



City of Seattle

Gregory J. Nickels, Mayor

**Department of Planning and Development**

Diane Sugimura, Director

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

**Application Number:** 3005166  
**Applicant Name:** Arellano Christofides for Interim Community Development Association  
**Address of Proposal:** 3908 South Kenyon Street

**SUMMARY OF PROPOSED ACTION**

Land Use Application to allow four, 3-story residential structures for a total of 41 units. Surface parking for 24 vehicles to be provided.<sup>1</sup>

The following approvals are required:

**SEPA - Environmental Determination** - Chapter 25.05, Seattle Municipal Code (SMC)

**Design Review**, Chapter 23.41, Seattle Municipal Code (SMC). Design Development Standard Departures.

1. Structure width and depth- SMC 23.45.011.
2. Front, side, rear and interior setback- SMC 23.45.014.
3. Modulation- SMC 23.45.012.

**SEPA DETERMINATION:**  Exempt  DNS  MDNS  EIS

DNS with conditions

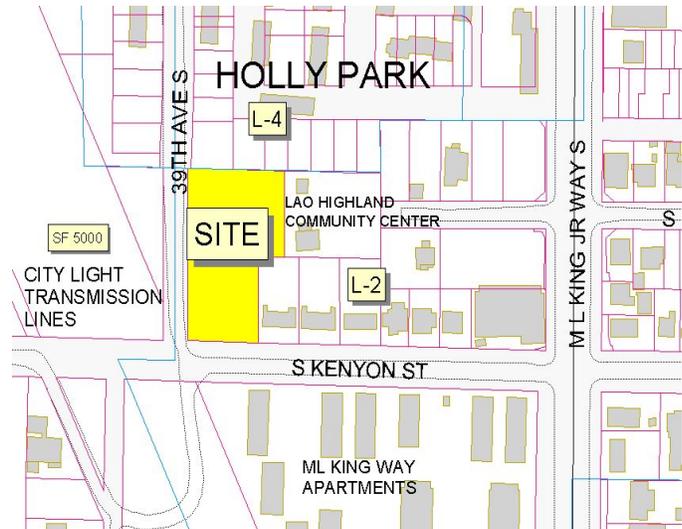
DNS involving non-exempt grading, or demolition, or involving another agency with jurisdiction.

<sup>1</sup>Project originally noticed: Land Use Application to allow four, 3-story residential structures for a total of 40 units. Surface parking for 22 vehicles to be provided.

## **BACKGROUND DATA**

### **Site and Vicinity Description**

The 34,366 square foot subject site is located at the northeast corner of South Kenyon Street and 39<sup>th</sup> Avenue S (formerly Holly Park Drive South). The site is bordered by the Seattle Housing Authority Holly Park development to the north, a Seattle City Light transmission line right of way to the west, a duplex to the east, and a large 2-story apartment complex (Martin Luther King Way Apartments) to the south. The site is zoned Lowrise 4 (Lowrise 3 density) and formerly developed with vacant single family homes which have been recently demolished. Most of the site is undeveloped, highly vegetated and seems to be used as an illegal dumping ground.



The site does not contain any mapped Environmentally Critical Areas, but the northwest corner of the site contains a moderate slope according to applicants' information. The remainder of the site is generally flat with a gentle slope. There are many mature trees on the north portion of the site.

39<sup>th</sup> Avenue S. is not fully improved and has been used as a construction road for the Holly Park development. South Kenyon Street is partially improved with curb, gutter and sidewalk on the south side of the roadway, but no improvements exist on the north side of the roadway.

The character of the area is in transition because of the new development taking place at Holly Park. Most of the development on South Kenyon Street between the 39<sup>th</sup> Avenue S. to Martin Luther King Jr. Way consists of poor kept multifamily housing; although a few properties in the area are being redeveloped.

The South Othello light rail station is located within walking distance to the north and bus service is provided along Martin Luther King Way Jr. South with stops at South Kenyon Street.

### **Project Description**

The proposed project consists of 41 apartment units within four, 3-story buildings. The three buildings fronting on 39<sup>th</sup> Avenue South will include 12 units each and the fourth building will include community space and 5 units. The community space for residents will include a meeting room with small kitchen, restroom, a manager's office, storage, and laundry. Surface parking for 24 vehicles will be provided and accessed from South Kenyon Street. Common open space and plaza will be located adjacent to the community space on the north end of the site.

