

FINDINGS AND DECISION

OF THE HEARING EXAMINER FOR THE CITY OF SEATTLE

In the Matter of the Appeal of

ROBERT B. BECKERMAN, ET AL.,

FILE NO. MUP-86-027(W)
APPLICATION NO. 8504521

from a decision of the Director
of the Department of Construction
and Land Use on a master use
permit application

Introduction

Appellants, Robert B. Beckerman, Jean Johnson and Robert Wheeler, appeal the decisions of the Director, Department of Construction and Land Use, to issue a determination of non-significance and to approve with conditions a proposed mixed use building including mini-storage for property at 1809 - 12th Avenue.

The appellants exercised their right to appeal pursuant to the Master Use Permit Ordinance, Chapter 23.76, Seattle Municipal Code.

This matter was heard before the Hearing Examiner on June 25, 26 and 30, 1986. The record remained open until July 11, 1986, for the addition of certain evidence.

Parties to the proceedings were: appellants, represented by J. Richard Aramburu, attorney at law, the Director, Department of Construction and Land Use, by the City Attorney, Dennis McLerran, assistant, and the applicant, Roy Johnson, by Thomas A. Goeltz, Davis, Wright and Jones.

For purposes of this decision, all section numbers refer to the Seattle Municipal Code unless otherwise indicated.

After due consideration of the evidence elicited during the public hearing, the following shall constitute the findings of fact, conclusions and decision of the Hearing Examiner on this appeal.

Findings of Fact

1. The applicant applied for a master use permit to demolish certain buildings and to construct a mixed use building at 1809 - 12th Avenue. One of the uses is proposed to be mini-storage. The Director issued a determination of non-significance (DNS) for the proposal and approved the proposal subject to several conditions. Appellants filed this appeal to challenge those decisions.

2. The application was filed in August, 1985. The DNS was issued April 7, 1986. A new zoning code changing the designation of the subject property from Community Business (BC) to NC3/40 was adopted and became effective June 9, 1986. The Director determined the project was vested to the BC zoning and the applicant elected to proceed under Title 24 as permitted by the transition vesting rule in Section 23.04.010.D.

3. The proposal, at the time of the Director's decisions, was for a four story structure, with heights of 53 ft. 2 in. to the top of the roof and 56 ft. 2 in. to the top of the parapet, length of 240 ft. and depth of 110 ft. The front facade would begin at the front property line with four or five 5 ft. deep, 20 ft. wide and one 20 ft. deep, 40-50 ft. wide indentations providing modulation, gabled roofs, windows, awnings at street level and first level surface treatment different from the stucco-like finish above. The structure was proposed to contain

1,941 sq. ft. of residential space, 1,020 sq. ft. of office space, 2,500 sq. ft. of retail space in two spaces, 113,957 sq. ft. of mini-storage space and 13,830 sq. ft. of parking, or 63 parking spaces on the first and basement levels. Ingress would be from 12th Avenue mid-building at the 20 ft. deep modulation and egress may be the same as the ingress or may be at the rear of the site via an easement across the property to the south to Howell Street. Access to the basement would require leaving the building at the north end of the rear and traveling along a ramp or driveway to a basement entrance near the south end of the building.

4. At the time of the hearing changes and additional features were offered by applicant to further mitigate the proposal's impacts including repeating the 5 ft. deep modulations and gabled roofs on the back side of the building and a 6 ft. high screen along the edge of the driveway/ramp at the rear property line. The revised plans show floor area as follows: office use, 595 sq. ft., retail use 2,200 sq. ft., residential use, 1,280 sq. ft., mini-storage use, 104,187 sq. ft. and covered parking, 20,853 sq. ft. The height was reduced to 44 ft. 1.5 in., by the Title 24 measurement, with no parapet. Two parking spaces, screened by planters, would be located in the driveway area, 53 spaces would be provided at the first and basement levels, and three spaces would be provided off-site in the easement across the property south of the subject property. Exhibit 3.

