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 & DEVELOPMENT

Project Number: **3007649**

Applicant: **Brad Hinthorne, Project Manager, Ruffcorn Mott Hinthorne Stine Architects, Othello Partners, Property Owner**

Address: **4200 South Othello Street**

SUMMARY OF PROPOSED ACTION

Land Use Application to allow a six-story structure containing 17,700 square feet of general sales and service use at ground level and 370 residential units above. Accessory parking for 372 vehicles will be provided within the structure. Review includes demolition of two existing structures.[1]

The following Master Use Permit components are required:

Design Review - Section 23.41, Seattle Municipal Code (SMC)

1. *Residential Street-level Requirement SMC 23.47A.008.D2,*
2. *Parking Location and Access Requirement. SMC 23.47A.032.A.1.c.*

SEPA-Threshold Determination (Chapter 25.05 SMC).

SEPA DETERMINATION: [ ] Exempt [ ] DNS [ ] MDNS [ ] EIS

[X] DNS with conditions

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

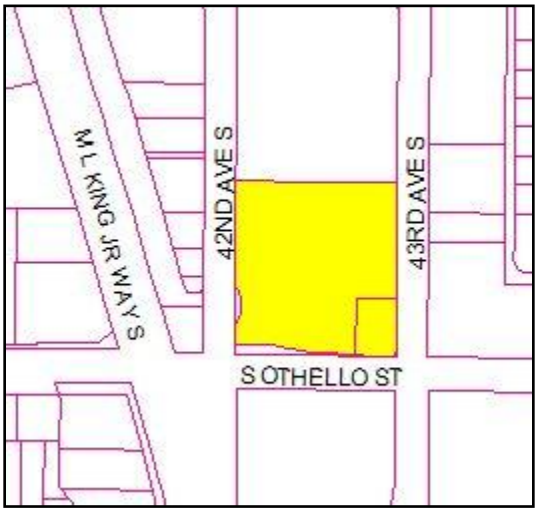
**Early Notice DNS published February 12, 2009.

[1] Project was originally noticed proposing 350 residential units and 350 parking stalls.

SITE BACKGROUND INFORMATION:

Site Description

The development site combines two parcels of land to establish a total land area of approximately 81,281 square feet, in the Rainier Valley area of south Seattle. The site is zoned Neighborhood Commercial Three Pedestrian zone with a height limit of 65 feet (NC3P-65). The site occupies the south half of a city block, with street frontage along 42nd Avenue South to the west, South Othello Street to the south, and 43rd Avenue South to the east. The subject site is also located within the MLK at Holly Street Residential Urban Village, Othello Neighborhood Design Guideline area, Othello Station Overlay District, and the South Seattle Reinvestment Area.



The site is currently developed with a large commercial building, surrounded by a hard surface parking lot, and a three-story apartment building located at the corner of Othello and 43rd Avenue. The site is nearly flat with subtle elevation changes within the east half of the lot. The abutting streets are fully developed rights-of-way with asphalt roadways; curbs, sidewalks and gutters. Access to the development site is limited due in part to 42nd Avenue terminating just north of Othello. South Othello Street is an arterial with heavy traffic volumes.

Area Development

A significant recent addition to the area is the Sound Transit light rail line and station situated within Martin Luther King Jr. Way South. The "Othello Station" will be located approximately 200 feet from the site's southwest corner. Along the MLK corridor construction activity has been robust which has significantly impacted a neighborhood in transition. Across MLK to the west, development of Holly Park Phase III has helped to transform the area and stimulate economic growth. On either side of MLK, commercial development dominates the area with a mix of retail, restaurant, office, and institutional uses. To the south across South Othello Street, the applicant has recently broken ground to development a similarly scaled 95,672 square foot development site. The two reviews were previously running concurrently. Zoning in the area includes Multifamily and Single family zones outside the commercially zoned corridor along MLK. To the east across 43rd Avenue a narrow Multifamily Lowrise Two (L-2) zone buffers an expansive Single family 5,000 (SF 5000) zone. This area is defined by spacious open spaces and moderate sized homes. Othello Playfield, a Seattle City Park is located one block south across 43rd Avenue. Abutting the site to the north is a religious institution, Miracle Temple of God. A large stand of mature trees provides a visual buffer between the two development sites.

Proposal Description

The applicant, Othello Partners, proposes to construct a six-story building containing commercial and residential uses. The proposal requires demolition of the two existing buildings to accommodate new construction of a mixed use building, containing five floors of residential use above ground floor retail use. The proposal will take advantage of the site's unique location and

connection to transit centers. The development site will be located across the street from the recently completed (July 2009) Sound Transit Othello Light Rail Station. A Metro Bus stop serves the development site as well. The proposed building will occupy the entire 81,308 square foot development site, with 370 residential units and approximately 17,698 square feet of nonresidential uses, and it is anticipated to have a significant impact in the immediate area. The design program includes opening up and activating the abutting streets; 42nd Avenue South, South Othello Street and 43rd Avenue South.

The building layout and mass is scaled into components to be more reflective of the character of each street frontage, and allow project phasing, if needed. The design intent is to establish a strong street presence scaled to neighboring properties, using modulation and spatial separation to visually enliven the area. The west elevation design takes cues from the adjacent block front, right-of-way width, and anticipated street experience due to its proximity to the light rail station. The Othello façade will follow the curve of the right-of-way as it widens towards 42nd Avenue, creating a stronger vertical articulation as the building steps away to visually opening up the street experience.

Near mid-block along South Othello, the building graciously sets back to open up a pedestrian gathering place with steps leading up a courtyard deck on a second level to provide additional opportunities for both public and tenants to socially engage. The stair concept was envisioned to activate social interaction along the lines of the "Spanish Steps" in Rome. Additionally, the proposed massing seeks a synergetic connection to the Othello South Campus site.

To the east, abutting 43rd Street, the façade will be modulated both horizontally and vertically to be sympathetic to the lower residential density L-2 zone across the street. Portions of the ground level will feature townhouse styled frontages more in keeping with a residential scale. Access to an underground parking garage for 372 vehicles is proposed in two locations; 42nd and 43rd Avenue South. At street level pedestrian entries will be placed along street fronts to activate the entire block front.

