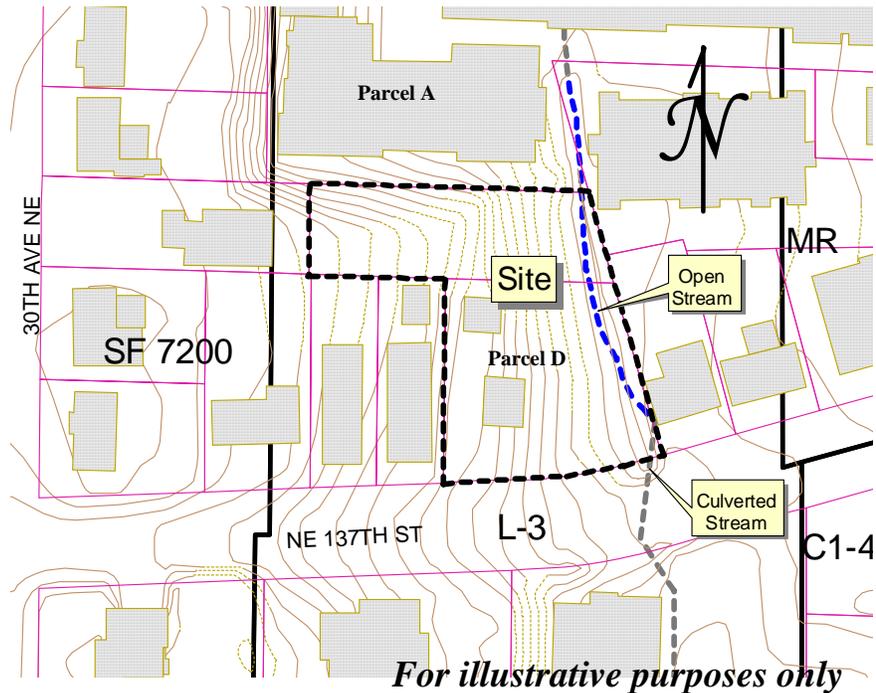
The site slopes to the east, with the lowest point ending in a riparian corridor (stream) on the eastern

border of the site. Most of the riparian corridor on the subject property is open channel, with a small portion located inside a culvert that carries the riparian corridor across the street and to the south. The areas surrounding the riparian corridor and occupying Parcel A are heavily vegetated with large mature native trees and a groundcover of non-native invasive plants.

Both parcels are zoned Lowrise Multifamily Residential 3 (L3; 30’ height limit). The L3 zone continues to the north and south. A Midrise Multifamily Residential (MR; 37’ height limit) zone is located to the east, a Commercial (C1-40; 40’ height limit) zone is located to the southeast, and a Single Family Residential (SF 7200; 30’ height limit with 7,200 square foot minimum lot size) zone is located to the west. The Lake City Way commercial area is located two blocks to the east.

Surrounding uses include a mix of multi-family and single family residential development. Commercial areas and a school bus storage lot are located adjacent to Lake City Way. Structures adjacent to the subject property reflect the overall mix of multifamily and single family residential development. Most structures to the north and east are hidden from the site by the numerous mature trees on Parcel A and the east area of Parcel D.

The multifamily development immediately to the west is a 1960’s to 1970’s two story residential building, with grade level entries and primary windows facing east onto the subject property. Parking is located below a cantilevered area of the building facing NE 137th St. The siding of



this building, and its twin to the west, is composed of vertical flat aged painted wood siding, with a Native American design on the front of the building. The grade of these lots is approximately 5 feet higher than the grade of the adjacent subject property, due to an informal retaining wall area at the property line. One large mature cedar tree is located at the shared property line adjacent to NE 137th St. Other than that, there is very little tall vegetation on the property line to screen the adjacent building from the existing or proposed structures on the subject property.

