City of Seattle

Gregory J. Nickels, Mayor

Department of Planning and Development
Diane Sugimura, Director

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

Application Number: 3003519 and 3003514

Applicant Name: Michael Whalen for Greenwood Shopping Center, Inc.

Address of Proposal: 100 N. 85th St. and 200 N. 85th St.

SUMMARY OF PROPOSED ACTION

Land Use Application to establish use for a one-story restaurant building and a three-story, retail, restaurant and 46 unit apartment building. Parking for 185 vehicles will be provided within the building and at grade. Project includes demolition of six single family dwelling units. (3003519)

Land Use Application to establish a two-story retail and customer service office building and two, two-story retail and restaurant buildings with six apartment units. Surface parking for 124 vehicles. Existing restaurant (McDonald's) and one single family dwelling unit to be demolished. (3003414)

The following approvals are required:

Design Review – Chapter 23.41, Seattle Municipal Code (SMC)

Administrative Conditional Use – To Allow Commercial Parking in an L-2 RC Zone, Chapter 23.46.006.C, Seattle Municipal Code

SEPA – Environmental Determination pursuant to Chapter 25.05, Seattle Municipal Code

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

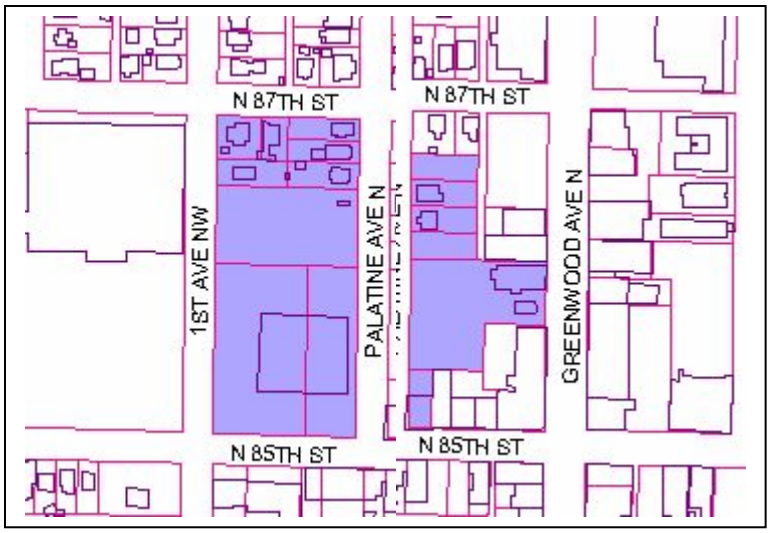
[X] DNS with conditions

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

BACKGROUND DATA

Site and Vicinity and Proposal

The proposal site consists of portions of two blocks northwest of the intersection of N. 85th St. and Greenwood Ave. N. It is within the Greenwood Residential Urban Village as designated in the Seattle Comprehensive Plan. It is the subject of adopted Neighborhood Design Guidelines supplementing the City-wide Design Guidelines. Community members have created a more specific plan, The Greenwood Town Center Plan (December 2002), which provides specific direction of development of the subject site, but which is not adopted by City Council and therefore without binding application.

