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: 3005675

Applicant Name: Randall Spaan

Address of Proposal: 2204 12th Avenue West

SUMMARY OF PROPOSED ACTION

Land Use Application to allow four, 2-unit townhouses (8 units total). Parking for 8 vehicles to be provided within two below-grade garages. Existing structure to be demolished.

The following approvals are required:

Environmentally Critical Areas Exception – to allow land disturbing activity in excess of 30% of the areas measured over 40% steep slope on each lot (*70.9% of the site is classified as steep slope, 93.1% of the steep slopes are proposed to be disturbed*).

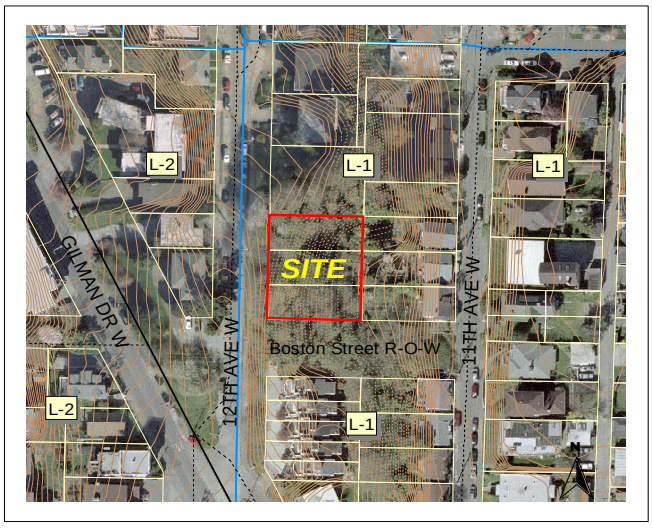
SEPA - Environmental Determination - Chapter 25.05, Seattle Municipal Code.

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 and Vicinity

The subject property is comprised of three platted lots (Lots 15, 16, and 17) that front on 12th Avenue West. Lot 17, a corner lot, also fronts on unopened West Boston Street. Each lot is approximately 40 feet wide by 100 feet deep, with individual areas of 4,000 sq. ft. for a total site size of 12,000 sq. ft. Lot 16 is presently developed with a small single-family residence constructed in 1908. The other two lots are undeveloped, except for a staircase crossing Lot 17 to access the existing house. The

lots slope downhill from east to west. The lots have been designated as lying within a multiple Environmentally Critical Areas (ECAs), due to the presence of steep slopes of 40% average slope or greater, as well as known slide areas and potential slide areas.

According to the applicant's topographic survey, the steep slopes cover almost the entire site except an area from the existing house footprint eastward and the southeasterly corner of the site. Even the areas with slopes of less than 40% are mapped as landslide prone on the Geographic Information Service (GIS) land use maps maintained by DPD. The GIS maps further show known slide areas over almost all of Lots 15 and 17, with some known slide area on Lot 16 near the 12th Avenue West right-of-way.

The site is zoned Lowrise 1 (L-1). The L-1 zoning extends about half a block to the north and also several blocks east and southeast of the property. The zoning to the immediate north, beyond the L-1 zone, is Single Family 5000 (SF 5000). The zoning to the west and southwest, across 12th Avenue West and beyond, is Lowrise 2 (L-2). Development in the vicinity is primarily single family and small multifamily structures, such as duplexes and triplexes. There are some larger multi-unit apartment buildings in the nearby L-2 zone areas.

Twelfth Avenue West is improved at the project location with a concrete roadway, as well as curbs and sidewalks.

Proposal Description

The applicant is seeking an Environmentally Critical Areas (ECA) Exception to allow grading, construction, and other land disturbing activity over nearly the entire site, including within the steep slope areas, in excess of the maximum disturbance standard for steep slope areas established by the ECA Regulations (Seattle Municipal Code (SMC) Section 25.09.180 B 2). Disturbance of some portion of the steep slope area would be necessary under any development scenario because access and utilities are only available from 12th Avenue West, and the steep slope covers the entire westerly part of the site adjacent to this street. There is no alley access and West Boston Street to the south is unimproved. The unimproved street is itself largely within an area of steep slopes. Because suitable access is only available from 12th Avenue West and the geotechnical report recommends regrading of the over steepened slopes adjacent to the street avoiding disturbance within the western portion of the site is not practical, even though the gentlest slopes are along the easterly edge of the site. However the project design has been revised to include one rather than two driveways onto the street.

