



City of Seattle

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

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

Application Number: 3009349
Applicant Name: Jodie Patterson O’Hare, for Fauntleroy Place, LLC.
Address of Proposal: 3922 SW Alaska Street

SUMMARY OF PROPOSED ACTION

Land Use Application to allow a 6-7 story, 186-residential unit, mixed use building with 65,160 sq. ft. of retail at ground and below-ground levels. Parking for 484 vehicles will be accommodated at-and-below-grade in a garage.

The following approvals are required:

SEPA Environmental Determination – Chapter 25.05 SMC.

Design Review – Chapter 23.41 Seattle Municipal Code (SMC)
Early Design Guidance was provided under MUP 3003881*

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

*MUP 3003881 authorized a building containing 72,000 square feet of retail at ground level and 154 residential units above, with parking for 532 vehicles to be provided at and below grade within a garage at this same development site.

BACKGROUND DATA

Site and Vicinity Description

The site is located at 3922 SW Alaska Street and occupies the entire southern portion of the block between 39th Avenue SW on the east and 40th Avenue SW on the west. Until recently an alley

right-of-way had bisected the site, but the applicant applied for a Council land use action to vacate the alley between SW Alaska Street and the north property line of the western parcel that comprises the proposed development site. The petition for the partial alley vacation was given conceptual approval by the City Council on June 18, 2007 (CF#308171).

The overall project site is located at the eastern edge of a large area of commercially zoned and commercially developed properties lying between Fauntleroy Way SW which angles in from the east and California Avenue SW to the west, and between SW Oregon Street on the north and SW Edmunds Street on the south. There is an abundance of surface parking lots in the general area. Many of the commercial buildings in the area consist of one and two stories, although some within the vicinity extend up to several more stories in height. Many of the commercial buildings in the vicinity are of an older generation and exhibit a desirable architectural character, including human scale window proportions and bold cornices which, as suggested in the *West Seattle Junction Urban Village Design Guidelines*, provide examples for appropriate selective contextual design of new buildings. Two blocks to the west, at 4100 SW Alaska Street, there is a new development underway, similar in size and in scale to this proposed development

The earliest conceptual design was predicated upon the successful vacation of the alley and provision for a new dedicated alley running across the northwest portion of the development site and connecting 40th Avenue SW to the existing, non-vacated segment of the alley. Access to the parking on site would be both from both 39th and 40th Avenues SW. Truck and loading access would be via the dedicated new segment of the alley from 40th Avenue SW, with exiting via a private drive onto 39th Avenue SW.

Both halves of the original development site are zoned Commercial 1 with a 65- foot height limit (C1-65'). The property is located within the West Seattle Junction Urban Village and is subject to both the citywide *Design Review: Guidelines for Multifamily & Commercial Buildings* and the *West Seattle Junction Urban Village Design Guidelines*.

At the time of application for MUP 3009349, the physical development on the western parcel consisted of a 1-story commercial building of approximately 16,000 square feet, with surface parking to the north. The eastern parcel was used as a surface parking lot. Demolition permits and Phase I shoring and excavation permits were issued under MUP 3003881 and site demolition and excavation have already been undertaken.

Proposal Description

The proposal is for a large, mixed-use structure with 3 levels of underground parking totaling 474 spaces accessed from both 39th Avenue SW and 40th Avenue SW. Additionally, 10 spaces of parking at grade within the structure will be accessed from 40th Avenue SW. Due to a rise in elevation of approximately 12 feet between the corner of 39th Avenue SW and 40th Avenue SW along SW Alaska Street, two retail spaces are proposed with entries from the two corners formed with SW Alaska Street. The smaller retail space whose entry would be at the corner of 40th Avenue SW and SW Alaska Street would total 17,490 square feet and overlie a portion of a proposed grocery supermarket space that would be nearly co-extensive with the entire development site. The supermarket space, totaling 47,670 square feet would have its main entry at the corner of 39th Avenue SW and SW Alaska Street.

Vehicular access to ten grade-level parking spaces and proposed underground parking would be via the west extension of the new alley. Parking would also be accessed from entrance and exit driveways connecting to 39th Avenue SW. Loading bays within the structure would be accessed from the north-south portion of the alley.

The residential portion of the structure would be provided with a tiered, open-space courtyard stepping up from the roof level of the major entry to the retail space at the corner of 39th and SW Alaska Street. This open-air courtyard would provide a public plaza open to the south and east which would be contiguous to a more extensive private, residential open space connecting the three structural blocks of residential units that rise above the retail base. Landscaping would be provided within the courtyard, and a combination of roof decks and green roofs would top the residential towers. Street trees and additional plantings would be provided at grade along all three street-facing facades. An existing pedestrian bulb within the right of way at the junction of SW Alaska Street, 39th Avenue SW, and Fauntleroy Way SW would be enhanced with plantings, provided with street furnishings to serve as a public amenity feature, as required by the conditions imposed through the alley-vacation request and process. Materials for the proposed structure would include a slate-tile-veneer base, along each of the street-facing facades with steel and glass canopies to provide overhead weather protection. The upper stories would be clad in a variety of metal, fiber-cement and wood-composite panels.

Public Comments

Public comment regarding the site and general proposal was invited at the initial Master Use Permit applications for both project 3003881 and project 3009349 and at the several Design Review public meetings. Written comments received by DPD were generally focused on issues related to vehicular access to the site and the impacts of potential traffic on the remaining portion of the alley and on the adjacent north-south running streets. Comments from the Design Review meetings are noted within the Design Review process summaries which follow below.

