



City of Seattle

Gregory J. Nickels, Mayor

**Department of Planning & Development**

D. M. Sugimura, Director

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

**Project Number:** 3006019

**Applicant:** Brenda Barnes, Project Manager,  
Clark Design Group, PLLC  
Kauri Investment, LTD, Property Owner

**Address:** 3926 Aurora Avenue North

**SUMMARY OF PROPOSED ACTION**

Land Use Application to allow a four-story mixed use building containing 93 residential units above seven live work units at ground level. Project includes grading of approximately 9,500 cubic yards of soil. Accessory parking for 103 vehicles will be provided in below grade parking structure.

The following Master Use Permit components are required:

**Design Departures - Section 23.41, Seattle Municipal Code (SMC)**

1. Nonresidential Street Level Transparency SMC 23.47A.005.B.2
2. Height & Depth of non-residential Space SMC 23.47A.005.B.3a
3. Street-level use requirement (N. 40<sup>th</sup> Street) SMC 23.47A.005.D
4. Residential Street-level requirement (N. 40<sup>th</sup> Street) SMC 23.47A.005.D.2

**SEPA-Threshold Determination (Chapter 25.05 SMC).**

**SEPA DETERMINATION:**  Exempt  DNS  MDNS  EIS  
 DNS with conditions  
 DNS involving non-exempt grading or demolition or  
involving another agency with jurisdiction.

\*\*Early Notice DNS published August 30, 2007.

## **BACKGROUND INFORMATION:**

### **Site Description**

The development site is a corner lot occupying a total area of approximately 36,167 square feet, in the northwestern edge of the Fremont/Wallingford neighborhood. The site is rectangular in shape with two street frontages; North 40<sup>th</sup> Street to the north and Aurora Avenue North to the west. A 16 foot wide paved alley abuts the site to the east. The subject site is located in a Commercial One zone, with a height limit of 40 feet (C1-40). The site is also located within the Fremont Hub Urban Village.



The proposal will combine three separate parcels of land into one development site. All three parcels are currently development with commercial uses, with two containing motel use, and the third an abandon restaurant use. The existing five structures are older buildings, ranging in height between one to three-stories. The development site is modestly landscaped with vegetation concentrated along the north, west and south perimeters. The site slopes modestly downward from its northwest corner to the southeast, approximately 16 feet over a distance of 335 feet, with slight bowl-like depressions within the site. The development site occupies a significant portion of the west half a block that fronts upon North 40<sup>th</sup> Street to north, Aurora Avenue North to the west, and North 39<sup>th</sup> Street to the south. The remaining south part of the block front is developed with modest-sized residential use; a two-story residential building with front yard orientation towards 39<sup>th</sup> Street.

All street rights-of-way are fully developed streets with asphalt roadway; curbs, sidewalks and gutters. Aurora Avenue (State Highway 99) is a primary arterial, with 39<sup>th</sup> and 40<sup>th</sup> serving as collector streets abutting the subject block. A concrete center divider within Aurora precludes vehicles from making a left hand turn long Aurora. The site is served by Metro bus routes within the Aurora right-of-way. Aurora Avenue connects the surrounding residential neighborhoods to commercial centers as far north as Everett and to Downtown Seattle to the south.

***The site is not located in any identified or designated Environmentally Critical Area (ECA), but is located in Fremont Hub Urban Village.***

### **Area Development**

The immediate area is dominated by a mix of older residential buildings, including single family and multifamily structures from one to three-stories in height, and a limited number of commercial activity including office and warehouse uses. The area is currently undergoing a transformation as new in-fill development increases along this stretch of the Aurora Avenue corridor. The most dominating characteristic in this area is Aurora Avenue itself, part of the State Highway system (Highway 99), that conveys automobiles swiftly along its north south axis. An overhead pedestrian bridge, connecting the west and east, crosses over Aurora one block north, in the 4100 block.

To the east across the abutting alley centerline, the zone changes to Multifamily Lowrise Three (L3) which allows a maximum one unit per 800 square feet of lot area. Within the L3 zone are a number of three-story multifamily structures with surface parking stalls access off the alley. Buffering the L3 zone from a less dense Single Family 5,000 zone (SF 5000) further east is a narrow band of L2

zoning which allows a maximum one unit per 1,200 square feet of lot area. The multifamily lowrise zones appear to be underdeveloped with the number of single family structures in the area. This vast residential area feels spacious due in part to the number of trees spotted throughout and the siting of structures on individual lots. The subject lot is located in a moderately sized C1-40 zone that extends south to North 38<sup>th</sup> and north to 42<sup>nd</sup> within a half block to the west and east from Aurora Avenue.

### **Project Description**

The applicant, Kauri Investments, LTD, proposes to construct a building containing residential and commercial uses. The proposal requires demolition of four existing buildings to make way for the redevelopment of the subject lot. The proposal will take advantage of the site's unique geometry and territorial views to the east. The building will extend four stories above street grade to support a number of programs including; live-work, and residential (apartment styled) uses. The building will be oriented east and west, opening up to and the activating abutting streets; Aurora Avenue North and North 40th Street.