The proposal is to demolish the existing house and construct four two-unit townhouses with a common underground garage. A single driveway into the garage is proposed along with three staircases that would extend to the easternmost units. Each unit would have one parking space in the garage and a private elevator from the garage to the unit. The units would step up the hill and share a series of common retaining walls. Open space would be provided as terraces and roof decks.

Due to a combination of the building coverage, excavation necessary to construct the retaining walls and geotechnical recommendations 10,666.5 sq. ft. or 88.8% of the site is proposed to be disturbed (93.1% of the steep slope area). The non-disturbance areas are located along a portion of the front (western) setback area and the rear (eastern) setback. The design has been modified to include lagged timber soldier pile walls along the driveway and eastern edge of the building to reduce disturbance in these areas.

In 2001 the Department approved an ECA Exception for this site (MUP 9905593, 2004318, 2004319) that allowed for construction of three single family houses, one per existing lot. This would have resulted in a disturbance to the steep slope areas of the site of at least 65.85%. The property owner decided that this scheme could not be profitably constructed and entered into a contingent sale agreement with the current applicant.

The current project includes the ECA exception request, SEPA determination and future construction of the eight houses. Complete building permit applications will still need to be submitted. It should be noted that the applicant's geotechnical engineer discovered up to 18 feet of historical landslide deposits. The soils exploration in which this discovery occurred was situated along the northern portion of the site. Historic landslides have occurred from the early 1900's to 1997. Due to the deep landslide deposits and recorded landslide events, DPD is considering implementing third party geotechnical review pursuant to 25.09.080 C of the ECA Regulations. DPD's decision regarding third party review will occur during review of the building permit applications for the subject property.

Public Comments

Thirteen written comments were received during the public comment period ending November 27, 2006. The comments expressed concern about the effect of the proposed development on slope stability and the potential for slides, shrinkage of "greenbelt" areas, effects of erosion, and impacts to the neighborhood from construction, additional traffic and parking. One commenter requested that the buildings be of high quality construction.

Environmentally Critical Areas Regulations

SMC Section 25.09.180 provides specific standards for all development on steep slopes and steep slope buffers on existing lots, including the general requirement that development shall be avoided in steep slope areas whenever possible and, if avoidance of development in the steep slope areas is not practicable, then a standard applies limiting grading, developmental activity, and other land disturbing activity to a maximum of 30% of the area measured as steep slopes of 40% or greater. All decisions subject to these standards are non-appealable Type I decisions made by the Director (or designee) of DPD.

Requirements 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. The proposal must also comply with the specific requirements for development in areas with steep slopes (Section 25.09.180) and landslide potential areas (Section 25.09.080).

SMC Section 25.09.300 authorizes exceptions to ECA development standards. A standard may be reduced, waived or otherwise modified only if strict application of the standard is unreasonable, and a standard may be modified only to the extent necessary to allow reasonable use of the property in light of the facts and circumstances of a particular case. Application of the relevant criteria will be discussed below. ECA Exception decisions are Type II decisions, subject to the provisions of SMC 23.76, and are appealable to the City Hearing Examiner.

As previously noted, the only areas on the lot that are not within the steep slope areas are from the existing house footprint eastward and the southeasterly corner of the lot, neither of which have vehicular or utility access from an improved street or alley. Development within these areas would thus require substantial disturbance of the steep slope areas in any case. This area totals 3,490 sq. ft. and much of that would be covered by a steep slope buffer. The small area in the southeast corner that is less than 40% slope and outside the rear setback is too small to be a practical building site even if it could be accessed. Accordingly, development potential outside of the steep slope critical areas is very limited.

