



City of Seattle

Gregory J. Nickels, Mayor

Department of Planning and Development

D. M. Sugimura, Director

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

Application Number:	3004304
Applicant Name:	Scott Starr, SMR Architects, for Housing Resources Group, Developers for AIDS Housing of Washington and Seattle Mental Health, Owners
Address:	3936 South Kenyon Street

SUMMARY OF PROPOSED ACTION

Land Use Application for a two-story building, 18 unit apartment building with five surface parking spaces. Project includes the demolition of four single-family structures.

The following approvals are required:

Design Review - Chapter 23.41 Seattle Municipal Code (SMC). Design Departures are requested from the following four Code sections: SMC 23.45.011 (Structure Width), SMC 23.45.018.C (Parking Location), SMC 23.45.018.D (Screening of Parking), SMC 23.45.006.K (Location of Garbage Storage).

SEPA - Environmental Determination - Chapter 25.05 SMC.

SEPA DETERMINATION: Exempt DNS MDNS EIS

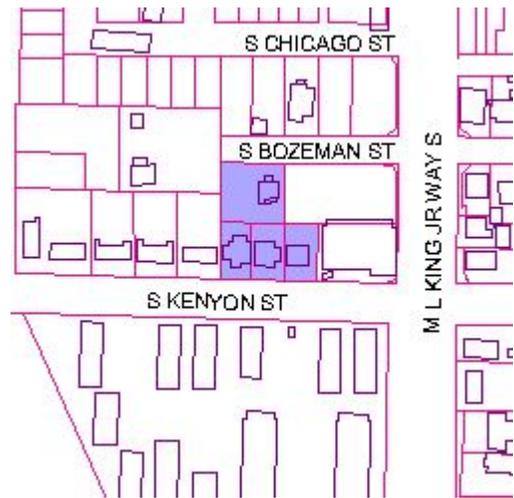
DNS with conditions

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

PROJECT AND SITE DESCRIPTION

The project proposes an 18 unit two-story residential (apartment) building for disabled adults. Average unit size is expected to be 390 square feet. Unenclosed parking for five vehicles would be provided at grade and accessed from South Bozeman Street (The Land Use Code requires only 1 parking space for each 4 dwelling units serving low-income disabled households.). The site zoning is Lowrise 2 (L 2).

The project has voluntarily been submitted for the Design Review process in order to seek flexibility in its design through departures from certain Land Use Code development standards (see *Departures from Development Standards* below).



The “L” shaped project site is approximately 21,207 square feet in area with approximately 144 feet of frontage on South Kenyon Street and 96 feet of frontage on South Bozeman Street. The site is essentially flat, with a raise in grade from the northeast corner to the southwest corner of 6 feet. There are 17 trees of a mix of sizes, species, and types (coniferous and deciduous) with another two that are immediately off site but could appear to be on the site. Although most trees appear healthy, none are of a species or size to be considered *Exceptional*.

The surrounding zoning and land uses are as follows: Both sides of South Bozeman and South Kenyon Streets to the north and south of the project site are zoned L-2 with the exception of two lots on the project block face at the northeast corner of the intersection of 39th Avenue South and South Kenyon Street (3908 South Kenyon Street) that were recently rezoned to Lowrise 4 (L 4) but retained their L 2 density limit. These lots are being reviewed under DPD Master Use Permit (MUP) 3005166. To the north across South Bozeman Street are recently constructed townhouses, to the east and facing Martin Luther King Way South is the Wat Lao Dhammacetiaram Buddhist Temple, and to the south across South Kenyon Street are the Martin Luther King Jr. Apartments.

ANALYSIS - DESIGN REVIEW

DESIGN GUIDELINE PRIORITIES FROM THE EARLY DESIGN GUIDANCE MEETING OF SEPTEMBER 26, 2006 AND COMMENTS AND RECOMMENDATIONS FROM THE MARCH 13, 2007 RECOMMENDATION MEETING.

