



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**

Project Number: 3006480

Address: 8511 15<sup>th</sup> Avenue NE

Applicant: Brian Runberg for Prescott Development LLC

**SUMMARY OF PROPOSED ACTION**

Land Use Application to allow cluster development consisting of 24 townhouse and 15 single family residences for a total 39 units. Parking for 50 vehicles to be provided within the structures. Review includes demolition of existing structures. Project includes 8,500 cubic yards of grading.

The following approvals are required:

**Design Review** SMC Chapter 23.41, involving design departures from the following Land Use Code development standards:

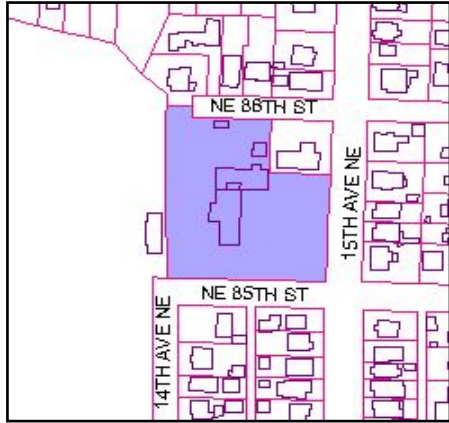
- **SMC 23.45.011 A** Maximum width without modulation
- **SMC 23.45.012** Interior Façade Modulation
- **SMC 23.45.014.D.2** Setbacks between buildings
- **SMC 23.45.014.F and F.3** Setbacks
- **SMC 23.54.030.D.1.e** Driveway width
- **SMC 23.45.016.A.3.a.(1)** Open Space area
- **SMC 23.45.016.B.1.3** Privacy of open space

**SEPA - Environmental Determination** – SMC Chapter 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 applicant has applied for optional Design Review to develop a mostly rectangular-shaped site in the Maple Leaf neighborhood with a 40-unit, clustered housing development with structured parking for 50 vehicles.



The 71,182 sq. ft. site is located at 8511 15<sup>th</sup> Ave NE. It abuts the Maple Leaf reservoir to the west. It currently houses the offices of the Camp Fire USA Puget Sound Council in a building located roughly in the middle of the site, with more than 22,000 sq. ft. of paved surface to the west of it and a large number of established conifers to the east. The topography slopes down from the northwest corner to the southeast, a total of 22 feet change of grade—from 412' to 434'—over 600 feet. The steepest grade is found adjacent to the sidewalk in the southwest corner of the site where the grade changes 8 feet over only 20 feet.

The Comprehensive Plan designation of the site is Multifamily. The site is zoned L-2 (Lowrise 2). The site is surrounded on three sides by single family residences in an SF-5000 zone. The Lowrise-2 zone containing the project site also encompasses two parcels to the north. On the south side of 86<sup>th</sup> Street there is a one-and-a-half story office building on the same block at the proposal site with the same L-2 zoning. Across 86<sup>th</sup> Street to the north is a two-story multifamily triplex on the corner at 15<sup>th</sup> Ave. N.E. which is also zoned L-2.

The Maple Leaf Reservoir is located directly to the west of the site. The water tower is visible from a large part of the neighborhood. The reservoir is slated to be covered and converted to recreational uses in a proposal by the Seattle Public Utilities. The impacts of that project were described in detail in the City's DNS of that project issued on February 21, 2008. No appeals were taken on that project.

The Maple Leaf reservoir project is anticipated to begin construction in 2009-2011. The duration of that project will be 1-2 years. Until then, the reservoir will continue to be surrounded by a chain link security fence. To the south of the reservoir is the Maple Leaf Playground, which includes playing fields, picnic areas, play equipment, and accessory structures.

Vehicle traffic is concentrated along 15th Avenue NE, an arterial that serves as a link between commercial areas to the south and residential neighborhoods to the north. Traffic tends to move quickly along 15<sup>th</sup> because there are no traffic signals for many blocks. The intersection of 15<sup>th</sup> Avenue NE and NE 86<sup>th</sup> Street has limited sight lines to the north and south.

15<sup>th</sup> Avenue has one lane of traffic going each direction and parallel parking on either side except in bus zones. There are sidewalks on both sides of 15<sup>th</sup> Avenue and 85<sup>th</sup> Street, but none on 86<sup>th</sup> adjacent to the site. Several bus lines travel along 15<sup>th</sup>, and there is a bus stop located on the site itself.

There is virtually no commercial development along this portion of 15th Ave NE. The exception being a small office building located just north of the project site. The nearest amenities are along Lake City Way to the south and east and along Roosevelt to the west.

## PROPOSAL DESCRIPTION

The Maple Leaf Commons project is a proposed 39 unit development organized around three common open spaces on a 1.17 acre site. The cluster development would provide with structured parking for 50 vehicles. Of those, 46 would be provided in a below grade common garage accessed by a driveway off of 85<sup>th</sup> street. The remaining four spaces would be provided in private garages under individual units; three units along 85<sup>th</sup> street and one unit on 86<sup>th</sup> street. Although the site is zoned multifamily, units are a combination of single family attached (townhouse) and single family detached units. The individual units range in size between two and two and one half stories in height. There are six unit types propose ranging between 1,300 square feet and 1,900 square feet.



Two of the common open spaces are configured for active use by the residents and the bulk of the units on site are oriented in part towards these two open spaces. The third open space is a configured to for passive use and designed to preserve and exiting stand of conifer trees located at the Southeast corner of the site.



N.E. 85<sup>th</sup> St. Elevation



Western, Park Facing Elevation

The overall design *parti* is northwest contemporary. Units are characterized by porches and steps that address the public streets and common spaces, large windows and steeply pitched rooflines.

### **PUBLIC COMMENT:**

#### Process

The project has had an extensive process for obtaining public comment on both SEPA and Design Review issues. The official public comment period began on January 3, 2008 and closed on January 30, 2008. The project was re-noticed on January 31, 2008. This second comment period closed on February 27, 2008. In addition to opportunities for written comment, the following meetings have been held:

- May 23, 2007, Design Review Board Early Design Guidance meeting.
- August 6, 2007, Design Review Board Early Design Guidance meeting.
- September 10, 2007, Design Review Board Early Design Guidance meeting.
- February 11, 2008, SEPA Public Comment meeting.
- March 3, 2008 Design Review Board Recommendation meeting.
- March 10, 2008, Public Workshop regarding traffic impacts.
- April 7, 2008, Design Review Board Recommendation meeting.

Throughout the process, public comments have been received. These comments have centered on several similar issues. These issues were summarized by the Maple Leaf Community Council in a letter dated February 27, 2008 and have been provided below in a summary format edited to include additional distinct comments recorded in meeting minutes, written and oral comment received in public meetings and telephone conversations and correspondence from the Maple Leaf Community Council summarizing their concerns:

- The existing "orphan" L2 zoning is a spot zone and incompatible with the neighborhood.
- Traffic generated by the project requires analysis through an EIS.
- All of the trees should be preserved.
- An EIS should be conducted to analyze the cumulative impacts of the Maple Leaf Commons Project and Reservoir Project.
- More analysis of the demolition of the hospital need to be done to protect the reservoir.
- Multifamily use is incompatible with neighborhood.
- The sale price of individual units is too high.
- The site should be purchased for park use.
- Claims of rights to use the site for a public park.
- The site drains to Thornton Creek and Lake Washington, construction will overwhelm infrastructure and cause localized flooding.
- Existing buildings on site should be preserved and reused.
- Not Enough parking in the neighborhood.
- The existing structures on site may contain hazardous material such as lead paint, asbestos; mercury and possibly radioactive material from the former medical uses.

A complete record of the comments received is included in the DPD file.

### DESIGN REVIEW ANALYSIS

The initial and subsequent Design Review Board meetings were all well attended by neighborhood residents. In each case, public comment was taken from the public at large as well as representation of neighborhood interest by members of the Maple Leaf Community Council. Extensive public comment has informed the Board deliberations and ultimately design guidance and recommendations outlined below. A full record of those public comments is contained in the Design Review Board guidance documents from the five design guidance meetings.

### INITIAL EARLY DESIGN GUIDANCE MEETING

As described above, the applicant initially applied for optional Design Review to develop a mostly rectangular-shaped site in the Maple Leaf neighborhood with a 40-unit, clustered housing development with structured parking for 50 vehicles.

After visiting the site, considering the analysis of the site and context provided by the proponents and hearing public comment, the Design Review Board members provided the following siting and design guidance to be considered in the development of the site. The highest design guideline priorities for this project are identified by letter and number in accordance with the siting and design guidelines found in the City of Seattle's "*Design Review: Guidelines for Multifamily & Commercial Buildings*," November 1998.

A: Site Planning

*A-1 Responding to Site Characteristics. The siting of buildings should respond to specific site conditions and opportunities such as non-rectangular lots, location on prominent intersections, unusual topography, significant vegetation and views or other natural features.*

*A-2 Streetscape Compatibility. The siting of buildings should acknowledge and reinforce the existing desirable spatial characteristics of the right-of-way.*

*A-3 Entrances Visible to the Street. Entries should be clearly identifiable and visible from the street.*

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

*A-8 Parking and Vehicle Access. Siting should minimize the impact of automobile parking and driveways on the pedestrian environment, adjacent properties and pedestrian safety.*

*A-10 Corner Lots. Buildings on corner lots should be oriented to the corner and public street fronts. Parking and automobile access should be located away from corners.*

The Board indicated the above as high priorities. They wanted to see the new homes oriented to the street and the corner in order to foster interaction with the existing neighborhood. They were interested in seeing other options for the siting of open spaces in order to take advantage of the existing site characteristics, including the stand of trees. They wanted to see a site plan which could preserve the entire stand of trees on the western approximately one third of the site. This plan could make use of the stand of trees as open space for the residents of the site. They thought the land swap was an interesting idea, but understood it may not be feasible. Given that the adjacent reservoir site will be converted to open space in 2010, the Board wanted the design to address that proximity and create connections to the open space.