The building finish materials will consist of aluminum windows, cement board plank and panel, wide trim boards with asphalt shingle roof or metal roof. The decks, deck rail and canopy will consist of powder coated steel.

The design features two entry structures which will be located at the pedestrian entries on South Kenyon Street and 39<sup>th</sup> Avenue South. Both entry features will include roof forms that complement the project's "butterfly" roof forms, and will be symbolic entry points into the development. The entry structures will be made from steel and metal, and include signage and lighting.

### **Public Comment**

Public notice was provided for the Design Review meetings that were held by the Southeast Seattle Design Review Board (DRB) for Early Design Guidance (EDG) and for a Recommendation meeting. Additional comment opportunities were provided at the time of Master Use Permit application.

*DRB Early Design Guidance Meeting-July 11, 2006:* Four members of the public made comments about the proposal. The design related comments included; a neighbor who wants to maintain a sense of privacy; doesn't want to lose the "greenbelt" and trees; the 3-story buildings are too close to the property line on the north; the design should be consistent with housing in New Holly. Other comments related to adverse impacts from density and concern about increased crime. Others voiced general support for low income housing and this project in particular.

*Notice of Application for Master Use Permit:* further notice and public comment opportunity was provided as required with the Master Use Permit application. The comment period ended on June 6, 2007. Three public comment letters were received in which two letters raised concerns about placing additional low-income units in this neighborhood. They feel the neighborhood is overwhelmed with low income people which contribute to crime. Another letter urged the preservation of mature trees at the site.

*DRB Recommendation Meeting- July 24, 2007:* four members of the public attended the meeting. One comment was made and asked that this project create a good connection to the Chief Stealth trail and Othello Station.

### **ANALYSIS - DESIGN REVIEW**

#### **Early Design Guidance**

#### **PRIORITIES:**

The Design Review Board members provided the siting and design guidance described below after visiting the site, considering the analysis of the site and context provided by the proponents and hearing public comment. The Design Guidelines of highest priority to this project are identified by letter and number below. The Design Review program and Citywide Guidelines are described in more detail in the City of Seattle's "Design Review: Guidelines for Multifamily and Commercial Buildings" (1998) and in the "Othello Neighborhood Design Guidelines, April 7, 2006".

## **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-3 Entrances Visible from the Street**

**Entries should be clearly identifiable and visible from the street.**

### **A-5 Respect for Adjacent Sites**

**Buildings should respect adjacent properties by being located on their sites to minimize disruption of the privacy and outdoor activities of residents in adjacent buildings.**

### **A-6 Transition Between Residence and Street**

**For residential projects, the space between the building and the sidewalk should provide security and privacy for residents and encourage social interaction among residents and neighbors.**

### **A-7 Residential Open Space**

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

The Board wants the design to reflect a strong connection to the neighborhood. They encouraged a design which offers more outward expression as compared to an internally focused design. They want a strong sense of pedestrian entry along South Kenyon and on Holly Park Drive. The entries should be designed as gateways into the development with distinct entry points and paths.

The Board stressed that the design respect adjacent sites by providing a landscaped buffer on the north so that there is a sense of privacy for neighbors. The Board suggested that building 4 of the preferred scheme be shifted to the east, decreasing the rear setback but providing an increased setback on the north. This configuration could create a more usable open space between buildings 3 and 4 while providing more privacy to the housing to the north. A surface parking lot connected with the Lao Highland Community Center is adjacent to building 4 to the east so a decreased setback would not seem to create detrimental impacts to the residential neighbors.

The Board recommended that the units maintain a good connection to the street. The design should address the relationship of the units to the street along Holly Drive South where topography is challenging.

Residential open space should be sized accordingly so that the spaces are usable; perhaps consolidating the areas would be helpful. The Board is supportive of departures that improve the quality and usability of open space.

## **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 encouraged the design to be compatible with the surrounding housing and needs to see appropriate transition from the project to the less intense zone and development.