Further to the west on NE 137th St is a lot currently under review for a contract rezone from single family to L3 zoning and a single family house on the corner of NE 137th St and 30th Ave NE. Two additional single family houses are located to the east of the subject property on NE 137th St. The existing single family houses in this area are primarily mid-century construction single story buildings with wood siding and pitched roofs with little overhang.

Beyond the trees to the north and northwest is additional residential development. A single family residence that is accessed from 30th Ave NE is located about 25 feet from the west property line of Parcel A. The garage of this residence is the closest structure to the property line.

A three story 1990's multi-family exterior entrance residential building accessed from 32nd Ave NE is located approximately 20 feet from the north property line of Parcel A. This lot ranges from 2' to 12' feet lower than the subject property, separated by a rockery at the north property line. Balconies and windows of individual units directly face the subject property. Existing mature trees on the subject property currently screen these structures from the subject property.

Across NE 137th St from the site, there are two multi-family developments that are mostly hidden by mature evergreen trees. Directly across from the subject property is Remington Place, a three story tall senior living facility. This structure is located on a long lot with narrow street frontage at NE 137th St. Parking is below grade. The building is 1980's construction with a light stucco and dark brown painted wood façade. Next to this building is a similar multifamily development called Camellia House, located on another lot with narrow street frontage. Most this development's parking is located on the east side of the structure.

Although the area appears to be used by pedestrians, only small patches of sidewalk are located on either 137th Ave NE or NE 30th St. The nearest continuous sidewalks are at NE 140th St and Lake City Way NE. A bus stop is located at the corner of NE 137th St and 30th Ave NE. Vehicle parking is predominantly located in surface lots in front of buildings and informal parking on the street.

PROJECT DESCRIPTION

The proposal includes demolition of the existing buildings and the construction of 15-16 townhouses with one parking space each. Vehicular access to the site would be from NE 137th St. The applicant proposes to perform native landscape restoration in the riparian corridor buffer.

The proposal included riparian corridor buffer reduction to 35' from the required 50', under the Environmentally Critical Areas code in effect at the time this application vested (May 3rd, 2006).

The proposed buffer restoration and buffer reduction was reviewed and approved by DPD staff with this master use permit.

PUBLIC COMMENTS

Public notice of the proposal was issued on December 7th, 2006. Five public comments were submitted. Public comments included concerns with existing silt problems and increased runoff from additional development, parking, stream enhancement and protection, and removal of trees.

I. DESIGN REVIEW

DESIGN GUIDELINE PRIORITIES:

EARLY DESIGN GUIDANCE REPORT (September 28, 2006)

After visiting the site, considering the analysis of the site and context provided by the applicant, and reviewing public comment, DPD staff 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:

- A-1 Responding to Site Characteristics
- A-2 Streetscape Compatibility
- A-3 Entrances Visible from the Street
- A-5 Respect for Adjacent Sites
- A-7 Residential Open Space
- A-8 Parking and Vehicle Access
- B-1 Height, Bulk, and Scale Compatibility
- C-1 Architectural Context
- C-3 Human Scale
- C-4 Exterior Finish Materials
- D-1 Pedestrian Open Spaces and Entrances
- D-2 Blank Walls
- D-3 Retaining Walls
- D-6 Screening of Dumpsters, Utilities, and Service Areas
- E-1 Landscaping to Reinforce Design Continuity with Adjacent Sites
- E-2 Landscaping to Enhance the Building and/or Site
- E-3 Landscape Design to Address Special Site Conditions

The primary guidance from EDG included:

- Retain mature trees
- Provide a positive example of streetscape facades for future projects
- Create a positive transition in height, bulk, and scale to adjacent sites
- Minimize appearance of vehicular access and parking; enhance pedestrian circulation
- Create a positive context for both the streetscape and architectural character of the area

APPLICANT'S RESPONSE

The applicant responded to EDG guidance and subsequent comments from staff by modifying materials and colors, enhancing the pedestrian residential entries facing NE 137th St, relocating parking and structures to retain mature trees, restricting vehicular access to NE 137th St, modifying blank walls, and providing additional landscaping at the perimeter of the site.

