



City of Seattle

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

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

Application Number: 9808469
Applicant Name: Katherine Jansen for Nor Pac Equities
Address of Proposal: 5446 California Avenue Southwest

SUMMARY OF PROPOSED ACTION

Master Use Permit to establish the use for the future expansion of a 3,444 square foot single purpose structure to a two story mixed use building with 765 square feet of administrative office and 6,572 square feet residential use. Project includes 85 cubic yards of grading and no demolition. Parking for 14 vehicles will be provided at grade.

The following approvals are required:

SEPA - Environmental Determination – Chapter 25.05 SMC

Design Review – Chapter 23.41 SMC

SEPA DETERMINATION: Exempt DNS MDNS EIS

DNS with conditions

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

* Early DNS Notice published July 1, 1999

BACKGROUND DATA

Site and Area Description

The subject site is located on the east side of California Avenue Southwest between Southwest Findlay and Southwest Brandon Streets. The subject site is zoned Neighborhood Commercial 2 with a maximum height limit of 30 feet (NC2-30).

Currently located on the subject site is an older house that contains five apartment units. Directly adjoining the site to the north and south are single-family residences and across the street are a number of small, one-story commercial spaces as well as single-family residences. These properties are zoned NC2-30. Directly opposite the site across the alley are single-family residences zoned Single-Family 5000 (SF5000). A mixed-use project has recently been built on the property directly to the south of the subject site.

Proposal Description

The proposed structure includes commercial space fronting California Avenue SW, apartments and parking behind the commercial area, and a second and third floor of residential units. The applicant proposes a total of 12 residential units, 765 square feet of commercial space and 14 parking spaces. An alley behind the structure would provide access to the at-grade parking area.

Public Comments

A letter received in July of 1999 requested that the City deny a project permit based on an increase in density and an increase in traffic in the alley. The letter cited the possible dangers of auto accidents and deterioration of the alley paving. The letter writer proposed that alley traffic be directed one-way with the addition of speed bumps.

ANALYSIS-DESIGN REVIEW

Design Guidelines Priorities

The project proponents presented their initial ideas at an Early Design Guidance meeting on March 11, 1999. 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 identified the following Citywide Design Guidelines as high priorities to be considered in the final proposed design.

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

The Board would like this project to take cues from the older, detached single family residential structures remaining on the block. If the property will remain in single-purpose residential use, the Board is supportive of including a front setback to resemble a front yard, since that is one of the existing characteristics of the streetscape. The Board recognizes that this block is in transition and if other projects proposed nearby will not continue to provide that front setback, then a front setback for this site is less important. The Board recommends that the developer continue discussions with the developer of the adjacent parcel to the south in regard to this matter.

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

The Board emphasized the need for entrances to be identifiable, well lit at night and covered. The Board commented on two early design scenarios, one maintaining the existing house with only an addition to the rear and the other adding a commercial space at street level to the front of the existing structure as well. The Board's preference was to not construct the commercial

addition and requested that the facade be reworked to maintain the image of a grand old house. This should include providing a grand front porch, typical of the building's era, that is open on the sides with a posted roof and wide porch steps. The house probably had such a porch which appears to have been partially enclosed. The porch could be reopened or a new one added to the front.

While the Board was concerned that the entrance to new units to be constructed in the rear needs to be clearly identifiable, the challenge is still to preserve the character of the main, grand entrance. The Board recommended either using landscaping treatment such as a hard-surfaced walking path, a trellis or gateway feature on the side, and good lighting to identify this entrance (which could be around the side of the house) or rearrange the interior of the existing structure to allow the main entry off the front porch to access all of the units.

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.

The Board was pleased to hear that this developer is willing to discuss development issues, such as easements to allow for windows along property lines or for common access, with the developer of the adjacent parcel to the south at 5450 California Ave. SW.

A-6 Transition Between Residence and the 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.