Early Design Guidance

(At the time MUP 3009349 was accepted by the Department, it was determined that the Early Design Guidance given at the Early Design Guidance meeting on project 3003881, held before four members of the Design Review Board for Area 5 (West Seattle) on February 23, 2005, and on March 23, 2005, would provide the basis for the Board's recommendation regarding the design proposed for MUP 3009349. This determination was based upon the following considerations:

- *there was no expansion in size or alteration in the shape of the proposal site;*
- *the architectural "type" of the proposed structure had not changed;*
- *the Early Design Guidance for the site was less than five years old and gave adequate direction for what was being proposed;*
- *there had been no appreciable changes or shifts in the context and physical environment in the immediate vicinity, for example by rezones or Comprehensive Plan designations. or by substantive changes in the built environment.)*

Early Design Guidance Meeting, February 23, 2005

James Blissett of Stricker Cato Murphy Architects made the presentation at the first Early Design Guidance meeting held on February 23rd. At that meeting the proposal was described as a single large, six-story mixed-use structure. The downward slope of the lot along SW Alaska Street from

40th Avenue SW to 39th Avenue SW would provide for two levels of street use retail. The commercial space accessed by pedestrians from the corner of 39th Avenue SW and SW Alaska Street, it was explained, was intended to be occupied by a grocery of 46,000 square feet. The commercial space accessed from the corner of 40th Avenue SW and SW Alaska Street would occupy some 14,000 square feet. Approximately 184 residential units would occupy space above the ground floor retail uses. Parking for 484 vehicles, mostly below grade, would be provided on site. Residential parking would be separated from parking accessory to the commercial uses. There would also be provision for truck loading on site. Access to the truck loading and surface parking for the upper commercial use, as proposed, would be off 40th Avenue SW. Access to the underground commercial parking, as proposed, would be from both the alley connecting to 39th Avenue SW and from 40th Avenue SW. Access to and from residential parking, as proposed, would be off 39th Avenue SW.

The development team made a cursory presentation of two massing alternatives; the preferred alternative showed a five and half story build-out of the site on its westernmost portion, a substantially eroded massing above a two- to- two- and-a- half story base at the southeastern corner, with a further notched entry area, and a substantial build-out of six-stories between the alley and the street along 39th Avenue SW, north of the eroded corner at Fauntleroy.

PUBLIC COMMENTS

After the Board had asked some clarifying questions of the architect regarding the project, public comment was solicited from those attending the meeting. Several comments sought clarification regarding the proposed commercial uses and access to the site. It was noted by a number of those making comments that the roadway of 40th Avenue SW was narrow, functioned as a residential street, and would be severely impacted by the proposed truck and automobile access points on that street. One member of the public noted that this development would set the tone for significant development in the Junction area and should be a model of sustainable design. To the end that the proposed structure provide a friendly and an engaging pedestrian atmosphere, other comments stressed a need to incorporate the following into the design of the building: interactive storefronts along SW Alaska Street, in particular visibility into the interior spaces and access points other than just at the corners; signage that would assist local wayfaring; continuous overhead weather protection; open corners to provide public people spaces; deck space and usable open space for the residents should be concentrated along the sides that had direct solar access; provide some form of public art at the 39th Avenue gateway entry; reduce parking and free up parking space through use of a shared-use program like Flexcar; seriously deal with mitigating the impact on open spaces of vehicular noise coming from the Fauntleroy/SW Alaska Street intersection; for offsite mitigation, address the need for a safer intersection configuration at Fauntleroy/39th/SW Alaska Street, for a greater width to the roadway of 40th Avenue SW where it abuts the project, and improve the surface and general quality of the alley.

BOARD DELIBERATIONS

Having visited the site, and after considering the analysis of the site and context provided by the proponents, and hearing public comment, the Design Review Board members provided 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 & Commercial Buildings* and *West Seattle Junction Urban Village Design Guidelines* of highest priority to this project.

DESIGN GUIDELINES

A Site Planning

A-1 Responding to Site Characteristics

The siting of buildings should respond to specific site conditions and opportunities.

A-2 Streetscape Compatibility

The siting of buildings should acknowledge and reinforce the existing desirable spatial characteristics of the right-of-way.

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 on the street

A-5 Respect for Adjacent sites

Buildings should respect adjacent properties by being located on their site 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-10 Corner Lots

Buildings on corner lots should be oriented to the corner and public street fronts.

The Board acknowledged the West Seattle Junction specific guidelines and identified the following guidelines as being of the highest priority for the project:

A-2 Streetscape Compatibility

Reduce the scale of the street wall with well organized commercial and residential bays and entries. Reinforce this articulation with the placement of street trees, drop lighting on buildings, benches and planters.

Provide recessed entries and ground-related, small open spaces as appropriate breaks in the street wall.

A-4 Human Activity

Proposed development is encouraged to set back from the front property line to allow for more public space that enhances the pedestrian environment, particularly along California Ave SW. When such a setback is not appropriate or feasible, consider maximizing street level open space with recessed entries and commercial display windows that are open and inviting.

A-10 Corner Lots

New buildings should reinforce street corners, while enhancing the pedestrian environment.

Public space at corners, whether open or enclosed, should be scaled in a manner that allows for pedestrian flow and encourages social interaction. To achieve a human scale, these spaces should be well defined and integrated into the overall design of the building.... Building forms and design elements and features at the corner of key intersections should create gateways for the neighborhood. These buildings should “announce the block” through the inclusion of features that grab one’s interest and mark entry.

The guidelines above were all chosen by the board to be of high priority. The Board would like to see the design take full advantage not only to provide attractive and creative corner entries to the two retail spaces, at both 39th Avenue SW and 40th Avenue SW but to provide for pedestrian interaction along the entire expanse of street-level street-facing facades. Particularly along SW Alaska Street, the applicant was encouraged to explore ways in which modulation, recessed entries or other niches and small open spaces might break up a lengthy façade made problematic due to its length and slope and the overlaying of two levels of commercial space.

The applicant should be prepared to explore and present at the next meeting of the Board a façade along SW Alaska Street which at street level and above would exhibit discrete segments and intervals which would be consistent with and in scale with older commercial buildings in the neighborhood. The applicant should be ready to demonstrate how the design would enliven each of the surrounding streets, as called for under A-4.