An issue was raised as to whether the southern site driveway should align with the alley in the block to the south, thereby encouraging residents to use it to reach N.E. 85<sup>th</sup> St. or whether the driveway should be offset from the alley. Even in an offset arrangement, the alley and driveway could lend themselves to use as an access to N.E. 85<sup>th</sup> St. Lining the two up may have advantages from a traffic safety perspective and might lessen the impact of lights of vehicles using the alley upon residents of the proposal. It may be that traffic calming measures in the alley itself would be a more effective measure. The applicants are asked to study this issue in consultation with their transportation engineer and return with their considered proposal.

*C-1 Architectural Context - New buildings proposed for existing neighborhoods with a well-defined and desirable character should be compatible with or complement the architectural character and siting pattern of neighboring buildings.*

*C-2 Architectural Concept and Consistency - Building design elements, details and massing should create a well-proportioned and unified building form and exhibit an overall architectural concept. Buildings should exhibit form and features identifying the functions within the building. In general, the roofline or top of the structure should be clearly distinguished from its facade walls.*

The Board indicated the above as a high priority. They thought the project should look more like the rest of the neighborhood and perhaps the design could include a variety of architectural styles in order to emulate the diversity that exists in the area.

D. PEDESTRIAN ENVIRONMENT

*D-1 Pedestrian Open Spaces and Entrances. Convenient and attractive access to the building's entry should be provided. To ensure comfort and security, paths and entry areas should be sufficiently lighted and entry areas should be protected from the weather. Opportunities for creating lively, pedestrian-oriented open space should be considered.*

The Board felt that the pedestrian environment should be better integrated with the neighborhood.

E. LANDSCAPING

*E-3 Landscape Design to Address Special Site Conditions. The landscape design should take advantage of special on-site conditions such as high-bank front yards, steep slopes, view corridors, or existing significant trees and off-site conditions such as greenbelts, ravines, natural areas, and boulevards.*

The Board thought more open space could be allotted to the existing trees in order to protect them and to create transition from the neighborhood to the new homes. Members found the idea of a land swap interesting and were curious about its plausibility. The Board wants to see a site plan which preserves the grove of trees to the greatest extent feasible at the next DRB meeting for this project.

**SECOND EARLY DESIGN GUIDANCE MEETING**

At this second Early Design Guidance Meeting the applicants offered additional designs created in response to the early design guidance offered at the first EDG meeting on May 23, 2007.

The preferred site plan shown at that time would have allow for 39 units, an underground parking garage and parking within street facing units, no surface parking and preservation of more than 50% of the wooded area in the eastern area of the site. Parking for 55 vehicles was proposed. Three of the four potentially exceptional trees on the site would be preserved under this plan. The northern driveway into underground parking garage was eliminated leaving one on the south side accessing from N.E. 85<sup>th</sup> St.

The proponents also showed an alternative site plan which preserved all of the wooded area on the east, as requested by the Board at the first EDG meeting. In this scheme the unit count was 30; a 25% reduction. They indicated that this reduction would make the project economically unfeasible and would not meet Citywide policies encouraging density. The applicant, and further indicated that several others developers had passed on the site.

Driveways to garages in individual residential units along both N.E. 85<sup>th</sup> St. and N.E. 86<sup>th</sup> St. had in many cases been combined into pairs. The number of driveways crossing the sidewalk on N.E. 85<sup>th</sup> St. was reduced from seven to five and on N.E. 86<sup>th</sup> there remain three driveways with an increase in units facing the street from four to six.

Units that face streets continue to have both front porches and driveways into garages. A neo-traditional architecture was indicated as the likely design parti.

Several Development Standard Departures were requested at that time. They were:

- Setbacks based on cottage housing guidelines.
- Front setback = 10 feet (15' or average of surrounding required).
- Rear setback = 10 feet (20' or 25% of lot depth required).
- Side setback = 5 feet (7-10 feet required).
- 6 feet between interior facades (10' required).
- Driveway to underground garage = 16 feet (20 feet required).
- 5 curbcuts on 85th Ave. (4 allowed).
- 3 curbcuts on 84th (2 allowed).

### **DESIGN GUIDANCE:**

The Board offered the following further guidance for the early design phase of the project application.

- Preserve more trees at the southeast corner of the site. The appearance of the “woods” needs to be maintained all the way down to the corner. This area might benefit from the addition of new trees and other landscape consistent with the “woods” look. A setback from the corner of approximately 50 feet would be necessary to accomplish this objective.
- Incorporate setback variation and architectural measures to vary the appearance of the building from the reservoir/park site.
- Work some more on interior setbacks to eliminate or lessen the occurrence of or impacts of 6' setbacks between two story structures with accompanying dark spaces with limited utility.
- Provide more vehicle and pedestrian traffic information related to N.E. 85th St. and the safety of pedestrians using that sidewalk to access the park. This information will help to inform the Board's recommendation in regard to the requested departure to increase the allowed number of curb cuts along N.E. 85th St.
- Respond better to the neighborhood edges along 85th and 86th. Specifically, provide a greater variety of building massings to reflect the neighborhood context.
- Consider bringing at least some of the perimeter units down closer to ground level for better interaction at the street level (perhaps a bigger garage to lessen the number of units with garages along the streets?).
- Vary the setbacks from the street to lessen visual impact of buildings in totality
- Increase views into the project's interior from the neighborhood (and vice versa).
- Consider creating a variety of building massings throughout the site. Specifically - avoid proposing a 'standard' 2+ story unit (some with day-lit basements), and instead utilize the techniques shown in the “inspired images.” Introduce 1.5 story elements/units with low roof lines and dormers. This is the best way to mitigate the closeness of the units. Otherwise, there is risk of some pretty unfriendly canyons between these buildings. Bring porches closer to ground level where possible to encourage interaction between the occupants.



At the close of the meeting, the Board invited the project proponents back for another EDG meeting to consider site planning issues before making their MUP application.

### 3<sup>rd</sup> Early design Guidance Meeting

The Board offered the following further guidance for the early design phase of the project application.

- The modification to preserve trees along 15th Ave. N.E., including the southeast corner, is seen as a successful, good faith effort and adequate.
- Setback and architectural variation along the west, reservoir, side is headed in the right direction. The MUP details will show massing and architecture and these measures will determine how successful the effort is.
- Interior setbacks are still at five to six feet. Architectural detailing at the MUP level will determine how successful the measures are. Measures such as dropping roof lines, varied structure placement, and landscaping can be very important. Three Board members chose to wait and see on the interior setback issues. All felt that a level of expectation should be given to the applicants that the departure could be granted.
- Treatment of the setback variation issue along N.E. 85th and 86th Streets is only partially resolved. Porches are starting to be seen. Some dropping of residences to the street level is present. Discussion of whether architectural styles should be unified or diverse did not lead to a conclusion. There does need to be variation in some forms; setbacks, building forms, colors, etc. Bring as many units down to street level as possible.
- The applicants must work hard to support this density on this site.
- The open space has “gotten pinched.” What is left should not be too basic. It must have a high level of quality and detail. High quality paving and landscape elements are essential. There should be a mix of private and community open spaces.
- Planting in the planting strips of the right of ways could have different treatments in different areas.

For the next meeting, the Board directed that the applicant address loading arrangements (for move in and out, parcel delivery, etc.), garbage and recycling accumulation and pick up; and a plan for tree preservation both during construction and long term (this plan would be at a conceptual level at this stage and might involve planting to provide for eventual replacement of the tree canopy as older trees die and monitoring of tree health for some specific number of years). Also, a diversity of unit types should be shown such as Type A, B, C, etc. Different sizes and types of units would encourage a diversity of types of residents. Show building materials and colors.

The Board then directed the applicants to proceed to MUP application.

### **INITIAL RECOMMENDATION MEETING:**

On March 3, 2008 the applicant presented Master Use permit design drawings with a refined concept and layout to address the early design guidance from the Board.

After considering the site and context, hearing public comment, reconsidering the previously identified design priorities, and drawings showing the proposal, the Design Review Board members reached the following initial conclusions without recommending approval of the proposal as a whole (all recommendations were by all members agreeing, unless otherwise indicated). The comments summarized below were based on the plans submitted at that meeting.

#### Board Deliberations

The Board complimented the applicant team on the quality of their materials and general level in which they responded to the early design guidance given. The Board did, however, find some areas where additional design work was thought necessary before a final recommendation could be made.

- The appearance of the units along N.E. 85th St. and N.E. 86th St. are not close enough in character to the single family areas. The fact that some of them are duplexes does not help in this regard as it creates a doubly wide structure. Trading duplexes on the interior for single family structures on the exterior should be considered. Also, the presence of garage levels approximately a half story below street level adds to the apparent height of the street facing units. Some or all of these units should make use of parking in the underground garage and be lowered closer to street level.
- The design still does not provide the level of “porosity” of sight into the interior of the site the Board would like to see. Trading single family units to the exterior could help with that as well.
- Ridge lines in the current design tend to be aligned and parallel to the front and back walls of the units with the result that the side yards, many six feet wide, have the gable ends above them adding to the narrow, dark appearance there. Ridge lines should be varied to provide variation in side yard aspects with some roofs sloping into them. For example facing hipped roof structures would provide more light and air between structures as well as breaking up monotonous high ridge lines.
- The Board discussed whether garages on driveways backing across sidewalks should be eliminated or modified to avoid backing across sidewalks and concluded the impact on pedestrians using sidewalks would not be detrimental enough to limit them for that reason.
- The existing Douglas Firs, near to proposed residential buildings, slated to be preserved must be shown through an arborists report and preservation plan to be sufficiently far from new development to be preserved in a healthy condition.

- Recycling and trash facilities remain a concern. They need to be shown in a form which provides screened areas which are large enough to handle yard and food waste as well and which are located so as to be reasonably convenient for residents and which service providers will pick up from.
- Fences around the site need to be shown if they are being proposed. They should not “wall off” the site from exterior vantage points; the reservoir park and surrounding streets. Along the existing water treatment facility a City owned fence is expected to remain and an appropriate way to address its institutional aspect may be to landscape on the project side of it.

