



City of Seattle

Department of Planning & Development

D.M. Sugimura, Director

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

**Application Number:** 3008622

**Applicant Name:** Bob Tiscareno, Tiscareno Architects for  
Joe Geivett, Emerald Bay Equity

**Address of Proposal:** 1900 Queen Anne Avenue North

**SUMMARY OF PROPOSED ACTION**

Land Use Application to allow a four-story, 110 units residential building above 45,120 sq. ft. of retail located at and below grade. Parking for 187 vehicles to be provided below grade. Review includes demolition of existing retail and residential structures (26,000 sq. ft). Project includes grading of 40,000 cu. yds.

The following Master Use Permit components are required:

**Design Review - Seattle Municipal Code (SMC) Section 23.41 with Development Standard Departures:**

1. Rear Setback (SMC 23.47A.014.B3a)
2. Height and Depth of the Nonresidential Space (SMC 23.47A.008.B3)
3. Transparency (SMC 23.47A.008.B2)
4. Access from Street (SMC 23.47A.032A.2a)

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

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

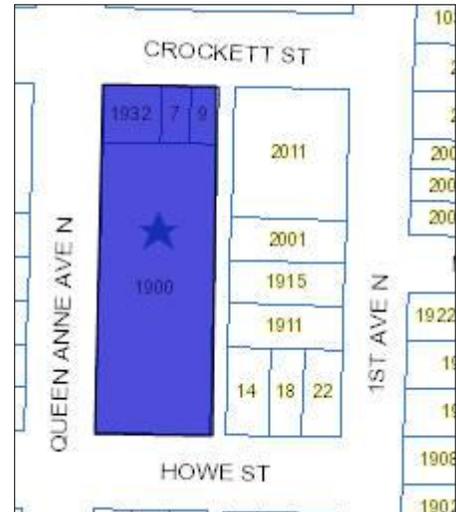
\* Notice of early DNS was published on July 31, 2008 and April 28, 2011.

## **BACKGROUND DATA**

### **Site & Vicinity Description**

The subject site is located within a Neighborhood Commercial 2 zone with a 40-foot height limit (NC2-40) and a Pedestrian 2 Overlay. This zoning extends north and south of the site, as well as across the street to the west. The lot is approximately 42,000 square feet and is a rectangular shape. The site is currently developed with a 15,000 square foot grocery store with surface parking for approximately 56 vehicles, an apartment building and two single family structures occupied by non-residential uses.

The subject block is bounded to the west by Queen Anne Avenue North, Crockett Street to the north, Howe Street to the south and First Avenue North to the east. Across Crockett Street to the north is a Safeway grocery store. To the south and across Howe Street are a residential structure and a church. Across the alley, abutting the length of the site along the east side, the zoning changes to Single Family (SF) 5000 and the development consists of single family structures, an apartment building and a church. The alley is approximately ten feet higher than the Queen Anne Avenue North side of the site.



### **Proposal**

The proposal is for a 4-story structure containing 110 apartments over 45,120 sq. ft. of ground level retail space. Parking for 187 vehicles to be provided below grade. Existing structures to be demolished.

### **Public Comments**

At the Early Design Review meeting held on May 7, 2008, 35 members of the public were in attendance. The following comments, issues and concerns were raised:

- Agree that Option B is the strongest scheme in terms of addressing the Design Guidelines. Supports the differing canopies, open space provisions and strong corners. Would like to see the massing broken into 45' long modules. Also interested in how the proposed massing will address and be sensitive to the single family zone to the east. Questions how a consistent vocabulary and materials will manifest in this scheme. The bus stop at the south end should incorporate art work. The plaza defines itself as it's own element.
- Appreciates the developer's efforts to work with the community. Clarify that the retail parking will enter from Crockett, but concerned that traffic backing up from Boston will create traffic conflicts. Also concerned with the truck and retail traffic generated by the proposed development on Crockett Street.
- Proposed project is a dramatic improvement from previous proposals because the Met Market is staying, the scale of the building is different and the truck loading is better addressed. Would like to see a smaller scale building and some alternatives to the truck loading. Also supportive of having the church walkway across the alley be protected from truck maneuvering.
- Suggest vacating the east half of Crockett to allow angle parking on the street and convert portion of right-of-way into a park.

- Appreciate the commitment to the public process. Identifies main elements of the proposed project as the Elfreida, central courtyard and Met Market. How these different elements are integrated into one project is critical. Additional height relief is needed through varying parapets.
- The Queen Anne Historical Society feels that the Elfreida Apartment building is an important building to be preserved. The Society is involved in having a structural report completed on the Elfreida to better understand its structural integrity.
- Clarify that the proposed massing meets FAR. Agree that Option B is preferred. Clarify the sidewalk widths. Crockett is a wide right-of-way and the sidewalk should have more greenery and less paving.
- The freight handling area should be relocated and mimic the loading layout used at the Tribeca development in lower Queen Anne. Concerned with noise generated on the site. Prefer access off of Queen Anne Avenue.
- Concerned that the alley cannot handle the proposed construction without tiebacks to the church's foundation across the alley.
- Enthusiastic about proposed plaza concept. Wants to make sure that the property management deals with garbage collection.
- Support closing off Crockett to traffic.
- Encourage more landscaping on the proposed courtyard.

Public notice of the Master Use Permit application occurred on August 18, 2008 and the SEPA comment period ended on August 31, 2008. The following comments were received:

- Would like to see the Elfrieda Apartment Building preserved as a historic landmark.
- Proposed redesign of the site to include vehicle entrance off of Queen Anne Avenue.
- Provided comments on the transportation study specifically questioning the ability accommodate delivery truck waiting, pedestrian circulation, shifting increased vehicle circulation into the residential neighborhood and adequacy of on-site parking.
- Opposed to proposed freight operations involving deliveries to the grocery store tenant.
- Documented current delivery types, sizes and schedules to the existing grocery store. Noise levels of these trucks also described and documented with video footage and graphics.
- Proposed noise mitigation measures.
- Request to be a Party of Record.
- Suggested partial street vacation of Crockett Street to prevent cut-through traffic, create park space and provide visual relief from the building mass.
- Opposed additional traffic that will be generated by proposed development. Would like to see more parking proposed as part of the development. Concerned with routing of trucks closer to the residential zone. Concerned with the safety of the church pre-school program children (across the alley from the subject site).
- Concerned with the loss of views from private residence.
- Concerned with increased parking congestion from the proposed development.
- Provided comparative analysis of QFC grocery stores showing loading and delivery areas and alternatives.
- Would like to see delivery truck sizes limited.
- Concerned with the scale of the proposed building; the structure height allowance should not be granted.