B Height, Bulk and Scale

B-1 Height, Bulk and Scale Compatibility

Projects should be compatible with the scale of development anticipated by the applicable Land Use Policies for the surrounding area and should be sited and designed to provide a sensitive transition to nearby, less-intensive zones. Projects on zone edges should be developed in a manner that creates a step in perceived height, bulk and scale between the anticipated development potential of the adjacent zones.

The Board conveyed a sense of being uncomfortable with the proposed massing and the design that eroded the façade along SW Alaska Street near 39th Avenue SW. Citing the West Seattle Junction Design Guidelines, the Board agreed that the applicant should present a design which pushed back more from the residentially zoned lots to the north and to the west of the site. It was also suggested that the upper levels of the portion of the building facing onto 40th Avenue SW could be stepped back from the street to provide a better height, bulk and scale compatibility. To accommodate these moves, the upper level massing might well be brought forward to the south and the east without eliminating the proposed upper level open space that opened to the southeast corner of the site. Multiple residential pedestrian entries, it was suggested, could well benefit the project.

The zoning in the Junction's business district calls for mixed-use development with maximum height limits ranging from 40 to 85 feet. To create scale compatibility with surrounding smaller buildings, new developments should consider the following massing methods and architectural treatments:

- *Orient the first 2-3 stories out to the sidewalk and set back remaining floor levels;*
- *Modulation, multiple entries and variation in materials arranged to break up the façade – particularly important for large sites – into intervals consistent with existing commercial buildings in the neighborhood's business district;*
- *Architectural styles and details (e.g., cornices, roof lines, window patterns) found in surrounding buildings can be repeated to provide visual continuity.*

C Architectural Elements and Materials

C-1 Architectural Context

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

C-2 Architectural Concept and Consistency

Building design elements, details and massing should create a well-proportioned and unified building form and exhibit an overall architectural concept.

Buildings should exhibit form and features identifying the functions within the building.

In general, the roofline or top of the structure should be clearly distinguished from its façade walls.

C-3 Human Scale

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

C-5 Structured Parking Entrances

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

And from the West Seattle Junction Guidelines:

C-2 Architectural Concept and Consistency

Multi-story developments should employ methods that integrate the building's upper and lower levels.

The levels of the building should function as a composition – not necessarily requiring the top and bottom to be identical, but rather extending or repeating elements throughout the façade

C-3 Human Scale

Façades should contain elements that enhance pedestrian comfort and orientation while presenting features with visual interest that invite activity. Overhead weather protection should be functional and appropriately scaled, as defined by its height and depth. It should also be viewed as an architectural amenity, and therefore make a positive contribution to the design of the building.

Signage

Signs should add interest to the public realm. Signs should be designed and located in a manner that is appropriate for the scale, character and use of the building and surrounding area.

The Board pointed out that the quality of the two major corner entrances were equally important. The applicant should be prepared to demonstrate how overhead weather protection would be integrated between the corner entrances and the SW Alaska Street façade and further integrated with signage appropriate for the scale, character and use of the building and in keeping with desirable vicinity examples.

Guideline C-5 was cited to indicate the Board's deep concern that there were far too many and excessively extensive vehicle access points off both 40th Av SW and 39th Avenue SW. It was

particularly important to the Board that the intrusion of accommodation for vehicles along the sidewalk of 40th Avenue SW, predominantly a pedestrian street, be minimized. It was the strong desire of the Board that some of the access to the site be from the proposed new portion of the alley

D Pedestrian Environment

D-1 Pedestrian Open Spaces and Entrances

Provide convenient, attractive and protected pedestrian entries.

D-2 Blank Walls

Buildings should avoid large blank walls facing the street, especially near sidewalks. Where blank walls are unavoidable, they should receive design treatment to increase pedestrian comfort and interest.

The Board members were concerned about the seeming lack of comfort and interest for pedestrians conveyed in the plans shown regarding the SW Alaska Street street-level façade, where the potential alley vacation would allow for a long, uninterrupted un-engaging façade. In addition, the Board wish to see more detail regarding the pedestrian entries to the structure and suggested that multiple, well defined residential entries would significantly enhance the character of the proposed building.

E Landscaping

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.

Landscaping should be designed with the goal of realizing the prioritized guidelines, should soften the edge conditions where appropriate, and should contribute to attractive, inviting, and usable lower and upper courtyards. Landscaping should be utilized to link areas and to provide pathways from the street to the inner areas of open space. The applicant should explore, as suggested in the public comment period, how the existing landscaped area in the public right-of-way at the intersection of 39th Avenue SW and Fauntleroy Way SW might be linked to any other landscaped areas proposed for the right-of-way and become an amenity of the project and function as enhanced public open space.

Departures from Development Standards:

Certain departures from Land Use Code requirements may be permitted as part of the design review process. Departures may be allowed if an applicant demonstrates that a requested departure would result in a development which better meets the intent of the adopted design guidelines (see SMC 23.41.012).

The applicant indicated at the first Early Design Guidance meeting that no departures from development standards were being sought for the project at that time.

