



City of Seattle
Gregory J. Nickels, Mayor

Department of Planning and Development
D. M. Sugimura, Director

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

Application Number: 3008423
Council File Number: 309623
Applicant Name: Tim Jewett of Dykeman Architects for Safeway Stores
Address of Proposal: 12318 15th Avenue NE

SUMMARY OF PROPOSED ACTION

Council Land Use Action to contract rezone a 24,300 sq. ft. portion of land (three parcels at SE section of property) from Single Family 7200 to NC 3-40' to allow a 50,500 sq. ft., 33.5 ft. tall multi-purpose retail building (Safeway). Project includes 10,000 cu. yds. of grading and demolition of the existing structures totaling 41,150 sq. ft. Surface parking for 172 vehicles to be provided.

The following Master Use Permit components are required:

Contract Rezone – To rezone from SF7200 to NC3-40 -SMC Section 23.34

SEPA Environmental Review - Seattle Municipal Code (SMC) Section 25.05

Design Review - SMC Section 23.41 with Development Standard Departures:

1. Transparency requirements - (SMC 23.47A.008B)
2. Access to parking – (SMC 23.47A.032A)
3. Location of parking – (SMC 23.47A.032B)

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

[X] DNS with conditions

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

SITE AND VICINITY

The proposed project occupies the majority of the block bounded by 15th Ave NE, NE 125th Street, 16th Ave NE and NE 123rd Street in the Pinehurst neighborhood of Seattle. On the central portion of the site is an existing 27,300 sq. ft. Safeway store built in 1964. The southwest corner of the block, which is owned by the applicant, contains a vacant commercial building; the southeast corner, also owned by the applicant, is occupied by three vacant single family residences; and the northwest corner is occupied by convenience retail (under different ownership). The total site is approximately 3.28 acres. The zoning is Neighborhood Commercial 3 with a 40 foot height limit (NC3-40) except for the three parcels at the southeast corner which are currently zoned Single Family with 7200 square foot lot size (SF7200). The intersection of NE 125th and 15th Ave NE is a small commercial node with NC3-40 zoning extending north for almost one block changing to Lowrise 3. The intersection is identified in the Northgate Urban Center Design Guidelines as a “Gateway” location. The block to the south of the subject site changes to Lowrise 3 with a Residential Commercial component. The surrounding neighborhood is zoned SF7200 and is developed with mostly mid-century, one and two story single family housing.



Figure 1: Area Map with Zoning

There are two mixed-use buildings (multi-family with commercial at the ground floor) on 15th Ave NE, one across 15th Ave NE from the Safeway site, built in 2004; and one, north of NE 125th on the east side of the street built in 2002. There are two fuel stations and a car wash at the intersection of NE 125th and 15th Ave NE. The northwest corner of the subject block has a separate owner and contains convenience retail, fast food and a cleaner. The rest of the commercial area is a mix of small businesses located in older buildings. In general, this commercial area is underdeveloped as to its current zoning (NC3-40). There are transit stops on 15th Ave NE and on NE 125th which is a major corridor connecting I-5 with Lake City Way NE. South of NE 123rd the L-3/RC zone has been well developed with newer multi-family buildings, but few with the commercial component which is allowed by the zoning.

PROPOSAL

The applicant proposes to redevelop the site with a larger grocery store which will be approximately 50,500 sq ft. The proposal also includes surface parking for 172 vehicles. The building design is proposed to be 25 feet high with some architectural and mechanical features up to 33.5 feet. The proposal also includes a contract rezone from SF7200 to NC3-40 for three parcels on the southeast corner of the site that are currently occupied by three (vacant) single family residences.

PUBLIC COMMENTS

Approximately 20 members of the public attended the Early Design Guidance meeting held on March 17, 2008. The following comments, issues and concerns were raised:

- The discussions with Safeway have been very positive. The community has expressed a strong desire for a store that achieves LEED status; bioswales for drainage; a community gathering space; noise and sound mitigation; varied roof design; and lots of landscaping in the parking lot.
- Concern about whether there will still be parking on 16th Ave NE.
- Would like to have sidewalks on 16th Ave NE and NE 123rd where there are currently none.
- Concerned about the noise from delivery trucks and garbage collection on 16th Ave NE. Would like the store moved away from 16th Ave NE.
- Would like to know when demolition of the current store would begin.
- Noise from the loading dock and trash compactor on 16th Avenue NE is bad. Concerned about lights from the parking lot. Would like applicants to consider an enclosed loading area.
- Would like to see an interesting façade. Design should break up large walls and include public art and be semi-transparent.
- Concerned about removing too many trees on 16th Ave NE which could help with noise problems.

The applicant applied for a Master Use Permit on November 26, 2008. Notice of Application was published on December 4, 2008 with the comment period ending December 17, 2008. One comment was received by DPD during this period regarding the replacement of the native trees on the rezone site.

Approximately eight members of the public attended the Design Review Recommendation Meeting on April 6, 2009. The following comments, issues and concerns were raised:

- Neighbors generally happy with the design including pervious pavement and the varied façade design.
- Still concerns about noise from the loading dock and rooftop mechanical equipment.
- Want to see plenty of bike racks.
- Still wish the applicant would pursue the use of non-potable water and a green roof.

- Wish to see the LEED Silver rating certified.
- Concerned about the delivery trucks and garbage truck ingress and egress and the associated noise. Wants to know hours of truck arrivals and departures.
- Concern that 11 native conifers will take down on the corner site and not replaced with native species in the landscape plan.
- Commented that the design is better overall but still concerned about delivery hours. Would like the noise wall to higher and longer.
- Concerned about cooking smells.

ANALYSIS - REZONE

The applicable requirements for this rezone proposal are stated at SMC Sections 23.34.004 (contract rezone), 23.34.007 (rezone evaluation), 23.34.008 (general rezone criteria), 23.34.009 (height limits), 23.34.010 (designation of Single Family zones), 23.34.011 (Single Family zone, function and locational criteria), 23.34.072 (designation of commercial zones), and 23.34.076 and 23.34.078 (NC2 and NC3 zones, function & locational criteria). The zone function statements are to be used to assess the likelihood that the area proposed to be rezoned would function as intended.

Applicable portions of the rezone criteria are shown in italics, followed by analysis in regular typeface.

SMC 23.34.004 Contract rezones.

A. Property Use and Development Agreement (PUDA). The Council may approve a map amendment subject to the execution, delivery and recording of an agreement executed by the legal or beneficial owner of the property to be rezoned to self-imposed restrictions upon the use and development of the property in order to ameliorate adverse impacts that could occur from unrestricted use and development permitted by development regulations otherwise applicable after the rezone. All restrictions shall be directly related to the impacts that may be expected to result from the amendment. A rezone shall be conditioned on performance or compliance with the terms and conditions of the property use and development agreement. Council may revoke a contract rezone or take other appropriate action allowed by law for failure to comply with a PUDA. The agreement shall be approved as to form by the City Attorney, and shall not be construed as a relinquishment by the City of its discretionary powers.

This proposal is for a contract rezone in which development would be controlled by the use of a Property Use and Development Agreement (PUDA). The PUDA would restrict the development of the properties proposed for rezone to the structure approved by the Director through the Design Review process which analysis is included below. The approved design includes, but is not limited to, the structure design, structure height, building materials, landscaping, street improvements, parking lot design and layout, signage and site lighting and is documented in the approved plans dated May 29, 2009.

B. Waiver of Certain Requirements. The ordinance accepting the agreement may waive specific bulk or off-street parking and loading requirements if the Council determines that the waivers are necessary under the agreement to achieve a better development than would otherwise result from the application of regulations of the zone. No waiver of requirements shall be granted which would be materially detrimental to the public welfare or injurious to property in the zone or vicinity in which the property is located.

No waivers are being requested as part of the contract rezone.



Figure 2: Representation of approved design.

SMC 23.34.007 Rezone evaluation.

- A. *The provisions of this chapter shall apply to all rezones except correction of mapping errors. In evaluating proposed rezones, the provisions of this chapter shall be weighed and balanced together to determine which zone or height designation best meets those provisions. In addition, the zone function statements, which describe the intended function of each zone designation, shall be used to assess the likelihood that the area proposed to be rezoned would function as intended.*
- B. *No single criterion or group of criteria shall be applied as an absolute requirement or test of the appropriateness of a zone designation, nor is there a hierarchy or priority of rezone considerations, unless a provision indicates the intent to constitute a requirement or sole criterion.*

See conclusion at the end of the Rezone Analysis.

- C. *Overlay districts established pursuant to neighborhood plans adopted by the City Council may be modified only pursuant to amendments to neighborhood plans adopted or amended by the City Council after January 1, 1995.*

There is no proposal to modify an overlay district.

- D. *Compliance with the provisions of this chapter shall constitute consistency with the Comprehensive Plan for the Purpose of reviewing proposed rezones, except that Comprehensive Plan Shoreline Area Objectives shall be used in shoreline environment re-designations as provided in SMC Subsection 23.60.060 B3.*

E. Provisions of this chapter that pertain to areas inside of urban centers or villages shall be effective only when a boundary for the subject center or village has been established in the Comprehensive Plan. Provisions of this chapter that pertain to areas outside of urban villages or outside of urban centers shall apply to all areas that are not within an adopted urban village or urban center boundary. This subsection does not apply to the provisions of other chapters including, but not limited to, those which establish regulations, policies, or other requirements for commercial/mixed use areas inside or outside of urban centers/villages as shown on the Future Land Use Map.

The proposal is not located within any urban center or urban village boundary.

F. The procedures and locational criteria for shoreline environment re-designations are located in Sections 23.60.060 and 23.60.220 respectively.

The proposal is not located within any shoreline area.

G. Mapping errors due to cartographic or clerical mistakes may be corrected through process required for Type V Council land use decisions in SMC Chapter 23.76 and do not require the evaluation contemplated by the provisions of this chapter.

SMC 23.34.008 General rezone criteria.

A. To be approved a rezone shall meet the following standards:

1. In urban centers and urban villages the zoned capacity for the center or village taken as a whole shall be no less than one hundred twenty-five percent (125%) of the growth targets adopted in the Comprehensive Plan for that center or village.

The subject site is not located within any urban or urban village boundary identified in the Seattle Comprehensive Plan or as amended by subsequent ordinances, so this criteria is inapplicable.

2. For the area within the urban village boundary of hub urban villages and for residential urban villages taken as a whole the zoned capacity shall be within the density ranges established in Section A1 of the Land Use Element of the Comprehensive Plan.

The subject site is not within an Urban Center, or Urban Village identified in the Seattle Comprehensive Plan or as amended by subsequent ordinances so this criteria is inapplicable.

B. Match Between Zone Criteria and Area Characteristics. The most appropriate zone designation shall be that for which the provisions for designation of the zone type and the locational criteria for the specific zone match the characteristics of the area to be rezoned better than any other zone designation.

The parcels proposed for rezone do not completely match the functional or locational criteria of either the single family zone or the two neighborhood commercial zones analyzed (NC2 and NC3) but would seem to better match the neighborhood commercial when the proposed contract rezone limiting development is considered.

