



City of Seattle

Gregory J. Nickels, Mayor

Department of Planning & Development

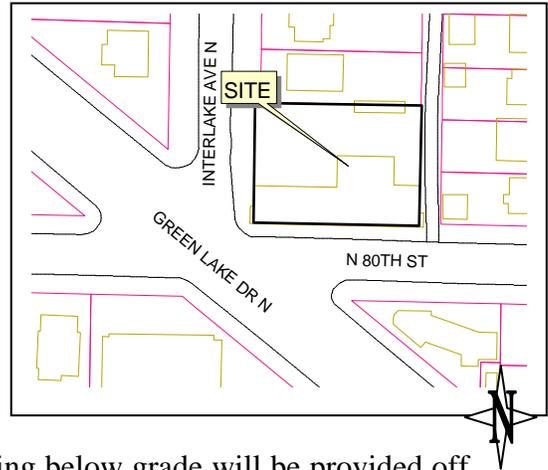
D.M. Sugimura, Director

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

**Application Number:** 3005863

**Contact Person:** Marcie Taylor

**Address of Proposal:** 155 North 35<sup>th</sup> Street



**SUMMARY OF PROPOSED ACTION**

The proposed project is for a mixed use building with 21 residential units located above ground level commercial use. Parking for 34 vehicles will be provided at grade and below grade. Access to the parking below grade will be provided off of the abutting alley to the east and access to the parking at grade will be provided off of Interlake Avenue North abutting to the west. The existing commercial structure will be removed as part of the proposal.

The following Master Use Permit components are required:

**Design Review - Seattle Municipal Code (SMC) Section 23.41 with Development Standard Departures:**

1. *SMC 23.45.010 Lot coverage – Lowrise Zone*
2. *SMC 23.45.014 Setback requirements - Lowrise Zone*
3. *SMC Table 23.45.011.A – Maximum structure depth – Lowrise Zone*
4. *SMC 23.47.008.D Mixed Use Development*
5. *SMC 23.47.008.B Mixed Use Development*

**SEPA Environmental Review - Seattle Municipal Code (SMC) Section 25.05**

**SEPA DETERMINATION:**  Exempt  DNS  MDNS  EIS

DNS with conditions

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

### **SITE DESCRIPTION**

The subject site is zoned Neighborhood Commercial 1 with a 40-foot height limit (NC1-40) and developed with an existing one-story commercial structure with multiple storefronts. A 20-foot strip running along the northerly property line is zoned Lowrise 1 (L-1). The site slopes down from north to south and contains approximately 11,700 square feet of lot area. An approximate 8-foot retaining wall is located along the northerly property line. The site is a rectangular shaped corner lot with Interlake Avenue North abutting to the west, North 80<sup>th</sup> Street abutting to the south and Green Lake Drive North abutting to the southwest. The southwest corner of the lot is a prominent corner due its high visibility.

### **SURROUNDING AREA DESCRIPTION**

The site is located within an area with a variety of zones. The properties to the north and east are zoned Lowrise 1 (L-1) and developed with multi-family structures. The areas to the west are zoned Single-Family 5000 (SF-5000) and developed primarily with single-family structures and a religious structure located across Green Lake Drive North. The triangular shaped property to the south is zoned NC1-40 and used for commercial purposes. The two four-story multi-family structures located to the southwest are within a Lowrise 3 (L-3) zone. The areas to the southeast are also zoned L-3 and developed with a variety of multi-family structures. The areas outside this pocket area are zoned SF-5000 and developed primarily with single-family structures.

### **PUBLIC NOTICE**

Public notice was provided for the Design Review meetings held for the Early Design Guidance (EDG) on January 22, 2007; the Initial Design Review Board Recommendation meeting on September 10, 2007; and the Final Design Review Board Recommendation meeting on October 8, 2007. Additional comment opportunities were provided at the time of Master Use Permit application on May 15, 2007.