Approximately 15 members of the public attended the Final Recommendation meeting held November 5, 2008 and had the following comments:

- Presented two photos of the apartment building located at the southern end of the alley across from the proposed site. Concerned that truck loading to the proposed grocery store will obstruct access to the two-car garage facing the alley. Also concerned that the 18' alley width is too narrow.
- Pleased with the shifting of the building mass towards the Avenue and away from the lower density zone to the east. Also appreciative of the setting back of the uppermost floor along the Avenue to minimize the height and scale along this neighborhood corridor. Very supportive of the undergrounding of power lines and locating the vehicle access off Crockett and away from the more residential uses and zone to the east.
- Concerned that the alley won't support the weight of the trucks accessing the grocery loading area.
- Opposed the grocery store's plans, despite the nice design. The truck access should be located where the proposed bowling alley area was shown. The noise generated at the loading areas must be shielded away from the neighbors.
- Clarified that the proposed design is not adaptive re-use of the Elfrieda building. Also noted that the historic report was not available in the project file at the time it was reviewed by a member of the public. The Bethany Presbyterian church across the alley from the subject site is a historic landmark and therefore there are adjacency issues per the draft QA Design Guidelines apply.
- Clarified of the proposed studio size [375-480 sq. ft.].
- Opposed to the store plan due to noise generated by grocery store delivery trucks and surplus truck parking in the neighborhood. Disputes the submitted traffic study and projections for future loading/unloading activities and parking congestion.
- Submitted graph and video of the truck activities and truck sizes at the current surface parking lot over the course of the day.
- Opposed to the proposed structure because it will block views from private residences.
- Concerned that the excavation at the subject site will jeopardize the foundation and/or stability of the houses across the alley to the east.
- Would like to see access off of Queen Anne Avenue and feels that dedication of alley width increases should not be split between the properties on either side.

Subsequent to the Final Recommendation meeting, the project was put on-hold until May 2011, when the project became reactivated. Courtesy public notice of the reactivated project was provided on April 28, 2011 and then re-noticed May 19, 2011 with a comment period ending on June 1, 2011 and extended by request to June 15, 2011. The following comments were received:

- Concerned with the truck delivery route using the alley due to noise and pollution, as well as safety concerns.
- Concerned that the plans do not accurately represent the neighboring property conditions across the alley.
- Opposed to the loss of views for neighbors to the east of the site, in addition to loss of light and increased noise.
- Concerned with the geotechnical instability that may be created during the construction of the proposed development. Would like the project to be scaled down. Concerned that the existing parking congestion will worsen with the proposed development. Opposed to the proposed vehicle access to the site from the alley.
- Support for the ongoing operation of the grocery store currently on site.

- Opposed to the proposed trucks using the alley, creating noise, headlight pollution and vehicle fumes. Such use of the alley will make it difficult for neighbors to also use the alley. Opposed to traffic generated by the proposed development.
- Concerned with information provided in the SEPA checklist, noise and transportation analyses and proposed truck maneuvering.
- Concerned with the safety of the pre-school children across the alley from the site. Concerned with traffic movements, speeds and parking congestion around the site.
- Requested to be a Party of Record.
- Would like to see the existing Elfrieda Apartment Building preserved.
- Opposed the size of the proposed development.
- Concerned that noise generated by the proposed development will exceed City limits.
- Concerned that local businesses will be forced to leave current spaces.
- Concerned that alley serves is not a sufficient buffer between the commercial zone and residential zone to the east.
- Opposed to granting of variances for this project.
- Concerned about pedestrian safety.
- Opposed the allowance of a loading dock within 50 feet of a residential zone.
- Support the proposed design and redevelopment of the site.

## **ANALYSIS - DESIGN REVIEW**

### **Design Guidance**

Four alternative design schemes were presented at the Early Design Guidance meeting on May 7, 2008. All of the options showed commercial and residential parking accessed from Crockett Street and the loading and unloading activities off of the alley, which will be widened by two additional feet (from 16' to 18'). All of the schemes also include some configuration of an entry plaza along the Avenue and have the ability to incorporate the existing Elfrieda Apartment building at the northwest corner of the site.

The first scheme (Option A) proposed two courtyard style buildings over a podium. One of the courtyards faces the west and other faces east.

In Option B, the preferred scheme, the proposed massing is an S-shape with open at grade plaza spaces, one facing west (Queen Anne Avenue) and one facing east (alley).

Option C proposed an E-shaped building with two courtyard open spaces facing west (Queen Anne Avenue) above the podium.

Option D broke the massing into two buildings with an entry courtyard at grade along Queen Anne Avenue and two open spaces facing east above the podium.

After visiting the site, considering the analysis of the site and context provided by the proponents, and hearing public comment, the Design Review Board members provided the following siting and design guidance and identified by letter and number those siting and design guidelines found in the City of Seattle's *Design Review: Guidelines for Multifamily and Commercial Buildings* of highest priority to this project.

At the Recommendation meeting held on November 5, 2008, the architect presented a further evolved design concept and details for review by the Board. The vehicular access is from Crockett Street and the truck loading is located off the northern end of the alley. The ground floor commercial uses are divided between one large grocery store space (23,000 sq. ft) and several smaller retail spaces. The architectural massing has been divided into four masses: the reconstructed Elfreida façade at the northwestern corner, the pavilion building, the central entry plaza area and the “metropolitan” portion that will contain and is defined by the grocery store. The sidewalks along both Howe and Crockett have been widened. The design of the north façade responds to the more commercial and institutional contact with the Elfreida façade and garage entrance. The south façade responds to the more residential context with residential uses as the topography rises.

The Elfreida will be demolished and the majority of the bricks salvaged and re-used to rebuild the façade exterior in a manner that emulates the proportions, cornice, brick details and entry element. New windows and canopies will be added. The pavilion mass next to the Elfreida massing has been redesigned to be subservient to the Elfreida and extends the lines and proportioning established by the Elfreida. The new portions of the building above this corner element are set back approximately six feet on both sides of the corner, to give greater prominence to the lower three story portion.

The proposed design also plans to take advantage of the Queen Anne Design Guidelines that are drafted but not yet adopted. The provision, if adopted by City Council, will allow additional height in exchange for setting back the upper floor.

