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: 3004259

Applicant Name: Greg Arnold (original applicant Tony Shapiro)

Address of Proposal: 2512 Everett Avenue East

SUMMARY OF PROPOSED ACTION

Land Use Application to allow a two-unit townhouse structure in an Environmentally Critical Area (ECA). Parking for two vehicles will be located within the structure. Existing single family and two accessory structures to be demolished. Project includes improvements to and restoration of existing wetland and buffer. Future Unit Lot Subdivision of the structure is anticipated.

The following approvals are required:

Environmental Critical Areas (ECA) Exception - To locate a structure within a 110-foot Category II wetland buffer (SMC 25.09.300);

Shoreline Substantial Development Permit - to allow development within the Urban Residential (UR) shoreline environment (SMC 23.60.540);

SEPA Environmental Determination SMC 25.05

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

[X] DNS with conditions

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

BACKGROUND DATA

Site Location and Description

The project site is two lots (2512 and 2518) on the east side of Everett Avenue East (Everett Avenue), bordering on undeveloped Fuhrman Avenue East (Fuhrman Avenue between the site and Portage Bay to the northeast), north of Boyer Avenue East (Boyer Avenue) and south of State Route (SR) 520. The combined sites contain an older single-family structure on 2512 and an older garage and a large garage / shed closest to the bay on 2518.

A substantial portion of the 2518 lot contains lake-fringe wetland (Category II) with the remainder wetland buffer. The smaller 2512 lot contains a small portion of the wetland with the remainder entirely within the 110' Category II wetland buffer. Additionally, the southeast corner of the single-family structure is within the 25-foot Shoreline Habitat buffer (SH buffer) that extends landward from the wetland edge. The portions of the wetland buffer that contain the existing structures and the lawn and driveway area between the single-family structure and Everett Avenue are considered degraded.

The site and surrounding parcels water-ward of Boyer Avenue and between undeveloped Roanoke Avenue East and SR 520 to the north and the 15th Avenue East / East McGraw Street intersection to the south are zoned Lowrise 3 (L3). The site and surrounding parcels are also within the Urban Residential (UR) Shoreline zone. The uses are predominately residential in a mix of single-family to large multi-family structures of a variety of ages.

Proposal Description

The proposal is to construct a two-unit townhouse structure in the location of the to-be demolished single-family structure and its upland and street facing set-backs. Demolition of the detached garage and shed is proposed with no new construction in those areas. The entire site is wetland or wetland buffer and the existing single-family's south and east (water-ward) foundation walls are within the minimum required 25-foot Shoreline Habitat buffer. Because development is prohibited within the wetland buffer, an ECA Exception is required to allow this proposal.

The original proposal (by previous applicants but under this MUP) was to construct a two-unit townhouse structure partially within the footprint of the existing single-family structure and partially beyond this footprint on the upland and street sides of the lot, and with a driveway and vehicle access extending from Everett Avenue on the waterward side of the proposed townhouse to access a four car basement garage. The current proposal (by a new applicant and owner) is to have vehicle access directly from Everett Avenue to the townhouse without extending into any water-ward area.

A Wetland Determination by The Watershed Company, dated April 2004, and a Conceptual Wetland and Buffer Enhancement Plan by Raedeke Associates Inc, dated November 2006, were submitted with this application. The Raedeke Associates plan outlines the extensive wetland

enhancement and buffer restoration proposed as mitigation for the impacts to the buffer's ecological function resulting from the townhouse construction.

Public Comment

One comment letter was received during the public comment period that ended May 18, 2007 and submitted these concerns:

- The substantial portion of the site is wetland and in the Shoreline zone,
- The existing windowless shed should be removed and the surrounding wetlands should be restored,
- No more than one residential unit should be allowed on the site,
- Any development should respect and enhance the on-going work of the Montlake Community Park Waterfront Master Plan.

ECA EXCEPTION

ANALYSIS – ENVIRONMENTALLY CRITICAL AREAS EXCEPTION

The entire site (2 parcels) is Category II wetland or buffer and 100-foot Shoreline Habitat buffer.

The applicant is seeking an *Environmentally Critical Areas Exception* to construct a two-unit townhouse entirely within the required 110-foot Category II wetland buffer (SMC 25.09.160). Residential non-water related uses may be allowed in the 100-foot Shoreline Habitat buffer, but no-closer than 25-feet to the Ordinary High-Water Mark (OHWM), if the use is allowed by SMC 23.60, the Shoreline Master Program, and mitigation is provided for all impacts to the ecological function resulting from the proposed development. Further, Section 23.60.014 C of the Seattle Shoreline Master Program states that "standards applicable to environmentally critical areas as provided in Seattle Municipal Code Chapter 25.09, Regulations for Environmentally Critical Areas, shall apply in the Shoreline District. If there are any conflicts between the Seattle Shoreline Master Program and Seattle Municipal Code Chapter 25.09, the most restrictive requirements shall apply."