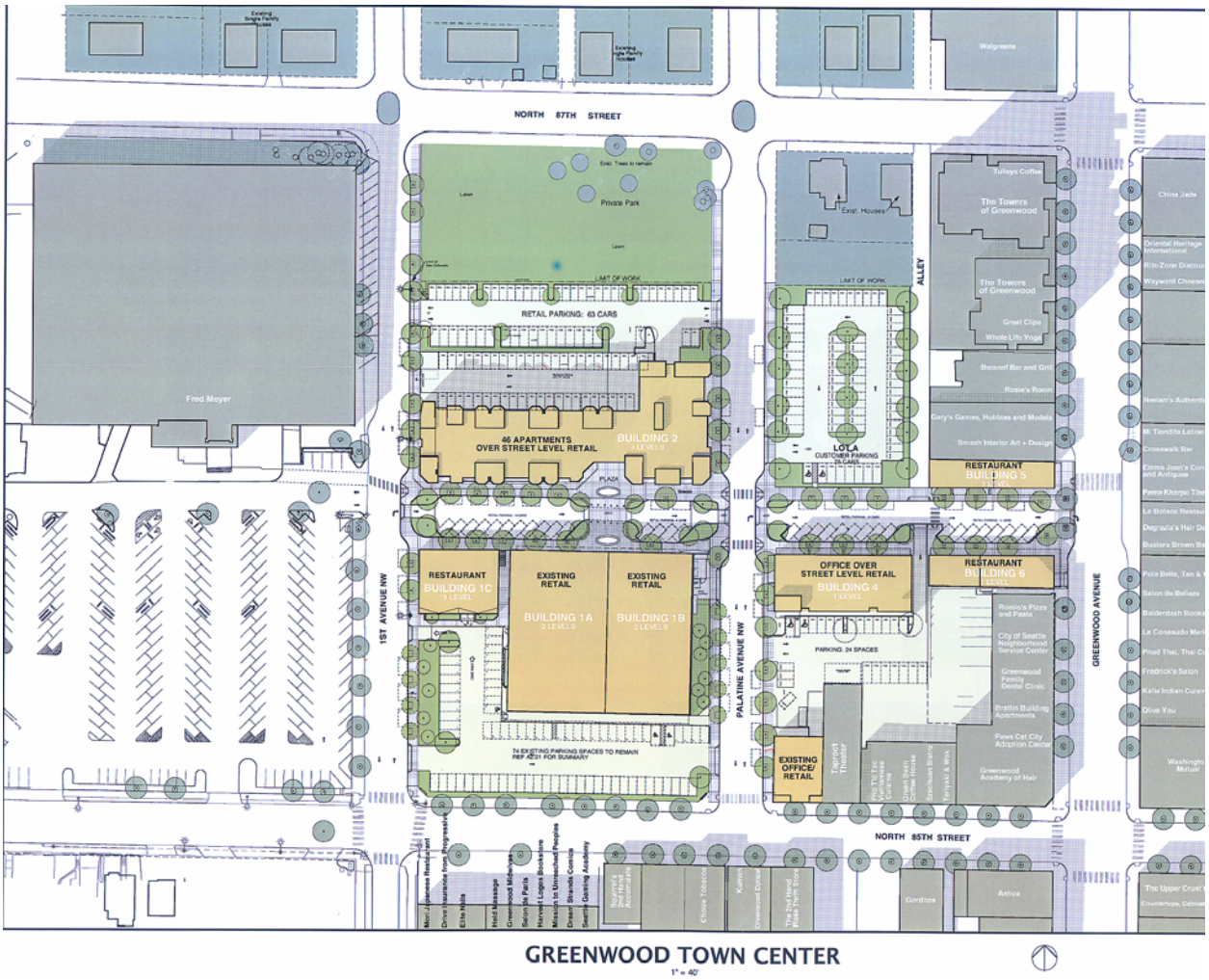


Greenwood Shopping Center, Inc. proposes development on these two sites with additional retail, office, restaurant and residential uses. One existing structures fronting on Greenwood Ave. N. would be replaced. The retail building facing N. 85th St. with a lower level of retail frontage "day lighting" to the north and a third retail space facing north towards 1st Ave. N. is also to remain intact, although it would be remodeled.

The Palatine Ave N. right of way, running north and south between the two "halves" of this proposal would be improved with sidewalks and curbs and continue to be a city street through the development. In addition, the design proposes a private driveway in the east-west direction functioning as a "private commercial street." This would have commercial frontage facing it and would have pedestrian walks and amenities as well as traffic (probably one way) and parallel vehicle parking spaces.

Both Palatine Ave. N. and First Ave. N. have been designed in consultation with Seattle Department of Transportation, Seattle Public Utilities, private consultants and DPD to incorporate a mix of sidewalks, swales and on street parking to balance the many functions that need to be met by these street right-of-ways.

One of the proposed buildings (in the current version) would have residential units above the commercial base. This building would face 1st Ave. N. and the northern, commercial frontage of the retail building described above which has multiple storefront facades (north, south and west). Residential units have been added to the two one-story commercial buildings proposed along Greenwood Ave. N. on either side of the new "private commercial street" making them two story buildings with a single story of apartments over the commercial base.

