



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: 3008515
Applicant Name: John Parsaie for Steve Smith, developer
Address of Proposal: 13730 Lake City Way NE

SUMMARY OF PROPOSED ACTION

Land Use Application to allow a 7-story, 160-unit residential building with 1,630 sq. ft. of office use at ground level in an environmentally critical area. Parking for 69 vehicles will be located at and below grade. Review includes 13,511 cu. yds. of grading. Existing structure to be demolished.

The following Master Use Permit components are required:

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

1. Setback requirements - (SMC 23.47A.014)
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

DNS with conditions

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

SITE AND VICINITY

The proposed project is located on Lake City Way Northeast mid-block between Northeast 137th and Northeast 140th Street in the Lake City neighborhood. The 28,950 square foot site currently contain a two-story retail/commercial building with at-grade parking. The site slopes from the property on the east approximately eighteen feet to the street at Lake City Way NE. 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 south of the subject project is a small auto-repair business. The site to the south of that is the subject of a future multifamily proposal.



PROPOSAL

The applicant proposes a six story, mixed-use building with approximately 3,500 square feet of retail at street level, approximately 160 residential units above and parking for 69 vehicles at and below grade. Access will be from Lake City Way NE. This project will be for low-income seniors.

PUBLIC COMMENTS

Four members of the public attended the Early Design Review meeting held on April 7, 2008. The following comments, issues and concerns were raised:

- Concerned about the bulk of the building and the impacts on views of the neighbors to the east.
- Question about how far the building would be from the rear (east) property line.
- Concern that there are too many SHA (Senior Housing Authority) projects in the Lake City Neighborhood.

Two comments were received by mail and concerned adequate parking and a request for sidewalks on 35th Avenue NE.

Three members of the public attended the Recommendation Meeting held on February 23, 2009 and one person had questions about the Design Review process.

No comment letters were received during the SEPA comment period for this proposal which ended on November 5, 2008.

ANALYSIS - DESIGN REVIEW

Design Guidance

At the Early Design Guidance meeting on April 7, 2008, Three alternative design schemes were presented. All of the options include approximately 3,500 square feet of ground level commercial/retail with 5 – 6 levels of residential units above, parking located behind the commercial use partially below grade. Vehicle access would be from Lake City Way NE at the north end of the building.

Concept 1 shows a large donut-shaped mass with an interior courtyard on the second level in the center of the building. This concept features extensive modulation and a large rooftop open space area. There would be a prominent residential entry at the southwest corner of the site.

Concept 2 is a U-shaped mass with a 2nd level open courtyard facing west and open space at the rooftop. Entry is at the southwest corner and the building is modulated at the front (west) façade.

Concept 3 (the preferred concept) features is also a U-shaped mass with a 2nd level courtyard facing west and rooftop open space. The design concept shows terracing of the two upper residential floors. The building would be setback two feet more than required at the east property line adjacent to the Lowrise One (L1) zone and stepped back even further at the top three levels.

The overall building form shows the façade up to street level, with the street level set back 6 feet from the property line in order to provide adequate space for sidewalk and street trees. Green factor requirement would be met by extensive landscaping at street level and on upper level courtyards and rooftop. Materials and color palette have yet to be chosen.

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 February 23, 2009 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 the residential entry had been enlarged; the trash area relocated; the exterior staircase eliminated; the upper floors pulled back and no longer overhanging the base; and the second floor outdoor plaza moved back away from the street. The roofline has been changed to better distinguish the building from the related project just to the south at the corner of NE 137th and Lake City Way NE. The applicant chose not to include corner windows because of the relatively high cost of such windows.

A Site Planning

A-1 Responding to Site Characteristics

The siting of buildings should respond to specific site conditions and opportunities such as non-rectangular lots, location on prominent intersections, unusual topography, significant vegetation and views or other natural features.

A-3 Entrances Visible from the Street

Entries should be clearly identifiable and visible from the street.

A-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.