SMC 25.09.300.A *An applicant for a critical areas exception must demonstrate that "no other applicable environmentally critical areas administrative remedies prescribed in Chapter 25.09 will provide sufficient relief".*

The other applicable Chapter 25.09 remedy to pursue is the setback reduction options of SMC 25.09.280. This would allow, first, a 25 percent / up to 5-foot reduction in the front setback in order to preserve the full width of the buffers. If that would not provide sufficient relief, a Set-Back Variance may be sought with the possibility of a full front set-back reduction if that would preserve the full buffer width. However, a 100 percent set-back reduction would not provide sufficient relief since intrusion into the wetland buffer would still be required for any use. Because the wetland buffer extends over the entire site, without partial development of the wetland buffer no reasonable use of the property would be possible (SMC 25.09.300.C). Also, because a portion of the wetland

extends substantially into the site its accompanying shoreline habitat buffer extends into the building site area asserted to be necessary for reasonable use of the property. Hence, the *Environmentally Critical Areas Exception* of 25.09.300 can be considered.

SMC 25.09.300.C The Director may modify or waive an environmentally critical areas development standard and / or the yard and setback standard for front or rear yards when an applicant demonstrates by clear and convincing evidence that strict application of the development standards would not permit any reasonable use of the property and that development undertaken pursuant to the modified or waived standards would not cause significant injury to occupiers of the land, to other properties, and to public resources, or to the environment.

*SMC 25.09.300.*D *The relief granted by the reduction, waiver, or other modification of an environmentally critical areas development standard and of the yard and setback standards for front and rear yards shall be the minimum to allow reasonable use of the property. Preference shall be given to modifying or waiving the yard and setback standards for front or rear yards. In modifying a regulation, the Director may impose reasonable conditions that prevent or mitigate the same harm that the modified or waived regulation was intended to prevent or mitigate. In granting an exception to the development standards in Section 25.09.160, Wetlands, the Director shall apply the avoidance and mitigation standards in subsection 25.09.160.E when imposing and conditions.*

The existence of a full site wetland buffer and the prohibition to build within this buffer is clear and convincing evidence that strict application of the development standards would not permit any reasonable use of the property; the regulations would prohibit construction of any residential structure on this residentially zoned parcel. The applicant proposes reasonable use of the property by developing one duplex structure of 2,250 S.F. (footprint on the ground) with three levels and one partially below grade level that would: be located within the foot-print of the existing single-family structure (the "existing footprint") on the two wetland /lake sides of the existing structure (with the exception of a small upper level cantilever on the structure's east façade); comply with the Code required side set-back along the lot line with the property to the east; and be variously set-back 9-feet from the street property line at the building's western corner and 6-feet 6-inches from the street property line at the building's eastern corner.

This proposal would not cause significant injury to occupiers of the land, to other properties, and to public resources, or to the environment. The proposed development will result in less ground coverage than the three existing structures and be further away from the wetland and toward the outer edge of the buffer. The structure's proposed location relative to the existing structure to the east is no closer than allowed by the Land Use Code (i.e. no reduction in this required standard can be granted through an *ECA Exception*). The reduced front set-back is similar to that of the property directly across Everett Avenue that is also constrained by an on-site ECA. The Everett Avenue right of way (ROW) is 40-feet and paved roadway is 20-feet; the undeveloped 10-foot ROW between the road surface and the property line, in conjunction with the on-site front set-back, will allow adequate backing and maneuvering for vehicle parking access. The compact size and the siting and location of the proposed building minimize

intrusion into the adjacent wetland buffer. The portion of the proposed structure in the shoreline habitat buffer (a 273 SF roughly triangular shape) continues the existing building coverage and is proposed to allow configuration of a reasonably shaped typical two-unit building. Thus the proposed project would not cause significant injury to the occupiers of the land, to other properties, to public resources, or to the environment.