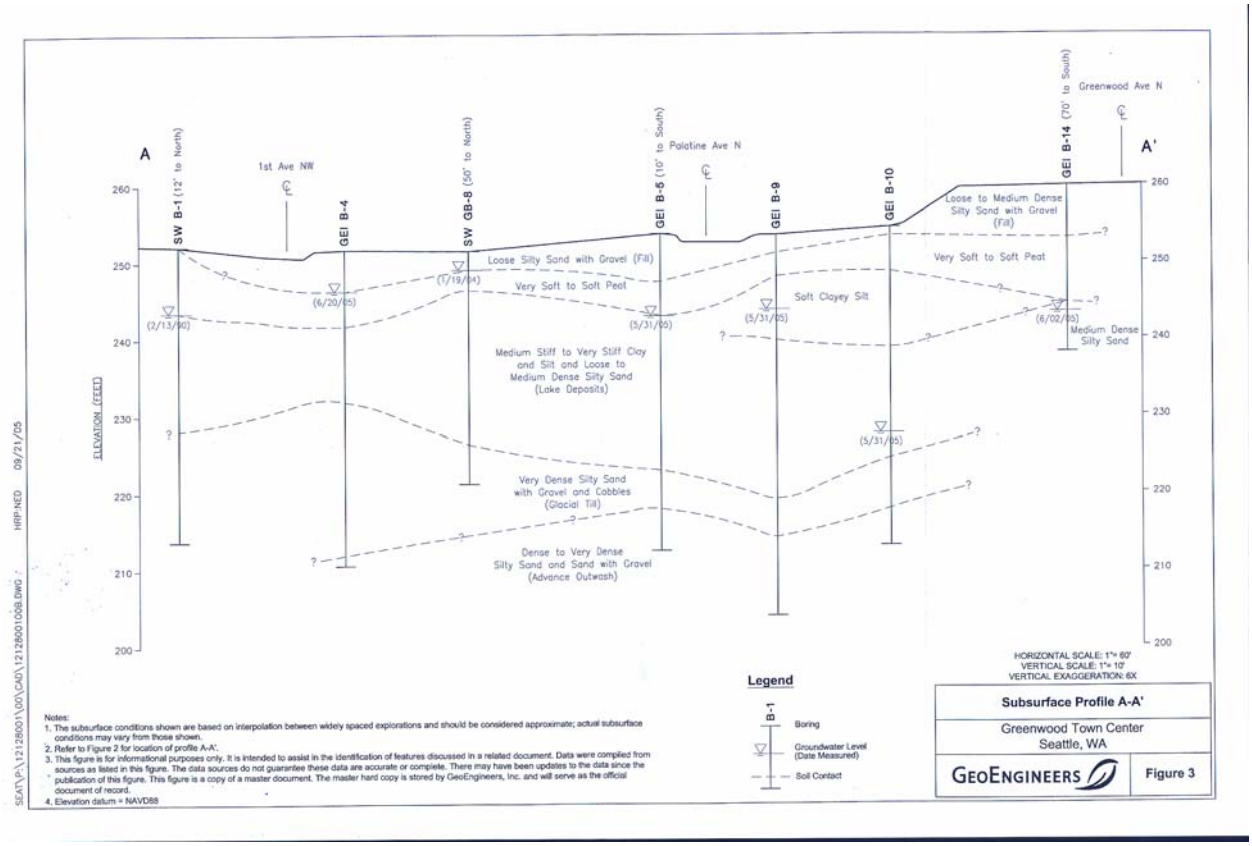


Greenwood Lane, a private drive across the site, would form the "commercial heart" of the proposal. It would have commercial uses facing it on both sides, curb side parking, sidewalks, street trees, two water features and would be one-way eastbound. On the south side the existing Hancock Fabrics store would receive exterior treatment to update its appearance.

Building Two, the largest building, the one along Greenwood Lane and the one with most of the residential units, would have pre-cast concrete lentils at windows in its brick base portions.

Soils and Hydrological Conditions

Documentation of existing conditions on the site is found in a September 22, 2005, two volume Geotechnical Report by GeoEngineers, and a December 14, 2006 Memorandum by GeoEngineers providing additional analysis of potential compaction of the Peat layer on the site and expected results thereof. Below is a graphic element from the 2005 report showing a typical cross section of soils layers on the site.



As described in the December 14, 2006 GeoEngineers memo, The Greenwood Town Center project is located within an area known locally as the Greenwood Bowl. The bowl is a description of the topographic depression that is centered on the Greenwood neighborhood and extends to the north-northwest in the form of a flat, shallow valley that is drained by Pipers Creek.

The soils profile above shows the typical condition in the Greenwood Bowl where glacial deposits consist of sand and clay layers. Here the bowl has glacial deposited and post glacial sand in its deepest layers, a clay layer near the top of the natural soils and a peat layer on top. The clay layer had the effect of creating a relatively water tight bowl in the area which was wet much or most of the time. The peat layer formed over geologic time in this wet environment. At the top is found a layer of fill done in recent time by humans.

The hydrology of the site and immediate area as revealed in the technical reports indicates that ground water enters at some pressure either from layers beneath and or from areas off site. Some fraction of the on-site ground water then makes its way to the north and northwest to Pipers Creek where it partially feeds that salmon bearing stream in Carkeek Park. The level of groundwater in the Greenwood Basin does not fluctuate greatly through the seasons, being

nearly as high in the dry summer months as in wet winter ones. The peat layer does not appear to function as a reservoir that is drawn down during dry months and recharged in wet ones. Instead, it stays wet throughout the year. A characteristic of peat is that it will hold a good deal of water until the water is withdrawn and it compresses and does not readily take water up again.

Historically, the Greenwood bowl area was known to be a wet, swampy farmland area. Drainage of the area over the years appears to have lowered groundwater levels, with parts of the area affected by settlement and ground subsidence.

In response to the settlement and ground subsidence experienced in recent years the City of Seattle has adopted a policy of prohibiting a net loss of ground water as the result of site development in the area.

DESIGN REVIEW BOARD – DESIGN PRIORITIES

PUBLIC COMMENTS:

Extensive public comment was received at the public meeting. Comment strongly supported the creation of block grid pattern of development within the site through creation of public right-of-ways and/or private easement/streets. The Board's attention was drawn to the residential character of N. 87th Street and greenscapes were requested in that area. "Keeping the Green in Greenwood" through the implementation of green building measures was advocated for. Existing drainage ambiguities and an area of soils subsidence in the northwest portion of the site was pointed to as an area where a riparian feature incorporating drainage function and evoking the historic bog habitat in the area could be created. The interactions between public and private open spaces, it was stated, need to work well in this scheme so that such spaces are blended together in a seamless way. Small details in the pedestrian realm and a pedestrian scale are very important to a successful execution of these elements. Substantial amounts of high quality open space should be available to the general public. These spaces could take the form of "Third Space," community activity spaces, outdoor spaces, etc. The pedestrian routes into the site from residential areas to the north should not be overlooked. The single family residential look and feel along N. 87th St should be respected. There are some large existing trees on the site near that street which, if preserved, would aide in this objective.

At the Recommendation Meeting additional public comment was received. Support was expressed for the site plan; especially the responsiveness it shows to the Greenwood Town Plan and the local Design Review Guidelines. It was suggested that there should be "water brought through the site" as a physical expression and re-establishment of the historic bog in the area and its function in providing water to Pipers Creek. First Ave. N. was identified as an important pedestrian connection in the area with schools to the south and Sandal Park and residences to the north. Support was expressed for the housing and retail elements of the proposal, especially in this central area of the Greenwood neighborhood.