The building layout will occupy the entire development site with the building mass broken into two components along Aurora, and into three components to the east; adjacent to the multifamily zone across the alley. The building will establish a strong street presence scaled to neighboring properties, using modulation and spatial separation to visually to reduce the building's mass. The Aurora Avenue façade will be modulated both vertically and horizontally to help scale down the building's 320 foot length. Street-level storefront windows, entries doors are proposed adjacent to Aurora to visually activate the street. The main pedestrian entry will be at the corner of Aurora and N 40<sup>th</sup> Street. On the upper levels a single loaded residential corridor is set behind the west exterior wall to provide a sound buffer from the heavy traveled Aurora Avenue. All upper level residential units will have views to the outdoors. Set between three building wings along the structure's east façade are the residential amenity areas elevated above the alley on the building's concrete base. Rich landscaping is proposed around the site's perimeter to create greater comfort for pedestrians within the right-of-way. Due in part to the high level of vehicle activity within Aurora Avenue and site topography, parking access is proposed in two locations off the alley. The area around the parking garage will feature perimeter landscaping to enhance the development site, and reduce adverse visual impacts upon adjacent properties. Special emphases will be directed towards providing an attractive and inviting pedestrian oriented experience within all rights-of-way.

### **Public Comment Letter(s):**

Date of Notice of Application:	August 30, 2007
Date End of Comment Period:	September 12, 2007
# Letters	0

The SEPA comment period for this proposal originally ended on September 12, 2007, with no public comments submitted.

## **ANALYSIS - DESIGN REVIEW**

### **Early Design Guidance**

On January 22, 2007, the Design Review Board of Area 1 (Northwest) met in an Early Design Guidance (EDG) meeting to consider the site and design objectives of the applicant. After visiting the site, considering the analysis of the site, design context provided by the proponents, and hearing public comment the Design Review Board members provided the following siting and design guidance, and identified by letter (A, B, and C, etc.) and number (1, 2, & 3) those siting and design guidelines found in the City of Seattle's "*Design Review: Guidelines for Multifamily & Commercial Buildings*" of highest priority to this project.

#### **A Site Planning**

##### **A-2 Streetscape Compatibility**

*The siting of buildings should acknowledge and reinforce the existing desirable spatial characteristics of the right-of-way.*

##### **A-4 Human Activity**

*New development should be sited and designed to encourage human activity on the street.*

##### **A-5 respect for Adjacent Sites**

*Buildings should respect adjacent properties by being located on their site to minimize disruption of the privacy and outdoor activities of residents in adjacent buildings.*

##### **A-10 Corner Lots**

*Buildings on corner lots should be oriented to the corner and public street fronts. Parking and automobile access should be located away from corners.*

#### **B Height, Bulk and Scale**

**B-1** *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 nearby, less-intensive zones.*

#### **C Architectural Elements and Materials**

##### **C-2 Architectural Concept and Consistency**

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

##### **C-3 Human Scale**

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

##### **C-4 Exterior Finish Materials**

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

#### **D Pedestrian Environment**

##### **D-1 Pedestrian Open Space and Entrances**

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

##### **D-2 Blank Walls**

*Buildings should avoid large blank walls facing the street, especially near sidewalks. Where blank walls are unavoidable, they should receive design treatment to increase pedestrian comfort and interest.*

**D-8 Treatment of Alleys**

*The design of alley entrances should enhance the pedestrians' street front.*

**D-12 Residential Entries and Transitions**

*For residential projects in commercial zones, the space between the residential entry and the sidewalk should provide security and privacy for residents and visually interesting street form for pedestrian. Residential buildings should enhance the character of the streetscape with small gardens, stoops, and other elements that work to create a transition between the public sidewalk and private entry.*

**E Landscaping**

**E-2 Landscaping to Enhance the Building and/or Site**

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

**Summary:** Overall, the Board felt that the preferred alternative was well conceived and represented quality design. Ensuring a well proportioned scale at the development site is a critical factor to successfully integrate the project into the existing neighborhood fabric. The design team should incorporate as many design elements as necessary to scale the building down along Aurora utilizing modulation measures. And create quality open space into the proposal including, increasing light into the proposed interior courtyards. The Board feels that the 320 foot long development site will have a significant street presence that must be designed with care and thought. The design team should incorporate design elements as necessary to create quality infill development; utilizing building materials and massing sensitive to adjacent zones. The Board wants the developer to activate the streetscape wherever possible and scale the design to integrate itself into an area that has unique characteristics including the 320 foot long street frontage along Aurora, L3 zone to the east, and site topography.

These design guidelines were all chosen by the Board to be of high priority. The Board wants the developer to engage the streetscape wherever possible and scale the design to integrate itself into area at a site with a 320 foot street frontage along Aurora Avenue North and a 112 foot frontage along 40<sup>th</sup> Avenue.

Two letters were received during the Early Design Guidance phase. The comments centered on adequacy of on-site parking and mounting congestion.

(Refer to the MUP file or DR Web page ([www.seattle.gov/dpd/.design\\_review\\_program//project\\_review/reports](http://www.seattle.gov/dpd/.design_review_program//project_review/reports)) for complete copy of the EDG document.)

**Design Review Board Recommendations**

On June 27, 2007, the applicant submitted the full Master Use Permit application, and on January 28, 2008, the Northwest Design Review Board (Area 1) convened for the Recommendation meeting. The applicant team presented elevation renderings, site plans that responded to design guidelines set forth by the Board during the previous meeting. The applicant requested four

development standard departures from the City's Land Use Code: Four of the five Board Members were present during this meeting.

- Nonresidential street-level Transparency reduction,
- Height & Depth of non-residential space reduction at street-level,
- Residential street-level use requirement along North 40<sup>th</sup> Street, and
- Residential street-level use reduction from property line abutting North 40<sup>th</sup> Street.

