

Appendix A

October 10, 2025 Hearing Transcript Design Review; DSR24-010

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Examiner Olbrechts: [\(00:11\)](#):

We are. Okay. Alright. Good morning everybody. My name is Phil Albright. I'm hearing examiner for the city of Mercer Island holding a hearing this morning on a design review application for your DSR 24 dash 0 1 0, which is a proposal to construct a new eight unit apartment building. The hearing format for today's hearing is we'll first hear from the applicant who will tell us what the project is about and why they believe it should be approved. After that we'll move on to staff comments to explain their recommendation for approval. Then after that, of course would be the purpose of the hearing is to hear from the public. So just anyone who wants to say something today about this project, we'll have an opportunity. We will be heard when it's the time for the public to speak and you want to say something, just be sure to click on the virtual raise hand button at the bottom of your screen and I'll just call people in order that I get those raised hands.

[\(01:07\)](#):

So if for whatever reason you're unable to figure out how to be heard today, technical reasons, that kind of thing, then go ahead and email your written comments to staff. As long as you get 'em in by five o'clock on Monday, I'll let staff and applicant respond to them and they'll be made part of the record. But that's only if for whatever reason you couldn't figure out how to be heard or somebody made a mistake on that end. So after public comments, we'll go back to staff to answer any questions and present any rebuttal evidence they find is necessary. Then applicant gets final word and I get 10 business days. It's a couple of weeks usually to issue a final decision. So it's a pretty simple process overall and hopefully it won't be too complicated for any of you to figure out how to be heard today.

[\(01:54\)](#):

By state law, I'm only allowed to consider evidence that's put in the record and that evidence is going to be composed of the exhibits that are admitted into the record as well as any testimony that's provided. I'm not allowed to talk to the applicant or staff or anybody everything, all the information considered for the final decision here today will be information that's available to everyone participating in this hearing as well so that everyone knows what the decision is going to be based upon staff. Mr. Ryan Herriman has put together a detailed staff report that explains how the proposal and staff who meets all the review criteria for design review and there's quite a lot of documentation that goes into that. I'm going to share my screen to go over that exhibit list, see if I can find that on my screen. That should be it.

[\(02:46\)](#):

Okay, so what you should be seeing right now is Mr. Herriman's staff report and as I said, he's got his exhibit list there posted on pages one and two, which is composed of the design review staff report that was put together. Plan sets the applications determination, the application was complete. We had a

whole bunch of public comments on this at the study session. As you can tell, a total of 21 comment letters in addition to other comment letters that came in at other times the applicant has prepared responses to those. We also had some environmental review to determine if an environmental impact statement was necessary. The decision was it was not arborist report and the notices that were involved with zoning map, that kind of thing. So at this point, just want to ask if anyone needs to see any of those documents or has any objection to their entry in the record. If you want to comment on that, just click your raise hand button and not seeing any takers. That's pretty standard. I'll go ahead and admit the staff report and exhibits one through 20. So with that, who on behalf of the applicant wants to address this today? Who we got?

Speaker 2 ([03:53](#)):

Nicole.

Examiner Olbrechts: ([03:54](#)):

Okay. And Ms. Ramey sounds like you've got some feedback, so you might a little bit of an echo. So you might, let's see. I'm not sure. I think usually that's normally fixed if you've got more than one window going or something for the same hearing.

Speaker 2 ([04:09](#)):

Yes,

Ms. Ramey: ([04:11](#)):

I'm have,

Examiner Olbrechts: ([04:13](#)):

Yeah, just X one out if you can.

Ms. Ramey: ([04:16](#)):

Yeah, unfortunately you won't be able to see me today, but you won't be able to hear me.

Examiner Olbrechts: ([04:19](#)):

Okay, well I think that's good enough. We will take the Wizard of Oz presentation. Just as for starters, just raise your right hand. Do you swear affirm to tell the truth, nothing but the truth in this proceeding?

Speaker 2 ([04:30](#)):

Yes.

Examiner Olbrechts: ([04:30](#)):

Okay, great. All right, go ahead.