<b>A. Site Planning</b>
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- A-4 Human Activity. New development should be sited and designed to encourage pedestrian activity on street.**
- 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. Automobile impacts on adjacent properties and the pedestrian environment should be minimized.**
- 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 encouraged the applicant to continue working with Picture Perfect Queen Anne as they design the right-of-way. Wider sidewalks are encouraged. The Board emphasized the importance of developing a respectful and consistent relationship of the overall massing and design of the development to the streetscape, pedestrian environment and general pattern of development in the neighborhood. The Queen Anne façade should enhance and encourage safe and interesting pedestrian activity, while also integrating the commercial development along the length of the street. The Board agreed that the corners of the

building at the street intersections should be strong with 90-degree angles either at or set back from the property line. Activity at these corners should be encouraged through the design of the commercial spaces and right-of-way improvements.

The Board would like to see large storefront windows with multiple entries for the commercial use along Queen Anne Avenue. The Board noted that the storefront windows should be transparent through to the store interior to maintain visual interaction between the private and public realms. The Board encouraged programming the grocery to locate specific departments at the sidewalk edge that lend themselves to creating a changing and colorful aesthetic, such as the floral, produce and café areas. Operable windows that would further engage the pedestrian activity with the commercial are desired. The Board expects to see the details of these storefront windows at the next meeting.

The Board suggested that the mechanical equipment at the alley be enclosed/screened from views from the east. The Board will also be interested in knowing that location of this mechanical equipment is most sensitive to the noise receptors of the single family zone. The Board would like to see the design of this screening and understand how it addresses visual, noise, security and exhaust impacts to the neighbors.

The Board voted unanimously that taking access from Queen Anne Avenue is unacceptable and would compromise the pedestrian environment. The Board discussed the need for a full explanation and accommodation of loading and unloading activities associated with the proposed grocery store. A review of the turning diagrams, delivery patterns and other activity related to a grocery will help develop a better understanding of the use, its impacts and appropriate design solutions. Accordingly, the Board will be interested in verifying that the preferred alternative will have the least impacts (i.e., all loading/unloading and maneuvering contained on site). The Board also noted that backing into the loading space is highly undesirable. The Board reinforced that the essential objective is to minimize impacts to the pedestrian environment.

**At the Final Recommendation meeting, the Board expressed appreciation for the efforts to retain the Metropolitan Market tenant at this location. They also were very pleased with the proposed multiple entrances to the grocery store and smaller retail spaces along with proposed operable windows along Queen Anne Avenue for the grocery store to allow spillover and activity from the store onto the sidewalk.**

**The Board was also supportive of the enclosed mechanical equipment at the rooftop to prevent views of the equipment and help minimize noise to neighbors. The vehicular access is proposed from Crockett Street and the loading and service area from the alley as shown in the previous meeting and supported are by the Board. The Board also reviewed the truck loading diagrams presented and agreed that the approach seemed reasonable and involved the least obtrusive maneuvering along the alley while avoiding the street.**

**The Board expressed concern that the southwest corner of the building was less resolved than the other corners. The Board agreed that the top portion of the corner bay, in particular, either should be a deck with a railing or the third floor should be filled in to square off the**

structure. The Board also noted that there should be more emphasis on the store entrance at the southwest corner and suggested that the overhead canopy could be of a grander scale.

*Board Recommended Condition:*

*1. The top portion of the southwest corner bay needs further resolution to either be filled in the square off the structure or make a corner deck that reinforces and anchors the corner.*

**B. Height, Bulk &Scale**

**B-1 Height, Bulk and Scale. Provide sensitive transition to nearby, less intensive zones.**

The Board discussed the relationship to the Single Family zone to the east and found that the existing topography favors the less intensive zone, as it lies at least ten feet above the subject site. Moreover, the presence of an alley further cushions the SF zone from the NC zone. The Board noted that the east elevation should be well-articulated.

The Board was extremely pleased to have four different and well-considered schemes to consider. The Board agreed that the bulk of the mass should be shifted towards the Avenue, rather than towards the alley and Single Family zone to the east. They felt that the preferred alternative B best achieves this balance of distributing the mass and building bulk. The Board suggested that the massing along the alley be shifted to the northern and southernmost corners.

**At the Final Recommendation, the Board unanimously agreed with and supported the proposed massing of the building into three distinct sections with the emphasis and activity oriented towards Queen Anne Avenue and away from the single family zone.**

**C. Architectural Elements**

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

The Board was very pleased with the effort to break the facade into three distinct masses. The ability to integrate the Elfreida Apartment building into the northwest corner nicely delineates and achieves this third of the facade design. However, if the Elfreida does not remain, the design of this northwestern module should take cues from the Elfreida's architecture in terms of scale of the openings, texture and materials. In either case, the design may take on a more contemporary approach; however, the existing building or the memory of the building should be evident and well-integrated into the rest of the structure. Of particular interest to the Board will be how this northwest module will turn the corner into the plaza and meet the rest of the building. This will also be true for the southern portion as well.

The Board noted that, in addition to the breaking up of the massing into three elements, the long facade along the Avenue should be differentiated with varying heights and cornice designs.

At the Final Recommendation meeting, the Board was very pleased with the efforts to reconstruct the Elfrieda apartment building and include a wider sidewalk in front of the Elfrieda. The Board was also very pleased with the proposed high quality material palette.

The Board discussed the architectural elements of the building and expressed varied opinions on the number of material and fenestration changes, as well as the complex modulation and whether it created an overly busy design or one that responds well to the size and length of the site. The Board generally agreed that the design successfully achieves stark, clean, deliberate material transitions. The building form also expresses the various functions and uses on the exterior. The Board also agreed that the treatment of the additional stories above the Elfrieda were designed sensitively to highlight the Elfrieda reconstruction. The Board particularly enjoyed the canvas canopies proposed for the Elfrieda window treatments.

The Board agreed that the three building masses utilizing differing height and cornice designs is a good design solution.

The Board indicated strong support for the material palette that includes salvaged brick, wood window frames, concrete base, fabric awnings and metal and laminate panels for the Elfrieda (north) section of the building, stone tile, concrete base, metal panels, dark storefront window mullions and accent glass tiles for the plaza (middle) section of the building, and brick, accent tile base, concrete base, dark colored storefront windows and metal accent panels for the Met Market (southern) portion of the building.

#### **D. Pedestrian Environment**

- D-1 Pedestrian Open Spaces and Entrances.** Convenient and attractive access to the building's entry should be provided. To ensure comfort and security, paths and entry areas should be sufficiently lighted and entry areas should be protected from the weather. Opportunities for creating lively, pedestrian-oriented open space should be considered.
- D-5 Visual Impacts of Parking Structures.** The visibility of all at-grade parking structures should be minimized. The parking portion of the structure should be architecturally compatible with the rest of the structure and streetscape.
- 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 such elements cannot be located away from the street front, they should be situated and screened from view.
- D-7 Personal Safety.** Project design should consider opportunities for enhancing personal safety and security in the surrounding environment.