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"* and in the proposed *"Greenwood/Phinney Neighborhood Design*

Guidelines" of highest priority to this project. The recommendations made were agreed to by all four of the Board members present, unless otherwise noted. While the notes below indicate the area the Board found most important, all of the Guidelines for Multifamily and Commercial Buildings continue to have application

A-2 Streetscape Compatibility – Commercial development in the Greenwood/Phinney corridor has historically been oriented toward the street, with buildings up against the sidewalks. Most residential developments have modest landscaped setbacks and are built slightly above grade to allow for privacy and a sense of transition from the street. Continuing the patters will reinforce the character of both the business districts and residential areas. Specifically:

1. Commercial development in the planning areas should be built up to the sidewalk. Along North/Northwest 85th Avenue, new commercial buildings should be set back sufficiently to provide 12-foot minimum sidewalk (including street trees and other plantings) widths. Commercial buildings may be setback off the street if pedestrian-oriented space (see definition) is provided between the sidewalk and the building.

D- Pedestrian Environment – D-1 b. Make 85th Street and Greenwood Avenue, North of 87th Street, More Pedestrian Friendly. New development should make the 85th Street corridor and the Greenwood Avenue corridor, north of 87th Street, more pleasant to pedestrians.

- The building entry should face the street
- Encourage pedestrian activities
- Discourage new billboards
- Encourage pedestrian-oriented facades
- Encourage weather protection
- Below-grade parking I, when possible

D-1 c. When applicable, encourage new development in integrate pedestrian amenities including but not limited to street trees (30 feet on-center, where possible), public art and bike racks to maintain and strengthen pedestrian activity.

D-2 Blank Walls – Storefronts along the sidewalk edge – particularly in neighborhood commercial districts – should be continuous, minimizing bland walls. Where unavoidable, blank walls shall be treated with one or more of the methods suggested in the Citywide Guidelines or with murals.

F-1 Compatibility – Use the human-scale historical pattern of storefronts on Greenwood Avenue North as a guide in developing new structures abutting Town Center streets. New development should respond to Greenwood's existing context by matching window and opening proportions, entryway patterns, scale and location of building cornices, proportion and degree of trim work and other decorative details, and employing a variety of appropriate finish materials.

F-2 Mid-Block Connections – Where relevant, new structures should incorporate and enhance the mid-block connection concept. Mid-block connections should be visually open and activated by pedestrian lighting, landscaping and human scaled, pedestrian-oriented architectural features and details. Inclusion of public art and neighborhood signage is encouraged. These connections should align with the mid-block crosswalk and may vary in width.

The "new streets" being proposed are of high importance, both the "true street" Palatine Ave. N. and the "easement street" 1st Ave. N.W. Development of these pedestrian and vehicle areas should be carefully designed to create high quality, inviting public space. Building faces along them must engage the pedestrian areas with features such as canopies, landscaping, plaza areas, transparency into interior spaces, welcoming entrances.

The Board encouraged inclusion of a water amenity providing drainage function and evoking the wet, bog-like history of the site is encouraged.

Along N. 87th St. townhouses would be an appropriate transitional use between the higher density development within the site and the single family uses across the street to the north.

Retention of the building containing Bartell Drugs prevents moving buildings and uses to the sidewalk along N. 85th St. An opportunity remains to improve the appearance of the parking lot along N. 85th St. with landscaping and to make pedestrian connections across, better connecting to surrounding areas.

Wall lines should be modulated sufficiently to create interesting, usable spaces at the pedestrian level.

The Board strongly supports the proposed "street grid pattern" of site development.

Eighteen to 20 foot tall base expressions are called for in the context of the many older retail structures in the area. These should be developed to reference the pattern of small, individual store fronts near by. Architectural detailing must be used to convey personal expression of individual building elements. Respect must be shown to the scale and pattern of the existing shops along Greenwood Ave. N. and N. 85th St. in the area.

At the next meeting the Board would like to see more information about the proposed 86th St. link across the site. It should read as a street. Its pedestrian function should be thought out and developed further for Board review and comment.

Questions to be addressed include the following:
How does vehicle access to the site work?
How do public spaces relate to pedestrian traffic?
What are the expected pedestrian paths?
Where are building entrances to located?
How are blank facades along pedestrian paths avoided?

E-1 <u>Landscaping to Reinforce Design Continuity with Adjacent Sites</u> - Where possible, and where there is not another overriding concern, landscaping should reinforce the character of neighboring properties and abutting streetscape.

E-2 <u>Landscaping to Enhance the Building and/or Site</u> - Landscaping, including living plant material, special pavements, trellises, screen wall, planter, site furniture and similar features should be appropriately incorporated into the design to enhance the project.

Landscaping must be developed and present to the Board.

C-4 <u>Exterior Finish Materials</u> The existing context is characterized by utilitarian, non-flamboyant, traditional architectural styles. Brick is the most common surface treatment in the commercial areas and should be encouraged. Plastic awnings should be strongly discouraged. As an alternative, canopies are encouraged to provide weather protection and a place for business signage.

Departures. Potential departures were not discussed at this meeting.