### **ANALYSIS DESIGN REVIEW**

<b>EARLY DESIGN GUIDANCE:    JANUARY 22, 2007</b>
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### **DESIGN PRESENTATION**

The architect presented three schemes at the Early Design Guidance meeting. The three schemes proposed five-story structures, kept the mass of the building out of the L-1 zone along the northerly property line, proposed various modulation schemes for the façade facing North 80<sup>th</sup> Street and varied the massing of the fifth floor. The three schemes proposed access off the alley and Interlake Avenue North. The first scheme (Alternate 1) has the southwest corner of the structure at 5 stories with that portion of the front façade setback further away from North 80<sup>th</sup> Street than the easterly portion of the building which is at four stories. The second alternative (Alternate 2) has the fifth floor setback entirely off the southerly façade and the southwest corner of the structure is setback further off North 80<sup>th</sup> Street than the easterly portion of the front facade. The third scheme (Alternate 3) has three primary building modulation areas on the southerly façade. The southwest and southeast corners of the building are setback further off North 80<sup>th</sup> Street and the southwest corner is proposed to be five stories and the rest of the southerly façade is 4 stories. The preferred massing scheme was alternative one.

### **PUBLIC COMMENT**

Approximately 19 members of the public attended the Early Design Guidance meeting. The following comments were offered:

- How does the design relate to this neighborhood? This area is predominantly residential and development should take on more of a residential appearance as opposed to a commercial one.
- Is a rezone required to allow development?
- Access should not be allowed off alley.
- 5 stories is out of scale with the surrounding area and potential sun blockage.
- Alley access not preferred.
- A small scale residential only building would be a better fit for the neighborhood.
- A small commercial building would be the best fit.
- Pay attention to the corner, the building proposed looks too tall at the corner.

<b>INITIAL RECOMMENDATION MEETING:    SEPTEMBER 10, 2007</b>
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### **DESIGN PRESENTATION**

The general massing concept presented at the Initial Recommendation meeting stayed relatively the same as the preferred alternative from the EDG. A prominent commercial entry is proposed on the southwest corner of the structure. The design proposes a mix of brick and masonry on the 1<sup>st</sup> and 2<sup>nd</sup> stories facing Interlake Avenue North and North 80<sup>th</sup> Street. The southwest corner of the structure will be wrapped in stucco on the 1<sup>st</sup>, 2<sup>nd</sup> and 3<sup>rd</sup> stories. Street trees are proposed along North 80<sup>th</sup> Street and Interlake Avenue North. The design of landscaping proposes landscaping on both sides of the entryway off of Interlake Avenue North and on the east portion of the second level surface parking area abutting the alleyway.

### **PUBLIC COMMENT**

No members of the public were present.

<b>FINAL RECOMMENDATION MEETING:    OCTOBER 8, 2007</b>
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### **DESIGN PRESENTATION**

The general design presented at the Final Recommendation meeting stayed relatively the same as what was presented at the Initial Recommendation meeting. The design proposes a prominent commercial entry wrapped in brick on the southwest corner of the structure. A mix of brick and masonry is proposed on the 1<sup>st</sup> and 2<sup>nd</sup> stories facing Interlake Avenue North and North 80<sup>th</sup> Street. Street trees and a continuous planting strip are proposed along North 80<sup>th</sup> Street. The design of landscaping proposes landscaping on both sides of the entryway off of Interlake Avenue North and on the east portion of the second level surface parking area abutting the alleyway.

## **PUBLIC COMMENT**

Four members of the public attended the meeting. The following comments were provided;

- Restrict left turns off the alley onto North 80<sup>th</sup> Street during peak times.
- Allow only right turns onto the alley from the underground parking.
- Concerned about the safety of children playing in the alley.
- Put speed bumps in alley.
- Put signage up, indicating children at play.
- Was not notified of the initial recommendation meeting.
- Will the alley be repaved?

## **DESIGN GUIDELINE PRIORITIES & BOARD RECOMMENDATIONS**

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 and identified by letter and number those siting and design guidelines found in the City of Seattle's *Design Review: Guidelines for Multifamily and Commercial Building*. The Board's recommendation follows the priority guidelines.

### **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 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-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.