If this developer chooses to omit the addition of commercial frontage to the project, the Board would like to see a traditional, landscaped front yard to this residential project.\

A-8 Parking and Vehicle Access. Siting should minimize the impact of automobile parking and driveways on the pedestrian environment, adjacent properties and pedestrian safety.

A-9 Location of Parking on Commercial Street Fronts. Parking on a commercial street front should be minimized and where possible should be located behind a building.

The Board would like the impacts of the open parking spaces that are proposed to be located under the new addition to the rear of the site to be as minimally obtrusive as possible. The Board emphasized the importance of effective screening of the parking. The Board noticed that discussions took place at this public meeting between the developers of this site and of the next site adjacent to the south at 5450 California Ave. SW. The Board encouraged both developers to work out access issues together, if possible. Specifically, would access from the alley to the site at 5450 be possible via an easement across 5446, eliminating the driveway and curb cut from California Ave. SW?

B-1 Height, Bulk and Scale Compatibility. Projects should be compatible with the scale of development anticipated by the applicable Land Use Policies for the surrounding area and should be sited and designed to provide a sensitive transition to near-by, less-intensive zones. Projects on zone edges should be developed in a manner that creates a step in perceived height, bulk and scale between the anticipated development potential of the adjacent zones.

The Board is concerned about the height, bulk and scale of the existing residential structures nearby in the zone as well as that of the single family zone nearby. As such, the Board wished to encourage that this project be limited to a size and proportions that appear to fit this human scale characteristic of the neighborhood. The Board was encouraged to hear that this proposal was primarily to add to an existing building that would not appear to be a significant increase in height, bulk or scale as viewed from the street facade. The Board requested that the project respect the single family zone adjacent across the alley by such techniques as using a hip roof instead of a gable end or limiting the height of the east facade.

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

The Board directed that the finished level of detailing should be consistent with the original style of the building. The Board further requested that the developer consider restoring the authenticity of the front facade by adding or restoring a front porch appropriate to the style of the building.

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.

Durable and high quality materials should be used to help reinforce the permanence of the structure. The Board expects that the selection of materials should be consistent with those materials originally used on that style of building. The Board requested that the use of vinyl wall covering be avoided.

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 protected from the weather. Opportunities for creating lively, pedestrian-oriented open space should be considered.

D-5 Visual Impacts of Parking Structures. The visibility of all at-grade parking structures or accessory parking garages should be minimized. The parking portion of a structure should be architecturally compatible with the rest of the structure and streetscape. Open parking spaces and carports should be screened from the street and adjacent properties.

The Board again directed that the parking area be thoroughly screened from view.

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 from the street front, they should be situated and screened from view and should not be located in the pedestrian right-of-way.

The Board mentioned that the dumpster must be properly screened from view, even though the early design concept presented the location to be along the alley.

E-2 Landscaping to Enhance the Building and/or Site. Landscaping including living plant material, special pavements, trellises, screen walls, planters, site furniture and similar features should be appropriately incorporated into the design to enhance the project.

The Board is looking forward to reviewing the developer's response to this guideline.

DESIGN REVIEW BOARD RECOMMENDATION

The applicant revised the design and applied for a Master Use Permit with a design review component on June 9, 1999.

The Design Review Board conducted Preliminary and Final Recommendation Meetings on July 13, 2000 and February 8, 2001 respectively, to review the applicant's formal project proposal developed in response to the previously identified priorities. At the two public meetings, site plans, elevations, floor plans, landscaping plans and computer renderings of the proposed exterior materials were presented for the Board members' consideration.

Development Standard Departures

The applicant did not request departures from the Land Use Code.

Public Comments

At the Preliminary Recommendation meeting held on July 13, 2000, one member of the public attended the meeting. The attendee would like to see a development that would add to the character and desirability of the neighborhood and was disappointed that the existing house was no longer being incorporated into the design. The attendee questioned the validity of the commercial space proposed and the impacts of this space remaining vacant on the surrounding neighborhood.

