



City of Seattle

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**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:** 3010955  
**Applicant:** Harland McElhany', Place Consultants  
**Address of Proposal:** 9401 Lake City Way N.E.

**SUMMARY OF PROPOSED ACTION**

Land Use Application to allow a clustered housing development of six, three-story, single family residences in an environmentally critical area. Parking for 12 vehicles to be provided within the structures. Environmental review includes unit lot subdivision under project 3009960.

The following approvals are required:

**Critical Areas Administrative Conditional Use** – Section 25.09.260, Seattle Municipal Code.

**SEPA Environmental Determination** - Section 25.05,  
Seattle Municipal Code

**SEPA DETERMINATION:**         Exempt    DNS    EIS  
  
    DNS with conditions  
  
    DNS involving non-exempt grading or demolition or  
   involving another agency with jurisdiction.

## **BACKGROUND DATA**

### Site and Vicinity Description



The site for this proposed clustered, single family development is a 0.75 acre (32,536 sq. ft.) parcel located on the west side of Lake City Way N.E. between N.W. 94<sup>th</sup> St. and N.W. 95<sup>th</sup> St. The Single Family 5000 zoned site occupies roughly the east half of the block between 20<sup>th</sup> Ave. N.E. and Lake City Way N.E. The entire site is moderately to steeply sloping from west down to Lake City Way N.E. with some areas mapped as Steep Slope Critical areas. Existing vegetation consists of young and mature trees, underbrush and ivy. There are no structures on the site, nor is there any evidence of prior development. Single family houses are developed along 20<sup>th</sup> Ave. N.E. with rear yards adjacent to the subject site.

N.E. 94<sup>th</sup> St. and N.E. 95<sup>th</sup> St. are both unopened to vehicle traffic. N.E. 95<sup>th</sup> Street is improved with a pedestrian path of walks and stairs between Lake City Way N.E. and 20<sup>th</sup> Ave. N.E.

The southern half of the site is almost entirely sloped at greater than 40%. The northern half, proposed for development here, contains three areas with slopes greater than 40%. One is a 2,083 sq. ft. portion of a much larger area of steep slope covering most of the southern half of the site proposed for an ECA non-disturbance area. Another is a 601 sq. ft. area within the northern half proposed for development. The third is a 320 sq. ft. portion of a steep slope area which extends off site to the west.

The site is generally wooded, containing approximately 70 maple trees of various ages and sizes.

### Proposal

The proposal would cluster six single family residences in approximately the north half of the site with vehicle access from N.E. 95<sup>th</sup> St. which would be improved from 20<sup>th</sup> Ave. N.E. eastward, down the hill to provide access to a driveway between two rows of three houses each. Six dwelling units represents the number of single family lots of at least 5,000 sq. ft. which could be subdivided from the 32,536 sq. ft. parcel but for the ECAs on the site. The applicant proposes, under a different application, a Unit Lot Short Plat of seven unit parcels; six ranging between 2,263 sq. ft. and 3,902 sq. ft., one for each single family house proposed and a seventh unit parcel to be placed under an Environmentally Critical Areas (ECA) Easement prohibiting future development and limiting future disturbance. The six lots proposed for development total 16,133 sq. ft. and the remaining 16,403 sq. ft. would be placed under the ECA Easement.

Public Comment

The SEPA comment period for this application ended on June 24, 2010. Extensive written comment was received from neighbors to the proposal site. Their comment included the following:

- Stormwater from the site will most likely enter a storm drain in the N.E. 95<sup>th</sup> right of way and proceed to Thornton Creek where surges or pollutants would cause negative environmental impacts;
- The proposed 16 foot wide improvement to N.E. 95<sup>th</sup> St. is thought to be too narrow for safe ingress and egress to the site and to allow entry of emergency vehicles and delivery or trash and recycling trucks;
- Replacement of part of the recently constructed stairway and path up from Lake City Way N.E. to N.E. 95<sup>th</sup> with steep sidewalk is less than adequate as it may not be safe in ice or snow;
- The project should be responsible for installing missing elements of the sidewalk along Lake City Way N.E. past the site;
- Increased vehicle trips generated by the proposal could be expected to decrease safety of both pedestrians and motorists in the immediate area, especially in the vicinity of the Sacajawea Elementary School;
- The majority of the site contains a tree grove protected by trees ordinances of Seattle the loss of nearly half of which would have negative environmental impacts to noise, air quality, water quality, esthetics, and soil stability;
- The arborists has mislabeled exceptional trees in the north portion of the property;
- Excavation, trucking and pile driving would be likely to create negative noise impacts to neighbors, and the nearby school and should be limited to June through August on weekdays outside of school hours;
- The new curb bulb and sidewalk at the northwest corner of N.E 95<sup>th</sup> St. and 20<sup>th</sup> Ave. N.E. needs to be protected from damage by construction traffic;
- The segment of N.E. 20<sup>th</sup> St. past the subject block is particularly unsafe as there is a “blind hill” to the south, “hidden” yield signs, roadway narrowing, and lack of sidewalks;
- The proposed “funded covenant” for maintenance of the south half of the property and the provision of cisterns to collect water for reuse should be conditioned as part of the MUP decision;
- N.E. 95<sup>th</sup> St. should be improved to be a signalized crossing of Lake City Way N.E.;
- Further development along Lake City Way N.E. could add to the “canyon effect” with noise reverberating along the street;

- Past landslides have threatened and damaged structures uphill to the west of the subject site indicating ongoing danger of further slide events; and
- Development on this wooded area contradicts Seattle's stated goal of reaching 30% tree canopy cover.

**ANALYSIS – ENVIRONMENTALLY CRITICAL AREAS (ECA) ADMINISTRATIVE  
CONDITIONAL USE (ACU)**

Section 23.42.042 of the Seattle Land Use Code authorizes review of conditional use permits according to the procedures set forth in Chapter 23.76, Procedures for Master Use Permits. Section 25.09.260 of the ECA ordinance sets forth the review criteria for Administrative Conditional Use Permits (ACU) to create development with smaller than required lot sizes and yards, and/or more than one (1) dwelling unit per lot. Applicable review criteria and analysis follows:

***SMC 25.09.260. Environmentally Critical Areas Administrative Conditional Use.***

***B. Standards. The Director may approve an administrative conditional use for smaller than required lot sizes and yards, and/or more than one (1) dwelling unit per lot if the applicant demonstrates that the proposal meets the following standards:***

***1. Environmental Impacts on Critical Areas.***

***a. No development is in a riparian corridor, shoreline habitat, shoreline habitat buffer, wetland, or wetland buffer.***

There are no riparian corridors, wetlands or wetland buffers on the site. No development is within the shoreline habitat or 100' shoreline habitat buffer. The proposal meets this criterion.