Board Recommendation

On Feb 14, 2006, after considering the site and context, hearing public comment, reconsidering the previously identified design priorities, recommended conditions, and reviewing the plans and renderings showing the proposed revisions, the Design Review Board members recommended approval of the subject design. In addition, the Design Review Board recommended approval of the following requested design departures:

23.47.032 Parking Location and Access; Building 4 and Parking Lot A	Code limits configurations were parking can be along a street frontage.	Provided: Several surface parking areas away from buildings.	Rationale: Facilitation of a first step in development of proposal sites in accordance with a neighborhood plan.
23.47.008.B Non-Residential Use Req.; Building 2	Required: 80% of front façade in non-residential use	Provided: 45% on Palatine Ave. N. and 41% on First Ave. N.	Rationale: Retail uses concentrated on Pvt. Lane.
23.47.024 Residential Open Space; Entire proposal.	Required: 20% of residential gross floor area.	Provided: 5,000 sq. ft.	Rationale: Project provides much publicly accessible pedestrian space.
23.47.046 Parking Location in P Zone	Parking not allowed along street front.	Parking allowed along private "Greenwood Lane."	Helps to create traditional store front pattern.
23.47.048.B	Curb cut not allowed in Greenwood Ave. P zone	Curb cut allowed to provide private "Greenwood Lane."	Allows creation of a mid block commercial crossing.

The Board recommended several conditions.

1. The central plaza area on both sides of Greenwood Land is an important pedestrian area providing some gathering area, a focal point with water features, part of pedestrian paths both east/west and north/south and a useful element of open space provided in consideration of an overall reduction of residential open space in the proposal. The Board found that this space should be maintained at a width along the curb line (the normal line not the bulb out) of at least 55 and 60 feet.

2. The landscaping of the plaza area should be designed to create a planting rhythm and hierarchy.

3. The public spaces need to incorporate the bog history of the site with a sense of water running though the site. The water features need to be of high quality. An artist needs to be commissioned at an early date to design the public water features. The bog context needs to be reflected in the public spaces.

4. The "flatwork" or surface treatments need to be of high quality; better than typical concrete paving. Color and scoring patters could be used. As could pre-cast concrete pavers, textures in materials, higher level of landscaping. The plaza area should be of materials a clear level above that of public sidewalks.

ANALYSIS - DESIGN REVIEW

The Director of DPD has reviewed the recommendation of the Design Review Board at the Design Review meeting and finds that it is consistent with the City of Seattle Design Review Guidelines for mixed-use buildings. The Master Use Permit (MUP) plans have been updated to incorporate the Board's recommendations.

DECISION - DESIGN REVIEW

The Director accepts the Design Review Board's recommendations and approves the proposed design as presented at the Recommendation Meeting. The Director also grants the five development standard departures described above.

ANALYSIS – ADMINISTRATIVE CONDITIONAL USE

SMC 23.46.006.C provides accessory parking to nonresidential or live-work units in adjacent commercial zones may be provided on multifamily Residential-Commercial (RC) zoned sites, at or below grade, when five conditional use criteria are met. Surface parking for adjacent nonresidential uses is proposed in two locations for this proposal. Fifty-seven spaces are proposed on the block between First Ave. N. and Palatine Ave. N. in a 57 foot wide space approximately 125 feet from the north property line at N. 87th St. Another 21 spaces are proposed east of Palatine Ave. E. in an area with RC designation approximately 48 feet from the north property line of the proposal site.

Each of the five administrative conditional use criteria is analyzed in turn below.

The proposed parking is necessary to meet parking requirements, or the proposed parking will be used as a share parking facility. The proposed spaces are necessary to meet Land Use Code proscribed parking requirements.

The proposed parking is necessary to avoid increased parking congestion in the adjacent commercial area. Many commercial buildings in the immediate Greenwood area were built long ago without on-site parking and the proposal would remove a large area of existing surface parking in the area. The proposed parking would reduce parking congestion in the area by an amount equal to the number of additional spaces provided.

The proposed parking is necessary to avoid creation or worsening of excessive spillover parking in adjacent residential areas. Adjacent to the north of the proposal site are multi-family and single family residential areas which would experience additional on-street parking demand but for the creation of the proposed on-site parking spaces in the RC designated areas.

Other parking options such as shared parking have been considered and found to be unavailable in the adjacent commercial zone. The presence of a peat bog under the proposal site limits the extent of development which is feasible. In particular if rules out excavation to provide below grade parking. The proposal site if providing highly desirable commercial space at the pedestrian level, a mid block vehicle and pedestrian crossing as called for in neighborhood planning efforts and residential units at upper levels. These factors make the provision of some surface parking within the NC zoned portions of the site necessary.

The proposed parking does not encourage substantial traffic to pass through adjacent residential areas. The parking proposed for the NC zoned areas is designed as extensions of parking areas in the commercially zoned portions of the site and access to and from these areas is through the commercially zoned portion. The proposed design encourages traffic to use the commercially zoned areas of Greenwood.

DECISION – ADMINISTRATIVE CONDITIONAL USE

The Administrative Conditional Use application to provide commercial parking in portions of the proposal site zoned L-1 RC is **GRANTED**.

ANALYSIS – STATE ENVIRONMENTAL POLICY ACT (SEPA)

The Seattle SEPA Ordinance provides substantive authority to require mitigation of adverse impacts resulting from a proposed project (SMC 25.05.655 and 25.06.660). Mitigation, when required, must be related to specific environmental impacts identified in an environmental document and may be imposed to the extent that an impact is attributable to the proposal, and only to the extent the mitigation is reasonable and capable of being accomplished.

Additionally, mitigation may be required 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 regulatory requirements will provide sufficient mitigation of an impact and additional mitigation imposed through SEPA may be limited or unnecessary.

The SEPA Overview Policy (SMC 25.05.665) clarifies the relationship between codes, policies, and environmental review. Specific policies for specific elements 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 pertinent part that "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, mitigation may be required even when the Overview Policy is applicable (SMC 25.05.665(D)).

