



City of Seattle

Department of Planning & Development

Diane M. Sugimura, Director

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

Application Number: 3012445
Applicant Name: N3 Architects, LLC
Address of Proposal: 4251 Aurora Avenue North

SUMMARY OF PROPOSED ACTION

Land Use Application to allow a four-story, 71 units, affordable housing residential building with 6,205 sq. ft. of residential support services at ground level. Surface parking for 18 vehicles will be provided on the site.

The following approvals are required:

Design Review – Seattle Municipal Code (SMC) 23.41

SEPA Environmental Determination – SMC 25.05

SEPA Determination: [ ] Exempt [ ] DNS [ ] MDNS [ ] EIS
[X] DNS with conditions
[ ] DNS involving non-exempt grading, or demolition, or another agency with jurisdiction.

Site Zone: C1-40
Nearby Zones: (North) C1-40, (South) C1-40, (East) C1-40, (West) LR2
Lot Area: 13,319 Square Feet.



Access:	N. 43rd St. N. Motor Pl.
Surrounding Development:	Single family, small size apartments, commercial, mixed-use residential
ECAs:	None
Neighborhood Character:	Development to the North, South, and East is a mixture of large mixed-use residential and small to medium size commercial buildings. Development to the West is a mixture of single family houses and small apartment buildings.

### Public Comments

Public comments were invited at the two Design Review public meetings and the Master Use Permit application. Comments from the Design Review meetings are noted within the Design Review process summaries which follow below. Comments were primarily concerned with the massing of the structure and the exterior materials proposed.

### **ANALYSIS – DESIGN REVIEW**

Architect's Presentation: (January 30, 2012 and April 23, 2012)

***Three alternative design schemes were presented. All of the options include four above-grade floors with a roof deck for the residents.***

*Scheme 1: Showed four floors above grade with a roof deck. The first floor occupies the entire lot area. The residential units are setback 15 feet from the West property line. Parking is below grade.*

*Scheme 2: Showed four full above-grade floors with a roof deck. The first floor occupies the entire lot area and contains residential units on the South end of the site. The residential units on floors two to four are setback 15 feet from the West property line. Parking is below grade.*

*Scheme 3: (**Preferred**) Showed four above-grade floors with a roof deck. The first floor occupies eastern half of the site. On grade parking lot occupies the western half of the site. The residential units on floors two to four are setback 15 feet from the West property line and cantilever over the parking area.*

### **PUBLIC COMMENT (at the Early Design Guidance)**

Approximately 3 members of the public attended this Early Design Review meeting. The following comments, issues and concerns were raised:

- Concern about size of the building to the south end of the site because of sloping site.

- Privacy for the cluster of houses to the west is a concern. Tenants can look into the backyards or into homes.
- Access to garbage and recycling pick up is a concern. They do not want bins left on the street.
- Asked the question if any of the units will be suitable for families.
- Appreciate the way the ground floor is designed for later reconfiguration. It's important to build for future commercial opportunities.
- The building crowds the block.

Architect's Presentation: (April 23, 2012)

The design presented at the final recommendation meeting was a further developed version of the work shown at the Early Design Guidance meeting that received a positive response from the Board. All facades and the roof planes have been further developed including materials and colors.

Public Comment (at the recommendation meeting)

No members of the public attended this Recommendation meeting.

**DESIGN GUIDELINE PRIORITIES**

After visiting the site, considering the analysis of the site and context provided by the proponents, and hearing public comment, the Design Review Board members provided the following siting and design guidance. The Board identified the Citywide Design Guidelines & Neighborhood specific guidelines (as applicable) of highest priority for this project.

The Neighborhood specific guidelines are summarized below. For the full text please visit the Design Review website.

**A. *Site Planning***

**A-5 Respect for Adjacent Sites.** *Buildings should respect adjacent properties by being located on their sites to minimize disruption of the privacy and outdoor activities of residents in adjacent buildings.*

At the Early Design Guidance meeting, The Board discussed privacy issues from the roof and west elevation. The discussion focused on the use of ground level vegetation, location of upper level windows and interior layout of units to increase privacy. The Board requested that at the next Board meeting — the site plan show topography, an East to West site section, and full building footprint in relation to other buildings.

**At the Recommendation meeting,** The Board directed the Land Use Planner to work with the application on the final location of the larger trees to be installed along the western property line.