As discussed in the analysis of the applicable function and locational criteria further in this report, the comparison between the NC2 zone and NC3 zone shows that the proposed rezone meets more of the criteria of the NC2 zone than those of the NC3 zone. The primary difference is that there is no separation between the NC3 zone and the low density residential zone by physical edges, less intensive commercial areas or more intensive residential areas. However, this is a common occurrence in small commercial nodes throughout the city. When the limitations on development as set out in the PUDA are considered, it makes more sense to rezone the subject properties to NC3-40, consistent with the rest of the block in which they are located, rather than create a split-zone condition.

C. Zoning History and Precedential Effect. Previous and potential zoning changes both in and around the area proposed for rezone shall be examined.

The zoning history indicates a trend toward reducing the intensity of uses in the immediate vicinity surrounding the NE 125th /15th Avenue NE node. Prior to 1986 the entire area that is now zoned NC3-40 was zoned Commercial General (CG); it was then rezoned to C1-40, which was similar to CG, and then to NC3-40 in 1993. Though only slightly less intense than the C1-40 zone, the NC3-40 added a residential component to the commercial uses. The area south of NE 123rd that is now L-3/RC was zoned NC2-40 prior to 1993 and before that is zoned Commercial General with Residential (CG-RM). The L-1 area that is just west of the NC3-40 zone and south of NE 125th was RD7200 (Residential-Duplex) prior to 1986, was rezoned to L-2 in 1986 and then to L-1 in 1993. The north three-quarters of the block between NE 123rd and 125th Streets along the west side of 16th Ave. NE (currently constituting a portion of the subject site) was rezoned from Residential Single Family7200 to Commercial General (CG) in March 1964 when the Safeway store that now exists on the site was built.

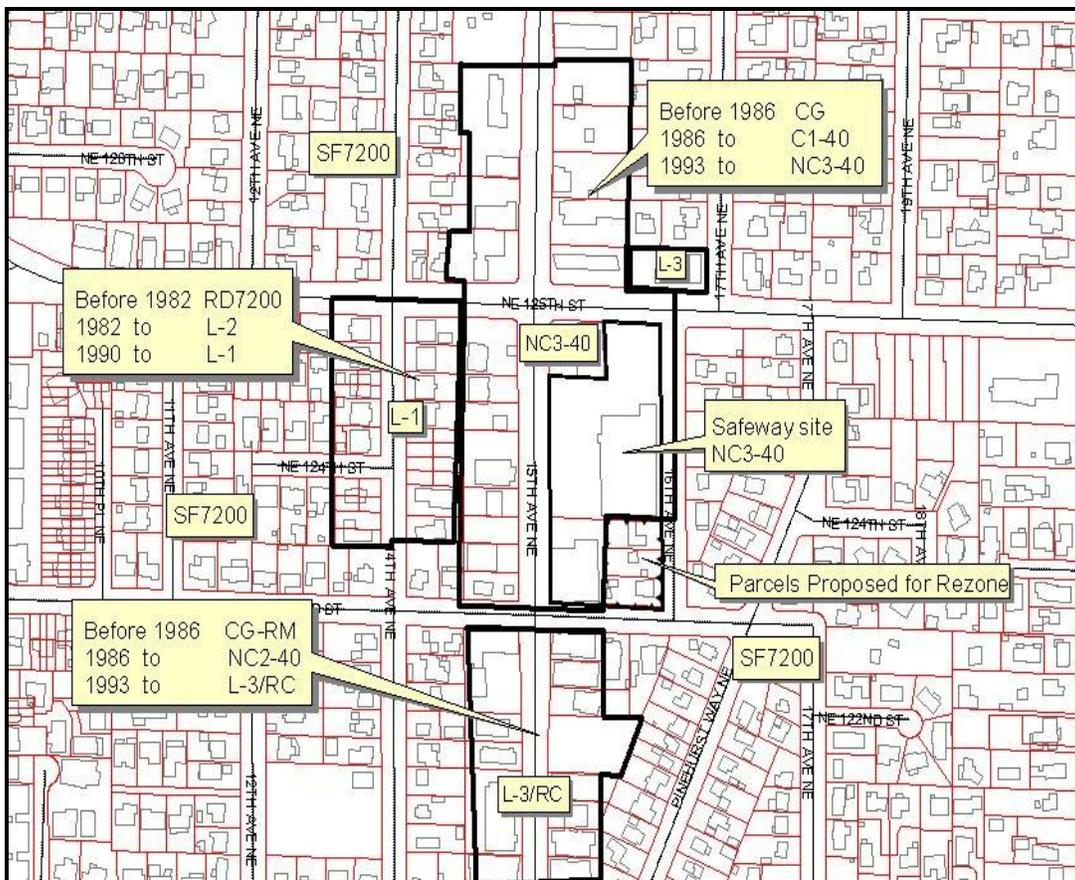


Figure 3: Zoning History

In December 2007, the Council passed Ordinance 122575, effectively amending the definition of “block” for this type of rezone and making this rezone application possible.

It is unlikely that there will be further requests for similar rezones, especially to commercial zones, as a result of this contract rezone. An examination of the zoning within the Northgate Overlay District shows that there are no other blocks that are greater than 80% neighborhood commercial and also contain single-family zoned parcels which are the criteria found in the amendment to Section 23.34.010.

D. Neighborhood Plans.

- 1. For the purposes of this title, the effect of a neighborhood plan, adopted or amended by the City Council after January 1, 1995, shall be as expressly established by the City Council for each such neighborhood plan.*
- 2. Council adopted neighborhood plans that apply to the area proposed for rezone shall be taken into consideration.*

The project site lies within the planning area of the Northgate Neighborhood Plan, published in 1993 and subsequently adopted by Ordinance 116770 of the City Council and implemented as the Northgate Overlay District, SMC 23.71. The site is also located at the western most edge of the North Neighborhood Plan.

- 3. Where a neighborhood plan adopted or amended by the City Council after January 1, 1995 establishes policies expressly adopted for the purpose of guiding future rezones, but does not provide for rezones of particular sites or areas, rezones shall be in conformance with the rezone policies of such neighborhood plan.*

Northgate Plan Policy NG-P7: Reduce the conflicts between activities and promote a compatible relationship between different scales of development by maintaining a transition between zones where significantly different intensities of development are allowed.

The approved design of the proposed Safeway store features facades and landscaping that are compatible with the existing single family neighborhood. The proposed height of the structure is lower than that permitted in the single family zones across 16th Ave NE. Conflicts are minimized by concentrating all circulation routes onto 15th Avenue NE and NE 125th.

Northgate Plan Policy NG-P 8: Maintain the character and integrity of the existing single family zoned areas by maintaining current single family zoning.

The proposed contract rezone would not maintain *current* single family zoning.

North Neighborhoods Policy NN-P5: Require installation of curbs, gutters, and sidewalks as part of any new multi-family or commercial development in the planning area along both residential and arterial streets that meets the threshold standards established in the City’s Street Improvement Manual. Encourage the installation of sidewalks, curbs, gutters and sidewalk lighting for any new or substantially renovated multi-family or commercial development in the planning area along both residential and arterial streets.

As designed, the proposed Safeway store will include full street improvements along 15th Avenue NE (a special landscape street in the Northgate Overlay District), NE 123rd and 16th Ave NE including curb, gutters and sidewalks. The design also includes extensive sidewalk lighting.

North Neighborhoods Policy NN-P39: *This policy is to be considered in the review of future rezones in the area defined by 15th Ave NE on the west, NE 95th Street on the south, NE 145th Street on the north and Lake Washington on the east. Rezones are not favored by this neighborhood plan if they would:*

- *Increase the permitted density of residential or commercial use (except for rezones from C to NC zones);*

The rezone to NC3-40 would theoretically increase the permitted density of commercial for the block as a whole; however, as limited by the PUDA, the portion of the approved structure to be located on the rezone parcels would contain no more square footage than would be allowed if the single-family uses remained.

- *Increase the permitted bulk or height of structures;*

The bulk and height of the approved structure is less than would be permitted in the NC3-40 zone without the PUDA that limits the development. The proposed height of the structure would be 33.5 feet included the mechanical equipment. Permitted height of single family residences in the SF7200 is 35 feet (with pitched roof).

- *Change the neighborhood commercial (NC) to commercial (C) zone; or*

This proposal is to change SF7200 to NC3-40, so this is inapplicable.

- *Change a commercial to an industrial zone.*

This proposal is to change SF7200 to NC3-40, so this is inapplicable.

This policy shall not apply to rezones proposed in close proximity to a high capacity transit station outside of the urban village. Any rezone should be done in cooperation with the community.

This rezone proposal is not in close proximity to any high capacity transit station.

With regard to community cooperation, following the withdrawal of the previous rezone proposal for this site in 1998, the Pinehurst Neighborhood group supported the amendment to the rezone criteria (SMC 23.34.010C) allowing for the consideration of a rezone from single family to neighborhood commercial. The amendment was passed as Ordinance 122575 in December of 2007. Over the two intervening years, the applicants have held several meeting with the Pinehurst Community seeking input with regard to function and design of a new store.

4. *If it is intended that rezones of particular sites or areas identified in a Council adopted neighborhood plan are to be required, then the rezones shall be approved simultaneously with the approval of the pertinent parts of the neighborhood plan.*

This particular site is not identified in any Council adopted neighborhood plan.

In general, the North Neighborhood plan policies discourage rezones of single-family zoned property and any rezones that would increase the intensity of development. Even so, the amendment to the rezone criteria in December 2007 allows for the consideration of a rezone of single family property to neighborhood commercial. On balance, the proposed rezone, as limited by the PUDA, is consistently with other neighborhood plan policies for redevelopment and would not significantly increase the intensity or density of development in the subject neighborhood.

E. Zoning Principles. The following zoning principles shall be considered:

- 1. The impact of more intensive zones on less intensive zones or industrial and commercial zones on other zones shall be minimized by the use of transitions or buffers, if possible. A gradual transition between zoning categories, including height limits, is preferred.*

This neighborhood commercial node is relatively small extending one block to the south of NE 125th and not quite one block to the north. On the west side of 15th Ave NE the NC3-40 zone is only ½ block deep and is partially buffered from single family on the south of NE 125th by Lowrise 1 zoning and not at all north of NE 125th. On the west side of 15th Ave NE there is virtually no buffering from, or transition to, single family zoning. South of NE 123rd, the zoning transitions to Lowrise 3 with a residential commercial component and to the north of NE 125th is a small area (2 parcels) of Lowrise 3.

- 2. Physical buffers may provide an effective separation between different uses and intensities of development. The following elements may be considered as buffers:*
 - a. Natural features such as topographic breaks, lakes, rivers, streams, ravines and shorelines;*
 - b. Freeways, expressways, other major traffic arterials and railroad tracks;*
 - c. Distinct change in street layout and block orientation;*
 - d. Open space and green spaces;*

There are no physical buffers separating the different uses and intensity of development proposed.

3. Zone Boundaries

- a. In establishing boundaries the following elements shall be considered:*
 - (1) Physical buffers as described in subsection E2 above;*
 - (2) Platted lot lines.*

The proposal is to rezone to neighborhood commercial the remaining three parcels on the block which are not already zoned neighborhood commercial. Although there are no physical buffers as described in subsection E above, the parcels to be rezoned would follow platted lot lines.

