



City of Seattle

Gregory Nickels, Mayor

Department of Planning and Development

D. Sugimura, Director

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

DPD Number: 3006103

Applicant: Chris Snell and Matt Babcock of Snell Partnership for Murray Franklin

Proposal Address : 8606 35th Ave NE

SUMMARY OF PROPOSED ACTION

Land Use Application to allow a four-story building with eighty-five (85) residential units, two retail sales and service spaces (5,359 sq. ft. total) all above a two level parking structure for 122 vehicles.

The following approvals are required:

[Design Review – Chapter 23.41](#) Seattle Municipal Code.

[State Environmental Policy Act \(SEPA\) – Chapter 25.05](#) Seattle Municipal Code.

SEPA DETERMINATION: Exempt DNS MDNS EIS

DNS with conditions

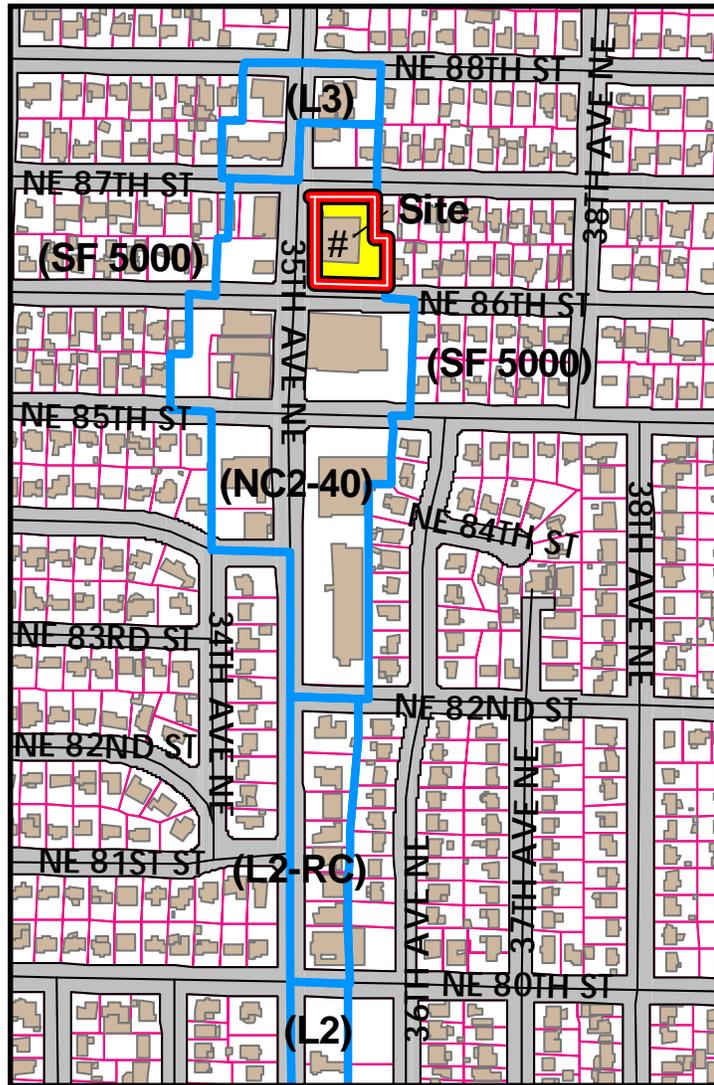
DNS involving non-exempt grading or demolition or involving another agency with jurisdiction.

BACKGROUND INFORMATION AND PROPOSAL

The approximately 32,407 square foot rectangular site is located in the northeast area of Seattle. The block end property is currently developed with a one story commercial structure. The site is bound by three streets, NE 87th St to the north, 35th Ave NE to the west and NE 86th St to the south. The site is zoned Neighborhood Commercial Two (NC2-40) with a forty foot height limit. The site is located on the east side of 35th Ave NE, an arterial street in the north and south directions. The property is located in a small scale commercial node spanning approximately 3 blocks north/south and 1 block on each side of 35th Ave NE.

Zoning in the area is comprised of four zones centered around the intersection of 35th Ave NE and NE 85th St, NC2-40 to the north and south. North of the commercial zoning there is a small amount of Lowrise Three zoning (L3). South of the NC2-40 zone is a small Lowrise Two Residential Commercial zone (L2-RC) and L2 zoning located further south. Large areas of Single Family 5000 (SF 5000) zoning is found on all sides of the above described area.

The site is adjacent to commercially zoned properties to the north, south and west. Directly northeast of the site is L3 zoning. Abutting the site along the east property line is Single Family 5000 zoned and developed properties. There is no alley abutting the site. A Rite-Aide store is directly south of the site and a US Bank is located directly north. Small scale retail structures and spaces (laundromat, hair salon, coffee shop, insurance agency, CPA) exist across 35th Ave NE from the development. A QFC is located at the southeast corner of 35th Ave NE and NE 85th St. A Bank of America is located at the southwest corner of 35th Ave NE and NE 85th St. There are some multifamily structures located on either side of 35th Ave NE between 87th and 88th St.



The site has an approximately 10 to 12' down slope from the west to east property lines and to the Single Family zoning.

PROPOSAL

The applicant proposes to remove the existing commercial structure (formerly The Stroum Jewish Community Center) and construct a four-story mixed-use development with approximately 85 multifamily units (originally 90 units proposed) and 5,359 sq. ft. of retail sales and service use in two spaces with 122 parking spaces in a two-level parking garage.

DESIGN REVIEW EARLY DESIGN GUIDANCE & RECOMMENDATION MEETINGS

ARCHITECT’S PRESENTATION AND PROPOSAL INITIAL EDG MEETING (1.22.07)

The architect presented the neighborhood context noting zoning, existing structures and uses surrounding the site. Photos were provided in various directions to and from the site within one to two blocks of the site. The context photos provided showed both the commercial and residential feel of the area.

The architect stated that one of the main goals of the development is to develop a traditional mixed use building with a commercial base and multifamily units above while providing smaller scale retail spaces to match the Wedgwood neighborhood character. The architect presented a maximum envelope massing diagram and three axonometric drawings showing alternatives for the site, which included a site plan view for each. All schemes proposed vehicle access from the south via NE 86th St, with scheme 1 having the access point further east than schemes 2 and 3.