Landscaping is proposed in and around the subject site to augment and emphasize the building's unique form. Within the right-of-way perimeter landscaping will provide a robust frame to enhance the development site. Special emphases will be directed towards providing attractive and inviting pedestrian oriented experiences through landscaping within the courtyard and roof decks. The primary common residential amenity courtyard will be accessible to the public through a landscaped staircase from South Othello Street. A gate will be installed to control access during the evening hours.

Public Comment:

Date of Notice of Application:	February 12, 2009
Date End of Comment Period:	February 25, 2009
# Letters	0

The SEPA comment period for this proposal ended on February 25, 2009. The Department received no comment letters during the public comment period.

No letters were received during the early design guidance phase.

ANALYSIS - DESIGN REVIEW

Early Design Guidance

On September 11, 2007, the Design Review Board of Area 4 met in an Early Design Guidance (EDG) meeting to consider the site and design objectives of the applicant. After visiting the site, considering the analysis of the site, design context provided by the proponents, and hearing public comments the Design Review Board members provided the following siting and design guidance, and identified by letter (A, B, and C, etc.) and number (1, 2, & 3) those siting and design guidelines found in the City of Seattle's *"Design Review: Guidelines for Multifamily & Commercial Buildings"* and "*Othello Neighborhood Design Guidelines*" of highest priority to this project.

A-1 Responding to Site Characteristics
A-2 Streetscape Compatibility
Othello-specific supplemental guidance:

A strong relationship between the building and the street adds character and quality to the Othello business district.

A-3 Entrances Visible from the Street
A-4 Human Activity
Othello-specific supplemental guidance:

New development should be sited and designed to encourage human activity on the street. (Excerpted from the Citywide Design Guidelines)

A-5 Respect for Adjacent sites
Othello-specific supplemental guidance:

Several zone edges between commercial (C1) and single family-zoned properties exist in the neighborhood. This could result in visual impacts, as well as traffic and noise conflicts between these properties. To help prevent these situations, consider:

A-6 Transition between Residence and Street
Othello-specific supplemental guidance:

Ground-related residential development, such as townhouses, is encouraged at locations along public open spaces such as Othello Park to create human activity along the park and provide for social interaction among residents and neighbors.

A-7 Residential Open Space
A-10 Corner Lots
Othello-specific supplemental guidance:

Consider siting and designing structures on corner lots to take advantage of their role as gateways and activity nodes in the community. Locating open spaces such as plazas for public use can promote a physical and visual connection to the street.

B-1 Height, Bulk and Scale
Othello-specific supplemental guidance:

Much of the MLK@Holly business district is zoned for large, 65' tall buildings. Careful siting, building design and building massing at the upper levels is encouraged to achieve a sensitive transition between the 65' commercial zone and adjacent residential zones. Large, monolithic buildings are discouraged. Consider the following:

C-1 Architectural Context
C-2 Architectural Concept and Consistency
C-3 Human Scale
C-4 Exterior Finish Materials
Othello-specific supplemental guidance:

Encourage High-Quality Construction
All new buildings are encouraged to be constructed as long-term additions to the urban fabric.

D-1 Pedestrian Open Space and Entrances
Othello-specific supplemental guidance:

Activate the Street Edge
Providing space for intermingling of pedestrians and shoppers at the street-level on Martin Luther King Jr. Way South will help create a socially and visually stimulating MLK@Holly business district. Multiple storefronts, shop entrances and activities enliven the street and provide a safe pedestrian environment. Generous windows placed at the ground floor give people inside an awareness of activity on the street. This is commonly referred to as "eyes on the street," and supports an active day and night street environment.

D-7 Personal Safety and Security
Othello-specific supplemental guidance:

Defensible Space
"Defensible space" is the term used to describe an area that has been made a "zone of defense" by the design characteristics that create it. Under the defensible space guidelines, areas associated with a development site are categorized as either public, semi-public, semi-private or private. This designation helps define the appropriate activity and use for each area.
Lighting
Good lighting is one of the most effective crime deterrents. When used properly, light discourages criminal activity, enhances natural surveillance opportunities, and reduces fear. Lighting can influence an individual's feelings about his environment from an aesthetic as well as a safety standpoint. A bright, cheerful environment is much more pleasing than one that appears dark and lifeless.
Landscaping
Landscaping, like architectural design, plays a significant role in CPTED. One function of landscaping in crime prevention is aesthetics, as an attractive environment generates a sense of pride and ownership. Landscaping can be used to perform a variety of design functions, as outlined below.

D-9 Commercial Signage
D-10 Commercial Lighting
D-11 Commercial Transparency
D-12 Residential Entries and Transitions
E-1 Landscaping to Reinforce Design Continuity with Adjacent Sites
E-2 Landscaping to Enhance the Building and/or Site
O Othello Neighborhood Site-Specific Design Guidelines

O-2 *Northeast and Southeast Corners of Martin Luther King Jr. Way South and South Othello Street*

Summary: Ensuring a well proportioned scale at the development site is a critical factor to successfully integrate the project into the existing neighborhood fabric that is in transition. The design team should incorporate as many design elements as necessary to scale the building down along all street frontages utilizing modulation measures for a unified building mass that meets the specific needs of each streetscape. In addition, creating quality open space that provides adequate natural light to penetrate into the proposed interior courtyard is important to activate the space. The Board wants the developer to engage the streetscape wherever possible and scale the design to integrate itself into the area at a site with three street frontages, totaling approximately 781 linear feet.

The Board feels that there should be more synergy between the two (Othello North & South) upper level courtyards, at present there is limited engagement between the two. The Board instructed the design team to incorporate comments from both projects where applicable as they move into MUP. The two proposals could influence future development in the area and the applicant should remain mindful of this potentiality. The design team should incorporate design elements as necessary to create quality infill development; utilizing building materials and massing sensitive to adjacent zones and uses. The Sound Transit light rail station design should inform the development. Parking at grade must be designed with the highest level of effort to minimize visual presence.

(For complete copy of the EDG document refer to the MUP file or DR Web page; www.seattle.gov/dpd/.design_review_program//project_review/reports).)