The attendee expressed concern about the impacts on residential properties across the alley as a result of decks being proposed along the eastern façade. He suggested that the deck railings proposed along the eastern façade be redesigned to ensure privacy for residential properties in the vicinity of the subject site. Further, he noted that landscaping could also assist in screening these decks and generally the eastern façade from the residential properties to the east.

No one from the public attended the Recommendation Meeting (February 8, 2001).

Recommendations

Guidelines from the Preliminary Recommendation Meetings are in italics. Final recommendation guidelines are in plain type. Four Board members attended the Final Recommendation Meeting.

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.

Board members advised that illumination in the parking garage should be defused and directed down and away from the neighbors.

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

The Board recognizes that the block is in transition, however they felt that it was important for the project to fully address both the street frontage and the rear alley. This would ensure that the project was well integrated into the neighborhood and minimized height, bulk and scale impacts. The Board discussed in detail the need for the project to respect the Single-family Zone located across the alley from the site by screening the decks along the eastern façade in order to provide more privacy for adjoining residents.

At the Recommendation Meeting, the Board recommended a redesign of the commercial façade. See C-2.

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

The Board felt that the connection of the hipped roof with the body of structure, and generally the verticality of the building needed to be strengthened. This could be achieved by introducing fascia banding and incorporating additional modulation in assisting to break up the massing of the building and minimizing height, bulk and scale impacts.

The Board requested that the design of the commercial structure in front of the residential element revert to the original scheme, which reflected the style of the apartment building and traditional storefronts. The glazing of the preferred version will make use of mullions and divisions to create an intimate sense of 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 discussed in detail that the project should take further cues from the older, detached single-family residential structures remaining in the vicinity. The Board suggested that the vernacular style could be further re-created in the residential portion of the building by introducing additional architectural elements such as window trim, dormer windows, and by including creative use of color. Durable and high quality materials should be used to help reinforce the permanence of the structure, and the selection of materials should be consistent with those materials originally used on the older style buildings.

Deeper or richer exterior colors were recommended. The two major blocks of the residential portion of the structure should be a separate color from the area housing the exterior stairs linking them. The transitional section ought to remain muted or lighter in hue. The trim should contrast with the color of the exterior walls. The architect has not decided exterior materials; however, he indicated that either vinyl or cement board would be used. The Board indicated that bold colors in vinyl may fade.

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.

The Board felt that the commercial element needed to be strengthened and the façade detailing needed to wrap further around the side of the building in order to provide more of a commercial presence on the street. It was suggested that the window design should incorporate some of the detailing proposed in the residential portion of the building, in particular the decks. Further, the Board felt that the commercial space should be more open to the street. This could be achieved by incorporating more glazing along the façade.

See C-2.

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.

The garbage and recycling collection areas should be adequately screened. The Board had no intention of recommending anything more stringent than what the zoning code requires.

Board Recommendations: The recommendations summarized below were based on the plans submitted at the February 8, 2001 meeting. Design, siting or architectural details not specifically identified or altered in these recommendations are expected to remain as presented in the plans and other drawings available at the February 8th public meeting. After considering the site and context, hearing public comment, reconsidering the previously identified design priorities, and reviewing the plans and renderings, the four Design Review Board members present unanimously recommended approval of the subject design.

The Board recommended the following **CONDITIONS** for the project. (Authority referenced in the letter and number in parenthesis):

1. Redesign the east elevation housing the commercial space. Rather than creating an expansive arch, the commercial element should resemble a traditional main street storefront with transom windows to provide a better sense of human scale as well as mirror the architectural style of the older structures in the neighborhood. (C-1, C-2, D-1)
2. Select a richer palette of exterior colors with contrasting trim to provide a more pleasing sense of place. The two major masses comprising the structure's residential portion shall be a separate color from the area housing the exterior stairs linking them. The transitional section shall remain muted or lighter in hue. (C-4)
3. Ensure that illumination in the parking area is defused and directed down and away from the adjacent structures. (A-5)

DIRECTOR'S ANALYSIS - DESIGN REVIEW

The Director finds no conflicts with SEPA requirements or state or federal laws, and has reviewed the City-wide Design Guidelines and finds that the Board neither exceeded its authority nor applied the guidelines inconsistently in the approval of this design.