Board Designated Priority Guidelines

- A-1 Responding to Site Characteristics**
- A-3 Entrances Visible from the Street**
- A-4 Human Activity**
- A-5 Respect for Adjacent Sites**
- A-6 Transition Between Residence and Street**
- A-8 Parking and Vehicle Access**
- A-10 Corner Lots**
- B-1 Height, Bulk and Scale Compatibility**
- C-2 Architectural Context & Consistency**
- C-3 Human Scale**
- C-4 Exterior Finished Materials**
- C-5 Structured Parking Entrances**
- D-2 Blank Walls**
- D-5 Visual Impacts of Parking Structures**
- D-9 Commercial Signage**
- D-10 Commercial Lighting**
- D-11 Commercial Transparency**
- E-1 Landscaping to Reinforce Design Continuity with Adjacent Sites**
- E-3 Landscape Design to Address Special Site Conditions**

- Scheme 1 depicted the majority of the mass at the 35th Ave NE (west) side of the site with a large recess at the midpoint of the east façade, creating a right angled “C” shaped building. This scheme provided three large landscaped decks facing eastward.
- Scheme 2 is similar to scheme 1’s massing except less relief is proposed along the east façade facing the Single Family zone; the parking access is moved further west.
- Scheme 3 (applicant’s preferred) re-oriens the residential courtyard to open facing 35th Ave NE. This design pushes more of the mass towards the east portion of the site. This design proposes a smaller scale landscaped deck above floor 1 along the entire eastern face.

ARCHITECT’S PRESENTATION AND PROPOSAL 2nd EDG MEETING (3.19.07)

The proponent presented a substantially updated design from the originally proposed massing. A mixed-use traditional development is still the program with ground floor retail and three floors of residential above. Massing of the preferred design now has the structure pushed to 35th Ave NE, as opposed to initial preferred design that bulked the mass along the east property line and single family zone. Layering of the building occurs moving east to west. Floors 1-3 (residential) are

located 15' at the closest dimension from the east property line with some additional modulations provided in the façade. Floor 4, on the southeastern portion of the structure, is setback from 45'-6" at its greatest dimension, to 24' at its smallest dimension from the east property line. In the center of the east façade a 39'-6" wide by approximately 80' recessed notch that spans floors 1-3 separating the north and south wings of the building. On the northeast corner of the building a recessed chamfered 4th floor provides relief from the northeast area of the site. The preliminary architecture facing east shows pitched roofs to better relate to the single family zoning.

The design now steps down heading east from 35th eastward to better respond to the sloping nature of the site. The design breaks floor plates to accomplish this. The west façade sets back from the 35th Ave NE property line 1' while the façade is proposed with two accentuating bay windows that span floors 2-4, painted siding, brick, and shingles. Heavy modulation further breaks up the façade on 35th Ave NE.

Vehicle access was altered to have two access points one along NE 86th St and one NE 87th St. The Board requested that a two access point scheme be explored. The southern access door was shifted westward, 45'-6" from the eastern property line and single family zone. The northern access on NE 87th St locates along the east property line.

ARCHITECT'S PRESENTATION (RECOMMENDATION – 7.20.07)

Surrounding context zoning and topography was described to reacquaint the Board and public with the site. Changes from the design presented at the 2nd EDG meeting were highlighted. Vehicle access to parking is now proposed from solely from NE 86th St an access on 87th exists but will be limited to emergencies only and waste reception.

- A summary of the design's current progression was outlined showing significant efforts to respond to the abutting Single Family zone to the east.
- Structure mass has been oriented towards 35th Ave NE.
- The plate of the structure was broke to step down with the grade moving east.
- A chamfer of the fourth floor on the northeast portion of structure was implemented.
- Two open decks were added at floor 3 on the east façade of the projecting northeast and southeast wings to further break up the façade.
- Ground level setbacks along 35th Ave NE ranging from 3' – 9'.
- King County's Built Green standard will be sought with the building.
- Building materials were presented:
 - *Veneer brick*
 - *Horizontal painted cement board siding*
 - *Pre-cast concrete*
 - *Painted cement board*
 - *Metal roofing*
 - *Asphalt shingles*
 - *Painted metal guardrails*
 - *Decorative metal trellises*
 - *Metal commercial storefront windows and for the residential, vinyl windows*

PUBLIC COMMENT

INITIAL EDG MEETING (1.22.07)

There were approximately 35 - 40 attendees at the early design guidance meeting and fourteen provided comments:

- Shading will have an impact on the very small houses to the east. The mechanical equipment on top will add to the visual impact of the building.
- The scale of the building should be better reflected in the materials.
- Vehicle access should be from two rather than one location to mitigate traffic issues.
- How vehicle access will affect bus stops and traffic on NE 86th St.
- The building will have impact on privacy issues with adjacent structures. The trees to the SE are not on the applicant's property and can't be cut down by the development.
- NE 85th, 86th and 87th Streets are used as cut-through streets to access 40th Ave NE, a north/south access round.
- Height, bulk and scale effects of the project on the surrounding community.
- Possible to require traffic mitigations, such as signs and or sidewalks.
- Provide a shadow study to help determine effects of height, bulk and scale impacts.
- The building should slope with the site's grade and reflect the elevation change of the property.
- This is the 1st building of this kind in the vicinity and it will have impacts on the residential character as well as light, air and traffic.
- Shadow effects of the project would have a negative impact.
- Building design needs to reflect slope of the site.
- How the next meeting will be noticed and questions about notice requirements of DPD.
- Scale the building back as much as possible.
- Control the shadow effect on houses to the east. The materials on the east façade are important to avoid glare and need to reflect the residential character to the east.
- Where will visitors park.

2nd EDG MEETING (3.19.07)

There were approximately 50 attendees at the second early design guidance meeting and approximately 20 provided comments, summarized here:

- The structure is too huge, why couldn't it be reduced to 2 or 3 stories
- Street tree retention should be priority, questions about the affordability of the units, the building should respond to the pedestrian character of the neighborhood.
- Support of an infill project and density, but the proposal is out of character, questions about the shading study times (why not show later in the day), the shading of the east and northeast properties is unacceptable, privacy issues for properties to the east, there should only be one vehicle access point (along NE 86th St) facing Rite-Aide, amount of on site parking for commercial uses, removal of north bus stop north of NE 87th St, traffic is an issue and that sidewalks are important for the development.
- The proposal has addressed some concerns, but massing along 35th Ave NE is still a concern, what more can be done, need more scale and details at the next meeting, the

development will set a precedent for future development, the building doesn't look like Wedgwood, the design should use some iconic design elements from Wedgwood, the development should provide a pedestrian connection across 35th Ave NE, green elements should be incorporated and the building should be recycled.

