



City of Seattle

Gregory J. Nickels, Mayor

Department of Planning and Development

D. M. Sugimura, Director

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

Application Number:	3006245
Applicant Name:	Matt Driscoll
Address:	5201 Rainier Avenue South

SUMMARY OF PROPOSED ACTION

Land Use Application to allow a four-story building containing 4 live / work units, 1,729 sq. ft. of retail at ground level with 59 apartments above, and 4 townhouse style units in a separate building. Parking for 60 vehicles to be provided at and partially below grade within the structure. Existing structures to be demolished. Project includes 1,000 cubic yards of grading.

The following approvals are required:

Design Review - Chapter 23.41 Seattle Municipal Code (SMC). Design Departures are requested from the following four Code sections: SMC 23.47A.008.B.3 (Depth of Commercial Space), SMC 23.47A.030.D.2 (Width of Driveway Entrance), SMC 23.47A.005.C (Street Level Uses), and SMC 23.47A.014 (Set-Back).

SEPA - Environmental Determination - Chapter 25.05 SMC.

SEPA DETERMINATION: Exempt DNS MDNS EIS

 DNS with conditions

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

PROJECT AND SITE DESCRIPTION

The project proposes to construct a four-story structure with approximately 1,729 sq. ft. of retail, four two-story live-work units, 59 residential units above, and, in a separate building, four townhouses. Parking for 60 vehicles would be provided beneath both buildings.

The triangular shaped 24,406 sf site has 282 feet of frontage on Rainier Avenue South (Rainier Avenue) to the east, and 224 feet of frontage on 39th Avenue South (39th Avenue) to the west. The north “point” of the site faces southbound Rainier Avenue and is approximately 23 feet wide. The south property boundary is approximately 195 feet. There is an elevation gain of approximately 10 feet from north to south along 39th Avenue and 8 feet along Rainier Avenue. There are four existing street trees in the Rainier Avenue right of way (ROW) that must be retained. The site is zoned Neighborhood Commercial 2 with a 40-foot height limit (NC2-40).



The NC2-40 zoning extends along both sides of Rainier Avenue from 39th Avenue to the southeast. From 39th Avenue to the northwest the zoning changes to a combination of Commercial 2 with a 65 foot height limit (C2-65) and NC3-40. These zones contain a mix of mainly commercial and multi-family structures. Across 39th Avenue to the west, and the parcel abutting the project site to the south, the zoning is Lowrise 2 (L2). This zone contains a mix of multi-family and single-family residences of various ages and sizes. Beyond this to the south the zoning diminishes to Single-Family 5000 (SF 5000) with mainly single-family structures but also containing Hitt’s Hill Park.

Public Comment

The Master Use Permit application was deemed complete on July 26, 2007. No comment letters were received during the initial and extended comment periods, which ended August 22, 2007. Public comments were received at both Design Review Meetings and are in the previous *Early Design Guidance* and *Recommendation* reports available in the project file.

ANALYSIS - DESIGN REVIEW

At the September 25, 2007 *Recommendation* meeting the Design Review Board reviewed the design submitted in response to the EDG and further developed in conjunction with the project planner and considered the four requested *Design Departures*. The Board’s additional guidance and recommendations follow the EDG Guidance that is in *Italics*. The complete EDG and Recommendation reports are in the MUP file.

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.*

The overall approach to the triangular site, itself, is fine. However across the street there is triangular mini-park area the preliminary design does not acknowledge. Also, the proposed north facing view balconies, an important part of the building design, could likely be blocked by mature street trees.

- *The developing design should respond to these conditions.*

Additionally, the preliminary design for the building's northern corner does not sufficiently respond to a prominent corner as viewed from both southbound Rainier Avenue and eastbound South Dawson Street. See A-10 below.

Recommendation Meeting: The Board feels the proposed design responds to the guidance given.