#### Updated Design:

Since the Early Design Guidance Meeting held on January 22, 2007, there have been a number of refinements that have affected the size and configuration of the proposed development. These include:

**Building Mass:** The preferred scheme introduced during the EDG meeting depicted a monolithic building's mass along Aurora Avenue. The revised plan softens the upper level along Aurora Avenue by providing two distinct fenestration patterns upon the two building masses. To further break down the scale along its 320 frontage, the proposed structure modulates horizontally and vertically. At street level the façade is setback from the right-of-way to create a more engaging pedestrian experience. This design decreases the building's mass as viewed from the west, north, and south, while strengthening it's presence along Aurora Avenue and North 40<sup>th</sup> Street.

**Corner:** In response to Board guidelines, the primary residential entry has been relocated adjacent to the corner of Aurora and 40<sup>th</sup> Street. The entry level establishes a strong presence at the corner with stair leading down to the entry plaza that sits below street grade. On-grade stairs are proposed from both street frontages into this area. Landscaping and structural detailing have been added to make the area more visually stimulating. The amount of trees and shrubbery has been increased to provide adequate framing in and around the entry.

#### Public Comments

A member from the neighborhood thanked the applicants for a design that would be a positive addition to the neighborhood. Another member from the public inquired if there would be a security gate for the external staircase (adjacent to Aurora Avenue). Another comment was in favor of the proposal, especially the upper level windows along Aurora, was an improvement from the previous meeting.

#### Board Discussion

Board members acknowledged appreciation of developer's design response to build a structure occupying approximately 320 feet of street frontage, along a heavily traveled right-of-way. The Board liked the design team's response to guideline priorities set on January 22, 2007. Discussion ensued among the Board, including support of requested departures, exterior cladding, landscaping, and resolution of the 40<sup>th</sup> Street frontage. The revised building mass along Aurora Avenue spatially opened up the sidewalk experience, with vertical and horizontal modulation to scale the proposed structure down to make the street experience for pedestrians more engaging. The pedestrian stairway, central portion of building, leading up to the upper level seemed unresolved – its connection to the sidewalk system is undefined. Due in part to on-site topographic conditions, a common entry way leading to live-work units abruptly terminates at the south half of the central

proportion of building fronting Aurora, approximately 10 feet below sidewalk grade. Additionally, the green screen adjacent to the common entry way does not appear to serve a useful function at the site's south half, abutting Aurora, and should be removed. If possible, another entry point into the common pathway along Aurora should be provided to accommodate an additional access point.

The design and layout of the primary pedestrian access is a determinate in the overall success of the proposal. **Therefore, the Board recommends installing steps to connect the central portion of the building to the lower level (south area), between the building and sidewalk to better serve on-site pedestrian mobility. In addition, explore options to provide an additional entry point from the sidewalk to the lower level live-work units along Aurora.** (*Guidelines A-2, A-4, C-3, D-1, & E-2*)

The applicant has created a dynamic and lively facade surface with few lapses upon the facades. The concern is the pedestrian environment where the departures have been requested. The Board recommends a more rigorous design solution to the placement or design of the green screen wall adjacent to Aurora and the alley. To visually open up the street-level frontage the green screens should be removed at the building's south half adjacent to Aurora. The green screen abutting the alley should be designed to allow robust plant growth. The architect should work with DPD on the details for improvements to the proposal as identified above. **The Board recommends removal of the street-level green screen fence to open up the pedestrian experience adjacent to Aurora Avenue. Adjacent to the alley, planting beds beneath green screen fence shall be increased in size to facilitate the growth of hearty vegetation.** (*Guidelines C-3, C-4, D-8, & E-2*)

Except for the North 40<sup>th</sup> Street frontage, the selected colors and materials are great for the design objective and location. The Board was satisfied with the juxtaposition of solid and transparent surfaces on exterior walls. The North 40<sup>th</sup> Street elevation appears out of character for a street with a strong residential feel. The siting and layout of the ground floor units needs further development in order to better engage the streetscape. Additionally, the vinyl siding attached to the 40<sup>th</sup> Street façade needs to be made of durable high quality materials that befit lower density residential structures. It would be more appropriate if the ground level residential units open directly onto 40<sup>th</sup> Street with their primary entries. The ground floor units should have a more distinctive residential look adjacent to 40<sup>th</sup> Avenue to more integrate into the residential character of the streetscape. The façade siding should be made of quality materials employing different materials to help ground the structure. Parapets above should provide greater vertical articulation to invoke a stronger residential feel. If designed correctly, the north facade should strengthen its ties to the lower residential zone to the east. **Therefore, the Board recommends that the applicants work with the assigned DPD Planner to create ground floor units that have their primary entries adjacent to 40<sup>th</sup> Avenue. The façade siding should be made of quality materials employing different materials and color to help ground the structure, and architectural detailing should be employed to invoke a stronger residential feel.** (*Guidelines A-2, A-4, A-5, B-1, C-2, C-4, D-1, & D-12*)

Departure Analysis

1. *Nonresidential Street-level Requirement Transparency (SMC 23.47A.005.B.2)*

Sixty (60) percent of the street facing façade between two (2) feet and eight (8) feet above the sidewalk shall be transparent to allow visual engagement for pedestrian traffic. The development site measures approximately 320 feet along Aurora, where nonresidential use is proposed. The required transparent area is 192 lineal feet. The development site slopes approximately 13 feet from north to south along Aurora. To accommodate on-site topographic conditions two floor plate heights have been proposed, which results in the building being broken into two masses to help scale the bulk down upon the neighborhood. The building's south mass steps back and down from the sidewalk level northward to create a common pedestrian pathway to four live-work units and secondary lobby, thus resulting in 49% or 156.8 feet of transparency. The Board supported a design that deftly reduced the building's scale and opened up the pedestrian experience along Aurora. **The Board recommended approval with street-level refinements previously addressed. (Design Guidelines: A-2, A-4, B-1, C-4, D-1 & D-2)**