The EDG Guidance is included below in *Italics*. The Board’s June 21, 2006 Recommendation Meeting comments on the applicant’s design response to this guidance follow this.

A. Site Planning

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

One reason Scheme 4 is preferred is its orientation to the street. For this to be successful, the building should have a main entry clearly visible and designed to be inviting from the street. This entry should be not secondary to the rear and parking lot oriented entry. The entry can be integrated into the substantial modulation at the structures mid-point (see B 1 below). Proposed fencing should be designed to include an inviting entry gate.

Recommendation Meeting

The main entry is clearly visible and inviting as seen from the street. A wide entry sidewalk, large roof overhang, and extensive glazing allowing views into the lobby are appropriate design responses to this *Design Guidance*. The building design assumes there are two street fronts; therefore the entry for the South Bozeman Street façade proposes a similar design response. Fencing is not longer proposed along the South Kenyon Street property line.

A-4 Human Activity. New development should be sited and designed to encourage human activity on the street.

- *The South Kenyon façade should have fenestration sized and arranged to create a visible connection to the street, while still allowing tenant privacy when needed.*
- *The substantial modulation that the project design is directed to include should be used to create an outdoor lingering and transition area between the street and building. If designed correctly, this will support and encourage safe neighborhood activity on the street.*
- *Well designed landscaping should also support this activity by creating a visually interesting property and right of way (ROW) edge environment.*

Recommendation Meeting

The project design presented and as described above responds to this *Design Guidance*.

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

Scheme 4 proposes project open space of a “pastoral” character at the rear, or South Bozeman Street, side of the site. The Board supports this concept.

At the same time, because resident presence in open space is an opportunity for interaction between residents and the neighborhood, some of the South Kenyon Street frontage / front setback should be designed as usable open space that will supportive of this interaction. Suggestions are pathways and benches that will allow strolling, lingering and sitting by residents.

Recommendation Meeting

The project design presented and as described above responds to this *Design Guidance*.

B. Height, Bulk and Scale

B-1 Height, Bulk and Scale Compatibility. Projects should be compatible with the scale of development anticipated by the applicable Land Use Policies for the surrounding area and should be sited and designed to provide a sensitive transition to near-by, less-intensive zones. Projects on zone edges should be developed in a manner that creates a step in perceived height, bulk and scale between the anticipated development potential of the adjacent zones.

The Board supports the goals of extensive windows and tenant unit frontage on South Kenyon Street. However, the resultant 120-foot façade will out of scale with the intent of the L-2 zone development standards if not designed with varied and extensive modulation along its length. Recommendation for approving the design departure is dependent upon this being done successfully.

The façade design should include a large area of modulation approximately mid-way in its length. The wider fore-court concept (leading to the narrower structure separation shown in Scheme C) should be further developed as the large section of modulation. This recess should be designed to create and support an active and engaging entry and open space area.

Recommendation Meeting

The proposed four modulated building sections, along with the varied roof orientations, varied color arrangements, and fenestration pattern responds to this *Design Guidance*. The South Kenyon entry is recessed from the end sections and further from the second center section to create an external foyer that is weather protected by its large roof overhang.

C. Architectural Elements and Materials

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 façade walls.

C-4 Exterior Finish Materials. Building exteriors should be constructed of durable and maintainable materials that are attractive even when viewed up close. Materials that have texture, pattern, or lend themselves to a high quality of detailing are encouraged.

A stated design goal is to create a “wonderfully small” facility that will clearly be residential housing and not an institution or a licensed facility (nursing home). This requires the building design and massing to strongly communicate a small-scale residential quality. The project architects correctly noted that the near by Martin Luther King Jr. Apartments will not be a design influence.

During design, it must be remembered that technically there is no rear to the structure; the South Bozeman side is also a lot front because of facing two streets. Consequently, there is a more public South Kenyon Street side, where the building is proposed to be sited close to and have its entry from, and the more “pastoral” open space side facing South Bozeman Street.