## **C. Architectural Elements and Materials**

### **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-3 Human Scale**

**The design of new buildings should incorporate architectural features, elements and details to achieve a good human scale.**

### **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.**

The Board wants a design that relates to the existing context of the residential neighborhood which has many single family and low-scale buildings.

## **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.**

### **D-3 Retaining Walls**

**Retaining walls near a public sidewalk that extend higher than eye level should be avoided where possible. Where high retaining walls are unavoidable, they should be designed to reduce their impact on pedestrian comfort and to increase the visual interest along the streetscape.**

### **D-6 Screening of Dumpsters, Utilities and Service Areas**

**Building sites should locate service elements like trash dumpsters, loading docks and mechanical equipment away from the street front where possible. When elements such as dumpsters, utility meters, mechanical units and service areas cannot be located away from the street front, they should be situated and screened from view and should not be located in the pedestrian right-of-way.**

### **D-7 Personal Safety and Security**

**Project design should consider opportunities for enhancing personal safety and security in the environment under review.**

The designers need to recognize the topography and adjust the design accordingly to avoid blank walls and retaining walls where possible.

Keeping eyes on the street and a connection to the street will help the project fit into the neighborhood and provide a sense of personal safety and security needed in this neighborhood. Lighting and clear sight lines are important features to include to provide a sense of security and safety. The wooded nature of Holly Park Drive at this location makes lighting design more of an important feature.

## **E. Landscaping**

### **E-1 Landscaping to Reinforce Design Continuity with Adjacent Sites**

**Where possible, and where there is not another overriding concern, landscaping should reinforce the character of neighboring properties and abutting streetscape.**

The Board wants the design to use landscaping to screen the parking, enhance residential privacy and encourage a sense of entry, while also being mindful of security and maintaining clear sight lines.

## **Summary of Design Review Board Recommendations**

The applicant applied for the MUP (Master Use Permit) on April 12, 2007. After initial DPD design, zoning and SEPA review, the Design Review Board was reconvened on July 24, 2007 to review the project design and provide recommendations. The four Design Review Board members present (Ann Beeman- Chair, Steve Sindiong, Michelle Wang, John Woodworth) considered the site and context, the public comments, the previously identified design guideline priorities, and reviewed the drawings presented by the applicant.

The Board focused their comments on the following;

- The urban form
- The colors and finish materials
- The relationship of 39<sup>th</sup> Avenue South to the project
- The entry features
- The security and lighting
- The departures

The siting of the buildings and project concept is similar to the design concept shown at Early Design Guidance; however, the building housing the community room on the ground floor was originally sited along 39<sup>th</sup> Avenue South but is now sited adjacent to the common open space and plaza. This change provides for a greater setback on the north side and greater respect for adjacent property (A-5 Respect for Adjacent Sites).

The Board appreciated the project design especially with respect to the roof forms, articulation, colors and use of materials. The modern expression and “butterfly” roof forms are new for this area, but the DRB embraced the idea because of the well articulated and simplicity of the design. (C-1 Architectural Context, C-2 Architectural Concept and Consistency). The board noted that the trim proposed (2 x 4 and 2 x 6) and the cement panel at 2 foot intervals are important details that should be retained at construction.

The sidewalk along 39<sup>th</sup> Avenue South is near the 2<sup>nd</sup> floor elevation so that the perceived height of the structures will be 2 stories instead of 3 stories. There will be a 4 to 8 foot tall retaining wall with a guardrail along the 39<sup>th</sup> Avenue property line which will be visible from the interior. The Board was concerned about how the project interfaced with the streets. In response, the design configured the units so that more active living space such as the kitchen and living rooms have windows facing out to the street. Also, to add interest at the street, the design includes balconettes on the 2<sup>nd</sup> and 3<sup>rd</sup> floors on buildings facing 39<sup>th</sup> Avenue South. The landscape design will use taller plant material, possibly bamboo, to screen the retaining wall from view and also create a transition from the sidewalk down into the site.

To strengthen the corners, the design includes balconettes at the southwest and northwest corners.

To strengthen the sense of entry and transition at the street, the design includes two entry structures. See the project description for details on these features. The design attempts to create a pedestrian link in an east-west as well as a north-south direction with a mid block connection towards the east. The Lao Highland Community Center is located east of the site and is expected to serve this community; therefore the design includes a gate and path from the site to the Community Center.