ADMINISTRATIVE RECOMMENDATIONS SUMMARY: DECEMBER 19, 2007

On November 20, 2006, the applicant submitted for a Master Use Permit. Staff communicated with the applicant via letters, phone, and in meetings. Additional materials and display boards presented for staff consideration included perspective sketches, revised design departure requests, site plans, sections, elevations, materials and colors, floor plans, and landscape plans.

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.**

The applicant has responded to the guidance from EDG by relocating the proposed structures and minimizing the driveway to retain as many mature trees as possible. Additional departures were needed to accomplish this goal, as described in the Departures section below. The proposal meets this design guideline.

- A-2 Streetscape Compatibility. The siting of 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.**

The proposed development presents a 'front' façade to NE 137th St, with well detailed pedestrian entries. Techniques used to achieve this goal include individual entrances with trellises and/or overhead weather protection, stairs and walkways with direct connections to the sidewalk in the public right of way, landscaping to enhance the entries, and minimizing the appearance of parking and vehicular access at the street level. Additional departures were requested to enhance the streetscape compatibility of this development, as discussed in the Departures section below. The proposal meets these guidelines.

- 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.**

The applicant has demonstrated that the proposed structures facing the north and west property lines have been designed to minimize impacts to the privacy of adjacent residents. Landscaping, fenestration, and multiple colors and materials have been used to improve the appearance of these buildings to adjacent properties and respect privacy of adjacent residents. The proposed development meets this guideline.

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

The applicant has provided usable residential open space at grade and in raised decks and balconies. The landscaping buffer and fence will separate usable open space from riparian corridor buffer. Additional departures were requested to enhance the streetscape compatibility of this development, as discussed in the Departures section below. The proposal meets this guideline.

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 20-foot wide paved driveway has been modified to protect the mature tree at the southwest corner of the site adjacent to NE 137th St. A four-foot wide concrete walkway will occupy the eastern 4' of the 20' wide easement, both visually reducing the appearance of the driveway and providing pedestrian circulation within the site. The proposed development meets this guideline.

B. Height, Bulk and Scale

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

The applicant has provided a variety of scale reduction techniques, including a mix of colors and materials, modulation, fenestration, and landscaping. The proposal meets this guideline.

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.

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

The applicant has stated that the proposed design is composed of contemporary vertical structures that respond to the larger multi-family massing in the area. The proposed structure design includes minimal eave overhangs and vertical bays. The mix of materials and colors is intended to recognize the natural hues and colors of the nearby wooded and riparian areas. The site design provides for protection of Environmentally Critical Area buffers with pedestrian access and circulation in other areas. The applicant

has worked to provide a new design context for this area and future projects. The proposal meets this guideline.

C-4 Exterior Finish Materials. Building exteriors should be constructed of durable and maintainable materials that are attractive even when viewed up close. Materials that have texture, pattern, or lend themselves to a high quality of detailing are encouraged.

Exterior finish materials include cedar channel siding stained in natural tones, cement fiber lap siding in a complementary earth tone, and Ipe wood accents for handrails and fences.

Ipe wood is a sustainably harvested dense Brazilian hardwood. At installation, the wood has a reddish brown color, which weathers to a gray color over time. This wood is resistant to rot and requires minimal maintenance.

The proposed materials are durable, have texture and pattern, and the proposed cedar siding and Ipe lends a high quality of detail and context to the proposal. The proposal meets this guideline.

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.

Comments reflect those found in A-2, A-3, and A-8. The proposal meets this guideline.

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

Comments reflect those found in A-2 and A-5. The proposal meets this guideline.

D-3 Retaining Walls. Retaining walls near a public sidewalk that extend higher than eye level should be avoided where possible. Where higher retaining walls are unavoidable, they should be designed to reduce their impact on pedestrian comfort and to increase the visual interest along the streetscapes.