Design Review Board Recommendations

On January 7, 2009, the applicant submitted the full Master Use Permit application, and on March 24, 2009, the Southeast Design Review Board (Area 4) convened for the Recommendation meeting. Three of the five Board Members were present during this meeting. The applicant team presented elevation renderings, site plans that responded to design guidelines set forth by the Board during the previous meeting. The applicant requested two development standard departures from the City's Land Use Code:

- *Residential Street-level Requirement*; alteration to requirement.
- *Parking Location and Access Requirement;* alteration to requirement

Updated Design:

Since the Early Design Guidance Meeting held on September 11, 2007, there were a number of refinements that have affected the size and configuration of the proposed development. These include:

Building Mass: The preferred scheme introduced during the EDG meeting, has been sculpted to take advantage of opportunities afforded to a site with three distinct street fronts. From the street-level to roof line, the proposal now has a stronger articulated presence which firmly holds the corners to help establish a sense of place. The building's mass has been molded into distinct sections to be more compatible with the character of the adjacent uses and zones. This design decreases the building's mass as viewed from adjacent properties, especially where it's most critical, across from a lower residential density zone, while strengthening its presence along the

west and north elevations. The revised plan depicts a six-story building mass scaled to break the upper level in readable components which serves to establish its human scale. The upper level modulation and fenestration patterns break down the building's scale. At street level the sidewalk experience provides opportunities for visual interaction and social engagement. Continuous overhead weather protection occurs along Othello and wraps around both street corners, to help frame the street level experience. The building's Othello frontage is broken into two masses by a large stair plaza separating the two masses, leading up to a common courtyard available for public use during daytime hours. The steps are wide enough to afford opportunities for people to gather and socially interact.

Parking: In response to Board guidelines, access and layout to the parking garage has been located in a fashion to minimize visual intrusion upon adjacent residential uses and the street systems. Access to parking levels are proposed in two locations; 42nd and 43rd Avenues to split out traffic impacts and visually respond to the streetscape with architectural detailing to minimize visual impacts. Decorative gates have been added to make the street experience more pedestrian friendly and visually appealing.

Corner Lot: A design objective to be respectful and responsive to adjacent uses at the southwest and southeast corners has found full visual expression. The southwest corner adjacent to the light rail station incorporates building forms, color, transparency, and landscaping that is appropriate for an active commercial zone. The proposed building will visually stimulate without overwhelming the neighborhood's commercial zone vernacular. At the southeast corner, the building form is more reflective of the lower density zones further to the east. The revised plan depicts a thoughtful approach with modulation, fenestration, and decks evoking a multifamily experience above the commercial level. Additionally, the two corners take into consideration its gateway location and connections to the "Othello South Campus" to deliver a quality product to the existing neighborhood fabric.

Public Comments

A member from the neighborhood thanked the applicants for a design that would be a positive addition to the neighborhood, signaling out the 43rd Avenue frontage as being an appropriate fit for the adjacent residential zone. One speaker shared his feeling that he felt that the southwest corner was too acute an angle at the corner of 42nd and South Othello; and would like the Board to soften the corner for pedestrians rounding the corner. One member from the public wanted to see a grocery store occupy the street level retail space, if possible. Another stated their support of the proposed design as a whole but was concerned if the project would be phased over time. What assurances would be made to stop one form of urban blight, partially completed projects that pay no attention to visual impacts upon surrounding properties? The applicant responded that they wanted to be good neighbors, and have every intention to utilize measures including landscaping, material finishes, etc. to maintain their high design integrity as viewed both within and from outside the development site. One public member felt the proposed townhouse-like frontage along 43rd Avenue seemed too modern and would like to see a more residential feel and motif. One commenter expressed a desire to see zip cars provided at the development site to reduce the number of owner occupied vehicles at the site.

Board Discussion

After considering design plan, project context, hearing public comments, and reconsidering the previously stated priorities, the three Board members present began their deliberations by providing a general assessment of the proposal and its impact on the neighborhood. Ensuring an elegantly detailed building at the development site is a critical factor to successfully integrate the project into the existing neighborhood fabric. Board members acknowledged their appreciation of Othello Partner's attempt to strengthen the neighborhood mosaic by taking steps to build a sense of community through design, both internally and externally. Generally, the Board liked the design team's response to guideline priorities set on September 11, 2007, with a design that is complementary to the previously approved "Othello South Campus." Discussion ensued among the Board, including support of the requested departures, exterior cladding, townhouse-like frontage, landscaping, primary pedestrian entries, and roof deck. The building mass along the three street frontages successfully breaks down the scale through modulation, fenestration and selection of colors.

The townhomes spatial separation between the sidewalk and front entry lacks adequate safeguards to protect privacy. Some resolution is needed, including a landscape buffer set between the façade and sidewalk edge is needed. A three to four foot landscaped buffer planted with shrubbery will afford the minimum relief to obtain defensible private space for each ground related unit, and allow social engagement when opportunities are presented in the public realm. **The Board recommends establishing a three to four foot deep landscaped buffer zone (planted with shrubbery) to establish a sense of privacy and sense of security adjacent to the sidewalk.** (*Guidelines A-2, A-4, A-5, A-6, C-4, D-7, D-12, & E-1*)

The two roof decks at the southwest and southeast corners appear to have no relationship to the lower level courtyard. There is no reason why a stronger design connection could not be made in the overall design composition. The lower courtyard has a more organic design element that should be replicated on the upper level decks. The Board felt that the vegetation scheme should relate to the lower level courtyard, as well. In addition, pedestrian pathways leading to the roof decks should be more relaxed, less rigid in its design form. **Therefore, the Board recommended the applicant work with DPD to find an appropriate design solution for the final design form and planting detail of the roof decks and pathways leading to roof decks.** (*Guidelines A-1, A-7, A-10, B-1, C-1, C-2, C-4, D-1, E-2, & O-2*)

The two primary residential entries are underwhelming, lacking visual punctuation to celebrate entries. The Board will leave it up to the design team and planner to find the appropriate design solution in support of establishing a visually interesting entry for pedestrians. Each entry should seek to take cues from the surrounding activities; 42nd has more of a commercial feel whereas 43rd has a strong residential presence. **Therefore, the Board recommended that the applicant explore options with DPD to enliven the visual presence of the primary residential entries.** (*Guidelines A-2, A-3, C-1, C-3, D-12, & E-2*)