The approximately 11,936 square foot subject site is zoned Lowrise 3, which allows a maximum of one unit per each 800 square feet of lot area and a total of 50 percent lot coverage (for townhouses) subject to other Land Use Code, ECA Code, and Shoreline requirements. The project proposes a maximum of two units in one structure with an approximate foot print of approximately 2,250 square feet. The approximately 45 foot by 50 foot ground coverage (approximately 21 percent lot coverage) goes no further toward the wetland than the existing single-family structure and locates all new on the ground area the furthest away possible (toward the side and front lot lines).

The initial MUP application proposed an access driveway and garage turn-around water-ward of the single-family building footprint and cantilevered almost the entire south and east upper levels beyond the existing footprint (effectively the same as on ground lot coverage). DPD found that locating the driveway access in the wetland buffer and the extended upper levels into both the wetland and SH buffers are not necessary for reasonable use. Other vehicle access and floor area design options were available considering the site's long frontage along Everett Avenue and developable area on the upland side of the existing structure. Consequently, the applicant's revised their proposal as described above.

The Raedeke Conceptual Wetland and Buffer Enhancement Plan proposes extensive wetland enhancement and buffer restoration pursuant to the avoidance and mitigation standards is subsection 25.09.160.E. The Plan has been reviewed by DPD's wetland biologist and found to be an adequate response to the buffer enhancement requirements of this subsection with the following exception. The "L" shaped area between the existing footprint and Wetland Enhancement area PSS-2 (Figure 5, Raedeke Plan available in the MUP project file) is heavily overgrown with Japanese Knotweed, an invasive non-native species, and should be removed to assure a higher likelihood of success for the new adjacent wetland vegetation. Consequently, approval of this proposal has been ***conditioned*** to include removal of the Knotweed in this area and the addition of appropriate buffer restoration plants similar to those proposed for the other buffer restoration areas in the Raedeke Conceptual Plan.

<u>SMC 25.09.300.E</u> The Director's decision must be consistent with the scientific approach used by the City in developing the environmentally critical area development standard at issue.

The proposed development for this L-3 lot completely avoids intrusion into the wetland and keeps development in the wetland buffer to the minimum necessary to allow reasonable multi-family development. The proposed development will be in the already disturbed portions of the site: the footprint of the existing single-family structure and the existing side and street facing set-back areas. The disturbed buffer areas that contain the garage and large shed will be restored per the submitted Conceptual Wetland and Buffer Enhancement Plan. The remainder of the buffer area, which contains many non-native invasive species, will also be restored per the submitted

plan. Approval of the proposed development and ***Conditioned*** Conceptual Wetland and Buffer Enhancement Plan has been made through the same scientific approach used in formulating the ECA development standards for wetlands and wetland buffers.

DECISION - ENVIRONMENTALLY CRITICAL AREAS EXCEPTION

The ECA Exception to construct a duplex townhouse structure within a 110-foot Category II wetland buffer **is CONDITIONALLY GRANTED** (Conditions at the 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 Chapter 23.60; 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 aims 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 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 Shoreline Management Act provides definitions and concepts, and gives primary responsibility for initiating and administering the regulatory program of the Act to local governments. The Department of Ecology is to primarily act in a supportive and review capacity, with primary emphasis on insuring compliance with the policy and provisions of the Act. As a result of this Act, the City of Seattle and other jurisdictions with shorelines, adopted a local shoreline master program, codified in the Seattle Municipal Code at Chapter 23.60 that also incorporates the provisions of Chapter 173.27 WAC. Development on the shorelines of the state is not to be undertaken unless it is consistent with the policies and provisions of the Act, and with the local master program. The Act sets out procedures, such as public notice and appeal

requirements, and penalties for violating its provisions. As the following analysis will demonstrate, the subject proposal 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. The development standards of the shoreline environment, the underlying zone, and the regulations of SMC 25.09, Environmentally Critical Areas 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, SMC 23.60.014, meets the development standards for all shoreline environments established in SMC 23.60.152 as well as the criteria and development standards for the shoreline environment in which the site is located, any applicable special approval criteria and the development standards for specific uses.

The site is classified as a waterfront lot (SMC 23.60.924). The shoreline designation for the site is Urban Residential (UR) (SMC 23.60.540). Residential structures are a permitted use in this shoreline environment.

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 locational 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 purpose of the UR environment is stated in SMC 23.60.220.C.6. The applicable sections of these regulations to the current proposal are: in the Urban Residential Environment residential areas shall be protected in a manner consistent with the Multi-Family Residential Area Policies.

SMC 23.60.014 – (Shoreline) Regulations Supplemental

The regulations of SMC 23.60 are supplemental to the regulations of SMC 25.09, Regulation for Environmentally Critical Areas. If a conflict arises between the Seattle Shoreline Master Program and SMC 25.09, the most restrictive requirements shall apply.