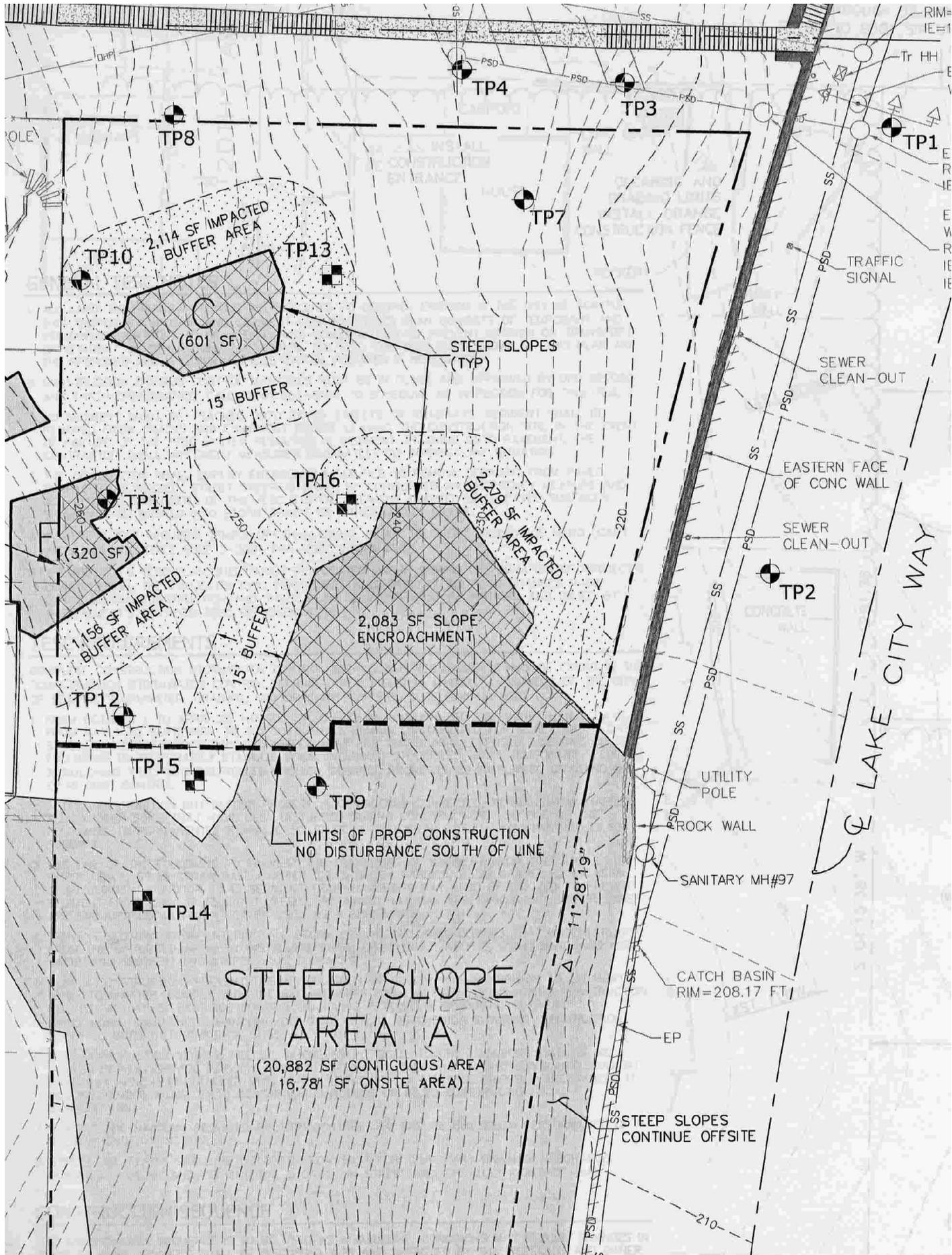
***b. No riparian management area, shoreline habitat buffer, or wetland buffer is reduced.***

The subject property does not include any riparian management area, wetland buffer or shoreline habitat. The proposal meets this criterion.

***c. No development is on a steep slope area or its buffer unless the property being divided is predominantly characterized by steep slope areas, or unless approved by the Director under Section 25.09.180.B2a, b or c.***

***1) The preference is to cluster units away from steep slope areas and buffers.***

There is a very high concentration of Steep Slopes (greater than 40%) on the southern portion of the site and a lesser one on the northern portion thereof. By proposing to cluster development on the northern portion of the site, within the area bounded on the south by the dashed line in the map below, the applicant is proposing to disturb a minimum amount of the onsite steep slope area while recapturing the full development potential of the site were there no ECA Steep Slopes existent.



- 2) ***The Director shall require clear and convincing evidence that the provisions of this subsection B are met when clustering units on steep slope areas and steep slope area buffers with these characteristics:***
- a. ***A wetland over fifteen hundred (1,500) square feet in size or a watercourse designated part of a riparian corridor; or***
  - b. ***An undeveloped area over five (5) acres characterized by steep slopes; or***
  - c. ***Areas designated by the Washington Department of Fish and Wildlife as urban natural open space habitat areas with significant tree cover providing valuable wildlife habitat.***

The proposal does not cluster the units on un-exempted steep slope or steep slope buffers. Further, the area proposed for construction does not contain a wetland or riparian corridor, or an undeveloped area over five acres. The area proposed for development does not contain significant tree cover providing wildlife habitat. Nor is the area mapped as a ECA Wildlife Habitat area. This criterion is met.

