



City of Seattle

Department of Planning and Development
Diane M. Sugimura, Director

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

Application Number: 3009367
Council File Number: 310161
Applicant Name: Bill Fuller, Fuller Sears Architects, for Safeway Inc.
Address of Proposal: 2622 California Avenue SW

SUMMARY OF PROPOSED ACTIONS

Land Use Application to allow a four story structure containing 59,000 square feet of a retail grocery (Safeway) at ground level, with a total of 40 residential units and an additional 20,000 square feet of commercial space at and above ground level. Parking for 227 vehicles will be provided at and above grade. Project includes a contract rezone from Lowrise 3 to Neighborhood Commercial 3 with a 40 foot height limit to include all of tax parcels 6087100895 and 6087100900, as well as a contract rezone from Neighborhood Commercial 2 with a 40 foot height limit to Neighborhood Commercial 3 with a 40 foot height limit to include all of parcels 6087100660 and 6087100665.*

The following approvals are required:

Contract Rezone – Rezone two parcels from L-3 to NC3-40 and two parcels from NC2-40 to NC3-40 to allow the future construction of a four story mixed use building with ground floor and upper level commercial and multifamily residential uses with a schematic development scheme (SMC Section 23.34.004).

Design Review - Seattle Municipal Code (SMC) Section 23.41

SEPA - Environmental Determination pursuant to SMC 25.05

* The area proposed for the rezone is co-extensive with the area subject to the Design Review component, but an area of some 18,353 square feet at the northwest corner of the rezone site has been segregated by a Lot Boundary Adjustment (MUP#3010683) and is subject to a separate MUP (3010684) for Design Review and environmental review and determination. Proposed

development on that portion of the site, for a single-story, 6,852 square-foot commercial building with accessory surface parking falls within the allowable provisions of the existing NC2-40 zoning. Separate permitting for that parcel does not need to wait upon the final outcome of the rezone application or alley-vacation petition. Early development on the site will afford the opportunity for Safeway to remove their pharmacy functions to the new structure and to maintain operations while demolition of the old grocery store and construction of the new take place.

SEPA DETERMINATION: Exempt DNS MDNS EIS

DNS with conditions

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

PROJECT DESCRIPTION

The applicant, Safeway, Inc., proposes a contract rezone from Lowrise 3 to Neighborhood Commercial 3 with a 40 foot height limit (NC3-40) for tax parcels 6087100895 and 6087100900 (totaling approximately 10,514 square feet) and a rezone from Neighborhood Commercial 2 with a 40 foot height limit to Neighborhood Commercial 3 with a 40 foot height limit for parcels 6087100660 and 6017100665 (totaling approximately 114,004 square feet). These parcels comprise the “rezone area” being discussed. A specific development is proposed for the area that comprises these parcels and includes design review and environmental review and determination for a single story commercial building containing 6860 square feet, which development is proposed under a separate Master Use Permit (MUP # 3010684). This Master Use Permit (MUP #3009367), in addition to the rezone analysis and recommendation for the entire site, includes design review and environmental review and determination for a separate four story mixed use building containing commercial and residential development, including a 59,000 square foot grocery store (Safeway) site. The Property Use and Development Agreement (PUDA) would include all of the tax parcels to be rezoned.



[Figure 1]

The proposed rezoning would relocate the boundary separating the L-3 zone from the centerline of the north/south running alley at the southeast portion of the block to the centerline of 42nd Avenue SW approximately 155 feet to the east. The proposed NC3-40 zoning would be co-extensive with the Safeway controlled parcels on the site, now zoned NC2-40, and would be extended from the centerline of the east/west running alley at the southeast corner of the site southward approximately 114 feet to the centerline of SW Lander Street where it would meet the SF 5000 zoning that comprises Hiawatha Park.

The entire area of the proposed rezoning would undergo new development with one new commercial structure, one new mixed-use structure. Parking accessory to the two structures would be located beneath the residential portion of the mixed-use structure, on the roof of the grocery store and at the surface of the site, north of the grocery store and east of the separate “shops” commercial building. Since the construction of the smaller commercial structure is dependent on neither the rezoning nor the proposed alley vacation, an application for a separate decision for that development has been filed with DPD (MUP #3010684). The design review component of the subject MUP has been included in this Decision as discussed in full below.

Background Information. The applicant has created a short-term development plan for the property in the rezoning area. Although intended to be concluded in the short term, the plan has a two phase development scheme, consisting of construction of the smaller “shops” building at the northwest corner of the site, a portion of which would be occupied by the Safeway pharmacy during the demolition and construction phase of the new grocery/pharmacy space.

Description of Design Review proposal: The applicant proposes a four-story, mixed-use structure extending between California Avenue SW and 42nd Avenue SW. The majority of the first floor would include a retail grocery store (Safeway) of approximately 59,000 square feet which would front onto California Avenue SW and SW Lander Street. There will be an attached four-story residential structure occupying a portion of the southeast quadrant of the site and occupying space at the ground level along both SW Lander Street and 42nd Avenue SW. It will contain approximately 40 residential units that will be accessed off 42nd Avenue SW. Parking for the residential units will be provided in an underground garage with access from SW Lander Street. Directly to the north of this attached structure, and likewise attached to the grocery store, there will be a three story commercial structure containing “flex work” spaces, some accessed at sidewalk level.

The applicant proposes a contract rezone for the entire site, which currently has a zoning classification of Lowrise 3 and NC2-40, in order to accommodate a larger retail grocery store on a site that has housed the current grocery store since 1961. The applicant is not proposing as change in height limits for the parcels currently zoned NC2-40. The allowable height for the two parcels currently zoned L-3 (30 feet) would be expanded to 40 feet under the proposed rezone.

SITE & VICINITY

The site is located at 2622 California Avenue SW, extending between California Ave SW and 42nd Ave SW, and from SW Lander Street north to a point approximately 150 feet south of SW Admiral Way. The irregularly shaped site abuts two “L”-shaped alleys, one connecting between SW Admiral Way and 42nd AV SW on the north and a second connecting SW Lander Street to 42nd Ave SW at the southeast corner of the site. The site is currently occupied by the existing single-story Admiral Safeway store, surface parking and a single family residence located at the southeast corner of the site. Lafayette Elementary school lies directly across California Ave to the west. Hiawatha playfield lies directly south of the site across SW Lander St. The northern end of the block consists of several smaller commercial buildings that face onto California Ave SW and onto SW Admiral Way. Across from the site, the east side of 42nd Ave SW is lined with multi-family residential structures.