- The design should integrate with Wedgwood.
- The shading impacts on the northeasterly abutting property are major and the northern access point will have noise impacts.
- Lighting, natural features and high quality materials need to be incorporated into the design.
- Sidewalks are very important, the developer should give back.
- The building is very large and needs to be scaled down and large sidewalks need to be provided.
- Impacts to bicycle riders.
- Sight triangles are not supported as there are many children that walk in the area, maximum safety measures need to be taken.
- The architecture should be horizontally expressed; the design is not a Wedgwood aesthetic.
- A greater setback along 35th should be provided with landscaping.
- The massing should be centered on the site.
- The design should be exciting.

RECOMMENDATION MEETING (7.16.07)

There were approximately 25 public attendees and 16 gave comments at the recommendation meeting. Comments were related to the following:

- Parking quantity concerns, another level of parking should be provided.
- The mass of the structure is appalling and too much for the area, deferral of the project should be considered until design guidelines can be developed for Wedgwood and the project.
- The zoning is inappropriate, traffic is a concern and notice of the project was inadequate.
- Proposed gables are not desirable.
- Landscaping along east property line was questioned; infrastructure improvements were a concern and questions regarding the types of commercial uses that will be at the site.
- Wedgwood is not ready for this development, Height Bulk and Scale is still an issue, use of Built Green is a plus, and the proposed chamfered corners at the street and large sidewalks are supported.
- Shading of neighboring properties is a concern, as well as property values for abutting and adjacent parcels.
- The project could help the community and be a positive contribution.
- Access is a concern because of many children in the area and the overall design is not supported.
- Roof top gardens could have impacts because of falling objects and privacy of adjacent residents.
- Four stories is too many, three would help.

- Questions about the access were raised; the applicant stated that the curbcut and access on NE 87th St is strictly for emergency exiting and waste pick-up.
- The departure for projections into the rear setback is not supported.
- Questions were posed about the size of the trees to be planted in the right-of-way.

MUP APPLICATION AND REVIEW

The applicant applied for a MUP on 4.20.07. The Design Review Board was reconvened for the recommendation meeting on 7.16.07 to evaluate the design response to the priority guidelines set during both EDG meetings.

MUP PUBLIC COMMENT

Numerous written comments were submitted by the public during the MUP comment period (5.10.07 -6.06.07). The comments for the project related to maintaining Wedgwood character, height, bulk and scale, traffic, parking, architectural expressions of facades, shading, requests for larger setbacks, requests for reduced height, inappropriate zoning, privacy, compatibility with surrounding structures, construction impacts, types of commercial uses, inclusion of green building concepts, children play in the area, walk-ability around the site, sidewalk requirements, drainage concerns, vehicle access, noise and light and glare concerns.

Zoning standards for the MUP were reviewed under Title 23 of [Seattle's Municipal Code](#) (SMC) and approved on 9.10.07. During the review, DPD's traffic expert reviewed the submitted traffic impact analysis for consistency with the Seattle's level of service (LOS) requirements pursuant to SMC 23.52 and [Directors Rule 4-99](#) to be consistent with both The Washington State Growth Management Act and The Revised Code of Washington. Metro King County was also consulted during the review and provided comments on impacts to bus routes and bus stop locations. Impacts related to parking quantity and construction actions were also analyzed during the MUP review stage of the project. Department of Transportation's Urban Forestry section was also consulted on the project. Analyses of the applicable [SEPA Policies](#) are addressed following the Design Review analysis.

DPD ANALYSIS: DESIGN REVIEW

Below is a summary of the EDG priority guidelines and guidance statements from both EDG meetings determined to be of highest priority for this project identified by letter and number ([Citywide Design Review Guidelines for Commercial and Multifamily Buildings](#)). Listed below the EDG guidelines and statements are the Northeast Board's recommendations based on the applicant's design response. The EDG and the recommendation reports were transmitted to the applicant and parties of record appropriately throughout the MUP process. The absence of Board recommendations below indicates the four Board members present at the recommendation meeting determined the design achieved the priority guidelines set during the EDG stage of the project.

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-4 Human Activity

New development should be sited and designed to encourage human activity on 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-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.

Initial Early Design Guidance Statements

The design should reflect the sloping character of the site. The Board felt that in light of the Single Family zoning to the east and the public comment the siting of the structure, the mass of the building should be oriented as much as possible towards the western property line and 35th Ave NE.

Considering the public comment, the Board was receptive to having a double accessed garage accessed from the north and south. The applicant should present this option at the next meeting. The Board indicated that both entrances should be moved away from the Single Family zone to the east as much as possible in the next design iteration. The parking entrance on the south should be lined up with the edge of the Rite-Aid building.

Staff note

The access points to the commercial and residential doors need to be distinguished architecturally with elements of the architect's choosing. Use of color, alternate weather protection, door choice, window choice or other elements should be explored to accomplish this for the next meeting.

Second Early Design Guidance Statements

The treatment of the facade along 35th Ave NE needs to be better communicated and shown at the next meeting; the Board couldn't get a true feel for the design. For the recommendation meeting, provide a larger scale site plan with dimensions of sidewalks, setbacks, modulations, projection dimension (decks, bays, weather protection etc.), which will provide the necessary details to better allow an evaluation by the Board of the design. The pedestrian character should be highlighted along 35th Ave NE considering the public comment regarding the pedestrian character of the area.

Provide a topographic survey in the recommendation packet.

The Board applauded the efforts of the applicant for the change in massing, now oriented toward 35th Ave NE, east lower level setbacks, proposed landscaping and the 4th floor chamfer recess at the northeast portion of the building. The Board stated that at a minimum, the east side massing must at least hold the line as presented at the recommendation meeting.

Provide detailed street level vignettes for the street level along 35th Ave NE to illustrate the streetscape experience.

Provide a full color rendering of the building looking southeast from northwest corner of NE 87th St and 35th Ave NE. This rendering should incorporate street improvements, street trees, modulations and shadows; the rendering should provide a window of what the development will truly look like.

Final Board Recommendations

Keep commercial floor levels and entries at sidewalk grades.

Add large scale trees and shrubs (large size at installation) along the retaining wall at grade along the eastern property line in the conditioned setback detailed in the second design statement under B-1 below.

Director's Analysis

Floor levels for the retail bays along the commercial street frontage along 35th Ave NE are set at or just above the sidewalk grades, meeting the Board's recommendation.

The updated landscape plan reflects eight large scale trees consisting of three different species to be planted as recommended by the Board. Also, four species of shrubs have been applied to the landscape plan in the conditioned ground level setback area along the northeast ground level wall (see B-1).