To support this small-scale residential character, the use of a variety of quality exterior materials is essential.

Recommendation Meeting

The overall design concept creates an appropriately scaled residential facility that will fit into this Lowrise zone. The main entry on South Kenyon Street is designed to be inviting and public oriented. The South Bozeman Street façade provides a visible building entry, but is appropriately less public because of its approach through the proposed pastoral open space.

The proposed building materials are simple, but will have elegant lines in combination with the shed roofs, substantial eaves and fascia, and the interesting fenestration pattern and variety of widow frame colors and materials. However, the Board noted that articulation around the South Kenyon Street entry area is needed for visual interest and contrast with the remainder of the building. Suggestions for this included the addition of roof “knee” braces and the use of a contrasting material on the underside of the eaves, as possible solutions.

- Prior to MUP approval the applicants will provide the project planner with detail drawings of design solutions for adding the needed entry area articulation. After planner approval these shall be included in the final MUP plan set.

The Board reviewed the three proposed color schemes and directs the applicant to use Scheme “B”, with the middle two building sections gray and the two end sections blue.

No elevator penthouse was shown on the submitted elevation or axonometric drawings. It is assumed there will be an elevator and probably a mechanical penthouse. Any rooftop systems should be screened by a form and use of materials that match the building design.

- Prior to MUP approval the applicants will provide the project planner with specific plans for roof top elevator and mechanical location and details of their form and materials on overall building elevation drawings. After planner approval these shall be included in the final MUP plan set.

C-3 Human Scale. The design of new buildings should incorporate architectural features, elements and details to achieve a good human scale.

The inclusion of extensive windows, a clearly located and inviting entry sequence, and site and landscaping in both the South Kenyon and South Bozeman Street sides will create a good human scale.

Recommendation Meeting

The project design presented and as described above responds to this *Design Guidance*.

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.

See A-3, A-4, and A-7 above.

Recommendation Meeting

The project design presented and as described above responds to this *Design Guidance*.

D-2 Blank Walls. Buildings should avoid large blank walls facing the street, especially near sidewalks. Where blank walls are unavoidable, they should receive design treatment to increase pedestrian comfort and interest.

The above guidance on windows facing the street to create a human scale and an interesting design applies to the side facades and rear façade. The side facades will be visible from the street and adjacent properties and should not be blank. As noted in C-2 and C-3 above, the "rear" or South Bozeman Street side also faces a public right of way; the design should avoid expanses of blank wall here as well.

Recommendation Meeting

The design proposes small windows on the side facades due to the interior space limitations of the adjacent units. However, the fenestration chosen is a variety of window sizes: 2'4" high by either 6-feet or 8-feet wide. Slightly angled weather overhangs that imitate the shed roof form above are proposed above the two side emergency doors. Neither door unfortunately gives any indication if it leads to a residential or utility area. The axonometric views of the extended ends of the two middle sections show storefront glazing on their east and west facing walls. This would add to a more human scaled building as seen from the side. However, these windows are not shown on the two-dimensional side elevations. No blank walls will face South Bozeman Street.

To better meet the previously given *Design Guidance* the final design should provide doors with glazing (translucent is probably best for privacy and the ability to provide security glass) that will lessen the amount of side blank wall area aggravated by the blank door. An amount and size that imitates the provided unit side windows should be explored. The glazing for the sides of the middle sections shown on the axonometric drawings should be added to all plans sheets. With these additions the proposed design responds to the given *Design Guidance*.

- The applicants will provide the project planner with a design response for the corridor end exterior doors for approval before MUP decision publication. The addition of the approved details and inclusion of the above described side glazing for the modulated building sections shall be included in the final MUP plan set.

D-4 Design of Parking Lots near Sidewalks. Parking lots near sidewalks should provide adequate security and lighting, avoid encroachment of vehicles onto the sidewalk, and minimize the visual clutter of parking lot signs and equipment.