Ms. Ramey: ([04:37](#)):

Okay, I just started sharing my screen. Can everyone see my screen?

Speaker 2 ([04:41](#)):

Yes.

Ms. Ramey: [\(04:48\)](#):

Okay, good morning. Thanks for hearing our project, hearing examiner, planning staff and members of the public, we are here to present a residential project at 2978th Avenue Southeast in Mercer Island. This is a four story residential project, eight units, one affordable unit. One of the development objectives that we were looking for is to create a residential development that seeks to infill and underutilized lot and provide much needed housing within the urban core. The project seeks to maximize density potential while integrating urban landscape and fostering a safe and active street with street facing units adjacent to the public right of way. Here on these map diagrams that we've included, you can see the project site location. It is within the tc, the TC four zone to the north. It is bordered by a large apartment building to the east senior living and to the south of bank and parking lot. And on the west 78th, which is the access the project, there's an existing one story building on site. It's approximately 630 square feet with six print parking spaces.

[\(06:10\)](#):

Here is an existing survey showing that one story building on the north side and the parking and drive some more photos of the existing site showing the under utilization and surrounding four story units proposed site plan. So the first thing I wanted to bring up on the site plan is that we have a 15 foot ingress egress easement that carries along the entire south border of the lot. This is on the title and just in perpetuity on the lot, this is an easement that is up to the sky, so there's no building allowed in this area whatsoever. So that does severely limit the availability of buildable area On the 7,200 square foot lot we have created eight parking spaces, one van accessible for standard three compact to utilize to service residential units. We have all of the service areas including mechanical fire sprinklers, transformer storage, building circulation, elevator trash, small residential lobby, elevator, lobby and bike storage. For the built environment for the outdoor space, we have public open space with landscaping. We'll get into that here shortly.

[\(07:58\)](#):

We do have provided some diagrams that show how we meet various zoning requirements. The first one here is basically the bulk regulations setbacks the daylight plane. You can see that the orange area is the debit area and the green areas the credit, our calculations show we meet the credit volume for this. So we meet the setbacks in the bulk regulations height, we are at 50 51 feet. That is what is allowed. We do have an elevator overrun that is allowed to go beyond the 51 feet and we are meeting that requirement of the eight units. One will be affordable for the code requirement and in addition, this building will either meet lead gold standard or the be built green. And so that work comes during the building permit review.

[\(09:01\)](#):

To continue on the outdoor space, there is a certain amount of greenery and outdoor space required. We are proposing 1800 square feet of landscape area and then we also have, we have ground level horizontal landscaping. We have two green wall areas and over 2,400 square feet of green roof setum planted on the roof. Here's some images down below of the concepts of the green. In addition to the greenery, we have a vertical and a horizontal water element. These are part of the required design elements. Amenities. We also are including linear seating and specialized concrete paving areas to provide interest. There's our seating areas and both the drive and pedestrian open space areas are the stamped specialized concrete.

[\(10:18\)](#):

The entire area here is obviously open to the public and meeting that public open space requirement. Going on to more of the building design for the zoning and land use analysis. As you're aware, we have street facing facade elements, major facade modulation and minor facade modulation that is required. I'll just touch on these briefly and if there's any further questions we can go ahead and question the answer session, but we did provide resources that show how we meet those requirements. We are utilizing different siding materials including equitone and micha panels. These are very high quality durable panels through color, through body that don't require maintenance. So chipping or fading over time is not an issue with these materials. The innie hop panels are wood look to provide some warmth, we have the two separate volumes and breaking up of the volumes with the different materials.

[\(11:31\)](#):

We have Clara story windows at the lobby, recessed balconies for each residential unit and so we have a total of eight three on the front elevation and five on the seventh. We have accent materials to break up the equitone siding just to provide an accent accents the windows and it breaks up each individual panel. We have perforated metal panels for the balcony guards and so those are another design element. We have structural columns and linted select structural columns at the base. Those also provide an interesting pedestrian element. We have power coated steel as another building material that really just breaks up kind of all the massing. That material is mostly on the ground floor to really set aside that pedestrian experience.