The development site slopes down perhaps ten feet from the north to the south property lines. The property is zoned Neighborhood Commercial 2 with a forty foot height limit (NC2-40’) as are the properties on the west side of California Ave SW. South of SW Lander Street the property is zoned Single-family (SF5000). Across 42nd Ave SW properties are zoned Lowrise (L-3). The site is located within the Admiral Residential Urban Village. The site lies within one block of four City of Seattle Landmark structures, the Admiral Theater and West Seattle Branch of the City of Seattle Public Library to the north, and the Hiawatha Community Center and West Seattle High School to the south. The southeast corner of the site lies directly opposite another Landmark structure, the former Sixth Church of Christ Scientist, located at 2656 42nd Avenue SW and now used as a single family residence cum commercial reception hall.

The L-3 zone begins at the centerlines of the L-shaped alley that separates two parcels, totaling approximately 10,500 square feet, from the rest of the development site. The overall proposal intends to seek a vacation of that remnant of an alley that originally was located midblock between 42nd Avenue SW and California Avenue SW and ran between SW Admiral Way and SW Lander Street. The rest of the block is currently zoned NC2-40, including that portion of the block located at the northeast corner that is separated by another L-shaped alley. That L-shaped alley at the northeast corner of the site extends south from SW, turns east at the north end of the existing Safeway parking lot, and then connects to 42nd Avenue SW. It will remain as configured and will not be the subject of an alley vacation request.

Site and Vicinity of the Design Review Component. The area proposed for the rezone is co-extensive with the area subject to the Design Review component, but an area of some 18,353 square feet at the northwest corner of the rezone site has been segregated by a Lot Boundary Adjustment (MUP#3010683) and is subject to a separate MUP (3010684) for Design Review and environmental review and determination. Proposed development on that portion of the site, for a single-story, 6,852 square-foot commercial building with accessory surface parking falls within the allowable provisions of the existing NC2-40 zoning. Separate permitting for that parcel does not need to wait upon the final outcome of the rezone application or alley-vacation petition. Early development on the site will afford the opportunity for Safeway to remove their pharmacy functions to the new structure and to maintain operations while demolition of the old grocery store and construction of the new take place.

PUBLIC COMMENT

The comment period for this proposal ended on December 2, 2009. The City received two written comments regarding the project; one expressed concerns for an increase in traffic and the effects on pedestrian safety; the other objected to “too tall a structure next to park and school.” Substantially greater Public comment was solicited at each of the Design Review meetings and specific comments are included under the Design Review analysis discussed below. While addressing other aspects of the proposal, none of these comments directly addressed the specifics or the appropriateness of the rezone.

REZONE- ANALYSIS & RECOMMENDATION OF THE DIRECTOR

Seattle Municipal Code section 23.34.007 and the following sections set forth the criteria for rezone application evaluation. SMC 23.34.007 directs that the provisions of the rezone chapter shall be weighed and balanced together to determine which zone or height designation best meets those provisions. Zone function statements shall be used to assess the likelihood that the area proposed to be rezoned would function as intended. No single criterion or group of criteria shall be applied as an absolute requirement or test of appropriateness of a zone designation, nor is there a “hierarchy of priorities” for rezone considerations, unless a provision indicates the intent to constitute a requirement or sole criterion.

SMC 23.34.004 Contract Rezones.

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

The proposal is for a contract rezone in which development would be controlled by a Property Use and Development Agreement (PUDA). The PUDA would restrict the development of the properties proposed for rezone to the structures approved through the Design Review process, a summary and analysis of which is included below. The approved design includes, but is not limited to, the design of the proposed structures, their location on the site, the height of the proposed structures, building materials, landscaping, street improvements, parking design, location and layout, public benefit features, signage, and site lighting and is documented in the approved plan sets dated February 25, 2010.

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

The applicant does not seek a waiver from bulk or off-street parking and loading requirements.

SMC 23.34.007 Rezone evaluation.

A. The provisions of this chapter apply to all rezones except correction of mapping errors. In evaluating proposed rezones, the provisions of this chapter shall be weighed and balanced together to determine which zone or height designation best meets those provisions. In addition, the zone function statements, which describe the intended function of each zone designation, shall be used to assess the likelihood that the area proposed to be rezoned would function as intended.

B. No single criterion or group of criteria shall be applied as an absolute requirement or test of the appropriateness of a zone designation, nor is there a hierarchy or priority of rezone considerations, unless a provision indicates the intent to constitute a requirement or sole criterion.

This section requires the consideration of all applicable rezone criteria with no single criterion being the determining factor. The conclusion at the end of the Rezone Analysis summarizes the detailed analysis.

C. Compliance with the provisions of this chapter shall constitute consistency with the Comprehensive Plan for the purpose of reviewing proposed rezones, except that Comprehensive Plan Shoreline Area Objectives shall be used in shoreline environment redesignations as provided in SMC Subsection 23.60.060.B3.

D. Provisions of this chapter that pertain to areas inside of urban centers or villages shall be effective only when a boundary for the subject center or village has been established in the Comprehensive Plan. Provisions of this chapter that pertain to areas outside of urban villages or outside of urban centers shall apply to all areas that are not within an adopted urban village or urban center boundary.

The proposal is located within the Admiral Residential Urban Village in the Admiral neighborhood of West Seattle.

E. The procedures and locational criteria for shoreline environment redesignations are located in Sections 23.60.060 and 23.60.220, respectively.

The proposal is not located within any shoreline area.

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

General Rezone Criteria of SMC 23.34.008

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

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

The proposal is for a rezone from Neighborhood Commercial 2 with a 40 foot height limit and from L3 to Neighborhood Commercial 3 with a 40 foot height limit. While the rezone would expand the allowable size for a single commercial use, it would not increase the capacity on site for residential units. As proposed, one single family residence located at the southeast corner of development site would be demolished. The demolition of the existing grocery store and its expansion as proposed would be accompanied by the inclusion of four stories of residential use to the total of 40 units which are not currently included on the development site. The residential units included in the proposal would contribute to achieving the 125% of the growth target s adopted in the Comprehensive Plan for the Admiral Residential Urban Village.

2. For the area within the urban village boundary of hub urban villages and for residential urban villages taken as a whole the zoned capacity shall not be less than the densities established in the Urban Village Element of the Comprehensive Plan.

The area for rezone lies outside of an urban center but within the Admiral Residential Urban Village. Residential urban villages are intended for predominately residential development around a core of commercial services. The proposed contract rezone will allow for the intensification of an existing commercial use on site, provide for a proliferation of smaller commercial activities on a site that lies at the heart of the urban residential village and provide housing opportunities on a site where none exist today. The addition of residential capacity on site will contribute to meeting the target set by the Comprehensive Plan for a citywide growth of 25 percent of providing for new households within hub and residential urban villages.