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.*

Because this site is just outside of the core of Columbia City, the existing desirable spatial ROW characteristics of buildings close to the sidewalk that define the street wall is not immediate. However, that should be continued since the site and surrounding zoning plan for its continuation. Toward that end, the building design should:

- *Create a well defined and detailed commercial frontage, with the upper residential levels continuing this but with a differentiated residential expression.*
- *The live-work entries should be more pronounced and the proposed recessed and gated entry set-backs (both horizontally away from the sidewalk and vertically below sidewalk grade) should be removed. The context of Columbia City shows much lesser entry and front façade set-backs, with typically only the entry door being recessed.*

Recommendation Meeting: The Board feels the proposed design differentiates the residential from commercial spaces. The live-work entries now reflect the desirable commercial entry configurations of Columbia City. However, the Board feels the proposed reduced depth (see *Design Departure Matrix* at the end of this document), "saw tooth" back wall, and interior lay-out of these spaces will not result in viable "work" spaces, but instead to be predominately or entirely "live" areas. On a commercial street such as Rainier Avenue this will result in coverings over the windows for privacy and a loss of vital street level transparency (C-10).

The Board noted that the design factors causing this are:

- The location of the required parking on the same level and behind the live-work areas (resulting in the "saw-tooth" back wall and resulting in awkward "appendages" of space [live work Units B and C]), and
- The location of kitchens too close to work areas and stairways protruding into the work areas.

The Board recommends that the revised MUP plans alter the parking / storage / mechanical room configuration and live-work kitchen and stair locations to address these issues. Subject to planner approval of these changes, the Board **Recommends** approval of this *Design Departure* request.

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

- *The proposed townhouse relationship to the street is responsive to this guideline. The townhouse design should also develop the front entry stairs to act as semi-public transitional stoops.*
- *Follow the guidance in A-3 above for the live-work entries. For the MUP submittal and Recommendation meeting bring details / sections showing how the live-work units will relate the street and thereby support street level human activity.*
- *Assure adequate transparency for the live-work units. A suggestion was design for after hours privacy by the use of blinds but assure day-time visibility.*
- *Contact King County / Metro to discuss ways to integrate the bus stop and/or shelter into the building design.*

Recommendation Meeting: The Board feels the proposed townhouse / street relationship and accommodation of the Metro bus stop meet this guidance. The success of the proposed live-work entries and transparency to this guidance will depend on the design respond to the recommendations in A-2 and A-3 above.

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.*

The project proposes townhouses fronting 39th Avenue and requiring townhouse residents to travel along this street to the parking garage entrance. To make this enjoyable for residents and encourage resident lingering in support of street level human activity the project should:

- *Continue to develop gracious entry stoops that will act like front yards.*

Recommendation Meeting: The Board feels the proposed townhouse entry steps (page 21 of DRB packet) responds to this guideline.

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.*

The project proposes a design departure from the driveway width standards in order to reduce the appearance of the garage entry. The Board is generally supportive of this provided it achieves that end. An elevation study of the proposed smaller opening should be included with the MUP plans.

Recommendation Meeting: The Board feels the reduced garage door opening with the full brick cladding in the garage opening recess responds to this guidance. Details of the garage door material and color were not presented but are directed to be attractive materials and design. Because of the relationship of the sidewalk to garage-opening the proposed reduced sight triangle should not impair pedestrian safety. The Board consequently **Recommends** approval of the *Design Departures* requested.

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

- *The site's prominent north corner should be enunciated by a stronger corner design. The proposed decks in this area work against this goal and should be removed. The corner design should respond and connect to the triangular open space area to the north, possibly with the use of substantial glazing.*

Recommendation Meeting: The Board feels the proposed design largely responds to this guidance. However, they **Recommend** that at least the first bay of the corner storefront façade come out to the proposed brick columns and clearly present the commercial entry door at the apex of the corner.

C. Architectural Elements and Materials

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

The proposed design mirrors the Columbia City architectural context by placing multiple levels of residential units above a commercial ground floor. However, the preliminary design goes too far beyond the established pattern of facades "squared-off" to the street by the extensive serration / modulation.

- *The proposed "angularity" should be lessened by removing it from the ground level and portions of the upper levels. Some of this concept could create interest and uniqueness; too much will clash with the context.*
- *When lessening this angular geometry the project should become more responsive to the City Light building and seating area to the northwest.*

Recommendation Meeting: The Board feels the proposed design reflective of the Columbia City context meets the guidance given.

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

The project design approach is to respond to a bold site with a bold shape. However, the extensive angularity and ignoring of the historical Columbia City context instead imposes an unusual geometry on an unusual site. This angularity seems to make it difficult to impose a discernable order to the design and relate to the 100 year old Columbia City context. Also, the repetitive angularity across all uses (retail, live-work, and residential) will have difficulty relating a sense of the internal unit division and their function.