5. The driveway at the rear of the building is to be 12 ft. wide set 2 ft. under the building. The upper floors would be set 10 ft. back from the rear property line. The two rear openings would have electrically operated security gates.

6. The first level of the building would be mixed use, storage, office, retail and residential. The three levels above would be entirely storage with the space in the top level reduced because of the gables. The basement level would be entirely parking. Larger storage units, suited for use by businesses, would probably be located on the first level with smaller units above. The proposal anticipates a total of 812 storage units.

7. The applicant stipulates that the hours of operation of the mini-warehouse will be no greater than 7:00 a.m. to 9:00 p.m., seven days a week.

8. The mini-warehouse operation would have a full-time caretaker residing in the dwelling unit at street level.

9. The proposal at the time of initial application was for a 56.3 ft. high concrete and metal building with few design features.

10. The Director cited the following impacts of the proposal on the environment in the DNS: earth disruption from excavation; increase in particulate levels in the air during construction; permanent increase in carbon monoxide emissions; increase in noise levels; increase in lighting; change and intensification of land use; and a slight increase in vehicular movement and parking demand.

11. The Director's approval of the proposal was subject to the following conditions:

1. Design elements shall be provided as shown on the plans submitted for the Master Use Permit and as described in the background data.

Conditions of Approval During Construction

1. Landscaping shall be provided per approved plan prior to final occupancy of the building.
2. Loud equipment, including but not limited to, pavement (sic) breakers, pile drivers,

jackhammers, sandblasting tools, crawlers, tractors, compactors, drills, graders, compressors and other similar equipment is strictly limited to normal working hours (7:30 a.m. to 6:00 p.m.) on weekdays.

3. The easement shall be fully improved to use as the access to the development.

Permanent Conditions

1. Maintenance of the landscaping shall be the responsibility of the owner(s).

12. The subject site comprises four lots on the west side of 12th Avenue. It is currently occupied by four structures housing a retail store, clinic, offices and residential units. The site slopes down to the west with the rear property line at the top of a steep embankment dropping down some 10 ft. to the property to the west. The southerly property line is located approximately 14 ft. north of the existing paint store sign and the northerly line about 7 ft. south of the Central Co-op store. The east property line is 2.5 ft. to 3 ft. west of the west edge of the sidewalk.

13. Both sides of 12th Avenue from East Olive Street to Denny Way are zoned NC3/40. South of Olive, 12th Avenue is NC3/65 to East Pike and C2/65 south of Pike. North of Denny along 12th Avenue, the half block west of the subject site and to the east of the NC3 zone the zoning is L-3.

14. The subject property adjoins the Central Co-op, a food market, to the north, and a paint store to the south. Across 12th Avenue is a bookstore with residence above at the north end of the block a veterinary hospital in a new one story building with parking below, a manufacturers' representative's office, and four apartment buildings. On 12th Avenue in the block south of the subject site are two apartment buildings, a single family residence, an architect's office and another apartment building on the west side. On the east side is an architect's office, market, auto repair shop, single family residence, four-plex with shop space at street level and a foreign auto repair shop. On the east side of 11th Avenue is an apartment building at the north end of the block, a condominium project under construction, a nursing home with second story apartments and a duplex at the south end.

15. Several single family houses in the neighborhood have undergone renovation or conversion to other use, a new condominium apartment building is under construction on 11th Avenue, permits have been issued for a new mixed use structure (clinic and residential) on the property south of the subject site, the veterinary hospital is new and several new condominiums have been constructed north of Denny.

16. Most of the structures in the immediate vicinity occupy one or two lots and are one, two or three stories high. Examples of large buildings in the immediate vicinity are the brick apartment building at the southeast corner of 13th Avenue and Denny which is 45 ft. above grade and 60 ft. wide, the condominium under construction on 13th Avenue which will be over 47 ft. tall, the apartment building at 11th and Denny which is 47.5 ft. high in front and 53 ft. in back and measures 120 ft. long, and the apartment building on Howell which is 120 ft. by 120 ft. and about 37 ft. high.