[\(12:37\)](#):

We have, as I mentioned earlier, for the major facade modulations. Two major blocks of building the north side is setback significantly from the southern block and that is really where we created the pedestrian experience. We have mix of materials on those two blocks and we also have different roof lines. The roof line over the southern block is an extended roof overhang. The one on the north is a parapet. The minor facade modulation is again with recess balconies, bumpouts are highlighted by changes in material. You can see that we have the NIE chiha wood look siding on the south on the forest story residential area up here and fenestration patterns are different. They have a rhythm but they don't create that ribbon look that the code discourages. Moving onto our floor plans, this is the ground floor. You can see this diagonal hatch area here on the south. This is the ingress easement area that is not buildable whatsoever. So this area is set aside in perpetuity. Here's all of our bikes, trash lobby, parking areas, and our open space here. On the front we are meeting the setbacks. 15 feet off the front is probably the critical one to look at and we are meeting that one.

[\(14:19\)](#):

The residential units are pretty self-explanatory. I probably won't get into the details of those, but as we've talked about, they do have decks and modulation to break up any flat facades. We did that on the south as well as the north, even though the north because of building codes does not allow much fenestration. Continuing on with residential floor plans repeats and up until the top floor we have two units on the top floor, while the other floors have three units, the green roof covers a large portion of the roof. We have a mechanical area that will be screened. This roof is accessed via a roof hedge, so there is no stair apartments on the roof that is cutting through any sort of height plan. I wanted to show, here's a little more in depth look at the building materials we were proposing. Here's the equitone panels.

[\(15:37\)](#):

We have those in the gray and white. The brown once again is the nietzsche hub, the wood cedar look. We have down on the ground floor powder coated steel panels. This also aligns with the accident material around the storefront windows and the windows on the residential units. So while none of the

base base body materials carry through all four floors, the accent materials do and that really ties all the materials together. The concrete that is shown, that's really the parking area that is board formed concrete, so it has a texture and a horizontal linear pattern to it. So that is how we would get our unique concrete texture. The living wall is varied species. I'll let our landscape architect talk about that here in just a moment. And then we have our perforated metal panels or the guards up here on the balconies. The metal mesh screening will also be up here on the roof to screen. And this up here on the very top is our elevator overrun shown in the separate material with the ome. Here's the south elevation. You can see more of the window variation, the blocking of the materials, recessed areas, having the warm wood look and the base area, having the board farm concrete for the service and parking areas.

[\(17:29\)](#):

Here's the east, very similar. We were able to get some glazing into some of the east facing walls even though they, they're on the north property line. So to add a little bit of variation in uniqueness on that north wall, which is typically per building codes challenging. This is a look north. Here is our window pattern. You can see we have almost full blazing into the lobby as you're walking south on 78th. You can see here in this perspective, here's our green wall and our water feature. So this water feature comes down, it's vertical and then it forms a horizontal water feature. So this is really kind of the highlight of the pedestrian experience. We've also continued the green wall over here in the north, so it kind of ties it together. It's not just a one-off element seating, public seating in this area. And yeah, we'll show some more of that landscaping here in a second. There's another view, the glazing area is the lobby. And I want to touch on the requirements for the glazing that was brought up in the staff report.

[\(19:02\)](#):

I'm going to go back a little bit. So one of the conditions that was brought up in the staff report is that to meet code 19 11 100, that 75% of the length of the ground floor facade between two feet and seven feet will be devoted to windows and doors. So per the staff report, it takes into account what is just the street facing facade. And so while we are showing that we are closer to 50% glazing in this area, one of the reasons for that is that due to the limited size of facade availability here, we need to get all of the required building elements, circulation, mechanical need to be in this area. So we have provided almost a hundred percent of the retail, I mean of the lobby for the residential area is transparent. The code states that the reason for this code requirement is to afford views into retail office or lobby space.