**B. *Height, Bulk and Scale***

**B-1 Height, Bulk, and Scale Compatibility.** *Projects should be compatible with the scale of development anticipated by the applicable Land Use Policies for the surrounding area and should be sited and designed to provide a sensitive transition to near-by, less intensive zones.*

*Projects on zone edges should be developed in a manner that creates a step in perceived height, bulk, and scale between anticipated development potential of the adjacent zones.*

At the Early Design Guidance meeting, the Board discussed vegetation and other methods for screening. Include modulation along the west facade to break down scale. Look at method to reduce the feel of the large cantilever.

**At the Recommendation meeting**, the Board directed the Land Use Planner to work with the applicant on the material/colors changes to be made to the west façade.

### **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 distinguished from its facade walls.*

At the Early Design Guidance meeting, the Board discussed the use of colors and materials. Consider the Thunderbird Motel icon elements as a “road town”. Show fence design, show color elevations on 4 sides.

**At the Recommendation meeting**, the Board was generally pleased with the use of colors and materials. However, they did direct the Land Use to work with the applicant on additional changes needed for the west façade and the vertical element on the east face.

**C-3 Human Scale.** *The design of new buildings should incorporate architectural features, elements and details to achieve a good human scale.*

At the Early Design Guidance meeting, the Board emphasized incorporating modulation to break down the scale of the building.

**At the Recommendation meeting**, the Board was satisfied with the changes incorporated into the design.

### **D. Pedestrian Environment**

**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.*

At the Early Design Guidance meeting, the Board discussed the use of fenestration or materials, where possible in the façades to mitigate the appearance of blank walls.

**At the Recommendation meeting**, the Board was satisfied with the material/colors used to minimize the blank wall appearances.

**D-6 Screening of Dumpsters, Utilities, and Service Areas.** *Building sites should locate service elements like trash dumpsters, loading docks and mechanical equipment away from the street front where possible. When elements such as dumpsters, utility meters, mechanical units and service areas cannot be located away from the street front, they should be situated and screened from view and should not be located in the pedestrian right-of-way.*

At the Early Design Guidance meeting, the Board requested applicant contact SPU for trash

pickup protocols and show location of the trash room and access.

**At the Recommendation meeting**, the Board was satisfied with the applicant's explanation for the trash pickup protocols and the shown location of the trash room and access.

**D-7** **Personal Safety and Security.** *Project design should consider opportunities for enhancing personal safety and security in the environment under review.*

At the Early Design Guidance meeting, the Board discussed the need to address safety, surveillance and security at the parking area and roof garden. Provide a lighting plan to show adequate lighting.

**At the Recommendation meeting**, the Board was satisfied with the applicant's response to their guidance.

**D-11** **Commercial Transparency.** *Commercial storefronts should be transparent, allowing for a direct visual connection between pedestrians on the sidewalk and the activities occurring on the interior of a building. Blank walls should be avoided.*

At the Early Design Guidance meeting, the Board discussed the requirement for transparency on the street level façade along Aurora Ave, N. Motor Pl and N. 43rd St. At the next Board meeting — show interior layout to verify uses allow for transparency requirements.

**At the Recommendation meeting**, the Board was satisfied with the transparency provided on the street level façades and the interior layout for the proposed uses.

**E. Landscaping**

**E-3** **Landscaping Design to Address Special Site Conditions.** *The landscape design should take advantage of special on-site conditions such as high-bank front yards, steep slopes, view corridors, or existing significant trees and off-site conditions such as greenbelts, ravines, natural areas, and boulevards.*

At the Early Design Guidance meeting, the Board discussed allowing a reduction in the commercial space depth requirement of 30' in order to maintain the 5' landscape buffer at west property line. The Board emphasized that parking/landscape area should be a designed space that acts as a buffer, but also creates a positive space.

**At the Recommendation meeting**, the Board recommended that Departures be granted for the commercial space depth. Generally, they were satisfied with the landscaping buffer along the west property line — the directed the Land Use Planner to work with the applicant on the final location, size, and species of the trees to be used.

**Summary** — at the conclusion of the Recommendation meeting, the Board recommended that the Applicant and Land Use Planner should work on the following changes to the design.

1. Location, size, and species of trees used along the west property line.
2. Materials/colors use on the western façade.
3. Materials/colors used on the eastern vertical element.
4. Resize the windows on the western façade to a 'typical residential size'.

The board voted unanimously in support the requested departures as noted in the Master Use Permit plans.