17. One large structure within view of the subject site is the Central Seattle Community College building on Broadway which is 573 ft. long by 250 ft. deep. Group Health and Seattle University buildings are also large but not in the immediate area. Further south are the L.E. Belcourt building and East Central Police Precinct which are large. The Richmark building is some 250 ft. long along 12th Avenue but only 12 ft. high.

18. Alleys are not a standard feature of blocks on Capitol Hill.

19. The nursing home property which abuts the subject property is developed with a one story nursing home licensed for 42 beds and two apartment units in the second story. An asphalted area crosses the north end and provides a driveway across the back to the carport located between the nursing home structure and subject property. An embankment at the rear of the property rises up some 10 ft. to the subject property. A few patient room windows open to the asphalted area. They are small and high.

20. The director of operations of the nursing home expressed concern that the exhaust, lights and noise from cars and the noise from opening and closing gates would disturb the residents of the nursing home. She also objected to the loss of trees and vegetation.

21. The Central Co-op is located at the southwest corner of the intersection of 12th avenue with denny. It occupies a 50 ft. by 50 ft. building set back from the south property line approximately 7 ft. The building is 15.5 ft. high at its southeast corner. The Central Co-op sells groceries and produce to its 5,000 member households and others and is open until 9:00 p.m., Monday through Saturday. A survey showed that approximately 50% of its customers come by foot or bicycle.

22. The view to the west from the Beckerman and Taylor house at 1821-13th Avenue includes the Olympics, Puget Sound and the Space Needle. The house is two stories high. A similar view is enjoyed by other residents along 13th Avenue.

23. The average height of the street facade of the building, above street grade, would be 39.91. ft. By the Title 24 method of calculation the average height of the building would be 43.58 ft. The highest point above existing grade would be at the southwest corner where it would be 54 ft. The north end would be 40.5 ft above existing grade.

24. The proposed height of the building has been reduced from the 56 ft. 2 in. approved by the Director to the 43.58 ft. by removing the sub-basement from the proposal, removing the parapet, moving the driveway and making other structural changes.

25. The proposed structure would be about 51 ft. above grade behind the nursing home and some 44 ft. behind the apartment building.

26. At the proposed height the structure would rise approximately 20 ft. higher than the height of any building built to the maximum permitted under L-3 on 11th Avenue.

27. The building would provide no setbacks at the north and south property lines. In front, the building would extend to the property line except at the 5 ft. and 20 ft. deep modulations.

28. Under BC zoning the structure could be approximately 15 ft. higher than proposed. Under the new NC3/40 provisions the proposed building is approximately 9 ft. too high, with no parapet, at the southwest corner, tapering down to permissible height about 80 ft. north, but at the northeast corner the building could be higher under NC3/40.

29. The project architect incorporated various design features in an attempt to reflect Capitol Hill style and to minimize the appearance of bulk. The modulation is intended to break up the length of the building and the gables to lower the apparent height by a floor.

30. Various mitigating measures were proposed by appellant's expert, Peter Staten. He proposed that 15 ft. setback from the north and south property lines be added to shorten the building; that a rear setback of 25 ft. be required plus modulation; that

the building be lowered to 37 ft.; that no outside ramp be permitted; and that more space be dedicated to retail and residential use.

31. The number of vehicles entering or leaving the site (trip ends) during peak hour traffic projected by the City Engineering Department is 47 for the project reviewed for the environmental determination. David Markley, traffic engineer consultant to the applicant, projects 31. The combined addition of traffic from the proposal and from Kelden Court, the mixed used project on the property south of the site, would be 58 trip ends by the City's calculation and 43 by Markley's. The increase in peak hour traffic from the two projects would be 2-3%. The proposal before the Hearing Examiner, using the City's method of projecting traffic generation, would generate 44 trip ends and by Markley's method, 24, resulting in a lower percentage increase in volume.