- d. The proposal protects Washington State Department of Fish and Wildlife priority species and maintains wildlife habitat.***

There are no priority species known to exist on the site nor mapped in the City's ECA mapping. Nevertheless, preservation of the southern 50.4% of the site under a recorded covenant permanently prohibiting disturbance other than habitat enhancement measures authorized by City code, enhancement by planting new trees and shrubs, removal of invasive species and long-term maintenance of an unbroken tree canopy, will provide wildlife habitat.

- e. The open water area of a shoreline habitat, wetland or riparian corridor shall not be counted in determining the permitted number of lots.***

No open water areas are counted in determining the number of lots.

- f. The proposal does not result in unmitigated negative environmental impacts, including drainage and water quality, erosion, and slope stability on the identified environmentally critical area and its buffer.***

The Preliminary Geotechnical Engineering Evaluation of the site conducted by Nelson Geotechnical Associates, Inc., dated February 24, 2006 analyzed existing soil conditions on the site by among other measures physical exploration with track hoe-excavated test pits and a drill rig, performing laboratory analyses on selected soil samples and review of other available literature and studies of the area. The study made recommendations for earthwork, temporary cut stability and shoring design, foundation support and slab-on-grade, retaining wall design and site drainage and erosion control. It recommends additional geotechnical consultation be obtained during construction permit level design and during construction.

Elements of the proposal intended to lessen the negative impact on areas of steep slope include:

- Clustering development on small lots in northern portion of the site where slopes are less steep;
- Maintaining the steepest areas undisturbed under a ECA Non-disturbance easement over the entire southern half of the site;
- Consolidation of driveway access to a single driveway in places as narrow as ten feet;
- Green stormwater features including planting new trees and saving others, use of permeable pavement in pedestrian walks, and incorporation of above ground detention cisterns for reuse of the harvested water;
- The remaining areas of steep slopes within the covenanted area would be remediated by removal of invasive species and planting of new trees and shrubs;
- A requirement for long-term maintenance of the covenanted area can be conditioned and can also be included as a recorded short plat covenant.

Detailed plans and drawings will be required as part of subsequent construction plans.

The proposal meets this criterion, subject to the conditions listed below.

***g. The proposal promotes expansion, restoration or enhancement of the identified environmentally critical area and buffer.***

A non-disturbance covenant area would be established over the southern 50.4% of the site and the steep slope critical areas within would be restored and enhanced by removing invasive species and noxious weeds such as English Ivy, Himalaya Blackberries and Japanese Knotweed and maintained for the long term. The proposal meets this criterion.

***2. General Environmental Impacts and Site Characteristics.***

***a. The proposal keeps potential negative effects of the development on the undeveloped portion of the site to a minimum and preserves topographic features.***

The proposal would cluster development away from the steepest slopes on the site, preserving them in their existing condition. It would also create a retaining wall and drainage system along the western edge of the developed area to help stabilize steep areas off site to the west. The proposal meets this criterion.

***b. The proposal retains and protects vegetation on designated nondisturbance areas, protects stands of mature trees, keeps tree removal to a minimum, removes noxious weeds and protects the visual continuity of vegetated areas and tree canopy.***

The proposal retains and protects native vegetation on designated nondisturbance areas. Some mature trees would be lost in the developed area. However, the proposed development plan strikes a reasonable balance between recovering development potential and preserving ECA Steep Slope

areas and would introduce many new trees to the site which would mature to become part of the tree canopy.

The proposal meets this criterion, subject to the conditions listed below.

**3. Neighborhood Compatibility.**

- a. The total number of lots permitted on-site shall not be increased beyond that permitted by the underlying single-family zone.*

The total of lots proposed is six, which is the maximum number which would be permitted by the underlying single family zone.

- b. Where dwelling units are proposed to be attached, they do not exceed the height, bulk and other applicable development standards of the Lowrise 1 (L-1) zone.*

There are no proposed attached dwelling units with this application. The criterion does not apply.