Departures that were considered at that time included:

- To reduce identified interior setbacks to six feet where ten feet is required. While the Board indicated that they think they will be able to recommend this departure, the design is not yet refined to the point where they are willing to do so. Architectural measures to reduce the apparent and real height of structures on either side of these setbacks still need to be implemented. A primary one, mentioned at a prior meeting, which must be considered, is to align roof lines so that roof pitches go down towards the side yards. Along street frontages the presence of structures is heightened by the necessity to bring the garage floor elevations up to lessen driveway steepness. Redesign of these units to eliminate or change to configuration of garages must be considered.
- To allow a 16 foot wide driveway into the parking garage rather the 20 required. The Board recommends this departure be granted.
- To allow curb cuts which serve two residential units to be 16 feet wide rather than the code required 10 feet. The Board declined to recommend in favor of this departure at this time. Methods to lessen the appearance of building height must be developed before a favorable recommendation will be forthcoming. These methods might include elimination or consolidation garages, lowering units or creating one story building expressions.
- To allow eaves to project 24 inches, rather than the code limited 18 inches, into required setbacks where that setback is 10 feet or greater. The Board recommended approval of this departure as it would add to architectural interest in the development.
- To allow porches or steps to extend into required setbacks. The Board recommended approval of this departure as it would add to architectural interest in the development and it also helps to develop in the constrained portions of the site which remain after preservation of the wooded eastern portion.
- To allow the minimum amount of private usable open space to be reduced to zero for two units (building 23) and to 185 sq. ft. on one unit (building 22) and to reduce the average amount to 280 sq. ft. The Board recommended this departure be granted as a measure to create large areas of common open space in this proposed development.

- To allow building openings which directly face the open space of another unit or the shared open space without screening. The Board recommended approval of this departure as it is a necessary consequence of this approach to common open space with residences clustered around and careful placement of living spaces should appropriately preserve individual privacy.

A second Recommendation Meeting of the Design Review Board was called for by the Board in order to address their requests for more updating of the design. DPD agreed with this request.

### **FINAL RECOMMENDATION MEETING:**

After considering the site and context, hearing additional public comment, reconsidering the previously identified design priorities and drawings showing the proposal, the Design Review Board members recommended **approval of the subject design** with the following **recommended conditions** (all recommendations were by all members agreeing, unless otherwise indicated). The recommendations summarized below were based on the plans submitted at that meeting.

#### Board Deliberations

The Board again found the applicant team to be very well prepared. They commented that some of the best progress in the process has been made in this last design iteration.

The site plan shows a number of trees preserved in a grove in the eastern portion of the site. The Board recommends approval of this site plan conditioned upon the creation and implementation of a preservation plan to insure the trees to be preserved are protected and maintained. Elements of such a plan would include measures to be employed during excavation and construction, creation of non-disturbance areas with chain link fencing; use of minimally disruptive construction techniques when constructing paths across tree root areas or buildings in close proximity to trees; financial penalties to insure implementation of the plan through construction; and a maintenance plan for ongoing care of the trees.

The changes to building elevations and roof lines along the western, park facing property line, as demonstrated in graphic materials presented, are greatly improved and are recommended to be approved. The western property line should be marked by landscape and fences not taller than four feet in height. This landscape should be light and airy with incorporation of large specimen trees. The plants, the fence around the water treatment facility and any fences which are built around the proposal site should be incorporated together into a single landscape expression.

The eastern, wooded area should not be fenced off or screened from public view by landscape, but should instead present a park-like appearance to viewers in the street realm. As a condition of granting the requested open space and setback related departures this wooded area should include an area for a public path allowing the general public a route diverting from and returning to the public sidewalk.

Development standard departures were requested.

Three requested departures remain to be considered from the prior Recommendation Meeting.

- To reduce identified interior setbacks to six feet where ten feet is required. The Board recommends approval of this departure conditioned upon the creation of the landscape protection and maintenance plan and the public path, both described above.
- To allow arbors as gateways along pedestrian paths which are over the allowed height limit. The Board recommended approval of this departure.
- To allow building depth to exceed the maximum allowed. The Board recommended approval of this departure to the extent necessary to implement the site scheme presented at the meeting as necessary to the clustering of houses and open spaces on the site.

Recommended Conditions:

- A Tree Preservation Plan shall be created and implemented of to insure the trees to be preserved are protected and maintained. Elements of such a plan shall include measures to be employed during excavation and construction, creation of non-disturbance areas with chain link fencing; use of minimally disruptive construction techniques when constructing paths across tree root areas or buildings in close proximity to trees; financial penalties to insure implementation of the plan through construction; and a maintenance plan for ongoing care of the trees. An arborist will have authority to stop project activities shall be on site during periods of activity which might affect the preserved trees.
- The western property line shall be marked by landscaping not taller than four feet in height. If provided, a fence must meet the above guidance. This fence and landscape treatment should be light and airy with incorporation of large specimen trees. The plants, the fence around the water treatment facility and any fences which are built around the proposal site should be incorporated together into a single landscape expression.
- The eastern, wooded area shall not be fenced off or screened from public view by landscape, but shall instead present a park like appearance to viewers in the street realm. This wooded area shall have a public path allowing the general public a route diverting from and returning to the public sidewalk.

The Board unanimously **recommended** design review **approval** of overall **proposal** design and the following **departures** subject to the design conditions discussed above and included at the conclusion of this report.

**DEPARTURES FROM DEVELOPMENT STANDARDS**

The applicant requested the following departures from the following Land Use Code development standards:

REQUIREMENT	DEPARTURE	JUSTIFICATION
<p>SMC 23.45.011 A Maximum width without modulation=30 feet; or 40 feet with a principle entrance facing the street.</p> <p>Maximum width with modulation = 50 feet. Maximum depth for ground-related housing = 60% depth of lot.</p>	<p>The applicant is requesting that the maximum cumulative depth be 69% depth of lot.</p>	<p>The building depth is the total of 7 homes arranged along the west property line of the site and roughly in the middle of the site. Because the open space on the site is consolidated into generous common areas, the homes are likewise grouped into certain parts of the site. Overall, the building depth is broken up by pathways, common greens, and preserved evergreen trees.</p>
<p>SMC 23.45.012 Modulation is required if the front facade width exceeds 30 feet, or 40 feet with a principal entrance facing the street.</p> <p>Within a cluster development all interior facades wider than forty (40) feet shall be modulated.</p>	<p>A departure is requested to allow modulation less than 4 ft deep for buildings with an interior façade greater than 40 ft wide.</p>	<p>Some unit types have modulation greater than 4 ft. deep that does not go all the way to the roof. Others have modulation that is 2 ft deep that extends all the way to the roof. These bays are otherwise in proportion to the building and in keeping with the residential forms.</p>
<p>SMC 23.45.014.D.2 Table C Where two or more principal structures are located on a lot, the required setback between those portions of interior facades which face each other shall be as follows:</p> <p>For facing facades up to 40 feet in length, the average interior setback shall be 10' and the minimum interior setback shall be 10'.</p>	<p>The applicant is requesting that the minimum interior setback be 6 feet.</p>	<p>Reducing the minimum interior setback will allow open space to be consolidated into generous common areas while maintaining a mix of detached homes and duplexes. The average interior setback will far exceed the code requirement. In response to the Design Review Board's concerns, the site design includes a variety of building types with care taken to bring rooflines down and to create human-scale elements such as porches and window bays at the ground level. The 6-foot setbacks are limited to facades that do not contain primary entrances.</p>
<p>SMC 23.45.014.F.1 External architectural details with no living space including cornices, eaves, sunshades, gutters, and vertical architectural features which are less than 8 feet in width, may project a maximum of 18 inches into any required setback.</p>	<p>The applicant is requesting that eaves be permitted to project 24 inches into the required setback where that setback is 10' or greater.</p>	<p>Increasing the projection of the eaves to 24 inches will allow the design to reflect more closely the variation in roof forms that are found in the surrounding neighborhood.</p>
<p>SMC 23.45.014.F.3 An unenclosed porch or steps may extend a maximum of 6 feet into the required front setback at ground level, provided that it is set back the same distance from the front lot line as that required for unenclosed decks and balconies [8' per SMC 23.45.014.F.2.a].</p>	<p>The applicant is requesting that steps be permitted to extend into the required front setback.</p>	<p>In keeping with a traditional, single-family style found in the area, 9 of the proposed homes of have a lower-level garage accessed from the street and the primary public entrance the next level up. The finished-floor elevations are determined by SDOT's driveway standards, which results in entrance porches—and the steps that lead to them—that are above existing grade. Extending steps into the setback will connect these homes to the sidewalk level with traditional, human scale elements.</p>

<b>DEVELOPMENT STANDARD REQUIREMENT</b>	<b>DEPARTURE</b>	<b>JUSTIFICATION</b>
<p>SMC 23.54.030.D.1.e            Driveways serving more than thirty 30 parking spaces shall provide a minimum 10 foot wide driveway for one (1) way traffic or a minimum 20 foot wide driveway for two -way traffic.</p>	<p>The applicant is requesting that the two-way drive that serves the underground parking be 16 feet wide.</p>	<p>The placement of the underground parking and the homes adjacent to it is restricted by the location of existing trees and by the dedicated open space at the corner of 15<sup>th</sup> Ave. NE and NE 85<sup>th</sup>. A 16-foot driveway will allow more space to be given to the primary pedestrian entrance to the project.</p>
<p>SMC 23.45.016.A.3.a.(1)            In Lowrise 2 and Lowrise 3 zones an average of 300 square feet per unit of private, usable open space, at ground level and directly accessible to each unit, shall be required. No unit shall have less than 200 square feet of private, usable open space.</p>	<p>The applicant is requesting that the minimum private open space be reduced to zero for building 35 and reduced by half (to 100 sf) for buildings 21, 32, 33, 34, 38, and 39. In addition, the applicant requests that the average private open space be reduced to 230 sf.</p>	<p>The proposed design is modeled after cottage housing where a group of smaller homes are grouped together and oriented around shared open spaces. This project consolidates open space into three generous, shared green spaces. Instead of opening into a tiny backyard, units may open onto a broad common green or into a mature stand of Douglas firs. While the average private open space per unit is less than the required 300 square feet, the average of all open space on the site far exceeds that number.</p>
<p>SMC 23.45.016.B.1.3            To ensure privacy of open space, openings such as windows and doors on the ground floor of walls of a dwelling unit, or common areas which directly face the open space of a different unit, are prohibited, unless such openings are screened by view-obscuring fences, freestanding walls or wingwalls.</p>	<p>The applicant is requesting that openings which directly face the open space of another unit or the shared open space be allowed without screening.</p>	<p>The emphasis for this project is on generous common open space rather than individual fenced yards. The function of these open spaces will rely on informal transitions from public to private areas that facilitate social interaction among residents.</p>

**ANALYSIS – STATE ENVIRONMENTAL POLICY ACT (SEPA)**

Project specific environmental impacts of the Maple Leaf Commons Project have been disclosed and analyzed in the environmental checklist and supplementary documents listed below:

**Arborist Reports:**

- Robert Williams, Consulting Arborist, Tree Inspection and Evaluation Under Municipal Code and DR 6-2001, Dated 3/1/07.
- Robert Williams Consulting Arborist, Tree Preservation Measures, Dated 3/24/08.