The exterior wall along the west façade, north of the main residential entry needs further refinement. The upper level fenestration and allocation of the color palette appears incongruous to its base. A re-examination and/or distribution of paint colors and windows may help to give the façade greater scaled verticality and relationship to its base. **The design team is directed find an appropriate design solution with DPD to provide a coherent design composition on the upper level with stronger relationship to its base.** (*Guidelines B-1, C-2, C-3, & C-4*)

As depicted the Board was unable to read how the overhead canopies would function. The Board commented that they wanted a better integration of the overhead weather protection design with the façade design. Attention to street level experience is needed due to the project's overall scale. Were possible seek to provide a better relationship at street level to the pedestrian experience by having breaks along continuous planes. **Therefore, the Board recommended the applicant work with DPD to find an appropriate design solution for the placement or design of canopies or overhead weather protection devices to bring greater coherency to the street level experience and make entries readable and pedestrians protected from inclement weather. Further, the applicant is encouraged to break apart continuous exterior wall along all street frontages.** (*Guidelines A-2, A-3, A-4, A-10, C-2, C-3, D-1, D-7, D-11, & O-2*)

Departure Analysis

1. *To allow alternatives to Residential Street-level Requirement: Either the first floor of the structure at or above grade shall be at least four feet above sidewalk grade or setback at least ten feet from the sidewalk (SMC 23.47A.008D.2),*

The applicant proposes to locate a significant portion of the east facade in residential use along 43rd Avenue South. Street-level development standards for residential uses requires either the first floor of the structure at or above grade, shall be at least four (4) feet above sidewalk grade or the street-level façade shall be set back at least ten feet from the sidewalk. The applicant is proposing a two-story townhouse-like (street-level) façade to create greater building articulating which is more compatible to the adjacent multifamily zone, across 43rd Avenue. Portions of the first floor level will rise to a maximum two feet above sidewalk grade. The Board enthusiastically supported a street-level frontage that is more in keeping with the lower density residential zone across the 43rd Avenue. The area between the street-level façade and sidewalk will be visually engaging and scaled to create a pedestrian friendly experience. The Board supported a design that effectively opened up the pedestrian experience, but wanted the design to achieve greater privacy by maintaining a 3 to 4 foot landscaped buffer between the facade and sidewalk. **The Board supports ground floor units' proximity to grade which is less than two feet. The applicant shall establish a 3 to 4 foot landscaped buffer along the east façade of the townhouse-like units, between the facade and sidewalk. This area must be planted with shrubs and other plants to maintain a measure of privacy, subject to approval of the assigned planner** *(Design Guidelines: A-2, A-3, A-6, B-1, C-2, C-3, C-4, D-1, D-12, & E-2)*

2. *To allow alternatives to Parking Location and Access. SMC 23.47A.032.A.1.c.*

To promote viability of commercial activity and reduced interruptions in pedestrian movement vehicle access to developments sites shall be designed to minimally impact the street system. If the lot does not abut an improved alley and abuts two or more streets, access to parking must be from the street with the fewest lineal feet of commercially zoned frontage, expect as provided in subsection A2b of this section. The site abuts three streets, one of which is a principal pedestrian street (Othello). Vehicle access is proposed to be taken place off 43rd Avenue due in part to restricted access to 42nd Avenue. The anticipated traffic volume generated for 372 vehicle stalls could have an inadvertent disquieting affect on a residentially oriented street (42nd Avenue). To minimize potential adverse impacts the Board supported splitting vehicles traffic out between two locations 43rd and 42nd Avenues. Thus, protecting the pedestrian orientation of South Othello and reducing traffic impacts on the more residential friendly 43rd Avenue. **The Board**

recommended approval of establishing two vehicle access driveways along 42nd and 43rd Avenues, with 43rd Avenue designated for residential loading activity, with refinement resolved to the satisfaction of the assigned planner. *(Design Guidelines: A-1, A-2, A-3, A-4, C-2, D-7 & E-1, O-2)*

The Board was comfortable with granting the two requested departures for alterations in Residential Street-level and Parking Location and Access requirements. The Board took into consideration the intent of the development standards but was convinced in approving the departures that the proposal is a better product and would be a welcome addition to the neighborhood. As long as the proposal remained consistent with what was presented, with refinements to be worked out with a DPD planner, the Board fully supported the departure requests. The design has done an admirable job of integrating architectural details, open space design with robust plantings that has truly enhanced the building and site. **Therefore, the Board recommends approval of requested departures with refinements noted to be worked out with DPD.**

Summary of Departures

Development Standard	*Requirement*	*Proposed*	*Comment/Rationale BY Architect*	*Board Recommendation*
1. Residential Street-level Requirement SMC 23.47A.008.D	*Residential street-level requirement. Either the first floor of the structure at or above grade shall be at least 4 feet above sidewalk grade or the street-level façade shall be set back at least 10 feet from the sidewalk.*	*Ground level floor 2 feet or less above sidewalk grade.*	*Due in part to the siting of the two-story townhouse-like façade to stepping toward the street the upper level to create a more dynamic residential scale.*	▪ *Approved (Design Guidelines:, A-2, A-3, A-6, C-2, C-3, C-4, D-1, D-7, D-12 & E-2)* *Condition: Provide 3 to 4 foot landscaped buffer between the facade and sidewalk.*
2. Parking Location and Access. SMC 23.47A.032.A.1.c.	*If the lot does not abut an improved alley and abuts two or more streets, access to parking must be from the street with the fewest lineal feet of commercially zoned frontage.*	*Two access one from 42nd (longest lineal frontage) the other from 43rd (east lineal frontage) Avenues.*	*To protect the pedestrian nature of South Othello and reduce traffic impacts at the 43rd and Othello intersection.*	▪ *Approved (Design Guidelines: A-1, A-2, A-3, A-4, C-2, D-7 & E-1, O-2)*

Summary of Boards' Recommendations:

The analysis summarized below was based on the plans submitted at the March 24, 2009 recommendations meeting. After considering the site and context, hearing public comments, reconsidering previously identified design priorities, and reviewing plans and renderings, the three Design Review Board members present (at the recommendation meeting) recommended that the design should be approved with the refinements noted below to be worked out with DPD. In particular; the applicant shall continue to work with DPD, SDOT, Metro, and South Transit to incorporate street furniture, art work, and a bus shelter, if required, to strengthen its presence in unique ways to the neighborhood. The Board also recommends approval of the requested departures as stated in the departure matrix. Thus, the project should move forward as designed. The Board made the following recommendations. (Authority referred to in letter and numbers are in parenthesis):