- c. The development is reasonably compatible with and keeps the negative impact on the surrounding neighborhood to a minimum. This includes, but is not limited to, concerns such as neighborhood character, land use, design, height, bulk, scale, yards, pedestrian environment, and preservation of the tree canopy and other vegetation.*

Neighborhood Character and land use:

**Existing:** To the east of the proposal site is the highly trafficked Lake City Way N.E. (SR 522) and across it is a mix of multifamily and commercial development along the street with single family neighborhoods rising beyond. On the west side of Lake City Way NE, in the area of the proposal site development is predominantly single family in nature with the exception and the Sacajawea Elementary school to the northwest and an adjacent public park providing an area of grass field bordered by landscaping.

**Proposed:** The proposed clustering when viewed from within the project boundaries would appear denser and perhaps more urban than the surrounding single family development on ample, often wooded lots. Viewed from vantage points outside of the site borders, however, the appearance would be much less inconsistent with the surrounding development. Viewed from existing residences uphill to the west the proposed development would appear as a series of pitched roofs with two story houses below. In each case the level view eastward for a person standing in these existing buildings would be across the top of the new roof ridges. The structures themselves, as depicted in application plan sets are traditional looking, single family structures. From the north, south and east the limited views available of the proposed development would be of traditional residential structures.

The analysis herein and the approval sought relies upon the particular six single family structures propose in the application and shown in the plans under review. These six homes have traditional, above average architectural attractiveness. They have particular footprints, heights, building forms and they relate to their surrounding open spaces in particular ways.

While it might be implied that these particular structures are the only ones to be approved by this conditional use decision, it is necessary to make this fact clear by conditioning to require that the particular six single family structures located on the parcels shown and approved in the orientations shown as shown in the application plans are the only residential structures approved, unless DPD approves modifications or alternatives determined to equally well meet the requirements of this Administrative Conditional Use Application. Therefore, the following condition will be imposed: “Conditional Use Approval for clustering is limited to the particular single family dwelling site plans, floor plans, elevations and cross sections found in the approved plan sets for this Master Use Permit. Modifications to these designs may be approved for construction permitting where the Land Use Planner determines the proposed design(s) are comparable to those approved herein and that the requirements of SMC 25.009.260.B.3.c continue to be satisfied.”

*Preservation of Tree Canopy and Vegetation:*

**Existing:** As shown on the Plan Sheet C3, “Tree Protection and Removal Plan,” a mature tree canopy of maple, cherry, alder, hemlock, and cedar extends across the proposal site from north to south.

**Proposed:** The application proposes to remove the trees on the northern half of the site, remediate and enhance those on the southern half, and to plant and maintain new trees on the entire site. Plan Sheet C4, “Tree Restoration and Planting Plan,” shows planting of new trees and shrubs to include 27 Western Red Cedars, 8 Commemoration Sugar Maples, 5 Flame Amur Maples and 10 large shrubs (Rhododendron, Dogwoods, Oregon Grape and Western Hazelnut).

While the area of removal of tree canopy and vegetation removal is large, equally so is the area being preserved, restored and further planted. The balance between recaptured development credit, critical area preservation and enhancement and permanent, covenanted protection and maintenance of the preserved, steepest southern half of the proposal site is a good one. In order to ensure that this balance is effectuated and preserved the following conditioning is necessary. “The Tree Restoration and Planting Plan as evidenced by Plan Sheet C4 shall be accomplished on a ECA Covenanted southern half of the site prior to occupancy of any building on the site. That plan shall be accomplished on the northern half of the site in segments as individual homes are constructed and before each one is occupied. Ownership of the ECA Covenanted southern half of the site shall be in an organization of the owners of the six houses to be constructed which organization shall be required to maintain the ECA Covenanted area in the condition proscribed in Plan Sheet C4.”

**C. Conditions.**

- 1. In authorizing an administrative conditional use, the Director may mitigate adverse negative impacts by imposing requirements and conditions necessary to protect riparian corridors, wetlands and their buffers, shoreline habitats and their buffers, and steep slope areas and their buffers, and to protect other properties in the zone or vicinity in which the property is located.**

The following conditions are deemed necessary:

- Conditional Use Approval for clustering is limited to the particular single family dwelling site plans, floor plans, elevations and cross sections found in the approved plan sets for this Master Use Permit. Modifications to these designs may be approved for construction permitting where the Land Use Planner determines the proposed design(s) are comparable in all respects to those approved herein and that the requirements of SMC 25.009.260.B.3.c continue to be satisfied.”
- The Tree Restoration and Planting Plan as evidenced by Plan Sheet C4 shall be accomplished on a ECA Covenanted southern half of the site prior to occupancy of any building on the site. That plan shall be accomplished on the northern half of the site in segments as individual homes are constructed and before each one is occupied. Ownership of the ECA Covenanted southern half of the site shall be in an organization of the owners of the six houses to be constructed which organization shall be required to maintain the ECA Covenanted area in the condition proscribed in Plan Sheet C4.”
- Street improvements substantially in accord with those shown on Plan Sheet Cv2, and other plans in the application plan set shall be accomplished prior to occupancy of any residence.

- 2. In addition to any conditions imposed under subsection 1, the following conditions apply to all administrative conditional uses approved under this subsection:**

- a. Replacement and establishment of native vegetation shall be required where it is not possible to save trees or vegetation.**
- b. Where new lots are created, the provisions of Section 23.22.062, Unit lot subdivisions, or Section 23.24.045, Unit lot subdivisions, apply, regardless of whether the proposal is a unit lot subdivision, so that subsequent development on a single lot does not result in the development standards of this chapter being exceeded for the short subdivision or subdivision as a whole.**

The applicant has shown a proposed configuration for a future unit lot subdivision.

**DECISION – Administrative Conditional Use**

The proposal is **CONDITIONALLY GRANTED.**

**ANALYSIS - SEPA**

The initial disclosure of the potential impacts from this project was made in the environmental checklist submitted by the applicant and dated April 29, 2010. This information in the checklist, supplemental information provided by the applicant (plans, including landscape plans, application materials), comments from members of the community, 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) establishes the relationship between codes, policies, and environmental review. Specific policies for specific elements 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 certain limitations/circumstances (SMC 25.05.665 D 1-7) mitigation can be considered. Thus, a more detailed discussion of some of the impacts is cited below.

**Short Term Impacts**

Anticipated short term impacts that could occur during excavation and construction include; increased noise from construction activities and equipment; decreased air quality due to suspended particulates from building activities and hydrocarbon emissions from construction vehicles and equipment; increased dust caused by construction activities; potential soil erosion and potential disturbance to subsurface soils during grading, excavation, and general site work; increased traffic and demand for parking from construction equipment and personnel; conflicts with normal pedestrian and vehicular movement adjacent to the site; increased noise; and consumption of renewable and non-renewable resources. Due to the temporary nature and limited scope of these impacts, they are not considered significant (SMC 25.05.794).

Many are mitigated or partially mitigated by compliance to existing codes and ordinances; specifically these are: Stormwater, Grading and Drainage Control Code (grading, site excavation and soil erosion); Street Use Ordinance (watering streets to suppress dust, removal of debris, and obstruction of the pedestrian right-of-way); the Building Code (construction measures in general); and the Noise

Ordinance (construction noise). The Department finds, however, that certain construction-related impacts may not be adequately mitigated by existing ordinances. Further discussion is set forth below.

### Noise

Noise is expected to be generated during excavation, grading and construction phases of construction. DPD enforces the Seattle Noise Ordinance [http://www.seattle.gov/dpd/Enforcement/Noise\\_Abatement/default.asp](http://www.seattle.gov/dpd/Enforcement/Noise_Abatement/default.asp). Noise generated by construction activities is allowed to be louder during daytime hours and must be much quieter in the evening and night time. Use of earth moving equipment will take place during a limited period of time and within hours regulated by the Noise Ordinance. Single family house construction creates noticeable noise, but, is not an unexpected occurrence and is within the types of noise anticipated in the Noise Ordinance and is presumed to be adequately regulated thereby.

No further SEPA policy based conditioning of noise impacts is deemed warranted.

### Air Quality

Grading activities have the potential to create some dust impacts. These are easily controlled by the application of water. Puget Sound Clean Air Agency regulations already prohibit the release of dust from such activities. Mud or dirt deposited on streets by vehicles leaving the site could cause dust in the surrounding area. The Street Use Ordinance and the Grading Ordinance combine to limit tracking of dirt or mud onto streets. Issued construction permits from DPD will include provision of best management practices for preventing vehicles from tracking mud or dirt off the site.