- The Board would like to see more neighborly connection to the adjacent Lowrise One zone to the east. The preferred scheme maximizes the building height adjacent to those properties even though the upper three floors are stepped back. There was discussion about shifting the mass toward the front of the building, however, the cost in terms of amenity areas and living spaces of shifting the height to the front is does not warrant such a change in design.
- The residential entry needs to be clearly distinguished with a visible identity of its own and the board would like to see a design where the entry area is setback creating a courtyard space for those waiting for transit for other pick-up. Outside seating and overhead weather protection should be provided.
- The Board agreed that the second-level open courtyard space should provide good privacy and noise screening from Lake City Way traffic. Bringing the base up to the second level and incorporating colonnades at the outdoor courtyards, for example, would go a long way to provide noise mitigation. Good sun and wind protection should also be provided for the rooftop garden areas.

At the Recommendation Meeting, the Board was generally pleased with the response to the guidance. They liked the street level façade with the 2-story brick base and the generous amount of residential amenity area. The main residential entry is relocated to the center of the building and set back from the street to provide a small plaza and seating area. Overhead weather protection extends the length of the building from the garage entrance southward. The Board recommended that the overhead weather protection be provide over the entry door north of the garage entrance to provide visual continuity.

Recommendation #1: Extend overhead weather protection to the doorway north of the garage entrance.

B Height, Bulk and Scale

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 generally supported the preferred Concept 3 but were disappointed that there was only one “viable” scheme.

- The Board observed that the preferred scheme pushed the mass of the building to the rear of the site exacerbating the impact on the lower density L1 zone to the east. The Board was in favor of the terracing on the front façade but disliked the lower levels overhanging the sidewalk.
- The Board observed that the base was out of proportion to the height of the building. The next design iteration should show a stronger base and better transition from base to upper levels.
- The commercial base, as presented, appears disconnected from the residential housing above. A strong, two story base should be provided, even though there are residential uses on the second level. The design should employ varied use of materials and window types to contribute to reducing the apparent bulk and height of the building.

At the Recommendation Meeting the Board was please with updated design that shows the 2-story brick base with a better transition to the upper levels. They felt strongly that the north, east, and south elevations appeared monotonous and recommended that these facades be broken up with subtle changes in materials. They also recommended the use of taller landscaping to soften the appearance of the north and south concrete base.

Recommendation #2: Work with DPD staff to refine the material and color choices for the north, east and south facades.

C Architectural Elements and Materials

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 Board encouraged the proposed use of masonry and would like to see its use expanded.
- The Board would like to see this building distinctly different from the project to the south. The applicant should explore alternative massing, use of materials, texture and color, and fenestration to create a design that has an identity clearly different from the one to the south. The applicant should also show a design that uses corner windows as a way to reduce the apparent mass of the building.

- The applicant should also explore the size and rhythm of windows and the possible use of spandrels (or the appearance of spandrels) to break up the mass of the building.
- The Board would like to see the use of higher quality materials on the street-facing and rear facades.

The Board was pleased with the 2-story brick base and wanted assurance that the brick would extend around to north and south facades. The Board discussion was split regarding the two different roof forms on the west (front) façade. Some believed the roof forms should be level or at least symmetrical while others had no opinion. They were also uncomfortable with location of the garage entrance which appeared disconnected from the mass of the building. They recommended pulling the garage entrance to the south so that it is under the main mass of the building. They also recommended that the garage door be transparent.

The Board also felt strongly about the design of the interior corner units on the upper floors that appear to be getting little natural light. The Board expressed a willingness to consider a further departure if the central units could be pulled back such that windows of the corner units would get more light exposure. The Board directed the architect to work with DPD staff to find an appropriate design solution.

Recommendation #3: Work with DPD staff to redesign the garage entrance so that it is more in alignment with the main mass of the building. Ensure that the garage door will be transparent.

Recommendation #4: Work with DPD staff to redesign interior corner units on the upper floors to allow more light penetration into the units. The Board is willing to consider an additional departure from the upper level setback requirement in order to accomplish this.

D Pedestrian Environment

D-1 Pedestrian Open Spaces and Entrances

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

D-6 Screening of Dumpsters, Utilities and Service Areas

Building sites should locate service elements like trash dumpsters, loading docks and mechanical equipment away from the street front where possible. When elements such as dumpsters, utility meters, mechanical units and service areas cannot be located away front the street front, they should be situated and screened from view and should not be located in the pedestrian right-of-way.

