City of Seattle

Gregory J. Nickels, Mayor
Department of Planning & Development
D.M. Sugimura, Director

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

Application Number: 3007936

Applicant Name: John Parsaie for Steve Smith, developer

Address of Proposal: 13716 Lake City Way NE

SUMMARY OF PROPOSED ACTION

Land Use Application to allow one, six-story, 152-unit apartment building with 4,696 sq. ft. of office use at grade. Parking for 120 vehicles will be located within the structure.

The following Master Use Permit components are required:

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

1. Parking location and access - (SMC 23.47A.031C)
2. Street level development standards – (SMC 23.47A.008D)

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

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

[X] DNS with conditions

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

SITE AND VICINITY

The proposed project is located at the northeast corner of Lake City Way Northeast and Northeast 137th Street in the Lake City neighborhood. The 33,825 square foot site is currently vacant. The north portion of the site slopes gently to east approximately twelve feet while the south portion of the site is relatively flat and rises sharply approximately 16 feet at the east edge. The zoning is Commercial 1 with a 65 foot height limit (C1-65) as are the blocks to the south on both sides of

Lake City Way NE. The block to the north changes to C1-40. Directly abutting the site to the east the zoning is Lowrise One (L-1).

Lake City Way in this area is characterized by a mix of mostly small auto-oriented businesses. Many businesses on both sides of the street display "for sale" signs indicating a re-development trend. The site directly to the north of the subject project is a small auto-repair business. The site to the north of that is the subject of a future multifamily proposal.

PROPOSAL

The applicant proposes a 65-foot high, mixed-use building with approximately 4,696 square feet of commercial space at street level and residential units above. There will be 152 residential units and parking for 120 vehicles at and below grade. Access will be from Lake City Way NE rather than NE 137th because of intersection controls at Lake City Way NE and NE 137th that prevent right or left hand turns eastbound onto NE 137th. There will be one egress point at Northeast 137th. This project will be for low-income seniors.

PUBLIC COMMENTS

One member of the public attended this Early Design Review meeting. The following comments, issues and concerns were raised:

- Concerned about the impact of the project on tenants in building located adjacent to the north.
- Question about access to parking.
- Question about treatment and stability of steep slope at the rear of the property

No comment letters were received during the SEPA comment period for this proposal which ended on April 16, 2008.

ANALYSIS - DESIGN REVIEW

Design Guidance

At the Early Design Guidance meeting on January 28, 2008, three alternative design schemes were presented. All of the options include ground level commercial retail with 5 levels of residential units above, parking located both at (behind the commercial use) and below grade. Access to the trash collection area would be via Northeast 137th Street.

Concept 1 shows a large mass with a large plaza at the southwest corner, a small internal courtyard on the second level at the north end of the building. This concept features extensive modulation and overhanging balconies on Lake City Way. Concept 2 is similar to the first with the large plaza at the southwest corner, expansive roof gardens and a small internal courtyard. No balconies are featured in the design. Concept 3 (the preferred concept) features two large second-level courtyards, landscaped rooftop open space and some units with private balconies. Several community rooms are provided on levels two and six. There is a minimum 10 foot setback at the

north elevation and the applicant proposes stepping back the upper levels at the east elevation adjacent to the lower density residential zone.

Materials and color palette have yet to be chosen. The overall building form shows the façade up to street level, large corner plaza and the main residential entry at the corner. Green factor requirement would be met by extensive landscaping at street level and on upper level courtyards and rooftop.

After visiting the site, considering the analysis of the site and context provided by the proponents, and hearing public comment, the Design Review Board members provided the siting and design guidance and identified by letter and number those siting and design guidelines found in City of Seattle's "*Design Review: Guidelines for Multifamily and Commercial Buildings*" of highest priority to this project. Identification and discussion of the Guidelines have been incorporated into the priorities addressed below.

The Design Review Board reviewed the final project design on June 16, 2008 at which time site, landscaping and floor plans, as well as elevation sketches and renderings, were presented for the members' consideration. The design presented at the Recommendation meeting showed a strong two-story base in brick with bays in metal siding on the upper three levels. The guidance by the Board appears after the bold guidelines text and the recommendations from the final meeting follow in italicized text.