Proposed retaining walls at the west side of Parcel D will be composed of scored concrete and will be screened with vegetation. The proposal meets this guideline.

- 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.**

There is one common dumpster area on the north side of Parcel A, adjacent to unit A-7. The applicant has noted that this enclosure will be screened by a 5' tall Ipe wood fence and door with reveals. The proposed location is away from the street front and will be effectively screened from view. The proposal meets this guideline.

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

Comments reflect those found in A-1. The applicant has modified the placement of structures and driveways to retain as many mature trees as possible. All trees in the riparian corridor will be retained. Landscaping has been used to create visual interest and screening between the proposed development and adjacent properties. Additional departures were requested to save mature trees, as discussed in the Departures section below. The proposal meets these guidelines.

- 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.**

The proposed development includes a riparian corridor restoration plan, which has been reviewed by DPD staff. The proposed development meets this design guideline.

RECOMMENDATION AND CONDITIONS

The recommendations summarized below were based on the MUP plan set for 3003049 and 3003923 and materials presented with the MUP application (materials board date stamped August 1, 2007). Design, siting or architectural details not specifically identified or altered in these recommendations are expected to remain as presented in the plan set. After considering the site and context, considering public comment, reconsidering the previously identified design priorities, and reviewing the plans and renderings, staff has recommended APPROVAL of the

subject design and the requested development standard departures from the requirements of the Land Use Code (listed above). The following CONDITION for the project. (Authority referred to via letter and number in parenthesis):

1. Materials and colors shall be installed as shown in the MUP plan sets for 3003049 and 3003923 and on the materials board date stamped August 1, 2007 (Guideline C-4).

DEVELOPMENT STANDARD DEPARTURES

Departure Summary Table – Parcel A (MUP #3003049)

STANDARD	REQUIREMENT	REQUEST	APPLICANT'S JUSTIFICATION	DPD DECISION
Front setbacks in Lowrise 3 zones SMC 23.45.014.A	15' front setback required at west side of Parcel A	Minimum 14' front setback for units A-1 through A-4	Reduce front setback to provide adequate vehicle circulation and keep structures outside of riparian corridor buffer	Conditionally granted
Side setbacks in Lowrise 3 zones SMC 23.45.014.C	5' minimum side setback for north and south sides of Parcel A for units A-1 and A-4	Decrease north side setback for unit A-1 to 3' 1"	Locate structures away from riparian corridor buffer and provide consolidated areas of open space	Conditionally granted
Side setbacks in Lowrise 3 zones SMC 23.45.014.C	6' minimum side setback for north side of Parcel A for unit A-5	Decrease north side setback for unit A-5 to 5' 0-1/4"	Locate structures away from riparian corridor buffer and provide consolidated areas of open space	Conditionally granted
Side setbacks in Lowrise 3 zones SMC 23.45.014.C	6' minimum side setback for south side of Parcel A for unit A-6	Decrease south side setback for unit A-6 to 3'	Locate structures away from riparian corridor buffer and provide consolidated areas of open space	Conditionally granted
Open space – location SMC 23.45.016.A.3	Minimum average 300 s.f. average open space per unit and minimum 200 sq. ft. open space for each unit at grade and directly accessible	Open space for unit A-8 provided above grade on a deck	Preserve riparian corridor buffer and minimize active uses in that area	Conditionally granted
Open space – relationship to grade SMC 23.45.016.C	Required open space shall be within 18" of existing grade	Open space for unit A-8 provided more than 18" above grade on a deck	Provide open space, but above grade (reduce potential activity impact in riparian corridor)	Conditionally granted

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Departure Summary Table – Parcel D (MUP #3003923)