The applicant updated the MUP plans and the Director finds that the current design now meets the above Site Planning guidelines.

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.

Initial Early Design Guidance Statements

Setting back and recessing of the eastern façade is required. The Board felt that the code compliant alternative provided the best mitigation for height bulk and scale compatibility. The massing of the building should be more aggressive along 35th Ave NE and be relieved along the eastern facade. The building should follow the stepping of the land moving east. The architect should implore many techniques to reduce the scale of the building, especially along the eastern façade.

Discussion of techniques to accomplish a relief of the east façade's mass revolved around chamfered corners and a terraced rear façade. The Board directed the applicant to use as many design solutions to reduce the east façade's mass as possible.

The applicant needs to perform a shadow study at all seasons of the year. This study should show current impacts of the existing structure on site as well as the preferred design's impacts to measure the anticipated impact. The Board indicated that any departures related to the upper mass of the building are a lot to ask considering the character of the neighborhood and site.

Provide larger scale site sections (from both north and south views) that take into account several properties on the east side of the site to gain a better understanding of the relationship of the preferred design and alternatives with the neighborhood.

Add site sections showing a larger block view using the preferred design, from both the north and south, capturing the single family properties to the east.

Second Early Design Guidance Statements

The treatment of the facade along 35th Ave NE needs to be better communicated and shown at the next meeting; the Board couldn't get a true feel for the design. For the recommendation meeting, provide a larger scale site plan with dimensions of sidewalks, setbacks, modulations, projection dimension (decks, bays, weather protection etc.), which will provide the necessary details to better allow an evaluation by the Board of the design. The pedestrian character should be highlighted along 35th Ave NE considering the public comment regarding the pedestrian character of the area.

Provide a topographic survey in the recommendation packet.

The Board applauded the efforts of the applicant with the change in massing, now oriented toward 35th Ave NE, east lower level setbacks, proposed landscaping and the 4th floor chamfer recess at the northeast portion of the building. The Board stated that at a minimum, the east side massing must at least hold the line as presented at the recommendation meeting.

Provide detailed street level vignettes for the street level along 35th Ave NE to illustrate the streetscape experience.

Provide a full color rendering of the building looking southeast from northwest corner of NE 87th St and 35th Ave NE. This rendering should incorporate street improvements, street trees, modulations and shadows; the rendering should provide a window of what the development will truly look like.

Final Board Recommendations

To reduce Height Bulk and Scale, erode the 4th floor chamfer by removing 9' -10' from the easternmost portion parallel to the eastern property line on the northeastern wing of the project. This will push the 4th floor chamfer to a 33' or 34' setback from the east property line.

To reduce Height Bulk and Scale and to allow planting of large scale trees, setback the northeastern portion of the retaining wall at grade along the eastern property line 5' to create an 8' setback. The existing setback is setback 3'. This 8' setback may terminate in alignment with the north wall of the internal courtyard.

Setback railings and parapets from all 4th floor roof edges to reduce the scale and apparent height of the structure, this will also help in respecting adjacent sites. This is most important at all corners and the sides facing the residential property owners. Also continue to use the open railings/parapets shown at the meeting.

Director's Analysis

The applicant updated the MUP plans eroding the fourth floor chamfer on the northeast wing of the property, meeting the Board's recommended condition. Setback of the chamfer is shown as 33' - 4^{15/16"}, from the eastern property line. The further erosion allows more light and air to properties to the north and east as well as creating a better scaled mass.

Revision of the plans reflects and exceeds the Board's requirement to setback the northeastern portion of the retaining wall at grade along the eastern property line 5' to create an 8' setback. An 8' - 6^{3/4"} setback has been provided at the ground level wall extending 27' - 6" beyond the north wall of the internal courtyard.

Update of the design shows a two foot setback of the railings and parapets for the fourth floor roof perimeter, fourth floor decks and along the east side of the building. The design also has clear glass railings to the decks on the 2nd and 3rd floors, which are setback 2' from the outside wall along the eastern single family zone facing portion of the structure, which creates a more

desirable bulk & scale relationship to surrounding properties. The updated design provides unoccupied portions of the roof on the eastern portion of the structure facing the single family zone to create greater separation between roof decks and the less intensive single family zone.

The current design also incorporates the following elements:

1. Breaking the floor plates to step the building with the slope of the site moving east, this includes double loaded elevators to provide access to both sections of the structure.
2. Re-orientation of the courtyard opening originally proposed to open to 35th Ave NE. The courtyard opening between the northeast and southeast corridors of the structure now opens toward the single family zone to the east breaking up the scale of the structure's east facade.
3. Re-work of the eastern façade to include: presenting a more desirable articulated mass and a smaller overall appearance, deck relieves at the 3rd floor along with modulations provided in form of bays architectural expressions better break up the east façade facing the single family zone.
4. Incorporation of bays and modulation on all facades of the structure significantly reduce the appearance of the overall mass of the structure.
5. Retention of large trees located on the abutting property to the southeast of the site, known as 3524 NE 86th St.
6. Addition of new ground level trees and shrubs (large size at installation) along the retaining wall at grade along the eastern property line in the conditioned setback. The landscaping aspects help to add human scale to the site perimeter.

In sum, The Board's design recommendations are satisfied with the current to the MUP plans and therefore, design as analyzed above is compliant with the Height Bulk and Scale guideline. Conditioning is warranted to ensure proper tree protection measures are in place for the large trees located on the abutting property to the southeast of the site, known as 3524 NE 86th St. Application of any tree protection measures is contingent upon granting of access by the property owner to the proponent. (condition)

C. Architectural Elements and Materials

C-1 Architectural Context (Roosevelt specific guideline)

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 Context & Consistency (Roosevelt specific guideline)

Building design elements, details and massing should create a well-proportioned and unified building form and exhibit an overall architectural context.

C-4 Exterior Finished Materials (Signs)

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.

C-5 Structured Parking Entrances

The presence and appearance of garage entrances should be minimized so that they do not dominate the street frontage of a building.

Initial Early Design Guidance Statements

The design of the parking entrances should be designed to reflect the transition in zones to Single Family. The entrances should be softened with color and materials. Blank grey concrete should be avoided where possible. The design of these walls should have a logical transition to the Single Family zone. Use of materials facing east to the Single Family zone should aim at minimizing glare and overall impact to the residents of the single family homes.