ANALYSIS – ENVIRONMENTALLY CRITICAL AREAS (ECA) EXCEPTION

Pursuant to SMC 25.09.300 the Director may modify an ECA development standard when an applicant demonstrates to the Director's satisfaction that:

(1) strict application of the development standards would be unreasonable and that development undertaken pursuant to the modified standards would not cause significant injury to occupiers of the land, to other properties, and to public resources, or to the environment; and

(2) the relief granted shall be the minimum necessary to allow reasonable use of the property.

In modifying a development standard the Director may impose reasonable conditions that prevent or mitigate the same harm that the modified regulations were intended to prevent or mitigate. Section 25.09.300 SMC only allows an applicant to apply for an ECA Exception for modification of ECA development standards if the Director of DPD concludes that no other applicable ECA administrative remedies such as setback reductions or variances will provide sufficient relief.

Since the steep slopes cover the entire frontage of the lot on 12th Avenue West, no development could be designed that would place the proposed structures or access to the structures entirely outside of the steep slope areas. Due to the location of the slopes and the geotechnical recommendation to regrade the oversteepened areas reduced front setbacks would not reduce the impact on the critical area.

As proposed, the structures and other proposed land disturbing activity would not comply with the variance standard in SMC Section 25.09.180 E 1, which says that grading and other land disturbing activity shall not exceed 30% of the areas measured over 40% slope. This standard would allow for 2,808 sq. ft. of steep slope disturbance along with 3,490 sq. ft. of less steep areas for a total allowed disturbance area of 6,298 sq. ft. The 2001 exception allowed 7,902 sq. ft. of disturbance for a three unit proposal so less than that would not be considered sufficient relief in this instance.

It has been determined, as well, that none of the ECA exemptions provided for in Section 25.09.180 B 2 are applicable to the subject lots. Thus, the construction of the townhouse residences as proposed requires an exception to allow disturbance of more than 30% of the 40% slope area on the site.

The analysis of the exception criteria is as follows:

The Director may modify an environmentally critical areas development standard when an applicant demonstrates to the Director's satisfaction that strict application of the development standards would be unreasonable and that development undertaken pursuant to the modified standards would not cause significant injury to occupiers of the land, to other properties, and to public resources, or to the environment.

Given the high percentage of steep slope area on the site, application of the 30% maximum disturbance standard of Section 25.09.180 A 3 would severely limit not only the building footprint for any structures but the total development area. As noted previously, the only practical way to build on the lot would include disturbance of a significant portion of the steep slope areas. While the site is already developed with one existing house the applicant has provided convincing information that, due to the deteriorated condition of the house, it is not feasible to maintain it. A single house is well below the development potential of the L1 zoned site.

In addition maintaining the existing structure would not allow a single retaining wall to be developed around the additional units. Thus, construction to the north and south would be broken into distinct projects with individual walls. Construction staging problems would be likely to occur given the steepness of the sites and narrowness of 12th Avenue West adjacent to the properties. Building individual retaining walls would not decrease the developmental impacts of the project and would actually substantially increase overall retaining wall length.

There is no evidence that development of the site as recommended by the applicant's geotechnical engineer, and subject to appropriate conditioning by DPD, would cause significant injury to occupiers of the land, other properties, public resources, or to the environment. Based on the geotechnical engineer's opinion, in his report, "Geotechnical Engineering Report" prepared by PanGEO dated May 14, 2008, the proposed development will not increase the risk of slope stability and may in fact reduce the risk by removing potentially unstable surficial soils. According to the geotechnical report the potential of future surficial slides initiating upslope from the site can be adequately mitigated by incorporating a catchment wall along the upper side of the property.

While all of the existing trees are proposed to be removed from the development area, the applicant has supplied a landscape plan showing suitable revegetation of the disturbed area. As noted previously, DPD has reserved the right to require third party geotechnical review. In any event, more detailed geotechnical review and a construction activity schedule, with excavation limited to the period between April 1 and October 31, will be required, and therefore impacts to neighboring property will be minimized. Eight new houses in a developed portion of Queen Anne will have a negligible impact on public resources.

The relief granted by the reduction, waiver, or other modification of an environmentally critical area development shall be the minimum necessary to allow reasonable use of the property. In modifying a development standard, the Director may impose reasonable conditions that prevent or mitigate the same harm that the modified regulation was intended to prevent or mitigate.