[\(20:32\)](#):

So while we aren't meeting the intent of the code, while we're not meeting the letter of the code, we are meeting the intent of the code by providing a hundred percent of the lobby space as transparent. So you can see we have quite a bit of height above that two to seven feet area and that we have clear story windows above and below that area, including the glass door. This is only broken up by structural areas and an overhang for the lobby entrance. The green wall we feel is very important and the water feature, so to remove any of these special features to put more glazing into areas that really aren't public or lobby areas doesn't seem to need the intent of the code. The area here on the left is the elevator and we do feel from a safety perspective, it's important that residents are able to enter the building and have a safe and somewhat anonymous way to enter their units.

[\(21:42\)](#):

So I guess that is something that came up as a condition and understanding the intent of the code for that we feel we have met that you can see over here in the perspective how almost a hundred percent of the lobby is transparent up to the ceiling line. So that's quite a bit of views for the pedestrian and I'm not sure what would be gained by providing more views into a space that is not retail or commercial. So

with that, I did want to kind of turn it over to Craig Lewis. He's our landscape architect and I was hoping he could talk a little bit about the landscaping.

Examiner Olbrechts: ([22:33](#)):

Okay. Alright. Mr. Lewis, let me swear you in. You just have to raise your right hand. Do you swear affirm to tell the truth nothing but the truth in this proceeding?

Mr. Lewis: ([22:41](#)):

Hold on a second. Lemme turn the video back on. I do.

Examiner Olbrechts: ([22:45](#)):

Okay, great. Alright, go ahead.

Mr. Lewis: ([22:49](#)):

Great. Okay, let's see. I'm going to have a Nicole and manipulate the drawings if needed. Go to the, do we have the planting plan L 1.0? Let

Speaker 2 ([23:02](#)):

Me,

Examiner Olbrechts: ([23:37](#)):

There it is.

Mr. Lewis: ([23:38](#)):

Sure. There we go. Great. So talk a little bit, Nicole talked a bit about the complexity of what we're offering for the planting, which includes both ground planting, green walls and a rooftop green roof area as well. The selection of plants was fairly important in that we needed to comply with mostly native and or drought tolerant plant materials. And in this case they needed to stay low because there isn't a lot of space and we didn't want to block views into the public space. So there's a lot of low level plants and they have been selected for both color and texture.

([24:28](#)):

You're getting close up with things, so you want to have some variety in both color and the texture of the leaf. The plants are, we have listed mostly as either native or native adaptive on hair here these will be further reviewed at the building permit submittal for compliance with the city's listed plant materials that they accept. So that will be something pending the building permit submittal. The green wall, which also includes the wet planter wall, is a wet wall installation with a rough texture and back and then water flowing down, a vertical plan for the vertical element. And then like she was saying, there is a horizontal pool that this lands into with rocks down there at that level to keep it so it isn't too deep for safety. And then when this is winterized, this becomes a texture, it's an artistic feature so it doesn't become just a blank pool. It actually has interest to that. Again, the plants were kept low to see into the public space so it isn't blocked from vision. And then there's the sedum, which we put on the green roof is several different varieties of different flowering texture, both textures and color on the roof as well.

([26:09](#)):

Let's see, I really have anything else for the planting. There would be some additional installation details at the building permits submitted, which will be added to the sheets. And if you go to the next sheet, L 1.1, this is elevations of the two green wall situations. So we're meant to look at this as more of an artistic piece with different textures and colors and in addition to fairly elaborate wet wall configuration as well, water running down that wet wall into the lower pool. So the whole thing is there's a lot going on in a fairly small amount of space which is all visible for the public from the street. And then the last sheet, maybe 1.2, just some of the sort of details we have for both the wet wall and pools, some of the planting installations. And then with the green roof and the green wall installation details, it kind of wraps up what I've got for planting.

Examiner Olbrechts: ([27:49](#)):

Okay, thank you sir. Very helpful. Alright Ms. Green, was there anything else on behalf of the applicants?

Ms. Ramey: ([27:56](#)):

I'll just finish up by saying we have been working on this project with the city of Mercer Island for several years. We've gone back and forth with planning staff to really get to a project that works well for both parties. We have had a completely different design with more units, 10 residential units, now we're down to eight. We've looked at multiple ways for access to the site, access through around into the site, different design review elements, different building facades. So the project team has really spent a lot of time working with the city to get to this point. And I feel that we're at a really good spot working back and forth. We've come to a good project with the city that obviously is now before you in this hearing examiner meeting. So I guess with that we'll turn it over for the next steps.