Board Deliberations

Board Members requested that the proponent prepare for a second Early Design Guidance presentation which would, in addition to responding in more detail as needed to the guidelines noted above, specifically address the following three issues whose resolution the Board identified as being critical to the success of the project:

- Massing of the proposed building: See the notes under B-1, Height, Bulk and Scale Compatibility, above. The Board wanted to see the mass of the building moved away from the residential properties on the alley facades and an upper-level shift of residential units away from the street along 40th Avenue SW. This should be accommodated by moving some of the upper-level forward to the southeast corner of the site.
- Access to parking and loading on site: See the notes above under Guideline A-8. The proposal must reduce the number of curbcuts and the intrusion of vehicles across the pedestrian realm on both 39th Avenue SW and 40th Avenue SW. Truck loading should not be accessed from the street but from the alley. Show a more substantial proportion of vehicular access off 39th Avenue SW rather than off 40th Avenue SW, a residential street.
- Gateway design: The Board cited the West Seattle Junction Urban Village Design Guideline A-10 of being of highest priority for this project: *New buildings should reinforce street corners, while enhancing the pedestrian environment. Public space at corners, whether open or enclosed, should be scaled in a manner that allows for pedestrian flow and encourages social interaction. To achieve a human scale, these spaces should be well defined and integrated into the overall design of the building.... Building forms and design elements and features at the corner of key intersections should create gateways for the neighborhood. These buildings should “announce the block” through the inclusion of features that grab one’s interest and mark entry.*

The guideline identifies SW Alaska Street and SW Fauntleroy Way SW as a “gateway” to the neighborhood. The Board devoted considerable deliberation to the issue of whether the proposed design, offering a negative space as the “gateway” marker, was the optimum way to meet the guideline. The Board noted that comments from the public were generally evenly divided as to whether an additive or a subtractive form (as presented) best served the “gateway” function. The Board requested that the applicants be prepared to show, at the next meeting of the Board and in support of their “gateway” proposal, further details, including perspective drawings that demonstrated how the proposed notched entry at 39th Avenue SW and SW Alaska Street would appear both from the vantage point of a driver headed west on Fauntleroy approaching the gateway and from the vantage point of a pedestrian at the intersection of Fauntleroy and 39th Avenue.

It was understood that the applicant would proceed to further design development in accord with the Guidelines and guidance of the Board stated above and then proceed to a second Early Design Guidance meeting that will specifically address the major issues identified by the Board. It was noted that at the second Early Design Guidance meeting other Guidelines might be identified as being of high importance for this project and/or more specific guidance might be given by the Board regarding Guidelines already identified.

Second Early Design Guidance meeting -- March 23, 2006

At a second Early Design Guidance meeting, commencing at 6:30 PM on Thursday, March 23, 2006, and held at the Southwest Precinct Station, the development team presented a proposal revised primarily in the following particulars from that which had been presented to the Board on February 23rd:

- The proposal again indicated no alley connecting mid block through the property to SW Alaska Street; the truncated alley, however, was extended eastward, connecting to 39th Avenue SW rather than, as previously shown, connecting to 40th Avenue SW.

- The number of curb cuts along 40th Avenue SW had been reduced to two, one allowing access only to underground retail parking and the other allowing access both to the at-grade parking area and the truck loading dock.
- Access to the retail underground parking area from 39th Avenue SW was proposed via the dog-legged alley extension and not directly from the street; a curbcut to the south and adjacent the re-located alley on 39th Avenue SW would provide both access to and egress from underground residential parking.
- The upper, residential portions of the proposed structure showed an increase setback from the eastern edge of the existing alley.

With some minor modification to upper-level setbacks, the overall massing of the building remained relatively in continuity with that shown in the preferred alternative at the first Early Design Guidance meeting. The void in the form above the entry to the retail space at the corner of 39th Avenue SW and SW Alaska Street remained. The entry at this point remained a courtyard depressed below sidewalk grade. The entry to the retail space at the corner of 40th Avenue SW and SW Alaska Street remained elevated from the sidewalk plane.

Public Comment

As at the first Early Design Guidance meeting, several members of the public had noted traffic impacts as these related to design choices regarding access to and egress from the site. Concern was again expressed regarding the impact to 40th Avenue SW. The street, it was noted, was narrow; it abutted property primarily zoned residential between SW Alaska Street and SW Oregon Street. Since the Lowrise-2 zoning on the west side of 40th Avenue SW extended some 75 feet south of the line marking the extent of Commercial 1 zoning on the east side of the street, residents directly across from the development would be impacted by commercial traffic entering the underground retail parking garage and entering and exiting the surface parking area for the retail space proposed at the corner of 40th Avenue SW and SW Alaska Street. Of particular concern was the coming and going of trucks and the large entry required for the loading bays proposed to be situated directly across from residentially-zoned property. Other comments and questions were directed to the functioning of the alley and the impact of potentially increased traffic both on the residences north of the development site and the commercial property located on the northeast quadrant of the block. There were additional comments and questions regarding the details about the proposed relocated alley connecting to 39th Avenue SW, in particular how this might work with a reconfigured 39th Avenue and whether all parking access and egress might be to and from the relocated alley.

Additional public comments were focused on the height and overall massing of the building. Neighbors located to the south and southwest of the site expressed concern regarding the potential blockage of their existing views. Finally, there were voices both pro and con regarding the question of whether the proposed upper level void at the corner of 39th Avenue SW and SW Alaska Street met the neighborhood design guidelines for establishing a “gateway” at this intersection.

The Board’s Deliberations

After hearing the development team’s presentation and hearing comments from the public, the Board primarily focused its own observations and comments on the range of issues raised during

the public comment period. The Board was generally favorable to the proposed shift of the alley relation from 40th Avenue SW to 39th Avenue SW, but, again, generally echoed a broader concern and asked whether all access to the site from 39th Avenue SW couldn't be through the proposed alley. The Board complimented the design team on the significantly reduced intrusion of proposed curbcuts into the pedestrian realm along 40th Avenue SW. The Board was not completely satisfied, however, with the design team's argument that the only design solution for the project was to maintain the commercial loading bays off 40th Avenue SW.

The Board also noted that the perspectives and larger scale vignettes requested by the Board and presented by the applicants were helpful and showed a more enlivened streetscape along SW Alaska Street. But the refinement in scale, the Board observed, actually highlighted the failure of inclusion of discrete segments and intervals which would be "consistent with and in scale with older commercial buildings in the neighborhood" as called for in the neighborhood guidelines or to provide the desired literal openness through the façade which the Board had earlier indicated to be of importance for the project.