32. A 2-3% increase in traffic would be imperceptible because traffic volume varies day to day \pm 5% with no reason.

33. The period of highest use of the storage facility is expected to be Saturday afternoon but since the volume of traffic on the street is lower at that time, the impact should be less than during peak periods.

34. Twelfth Avenue is a four lane roadway so vehicles turning onto the site or exiting the site would not impede the flow of traffic.

35. Assuming all vehicles visiting the site stay for one hour, 19 parking spaces would be filled during the street peak hour for 33% utilization. At the peak period of use on the weekend the parking would be approximately 45% utilized. There would be no need for on-street parking.

36. Two parking spaces are to be provided outside near the driveway to accommodate visitors when the facility is closed.

37. The intersection of 12th Avenue with Denny Way has averaged six reported accidents over the past several years which makes it a "high accident" intersection. In 1985, controls were installed limiting access to 12th from Denny to right turns only. The number of accidents in 1985 dropped to three which may reflect the restricted access.

38. The additional traffic generated by the proposal would have no noticeable effect on safety at the intersection since the hazard increases in the same proportion as traffic increases.

39. The City Council passed Resolution 27156, adopting the Neighborhood Commercial Areas Policies, in September, 1984. Resolution 27341 was passed in September, 1985, amending Resolution 27156 to establish the Neighborhood Commercial Areas Policies as the basis for SEPA review of projects proposed under Title 24.

40. In the mapping process for the new Neighborhood Commercial zoning, 12th Avenue between Denny Way and East Olive was considered specifically as Map Issue: CH 115. The Mayor's recommendation had been MR/RC, there had been a request for NC3/65 and the staff recommendation was for NC3/40. The staff report to the City Council stated that "(t)he 40 foot height limit is compatible with the adjacent L3 zoning and the two to three story height of existing development." Exhibit 32.

41. The Size of Use Policies of the Commercial Area Development Standards of the NCAP for Classification NC3 establishes a maximum size of 15,000 sq. ft. for warehouses, mini-warehouses and wholesale showrooms. Exhibit 6.

Conclusions

1. The Hearing Examiner has jurisdiction over the parties

to, and subject of, this appeal pursuant to Section 23.76.022.

2. The Director's determinations are to be given substantial weight by the Hearing Examiner on review. Section 23.76.022.b.7. The burden, then, is on appellants to show that the determination appealed from is clearly erroneous. Brown v. Tacoma, 30 Wn.App. 762, 637 P.2d 1005 (1981).

3. Appellants did not show the issuance of the DNS to be clearly erroneous. Therefore, that determination must be affirmed.

4. Appellants contend that the Director erred in her failure to impose conditions to mitigate negative impacts resulting from the bulk and scale of the building, on views caused by the height of the building, from the size of the use and from access to parking (the driveway). The Director's position is that the impacts have already been greatly reduced by changes in the proposal and that a balance has been achieved between the vested rights of the applicant to develop under the prior code provisions and impacts of the proposed project on the environment.

5. The Director is authorized to impose reasonable mitigating conditions related to adverse impacts identified in writing and in an environmental document. The conditions must be based on policies formally designated as bases for the exercise of substantive authority. Section 25.05.660.

6. The DNS does refer to the appearance of bulk which, it states, design features would mitigate. The evidence presented by appellants shows that the bulk of the building exceeds that of other buildings in the immediate vicinity and while the design features will improve the appearance of the building it will still appear to be a very large building which is out of scale with its neighbors. This bulk and scale impact may be further mitigated by the imposition of conditions only if authorized by SEPA policies.