1. Applicant should work with DPD to find an appropriate design solution for the final form and planting detail of the roof decks and pathways leading to roof decks. (***Guidelines A-1, A-7, A-10, B-1, C-1, C-2, C-4, D-1, E-2, & O-2)***

2. Applicant should work with DPD to find an appropriate design solution to enliven the visual expression of the primary residential entries located on 42nd and 43rd Avenues. **(*Guidelines A-2, A-3, C-1, C-3, D-12, & E-2)***

3. Applicant is directed to find an appropriate design solution with DPD to provide a coherent design composition on the upper level with a stronger relationship to its base along the west façade, just north of the pedestrian entry. (***Guidelines B-1, C-2, C-3, & C-4)***

4. Applicant should find an appropriate design solution for the placement or design of canopies or overhead weather protection devices to bring greater coherency to the street level experience and make entries readable and pedestrians protected from inclement weather. Further, the applicant is encouraged to break apart any continuous exterior walls along all street frontages. (***Guidelines A-2, A-3, A-4, A-10, C-2, C-3, D-1, D-7, D-11, & O-2)***

5. Applicant should establish a 3 to 4 foot landscaped buffer along the east façade of the townhouse-like units, between the facade and sidewalk. This area must be planted with shrubs and other plants to maintain a measure of privacy, subject to approval of the assigned planner ***(Guidelines: A-2, A-3, A-6, B-1, C-2, C-3, C-4, D-1, D-12, & E-2)***

6. The applicant should restrict all commercial loading activity away from the 43rd Avenue right-of-way. (***Guidelines A-2, A-3, A-4, A-5, C-2, C-3, & D-7)***

Director's Analysis and Decision: Design Review

The Director is equally pleased with the overall building design but as noted in the recommendation meeting by the Board, the street level pedestrian experience needs additional design development as well as the upper level façade color choice and architectural detailing upon the west facade. Further, the Director is authorized to provide additional analysis and then accept, deny or revise the Board's recommendations (SMC 23.41.014.F) to advance the proposal forward. The Design Review Board identified elements of the Design Guidelines (above) which are critical to the project's overall success with concurrence of the Director. The Design Review Board recommended that the assigned planner should work with the applicant to resolve several design details prior to final DPD approval.

The location of the development site presents unique design opportunities given its close proximity to Othello Sound Transit Station and its sister site (Othello South, project #3006405) due south across South Othello Street. Heavy pedestrian activity is anticipated along Othello that demands attention to design detailing and amenity areas. The architect has responded to comments and concerns from both the public and Design Review Board, and has strived to establish a distinctively designed building as viewed from all street frontages. With minor lapses, the siting of the proposed structure set within a landscaped frame, is well thought out and executed. The Othello Street frontage is well done, with the placement of a pedestrian plaza set

around sweeping steps leading to an upper level courtyard. This singular defining feature marks a design concept that seeks to provide opportunities for social engagement within the neighborhood. Decorative gates placed at the courtyards level will remain open during the day for public access and use.

The design of a new building (containing five residential floors above a one-story commercial base) is proportionally scaled to reduced appearance of bulk through use of modulation, color and fenestration schemes. The design of the proposed structure picks up on architectural elements found in the area with subtle touches to provide visual interest that seeks a sense of individuality. The proposed building establishes a strong building form by taking cues from an irregular shaped lot and number and arraignment of upper level building mass (four components).

The project is programmed to be constructed in three phases which could cover a number of years. The applicant has presented renderings illustrating visual impacts of a phased project. Exposed exterior walls at the base have been designed with green elements or feature color and texture patterns to visual break down the appearance of blank wall façades. A major concern for DPD is not to allow construction scars (a form of urban blight) of partially completed projects to be visible for years in neighborhoods, if it can be avoided. The Board shared similar concerns prior to the applicant assuring the assembled group that they would weigh the visual impacts of the phased development and would seek the attractive design solutions. Since the conclusion of the recommendation meeting the applicant has had several conversations with DPD to resolve this concern and several others. The exterior walls of the three phased project have been designed to establish more design integration with the rest of the building to the satisfaction of the Director. Phase one includes restriping the existing surface parking lot. The applicant has agreed to robustly landscape this area to minimize potential adverse visual impacts on adjacent properties and abutting rights-of-way.

An agreement in principal has been reached between the applicant and DPD with regard to providing decorative pedestrian and vehicle gates. Conceptual design detail will be secured prior to MUP issuance with final design approval secured at the time of the associated building permit. In addition, a land use planner will approve each phase of construction built-out to assure appropriate measure are taken to address visual impacts exterior walls. In all cases the Director of DPD affirms the Board conclusions and will support the proposal with recommendations.

The Director of DPD has reviewed the recommendations and conditions of the Design Review Board. The Director finds that the proposal is consistent with the *City of Seattle Design Review Guidelines for Multifamily & Commercial Buildings Design Guidelines and Othello Neighborhood Guidelines*. The Director **APPROVES** the subject design consistent with the Board's recommendations above and conditions at end. This decision is based on the Design Review Board's final recommendations and on the plans submitted at the public meeting on March 24, 2009 and the plans on file at DPD. Design, siting or architectural details not specifically identified or altered in this decision are expected to remain substantially as presented at the recommendation meeting. Subsequent meetings were held with the applicant and DPD to resolve final design details prior to MUP publication.

ANALYSIS - SEPA

The initial disclosure of the potential impacts from this project was made in the environmental checklist submitted by the applicant (dated January 06, 2009) and annotated by the Land Use Planner. The information in the checklist, the supplemental information submitted by the applicant and the experience of the lead agency with the review of similar projects form the basis for this analysis and decision.

The SEPA Overview Policy (SMC 25.05.665) 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 substantive 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 such limitations/circumstances (SMC 25.05.665) mitigation can be considered.