The Board discussed the angled design of the entry courtyard of the preferred option and felt that such a configuration both responds to the solar exposure, as well as the desire line from the bus stop to the main entrance to the grocery. The Board warned against designing a courtyard that is so

overly playful that it becomes Disney-esque. The space should have a clear architectural concept with variety coming from the materials and forms. The proposed tower feature at the corner of the plaza creates an overly busy form.

The Board was very pleased that all of the proposed parking will be located below-grade and accessed off of Crockett Street. The Board noted, however, that the building at the northeast corner should be grounded on either side of the driveway.

The Board specified that all garbage and service areas should be screened or located within the proposed structure and accessed from the alley. The Board would like to know specifically where the compactor and waste dumpster will be located and managed. This same concern also applies to the screening of the loading dock area for the grocery store. The Board noted that the Lumen development on lower Queen Anne uses a sliding gate to help screen the loading area as an example. Providing both visual screening and the need to secure the loading bay area are desired.

The Board would like to see the bus stop along Queen Anne Avenue integrated into the design, such as providing seating and overhead weather protection with bus riders in mind.

At the next meeting, the Board would also like to review the details of the residential entrances and how the hierarchy of primary and secondary entries is addressed.

**At the Final Recommendation meeting, the Board was very pleased with the significant public plaza space and the improvement of the walkway across the alley for the church, as well as the undergrounding of the power lines along the site. The Board discussed the patterning of the stone tile along the plaza and felt that more constraint would help simplify the space. The Board was very supportive of the configuration of the plaza to maximize solar exposure, provide a main entrance to the grocery store and create areas for outdoor seating and spillover activity associated with the smaller retail spaces. The plaza design includes landscaping, decorative paving, outdoor seating and catenary lights, artwork and transparent, operable windows for the commercial spaces aligning the plaza.**

**The Board was concerned with the alley entrance at Crockett Street and recommends that the street façade materials should wrap around the alley for at least the depth of one bay.**

***Board Recommended Condition:***

- 2. The Crockett street façade materials should wrap around the alley for at least the depth of one bay.***

**The Board agreed that it is critical to design a successful green screen that screens the blank façade shown at the northeast corner of the east elevation. The updated pages of the DRB packet address the Board's concerns that this corner design should continue the building design down to the ground and integrate the garage doors along the alley and Crockett Street.**

## 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 plant material, special pavements, trellises, screen walls, planters, site furniture, and similar features should be appropriately incorporated into the design to enhance the project.

The Board discussed the entry plaza concept and unanimously felt that it should be well landscaped. This space poses an excellent opportunity to *green up* the building and site, while also enhancing the pedestrian environment. The Board suggested that the landscaping endeavor to allow flexible use of the plaza as well and perhaps include portable planters.

The Board also advocated for locating and designing all of the open spaces to maximize solar exposure, to achieve a successful use of these space and also to allow generous landscaping of these areas.

Given the extra wide planting strips in the right-of-ways on both Howe and Crockett streets, the Board expects to see generous and dense landscaping proposed for these areas.

**At the Final Recommendation meeting, the Board was very pleased with the inclusion of green roofs on the project as well as the plaza design that includes many public amenity features such as landscaping, artwork, seating, decorative paving and large, transparent, operate storefront windows.**

**The Board discussed the flexibility of the plaza space to allow the spaces to maximize programming and utilization of the space. They encouraged the landscape design to optimize the functionality of the planters in terms of size, shape and possible mobility to allow the plaza to be reconfigured based on the commercial uses, community needs, etc. The Board also recommends creating more flexibility with the street tree pattern along the plaza area to contribute to this sense of openness of the plaza. The Board also noted that the proposed green screen along the alley is very important for screening the blank wall and should be carefully planted and irrigated to create a successful green wall.**

### *Board Recommended Conditions:*

3. *The landscaping of the plaza should be designed to maximize functionality of the planters to be reconfigured based on the commercial uses, community needs, etc.*
4. *Design a more flexible street tree pattern along the plaza area to contribute to the sense of openness of the plaza.*
5. *Designing and maintaining a green screen along the alley is very important for screening the blank wall and should be carefully planted and irrigated to create a successful green wall.*

## **Design Review Departure Analysis**

Four departures were requested at the Recommendation meeting.

**1. Rear Setback (SMC 23.47A.014.B3a):** The required rear setback is 15 feet for those portions of the structure above 13 feet. The proposed mass encroaches into the 15 foot setback in three locations: at the entry to the garage where the structural beam over the service dock that anchors the northeast corner is required to be 14 feet in height, a 9 foot portion of the stair tower located near the south end of the site, as well as a 42 feet-6 inch section of the northernmost end of the building.

**The Board voted unanimously in favor of the requested departure because the proposed encroachments provide minor modulation and help ground the building around the garage entry off of the alley. (A-5, D-5)**

**2. Height and Depth of the Nonresidential Space (SMC 23.47A.008.B3):** The Code requires that non residential uses must extend a minimum of 15 feet in depth and must have a 13 foot floor to floor height. The grocery store mezzanine on Howe Street extends to the street that technically creates a floor at the southeast corner. The mezzanine does not meet the minimum depth requirement for approximately 16 feet of the total 40 foot street frontage and the floor to floor height of this space is 12 feet, 6 inches. The grade change along Howe allows for a direct entry to the mezzanine space, which is a function that is a quieter commercial use as the zone transitions to single family to the east.

**The Board voted unanimously in favor of the requested departure because the proposed mezzanine space more directly meets the street front along Howe and allows views into the building while creating a more residentially scaled façade design that responds to the residential uses to the east and south. (A-5, C-3)**

**3. Transparency (SMC 23.47A.008.B2):** The Code requires a minimum of 60% transparency along the street frontage. The proposed design along Howe is less than 60% due to the portion of the façade adjacent to the alley on both the north and south elevations. At the north elevation, the design includes below grade parking along Crockett in response to the guidance of the DRB and along the south elevation, the design includes landscaping instead of transparency as a transition from commercial uses to residential at the easternmost portion of the south facade.

**The Board voted unanimously in favor of the requested departure because the of the topographical conditions along the north and south side of the site, as well as the zone transition from commercial to residential uses. (A-5, C-3)**

**4. Access from Street (SMC 23.47A.032A.2a):** The Code requires access from the alley and the proposed design includes access from Crockett Street.