Although not totally in agreement on the issue, Board members conveyed a continued sense of being uncomfortable with the proposed massing. Citing their earlier guidance, the Board agreed that the upper levels of the portion of the structure facing onto 40th Avenue SW could well be stepped back from the street to provide a better height, bulk and scale compatibility while the upper level massing along SW Alaska Street would benefit from being brought forward to the south and the east. This could be done without totally eliminating the proposed upper level open space that opened to the southeast corner of the site.

The Board also noted that they remained unconvinced that the two residential pedestrian entries were adequate for the project. They suggested that multiple residential entries might benefit the project and inclusion of more entries should be explored by the design team.

Returning to the question of whether the proposed design, offering a negative space as the "gateway" marker, was the best design response to meet a guideline that the Board had earlier indicated to be of highest priority for the project, members of the Board were agreed that the "gateway" function had not yet been compellingly incorporated into the design. The Board unanimously agreed that the proposed commercial signage attached to a literal gate or trellis did not meet their expectations of a "gateway function" for the project and should not be regarded as a substitute for a desirable and substantial architectural solution.

It was the expectation of the Board that the development team would proceed to design development that would respond to the design guidelines identified at the first Early Design Guidance meeting to be of highest priority for the proposed development as well as to the guidance offered by the Board at both meetings. It was understood that after making an application for a Master Use Permit, the project would be returned to the Board for its review and recommendation.

Design Development of MUP 3003881 (and 3005576)

An interim recommendation meeting was held on December 14, 2006, with a final Recommendation Meeting held on March 8, 2007. At the latter meeting the Board indicated their approval of the overall design of the project as presented on the condition that some modifications should be made to the plans as presented:

- further refinements should be made to the tower element at the southeast corner, including a reduction in the size of the two cornices that abutted the tower; re-alignment of the two canopies that intersect the tower so as to create a single linear expression; the inclusion, on the interior of the entryway store-front window system of wood framing, mullions, and mountings that would be visible from the outside;
- the Board encouraged further design refinements and such other changes that might introduce an element of playfulness into the tower, but as an understatement and without creating an iconic form that called too much attention to itself;
- changes should be made in the size of the cladding panels or the scoring of the panels, or both, on the residential entry towers on 39th Avenue SW and 40th Avenue SW; the size of the individual panels should be significantly reduced in size so as to perceptively reduce the scale of these features;
- likewise, the value of the colors on the two residential entry towers should be lowered so as to provide less contrast with the hues and values selected for the other materials that comprise the outer skins of the structure;
- the design of the “Hancock” entry and tower, at the southwest corner of the project, should return to substantially conform to the design shown at the second Early Design Guidance meeting, with some modifications (including elimination of the “cocked” or angled top of the tower);

The Board’s stated understanding was that the design team should work with the DPD Land Use Planner and gain final DPD approval of design refinement to the two commercial entrances and the two residential entry towers. Making these changes is a Condition of Board Approval and should be included within the Master Use Permit plan sets prior to issuance of the Master Use Permit. This Decision was so conditioned.

In recommending approving of the overall design of the proposal for MUP 3003881 & 3005576, the Board recommended approval of the following requested development standard departures for the project:

- 23.47A.011E –departure to allow loading berths closer than fifty feet from a residentially zoned property line; the loading dock, located 20’-3” from the residential zone across the alley was proposed to be equipped with sound-attenuating screen doors, restricted as to hours of operation and subject to mandatory vehicle engine and refrigeration unit shutoff during the loading process.
- 23.47A.032 A3 –departure to allow access to parking from 39th Avenue SW and 40th Avenue SW as well as from the alley; access to parking on site was proposed from 39th Avenue SW and 40th Avenue SW in order to attenuate potential traffic congestion and noise along the L-shaped alley which abuts a residential zone to the west and to the north.
- 23.47A.016D –departure not to provide six-foot high screening and five-foot deep landscaping area for parking (Loading-berth) across an alley from a lot in a residential zone; roll-down sound-attenuating doors were to be provided with other mitigating measures, but no permanent screening or landscaping that would interfere with truck maneuverability.

Subsequent Activities Concerning MUP 3003881 (& 3005576)

Since the Design Review Board had recommended approval of the project proposed in MUPs 3003881 & 300 5576 on March 8, 2006, conditioning that approval by requiring the applicant to work with the Department to make design refinements to the two commercial entries as well as to the two residential entry towers, the design team continued to make minor modifications to the plan sets. On June 12, 2007, City Council granted conceptual approval to the owner's petition for a vacation of the south 190 feet of the alley right-of-way that bisects the block between 39th Avenue SW and 41st Avenue SW. Access to and from the portion of the alley that remained un-vacated would be provided by means of a dedicated alley extension over a northwest portion of the development site. The physical development of an "alley extension" over this portion of the site were to be determined and controlled by conditions attached to the Council approval of the partial alley vacation and by engineered drawings that must be approved by SDOT.

DPD issued its decision, granting conditional approval of the project, on June 28, 2007 under MUP #3003881, dropping reference to MUP #3005576 since Council had granted conceptual approval of the alley vacation, thus effectively combining the two sites into one. A Master Use permit was subsequently issued by the Department on July 30, 2007.

A new architectural firm, Collins/Woerman, was retained by the developer within the six-month period following issuance of MUP 3003881. Changes proposed since the Board's recommendation of approval given on March 8, 2006 included:

- An increase in residential units from 154 to 184.
- A reduction in retail space from 72,000 SF to 65,160 SF.
- Reduction in parking from 532 to 484 vehicles.
- Both commercial entries were designed to meet sidewalk grade at the two street corners.
- Loading berths were relocated and enclosed, intending to reduce potential impacts on the multifamily zoning across the alley.

The applicant applied for MUP 3009349 on June 27, 2008. Public notice was published, indicating that the new application constituted proposed revision of issued MUP #3003881. A public comment period ran through August 6, 2008 (during which time inquiries but no written comments were received).