2. *Height & Depth of Nonresidential Space (SMC 23.47A.005.B.3a)*

To promote viability of commercial activity locating a street-level, nonresidential uses must extend an average of at least 30 feet and a minimum of 15 feet in depth from the street-level street-facing facade. The building is pulled back 12 to 6 feet from the property line. Aurora Avenue (State Highway 99) is a heavily traveled highway generating noise and dust. During the EDG meeting the Board requested the applicant to open up the pedestrian experience along the heavily traveled right-of-way with increased setback at street-level. The applicant has taken Board guidance to increase the street-level setback along Aurora to provide a buffer area that has resulted in compromising the depth of live-work units. The average depth of nonresidential use is 23 feet 10 inches with a minimum depth of 19 feet. The north setback area will be visually engaging with landscaping, with the south stepping down and framed with landscaping. The Board supported a design that efficiently opened up the pedestrian experience and provided nuanced landscaping. **Owing in part to the graphic boards presented at the recommendation meeting, the Board recommended approval of the depth reduction of nonresidential use with the understanding that additional measures to soften and green-up the street-level façade will need to be worked out with the assigned planner. (Design Guidelines: A-2, C-2, C-3, D-1, & E-2).**

3. *Residential Uses at Street-level (SMC 23.47A.005.D.3)*

The applicant proposes to locate a significant portion of the north facade in residential use along North 40<sup>th</sup> Street. Residential uses may not exceed, in aggregate, 20% of the street-level street facing façade when facing an arterial in a C1 zone. As was previously noted, the development site is located in a C1-40 zone and fronts North 40<sup>th</sup> Street, a collector arterial. The street-level street facing façade equals approximately 93.75 feet in length which would limit street-level residential use to 18.75 feet (or 20%). The applicant proposes to increase the percentage to 76.1% or 71.4 feet. The reasoning behind the increased residential presence along North 40<sup>th</sup> is to be more sensitive and compatible with the uses in the abutting residential zone (L-3) to the east. The streetscape along North 40<sup>th</sup> is calmer due in part to zoning alignments, right-of-way restrictions, and predominance of residential uses; the applicant proposes to stay within the existing residential

context. **The Board agreed that residential uses are a more appropriate fit along the north frontage. The Board further stipulated the applicant to work with the planner to create a stronger residential street presence by opening up the ground floor units to have entries to the sidewalk. In addition, type and arrangement materials needs further refinement.** (*Design Guidelines: A-4, B-1, C-3, C-4, D-1 & D-12*)

4. *Residential Street-level Requirement (SMC 23.47A.008.D.2)*

The applicant proposes to locate a significant portion of the north facade in residential use along North 40<sup>th</sup> Street. Street-level development standards for residential uses requires either the first floor of the structure at or above grade, shall be at least four (4) feet above sidewalk grade or the street-level façade shall be set back at least ten feet from the sidewalk. The applicant is proposing a modulated street-level façade to create greater building articulating and visual interest. Portions of the street level facade steps up to within 1 foot of the north property line. The Board supported the design intent, but felt the applicant needed to go further to activate the sidewalk level. **As previously mentioned, the Board recommends ground floor units will provide principle access to North 40<sup>th</sup> Street. With refinements resolved to the satisfaction of the assigned planner, the Board approves the requested departure.** (*Design Guidelines: A-4, B-1, C-3, C-4, D-1 & D-12*)

**Summary of Departures**

<i>Development Standard</i>	<i>Requirement</i>	<i>Proposed</i>	<i>Comment/Ratio nal BY Architect</i>	<i>Board Recommendation</i>
<i>1. Nonresidential street level Transparency SMC 23.47A.005.B.2</i>	<i>Sixty (60) percent of the street facing façade between two (2) feet and eight (8) feet above the sidewalk shall be transparent. Street facing façade equals 314.7 feet 60% equals 188.8 feet</i>	<i>49.8% or 156.8 feet.</i>	<i>Due in part to topographic conditions at the site and steeping structure back from property line at the Board request.</i>	<i>▪ Approved (Design Guidelines: A-2, A-4, B-1, C-4, D-1 &amp; D-2)</i>
<i>2. Height &amp; depth of non-residential space SMC 23.47A.005.B.3a</i>	<i>Nonresidential uses must extend an average of at least 30 feet and a minimum of 15 feet in depth from the street-level street-facing facade.</i>	<i>Average 23 feet 10 inches and minimum depth of 19 feet.</i>	<i>Increased building setback along Aurora to accommodate request from DR Board open up the pedestrian experience along a heavily traveled right-of-way.</i>	<i>Approve (Design Guidelines: A-2, C-2, C-3, D-1, &amp; E-2).</i>