### **DECISION – DESIGN REVIEW**

After considering the proposed design and design solutions presented in relation to previously prioritized design guidelines and after having heard public comments on the project’s design, the three Design Review Board members present unanimously **recommended approval** of the subject design **with conditions noted below** and unanimously **recommended approval** of the two requested design departures.

The Director of DPD has reviewed the recommendations of the Design Board members present at the final Design Review recommendation meeting and finds that the Board acted within its authority and the Board’s recommendations are consistent with the guideline’s and do not conflict with regulatory requirements.

Therefore, the proposed design is **APPROVED** as presented at the Design Review Board recommendation meeting.

### **CONDITIONS**

Design Review conditions are listed at the end of this report.

### **ANALYSIS – SEPA**

This analysis relies on the *Environmental (SEPA) Checklist* for the proposed development submitted by the applicant which discloses the potential impacts from this project. The information in the checklist, supplemental information provided by the applicant, project plans, and the experience of the lead agency with review of similar projects form the basis for this analysis and decision.

The Seattle SEPA ordinance provides substantive authority to require mitigation of adverse impacts resulting from a project (SMC 25.05.655 and 25.05.660). Mitigation, when required, must be related to specific adverse environmental impacts identified in an environmental document and may be imposed only to the extent that an impact is attributable to the proposal. Additionally, mitigation may be required only when based on policies, plans, and regulations as enunciated in SMC 25.05.665 to SMC 25.05.675, inclusive, (SEPA Overview Policy, SEPA Cumulative Impacts Policy, and SEPA Specific Environmental Policies). In some instances, local, state, or federal requirements will provide sufficient mitigation of a significant impact and the decision maker is required to consider the applicable requirement(s) and their effect on the impacts of the proposal.

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 specific circumstances (SMC 25.05.665 D 1-7) mitigation can be required.

The policies for specific elements of the environment (SMC 25.05.675) describe the relationship with the Overview Policy and indicate when the Overview Policy is applicable. Not all elements of the environment are subject to the Overview Policy (e.g., Traffic and Transportation). A detailed discussion of some of the specific elements of the environment and potential impacts is appropriate.

### Short-Term Impacts

The following temporary or construction-related impacts are expected; decreased air quality due to suspended particulates from demolition and building activities and hydrocarbon emissions from construction vehicles and equipment; increased traffic and demand for parking from construction equipment and personnel; increased noise; and consumption of renewable and non-renewable resources.

Several adopted codes and/or ordinances provide mitigation for some of the identified impacts. The Stormwater, Grading and Drainage Control Code regulates site excavation for foundation purposes and requires that soil erosion control techniques be initiated for the duration of construction. Puget Sound Clean Air Agency (PSCAA) regulations require control of fugitive dust to protect air quality. The Building Code provides for construction measures in general. Finally, the Noise Ordinance regulates the time and amount of construction noise that is permitted in the City.

Most short-term impacts are expected to be minor. Compliance with the above applicable codes and ordinances will reduce or eliminate most adverse short-term impacts to the environment. However, impacts associated with air quality, noise, and construction traffic warrant further discussion.

### Air Quality

The Puget Sound Clean Air Agency (PSCAA) regulations require control of fugitive dust to protect air quality and will require permits for removal of asbestos or other hazardous substances during demolition. The applicant will take the following precautions to reduce or control emissions or other air impacts during construction:

- During demolition, excavation and construction, debris and exposed areas will be sprinkled as necessary to control dust and truck loads and routes will be monitored to minimize dust-related impacts.
- Using well-maintained equipment and avoiding prolonged periods of vehicle idling will reduce emissions from construction equipment and construction-related trucks.
- Using electrically operated small tools in place of gas powered small tools wherever feasible.
- Trucking building materials to and from the project site will be scheduled and coordinated to minimize congestion during peak travel times associated with adjacent roadways.

These and other construction and noise management techniques shall be included in the Construction Impact/ Noise Impact Management Plan to be submitted for approval prior to issuance of construction permits.

### Noise

The project is expected to generate loud noise during demolition, grading and construction. Compliance with the Noise Ordinance (SMC 25.08) is required and will limit the use of loud equipment registering 60 dBA (not including construction equipment exceptions in SMC 25.08.425) or

more at the receiving property line or 50 feet to the hours between 7:00 a.m. and 10:00 p.m. on weekdays, and between 9:00 a.m. and 10:00 p.m. on weekends and holidays. This condition may be modified by DPD to allow work of an emergency nature or allow low noise interior work after the exterior of the structure is enclosed. This condition may also be modified to permit low noise exterior work (e.g., installation of landscaping) after approval from DPD. Construction noise is within the parameters of SMC 25.05.675.L, which states that the Noise Ordinance provides sufficient mitigation for most noise impacts.

