



# City of Seattle

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Gregory J. Nickels, Mayor  
**Department of Planning and Development**  
Diane M. Sugimura, Director

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

**Application Numbers:** 2402476, 2407971 and 2408898

**Proponent Names:** Urban Innovations Homes A, LLC; Urban Innovations Homes B, LLC;  
and Urban Innovations Homes C, LLC.

**Address of Proposals:** 5420 NE 58<sup>th</sup> St, 5800 and 5814 Sandpoint Way NE

### **SUMMARY OF PROPOSED ACTION**

Master Use Permit to demolish four (4) duplexes and establish use for future construction of the triangular shaped site with nine (9) two—unit townhouses and one (1) single-family dwelling unit with parking for twenty-two (22) vehicles within the structures. The proponents are seeking to have all projects permitted together so that there is only one demolition sequence for all three projects.

This review contemplates a future lot boundary adjustment and unit lot subdivision.

The following approvals are required:

**Design Review** pursuant to Seattle Municipal Code (SMC) 23.41  
Design Departures for structure width and depth, and setbacks.

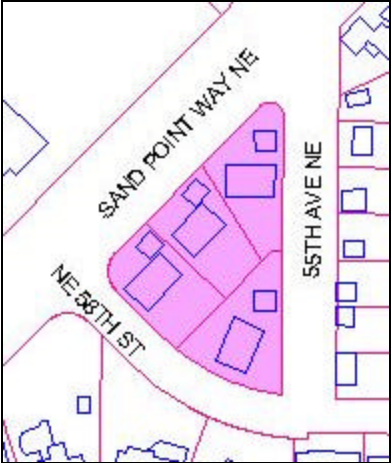
**SEPA - Environmental Determination** pursuant to SMC 25.05

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

### **BACKGROUND & VICINITY INFORMATION:**

The triangular shaped site is located west and northwest of the Belvedere Terrace and Windermere neighborhoods. The development site is bordered on the west by Sand Point Way NE (a main arterial), on the east by 55<sup>th</sup> Ave NE (a designated street—designed and built as an alley) and on the south by NE 58<sup>th</sup> St (a minor arterial). NE 58<sup>th</sup> St serves as an entrance to Belvedere Terrace neighborhood.

The site is multifamily zoned LDT (Low-rise Duplex/Triplex) with a base height limit of 25 feet—additional height for the ridge of pitched roofs on principal structures may extend up to thirty-five (35) feet or thirty (30) feet; with the respective minimum slopes of six to twelve (6:12) or a four to twelve (4:12). Zoning on the adjacent properties directly east across 55<sup>th</sup> Ave NE are zoned SF-5000, south and southwest across NE 58<sup>th</sup> St are zoned SF-9600, and west across Sand Point Way are zoned L-3. All surrounding zones allow for greater base height limit than the LDT zone.



Current uses (single family residences) south of NE 58<sup>th</sup> St and east of 55<sup>th</sup> Ave NE reflect their zoning. The L-3 zoning area across Sand Point Way is currently the site of a church. Development in the vicinity reflects a residential pattern in general, with some institutional development occurring along Sand Point Way NE. Potentially the development site would allow for twenty (20) dwelling units, however, the proponents have chosen to present a nineteen (19) dwelling unit proposal.

The site consists of three adjacent parcels of varying sizes with an overall site area of approximately 37,100 square feet. There is no alley or other rights-of-way on the site. No portion of the site is designated as an Environmental Critical Area on City maps. The site is occupied by four (4) one-story townhouse structures with detached carports for eight (8) residential dwelling units.

The site is served by public transit. Metro routes 74 and 75 passes adjacent to the site along Sand Point Way NE and stops are located within one block.

The Proposed Development

The proponents desire to demolish four existing duplexes and establish use for future construction of a total of nine (9) two—unit townhouses and one (1) single-family dwelling unit with parking for twenty-two (22) vehicles within the structures. The use of two-unit townhouses insures that there are no ‘middle’ units, thus providing better light and air to the units within the structures. Two-unit townhouses are envisioned to be of a size and scale more reminiscent of a larger single-family home. The proponent’s goals were to maintain NE 58<sup>th</sup> St free of curb cuts (vehicular entrances), improve Sand Point Way NE, and provide a generous amount of landscaping.

The proposed development keeps vehicular access to three entrances off 55<sup>th</sup> Ave NE, leaving NE 58<sup>th</sup> St undisturbed. Using 55<sup>th</sup> Ave NE will decrease conflicts arising from entrances off Sandpoint Way NE as the site already has two intersections off Sandpoint Way NE (one at 55<sup>th</sup> Ave NE and one at NE 58<sup>th</sup> St). Sandpoint Way NE will be improved with on-street parking, curb & gutter, landscaping strip, sidewalk, and finally the site landscaping itself.