**The Board voted unanimously in favor of the requested departure because the street access would alleviate the traffic activity from the alley which borders the single family zone. Taking access from Crockett was preferred over Howe due to the more commercial**

**nature north of the site along Crockett, as opposed to the more residential and institutional character to the south of the site along Howe Street.(A-5, A-8, C-3)**

### **Summary of Board's Recommendations**

The recommendations summarized below are based on the plans submitted at the Final Design Review meeting. Design, siting or architectural details specifically identified or altered in these recommendations are expected to remain as presented in the presentation made at the November 5, 2008 public meeting and the subsequent updated plans submitted to DPD. After considering the site and context, hearing public comment, reconsidering the previously identified design priorities, and reviewing the plans and renderings, the Design Review Board members recommended **CONDITIONAL APPROVAL** of the proposed design including the requested departures subject to the design elements in the final design.

The recommendations of the Board reflected concern on how the proposed project would be integrated into both the existing streetscape and the community. Since the project would have a strong presence along Queen Anne Avenue, the Board was particularly interested in the establishment of a vital design that would enhance the existing streetscape and encourage pedestrian activity. 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**

Four of the six Board members of the Queen Anne/Magnolia 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 the well-considered street level details, building materials, and architectural design that support a high-quality, functional design responsive to the neighborhood's unique conditions. Most of the recommendations made by the Design Review Board have already been reflected in the plans. The Director accepts the conditions

recommended by the Board that further augment Guidelines A-10, D-5 and E-2 and support the case in favor of granting departures from the street level, access and setback standards.

**Board Recommended Conditions:**

1. The top portion of the southwest corner bay needs further resolution to either be filled in the square off the structure or make a corner deck that reinforces and anchors the corner.
2. The Crockett street façade materials should wrap around the alley for at least the depth of one bay.
3. The landscaping of the plaza should be designed to maximize functionality of the planters to be reconfigured based on the commercial uses, community needs, etc.
4. Design a more flexible street tree pattern along the plaza area to contribute to the sense of openness of the plaza.
5. Designing and maintaining a green screen along the alley is very important for screening the blank wall and should be carefully planted and irrigated to create a successful green wall.

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 four 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.

**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 four 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 departure with the conditions summarized above and enumerated at the end of this document.

**ANALYSIS - SEPA**

The initial disclosure of the potential impacts from this project was made in the environmental checklist submitted by the applicant dated July 1, 2008 and updated August 16, 2011. The information in the checklist, project plans, and the experience of the lead agency with review of similar projects form the basis for this analysis and decision.

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

neighborhood plans and other policies explicitly referenced may serve as the basis for exercising substantive SEPA authority.

The Overview Policy states in part: "where City regulations have been adopted to address an environmental impact, it shall be presumed that such regulations are adequate to achieve sufficient mitigation" (subject to some limitations). Under certain limitations and/or circumstances (SMC 25.05.665 D 1-7) mitigation can be considered. Thus, a more detailed discussion of some of the impacts is appropriate.

### Short-term Impacts

The following temporary or construction-related impacts are expected: decreased air quality due to suspended particulates from construction activities and hydrocarbon emissions from construction vehicles and equipment; increased dust caused by drying mud tracked onto streets during construction activities; increased traffic and demand for parking from construction materials hauling, 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 applicant estimates approximately 40,000 cubic yards of excavation for construction. Excess material to be disposed of must be deposited in an approved site.
- The Stormwater Code regulates site excavation for foundation purposes and requires that soil erosion control techniques be initiated for the duration of construction.
- The Street Use Ordinance requires watering streets to suppress dust, on-site washing of truck tires, removal of debris, and regulates obstruction of the pedestrian right-of-way.
- Puget Sound Clean Air Agency 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.

Compliance with these applicable codes and ordinances will reduce or eliminate most short-term impacts to the environment. However, given the amount of demolition and building activity to be undertaken in association with the proposed project, additional analysis of drainage, construction traffic, noise, air quality and environmental health impacts is warranted.

### Drainage

Soil disturbing activities during site excavation for foundation purposes could result in erosion and transport of sediment. The Stormwater Code provides for extensive review and conditioning of the project prior to issuance of building permits. Therefore, no further conditioning is warranted pursuant to SEPA policies.

The Stormwater Code requires preparation of a soils report to evaluate the site conditions and provide recommendations for safe construction on sites where grading will involve cuts or fills of greater than three feet in height or grading greater than 100 cubic yards of material. The current proposal involves excavation of approximately 40,000 cubic yards of material. The Stormwater Code provides extensive conditioning authority and prescriptive construction methodology to assure

safe construction techniques are used; therefore, no additional conditioning is warranted pursuant to SEPA policies.

*Construction: Traffic and Pedestrian Circulation*

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.

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 and site preparation 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.

The removal of the existing asphalt pavement and existing building and excavation for the foundation of the proposed building and below grade parking garage. Approximately 40,000 cubic yards of material would be excavated and removed from the site. Existing City code, Regulating the Kind and Classes of Traffic on Certain Streets (SMC 11.62) designates major truck streets which must be used for hauling and otherwise regulates truck traffic in the city. The proposal site has relatively direct access to Highway 99 and traffic impacts resulting from the truck traffic associated with grading will be of short duration and mitigated by enforcement of SMC 11.62.

Traffic control would be regulated through the City's street use permit system, and a requirement for the contractor to meet all City regulations pertaining to the same. Temporary sidewalk or lane closures may be required during construction. Any temporary closures of sidewalks would require the diversion of pedestrians to other sidewalks. The timing and duration of these closures would be coordinated with SDOT to ensure minimal disruptions. The project shall limit temporary sidewalk closures and shall be required to provide alternate safe, convenient and adequate pedestrian routes, should any sidewalks be temporarily closed, consistent with the construction impacts SEPA policy contained in SMC 25.05.675.B.2.f.

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.

1. 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).

On-street parking in the neighborhood is limited, and the demand for parking by construction workers during construction could exacerbate the demand for on-street parking and result in an adverse impact on surrounding properties.

To facilitate these efforts, a Construction Management Plan will be required as a condition of approval identifying construction worker parking and construction materials staging areas; truck access routes to and from the site for excavation and construction phases; and sidewalk and street closures with neighborhood notice and posting procedures. Construction workers shall be discouraged from parking in the residential neighborhood to the east of the project site. The owner and/or responsible party shall assure that construction vehicles and equipment are parked on the subject site or on a dedicated site within 800 feet for the term of the construction.

