



City of Seattle

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

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

Application Number: 2406680
2407917

Applicant Name: Jay Janette, Mithun Architects for Intracorp Real Estate

Address of Proposal: 2500 Aurora Avenue North
2480 Birch Avenue North

SUMMARY OF PROPOSED ACTION

Project #2406680: Master use permit to establish use for future construction of a six-story building containing 49 apartment units (including 3 live-work units) and parking for 60 vehicles in at grade and below grade garages. Project also includes demolition of existing structures. See related project #2407917 located at 2480 Birch Avenue North.

Project #2407917: Master use permit to establish use for future construction of five, 3-story structures containing 43 dwelling units. Parking provided for 78 vehicles in a below grade garage. Existing structures to be demolished. See related project #2406680 located at 2500 Aurora Avenue N.

The following approvals are required:

SEPA - Environmental Determination - Chapter 25.05, Seattle Municipal Code (SMC)

Design Review, Chapter 23.41, Seattle Municipal Code (SMC) Development Standard

Departures from the Land Use Code are requested as follows:

1. #2406680- Parking within or under structures (SMC 23.47.016D2)
2. #2406680- Open Space (SMC 23.47.024)
3. #2406680- Residential Lot Coverage (SMC 23.47.008D)
4. #2406680- Non-residential façade at street level (SMC 23.47.008B)
5. #2406680 – Site triangle (SMC 23.54.030G)
6. #2407917 – Lot Coverage (SMC 23.45.010A)
7. #2407917 – Maximum building width with modulation (SMC 23.45.011)

SEPA DETERMINATION: [] Exempt [X] DNS [] MDNS [] EIS

[X] DNS with conditions

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

¹Project originally noticed as;

2406680: MASTER USE PERMIT TO ESTABLISH USE FOR FUTURE CONSTRUCTION OF A 6-STORY BUILDING CONTAINING 2 LIVE-WORK UNITS & PARKING FOR 30 VEHICLES ON THE GROUND LEVEL WITH 49 APARTMENTS ABOVE. PARKING FOR 28 ADDITIONAL VEHICLES TO BE PROVIDED INPARTIALLY BELOW-GRADE GARAGE. PROJECT INCLUDES FUTURE DEMOLITION OF EXISTING STRUCTURES. SEE RELATED PROJECT #2407917 LOCATED AT 2480 BIRCH AV N.

2407917: MASTER USE PERMIT TO ESTABLISH USE FOR FUTURE CONSTRUCTION OF FIVE, 3-STORY TOWERS CONTAINING 45 APARTMENTS OVER A PARTIALLY BELOW-GRADE GARAGE TO PROVIDE PARKING FOR 75 VEHICLES. PROJECT INCLUDES FUTURE DEMOLITION OF EXISTING STRUCTURES. SEE RELATED PROJECT #2406680 LOCATED AT 2500 AURORA AV N.

BACKGROUND DATA

Site and Vicinity Description

The subject sites are located in the Queen Anne neighborhood south of the Ship Canal between Aurora Avenue North and 6th Avenue North.

The western site is long and rectangular with approximately 15,442 square feet of area between Aurora Avenue North and Birch Avenue North, south of Halladay Street. The frontage along Aurora is approximately 337 feet and the lot varies in width from 42 to 50 feet. Currently, a motel occupies the relatively flat property. The site is zoned Commercial 1 with a 65-foot height limit (C1-65'). This document refers to this site as the "Aurora" site, project or buildings.

The eastern site is located between Birch Avenue North and 6th Avenue North one parcel south of Halladay Street with approximately 37,600 square feet of area. The site is trapezoidal in shape with frontage along Birch Avenue North of approximately 236 feet and 283 feet along 6th Avenue North. The site contains some steep slopes designated as Environmentally Critical Areas in the southeast portion of the site. A limited ECA exemption was granted under project number 2409419 which indicated the objectives of the steep slope regulations would not be compromised. The exemption indicates that the site is considered as a potential landslide area. The site is zoned Lowrise 3 (L-3). This document refers to this site as the "Birch" site, project or building.

Surrounding property to the north across North Halladay Street is zoned C1-65; property to the south is zoned similarly to the two subject sites in that the zone boundary generally aligns with the Birch Avenue right of way; property to the west, across Aurora Avenue North is zoned C1-40 and Single Family 5000 (the SF 5000 development is located at an elevation substantially

above Aurora Avenue North); Property to the east is zoned L-3. The surrounding area includes a mixture of uses, building scales and styles that do not establish a consistent urban neighborhood character. There is a restaurant (Canlis) to the north, single-family homes and a retirement facility to the south and multifamily buildings to the east.

Project Description

The following table summarizes the proposed project data:

	2480 Birch Avenue N.	2500 Aurora Avenue N.	TOTALS
Number of Units	43	49	92
Quantity of Parking	78	60	138
Gross Square Feet of Project	68,332	82,443	150,775

The Birch project provides vehicular access on 6th Avenue North and provides parking in one level of below grade garage. The project consists of 2 and 3-story and flat level townhomes grouped around an internal courtyard. The courtyard will include common as well as private open space, and will provide a connection between 6th Avenue and Birch Avenue.

The Aurora project provides vehicular access on Birch Avenue via 4 curbcuts. One curbcut on the south end of the site will provide access to a single loaded, below grade garage. The other curbcuts will provide access to enclosed at grade garages with parking for 10 vehicles each. The project includes 3 live work units (included in the above unit count).

Public Comment

Public notice was provided for the Early Design Guidance (EDG) Design Review meetings that were held by the Design Review Board on November 17, 2004 & February 2, 2005.

The November meeting was well attended with approximately 14 members of the public in attendance. The applicant addressed several concerns during the presentation of the design concept and answered questions about the design from the public and the Board. The public expressed concerns and had questions about parking, traffic, grading of the site, whether the pedestrian connection will be open at night, wants a store in the neighborhood, asked how tall the existing buildings are versus new building, and asked where mechanical equipment will be located and how the roof materials and profiles will look.