Short-term Impacts

Construction activities including construction worker commutes, truck trips, the operation of construction equipment and machinery, and the manufacture of the construction materials themselves result in increases in carbon dioxide and other greenhouse gas emissions which adversely impact air quality and contribute to climate change and global warming. While these impacts are adverse, they are not expected to be significant.

Construction activities could result in the following adverse impacts: construction dust and storm water runoff, erosion, emissions from construction machinery and vehicles, increased particulate levels, increased noise levels, occasional disruption of adjacent vehicular and pedestrian traffic, and a small increase in traffic and parking impacts due to construction workers' vehicles. Existing City codes and ordinances applicable to the project such as: The Noise Ordinance, the Stormwater Grading and Drainage Control Code, the Street Use Ordinance, and the Building Code, would mitigate several construction-related impacts. Following is an analysis of the air, water quality, streets, parking, and construction-related noise impacts as well as mitigation.

Historic and Cultural Preservation - Construction of the proposed commercial and residential structure will necessitate the demolition of one existing commercial structure that was constructed in 1959. In accordance with the *Department of Planning and Development – Department of Neighborhoods Interdepartmental Agreement on Review of Historic Building during SEPA Review*; the planner referred potential landmark eligibility approval to the Historic Preservation Officer. The Historic Preservation Officer evaluates criteria for designation of historic landmark structures (in response to the SEPA Historic Preservation Policy (SMC 25.05.675.H.2.d). The review of the information associated with the status of the existing structure (addressed 4200 South Othello Street) did not warrant landmark status, as determined by the Landmarks Preservation Board, (LPB 383/09) in a letter dated July 31, 2009.

Parking - Construction of the project is proposed to be phased and last for up to six years. Parking utilization along streets in the vicinity is limited with restricted two hour parking to reduce long-term parking impacts associated with its proximity to Othello light rail station. Parking by construction workers during construction is anticipated to reduce the supply of available on-street parking in the vicinity. Parking demand for construction personnel can be accommodated at the development site and at off-site locations to ease the number3s of vehicles parked on nearby residential streets. Therefore, the applicant will be required to secure off-street parking locations for all workers until onsite parking is made available to meet construction parking demand; no further mitigation will be required.

Traffic - Construction activities are expected to affect the surrounding area. Impacts to traffic and roads are expected from truck trips during earth moving activities. The SEPA Overview Policy (SMC 25.05.665) and the SEPA construction Impacts Policy (SMC 25.05.675B) allow the reviewing agency to mitigate impacts associated with transportation during construction. The excavation of the lower levels will require the removal of material from site and can be expected to generate truck trips to and from the site. In addition, delivery of concrete and other materials to the site will generate truck trips. As a result of these truck trips, an adverse impact to existing traffic will be introduced to the surrounding street system, which is unmitigated by existing codes and regulations.

It is expected that most of the material to be removed from the site will be due in part to excavation for a building with three levels of parking will have impacts on surrounding properties. During excavation a single-loaded truck will be used which holds approximately 10 cubic yards of material. This will require approximately 5, 200 to 6,760 truck loads to remove approximately 52,000 to 67,600 (includes fluff[2]) cubic yards of material and may require a nominal number of trucks loads of fill material for regarding purposes. The site is adjacent to MLK, a Major Truck Route, and has ready access to I-5, approximately 5 miles away to the furthest point, via primary arterials that are anticipated to have minor impacts on the neighboring thoroughfares. In order to limit this negative impact as much as possible, a Truck Trip Plan will be required and approved by SDOT prior to issuance of a building permit. The Truck Trip Plan shall delineate the routes of trucks carrying project-related materials.

Noise - Most of the initial construction activity including demolition, excavation, foundation work, and framing will require loud equipment and will have adverse impacts on nearby residences. The protection levels of the Noise Ordinance are considered inadequate for the potential noise impacts on the nearby residential uses. The impacts upon residential uses would be especially adverse in the early morning, in the evening and on weekends. The SEPA Overview Policy (SMC 25.05.665) and the SEPA Construction Impacts Policy (SMC 25.05.675 B) allow the reviewing agency to limit the hours of construction in order to mitigate adverse noise impacts. Pursuant to this policy, and because there are residences in the vicinity, the applicant will be required to limit construction hours. Demolition and construction activities taking place within an enclosed structure, which meet the standards of the Noise Ordinance, are allowed. Construction activities (including but not limited to demolition, grading, deliveries, framing, roofing, and painting) shall be limited to non-holiday weekdays from 7am to 6pm. 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.

[2] Fluff factor: volume increase of 1.3 due to air displacement.

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

Air and Environmental Health - Given the age of the existing structures on the site, it may contain asbestos, which could be released into the air during demolition. The Puget Sound Clean Air Agency (PSCAA), the Washington Department of Labor and Industry, and EPA regulations provide for the safe removal and disposal of asbestos. In addition, federal law requires the filing of a demolition permit with PSCAA prior to demolition. Pursuant to SMC Sections 25.05.675 A and F, to mitigate potential adverse air quality and environmental health impacts, project approval will be conditioned upon submission of a copy of the PSCAA permit prior to issuance of a demolition permit, if necessary. So conditioned, the project's anticipated adverse air and environmental health impacts will be adequately mitigated.

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). No unusual circumstances exist, which warrant additional mitigation, per the SEPA Overview Policy.

Long-term Impacts

Long-term or use-related impacts are also anticipated from the proposal: operational activities, primarily vehicular trips associated with the project and the projects' energy consumption, are expected to result in increases in carbon dioxide; increased surface water runoff from greater site coverage by impervious surfaces; increased bulk and scale on the site; increased demand on public services and utilities; increased light and glare; loss of vegetation; and increased energy consumption. These long-term impacts are not considered significant because the impacts are minor in scope.

The long-term impacts are typical of residential and commercial structures and will in part be mitigated by the City's adopted codes and/or ordinances. Specifically these are: Stormwater, Grading and Drainage Control Code (stormwater runoff from additional site coverage by impervious surface); Land Use Code (height; setbacks; parking); and the Seattle Energy Code (long-term energy consumption). Additional land use impacts which may result in the long-term are discussed below.