A <u>Site Planning</u>

A-2 Streetscape Compatibility
The siting of buildings should acknowledge and reinforce the existing desirable spatial characteristics of the right-of-way.

A-3 Entrances Visible from the Street
Entries should be clearly identifiable and visible from the street.

A-5 Respect for Adjacent Sites
Buildings should respect adjacent properties by being located on their sites to minimize disruption of the privacy and outdoor activities of residents in adjacent buildings.

A-6 Transition Between Residence and Street
For residential projects, the space between the building and the sidewalk should provide security and privacy for residents and encourage social interaction among residents and neighbors.

A-7 Residential Open Space
Residential projects should be sited to maximize opportunities for creating usable, attractive, well-integrated open space.

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

- The Board would like the applicant to consider reducing the building massing along the Lake City Way façade in keeping with the Lake City Neighborhood Guidelines that seek to reduce the "canyon effect" along this corridor.
- As this is a corner site the Board feels that there is an opportunity for the building to present a prominent corner gesture. The Board directed the applicant to the Design Guidelines for examples of corner treatments.
- The residential entry at the corner needs to be clearly distinguished as a residential entry with maximum transparency and visibility to the outside for seniors waiting for rides or transit. The current design showing the entry beneath overhanging upper levels does not interact well with the corner plaza. Outside seating and overhead weather protection should be considered.
- The Board would like to see more detailed sections that show the relationship to the Lowrise zone to the east with clear indications of screening and landscaping that reduces the impact on these neighbors.
- The Board would like the building to exhibit massing and use of materials that convey a sense of permanence that this area of Lake City Way currently lacks.
- The Board agreed that there is generous residential open space however some of the second-level open courtyard space should provide more privacy and noise (from Lake City Way traffic) screening. Sun and wind protection should be provided for the rooftop garden areas. Connecting interior community rooms would be desirable.
- The parking at grade level as proposed within the building is inefficiently laid out and may even be dangerous for maneuvering for seniors. The Board directed the applicant to revise the parking plan at grade level.

At the Recommendation meeting the architect presented a design that has responded to the Board's earlier guidance with respect to the massing along Lake City Way. The building is now pulled back from the street level with only two of the bays overhanging the sidewalk. With both vertical and horizontal modulation the effect of the mass of the building is reduced. The Board was pleased to see the enhanced design of the corner plaza and residential entry showing more transparency and outdoor seating areas, additional landscaping and a water feature.

The Board was particularly pleased with quality of the residential open space including the third level terraces, which include both private and public areas, and the roof deck which includes overhead weather canopies, pea patch garden areas and a dog run.
The Board was also pleased to see that the building was further stepped back at the rear setback providing additional design consideration for the neighbors to the east.

B <u>Height, Bulk and Scale</u>

B-1 Height, Bulk and Scale

Projects should be compatible with the scale of development anticipated by the applicable Land Use Policies for the surrounding area and should be sited and designed to provide a sensitive transition to near-by , less-intensive zones.

- The Board supported the preferred Concept 3 with its generous supply of indoor and outdoor community open space. However, the board feels that the mass of the building

should be presented in sections with differing materials and massing and a common vocabulary that ties them together. Horizontal lines should be limited as they emphasize the bulk of the building. See above comments also regarding stepping back at upper levels to reduce "canyon effect" along Lake City Way.

The Board complimented the architect on his response to the guidance with respect to breaking the mass of building. However, they feel that the variation in materials on the bays at the front façade creates an effect that is too busy. They would like to have the bays exhibit a common vocabulary. They would like the architect to give further attention to the exterior details (windows, material and colors) that will more fully integrate the building façade. The Board also responded favorably to the additional stepping back of the rear façade.

The Board expressed concern that the west and south-facing units will be very hot in the summer months and would like the architect to explore designs for shading of these unit if at all possible.

Condition #1: Explore designs for shading of west and south facing units as long as it can successfully be integrated with the design of the building.