Recommendation Meeting, August 14, 2008

At 8:00 PM, on Thursday, August 14, 2008, at a regularly scheduled Design Review Board meeting held at the High Point Community Center in West Seattle, the design team, including developer, landscape architect and architectural team of Collins/Woerman presented plans and graphics detailing the project with special emphasis on changes made to the design since the Board had last seen it on March 8, 2007. The big gestures included aligning the floor plates of the two large retail spaces with the sidewalk elevation at both 39th and 40th, moving the masses of the residential blocks adjacent the alley further from the alley edges, reducing the number of vehicular access points, and treating the upper residential blocks as three distinct buildings, identified as "Peter, Paul and Mary," with individual attributes.

After asking clarifying comments of the development team, the Board solicited comments from members of the public who made the following design-related observations:

- The design changes, while significant, didn't go far enough toward making an acceptable project;
- Entrances need to make bigger statements, needed to be more inviting and attractive;
- The 39th Avenue SW façade need to give the impression of disparate elements; it should emulate the 40th Avenue SW façade in conveying a sense of separate buildings;
- The alley façade should be made into a “green wall” in order to soften the impact on residences on the west side of the alley;
- The sidewalks should be wider; the upper floors should be set back a greater distance;
- The “megablock structure” should employ color changes and other devices to reduce the perceived bulk of the project;
- The SW Alaska Street façade was still too overweening; the secondary entry to the grocery store needed to make a grander statement;
- The overall color and materials palette posed a risk of being dated.

Design review Board deliberations:

The Board was generally agreed among themselves that the “big gestures” in the massing of the project were appropriate and that the massing of the proposal remained strong. They agreed that the overall project design was an improvement over the earlier iteration. It was observed that the residential upper portion of the structures had become a “bit cookie-cutter,” however, and some of the playfulness of earlier proposed design had been lost in the process. Taking the “Peter, Paul and Mary” analogy a step further than had the applicants, the Board noted that the residential masses could be improved by even greater differentiation. The 39th Avenue SW façade was of special concern to the Board and it was agreed that this long façade needed to convey a sense of separate parts, much like the 40th Avenue SW façade which the Board agreed was much more successful in conveying a sense of disparate parts.

The Board recommend approval of the design of the project and recommended approval of the requested departures (see below) with the understanding that the development team would continue to work with DPD and the Land Use Planner assigned to the project to address the following conditions of approval of the project:

- Refine the residential and commercial entries to make them clearly identifiable and inviting, attractive entrances; in particular, better define and differentiate the entry to the retail space off SW Alaska Street; it should be designed to make a “bigger statement,” become more visible, attractive and inviting;
- Refine the street-facing facades—in particular create a distinct character for each of the residential masses and make gestures along the various facades to create a break in the massing similar to what had been achieved along the 40th Avenue SW façade; this is particularly needed along the 39th Avenue SW façade where a significant compositional adjustment needs to be made between the southern and northernmost portions of the structure;
- Provide and show opportunities to make a zone of integration where the private property meets the public realm at the southeast portion of the sidewalk-level façade (the Whole

Foods entry); the opportunity appears to be most promising at the southernmost location where the inside/outside link could be enhanced by design elements (like a roll-up door) that would dictate behaviors at that point;

- Provide some overhead weather protection for users of the quasi-public open-space at the upper level above the grocery store entry;
- Provide a viable and attractive “green wall” along the lower alley facades to soften the impact of blank and barren walls; the design of the green wall should be integrated into an overall design that includes the surfaces of the roll-down garage doors adjacent the loading berths;
- Incorporate a lighting design that enhances each of the pedestrian realms and along each frontage, including the alley ways; the lighting along the alley should provide glow but no glare for the residential units that are part of the project nor for those residential units across the alley.

Provided the above recommendations and conditions were incorporated into the plans, the Board gave overall approval to the design as presented.

In approving the overall design of the proposal, with the refinements conditioned above, the Board approved the following requested development standard departures for the project:

- 23.47A.011E –departure to allow loading berths closer than fifty feet from a residentially zoned property line
- 23.47A.032 A3 –departure to allow access to parking from 39th Avenue SW as well as from the alley

The Board stated that it was the Board’s understanding that the design team would work with the DPD Land Use Planner and gain final DPD approval of design refinement noted above. These changes have been made to Master Use Permit plan sets.

Although the Design Review Board recommended approval of the granting of a development standard departure to allow the loading berths abutting the alley to be located less than fifty feet from the property line of the residentially-zoned property directly across the alley (as required by SMC 23.47A. 032 A3), operational restrictions have been imposed under SEPA authority in order to adequately mitigate the noise, light and glare impacts that the fifty-foot separation of the Land Use Code requirement was intended to mitigate (see below under ANALYSIS-SEPA) .

DECISION – DESIGN REVIEW

After considering the proposed design and design solutions presented in relation to previously prioritized design guidelines and after having heard public comments on the project’s design, the four Design Review Board members present unanimously **recommended approval** of the subject design **with conditions noted below** and unanimously **recommended approval** of the requested design departures at the Recommendation meeting of March 8, 2007.

The Land Use Code states (SMC 23.41.016 F3) that “if four (4) or more members of the Design Review Board are in agreement in their recommendation to the Director, the Director shall issue a decision that makes compliance with the recommendation of the Design Review Board a condition of permit approval,” unless the Director concludes that the recommendation of the Design Review

Board reflects inconsistent application of the design review guidelines, does not exceed their authority or conflict with SEPA conditions, nor conflict with other requirements of state or federal law.

The Director of DPD has reviewed the recommendations of the four Design Board members present at the final Design Review recommendation meeting and finds that the Board acted within its authority and the Board's recommendations are consistent with the *Design Review: Guidelines for Multifamily & Commercial Buildings* and do not conflict with regulatory requirements.

Therefore, the proposed design and departures from development standards as presented at the March 8, 2007 Design Review Board meeting are **APPROVED**.