### Traffic and Circulation

Site preparation would involve removal of the existing on-site buildings and asphalt pavement and excavation for the foundation of the proposed building and below grade parking garage. Approximately 10,600 cubic yards of material would be excavated and removed from the site.

Existing City code (SMC 11.62) requires truck activities to use arterial streets to every extent possible. Traffic impacts resulting from the truck traffic associated with the removal of the existing building and excavation for the foundation of the proposed building will be of short duration and mitigated in part by enforcement of SMC 11.62. This immediate area is subject to traffic congestion during the PM peak hours, and large trucks turning onto arterial streets would further exacerbate the flow of traffic. Pursuant to SMC 25.05.675 B (Construction Impacts Policy) and SMC 25.05.675 R (Traffic and Transportation) additional mitigation is warranted.

The construction activities will require the export/import of material from the site and can be expected to generate truck trips to and from the site. In addition, delivery of concrete and other building 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.

For the duration of the grading activity, the applicant(s) and/or responsible party(ies) shall cause truck trips to cease during the hours between 4 PM and 6 PM on weekdays. This condition will assure that truck trips do not interfere with daily PM peak traffic in the vicinity. As conditioned, this impact is sufficiently mitigated in conjunction with enforcement of the provisions of SMC 11.62.

City code (SMC 11.74) provides that material hauled in trucks not be spilled during transport. The City requires that a minimum of one foot of “freeboard” (area from level of material to the top of the truck container) be provided in loaded uncovered trucks which minimize the amount of spilled material and dust from the truck bed en route to or from a site. No further conditioning of the grading/excavation element of the project is warranted pursuant to SEPA policies.

### Greenhouse Gas Emissions

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

Long-Term Impacts

Height, Bulk, and Scale

The design guidelines are intended to mitigate height, bulk and scale impacts under SEPA. A project that is approved pursuant to the design review process is presumed to comply with the City's SEPA policies regarding height, bulk, and scale. Through the design and environmental review process, DPD has found no evidence that height, bulk or scale was not adequately addressed through the design review process and compliance with the design guidelines. As such, no additional mitigation regarding height, bulk and scale is warranted or required.

**DECISION – STATE ENVIRONMENTAL POLICY ACT (SEPA)**

This decision was made after review by the responsible official on behalf of the lead agency of a completed environmental checklist and other information on file with the responsible department. This constitutes the Threshold Determination. The intent of this declaration is to satisfy the requirements of the State Environmental Policy Act (RCW 43.21C), including the requirement to inform the public 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).

The proposed action is **APPROVED WITH CONDITIONS.**

**CONDITIONS – SEPA**

During Demolition, Excavation, and Construction

1. For the duration of the removal of the existing building, excavation of materials, and delivery of construction materials; the owner(s) and/or responsible party(ies) shall cause truck trips to and from the project site to cease during the hours between 4 PM and 6 PM on weekdays.
2. Debris and exposed areas shall be sprinkled as necessary to control dust; a truck wash and quarry spall areas shall be provided on-site prior to the construction vehicles exiting the site if scoop and dump excavation is not used; and truck loads and routes shall be monitored to minimize dust-related impacts.

**CONDITIONS-DESIGN REVIEW**

During Construction

3. Any proposed changes to the exterior of the building or the site must be submitted to DPD for review and approval by the Land Use Planner assigned to the project.
4. Compliance with all images and text on the MUP drawings, as modified by this decision and approved by the Land Use Planner, shall be verified by the Land Use Planner assigned to this project. An appointment with the assigned Land Use Planner must be made at least three working days in advance of field inspection. The Land Use Planner will determine whether submission of revised plans is required to ensure that substantial compliance has been achieved.

Prior to Issuance of Certificate of Occupancy

5. Work with the Land Use Planner on the final location of landscaping along the western property line to create privacy for the adjacent residential uses.
6. Work with the Land Use Planner on the final design of the wall/fence along the western property line to create privacy for the adjacent residential uses.

Signature: \_\_\_\_\_ (signature on file) \_\_\_\_\_ Date: September 20, 2012  
Colin Vasquez, Senior Land Use Planner  
Department of Planning and Development

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