- b. Boundaries between commercial and residential areas shall generally be established so that commercial uses face each other across the street on which they are located, and face away from adjacent residential areas. An exception may be made when physical buffers can provide a more effective separation between uses.*

The proposed Safeway grocery store will face to the north with the side and rear of the store facing the residential uses so that the commercial activity will face away from the adjacent residential uses. The

approved design includes varied building design elements that are somewhat suburban in nature on the facades that face the residential uses and include extensive landscaping and downcast lighting for security. There is no vehicle access to the site or pedestrian access to the store proposed from the residentially zoned areas.

4. In general, height limits greater than forty (40) feet should be limited to urban villages. Height limits greater than forty (40) feet may be considered outside of urban villages where higher height limits would be consistent with an adopted neighborhood plan, a major institution's adopted master plan, or where the designation would be consistent with the existing built character of the area.

The proposed zoning is NC3-40. Therefore, this criterion does not apply.

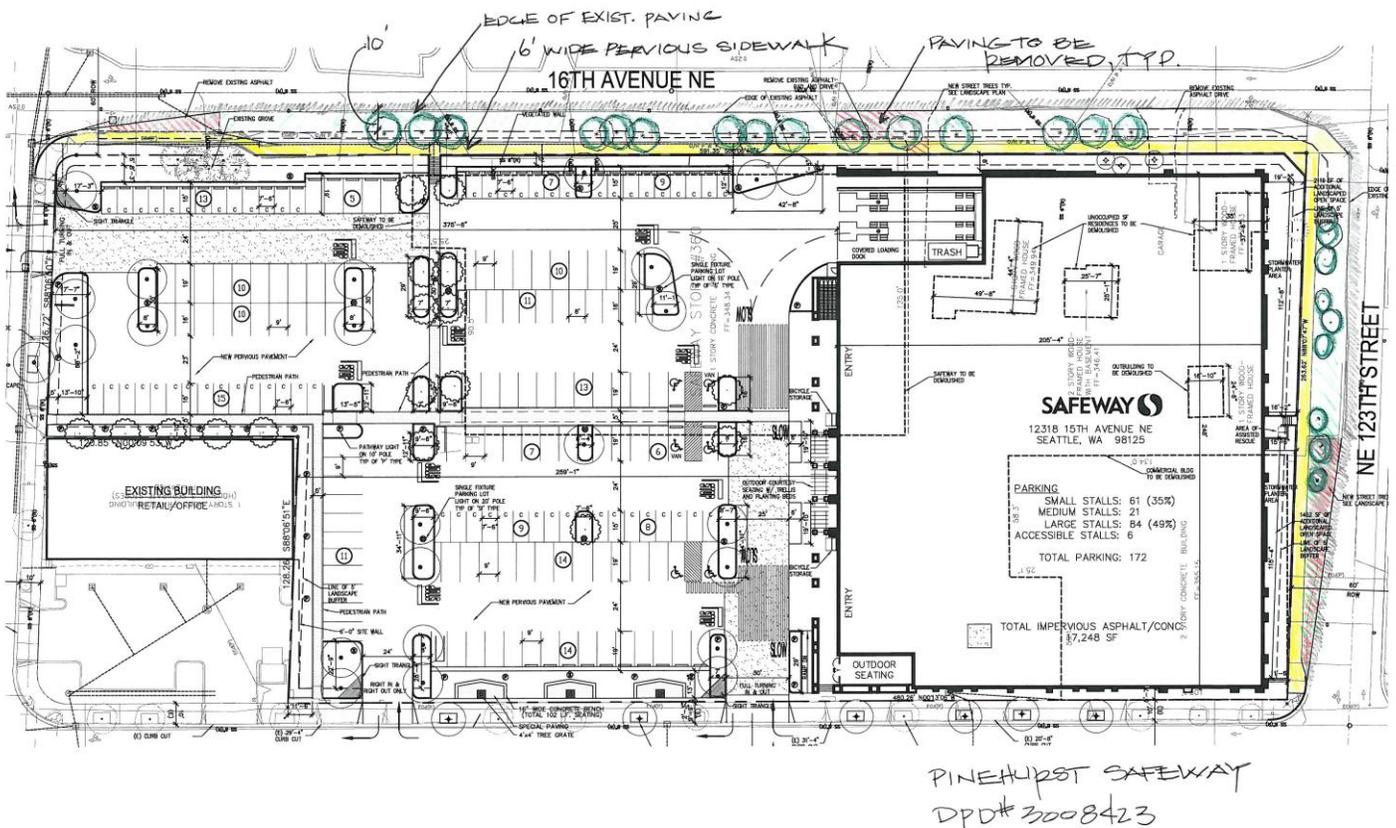


Figure 4: Approved site Plan

It would appear that few of the general zoning principles are adhered to in this neighborhood commercial area. There are few intensity transitions, few physical buffers and little neighborhood plan guidance. However, the approved plan minimizes commercial impacts on the adjacent residentially zoned neighborhood through site design and landscaping which will be documented in the PUDA.

F. Impact Evaluation. The evaluation of a proposed rezone shall consider the possible negative and positive impacts on the area proposed for rezone and its surroundings.

1. Factors to be examined include, but are not limited to, the following:

a. Housing, particularly low-income housing;

The proposal would demolish three unoccupied residential units that were not low-income housing.

b. Public services;

There is a potential for increased impact on public services as the proposed redevelopment of the grocery store is twice as large as the existing structure. However, the service capacity in the area is adequate to serve the new store. Service capacities were evaluated as part of the adoption of the Comprehensive Plan which estimated service needs based on build-out of the zone. The new Safeway store would represent approximately one-tenth of the potential build-out for this zone.

c. Environmental factors, such as noise, air and water quality, terrestrial and aquatic flora and fauna, glare, odor, shadows, and energy conservation;

Factors such as noise and air quality may be positively impacted due to newer technologies employed in the redevelopment of the store. An interior loading dock with noise baffling materials; relocation of, and noise and odor mitigation of rooftop mechanical equipment; pervious pavement in the parking lot; and, bioswales in the right-of-way will all have a positive impact on noise, air and water quality in comparison to existing conditions. The proposed structure includes many energy conservation features.

d. Pedestrian safety;

The proposal includes wider sidewalks on 15th Ave NE and new sidewalks on NE 123rd and 16th Ave NE where none exist now. This should lead to greater pedestrian safety.

e. Manufacturing activity;

Does not apply as no manufacturing is currently permitted or would result from the rezone.

f. Employment activity;

It is expected that there will be increased opportunity for employment as the proposed store will be double that of the existing store.

g. Character of areas recognized for architectural or historic value;

There are no areas of architectural or historic value in the immediate area.

h. Shoreline view, public access and recreation.

Does not apply as the subject site is not in the shoreline area.

2. *Service Capacities. Development which can reasonably be anticipated based on the proposed development potential shall not exceed the service capacities which can reasonably be anticipated in the area, including:*

a. *Street access to the area;*

The proposal includes a two-way entrance/exit from NE 125th and two, two-way entrance/exits from 15th Ave NE. According to the Transportation Impact Analysis (TIA) dated January 7, 2009, all of the proposed access driveways will operate at Level of Service C at PM peak hour conditions which are considered very good.

b. *Street capacity in the area;*

The proposed redevelopment of the Safeway store would increase site traffic by 2,090 vehicle trips per day and 185 vehicle trips during the PM peak hour. The TIA reports that the project would add very little delay to the study area intersections during the PM peak hour. There would be an increased delay (4.4 seconds) at the stop sign at NE 125th and 25th Ave NE but would not be noticeable to the average driver.

c. *Transit service;*

The site is served by four transit lines on 15th Ave NE (73, 77, 347 and 348) and two transit lines on NE 125th (41 and 243).

d. *Parking capacity;*

The proposal includes parking for 172 vehicles which is 25 more than required by code.

e. *Utility and sewer capacity;*

Utility and sewer services are analyzed for adequate capacity during the Comprehensive Plan process and are based on potential build out at the designated zoning. The proposed structure on the site which will be limited by a PUDA, and including the three rezone parcels is equal to approximately 1/10 of the development potential for the site. Therefore, there is adequate utility and sewer capacity.

f. *Shoreline navigation.*

Does not apply because the site is not within the shoreline area.

G. Changed Circumstances. Evidence of changed circumstances shall be taken into consideration in reviewing proposed rezones, but is not required to demonstrate the appropriateness of a proposed rezone. Consideration of changed circumstances shall be limited to elements or conditions included in the criteria for the relevant zone and/or overlay designations in this chapter.

A very similar rezone proposal was evaluated in 1998 and most factors considered in the current proposal have not changed appreciably. However, the adoption of Ordinance 122575 in December 2007, amended SMC 23.34.010 (Designation of single family zones) adding a new subsection that allows consideration of a contract rezone from single family to neighborhood commercial in the

Northgate Overlay District even if it meets the single family locational criteria in SMC 23.34.011.B. For the purposes of this particular type of rezone, the definition of “block” was amended, defining it as the area bounded by street lot lines rather than as two block faces separated by a street. This changed circumstance has allowed the consideration of this proposed contract rezone in a way that was not previously possible.

H. Overlay Districts. If the area is located in an overlay district, the purpose and boundaries of the overlay district shall be considered.

The property is located in the Northgate Overlay District SMC23.71. The proposed rezone is consistent with the purpose and intent of 23.71.002A & B which are to (A) create an environment in the Northgate area that is more amenable to pedestrians and supportive of commercial development; and (B) protect the residential character of residential neighborhoods. The proposal for the redeveloped Safeway store is supportive of commercial development at this commercial node and will include extensive pedestrian amenities on all rights-of-way that abut the site. The design of the store is such that the commercial activity faces away from any residentially zoned areas and there will be no vehicle circulation through adjacent residential neighborhoods. Facades facing residential areas will be enhanced with modulation, peaked roof features and extensive landscaping and pedestrian lighting designed to presenting a pleasant aspect to the residential neighborhood.

I. Critical Areas. If the area is located in or adjacent to a critical area (SMC Chapter 25.09), the effect of the rezone on the critical area shall be considered.

The site is not located in any mapped Environmentally Critical Area, therefore this criteria is inapplicable.

SMC 23.34.010 Designation of single-family zones.

A. Except as provided in subsections B or C of this section, single-family zoned areas may be rezoned to zones more intense than single-family 5000 only if the City Council determines that the area does not meet the criteria for single-family designation.

See analysis of subsection C below which applies in this case.

B. Areas zoned single-family or RSL that meet the criteria for single-family zoning contained in subsection B of Section 23.34.011 and are located within the adopted boundaries of an urban village may be rezoned to zones more intense than single-family 5000 when all of the following conditions are met:

- 1. A neighborhood plan has designated the area as appropriate for the zone designation, including specification of the RSL/T, RSL/C, or RSL/TC suffix when applicable;*
- 2. The rezone is:*
 - a. To a Residential Small Lot (RSL), Residential Small Lot-Tandem (RSL/T), Residential Small Lot-Cottage (RSL/C), Residential Small Lot-Tandem/Cottage (RSL/TC), Lowrise Duplex/Triplex (LDT), Lowrise 1 (L1), or Lowrise 1/Residential-Commercial (L1/RC), or*

- b. Within the areas identified on Map P-1 of the adopted North Beacon Hill Neighborhood Plan, and the rezone is to any Lowrise zone, or to an NC1 zone or NC2 zone with a 30' or 40' height limit.*

This subsection does not apply; the proposed rezone is not located with the adopted boundaries of an urban village.