Six members of the public were in attendance at the February meeting. The public expressed concerns and had questions about; developing in the Environmentally Critical Area, level of street improvements, pedestrian access and parking quantity.

Further notice and public comment opportunity was provided as required with the Master Use Permit application. Three written comments were received during the Master Use Permit comment period that ended on May 25, 2005. Two letters were sent in order to be placed on the mailing list. Another letter raised concerns about traffic in the area especially during the Fremont Bridge closure.

Public notice was provided for a Recommendation Design Review meeting that was held by the Design Review Board on May 18, 2005. Six members of the public attended the meeting. The topics germane to the Board were that the Aurora Avenue façade looked like shipping containers, was out of context for Queen Anne, thought a better response could be offered, likes what the project will do for the neighborhood and likes the design in general, the Birch Avenue street improvements have a European feel. Other topics raised were the impacts to private views from the upland residential and impacts from noise.

ANALYSIS - DESIGN REVIEW

Early Design Guidance

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 siting and design guidance described below and identified by letter and number those siting and design guidelines found in the City of Seattle's "*Design Review: Guidelines for Multifamily and Commercial Buildings*" of highest priority to this project.

A: Site Planning

- A-1 Responding to Site Characteristics. The siting of buildings should respond to specific site conditions and opportunities such as non-regular lots, location on prominent intersections, unusual topography, significant vegetation and views or other natural features.**
- A-2 Streetscape Compatibility. The siting of buildings should acknowledge and reinforce the existing desirable spatial character of the right of way.**
- A-3 Entrances Visible from the Street. Entries should be clearly identifiable and visible from the street.**
- A-6 Transition Between Residence and Street. For residential projects, the space between the building and the sidewalk should provide security and privacy for residents and encourage social interaction among residents and neighbors.**
- A-7 Residential Open Space. Residential projects should be sited to maximize opportunities for creating usable, attractive, well-integrated open space.**
- A-8 Parking and Vehicle Access. Siting should minimize the impact of automobile parking and driveways on the pedestrian environment, adjacent properties and pedestrian safety.**
- A-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.**

It was acknowledged that the sites are unique, have challenging topography and limited access. The Aurora site is particularly challenging because of its size, shape and relationship to Aurora.

There is a large conifer tree thought to be a heritage tree on adjacent property north of the L-3 site. The Board wants this tree protected during construction and wants the design to respond to its context.

It was acknowledged that pedestrian character along Aurora Avenue is less than ideal for retail storefronts and residential entries. The Board felt it is important to animate the streetscape along Birch Avenue North and agreed that the Live/Work units and pedestrian entries be oriented towards Birch Avenue North in that this will help enliven that street.

The Board thought the departure requests were ambitious and emphasized that the development of the east-west and north-south (Birch Avenue N.) pedestrian connections through the site are important in establishing a public benefit. The Board wants to see how the Birch Avenue North streetscape and the east-west connection could be used to define the place, create an urban village and provide a genuine public amenity. The Board suggested the use of art or special paving and emphasized that design treatments and details need to exceed the typical street improvement requirements.

The Board wants a wider pedestrian path than typically provided along Birch Avenue and the proportion of this path as compared to the adjacent buildings' height should be studied. The Board was concerned about the scale of C1-65 development at the Birch street edge and how this might impact the pedestrian environment. See B-1 also. The Board wants to see a wider east-west connection so that the space will be more welcoming, especially at the throat of the walkway.

The Board wants to better understand how the development will be accessed by vehicles and by pedestrians. The Board wants the architect to provide way-finding features and elements that help visitors traverse the site.

The corner of Aurora and Halladay is recognized as a significant opportunity to establish a "gateway" identity and is particularly visible from the Aurora bridge for traffic traveling south. The Board wants the architecture to respond by addressing this corner with a uniquely identifiable expression. The architect needs to expand on their idea to create a lantern effect at the corner.

2nd EDG

The Board needs to see how the gateway corner will be treated with respect to the building and the landscaping. The Board wants the design to create a uniquely identifiable expression with respect to the architecture, and with respect to the landscaping in that there is space at ground level for a special landscape feature.

The Board acknowledged that the proposed east-west connection on the aurora side is proposed to be a visible connection and not a physical connection open to the general public. The Board was satisfied with this concept.

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 the anticipated development potential of the adjacent zones.

The Board was concerned with the transition from the C1-65 foot site to the L-3 site and particularly the impact on the pedestrian environment along Birch. Recognizing the economics of the project and the constrained site, the Board wants to see this addressed in the architectural design. The Board suggested many ways of accomplishing transition, like providing setbacks, modulation, use of finish materials or providing more green space in the right of way. Building massing and articulation should receive special attention at the intersection of Aurora and Halladay. The Board is also concerned about the scale of the 6th Avenue elevations at the sidewalk since the topography exacerbates the scale.

2nd EDG

The Board wants to see a good scale for the 6th Avenue elevations at the sidewalk, and graphics should be developed to show how they will be perceived when traveling on 6th Avenue. The Board needs to see a response to this guidance at the next meeting.

C: Architectural Elements and Materials

C-1 Architectural Context

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

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

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.

The materials need to be very durable especially because of the dirt and soot generated from Aurora Avenue N. The quality of materials are very important considering the breadth of development departures proposed. High quality materials will improve the overall quality of the project and architecture. The architect needs to provide a material and color board at the next meeting. Board members encouraged the applicant not to repeat identical material expression for the L-3 and C-1 buildings; no “cookie cutter” designs.