The two-unit townhouses are aligned along NE 58<sup>th</sup> St to follow the curve of the street and create a relationship with the established street edge. The majority of the remaining structures look out onto common landscaping area. The applicant expects that the common landscaping area will be private to each lot having an easement running through it for the community path/trail/access. The single-family

home will reside within the corner of 55<sup>th</sup> Ave NE and Sandpoint Way NE. All internal driveways and garages will be virtually hidden from view on NE 58<sup>th</sup> St and Sandpoint Way NE and only partially viewable from 55<sup>th</sup> Ave NE. Due to SDOT requirements to the driveway approaches, a total of three (3) curb cuts are required along 55<sup>th</sup> Ave NE to the garage of the single family home, two duplexes, and the remaining seven duplexes. However, the new project will still appear much more like a true streetscape along 55<sup>th</sup> Ave NE rather than the existing garages and rear yard fences of the properties across 55<sup>th</sup> Ave NE.

The garage entrances are located below the main floor levels via sub-grade driveways, to help bring the scale of the structures down when viewed from the public. In project reviews with Seattle's Department of Transportation (SDOT), the slope of driveways from 55<sup>th</sup> had to be reduced within the right of way portion. This required that two structures at the southeast corner of the site have their main entrance on the lowest level rather than at a mid level. Parking for this unit, while still from the car court at rear, is no longer partially submerged below grade. An additional unit type was designed for this situation. This new unit type is a 2.5 story structure, as are the other structures, though it appears a bit taller as the grade at front is lower. This unit has similar northwest craftsman design, though it has front stoops instead of a front porch and it has a terrace for each unit on the second level off the living room. In addition, this new unit provides two parking stalls for the larger unit.

All setbacks required by the Land Use Code have been met, with the exception of the front setback averaging for the single family home where a departure was requested. The project meets the project parameters by having access easements between Project A and Project B and by having a Lot Boundary Adjustment for Project C. Without the cooperation between owners of the three projects, the overall project would require vehicle entrances off NE 58<sup>th</sup> St and Sand Point Way NE.

#### Public Review and Comment Periods

Two Design Review meetings were held on this proposal and included opportunities for the public to comment; an Early Design Guidance meeting was held on November 29, 2004 and the Recommendation meeting was held on February 14, 2005. The public's comments focused on landscape maintenance, noise, lighting glare, traffic, vehicle access, and the number of parking spaces to be provided. Refer to the Master Use Permit (MUP) file for details on these meetings.

Public notice of the Master Use Permit (MUP) project applications was given on January 27, 2005. The public comment periods ended on February 9, 2005. DPD received comments on this proposal. The comments related to loss of privacy, location/design of private open space, vehicle access, circulation and safety. Those comment letters are available for review in the Master Use Permit file available from the Public Resource Center at the Department.

#### ANALYSIS - DESIGN REVIEW

After visiting the site, considering the analysis of the site and context provided by the proponents, and hearing public comment, the NE Design Review Board (DRB) members provided the siting and design guidance described below and identified by letter and number those siting and design guidelines found in the City of Seattle's "Design Review: Guidelines for Multifamily & Commercial Buildings," November 1998, of highest priority to this project.