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

The applicant proposes to rezone the existing L-3 and NC2-40 to NC3-40 in order to provide for an intensification of the personal and household retail sales and service (grocery store) use already on the site. The NC2-40 zone limits the store to 50,000 square feet, whereas NC3-40 zoning would allow a store in excess of 50,000 square feet. The applicant has proposed a store totaling 58,688 square feet. In all other aspects the development potential of NC3-40 zoning would be identical with the existing NC2-40 zoning. The analysis below will consider the appropriateness of the NC3-40 zone's criteria as a match for the area's characteristics.

SMC 23.34.020 provides the L-3 zone, function and locational criteria, SMC 23.34.076 provides the same for NC2 zones and SMC 23.34.078 for NC3 zones. A comprehensive analysis of the match between zone criteria and area characteristics are provided in the text below. With the proposed alley vacation the area now zoned L3 would arguably more appropriately be zoned the same as the rest of the block, viz. Neighborhood Commercial.

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

The parcels under consideration for a rezone have been consistently zoned commercial for many years. The most recent comprehensive planning process (resulting in *City of Seattle Comprehensive Plan: Toward a Sustainable Seattle*, January 2005), has not sought to recommend an expansion of the cruciform commercial zone centering on the intersection of California Avenue SW and SW Admiral Way. There do not appear to have been any rezones granted in the general vicinity of the Admiral Residential Urban Village in the past five years.

Except for the two L-3 parcels, the subject properties were previously zoned Neighborhood Business (BN), a predecessor zone to Neighborhood Commercial. These parcels were re-zoned to NC2-40 under the City's prior commercial zoning code (Chapter 23.47) in 1982 and remained NC2-40 under the most recent commercial zoning code (Chapter 23.47A), enacted in 2006. The history of the surrounding area that includes NC, single-family and lowrise multifamily and single-family zones has remained similarly stable.

There are three other parcels at the north end of the block bounded by SW Admiral Way, California Avenue SW, SW Lander Street and 42nd Avenue SW that are not a part of the proposed rezone. These are currently zoned NC2-40, relatively small in size, two separated from the third by an intervening alley not intended for vacating, and without potential for aggrandizement or benefit from a NC3 designation. There would be no apparent advantage for these parcels to seek a rezone to NC3-40.

D. Neighborhood Plans.

1. For the purposes of this title, the effect of a neighborhood plan, adopted or amended by the City Council after January 1, 1995, shall be as expressly established by the City Council for each such neighborhood plan.

The project site lies within the planning area of the Admiral Neighborhood Plan which was adopted as an amendment to the Comprehensive Plan by City Council, October 25, 1999, by Ordinance 119714.

2. Council adopted neighborhood plans that apply to the area proposed for rezone shall be taken into consideration.

The following goals and polices in the adopted Admiral Neighborhood Plan apply to the proposed rezone (Goal/Policy in italics followed by response/analysis)

A-P1: Encourage development that conforms with the neighborhood's existing character and scale, and further promotes a pedestrian friendly environment. The project will enhance the mixed use character of the neighborhood while providing pedestrian friendly street amenities.

A-P33. Seek to preserve and extend the neighborhood's tree canopy. The proposed project includes additional trees and extensive streetscape landscaping on the three street sides.

A-P34. Seek to provide convenient pedestrian access to Admiral's parks, playgrounds and open space. The proposed project design includes improvements to the street crossings on SW Lander Street and to the entries to the Hiawatha Play field at both the corner of SW Lander and California Avenue SW and SW Lander Street and 42nd Avenue SW.

A-P36. Seek to ensure that the designs of private development and public spaces support each other to enhance and reinforce Admiral's identity. The proposed development has undergone the city's Design Review process and was approved by the West Seattle Design Review Board on February 11, 2010. Design aspects considered during Design Review included the architectural context, commercial signage, commercial and residential lighting, and right-of-way improvements including. These elements were considered consistent with both the City's *Design Review: Guidelines for Multifamily and Commercial Buildings* and the *Admiral Residential Urban Village Design Guidelines*.

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

The adopted Admiral Neighborhood Plan contains the following policy (A-P4) for guiding future rezones: “The special L3 and L4 locational criteria for the evaluation of rezones to the L3 and L4 designations inside of urban villages shall not apply to the Admiral Residential Urban Village.” The subject rezone proposal, however, does not intend a rezone to the L3 or L4 designations within the Admiral Residential Urban Village.

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

The subject parcels lie within the area covered in the Admiral Neighborhood Plan adopted in 1999. There are no specific recommended rezones in the Council-adopted Neighborhood Plan.

The proposed contract rezone appears to be consistent with the applicable policies contained in the Comprehensive Plan’s adopted Admiral Neighborhood Plan. ”

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

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

The existing Admiral Residential Urban Village is a relatively well defined area of predominately Neighborhood Commercial zoning, cruciform in shape and radiating east and west along SW Admiral Way and more extensively along California Avenue SW in a north and south direction. It forms the raised center of the West Seattle Alki peninsula and is surrounded by an expansive area of single-family zoning to the north, east and west. There is a sprinkling of lowrise zoning, primarily L-3 contiguous to the commercial core. In the general area of the rezone proposal, Lowrise 3 zoning runs along the west-facing lots of 42nd Avenue SW to the point where the Neighborhood Commercial zoning contiguous to SW Admiral Way extends a brief distance down the block. This strip of L-3 zoning buffers the single-family zoning to the east. The Neighborhood Commercial zoning extends along the west side of California Avenue SW creating a split-zoned conjunction of commercial and single-family zoning on the Lafayette Elementary School property. Hiawatha Playfield and Park, zoned SF 5000, effectively provides a buffer for the single-family residences to the south. Two of the parcels that are subjects of this rezone proposal, the L-3 zoned parcels at the southeast corner of the block which is otherwise entirely zoned Neighborhood Commercial; do not appear to serve any significant buffer functions. Except for these parcels there is no expansion of the Neighborhood Commercial zone to either the north, the south, the east or the west or beyond the block.

2. *Physical buffers may provide an effective separation between different uses and intensities of development. The following elements may be considered as buffers:*

- a. Natural features such as topographic breaks, lakes, rivers, streams, ravines and shorelines;*
- b. Freeways, expressways, other major traffic arterials, and railroad tracks;*
- c. Distinct change in street layout and block orientation;*
- d. Open space and green spaces.*

Existing conditions do not possess physical buffers as delineated above except for Hiawatha Park which lies just to the south of the development site and effectively provides a buffer to the single-family area to the south of the park.

3. *Zone Boundaries.*

- a. In establishing boundaries the following elements shall be considered:
(1) Physical buffers as described in subsection E2 above;
(2) Platted lot lines.*
- b. Boundaries between commercial and residential areas shall generally be established so that commercial uses face each other across the street on which they are located, and face away from adjacent residential areas. An exception may be made when physical buffers can provide a more effective separation between uses.*

Physical buffers (1) have been described above.