<p><i>3. Street-level use requirement (N. 40<sup>th</sup> Street) SMC 23.47A.005.D.3</i></p>	<p><i>Residential street-level requirements. Residential uses may be limited to 20% of the street-level street facing façade. Façade length is 95.75feet. 20% equals 18.75.</i></p>	<p><i>76.1% or 71.4 feet.</i></p>	<p><i>The North 40<sup>th</sup> Street frontage transitions to a lower scale multifamily zone. Residential uses are a more appropriate fit along the north property line.</i></p>	<p>▪ <i>Approved (Design Guidelines: A-4, B-1, C-3, C-4, D-1 &amp; D-12)</i></p>
<p><i>4. Residential street-level requirement (N. 40<sup>th</sup> Street) SMC 23.47A.008.D.2</i></p>	<p><i>Residential street-level requirements. Either the first floor of the structure at or above grade shall be at least four (4) feet above sidewalk grade or the street-level façade shall be set back at least ten feet from the sidewalk.</i></p>	<p><i>No setback at grade.</i></p>	<p><i>Due in part to the on-site sloping conditions opening up residential entries would adversely impact design integrity.</i></p>	<p>▪ <i>Approved (Design Guidelines: A-4, B-1, C-3, C-4, D-1 &amp; D-12)</i></p>

**Summary of Boards’ Recommendations:**

The recommendations summarized below were based on the plans submitted at the January 28, 2008 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 submitted for review on October 22, 2007. 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 recommended that the design should be approved with the refinements noted to be worked out with DPD. In particular; the Street-level façade treatment should create more visual engagement and interests along Aurora and North 40<sup>th</sup> Street. Along Aurora on-grade stairs should lead down from the central residential common area to lower level live-work unit’s main entries, to establish greater design cohesiveness. In addition, pedestrian entries and finer detailing should be employed along North 40<sup>th</sup> Street. The Board also recommends approval of the requested departure as stated in the departure matrix. Thus, the project should move forward as designed. The Board made the following recommendations. (Authority referred to in letter and numbers are in parenthesis):

1. Applicant shall work with DPD to find an appropriate design solution for the design and installation of steps to connect the central portion of the building to the lower level (south area), between the building and sidewalk to better serve on-site pedestrian mobility. In addition, explore options to provide an additional entry point from the sidewalk to the lower level live-work units along Aurora. (*Guidelines A-2, A-4, C-3, D-1, & E-2*)
2. Explore a more rigorous design solution to the residential street-level façade detailing. The applicant will explore design alternatives that include; grounding the base with durable material, animating the north façade with architectural features to evoke a stronger residential presence. In addition, the Board recommends ground level residential units have there primary entries adjacent to North 40<sup>th</sup> to a better complement the residential character of the street to provide a finer nuanced look at street-level. (*Guidelines A-2, A-4, A-5, B-1, C-2, C-4, D-1, & D-12*)

3. Applicant shall open up the streetscape along Aurora by removing street-level green screen fencing to more fully engage pedestrians and activate the right-of-way. If possible, additional access steps should be added from the abutting sidewalk down to live-work units where the fence is being removed. *Guidelines C-3, C-4, D-8, & E-2)*
4. Explore options to secure hearty plant growth in the rear to help soften and green-up the alley frontage. Planting beds beneath the green screen fence visible from the alley shall be increased in size to facilitate the growth of hearty vegetation. (*Guidelines C-3, C-4, D-8, & E-2)*

### **Director's Analysis and Decision: Design Review**

The Design Review Board recommended that the assigned planner should work with the applicant to resolve several Board recommendations prior to final DPD approval. The Director is equally pleased with the overall building design but as was noted in the recommendation meeting by the Board, the street level pedestrian experience needs additional design development. Further, the Director is authorized to provide additional analysis and then accept, deny or revise the Board's recommendations (SMC 23.41.014.F) to advance the proposal forward. Four of the five Design Review Board members identified elements of the Design Guidelines (above) which are critical to the project's overall success with concurrence of the Director.

The design of the proposed building (containing three residential floors above a commercial and residential base) is proportionally similar in scale, proportion and materials that reduce the appearance of bulk through use of modulation, color and fenestration schemes. The design of the proposed structure picks up on architectural elements found in the area with subtle touches to provide visual interest that seeks a sense of individuality. The location of the development site presents a unique design opportunity given its frontage along the eastside of Aurora Avenue just north of the Aurora Bridge. Due in part to heavy vehicle traffic volumes, pedestrian activity is moderate along this corridor. From the outset, the developer sought to design a building that acknowledges its role in the neighborhood to establish an attractive building with an ability to activate the street-level. The west upper level façade would be visually interesting using materials, color and fenestration. With the guidance from the Board, the lower level was stepped back to open the street-level to create a greater sense of safety and comfort juxtaposed to a fast paced vehicles oriented right-of-way. The east facade was broken into three segments to minimize potential adverse impacts of a development on a less intensive zone. Green elements have been proposed to further reduce solid wall surfaces from inadvertently turning its back to the multifamily zone across the alley. The architect has responded to the comments and concerns of both the public and the Design Review Board and has strived to establish a distinctively designed building from the vantage points from several locations including, adjacent buildings across right-of-way to the west and east, occupants in vehicles, to pedestrians within the sidewalks.

With minor lapses, the siting of the proposed structure set within a landscaped frame, is well thought out and executed. In particular, readability of pedestrian entries did not quite hit the mark. The Board's suggested solutions including opening up walkway connections along Aurora and placing primary ground floor residential entries off North 40<sup>th</sup> Street, all of which the Director supports. Subsequent conversations with the applicant after the recommendation meeting to resolve other design details. The Director suggested another alternative to make the entries more readable. Changing the fenestration pattern at the lower level along North 40<sup>th</sup> would evoke a

stronger residential scale where it is needed most, and would achieve the desired goal of increasing readability while activating the pedestrian environment.