C. Areas zoned single-family within the Northgate Overlay District, established pursuant to Chapter 23.71, that consist of one or more lots and meet the criteria for single-family zoning contained in subsection B of Section 23.34.011 may be rezoned through a contract rezone to a neighborhood commercial zone if the rezone is limited to blocks (defined for the purpose of this subsection C as areas bounded by street lot lines) in which more than 80% of that block is already designated as a neighborhood commercial zone.

Background

In 1999, the applicants applied for a similar rezone, but withdrew the application in 2000 before the City Council took final action after the Hearing Examiner recommended denial of the rezone. The Hearing Examiner recommendation for denial was based on the locational criteria of SMC 23.34.011.B that “single family” is the most appropriate zone designation in areas that consist of blocks with at least 70% of the existing structures in single family residential use.

The applicant pursued an amendment to SMC 23.34.010 which Council passed as Ordinance 122575 in December 2007. This amendment (SMC 23.34.010C) defines “block” in this particular case, to mean the area bounded by street lot lines, and, in determining how much of the area is in single-family use, uses square footages of the land rather than the number of structures in residential use.

Before the analysis of this subsection 23.34.010C can be performed, it is necessary to analyze SMC 23.34.011B to see if it meets the threshold criteria of C above.

SMC 23.34.011 Single-family zones, function and locational criteria.

B. Locational Criteria. A single-family zone designation is most appropriate in areas meeting the following criteria:

- 1. Areas that consist of blocks with at least seventy (70) percent of the existing structures, not including detached accessory dwelling units, in single-family residential use; or*

In the Land Use Code, “block” is defined as consisting of “two (2) facing block fronts bounded on two (2) sides by alleys or rear lots lines and on two (2) sides by the center line of the platted streets, with no other intersecting streets intervening...” (SMC 23.84A.004. B). In accordance with this definition, the proposed rezone parcels are located within two separate blocks – the 16th Ave NE block and the NE 123rd St block. The 16th Ave NE block contains three single family structures on the parcels in question and one commercial structure (the Safeway Store) on the west side of the block and seven single family structures on the east side of the block. Therefore, 10 out of 11 structures on this block face are single family structures; this block is well over seventy (70) percent single family structures. The NE 123rd block consists of one single family structure and one commercial structure on the north side of the block, and two multifamily and two single family structures on the south side of the block. In this block 3 out of 6 structures are single family; this block is then 50% single family structures. If all structures are compared on both block faces of 16th Ave NE and NE 123rd, there are 13 single family structures of 17 total structures or 76%.

The parcels proposed for rezone only partially meet the criteria for 70% single family structures for the area: one block (16th Avenue NE) contains 91% single family structures; the second block (NE 123rd Street) contains only 50% single family structures. Therefore, the locational criteria for single family zones are partially met though more weight should likely be given to the 16th Ave NE block where the majority of the single family structures are located.

Analysis of SMC 23.34.010:

The criteria for single family zoning contained in subsection B of Section 23.34.011 are met for the 16th Ave NE block. The criteria are not met for the smaller NE 123rd block face. Taken together the two blocks contain 76% single family structures. Therefore, the criteria could be considered to be met.

The block in question must then be analyzed based on area (square footage) bounded by street lot lines per 23.34.010C; in this case the lot is bounded by 15th Ave NE on the west, NE 125th on the north, 16th Ave NE on the east and NE 123rd on the south. The block must be already zoned at least 80% neighborhood commercial. The block has a total area of approximately 159,000 square feet. The area proposed for rezone is approximately 24,300 square feet. The rezone area is, therefore, in accordance with Subsection C above, 15.3 % of the block; the remainder of the block is 84.7%, is designated neighborhood commercial, more than the 80% required to be considered for rezone.

The rezone appears to meet the criteria of SMC 23.34.010C.

SMC 23.34.011 Single-family zones, function and locational criteria.

A. Function. An area that provides predominantly detached single-family structures on lot sizes compatible with the existing pattern of development and the character of single-family neighborhoods.

The three parcels proposed for rezone are located in an area that includes single-family structures, multi-family structures and commercial uses. Therefore, the single family structures do not predominate in the area under consideration. While the lot sizes are compatible with the existing pattern of development (7200 sq. ft) in the single-family zoned area, the three parcels are a small part of a larger block that is zoned NC3-40 and are surrounded on two sides with commercial development (north and west), on one side with single family development (to the east), and on one side with multi-family development (south).

B. Locational Criteria. A single-family zone designation is most appropriate in areas meeting the following criteria:

- 1. Areas that consist of blocks with at least seventy (70) percent of the existing structures, not including detached accessory dwelling units, in single-family residential use; or*

See analysis of this subsection above.

- 2. Areas that are designated by an adopted neighborhood plan as appropriate for single-family residential use; or*

The adopted Northgate neighborhood plan policy NG-P8 states that the character and integrity of single-family zoned areas should be maintained by maintaining the current zoning. However, the Council, in

passing Ordinance 122575, which amended the criteria for single-family designation (SMC 23.34.010C), considered that there are special circumstances where zoning away from single-family zoning may be appropriate. The subject contract rezone appears to meet the criteria for this special circumstance, namely that the block in which the contract rezone is being considered is zoned more than 80% neighborhood commercial.

3. *Areas that consist of blocks with less than seventy (70) percent of the existing structures, not including detached accessory dwelling units, in single-family residential use but in which an increasing trend toward single-family residential use can be demonstrated; for example:*
 - a. *The construction of single-family structures, not including detached accessory dwelling units, in the last five (5) years has been increasing proportionately to the total number of constructions for new uses in the area, or*
 - b. *The area shows an increasing number of improvements and rehabilitation efforts to single-family structures, not including detached accessory dwelling units, or*
 - c. *The number of existing single-family structures, not including detached accessory dwelling units, has been very stable or increasing in the last five (5) years, or*
 - d. *The area's location is topographically and environmentally suitable for single-family residential developments.*

The entire area directly to the east is zoned single-family and is 100 % single family structures. The Department's records indicate that there have been two permits issued for single family residences in the past five years, one at the southeast corner of 16th Ave NE and NE 125th and one on Pinehurst Way approximately 1 ½ blocks south of the subject site. One was a new home on a vacant lot and one was a replacement structure. There have been no permits issued for alterations (remodels) in the immediate area in the past five years though this is not necessarily an indication that improvements and rehabilitation has not occurred.

The area to the south is zoned L3/RC (Lowrise 3 with a residential commercial component). The entire block facing 15th Ave NE between NE 123rd and NE 120th is now built out with three and four story multi-family buildings.

There is no indication in the Department's records that an increase in single-family development is occurring anywhere but where single family structures already exist.

- C. *An area that meets at least one (1) of the locational criteria in subsection B above should also satisfy the following size criteria in order to be designated as a single-family zone:*
 1. *The area proposed for rezone should comprise fifteen (15) contiguous acres or more, or should abut an existing single-family zone.*

The area proposed for rezone abuts an existing single-family zone to the east and to the south and the total single-family zone is far greater than 15 acres.

2. *If the area proposed for rezone contains less than fifteen (15) contiguous acres, and does not abut an existing single-family zone, then it should demonstrate strong or stable single-family residential use trends or potentials such as:*
 - a. *That the construction of single-family structures, not including detached accessory dwelling units, in the last five (5) years has been increasing proportionately to the total number of constructions for new uses in the area, or*
 - b. *That the number of existing single-family structures, not including detached accessory dwelling units, has been very stable or increasing in the last five (5) years, or*
 - c. *That the area's location is topographically and environmentally suitable for single-family structures, or*
 - d. *That the area shows an increasing number of improvements or rehabilitation efforts to single-family structures, not including detached accessory dwelling units.*

The section does not apply as the area of single-family zoning is far greater than 15 acres.

D. Half-blocks at the edges of single-family zones which have more than fifty (50) percent single-family structures, not including detached accessory dwelling units, or portions of blocks on an arterial which have a majority of single-family structures, not including detached accessory dwelling units, shall generally be included. This shall be decided on a case-by-case basis, but the policy is to favor including them.

The subject parcels are in an area which could be considered a “half-block” as it contains more than 50% single-family structures (three single-family structures and one commercial structure). The parcels are not located on an arterial.

The proposed rezone parcels do not fully meet the functional criteria of single-family zones. The locational criteria of B1 could be considered to be met. The locational criteria of B2 in which single-family areas are designated by an adopted neighborhood plan, can be considered to be modified for the subject site by the Council adoption of Ordinance 122575 identifying special circumstances where parcels could be considered for rezone away from single-family. The subject parcels and the adjacent areas to the east consist of blocks that are greater than 70% single-family structures, however, in the area as a whole, there is no observable trend toward increasing single-family development. The locational criterion of subsection D pertaining to “half-blocks” is also met.

While the functional criteria of single-family zone designations are not fully met, the locational criteria could be considered to be met.

SMC 23.34.072 Designation of commercial zones.

A. The encroachment of commercial development into residential areas shall be discouraged.

The proposed rezone could be considered an “encroachment” into the adjacent single-family zone. However, because 84.7% of the block in which the proposed rezone is located is already zoned neighborhood commercial, SMC23.34.010C allows the subject parcels to be considered for rezone. The approved design, which will be subject to a PUDA, minimizes commercial encroachment into the residential area by extensive landscape and lighting features, attractive facades where no commercial activity will take place and vehicle circulation confined to 15th Ave NE and NE 125th.

B. Areas meeting the locational criteria for a single-family designation may be designated as certain neighborhood commercial zones as provided in Section 23.34.010.

While the area proposed for rezone meets the locational criteria for single-family designation, the proposed rezone meets the criteria provided in SMC 23.34.010C, namely it is single-family zoned property located within the Northgate Overlay District, a contract rezone is being proposed to neighborhood commercial, and the proposed rezone is limited to a block in which more than 80% is already zoned neighborhood commercial.

C. Preferred configuration of commercial zones shall not conflict with the preferred configuration and edge protection of residential zones as established in Sections 23.34.010 and 23.34.011 of the Seattle Municipal Code.

The preferred configuration and edge protection established in SMC Section 23.34.010 and SMC Section 23.34.011 appear to weight the proposed rezone parcels toward single-family zoning designation. However, because the three parcels proposed for rezone are somewhat isolated within a block that is more than 80% zoned commercial, SMC 23.34.010C, provides that very condition as a criterion for consideration of a contract rezone to neighborhood commercial.

D. Compact, concentrated commercial areas, or nodes, shall be preferred to diffuse, sprawling commercial areas.

The proposed rezone will not contribute to diffuse, sprawling commercial zone. The parcels proposed for rezone are located within a block that is already more than 84% zoned neighborhood commercial.

E. The preservation and improvement of existing commercial areas shall be preferred to the creation of new business districts.

As noted above, more than 84% of the land in the subject block in which the three lots proposed for rezone is located is already designated neighborhood commercial. The proposed rezone would not create a new business district but would extend the existing neighborhood commercial area to fill out the block. This extension of the existing commercial node would not cause any sprawl or diffusion and would be in keeping with commercial concentration.