2nd EDG

The Board thought the material palette and elevation studies presented were interesting and appreciated the options. The Board discussed several nuances to the panelization concept on the Aurora Avenue project. The Board had concerns about the façade treatment in that the panelization made the façade seem long and expansive. The Board wants the Aurora façade to be broken up to reduce the perception of a long expansive façade. The Board recognized that the

Aurora side of the building will be seen at fast speeds, and that the space behind the wall is proposed to be corridor and not units. They discussed how the grain and rhythm should be different on each side of the project and suggested refinements that would marry the two sides. The Board suggested ways to relate the two sides, perhaps by using common elements, colors, materials or by providing similar or related rhythm of modules.

The Board liked the butterfly roof system on the elevation study for the Birch project, page 16 of the presentation packet.

The Board was concerned about the durability of the plastic composite material proposed for the Aurora façade, and how it would stand up to pollution.

C-5 Structured Parking Entrances

The presence and appearance of garage entrances should be minimized so that they do not dominate the street frontage of a building.

The Aurora site will have multiple curbcuts along Birch Avenue North. The Board is concerned that these curbcuts will dominate the street frontage, thereby conflicting with the pedestrian experience. The Board wants the garage entrances to be minimized and to fit into the Birch Avenue streetscape. This is extremely important for this project.

D: Pedestrian Environment

D-1 Pedestrian Open Spaces and Entrances. Convenient and attractive access to the building's entry should be provided. To ensure comfort and security, paths and entry areas should be sufficiently lighted and entry areas should be protected from the weather. Opportunities for creating lively, pedestrian-oriented open space should be considered.

The applicant is encouraged to strengthen the way-finding through the L-3 site and make the courtyard visible and attractive from Birch.

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.

Walls of the parking garages along Aurora and 6th should mitigate the extent of blank walls, perhaps with plantings or interesting material expression.

D-3 Retaining 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.

See comment for D-2

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

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

The Board wants the architect to consider and propose solutions to this issue.

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

Considering the urban setting, the Board wants the architect to devote some attention to this priority. The Board recognizes that the east-west walkway will include some security features and that these spaces will not be open to the public at all times.

E. Landscaping

E-1 Landscaping to Reinforce Design Continuity with Adjacent Sites

Where possible, and where there is not another overriding concern, landscaping should reinforce the character of neighboring properties and abutting streetscape.

E-2 Landscaping to enhance the building and / or Site.

The quality and design of landscaping along Aurora adjacent to the C-1 site should be well thought out.

E-3 Landscaping design to address special site conditions.

Achieving a successful design along Birch Avenue is critical to the project. Special considerations will be necessary for quality and use of materials, paving, lighting, street trees and landscape buffer between the street and sidewalks.

The applicant will need to make special provisions for the heritage trees to the north of the L-3 site.

2nd EDG

The Board needs to see proposed landscape elements that go “above and beyond” what is typical. Landscaping at the corner of Halladay and Aurora, along with the architecture needs to create a focal point for this special gateway corner. They suggested that land forms be utilized to create something special to address this corner.

The applicant applied for the MUP (Master Use Permit) on April 5, 2005. After initial DPD zoning and SEPA review, the Design Review Board was reconvened on May 18, 2005 to review the project design and provide recommendations. The five Design Review Board members present considered the site and context, the previously identified design guideline priorities, and reviewed the drawings presented by the applicant. Mr. Montano attended the meeting as a courtesy in that he was involved in the EDG, but was not allowed to provide a recommendation in that his term has expired as a Board member. Two Board members were recused; therefore, there were two substitute members in attendance. **The four Board members recommended conditional approval of the project and the departures.**

There was considerable discussion about the west elevation of the Aurora building. The Board had mixed opinions of the style, use of materials, façade scale and length and its connection to

the east facade. The Board agreed that the proposed material color choice should not be white as presented in that white traditionally shows more dirt, and that the light color makes the perception of an expansive façade more prevalent. The Board recommended that other colors be studied that were more maintenance free and would not exacerbate the scale of the facade. The Board suggested setting up mock-up panels along Aurora to test the conditions of the white panels over time.

The Board appreciated the proposed corner feature on the north façade, but wanted a more substantial response, and asked the architect to work with DPD on a better response. The Board recommended that the glazing and red colored screening material wrap around to the west façade so the element would become more of a landmark.

The Board appreciated the gesture to create a connection from Birch Avenue to 6th Avenue North through the project and to create open space at the Birch project. However, the Board raised concerns about the lack of boundaries between the private open spaces as compared to the pseudo-public spaces of the pedestrian connection. Additionally, the Board wants to ensure that these open spaces are able to be used by the public, and by the residents of both buildings. The Board recommended three conditions to address these concerns; (1) the Board wants the design to include landscaping, a low wall or other feature to denote the boundary between the private and pseudo public spaces; (2) the Board wants signage installed to notify people that the space is open to the public at certain times of the day; and (3) the Board wants residents of both projects to be notified about the use of these spaces, perhaps in the lease agreements or titles.

The Board was initially spilt about recommending approval of the departure relating to the non-residential use requirements. The proposed design provides about 25% non-residential uses in the form of live-work units in lieu of the 80% required. The Board discussed this departure in more detail and concluded that display windows along the Birch Avenue façade that were sufficient to display 3 dimensional (3D) art could serve as an adequate replacement for the non-residential use requirement. The Board specifically discouraged the display of posters in the display windows and recommended that the spaces display 3D artwork. The Board did not specify the amount of display window; although, the Board did discuss that 40% or half of the 80% non-residential façade consisting of display window would be sufficient.

The Board asked about the viability of a green roof and the applicant indicated that a green roof would not be feasible for this project. The Board advised that a well organized roof with minimal visual clutter should be provided in respect to the uphill neighbors.