The Board was hesitant about the departure request to allow a 12' first floor commercial height. The applicant needs develop this further and better describe the challenges the 13' requirement presents and how the project would better meet the intent of related guidelines.

Second Early Design Guidance Statements

The architect should develop an architectural connection with the Wedgwood Neighborhood. How this is accomplished is left to the creativity of the architect. Mixed use is a new concept to Wedgwood and the Board recognizes the difficulty in pairing the mixed use building type with the Wedgwood neighborhood and architecture. Some of the avenues to meet this guideline are to incorporate 40's or 50's architecture or signage to speak to Wedgwood, but the architect shouldn't be limited to these few examples.

A clear benefit to the neighborhood relating to pedestrian character should be incorporated into the building. The Board said there are many ways to do this including recessing the southwest corner to allow an arcade or other public gesture to give something to the public realm like a widened sidewalk.

Provide at the recommendation meeting a full color and materials board with tangible examples. Also provide some pictures of the material applications in built projects.

At the recommendations and the recommendations meeting, provide full color elevations (N-S-E-W) with material callouts.

Final Board Recommendations

Reduce the apparent scale by using a less continuous cornice line and minimize its appearance by using a lighter colored roof band. The cornices can still vary, but should be diminished in locations were they are of most detriment. Modify the architectural vocabulary so that the 4th floor reads in a way that will be treated separately from the rest of the building and diminished in its overall appearance.

The proponent must provide a different architectural feature of their choosing to replace the gables facing the single family zone to the east. These new features are to be reviewed and approved by DPD.

Director's Analysis & Decision

The architect updated the roof line to include a light colored (Greenmount Silk) unifying 2'-6" metal roof eave feature that wraps the top of the building providing the separateness the Board requested. Projecting bay windows on the north (4), south (4) and west (3) facades rise above the cornice line and metal roof eave to provide desirable breaks in the roof line and minimizes the facades overall appearance and mass.

Incorporation of the metal roof eave feature replaced the gable features proposed at the recommendation meeting. DPD reviewed this change and determined that it is appropriate, in line with the Board's direction and public comment.

In light of the changes made by the proponent, the Director Determined that The Board's design recommendations are met and the design is compliant with the Architectural Elements and Materials applicable guidelines.

D. Pedestrian Environment

D-2 Blank Walls and D-3 Retaining 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.

D-5 Visual Impacts of Parking Structures

The visibility of all at-grade parking structures or accessory parking garages should be minimized. The parking portion of a structure should be architecturally compatible with the rest of the structure and streetscape. Open parking spaces and carports should be screened from the street and adjacent properties.

D-9 Commercial Signage

Signs should add interest to the street front environment and should be appropriate for the scale and character desired in the area.

D-10 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 during evening hours. Lighting may be provided by incorporation into the building façade, the underside of overhead weather protection, on and around street furniture, in merchandising display windows, in landscaped areas, and/or on signage.

D-11 Commercial Transparency

Commercial storefronts should be transparent, allowing for a direct visual connection between pedestrians on the sidewalk and the activities occurring on the interior of a building. Blank walls should be avoided.

Initial Early Design Guidance Statements

The applicant needs to create a very interesting street level façade around the entire building. The Board was receptive to the smaller commercial spaces to match the neighborhood pattern; this should be continued and developed further in the updated design.

The retaining walls which will likely occur along the north and south facades of the parking structure need to provide interest using alternate materials, color or some architectural features of the architect's choosing. The applicant should provide lighting and signage plans to ensure they are incorporated into the design and not stuck on last moment. These plans should provide pictured examples of products that will be used.

Second Early Design Guidance Statements

Along 35th Ave NE the design should incorporate elements to make the base more transparent, distinguished and substantial considering the departure request from the 13' first floor height requirement. This can include such features as the canopies, colors and material choices.

A conceptual plan for signage type and location as well as lighting design should be presented at the next meeting.

Final Board Recommendations and Director's Analysis

The Board fees the updated design meets the Pedestrian Environment guidelines and no recommendations were issued. The Board did not misapply the application or review of the guidelines and therefore the Director concurs with the Board and the design is compliant with the applicable Pedestrian Environment guidelines.

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.

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.

Initial Early Design Guidance Statements

The Board felt that the applicant's recognition of the necessity to preserve the cluster of trees southeast corner of the site needs to be highlighted and the updated design needs to ensure their survival.

Landscaping in setbacks from the Single Family zone should be continuous and is encouraged for the updated design. This will assist in mitigating blank walls directly facing the Single Family properties.

Second Early Design Guidance Statements

Making use of green elements was supported by the Board, for example using green screens or elements of the applicant's choosing to treat retaining walls or other potentially blank areas.

Provide a large scale full color landscape plan for the entire site that shows sidewalks, curbs, planter strips, street trees, roof deck landscaping as well as the proposed trees (with planting height) along the east property line.

Final Board Recommendations and Director's Analysis

The Board feels the updated design meets the Landscaping guidelines and no recommendations were issued. The Board did not misapply the application or review of the guidelines and therefore the Director concurs with the Board and the design is compliant with the applicable Landscaping guidelines.

BOARD RECOMMENDATION DESIGN DEPARTURES

At the recommendation meeting the four (4) Board members present recommended Design Review **approval** of the proposed development with recommended conditions and or changes to the design. At the recommendation meeting the initially proposed departure requests were altered, which included removal of one request and introduction of one new departure. The departure requests were presented, voted upon and approved unanimously by the Board as follows:

1. ***Residential Lot Coverage*** above 13' – 64% required – 75.8 % requested for floors 1-3 and 64.6% for floor 4 (*SMC 23.47.008-D*).
2. ***First floor Height*** – 13' required – 12' requested at the northeast corner and 12'4" at the southeast corner (*SMC 23.47.008-C.2*).

3. **Projections Into Rear Setback** – 18” required – 3’ requested for shed and gable roof features on east facade (*SMC 23.47.014-E.2*) (*new departure request*).

DPD issued corrections and the applicant resubmitted the MUP plans on 9.6.07. The applicant updated the MUP plans to comply with the Board’s recommendations and DPD corrections. The requested departure for allowable lot coverage was altered to reallocate the lot coverage between floors as noted in the table below. Significant reduction of the first floor, as a result of one of the Board’s Conditions/Recommendations, was the main reason for the altered departure.

The Board recommended approval of the lot coverage departure at the recommendation meeting with a contingency that the total square footage of the project was not exceeded beyond what could be achieved under a code compliant scheme. As a result of the analysis in the summary matrix below, this change is within the approval and contingency of the Board.