7. The City Council designated the Neighborhood Commercial Area Land Use Policies (NCAP) as available for SEPA conditioning by Resolution 27341. Appellants urge that certain goals statements provide authority for the imposition of conditions to reduce bulk including:

A.1. Maintain business districts which conform in size and scale to the communities they serve;

2. Encourage the careful location of residences, institutions and businesses in order to maintain the integrity of neighborhoods;

B.9. Provide for a transition in scale and use between residential and commercial areas, buffering residential areas from the impacts of heavier commercial, whenever possible.

12. Preserve the distinctive character of different neighborhoods and their business districts....

Exhibit 6, pp. 1 and 2. Those broad goals have been incorporated into the policies, according to the explanatory text, and the policies themselves provide the actual policy direction that may be followed by the Director.

8. The City Council has applied its policy, with respect to the bulk appropriate for this site, through its choice of zoning. Appellants urge that a case decided earlier by the Council, In re SQAD (C.F. Nos. 294378 and 294392) shows that the Director has authority to condition a proposal to reduce bulk to provide transition to a residential zone. The Council found, in that case, that the project presented unusual circumstances which would not

have been fully contemplated when the multi-family zoning classification was determined. Here, we have evidence that the Council specifically considered the need for transition and chose the classification that would allow bulk comparable to that proposed for this project. So while the site is adjacent to a residential zone, and therefore presents the issue of transition between the zones, no unforeseen circumstance warrants a reduction of the bulk.

9. As to the impacts of the height of the building, the proposed height approximates that allowed in the new zone classification and that height limit was intended by the Council to be a transitional height. Therefore, a reduction of height based on the its relationship to the buildings in the zone or the adjacent zone would be inappropriate.

10. Appellant contends the NCAP authorizes the imposition of conditions reducing the height of a building to mitigate view blockage where the policies provide:

VI.B.4. Topography of the Area and its Surroundings

The height limit shall reinforce the natural topography of the area and its surroundings and the likelihood of view blockage shall be considered.

Exhibit 6, p. 67. This policy provided the basis for the Council's choice of the 40 ft. height limit. It does not provide authority for the Director to condition to prevent or reduce view blockage, especially where the Council has provided a specific view protection policy, at Section 25.05.902(7), which is to protect only views from specified public places and of designated historic landmarks. The language of the NCAP is too general to be regarded as a modification of the chief view protection policy of the City as it applies to neighborhood commercial areas. Therefore, the Director did not err in failing to reduce the height of the building.

11. Appellants allege that it was error not to impose a condition limiting the size of the mini-warehouse use to 15,000 sq. ft., as opposed to the bulk of the building, based on the NCAP size of use policy for NC3 which generally establishes no maximum size for uses with certain exceptions. One of the exceptions is mini-warehouse for which it sets a 15,000 sq. ft. maximum. Exhibit 6, p. 10.

12. The Director had several reasons for not limiting the size of use: a) she did not know with any certainty what zone classification would be applied to the property; b) the proposal was vested to BC which does not limit the size of use; and c) she found the size of the use would not create impacts in need of mitigation.

13. Appellants' concerns about the size of use relate to the nature of the use because it does not attract pedestrians so it would not complement other uses in the area, to their perception that the customer base would not be in the immediate neighborhood and to the foreclosure of opportunities to any future uses which they believe might be more in character with the neighborhood.

14. Appellants point to various goals, again to be incorporated in the NCAP, which they argue provide authority to the Director to require a reduction in the size of the use, namely:

A.11. Promote the pedestrian character of neighborhood commercial areas;

B.2. Preserve the neighborhood-serving character of small neighborhood oriented business districts while permitting the flexibility of business activity in business dis-

tricts with regional markets; and

B.12. Preserve the distinctive character of different neighborhoods and their business districts.

Exhibit 6, pp. 1, 2.