**Plants and Animals/Habitat Reports:**

- ESA Adolphson, Bald Eagle Habitat Letter, Dated May 7, 2007.
- ESA Adolphson, Habitat Assessment for SEPA, Dated Nov. 26, 2007.

**Traffic Reports:**

- TIA by Heffron Traffic, Dated January 2008.
- Heffron Response to DPD Correction Notices and Neighborhood Comments, Dated March 26, 2008.

Other Environmental Reports:

- Geotechnical Report, Dated March 8, 2007.
- Phase 1 Environmental Report, Dated March 7, 2007.
- Phase II Environmental Report, Dated April 9, 2008.
- Industrial Hygienist report , Dated April 9, 2008.

The Seattle SEPA Ordinance provides substantive authority to require mitigation of adverse impacts resulting from a proposed project (SMC 25.05.655 and 25.06.660). Mitigation, when required, must be related to specific environmental impacts identified in an environmental document and may be imposed to the extent that a given impact is attributable to a proposal, and to the extent that the mitigation is reasonable and capable of being accomplished. Additionally, mitigation may be required only when based on policies, plans and regulations as enunciated in SMC 25.05.665 to SMC 25.05.675 inclusive (SEPA Overview Policy, SEPA Cumulative Impacts Policy, SEPA Specific Environmental Policies). In some instances, local, state or federal regulatory requirements will provide sufficient mitigation of an impact and additional mitigation imposed through SEPA will not be necessary.

### **ENVIRONMENTAL IMPACTS**

The information provided by the applicant, its consultants, and the experience of the lead agency with the review of similar proposals form the basis for review and conditioning of the proposal. The potential environmental impacts disclosed by the checklist and supplementary reports prepared by the applicant's consultant team. Those impacts are discussed in detail below.

#### *Short-Term Construction Impacts*

Construction activities could result in the following adverse impacts: construction dust and stormwater runoff, erosion, emissions from construction machinery and vehicles, increased particulate levels, increased noise levels, occasional disruption of adjacent vehicular and pedestrian traffic, and public utilities; and a small increase in traffic and parking impacts due to construction workers' vehicles. Existing City codes and ordinances applicable to the project such as: The Noise Ordinance, the Stormwater Grading and Drainage Control Code, the Street Use Ordinance, and the Building Code, would mitigate several construction-related impacts. The following is an analysis of the earth, air, water quality, construction-related noise impacts, transportation and parking impacts, as well as mitigation.

#### *Erosion, site stability and stormwater runoff*

The Geotechnical report indicates that excavation and export of soil material off-site and import of structural fill material would result in approximately 8,500 cubic yards of material being trucked to and from the site. The geotechnical discussion included in the March 8, 2007 report indicates that extensive site excavations and stockpiling of materials have the potential to create localized erosion and if not adequately contained, impact stormwater quality.

No groundwater seepage was encountered at the time of soil boring (February 7, 2007) however there is a potential for localized areas of perched seepage and surface water runoff during construction. Without mitigation, short-term construction impacts in terms soil erosion, slope stability could be adverse. The Geotechnical Engineer has identified certain mitigation measures (Pages 4-11, 3.7.2008 report) that are recommended to be instituted to mitigate those temporary soil erosion impacts. A stormwater, grading and erosion control plan will be prepared prior to building permit issuance which contains at a minimum the following elements:



- Protection of excavation areas from erosion during construction by placing plastic sheeting on exposed areas, silt fencing, straw or hydroseeding, or other specified measures.
- Protect stockpiled soil by covering it with plastic sheeting.
- Creation of erosion control facilities such as ponds, dams, fencing.
- A shoring system to control temporary ground displacement, including soil-nail walls and temporary cut slopes that meet the engineer's recommendations for maximum slope identified in the report. (pages 4-11 of the report)
- Prior to issuance of the first excavation and shoring permit, a construction best management practices plan shall be submitted to the department for review and approval that includes those measure identified by the geotechnical engineer;
- A confirmation of the SPU reservoir capping construction schedule, if one is available;
- Proposed measures for coordination between onsite managers of the applicant's development and onsite managers of the SPU project should projected excavation schedules overlap.
- Air quality protection measures as discussed in greater detail below.

Pursuant to the Overview Policy (SMC Section 25.05.665, and the Construction Impacts Policy (SMC Section 25.05.675B) the measures noted above will be sufficient to mitigate construction related earth impacts and no additional conditions are warranted.

### Carbon Footprint

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.

### Air Quality and Environmental Health

#### Demolition:

Air quality impacts related to the demolition and excavation of the existing structures on site, a three level building, formerly Waldo Hospital and an outbuilding currently used for storage could result in decreased air quality. Mitigation of these impacts are addressed by enforcement of Puget Sound Clean Air Agency (PSCAA) permits and additional mitigation is often not warranted. Given focused concern of neighborhood residents and the close proximity of drinking water supplies at the Maple Leaf reservoir, additional analysis and mitigation is warranted.

The buildings proposed for demolition have contaminants that will require additional care to ensure that air toxins are not released during the demolition process. Analysis by the department and comments from the public, specifically the Maple Leaf Community Council have indentified the possibility that the following environmental hazards could be encountered during demolition:

- Lead
- Asbestos
- Mercury,
- Other potential heavy metals including:
  - Silver, arsenic, cadmium, chromium, and selenium.
- Radioactive material
- Petroleum Hydrocarbons

The applicant was directed to have a certified industrial hygienist, Argus Pacific Inc. and the soils engineer, Earth Consulting perform additional site surveys and testing of the building and site. The findings of those analyses are referenced in the supporting documentation above. Based on the additional site specific testing, Argus made the following conclusions:

- *Several building components, inside and outside of the building have lead-based paint coatings. Lead was not identified in X-ray suites. Lead-based paint is common on buildings of this age and there was nothing unusual about the concentrations or locations of lead Identified. The building can be safely demolished with precautions to protect workers, the surrounding community, and the reservoir.*
- *Based on a thorough survey of both generations of building area, mercury vapor was not detected. A low detection for mercury vapor was indicated near the location of the former incinerator in the shed, but not in concentrations that would indicate a major source of contamination. With prescribed demolition methods, the shed can be demolished safely. It is the opinion of Argus Pacific that no further investigation or actions need to be taken with regard to potential mercury contamination on site;*
- *Based on a thorough survey of both generations of building and the shed, radioactivity was not detected at a level that would indicate contamination of the property. It is the opinion of Argus Pacific that no further investigation or actions need to be taken with regard to potential hazards from radioactivity on site.*
- *Argus Pacific identified fluorescent light tubes, thermostats, and HID lamps that may contain metal vapors; and ballasts likely contain polychlorinated biphenyls. These materials are present in most buildings of this age. They should be removed prior to building demolition for proper handling and disposal.*
- *Based on a visual survey, Argus Pacific did not identify significant areas of water intrusion or active mold growth. Mold is highly unlikely to present a hazard to workers, the community, or the reservoir during building demolition. Protections that will be employed to mitigate lead hazards would also help to minimize hazards from mold, should it exist.*
- *Heavy metals do remain in incinerator ash in some concentrations. Again, demolition methods used to minimize release of lead will be useful in containing metals and prevent their release to protect workers, the surrounding community, and the reservoir.*

Based on a review of the material, comments from the Maple Leaf Community Council, the experience of the lead agency, comments from Seattle Public Utilities staff reviewing the proposal, demolition and excavation of the site would not result in significant adverse impacts and application of best management practices will be adequate to address air and water quality impacts.

Therefore, as a condition of approval, an air quality monitoring and enforcement plan will be required. The plan will be reviewed and approved by DPD in consultation with SPU water quality engineers prior to issuance of any demolition permits. At a minimum this report will contain:

- Containment and abatement best practices to be followed during the demolition and soil clean up and construction phases.
- Monitoring and inspection during demolition and excavation phases by a third party special inspector appointed by DPD with authority to stop construction.
- Reporting to SPU water quality engineers of the status of the site clean up efforts.

Pursuant to the Overview Policy (SMC Section 25.05.665 the aforementioned mitigation measures in addition to any conditions of the PSCAA permit, will adequately address the possibility of environmental health impacts during construction:

### Construction

Construction of the project could result in localized short-term increases in particulates and carbon monoxide from equipment. Construction activities that would contribute to these impacts include excavation, grading, soil compaction, and operation of heavy trucks and smaller equipment (i.e., generators and compressors). Construction activities would result in an increase in suspended particulates, which could affect the quality of air at the intakes and the need to change filters more frequently.

It is not expected that these emissions would result in a violation of any local ambient air quality standards given the short duration of the excavation and demolition; these impacts are not anticipated to be significantly adverse. However, given the proximity of the reservoir, some additional care is warranted in the operation of construction equipment and vehicles. The following construction vehicle and construction practices conditions are warranted.

During construction, on-site activity and periodic traffic delays on adjacent streets could contribute to slight increases in localized vehicle emissions of carbon monoxide and nitrogen dioxide.

- The Contractor will ensure that construction vehicles which are not in use shall not be permitted to be idling for more than 3 minutes.
- As necessary, or when directed by the air quality inspector on site, exposed soils would be sprayed with water to control dust.
- As necessary, or when directed by the air quality inspector on site truck undercarriages would be washed to minimize the tracking of dirt onto nearby streets and the potential for air entrained particulate emissions.

Pursuant to the Overview Policy (SMC Section 25.05.665, and the Construction Impacts Policy (SMC Section 25.05.675B) the measures noted above will be sufficient to mitigate construction related impacts to air quality and no additional conditions are warranted.