Screening of parking is required by Code. When not screened by a building, a 5 to 6 foot high fence and landscaping between the fence and the ROW are required. The screening should be designed to offer visually pleasing and adequate screening of the parking area from the 12-unit townhouse development to the north across South Bozeman Street. The parking entrance should be oriented to minimize headlight glare on the open space areas and structure windows across South Bozeman Street.

Recommendation Meeting

The proposed design requires a *Design Departure* to place the parking lot 7 feet from the South Bozeman Street property line, instead of the 15 feet required, to facilitate tree preservation and the creation of a higher quality open space. Because the lot will have only five spaces and it will be extensively landscaped on all sides visible from the street, the Board believes the reduced setback will have minimal visual impact on the streetscape or adjacent properties. The design also proposes a *Design Departure* to reduce the parking lot screening height to 3 feet for public and resident safety reasons. Again, because the lot will have minimal parking spaces, that the vehicles will be parked with headlights oriented toward the center of the site (away from the residential development to the north across South Bozeman Street), and that there will a high quality and quantity of landscaping on all sides, the Board believes the reduced screening height will have minimal visual impact on the streetscape or adjacent properties.

D-6 Screening of Dumpsters, Utilities and Service Areas.

The site plan proposes dumpster storage and location by the parking area located off of South Bozeman Street, which would be between the “rear” street facing façade as proposed and the street. Location of garbage storage areas between a street facing façade and the street is prohibited by the Land Use Code unless it can be demonstrated to the satisfaction of the Director that it is not possible to comply. Under preferred Scheme D, inability to comply would be because of the proposed site plan, not an inherent condition of the site.

At the Early Design Guidance meeting, the Board was not aware of the Code requirement for dumpster storage location. If this location continues to be proposed a Design Departure will be required.

The Board did give strong direction that the proposed location be adequately screened from all directions: the street, neighboring properties, and the proposed structure. This screening should be designed to not simply shroud the storage area, but the storage area should be sited to blend

into the surrounding site and landscape plan, and not be an isolated stand-alone fenced structure added after-the-fact to an already conceived site plan. This guidance also applies to any other above ground utility or service areas visible from the street.

Recommendation Meeting

The site plan continues to propose locating the garbage and recycling storage area at the west end of the parking area and between the building and the street, thus requiring a *Design Departure*. This location is considered necessary because of the “L” shape configuration of the lot and the orientation of the building’s long access parallel to South Kenyon Street. The only location not between the building and a street would be over 100 feet from the optimal service truck entrance on South Bozeman Street, across the length of the proposed rear open space, and adjacent to residential units. The Board agreed that the best location for the garbage storage area is close to the pick-up area in the parking lot provided it is attractively and completely screened.

The applicants proposed a screening fence only along the street side of the storage area, but accompanied by extensive landscaping. The Board will support this departure request if a full four-sided solid decorative wood fence is included along with landscaping on the three sides without an entry gate. The entry gate shall match the remainder of the fencing and be designed to remain closed when entry or exit is not needed.

- Prior to MUP approval the applicants will provide the project planner with a detail of the fencing, gate, and landscaping for approval.

D-7 Personal Safety and Security. Project design should consider opportunities for enhancing personal safety and security in the environment under review.

The site design should assure tenant safety in both the area between the residence and the parking lot and the parking area. The perimeter fence proposed around the site should not create opportunities for hiding. At the same time, general security lighting of the grounds should not spill over onto adjacent properties. Lighting of a low height and intensity should be used to give general visibility only in areas to be used at night. The Code required five to six foot screening for the proposed parking area should also be designed with personal security in mind (See D-4 above).

Recommendation Meeting

The South Kenyon Street property line fence has been replaced with a 5-foot fence set-back from the street and extending between the sides of the structure and the side lot lines. Visibility into the side yards behind the proposed fences are created over a 3 foot high fence gate on each building side. The South Bozeman Street side of the open space will be fenced along the building side of the parking lot, thereby allowing adequate visibility from inside the structure across the depth of the open space. The proposed lower parking lot screening along South Bozeman Street will allow visibility for security into and from the parking area from the street, surrounding properties, and the site itself.