- *If a modified "saw-tooth" expression is pursued it is appropriate for the residential uses, but shouldn't extend into the live-work or retail areas.*

Recommendation Meeting: The Board feels the proposed mixed-use building design responds to the guidance given. However, the townhouse street facing façade appears like the interior / courtyard façade of the larger building. The modulated and appropriately sized cornice and stoop configurations are strong points, but the fenestration and deck arrangements fail to provide interest and differentiation of the four units within. The Board **Recommends** that the design vary the fenestration and create façade interest by the addition of window bays, and other elements, if appropriate.

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.*

In keeping with the proposed building's bold form, a material palette of Hardi-Plank siding, aluminum, and glass is also proposed. The Board and community commented that the extensive use of this in conjunction with the proposed angular building form will not respond to the desirable community context. However:

- *These materials can be used to good effect if responsive to the architectural context of the Columbia City commercial core.*

Recommendation Meeting: The Board feels proposed design meets the guidance given.

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.*

The project requests a design departure to reduce the Code required two-way driveway entry width of 22 feet to 18 feet to lessen the visual impact of the garage opening and the often stark interior of a structured concrete parking garage. The developer's experience with a project of this size has shown that an 18 foot width works and gives more opportunity to lengthen the area for positive street-front landscaping or building façade treatments.

The Board is generally supportive of this request provided the reduced size is not only functional for traffic movement and provides the required site-triangles but also results in a more visually attractive street frontage in this area.

Recommendation Meeting: The Board feels the proposed design meets the guidance given and **Recommends** approval of the *Design Departure* requested, as discussed in A-8 above.

D. Pedestrian Environment

D-1 Pedestrian Open Spaces and Entrances. *Convenient and attractive access to the building's entry should be provided. To ensure comfort and security, paths and entry areas should be sufficiently lighted and entry areas should be protected from the weather.*

The Board did not agree that the departure from the commercial minimum and average depth standards, as proposed, would result in a better project. It was observed that the request appears to be driven by an accommodation to the internal parking layout. Also, in combination with the serrated and set-back live-work frontages, the minimized live-work spaces would not be used for work and likely result in secluded residential spaces along a busy street frontage.

In response to these observations the project should:

- *Provide adequate and functional work area for the live-work units,*
- *Assure transparency to the interior,*
- *Create visible entries that signal the expected live-work commercial uses within.*

Overhead weather protection is important for the retail frontage. However, OHWP only over the live-work entries, not their entire frontage, is appropriate.

Assure bicycle parking is evident and easy to use.

Recommendation Meeting: The Board feels the proposed design meets the guidance given provided adequate response to the recommendations for the live-work units above is made.

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

See C-5 above relating to the garage entry. The proposal to raise the townhouses above street level should not result in blank garage foundation walls.

Recommendation Meeting: The design proposes a *Design Departure* to not include a permitted street level use between the interior parking and the street level street facing façade along the approximately 48 foot distance between the garage entry and the townhouse units. Instead the parking will be separated by the concrete foundation wall. The reason for this request is the weak street-front commercial potential in this section of “south” Columbia City. This potential is even weaker along 39th Avenue South and reinforced by the L-2 zoning directly across 39th Avenue. Instead this area will be landscaped on the ground and have a green-screen on the wall. The Board feels the proposed landscaping and green screen wall treatment responds to this guidance and creates a transition between the commercial frontage and garage entry to the north and the townhouses to the south and **Recommends** approval of the *Design Departure* requested.

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.*

See extensive guidance above relating to the live-work unit frontages and relationship to the street.

Recommendation Meeting: The Board feels the success of the proposed live-work transparency will depend on the design response to the recommendations in A-2 and A-3 above. Subject to planner approval of these changes, the Board **Recommends** approval of the live-work *Design Departure* request.

D-12 Residential Entries and Transitions. *For residential projects in commercial zones, the space between the residential entry and the sidewalk should provide security and privacy for residents and be visually interesting street for pedestrians. Residential buildings should enhance the character of the streetscape with small gardens, stoops, and other elements that work to create a transition between the public sidewalk and private entry.*

This general guidance should be applied to the raised townhouse street frontages.