The applicant is seeking departures from Code development standards for open space, residential lot coverage over 13 feet, non-residential façade for the narrow site along Aurora Avenue N., reduction of site triangles exiting parking and reduction of setback required for ground level garages. They are seeking departures from lot coverage and structure width for the Lowrise 3 zoned site.

The Board agreed with the applicant's justifications for departure requests in that the project is proposing public benefits that result in a project which better meets the citywide design guidelines. The public benefits can be categorized under; the Birch Avenue Streetscape; the

pedestrian connection and open spaces to/from 6th Avenue N; and urban design/architecture. The list of public benefits are below under each category and are not directly linked to a particular departure. The list includes both the applicant's proposed features, and the Board's recommendation to strengthen or add a feature.

Birch Avenue Streetscape better meets guidelines; A-7 Residential Open Space, D-1 Pedestrian Open Spaces and Entrances, E-1 Landscaping to Reinforce Design Continuity with Adjacent Sites by providing the following:

- Increased size of trees from 2" caliper to 3" caliper, and twice the quantity of street trees based on the city standard
- Underground electrical and phone utilities to create unobstructed streetscape in the Birch Avenue right of way; creating a "Giant Driveway"
- Raised crosswalk with decorative paving to slow traffic and enhance pedestrian environment
- Environmentally sensitive stormwater treatment to limit stormwater outflows
- New street lighting including upgraded pole fixtures and supplementary bollards
- Seating along east side of Birch Avenue to provide attractive places for the public to linger
- To improve the pedestrian environment and provide interest along the ground floor on the east side of the Aurora Avenue North building, the **Board recommended** the installation of storefront display windows flanking the central live-work units. The objects on display should be three dimensional; art is encouraged. Flat or one-dimensional objects are discouraged.

Pedestrian Connection/ Open Spaces better meets guidelines; A-7 Residential Open Space, D-1 Pedestrian Open Spaces and Entrances, E-1 Landscaping to Reinforce Design Continuity with Adjacent Sites, E-2 Landscaping to Enhance the Building and/or Site by providing the following:

- 8,000 square foot common courtyard with plantings, seating and opportunities for gatherings available to residents of both projects
- Public and resident pedestrian connection through the site between Birch Avenue North and 6th Avenue North.
- Environmentally sensitive stormwater treatment
- The **Board recommended** signs be erected indicating that public access is allowed between Birch Avenue North and 6th Avenue North. The signs would be erected at the 6th Avenue North entrance to the courtyard and another at the Birch Avenue entrance and indicate the hours that access is allowed.
- The **Board recommended** that to better delineate the areas open to public within the courtyard, landscaping, a low wall or other feature to denote the boundary between the private and pseudo public spaces should be provided.
- The **Board recommended** notification to all residents that access to the courtyard at 2480 Birch is available for all residents of both properties located at 2480 Birch and 2500 Aurora.

Urban Design/Architecture better meets guidelines; C-2 Architectural Concept and Consistency, C-4 Exterior Finish Materials, A-1 Responding to Site Characteristics, A-10 Corner Lots by providing the following:

- Creative use of high quality and durable materials, including hardipanel, metal siding, parklex panel, white vinyl windows, steel railings, ironwood rails and decking, cast in place concrete, pavers and concrete masonry unit (CMU).
- The **Board recommended** that other color options be explored on the west façade of the Aurora building
- Creative architectural composition on the Aurora Avenue elevation by using parklex composite panels and glass, and use of the butterfly roof system on the Birch Avenue project. The proposed design provides more interest and character than other adjacent developments
- The "lantern" corner element on the northwest corner of Halladay Street and Aurora Avenue North and associated landscape at the ground plane provides a gateway element and a sense of place for the development. The **Board recommended** that to better address the corner of Halladay and Aurora, the glazing and screening material on the north façade needs to be wrapped to the west façade.
- The **Board recommended** that to better screen the parking and improve the pedestrian environment, the grills screening the parking at ground level of the Aurora building must be three dimensional so that plant material is able to weave through a layer of grills. It was suggested efforts be made to increase the width of soil available for the plant material or to install planter boxes at the base of the grills.

Summary of Departures from Development Standards

The applicant requested potential departures from the following Land Use Code development standards:

<i>Requirement</i>	<i>Proposed</i>	<i>Board Recommendations</i>
<p>OPEN SPACE SMC 23.47.024 10,986 S.F. or 20% of residential gross floor area</p>	<p>2,182 S. F. or 5% of residential gross floor area (43,560 square feet)</p>	<p>The Board recommended conditional approval of this departure in that the overall project better met the guidelines as described above, but specially that the opportunity for the residents to enjoy the Birch Avenue street improvements and the open spaces at the project located at 2480 Birch Avenue North was available. The Board strengthened this opportunity by recommending that the leases and/or title for the developments include notification that residents of either development can use the common open spaces.</p>
<p>RESIDENTIAL LOT COVERAGE SMC 23.47.008D Above 13 feet shall be limited to 64% of lot area</p>	<p>75%</p>	<p>The Board recommended conditional approval of this departure in that the overall project better met the guidelines as described above</p>
<p>NON-RESIDENTIAL FAÇADE AT STREET LEVEL SMC 23.47.008B Must comprise 80% of the façade (573 feet) and meet minimum dimensions</p>	<p>113 feet or about 20% of the façade comprises non-residential façade</p>	<p>The Board recommended conditional approval of this departure in that the overall project better met the guidelines as described above. In addition, to improve the pedestrian environment and provide interest along the ground floor on the east side of the Aurora Avenue North building, the Board recommended the installation of storefront display windows flanking the central live-work units. The objects on display should be three dimensional; art is encouraged. Flat or one-dimensional objects are discouraged</p>
<p>LOT COVERAGE SMC 23.45.010A Is limited to 45% for structures other than ground-related.</p>	<p>48% lot coverage with a mix of ground-related and other structures.</p>	<p>The Board recommended conditional approval of this departure in that the overall project better met the guidelines as described above</p>