Summary of Departure Requested

Development Standard Required/ Allowable Amount	Proposed	Staff Notes/ Applicant’s Rationale	Design Review Board Final Action
<p>Residential Lot Coverage:</p> <p>Floor 1 = 100.00 % 32,407 sq. ft.</p> <p>Above 13’ – 64% required or 20,740 sq. ft.</p> <p>Floor 2 = 64 % 20,740 sq. ft.</p> <p>Floor 3 = 64 % 20,740 sq. ft.</p> <p>Floor 4 = 64 % 20,740 sq. ft.</p> <p>Total Avg. Lot Coverage = 73%</p> <p>Maximum sq. ft. 94,627 (above grade)</p> <p><i>SMC 23.47.008-D</i></p>	<p>Residential Lot Coverage:</p> <p>Floor 1 = 72.9% 23,629 sq. ft.</p> <p>Floor 2 = 76.3 % 24,725 sq. ft.</p> <p>Floor 3 = 75.6% 24,496 sq. ft.</p> <p>Floor 4 = 65.6 % 21,253 sq. ft.</p> <p>Total Avg. Lot Coverage = 72.68%</p> <p>Total proposed sq. ft. 94,103 (above grade)</p>	<p>Allows mass of the building to be shifted away from the single-family zone to the east, to mitigate the impact of the building’s height, bulk and scale. Allows for setback on the east side of floor 4 to reduce shadow and sightline impacts on the east properties. Allows for setback from the east property line at grade, for preservation of existing trees and for creation of additional landscape buffer to improve the privacy of the neighboring residents.</p>	<p>Residential Lot Coverage:</p> <p>The Board unanimously (4 of 4) recommended approvals of this departure as long as the recommendations/conditions are satisfied relating to recommended setbacks of the structure. Also the maximum sq. ft. that is obtainable by a code compliant scheme shall not be exceeded. As a result of the Board conditions, the total sq. ft. of the building will be less than a code compliant scheme. (A5, B1)</p>

Development Standard Required/ Allowable Amount	Proposed	Staff Notes/ Applicant's Rationale	Design Review Board Final Action
<p><i>First floor Height: 13'</i> required <i>SMC 23.47.008-C.2</i></p>	<p>12' requested at the northeast corner and 12'4" at the southeast corner.</p>	<p>This reduction allows the retail space to remain at sidewalk level, creating a more attractive street front. This also allows the upper floors to have larger floor to floor heights. Reducing floor heights is compatible with existing small scale existing retail in the vicinity.</p>	<p>The Board unanimously approved (4 of 4) this departure as long as the recommendations are satisfied and the storefronts are all provided and accessed at sidewalk grade. <i>(A3, A4, C1, C3)</i></p>
<p><i>Projections Into Rear Setback: 18"</i> permitted <i>SMC 23.47.014-E.2</i> <i>(new departure)</i></p>	<p>Decorative roof features to project no more than 3'. 2'-6" is proposed for the rear projecting cornice/roof feature.</p>	<p>These features contribute to the residential character of the façade in response to the easterly single family zoning. Relief and shadows are added to the façade with these features.</p>	<p>The Board unanimously approved (4 of 4) this departure, contingent upon a design change to remove the gables facing the single family zone, in favor of an alternate design feature of the applicants choosing to be reviewed and approved by DPD. <i>(C2, C3, C4)</i></p>

DECISION: DESIGN REVIEW

After analyzing the site in its context, the permit plans, the recommendation packet, the recommendations of the Northeast Design Review Board and the applicant's design responses, the Director **conditionally approves** the Design Review of the proposal. See the end of this document for Design Review conditions.

ANALYSIS – SEPA

Environmental review resulting in a Threshold Determination is required pursuant to the Seattle State Environmental Policy Act (SEPA), WAC 197-11, and the Seattle SEPA Ordinance (Seattle Municipal Code Chapter 25.05).

The initial disclosure of the potential impacts from this project was made in the environmental checklist submitted by the applicant dated April 20th, 2007. The Department of Planning and Development has analyzed and annotated the environmental checklist submitted by the project applicant and reviewed the project plans and any additional information in the file. As indicated in the checklist, this action may result in adverse impacts to the environment. However, due to their temporary nature and limited effects, the impacts are not expected to be significant. A discussion of short and long term impacts is warranted.

Short - term Impacts

Construction activities for the 135,000 sq. ft. mixed use (retail, residential and parking) building could result in the following adverse impacts: construction dust, emissions from construction machinery and vehicles, increased particulate levels, increased noise levels, occasional disruption of adjacent vehicular and pedestrian traffic, conflict with bus services and services and an increase in traffic and parking impacts due to construction workers' vehicles. Conditioning to mitigate identified impacts pursuant to applicable SEPA policy authority is justified to ensure that construction vehicles, staging and worker vehicles park in the parking structure parking when it is completed and feasible. This will provide adequate mitigation for construction-related parking and staging and parking impacts.

Several construction-related impacts are addressed by existing City codes and ordinances applicable to the project, such as the Noise Ordinance, the Grading and Drainage Code, the Street Use Ordinance and the Building Code. The Street Use Ordinance includes regulations that mitigate dust, mud, and truck transportation timing and routes. Temporary closure of sidewalks and/or traffic lane(s) is adequately controlled with a street use permit through the Seattle's Department of Transportation. These related codes and requirements will provide some mitigation during construction. The applicants also provided a preliminary geo-technical report (not required) for the proposal. The report found no indication that the proposal will have adverse geotechnical impacts. Further DPD geotechnical review will occur during review of the building permit (DPD# 6117703). The following is an analysis of the air, water quality, streets, parking, and construction-related noise impacts as well as mitigation.

The properties on either side of the 35th Ave NE commercial corridor and especially to the east are single family zoned and as a result the construction-related noise will have an impact on the surrounding residents. The times allowed for construction per the Noise Ordinance (SMC 25.08) are found to be inadequate to mitigate noise impacts on the residents in the neighborhood. Thus proper conditioning is warranted.

Construction is expected to temporarily add particulates to the air and will result in a slight increase in auto-generated air contaminants from construction worker vehicles; however, this increase is not anticipated to be significant. Federal auto emission controls are the primary means of mitigating air quality impacts from motor vehicles as stated in the Air Quality Policy (Section 25.05.675 SMC). The grading activities of approximately 14,000 cu. yds. associated with the site work will add particulates to the air that can be mitigated by watering down the site during these grading activities. Conditioning authority is warranted to ensure the site is wet during grading activities, which should be short-term, to reduce the amount and affect of air borne debris on the surrounding community.