Guideline Priorities, Board’s Comments/Guidance and Applicant’s Response

<p><b>A. Site Planning</b></p> <p><u>Guidelines relative to the Board’s Comments/Guidance:</u></p> <p><b>A-2 Streetscape Compatibility</b></p> <p>The siting of buildings should acknowledge and reinforce the existing desirable spatial characteristics of the right-of-way.</p> <p><b>A-4 Human Activity</b></p> <p>New development should be sited and designed to encourage human activity on the street.</p> <p><b>A-10 Corner Lots</b></p> <p>Buildings on corner lots should be oriented to the corner and public street fronts. Parking and automobile access should be located away from corners.</p>	<p><u>The Board’s Comments/Guidance at Early Design Guidance:</u></p> <p>The Board felt that the Applicant should be prepared to discuss their defining of the street edge both on Sand Point Way NE but particularly on NE 58<sup>th</sup> St. At next meeting, be prepared to discuss how the project interacts with NE 58<sup>th</sup> St (provide an elevation that shows the development will not be a wall along NE 58<sup>th</sup> St). Also, at next meeting, discuss how the project interacts from a safety perspective, with Sand Point Way NE. Show more landscape detail along NE 58<sup>th</sup> St.</p> <p>The Board supported the Applicant’s preferred scenario of nineteen (19) units with vehicle access only on 55<sup>th</sup> Ave NE and orienting the southwest facing structures to follow the curve of NE 58<sup>th</sup> St. The Board felt that the Applicant had placed the driveways in the most logical location. The Board also stated they were not overly concerned about increase density of the site and the potential reduction in privacy for the single-family residential users along 55<sup>th</sup> Ave NE. Given that the detached garages and the proposed development has being designed with a generous amount of landscaping between the existing and proposed uses that buffer a majority of the single-family lots.</p> <p><u>Response by the Applicants at the Recommendation Meeting:</u></p> <p>A perspective drawing of the proposal from the corner of Sand Point Way and NE 58<sup>th</sup> St was provided for illustration, as were streetscape elevation drawings and landscape plans and elevations. The ends of the buildings facing Sand Point Way and NE 58<sup>th</sup> St are designed differently but each have bay features and architectural treatments that distinguish these facades. The applicant expressed the goal of providing 4-sided architecture so that each side of the building appealed to the eye. Working within the requirements of the zone, each building has a slightly different dormer, porch and window arrangements. There was an effort not to place identical buildings side by side. The perspective drawing illustrated that, because of the curve of NE 58<sup>th</sup> St, not all four units will be completely visible at once, thus reducing or eliminating any perception of a wall along NE 58<sup>th</sup> St.</p> <p>The landscape architect presented the landscape concept, which shows the retention of the ornamental pear trees and boulevard planting on NE 58<sup>th</sup> St, as well as front yard landscaping to the units. In addition, landscaping along Sand Point Way serves to define the edge between the private and public realm. A proposed fence that would be open metal with brick columns is proposed along the entire Sand Point Way frontage. These fence and columns would be kept to about 4 ft in height. In addition, columns will be placed at the entry walks to the homes on NE 58<sup>th</sup> St. No fence will be on this side as the existing ‘roll’ at the sidewalk edge provides much definition between public and private. These columns could be used for lighting and addressing and would relate to the Belvedere Terrace brick monument at the corner of NE 58<sup>th</sup> St and Sand Point Way.</p>
<p><u>Guideline relative to the Board’s Comments/Guidance</u></p> <p><b>A-5 Respect for Adjacent Sites</b></p>	<p><u>The Board’s Comments/Guidance at Early Design Guidance:</u></p> <p>Be mindful of light glare on neighboring properties. Attempt to underground all utilities. Board is aware that under-grounding utilities along Sand Point Way is cost prohibitive, but suggest Applicant look</p>

<p>Buildings should respect adjacent properties by being located on their sites to minimize disruption of the privacy and outdoor activities of residents in adjacent buildings.</p>	<p>toward other areas so that more power poles will not be needed. Make the pedestrian environment pleasant.</p> <p><u>Response by the Applicants at the Recommendation Meeting:</u></p> <p>Essentially the entire right of way width along 55<sup>th</sup> will be landscaped as part of this project. A serpentine walk curving through the broad planting strip creates a park-like public amenity here. Massed plantings and angled approaches to the new homes maintain the privacy of the neighbors across the street.</p> <p>The Board felt that both light and glare would not be a problem with this proposal. Since the Board said that the lighting as proposed at the perimeter and through porch lights was adequate, the Applicant will not make any further changes. The Applicant will also look into putting the utilities underground.</p>
<p><u>Guideline relative to the Board’s Comments/Guidance</u></p> <p><b>A-8 Parking and Vehicle Access</b>                  Siting should minimize the impact of automobile parking and driveways on the pedestrian environment, adjacent properties and pedestrian safety.</p>	<p><u>The Board’s Comments/Guidance at Early Design Guidance and the Recommendation Meetings:</u></p> <p>The Applicant is requested to discuss with Seattle’s Department of Transportation (SDOT) potential modifications to the median of Sand Point Way. For example the removal of some of the northern median plantings and/or the widening of the boulevard intersection by removing a portion of the southern median; in order to lengthen the paved turning lane and help develop better visibility for left hand turns from NE 58<sup>th</sup> St. The Board indicated that no additional parking other than required by code should be necessary, but that the Applicant should discuss parking at the next meeting.</p> <p><u>Response by the Applicants following the Recommendations Meeting and during DPD’s review:</u></p> <p>In order to address the neighbor’s concerns regarding traffic, the median, and the turning lane on Sandpoint Way NE, the Applicant coordinated a traffic impact analysis report and a public meeting with SDOT, the assigned DPD planner, and the neighborhood on March 24, 2005. At this meeting, SDOT and the assigned planner communicated to the neighbors that the proposed project does not warrant any mitigations due to traffic.</p> <p>The Applicant also addressed the neighbor’s concern about parking by providing a parking study that revealed a more than adequate amount of available parking.</p>