#### *EDG January 22, 2007 Comments*

The Board recognizes the site is located on a prominent intersection and the southwest corner of the proposed structure should be carefully designed with consideration to building materials, recognizable entrances and building scale to surrounding area.

Initial Recommendation September 10, 2007 Comments

The board recommends that brick would be a more suitable material on the southwest corner of the building to match the characteristics of the surrounding area instead of the proposed stucco.

Final Recommendation Meeting October 8, 2007 Comments

The Board is satisfied with the amount and design of the proposed brick shown in the updated design for the southwest corner of the building and felt the applicant responded well to their previous guidance from the initial recommendation meeting.

**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 nearby, 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 on the adjacent zones.**

EDG January 22, 2007 Comments

The Board notes all massing alternatives kept the bulk of the building away from the residential zone located to the north.

Initial Recommendation September 10, 2007 Comments

The Board recommends proceeding with the general massing of the structure.

Final Recommendation Meeting October 8, 2007 Comments

The Board is satisfied with the proposed massing of the structure.

**Architectural Elements**

- 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.**

**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.**

*EDG January 22, 2007 Comments*

The Board wants a material and color board submitted to see how the design is unified and compatible with the style of the surrounding area.

*Initial Recommendation September 10, 2007 Comments*

The board has the following recommendations;

General design recommendations:

- The board stated the base and upper stories were out of balance and that the upper residential portions should better relate to the commercial base. One thought was the fenestration was adding too much residential characteristic to the upper stories and some suggestions were to increase glazing, darken the trimming and avoid a punched in look.
- The proposed color scheme was viewed as being too gray.
- The cornice on the southwest corner of the structure was viewed as being too “heavy”.
- Alter the insets to create variation.

Specific design recommendations:

- The southwest corner of the building should have a more prominent entrance with brick instead of stucco.
- The 3<sup>rd</sup> story deck located above the southwest entry should be removed.
- The belly band located on the top floor should be removed.
- The second story pedestrian exit above the alley vehicle entrance facing North 80<sup>th</sup> Streets needs to be reduced in mass by replacing the wall with a handrail.
- The bottom concrete base at grade should be continuous and not interrupted by the brick.
- The 4<sup>th</sup> and 5<sup>th</sup> story balconies located towards the middle of the facade on the west elevation should be partially removed and the vertical modulation element from the base should be carried consistently all the way up.
- The planter visually screening the garage entry should double as a sitting area.
- Submit a materials and color board depicting the true color and texture as proposed on the structure.

*Final Recommendation Meeting October 8, 2007 Comments*

The Board is satisfied with how the updated design responded to their previous guidance from the initial recommendation meeting. The Board recommends the railing on the decks should be colored black. The board will allow slight color variation for the proposed exterior materials from what was proposed to add additional contrast to the building if necessary.

## **Pedestrian Environment**

- D-9 Commercial Signage. Signs should add interest to the street front environment.**  
**D-2 Commercial Lighting. Appropriate levels of lighting should be provided in order to promote visual interest and a sense of security for people in commercial districts evening hours.**

### *Initial Recommendation September 10, 2007 Comments*

The board states the “spot” lighting proposed for the exterior of the building is too harsh and detracts from the commercial spaces. The board recommends an exterior lighting source which is more baffled and less intrusive to the pedestrian experience along the street façade.

### *Final Recommendation Meeting October 8, 2007 Comments*

The Board is satisfied with the proposed lighting and felt the applicant responded well to their previous guidance from the initial recommendation meeting.

## **Landscaping**

- E-1 Landscaping to Reinforce Design Continuity with Adjacent Sites. Landscaping should reinforce the character of neighboring properties and abutting streetscape.**

### *Initial Recommendation September 10, 2007 Comments*

The Board recommends a continuous planting strip along N. 80<sup>th</sup> Street with breaks for pedestrian access.

### *Final Recommendation Meeting October 8, 2007 Comments*

The Board is satisfied with the proposed plantings in the N. 80<sup>th</sup> Street ROW and felt the applicant responded well to their previous guidance from the initial recommendation meeting.