CONDITIONS

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

ANALYSIS – SEPA

An environmental analysis conducted as a part of MUP application 3003881 was based upon the *Environmental (SEPA) Checklist* submitted by the applicant on August 2, 2006, which disclosed the potential impacts from the project. A revised *Environmental (SEPA) Checklist for MUP 3009349* was submitted on June 27, 2008. The information in the checklist, supplemental information provided by the applicant, project plans, and the experience of the lead agency with review of similar projects form the basis for this analysis and decision.

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

The SEPA Overview Policy (SMC 25.05.665) clarifies the relationship between codes, policies, and environmental review. Specific policies for each element of the environment, certain neighborhood plans, and other policies explicitly referenced may serve as the basis for exercising substantive SEPA authority. The Overview Policy states in part: “*where City regulations have been adopted to address an environmental impact, it shall be presumed that such regulations are adequate to achieve sufficient mitigation,*” subject to some limitations. Under specific circumstances (SMC 25.05.665 D 1-7) mitigation can be required.

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

Short-Term Impacts

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

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

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

Air Quality

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

- *Using well-maintained equipment and avoiding prolonged periods of vehicle idling will reduce emissions from construction equipment and construction-related trucks.*
- *Using electrically operated small tools in place of gas powered small tools wherever feasible.*
- *Trucking building materials to and from the project site will be scheduled and coordinated to minimize congestion during peak travel times associated with adjacent roadways.*

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

Construction activities themselves will generate minimal direct impacts. However 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.

Noise

The project is expected to generate loud noise during construction. Compliance with the Noise Ordinance (SMC 25.08) is required and will limit the use of loud equipment registering 60 dBA (not including construction equipment exceptions in SMC 25.08.425) or more at the receiving property line or 50 feet to the hours between 7:00 a.m. and 10:00 p.m. on weekdays, and between 9:00 a.m. and 10:00 p.m. on weekends and holidays. This condition may be modified by DPD to allow work of an emergency nature or allow low noise interior work after the exterior of the structure is enclosed. This condition may also be modified to permit low noise exterior work (e.g., installation of landscaping) after approval from DPD. Construction noise is within the parameters of SMC 25.05.675.L, which states that the Noise Ordinance provides sufficient mitigation for most noise impacts. Because of the proximity of residential units to the construction site, hours of construction may need further conditioning. Any need to address specific additional noise restrictions because of particularly sensitive sites nearby will be addressed in the required Construction Impact/Noise Impact Management Plan to be approved by DPD prior to issuance of construction permits.

Traffic and Circulation

Site preparation has already been undertaken, involving the demolition of the 16,000 square-foot building currently on site, the removal of existing asphalt pavement and excavation for the foundation of the proposed building and below grade parking garage. These activities were performed in compliance with restrictions imposed under MUP #3003881.

Traffic control related to further construction activities 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 and such temporary closures of sidewalks would require the diversion of pedestrians to other sidewalks. The timing and duration of these closures should be planned to ensure minimal disruptions to established pedestrian pathways and will have to be coordinated with Seattle Department of Transportation (SDOT).

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

Long-Term Impacts – Use-Related Impacts

Long-term or use-related impacts are also anticipated as a result of approval of this proposal including: increased carbon dioxide and other greenhouse gas emissions primarily from increased vehicle trips but also the projects energy consumption, increased demand for public services and utilities; increased height, bulk, and scale on the site; and increased area traffic and demand for parking. Several adopted City codes and/or ordinances provide mitigation for some of the identified impacts. Specifically these are: the City Energy Code which will require insulation for outside walls and energy efficient windows; and the Land Use Code which controls site coverage, setbacks, building height and use, parking requirements, shielding of light and glare reduction, and contains other development and use regulations to assure compatible development.

Air Quality

The number of employee and residential vehicular trips associated with the project is expected to increase from the amount currently generated by the site's former building and parking lot. The projects' overall electrical energy and natural gas consumption is expected to increase. Together these changes may 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.

Noise

Although the Design Review Board recommended approval of the granting of a development standard departure to allow the loading berths abutting the alley to be located less than 50 feet from the property line of the residentially-zoned property directly across the alley (as required by SMC 23.47A. 032 A3), it was understood by the applicant and the Board that further operational restrictions could be imposed under SEPA authority in order to mitigate adequately the noise, light and glare impacts that the 50-foot separation of the Land Use Code requirement was intended to mitigate.

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 particular 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 at the source which is not so contained may be mitigated by eliminating it entirely, by restricting the time that it is present, or by reducing its sound power level. For one of the most common sources of environmental noise, vehicle noise, this can be done by reducing the number of vehicles in one location at one time. Once located within a loading berth, the noise level of the truck can be dramatically reduced by turning off the engine. Trucks equipped with separate generators/refrigeration units can generally reduce both the power sound level and intrusive quality of the noise by switching the units to an alternative direct electrical supply. Noise at the source with backing and maneuvering trucks can be reduced by requiring that vehicles be equipped with broadband back-up alarms, or by requiring a flag person to assist the vehicle driver and prevent pedestrians or other vehicles entering into the pathway of the backing vehicle.

The loading berths shall be designed and certified by an acoustic expert to attenuate sound levels at the alley/site property line equivalent to the levels that would be obtained by locating the loading berths within the site fifty feet from where the property line abuts the alley.

The hours of the operation of the loading berths shall be restricted so that the loading berths are operational only between 7:00AM and 7:00 PM. Trucks arriving after 7:00 PM and before 7:00 AM to be loaded or off-loaded must perform these operations from 39th Avenue SW, a street with commercial uses along both sides. 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.

Land Use

The proposed project is consistent with the *City of Seattle Comprehensive Plan* and the Land Use Code.