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 proposed site plan indicates approximately six trees will be retained. Maximum retention of trees is essential to help retain and maintain the positive benefits of a mature tree canopy.

The preferred site plan leaves a substantial undeveloped area between the proposed parking and structure. This area should be thoughtfully designed to create an area visually attractive to both residents and neighbors.

Recommendation Meeting

The proposed MUP site plan indicates seven trees will be retained. Four of these are in the rear open space or along the parking area. Tree retention is one goal of the *Design Departure* for the parking lot location. The landscape plan shows an attractively landscaped “garden” type open space for a resident that is larger than otherwise possible without the parking lot location *Design Departure*. The Board noted that the proposed landscape plan meets the guidance given and therefore supports this parking lot location departure request.

SUMMARY OF DEPARTURE REQUESTS

Land Use Code Standard	Proposed	Rationale for Request	Board Recommendation and Director's Determination
<p>Structure Width. Apartment structure width is limited to a maximum of 50 feet with modulation (less without) (SMC 23.445.011).</p>	<p>Structure width would be 121 feet with extensive modulation.</p>	<p>The irregular lot shape (not rectangular but "L" shaped), the particular programmatic needs for this type of housing, and the desire to maximize the visual and physical connections with South Kenyon Street require a wide structure with its long axis parallel to the street.</p>	<p>The Board recommended approval of this request based on the submitted MUP design response. The Director concurs. <i>Guidelines A-4, B-1, C-3.</i></p>
<p>Parking Location. On through lots over 125 feet in depth parking is prohibited in either front set-back (SMC 23.45.018.C.3.d.1). A 15-foot set-back is required.</p>	<p>Reduce the parking lot setback to 7 feet.</p>	<p>Reducing the set-back will allow the retention of some mature on-site trees and the creation of a larger and more functional on-site open space area. Also, the adjacent lots do not have structures that establish a clear set-back with which this proposal could conflict.</p>	<p>The Board recommends approval of this request based on the submitted MUP design. The Director concurs. <i>Guidelines A-7, D-4.</i></p>
<p>Screening of Parking. Parking shall be screened from direct street view (in this situation by a fence or wall between 5 and 6 feet high) (SMC 23.45.018.D.1)</p>	<p>Provide a fence 3 feet in height.</p>	<p>The request is for security reasons. A 6-foot high structure would allow a person with bad intent to hide and also block the natural ability of residents across South Bozeman Street from providing "eyes on the street" security for this area and the street.</p>	<p>The Board recommends approval of this request based on the submitted MUP design. The Director concurs. <i>Guideline D-4.</i></p>
<p>Location of Garbage Storage. Garbage storage spaces shall not be located between a structure's street facing façade and the street (SMC 23.45.006.K.3.a)</p>	<p>Locate the garbage storage between the building and South Bozeman Street adjacent to the proposed parking area.</p>	<p>Since the lot is a through lot (it has frontage on two streets) it is very difficult to place the storage elsewhere without substantial impact on tree preservation, the other site plan goals, and respect for adjacent sites.</p>	<p>The Board recommends approval of this request based on the addition of full four-sided screening and design approval by the project planner. The Director concurs. <i>Guidelines D-6, E-3.</i></p>

Summary of Board Deliberations on the Departure Requests and Final Recommendation

The three attending members of the Design Review Board *Unanimously Recommended* granting the departure requests discussed above. The Board *Unanimously Recommended Approval* of the presented project design with the following *Conditions* subject to the approval of the project planner:

- Add entry area articulation,
- Provide specific plans for roof top elevator and mechanical location and details of their form and materials,
- Provide a design response for the corridor end exterior doors,
- Provide a detail of the dumpster/utility area fencing, gate, and landscaping.