Regarding demolition of the existing structure, the applicant has two licensed and bonded subcontractors (abatement and demolition) to complete the work. The applicant has also completed an asbestos survey and some asbestos exists, which is not uncommon considering the age of the structure. Also, demolition of the existing structure requires Notice of Intent to demolish to the Puget Sound Clean Air Agency (PSCAA). As a result, proper conditioning is warranted to ensure compliance with PSCAA requirements to mitigate impacts resulting from the demolition of the existing structure.

King County Metro provided comment on the application and requests that the contractor contact Metro if any aspect of bus service will be affected and to use Metro's construction guidelines. The existing bus stop on NE 86th St is used 7 days a week and Monday – Friday from 6 – 10 AM as a layover bus location. Metro requests that this location be maintained as a bus layover throughout the construction of the project. As a result conditioning is warranted to ensure the contractors communicate with Metro about any conflicts with construction and the existing bus stop.

Long - term Impacts

The following long-term or use-related impacts, increased demand on public services and utilities; increased light and glare; and increased energy consumption are not considered adverse, as other City Departments review and have authority for these impacts. Analyses of increased traffic and parking demands are found below.

Height Bulk and Scale

Characteristics of the development that contribute to potential impacts are:

- Shading effects on the easterly neighboring properties;
- Size and scale of the proposed structure compared to surrounding single family structures;
- The 10' to 12' elevation change from the west to east property lines to the Single Family zoning;
- The allowable height of the proposal (44' proposed) compared to the abutting single family zone (30' base, 35' w/ pitch roof);
- The overall eastern façade length compared to the neighboring single family properties.

The development as conditioned and proposed addresses and is compliant with specific SEPA policies related to modification of the bulk of the structure, modification of facades to break up mass, reorienting the mass of the structure, increased setbacks and retention of mature trees as well as new trees and plantings, all to mitigate height bulk and scale impacts. For mitigating measures please refer to *Height Bulk and Scale - Director's Analysis* in the Design Review section above.

Seattle'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.”* Since the four present Design Review Board members recommend approval of the proposal with conditions and there is no evidence that height bulk and scale impacts have not been mitigated with the cited guidelines, recommendations and conditions, no additional mitigation of these impacts is warranted pursuant to the Land Use Code ([SMC 23.41.014-F](#)) and SEPA policy.

Parking Demand

Considering the context and scope of the project, analysis of the parking impacts is warranted. 115 residential and 8 commercial parking spaces are required by the Land Use Code ([SMC 23.54](#)). The design is proposed with 122 total stalls, 9 of them being tandem residential spaces and eight designated for the commercial uses. Six parking stalls are proposed to be shared between the residential and retail sales and service uses pursuant to [SMC 23.54.020-G.2.c](#).

According to the Institute of Transportation Engineers (ITE) 3rd Edition (2004), for Low / Midrise Apartment land uses (Land Use Group 221), the average parking supply ratio is 1 space per dwelling unit or a 85 parking space demand for the residential portion of the project. Collected and cited data in this analysis from ITE reflects twelve urban setting study sites that are appropriately applied to the subject proposal considering the site’s urban location. 114 stalls are dedicated to the proposed 85 residential units and considering ITE shows demand of 85 parking spaces, residential parking is more than adequately mitigated with the proposal.

Two bays of “General Retail Sales and Service Uses” are proposed (2,406 and 2,592 sq. ft. respectively). Parking for the retail uses are in a fixed area separated from the residential parking spaces by a gate.

ITE’s closest comparable information for the proposal is the “Land Use: 820 – Shopping Center” data. Since the proposed commercial spaces are speculative and specific tenants unknown at this time, analysis of worst case scenario using the Shopping Center data is appropriate. Shopping Center uses studied include restaurants, entertainment and cinema uses, which most likely overstates the parking demand impacts of the proposal. The proponent does not expect a restaurant to locate in the commercial space.

<u>Use</u>	<u># of Units / Sq. Ft.</u>	<u>ITE Demand</u>	<u>Total Parking Demand</u>
<i>Low / Midrise Apartment</i>	85	1 / Unit	85
<i>General Retail Sales and Service Non Dec. – (Sat.) Non Dec. (Mon. – Thurs.)</i>	5,359 sq. ft	2.97/ 1000 sq ft. (Sat) = 2.65 / 1000 sq ft. (Mon- Thurs) =	15.9 or 14.2
		Total	101 spaces or 99 spaces

Parking Demand Analysis

Considering worst case scenarios of non-December Saturdays and likely normal parking demands on non-December weekdays (Mon. – Thurs.) for the proposed retail space, the ITE data shows 2.97 and 2.65 average parking demands respectively per 1000 sq. ft. of lease area. This produces anticipated peak parking demands of 16 and 14 spaces for the commercial use of the project. The parking areas for residential units and commercial uses are separated by a gate so allowing spillover of the commercial demand to be consumed by the residential parking area is not an option. Eight retail parking stalls are proposed and considering the worst possible scenario (Non Dec. Saturday), the retail uses would generate peak demand spill over of 8 parking spaces, with 6 spillover on Non Dec. Mon. – Thurs.

Street frontage abutting the proposal (35th Ave NE and NE 87th St) provides enough area to allow 14 cars to parallel park. NE 86th St was not used in this analysis as it is a bus stop and layover area. Also of importance the surrounding area is predominantly single family to the east. In a worst cast scenario (Non December Saturdays), spillover of 8 vehicles that may occur on limited occasions can be easily absorbed by the proposal's abutting street and the surrounding street system.

As a result of the above parking analysis, no mitigation is required for the development related to parking impacts.

Traffic and Transportation

Traffic analysis by Traff Ex was submitted to the Department with the MUP application; the report is dated April 17th, 2007. Based on the study, 33 AM and 51 PM peak hour trips are anticipated on an average weekday with 576 trips are anticipated daily during an average week.

DPD, by [Director's Rule 4-99](#), sets screenline 6.15 to be analyzed for concurrency, which runs east to west south of NE 80th St from 20th Ave NE to Sandpoint Way NE. The proposed project can be determined to be concurrent if the additional anticipated project traffic does not exceed the volume to capacity (v/c) ratio of 1.00 for screenline 6.15. The post project v/c ratio is projected to have .62 northbound and .37 southbound v/c ratios, well below the 1.0 v/c standard.