The Director has worked with the applicant to establish greater refinement at the building's northwest and southeast corners. In opening up the lower level to pedestrians and vehicles the lower level steps back with the upper level cantilevered to the property line. The proposed support concrete columns were rather bland and uninspired architecturally. The architect jumped at the opportunity to add greater refinement; including animating the structural support with nuanced design detailing; thickening vertical band depth at the plate of the upper level. In addition, the architect has proposed further refinement of the parapets to give a more visually interesting frame to the roof level which the Director supports. The north half of the Aurora frontage will have a more asymmetrical look at the roof line to establish a stronger street presence respecting the rhythm of modulations and on-site topography. The Director will work with the applicant to resolve the final design and color selection.

Since the conclusion of the recommendation meeting the applicant has had several meetings and conversations with DPD to resolve street-level design details and screening elements. The east and north façades have been redesigned to establish more design integration with the pedestrian environment. Landscaping elements along the North 40<sup>th</sup> and alley have been adequately addressed to the satisfaction of the Director. An agreement in principal has been reached between the applicant and DPD with regard to facade detail. Final design detail will be secured prior to Master Use Permit issuance and final approval of associated building permit. In all cases the Director of DPD affirms the Board conclusions and supports the proposal with recommendations.

The Director of DPD has reviewed the recommendations and conditions of the Design Review Board. The Director finds that the proposal is consistent with the *City of Seattle Design Review Guidelines for Multifamily & Commercial Buildings Design Guidelines*. The Director **APPROVES** the subject design consistent with the Board's recommendations above and conditions at end. This decision is based on the Design Review Board's final recommendations and on the plans submitted at the public meeting on January 28, 2008, and the plans on file at DPD. Design, siting or architectural details not specifically identified or altered in this decision are expected to remain substantially as presented after the recommendation meeting to resolve outcomes from the meeting.

### **ANALYSIS - SEPA**

The initial disclosure of the potential impacts from this project was made in the environmental checklist submitted by the applicant (dated June 26, 2007) 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 the review of similar projects form the basis for this analysis and decision.

The SEPA Overview Policy (SMC 25.05.665) clarifies the relationship between codes, policies and environmental review. Specific policies for each element of the environment, 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 25.05.665) mitigation can be considered.

### Short-term Impacts

Construction activities including construction worker commutes, truck trips, the operation of construction equipment and machinery, and the manufacture of the construction materials themselves result in increases in carbon dioxide and other greenhouse gas emissions which adversely impact air quality and contribute to climate change and global warming. While these impacts are adverse, they are not expected to be significant.

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 workers' vehicles. 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, would mitigate several construction-related impacts. Following is an analysis of the air, water quality, streets, parking, and construction-related noise impacts as well as mitigation.

*Traffic* - Construction activities are expected to affect the surrounding area. Impacts to traffic and roads are expected from truck trips during earth moving activities. The SEPA Overview Policy (SMC 25.05.665) and the SEPA construction Impacts Policy (SMC 25.05.675B) allow the reviewing agency to mitigate impacts associated with transportation during construction. The excavation of the lower levels will require the removal of material from site and can be expected to generate truck trips to and from the site. In addition, delivery of concrete and other materials to the site will generate truck trips. As a result of these truck trips, an adverse impact to existing traffic will be introduced to the surrounding street system, which is unmitigated by existing codes and regulations.

It is expected that most of the material to be removed from the site will be due in part to excavation for the at-grade building will have nominal impact on surrounding properties. During excavation a single-loaded truck will be used which holds approximately 10 cubic yards of material. This will require approximately 660 truck loads to remove approximately 6,600 cubic yards of material and may require a nominal number of trucks loads of fill material for regarding purposes. The site has direct access to Aurora Avenue (State Highway 99), with connections to primary arterials that are anticipated to have minor impacts on the neighboring thoroughfares. In order to limit this negative impact as much as possible, a Truck Trip Plan will be required and approved by SDOT prior to issuance of a building permit. The Truck Trip Plan shall delineate the routes of trucks carrying project-related materials.

*Noise* - Most of the initial construction activity including demolition, excavation, foundation work, and framing will require loud equipment and will have adverse impacts on nearby residences. The protection levels of the Noise Ordinance are considered inadequate for the potential noise impacts on the nearby residential uses. The impacts upon residential uses would be especially adverse in the early morning, in the evening and on weekends. The SEPA Overview Policy (SMC 25.05.665) and the SEPA Construction Impacts Policy (SMC 25.05.675 B) allow the reviewing agency to limit the hours of construction in order to mitigate adverse noise impacts. Pursuant to this policy, and because there are residences in the vicinity, the applicant will be required to limit construction hours. Demolition and construction activities taking place within an enclosed structure, which meet the standards of the Noise Ordinance, are allowed. Construction activities (including but not

limited to demolition, grading, deliveries, framing, roofing, and painting) shall be limited to non-holiday weekdays from 7am to 6pm. Interior work that involves mechanical equipment, including compressors and generators, may be allowed on Saturdays between 9am and 6pm once the shell of the structure is completely enclosed, provided windows and doors remain closed. Non-noisy activities, such as site security, monitoring, weather protection shall not be limited by this condition.

Construction activities outside the above-stated restrictions may be authorized by the Land Use Planner when necessitated by unforeseen construction, safety, or street-use related situations. Requests for extended construction hours or weekend days must be submitted to the Land Use Planner at least three (3) days in advance of the requested dates in order to allow DPD to evaluate the request.

*Air and Environmental Health* - Construction is expected to temporarily add particulates to the air and will result in a slight increase in auto-generated air contaminants from construction 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). No unusual circumstances exist, which warrant additional mitigation, per the SEPA Overview Policy.