The Board had concerns about the safety and security in the parking lot and open spaces; therefore they recommended that the lighting be designed to provide security level lighting (D-7 Pedestrian Safety).

The Board recommended unanimous approval of the project and departures with conditions as noted at the end of this document.

**Summary of Departures from Development Standards**

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

<i>Requirement</i>	<i>Proposed</i>	<i>Justification</i>	<i>Board Recommendation</i>
SMC 23.45.011 Structure width and depth. Maximum building depth allowed is 65% of lot depth (83 feet).	69% structure depth (88 feet; departure for 5 feet) for buildings 3 and 4 only.	The lot is “L” shaped thus the lot depth calculation is based on an averaged depth and not the true depth of the lot at buildings 3 and 4. The buildings 52 feet and 36 feet in depth respectively with about 47 feet of open space between them. The north property line is 149 feet in length so the buildings comprise 59% of the depth if perceiving the development from the north.	The building forms, articulation, colors and materials contribute towards satisfying the intent of the depth provision together with the generous space between buildings. The Board recommended approval of this departure (C-1 Architectural Context, C-2 Architectural Concept and Consistency, A-7 Residential Open Space)
SMC 23.45.014C Side Setback and Interior Façade Setback.	Buildings will be compliant with setback. Entry structure is proposed to fully encroach into side and interior setback.	Entry structures provide dynamic interesting element and a sense of entry to the project.	The Board recommended approval of this departure to add this important feature to the design that will provide a sense of entry and define the place for this project (A-3 Entrances Visible from Street).
SMC 23.45.014A Front Setback. Shall be the average of the first principal structures on either side. There is no principal structure fronting on 39 <sup>th</sup>	Buildings will be compliant with setback. Entry structure is proposed to fully encroach into front setback.	Entry structures provide dynamic interesting element and a sense of entry to the project.	The Board recommended approval of this departure to add this important feature to the design that will provide a sense of entry and define the place for this project (A-3 Entrances Visible from Street).

<i>Requirement</i>	<i>Proposed</i>	<i>Justification</i>	<i>Board Recommendation</i>
Avenue South to the south so the setback is 10 feet. To the north the principal structure is setback 8 feet. Therefore, the required setback is 9 feet.			
SMC 23.45.014B Rear Setback required 23.25 feet.	15 feet	The encroachment into the rear setback provides a more usable open space between buildings.	The Board recognized that the rear setback abuts a parking lot for the Community Center and divides the open space. The Board recommends approval of this departure because it creates a bigger open space between buildings 3 and 4 and it provides an increased setback to the north.
SMC 23.45.012 Modulation required for apartments is 8 feet.	2 to 4 feet	The intent of the modulation is to provide interest and break down the scale of the facades. The design is well articulated and well detailed.	The building forms, articulation, colors and materials contribute towards satisfying the intent of the modulation provision. The Board recommends approval of this departure.

Recommended Conditions

1. The Board wants the exterior lighting designed to provide enough light to make the site safe and secure.

Director's Analysis

The Director concurs with the Design Review Board's recommendation to approve the proposed design with the above conditions. The Design Review Board's recommendation does not conflict with applicable regulatory requirements and law, is within the authority of the Board and is consistent with the design review guidelines.

**DECISION - DESIGN REVIEW**

The proposed design is **CONDITIONALLY APPROVED.**

## CONDITIONS

Design Review conditions are listed at the end of this report.

## ANALYSIS - SEPA

The initial disclosure of the potential impacts from this project was made in the environmental checklists submitted by the applicant dated April 11, 2007 and annotated by the Department. The information in the checklist, supplemental information provided by the applicant, project plans, and the experience of the lead agency with review of similar projects form the basis for this analysis and decision.

The SEPA Overview Policy (SMC 23.05.665) discusses the relationship between the City's code/policies and environmental review. 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 limitation*". The Overview Policy in SMC 23.05.665 D1-7, states that in limited circumstances it may be appropriate to deny or mitigate a project based on adverse environmental impacts.