As discussed above, strict application of ECA development standards would prevent all development of this legal building site. Strict application of the ECA standards is therefore clearly unreasonable, and the applicant is entitled to relief from these standards. Development of these L-1-zoned lots with one new house each is the minimum possible development permitted outright for each lot. In the L-1 zone, other development alternatives include townhouses and cottage housing. With a density standard of one dwelling unit for every 1,600 sq. ft., the property could be developed with up to eight new dwelling units.

The City's 2001 ECA Exception decision approved the construction of three single family residences with a common retaining wall that would have required steep slope disturbance of 65.85%. The owner determined that the development costs due to the complexity of the site would not allow for an adequate profit margin on the project and made a contingent sale of the property to the current applicants.

The current applicant's preferred proposal is for four duplex townhouses for a total of eight units. He has provided a financial project analysis asserting that the proposed eight unit development is the minimum needed to provide an adequate profit margin of 15% for the project. This assumes a purchase price of $560,000 for the property from the prior applicant.

The original 8 unit scheme included 100% disturbance of the steep slope areas of the site. Subsequent revisions in response to City comments have lowered that to 93.1% by reducing the driveways from two to one and substituting lagged timber pile retaining walls for some of the cast-in-place concrete walls. This is still a very high percentage of disturbances and is only justified by the unique site conditions including:

- The entire site is a steep hillside and most of the area is overlain with colluviums from prior landslides;
- Much of this landslide material was a result of unstable fill placed on upslope properties during development of 11th Avenue West or the upslope houses;
- Removal of this colluviums and uncontrolled fill to construct the buildings and site improvements on native glacial deposits is more effective in producing a stable site than retaining the existing vegetation;
- The western portion of the site was likely steepened as a result of the cut for construction of 12th Avenue West.

Accordingly, the applicant's proposal is the minimum necessary to allow reasonable use of the subject property. As conditioned below, the proposed development should be permitted.

DECISION – ENVIRONMENTALLY CRITICAL AREAS EXCEPTION

ECA Exception to allow land disturbing activity in excess of 30% of the areas measured over 40% steep slope (93.1% of the steep slope areas) is **CONDITONALLY GRANTED.**

ANALYSIS - SEPA

The development site is located within several Environmentally Critical Areas (ECAs) and the proposal includes more than the 4 unit threshold in the L1 zone, thus the application is not exempt from SEPA review. 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 September 7, 2006. The information in the checklist, public comment, and the experience of the lead agency with 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, that "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.

Short-term Impacts

The following temporary or construction-related impacts are expected: risk of erosion during periods of earth disturbance, potential slope instability, off-site sedimentation, dust-related air quality impacts during grading and demolition, construction noise impacts to adjacent residences and temporary loss of vegetation. Several adopted codes and Director's Rules provide mitigation for some of the identified impacts as discussed below.

Earth/Soils

The ECA Ordinance and Directors Rule (DR) 33-2006 and 3-2007 require submission of a soils report to evaluate the site conditions and provide recommendations for safe construction in areas with landslide potential and a history of unstable soil conditions such as this site. A "Geotechnical Engineering Report" prepared by PanGEO dated May 14, 2008, was submitted with this application and is undergoing separate geotechnical review by DPD. Substantial earthwork is proposed and the geotechnical recommendations must be followed closely to minimize the risk of slope failure during demolition and construction which could be a significant risk to the construction workers involved as well as to the public and private improvements in the area.

The construction plans, including shoring of excavations as needed and erosion control techniques are receiving separate review by DPD. Any additional information showing conformance with applicable ordinances and codes (ECA ordinance, The Stormwater, Grading and Drainage Control Code, DR 33-2006 and 3-2007) will be required prior to issuance of building permits. Under SMC 25.09.060 G grading in environmentally critical areas is limited to a window between April 1st and October 31st. Applicable codes and ordinances provide extensive conditioning authority and prescriptive construction methodology to assure safe construction techniques are utilized; therefore, compliance with these applicable codes and ordinances will reduce or eliminate most short-term impacts to the ECA and the only conditioning warranted pursuant to SEPA policies is to follow the geotechnical recommendations given by the project engineers in the site specific report and other analyses.