While the rezone could be considered to be an encroachment into an existing single-family zone, the terms of a PUDA would minimize the impacts of such an encroachment. The unique characteristics of the subject parcels located within a block that is already zoned more than 80% neighborhood commercial qualify them to be considered for rezone even as they meet the locational criteria for single-family zoning designation. The resulting neighborhood commercial zone, partially limited in development by the PUDA, would be compact and concentrated.

Following is a comparison of two Neighborhood Commercial zones and the match between each of these zones and the subject site.

SMC 23.34.076 Neighborhood Commercial 2 (NC2) zones, function and locational criteria.

A. Function. To support or encourage a pedestrian-oriented shopping area that provides a full range of household and personal goods and services, including convenience and specialty goods, to the

surrounding neighborhoods, and that accommodates other uses that are compatible with the retail character of the area such as housing or offices, where the following characteristics can be achieved:

- 1. A variety of small to medium-sized neighborhood-serving businesses;*
- 2. Continuous storefronts built to the front lot line;*
- 3. An atmosphere attractive to pedestrians;*

The commercial node centered on NE 125th Street and 15th Avenue NE is characterized by small to medium sized businesses which serve the immediate neighborhood with some businesses, like the learning center, that serve a much larger community. Many businesses are mostly auto-oriented –gas stations, auto-repair, car wash, convenience stores. Though older businesses do not have front lot line storefronts, as lots redevelop this condition will change because of the requirements of the neighborhood commercial development standards. Both NE 125th and 15th Ave NE are improved with curbs and sidewalks for several blocks in each direction. All businesses are accessible to pedestrians though not necessarily attractive as some businesses are set back behind street level parking lots.

- 4. Shoppers can drive to the area, but walk from store to store.*

The business district is small enough, barely one block north and south of NE 125th, that shoppers can walk, drive or bus to the area and walk to various businesses once there.

B. Locational Criteria. A Neighborhood Commercial 2 zone designation is most appropriate on land that is generally characterized by the following conditions:

- 1. Primary business districts in residential urban villages, secondary business districts in urban centers or hub urban villages, or business districts, outside of urban villages, that extends for more than approximately two blocks;*

Neither the proposed rezone site nor the surrounding commercially zoned area is located in a residential urban village, urban center or hub urban village. The district does not quite extend to two full blocks.

- 2. Located on streets with good capacity, such as principal and minor arterials, but generally not on major transportation corridors;*

The neighborhood commercial zone is located at the conjunction of two principal arterials, NE 125th and 15th Avenue NE which support six transit lines altogether.

- 3. Lack of strong edges to buffer the residential areas;*

There is a lack of strong edges buffering the residential zones from the commercial. Except for one area where there is an L-1 zone between the NC3-40 and the single-family zone, the rest of the area is characterized by NC3-40 zoned properties directly abutting SF7200 zoned properties.

- 4. A mix of small and medium sized parcels;*

Aside from the Safeway-owned property which is nearly 120,000 square feet, parcels are small- to medium-sized, ranging from 7,500 square feet to the largest at 34,323 square feet.

Based on the above criteria, the proposal site is generally compatible with the function criteria for the NC2 zone, and meets three of the four locational criteria of the NC2 zone (2, 3 and 4).

SMC 23.34.078 Neighborhood Commercial 3 (NC3) zones, function and locational criteria.

A. Function. To support or encourage a pedestrian-oriented shopping district that serves the surrounding neighborhood and a larger community, citywide, or regional clientele; that provides comparison shopping for a wide range of retail goods and services; that incorporates offices, business support services, and residences that are compatible with the retail character of the area; and where the following characteristics can be achieved:

- 1. A variety of sizes and types of retail and other commercial businesses at street level;*
- 2. Continuous storefronts or residences built to the front lot line;*
- 3. Intense pedestrian activity;*
- 4. Shoppers can drive to the area, but walk around from store to store;*
- 5. Transit is an important means of access.*

This small commercial node centered on the intersection of 15th Ave NE and NE 125th features small to medium sized business serving the neighborhood and larger community. Few businesses, if any, serve a citywide or regional clientele. Businesses range from auto-oriented (gas stations, car washes, auto repair) to offices. Aside from the Safeway stores there are few retail sales businesses. The area does not support comparison shopping.

Few businesses are located at the front lot line with the exception of a mixed use project built in the past 10 years under development standards that require locating building at street level.

Though sidewalks are well developed and maintained, there is relatively little pedestrian traffic mostly because of the large number of auto-oriented businesses. Shoppers can drive, walk or take transit to the area and walk from store to store.

It should be noted that many of the existing businesses have been located here for many years and this neighborhood commercial area is under-developed with respect to its zoning.

B. Locational Criteria. A Neighborhood Commercial 3 zone designation is most appropriate on land that is generally characterized by the following conditions:

- 1. The primary business district in an urban center or hub urban village;*
- 2. Served by principal arterial;*

3. *Separated from low-density residential areas by physical edges, less-intense commercial areas or more-intense residential areas;*
4. *Excellent transit service.*

While not located in an urban center or hub urban village, the commercial district serves the surrounding Pinehurst and Olympic Hills neighborhoods with small to medium sized businesses. The district centers on the intersection of two principal arterials: NE 125th Street and 15th Avenue NE (a designated Special Landscaped Arterial in the Northgate Overlay district, 23.71) and is served by excellent transit.

There is a lack of separation of the commercially zoned parcels from the residentially zoned parcels. Most of the NC3-40 zoned parcels directly abut parcels that are zoned SF7200.

With respect to the function criteria of a Neighborhood Commercial 3 zone, this area appears to be underdeveloped both in terms of variety of commercial enterprises and potential build-out (bulk and scale of the structures). The area meets only two of the four the locational criteria for the Neighborhood Commercial 3 zone (2 and 4).

SMC 23.34.009 Height limits of the proposed rezone.

Where a decision to designate height limits in Neighborhood Commercial or Industrial zones is independent of the designation of a specific zone, in addition to the general rezone criteria of Section 23.34.008, the following shall apply:

- A. *Function of the Zone. Height limits shall be consistent with the type and scale of development intended for each zone classification. The demand for permitted goods and services and the potential for displacement of preferred uses shall be considered.*

The height of the proposed structure to that which was approved through the Design Review process is 33.5 feet. The Department will propose a condition to limit the height of the structure in the PUDA to no more than 33.5 feet which is consistent with Neighborhood Commercial 2 or Neighborhood Commercial 3 zone.

- B. *Topography of the Area and its Surroundings. Height limits shall reinforce the natural topography of the area and its surroundings, and the likelihood of view blockage shall be considered.*

The site and surrounding areas are generally flat. The height limit for the proposed rezone parcels (33.5 feet) is less than would be allowed in both the surrounding single-family zone (35 feet with a pitched roof) and in the L-3 multi-family zone (35-40 feet with a pitched roof and various other rooftop features). Therefore, view blockage is not an issue.

- C. *Height and Scale of the Area.*

1. *The height limits established by current zoning in the area shall be given consideration.*

The block within which the rezone proposal is located is zoned Neighborhood Commercial with a 40 foot height limit. The proposal is to limit the height of the area of rezone in the PUDA to 33.5 feet.

2. *In general, permitted height limits shall be compatible with the predominant height and scale of existing development, particularly where existing development is a good measure of the area's overall development potential.*

The height of the proposed structure to no more than 33.5 feet which is the height approved through the Design Review process. This height is compatible with the surrounding neighborhood where a few existing single family structures are as high as 35 feet with pitched roofs, and several multifamily buildings are over 40 feet in height. However, most existing development, including single-family, multi-family and commercial is not built to the area's overall development potential.

D. Compatibility with Surrounding Area.

1. *Height limits for an area shall be compatible with actual and zoned heights in surrounding areas excluding buildings developed under Major Institution height limits; height limits permitted by the underlying zone, rather than heights permitted by the Major Institution designation, shall be used for the rezone analysis.*
2. *A gradual transition in height and scale and level of activity between zones shall be provided unless major physical buffers, as described in Subsection 23.34.008.D2, are present.*

The proposed Safeway store would be lower in height than the multifamily building located across the NE 123rd to the south of the site. The proposed store is lower in height than the mixed use building located across 15th Ave NE from the site.

E. Neighborhood Plans.

1. *Particular attention shall be given to height recommendations in business district plans or neighborhood plans adopted by the City Council subsequent to the adoption of the 1985 Land Use Map.*
2. *Neighborhood plans adopted or amended by the City Council after January 1, 1995 may require height limits different than those that would otherwise be established pursuant to the provisions of this section and Section 23.34.008.*

The Northgate Neighborhood Plan does not address height considerations in this area in any of its goals or policies for future development.

The North Neighborhoods Plan, in Policy NN-P39 disfavors rezones which would result in an increase in permitted bulk or height. The proposed contract rezone would be limited to a height of 33.5 feet by a PUDA which is 6.5 feet lower than is permitted in the proposed NC3-40 zone.

The NC3 zone with a 40-foot height limit appears to be the most appropriate zone, making the entire block is one zone. As the proposed structure will be subject to the terms of a contract, the height, bulk and scale will be considerably less than would be allowed in an NC3-40 zone without a contract. The height of the proposed structure will be compatible with surrounding property.

CONCLUSION – REZONE

The above analysis shows that the parcels proposed for rezone meet the criteria for single-family designation as was found in the previous rezone proposal in 1998. Though circumstances in the neighborhood are essentially the same, a new criterion has been added by the adoption of Ordinance 1122575, implemented as SMC 23.34.010C, allowing for the consideration of a contract rezone of the subject single-family parcels to a neighborhood commercial zone, with no height limit specified, and allowing the existing store to be rebuilt. The balance of the block referred to in Section C is zoned Neighborhood Commercial with a height limit of 40 feet (NC3-40). Rather than create another split-zoned condition on this block, it would seem appropriate for the entire block to be zoned NC3-40 subject to terms of a contract limiting the height of the specific structure being proposed. The currently approved height of the proposed structure is 33 feet 6 inches which is well below the allowable 40 feet of the NC3-40 zone (with up to 7 feet additional height for various provisions). Single family homes in the adjacent SF7200 zone would be allowed to be 35 feet in height with a pitched roof.

RECOMMENDATION - REZONE

Based on the above analysis, the Director recommends that the proposed contract rezone to NC3-40 be **APPROVED** subject to a Property Use and Development Agreement (PUDA) that limits the structure to be built to the design approved by the Design Review process and documented in approved plans dated May 28, 2009.

ANALYSIS - DESIGN REVIEW

Design Guidance

At the Early Design Guidance Meeting held on March 17, 2008, three alternative design schemes were presented. All of the options include the 50,000 square foot grocery store with surface parking for approximately 200 vehicles.

Design Option 1 locates the building at the north-center end of the site maximized between 15th Ave NE and 16th Ave NE. The main entry would be located at the center of the south façade with an additional entry from a plaza at the southwest corner of the store. Surface parking would be located on the southern 1/3 of the site with two auto entries from 15th Ave NE to the parking. Truck access and receiving would be located at the north end of the building and accessed from NE 125th.

Design Option 2 locates the building at the south end of the site with the truck access and receiving area on NE 123rd. Surface parking would occupy most of the center of the site with two access drives from 15th Ave NE and one from NE 125th. The main store entry would be in the center of the north façade with another entry from a plaza located at the northwest corner of the building.