Recommendation Meeting: The Board feels the open space plan as presented (and described in *Architect’s Presentation*) meets the guidance given.

BOARD RECOMMENDATION

The Board finds that the project design successfully responds to the design guidance given, with the recommendations outlined in this document. The applicant and architect shall make the recommended design changes in response to the design direction in this document and submit the required drawings to the project planner for review and approval.

If the planner does not feel the design changes respond to the recommendations, review by the Board at a second *Recommendation* meeting may be required. When approved, design changes shall be included in the final MUP plans prior to MUP Permit issuance.

The Board recommends the approval of the **four** *Design Departure* requests.

SUMMARY OF THE DEPARTURE REQUESTS

Land Use Code Standard	Proposed	Rationale for Request	Board Recommendation
Depth of Commercial Space. Non-residential uses must extend an average of at least 30-feet and a minimum of 15-feet in depth from the street-level street facing façade (SMC 23.47A.008.B.3).	At this time, an undetermined reduction in the average and minimum depths of the Rainier Avenue S facing live-work unit commercial spaces. Final amount will not reduce the long-term functionality of the proposed spaces.	The triangular lot shape restricts the options for configuration of the live-work spaces and placement of the structured parking behind. An internal “saw-tooth” design that staggers the depth of individual spaces would be a better design response. A-3, A-4, C-10, D-1, D-11	The Board recommends approval of this request based on the submitted MUP design.
Width of Driveway Entrance. The minimum width of for 2-way traffic shall be 22-feet (SMC 23.47A.030.D.2).	A reduction in width to 18-feet for two-way traffic.	A reduction in width to 18 feet would create a more attractive streetscape. This is feasible for the number of garage spaces to be provided. A-8	The Board recommends approval of this request based on the submitted MUP design.
Street Level Uses Street level parking must be separated from the street-level, street-facing façade by another permitted use. SMC 23.47A.005.C	Provide screening and landscaping.	No use is viable here, while a landscaped and screened façade creates a natural transition between the commercial area and townhouses and L-2 zone uphill. A-8, D-2	The Board recommends approval of this request based on the submitted MUP design.
Set-Back At the intersection of a side or front lot line of a residentially zoned lot a 15’ x 15’ triangular setback must be provided. SMC 23.47A.014	A 5-foot 2-inch set back parallel to the property line.	The entire project site is zoned NC 2-40 and abuts an L-2 zone. Instead of the required set-back, the proposed townhouses create a natural transition between zones by their character and 5’2” setback. A-5	The Board recommends approval of this request based on the submitted MUP design.

DIRECTOR'S ANALYSIS AND DECISION – DESIGN REVIEW

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

The project planner received and reviewed the applicant's design responses to the Board's Recommendation Meeting Conditions and contained on the MUP plan sheets dated December 14, 2007. The live-work units have been reconfigured in accordance with the Board recommendations (Plan Sheet A200). The commercial store front has been brought out to the building columns with a visually prominent entry at the north end. However, the revised commercial doorway locations now have out swinging doors partially extending into the ROW and sidewalk. This may not be allowed by multiple applicable Codes. Consequently, the project is *Conditioned* to recess the individual doors the amount required (if required) but not the store fronts. The 39th Avenue South façade of the townhouse type structure has been revised with more varied fenestration, entry roof elements, and the addition of window bays in place of recessed decks to differentiate this façade from the interior façade of the multi-family structure behind. Brick cladding has been added to the recessed garage entry wall.

The project planner has reviewed the above submitted design changes and finds that they respond to the Board's Recommendation meeting conditions.

Based on the project's final design presented at the September 25, 2007 Recommendation Meeting and the approval of the subsequent submittals to the project planner as shown in the MUP Sheets dated December 14, 2007, the Director **APPROVES** the proposed design and related departures (subject to the *Conditions* found at the end of this decision).

ANALYSIS - SEPA

The initial disclosure of the potential impacts of this project was made in the environmental checklist submitted by the applicant dated July 11, 2007 and annotated by the Department. The information in the checklist, supporting documents, project plans, and the experience of the lead agency with review of similar projects forms the basis for this analysis and decision.