Examiner Olbrechts: ([29:08](#)):

Okay, sounds great. Thank you. Alright, we'll move on now to the planning department comments if any, who's going to be speaking on behalf of the planning department on this one?

Mr. Zack: ([29:21](#)):

Adam Zack, expert planner.

Examiner Olbrechts: ([29:23](#)):

Okay. Mr. Zack, let me swear you in. Just raise your right hand. Do you swear or affirm to tell the truth, nothing but the truth in this proceeding?

Mr. Zack: ([29:30](#)):

I do.

Examiner Olbrechts: ([29:30](#)):

Okay, great. Go ahead.

Mr. Zack: ([29:33](#)):

Okay, well I don't have much to add to what the applicant did. That was a very thorough presentation. I did want to touch on some of the procedural requirements, just touch on the key dates and how they've met those requirements. A pre-application meeting is required for any design review and they completed a pre-application meeting in 2022 with file number PRE 22 dash 0 27. A design commission

study session is also required for design review. For this level of design review. The applicant completed a study session on October 4th, 2023 and then they submitted this application following that design review study session and the application was submitted on May 21st and deemed complete on June 11th, 2024. A notice of application was provided on June 11th, 2024 and the CPA determination of non-significant was issued on August, 1820, sorry, August 19th, 2024. No appeals of that CPA determination were filed following that, a notice of public hearing was published on September 8th, 2025 and that was more than 30 days in advance of the public hearing today.

(31:05):

So that satisfies that requirement. And then I wanted to also just touch on vesting really quick. This is another piece of the puzzle that impacts the decision today. The applicant submitted a site development permit file number 22 0 7 dash 2 81 and that was deemed complete on July 26th, 2022. And that complete application, that complete site development permit application, thus the future development on this site to the version of the code that was effective at the time that that determination was made. So that means that this development will be subject to the development code that was effective as of July 26th, 2022. And that comes into play for this because later in that year on December 13th, Mercer Island City Code 19 11 0 2 0 B was amended to require ground floor street frontage uses on this street frontage in the town center. But again, that amendment was made after the permit had already, after the development had already vested to a previous version of the code.

(32:23):

So Brown Floor Street frontage uses on this property are not required because of the vesting to that older version of the code. And all of this is explained in a lot more detail on page 10 of the staff report. So I just wanted to point that out here because I think that's a really important part of the equation. How we get to the decision rules beyond that staff was reviewed, the design review application were its conformance to the town center design standards in chapter 1911 of the Mercer Island City Code and the procedural requirements of chapter 1915 of the Mercer Island City Code based on the findings of the staff report on the staff recommended approval of condition for this application DSR 24 dash. If you have any other questions, I'd be happy to answer those this time.

Examiner Olbrechts: (33:23):

Okay. Yeah, the applicant addressed, I think they're referring to condition 11 of the staff report about the 75% transparency. I mean the staff finding a problem with the transparency level that's being proposed at this point or I didn't quite follow if it's meeting the 75% or not. It sounds like they wanted to provide a little privacy for people using the elevators and thing and that might create a problem.

Mr. Zack: (33:49):

Yeah, so the challenge here that the code in question was 19 11, 100 B one B, and unfortunately that section was pretty clear that there's a requirement that 75% of that length be devoted to windows and doors. Let me share my screen really quick. I have the code pulled off. I think it might be helpful to just take a look at that section of development code. So this is MICC 19 11 100 and then B one B, I'm going to highlight it here on the, lemme zoom in too.

Speaker 7 (34:44):

Sorry, threw everything off. B one. I'm sorry, I got a little lost here. B one B, I'll highlight it here. Okay,

Mr. Zack: (35:06):

So what the code states is that major new construction along 77th Avenue Southeast, 78th Avenue, Southeast and Southeast 27th Street within the TC seven, well sorry, this is a slightly newer version of the code, but the TC four area shall have at least 75% of the length of the ground floor facade between the height of two feet and seven feet devoted to windows and doors according to views into retail office and lobby space. The challenge here is the shell provision of that

Examiner Olbrechts: (35:42):

And it specifically requires into lobby space. Right, so that would include the elevator area, I take it.