<i>Requirement</i>	<i>Proposed</i>	<i>Board Recommendations</i>
<p>MAXIMUM BUILDING WIDTH WITH MODULATION SMC 23.45.011 is limited to 75 feet for ground-related and apartments and 120 feet for townhouses</p>	<p>The units are considered apartments and have widths of 101 feet for two of the buildings (L1 & L5) and 133 feet for one of the buildings (L3)</p>	<p>The Board recommended conditional approval of this departure in that the overall project better met the guidelines as described above</p>
<p>SMC 23.54.030G Site Triangle-a 10 foot site triangle at the intersection of the driveway and sidewalk must be provided</p>	<p>6 foot site triangle between the property line and the curb</p>	<p>The Board recommended conditional approval of this departure in that the overall project better met the guidelines as described above and that the departure would not create a safety issue.</p>
<p>SMC 23.47.016D2 Parking within structures. When parking occupies any portion of the street-level frontage of a structure between a height of 5 feet and 8 feet above sidewalk grade, the portion of the structure containing the parking shall be required to have a 5 foot deep landscaped area along street lot lines.</p>	<p>5 feet consisting of public and private property</p>	<p>The Board recommended conditional approval of this departure in that the overall project better met the guidelines as described above</p>

Recommended Conditions

1. Erect signs indicating that public access is allowed between Birch Avenue North and 6th Avenue North. Signage needs to indicate public access hours. One sign must be erected at the 6th Avenue North entrance to the courtyard and another at the Birch Avenue North entrance.
2. To better delineate the areas open to public within the courtyard, an appropriate design solution like a low wall, fence or landscaping must be constructed.
3. Notification to all residents and/or owners that access to the courtyard at 2480 Birch is available for all residents and/or owners for both properties located at 2480 Birch Avenue North and 2500 Aurora North.
4. To respect adjacent property, screening of the 2480 Birch buildings on the south side is recommended. Screening shall consist of trees and landscaping.
5. To better address the corner of Halladay and Aurora, the glazing and screening material on the north façade needs to be wrapped to the west façade.
6. Explore other color options on the west façade of the Aurora building. The Board is concerned that the white color will show dirt quicker than other colors.
7. To improve the pedestrian environment and provide interest along the ground floor on the east side of the aurora building, install storefront display windows flanking the central live-work units. The objects on display should be three dimensional; art is encouraged. Flat or one-dimensional objects are discouraged.
8. To better screen the parking and improve the pedestrian environment, the grills screening the parking at ground level of the Aurora building must be three dimensional so that plant material is able to weave through a layer of grills. It was suggested efforts be made to increase the width of soil available for the plant material or to install planter boxes at the base of the grills.

Director's Analysis

The Design Review Board's recommendation does not conflict with applicable regulatory requirements and law, is within the authority of the Board and is consistent with the design review guidelines. The Director concurs with the Board's recommendation, but modifies the recommended conditions pertaining to the streetscape on the west side of Birch Avenue North (conditions 7 and 8 above). The Board raised concern about the pedestrian experience on the west side of Birch Avenue where a majority of the façade is used to screen parking. The Board envisioned display windows as an intervening use between the sidewalk and the parking to create pedestrian interest. The Board recommended granting the departures in part based on the design quality of the Birch Avenue Streetscape, but deferred to DPD and the applicant to propose the design details for the streetscape and the display windows.

The Birch Avenue façade is 276.5 feet in length and the live work units (non-residential use) comprise about 60 feet of the façade. The Board indicated that the intervening use, i.e. display windows along with the live-work units should meet at least half the code requirement for non-residential use along Birch Avenue North. This results in the need for about 50 lineal feet of display window or intervening use.

The Board suggested and encouraged the display of three dimensional art in the display windows and envisioned that the art would be rotated with other artworks similar to how an art gallery functions.

The project shall be conditioned to provide an art plan for the Aurora building and abutting street right of way:

- 50 lineal feet of display window of adequate width to display three dimensional art or installation of three dimensional art not in display windows along the east façade of the Aurora building shall be required. Any combination of space along the façade to obtain this requirement is permitted.
- To better screen the parking and improve the pedestrian environment, the grills screening the parking at ground level of the Aurora building must be three dimensional so that plant material is able to weave through a layer of grills. All space between concrete columns on all street facades shall include three dimensional grills with landscaping (where soil trench or planter boxes are practicable) where art is not displayed. This requirement is not meant to apply to the art spaces comprising 50 lineal feet, man doors, driveways, residential lobby or non-residential space.
- The art on display must be part of a comprehensive design for the Birch Avenue Streetscape. The SDOT Art Plan should be referenced and utilized for this endeavor. The project art plan is expected to use a combination of art as referenced in the SDOT Art Plan including street furniture, surface treatment and art objects.
- The project art plan must be approved by DPD in consultation with the Office of Art and Cultural Affairs.
- The art must be installed prior to certificate of occupancy and remain for the life of the project.

The project shall be conditioned to provide mirrors or other devices at the driveways that provide less than the required site triangle. The devices shall be approved by DPD and shall be designed to be sensitive to the tenants of the building and nearby buildings with respect to noise and light.

DECISION - DESIGN REVIEW

The proposed design is **CONDITIONALLY APPROVED**.

CONDITIONS

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

ANALYSIS - SEPA

The initial disclosure of the potential impacts from this project was made in the environmental checklists submitted by the applicant dated March 7, 2005 and annotated by the Department. 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 SEPA Overview Policy (SMC 23.05.665) discusses the relationship between the City's code/policies and environmental review. 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 limitation". The Overview Policy in SMC 23.05.665 D1-7, states that in limited circumstances it may be appropriate to deny or mitigate a project based on adverse environmental impacts.