C <u>Architectural Elements and Materials</u>

C-2 Architectural Concept and Consistency

- *Building design elements, details and massing should create a well-proportioned and unified building form and exhibit an overall architectural concept.*
- *Buildings should exhibit form and features identifying the functions within the building.*

C-3 Human Scale

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

C-4 Exterior Finish Materials

Building exteriors should be constructed of durable and maintainable materials that are attractive even when viewed up close. Materials that have texture, pattern, or lend themselves to a high quality of detailing are encouraged.

- The commercial base as presented appears disconnected from the residential housing above. A strong two story base, even though there are residential uses on the second level, along with creative use of materials and window types contribute to reducing the apparent bulk of the building.
- Other options for overhead weather protection should be explored that are more appropriate to the design and uses proposed.
- It appears that there is a masonry base proposed and the Board encouraged this to be further explored. The Board cautioned that if architectural concrete is proposed that it be used in an appropriate way and texture be included.

The Board liked the two-story brick base that gives the building design a more substantial look. Though the Board had cautioned against a banding effect between the brick base and upper floors the Board now feels that some stronger demarcation between the brick and cementitious material transition is needed. The Board would like the architect to explore options including corbels, etc. that will create shadow lines and clearly demonstrate the change in materials.

Condition #2: The architect should explore the use of fenestration, materials and color to refine the detail of the street façade to give it a more integrated design with a common vocabulary.

Condition #3: The transition between the brick base to the upper levels should be better defined through the use of materials and techniques such as corbelling brick.

D <u>Pedestrian Environment</u>

D-1 Pedestrian Open Spaces and Entrances

Convenient and attractive access to the building's entry should be provided. To ensure comfort and security, paths and entry areas should be sufficiently lighted and entry areas should be protected from the weather. Opportunities for creating lively, pedestrian-oriented open space should be considered.

D-2 Blank Walls

Buildings should avoid large blank walls. Where blank walls are unavoidable, they should receive design treatment to increase pedestrian comfort and interest.

D-7 Personal Safety and Security

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

D-9 Commercial Signage

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

D-10 Commercial Lighting

Appropriate levels of lighting should be provided in order to promote visual interest and a sense of security for people in commercial districts evening hours.

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.

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 for pedestrians. Residential buildings should enhance the character of the streetscape with small

gardens, stoops, and other elements that work to create e a transition between the public sidewalk and private entry.

- The Board liked the large plaza at the corner but feels that it would benefit from expert advice of a landscape architect for creative ideas that would provide a sense of protection to those using the plaza, including seating, lighting and some type of landscape and/or architectural barriers.
- The Board suggested the use of landscaping to reduce the impact of blank walls on the north and south facades. They also directed the applicant to pay close attention to the proportion of windows to solid walls.
- See comments above regarding visibility and lighting for residential entry as it relates to personal safety and security.
- The Board looks forward to proposals for commercial signage and exterior lighting.
- The Board would like to see some strategic breaks in the long residential corridors either with the use of windows or glass doors to allow natural light in and to afford a sense of security.

The updated design includes larger windows reducing the proportion of solid walls. However, the Board would like the architect to explore the use of materials and/or colors in conveying an appearance of connecting windows making the fenestration appear greater than it is. The Board was pleased with updated design of the corner plaza and the more transparent residential entry. The Board liked the proposed signage designs (freestanding lettering atop the overheard weather protection) but suggested that lettering contrast adequately with the building materials (or possibly be lighted) in order to be visible from the street.

See Condition #2 above.

E <u>Landscaping</u>

E-2 Landscaping to Enhance the Building and/or site

Landscaping, including living plants, special pavement, trellises, screen walls, planters, site furniture and similar features should be appropriately incorporated into the design to enhance the project.

- The Board encouraged the applicant to include large scale trees in the landscape design for the streetscape. They are looking forward to a design that will incorporate the Green factor in a sensitive and sustainable way.

The Board applauded the generous use of landscaping which is more than double the Green Factor requirement. They liked the landscaping at the corner plaza, on the terraces and the roof garden. They did suggest, however, that more seating opportunities should be provided at the street level. The Board also wishes to see a harder edge (as opposed to grasses, etc.) for the landscaping at the street edge which would give a better sense of safety from the traffic on Lake City Way.