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.

### 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.

2. 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.

### Air Quality

The indirect impact of 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 due to the relatively minor contribution of greenhouse gas emissions from this project. No potential short term adverse impact to air is anticipated and therefore air quality mitigation is not necessary.

### Environmental Health

The project has submitted asbestos surveys and Phase I environmental site assessments. An abandoned underground heating oil tank was identified in association with the Elfrieda Apartment building's former oil heating system. This tank is consistent with residential-type oil tanks often found in the area. Physical removal should occur by a Washington state licensed underground storage tank decommissioning contractor, and should proceed consistent with Department of Ecology regulations. Such removal, and compliance with Department of Ecology regulations regarding underground storage tanks, will adequately mitigate for any potential negative impacts related to the tanks, and no additional mitigation is required.

Low levels of asbestos were found to be present on-site within existing buildings, consistent with construction of the era. In addition, similar to other structures in the Queen Anne neighborhood of the same era, the buildings to be demolished likely contain an amount of lead-based paint. The asbestos-containing materials found on-site were determined to be in a fair condition (i.e., the asbestos had not been disturbed or become airborne). The materials were not found to pose a risk of contamination, provided that they are not disturbed in a manner that could release asbestos fibers into the air. The asbestos survey recommended that asbestos-containing materials both listed in the survey and identified during the demolition process must be removed prior to demolition activities. Removal of the materials should be performed under a specification completed by an AHERA Project Designer in accordance with federal, state, and local regulations. Further, a qualified third party consultant should perform area air monitoring during the removal of these asbestos-containing materials and demolition of the buildings. All asbestos abatement work must be performed in accordance with governing agency regulations. Finally, the site shall be sprinkled to reduce and contain fugitive dust containing lead particles during demolition activities. Such mitigation shall be a condition of this project, and compliance with federal, state and local requirements is considered to be adequate to reduce the environmental impacts related to asbestos and lead below a level of significance, and no additional mitigation is required.

### Long-term Impacts

Long-term or use-related impacts associated with approval of this proposal include stormwater and erosion potential on site. Several adopted City codes and/or ordinances provide mitigation for some of the identified impacts. Specifically, the Stormwater Code which requires on-site detention of stormwater with provisions for controlled tightline release to an approved outlet and may require additional design elements to prevent isolated flooding; and the City's Energy Code will require insulation for outside walls and energy efficient windows.

Compliance with all other applicable codes and ordinances is adequate to achieve sufficient mitigation of most long term impacts and no further conditioning is warranted by SEPA policies.

Due to the type, size and location of the proposed project, additional analysis of height, bulk and scale, traffic, parking, historic preservation, air quality, noise, land use, light and glare impacts is warranted.

### Height, Bulk, and Scale

The purpose of the City's Land Use Code is to provide for a transition between commercial and residential areas and to reinforce natural topography by controlling the height, bulk, and scale of development. The City's zoning regulations cannot anticipate or address all substantial adverse impacts resulting from height, bulk, and scale issues, particularly when development occurs on zone boundaries. The Citywide Design Guidelines and the Queen Anne Neighborhood Design Guidelines are intended to mitigate height, bulk and scale impacts.

The project has been reviewed pursuant to the design review process. The Design Review Board reviewed the massing options of the project and determined that the bulk of the mass should be shifted towards Queen Anne Avenue, rather than toward the single family zone to the east. The Board discussed the relationship of the project site to the single family zone and determined that the topography of the site favors the less intensive zone, as the single family zone is about 10 feet higher above the subject site. The presence of an alley further cushions the single family zone from the project site. To better respect the single family zone, the Board asked that the project be well-articulated along the east elevation, and requested that a green wall be placed and well-irrigated on the alley façade. The project further mitigated height bulk and scale by locating the residential plaza along the alley to better relate to the neighbors to the east, and by pulling mechanical penthouses and equipment away from building edges to minimize visual impacts.

The Design Review Board unanimously agreed with and supported the proposed massing of the building into three distinct sections with the emphasis and activity of the building oriented toward Queen Anne Avenue and away from the single family zone to the east. The Director finds that the Board's directives regarding massing are adequate mitigation regarding height bulk and scale, and as a result, no additional mitigation is required.

### Traffic

A series of transportation analyses for the project were prepared by The Transpo Group dated August 2008 and amended in August 2011, October 2011 and November 2011. These analyses reflect the updated right-of-way designs and most current information associated with the proposal and estimated the amount of additional vehicle traffic the current project was likely to generate. The analysis utilized trip rates from the Institute of Transportation Engineers' *Trip Generation Manual* (8<sup>th</sup> edition). Overall, the project is forecast to generate approximately 628 daily auto trips, with about 62 of these trips occurring during the PM peak hour. The roadway system near the site includes the Queen Anne Avenue arterial, the alley and several cross streets. With the proposed project, all of the study intersections are expected to operate acceptably at Level of Service D or better during the weekday PM peak hour. No mitigation is warranted pursuant to SMC 25.05.675 R.

The driveway to the below grade parking garage is proposed from Crockett Street and has been designed to consolidate with the alley access. The alley will be restricted to one-way travel in the northbound direction. Truck deliveries to the grocery store will be accommodated via the loading

dock located along the alley and accessed from Howe Street to the existing alley and exiting onto Crocket Street from the existing alley. The loading dock includes space for three smaller delivery vehicles (box truck, vans or cars) and up to two trailer trucks to occupy the five delivery bays at one time.

The Transportation Analysis includes truck delivery projections for the grocery store use based on time of day and type of delivery vehicle (box truck, trailer truck, van and car). Typical deliveries would occur at the loading dock, although some could be accommodated from on-street stalls.

To minimize the likelihood of delivery vehicles queuing in the alley, site tenants shall adjust delivery schedules so that deliveries to the site are spread out as evenly as possible. Delivery schedules shall be consistent with the requirements of the Noise Mitigation Plan. Due to their larger size, trailer trucks and box trucks shall be given priority at the loading docks. Idling in the alley shall be prohibited; signs will be posted in the alley alerting drivers to this restriction.

The turning movement of the truck from Howe Street onto the alley necessitates the installation of a mountable curb. The project must obtain conceptual approval from SDOT for a mountable curb at this location.