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, Plants and Animals and Shadows on Open Spaces). 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; temporary soil erosion; increased dust caused by drying mud tracked onto streets during construction activities; 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. The ECA ordinance and DR 3-93 and 3-94 regulate development and construction techniques in designated ECA areas with identified geologic hazards. 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 earth/soils, air quality, noise, construction traffic and parking warrant further discussion.

Earth/Soils

The ECA Ordinance and Directors Rule (DR) 3-93 require submission of a soil report to evaluate the site conditions and provide recommendations for safe construction in areas with landslide potential and/or a history of unstable soil conditions. The applicant submitted a soils report dated March 3, 2005 prepared by Golder Associates and the reports were reviewed by the DPD Land Use Planner. The construction plans, including shoring of excavations as needed and erosion control techniques are being reviewed by DPD to ensure compliance with the ECA regulations. Any additional information required showing conformance with applicable ordinances and codes (ECA ordinance, The Stormwater, Grading and Drainage Control Code, DR 3-93, and 3-94) will be required prior to issuance of the building permit. Applicable codes and ordinance provide extensive conditioning authority and prescriptive construction methodology to assure safe construction techniques are used; therefore, no additional conditioning is warranted pursuant to SEPA policies.

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 (if any) during demolition. The owner and/or responsible party (ies) are required to comply with the PSCAA rules pertaining to demolition of projects with or without asbestos. This will ensure proper handling and disposal of asbestos, as well as demolition of structures without asbestos. No further SEPA conditioning is necessary.

Noise

The project is expected to generate loud noise during demolition, grading and construction. These impacts would be especially adverse in the early morning, in the evening, and on weekends. The surrounding properties are developed with restaurant, institution and housing uses and will be impacted by construction noise. The protection levels of the Noise Ordinance are considered inadequate for the potential noise impacts on nearby residential uses. Pursuant to SEPA authority, the applicant will be required to limit periods of construction to between the hours of 7:30 AM to 6:00 PM on non-holiday weekdays. To shorten the overall construction time frame, construction will be allowed on Saturday between the hours of 9:00 AM and 5:00 PM on a contingent basis. Allowing Saturday construction activity will be contingent on an approved mitigation program for the duration of construction. A mitigation program proposal must be submitted by the responsible party and approved by DPD. The program elements must consist of the following:

- Construction activities which generate the loudest noise shall be performed during the weekday hours. Identification of the type of construction activity that will occur between the hours of 9:00 AM to 5:00 PM on Saturday need to be disclosed. No work, deliveries or otherwise will be allowed outside of the Saturday hours.
- Commitments and proposals to prohibit back-up alarms on vehicles and equipment, utilization of sound buffering or barrier devices, utilization of construction equipment that generate lower noise decibels or utilization by other means to mitigate noise.

- Creation of a procedure for hearing neighbor complaints and concerns (monthly meeting, door to door canvassing, etc.), providing affected neighbors with a construction schedule in advance of such work, and providing available project contact persons at the site and by phone during construction hours.
- The approved plan shall be available or posted at the site for the duration of construction.

DPD may disallow Saturday construction if the mitigation program is not followed and/or public complaints warrant such prohibition. No further conditioning is necessary pursuant to SEPA Construction Impacts Policy (SMC 25.05.675 B).

Traffic and Circulation

Site preparation would involve removal of the existing buildings, asphalt pavement and excavation for the foundation of the proposed buildings. Approximately 19,000 cubic yards of material would be excavated and removed from the site. This activity would require 190 trips with 10-yard hauling trucks or 95 trips with 20-yard hauling trucks which are the standard for this size of undertaking. Additionally, it is likely that the construction will require a large amount of structural fill; therefore, additional truck trips are likely.

Existing City code, Regulating the Kind and Classes of Traffic on Certain Streets (SMC 11.62) designates certain times of day when truck traffic is allowed on certain streets and designates major truck streets which must be used for hauling and otherwise regulates truck traffic in the city. The proposal sites are near a major arterial and traffic impacts resulting from the truck traffic associated with grading will be of short duration and mitigated by enforcement of SMC 11.62.

Traffic control would be regulated through the City's street use permit system, and a requirement for the contractor to meet all City regulations pertaining to the same. Temporary sidewalk or lane closures may be required during construction. Any temporary closures of sidewalks would require the diversion of pedestrians to other sidewalks. The timing and duration of these closures would be coordinated with SDOT to ensure minimal disruptions.

Compliance with Seattle's Street Use Ordinance administered by Seattle Department of Transportation (SDOT) is expected to mitigate any adverse impacts to traffic which would be generated during construction of this proposal and no further conditioning is necessary.

Construction Worker Parking

The supply of street parking in the vicinity is very limited and the demand for parking by construction workers during construction could reduce the supply of parking in the vicinity. On-street parking is only available on Birch Avenue abutting the site in that no other on-street parking is allowed on Aurora Avenue, Halladay Street or 6th Avenue near the sites. The closest available street parking, aside from Birch Avenue, is located along Dexter Avenue. Construction workers will likely need to carpool or bus into work and this is encouraged. Other alternatives such as shuttling workers to the site from a remote location or using one of the sites for parking while the other is under construction is encouraged. This temporary demand on the on-street parking in the vicinity due to construction workers' vehicles may be adverse. In order to minimize adverse parking impacts, construction workers will be required to park in the garage as

soon as it is constructed for the duration of construction and to use the other alternatives described above. The authority to impose this condition is found in Section 25.05.675B2g of the Seattle SEPA Ordinance.

Long-term Impacts

Long-term or use-related impacts are also anticipated as a result of approval of this proposal including: increased bulk and scale on the site; increased traffic in the area and increased demand for parking; increased demand for public services and utilities; and increased light and glare.