STANDARD	REQUIREMENT	REQUEST	APPLICANT'S JUSTIFICATION	DPD DECISION
Structure depth in Lowrise 3 zones SMC 23.45.011.A	Structure depth no more than 65% of lot depth (84.8' maximum structure depth for Parcel D)	Increase structure depth to 84.6% (110'4-3/4") maximum structure depth for Parcel D)	Building placement allows for maximum shared open space and protection of riparian corridor buffer	Conditionally granted
Front setbacks in Lowrise 3 zones SMC 23.45.014.A	15' front setback required at south side of Parcel D	Minimum 3' front setback at NE 137 th St for units D-6 and D-7	Reduce front setback to save mature tree to the north; create entries facing NE 137 th to enhance the streetscape	Conditionally granted
Rear setbacks in Lowrise 3 zones SMC 23.45.014.B	20' rear setback required at north side of Parcel D	Minimum 0' rear setback for open deck for unit D-1	Provide required open space for unit D-1 and retain adjacent mature tree	Conditionally granted
Open space – location SMC 23.45.016.A.3	Minimum average 300 sq. ft. average open space per unit and minimum 200 sq. ft. open space for each unit at grade and directly accessible	Open space for units D1-D4 and D-7 provided above grade on a deck	Preserve riparian corridor buffer and minimize active uses in that area	Conditionally granted
Open space – relationship to grade SMC 23.45.016.C	Required open space shall be within 18" of existing grade	Open space for units D1-D6 provided more than 18" above grade on a deck	Provide open space, but above grade (reduce potential activity impact in riparian corridor)	Conditionally granted

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

II. SEPA

ANALYSIS - SEPA

The proposed development includes a total of 15 townhouses on two parcels, which have been adjusted through Lot Boundary Adjustment #3004414. The south parcel (Parcel D) includes a riparian corridor. The applicant intends to apply for unit lot subdivisions for the townhouse units in the future.

The initial disclosure of the potential impacts from this project was made in the annotated environmental checklist (November 20, 2006), and supplemental information in the project file submitted by the applicant's agent. The information in the checklist, the supplemental information, 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 D) 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 (SMC 25.05.665 D1-7) mitigation can be considered. Thus, a more detailed discussion of some of the impacts is appropriate.

Short-term Impacts

The following temporary or construction-related impacts are expected: decreased air quality due to increased dust and other suspended air particulates during demolition and construction; increased noise and vibration from construction operations and equipment; temporary erosion; and increased traffic and parking demand from construction personnel. These impacts are not considered significant because they are temporary and/or minor in scope.

Compliance with existing ordinances, such as the Street Use Ordinance, the Noise Ordinance, Best Management Practices required for work in Environmentally Critical Areas, and the Stormwater, Grading, and Drainage Code will provide sufficient mitigation for most impacts. The other impacts not noted here as mitigated by codes or conditions are not sufficiently adverse to warrant further mitigation by conditioning. These impacts are not considered significant; however some of the impacts warrant further discussion and review.

Air Quality

Demolition and transport will create dust, leading to an increase in the level of suspended particulates in the air, which could be carried by winds out of the construction area. The Street Use Ordinance (SMC 15.22) requires watering the site, as necessary, to reduce dust. In addition, the Puget Sound Clean Air Agency (PSCAA regulation 9.15) requires that reasonable precautions be taken to avoid dust emissions. Demolition could require the use of heavy trucks and smaller equipment such as generators and compressors. These engines would emit air pollutants that would contribute slightly to the degradation of local air quality. Since the demolition activity would be of short duration, the associated impact is anticipated to be minor, and does not warrant mitigation under SEPA.

Noise

Excavation will be required to prepare the building sites and foundations for the new building. Additionally, as development proceeds, noise associated with construction of the building could adversely affect the surrounding residential uses. Due to the proximity of neighboring residential uses, the limitations of the Noise Ordinance are found to be inadequate to mitigate the potential noise impacts. Pursuant to the SEPA Overview Policy (SMC.25.05.665) and the SEPA Construction Impacts Policy (SMC 25.05.675 B), mitigation is warranted. The hours of construction activity shall be limited, subject to the conditions listed below.