### Parking

The final Transportation Analysis prepared by Transpo, dated November 2011, examines the anticipated parking impacts from the proposed development. The proposed structure includes 187 parking spaces to be provided on-site in a below grade garage. The proposed parking spaces are distributed between two levels of below grade parking. Within the garage, a total of 112 secured parking stalls would be provided for residential use only and 75 un-restricted parking stalls would be provided for both residential and commercial use. All of the parking will be accessed from the driveway off of Crockett Street. Using the Fourth Edition of the Institute of Transportation Engineers (ITE) *Parking Generation Manual*, parking generation rates associated with Apartments, Supermarkets and Shopping Center were used. The peak residential demand is 144 vehicles during overnight periods. Based on the 112 parking stalls dedicated for residential use and the flexibility of the 75 retail stalls that would not be used overnight, the garage is expected to meet the peak parking demand. Grocery store parking demand was estimated using the urban Supermarket rates from ITE. For the other commercial uses, an adjusted rate was used to adjust the data taken from suburban locations to reflect more urban conditions associated with the subject site. During the peak period for the site and taking into account the fluctuation in parking demand for each land use, a peak parking demands of 75 stalls is anticipated for the commercial uses. With a supply of 75 stalls, the peak demand can be accommodated on site.

The existing on-street parking supply accommodates 45 stalls along Queen Anne, Howe and Crocket Streets. The proposed reconfiguration of parking along Queen Anne Avenue includes providing back-in angle parking along the east side of the street and parallel parking along the west side. The resultant on-street parking supply will increase to 50 stalls.

It should also be noted that the existing apartment building and two single family homes do not provide off-street parking. The parking demand from these units is estimated to be 17 stalls currently accommodated by on-street parking stalls. The elimination of the existing on-street peak parking demand of these 17 vehicles from the existing uses and the

reconfiguration of the on-street parking to provide space for five additional vehicles will result in increased on-street parking availability adjacent to the project site.

Based on these figures, the proposed supply of parking spaces is anticipated to be adequate and the estimated parking demand generated by the proposed project is not considered adverse and the parking impacts require no further mitigation.

### Historic and Cultural Preservation

The proposed action includes demolition of the Elfrieda Apartment Building at 1932 Queen Anne Avenue North. An Appendix A survey was completed and submitted to the Department of Neighborhoods Landmarks Coordinator. After review by the Landmarks Preservation Board staff, a nomination was prepared and submitted to the Landmarks Preservation Board. A nomination of the building was reviewed previously by the by the Landmarks Preservation Board on June 19, 2002. The Board voted unanimously to deny the nomination of the Elfrieda Apartment Building (see Letter on file). Nevertheless, the project is proposing to salvage the majority of the bricks from the building and incorporate the façade exterior in a manner that emulates the proportions, cornice, brick details, and entry element of the Elfrieda. The mass of the building adjacent to the Elfrieda element was designed to be subservient to the Elfrieda portion of the project, and the project will set back approximately six feet on both sides of the corner to give greater prominence to the lower three story portion of the suggested Elfrieda building mass.

Therefore, no mitigation related to the demolition of the Elfrieda is warranted or imposed.

### Air Quality

Queen Anne Avenue North is well served by public transit and is a dense, walkable urban neighborhood. Long term activities including delivery truck trips, and vehicle trips generated by the project, the embedded energy usages of the materials used to construct the building, and the energy (overall electrical energy and natural gas consumption) used to heat and power the building may result in increases in carbon dioxide and other greenhouse gas emissions which may adversely impact air quality and contribute to climate change and global warming. While these impacts are adverse, they are not expected to be significant due to the relatively minor contribution of greenhouse gas emissions from this project.

### Noise

An Environmental Noise Analysis was prepared by SSA Acoustics dated September 26, 2008 and updated on July 19, 2011 to examine noise levels from the proposed project, particularly from the loading area during loading/unloading operations. Baselines of the existing noise levels were established with measurements taken from three receivers located along the alley (east) side of the property. The predicted sound levels at all three receivers under two different noise generating scenarios were within the City of Seattle noise limits. Moreover, the analysis shows that the sound levels from the loading activities, along with suggested mitigation measures, are lower than the existing noise levels. The following noise mitigation measures were recommended and shall be conditions of the project to be developed as part of a Noise Mitigation Plan:

- a) Following the acoustical recommendation that reducing noise at the source is optimal for noise control, during design development, the mechanical engineer and acoustic consultant shall select mechanical equipment with minimal noise generation. Review of the mechanical system including, but not limited to garage exhaust fans, refrigeration units, kitchen exhaust fans, air handling units, rooftop mechanical equipment, etc shall occur to ensure that the noise levels from these mechanical systems are within the City of Seattle allowable limits and lower than the existing noise levels as measured at the adjacent property lines. These reviews shall occur
  - 1) when submitting the mechanical permit application
  - 2) at the time of installation and
  - 3) 60 days after the grocery store is fully operational.In the event that the noise levels exceed City of Seattle limits or existing noise levels, measures shall be taken to reduce noise levels to the baseline levels established in the reports. Such measures may include, but are not limited to noise barriers or silencers. These reports shall be submitted to the Noise Abatement Officer at the Department of Planning and Development. Following review of such study, DPD may impose additional mitigation to ensure noise levels remain below the levels required by the noise ordinance.
- b) Mechanical equipment on the rooftop shall be enclosed.
- c) Trailer trucks and box trucks shall not deliver during nighttime hours of 10pm to 7am during weekdays and 10pm to 9am on weekends.
- d) All trucks shall turn their engines off and the condensers off during delivery without exception.
- e) In the event that a truck arrives for a delivery while the loading area is full, the engine and condenser shall be turned off while waiting in the alley. Alternatively the truck may leave and return at another time.
- f) The truck delivery schedule should endeavor to avoid trucks arriving at the same time or while the loading bays are occupied.
- g) The compactor shall not run during the nighttime hours of 10pm to 7am on the weekday and 10pm to 9am on the weekend.

With the recommended mitigation measures, the predicted noise levels are lower than existing levels and are within the City of Seattle noise limits; therefore no further mitigation is needed.

### Land Use

The project is consistent with the *City of Seattle's Comprehensive Plan*, including but not limited to the goals and policies contained in Section B-3 related to Mixed-Use Commercial Areas, which seek to focus development in transit and pedestrian-friendly urban villages while maintaining compatibility between new development and the surrounding area through standards regulating the size and density of development.

### Light and Glare

Light and glare emanating from the project will be consistent with mixed-use residential development in the area. The Land Use Code (SMC 23.47A.022) requires that exterior lighting

must be shielded and directed away from adjacent uses, and interior lighting in parking garages must be shielded to minimize nighttime glare impacting nearby uses. Low-glare materials have been proposed and will be required to be placed on the outside of the project to reduce the potential glare impacts to neighboring residences and other uses. Compliance with design review conditions and the Land Use Code adequately mitigates any potentially significant light and glare impacts and therefore no additional mitigation is warranted or required.