Construction Noise

Most of the initial construction activity, including excavation and framing, will involve loud equipment and activities. This construction activity will have an adverse impact on the nearby residences. Because of the close proximity of the nearby residences, the Department finds that the limitation of the Noise Ordinance are inadequate to appropriately mitigate the adverse noise impacts associated with the proposal. The SEPA Construction Impact policies, (SMC 25.05.675.B) allow the Director to limit the hours of construction to mitigate adverse noise and other construction-related impacts. Therefore, the proposal is conditioned to limit construction activity to non-holiday weekday hours between 7:00 a.m. and 6:00 p.m. After the structure is enclosed, interior construction may be allowed on Saturdays between 9 a.m. and 6 p.m. with the written approval of the Land Use Planner. Construction activities outside the above-stated restrictions may be authorized by the Land Use Planner when necessitated by unforeseen construction, safety, or street-use related situations.

Air Quality

During construction, dust resulting from demolition, excavation, and grading would contribute to concentrations of suspended particulate matter. The construction contractor would have to comply with the Puget Sound Clean Air Agency's regulations which require that reasonable precautions be taken to avoid dust emissions. This may include applying water or dust-binding chemicals during dry weather. Fugitive dust impacts, however, would be limited in area and duration. Soils and dust carried out of the construction area by exiting trucks would be minimized by wheel washing and covering dusty truck loads.

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 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.

Long-term Impacts

Long-term or use-related impacts to the environmentally critical area, future site residents and existing neighbors are also anticipated as a result of this proposal including:

- increased surface water runoff due to greater site coverage by impervious surfaces;
- increased bulk and scale of buildings on the site;
- reduction in existing vegetation;
- increased pedestrian and vehicular traffic;
- increased parking demand due to residents and visitors;
- increased ambient noise due to increased human activity;
- increased airborne emissions resulting from additional traffic and from fireplaces;
- marginally increased demand on public services and utilities;
- potential damage to the structures from shallow upslope landslides on adjacent properties.

Several adopted City codes and/or ordinances provide mitigation for some of the identified impacts. Specifically these are: the ECA Ordinance, the Zoning Code height and setback limitations, the Zoning Code landscape requirements, and the Stormwater, Grading and Drainage Control Code which requires provisions for controlled tightline release to an approved outlet and may require additional design elements to prevent isolated flooding. The geotechnical report contains design and maintenance recommendations related to the easterly catchment wall that should minimize impacts due to slide debris. 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.

Air Quality

The operational activities of the proposal are expected to have longer term impacts, primarily vehicular trips associated with the project and the projects' energy consumption. These are expected to 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. Federal auto emission controls are the primary means of mitigating air quality impacts from motor vehicles as stated in the Seattle's SEPA Air Quality Policy (Section 25.05.675.1A.4). The Puget Sound Clean Air Agency is responsible for monitoring air quality in the Seattle area, setting standards and regulating development to achieve regional air quality goals.

Adverse impacts may be mitigated only if the decisionmaker finds that the applicable federal, state and regional regulations did not anticipate or are inadequate to address the particular impacts of a project. Compliance with these applicable codes and ordinances is adequate to achieve sufficient mitigation of most long-term impacts and no unusual circumstances exist which warrant additional mitigation, pursuant to the SEPA Overview Policy.

Summary

The Department of Planning and Development has reviewed the environmental checklist submitted by the project applicant; reviewed the project plans, geotechnical report and any additional information in the file; and any comments 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 the impacts of the built project are not expected to be significant.

These long-term impacts are not considered significant because the impacts are minor in scope. Although not significant, the long-term impacts are adverse and where not mitigated by adopted City codes and/or ordinances, warrant further mitigation by condition, as permitted by applicable SEPA policies. Specifically the areas of geotechnical recommendations for design and construction of the project and residential noise impacts required conditioning under SEPA.

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.