DECISION - DESIGN REVIEW

The proposed design is **CONDITIONALLY GRANTED**.

ANALYSIS-SEPA

The initial disclosure of the potential impacts from this project was made in the environmental checklist submitted by the applicant's agent (dated June 9, 1999) 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 review of similar projects, form the basis for this analysis and decision.

The SEPA Overview Policy (SMC 25.05.665D) clarifies the relationship between codes, policies and environmental review. Specific policies for each element of the environment, certain neighborhood plans, and other policies explicitly referenced may serve as the basis for exercising 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 25.05.665D1-7) mitigation can be considered.

Short-term Impacts

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 related vehicles. Several construction-related impacts are mitigated by 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. The following is an analysis of the air quality, earth, streets, parking, and construction-related noise impacts as well as mitigation.

Noise

Noise associated with construction of the building could adversely affect surrounding uses in the area, which include residential and commercial uses. Surrounding uses are likely to be adversely impacted by noise throughout the duration of construction activities. Due to the proximity of the project site to these residential 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.

Grading, delivery and pouring of concrete and similar noisy activities will be prohibited on Saturdays and Sundays. In addition to the Noise Ordinance requirements, to reduce the noise impact of construction on nearby residences, only the low noise impact work such as those listed below will be permitted on Saturdays from 9:00 A.M. to 5:00 P.M and on Sundays from 10:00 A.M. to 5:00 P.M.:

- A. Surveying and layout.
- B. Other ancillary tasks to construction activities will include site security, surveillance, monitoring, and maintenance of weather protection, water dams and heating equipment.

In addition to the Noise Ordinance requirements, to reduce the noise impact of construction on nearby properties, all other construction activities shall be limited to non-holiday weekdays between 7:30 A.M and 6:00 P.M.

After each floor of the building is enclosed with exterior walls and windows, interior construction on the individual enclosed floors can be done at other times in accordance with the Noise Ordinance. Such construction activities will have a minimal impact on adjacent uses. Restricting the ability to conduct these tasks would extend the construction schedule; thus the duration of associated noise impacts. DPC recognizes that there may be occasions when critical construction activities could be performed in the evenings and on weekends, which are of an emergency nature or related to issues of safety, or which could substantially shorten the total construction timeframe if conducted during these hours. Therefore, the hours may be extended and/or specific types of construction activities may be permitted on a case by case basis by approval of the Land Use Planner prior to each occurrence.

As conditioned, noise impacts to nearby uses are considered adequately mitigated.

Air Quality

Construction is expected to temporarily add particulates to the air and will result in a slight increase in auto-generated air contaminants from construction activities, equipment and 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). To mitigate impacts of exhaust fumes on the directly adjacent residential uses, trucks hauling materials to and from the project site will not be allowed to queue on streets under windows of the adjacent residential building.

Earth

The Stormwater, Grading and Drainage Control Code requires preparation of a soils report to evaluate the site conditions and provide recommendations for safe construction on sites where grading will involve cuts or fills of greater than three feet in height or grading greater than 100 cubic yards of material.

The soils report, construction plans, and shoring of excavations as needed, will be reviewed by the DPC Geotechnical Engineer and Building Plans Examiner who will require any additional soils-related information, recommendations, declarations, covenants and bonds as necessary to assure safe grading and excavation. This project constitutes a "large project" under the terms of the SGDCC (SMC 22.802.015 D). As such, there are many additional requirements for erosion control including a provision for implementation of best management practices and a requirement for incorporation of an engineered erosion control plan which will be reviewed jointly by the DPC building plans examiner and geo-technical engineer prior to issuance of the permit. The Stormwater, Grading and Drainage Control Code provides extensive conditioning authority and prescriptive construction methodology to assure safe construction techniques are used, therefore, no additional conditioning is warranted pursuant to SEPA policies.