DIRECTOR'S ANALYSIS AND DECISION – DESIGN REVIEW

The Director of DPD has reviewed the *Unanimous Recommendation* of the three Design Board members present at the final Design Review recommendation meeting and finds that the Board acted within its authority and the Board's recommendations are consistent with the *City of Seattle Design Review: Guidelines for Multi-Family and Commercial Buildings*.

The project planner received and reviewed the following applicant's design responses to the Board's Recommendation Meeting Conditions: Entry area articulation has been added by enunciating the front door through the addition of a color different than the surrounding window system, the addition of pendant lights unique to the entry, and the continuation of the interior lobby ceiling materials to the outside. The elevator penthouse and roof-top mechanical equipment have been integrated into one structure with materials that match the building siding and will be located on a north down sloping roof and minimally visible from the street. The east and west end unit windows have been increased in size and glazing has been added to the ground level exit doors. The screening fence, gate, and landscaping for the dumpster/utility area has been designed to reflect the materials used on the building and further screened on the South Bozeman Street and west sides and will attractively screen this area.

Based on the project's final design presented at the March 13, 2007 Recommendation Meeting and the subsequent submittal to the project planner as shown in the MUP plans dated May 24, 2007 the Director **APPROVES** the proposed design and related departures (subject to the *Conditions* found at the end of this decision).

ANALYSIS - SEPA

The initial disclosure of the potential impacts of this project was made in the environmental checklist submitted by the applicant dated December 12, 2006 and annotated by the Department. The information in the checklist, supporting documents, project plans, and the experience of the lead agency with review of similar projects forms the basis for this analysis and decision.

The SEPA Overview Policy (SMC 25.05.665D) clarifies the relationship between codes, policies, and environmental review. Specific policies for each element of the environment, certain neighborhood plans and other policies explicitly referenced may serve as the basis for

exercising SEPA authority. The Overview Policy states in part: "*where City regulations have been adopted to address an environmental impact, it shall be presumed that such regulations are adequate to achieve sufficient mitigation*" (subject to some limitations). Under certain limitations or circumstances mitigation can be considered (SMC 25.05.665 D 1-7). Thus, a more detailed discussion of some of the impacts is appropriate.

Short-term Construction Impacts

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

- Erosion from excavation and storm water impacts from ground clearing,
- Increased noise levels,
- Decreased air quality due to suspended particulates (construction dust) from excavation and construction and hydrocarbon emissions from construction vehicles and equipment.

Several adopted codes and/or ordinances provide mitigation for some of the identified impacts: The Stormwater Grading and Drainage Control Code, the Noise Ordinance, the Street Use Ordinance, and the air pollution standards of the Puget Sound Clean Air Agency (PSCAA). The Stormwater, Grading and Drainage Control Code regulates site excavation, requires that soil erosion control techniques be initiated for the duration of construction, and regulates the capture and treatment of on-site ground and storm water. The Noise Ordinance regulates the time and amount of construction noise that is permitted in the City. The Street Use Ordinance regulates use of the right of way for temporary construction purposes and regulates obstruction of the pedestrian right-of-way. The Puget Sound Clean Air Agency regulations require control of fugitive dust and construction machinery emissions in order to protect air quality. Compliance with these applicable codes and ordinances will reduce or eliminate most short-term impacts to the environment. However, some impacts may not be entirely mitigated by existing codes and ordinances, such as construction noise, and therefore warrants further analysis.

Noise

To the north and extending to the north, south, and west of the project site are extensive numbers of residential units. Due to the proximity of these residential dwellings, further **Conditioning** is required to address noise impacts during construction. In addition to the Noise Ordinance requirements, to reduce the noise impact of construction on nearby properties, all construction activities shall be limited to non-holiday weekdays between 7:00 a.m. and 6:00 p.m. In addition, only low noise impact work such as that listed below shall be permitted on Saturdays from 9:00 a.m. to 6:00 p.m. and on Sundays from 10:00 a.m. to 6:00 p.m.:

1. Surveying and layout;
2. Other ancillary tasks to construction activities will include site security, surveillance, monitoring, and maintenance of weather protecting, water dams and heating equipment.