Condition #4: Provide additional seating opportunities at street level.

Condition #5: Provide landscaping elements at the street level that give a better sense of safety to residents of the building. Consider harder-edged shrubbery instead of the soft grasses.

DEPARTURES FROM DEVELOPMENT STANDARDS

Departure Summary Table

REQUIREMENT	REQUEST	APPLICANT'S JUSTIFICATION	BOARD RECOMMENDATION
Parking location and access (SMC23.47A.031C) Access to parking must be from the street with the fewest lineal feet of commercially zoned frontage.	Request access to parking from Lake City Way NE. One egress point is proposed on NE 137th.	Intersection controls prevent access to NE 137th from Lake City Way NE.	The Board agreed that the only feasible access is from Lake City Way sand unanimously grants this departure.
Street level development standards (SMC23.47A.008D) Residential uses are limited to 20% of the street level street facing façade.	Residential use exceeds 20% of street level street facing façade at NE 137th.	Because of grade change, auto egress and trash enclosure, the residential lobby will exceed the 20% requirement.	Because there is no alley access, the Board agreed that building services must be located along this façade along with the residential entry. They unanimously agreed to grant this departure.
Street level development standards (SMC23.47A.008B.2a) 60% of street level street facing façade between 2' and 8' above sidewalk shall be transparent	Request to reduce transparency to 36% on NE 137th façade.	Because of the grade change on NE 137th and necessity for vehicle egress and trash enclosures, transparency must be reduced.	Because there is no alley access, the Board agreed that building services must be located along this façade along with the residential entry. They unanimously agreed to grant this departure.
Street level Development Standards (SMC23.47A.008B3a) Average 30' and min. 15' depth for non-residential uses at street level.	Request to reduce min depth of non-residential uses on NE 137th to average 18' and min. 10'1".	Because of grade change and lack of alley access, the necessity to locate vehicle egress and service uses at this façade.	DPD has reviewed this departure request and has determined that this departure is necessary as a result of the Board granting the preceding departures.

The Board recommended the following conditions to be resolved administratively with DPD Staff prior to issuance of a MUP permit:

Condition #1: Explore designs for shading of west and south facing units as long as it can successfully be integrated with the design of the building.

Condition #2: The architect should explore the use of fenestration, materials and color to refine the detail of the street façade to give it a more integrated design with a common vocabulary.

Condition #3: The transition between the brick base to the upper levels should be better defined through the use of materials.

Condition #4: Provide additional seating opportunities at street level.

Condition #5: Provide landscaping elements at the street level that give a better sense of safety to residents of the building. Consider harder-edged shrubbery instead of the soft grasses.

The design review process prescribed in Section 23.41.014.F of the Seattle Municipal Code describing the content of the DPD Director's decision reads in part as follows:

The Director's decision shall consider the recommendation of the Design Review Board, provided that, if four (4) members of the Design Review Board are in agreement in their recommendation to the Director, the Director shall issue a decision which incorporates the full substance of the recommendation of the Design Review Board, unless the Director concludes the Design Review Board:

- *a. Reflects inconsistent application of the design review guidelines; or*
- *b. Exceeds the authority of the Design Review Board; or*
- *c. Conflicts with SEPA conditions or other regulatory requirements applicable to the site; or*
- *d. Conflicts with the requirements of state or federal law.*

Subject to the above-proposed conditions, the design of the proposed project was found by the Design Review Board to adequately conform to the applicable Design Guidelines.

ANALYSIS & DECISION – DESIGN REVIEW

Director's Analysis

Four members of the Northeast Design Review Board were in attendance and provided recommendations (listed above) to the Director and identified elements of the Design Guidelines which are critical to the project's overall success. The Director must provide additional analysis of the Board's recommendations and then accept, deny or revise the Board's recommendations (SMC 23.41.014.F3). The Director agrees with and accepts the conditions recommended by the Board that further augment the selected Guidelines.