<b>B. Height, Bulk and Scale</b>	
<p><u>Guideline relative to the Board’s Comments/Guidance</u></p> <p><b>B-1 Height, Bulk and Scale Compatibility</b></p> <p>Projects should be compatible with the scale of development anticipated by the applicable Land Use Policies for the surrounding area and should be sited and designed to provide a sensitive transition to near-by, less-intensive zones. Projects on zone edges should be developed in a manner that creates a step in perceived height, bulk and scale between the anticipated development potential of the adjacent zones.</p>	<p><u>The Board’s Comments/Guidance at Early Design Guidance and the Recommendation Meetings:</u></p> <p>The Board generally agreed with the concept of townhouse arrangements to provide a better quality of light and air for each unit (over the triplex concept). There was some concern about repetitiveness on NE 58th St – the Board encouraged the Applicant to consider different roof shapes or other visual changes to help minimize any repetitive patterns.</p> <p>The Board would like the applicant to ‘play up’ the corner building at the intersection of NE 58th St and Sand Point Way NE and at the corner of NE 58th St and 55th Ave NE. The Board would be willing to entertain additional design departures for these changes as long as the departures occurred within the site envelope. Play up landscaping as well.</p> <p><u>Response by the Applicants at Early Design Guidance and Recommendation Meetings, and during DPD’s review:</u></p> <p>Streetscape elevations were presented for both streets. This has been described under the site planning section, along with ‘playing up’ the corner buildings. The height requirements for this zone do not leave much room for major roof shape variations. Referring again to the perspective and streetscape drawings, the applicant pointed out the variations in dormer size, porch sizes, stoops and terraces, and material changes that will minimize repetitiveness on the site. The DRB member who was originally concerned at the EDG meeting is now satisfied by this response.</p>

<b>C. Architectural Elements and Materials</b>	
<p><u>Guidelines relative to the Board’s Comments/Guidance</u></p> <p><b>C-1 Architectural Context</b></p> <p>New buildings proposed for existing neighborhoods with a well-defined and desirable character should be compatible with or complement the architectural character and siting pattern of neighboring buildings.</p> <p><b>C-2 Architectural Concept and Consistency</b></p> <p>Building design elements, details, and massing should create a well-proportioned and unified building form and exhibit an overall architectural concept.</p> <p>Buildings should exhibit form and features identifying the functions within the building.</p> <p>In general, the roofline or top of the structure should be clearly distinguished from its façade walls.</p>	<p><u>The Board’s Comments/Guidance at Early Design Guidance Meeting:</u></p> <p>Board members agreed that the site concept and the architectural concept worked well for this neighborhood at the LDT density. At next meeting, please be prepared to present colors and materials. Because the concept had landscape as a major component, the applicant is requested to use ‘seasonal’ landscaping (landscape that looks good in all seasons). Please discuss in more detail at next meeting.</p> <p><u>Response by the Applicants at the Recommendation Meeting and during DPD’s review:</u></p> <p>The applicant presented a material and color palette board. Major siding materials include cedar shingle, hardi-board horizontal lap siding, cedar window trim and white windows. All wood trim shown on the elevations will be white. The wood will be painted rich and warm colors, but not overly bright. Each building will have two additional colors – a body and accent color- in addition to the white trim. The colors include warm and cool browns, greens, warm grey and pale gold. These color choices give much variety on the site and no two identical color schemes will be side by side. The board agreed with the color scheme and materials as proposed, but added that the composition roofing material be in two different colors.</p>

<p><b>C-4 Exterior Finish Materials</b></p> <p>Building exteriors should be constructed of durable and maintainable materials that are attractive even when viewed up close. Materials that have texture, pattern, or lend themselves to a high quality of detailing are encouraged.</p>	
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<p><b>D. Pedestrian Environment</b></p>	
<p><u>Guideline relative to the Board’s Comments/Guidance</u></p> <p><b>D-1 Pedestrian Open Spaces and Entrances</b></p> <p>Convenient and attractive access to the building’s entry should be provided. To ensure comfort and security, paths and entry areas should be sufficiently lighted and entry areas should be protected from the weather. Opportunities for creating lively, pedestrian-oriented open space should be considered.</p>	<p><u>The Board’s Comments/Guidance at Early Design Guidance:</u></p> <p>The Board directed the applicant to show streetscape elevations along NE 58<sup>th</sup> St and to address the pedestrian environment along Sand Point Way NE.</p> <p><u>Response by the Applicants at the Recommendation Meeting:</u></p> <p>Streetscape elevations were presented for both streets. This has been described under the site planning section. A fence was added along Sand Point Way that gives a better sense of security and some ‘defensible space’ of separation from the traffic on this busy arterial.</p>