No further SEPA policy based conditioning of air quality impacts is warranted.

### Earth/Grading

Review of the preliminary soils report provided by the applicant and contained in the project file indicates that temporary retaining walls can be constructed to adequately stabilize slopes until permanent measures are incorporated.

No further SEPA policy based conditioning of earth/grading impacts is warranted.

### Pedestrian Circulation

Construction of the proposed new roadway and pedestrian path elements in the N.E. 95<sup>th</sup> St. right of way might interrupt the current pedestrian route from Lake City Way N.E. to 20<sup>th</sup> Ave. N.E. A temporary route along side of a grading and paving project may not be safe or even feasible. It would be feasible to require that the street improvement phase of the proposed project be completed first and as quickly as possible. Conditioning to require construction of the new roadway, sidewalks and stairs in the N.E. 95<sup>th</sup> St. right of way be constructed so as to provide a safe pedestrian path from Lake City Way N.E. and N.E. 20<sup>th</sup> St. be completed prior to starting construction of any residential units on the site would

encourage early and expeditious completion of this element. Further conditioning to require this pathway to remain open at all times and be controlled by construction personnel as necessary to preserve safety is also warranted.

### **Long Term Impacts**

Long term or use-related impacts are also anticipated from the proposal and include: increased surface water runoff from greater site coverage by impervious surfaces; potentially decreased water quality in surrounding watersheds; increased ambient noise due to increased human activity; increased demand on public services and utilities; increased light and glare; increased energy consumption, increased on-street parking demand, and increased vehicle traffic. These long term impacts are not considered significant because the impacts are minor in scope.

### **Earth**

The “Preliminary Geotechnical Engineering Evaluation” by Nelson Geotechnical Associates, Inc, dated February 24, 2006 analyzes existing soil conditions on the site and the historical record of two prior earth slumping events and makes preliminary recommendations for temporary and permanent stabilization of the site and of the proposed six dwellings. It also recommends addressing existing drainage conditions on the upslope properties as a way to reduce the risk of earth moving on the slope. The data from three borings beneath the site are included in this report. This report was reviewed by both a Geotechnical Engineer and a Land Use Planner at DPD and the conclusion reached that the proposed project can be safely accomplished in a manner which preserves slope stability both during construction and for the long term. Further details of the endeavor will be provided and reviewed during grading and construction permit review at DPD.

No SEPA policy based conditioning of earth impacts appears to be warranted.

### **Transportation and Parking**

Adequate parking is expected to be provided on site for the proposed residences. Traffic generated by the new dwellings is expected to be minor in amount and well within the capacity of the existing street system. Vehicles entering the intersection of N.E. 95<sup>th</sup> St. and 20<sup>th</sup> Ave. N.E. will be expected to encounter congested streets and considerable pedestrian traffic just prior to and after the adjacent school is in session. As a measure to improve the traffic and pedestrian safety in this situation the applicant proposes to improve the intersection of 20<sup>th</sup> Ave. N.E. and N.E. 195<sup>th</sup> St. (as shown in the MUP application plans) with curbs, sidewalks and some limited curb blubbing to include a sidewalk element opposite the new street segment along 20<sup>th</sup> Ave. N.E. where there is none now.

Because this proposed, improved street and sidewalk condition is assumed in the review here, it is necessary to condition to require completion of street improvements as shown in the approved MUP plans prior to occupancy of any residence on the proposal site.

### Water Quality/Drainage

The Seattle Stormwater and Drainage Control Code will apply to require stormwater detention and incorporation of green stormwater infrastructure to the greatest extent feasible. Discharge of stormwater will be required to be to a City facility in order to avoid unnecessarily charging the groundwater in the steep slope areas. It is expected that these existing regulations will be sufficient to adequately mitigate water quality and drainage impacts. Impacts to stormwater are not considered significant and no mitigation is warranted.