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-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 a transition between the public sidewalk and private entry.

- The Board thinks that landscaping should be used 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.
- The Board would like the applicant to address issues of personal safety and security at the stairway on the south facade.
- The Board looks forward to conceptual proposals for commercial signage and exterior lighting with specific examples shown.
- The Board recommended moving the trash enclosure inside the garage and not at the street.

At the Recommendation Meeting, the Board directed the applicant to be creative in using materials to break up the north, east and south facades (see above). The use of Boston Ivy was suggested as a softening agent for the concrete walls on these facades. They were pleased to see the elimination of the proposed exterior stairway on the south façade. The trash enclosure has been moved to entirely within the garage and an additional staging area added near the entrance for pickup days.

E Landscaping

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.

DEPARTURES FROM DEVELOPMENT STANDARDS

Departure Summary Table

REQUIREMENT	REQUEST	APPLICANT'S JUSTIFICATION	BOARD RECOMMENDATION
Street level development standards (SMC23.47A.008D2) Residential uses are limited to 20% of the street level street facing façade.	Residential use exceeds 20% of street level street facing façade at Lake City Way NE. Increase to 41%.	Because there is only the one street-facing façade, entries (auto, commercial and residential) must be located here.	The 5 Board members unanimously voted to grant this departure as reasonable for non-habitable residential uses.
Setback Requirements (SMC 23.47A.008D2) Residential street level uses must be at least 4 feet above the sidewalk or at least 10 feet from the sidewalk.	Request reduction in setback (10 'to 7' 5") for entrance to residential stair tower.	Entrance doors to residential stair towers should not be recessed such that someone may hide from view.	The 5 Board members voted unanimously to grant this departure noting the personal safety and security aspects.
Setback Requirements (SMC 23.47A.014) Portions of structures above 40' in height need setback of 15' plus 2' for every 10' additional height above 40'.	Request 3'6" reduction in setback above 40' for 16 % of the east facing façade.	In response to the Board direction to set back upper levels from street façade. One unit on each of 3 floors will protrude 3' 6" into the allowable upper level setback.	The 5 Board members unanimously voted to grant this departure. They also suggested a further departure for an additional portion of this façade to allow redesign of the interior corner units (see recommendations).
Sight Triangle (SMC23.53.030G) For a 2-way, 22 foot driveway, a sight triangle shall be kept clear of any obstruction for a distance of ten feet from the sidewalk	Request modification of the standard by providing clear glass window at the right side of driveway in addition to a mirror on the left side of garage entrance.	Board recommendation to redesign garage entrance requires structural post on right side of garage entrance with potential sight triangle obstructions. Provision of a mirror would mitigation for any [possible view obstructions.	DPD grants this departure, recognizing the necessity as a consequence of a unanimous recommendation by the Board to redesign parking garage entrance.

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

Recommendation #1: Extend overhead weather protection to the doorway north of the garage entrance.

Recommendation #2: Work with DPD staff to refine the material and color choices for the north, east and south facades.

Recommendation #3: Work with DPD staff to redesign the garage entrance so that it is more in alignment with the main mass of the building. Ensure that the garage door will be transparent.

Recommendation #4: Work with DPD staff to redesign interior corner units to allow more light penetration into the units. The Board is willing to consider an additional departure from the upper level setback requirement in order to accomplish this.

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

Five 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 five 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) because the proposed project is located in a commercial zone and exceeds four dwelling units.

The initial disclosure of the potential impacts from this project was made in the environmental checklist submitted by the applicant dated October 3, 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 Geotech Consultants of Bellevue, WA, and dated February 29, 2008 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.

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.

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.

Prior to Issuance of Master Use Permit or Building Permit

2. 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.
3. 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.
4. 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.

Prior to Final Inspection

5. 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.

For the Life of the Project

6. 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, or by the Design Review Manager. 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.

Compliance with all applicable conditions must be verified and approved by the Land Use Planner, 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: April 02, 2009
Marti Stave, Land Use Planner
Department of Planning and Development

MS:lc

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