#### Long-term Impacts

Long-term or use-related impacts are also anticipated from the proposal: operational activities, primarily vehicular trips associated with the project and the projects' energy consumption, are expected to result in increases in carbon dioxide; increased surface water runoff from greater site coverage by impervious surfaces; increased bulk and scale on the site; increased demand on public services and utilities; increased light and glare; loss of vegetation; and increased energy consumption. These long-term impacts are not considered significant because the impacts are minor in scope.

The long-term impacts are typical of residential and commercial structures and will in part be mitigated by the City's adopted codes and/or ordinances. Specifically these are: Stormwater, Grading and Drainage Control Code (stormwater runoff from additional site coverage by impervious surface); Land Use Code (height; setbacks; parking); and the Seattle Energy Code (long-term energy consumption). Additional land use impacts which may result in the long-term are discussed below.

#### Height, Bulk, and Scale

The proposed four-story project will rise to approximately 46.7 feet to the top of the parapet from the lowest street elevation grade along North 40<sup>th</sup> Street. The development site and surrounding area fronting the Aurora Avenue corridor are located within a Commercial One zone with a height limit of 40 feet (C1-40). To the east of the centerline of the alley the zone transition to multifamily Lowrise Three with a base height of 30 feet. Topographically, the area slopes downward from the northwest to southeast corner. The adjacent building to the east steps down in relation to the proposal due in part lower grade elevations and height limitations. The proposed structure will be the tallest building on the block, as would otherwise be allowed by code. The surrounding lots contain structures extending no higher than three stories above grade, and are in-keeping or undersized for the zoned height. The proposed building's bulk is scaled within the development envelope to lessen its visual impact by creating large open space separation from the existing multifamily uses to the east of the development site. The development site occupies nearly half of a block, the remaining three buildings on the

Aurora block front extend up to a height of two stories above grade. The applicant is proposing to step the building back to reduce the weight of the proposed building on neighboring properties. The proposed project is being developed under allowed C1-40 height standards, as allowed by the Land Use Code, and is thereby in keeping with the scale of the potential of the zone as well as being sensitive to existing structures in the vicinity.

The SEPA Height, Bulk and Scale Policy (Sec. 25.05.675.G, SMC) states that *“the height, bulk and scale of development projects should be reasonably compatible with the general character of development anticipated by the goals and policies set forth in Section B of the land use element of the Seattle Comprehensive Plan regarding Land Use Categories, the shoreline goals and policies set forth in Section D-4 of the land use element of the Seattle Comprehensive Plan, the procedures and locational criteria for shoreline environment redesignations set forth in SMC Sections 23.60.060, and 23.60.220, and the adopted land use regulations for the area in which they are located, and to provide for a reasonable transition between areas of less intensive zoning and more intensive zoning.”*

In addition, the SEPA Height, Bulk and Scale Policy states that *“(a) project that is approved pursuant to the Design Review Process shall be presumed to comply with these Height, Bulk and Scale policies. This presumption may be rebutted only by clear and convincing evidence that height, bulk and scale impacts documented through environmental review have not been adequately mitigated.”* Since the discussion in the previous paragraph indicates that there are no significant height, bulk and scale impacts as contemplated within this SEPA policy, and since the Design Review Board approved this project with conditions, no mitigation of height, bulk and scale impacts is warranted pursuant to this SEPA policy.

#### Traffic and Transportation

The applicant submitted a Trip Generation Analysis, prepared by Transportation Solutions, Inc., that addressed on-site parking demand. The report includes existing and proposed uses at the development site with impacts associated with personal trip generation. Trip generation for the proposal was determined by employing figures derived from Trip Generation (*Institute of Transportation Engineers' [ITE], Trip Generation Manual, 7<sup>th</sup> Edition, 2001*). Quantitative values found within the reference document reflect nationwide studies in suburban communities that are not necessarily representative of urban trends. Adjustments were made to more accurately capture the nature of the proposed uses. Trip generation rates were based on mid-rise apartments (3 to 7 floors) for residential uses, and general office for live-work units. The existing four commercial buildings (three motels and one restaurant) have been vacant for approximately two years. The new development includes 93 residential units and seven live-work units, with accessory parking for 103 vehicles. The report contained a conservative analysis of trips generation, distribution and traffic assignment, which did not take into consideration split mode (personal vehicle, bus, bicycle, and pedestrian foot traffic) travel analysis. The trip generation calculations below include total impacts associated with existing and proposed uses, including volunteer trips.

The proposed project is anticipated to generate 492 vehicle trips per day, 42 vehicle trips during the AM peak hour, and 50 vehicle trips during the PM peak hour. The net increase in total daily vehicle trips to the development site is approximately 154. With an increase of approximately 15 trips during the AM peak hour and 22 trips during the PM peak hours anticipated from the existing uses prior to redevelopment, this increase is not expected to have a substantial impact on the surrounding roadways.

Circulation within the area includes bus routes providing access to downtown and other employment destinations. There are also many dining, shopping, medical and entertainment opportunities within walking/bicycling distance and along the public transit routes. The proposed retail use at the development site is expected to draw customers from the immediate area. It is anticipated that Aurora Avenue, will handle the increase demand falling within its capacity, so no SEPA mitigation of traffic impacts is warranted.

### Parking

The parking policy in Section 25.05.675M of the Seattle SEPA Ordinance states that parking impact mitigation may be required only where on-street parking is at capacity as defined by the Seattle Transportation Department or where the development itself would cause on-street parking to reach capacity. Parking utilization in the vicinity is limited and does not appear to be near capacity. Parking can be found during the daytime with limited availability during evening hours. One hundred and three (103) off-street parking spaces will be provided on-site for the proposed uses. Required parking for the types of uses proposed is One hundred (100) stalls. The applicant has chosen to provide additional stalls to accommodate spill-over demand, if any actually occurs.