Following the Recommendation meeting, DPD staff worked with the applicant to update the submitted plans to include all of the recommendations of the Design Review Board. The Director of DPD has reviewed the decision and recommendations of the Design Review Board made by the five members present at the decision meeting and finds that they are consistent with the City of Seattle Design Review Guidelines for Multifamily and Commercial Buildings. The Director agrees with the Design Review Board's conclusion that the proposed project and conditions imposed result in a design that best meets the intent of the Design Review Guidelines and accepts the recommendations noted by the Board. The Director is satisfied that all of the conditions imposed by the Design Review Board have been met.

Director's Decision

The design review process is prescribed in Section 23.41.014 of the Seattle Municipal Code. Subject to the above-proposed conditions, the design of the proposed project was found by the Design Review Board to adequately conform to the applicable Design Guidelines. The Director of DPD has reviewed the decision and recommendations of the Design Review Board made by the

four members present at the decision meeting, provided additional review and finds that they are consistent with the City of Seattle Design Review Guidelines for Multifamily and Commercial Buildings. The Design Review Board agreed that the proposed design, along with the conditions listed, meets each of the Design Guideline Priorities as previously identified. Therefore, the Director accepts the Design Review Board's recommendations and **CONDITIONALLY APPROVES** the proposed design and the requested departures with the conditions summarized at the end of this Decision.

ANALYSIS - SEPA

The proposal site is located in an environmentally critical area, thus the application is not exempt from SEPA review. However, SMC 25.05.908 provides that the scope of environmental review of projects within critical areas shall be limited to: 1) documenting whether the proposal is consistent with the City's Environmentally Critical Areas (ECA) regulations in SMC 25.09; and 2) Evaluating potentially significant impacts on the critical area resources not adequately addressed in the ECA regulations. This review includes identifying additional mitigation measures needed to protect the ECA in order to achieve consistency with SEPA and other applicable environmental laws.

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

The initial disclosure of the potential impacts from this project was made in the environmental checklist submitted by the applicant dated March 12, 2008 and annotated by the Land Use Planner. The information in the checklist, pertinent public comment, and the experience of the lead agency with review of similar projects form the basis for this analysis and decision.

The Department of Planning and Development has analyzed the environmental checklist and geotechnical report submitted by the project applicant; and reviewed the project plans and any additional information in the file. As indicated in this analysis, this action will result in adverse impacts to the environment. However, due to their temporary nature and limited effects, the impacts are not expected to be significant.

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, and 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 and environmental impact, it shall be presumed that such regulations are adequate to achieve sufficient mitigation*" subject to some limitations. Short-term adverse impacts are anticipated from the proposal. No adverse long-term impacts on the environmentally critical area are anticipated.

Short-term Impacts

The following temporary or construction-related impacts on the identified critical area are expected: 1) temporary soil erosion; and 2) increased vibration from construction operations and equipment. These impacts are not considered significant because they are temporary and/or minor in scope (SMC 25.05.794).

Several adopted codes and/or ordinances provide mitigation for some of the identified impacts. The Stormwater, Grading and Drainage Control Code regulates site excavation for foundation purposes and requires that soil erosion control techniques be initiated for the duration of construction. The ECA ordinance and DR 33-2006 and 3-2007 regulate development and construction techniques in designated ECA areas with identified geologic hazards. The Building code provides for construction measures and life safety issues. Compliance with these applicable codes and ordinances will reduce or eliminate most short-term impacts to the environment and no further conditioning pursuant to SEPA policies is warranted.

Due to the fact that grading will be undertaken during construction, additional analysis of earth and grading impacts is warranted.

Earth/Soils

The ECA Ordinance and Directors Rule (DR) 33-2006 require submission of a soils report to evaluate the site conditions and provide recommendations for safe construction in areas with landslide potential and/or a history of unstable soil conditions. A Geotechnical Report prepared by Terra Associates of Kirkland, WA, and dated October 3, 2007 was submitted with this application and has undergone separate geotechnical review by DPD. The construction plans, including shoring of excavations as needed and erosion control techniques are receiving separate review by DPD. Any additional information showing conformance with applicable ordinances and codes (ECA ordinance, The Stormwater, Grading and Drainage Control Code, DR 33-2006, and 3-2007) will be required prior to issuance of building permits. Applicable codes and ordinances provide extensive conditioning authority and prescriptive construction methodology to assure safe construction techniques are utilized; therefore, no additional conditioning is warranted pursuant to SEPA policies.