<p><b>E. Landscaping</b></p>	
<p><u>Guideline relative to the Board’s Comments/Guidance</u></p> <p><b>E-2 Landscaping to Enhance the Building and/or Site</b></p> <p>Landscaping including living plant material, special pavements, trellises, screen walls, planters, site furniture and similar features should be appropriately incorporated into the design to enhance the project.</p>	<p><u>The Board’s Comments/Guidance at Early Design Guidance and Recommendations Meetings:</u></p> <p>The Board agreed that the landscaping proposed was more generous than generally seen on other projects. The project’s site characteristics are directly tied to the site concept and as such, landscaping should be ‘seasonal’. Any site fixtures should have a feeling of permanence.</p> <p>The Board members felt that the project got better with its development and liked the scheme very much – both the village-like quality of the architecture and the lushness of the landscape. They felt that the landscape will have a big impact on this neighborhood and that a system will need to be in place in order to successfully maintain the landscape.</p> <p><u>Response by the Applicants at the Early Design Guidance and Recommendation Meetings, and during DPD’s review:</u></p> <p>The landscape palette will be a mix of deciduous and evergreen plants, colorful spring flowering plants as well as fall color to give great seasonal variation. Proposed foliage textures and colors are also varied, rewarding the near views of pedestrians and adding visual interest to the site year ‘round. Bands of pervious paving are proposed, where feasible, in the driveway areas to reduce storm water runoff while adding to the environmentally friendly appearance of the project. The Applicant is looking into different options for maintaining the landscape.</p>

Departures Summary and Analysis

<b>DEVELOPMENT STANDARD DEPARTURE MATRIX</b>			
<b>Development Standard Requirement</b>	<b>Request/Proposal</b>	<b>Justification</b>	<b>Board's Recommendation<sup>1</sup></b>
<b>Structure width without modulation; and modulation standards.</b> SMC Table 23.45.001A and 23.45.012D2	Proposed 42 ft building width without code specified modulation standards.	<ul style="list-style-type: none"> <li>Building width at street face is 38 ft. Two foot wide side architectural features increase building width to 42 ft.</li> <li>These architectural features do not meet the code modulation standard; however they meet the code modulation intent, as do the front porches and material changes.</li> </ul>	Approval of the design based on <i>Guidelines—A-2, A-4, A-5, A-8, A-10, B-1, C-1, C-2, C-4, D-1, and E-2)</i>
<b>Structure Depth—SMC Table 23.45.001A</b>	Structure depth proposed exceeds maximum 65 ft; structure depth and amount varies per area, depending on angle of front property line.	<ul style="list-style-type: none"> <li>This total depth is reached by adding the two building's depths, one in front of the other, together. By separating these two structures, the scale is reduced and it adds light and air to each building.</li> </ul>	Approval of the design based on <i>Guidelines—A-2, A-4, A-5, A-8, A-10, B-1, C-1, C-2, C-4, D-1, and E-2).</i>
<b>Front Setback requirements—Lowrise SMC 23.45.014A.1.</b>  <b>Setbacks in multifamily zones—averaging SMC 23.86.012A.1.e.</b>	The proposed average front yard setback for the single family home abutting Sand Point way is 9 ft 4 3/4 inches instead of the required 10 ft.	<ul style="list-style-type: none"> <li>As there are no existing homes affected and as there is abundant landscaping proposed for this front setback, the 5 inch difference between required and proposed setback will be imperceptible.</li> </ul>	Approval of the design based on <i>Guidelines—A-2, A-4, A-5, A-8, A-10, B-1, C-1, C-2, C-4, D-1, and E-2).</i>

Board Recommendations

After considering the proposed design and the projects context, hearing public comment, and reconsidering the previously stated design priorities, the three Design Review Board members agreed that the applicant addressed the design guidance provided in their previous meeting. The Design Review Board **recommends approval** of the design as shown in updated Master Use Permit Plans. *(Based on Guidelines—A-2, A-4, A-5, A-8, A-10, B-1, C-1, C-2, C-4, D-1, and E-2.)*

Analysis & Decision—Design Review

The Director of DPD has reviewed the recommendation of the Design Review Board members present at the Design Review meetings and finds that their guidance is consistent with the City of Seattle Design

<sup>1</sup>[http://www.seattle.gov/DCLU/publications/Design\\_Review\\_Guidelines/MF\\_Commercial\\_1998.pdf](http://www.seattle.gov/DCLU/publications/Design_Review_Guidelines/MF_Commercial_1998.pdf)

Review Guidelines for multifamily buildings. The Master Use Permit (MUP) plans have been updated to incorporate the Board's recommendation and the requested design departures. The Board recommended that:

- The siting of the buildings should acknowledge and reinforce the existing desirable spatial characteristics of NE 58<sup>th</sup> St right-of-way. (*Guideline A-2*).
- The new development should be sited and designed to encourage human activity on all of the adjacent streets. (*Guideline A-4*).
- Buildings should respect adjacent properties by being located on their sites to minimize disruption of the privacy and outdoor activities of residents in adjacent buildings. (*Guideline A-5*).
- Parking and Vehicle Access siting should minimize the impact of automobile parking and driveways on the pedestrian environment and pedestrian safety. Thus, vehicle access should be limited to 55<sup>th</sup> Ave NE. (*Guideline A-8*).
- Buildings on the corners should be oriented to the corners and public street fronts. Parking and automobile access should be located away from corners. Thus, be limited to 55<sup>th</sup> Ave NE. (*Guideline A-10*).
- The project should be compatible with the scale of development anticipated by the applicable Land Use Policies for the surrounding area and should be sited and designed to provide a sensitive transition to near-by, less-intensive zones. Projects on zoned edges should be developed in a manner that creates a step in perceived height, bulk and scale between the anticipated development potential of the adjacent zones. (*Guideline B-1*).
- New buildings proposed for existing neighborhoods with well-defined and desirable character should be compatible with or complement the architectural character and siting pattern of neighboring buildings. (*Guideline C-1*).
- Building design elements, details, and massing should create a well-proportioned and unified building form and exhibit an overall architectural concept. (*Guideline C-2*).
- Buildings should exhibit form and features identifying the functions within the building. In general, the roofline or top of the structures should be clearly distinguished from its façade wall. (*Guideline C-2*).
- Building exteriors should be constructed of durable and maintainable materials that are attractive even when viewed up close. Materials that have texture, pattern, or lend themselves to a high quality of detailing are encouraged. (*Guideline C-4*).
- Convenient and attractive access to the building's entry should be provided. To ensure comfort and security, paths and entry areas should be sufficiently lighted and entry area should be protected from the weather. (*Guideline D-1*).
- Landscaping including living plant materials, special pavement, screen walls, site furniture and similar features should be appropriately incorporated into the design to enhance the project. (*Guideline E-2*).

### **DECISION - DESIGN REVIEW**

The Director of DPD accepts the Design Review Board's recommendations and **approves** the proposed design and the requested departures as presented at the February 14, 2005 meeting.

## ANALYSIS - SEPA

The initial disclosure of the potential impacts from this project was made in the environmental checklists submitted by the proponent's agent (dated December 1, 2004 and January 12, 2005) and annotated by the Land Use Planner. The information in that checklist, supplemental information submitted by the proponent 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 23.05.665) clarifies the relationship between codes, policies, and environmental review. Specific policies for each element of the environment, certain neighborhood plans, and other policies explicitly referenced may serve as the basis for exercising substantive SEPA authority.

The Overview Policy states, in part *where City regulations have been adopted to address an environmental impact, it shall be presumed that such regulations are adequate to achieve sufficient mitigation*" subject to some limitations. Thus, only under certain limitations/circumstances, (SMC 25.05.665 D) can mitigation of adverse environmental impacts be considered. Thus, a more detailed discussion of some of the impacts is appropriate and is noted below.

### Short - Term Impacts

The following temporary construction-related impacts are expected on this site: temporary soils erosion; increased noise from construction operations and equipment; increased traffic and parking demand from construction personnel; tracking of mud onto adjacent streets by construction vehicles; conflict with normal pedestrian movement adjacent to the site; and consumption of renewable and nonrenewable resources. Due to the temporary nature and limited scope of these impacts, they are not considered significant.

City codes and/or ordinances apply to this proposal. Specifically these are: 1) Grading and Drainage Control Ordinance (storm water runoff, temporary soil erosion, and site excavation) and 2) Street Use Ordinance (tracking of mud onto public streets, and obstruction of rights-of-way during construction).

### Air Quality Impacts

Construction on this site will create dust, leading to an increase in the level of suspended air particulates, which could be carried by wind out of the construction area. Compliance with the Street Use Ordinance (SMC 15.22.060) will require the contractors to water the site or use other dust palliative, as necessary, to reduce airborne dust. In addition, compliance with the Puget Sound Clean Air Agency regulations will require activities that produce airborne materials or other pollutant elements to be contained with temporary enclosure. Other potential sources of dust would be soil blowing from uncovered dump trucks and soil carried out of the construction area by vehicle frames and tires; this soil could be deposited on adjacent streets and become airborne.

The Street Use Ordinance also requires the use of tarps to cover the excavation material while in transit, and the clean up of adjacent roadways and sidewalks periodically. Construction traffic and equipment

are likely to produce carbon monoxide and other exhaust fumes. Regarding asbestos, Federal Law requires the filing of a Notice of Construction with the Puget Sound Clean Air Agency (“PSCAA”) prior to demolition. Thus, as a condition of approval prior to demolition, the proponent will be required to submit a copy of the required notice to PSCAA. If asbestos is present on the site, PSCAA, the Department of Labor and Industry, and EPA regulations will provide for the safe removal and disposal of asbestos.

### Noise-Related Impacts

The residential units in the vicinity of the proposal will experience increased noise impacts during construction (demolition and excavation). Compliance with the Noise Ordinance (SMC 22.08) is required but is not adequate to mitigate the construction noise impacts on nearby residential uses. Therefore, the proposal is conditioned to limit the hours of construction as described in The Conditions section of this decision.