Development Standard Departures

**Departure Summary Table**

STANDARD	REQUEST	JUSTIFICATION	BOARD REC.
<p><b>SMC 23.45.010 Lot coverage -- Lowrise zones.</b></p> <p>Maximum lot coverage is 40% (1,016 square feet)</p>	66% lot coverage (1,676 s.f.)	Site has a split zone with a small strip of L-1 zone. Mass of structure is outside of L-1 zone but portions of the parking garage will project above grade from 0-6 feet in the L-1 zone area. Approximate 8-foot grade separation between subject site and site to north.	Approve
<p><b>SMC 23.45.014 Setback requirements -- Lowrise zones.</b></p> <p>5-foot average side yard setback 20-foot rear yard setback 20-foot front yard setback</p>	Up to property line	Site has a split zone with a small strip of L-1 zone. Mass of structure is outside of L-1 zone but portions of the parking garage will project above grade from 0-6 feet in the L-1 zone area. Approximate 8-foot grade separation between subject site and site to north.	Approve
<p><b>SMC Table 23.45.011.A</b></p> <p>Maximum structure depth, 60% of lot depth (76 feet)</p>	100% (127 feet)	Site has a split zone with a small strip of L-1 zone. Mass of structure is outside of L-1 zone but portions of the parking garage will project above grade from 0-6 feet in the L-1 zone area. Approximate 8-foot grade separation between subject site and site to north.	Approve
<p><b>SMC 23.47.008.D Mixed Use Development</b></p> <p>Above 13 feet, nonresidential uses shall be limited to maximum lot coverage of 64% (5,852 s.f.)</p>	76.7% proposed (7,013 s.f.)	Site has a split zone with a small strip of L-1 zone. The lot coverage for the site if the L-1 portion could be counted is 60% lot coverage.	Approve

Due to the significant grade difference on the northerly property line and minor extension of the structure above grade within the L-1 zone, the Board recommends unanimous approval of the proposed departures because the Board feels the project has met the priority guidelines, especially **Design Guidelines A-1 & B-1**.

<p><b>SMC 23.47.008.B Mixed Use Development</b></p> <p>Minimum of 80% of a structure's street front façade (99 feet) shall be occupied by nonresidential use.</p>	78.8% provided (97.5 feet)	The residential lobby and vehicle access off the alley are located along North 80 <sup>th</sup> Street.	Approve
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The Board states the proposed design of the street facing facades projects an appropriate urban commercial form and recommends unanimous approval of the proposed departure, because the Board feels the project has met the priority guidelines, especially **Design Guidelines C-2**.

## **RECOMMENDED CONDITIONS**

1. The Board recommends the railing on the decks be colored black.
2. The Board will allow slight color variation for the proposed exterior materials from what was proposed to add additional contrast to the building if necessary. The additional color contrast (if needed) should be incorporated into the project design to the satisfaction of the assigned land use planner.

## **DIRECTOR'S ANALYSIS**

Subject to the above-proposed conditions, the design of the proposed project was found by the Design Review Board to adequately conform to the applicable Design Guidelines. The Director of DPD has reviewed the decision and recommendations of the Design Review Board made by the five members present at the decision meeting and finds that they are consistent with the City of Seattle Design Review Guidelines for Multifamily and Commercial Buildings. The Design Review Board agreed that the proposed design, along with the conditions listed, meets each of the Design Guideline Priorities as previously identified. Therefore, the Director accepts the Design Review Board's recommendations to approve the proposed design and the requested departures with conditions.

## **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 March 20, 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. 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, impacts associated with air quality and noise warrant further discussion.

### Air Quality

The Puget Sound Clean Air Agency (PSCAA) regulations require control of fugitive dust to protect air quality and will require permits for removal of asbestos or other hazardous substances during demolition. The permit standards and regulations administered by PSCAA, and the best management practices utilized by the demolition contractor will sufficiently mitigate any adverse impacts to air quality; therefore no further mitigation is necessary pursuant to SEPA 25.05.675A.