Mr. Zack: (35:49):

Correct, yeah. And so what the proposed, I'll stop sharing my screen. So what the proposed condition of approval states is that we would ask for the applicant to address that specific she piece of this when they submit their building permit application and provide the measurements of how that final development would meet that same

Examiner Olbrechts: (36:22):

Most design review standards I've dealt with have fairly flexible modification provisions. Is there something that they could use in this particular case if that just doesn't work for them or sort of doing a variance application?

Mr. Zack: (36:37):

Yeah, unfortunately not. The way our design standards are written, there's use of the word shell means that something is a requirement and then should would grant the decision maker.

Examiner Olbrechts: (36:51):

Okay. Okay. And then on the vesting issue, that's interesting. One of the first things I did when I read your staff report is I made sure that the code specifically provided for vesting because absent a code provision that says site development permits vest under case law, they don't. So I was glad to see that there's no mistake there. And that was clearly spelled out, although I think from, I just looked at it really quickly. It said for type one permits that vesting occurs when the application is filed or something. I mean, is an SDPA type one permit application?

Speaker 7 (37:28):

Good question. Let me, I don't know off the,

Examiner Olbrechts: (37:31):

Oh, okay. Well it's overly technical. I mean I don't think it makes any difference here whether it was vested when they filed it or it was deemed complete. Either way it was before the new regulations go into effect that people were having issues with. I just wanted to make sure I understood the process correctly, but I can check that myself. That's not a problem. And also just to correct, I just saw Mr. Herriman's name first on the staff report. I assumed he wrote it. It sounds like you were the author. So give credit where credit is due, Mr. Zach and good staff report there. So anyway, thanks for your comments and this point, let's move on finally to the public comments. And like I said, if anyone wants to say anything out there, click on the virtual hand at the bottom of your screen. Of course, all the

written comment letters that were submitted will be considered very carefully when I write up my decision and my decisions are very detailed, I try to address all the comments that are made.

[\(38:25\)](#):

So there's no need to repeat what was already put in there, but if somebody wants to add something, please now's the time. So not seeing any tinkerers though either way. Like I said, if for whatever reason your computer's not working and you're trying to be heard and you're not, go ahead and send an email. Mr. Zack, what's your email address? Maybe could you put that in chat so people can email you if they can't, they're unable to get their comments in. Would that work? Sure. Okay, we'll do that then. Yeah, so just email your comments. Again, that's only for technical reasons you're not able to be heard today. So I guess with that, since there are no public comments, I guess I can close the hearing at this point. There's nothing to rebut unless did the applicants have any final comments they wanted to make given Mr. Zack's comments?

Ms. Ramey: [\(39:12\)](#):

Yeah, I think maybe one.

Examiner Olbrechts: [\(39:14\)](#):

Oh sure,

Ms. Ramey: [\(39:15\)](#):

Go ahead. Comment on the code

[\(39:18\)](#):

Of going back to that 75%. Once again, the word shall, but one thing I did want to bring up once again is two things in that code section. It says the length of the ground floor facade. So my question to Adam would really be what constitutes the ground floor facade? Is that just the facing 78th facade or can it technically be wrapping around what constitute ground floor facade? I think the definition of that is pretty critical for understanding how this should be applied. And the second point for that section is the terminology into retail lobby, the commercial space. So once again, is the intent of the code really to have 75% transparency into lobby spaces. It seems to me that this is actually lending itself to say we want 75% of the ground floor facade to be lobby or retail space. And so to me, the intent of the code is really 75% into those lobby spaces, not necessarily that 75% of the facade must be lobby or retail.