The SEPA Overview Policy (SMC 25.05.665D) clarifies the relationship between codes, policies, and environmental review. Specific policies for each element of the environment, certain neighborhood plans and other policies explicitly referenced may serve as the basis for exercising SEPA authority. The Overview Policy states in part: "*where City regulations have been adopted to address an environmental impact, it shall be presumed that such regulations are adequate to achieve sufficient mitigation*" (subject to some limitations). Under certain limitations or circumstances mitigation can be considered (SMC 25.05.665 D 1-7). Thus, a more detailed discussion of some of the impacts is appropriate.

Short-term Construction Impacts

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

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

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

Noise

To the east and west of the project site are numerous multi-family structures, and beyond these and uphill to the west are numerous single-family structures. Although a number of the multi-family structures to the east are along the busy arterial of Rainier Avenue South, their proximity to the project site, and the proximity of the all residential structures to the west require further **Conditioning** to address noise impacts during construction as follows:

All construction activities are subject to the limitations of the Noise Ordinance. Construction activities (including but not limited to demolition, grading, deliveries, framing, roofing, and painting) shall be limited to non-holiday weekdays from 7AM to 6 PM. Interior work that involves mechanical equipment, including compressors and generators, may be allowed on Saturdays between 9am and 6pm once the shell of the structure is completely enclosed, provided windows and doors remain closed. Non-noisy activities, such as site security, monitoring, weather protection shall not be limited by this condition.

Construction activities outside the above-stated restrictions may be authorized upon approval of a Construction Noise Management Plan to address mitigation of noise impacts resulting from all construction activities. The Plan shall include a discussion on management of construction related noise, efforts to mitigate noise impacts and community outreach efforts to allow people within the immediate area of the project to have opportunities to contact the site to express concern about noise. Elements of noise mitigation may be incorporated into any Construction Management Plans required to mitigate any short-term transportation impacts that result from the project.

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

Long-term Impacts

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

Height, Bulk, and Scale

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

DECISION - STATE ENVIRONMENTAL POLICY ACT

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

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

DESIGN REVIEW CONDITIONS

Non-Appealable Design Review Conditions

1. Any proposed changes to the exterior of the building or the site must be submitted to DPD for review and approval by the Land Use Planner (Art Pederson, 733-9074).
2. The building constructed shall comply with all images and text on the final MUP drawings, as *Conditioned*, design review meeting guidelines and approved design features and elements (including exterior materials, and landscaping). This shall be verified by the DPD planner assigned to this project (Art Pederson, 733-9074), or by the Design Review Manager, before the issuance of the Certificate of Occupancy. An appointment with the assigned Land Use Planner must be made at least three working days in advance of field inspection. The Land Use Planner will determine whether submission of revised plans is required to ensure that compliance has been achieved.

3. Embed all conditions in the cover sheet for the MUP permit and for all subsequent permits including updated MUP plans, and all building permit drawings.
4. Call out all departures on relevant updated MUP plan sheets and building permit plan sheets.

Prior to Issuance of the Master Use Permit

5. Determine if out-swinging doors extending into the right of way and / or over the sidewalk are prohibited by any applicable Code (Building, Fire, etc). If so, revise the plans to recess the individual doors the required amount but not the store fronts.
6. Revise the color elevation drawings to reflect the approved elevation drawings dated December 14, 2007.

Prior to Issuance of the Building Permit

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

Prior to Issuance of the Certificate of Occupancy

8. On-site verification of conformance with the approved building and site design as shown in the building permit plans and conforming to the approved MUP design, or subsequently revised and approved by the DPD planner assigned to this project (Art Pederson, 733-9074), or by the Design Review Manager, shall occur before issuance of the *Certificate of Occupancy*. An appointment with the assigned Land Use Planner must be made at least three working days in advance of field inspection. The Land Use Planner will determine whether submission of revised plans is required to ensure that compliance has been achieved.

Appealable Design Review Conditions

None.

CONDITIONS – SEPA

During Construction

9. All construction activities are subject to the limitations of the Noise Ordinance. Construction activities (including but not limited to demolition, grading, deliveries, framing, roofing, and painting) shall be limited to non-holiday weekdays from 7AM to 6 PM. Interior work that involves mechanical equipment, including compressors and generators, may be allowed on Saturdays between 9am and 6pm once the shell of the structure is completely enclosed, provided windows and doors remain closed. Non-noisy activities, such as site security, monitoring, weather protection shall not be limited by this condition.