Design Option 3, the preferred option, is similar to Option 2 but with the receiving area at the northeast of the building and accessed from NE 125th. Parking, entries and plaza areas are the same as Option 2. There would be three auto access drives as in Option 2.

No specific materials are proposed as yet and landscaping plans are conceptual. The applicants have stated their intention to pursue LEED Silver status for this project.

After visiting the site, considering the analysis of the site and context provided by the proponents, the Design Review Board members provided the siting and design guidance described below. The Board 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 the "Northgate Urban Center & Overlay District" of highest priority to this project. Identification and discussion of the Guidelines have been incorporated into the priorities addressed below.

The Design Review Board reviewed the final project design on April 6, 2009 at which time the architect presented the more refined design which included locating the 50,500 square foot store at the south end of the site with primary (front) façade facing the large surface parking lot. The large gap along 15th Ave NE created by the parking lot is buffered by an 1,800 sq. ft. urban garden featuring extensive landscaping and conversation seating. The design of the 15th Ave NE façade resembles a "village" concept evoking small shops and incorporating a variety of materials and transparency. There is no transparency on the NE 123rd Street or 16th Ave NE facades. Landscaping includes vegetated islands in the parking lot, infiltration gardens for roof runoff and perimeter green walls. Proposed materials include masonry including brick, stone and tile; lap and panel siding; and metal roof. The design also includes an alternative street improvement and landscape design for NE 123rd and 16th Ave NE. The Board discussion and **recommendations** from the April 6, 2009 meeting are presented in **bold text** following the priority guidelines from the EDG meeting.

"Hot Button Issues" are items initially discussed by the Board and include items of top importance for the design. For this project at the EDG meeting, the Board determined the hot button issues were:

Site Planning: A-3; A-4; A-8; A-10

- None of the design options appear to recognize the intersection at NE 125th Street and 15th Ave NE as a "Gateway" as identified in the Northgate Urban Center & Overlay District Guidelines.
- All options appear to be standard grocery store planning with respect to locating the building and parking on the site.
- The large parking lot creates a gap in the desired urban fabric where retail should front on busy streets. There should be more attention given to integrating the parking into the development.
- The goal is to have an energized, activated frontage on a busy street. A stronger urban gesture would be to have the storefront on 15th Ave NE.
- Potential blank walls on 15th Ave NE, NE 123rd and 16th Ave NE present security and safety concerns.

DESIGN GUIDELINES

A Site Planning

A-3 Entrances Visible from the Street

Entries should be clearly identifiable and visible from the street.

A-4 Human Activity

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

A-4 Human Activity: Street Level Transparency (Northgate Urban Center & Overlay District)

The intention of transparency in the street level façades of commercial and civic buildings is to provide for interaction between people in the interior of a building and people near the exterior of the building, particularly on the sidewalk, through a direct visual connection. The following are examples of less desirable design treatments that should be discouraged:

- *Windowless walls*
- *Mirrored or non-transparent glass*
- *Glass block*
- *Display cases*
- *Narrow windows not meeting the intent above*
- *Windows located above waist level to persons on the sidewalk*
- *Windows into areas that are too small, shallow or narrow to support human activity*
- *Any interior wall, equipment or functional layout that hampers the intent of transparency stated above.*

A-5 Respect for Adjacent Sites

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

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-8 Parking and Vehicle Access (Northgate Urban Center a& Overlay District)

Site and design driveways to minimize conflicts between vehicles and pedestrians. This is especially important along...15th Avenue NE, ...[and] NE 125th Street. Where surface must be located to the side of structures, the following is recommended: Place surface parking away from the corners of blocks fronting on 15th Avenue NE, [and] NE 125th Street. Minimize the number of curb cuts and width of driveways and curb cuts along these streets.

A-10 Corner Lots

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

- The Board noted that none of the design options would achieve the desired human activity on 15th Ave NE. They encourage the applicants to return with a design that energizes both 15th Ave NE and NE 123rd possibly by locating an entry plaza at each corner of the building. This would improve security on both of these streets.
- The applicants should pay particular attention to noise and lighting concerns of the neighbors.
- The applicants should evaluate the necessity for two large curb cuts on 15th Ave NE which is not pedestrian friendly when added to the curb cut for the corner convenience store.
- The Board would like to see an option where the building faces onto 15th Ave NE with more transparency. The Board believes that there are other options to a one-sided building facing a large parking lot which the applicant should vigorously explore.

At the Recommendation Meeting the Board commended the applicant for a design response that included much of the Board's guidance. The board felt that, given the limitations of the grocery

store program, the transparency along 15th Ave NE is adequate. However, they felt that the transparency stopped abruptly at the corner with NE 123rd creating an unfriendly aspect at the corner. Because this corner is highly visible to vehicles northbound on 15th Ave NE, the Board recommended that the design “wrap” the transparency around the corner onto NE 123rd and add some additional visual interest at this corner facade. Wrapping the overhead weather protection around the corner was also recommended.

Noise from delivery trucks and trash collection continues to concern the neighbors. The Board directed the applicant to work with DPD staff to establish permitted delivery and collection hours and to relay that information to the neighbors. The desire is to create a schedule and method that mitigates the odor and noise impacts to the immediate neighbors.

The long, open expanse along 15th Ave NE where the parking lot is located is softened somewhat by the Urban Garden. The Board liked the concept of the urban garden but recommended adding higher, more intensive, plantings at the rear of the garden to provide true screening from the parking lot and recommended moving the trees from within the seating areas to between the seating areas.

Recommendation #1: Wrap transparency around corner at 15th Ave NE and 123rd NE and add additional visual interest at this corner. Refine the design at this corner element to present a more open and friendly façade.

Recommendation #2: Provide DPD with schedule of delivery and trash collection hours allowable for the site.

Recommendation #3: Add taller plantings (or low walls/berms, etc.) at the rear for the Urban Garden to provide better screening for the parking lot. Relocate proposed trees from inside the seating areas to areas in between the seating areas such that they alternate in relative location with the street trees.

B Height, Bulk and Scale

B-1 Height, Bulk and Scale

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.

- The design is not sufficiently advanced as yet; however, the Board is concerned that the building not looks like a large “box”. The massing should be broken down along 15th and rooflines be brought down provide shading for those using the proposed outdoor gathering places.

At the Recommendation Meeting the Board was complimentary of the “village” street design approach for the building’s facades. However, they noted that a true village streetscape has varied materials and fenestration and recommended that the applicant refine the design adding more variety to the window shapes and placement and vary the material choices for each vignette.

Recommendation #4: Refine the design for the façade along 15th Ave NE to better establish the “village” street concept by introducing varied window treatments and materials to more clearly differentiate between “storefront” elements.

C Architectural Elements and Materials

C-2 Architectural Concept and Consistency

- *Building design elements, details and massing should create a well-proportioned and unified building form and exhibit an overall architectural concept.*
- *Buildings should exhibit form and features identifying the functions within the building.*

C-3 Human Scale

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

C-3 Human Scale (Northgate Urban Center & Overlay District)

The ground level of [commercial] buildings must offer pedestrian interest along sidewalks. This includes windows, entrances and architectural details. Signs, overhead weather protection and ornamentations are encouraged.

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 Board noted that artwork and landscaping could be used effectively to create a better human experience on the site.
- The Board has high aspirations for the eventual choice of materials.

At the Recommendation Meeting the Board discussed the proposed “village” design concept for the buildings’ facades. See above comments regarding architectural style. The Board also felt that the materials pallet should be simplified greatly possibly by minimizing the use of stone and employing a better use of the brick in darks and lights. While the use of stone is not prohibited, it has no known contextual relevance. Some board members were uncomfortable with the large scale of the columns on 15th Ave NE and suggested that they be reduced in size and be made of brick rather than the proposed stone.

Because the facades on NE 123rd and 16th Ave NE have virtually no transparency the Board felt that these facades could be softened with an increased use of landscaping. They were skeptical of the long-term survivability of the vine trellises.

Recommendation #5: Simplify materials pallet by reducing (or eliminating) the use of stone and employing increased and varied use of brick.

Recommendation #6: Increase landscaping (taller and denser) on all blank wall facades for a more effective softening effect.

D Pedestrian Environment

D-2 Blank Walls

Buildings should avoid large blank walls. Where blank walls are unavoidable, they should receive design treatment to increase pedestrian comfort and interest.

D-4 Design of Parking Lots near Sidewalks

Parking lots near sidewalks should provide adequate security and lighting, avoid encroachment of vehicles onto the sidewalk and minimize the visual clutter of parking signs and equipment.

North District Neighborhoods-specific supplemental guidance:

- *As sites with large surface parking areas, such as auto dealerships, are redeveloped, consider locating parking under, beside or behind new structures. If surface parking lots are located between structures and sidewalk, vegetated areas should be provided along the sidewalk to provide a buffer from the parking lot. Vegetation should be of a height that pedestrians can still see above it and/or placed so they have visibility around it for safety.*
- *Vegetated Islands that include trees and safe, well-defined pedestrian pathways should be considered at locations throughout large parking lots to enhance pedestrian activity, minimize storm runoff, and reduce the heat island effect of large parking lots.*
- *Pervious pavements should be considered to assist groundwater recharge and removal of pollutants.*
- *Green spaces at regular intervals can provide attractive surface parking lots and reduce drainage runoff in large parking lots.*

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.

D-9 Commercial Signage

Signs should add interest to the street front environment and should be appropriate for the scale and character desired in the area.

D-10 Commercial Lighting

Appropriate levels of lighting should be provided in order to promote visual interest and a sense of security for people in commercial districts evening hours.

D-11 Commercial Transparency

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

- The Board is concerned that pedestrians have a positive experience walking along 15th Ave NE and not feel like they are walking along the side of a store.
- The Board would like to see a through-block crossing connecting 15th Ave NE and 16th Ave NE.
- At the next meeting the Board would like to see colored and shadowed schematic elevations and site sections for all four sides of the buildings showing the parking lots, loading areas, building and beyond to the residential uses across 16th Ave NE and NE 123rd.
- At the next meeting the Board would like to see more detailed drawings and concept studies for freight loading and trash collection areas and how these relate to the neighboring properties.

- The Board would like to see maximum transparency along NE 15th Ave particularly with both corners of the building activated at this façade.

At the Recommendation Meeting, the “village” concept design was well received by the Board albeit with additional suggestions (see above comments). The Board agreed that maximum transparency along the other two facades on NE 123rd and 16th Ave NE was probably not necessary given the that these areas are “back of house” locations. However, the Board does want more attention paid to the corner at 15th Ave NE and NE 123rd which is particularly visible. Some Board members thought that some attempt at transparency should be explored for 16th Ave NE given the large expanse of blank wall recognizing that interior light spillover could be a problem across from the existing residential uses.

The board commented that the lighting plan did not go far enough to provide nighttime visibility and security. They recommended that the design include more low pedestrian lighting on both 16th Ave NE and NE 123rd and add lighting along the vegetated wall long the parking lot. Step lighting should also be added to the stairway leading from 16th Ave NE to the parking lot.

Recommendation #7: Explore the possibility of adding some transparency on the 16th Ave NE façade while minimizing any light spillover that may affect adjacent residential uses.