Platted lot lines (2). Proposed zone boundary would follow existing platted lot lines and centerlines of public right-of-way. Because control of the subject properties lies within a common ownership, the shape or configuration of future lot lines could be determined in various ways depending upon the existing or future proposals. The proposed development on site maximizes the continuity of commercial storefronts along California Avenue SW, locates the proposed residential uses opposite the residential development already existing along 42nd Avenue SW, provides for “flex work” spaces at a compatible scale along the same street front and in such a way as to buffer the loading operations of the larger retail grocery store from the residential uses across 42nd Avenue SW.

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

For the bulk of the site the proposal does not seek an increase in the allowed height limit of 40 feet. The rezone would be from NC2 with a forty foot height limit to NC3 with a 40 foot height limit. The allowable existing height limit for the small portion of the development site currently zoned L-3 is 30 feet, with allowances for up to 35 feet for pitched roofs. Any development on site would comply with the existing height provisions of SMC23.47A.012A.

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

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

a. Housing, particularly low-income housing;

The proposal includes 40 new housing units on a site where a single family residence is now vacated, for a net gain of 39 residential units. No low income housing is included as part of the proposal.

b. Public services;

The proposed contract rezone development will require public services. The area's infrastructure has the capacity to accommodate future development on the entire rezone site. The demands on Fire and Police services may be increased related to the 39 residential units not previously on site. A service need related to an increase in commercial spaces is also likely to be expanded, but this increase is difficult to quantify or to calculate with accuracy.

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

There would be some increase in *noise, air and water quality* impacts expected with the proposed increase in height. *Terrestrial and aquatic flora and fauna* would likely not be affected since landscaping requirements are based on lot area and not gross floor area. *Glare and odor* impacts would likely not change significantly; potential glare from the lighting proposed for rooftop parking will be mitigated by specific conditioning imposed by the Design Review Board.

Shadowing on adjacent streets and buildings might increase due to the expansion of uses other than surface parking on site. A substantial portion of the proposed commercial expansion on site, however, will be in structures built to heights well under the allowable 40-foot limit. Only along the southeast section of the site, adjacent the four-story residential portion of the mixed-use structure would there be any substantial shadowing off site.

Energy consumption would be increased with the expected addition of 40 residential units and expanded commercial spaces. The applicants propose a number of energy conservation strategies in the proposed structures.

d. Pedestrian safety;

The area currently has sidewalks, street lights and nearby crosswalks at S W Lander and California Avenue SW as well as SW Lander and 42nd Avenue SW. The presence of commercial and residential uses on the site will increase “eyes on the street”, which is assumed to enhance overall safety in the neighborhood. Pedestrian level lighting is proposed on 42nd Avenue SW and California Avenue SW. The development predicated upon the proposed contract rezone is expected to enhance pedestrian safety in the area.

e. Manufacturing activity;

There is no manufacturing activity on the property or in the property’s vicinity.

f. Employment activity;

The Admiral Safeway employs about 130 people in their current store on site. The expansion anticipated by the rezone proposal would add approximately 60 additional employees. The 6,852 square foot “shops” building would likely be divided into several smaller retail businesses, each with new or re-moved employees. Some of the “flex work” spaces could house business enterprises that would require additional employment.

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

There are several Landmark structures within the immediate vicinity of the proposed rezone. The site lies within one block of four City of Seattle Landmark structures, the Admiral Theater and West Seattle Branch of the City of Seattle Public Library to the north, and the Hiawatha Community Center and West Seattle High School to the south. The former Sixth Church of Christ Scientist, directly across 42nd Avenue SW from the rezone site, would undoubtedly be most affected by the rezone and development, but the impact is expected to be positive since the general pedestrian environment across the street will be enhanced by the proposal.

h. Shoreline view, public access and recreation.

The proposed contract rezone will not impact shoreline, public access or recreation uses.

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

a. Street access to the area;

Both California Avenue SW and 42nd Avenue SW provide direct street access for the entire rezone proposal.

b. Street capacity in the area;

The proposed contract rezone will generate traffic which will alter the street capacity in the area. The street capacity of the area, however, according to analyses prepared by Heffron Transportation, Inc., can reasonably accommodate the increased traffic associated with the proposed development.

c. Transit service;

King County Metro buses have stops across California Avenue SW from the site. The additional development potential provided by the rezone is negligible in terms relative to transit ridership for the project vicinity.

d. Parking capacity;

Based on SEPA analysis, the proposed Safeway store, other commercial uses and residential units will have a capacity commensurate with what than is needed at the P.M. peak hour. Presumably, any development on site must comply with land use code requirements.

e. Utility and sewer capacity;

The rezone's development potential will not be adversely impact by utility and sewer capacity. Seattle Public Utilities has indicated that the rezone area has existing sewer capacity to accommodate proposed development.

f. Shoreline navigation.

The proposed contract rezone will not impact shoreline navigation.

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

The neighborhood has witnessed slow but steady redevelopment in the past ten years. Safeway opened a new gas station and convenience store at the corner of SW Admiral Way and 42nd Avenue SW in 2006. New townhouse units and apartment buildings have been constructed along 42nd Avenue SW across for the proposed rezone site over the past decade. A new Metropolitan Market grocery store north of SW Admiral Way on 42nd Avenue SW appeared in 1997. Merrill Gardens at Admiral Heights, a 76-unit assisted living complex, located at 2326 California Avenue SW, was constructed in 2000. Recent development activity suggests that development in the area is not stagnant.

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

The subject parcels are located in the Admiral Residential Urban Village overlay; no other overlays apply to the site.

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

The rezone area is not located in or adjacent to an environmentally critical area.

SMC 23.34.009 Height Limits of the Proposed Rezone.

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

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

For a portion of the site this rezone seeks to increase the height limit from an L-3 zone with a height limit of 30 feet (SMC 23.45.009) to a Neighborhood Commercial zone with a 40 foot height limit. The majority of the site is already zoned to a 40-foot height level. The designation of NC3-40 allows for an intensification of a single commercial use on site and is not sought to increase the allowable height above that currently allowed except in that portion of the site currently zoned L-3. The majority of the actual development proposed on site would be under the forty foot height limit. The rezone is likely to meet demands for permitted goods and services by providing housing and commercial opportunities; displacement of preferred uses is unlikely under the rezone proposal. The project would create 40 new residential units for the neighborhood.

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

The placement of proposed grocery store on the south side of the site and allowing the continuous floor level to slip several feet below grade at the south property line lessens the impact of the that portion of the development. Only the residential portion of the structure at the south east edge of the site will be built to the 40-foot allowable height affecting existing territorial views from the decks and interiors of residential structures across 42nd Avenue SW.

C. Height and Scale of the Area.

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

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

Except for the southeast portion of the site the rezone site is already zoned to a 40-foot height limit (NC2-40). A portion of the site at the southeast corner is currently zoned L-3. L-3 zoning allows for 30' height limits with a sloped roof bonus of 5'.