SMC 23.60.064 - Procedures for Obtaining Shoreline Substantial Development Permits

The proposed project is a permitted use in the UR environment (SMC 23.60.540) and the underlying Lowrise 3 (L3) zoning district (SMC 23.45). As designed, the proposal conforms to the requirements of the UR overlay zone and the underlying residential zone, with the exception

for the minimum front set-back requirement of SMC 23.45.014 that is being reduced pursuant to the *ECA Exception* outlined above.

SMC 23.60.152 - Development Standards for all Environments

These general standards apply to all uses in the shoreline environment. They 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. All shoreline development and uses must: 1) minimize and control any increases in surface water runoff so that receiving water quality and shore properties are not adversely affected; 2) be located, designed, constructed, and managed in a manner that minimizes adverse impacts to surrounding land and water uses and is compatible with the affected area; 3) be located, constructed, and operated so as not to be a hazard to public health and safety; and 4) shall be located, designed, constructed and managed to avoid disturbance, minimize adverse impacts and protect fish and wildlife habitat conservation areas including, but not limited to, spawning, nesting, rearing and habitat areas and migratory routes.

The proposed residential use is consistent with these general standards for development within the shoreline area, thereby minimizing any adverse impact to the shoreline area, to water quality and will not be a hazard to the public health and safety.

SMC 23.60.198 – (Development Standards for) Residences other than Floating Homes

The standards of this section primarily address: over-water construction, building set-backs from the OHWM relative to adjacent structures, and conformance with the underlying zoning.

No over-water construction is proposed. The proposed building location is behind the existing "string-line" setback of the adjacent residential structures as determined for irregular shorelines under DPD Director's Rule 7-2007, *Determination of Residential Setbacks in the Shoreline District*. The proposed development conforms to the underlying Lowrise 3 zoning as modified through the ECA Exception process.

SMC 23.60.570 - Development Standards for the UR Environment

The development standards for the UR environment pertinent to this proposal require conformance with the underlying Land Use Zoning regulations, the height and lot coverage of the proposed structure, and the provision of view corridor that is a minimum of 35 percent of lot area. This proposal conforms to all applicable zoning requirements, exclusive of the minimum front set-back requirement granted through the *ECA Exception* analyzed above, the height and lot coverage limitation of this 23.60.572 and 574, and the view corridor requirement of 23.60.576.

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). Since the Seattle Shoreline Master Program has been approved by DOE, consistency with the criteria and procedures of SMC Chapter 23.60 is also consistent with WAC 173-14 and RCW 90.58. As discussed in the foregoing analysis, the proposal is consistent with the criteria for a shoreline substantial development permit and may be approved.

Conclusion

Development requiring a Shoreline Substantial Development Permit can only be approved if it conforms to the policies and procedures of the WAC, RCW and with the regulations of Chapter 23.60, Seattle Shoreline Master Program.

The project as proposed meets the specific standards for development in the Urban Residential shoreline environment. It also conforms to the general development standards. Pursuant to the Director's authority under Seattle's Shoreline Master Program, to ensure that development proposals are consistent with the policies and procedure and conforms to specific development standards, and having established that the proposed use and development are consistent with the Seattle Shoreline Program, the proposal is hereby recommended for approval.

DECISION - SHORELINE SUBSTANTIAL DEVELOPMENT

The Shoreline Substantial Development permit is **CONDITIONALLY GRANTED**.

ANALYSIS - SEPA

The site contains *Environmentally Critical Areas* therefore 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). 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.

The initial disclosure of the potential impacts from this project was made in the Environmental Checklist (dated January 5, 2007), and supplemental information regarding proposal modifications in the project file submitted by the new applicant. Future unit lot subdivision is

also anticipated under this review. 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) 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 an environmental impact, it shall be presumed that such regulations are adequate to achieve sufficient mitigation"* subject to some limitations. Under such limitations or circumstances (SMC 25.05.665 D) mitigation can be considered. Short-term and long-term adverse impacts are anticipated from the proposal. Thus, a more detailed discussion of some of the impacts is appropriate.

Short-term Impacts

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

- Erosion from excavation and storm water impacts from ground clearing that could adversely affect the site's wetlands and adjacent Portage Bay, and
- Decreased air quality due to suspended particulates (dust) from excavation and construction, hydrocarbon emissions and greenhouse gas emissions from construction vehicles, equipment, and the manufacture of the construction materials.