Recommendation #8: Add more pedestrian lighting along NE 123rd and 16th Ave NE; add downcast lighting on parking lot wall along 16th Ave NE; add step lighting on stairway accessing parking lot on 16th Ave NE.

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

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

- The Board was pleased to see a tree survey as part of the submittals and encouraged the applicant to preserve as many of the existing trees as possible, especially along NE 16th Ave.
- The Board looks forward to a much more detailed site plan showing how they will be meeting the Green Factor requirement. The applicant should also include detailed landscape studies for the parking lot.

At the Recommendation Meeting, the Board was generally supportive of the landscape plan but was skeptical of the long-term survival of some of the proposed elements including trellised vines. They suggested that there were places where native species could be better employed given the large number of native trees that will be removed.

The Board had specific recommendations about the proposed Urban Garden located along 15th Ave NE which function is to screen the large parking lot. Taller plantings should be employed at the rear of the garden to provide true screening. The trees proposed for the center of each of the

three conversation seating areas should be relocated to between the seating areas giving them a better planting area and better chance for survival. This would also allow them to alternate in location with the street trees in the same area. (See Recommendation #3 above).

Recommendation #9: Employ the use of a greater number of native species in landscape areas where long-term survival will be best.

***Land Use Planner note: Since the Recommendation Meeting, the Seattle Department of Transportation has denied the applicants’ Deviation Request for alternative sidewalk and street improvements on NE 123rd and 16th Ave NE. The will require a redesign of the landscape plan and possibly other portions of the site and building. However, the Board’s general recommendations regarding the Urban Garden and the better use of landscaping still remain valid.**

DEPARTURES FROM DEVELOPMENT STANDARDS

Departure Summary Table

REQUIREMENT	REQUEST	APPLICANT’S JUSTIFICATION	BOARD RECOMMENDATION
Transparency (SMC23.47A.008B2) 60% of the street facing façade between 2’ and 8’ above the sidewalk shall be transparent.	Request to reduce transparency to 34% along 15 th Avenue NE. Reduce transparency on 16 th Avenue NE and NE 123 rd to 0%.	Merchandising requirements of grocery stores require maximum utilization of perimeter wall space.	The Board unanimously agreed to the departure for 15 th Avenue NE but directed the applicant to wrap transparency around the corner at the NE 123 rd and to explore the possibility of transparency on 16 th Avenue NE.
Access to Parking (SMC23.47A.032A1) Access to parking must be from the street with the fewest lineal feet of frontage.	Request departure to allow access from both NE 125 th for trucks and autos and from 15 th Avenue NE	The development will need more than one access point because of the large volume of customer traffic. No access is proposed from the residential streets.	The Board unanimously agreed to grant this departure.
Location of Parking lot (SMC23.47A.032B1) Parking to the side of a structure shall not exceed 60 lineal feet of street frontage.	Request that the lineal frontage on NE 15 th Avenue be 223 ft. 8 in.	The size of the parking lot required for 172 vehicles will require more than 60 feet in frontage. Screening provided by the proposed Urban Garden will mitigate much of the negative effect.	The Board unanimously agreed to grant this departure subject to the redesign of the Urban Garden in accordance with their recommendations to provide better screening.

The Board voted 3 to 2 to approve the design subject to the following recommendations:

The applicant shall work with DPD staff to comply with the following recommendations:

Recommendation #1: Wrap transparency around corner at 15th Ave NE and 123rd NE and add additional visual interest at this corner.

Recommendation #2: Provide DPD with schedule of delivery and trash collection hours allowable for the site.

Recommendation #3: Add taller plantings at the rear for the Urban Garden to provide better screening for the parking lot. Relocate proposed trees from inside the seating areas to areas in between the seating areas such that they alternate in relative location with the street trees.

Recommendation #4: Refine the design for the façade along 15th Ave NE to better establish the “village” street concept by introducing varied window treatments and materials to more clearly differentiate between “storefront” elements.

Recommendation #5: Simplify materials pallet by reducing (or eliminating) the use of stone and employing increased and varied use of brick.

Recommendation #6: Increase landscaping (taller and denser) on all blank wall facades for better softening effect.

Recommendation #7: Explore the possibility of adding some transparency on the 16th Ave NE façade while minimizing any light spillover that may affect adjacent residential uses.

Recommendation #8: Add more pedestrian lighting along NE 123rd and 16th Ave NE; add downcast lighting on parking lot wall along 16th Ave NE; add step lighting on stairway accessing parking lot on 16th Ave NE.

Recommendation #9: Employ the use of a greater number of native species in landscape areas where long-term survival will be best.

The design review process prescribed in Section 23.41.014.F of the Seattle Municipal Code describing the content of the DPD Director’s decision reads in part as follows:

The Director’s decision shall consider the recommendation of the Design Review Board, provided that, if four (4) members of the Design Review Board are in agreement in their recommendation to the Director, the Director shall issue a decision which incorporates the full substance of the recommendation of the Design Review Board, unless the Director concludes the Design Review Board:

- a. Reflects inconsistent application of the design review guidelines; or*
- b. Exceeds the authority of the Design Review Board; or*
- c. Conflicts with SEPA conditions or other regulatory requirements applicable to the site;*
or
- d. Conflicts with the requirements of state or federal law.*

Subject to the above-proposed conditions, the design of the proposed project was found by the Design Review Board to adequately conform to the applicable Design Guidelines.

ANALYSIS & DECISION – DESIGN REVIEW

Director’s Analysis

Five members of the Northeast Design Review Board were in attendance and provided recommendations (listed above) to the Director and identified elements of the Design Guidelines which are critical to the project’s overall success. The Director must provide additional analysis of the Board’s

recommendations and then accept, deny or revise the Board's recommendations (SMC 23.41.014.F3). The Director agrees with and accepts the conditions recommended by the Board that further augment the selected Guidelines.

Following the Recommendation meeting, DPD staff worked with the applicant to update the submitted plans to include all of the recommendations of the Design Review Board. The Director of DPD has reviewed the decision and recommendations of the Design Review Board made by the five members present at the decision meeting and finds that they are consistent with the City of Seattle Design Review Guidelines for Multifamily and Commercial Buildings. The Director agrees with the Design Review Board's conclusion that the proposed project and conditions imposed result in a design that best meets the intent of the Design Review Guidelines and accepts the recommendations noted by the Board. The Director is satisfied that all of the conditions imposed by the Design Review Board have been met.

Director's Decision

The design review process is prescribed in Section 23.41.014 of the Seattle Municipal Code. Subject to the above-proposed conditions, the design of the proposed project was found by the Design Review Board to adequately conform to the applicable Design Guidelines. The Director of DPD has reviewed the decision and recommendations of the Design Review Board made by the five members present at the decision meeting, provided additional review and finds that they are consistent with the City of Seattle Design Review Guidelines for Multifamily and Commercial Buildings. The Design Review Board agreed that the proposed design, along with the conditions listed, meets each of the Design Guideline Priorities as previously identified. Therefore, the Director accepts the Design Review Board's recommendations and **CONDITIONALLY APPROVES** the proposed design and the requested departures with the conditions summarized at the end of this Decision.

ANALYSIS - SEPA

The proposal is for a 50,500 sq. ft. commercial structure, thus the application is not exempt from SEPA review. Environmental review resulting in a Threshold Determination is required pursuant to the Seattle State Environmental Policy Act (SEPA), WAC 197-11, and the Seattle SEPA Ordinance (Seattle Municipal Code Chapter 25.05) because the proposed project is located in a commercial zone and exceeds the 4,000 square foot threshold.

The initial disclosure of the potential impacts from this project was made in the environmental checklist submitted by the applicant dated November 18, 2008 and annotated by the Land Use Planner. The information in the checklist, pertinent public comment, and the experience of the lead agency with review of similar projects form the basis for this analysis and decision.

The Department of Planning and Development has analyzed the environmental checklist and submitted by the project applicant and reviewed the project plans and any additional information in the file. As indicated in this analysis, this action will result in adverse impacts to the environment. However, due to their temporary nature and limited effects, the impacts are not expected to be significant.

The SEPA Overview Policy (SMC 25.05.665) clarifies the relationship between codes, policies and environmental review. Specific policies for each element of the environment, and certain neighborhood plans and other policies explicitly referenced, may serve as the basis for exercising substantive SEPA authority. The Overview Policy states, in part, "*Where City regulations have been adopted to address and environmental impact, it shall be presumed that such regulations are adequate to achieve sufficient*

mitigation” subject to some limitations. Short-term adverse impacts are anticipated from the proposal. No adverse long-term impacts on the environmentally critical area are anticipated.

Short-Term Impacts

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

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

The SEPA Overview Policy (SMC 25.05.665) and the SEPA Construction Impacts Policy (SMC 25.05.675B) allow the reviewing agency to mitigate impacts associated with construction activities. Most short-term impacts are expected to be minor. Compliance with the above applicable codes and ordinances will reduce or eliminate most adverse short-term impacts to the environment. However, impacts associated with air quality, noise, and construction traffic warrant further discussion.

Air Quality

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

- *During demolition, excavation and construction, debris and exposed areas will be sprinkled as necessary to control dust and truck loads and routes will be monitored to minimize dust-related impacts. Due to the small size of the site, an on-site truck wash and quarry spall may not be necessary or appropriate as the applicant may use “scoop and dump” excavation. This would entail using an excavator tractor to move excavated material to trucks queued along the street. If scoop and dump excavation is used, then a truck wash and quarry spall will not be required.*
- *Using well-maintained equipment and avoiding prolonged periods of vehicle idling will reduce emissions from construction equipment and construction-related trucks.*
- *Using electrically operated small tools in place of gas powered small tools wherever feasible.*
 - *Trucking building materials to and from the project site will be scheduled and coordinated to minimize congestion during peak travel times associated with adjacent roadways.*

Greenhouse Gas Emissions

Construction activities including construction worker commutes, truck trips, the operation of construction equipment and machinery, and the manufacture of the construction materials themselves result in increases in carbon dioxide and other greenhouse gas emissions which adversely impact air

quality and contribute to climate change and global warming. While these impacts are adverse, they are not expected to be significant.

Noise

There will be excavation required to prepare the building site and foundation for the new building. Additionally, as development proceeds, noise associated with construction of the building could adversely affect the surrounding residential uses. Due to the proximity of these uses, the limitations of the Noise Ordinance are found to be inadequate to mitigate the potential noise impacts. Pursuant to the SEPA Overview Policy (SMC.25.05.665) and the SEPA Construction Impacts Policy (SMC 25.05.675 B), mitigation is warranted.

The hours of construction activity shall be limited to non-holiday weekdays between the hours of 7:00 a.m. and 6:00 p.m. and between the hours of 9:00 a.m. and 6:00 p.m. on Saturdays (except that grading, delivery and pouring of cement and similar noisy activities shall be prohibited on Saturdays). This condition may be modified by DPD to allow work of an emergency nature. This condition may also be modified to permit low noise exterior work (e.g., installation of landscaping) after approval from DPD.

Traffic and Circulation

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

It is expected that most of the demolished materials will be removed from the site prior to construction. During demolition, existing City code (SMC 11.62) requires truck activities to use arterial streets to the greatest extent possible. This immediate area is subject to traffic congestion during the p.m. peak hour, and large construction trucks would further exacerbate the flow of traffic. Pursuant to SMC 25.05.675(B) (Construction Impacts Policy) and SMC 25.05.675(R) (Traffic and Transportation), additional mitigation is warranted.