Long-term Impacts

Long-term or use-related impacts are also anticipated as a result of approval of this proposal including: increased bulk and scale on the site; increased traffic in the area; increased demand for parking; and increased demand for public services and utilities.

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 most long term impacts and no further conditioning is warranted by SEPA policies, except as noted below.

Height, Bulk and Scale

There will be increased height, bulk and scale on this site due to the proposed project. The proposed structure has gone through the Administrative Design Review process as noted above and has been conditioned accordingly. The proposed development is allowed in this zone and no additional height, bulk, or scale SEPA mitigation is warranted pursuant to the SEPA height, bulk and scale policy.

Historic Preservation

There is one existing single family structure on the subject property, built in 1942. This structure is in extremely poor shape and would not meet the criteria for historic landmark designation. Therefore, no further conditioning is warranted by SEPA policies.

Parking

There will be increased parking demand created by the project. One existing parking space on site will be removed. Parking for 15 vehicles will be provided within the structures, accessed from a single common driveway from NE 137th St. The Institute of Transportation Engineers (ITE) Parking Manual indicates that the residential use would generate peak demand for approximately 22 vehicle parking spaces (1.46 spaces per residential unit peak demand). The

proposed number of parking spaces meets code requirements. This area is also close to transit opportunities and there is available on street parking in the area. No further conditioning is warranted.

Plants and Animals

The existing single family structure is located approximately 55' from the top of the stream bank at the closest point. The area between the stream and the residence includes trees, shrubs, and groundcover, including non-Western Washington native invasive species. The proposal has been granted a buffer reduction so that development may be located as close as 35' from the top of the bank. The reduction has been granted based on a buffer restoration plan that includes removal of non-native invasive plants and replanting with Western Washington native plants ("Riparian Corridor Restoration/ Project 3003923, 3003049/For Property Located at 3030 NE 137th St, 13716 NE 30th St/Seattle WA/Proponent: Mr. Todd Curry 425-644-7680/Prepared by Jon K. Dueker C.W.B, P.W.S/February 2006). The proposed development will reduce the size of the buffer but improve the ecological function of the buffer, as reviewed under the ECA code in effect May 3rd, 2006.

Conditions imposed as a means of compliance with the ECA ordinance are non-appealable. General Requirements and standards are described in Section 25.09.060 of the ECA ordinance and include the recording of conditions of approval, the recording of the identified ECA areas in a permanent covenant with the property, as well as specific construction methods and procedures (SMC 25.09.060.B.3 of the 5/03/2006 Seattle Municipal Code). The proposed development is accordingly conditioned as described in the Conditions of Approval.

The proposal must also comply with the specific requirements for development in areas with riparian corridors (Section 25.09.140), and trees and vegetation (Section 25.09.320) sections from the ECA code in effect May 3rd, 2006. All decisions subject to these standards are non-appealable Type I decisions made by the Director (or designee) of DPD.

Traffic

The applicant has stated that the proposed development would generate up to 64 vehicle trips per day. The proposed development is near 30th Ave NE, which is an arterial, and Lake City Way, which turns into a state highway. The Institute of Transportation Engineers (ITE) Trip Generation Manual 7th Edition notes that the proposed mix of uses would generate approximately 101 vehicle trips per day and 10 peak hour trips.

- Vehicle trips per day: 6.72 trips per residential unit x 15 units
- Peak hour trips: 0.67 trips per residential unit x 15 units

In consultation with DPD's Transportation Planner it was determined that no additional trip generation and distribution information was required and the anticipated number of vehicle trips would not have an adverse impact on the existing traffic patterns in this area. Thus, the noted traffic-related impacts of the proposed completed project are not considered significant and no further mitigation is warranted under SEPA (SMC 25.05.675.R).