### Earth - Grading

The applicant supplied a Geotechnical Engineering study prepared by Geotech Consultants, Inc dated February 8, 2007. The report assessed the geotechnical aspects of project design and construction. The construction plans will be reviewed by DPD and any additional information showing conformance with applicable ordinances and codes will be required prior to issuance of building permits. Applicable codes and ordinances provide extensive conditioning authority and prescriptive construction methodology to assure safe construction techniques are used; therefore, no additional conditioning is warranted pursuant to SEPA policies.

### 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 7:30 am to 6:00 pm and between the hours of 9:00 a.m. and 6:00 p.m. on Saturdays (except that grading, delivery and pouring of cement and similar noisy activities shall be prohibited on Saturdays).

### Long-term Impacts

Long-term or use-related impacts are also anticipated as a result of approval of this proposal including: increased impervious surface; 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; toxic or hazardous material transmissions; and increased light and glare.

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 proposal was reviewed and approved through the Design Review process and conforms to the Citywide Design Guidelines. The subject site is topographically lower than the less intense zoned properties to the north and separated by large rights of way to the properties to the south and west, so the perception of height, bulk and scale will be reduced. 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 further 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 21 dwelling units and approximately 3,500 square feet of commercial space. The proposed project will provide parking for 34 vehicles, 14 stalls will be accessed off of Interlake Avenue North and 20 stalls will be accessed off the alley. 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 – SEPA**

### *During Construction*

The owner applicant/responsible party shall:

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.

1. The hours of construction activity shall be limited to non-holiday weekdays between the hours of 7:30 a.m. and 6:00 p.m. and between the hours of 9:00 a.m. and 6:00 p.m. on Saturdays (except that grading, delivery and pouring of cement and similar noisy activities shall be prohibited on Saturdays). This condition may be modified by DPD to allow work of an emergency nature. This condition may also be modified to permit low noise exterior work (e.g., installation of landscaping) after approval from DPD.

## **CONDITIONS – DESIGN REVIEW**

### *Prior to MUP Issuance*

2. Update the submitted MUP plans to reflect all of the recommendations made by the Design Review Board and reiterated by the Director's Analysis.
3. The railing on the decks should be colored black.

### *Prior to Issuance of Certificate of Occupancy*

4. A slight color variation shall be allowed for the proposed exterior materials from what was proposed to add additional contrast to the building if necessary. The additional contrast (if needed) shall be incorporated into the project design to the satisfaction of the assigned land use planner.

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

5. Any proposed changes to the exterior of the building or the site or must be submitted to DPD for review and approval by the Land Use Planner (Mark Taylor, 684-5049), or by the Design Review Manager (Vince Lyons, 233-3823). Any proposed changes to the improvements in the public right-of-way must be submitted to DPD and SDOT for review and for final approval by SDOT.

6. Three days prior to the pre-construction conference, contact the Land Use Planner to confirm attendance.
7. 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 Land Use 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 (prior to issuance of CO). The Land Use Planner will determine whether submission of revised plans is required to ensure that compliance has been achieved.
8. Embed all of the conditions listed at the end of this decision in the cover sheet for the MUP permit and for all subsequent permits including updated MUP plans, and all building permit drawings.
9. Embed the 11 x 17 colored elevation drawings from the DR Final Recommendation meeting and as updated, into the MUP plans prior to issuance, and also embed these colored elevation drawings into the Building Permit Plan set in order to facilitate subsequent review of compliance with Design Review.
10. Include the Departure Matrix in the Zoning Summary section of the MUP Plans and on all subsequent Building Permit Plans. Add call-out notes on appropriate plan and elevation drawings in the updated MUP plans and on all subsequent Building Permit plans.
11. Provide an updated copy of the final recommendation packet.
12. Compliance with all applicable conditions must be verified and approved by the Land Use Planner, Mark Taylor, (206 684-5049) at the specified development stage, as required by the Director's decision. The Land Use Planner shall determine whether the condition requires submission of additional documentation or field verification to assure that compliance has been achieved. **Prior to any alteration of the approved plan set on file at DPD, the specific revisions shall be subject to review and approval by the Land Use Planner.**

Signature: (signature on file)  
Mark Taylor, Land Use Planner  
Department of Planning and Development

Date: January 14, 2008