### Streets and Sidewalks

The proposed on-site excavation on this site is controlled by an excavation permit. The Street Use Ordinance includes regulations which mitigate dust, mud, and circulation. Any temporary closure of the sidewalk and/or traffic lane(s) is controlled with a street use permit through the Seattle Department of Transportation (SDOT.) It is the City's policy to minimize or prevent adverse traffic impacts which would undermine the stability, safety, and/or character of a neighborhood or surrounding areas (25.05.675 R).

A construction-phase transportation plan addressing street and sidewalk closures, as well as truck routes and hours of truck traffic, will be required to mitigate impacts between 8:00am to 10:00am and 4:00pm to 6:00pm during demolition and excavation activities.

### Construction Parking

During the public comment periods, the public expressed a concern about the availability of on street vehicle parking during construction. In discussing this issue with the project applicant, it was determined that parking supply survey would be completed<sup>2</sup>. During the early stages of construction local residences and visitors of the area will experience a reduced availability of convenient on-street vehicle parking. The increased demand on the nearby streets, associated with the vehicles for ten (10) to fifteen (15) construction personnel driving and working at the site, is adequately supplied on the public streets; therefore on-site parking mitigation is not warranted.

### Long-Term Impacts

Potential long-term or use impacts anticipated by this project include: increased bulk on the site; increased ambient noise associated with increased human activity and vehicular movement; minor increase in light and glare from exterior lighting, light from windows and from vehicle traffic (headlights); increased traffic and parking demand due to new residents and visitors; increased airborne emissions resulting from additional vehicle traffic; increased demand on public services and utilities; and increased

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<sup>2</sup> See 2<sup>nd</sup> paragraph, *Parking*, Long-Term Impacts

energy consumption. These long-term impacts are not considered significant because they are minor in scope.

### Parking

The Land Use Code requires nineteen (19) parking spaces for these three residential projects. The MUP plans indicate twenty (22) residential parking spaces are provided on site, in addition to the ample on-street parking available within four hundred (400) feet of the site.

There was a parking survey completed and is on file and available for public review at the City. The parking survey found that there are eighty-seven (87) legal parking stalls within the 400-foot walking distance. On the two nights observed, an average of only 10.5% of the 87 on-street spaces were being used. Thus, the parking utilization rate was a low 12% percent. Based on this analysis no adverse impacts would result from the proposal; therefore, additional parking mitigation is not warranted.

### Traffic and Transportation

Due to concerns from the neighbors, there was a traffic impact analysis completed for this project. The full report is on file and available for public review at the City. The following summarizes the primary conclusions of the traffic analysis:

The proposed residential development would generate approximately one hundred fifty-nine (159) vehicle trips per weekday. The existing residential units generate approximately seventy-five (75) daily trips so the proposed project would result in eighty-four (84) new daily trips. The highest hourly volume for this proposed development would occur during the PM peak period when the project is forecasted to generate approximately sixteen (16) vehicle trips per hour. The existing land use generates eight (8) PM peak hour trips so there would be eight (8) new trips generated by the proposed project during the PM peak hour.

During the AM peak hour, the proposed project would generate fourteen (14) trips. The existing land use generates seven (7) trips so there would be seven (7) new trips generated by the proposed project during the AM peak hour. For the purposes of analyzing project impacts to adjacent intersections, it is assumed that twelve (12) AM peak hour and fourteen (14) PM peak hour trips would be generated by the project.

The level of service analysis shows that LOS at analyzed intersections would remain at existing levels and that there would be an increase in delay for vehicles entering Sandpoint Way from NE 58<sup>th</sup> St of less than one (1) second during both the AM and PM peak hours. The average driver would not notice this increase in delay.

The proposed project would not result in any significant adverse impacts on traffic, thus no SEPA mitigation of traffic impacts is warranted.

### Historic Preservation

The existing duplex buildings are not identified as historic buildings and therefore no SEPA mitigation is warranted or necessary.

### Other Impacts

Several codes adopted by the City will appropriately mitigate other long-term adverse impacts created by the proposal. Specifically these are: Grading and Drainage Control Ordinance (storm water runoff from additional site coverage by impervious surface); Puget Sound Air Pollution Control Agency regulations (increased airborne emissions); and the Seattle Energy Code (energy consumption in the long term).

### **DECISION - SEPA**

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

### **CONDITIONS – DESIGN REVIEW**

#### *Non-Appealable Conditions*

1. Any proposed changes to the exterior of the building or the site or must be submitted to DPD for review and approval by Colin R. Vasquez, Senior Land Use Planner, 206-684-5639, or by Vincent T. Lyons, Architect & Design Review Manager, 206-233-3823. Any proposed changes to the improvements in the public right-of-way must be submitted to DPD and SDOT for review and for final approval by SDOT.
2. Compliance with all images and text on the MUP drawings, design review meeting guidelines and approved design features and elements (including exterior materials, landscaping and ROW improvements) shall be verified by Colin R. Vasquez, Senior Land Use Planner, 206-684-5639, or by Vincent T. Lyons, Architect & Design Review Manager, 206-233-3823 at a Pre-construction meeting. An appointment with the assigned Land Use Planner must be made at least (3) working days in advance of the meeting. The Land Use Planner will determine whether submission of revised plans is required to ensure that compliance has been achieved. Embed updated colored elevation drawing in MUP plans and all subsequent Building Permit Plans.
3. Embed all of these conditions in the cover sheet for the MUP permit and for all subsequent permits including updated MUP plans, and all building permit drawings. Call out on the appropriate plan sheets where and what departures have been granted.