### Noise

The site is located at the intersection of and along an arterial street, 15th Avenue NE. The existing traffic volumes result in modest ambient noise levels during the AM and PM peak hours. There are single and multifamily uses directly across 85th Street, 86th Street and 15th Avenue that would be affected by construction noise impacts.

Short-term noise and vibration from construction equipment, demolition and construction activity (e.g., backhoes, trucks, concrete pumps and mixers, generators, and pneumatic hand tools) would occur as a result of construction and construction-related traffic. The duration of greatest noise production would be during demolition and excavation. Initial construction schedules provided by the applicant indicate that the duration of this work would be three weeks at most.

- Construction hours will be limited as follows: All construction activities are subject to the limitations of the Noise Ordinance. Construction activities (including but not limited to demolition, grading, deliveries, concrete pouring, framing, roofing, and painting) shall be limited to non-holiday weekdays from 7 AM to 6 PM. Interior work that involves mechanical equipment, including compressors and generators, may be allowed on Saturdays between 9 AM and 6 AM once the shell of the structures are 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.
- All construction equipment including air compressors shall be maintained with noise suppression features as OEM installed.
- Jack hammers and roto-hammers shall be used only where no other alternative is available; core drilling and saw cutting equipment is preferred.
- Applicant will send mailed notice of the construction sequence and schedule and contact information to the Maple Leaf Community Council and to neighbors within 300 feet of the project site.

Adverse impacts from Construction Noise would be reduced to acceptable levels with these measures in place. Pursuant to the Overview Policy (SMC Section 25.05.665), and the Construction Impacts Policy (SMC Section 25.05.675B) the measures noted above will be sufficient to mitigate construction related noise impacts. No additional conditioning is warranted.

#### Construction Traffic & Parking

The project contractor estimates that 30 workers would be on site for the duration of project construction, estimated to be about 14 months. The SEPA checklist and supplementary plan information indicates that excavation phases of the project (export and import of soil, construction of the garage) would result in approximately 8,500 cubic yards of material being trucked to or from the site. Exported and imported material would be hauled by a combination of 10 yard and 20 yard trucks.

Peak trucking activity would coincide with the initial clearing and excavation for the underground garage. It is estimated that a total of 8,500 cubic yards of material would be hauled from the site. Assuming each dump truck and trailer can accommodate 22 yards, and assuming a “fluff” factor of about 10% as material is excavated into the truck, it is expected that the site would generate about 420 truck loads of material. This phase of construction would take about 10 days, which equates to a total of about 42 truck loads per day or about 5 truck loads for each hour of an 8-hour workday. Smaller numbers of truck trips would be generated during later project phases, including concrete pours when up to 10 trucks per day could be generated by the site.

Temporary closures of sidewalks and/or traffic lane(s) are typically addressed through Seattle Department of Transportation permits. However given the site access and grading amounts the following conditions will be imposed.

- The Contractor will direct all trucks to use 15th Avenue NE and NE 85th Street to access the site.
- The Contractor will provide offsite construction worker parking for all workers and insure that they workers do not park on public streets.
- Any changes or temporary modifications to haul routes will be identified and coordinated with SPU should the reservoir capping project take place concurrent with the Maple Leaf Commons project.
- Hauling hours will be restricted during the PM peak traffic period.
- Copies of the final plan will be forwarded to the Maple Leaf Community Council prior to commencement of construction.
- Fire and police departments would be notified in advance of temporary street blockages during construction.
- Appropriate traffic control measures would be implemented to maintain safe public access along adjacent streets.

Pursuant to the Overview Policy (SMC Section 25.05.665), and the Construction Impacts Policy (SMC Section 25.05.675B) the measures noted above will be sufficient to mitigate construction related noise impacts. No additional conditioning is warranted.

#### Long Term impacts

Long-term or use-related impacts are also anticipated as a result of approval of this proposal. Impacts from the approval can be: increased surface water runoff due to site coverage by impervious surfaces; reduction in trees and vegetation; increased bulk and scale on the site; increased traffic in the area; increased demand for parking; and increased demand for public services and utilities.

Several adopted City codes and/or ordinances provide mitigation for some of the identified impacts. Specifically these are: the Stormwater, Grading and Drainage Control Code which requires on site collection of stormwater with provisions for controlled tight line release to an approved outlet and may require additional design elements to prevent isolated flooding; The City's Tree Preservation Ordinance, SMC 25.11 and DR 6-2001, which addresses tree canopy; the City Energy Code which will require insulation for outside walls and energy efficient windows; and the Land Use Code which controls site coverage, setbacks, building height and use and contains other development and use regulations to assure compatible development. Compliance with these applicable codes and ordinances is adequate to achieve sufficient mitigation of most long term impacts and no further conditioning is warranted by SEPA policies.

#### Cumulative Effects Policy

The SEPA ordinance provides that projects which by themselves do not create undue impacts on the environment may create undue impacts when combined with the cumulative effects of prior or simultaneous developments. Cumulative effects should also be analyzed when a development would directly induce, due to a causal relationship, other adverse affects on the environment.

The site is located in a Lowrise 2 zone. It abuts some limited multifamily and commercial uses but is essentially surrounded by single family zoning. As such, direct inducement of additional development of multifamily uses is not likely.

Further, the present capacity of the street system, storm drainage system, water and sewer systems is adequately sized to accommodate the development. The Seattle Capital Facilities plan which is an element of the comprehensive plan finds that there is adequate capacity to accommodate this infill development. The proposed use of the site for housing will not cause undue air, water or light impacts. The proposal will not have undue impacts on plants or animals and in fact, at maturity the planned tree canopy of the site will exceed the current tree canopy and with a greater diversity of species as described in greater detail below.

In terms of cumulative impacts created by the simultaneous development of one or more proposals, the only known project that would occur in a similar timeframe to the *Maple Leaf Commons* project is the *Maple Leaf Reservoir Project*. This proposal as noted early involves lidding the adjacent Maple Leaf reservoir and conversion of this space to a public open space that would then be managed by the Seattle Parks Department.

In terms of impacts the *Maple Leaf Reservoir Project* is anticipated to be a net improvement in the natural systems of the area, and will add open space with recreation opportunities. There is no inherent use conflict with public parks and multifamily development; to the contrary, it is the policy of the City to encourage development of open spaces where they can serve such residential uses.

The potential overlapping impacts if the two proposals are constructed at the same time are: short term construction impacts and once constructed, long term traffic generation. The most impacting phase of construction for the *Maple Leaf Commons* will be the three week demolition, excavation and grading window. By comparison, the range of time that *Maple Leaf Reservoir Project* would be anticipated to take is 2 years. In the overall, *Maple Leaf Commons* is not of a scale to significantly impact the neighborhood with or without the *Maple Leaf Reservoir Project*. What is warranted is some level of coordination between the project construction teams should the projects proceed concurrently. In order to ensure this happens, the project will be conditioned to require close coordination between the construction project management teams.

Another area where cumulative impacts, although not significant, could be adverse, is in traffic generation and parking for the new park. However, *Maple Leaf Commons* traffic study found that the project would have negligible impacts on neighborhood streets and traffic mitigation can address any impacts. In addition, the parking analysis done for *Maple Leaf Commons* surveyed available on-street parking and found ample parking available within walking distance even when the ballfields were in use. Based on this and project parking mitigation there is no reason to expect significant adverse cumulative parking impacts.

Based on the relatively small scale of the *Maple Leaf Commons* as compared to the larger reservoir project, and incorporating the findings and conclusion of SPU's DNS by reference, and pursuant to the Overview Policy (SMC Section 25.05.665), and the Cumulative Effects Policy (SMC Section 25.05.675B) the measures noted above will be sufficient to mitigate cumulative impacts.

Land Use:

As noted in the introduction, the site is zoned L2 (Lowrise Two) and allows multifamily apartments, townhouses and single family uses. In the immediate vicinity of the site are several multifamily apartment buildings to the north, an office building to the north and east and public utility use (the reservoir) the west. Uses beyond the immediate block are primarily single family. The proposed cottage housing project is compatible with both the single family and more intense uses in the area. The proposed housing in this case is well below the allowed density in the zone (39 units as opposed to the 59 units that would be allowed). The perimeter of the development proposal contains single family and duplex units that would face outward towards the single family zones providing a low density residential appearance.

The City has adopted land use regulations that are designed, in part, to minimize or prevent impacts resulting from incompatible land use. It is the City's policy to ensure that proposed uses are compatible with surrounding uses. Density related impacts are to be addressed through the Height Bulk and Scale policies, which in this case are addressed through the Design Review process. Subject to the overview policy set forth in SMC Section 25.05.665, the decision maker may condition or deny any project to mitigate adverse land use impacts resulting from a proposed project or to achieve consistency with the applicable City land use regulations, the goals and policies set forth in Section B of the land use element of the Seattle Comprehensive Plan regarding Land Use Categories.

The site is zoned Lowrise 2. This zoning is supported by the Comprehensive Plan designation of the site as Multifamily. Along with many other limited nodes of multifamily zoning, this comprehensive plan designation for this area was affirmed during the 2004 Comprehensive Plan review process, which found that the City's Future Land Use Map, zoning designations and housing goals were internally consistent and consistent with the Growth Management Act. Long term use of this site for multifamily is both appropriate and consistent with the City policy.

Conversely, the current use of the site as institution is more tenuous. The current use is essentially an institutional office building. Such institutional uses are not preferred and are considered less compatible with single and multifamily uses than the proposed single family/townhouse development such that these institution uses require conditional use permits.

"Incompatibility" issues cited by the MLCC include the potential difference in sale price of the units cited by the applicant (600-750K) compared to home values in the surrounding neighborhood (cited by MLCC as 449k). The variability of real estate pricing in the Lowrise and single family zone is not governed by any Land Use Code or SEPA policies relative to Land Use or affordable housing.

Subject to the overview policy set forth in SMC Section 25.05.665, the City can mitigate adverse land use impacts to achieve consistency with the applicable City land use regulations, the goals and policies set forth in Section B of the land use element of the Seattle Comprehensive Plan regarding Land Use Categories. In this case the proposal is consistent with the requirements of the land use code and comprehensive plan designation of multifamily.

Drainage:

Currently the site is developed with an impervious surfaces consisting of roof, asphalt parking areas, and concrete pathways. DPD records indicate that some of the roof drains may connect to the combined sewer (wastewater and stormwater system) located in 15th Avenue NE. The balance of the untreated stormwater runoff sheet-flows to 15th Avenue, 85th and 86th Streets. None of the current stormwater drainage from the site enters Thornton Creek or to Lake Washington.