Height, Bulk, and Scale

The proposed six-story project will rise to approximately 69 feet to the top of the parapet from the lowest sidewalk elevation grade along 43rd Avenue South. The development site and surrounding area is located within a Neighborhood Commercial Three Pedestrian zone with a height limit of 65 feet (NC3P-65). The proposed structure will be one of the tallest buildings within the immediate area, but within the allowable height limit of the underlying zone, as would otherwise be allowed by code. The adjacent lots contain structures extending no higher than three stories above grade, and are in-keeping or undersized for the zoned height. The applicant, Othello Partners, has recently broken ground to construct "Othello South" a similar scaled six-story development project across

South Othello. The proposed building's bulk is scaled within the development envelope to lessen its visual impact upon adjacent properties by employing vertical and horizontal movement within the development site. The proposed building is successfully designed to be sympathetic to the abutting multifamily zone to the east, by steeping the upper level away from property lines to decrease building mass. The proposed project is being developed under allowed NC3P-65 height standards, as allowed by the Land Use Code, and is thereby in keeping with the scale of the potential of the zone as well as being sensitive to existing structures in the vicinity.

The SEPA Height, Bulk and Scale Policy (Sec. 25.05.675.G, SMC) states that *"the height, bulk and scale of development projects should be reasonably compatible with the general character of development anticipated by the goals and policies set forth in Section B of the land use element of the Seattle Comprehensive Plan regarding Land Use Categories, the shoreline goals and policies set forth in Section D-4 of the land use element of the Seattle Comprehensive Plan, the procedures and locational criteria for shoreline environment redesignations set forth in SMC Sections 23.60.060, and 23.60.220, and the adopted land use regulations for the area in which they are located, and to provide for a reasonable transition between areas of less intensive zoning and more intensive zoning."*

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

Traffic and Transportation

The applicant submitted a Traffic Analysis (dated February 27, 2009) and Updated Analysis (dated April 13, 2009), prepared by Heffron Transportation, Inc., that addressed on-site parking demand and mode of travel. The transportation impacts associated with the proposal are skewed conservatively, due in part to lack of base data related to impacts of the Sound Transit Light Rail system, which began operation in July 2009. To measure the project's impact the year 2012 was chosen because it is the expected time of project completion[3]. The report contrasted trips generated by existing and proposed uses at the development site to determine likely transportation impacts. Trip generation for the proposal was determined by employing figures derived from Trip Generation (*Institute of Transportation Engineers' [ITE], Trip Generation Manual, 7th Edition, 2003*). Quantitative values found within the reference document reflect nationwide studies in suburban communities that are not necessarily representative of urban trends. After numbers of person trips were determined based on the trip generation manual, person trips then were separated by mode of travel. The mode of travel data were derived from survey results adapted from 2000 Census data figures provided by the Puget Sound Regional Council. Mode split data for four surrounding Transportation Analysis Zones (TAZ: 186, 187, 198, and 201) were used to estimate the likely mode split percentages for project generated trips. Due in part to activity associated with

[3] The project may be constructed in up to three phases due to the economic climate that would not be fully occupied until 2016. Traffic conditions may change once light rail is established, and may result in significant change by 2016. If the project commences construction after 2012, a traffic analysis update will be required for review and approval by DPD to ensure there are no new significant adverse traffic impacts from the project.

specific uses it is expected that vehicle activity would be different between residential and commercial uses. Residential use is estimated to generate 73% vehicle trips, 22% transit trips, and 5% bike trips. Mode of travel estimates for retail use is expected to disperse out between 90% vehicle trips, with 10% choosing to either walk or bike, and 0% relying on transit.

The proposed project is anticipated to generate 2,050 vehicle trips per day, 125 vehicle trips during the AM peak hour, and 174 vehicle trips during the PM peak hour. The residential use accounts for approximately 66% (1, 353) of the daily vehicle trips. By the proposal's estimated completion date in 2012, the associated impacts on the Level of Service (LOS) on surrounding intersections are negligible. Access to the parking garage is proposed off 42nd and 43rd Avenue South and is not anticipated to have adverse impacts on signalized and unsignalized intersections of South Myrtle/MLK and South Othello Street/43rd Avenue South (northbound). The locations of the driveways are not expected to contribute to traffic congestion near street intersections.

Circulation within the area includes Othello Sound Transit Light Rail Station, bus routes providing access to downtown and other employment destinations. There are also many dining, shopping, medical and entertainment opportunities within walking/bicycling distance and along the public transit routes. With the density of residential uses, the proposed retail uses at the development site are expected to draw customers from the immediate area. However, the traffic analysis conservatively assumed that 90% of the trips would be made by car. It is anticipated that abutting streets will handle the increase demand falling within its capacity, so no SEPA mitigation of traffic impacts is warranted.

Parking

The parking policy in Section 25.05.675M of the Seattle SEPA Ordinance states that parking impact mitigation may be required only where on-street parking is at capacity as defined by the Seattle Transportation Department or where the development itself would cause on-street parking to reach capacity. Parking utilization in the vicinity is limited and does not appear to be near capacity. Parking can be found during the daytime with limited availability during evening hours. The applicant has elected to provide three hundred and seventy-two (372) off-street parking spaces for the proposed new uses. The Land Use Code exempts required parking for uses in commercial zones in (Othello) Station Area Overlay Districts; per Section 23.54.015.B.2. The applicant has chosen to provide parking stalls for 274 (or 74%) of the proposed 372 residential units and 98 parking stalls for the proposed commercial use.

Peak parking demand for the combined uses: proposed retail use (assumed Specialty Retail, Land use Code 814) and residential (Low/Mid Rise Apartments, Land Use Code 220), to capture the entire development site) was based on empirical studies from the *ITE Trip Parking Generation Report, 3rd Edition*. Combined peak demand was assumed to occur on weekdays between 7:00 – 8:00 p.m., and on Saturday between 7:00 – 8:00 p.m. The total peak demand under both categories reached 306 stalls, representing a surplus of 66 stalls. Based on the mode-share survey results (2000 Census data) within this neighborhood (TAZ 186, 187, 198, and 201), approximately 27% of the residents will choose alternative modes of travel. It is assumed this percentage will further increase once the impact of the Light Rail Station is factored into the calculations, thus reducing on-site parking demand. The Transportation Impact Analysis proposed a number of transportation management measures to encourage alternative modes of travel and reduce auto ownership which was not considered by the analysis. As proposed, the project would not adversely impact traffic and the site has enough parking to meet its demand.