The actual proposed heights of structures on site would not overwhelm adjacent development. Stair and mechanical penthouses, as allowed by Code, would extend above the height limit at the southwest corner of the development. The overall scale of the entire built-out complex on site would be larger than structures built to the L-3 standards of residential structures across 42nd Avenue SW.

D. Compatibility with Surrounding Area.

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

Major physical buffers are not present within the existing zones or between separate zones. The height of the proposed grocery-store, mixed-use structure provides a shorter structure than what would be possible in a 40 foot height zone except for that portion of the structure that provides four floors of residential use. The breadth and the length of this part of the development is greater than the surrounding development. The structure's height, bulk and scale, modulation, landscape screening, however, have been reviewed during the design review process, which is intended to mitigate the structure's proposed scale. The 20-foot height of the proposed "shops" building is intended to match the scales of existing commercial buildings along California Avenue SW.

E. Neighborhood Plans.

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

See discussion for SMC23.34.008D above.

Height as proposed for this development should be less of a concern than overall scale. The project's bulk would be considerably greater than the actual commercial development in the area which consists of smaller, discrete commercial buildings, most underbuilt to the allowable height. While the NC3-40 allows for greater bulk (in this instance a store of an additional 8,000 square feet), the actual proposal utilizes the allowable height for only a small portion of the site.

SMC 23.34.013 Designation of Multifamily Zones.

An area zoned single family that meets the criteria of Section 23.34.011 for single family designation, may not be rezoned to multifamily except as otherwise provided in Section 23.34.010B.

None of the subject parcels is designated single family.

SMC 23.34.020 Lowrise 3 (L3) Zone, Function and Locational Criteria.

A. Function. An area that provides moderate scale multifamily housing opportunities in multifamily neighborhoods where it is desirable to limit development to infill projects and conversions compatible with the existing mix of houses and small to moderate scale apartment structures.

The 10,366 square foot rezone area currently zoned L3 itself does not provide multifamily housing as one parcel serves as a parking lot and the other contains an unoccupied single-family residence. Both parcels lie to the east and south of an L-shaped alley which, as part of this overall proposal, the owners of the properties on either side of the alley (Safeway) are petitioning to have vacated. A portion of the block face running along 42nd Avenue SW to the east and extending between 42nd Avenue SW and the alley intervening between 42nd Avenue SW and 41st Avenue SW is also zoned L3. The parcels that comprise this strip of L3 zoning are occupied with a few apartments ranging in size from 15 to 4 units, a few town houses, and, occupying the southwest corner facing onto both 42nd Avenue SW and SW Lander Street, a combination single-family residence and commercial “reception hall” located within the 1929 former Sixth Church of Christ Scientist Church, a City of Seattle Landmark. larger vicinity to the north, south and west has L3 zoning and numerous moderate scale (two and three story) apartment buildings along Rainier Ave.

B. Locational Criteria.

1. Threshold Conditions. Subject to subsection B2 of this section, properties that may be considered for an L3 designation are limited to the following:

a. Properties already zoned L3;

The two parcels at the southeast corner of the site are currently zoned L3.

b. Properties in areas already developed predominantly to the permitted L3 density and where L3 scale is well established.

In the general vicinity, a discrete band of L3 zoning extends one parcel deep for a distance of some 530 feet along 42nd Avenue SW from SW Lander Street north to the parcel line 80 feet south of SW Admiral Way which marks the southern extent of the cruciform NC2-40 zoning around the California Avenue SW and SW Admiral Way junction. To the east of this L3 band lies a wide area of SF 5000 zoning. The subject band of L3 zoning forms the eastern border of the Neighborhood Commercial 2-40 zone and provides a transition to the predominant area of SF 5000 zoning to the east.

- c. *Properties within an urban center or urban village, except in the Wallingford Residential Urban Village, in the Eastlake Residential Urban Village, in the Upper Queen Anne Residential Urban Village, in the Morgan Junction Residential Urban Village, in the Lake City Hub Urban Village, in the Bitter Lake Village Hub Urban Village, or in the Admiral Residential Urban Village; or*

The special L3 and L4 locational criteria for the evaluation of rezones to the L3 and L4 designations inside of urban villages shall not apply in the Admiral Residential Urban Village. New L3 zoning, in other words, is not to be allowed in the Admiral Residential Urban Village.

- d. *Properties located in the Delridge Neighborhood Revitalization Area, as shown in Exhibit 23.34.020 A, provided that the L3 zone designation would facilitate a mixed-income housing development initiated by a public agency or the Seattle Housing Authority; a property use and development agreement is executed subject to the provisions of SMC Chapter 23.76 as a condition to any rezone; and the development would serve a broad public purpose.*

This criterion is not applicable.

2. *Properties designated as environmentally critical may not be rezoned to an L3 designation, and may remain L3 only in areas predominantly developed to the intensity of the L3 zone.*

The specific area under rezone consideration does not lie within an environmentally critical area.

3. *Other criteria. The Lowrise 3 designation is most appropriate in areas generally characterized by the following:*

- a. *Development Characteristics of the Area.*

(1) Either:

- (a) Areas that are already developed predominantly to the permitted L3 density and where L3 scale is well established;*

As stated above, there is a thin band of properties generally developed at L3 densities directly across 42nd Avenue SW.

- (b) Areas that are within an urban center or urban village, except in the Wallingford Residential Urban Village, in the Eastlake Residential Urban Village, in the Upper Queen Anne Residential Urban Village, in the Morgan Junction Residential Urban Village, in the Lake City Hub Urban Village, in the Bitter Lake Village Hub Urban Village, or in the Admiral Residential Urban Village, or*

The subject site lies within the Admiral Residential Urban Village. The special L3 and L4 locational criteria for the evaluation of rezones to the L3 and L4 designations inside of urban villages shall not apply in the Admiral Residential Urban Village.

- (c) Areas that are located within the Delridge Neighborhood Revitalization Area, as shown in Exhibit 23.34.020 A, provided that the L3 zone designation would facilitate a mixed-income housing development initiated by a public agency or the Seattle Housing Authority; a property use and development agreement is executed subject to the provisions of SMC Chapter 23.76 as a condition to any rezone; and the development would serve a broad public purpose.*

This criterion is not applicable.

- (2) Areas where the street pattern provides for adequate vehicular circulation and access to sites. Locations with alleys are preferred. Street widths should be sufficient for two (2) way traffic and parking along at least one (1) curbside.*

This criterion is met.

b. Relationship to the Surrounding Areas.

- (1) Properties in areas that are well served by public transit and have direct access to arterials, so that vehicular traffic is not required to use streets that pass through less intensive residential zones*

The Area is well served by public transportation. The site abuts California Avenue SW, an arterial. Traffic is not required to use streets that pass through less intensive residential zones except for SW Lander Street which fronts the northern edge of Hiawatha Park.