The intersection of NE 85th St and 35Ave NE currently operates at a Level of Service (LOS) A and is expected to continue to operate at LOS A with the proposed project in the future (2009). Further, the vehicle access drive on NE 86th St is conservatively anticipated to operate at good (LOS B) levels in the future during the AM and PM peak hours. As a result the traffic impact on NE 86th St regarding the proposed drive access is not anticipated to have an impact and does not require mitigation.

Lastly, during review there was concern about the function of left hand turns from the project access from NE 86th St to 35th Ave NE heading southbound with possible conflicts of queing vehicles along 35th Ave NE. Using project data, the traffic report reflects possible southbound queues on 35th Ave NE of 62 ft. in the AM and 72 ft. in the PM for peak hour movements. The projected queues would not block intersections north of NE 85th St.

As a result of the submitted traffic study, assumptions and review by DPD Senior Transportation Planner, the project is concurrent for transportation and traffic requirements and no conditioning is warranted or required for traffic related impacts created by the proposed project.

Summary

In conclusion, adverse effects on the environment resulting from the proposal are anticipated to be non-significant. With imposition of conditions found at the end of this document, pursuant to SEPA policies, adverse impacts will be mitigated based on applicable authority.

Existing codes and development regulations applicable to this proposed project will also provide further mitigation and no further conditioning or mitigation is warranted pursuant to specific environmental policies or the SEPA Overview Policy (SMC 25.05.665).

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 Department. This constitutes the Threshold Determination and form. The intent of this declaration is to satisfy the requirement of the State Environmental Policy Act (RCW 43.21.C), including the requirement to inform the public of agency decisions pursuant to SEPA.

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

CONDITIONS - DESIGN REVIEW

1. 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 (Lucas DeHerrera, 206.615.0724). Any proposed changes to the improvements in the public right-of-way must be submitted to DPD and SDOT for review and for final approval by SDOT.
2. Embed all of these conditions on the cover sheet of the MUP permit sets 1 and 2 prior to issuance and on all Building Permit drawings prior to application.
3. Add the most recent color drawings to the Building Permit as presented in the recommendation packet dated 7.16.07 and approved by the Northeast Design Review Board. Also provide the actual color names in the elevation legend. These drawings will be used during Design Review inspection.
4. Keep commercial floor levels and entries at sidewalk grades.
5. Add large scale trees and shrubs (large size at installation) along the retaining wall at grade along the eastern property line in the conditioned setback detailed in the second bullet under B-1 above.
6. To reduce Height Bulk and Scale, erode the 4th floor chamfer by removing 9' -10' from the easternmost portion parallel to the eastern property line on the northeastern wing of the project. This will push the 4th floor chamfer to a 33' or 34' setback from the east property line.
7. To reduce Height Bulk and Scale and to allow planting of large scale trees, setback the northeastern portion of the retaining wall at grade along the eastern property line 5' to create an 8' setback. The existing setback is setback 3'. This 8' setback may terminate in alignment with the north wall of the internal courtyard.

8. Setback railings and parapets from all 4th floor roof edges to reduce the scale and apparent height of the structure, this will also help in respecting adjacent sites. This is most important at all corners and the sides facing the residential property owners. Also continue to use the open railings/parapets shown at the meeting.
9. Reduce the apparent scale by using a less continuous cornice line and minimize its appearance by using a lighter colored roof band. The cornices can still vary, but should be diminished in locations where they are of most detriment. Modify the architectural vocabulary so that the 4th floor reads in a way that will be treated separately from the rest of the building and diminished in its overall appearance.
10. The proponent must provide a different architectural feature of their choosing to replace the gables facing the single family zone to the east. These new features are to be reviewed and approved by DPD.
11. Notify SDOT's Urban Forestry section (206.684.5693) to ensure any necessary tree protection measures are in place 2 days prior to any grading activities for the existing large trees located on the abutting property to the southeast of the site, known as 3524 NE 86th St. Installation of any tree protection measures on 3524 NE 86th St is contingent upon granting of access by the property owner.

During Construction and for the Life of the Project

12. All changes to the exterior facades of the building and landscaping on site and in the R.O.W. must be submitted as a revision to the building permit and reviewed by a Land Use Planner prior to proceeding with any proposed changes.

Prior to Certificate of Occupancy

13. Compliance with all images and text on the approved MUP drawings dated 9.6.07, design review meeting guidelines, design analysis, approved design features and elements (including exterior materials, landscaping and ROW improvements) and as conditioned hereto must be verified by the DPD planner assigned to this project (Lucas DeHerrera, 206.615.0724), or by the Design Review Manager. An appointment with the assigned Land Use Planner must be made at least three working days in advance of field inspection. The Land Use Planner will determine whether submission of revised plans is required to ensure that compliance has been achieved.

CONDITIONS - SEPA

Prior to Issuance of any Demolition Permit (non-appealable)

14. The owner(s) and/or responsible party(s) shall provide documentation to DPD that Puget Sound Clear Air Agency (PSCAA) has received all information necessary including the completed asbestos survey to assess and mitigate likely air impacts at least 10 days in advance of the demolition of the existing structure.

During Construction

The following conditions to be enforced during construction shall be posted at each street abutting 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. The conditions shall 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.

15. In addition to the timing restrictions of the Noise Ordinance, the following construction activities shall be limited to non-holiday weekdays from 7:00 a.m. and 6:00 p.m. and Saturdays from 9:00 a.m. to 5:00 p.m.:

- Grading with heavy machinery.
- Concrete pouring.
- Stripping of forms.
- Jack hammering.
- Use of gas generators without the use of hay bales to baffle noise.

Work on Sundays is not permitted. These hours may be adjusted on a case by case basis by the noise abatement team. Either of the following DPD staff must be contacted and approval given by staff in these cases:

David George (Noise Control Program): 206.684.7843
Jeff Stalter (Noise Control Program): 206.615.1760

16. After the parking structure is complete and certified to occupy, worker parking, construction staging and construction vehicles shall park in the parking structure parking when feasible to relief parking congestion from the street.

17. During grading activities, watering of the site shall be required to reduce construction dust.

18. The contractor shall notify Metro Construction Coordinator (Attn: Richard Garcia at 206-684-2732) ten (10) working days prior to start of construction if Metro Transit is impacted. The contractor shall also follow Metro's construction guidelines found at: <http://www.metrokc.gov/kcdot/transit/cic/downloads/forms/CIContractorRequirements.pdf>

Signature: (signature on file)
Lucas DeHerrera, Senior Land Use Planner
Department of Planning and Development

Date: October 22, 2007