However, the project proponent, Othello Partners, has agreed to take additional actions to reduce demand for on-site parking. DPD has evaluated and approved the management measures as described on page 21(Transportation Impact Analysis, dated February 27, 2009) and will incorporate them into the conditions of approval. Therefore, no mitigation of parking impacts is necessary pursuant to SEPA.

CONCLUSION - SEPA

In conclusion, several adverse effects on the environment are anticipated resulting from the proposal, which are non-significant. The conditions imposed below are intended to mitigate specific impacts identified in the foregoing analysis, or to control impacts not regulated by codes or ordinances, per adopted City policies.

DECISION - SEPA

This decision was made after review by the responsible official on behalf of DPD as the lead agency of the 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 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 43.21C.030(2)(C).

[ ] Determination of Significance. This proposal has or may have a significant adverse impact upon the environment with respect to transportation, circulation, and parking. An EIS limited in scope to this specific area of the environment was therefore required under RCW 43.21C.030 (2) (C).

INSTRUCTIONS TO APPLICANT

A. Embed all conditions of approval into the cover sheet on the updated MUP plan set and all subsequent building permit drawings.

B. Embed colored elevation and landscape drawings into the MUP and building permit drawings.

C. Update plans and supporting documents to provide consistent and current project information, i.e., parking calculations, residential unit count, etc.

D. Any proposed changes to the external design of the building, landscaping or improvements in the public right-of-way must first be reviewed and approved by the DPD planner prior to construction.

During Construction

The following condition(s) to be enforced during construction shall be posted at the site in a location on the property line that is visible and accessible to the public and to construction personnel from the street right-of-way. If more than one street abuts the site, conditions shall be

posted at each street. The conditions will be affixed to placards prepared by DPD. The placards will be issued along with the building permit set of plans. The placards shall be laminated with clear plastic or other waterproofing material and shall remain posted on-site for the duration of the construction.

E. All proposed changes to the exterior facades of the building and landscaping on site and in the ROW must be reviewed by a Land Use Planner prior to proceeding with any proposed changes.

Prior to Issuance of a Certificate of Occupancy

F. Compliance with the approved design features and elements, including exterior materials, parapets, facade colors, landscaping and ROW improvements, shall be verified by the DPD Planner assigned to this project or by the Manager of the Urban Design Program. Inspection appointments with the Planner must be made at least three (3) working days in advance of the inspection.

For Life of Project

G. If the project commences construction after 2012, a traffic analysis update will be required for review and approval by DPD to ensure there are no new significant adverse traffic impacts from the project.

CONDITIONS – DESIGN REVIEW

The owner/applicant shall update plans to show:

Prior to Issuance of MUP

1. Work with DPD to find an appropriate design solution for the final design form and planting detail of the roof decks and pathways leading to roof decks, subject to DPD approval.

2. Explore options to protect and enliven the pedestrian environment in the public right-of-way more rigorously. The applicant shall work with DPD to find an appropriate design solution to enliven the visual expression of the primary residential entries located on 42nd and 43rd Avenues, subject to DPD approval.

3. Find an appropriate design solution with DPD to provide a coherent design composition on the upper level with stronger relationship to its base along the west façade, just north of the pedestrian entry.

4. Explore options to protect and enliven the pedestrian environment in the public right-of-way more rigorously. The applicant shall work with DPD to find an appropriate design solution for the placement or design of canopies or overhead weather protection devices to bring greater coherency to the street level experience and make entries readable and pedestrians protected from inclement weather. Further, the applicant is encouraged to break apart continuous exterior wall along all street frontages, subject to DPD approval.

5. Establish a 3 to 4 foot landscape buffer along the east façade of the townhouse-like units, between the facade and sidewalk. This area must be planted with shrubs and other plants to maintain a measure of privacy, subject to approval of the assigned planner.

Prior to Issuance of any Permit to Grade or Construct:

6. Provide to DPD robust landscaping plan in and around the surface parking lot to minimize potential adverse visual impacts on adjacent properties and abutting rights-of-way, subject to approval of the assigned planner.

Prior to Issuance of Phase Two Permit to Construct:

7. Submit design for approval of decorative gates for both pedestrians and vehicles to be placed adjacent to access thresholds at the time to construct first building supporting the parking garage, subject to DPD approval.

For Life of Project

8. Applicant shall restrict all commercial loading activity away from the 43rd Avenue right-of-way.

SEPA CONDITIONS

Prior to Issuance of Demolition or Construction Permits

The owner(s) and/or responsible party(s) shall:

9. Submit Truck Trip Plan to be approved by SDOT prior to issuance of a building permit. The Truck Trip Plan shall delineate the routes of trucks carrying project-related materials.

10. Submit a copy of the PSCAA permit prior to issuance of a demolition permit, if a PSCAA permit is required.

11. The applicant will adhere to transportation management measures found on page 21, Section 4 of the Transportation Impact Analysis for the Othello Station North Mixed-Use Development (dated February 27, 2009), subject to approval of the assigned planner.

    - Parking spaces will be unbundled from apartment leases; residents will have to pay additional for parking stall.
    - Provide secure storage for resident bicycles inside the garage.
    - Provide a bike rack for retail uses in a publicly-accessible location.
    - Provide real time information on light rail and bus service (e.g., time to next train arrival in the lobby of building.
    - Work with SDOT staff as they plan parking control measures for the area around the Othello Light Rail Station.

During Construction

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

13. In order to further mitigate the noise impacts during construction, the owner(s) and/or responsible party(s) shall limit the hours of construction to non-holiday weekdays between 7:00 AM and 6:00 PM and Saturdays between 9:00 AM and 6:00 PM. This condition may be modified by the Department to permit work of an emergency nature to allow low noise exterior work (e.g., installation of landscaping) or to allow work which cannot otherwise be accomplished during the above hours upon submittal of a noise mitigation plan and after approval from the Land Use Planner. After the structures are enclosed, interior work may proceed at any time in compliance with the Noise Ordinance.

14. The applicant will secure off-street parking for all construction workers until onsite parking is made available to meet construction parking demand.

Signature: (signature on file) Date: October 19, 2009

Bradley Wilburn, Land Use Planner
Land Use Services
Department of Planning and Development

BMW:ga
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