After each floor of the building is enclosed with exterior walls and windows, interior construction on the individual enclosed floors can be done at other times in accordance with the Noise Ordinance. Such construction activities will have a minimal impact on adjacent uses. Restricting the ability to conduct these tasks would extend the construction schedule, thus the duration of associated noise impacts. DPD recognizes that there may be occasions when critical construction activities could be performed in the evenings and on weekends, which are of an emergency nature or related to issues of safety, or which could substantially shorten the total construction time frame if conducted during these hours. To this end, the hours may be extended and/or specific types of construction activities may be permitted on a case-by-case basis by approval of the Land Use Planner prior to each occurrence. Periodic monitoring of work activity and noise levels may be conducted by DPD Construction Inspections.

As *Conditioned*, noise impacts to nearby residential uses are considered adequately mitigated.

Long-term Impacts

Long-term or use-related impacts are also anticipated as a result of approval of this proposal including: increased demand for public services and utilities; increased height, bulk, and scale on the site; and increased area traffic and demand for parking. Several adopted City codes and/or ordinances provide mitigation for some of the identified impacts. Specifically these are: the City Energy Code which will require insulation for outside walls and energy efficient windows; and the Land Use Code which controls site coverage, setbacks, building height and use, parking requirements, shielding of light and glare reduction, and contains other development and use regulations to assure compatible development.

Height, Bulk, and Scale

The City's SEPA Height, Bulk and Scale Policy states that "*(a) project that is approved pursuant to the Design Review Process shall be presumed to comply with these Height, Bulk and Scale policies. This presumption may be rebutted only by clear and convincing evidence that height, bulk and scale impacts documented through environmental review have not been adequately mitigated.*" The discussion above in the Design Review portion of this decision regarding the Director's Design Review decision indicates that there are no significant height, bulk and scale impacts as contemplated within this SEPA policy. Since the Design Review Board recommended approval of this project with conditions, and the Director agrees, no mitigation of height, bulk and scale impacts is warranted pursuant to this SEPA policy.

DECISION - STATE ENVIRONMENTAL POLICY ACT

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

- [X] Determination of Non-Significance. This proposal has been determined to not have a significant adverse impact upon the environment. An EIS is not required under RCW 43.21C.030.2C.
- [] Determination of Significance. This proposal has or may have a significant adverse impact upon the environment. An EIS is required under RCW 43.21.030 2C.

DESIGN REVIEW CONDITIONS

Non-Appealable Design Review Conditions

1. Any proposed changes to the exterior of the building or the site must be submitted to DPD for review and approval by the Land Use Planner (Art Pederson, 733-9074).
2. The building constructed shall comply with all images and text on the MUP drawings, design review meeting guidelines and approved design features and elements (including exterior materials, and landscaping). This shall be verified by the DPD planner assigned to this project (Art Pederson, 733-9074), or by the Design Review Manager, before the issuance of the Certificate of Occupancy. 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.
3. Embed all conditions in the cover sheet for the MUP permit and for all subsequent permits including updated MUP plans, and all building permit drawings.
4. Call out all departures on relevant updated MUP plan sheets and building permit plan sheets.

Prior to Issuance of the Master Use Permit

5. Update the landscape plan to add seven additional trees for a total of 18 trees as required by the zoning reviewer.

Prior to Issuance of the Building Permit

6. The design shown in the building permit plans shall conform to all images and text on the MUP drawings, design review meeting guidelines and approved design features and elements (including exterior materials and landscaping).

Prior to Issuance of the Certificate of Occupancy

7. On-site verification of conformance with the approved building and site design as shown in the building permit plans and conforming to the approved MUP design, or subsequently revised and approved by the DPD planner assigned to this project (Art Pederson, 733-9074), or by the Design Review Manager, shall occur before issuance of