ENVIRONMENTAL IMPACTS

The information provided by the applicant and its consultants, the public comments received, and the experience of DPD with the review of similar proposals form the basis for conditioning this proposed development. The potential environmental impacts disclosed by the environmental checklist and the EIS and Addendum are discussed below. Where necessary, mitigation is called for under Seattle's SEPA Ordinance (SMC 25.05).

Short-Term Impacts

Anticipated short-term impacts that could occur during demolition, excavation and construction include: increased noise from construction/demolition activities and equipment; decreased air quality due to suspended particulates from building activities and hydrocarbon emissions from construction vehicles and equipment; increased dust caused by construction activities; potential soil erosion and potential disturbance to subsurface soils and groundwater during grading, excavation, and general site work; increased traffic and demand for parking from construction equipment and personnel; conflicts with normal pedestrian and vehicular movement adjacent to the site; and consumption of renewable and non-renewable resources. Due to the temporary nature and limited scope of these impacts, they are not considered significant (SMC 25.05.794).

Many are mitigated or partially mitigated by compliance to existing codes and ordinances. Specifically these include the Stormwater, Grading and Drainage Control Code (grading, site excavation, drainage, and soil erosion); Street Use Ordinance (watering streets to suppress dust, removal of debris, and obstruction of the pedestrian right-of-way); the Building Code

(construction measures in general); and the Noise Ordinance (construction noise). The Department finds, however, that certain construction-related impacts may not be adequately mitigated by existing ordinances. Further discussion is set forth below.

Earth

As described in the general information section above the proposal site has sensitive soil and ground water characteristics such that disturbance or interruption of water flows on or through the site could lead to negative impacts on surrounding properties and in Piper's Creek. Both surface stormwater and groundwater from the site makes its way to the creek. Stormwater systems maintained by the City of Seattle release into the creek. Groundwater characteristics of the larger area are described in environmental documents on file. Groundwater passes through the site in a generally northwesterly direction. The peat layer, below existing fill, stays wet all year and does not appear to act as a reservoir providing ground water supply during periods of low rainfall.

Excavation and dewatering activities, as well as disposition of storm water during the construction period could cause negative impacts off site. Removal of ground water could cause soil settlement on other sites in the vicinity. Water released from the site into stormwater facilities will, along with any soils or other contaminants released onto surrounding streets be transported into Piper's Creek. Some groundwater will have to be removed from the site during the construction period; especially during the early phases of construction.

The project is designed to minimize excavation of soils and therefore to minimize removal or other disturbance of groundwater during construction. Some excavation would take place beneath buildings 1C and 2. Building 1C is a new building westward of the existing Top Ten Toys location and would be at the corner of 1st Ave. N.W. and the new Greenwood Lane. In order to have a floor elevation near the sidewalk level at this intersection it is necessary for the building to be placed into the hill which rises from towards the southeast. The floor level and footing levels of Building 1C will be above the water table at its location and well above the level of the peat layer.

Building 2, the new mixed use building along the north side of the new Greenwood Lane, has some parking within it which is at grade. Other new buildings would have no internal parking areas and floor elevations approximately at the level of existing grade; well above both the water table and peat layer.

Excavations for the foundations/footings of all new buildings would be 30 inches or less in depth and between 14 and 18 inches wide. Excavations for two elevator pits would be five feet deep and six feet by eight feet in width. Augercast piles are proposed as a measure to provide needed stability for the proposed structures with a minimum of disruption of soils and groundwater. These would penetrate both the groundwater table and the peat layer to derive foundation support from the glacial outwash layer below. The augercast pile installation process consists of drilling to the design depth(s) with a hollow-stem auger and then pumping cement grout under pressure through the tip of the auger. The auger is slowly removed while the grout is still being pumped through the tip until it is completely removed from the ground. This process tends to be "self sealing" since the grout is introduced into the hole under pressure and it is therefore unlikely that groundwater would migrate to the ground surface.. In the event that water is escaping to the ground surface from the underlying artesian aquifer in the glacial outwash and

the augercast pile process does not immediately seal the hole, grout can be inserted at a higher pressure or with a thicker consistency to seal the pile hole.

In order to provide the highest level of assurance the piling and excavation phases proceed without disturbance of soils or groundwater on the site or on surround properties and to best assure that erosion and stormwater control measures designed for the project are properly and successfully implemented, it is necessary to condition the project to require a special inspector be commissioned and be present during all excavation and piling phases of construction to monitor and direct as necessary these activities. This inspector will be approved by the DPD Geotechnical Engineer (Rob MacIntosh) and paid for by the applicant/developer. The Special Inspector shall be charged to see that development takes place in accordance with construction and MUP permits, and that all measures necessary to contain soil, and groundwater impacts on the site are taken. If such impacts are not being contained the Special Inspector shall contact the DPD Construction Inspector for the project. Reports shall be made to DPD as necessary, but, at least weekly during the grading, excavation and piling phase of construction.

A Temporary Excavation, Sediment Control Plan appears in the MUP drawings. This plan will be subject to further review during the building permit phase of this project. The TESC plan as finally approved and implemented is expected to control the release of water and sediments from the construction site in a manner which protects Pipers Creek and the surrounding areas in general. Existing codes require that these measures be implemented and that measures be taken which are sufficient to control off site impacts of water, sediments or dust leaving the site.