For the duration of the construction activity, the applicant/responsible party shall cause construction truck trips to cease during the hours between 4:00 p.m. and 6:00 p.m. on weekdays.

This condition will assure that construction truck trips do not interfere with daily p.m. peak traffic in the vicinity. As conditioned, this impact is sufficiently mitigated in conjunction with enforcement of the provisions of existing City Code (SMC 11.62).

For the removal and disposal of the spoil materials, the Code (SMC 11.74) provides that material hauled in trucks not be spilled during transport. The City requires that a minimum of one foot of "freeboard" (area from level of material to the top of the truck container) be provided in loaded uncovered trucks which minimize the amount of spilled material and dust from the truck bed en route to or from a site.

The Street Use Ordinance requires sweeping or watering streets to suppress dust, on-site washing of truck tires, removal of debris, and regulates obstruction of the pedestrian right-of-way. This ordinance provides adequate mitigation for transportation impacts; therefore, no additional conditioning is warranted pursuant to SEPA policies.

Long-Term Impacts – Use-Related Impacts

Noise

Because excessive noise can be harmful to the health and well-being of citizens, the City of Seattle prohibits excessive and annoying noise within the City limits. The City's Noise Ordinance defines noise and regulates it by type, land-use zone, and time of day. Stationary delivery trucks on private property can be a particularly troublesome and annoying source of unwanted noise. In order to reduce the effects of environmental noise on people, one must consider the following aspects: the sources of noise, the transmission path of the noise, and the types of construction in residential units in which the people live. When one is unable to control conditions at the reception point, for instance by manipulating the sound insulation of buildings as a barrier to the intrusion and effects of environmental noise, control of the noise at its source is imperative.

Outdoor noise levels usually decrease with increasing distance from the source because of geometrical spreading of the noise energy over a bigger surface and absorption of the noise by the atmosphere and by the ground. Thus increasing the distance between source and receiver is an effective noise reduction tool. This is the common means of noise impact reduction anticipated in SMC 23.47A.011 E4. Barriers can also achieve additional reduction of noise levels; hence the difference in regulating loading berths as "outdoor activities" and when the berths and attendant activities are entirely contained within the structure.

Noise issues, both existing and long-term, are similar to many major grocery stores located near residential neighborhoods. These issues have been addressed in a *Noise Study* prepared and revised by Starling, Inc and dated March 19, 2009, and include:

- Noise from delivery trucks
- Noise from the loading dock
- Trash compactor operations
- HVAC system noise

Noise from delivery trucks and loading dock operations

Residents close to the loading dock facilities are less sensitive to noise from trucks crossing the site, particularly during daytime hours, when the ambient noise level is fairly high and truck noise is masked by the ambient noise. On the other hand, these same residents tend to be very sensitive to the high level of impulsive noises generated by the banging of the loading dock plates, air brake noise, etc. The sensitivity increases during the late night and early morning hours when the ambient noise levels are lower.

The new loading dock will be located on the east side of the proposed building directly across from the residences on the east side of 16th Ave NE. The proposed design is for a covered loading dock with acoustic absorption material added to the interior and an acoustic barrier wall extending approximately

25 feet north of the loading dock along 16th Ave NE providing the acoustic attenuation required to meet the code limits at the residential property on the east side of 16th Ave NE. These mitigation measures do not apply to delivery trucks in the parking lot outside the loading dock area. Delivery trucks maneuvering in the parking lot are not regulated by the noise code as there are no practical mitigation measures for the truck noise outside of the dock area.

Noise from trash compactor operations

The trash compactor for the new store will be located inside the covered loading dock and noise levels at the residential property will be below allowable code levels. However, there will be noise related to trash and recycling pickup. The City of Seattle currently restricts garbage pick-up hours to 7 a.m. to 10 p.m. for any use adjacent to, or across the street from, a residential use.

Noise from HVAC equipment

The HVAC system for the new store will be located away from the edge of the roof and behind specially constructed roof extensions and barriers to shield the HVAC system noise from the surrounding residences. The roof extension and barriers are designed to complement the architectural design of the building to provide an aesthetically pleasing as well as an acoustically functional barrier system. The noise levels from the new HVAC system with roof extensions and acoustical barriers will be within the noise code limits.

In consideration of the above long-term noise impacts, the project will be conditioned to restrict the hours of the operation of the loading dock for both deliveries and trash and recycling pick-up to the hours between 7:00 a.m. and 10:00 p.m. Trucks loading or off-loading from the loading berths during the allowable hours of operations must either be equipped with broad-band back-up signals or use a flagger to assist them while maneuvering into their berths from the alley. Once arrived within the loading berth, the vehicle operators must turn off their engines. Auxiliary generator/refrigeration units on vehicles must be switched to in-line electrical power supplied from the loading berth site.

Further, during construction the loading berth and roof shall be subject to a special inspection by an acoustic expert to confirm that the acoustic absorption material has been installed properly within the interior of the loading berth and on the roof mounted HVAC equipment.

Land Use

The proposed project includes a Council Action to rezone a 24,300 square foot portion of land (three parcels at SE section of property) from Single Family 7200 to NC3-40 to allow a 50,000 sq.ft., 33.5 ft. tall building (Safeway). See the rezone analysis at the beginning of this report.

Traffic and Transportation

A *Traffic Impact Analysis* for the proposed project was prepared by Heffron Transportation, Inc. dated January 7, 2009 and supplemented March 6, 2009. The Transportation Impact Analysis evaluates existing traffic conditions in the study area, estimates the total amount of new traffic to be generated by this project and evaluates the impact of these new trips on the level-of-service of six intersections in the study area.

According to the revised traffic impact study, and as projected for the project year 2011, the project will generate approximately 2,090 net new weekday daily vehicle trips to the surrounding street system, including 185 net new weekday PM peak hour trips, to the surrounding road network in the vicinity of the site. All but one intersection would operate at Level of Service (LOS) D or better. The only exception is at the unsignalized NE 125th/25th Ave NE intersection where the proposed project is estimated to degrade the level of service for northbound traffic at the stop sign from LOS D to LOS E. The proposed Safeway redevelopment is estimated to add one (1) project trip to this movement and increase would the approach delay by 4.4 seconds during the PM peak hour. This delay increase would be noticeable to the average driver. The small increase in traffic and delay does not warrant the need for mitigation.

All of the proposed site access driveways would operate at LOS C or better during the PM peak hour conditions. The project will remove the existing western driveway on NE 125th Street. The remaining driveway on this street is located within the painted transition taper for the westbound left-turn lane on NE 125th approaching 15th Ave NE. In order for the left-turn movement in the site to be a legal movement (and not have drivers cross the double-double yellow paint lines), re-striping of this roadway section is recommended. Safeway proposes to have the left-turn lane transition into a short center two-way-left-turn lane and terminate just west of the 16th Avenue NE intersection. This design would increase the queue storage capacity of the west-to-south left-turn lane at the NE 125th/15th Ave NE intersection, and provide a more clear access into the Safeway site for motorists.

The project will, therefore, be conditioned upon SDOT approval of the striping change on NE 125th to allow legal left turn movement into the Safeway site.

Transportation Concurrency

The City of Seattle has implemented a Transportation Concurrency system to comply with one of the requirements of the Washington State Growth Management Act (GMA). The system, described in DPD's Director's Rule 4-99 and the City's Land Use Code is designed to provide a mechanism that determines whether adequate transportation facilities would be available "concurrent" with proposed development projects. The three evaluated screen-lines included in the *Transportation Impact Analysis* prepared by Heffron Transportation, Inc. indicate that the trips generated by the proposed development would not noticeably affect the volume to capacity ratio at any of the pertinent screen lines and that reserve capacity exists to accommodate the project trips.

Parking

The proposed development is located in the Northgate Overlay District. SMC 23.71, and the parking subsection, SMC 23.71.016 applies. Based on these requirements, the range of parking spaces required/allowed is a minimum of 148 and a maximum of 200 surface parking spaces. A parking demand study performed by Heffron Transportation, Inc. in April 2007 showed that the average parking demand for the proposed 50,500 sq. ft. store would be 111 spaces and the peak parking demand would be 133 spaces. This was based on actual parking demand at each of three Safeway stores of similar size in the area. The proposal includes 172 surface parking spaces, well above the projected peak parking demand.

Operational activities, primarily vehicular trips associated with the project and the projects' energy consumption, are expected to result in increases in carbon dioxide and other greenhouse gas emissions

which adversely impact air quality and contribute to climate change and global warming. While these impacts are adverse, they are not expected to be significant.

DECISION – STATE ENVIRONMENTAL POLICY ACT (SEPA)

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

[X] Determination of Non-Significance. This proposal has been determined to not have a significant adverse impact upon the environment. An EIS is not required under RCW 43.21C.030(2)(c).

RECOMMENDED CONDITIONS – REZONE

1. Approval of this contract rezone is conditioned upon the development of the project in accordance with the final approved Master Use Permit drawings, dated May 29, 2009, including the structure design, structure height, building materials, landscaping, street improvements, parking lot design and layout, signage and site lighting.

RECOMMENDED CONDITIONS – SEPA

Prior to issuance of any Construction, Shoring or Grading Permits

2. The applicant shall provide to the DPD Land Use Planner for approval a plan for the loading berths designed and certified by an acoustic expert, attenuating sound levels at the site property line.
3. Provide approval in writing from SDOT of the striping change on NE 125th to allow legal, west-bound left turn movements into the Safeway site.

During Construction

4. The hours of construction activity shall be limited to non-holiday weekdays between the hours of 7:00 a.m. and 6:00 p.m. and between the hours of 9:00 a.m. and 6:00 p.m. on Saturdays (except that grading, delivery and pouring of cement and similar noisy activities shall be prohibited on Saturdays). This condition may be modified by DPD to allow work of an emergency nature. This condition may also be modified to permit low noise exterior work (e.g., installation of landscaping) after approval from DPD.
5. For the duration of the construction activity, the applicant/responsible party shall cause construction truck trips to cease during the hours between 4:00 p.m. and 6:00 p.m. on weekdays.

6. The loading berth and roof shall be subject to a special inspection by an acoustic expert to confirm that the acoustic absorption material has been installed properly within the interior of the loading berth and on the roof mounted HVAC equipment.

For the life of the project

7. The hours of the operation of the loading dock for both delivery and trash and recycling pick-up will be restricted to the hours between 7:00AM and 10:00 PM. Trucks loading or off-loading from the loading berths during the allowable hours of operations must either be equipped with broad-band back-up signals or use a flagger to assist them while maneuvering into their berths from the alley. Once arrived within the loading berth, the vehicle operators must turn off their engines. Auxiliary generator/refrigeration units on vehicles must be switch to in-line electrical power supplied from the loading berth site.

CONDITIONS-DESIGN REVIEW

Prior to issuance of any Certificate of Occupancy

8. The applicants shall arrange for an inspection with the Land Use Planner to verify that the construction of the buildings with siting, materials, and architectural details is substantially the same as those documented in the approved plans dated May 29, 2009.

Signature: _____ (signature on file) Date: June 1, 2009

Marti Stave, Land Use Planner
Department of Planning and Development

MS:bg