#### *Prior to Issuance of Master Use Permit*

Update the Master Use Permit plans to show<sup>3</sup>:

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<sup>3</sup> Colored drawings to be embedded into the updated MUP plans and all subsequent building permit plan sets.

4. That the siting of the buildings acknowledges and reinforces the existing desirable spatial characteristics of NE 58<sup>th</sup> St right-of-way. (*Guideline A-2*).
5. That the new development is sited and designed to encourage human activity on all of the adjacent streets. (*Guideline A-4*).
6. That the buildings respect adjacent properties by being located on their sites to minimize disruption of the privacy and outdoor activities of residents in adjacent buildings. (*Guideline A-5*).
7. That parking and vehicle access siting minimizes the impact of automobile parking and driveways on the pedestrian environment and pedestrian safety. Thus, vehicle access is limited to 55<sup>th</sup> Ave NE. (*Guideline A-8*).
8. That the buildings on the corners are oriented to the corners and Public Street fronts. That parking and automobile access will be located away from corners. Thus, be limited to 55<sup>th</sup> Ave NE. (*Guideline A-10*).
9. That the project is compatible with the scale of development anticipated by the applicable Land Use Policies for the surrounding area and is sited and designed to provide a sensitive transition to nearby, less-intensive zones. That the building on the zoned edges will be developed in a manner that creates a step in perceived height, bulk and scale between the anticipated development potential of the adjacent zones. (*Guideline B-1*).
10. That the new buildings proposed for existing neighborhood are well-defined and are of a desirable character that is compatible with or complement the architectural character and siting pattern of neighboring buildings. (*Guideline C-1*).
11. That the building design elements, details, and massing; creates a well-proportioned and unified building form and exhibit an overall architectural concept. (*Guideline C-2*).
12. That the buildings exhibit forms and features identifying the functions within the building. That generally, the roofline or top of the structures will be clearly distinguished from its façade wall. (*Guideline C-2*).
13. That the building exteriors will be constructed of durable and maintainable materials that are attractive even when viewed up close. That the materials that have texture, pattern, or lend themselves to a high quality of detailing. (*Guideline C-4*).
14. That the convenient and attractive access to the building's entry will be provided. To ensure comfort and security, paths and entry areas will be sufficiently lighted and entry area should be protected from the weather. (*Guideline D-1*).
15. That the quantity and type living plan materials, special pavement, screen walls/fences, site furniture and similar features are appropriately incorporated into the design to enhance the project. (*Guideline E-2*). Landscaping shall be maintained by an entity similar to a homeowners'

association. (See: E-2 Landscaping, Guideline Priorities, Board's Comments/Guidance and Applicant's Response above.)

16. That at least two various roof colors are provided for the structures. (See: C. Architectural Elements and Materials, Guideline Priorities, Board's Comments/Guidance and Applicant's Response above.)

## **CONDITIONS – SEPA**

### Prior to issuance of a Demolition Permit

17. Prior to the commencement of demolition activities, the proponent will be required to submit a copy of the Puget Sound Clean Air Agency (PSCAA) notice of construction. If asbestos is present on the site, PSCAA, the Department of Labor and Industry, and EPA regulations will provide for the safe removal and disposal of asbestos.
18. A construction-phase transportation plan addressing street and sidewalk closures, as well as truck routes and hours of truck traffic, will be required to mitigate impacts between 8:00am to 10:00am and 4:00pm to 6:00pm during demolition and excavation activities.

### During Construction

The following condition(s) 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.

19. The applicant will be required to limit the hours of construction activity not conducted entirely within an enclosed structure to non-holiday weekdays between 7:30 a.m. and 6:00 p.m. and on Saturdays between 9:00 a.m. and 6:00 p.m. (Work would not be permitted on the following holidays: New Years Day, Martin Luther King Jr.'s Day, Presidents' Day, Memorial Day, Independence Day, Labor Day, Thanksgiving Day, Day following Thanksgiving Day and Christmas Day.)
20. Sidewalks along Sandpoint Way NE shall be closed only as necessary to ensure public safety and as required to complete work within and adjacent of the right-of-way.
21. Comply with the limitations contained in the approved construction-phase transportation plan.

Signature: (signature on file) Date: May 16, 2005  
Colin R. Vasquez, Senior Land Use Planner

CRV:rgc  
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