The proposal would adhere to the Stormwater Grading and Drainage control ordinance. The proposal includes a bio-retention vault (rain garden) facility for treatment and subsequently discharge of storm water runoff to the combined system in 15th Avenue. All pollution-generating surfaces will be receiving treatment and discharge to the combined system. The overall effect of the project on stormwater quantity and quality will be positive. Pursuant to the Overview Policy (SMC Section 25.05.665), and the Drainage Policy (SMC Section 25.05.675C) no addition mitigation is warranted.

Trees, plants and animals

The Project Complies with SMC 25.11 and Director's Rule 6-2001 for Preservation and Replacement of Trees. The tree preservation ordinance requires that exceptional trees be identified according to standards promulgated by the DPD Director, which are contained in Director's Rule (DR) 6-2001. The applicant's consulting arborist, Robert W. Williams, prepared a detailed tree inspection report that examined the size, type, structural stability and health of the site's trees, and evaluated the suitability of trees for retention based on size, species and survivability based on DR 6-2001. This Tree Report included the survey of one hundred and four trees and the inspection of seventy-nine trees which were six inches and more in diameter. The Tree Report identified four exceptional trees pursuant to DR 6-2001. See, Tree Report from Robert Williams, Consulting Arborist, dated 3/1/07.

Projects with exceptional trees must go through Administrative Design Review and the Director can permit removal under certain circumstances. In this instance, the project proponent has gone through Design Review, and made substantial revisions to its project in order to preserve three of the four of the exceptional trees. In addition, the applicant has agreed to retain numerous other trees in the "grove" area on the eastern portion of the site at the corner of 15th and 85th, which the tree preservation ordinance does not require to be preserved. Based on the community's desire to preserve as many trees as possible in the "grove" area, the applicant's revised design has eliminated dwelling units that were located in this area in its initial proposal, resulting in preservation of more trees. At 39 dwelling units, this project is well below the maximum allowed density of 60 units.

Given the objective of preserving as many trees as possible in the grove area and enough dwelling units to make the project viable, the Director will allow one exceptional tree located on the back side of the project to be removed and replaced, in accordance with the ordinance's requirements for replacement of exceptional trees. This tree is located at the north edge of the property on 86th Avenue, approximately 2'-6" west of the property line. It is identified as tree number 70 on the survey and in the arborist's assessment.

The tree preservation ordinance requires replacement of exceptional trees and trees over two feet in diameter by one or more new trees in a size and species type that is intended to result upon maturity in a canopy cover that is no less than the canopy cover prior to tree removal. Preference is given to on-site replacement. The proposal complies with and even exceeds SMC 25.11.090's tree replacement requirements because the qualifying trees being removed will be replaced by trees with a canopy cover at maturity that is greater than the tree canopy of the removed trees. The existing tree canopy proposed to be removed (includes one exceptional tree and 10 trees greater than 2 feet in diameter) is approximately 195 sq. ft. of canopy. The proposal is to replace this with 40 new trees and 4 transplanted trees from the site, of a variety of species, designed to result upon maturity in a canopy cover of approximately 1,135 sq. ft. In addition, the project is also saving other trees beyond what the ordinance requires, so the total tree canopy on the site with retained, transplanted and replacement trees will be approximately 1,679 sq. ft., which exceeds the total existing tree canopy of approximately 1,349 sq. ft. The applicant's Tree Replacement Plan illustrates the proposed number and type of replacement trees. See Tree Replacement Plan, Sheets L1.1, L1.2, dated DRB submittal revision 3/13/08.



Questions were raised by the Maple Leaf Community Council in their SEPA comments regarding the ability of the applicant to preserve trees during construction. The applicant has since provided a supplemental report from its arborist, determining that with design modifications that have been made to the project, and other recommended measures, the trees intended to be retained can be protected during construction. See 3/24/08 Robert Williams, Consulting Arborist, supplemental report, dated 3/24/08. The arborist notes that the plans have been revised to move certain dwelling units out of the grove area and locate them further from the protected trees *In* the original design for the first EDG meeting, there were 5 units that fronted on 15th Avenue and had a minimum 10' setback. Since then, the applicant has changed the design to move those units away from the trees and, as a result, there are no units that front on 15th Avenue. In an attempt to leave the most stable trees, the trees proposed for removal are those most vulnerable to exposure--three on the windward edge of the stand and several trees on the leeward end of the group. The applicant's arborist states that while these proposed removals will alter the exposure of several trees in the stand, a significant increase in the risk of failure is not expected given the composition of the stand, the current level of exposure and the terrain.

The applicant's arborist states that in order to reduce hazard potential related to trees of particular concern, certain trees should be cut, that pruning be done to remove deadwood, broken limbs and stubbed off limbs, that there be site preparation and monitoring during construction. The arborist concludes, "Providing adequate tree protection measures are implemented, prior to, during and after the completion of construction, the adverse effect on the trees will be minimal. Given that the trees have been subject to a circumstance of benign neglect in the past, the development of the site could serve to improve and enhance the overall condition of the trees with time." 3/24/08 Robert Williams supplemental report. The arborist has proposed detailed Tree Preservation Guidelines and Specifications, including measures for tree and site preparation, fencing, and monitoring and these measures include many of measures suggested by the neighbors' arborist. The Tree Preservation Guidelines and Specifications are set forth at pp. 12-15 of the 3/24/08 Williams supplemental report and are incorporated as mitigation measures for tree protection below.

The project complies with the city's SEPA policies for protection of plants and animals under SMC 25.05.675.N. and DR 6-2001. The City has limited SEPA authority to require that trees be retained, absent exceptional tree status or some exceptional habitat qualities. The extent of the City's tree preservation authority is addressed in DR 6-2001. DR 6-2001 cites SMC Ch. 25.11 and its protection of outstanding or exceptional trees as the key regulation related to tree preservation. The relevant City SEPA Policy, SMC 25.05.0675.N. on plants and animals has been interpreted and clarified in DR 6-2001. The Director's Rule clarifies the City's policy regarding protection of plants and animals, by stating:

*"The policy articulated in SMC 25.05.675N.2c, calls for protecting three categories of trees and/or vegetation where development would reduce or damage:*

- 1. Rare, uncommon, unique or exceptional plant or wildlife habitat; or*
- 2. Wildlife travelways; or*
- 3. Habitat diversity for species (plants or animals) of substantial aesthetic, educational, ecological or economic value.*

*This rule identifies trees that should be considered under the first and third categories listed above, during the environmental assessment of development applications. All trees that qualify as an Exceptional Tree, as described below, should be considered. Other trees that have a special wildlife habitat importance, such as those containing a bald eagle's nest or communal roost, also should be considered."*

*(Note: DR 6-2001 goes on to set forth the criteria for evaluating and designating "exceptional trees," which criteria were addressed by the applicant's arborist in the Tree Report referenced above).*

The Maple Leaf Community Council (MLCC), in its SEPA Comment Letter dated February 27, 2008, asserts that the trees meet the SEPA standards requiring their preservation. The letter quotes the MLCC's consulting arborist, Tina Cohen, who stated the "entire stand of trees meets the criteria of aesthetic and ecological value in an urban area" and therefore it deserves SEPA protection. The MLCC notes that stands of trees can be as important as individual trees, and also notes the importance of trees generally for the environment. The MLCC also quotes concerns from their arborist that development of the site without protections could endanger some of the trees that are proposed for retention. The MLCC further notes that some of the trees serve as an occasional perch for a pair of bald eagles.

Despite the fact that there is a large stand of trees on site which has some ecological and aesthetic value, and despite the occasional perching of bald eagles, DR 6-2001 makes clear that unless a tree or trees, or other habitats on site have been identified as an exceptional tree, or constitute a rare, uncommon, unique or exceptional plant or wildlife habitat, or a wildlife travelway or a habitat diversity for species of substantial value, SEPA does not require that it be preserved. The applicant has addressed the City's protections for exceptional trees. Applicant also submitted reports from a consulting biologist at ESA Adolphson which determined that the site does not contain the requisite rare, unique or exceptional habitat, that it is not a wildlife travelway nor was there habitat diversity for species of substantial value on site.

ESA Adolphson evaluated whether there was bald eagle use of the site, and determined that there were no bald eagle nests on site or in close proximity. ESA Adolphson also determined that bald eagles were unlikely to nest on the site, given that it was not located in close proximity to a prime foraging area for fish and waterfowl, and that the stand of trees on site is relatively small and exposed to the urban environment. See ESA Adolphson Letter of May 7, 2007 to Greg Kappers re: Bald Eagle Use of Campfire Site.

ESA Adolphson also conducted an evaluation of the project site evaluating the trees, plants and animals on site to determine whether there was any rare or unique plant or wildlife habitat, wildlife travelways or habitat of substantial value that would require the City to preserve it under SEPA. See ESA Adolphson Letter Dated November 26 to Greg Kappers re: Habitat Assessment for Campfire Site, Addressing City of Seattle Director's Rule 6-2001 SEPA Plants and Animals Policy. ESA Adolphson's study of the site concluded that none of the site's features would qualify for preservation under SEPA based on DR 6-2001. The study found that the stands of large conifers on the east portion of the site "are commonly found in the urban forest areas of Seattle," and that "it does not contain rare, uncommon or unique plant species of wildlife habitat." The study also found that "wildlife travelways on the site were limited by the presence of surrounding residential development, major arterial roads and the lack of connection to nearby habitats." Finally, the report found that there was not habitat of diversity for species of substantial value. The report concluded that the site had "limited habitat diversity for plants or animals with substantial aesthetic, educational, ecological or economic value because no special trust species, such as bald eagle are known to use the site other than for occasional perching by bald eagles and foraging by birds of prey."

The report noted that the impact of the project on the plant and animal species on site was not expected to be significant. The report concluded that:

"Based on our review of Director's Rule 6-2001, the tree inspection report and two field investigations, the project proposal meets the intent of SMC 25.05.675 N2a, 2c and 2d. A contiguous patch of native forest habitat will be preserved on the east portion of the site and landscaping will include native species. Three of the four exceptional trees will be preserved and more than 50 percent of the total number of native trees will be retained. The site is also designed to meet the goal of no net loss of tree canopy, once the landscape trees have matured."