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

Height, Bulk and Scale

The proposed 6-story project will be located in a Commercial 1 with a 65 foot height limit (C1-65). Zoning to the north and south is zoned C1-65 also so this project is expected to be compatible with future development. Zoning to the west across, Aurora Avenue North is zoned C1-40 and SF5000 but the wide right of way and the topography contribute towards mitigating the height, bulk and scale of this project. The residences on Queen Anne hill are at approximately elevation 290 feet and the top of the proposed structure is proposed at elevation 285 feet.

The proposed project on the east side of Birch Avenue North will be 3 and 4 stories in height and located in the Lowrise 3 zone. Surrounding zoning is either zoned L-3 or more intensive, C1-65. The topography exacerbates the perception of height bulk and scale to the east, but the 72 foot right of way for 6th Avenue north provides a sufficient transition between the site and property east of 6th Avenue. A 1 ½ story single family residence located west of 6th Avenue North is flanked by the subject site and the retirement home building. The retirement home structure is 5 stories in height at the 6th Avenue North elevation and the existing hotel (to be demolished) is 6 stories in height at the 6th Avenue North elevation. The proposed project is designed to conform to the L-3 zoning which permits 3-stories. Therefore, the subject proposal is expected to be reasonably compatible with the surrounding anticipated development.

The SEPA Height, Bulk and Scale Policy (Section 25.06.675.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 adopted Land Use Policies 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.”

The proposal was reviewed and approved through the Design Review process and conforms to the Citywide Design Guidelines. Design details, colors, landscaping and finish materials will contribute towards mitigating the perception of height, bulk and scale in that these elements will break down the overall scale of the buildings. No further mitigation of height, bulk and scale impacts is warranted pursuant to SEPA policy (SMC 25.06.675.G.).

Parking

The proposed projects will provide a combined total of 138 parking spaces. The Aurora project will provide 60 parking spaces and the Birch project 78 parking spaces. The Land Use Code requires 60 parking spaces for the Aurora project and 55 parking spaces for the Birch project. Based on Parking Generation manual published by Institute of Transportation Engineers (ITE), 3rd Edition, 2004 it is estimated that the average peak parking demand during the weekday would be within the range of 1 to 1.46 vehicles per unit. Using a conservative estimate (1.46 vehicles per unit) for residential condominium/townhouse (230), the aurora project would have an average peak parking demand of 72 vehicles and the Birch project would have an average peak parking demand of 63 vehicles for a total demand of 135 vehicles during the weekday. Other parking generation estimates from ITE for high-rise apartment (222) and low/mid -rise apartment (221) use a ratio of 1.37 vehicles per dwelling unit and 1.00 vehicles per dwelling unit respectively. The ITE data for apartments is based on a larger sample of surveys and some of the surveys were taken at urban locations; however, the units are presumed to be rented and not owned as compared to data for residential condominium/townhouse.

Some of the conservative ITE data is collected in suburban locations with little or no access to transit, so it's likely that demand will be less in an urban location with excellent access to transit. This site is served regularly by transit with numerous METRO routes operating along Aurora Avenue and Dexter Avenue. Bicycle lanes on Dexter connect to Downtown to the south and to the Burke Gilman trail to the north.

It is likely based on moderate estimates of peak parking demand that all parking will be provided on each project site with no spillover anticipated and no SEPA conditioning is required.

Traffic

The applicant submitted Traffic Impact Analysis dated February 18, 2005 prepared by Transportation Solutions, Inc. and subsequent analysis dated August 31, 2005. The analyses studied existing traffic conditions; future traffic conditions with and without the project; collision history and sight distance. The trip generation from the proposed buildings is not expected to have a significant adverse impact on traffic conditions, generate safety concerns, or reduce the level of service at nearby intersections.

The projects consist of mostly residential dwelling units which only minimally contribute towards peak hour vehicle trips. Using average trip rates published by the Institute of Transportation Engineers (ITE) in *Trip Generation* (6th Edition) for residential condominium/townhouse (230), the project is estimated to generate 37 net PM peak hour vehicle trips and 405 net weekday daily trips. To determine future traffic conditions during the peak hour and level of service at intersections, the trip generation estimates were split up and distributed to the neighborhood intersections and LOS was analyzed based on future conditions in 2007. Future 2007 peak hour LOS summary with the project did not show that the project would adversely impact intersection operations.

ITE data is typically collected in suburban locations with little or no access to transit, so it's likely that trip generation will be less in an urban location with access to transit. Based on this information, no SEPA conditioning is necessary.

Public View Protection

The subject site abuts Aurora Avenue North which is designated as a scenic route as identified in SEPA (Exhibit 1- SEPA Scenic Routes Map North Seattle).

SEPA Policy 25.05.675 P.2a states that *"it is the City's policy to protect public views of significant natural and human-made features: Mount Rainier, the Olympic and Cascade Mountains, the downtown skyline, and major bodies of water including Puget Sound, Lake Washington, Lake Union and the Ship Canal, from public places consisting of the specified viewpoints, parks, scenic routes, and view corridors, identified in Attachment 1 (Section 25.05.675). The policy background (SMC 25.05.675P1c) provides examples of when public views are obstructed, "...when a proposed structure is located in close proximity to the street property line, when development occurs on lots situated at the foot of a street grid pattern, or when development along a street creates a continuous wall separating the street from the view"*.

The site has about 338 feet of frontage along Aurora Avenue North. The sidewalk elevation on Aurora Avenue North varies from elevation 217 feet on the south end to elevation 219 feet on the north end of the site based on the survey in the Master Use Permit plan set. The street improvement plans also in the MUP plan set shows the proposed Birch Street elevations varying from elevation 222 feet on the south end to 215 feet where the road connects to Halladay Street on the north end. Where the Aurora sidewalk is lower in height than Birch Avenue there is no potential for view to the east from the scenic route. On the northern portion of the site the sidewalk and Birch Street elevations converge and the sidewalk elevations are about 2 feet higher. It's likely that some views towards the east are available; however, there is intervening property between Aurora and the protected view. In light of these conditions, DPD did not find significant view opportunities from this portion of Aurora Avenue North and no conditioning of this project is necessary.