- (2) Properties in areas with significant topographic breaks, major arterials or open space that provide sufficient transition to LDT or L1 multifamily development*

This criterion is not applicable since there is no LDT or L1 zoning in the vicinity.

- (3) Properties in areas with existing multifamily zoning with close proximity and pedestrian connections to neighborhood services, public open spaces, schools and other residential amenities;*

There is a modicum of multifamily zoning in the area. Hiawatha Park is immediately to the south with West Seattle High School immediately to the south of the park and playfield. Lafayette Elementary School is located directly to the west of the site.

- (4) Properties that are adjacent to business and commercial areas with comparable height and bulk, or whether a transition in scale between areas of larger multifamily and/or commercial structures and smaller multifamily development is desirable.*

L3 development could act as a transition between the Neighborhood Commercial zoning and the single family neighborhood to the east. This zoning and land use pattern already occurs on the east side of 42nd Avenue SW north of SW Lander Street. The L3 zoning on the development site does not serve a transition function.

Summary: The two parcels currently zoned L3 are separated from the Neighborhood Commercial zoning overlaid on properties on the rest of the block by the 200-foot L-shaped alley that connects 42nd Avenue SW with SW Lander Street. A component of the applicant's proposal is a petition for a vacation of that alley which would leave the two parcels abutting the Neighborhood Commercial zoning. Approximately 6 percent of the land mass of the block would be zoned L3 were the two subject parcels not to be included in the rezone petition; 87% of the frontage along 42nd Avenue SW and 53% of the frontage along SW Lander Street are already included within the Neighborhood Commercial zoning designation.

A potential development scenario could leave the two subject parcels as L3, but such zoning would not necessarily contribute to buffering the single-family area to the east of the alley between 42nd Avenue SW and 41st Avenue SW, a function already provided by the band of L3 zoning along the east side of 42nd Avenue SW. Vacation of the alley would increase the anomalous lack of the transitional functionality of the two parcels. The applicant has maximized units and gained economies of scale by proposing a mixed use building with four stories of housing and 40 residential units which would be largely built in the space occupied by the subject parcels. Tools such as controlling height, bulk and scale; limiting commercial encroachment on nearby zones with less density, and smoothing zone transitions through a PUDA and design review process provides an opportunity for the creation of housing and greater residential density without negative impacts on properties across 42nd Avenue SW or SW Lander Street.

SMC 23.34.072 Designation of commercial zones.

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

An extensive, narrowly dimensioned area north and south along California Avenue SW and within the smaller cruciform transept along SW Admiral Way is zoned Neighborhood Commercial.

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

The area is not zoned Single Family and is already zoned primarily Neighborhood Commercial. The proposal is to rezone the site from NC2-40 and L3 to NC3-40.

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

The commercial zone abuts the single-family zoning of Hiawatha Park and the L-3 zoning and residential development along 42nd Avenue SW. Most of the subject rezone site is the established commercial zone with a NC2-40 designation. Only the rezone from L-3 to NC3-40 for the two parcels at the southeast corner of the development site proposes a change within this established preferred configuration of the commercial zoning.

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

The proposal is located in the Admiral Residential Urban Village where higher densities and intensities of uses are preferred. Though there are some areas at the edges of the Residential Urban Village that are zoned Multifamily residential, the majority of the land comprising the Residential Urban Village Center is zoned Neighborhood Commercial with a variety of height limits from 30 to 40 feet.

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

The proposal does not involve a new business district. The proposal seeks to improve the existing Admiral business core, with a new, larger Safeway grocery store replacing a smaller store in situ. Additionally, the proposal will provide increased opportunities for other businesses to occupy commercial spaces (a total of approximately 28,000 square feet) that will be built as part of the development proposal.

Conclusion: The subject property is appropriately zoned Neighborhood Commercial.

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

A. Function. To support or encourage a pedestrian-oriented shopping area that provides a full range of household and personal goods and services, including convenience and specialty goods to the surrounding neighborhoods, and that accommodates other uses that are compatible with the retail character of the area such as housing or , where the following characteristics can be achieved: offices, business support services, and residences that are compatible with the retail character of the area; and where the following characteristics can be achieved:

1. A variety of small to medium-sized neighborhood-serving businesses;

The proposal includes a grocery store of approximately 59,581 and a series of street front retail shops in a separate 20 foot tall single story building fronting on California Avenue SW totaling 6,860 square feet. Additionally, a three-story structure attached to the grocery store and facing onto 42nd Avenue SW will contain 20,100 square feet of “flex-work” spaces of variable individual sizes, several with sidewalk level store-fronts and entries. The applicant is providing for small to medium retail establishments with varied storefront designs which echo the existing pattern of commercial business in the neighborhood

2. Continuous storefronts built to the front lot line;

The proposed design includes continuous storefronts built to the sidewalk along California Avenue SW in the so-called “shops” building. The grocery store will provide five entries accessed from California Avenue SW, including three entries opening directly onto the sidewalk.

3. An atmosphere attractive to pedestrians;

The existing Safeway development is not particularly attractive to pedestrians or conducive to a pleasant pedestrian experience. The store presents a long blank façade to California Avenue SW. It is surrounded on the other three sides by parking and its only pedestrian access is oriented to the parking lot.

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

Shoppers can drive to the area, but the relationship of the parking to the store does not invite access to other retail opportunities that might exist in the area.

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

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

The criterion is met by the existing zoning. The cruciform NC2-40 zoning extends along SW Admiral Way a distance of three blocks and along California Avenue SW to SW Hanford Street on the south and to the north of SW Walker Street to the north for a total distance of more than 5 blocks.

2. Located on streets with good capacity, such as principal and minor arterials, but generally not on major transportation corridors; The site is located on California Avenue SW just south of the junction with SW Admiral Way, two major arterials serving West Seattle.
3. Lack of strong edges to buffer the residential areas; Hiawatha Playfield provides an identifiable between the subject site and the single family zoned area to the south. Lafayette Elementary School across California Avenue SW on the west, zoned along its front, California Avenue-facing property line as NC 2-40 and its western edge as SF 500, provides another identifiable edge.
4. A mix of small and medium sized parcels; Other than Hiawatha Park to the south and Lafayette Elementary School to the west, the main Safeway parcel, in excess of 100,000 square feet is the largest in the area.
5. Limited or moderate transit service. The transit is better than moderate. There is a Metro transit stop located on California Avenue SW across from the Safeway site and there are other Metro stops located on California Avenue SW and SW Admiral Way within 100 feet of the site. Both California Avenue SW south of SW Admiral Way and SW Admiral Way west of California Avenue SW are classified as major transit routes. California Avenue SW north of SW Admiral Way and SW Admiral Way east of California Avenue SW are classified as minor transit routes.