Grading

A minimum amount of excavation will be necessary. The maximum depth of the excavation is approximately three feet and will consist of approximately 85 cubic yards of material. The soil removed will not be reused on the site and will need to be disposed off-site by trucks. City code (SMC 11.74) provides that material hauled in trucks not be spilled during transport. The City requires that a minimum of one foot of "freeboard" (area from level of material to the top of the truck container) be provided in loaded uncovered trucks which minimize the amount of spilled material and dust from the truck bed enroute to or from a site. No further conditioning of the grading/excavation element of the project is warranted pursuant to SEPA policies.

Traffic and Parking

Excavation activity will require nine round trips with 10-yard hauling trucks or 4 round trips with 20-yard hauling trucks, which are the standard for this size of undertaking. Existing City code (SMC 11.62) requires truck activities to use arterial streets to every extent possible. The proposal site is near several major arterials and traffic impacts resulting from the truck activity associated with grading will be of short duration and mitigated by enforcement of SMC 11.62.

Long-term Impacts

Long-term or use-related impacts are also anticipated as a result of approval of this proposal including: increased surface water runoff due to greater site coverage by impervious surfaces; increased bulk and scale on the site; increased traffic in the area and increased demand for parking; increased demand for public services and utilities; potential loss of plant and animal habitat; and increased light and glare.

Several adopted City codes and/or ordinances provide mitigation for some of the identified impacts. Specifically these are: The Stormwater, Grading and Drainage Control Code which requires on site collection of stormwater with provisions for controlled tightline release to an approved outlet and may require additional design elements to prevent isolated flooding; the City Energy Code which will require insulation for outside walls and energy efficient windows; and the Land Use Code which controls site coverage, setbacks, building height and use and contains other development and use regulations to assure compatible development. 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.

Traffic and Transportation

According to The Institute of Transportation Engineers (ITE) Trip Generation Manual, apartment units generate .62 vehicle trips in the P.M. peak period per unit. The 12 units would generate approximately 7.4 vehicle trips per P.M. peak period. The existing five units each currently generate an estimated 3.1 trips per P.M. peak period. The residential component would add a total of 4.3 new trips according to the ITE manual. A small office space may generate an average of 1.72 trips per 1,000 square feet of gross floor area. The proposed 765 square foot office space project would produce an estimated 1.3 vehicle trips during the p.m. peak hour.

In total, the proposed complex would contribute approximately 5.6 P.M. peak hour trips over and beyond current use. The new trips added to the p.m. peak traffic will not seriously affect operations of the intersections at either SW Findley St./California Ave. SW or SW Brandon St./California Ave. SW, thus no SEPA mitigation of traffic impacts to this intersection are warranted.

Parking

Subsection 23.05.675 of the City's Environmental Policies and Procedures addresses parking impacts, as follows:

Parking policies designed to mitigate most parking impacts and to accommodate most of the cumulative effects of future projects on parking are implemented through the City's Land Use Code. However, in some neighborhoods, due to inadequate off-street parking, streets are unable to absorb parking spillover.... It is the City's policy to minimize or prevent adverse parking impacts associated with development projects. Subject to the overview and cumulative effects policies set forth in SMC Sections 25.05.665 and 25.05.670, the decision-maker may condition a project to mitigate the effects of development in an area on parking; provided, that...parking impact mitigation for multifamily development...may be required only where on-street parking is at capacity as defined by Seattle Transportation or where the development itself would cause on-street parking to reach capacity as so defined.

The project as a whole provides 14 parking stalls for 12 residential units, which meets zoning requirements. However, anticipated demand for parking in a multi-family project is 1.5 spaces per unit, which would result in a need for parking for 18 vehicles. A review of the parking conditions by DPC staff indicates that on-street parking spaces in the evening will accommodate the "spillover" parking of four vehicles based on the difference between the amount of parking available in the proposed project and projected demand.