Drainage

Soil disturbing activities during site excavation for foundation purposes could result in erosion and transport of sediment. The Stormwater, Grading and Drainage Control Code provides for extensive review and conditioning of the project prior to issuance of building permits. Therefore, no further conditioning is warranted pursuant to SEPA policies.

Greenhouse Gas Emissions

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.

Noise

There will be excavation required to prepare the building site and foundation for the new building. Additionally, as development proceeds, noise associated with construction of the building could adversely affect the surrounding residential uses. Due to the proximity of these uses, the limitations of the Noise Ordinance are found to be inadequate to mitigate the potential noise

impacts. Pursuant to the SEPA Overview Policy (SMC.25.05.665) and the SEPA Construction Impacts Policy (SMC 25.05.675 B), mitigation is warranted.

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

Long-term Impacts

Long-term or use-related impacts are also anticipated as a result of this proposal including: increased surface water runoff due to greater site coverage by impervious surfaces, and loss of plant and animal habitat.

Several adopted City codes and/or ordinances provide mitigation for some of the identified impacts. Specifically these are: the ECA Ordinance, the Stormwater, Grading and Drainage Control Code which requires provisions for controlled tightline release to an approved outlet and may require additional design elements to prevent isolated flooding. Compliance with these applicable codes and ordinances is adequate to achieve sufficient mitigation of most long-term impacts and no further conditioning is warranted by SEPA policies.

Operational activities, primarily vehicular trips associated with the project and the projects' energy consumption, are expected to 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.

DECISION - SEPA

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

[**X**] Determination of Non-Significance. This proposal has been determined to not have a significant adverse impact upon the environment. An EIS is not required under RCW 43.21C.030 2c.

[ ] Determination of Significance. This proposal has or may have a significant adverse impact upon the environment. An EIS is required under RCW 43.21C.030 2c.

CONDITIONS – SEPA

The owner applicant/responsible party shall:

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.

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

NON-APPEALABLE CONDITIONS – DESIGN REVIEW

2. Any proposed changes to the exterior of the building or the site or must be submitted to DPD for review and approval by the Land Use Planner (Marti Stave, 684-0239), or by the Design Review Manager (Vince Lyons, 233-3823). Any proposed changes to the improvements in the public right-of-way must be submitted to DPD and SDOT for review and for final approval by SDOT.

3. Compliance with all images and text on the MUP drawings, design review meeting guidelines and approved design features and elements (including exterior materials, landscaping and ROW improvements) shall be verified by the DPD Land Use Planner assigned to this project or by the Design Review Manager. An appointment with the assigned Land Use Planner must be made at least (3) 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.

4. Embed all of the conditions listed at the end of this decision in the cover sheet for the MUP permit and for all subsequent permits including updated MUP plans, and all building permit drawings.

5. Embed the 11 x 17 colored elevation drawings from the DR Recommendation meeting and as updated, into the MUP plans prior to issuance, and also embed these colored elevation drawings into the Building Permit Plan set in order to facilitate subsequent review of compliance with Design Review.

6. Include the Departure Matrix in the Zoning Summary section of the MUP Plans and on all subsequent Building Permit Plans. Add call-out notes on appropriate plan and elevation drawings in the updated MUP plans and on all subsequent Building Permit plans.

Compliance with all applicable conditions must be verified and approved by the Land Use Planner, Marti Stave, (206 684-0239) at the specified development stage, as required by the Director's decision. The Land Use Planner shall determine whether the condition requires submission of additional documentation or field verification to assure that compliance has been achieved. **Prior to any alteration of the approved plan set on file at DPD, the specific revisions shall be subject to review and approval by the Land Use Planner.**

Signature: (signature on file) Date: July 03, 2008
Marti Stave, Land Use Planner
Department of Planning and Development

MS:lc

Stavem/DOCS/Desgin Review/3007936 Lake City Way/3007936dec.doc