Air Quality

Construction activities associated with the project could generate temporary, localized increases in ambient concentrations of suspended particulates, including fugitive dust and vehicular emissions. While adverse, these impacts area expected to be temporary in nature and largely controlled by existing laws and regulations. Dust is expected to be controlled by provisions of the Seattle Stormwater, Drainage and Grading Code and by the Seattle Street Use Code. Vehicular emissions are regulated by the Puget Sound Clean Air Agency.

Given the age of the existing buildings to be demolished, it appears possible that asbestos is present in some form and that this could become airborne, if not properly removed, causing a health risk in the area. If the regulations enforced by the Puget Sound Clean Air Agency are properly followed it is unlikely the presence of asbestos will create any harm. In order to help insure that these regulations are followed, the project will be conditioned to require that a Notice of Intent be filed with the Puget Sound Clean Air Agency prior to the commencement of any demolition on the project site.

Noise

The proposal site is located in close proximity to multi-family and single family residential building. The SEPA Noise Policy (SMC 25.05.675B) lists mitigation measures for construction noise impacts.

Most of the initial construction activities including 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 these 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 25.05.675B) 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 periods of construction which involve excavation, concrete pouring, pile driving, or framing carpentry to between the hours of 7:30 A.M. and 6:00 P.M. on weekdays and from 9:00 A.M. and 5:00 p.m. on Saturdays.

Long-Term Impacts

Long-term or use-related impacts could also include impacts such as but not limited to increased disturbance of ground water flows, disturbance of peat soil layers, stormwater impacts to nearby watershed and stream, increased traffic and parking, building height, bulk and scale, demand on public services and utilities, increased light and glare, and increased energy consumption. These long-term impacts are not considered significant because the impacts are minor in scope.

Many of long-term impacts will be mitigated by the City's adopted codes and/or ordinances. Specifically these include: Land Use Code (height; setbacks; parking); Stormwater, Grading and Drainage Control Ordinance; Street Use Ordinance (watering streets to suppress dust, removal of debris, and obstruction of the pedestrian right-of-way); Building Code (construction measures in general); and the Seattle Energy Code (long-term energy consumption). Potential environmental impacts which may result in the long-term impacts are discussed below.

Earth

Potential long-term, earth-related impacts of the proposal are similar to the short-term ones described above. The peat layer needs to be protected. Ground water flows through the site should not be disturbed. Failure to accomplish either of these measures might negatively impact water flows in Piper's Creek and might lead to soil settlement in soils off the project site.

A series of measures have been incorporated into the proposal to limit the potential impact on soils and ground water in the area. These measures, listed below, will be imposed as conditions based upon Earth and Stormwater SEPA Policy authority.

- There shall be no excavation for basement areas of structures. Floor elevations of all new structures shall be as shown in issued MUP plans; at or near existing grade levels, with the exception of the new Building 1C which is cut back into grade to the north of Building 1A.
- No foundation or other footing drains shall be present.
- Permeable paving shall be used for all interior walkway and plaza areas.
- Stormwater drainage systems shall use open bottom detentions tanks designed to allow recharging of ground water on the site.
- Areas of fill added to the site shall make use of light weight foam materials and light fill material in a manner approved at construction permitting by the DPD Geotechnical Engineer.

Stormwater

Stormwater from the site enters City storm systems which feed into Piper's Creek a salmon bearing stream in Carkeek Park. Existing Seattle stormwater control regulations will require

detention and treatment of stormwater from all redeveloped areas of the proposal site. These measures are expected to greatly improve the existing condition and to be sufficient measures for stormwater on the site.

Street improvements on 1st Ave. N. and Palatine Ave. N. are designed to include bioswale elements to contribute to treatment of stormwater from the roadway. The project will be conditioned pursuant to SEPA Stormwater policy authority to require the bioswale elements along 1st Ave. N. and Palatine Ave. N. as shown in the MUP plans in addition to any other measure which may be necessary to meet SDOT standards.

Height, Bulk, and Scale

The height, bulk and scale measures were addressed in the MUP and Design Review process. Pursuant to the Height, Bulk and Scale Policy of SMC 25.05.675, a project that is approved pursuant to the Design Review process shall be presumed to comply with the height, bulk and scale policies. The proposed scheme has been endorsed by the Design Review Board as appropriate in height, bulk and scale for the project and that assessment is followed here.

Transportation

Traffic impacts to be expected from the proposed project are disclosed in the October 2005 Traffic Impact Analysis. Because the proposed action includes removal of a fast food restaurant (McDonald's) the net change in traffic generated by the proposal is not as great as might be expected. The proposed development is expected to generate during the P.M. peak hour of traffic on surrounding streets, 71 more vehicle trips than the current mix of uses.

Background traffic volumes on studied, nearby intersections were measured in September of 2005 and increased by a factor of 0.5% a year to arrive at year 2007 traffic volumes. Levels of service at the eight studies intersections were found to deteriorate very moderately as a result after inclusion of project generated traffic. None moved to a lower level of service category. One intersection, Aurora Ave. N. and Green Lake Dr. N., at LOS "F" before and after the project, receives only 11 trips from the project in the peak hour and for that reason is not a particularly relevant consideration here. The intersection of Greenwood Ave. N. and N. 85th street, an important one to consider, stays at LOS "E" with an additional second of delay. The intersection of Third Ave. N. and NW 85th St. stays at LOS "D" with 0.3 additional seconds of delay.

Proposed access driveways were studied and are predicted to function at LOS "B" or above.