### Plants/Animals

The proposal would preserve trees on the southern, steepest portion of the site (just over 50% of the total site), remove invasive species and plant new trees throughout the entire site. The northern half of the site would be graded in such a way as to allow construction of six single family houses. Landscape around the new houses would be designed to contribute to the habitat value in the area. This approach to allowing development of the parcel, while leaving steep slope areas largely intact and vegetated, is reasonable and practical way to provide a large area of ongoing habitat for plants and animals on the site.

Impacts to plants and animals are not considered significant and no mitigation is warranted.

### Height, Bulk and Scale

Clustering the six proposed houses on smaller than 5,000 sq. ft. lots with reduced front and rear yards is likely to result in an increased appearance of bulk and scale when viewed from some locations. This would be apparent to pedestrians within the proposal site or along the sidewalk immediately north. Views of the site from properties uphill to the west and from across Lake City Way N.E. to the east would also reveal a clustering of six houses in two rows at a density more commonly found in lowrise zones than in multifamily one. Drawings and pictures in the plan sets reviewed show the proposed structures in side view with the existing houses uphill to the west. These exhibits demonstrate a limited appearance of height for the proposed houses when viewed from the west. When viewed from the east, from across Lake City Way N.E., the apparent height, bulk, and scale would not be out of proportion to other development currently found and expected in the future along the busy street.

Impacts to height, bulk and scale are not considered significant and no mitigation is warranted

### Summary

In conclusion, certain non-significant adverse impacts on the environment are anticipated to result from the proposal. The conditions imposed below are intended to mitigate specific impacts identified in the foregoing analysis, or to control impacts not regulated by codes or ordinances per adopted City policies.

## **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 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 43.21C.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).

## **CONDITIONS**

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

### Prior to Issuance of Demolition, Grading, or Building Permits

1. Conditional Use Approval for clustering is limited to the particular single family structures as shown in site plans, floor plans, elevations and cross sections found in the approved plan sets for this Master Use Permit. Modifications to these designs may be approved for construction permitting where the Land Use Planner determines the proposed design(s) are comparable to those approved herein and that the requirements of SMC 25.009.260.B.3.c continue to be satisfied.

### During Construction

2. Provisions shall be made for safe pedestrian routes along N.E. 95<sup>th</sup> St. and 20<sup>th</sup> Ave. N.E., in accordance with SDOT standards.
3. The new roadway, sidewalks and stairs in the N.E. 95<sup>th</sup> St. right of way shall be constructed sufficiently to provide a safe pedestrian path from Lake City Way N.E. and N.E. 20<sup>th</sup> St. prior to starting construction of any residential units on the site. This pedestrian pathway shall remain open at all times and be controlled as necessary for the safety of pedestrians by construction personnel.

### Prior to Occupancy

4. Street improvements substantially in accord with those shown on Plan Sheet Cv2, and other plans in the application plan set shall be accomplished prior to occupancy of any residence.

5. The intersection of 20<sup>th</sup> Ave. N.E. and N.E. 95<sup>th</sup> St. shall be improved as shown in the MUP application plans with curbs, sidewalks, some limited curb bluing to include a sidewalk element opposite the new street segment along 20<sup>th</sup> Ave. N.E.
6. The Tree Restoration and Planting Plan, as evidenced by Plan Sheet C4, shall be accomplished on the ECA Covenanted southern half of the site prior to occupancy of any building on the site. That plan shall be accomplished on the northern half of the site in segments as individual homes are constructed and before each one is occupied.

For the Life of the Project

7. Where new lots are created, the provisions of Section 23.22.062, Unit lot subdivisions, or Section 23.24.045, Unit lot subdivisions, apply, regardless of whether the proposal is a unit lot subdivision, so that subsequent development on a single lot does not result in the development standards of this chapter being exceeded for the short subdivision or subdivision as a whole.
8. The southern half of the site, as shown in plan sets, shall have a City of Seattle approved ECA Covenant restricting its use. Ownership of the ECA Covenanted Area shall be in an organization of the owners of the six houses to be constructed; which organization shall be required to maintain the ECA Covenanted area in the condition equivalent to that proscribed in Plan Sheet C4.

Signature: (signature on file)  
Scott Kemp, Senior Land Use Planner  
Department of Planning and Development  
Land Use Division

Date: July 25, 2011