Several adopted codes and/or ordinances provide mitigation for some of the identified impacts: The Stormwater Grading and Drainage Control Code and the air pollution standards of the Puget Sound Clean Air Agency (PSCAA). The Stormwater, Grading and Drainage Control Code regulates site excavation, 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. Additionally, the General Development Standards of SMC 25.09.060 place limitations on grading and storm water management of parcels containing Environmentally Critical Areas. 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 the greenhouse gas affects on air quality and construction noise impacts, and therefore warrants further analysis.

Air Quality

Construction activities themselves will generate minimal direct impacts. However the indirect impact of construction activities including construction worker commutes, truck trips, the operation of construction equipment and machinery, and the manufacture of the construction materials themselves result in increases in carbon dioxide and other greenhouse gas (GHG) emissions that adversely impact air quality and contribute to climate change and global warming.

While these impacts are adverse, they are not expected to be significant due to the relatively minor contribution of greenhouse gas emissions from this project. No potential short term significant adverse impacts to air are anticipated and therefore air quality mitigation is not necessary.

Long-term Impacts

Long-term or use-related impacts are also anticipated as a result of approval of this proposal including: increased carbon dioxide and other greenhouse gas emissions primarily from increased vehicle trips but also the projects energy consumption, and impacts to the Wetland Environmentally Critical Areas (ECA). Several adopted City codes and/or ordinances provide mitigation for some of the identified impacts. Specifically these are: the City Energy Code, which will require insulation for outside walls and energy efficient windows; and the Critical Areas Ordinance Land Use Code, which controls amount of development intrusion into an ECA.

This proposal has undergone review under the ECA Exception provisions of SMC 25.09.300 and the related mitigation requirements of SMC 25.09.160.E as discussed above in this document. Consequently, per the SEPA Overview Policy presumption that the existing Critical Areas Ordinance addresses anticipated environmental impacts, the **Conditional Approval** of the submitted ECA Exception project approval is adequate to achieve sufficient mitigation. However, further discussion of the anticipated GHG affects is warranted.

Air Quality

The number of vehicular trips associated with a two unit structure is expected to increase from the amount currently generated by the site's one residence. Also, the projects' overall natural gas consumption is expected to increase. Together these changes may result in increases in carbon dioxide and other greenhouse gas emissions which adversely impact air quality and contribute to climate change and global warming. While these impacts are adverse, they are not expected to be significant due to the relatively minor contribution of greenhouse gas emissions from this project. No potential long term significant adverse impact to air quality is anticipated and therefore mitigation is not necessary.

CONDITIONS: SEPA

None.

CONDITIONS - ECA EXCEPTION

The conditions below are based on the regulations of both the SMC 23.60, the Shoreline Master Program and the ECA regulations as incorporated into the SMP (SMC 23.60.014.C).

Prior to issuance of the MUP permit

1. Prepare the covenants required under SMC 25.09.335.B & C and submit them to the DPD planner for review prior to recording. (P)

Prior to Issuance of any Demolition or Construction Permit

2. Submit a final Wetland and Buffer Enhancement Plan to the project planner that includes:
   - The additional buffer restoration delineated by DPD's wetland ecologist area (the "L") discussed above and shown on annotated Raedeke Exhibit 5 in the MUP file (dated March 18, 2008), including the specific Knotweed removal method (unless later modified by DPD approval);
   - Remove references to previously proposed water-ward driveway and retaining wall on pages 4, 5 and 6 and elsewhere;
   - A detailed planting plan with construction notes;
   - An implementation schedule based on the expected demolition, grading, and construction schedule;
   - Updated monitoring and reporting details. (P)

Prior to the Final Approval of Any Building Permits

3. Complete the wetland and wetland buffer restoration work approved in the final Wetland and Buffer Enhancement Plan; (P)

GENERAL REQUIREMENTS: ECA EXCEPTION

4. Conformance with all applicable General Development Standards of SMC 23.60 and SMC 25.09.060 in particular, A, D, E, F, G, H, and L. (C)
5. Install the small permanent visible markers required under SMC 25.09.335.D. (P)

CONDITIONS: SHORELINE SUBSTANTIAL DEVELOPMENT

Prior to Construction

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

6. Notify all contractors and sub-contractors in writing of the general requirements of the Seattle Shoreline Master Program (SMC 23.60.152). (P)

Signature: (signature on file) Date: October 23, 2008
Art Pederson, Land Use Planner
Department of Planning and Development

AP:bg

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