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

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

1. *A variety of sizes and types of retail and other commercial businesses at street level;* The proposal includes a grocery store of approximately 59,581 and a series of street front retail shops in a separate 20 foot tall single story building fronting on California Avenue SW totaling 6,860 square feet. Additionally, a three-story structure attached to the grocery store and facing onto 42nd Avenue SW will contain 20,100 square feet of “flex-work” spaces of variable individual sizes, several with sidewalk level store-fronts and entries. The applicant is providing a design that allows additional small to medium retail establishments with varied storefront designs that echo the existing pattern of commercial business in the neighborhood to provide a continuity of retail uses along California Avenue SW.
2. *Continuous storefronts or residences built to the front lot line;* The proposed design includes a grocery store with a continuous transparent storefront and multiple entries built to the sidewalk along California Avenue SW. A separate commercial building with multiple storefronts will be located on the site north of the grocery store and also facing onto California Avenue SW. Lower level residential entrances along 42nd Avenue SW will have stoop entries accessible from the sidewalk. The “flex work” structure along 42nd Avenue SW will have transparent storefronts and multiple entries directly from the sidewalk.
3. *Intense pedestrian activity;* By virtue of its location near the heart of the Admiral Residential Urban Village the proposed rezone predictably would intensify the uses on site and the pedestrian activity on and along the site. Additional businesses and residences would be constructed on the site. Increased pedestrian amenities contributing to the intensification of pedestrian activity would include widened sidewalks, new pedestrian level street lighting, pedestrian plazas and seating, enhanced connections in the public right-of-way between the site and Hiawatha Playfield, and a mid-block pedestrian connection between California Avenue SW and 42nd Avenue SW.
4. *Shoppers can drive to the area, but walk around from store to store;* Because the proposal is located in the heart of the Admiral Residential Urban Village and along a pedestrian designated street (California Avenue SW), easy access will be provided not only to the proposed grocery store but to the other commercial and retail uses on site, as well as to other commercial uses on both California Avenue SW and SW Admiral Way.
5. *Transit is an important means of access.* Transit service is available to serve the proposed rezone. Currently there is a Metro transit stop on California Avenue SW across from the Safeway site. There are other Metro transit stops along California Avenue SW and SW Admiral Way within 100 feet of the site. Both California Avenue SW south of SW Admiral Way and SW Admiral Way west of California Avenue SW are classified as major transit routes. California Avenue SW north of SW Admiral Way and SW Admiral Way east of California Avenue SW are classified as minor transit routes.

Summary: The proposal for the subject property meets all of the above functional criteria appropriate for zoning it Neighborhood Commercial 3.

RECOMMENDATION – REZONE

Summary

The proposal for the subject property meets all of the functional and locational criteria of the zone and is, therefore, appropriately zoned Neighborhood Commercial 2. The proposal also meets the functional and locational criteria of a Neighborhood Commercial 3 zone. The proposed contract rezone is consistent with all applicable policies contained in the Comprehensive Plan's adopted Admiral Neighborhood Plan.

Impacts of the proposed intensification from NC 2-40 (and L3) to NC3-40 to the surrounding area appear to be minimal. There is anticipated an increased need for police and fire services while other environmental impacts would be minimal. Positive impacts include increased pedestrian safety, improvement in traffic conditions and the provision of a vibrant pedestrian streetscape. Sewer capacity needs would not be increased due to the rezone based on proposed detention strategies for stormwater. There would an estimated increase in energy consumption mitigated in part by the applicant's intention to incorporate energy saving building features. Adequate parking will be provided and transit service is excellent.

Based on a weighing and balancing of the provisions of SMC chapter 23.34.007, the Director recommends APPROVAL of this rezone request.

Recommended Conditions of Approval Prior to Issuance of a Permit to Establish Use for Future Construction / Property Use and Development Agreement:

1. Future development in the rezone area shall be those improvements circumscribed by the uses, structures, landscaping and street improvements which, having undergone the Design Review Process, are set forth in the approved plan sets for MUP 3009367 and MUP 30120684. These include a mixed-use structure containing a 58,688 square foot grocery store, four stories of residential units (40) occupying some 29,676 square feet, and an additional three stories of rentable/leasable commercial "flex work" totaling approximately 20,000 square feet. Future development shall also include a separate smaller, single-story "shops" building containing 6,852 square feet of commercial space.
2. Since the property owner and developer of the grocery store and "shops" building (Safeway) intends to partner with other development interests for full construction of the residential and "flex work" portions of the project, and, since the mass of the "flex work" portion of the mixed-use structure that contains the grocery store will contribute to buffering sounds generated within the loading docks for the grocery store, and, since delays in completion of the overall project will prolong construction impacts including noise, dust and general inconvenience primarily for the residential neighbors across 42nd Avenue SW, and, since the residential units are vital to the success of the overall project, therefore, special assurances

shall be made to the City in the case that construction of the residential units and/or “flex work” spaces are not completed by the time the grocery store portion of the development seeks a Certificate of Occupancy for that portion of the development. Safeway shall be required to provide bonding or other instruments agreeable to the City guaranteeing completion of the residential and “flex work” commercial spaces within a reasonable amount of time. These instruments must be negotiated and must be in place prior to a granting of any Temporary Certificate of Occupancy. In no case shall a Final Certificate of Occupancy be granted for the grocery store before the other components, including structures, landscaping and street improvements, as set forth and defined in the approved plans, are substantially completed as proposed in the approved plans.

3. Any future proposal for commercial development within the rezone site not included in the plan sets for MUP 3009367 or 3010684 shall be limited to 7,000 square feet for any single commercial entity.

ANALYSIS - DESIGN REVIEW

Early Design Guidance I (September 25, 2008)

ARCHITECT’S PRESENTATION

Bill Fuller of Fuller Sear Architects made the substantive presentation at the meeting on behalf of the developer of the site, Safeway Stores. The applicant proposes for this site of approximately 130,000 square feet to replace the existing Safeway Store with a larger store of some 60,000 square feet, additional retail shop spaces, and 30-50 residential units. Parking would be provided both at the surface and as roof-top parking. Access to the surface parking (accommodating approximately 70 vehicles) in each of the presented alternatives would be provided from California Avenue SW, while access to rooftop parking (accommodating approximately 150 vehicles) would be provided from SW Lander Street or, in alternative 3, from the surface parking area. Each of the proposed alternatives showed a separated building containing additional retail shops that was located facing California Avenue SW at a northern portion of the site. Only the third alternative showed residential units. These were a band of single-loaded units facing 42nd Avenue SW; rising to three stories above the grocery store at the southeast corner of the structure and stepping down to two stories at the northern half of the structure.