Traffic and Transportation

A *Traffic Impact Study* for the proposed mixed-use project was prepared by Transportation Solutions, Inc. and dated January, 2007. The Transportation Impact Analysis evaluated existing traffic conditions in the study area, estimated the total amount of new traffic to be generated by this project, and evaluated the impact of these new trips on the level-of-service of nine intersections in the study area. A supplemental transportation impact analysis, entitled *Fauntleroy Place: Mixed-Use Development: Supplemental Transportation Impact Analysis* was prepared and submitted to the Department in July 2008 for review. Subsequently, using revised figures for proposed parking spaces, a second supplemental transportation impact analysis, dated March 4, 2009, was submitted to the Department.

According to the latter supplemental traffic impact study, and as projected for the project year 2010, the project will generate approximately 2,743 net new weekday daily vehicle trips to the surrounding street system, including 159 net new AM peak hour trips and 311 net new weekday PM peak hour trips to the surrounding road network in the vicinity of the site.

Project-related traffic volumes are not predicted to have significant adverse impacts on intersection Level of Service (LOS), with the exception of the SW Oregon Street at 39th Avenue SW intersection. The intersection is stopped controlled on 39th Avenue SW. Although the intersection is forecasted to operate at LOS-C with the project, the northbound approach does not function satisfactorily, operating at a LOS-F with as 250-foot vehicle queue down 39th Avenue SW. The approach would operate at LOS-F with the project. The *Traffic Impact Study* suggests as mitigation restricting parking both along a northside portion of SW Oregon and an eastside portion of 39th Avenue SW and a re-striping of the roadways to provide for a westbound left turn lane on SW Oregon Street and a northbound left turn lane from 39th Avenue SW. The project will be conditioned for the applicant to provide this mitigation, with SDOT concurrence and approval.

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 five evaluated screen-lines included in the *Transportation Impact Analysis* prepared by Transportation Solutions, 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.

Parking

The proposed development will eliminate 123 existing surface parking spaces and provide 484 total new parking spaces, ten enclosed at grade and 474 located within the structure below grade. Garage levels 1 and 2 will be assigned to retail spaces. Garage levels 3 and 4 will be assigned to residential users. According to the parking demand study provided in the *Transportation Impact Analysis* by Transportation Solutions, Inc., on a typical weekday, the peak parking demand is estimated to be around 373 parking stalls at 4:00 PM. The peak Saturday demand, an important calculation because of the proposed supermarket use on site, is estimated to be about 379 parking stalls at 1:00 PM. The proposed 484 parking stalls are expected to accommodate both the peak weekday and weekend demands.

On June 12, 2007, City Council granted conceptual approval to the owner's petition for a vacation of the south 190 feet of the alley right-of-way that bisects the block between 39th Avenue SW and 41st Avenue SW. Access to and from the portion of the ally that remains un-vacated will be provided by means of a dedicated alley extension over a northwest portion of the development site. The physical development of an "alley extension" over this portion of the site will be determined and controlled by conditions attached to the Council approval of the partial alley vacation and by engineered drawings that must be approved by SDOT. In addition, as noted in Numbered paragraph 5 of the Council's preliminary conditional approval of the partial alley vacation, final overall approval of the project, including the "alley extension" is subject to SEPA and conditioning and to various City codes and through regulatory review processes including SEPA.

DECISION – STATE ENVIRONMENTAL POLICY ACT (SEPA)

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

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

The proposed action is **APPROVED WITH PROPOSED MITIGATION AND CONDITIONS.**

CONDITIONS – SEPA

Prior to issuance of Phase III Construction Permits

1. The applicant shall submit for review and approval an updated Construction Impact/ Noise Impact Management Plan to the Department of Planning and Development. The plan shall identify management of construction activities and noise, and include proposed construction hours, construction parking, and any proposal for temporary sidewalk closures.
2. The applicant shall provide the DPD Land Use Planner for approval a plan and report, certified by an acoustic expert, to attenuate sound levels at the alley/site property line equivalent to the levels that would be obtained by locating the loading berths within the site fifty feet from where the property line abuts the alley.

Prior to issuance of any Temporary Certificate of Occupancy for the Non-Residential Portion of the Structure

3. Provide, with SDOT permitting and approvals, a dedicated northbound left-turn lane from 39th Avenue SW onto SW Oregon Street with restricted parking along a portion of the east side of 39th Avenue SW.
4. Provide, with SDOT permitting and approvals, a dedicated westbound left-turn lane from SW Oregon Street onto 39th Avenue SW with restricted parking along a portion of the north side of SW Oregon Street.

For the life of the project

5. The hours of the operation of the loading berths shall be restricted so that the loading berths are operational only between 7:00AM and 7:00 PM.
6. Trucks arriving to be loaded or off-loaded after 7:00 PM or before 7:00 AM shall perform these operations from 39th Avenue SW, a street with commercial uses along both sides.
7. 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 disable their back-up signals while maneuvering into their berths from the alley.
8. Once arrived within the loading berth, the vehicle operators must turn off their vehicle engines.
9. Auxiliary generator/refrigeration units on vehicles must be switched to in-line electrical power supplied from the loading berth site.

CONDITIONS-DESIGN REVIEW

Prior to issuance of any Certificate of Occupancy

10. Construct buildings with siting, materials, and architectural details substantially the same as those presented at the August 14, 2008 Design Review Board meeting, with those modification required as conditions of the Board's approval and as shown on plan sets received by DPD on March 9, 2009..

Prior to issuance of any Temporary Certificate of Occupancy for the Non-Residential Portion of the Structure

11. After approval by SDOT, the applicant shall install appropriate pedestrian sidewalk paving, street trees, landscaping and street furniture around the periphery of the building and as part of the public amenity space within the public right-of-way at SW Alaska Street and 39th Avenue SW.

12. The applicant shall submit to DPD for review and approval, and with SDOT concurrence install City of Seattle public open space logo(s) on a plaque (or plaques) within or adjacent to the public amenity feature required as part of the Alley vacation approval.

Signature: _____ (signature on file) Date: April 06, 2009
Michael Dorcy, Senior Land Use Planner
Department of Planning and Development

MD:lc

I:\dorcym\My Documents\Decision 3009349.doc