Water Quality

The proposed development includes construction near the riparian corridor and restoration work within the corridor. The proposed development will reduce the size of the buffer but improve the ecological function of the buffer and have a neutral or positive effect on water quality in the stream. A sediment control plan will be required by the Stormwater, Grading and Drainage Control Code. No further conditioning is warranted.

Summary

The Department of Planning and Development has reviewed the environmental checklist submitted by the project applicant; reviewed the project plans and any additional information in the file; and any comments which may have been received regarding this proposed action have been considered. As indicated in the checklist and this analysis, this action will result in probable adverse impacts to the environment. However, due to their temporary nature and limited effects, the impacts are not expected to be significant.

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 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 2C.

NON-APPEALABLE ECA CONDITIONS OF APPROVAL

Prior to Issuance of a Master Use Permit

1. Permanent visible markers shall be placed along the edge of the 35' riparian corridor buffer shown on page A1.1 of the MUP plan sets date stamped August 1, 2007. The markers shall be either reinforcing steel or metal pipe driven securely into the ground with a brass cap affixed to the top similar to survey monuments. The brass cap shall be visible at the ground surface and indicate the purpose of the marker. Markers shall be placed at all points along the edge of the buffer where the line changes direction. Markers must be in place before issuance of this Master Use permit. Provide proof of placement to Land Use Planner via photograph or other acceptable means (Shelley Bolser, shelley.bolser@seattle.gov or (206) 733-9067).

2. Submit a recorded copy of the riparian corridor ECA Covenant to the Land Use Planner (Shelley Bolser, shelley.bolser@seattle.gov or (206) 733-9067). The ECA Covenant shall describe the riparian corridor and 35' buffer on site, including the location of the permanent visible markers.

Prior to Issuance of Any Construction Permits

The owner and/or responsible party shall:

3. Show on the site plan the location of permanent ECA markers.
4. Show on building plans the location of a temporary, durable, highly visible construction fence at the boundary between the construction activity area and the riparian corridor buffer which are to be left undisturbed, with the exception of the approved planting plan.
5. All planting in the riparian corridor buffer shown on the MUP landscape plan date stamped August 1st, 2007 shall be dug and installed using only non-mechanized hand tools. All other activity in the riparian corridor buffer is prohibited, per SMC 25.09.060.
6. Provide an erosion and sediment control plan, employing Best Management Practices, to minimize erosion on and off site. The plan shall be reviewed and approved by DPD.

CONDITIONS – DESIGN REVIEW

At Building Permit Submittal

7. Provide a reduced-size copy (11"x17") of approved MUP plan sets for 3003049 and 3003923.

For the Life of the Project

8. Materials and colors shall be installed as shown in the MUP plan sets for 3003049 and 3003923 and on the materials board date stamped August 1, 2007 (Guideline C-4). Any change to materials or colors shall require prior approval by the Land Use Planner (Shelley Bolser 206-733-9067 or shelley.bolser@seattle.gov).

Prior to Building Permit Issuance

9. The building permit plan sets shall demonstrate tree preservation and protection details shown on page A1.3 of the MUP plan set for #3003923 and A1.3.1 of MUP plan set for #3003049.
10. The applicant shall meet with the Land Use Planner to review approved materials, colors and landscaping. (Shelley Bolser 206-733-9067 or shelley.bolser@seattle.gov).

CONDITIONS – SEPA

During Construction

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

Construction activities outside the above-stated restrictions may be authorized by the Land Use Planner (Shelley Bolser 206-733-9067 or shelley.bolser@seattle.gov) when necessitated by unforeseen construction, safety, or street-use related situations. Requests for extended construction hours or weekend days must be submitted to the Land Use Planner at least three (3) days in advance of the requested dates in order to allow DPD to evaluate the request.

Signature: _____ (signature on file) _____ Date: December 27, 2007
Shelley Bolser AICP, Senior Land Use Planner
Department of Planning and Development

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