The report did make some recommendations which the applicant has accepted as conditions of the approval, including:

- Remove non-native invasive species including English ivy, Scot's broom, English holly, Himalayan blackberry and cherry laurel from the retained native stand of trees and replace them with native shrubs to create a more diverse native forest habitat area/
- Use some native species for landscape plantings.
- Retain snags and existing dead/dying trees for cavity nesting wildlife in the native forest stand if possible considering safety concerns.

In summary, the project meets the requirements of the City's Tree Preservation ordinance, Design Review and SEPA. The project has been designed to maximize the amount of retained trees in the contiguous "grove" area by reducing the amount of units and clustering the units on the balance of the site. The applicant is planting replacement trees that will result in a larger tree canopy at maturity than exists now. The applicant has also agreed to incorporate the tree protection measures suggested by its arborist to preserve the health of the retained trees. Finally, the applicant has agreed to comply with the recommendations of its wildlife biologist regarding removal of invasive species, and replacement with native species for diversity, etc.

#### Summary of Tree Protection and Habitat Measures

1. Prior to and during construction the following mitigation measures shall be implemented for tree protection and preservation, in line with the recommendations of the 3/24/08 Williams Consulting Arborist Report, pp. 12-24 and attachments ("Arborist Recommendations") and for habitat improvement in accordance with the ESA Adolphson recommendations:

- a. Site Preparation

The primary measure of protection will be to maintain the integrity of the stand of remaining trees following selective removals through creation of a fenced Tree Protection Zone (TPZ) with limited access along with measures to treat the area to optimize health and moisture management.

- Tree pruning should occur prior to the establishment of the protective fencing described below. Details of pruning are provided in the Tree Preparation Section of the Arborist Recommendations. Several trees are scheduled to be removed on the north and south end of the grove. These removals should be carried out by a qualified Tree Service supervised by an ISA Certified Arborist. The trees should be removed in sections with the brush extracted to the roadside and chipped. Trunk wood should be moved off site without the use of heavy equipment. The core of each of the stumps should be ground. No excavation equipment should be used in stump removal and no heavy equipment to be used in the extraction of brush and wood.

- A six foot chain link fence with driven posts should be installed (with specifications provided in Arborist Recommendations) A single access gate on the street (15th Ave NE) side should be installed in the northeast corner to allow maintenance access. The line of the fence has been staked using wooden markers with green paint and the attached plan has been illustrated to show the location of the fence. Continuous sheets of 8’ plywood should be attached to the fence on the West side to form a barrier. The area within the barrier constitutes the Tree Protection Zone (TPZ) and access to the area within the fencing is strictly limited. Signs indicating Tree Protection Zone Access Restricted should be affixed to the fence at eye level at 20’ intervals. The TPZ is located at the distance from the centerline of the tree to the nearest foundation or side-sewer placement. Some access for construction will be necessary.
- Noxious weeds and undesirable plants identified by the Landscape Architect should be grubbed out by hand within the TPZ. To aid in soil building, optimizing the health of the trees and in retaining moisture, the area should be mulched with a three inch deep layer of fertile mulch in accordance with the Arborist Recommendations. Mulch should be applied to the entire area, avoiding piling the mulch immediately around the base of the trees and shrubs.

b. Tree Preparation

To preclude accidental damage and to optimize tree health, tree pruning is specified. An application of beneficial Mycorrhizae is specified to optimize root performance.

- General pruning: Pruning should remove major deadwood, broken limbs, crossing and duplicated growth. Pruning should be carried out by, or under the supervision of an ISA Certified Arborist to ANSI A300 specifications (per Arborist recommendations).
- Specific Pruning: Trees shown on the following form should be pruned to prevent damage when construction commences.
- Mycorrhizal application: An application of Mycorrhizae should be made to the root zones of the trees to optimize root performance (see Arborist recommendation for specification).

Tree #	DBH	Proximity to disturbance	Action or Treatment
4	24”	15’ 3.5”W	Crown thinning to reduce weight and wind resistance. Lift lower limbs.
5	32”	12’ 9” W	Crown thinning to reduce weight and wind resistance. Lift lower limbs.
41	36”	17’ W	Crown thinning to reduce weight and wind resistance.
42	32”	19’ 8.5” W	Crown thinning to reduce weight and wind resistance. Remove lower whorl and one limb on north side.
44	28”	18’ 7” S	Crown thinning to reduce weight and wind resistance.
45	12”	9’ W	Prune to lift lower limbs.

### c. Modified Construction Techniques

Special tools and techniques will be required in close proximity to the trees. These measures will be required for all work within the TPZ and will develop along with the project.

- Where excavation and grade change take place within Zone A identified in Arborist Recommendations, air spade excavation may be required. The diagram showing the air spade excavation area should be prominently displayed where it can be seen by contractors and employees. (I.e. the job trailer).
- Hand digging trenches may be necessary in the placement of side sewers within Zone A.

### d. Construction Supervision

A Certified Arborist Construction Supervisor should monitor construction and make on-site decisions to modify excavation and construction techniques, in accordance with the following:

- Where construction is to take place on the periphery of the Tree Protection Zones, Arborist site supervision is required.
- Assessment of ongoing impacts in communication with the site supervisor and construction personnel for the duration of the project.
- Non-compliance with the tree preservation guidelines and specifications by contractors during construction, which noncompliance causes the destruction of or significant damage to a tree in the TPZ, and which destruction or significant damage results in the need to remove the tree during or within three years of construction, shall result in a fine to the contractor of \$15,000 per tree required to be removed.

### e. Post Construction follow-up

An inspection of the trees by the Consulting Arborist should take place annually over the transitional, three-year period:

- To evaluate the overall health, condition and structural stability of the trees.
- To assess the need for remedial measures to treat any unforeseen effects on the trees of the construction process.
- To establish a maintenance program for the new Homeowner's Association to ensure continued health and structural integrity of the preserved trees.
- Once established, the Homeowner's Association will be responsible for the implementation of the recommendations outlined in the maintenance program.

## 2. Habitat Improvement Measures

- Remove non-native invasive species including English ivy, Scot's broom, English holly, Himalayan blackberry and cherry laurel from the retained native stand of trees and replace them with native shrubs to create a more diverse native forest habitat area/
- Use some native species for landscape plantings.
- Retain snags and existing dead/dying trees for cavity nesting wildlife in the native forest stand if possible considering safety concerns.

### Traffic and Parking

With regard to traffic and parking, a Transportation Impact Analysis (TIA) was performed for the Maple Leaf Commons project by Heffron Transportation, Inc, dated January 2008. The TIA identified the streets in the vicinity noting the site is located west of 15<sup>th</sup> Avenue NE and is bounded by NE 86<sup>th</sup> Street to the north, NE 85<sup>th</sup> Street to the south (and the Maple Leaf Reservoir to the west). The TIA also noted that while the site is currently the location of the Camp Fire USA Headquarter site, operations at this site have been significantly reduced over the past few years and the proposal involves demolition of the existing Campfire building.

The TIA analyzed the traffic generation for the proposed project consisting of 39 single-family, cottage-style homes with 48 on-site parking spaces—41 in a common parking garage and seven (7) in private garages attached to individual units. The TIA evaluated the proposed project access including the main access to the large parking garage from a driveway located on NE 85<sup>th</sup> Street and individual accesses for the seven homes with private garages (access to two homes from NE 86<sup>th</sup> Street and to the other five homes from NE 85<sup>th</sup> Street). The TIA utilized the project's proposed completion date of 2009 for its transportation analyses.

### Trip Generation and Access

The TIA found that the proposed project would generate about 290 net new vehicle trips per day, 17 vehicle trips during the AM peak hour, and 27 vehicle trips during the PM peak hour. The TIA studied trip distribution and potential impacts on project area intersections, noting that the proposal would not decrease levels of service except that the eastbound approach to the NE 85<sup>th</sup> Street/15<sup>th</sup> Avenue NE intersection would decrease from LOS D to LOS E during the PM peak hour. However, the TIA concluded that at this intersection, the left-turn movements would only be increased from eight (8) to 11 and this low volume would not warrant any physical improvements at this location. The TIA concluded overall that no mitigation measures, either physical improvements or traffic controls, were warranted at any intersection or roadway in the study area based on the proposal's trip generation.

The TIA found that the proposed project's access points, including the main driveway located on NE 85<sup>th</sup> Street to access the below-grade parking garage and the proposed individual driveways on 85th and 86th would operate at LOS A during all times of the day, including the AM and PM peak hours.

### Traffic Safety/Sight Lines Mitigation

The TIA did make a recommendation to improve sight lines from NE 86<sup>th</sup> Street and NE 85<sup>th</sup> Street where they intersect 15<sup>th</sup> Avenue NE. Three on-street parking spaces along the west side of 15<sup>th</sup> Avenue NE should be removed to increase vehicle and pedestrian sight distances: one space north of NE 86<sup>th</sup> Street and two spaces north of NE 85<sup>th</sup> Street. The TIA recommended that the space just to the north of NE 85<sup>th</sup> Street be eliminated and the transit stop extended to retain the sight lines to the north during most times of the day except when a bus is stopped there. The TIA also recommended that parking be prohibited within 30 feet of N 86<sup>th</sup> Street (north of the intersection) to improve the site triangle at this location. This would affect one legal parking space in this location. Therefore, the TIA's proposed sight distance mitigation would remove three on-street parking spaces.

Pedestrians, Transit and On-Street Parking

The proposed project would construct new sidewalks along the site frontages for NE 86<sup>th</sup> Street, 15<sup>th</sup> Avenue NE, and NE 85<sup>th</sup> Street. The TIA concluded that the proposed project would not adversely impact pedestrians, transit or on-street parking in the site vicinity. The proposed project originally proposed to supply 48 parking spaces on the site (39 spaces are required by the City for this land use). Using conservative estimates, the TIA found that this development's peak parking demand could be about 57 vehicles, nine more than could be accommodated on-site. However, a parking study conducted for the area within 400 feet of walking distance from the site determined that there is ample on-street parking available to accommodate the additional demand during the neighborhood's peak parking period. To help reduce the potential for parking overflow, the TIA recommended and the applicant has agreed that the project would provide a space for a car-sharing vehicle (e.g., Flexcar). The TIA concluded that with the available on-street parking in the area, the close proximity to several major transit routes, along with the availability of a shared car, the project's proposed parking supply adequately addresses parking impacts. Since the TIA, the project has been revised to increase the proposed parking supply to 50 spaces, with 46 spaces in the underground garage and 4 individual garage parking spaces.