### **DECISION - SEPA**

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

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

### **CONDITIONS – SEPA**

The owner applicant/responsible party shall:

#### **Prior to Issuance of any Construction, Shoring or Grading Permits**

1. The applicant shall provide to the DPD Land Use Planner for approval a Construction Management Plan which identifies the following elements:
  - a) construction worker parking and construction materials staging areas;
  - b) truck access routes to and from the site for excavation and construction phases; and
  - c) sidewalk and street closures with neighborhood notice and posting procedures.
  - d) Construction workers shall be discouraged from parking in the residential neighborhood to the east of the project site.
  - e) The owner and/or responsible party shall assure that construction vehicles and equipment are parked on the subject site or on a dedicated site within 800 feet for the term of the construction.
2. The turning movement of the truck from Howe Street onto the alley necessitates the installation of a mountable curb. The project must obtain conceptual approval from SDOT for a mountable curb at this location.
3. The applicant shall provide to the DPD Land Use Planner for approval a Tree Protection Plan for the two existing Norway Maple street trees located on the north side of the subject site along (the south side of) Crocket Street.

4. The applicant shall provide to the DPD Land Use Planner for approval a Delivery and Loading Dock Management Plan that includes the following information:
  - a) To minimize the likelihood of delivery vehicles queuing in the alley, site tenants shall adjust delivery schedules so that deliveries to the site are spread out as evenly as possible.
  - b) Delivery schedules shall be consistent with the requirements of the Noise Mitigation Plan.
  - c) Due to their larger size, trailer trucks and box trucks shall be given priority at the loading docks.
  - d) Idling in the alley shall be prohibited; signs will be posted in the alley alerting drivers to this restriction.
  
5. The applicant shall provide to the DPD Land Use Planner for approval a Noise Mitigation Plan that includes the following information:
  - a) Following the acoustical recommendation that reducing noise at the source is optimal for noise control, during design development, the mechanical engineer and acoustic consultant shall select mechanical equipment with minimal noise generation. This consultation shall be documented in a letter to the Noise Abatement Officer at the Department of Planning and Development.
  - b) Review of the mechanical system including, but not limited to garage exhaust fans, refrigeration units, kitchen exhaust fans, air handling units, rooftop mechanical equipment, etc shall occur to ensure that the noise levels from these mechanical systems are within the City of Seattle allowable limits and lower than the existing noise levels as measured at the adjacent property lines. These reviews shall occur
    - 1) when submitting the mechanical permit application;
    - 2) at the time of installation; and
    - 3) 60 days after the grocery store is fully operational.In the event that the noise levels exceed City of Seattle limits or existing noise levels, measures shall be taken to reduce noise levels to the baseline levels established in the reports. Such measures may include, but are not limited to noise barriers or silencers. These reports shall be submitted to the Noise Abatement Officer at the Department of Planning and Development. Following review of such study, DPD may impose additional mitigation to ensure noise levels remain below the levels required by the noise ordinance.\
  - c) Mechanical equipment on the rooftop shall be enclosed.
  - d) Trailer trucks and box trucks shall not deliver during nighttime hours of 10pm to 7am during weekdays and 10pm to 9am on weekends.
  - e) All trucks shall turn their engines off and the condensers off during delivery without exception.
  - f) In the event that a truck arrives for a delivery while the loading area is full, the engine and condenser shall be turned off while waiting in the alley. Alternatively the truck may leave and return at another time.

- g) The truck delivery schedule should endeavor to avoid trucks arriving at the same time or while the loading bays are occupied.
- h) The compactor shall not run during the nighttime hours of 10pm to 7am on the weekday and 10pm to 9am on the weekend.

During Construction

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

- 6. 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.
- 7. 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.
- 8. Contact Metro Construction Coordinators if there are plans to replace any of the trolley support poles during construction per the Metro Construction Notification Guidelines.
- 9. Physical removal of any on-site underground heating oil tank is required to be completed by a Washington state licensed underground storage tank decommissioning contractor, and shall proceed consistent with Department of Ecology regulations. Such removal shall comply with any state and federal regulations related to the removal of underground oil storage tanks.
- 10. Asbestos abatement prior to demolition shall be performed by an AHERA Project Designer in accordance with federal, state and local regulations. A qualified third party consultant shall perform area air monitoring during the removal of asbestos containing materials; such air monitoring shall continue during general demolition. The site shall be sprinkled to reduce and contain fugitive dust potentially containing lead particles during demolition.
- 11. Adherence to the Construction Management Plan.
- 12. Adherence to the Tree Protection Plan.

For the Life of the Project

13. Adherence to the Noise Mitigation Plan items c through g.
14. Adherence to the Delivery and Loading Dock Management Plan.

**CONDITIONS – DESIGN REVIEW**

Prior to Building Permit Issuance

The plans shall be revised as follows:

15. The top portion of the southwest corner bay needs further resolution to either be filled in the square off the structure or make a corner deck that reinforces and anchors the corner.
16. The Crockett street façade materials should wrap around the alley for at least the depth of one bay.
17. The landscaping of the plaza should be designed to maximize functionality of the planters to be reconfigured based on the commercial uses, community needs, etc.
18. Design a more flexible street tree pattern along the plaza area to contribute to the sense of openness of the plaza.
19. Designing and maintaining a green screen along the alley is very important for screening the blank wall and should be carefully planted and irrigated to create a successful green wall.
20. Embed the 11 x 17 colored elevation drawings from the DR Recommendation meeting and as updated, into the MUP plans prior to issuance, and also embed these colored elevation drawings into the Building Permit Plan set in order to facilitate subsequent review of compliance with Design Review.

During Construction

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

21. Any proposed changes to the exterior of the building or the site or must be submitted to DPD for review and approval by the Land Use Planner (Lisa Rutzick, 386-9049). Any proposed changes

to the improvements in the public right-of-way must be submitted to DPD and SDOT for review and for final approval by SDOT.

22. Compliance with all images and text on the MUP drawings, design review meeting guidelines and approved design features and elements (including exterior materials, landscaping and ROW improvements) shall be verified by the DPD Land Use Planner assigned to this project. An appointment with the assigned Land Use Planner must be made at least (3) working days in advance of field inspection. The Land Use Planner will determine whether submission of revised plans is required to ensure that compliance has been achieved.

Signature:           (Signature on File)            
Lisa Rutzick, Land Use Planner  
Department of Planning and Development

Date: December 29, 2011