The proposed 14 parking spaces (all devoted to residential uses) meet the Land Use Code requirement for on-site parking. The customer service office use, comprising approximately 765 square feet, will likely attract customers from the neighborhood. On-street parking is available on the adjacent streets. DPC has determined that there are adequate on-street parking spaces available to accommodate the small demand that residential and commercial uses of this size would likely produce.

Summary

In conclusion, several adverse effects on the environment are anticipated resulting from the proposal. The conditions imposed below are intended to mitigate specific impacts identified in the foregoing analysis, or to address 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 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 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. An EIS is required under RCW 43.21C.030(2)(C).

CONDITIONS-DESIGN REVIEW

Prior to Issuance of a Master Use Permit

Update plans according to the following conditions:

1. Redesign the east elevation housing the commercial space. Rather than creating an expansive arch, the commercial element should resemble a traditional main street storefront with transom windows to provide a better sense of human scale as well as mirror the architectural style of the older structures in the neighborhood.
2. Select a richer palette of exterior colors with contrasting trim to provide a more pleasing sense of place subject to the approval of the Land Use Planner. The two major masses comprising the structure's residential portion shall be a separate color from the area housing the exterior stairs linking them. The transitional section shall remain muted or lighter in hue.
3. Ensure that illumination in the parking area is defused and directed down and away from the adjacent structures.

Non-Appealable Conditions

4. Any proposed changes to the exterior of the building or the site or must be submitted to DPC for review and approval by the Land Use Planner (Bruce P. Rips, 615-1392). Any proposed changes to the improvements in the public right-of-way must be submitted to DPC and SDOT for review and for final approval by SDOT.
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 DPC planner assigned to this project (Bruce P. Rips, 615-1392), 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.

6. Embed all of these conditions in the cover sheet for the MUP permit and for all subsequent permits including updated MUP plans, and all building permit drawings.

CONDITIONS-SEPA

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. The conditions will be affixed to placards prepared by DPC. 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.

1. Grading, delivery and pouring of concrete and similar noisy activities will be prohibited on Saturdays and Sundays. In addition to the Noise Ordinance requirements, to reduce the noise impact of construction on nearby residences, only the low noise impact work such as that listed below, will be permitted on Saturdays from 9:00 A.M. to 5:00 P.M. and on Sundays from 10:00 A.M. to 5:00 P.M.:
 - A. Surveying and layout.
 - B. Other ancillary tasks to construction activities will include site security, surveillance, monitoring, and maintenance of weather protecting, water dams and heating equipment.
2. In addition to the Noise Ordinance requirements, to reduce the noise impact of construction on nearby properties, all other construction activities shall be limited to non-holiday weekdays between 7:30 A.M. and 6:00 P.M.

Hours on weekdays may be extended from 6:00 P.M. to 8:00 P.M. on a case by case basis. All evening work must be approved by DPC prior to each occurrence.

After each floor of the building is enclosed with exterior walls and windows, interior construction on the individual enclosed floors can be done at other times in accordance with the Noise Ordinance. Such construction activities will have a minimal impact on adjacent uses. Restricting the ability to conduct these tasks would extend the construction schedule; thus the duration of associated noise impacts. DPC recognizes that there may be occasions when critical construction activities could be performed in the evenings and on weekends, which are of an emergency nature or related to issues of safety, or which could substantially shorten the total construction time frame if conducted during these hours. Therefore, the hours may be extended and/or specific types of

construction activities may be permitted on a case by case basis by approval of the Land Use Planner prior to each occurrence.

Once the foundation work is completed and the structure is enclosed, interior construction may be done in compliance with the Noise Ordinance and would not be subject to the additional noise mitigating conditions.

Signature: (signature on file) Date: May 2, 2005

Bruce P. Rips, AICP,
Land Use Planner
Department of Design, Construction and Land Use
Land Use Services