[\(40:43\)](#):

So I think that maybe some of the terminology there isn't quite clear. And I think the intent of the code really is to activate and show vibrancy for the spaces that will have people and human interaction. Obviously an elevator core, a storage area, those areas are not places people want to look into. So I'm not sure what we would gain by adding glazing into areas that are almost uninhabitable 95% of the time it's just kind of creating dead space. Once again, we talked about safety for residents here. It's in the town center, it's downtown areas. Safety is a concern. We need people access their residential units safely. We also want to make sure that we're providing vibrancy in the right manner. Just providing more lobby space for an eight unit residential apartment buildings is not necessarily going to create vibrancy at the pedestrian level for the town center. So I guess I just want to maybe understand what constitutes the ground floor facade and then really is the intent to have more lobby space or is it really to provide activation and vibrancy to the lobby spaces that are provided?

Examiner Olbrechts: [\(42:08\)](#):

And Mr. Zach, you want to answer that and then I do have a raised hand I think from the host. We'll go to that afterwards. So go ahead Mr. Zack.

Mr. Zack: ([42:16](#)):

Great. So let me just share my screen again. It might be helpful to just take a look as we go through this. So we will return to 19 11, 100 B one B, major new construction along 78th Avenue. So that would be this project. And we're interpreting that to mean that the facade along 78th Avenue Southeast shall have at least 75% of the delay, et cetera. We looked at that earlier. And then for the facade definition, that's in chapter 1916. It's 19 16 0 1 0. Here I'll highlight the facade definition. It's any exterior wall of the structure, including projections from and attachments to the wall. Projections and attachments include balconies, decks, porches, chimneys, unclosed corridors, and similar projections. So the facade in question would be that frontage along or that area of the building that meets this definition along 78 Avenue South. And again that the code then says that that area shall have 75% of the land devoted to windows and numbers. Does that answer the question or is there? I'm not sure if I'll be able to provide more clear even that, but that's what the code says on this matter.

Examiner Olbrechts: ([43:58](#)):

Mr. Amy, anything else?

Ms. Ramey: ([44:04](#)):

I guess we'll just have to look for the conditions and work through that. We're happy to meet the intent of the code, obviously to, we thought we did the a hundred percent into the lobby, but maybe we have to minimize some of that north facing glazing to provide somewhere that faces 78.

Examiner Olbrechts: ([44:28](#)):

Okay. Yeah, I'll look into that issue as part of my decision. So as I said, we got the host I think had her hand up. So what's the comments from dh?

Speaker 3 ([44:43](#)):

Excuse me, Mr. Hearing Examiner, this is De Estrada, your deputy city clerk and your host for this meeting. I was just simply trying to clarify when Ms. Ramey was speaking. I don't think that she identified herself and since we don't have a video of her, I just wanted to make sure that those listening knew that it was her speaking

Examiner Olbrechts: ([45:01](#)):

Just

Speaker 3 ([45:02](#)):

Prior to

Examiner Olbrechts: ([45:02](#)):

Oh good. Yeah, for the transcript. That's good to know. Good, good. Great. Thank you. That's very helpful too. Alright, well I'll go ahead and close the hearing. And like I said, I've given all the public comments. I was a little surprised we didn't get any. Hopefully that means that at the study sessions and other meetings that the public had a lot of their questions answered. I did notice just from reading

through the comments, I think a lot of the concern of the project was simply that people didn't want this kind of use in this particular location. That's kind of beyond our ability to regulate at this point because the code allows residential use at this location and once that's done in the zoning code by state law, you can't really re-examine that city council decision to allow that particular kind of use. At this point, we're just ensuring that the regulations are implemented the way that they're intended and required.

[\(45:58\)](#):

That's why we have hearing examiners and the staff of course, that's our jobs to figure that out. And Mr. Zacks put together a very detailed 47 page staff report that identifies how all those standards are met. I still have spent quite a bit of time just verifying that that's all correct. It sounds like it probably is. And overall, although some people might not like to use it for the use that it is, it's pretty well designed and aesthetically anyway, should be a nice addition to the downtown area. So I'll get that decision out in the next couple of weeks and I appreciate everyone's participation this morning. We're adjourned. Everyone have a great weekend. We'll see you next time.

Speaker 2 [\(46:39\)](#):

Thank you.