Even though parking is limited within Aurora on-street parking capacity in the surrounding area is sufficient to meet any additional spill-over parking that might be generated from the proposed commercial uses, if any actually occurs. Therefore, no mitigation of parking impacts is necessary pursuant to SEPA.

### CONCLUSION - SEPA

In conclusion, several adverse effects on the environment are anticipated resulting from the proposal, which are non-significant. The conditions imposed below are intended to mitigate specific impacts identified in the foregoing analysis, or to control 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 DPD as the lead agency of the 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 with respect to transportation, circulation, and parking. An EIS limited in scope to this specific area of the environment was therefore required under RCW 43.21C.030 (2) (C).

## **CONDITIONS – DESIGN REVIEW**

The owner/applicant shall update plans to show:

### **Non-Appealable Conditions Prior to Issuance of MUP**

1. Embed all conditions of approval into the cover sheet on the updated MUP plan set and all subsequent building permit drawings.
2. Embed approved colored elevation and landscape drawings into the MUP and building permit drawings.
3. Any proposed changes to the external design of the building, landscaping or improvements in the public right-of-way must first be reviewed and approved by the DPD planner prior to construction.

### **Non-Appealable Conditions During Construction**

The following condition(s) to be enforced during construction shall be posted at the site in a location on the property line that is visible and accessible to the public and to construction personnel from the street right-of-way. If more than one street abuts the site, conditions shall be posted at each street. The conditions will be affixed to placards prepared by DPD. The placards will be issued along with the building permit set of plans. The placards shall be laminated with clear plastic or other waterproofing material and shall remain posted on-site for the duration of the construction.

4. All proposed changes to the exterior facades of the building and landscaping on site and in the ROW must be reviewed by a Land Use Planner, Bradley Wilburn (phone 206-615-0508) prior to proceeding with any proposed changes.

### **Non-Appealable Conditions Prior to Issuance of a Certificate of Occupancy**

5. Compliance with the approved design features and elements, including exterior materials, parapets, facade colors, landscaping and ROW improvements, shall be verified by the DPD Planner, Bradley Wilburn (phone 206-615-0508) assigned to this project or by the Manager of the Urban Design Program. Inspection appointments with the Planner must be made at least three (3) working days in advance of the inspection.

Prior to Issuance of MUP

6. Applicant shall work with DPD to find an appropriate design solution for the design and installation of steps to connect the central portion of the building to the lower level (south area), between the building and sidewalk adjacent to Aurora Avenue to better serve on-site pedestrian mobility. In addition, the applicant shall explore options to provide an additional entry point from the sidewalk to the lower level live-work units along Aurora, subject to DPD review and approval. .
7. Explore a more rigorous design solution to the residential street-level façade detailing. The applicant shall explore design alternatives that include; grounding the base with durable material, animating the north façade with architectural features to evoke a stronger residential presence. In addition, the ground level residential units adjacent to N. 40<sup>th</sup> shall have their primary entries adjacent to North 40<sup>th</sup> to better complement the residential character of the street to provide a finer nuanced look at street-level. And a more rigorous design solution to the façade detailing, subject to DPD review and approval.
8. Applicant shall open up the streetscape along Aurora by removing street-level green screen fencing to more fully engage pedestrians and activate the right-of-way. If possible, additional access steps should be added from the abutting sidewalk down to live-work units, subject to DPD approval.
9. Propose solutions to DPD to secure hearty plant growth adjacent to alley frontage to help soften and green-up the alley frontage. Planting beds beneath the green screen fence visible from the alley shall be increased in size to facilitate the growth of hearty vegetation, subject to DPD approval.

After Issuance of Building permit and Prior to Groundbreaking

10. Arrange a pre-construction meeting with the building contractor, building inspector, and land use planner to discuss expectations and details of the Design Review component of the project.

**SEPA CONDITIONS**

Prior to Issuance of Construction Permit

The owner(s) and/or responsible party(s) shall:

11. Submit a Truck Trip Plan to be approved by SDOT prior to issuance of a building permit. The Truck Trip Plan shall delineate the routes of trucks carrying project-related materials.

During Construction

The following condition(s) to be enforced during construction shall be posted at the site in a location on the property line that is visible and accessible to the public and to construction personnel from the street right-of-way. If more than one street abuts the site, conditions shall be posted at each street. The conditions will be affixed to placards prepared by DPD. The placards will be issued along with the building permit set of plans. The placards shall be laminated with clear plastic or other weatherproofing material and shall remain in place for the duration of construction.

12. In order to further mitigate the noise impacts during construction, the owner(s) and/or responsible party(s) shall limit the hours of construction to non-holiday weekdays between 7:00 AM and 6:00 PM and Saturdays between 9:00 AM and 6:00 PM. This condition may be modified by the Department to permit work of an emergency nature to allow low noise exterior work (e.g., installation of landscaping) or to allow work which cannot otherwise be accomplished during the above hours upon submittal of a noise mitigation plan and after approval from the Land Use Planner. After the structures are enclosed, interior work may proceed at any time in compliance with the Noise Ordinance.

Signature: \_\_\_\_\_ (signature on file) Date: May 01, 2008

Bradley Wilburn, Land Use Planner  
Land Use Services  
Department of Planning and Development

BMW:lc

I:\WILBURB\Design Review\3006019\3006019Dec.doc