The policies for specific elements of the environment (SMC 25.05.675) describe the relationship with the Overview Policy and indicate when the Overview Policy is applicable. Not all elements of the environment are subject to the Overview Policy (e.g., Traffic and Transportation, Plants and Animals and Shadows on Open Spaces). A detailed discussion of some of the specific elements of the environment and potential impacts is appropriate.

### Short-term Impacts

The following temporary or construction-related impacts are expected; decreased air quality due to suspended particulates from demolition, grading and clearing and hydrocarbon emissions from construction vehicles and equipment; temporary soil erosion; increased dust caused by drying mud tracked onto streets during construction activities; increased traffic and demand for parking from construction equipment and personnel; increased noise; and consumption of renewable and non-renewable resources.

Several adopted codes and/or ordinances provide mitigation for some of the identified impacts. The Stormwater, Grading and Drainage Control Code regulates site excavation for foundation purposes and requires that soil erosion control techniques be initiated for the duration of construction. The Environmentally Critical Areas (ECA) ordinance and DR 33-2006 and 3-2007 regulate development and construction techniques in designated ECA's with identified geologic hazards. Puget Sound Clean Air Agency (PSCAA) regulations require control of fugitive dust to protect air quality. The Building Code provides for construction measures in general. Finally, the Noise Ordinance regulates the time and amount of construction noise that is permitted in the City.

Most short-term impacts are expected to be minor. Compliance with the above applicable codes and ordinances will reduce or eliminate most adverse short-term impacts to the environment. However, some impacts warrant further discussion.

### Noise

The project is expected to generate loud noise during demolition, grading and construction. These impacts would be especially adverse in the early morning, in the evening, and on weekends. The Seattle Noise Ordinance permits increases in permissible sound levels associated with construction and equipment between the hours of 7:00 AM and 10:00 PM on weekdays and 9:00 AM and 10:00 PM on weekends. The surrounding properties are developed with housing and will be impacted by construction noise. The limitations stipulated in the Noise Ordinance are not sufficient to mitigate noise impacts; therefore, pursuant to SEPA authority, the applicant shall be required to limit periods of construction activities (including but not limited to grading, deliveries, framing, roofing, and painting) to non-holiday weekdays from 7:00 AM to 6:00 PM. Non-noisy activities, such as site security, monitoring, weather protection shall not be limited by this condition. Additionally DPD will evaluate other requests on a case by case basis to allow for emergencies, special construction activities (like continuous concrete pours), safety, or street-use related situations that warrant work outside of the construction hours.

### Long-term Impacts

Long-term or use-related impacts are also anticipated as a result of approval of this proposal including: increased height, bulk and scale on the site; increased traffic in the area and increased demand for parking; increased demand for public services and utilities; increased light and glare; and impacts to plants and animals.

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 detention 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 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 long term impacts, although some impacts warrant further discussion.

### Height, Bulk and Scale

The SEPA Height, Bulk and Scale Policy (Section 25.06.675.G., SMC) states that *“the height, bulk and scale of development projects should be reasonably compatible with the general character of development anticipated by the goals and policies set forth in Section B of the land use element of the Seattle Comprehensive Plan regarding Land Use Categories, ...and to provide for a reasonable transition between areas of less intensive zoning and more intensive zoning.”*

In addition, the 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 site abuts less intense zoning on the east, west and south sides, but appropriate transition is provided by setbacks and site conditions. To the west, across 39<sup>th</sup> Avenue South, property is zoned SF5000 but the property is developed with city light transmission lines and will likely have no future development, so the project has no impact on that property with respect to height, bulk and scale. To the east, property is zoned Lowrise 2 which is incrementally less intense than Lowrise 4 zoning. On the north end of the site a building is proposed about 5 feet from the property line, but the abutting site is developed with a community center use and surface parking. On the south end of the site, the proposed buildings are setback from the east property line by about 40 feet. To the north, property is zoned the same as the proposed site- Lowrise 4.

The proposal was reviewed and approved through the Design Review process and conforms to the Citywide Design Guidelines. Additionally, design details, colors, landscaping and finish materials will contribute towards mitigating the perception of height, bulk and scale in that these elements will break down the overall scale of the building. No mitigation of height, bulk and scale impacts is warranted pursuant to SEPA policy (SMC 25.06.675.G.).