Negative impacts on the performance of intersections in the immediate area of the proposal site are expected to me very low. This is largely due to the reduction in traffic expected from the removal of the existing fast food restaurant. No SEPA policy based mitigation of traffic impacts is warranted.

Parking

A total of 308 on-site parking stalls are provided for retail, restaurant, office and residential uses. This quantity meets or exceeds the minimum requirements of the Seattle Land Use and Zoning Code. A parking demand analysis, prepared by The Transpo Group indicates that peak parking demand is likely to exceed this amount by 16 parking spaces on weekdays and 20 parking spaces on weekends. Additional parking spaces are available to meet this demand under the terms of a Mutual Parking Agreement with the adjacent Fred Meyer site. The Transpo Groups analysis has

determined that there is a surplus of 89 parking spaces over peak parking demand for that parcel, and that by taking this available surplus into account, the parking demand for the proposed development can be accommodated. No SEPA policy based conditioning of parking impacts is warranted.

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 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. An EIS is required under RCW 43.21C.030(2)(C).

Based on the above analysis, the Director has determined that the following conditions are reasonable and shall be imposed pursuant to SEPA and SMC Chapter 25.05 (Environmental Policies and Procedures).

SEPA CONDITIONS

Prior to Issuance of a Construction Permit

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

1. A construction phase truck transportation plan shall be developed and approved by Seattle Transportation in consultation with DPD.

2. A Notice of Intent shall be filed with the Puget Sound Clean Air Agency prior to the commencement of any demolition on the project site.

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.

3. In order to further mitigate the noise impacts during construction, the owner(s) and/or responsible party(s) shall limit periods of construction which involves excavation, concrete pouring, steel erection or framing carpentry to between 7:30 A.M. and 6:00 P.M. on weekdays and to between 9:00 A.M. and 5:00 p.m. on Saturdays.

   The Department recognizes there may be occasions when critical construction activities on a critical nature, related to safety or traffic or construction process issues, or which could substantially shorten the total construction time frame, may need to be completed after regular construction hours as conditioned herein. Therefore, the Department

reserves the right to allow work to take place which exceeds the above noise generation restrictions. Such work must be approved by the Department on a case-by-case basis prior to it taking place.

4. In order to provide the highest level of assurance the piling, and excavation phases proceed without disturbance of soils or groundwater on the site or on surround properties and to best assure that erosion and stormwater control measures designed for the project are properly and successfully implemented it is necessary to condition the project to require a special inspector to be commissioned to be present during all excavation and piling phases of construction to monitor and direct as necessary these activities. This inspector will be approved by the DPD Geotech (Rob MacIntosh) paid for by the applicant/developer. Reports shall be made to DPD as necessary, but, at least weekly during the grading, excavation and piling phase of construction.

5. There shall be no excavation for basement areas of structures. Floor elevations of all new structures shall be as shown in issued MUP plans; at or near existing grade levels, with the exception of the new Building 1C which is cut back into grade to the north of Building 1A.

6. No foundation or other footing drains shall be present.

7. Permeable paving shall be used for all interior walkway and plaza areas.

8. Stormwater drainage systems shall be designed to recharge groundwater levels to the greatest extent practicable.

9. Areas of fill added to the site shall make use of light weight foam materials and light fill material in a manner approved at construction permitting by the DPD Geotechnical Engineer.

10. Bioswale elements along 1st Ave. N. and Palatine Ave. N. shall be created as shown in the MUP plans in addition to any other measures which may be necessary to meet SDOT standards.

CONDITIONS - DESIGN REVIEW

11. The applicant must retain the fenestration, architectural features and elements, and arrangement of finish materials and colors presented to the Design Review Board on July 24, 2006.

12. Any proposed changes to the exterior of the building or the site must be submitted to DPD for review and approval of the Land Use Planner (Scott Kemp, scott.kemp@seattle.gov). Any proposed changes to the improvements in the public right-of-way must be submitted to DPD and SDOT for review and for final approval by SDOT.

13. Compliance with all images and text on the MUP drawings, Design Review meeting guidelines and approved design features and elements (including exterior materials, landscaping and ROW improvements) shall be verified by the DPD planner assigned to this project, or by the Design Review Manager.

    An appointment with the assigned Land Use Planner must be made at least three (3) working days in advance of field inspection. The Land Use Planner will determine

whether submission of revised plans is required to ensure that compliance has been achieved.

14. Embed all of these conditions in the cover sheet for the MUP permit and for all subsequent permits including updated MUP Plans, and all building permit drawings.

15. The central plaza area on both sides of Greenwood Land is an important pedestrian area providing some gathering area, a focal point with water features, part of pedestrian paths both east/west and north/south and a useful element of open space provided in consideration of an overall reduction of residential open space in the proposal. The Board found that this space should be maintained at a width along the curb line (the normal line not the bulb out) of at least 55 and 60 feet.

16. The landscaping of the plaza area should be designed to create a planting rhythm and hierarchy.

17. The public spaces need to incorporate the bog history of the site with a sense of water running though the site. The water features need to be of high quality. An artist needs to be commissioned at an early date to design the public water features. The bog context needs to be reflected in the public spaces.

18. The "flatwork" or surface treatments need to be of high quality; better than typical concrete paving. Color and scoring patters could be used. As could pre-cast concrete pavers, textures in materials, higher level of landscaping. The plaza area should be of materials a clear level above that of public sidewalks.

Signature: (signature on file) Date: June 7, 2007
Scott Kemp, Senior Land Use Planner
Department of Planning and Development

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