15. To impose a mitigating condition, the Director must first cite an impact on the environment in the environmental document. The DNS does state that there would be an "intensification" of land use and a "change" of land use. These effects are, presumably, on the element of the environment described as "Relationship to existing land use plans and to estimated population." Section 25.05.444(2)(B)(i). Since we now know that the use policies relating to the NC3 are the ones applicable to this site, we can conclude that the change of use to mini-warehouse and its intensification to 104,187 sq. ft. violates the existing land use policy. We also must observe that it is in conformance with the land zoning to which it is vested. The recent case of West Main Associates v. Bellevue, 106 Wn.2d 47 (1986), while striking down an unduly onerous vesting ordinance, affirmed government's authority, pursuant to SEPA, to condition or deny even a vested project because of adverse environmental impacts. The difficulty in this case is that the only element of the environment that is affected by the size of use is "relationship to existing land use plans." That relationship is the very essence of the vested right, i.e., to be permitted to relate to a former plan, and that is the right that is protected. So unless appellants proved that the size of use would have adverse impacts on elements of the environment other than in its relationship to the existing plan, which impacts cannot otherwise be mitigated, the Director did not err by not imposing a condition requiring the reduction in the size of the use.

16. The DNS identified a slight increase in vehicular movement. That increase was shown not to have an adverse effect except as to that occurring along the west property line close by residential units and the nursing home. The differing elevations were shown largely to shield the nursing home from the lights and noise, however the residential units in the building under construction will rise above the driveway and are likely to be adversely affected. The applicant has volunteered to accept a condition requiring him to extend a 6 ft. high screen or wall the length of the property to shield the abutting properties. The issue, then, is whether the Director has authority to require more, an additional setback or enclosure of the driveway.

17. Appellants find authority in the NCAP Location and Design of Parking Policy statement of policy intent that includes "...and to minimize adverse impacts on adjacent residential areas." The proposal, though, conforms to the specific policy provisions for setbacks, Exhibit 6, p. 44, which is 10 ft. required which may include alley width, Exhibit 6, p. 44a, and for location, Exhibit 6, p. 27. The screening requirement could be based on the policy regarding location of access to parking which requires consideration of surrounding uses. Exhibit 6, p. 27a. The only policy relating to the driveway which the proposal may have ignored which could provide authority for mitigating conditions is the NCAP Screening and Landscaping Policy which requires not only 6 ft. high screening for access to parking and loading spaces when the access abuts a property in a residential zone, but a 5 ft. deep landscaped area inside the fence unless waived by the Director. Vegetation on the west side of the screened wall to be constructed along the property line would make the access and its wall more compatible with the adjacent property. To the extent that permission from the adjacent property owners can be obtained and the surface permits, the applicant should plant trees or large shrubs along that wall.

18. Other conditions volunteered by the applicant should be imposed. The relief requested in the form of the following conditions must be disposed of as follows: a) height limited to 37 ft. must be denied for lack of authority; b) screening of rear

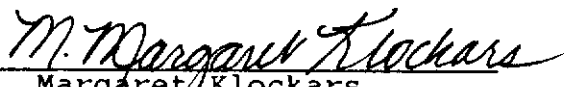
driveway should be required; c) 20 ft. setback from L-3 zone to the west must be denied for lack of authority; d) limitation of mini-warehouse use to 15,000 sq. ft. must be denied because applicant's right to use of the property is vested to Title 24; e) 15 ft. setbacks at north and south end must be denied for lack of authority to require; f) pitched roofs are included in the proposal and g) applicant has voluntarily modified the proposal to include modulation at the back of the building.

Decision

The Director's decision to issue a DNS is affirmed and her decision to approve the proposal is modified by the addition of the following conditions:

1. The Director's approval is transferred to the plans submitted June 6, 1986, and the features listed in Exhibit B, attached;
2. A 6 ft. high wall shall be constructed along the west property line to screen the building openings and driveway; and
3. The applicant shall request permission from the owners of property abutting the subject property's west lot line to plant trees or large shrubs along the screening wall and shall plant those items if the surface permits.

Entered this 28th day of July, 1986.