#### Traffic and Parking

The vehicle trips generated from the proposed building are not expected to have adverse impact on traffic conditions or reduce the level of service at nearby intersections. The project consists of 41 dwelling units. Based on experience with similar decisions, DPD has found that low income people do not have the means to own a vehicle. Additionally, census data indicates that people in urban locations within Seattle have a lower vehicle ownership rate as compared to other parts of the city. This project will be located within walking distance to the Othello Light Rail Station which should lessen the need to for tenants to own vehicles.

The proposed project will provide parking for 24 vehicles and the quantity required by code is 24. The vehicle trips generated from the project are not expected to have adverse impacts on the street network, and proposed parking is expected to satisfy the parking demand for the project. Thus, no SEPA mitigation is necessary.

#### Other Impacts

The other impacts such as but not limited to, increased ambient noise, and increased demand on public services and utilities are mitigated by codes and are not sufficiently adverse to warrant further mitigation by condition.

#### **DECISION - SEPA**

This decision was made after review by the responsible official on behalf of the lead agency of a completed environmental checklist and other information on file with the responsible department. This constitutes the Threshold Determination and form. The intent of this declaration is to satisfy the requirements of the State Environmental Policy Act (RCW 43.21C), including the requirement to inform the public 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 43.21C.030 2C.

### **CONDITIONS - DESIGN REVIEW**

#### Prior to Issuance of Master Use Permit

1. Revise the plans to show a lighting plan consistent with Design Review Board recommendations.

#### Prior to the Final Certificate of Occupancy

2. Install or construct the features described in conditions 1 above.

### **NON-APPEALABLE CONDITIONS - DESIGN REVIEW**

#### During Construction

3. All changes to the proposal (as presented to the Design Review Board on July 24, 2007) with respect to the exterior façade of the building and landscaping on site and in the right of way must be reviewed by a Land Use Planner prior to proceeding with any proposed changes.

#### Prior to Issuance of Certificate of Occupancy

4. Compliance with the approved design features and elements, including exterior finish materials (trim proposed (2 x 4 and 2 x 6) and the cement panel at 2 foot intervals are important details), roof pitches, façade colors, landscaping and right of way improvements, shall be verified by the DPD Land Use Planner assigned to this project (Jess Harris- 206-684-7744) or by a Land Use Planner Supervisor (Bob McElhose 206-386-9745). Inspection appointments must be made at least 3 working days in advance of the inspection.

### **CONDITIONS SEPA**

#### During Construction

The following condition(s) to be enforced during construction shall be posted at the site in a location on the property line that is visible and accessible to the public and to construction personnel from the street right-of-way. If more than one street abuts the site, conditions shall be posted at each street. The conditions will be affixed to placards prepared by DPD. The placards will be issued along with the building permit set of plans. The placards shall be laminated with clear plastic or other waterproofing material and shall remain posted on-site for the duration of the construction.

5. All construction activities are subject to the limitations of the Noise Ordinance. Construction activities (including but not limited to grading, deliveries, framing, roofing, and painting) shall be limited to non-holiday weekdays<sup>2</sup> from 7am to 6pm. Interior work using equipment within a completely enclosed structure, such as but not limited to compressors, portable-powered and pneumatic powered equipment may be allowed on Saturdays between 9am and 6pm, provided windows and doors remain closed. Non-noisy activities, such as site security, monitoring, weather protection shall not be limited by this condition.

Construction activities outside the above-stated restrictions may be authorized by the Land Use Planner when necessitated by unforeseen construction, safety, or street-use related situations. Requests for extended construction hours or weekend days must be submitted to the Land Use Planner at least three (3) days in advance of the requested dates in order to allow DPD to evaluate the request.

<sup>2</sup>New Year's Day, Martin Luther King Junior's Birthday, President's Day, Memorial Day, July 4, Labor Day, Veterans' Day, Thanksgiving Day and Christmas Day.

Signature: \_\_\_\_\_ (signature on file)

Date: June 9, 2008

Jess E. Harris, AICP, Senior Land Use Planner  
Department of Planning and Development

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