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

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

ECA EXCEPTION REQUIREMENTS

Non-appealable ECA code requirements apply to site development. These requirements include, but are not limited to, the following items:

1. Show on building plans the location and boundaries of ECAs on the site. Use the contours on the topographic survey to delineate the steep slope critical area on the building plans. The steep slope areas are at least 10 feet in height and average at least 40 percent. Provide area calculations for the steep slope delineation.

2. ECA Covenant. Provide names of owner(s) of property and their relationship (single man or woman, marital community, partnership, corporation, etc.) so we can incorporate this information into the ECA Covenant document. The ECA Covenant form will be provided during review of corrected building plans. Note that the ECA Covenant is not the same as the Geologic Hazard Covenant. (25.09.060 A)

3. All designated non-disturbance areas shall be shown on building plans and shall be fenced with a highly visible and durable protective barrier during construction to prevent access and to protect environmentally critical areas. (25.09.060 D)

4. Provide calculations for developmental coverage and impervious surface, existing and proposed final grade contours and show the construction activity area for the proposal on building plans. Provide a construction activity schedule for the earthwork and foundation work. The schedule should include type of equipment, installation of BMP measures and temporary/permanent storm water controls, and other pertinent information. (25.09.060 E & F)

5. Provide note on building plans indicating that grading must be stabilized by October 31st, and no excavation to be performed between October 31st and April 1st. (25.09.060 G)

6. Provide on building plans a Best Management Practices plan to include temporary and permanent drainage and erosion control. Show on building plans the location of the stormwater control system and the connection to the public system. (25.09.060 J)

7. Bonds and insurance are required by the ECA Regulations because the excavation below a 45-degree projection from the property line is deeper than 4 feet. (25.09.080 D)

CONDITIONS - SEPA

Prior to Issuance of Building Permits

8. Demolition of the existing structure shall be reviewed in conjunction with the building permit review. Prior to issuance of building permits for this proposal, the geotechnical engineer shall provide recommendations for the demolition of the existing structure in a manner that will not increase the risk of earth movement, including shallow sloughing as well as erosion. A preconstruction meeting with a DPD Site Development Inspector shall take place prior to demolition to discuss requirements recommended by the geotechnical engineer as well as erosion control and special inspection items.

9. Slope stability analyses shall be submitted in the geotechnical report for building permits for this project and shall be the basis of geotechnical design recommendations. The affect of a large earthquake event must be incorporated into the slope stability models. (25.09.060 M)

10. The applicant shall submit for review and approval by DPD and SDOT, a Construction Impact Management Plan. The plan shall identify management of construction activities including hours of construction traffic; construction worker parking; truck routing and traffic; construction equipment staging; timelines for grading, site work, foundation, framing, and finishing; and issues concerning street and sidewalk closures. Please include a combination of narrative and drawings to communicate how these issues are proposed to be mitigated.

During Construction

The following conditions to be enforced during construction shall be posted at the site in a location on the property line that is visible and accessible to the public and to construction personnel from the street right-of-way. If more than one street abuts the site, conditions shall be posted at each street. The conditions will be affixed to placards prepared by DPD. The placards will be issued along with the

building permit set of plans. The placards shall be laminated with clear plastic or other waterproofing material and shall remain posted on-site for the duration of the 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 a.m. to 6 p.m. Interior work that involves mechanical equipment, including compressors and generators, may be allowed on Saturdays between 9 a.m. and 6 p.m. once the shell of the structure is completely enclosed, provided windows and doors remain closed. Non-noisy 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 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.

12. The recommendations contained in the "Geotechnical Engineering Report" prepared by PanGEO dated May 14, 2008 shall be followed including the requirement for specific on-site geotechnical inspections by the project engineer.

Compliance with the above conditions and ECA code requirements must be verified and approved by the Land Use Planner assigned to this project (*Marti Stave, Land Use Planner; (206) 684-0239)* at the specified development stage, as required in the Director's decision. The applicant must make an appointment with the assigned Land Use Planner at least three (3) working days in advance of a field inspection. The Land Use Planner will determine whether the condition requires submission of additional documentation or a filed verification to ensure that compliance has been achieved.

Signature: (signature on file) Date: July 9, 2009
Marti Stave, Land Use Planner
Department of Planning and Development

MS:bg

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