M. Margaret Klockars
Deputy Hearing Examiner

Concerning Further Review

Pursuant to Seattle Municipal Code Section 25.05.680(C), a party to the hearing before the Hearing Examiner may file an appeal with the City Council no later than the fifteenth day after the date of the decision appealed from is filed with the SEPA Public Information Center. The appeal statement must be filed with the City Clerk on the first floor of the Municipal Building. The City Council's review on appeal shall be limited to the issue of compliance with Section 25.05.660. The City Council Land Use Committee should be consulted regarding further appeal specifics.

If an appeal is taken pursuant to Section 25.05.680(C), the time for filing a request for judicial review of the underlying governmental action and/or other SEPA issues is stayed until the City Council renders a final decision on this Section 25.05.680(C) appeal.

If no appeal is taken pursuant to Section 25.05.680(C), the decision of the Hearing Examiner in this case is final and is not subject to reconsideration except to correct errors on the ground of fraud, mistake, or irregularity in vital matters. Any request for judicial review of the decision on the underlying governmental action must be filed in King County Superior Court within fifteen days of the date of this Hearing Examiner decision. Seattle Municipal Code Section 23.76.22(C)(12)(c). Judicial review under SEPA shall without exception be of the decision on the underlying governmental action together with its accompanying environmental determinations. RCW 43.21C.075(6)(c). SEPA issues may be added to the request for review within 30 days after the date of this decision if a notice of intent to seek judicial review of SEPA issues is filed with the Director of the Department of Construction and Land Use, 400 Seattle Municipal

Building, Seattle, Washington 98104, within fifteen days of the date of this decision. Section 25.05.680(D)(4).

If the Superior Court orders a review of the decision, the person seeking review must arrange for and bear the cost of preparing a verbatim written transcript of the hearing but will be reimbursed if successful in court. Instructions for preparation of the transcript are available from the Office of Hearing Examiner, 400 Yesler Building, 5th Floor, Seattle, Washington 98104. As an alternative to the written transcript, RCW 43.21C.075(6)(b) provides that a tape may be used for court review. If a taped transcript is to be reviewed by the court the record shall identify the location on the taped transcript of testimony and evidence to be reviewed. Parties are encouraged to present the issues raised on review, but if a party alleges that a finding of fact is not supported by evidence, the party should include in the record all evidence relevant to the disputed finding. Any other party may designate additional portions of the taped transcript relating to issues raised on review.

EXHIBIT B

MITIGATED PROJECT

The mitigated project includes design features and shall be conditioned as follows:

<u>Feature</u>	<u>Mitigation Measures for Project</u>
Height	43.58 feet
Bulk/scale	Major modulation (on 12th Ave. side: 50' wide x 20' deep at entry; at each gable on street side and opposite side, 20' x 5' deep) Vertical breaks Gabled roof (compliment Giswald project) Street level light colors Street entry awnings
Exterior Appearance	Brick Facade Street level retail/office Row-house windows (20' center) Lighted windows
Landscaping	Install maximum street trees (20' centers) as reflected in the plans
Pedestrian Oriented/ Neighborhood Compatibility	Mixed use; street level retail, office and residential plus mini storage
Size/Floor Space	Total building gross: 128,700 sq. ft. Mini storage gross: 104,187 sq. ft. Mini storage net: 81,200 sq. ft. Office: 595 sq. ft. Retail, 2,200 sq. ft. Residential 1,280 sq. ft. Parking 20,853 sq. ft.
Parking	58 total stalls
Access	As shown in revised plans

For the examiner's convenience, the Commercial Plan Cover Sheet for the project is attached with interlineations to show the various project features as reflected by the above mitigation.

EXHIBIT 7	
APPELLANT	_____
DEPARTMENT	_____
APPLICANT	✓
FILE #	MM-66-027(u)
DAVIS WRIGHT & JONES	
LAW OFFICES	

APPLICANT'S HEARING MEMO - 32
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