Neighborhood Traffic Concerns

In response to neighborhood concerns about traffic in the project area raised in their SEPA comment letter, a meeting was held March 10, 2008 with neighborhood residents, the applicant's traffic engineer, Marni Heffron, of Heffron Transportation, Inc., and Scott Kemp and John Shaw from the City's Department of Planning and Development (DPD). The neighborhood concerns expressed largely related to cut-through traffic in the area which is an existing problem, not created by the project. The applicant's traffic engineer has submitted a written response to the neighborhood comments and City's Correction Notices. *See March 26, 2008 Memorandum from Heffron Transportation Re: Response to DPD Correction Notices and Public Comments Related to Transportation (March 26 Response Letter)*. The project TIA and March 26 Response Memorandum state that no traffic impact mitigation for the project is warranted based on the fact that the project would not adversely affect neighborhood streets in the area. However, the applicant's March 26, 2008 Response Memorandum does identify some traffic calming measures that would address neighborhood concerns and puts forth an offer for voluntary mitigation, as follows:

The project proponent has agreed to voluntarily contribute \$10,000 to the Maple Leaf Community Council for the purpose of implementing neighborhood traffic calming devices as specified below. If they desire, the MLCC could use these funds to match City or other grants. Because all types of neighborhood traffic control devices require consent from residents affected by the device (typically those within one block in all directions), the MLCC would be responsible for obtaining the required consent, gaining approval from SDOT, and having the measures installed. The potential traffic measures would include the following:

- Speed humps on 14th Avenue NE.
- Speed humps in the alley located between 14th and 15th Avenues.
- Signage on the alley to indicate "resident access only".
- Traffic circle at the NE 82nd Street/14th Avenue NE intersection.
- Radar speed signs on 15th Avenue NE.

In addition, as part of rebuilding the sidewalk adjacent to the site, the proponent has agreed to construct a curb bulb on the northwest corner of the NE 86<sup>th</sup> Street/15<sup>th</sup> Avenue NE intersection (the southeast corner of the site), so long as the curb bulb is approved by SDOT prior to the start of sidewalk construction.

Summary of Traffic Mitigation Measures

1. The project will seek City approval for elimination of three parking spaces on NE 15<sup>th</sup> Avenue to improve sight lines at the intersections: two spaces north of NE 85<sup>th</sup> Street and one space north of NE 86<sup>th</sup> Street.
2. To reduce the potential for parking overflow, the project will provide a parking space for a car-sharing program (e.g., Flexcar, Zip car etc.).
3. The applicant will contribute as voluntary mitigation the sum of \$10,000 to the Maple Leaf Community Council for the purpose of implementing one or more of the following neighborhood traffic calming devices:
  - Speed humps on 14th Avenue NE.
  - Speed humps in the alley located between 14th and 15th Avenues.
  - Signage on the alley to indicate “resident access only”.
  - Traffic circle at the NE 82nd Street/14th Avenue NE intersection.
  - Radar speed signs on 15th Avenue NE.

Because all types of neighborhood traffic control devices require consent from residents affected by the device and approval from SDOT, the MLCC would be responsible for obtaining the required consent, gaining approval from SDOT, and having the measures installed.

4. As additional voluntary mitigation, as part of rebuilding the sidewalk adjacent to the site, the proponent has agreed to construct a curb bulb on the northwest corner of the NE 86<sup>th</sup> Street/15<sup>th</sup> Avenue NE intersection (the southeast corner of the site), so long as the curb bulb is approved by SDOT prior to the start of sidewalk construction.
5. To reduce potential impacts during construction, the contractor will route all truck traffic to 15<sup>th</sup> Avenue NE and NE 85<sup>th</sup> Street. If construction is occurring on the Maple Leaf Reservoir concurrent with the construction of the Maple Leaf Commons project, the applicant will coordinate construction traffic route plans with Seattle Public Utilities to minimize impacts on the neighborhood. In addition, the contractor will contract with a local church or other entity to provide off-site parking for its construction workers.

Carbon Footprint/Greenhouse Gas Emissions

Operational activities, primarily vehicular trips associated with the project and the projects’ energy consumption, are expected to result in increases in carbon dioxide 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.



## **SUMMARY:**

The Department of Planning and Development has reviewed the environmental checklist and supplemental materials submitted by the project applicant, held public meeting and conducted outreach to solicit comments and concerns from neighborhood residents, considered those comments submitted by members of the public, consulted with other City departments regarding proposed conditions and mitigation measures, and reviewed the project plans and any additional information in the file. As indicated in the checklist, this action will result in adverse impacts to the environment. However, due to their temporary nature and limited effects, and together with those mitigation measures proposed by the applicant and imposed below, those adverse impacts are not expected to be significant.

Codes and development regulations applicable to these proposed projects will provide sufficient mitigation and no further conditioning beyond those measures outlined below is warranted pursuant to the SEPA Overview Policy (SMC 25.05.665).

## **CONDITIONS – DESIGN REVIEW**

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

A Tree Preservation Plan shall be created and implemented of to insure the trees to be preserved are protected and maintained. Elements of such a plan shall include measures to be employed during excavation and construction, creation of non-disturbance areas with chain link fencing; use of minimally disruptive construction techniques when constructing paths across tree root areas or buildings in close proximity to trees; financial penalties to insure implementation of the plan through construction; and a maintenance plan for ongoing care of the trees. An arborist will have authority to stop project activities shall be on site during periods of activity which might affect the preserved trees.

The western property line shall be marked by landscaping not taller than four feet in height. If provided, a fence must meet the above guidance. This fence and landscape treatment should be light and airy with incorporation of large specimen trees. The plants, the fence around the water treatment facility and any fences which are built around the proposal site should be incorporated together into a single landscape expression.

- The eastern, wooded area shall not be fenced off or screened from public view by landscape, but shall instead present a park like appearance to viewers in the street realm. This wooded area shall have a public path allowing the general public a route diverting from and returning to the public sidewalk.
- The building constructed shall substantially conform to the one represented to the Design Review Board and which received a recommendation of approval.
- Any proposed changes to the exterior of the building or the site must be submitted to DPD for review and approval of the Land Use Planner (Scott Kemp, scott.kemp@seattle.gov). 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.
- 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 the DPD planner assigned to this project, or by the Design Review Manager.

- An appointment with the assigned Land Use Planner must be made at least three working days in advance of field inspection. The Land Use Planner will determine whether submission of revised plans is required to ensure that compliance has been achieved.
- All of the conditions contained in this decision must be embedded in the cover sheet for updated MUP permit plans and for all subsequent permits including any MUP revisions, and all building permits.

During Construction

Implement the Tree Preservation Plan.

Prior to Certificate of Occupancy

Record a Covenant which preserves the wooded area in the eastern portion of the site for the benefit of the unit owners and of the public and provides that there will always be a pedestrian path through the area as shown in the plans issued for the MUP permit.

**CONDITIONS – SEPA**

Prior to Issuance of a Demolition, Grading or other Construction Permit

- Obtain DPD approval of Stormwater, Grading and Erosion Control Plan with measures consistent with those described in the MUP Decision.
- Obtain DPD approval of an Air Quality Monitoring and Enforcement Plan with measures consistent to those described in MUP Decision.
- Obtain DPD approval of a Tree Protection Plan with measures consistent with those described in the MUP Decision.
- Obtain DPD and SDOT approval of a Construction Phase Transportation Plan.
- Deliver copies of all mitigation plans to the Maple Leaf Community Council.

During Construction

- Implement the approved Stormwater, Grading and Erosion Control Plan.
- Implement the terms of the Air Quality Monitoring and Enforcement Plan.
- Seek City approval for elimination of three parking spaces on NE 15th Avenue to improve sight lines at the intersections: two spaces north of NE 85th Street and one space north of NE 86th Street.
- Implement the approved Tree Protection Plan.
- Implement the approved Construction Phase Transportation Plan.
- Provide off-street parking areas for all construction workers and insure workers do not park on public streets.
- Construction hours will be limited as follows: All construction activities are subject to the limitations of the Noise Ordinance. Construction activities (including but not limited to demolition, grading, deliveries, concrete pouring, framing, roofing, and painting) shall be limited to non-holiday weekdays from 7 AM to 6 PM. Interior work that involves mechanical equipment, including compressors and generators, may be allowed on Saturdays between 9 AM and 6 AM once the shell of the structures are 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.

- All construction equipment including air compressors shall be maintained with noise suppression features as OEM installed.
- Jack hammers and roto-hammers shall be used only where no other alternative is available; core drilling and saw cutting equipment is preferred.

Prior to Issuance of a Certificate of Occupancy

- The applicant will contribute as voluntary mitigation the sum of \$10,000 to the Maple Leaf Community Council for the purpose of implementing one or more of the following neighborhood traffic calming devices:
  - Speed humps on 14th Avenue NE.
  - Speed humps in the alley located between 14th and 15th Avenues.
  - Signage on the alley to indicate “resident access only”.
  - Traffic circle at the NE 82nd Street/14th Avenue NE intersection.
  - Radar speed signs on 15th Avenue NE.
- Construct a curb bulb on the northwest corner of the NE 85th Street/15th Avenue NE intersection (the southeast corner of the site), so long as the curb bulb is approved by SDOT prior to the start of sidewalk construction.

For the Life of the Project

- Once established, the Homeowner’s Association will be responsible for the implementation of the recommendations outlined in the landscape maintenance program.
- Provide an on-site parking space for a car-sharing program.
- Post Construction follow-up on tree preservation shall include an inspection of the trees by the Consulting Arborist to take place annually over the three-year period after construction:
  - To evaluate the overall health, condition and structural stability of the trees.
  - To assess the need for remedial measures to treat any unforeseen effects on the trees of the construction process.
  - To establish a maintenance program for the new Homeowner’s Association to ensure continued health and structural integrity of the preserved trees.

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

Date: May 1, 2008