Other Impacts

The other impacts such as but not limited to, increased ambient noise, and increased demand on public services and utilities are mitigated by codes and are not sufficiently adverse to warrant further mitigation by condition.

DECISION - SEPA

This decision was made after review by the responsible official on behalf of the lead agency of a completed environmental checklist and other information on file with the responsible department. This constitutes the Threshold Determination and form. The intent of this declaration is to satisfy the requirements of the State Environmental Policy Act (RCW 43.21C), including the requirement to inform the public 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 2c.
- [] Determination of Significance. This proposal has or may have a significant adverse impact upon the environment. An EIS is required under RCW 43.21C.030 2C.

CONDITIONS - DESIGN REVIEW

Prior to Issuance of Master Use Permit

Revise the MUP drawings to document compliance with the following;

1. Note the installation of signs indicating that public access is allowed between Birch Avenue North and 6th Avenue North. Signage needs to indicate public access hours. One sign must be erected at the 6th Avenue North entrance to the courtyard and another at the Birch Avenue North entrance.
2. To better delineate the areas open to public within the courtyard, an appropriate design solution like a low wall, fence or landscaping noted on the project plans.
3. Note on the plans that notification to all residents and/or owners that access to the courtyard at 2480 Birch is available for all residents and/or owners for both properties located at 2480 Birch Avenue North and 2500 Aurora North.
4. To respect adjacent property, screening of the 2480 Birch buildings on the south side is required. Screening shall consist of trees and landscaping.
5. To better address the corner of Halladay and Aurora, the glazing and screening material on the north façade needs to be wrapped to the west façade.
6. Explore other color options on the west façade of the Aurora building. The Board is concerned that the white color will show dirt quicker than other colors.
7. The project shall be conditioned to provide an art plan for the Aurora building and abutting street right of way:
 - 50 lineal feet of display window of adequate width to display three dimensional art or installation of three dimensional art not in display windows along the east façade of the Aurora building shall be required. Any combination of space along the façade to obtain this requirement is permitted.
 - All space between concrete columns on all street facades shall include three dimensional grills with landscaping (where soil trenches are practicable) where art is not displayed. This requirement is not meant to apply to the art spaces comprising 50 lineal feet, man doors, driveways, residential lobby or non-residential space.

- The art on display must be part of a comprehensive design for the Birch Avenue Streetscape. The SDOT Art Plan should be referenced and utilized for this endeavor. The project art plan is expected to use a combination of art tools referenced in the SDOT Art Plan including street furniture, surface treatment and art objects.
 - The project art plan must be approved by DPD in consultation with the Office of Art and Cultural Affairs.
 - The art must be installed prior to certificate of occupancy and remain for the life of the project.
8. Provide mirrors or other devices at the driveways that provide less than the required site triangle. The devices shall be approved by DPD and shall be designed to be sensitive to the tenants of the building and nearby buildings with respect to noise and light/glare.

Prior to the Final Certificate of Occupancy

1. Install the features and/or provide applicable documents demonstrating compliance with above conditions.

NON-APPEALABLE CONDITIONS - DESIGN REVIEW

During construction

1. All changes to approved plans with respect to the exterior façade of the building and landscaping on site and in the right of way must be reviewed by a Land Use Planner prior to proceeding with any proposed changes.

Prior to Issuance of Certificate of Occupancy

2. Compliance with the approved design features and elements, including exterior materials, roof pitches, façade colors, landscaping and right of way improvements, shall be verified by the DPD Land Use Planner assigned to this project (Jess Harris- 206-684-7744) or by a Land Use Planner Supervisor (Jerry Suder- 386-4069). Inspection appointments must be made at least 3 working days in advance of the inspection.

CONDITIONS SEPA

Prior to issuance of the construction permit

1. To mitigate noise, a draft mitigation program proposal must be submitted by the responsible party(ies) and approved by DPD. A final mitigation program must be approved prior to commencement of work. The program elements must consist of the following:
 - Construction activities which generate the loudest noise shall be performed during the non-holiday weekday hours. Identification of the type of construction activity that will occur between the hours of 9:00 AM to 5:00 PM on Saturday need to be disclosed. No work, deliveries or otherwise will be allowed outside of the Saturday hours.
 - Commitments and proposals to prohibit back-up alarms on vehicles and equipment, utilization of sound buffering or barrier devices, utilization of construction equipment that generate lower noise decibels or utilization by other means to mitigate noise.

- Creation of a procedure for hearing neighbor complaints and concerns (monthly meeting, door to door canvassing, etc.), providing affected neighbors with a construction schedule in advance of such work, and providing available project contact persons at the site and by phone during construction hours.
- The approved plan shall be available and/or posted at the site for the duration of construction.

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.

2. To mitigate construction noise, the hours of construction activity shall be limited to weekdays between the hours of 7:30 a.m. and 6:00 p.m. To shorten the overall construction time frame, construction will be allowed on Saturday between the hours of 9:00 AM and 5:00 PM on a contingent basis. Allowing Saturday construction activity will be contingent on an approved mitigation program for the duration of construction. DPD may disallow Saturday construction if the required mitigation program does not sufficiently mitigate construction impacts on Saturdays. 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.
3. In order to minimize adverse parking impacts, construction workers will be required to park in the garage as soon as it is constructed for the duration of construction, encourage non-auto mode of travel, bus, and carpooling. Shuttling workers from a remote location or utilizing one site as parking while the other is under construction is permitted.

Signature: (signature on file)
Jess E. Harris, AICP, Senior Land Use Planner
Department of Planning and Development

Date: November 17, 2005