In making its presentation, the development team referred to the programmatic objectives regarding the site, which included expanding the size of the Safeway store, adding to the retail activity along SW California Avenue in order to activate the street edges, providing convenient access from the neighborhood and adequate parking, providing urban density by “creating great spaces for urban living,” and doing this within a time-frame that would minimize the shut-down time for the grocery store (16 months projected).

In order to achieve the programmatic objectives, the development team is seeking both an alley vacation and a rezone from NC2 to NC3, which zoning change would allow for the increased size of the space needed for the grocery expansion. In addition, the development team identified two departures from development standards that would be sought for the preferred option:

- unspecified modifications of street-level use and development standards;
- exceeding the maximum allowed width for parking along the street frontage.

(Staff notes that another departure would be required to take vehicle access from the street(s) since there was alley access to the site from the alley on the north which would not be included in the vacation petition.)

The development team also identified for the Board those Design Guidelines from the *Admiral Residential Urban Village Design Guidelines* that they believed to be of highest priority for the project: A-1, A-2, A-3, A-4, A-5., A-6, A-7, A-8, A-9, A-10, B-1, C-1, D-1, D-2, D-3, D-6, and E-2.

BOARD CLARIFYING QUESTIONS AND COMMENTS

The Board asked clarifying questions regarding the architect's presentation which included the amount of parking required and proposed as well as the location chosen and the number of the proposed residential units.

PUBLIC COMMENTS

There were 9 members of the public who signed in to become parties of record. Three members of the public indicated a general support for the project; the proposal was said to be complementary to the neighborhood plan and an improvement upon the existing situation. One of those expressing general support of the proposal, however, did express a desire to have seen a broader array of alternatives. Another was less favorable to the proposals, commenting that they all were more sub-urban than urban in character. It was further noted that the solution for the site would be implanted there for the next quarter of a century and would set the wrong tone and direction for other development in the area. Specifically stated, the positioning of bulk and height toward 42nd Avenue SW was wrong and the primary focus of the project should be toward enlivening California Avenue SW. The entire project, but the residential portion of the program in particular, it was thought, should address in some tangible form the park across SW Lander Street. The break for auto access along California was singled out as particularly "unfortunate." Lastly, one member of the public was strongly critical of the presentation, in that the three massing studies that had been presented were not thought sufficiently different from each other to constitute real alternatives.

BOARD DELIBERATIONS

General Directives

The members of the Board expressed the following, generally shared, concerns regarding the proposal which echoed some of the comments from the public:

- The presentation had not provided siting and massing alternatives that were sufficiently differentiated from each other.
- The schemes proposed were more appropriate for a sub-urban site rather than for one in the heart of a Comprehensive Plan-designated Urban Residential Village.

After visiting the site, considering the analysis of the site and context provided by the proponents, and hearing public comment, the Design Review Board members provided the siting and design guidance described below and identified by letter and number those siting and design guidelines found in the City of Seattle's *Design Review: Guidelines for Multifamily & Commercial Buildings* 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-4 Human Activity

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

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-9 Location of Parking on Commercial Street Fronts

Parking on commercial street fronts should be minimized and where possible should be located behind a building.

The guidelines above were all chosen by the board to be of high priority. The Board desires that future design development should clearly demonstrate how the design responds to the Hiawatha Playfield directly across SW Lander Street. This was deemed an important edge, one requiring a substantial response.

Among the desirable streetscape qualities noted by the Board was a rhythm of continuous retail along California Ave SW and any break in that desirable rhythm, for example for vehicular access, stood in need of a cogent rationale. There needed to be a careful sectional analysis of the relation of proposed heights, setbacks, etc., of the residential portion of the structure along 42nd Avenue SW to existing residential structures across the street.

The Board questioned the desirability of the proposed curb cut along California Avenue SW, but also observed that it “might be OK” if it were “part of a great design.”

The Board expressed concern regarding possible negative visual and aesthetic impacts of the rooftop parking area.

Human activity on the street should be promoted by the interface of sidewalk and retail spaces; the applicant should be prepared to demonstrate how the proposed grocery and other retail spaces provide for an enlivening of the street.

The location and quality of usable open space for the residents should be considered a significant element of the design especially as it might interface with the rooftop parking.

B-1 Height, Bulk and Scale

Projects should be compatible with the scale of development anticipated by the applicable land use policies for the surrounding area and should be sited and designed to provide a sensitive transition to near-by, less intensive zones. 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 zone.

In citing this guideline the Board took exception to what was regarded as a lack in the applicant’s presentation of a clear set of contrasting siting and massing alternatives. It was the Board’s expectation that when the project was again presented that there would more clearly articulated alternatives.

C. Architectural Elements and Materials

C-2 Architectural Concept and Consistency

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

Buildings should exhibit form and features identifying the functions within the building. In general, the roofline or top of the structure should be clearly distinguished from its façade walls

C-4 Exterior Finish Materials

Building exteriors should be constructed of durable and maintainable materials that are attractive even when viewed up close. Materials that have texture, pattern, or lend themselves to a high quality of detailing are encouraged.

The Board indicated these guidelines to be of highest priority for the project without much further comment except to request at the next presentation some hint of the direction they were heading in choices of materials.

D. Pedestrian Environment

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.

D-6 Screen Dumpsters, Utilities and Service Areas

D-11 Commercial Transparency

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

The Board observed that the project appeared to propose an inordinate amount of “green wall.” The design team should provide studies of the proposed pedestrian environment on all three street sides of the project as well as along the parking lot and vehicular driveway and entry. The Board would expect to see fuller details of the loading dock, dumpster and storage areas as design development occurred. Studies of the rooftop parking area as almost a separate façade would likewise be expected as design development occurred. A particular area of concern was any visual impact the rooftop parking area would have on the Hiawatha Playfield area to the south of the project.

E. Landscaping

E-1 Reinforce existing landscape character of the neighborhood

Landscaping should reinforce the character of neighborhood properties and abutting streetscape.

E-2 Landscaping to enhance the building and site

Landscaping should be appropriately incorporated into the design to enhance the project.

E-3 Landscape Design to Address Special Site Conditions

The landscape design should take advantage of special on-site conditions such as high-bank front yards, steep slopes, view corridors, or existing significant trees and off-site conditions such as greenbelts, ravines, natural areas, and boulevards.

Landscaping should be designed with the goal of realizing the prioritized guidelines, should soften the edge conditions where appropriate, and should contribute to attractive and usable open spaces. The SW Lander Street edge of the development was singled out as of particular importance since it interfaced with the Hiawatha Playfield across the way. The Board would expect to see a comprehensive Landscape Plan, one that treats not only on-site open spaces but surrounding street conditions and the edges where the proposed structure meets the public realm.

Departures from Development Standards:

The development team indicated that their preferred scheme would require departures from street-level uses and development standards, without further specification, as well as a departure to allow the width of a surface parking area to exceed sixty lineal feet of street frontage (SMC 23.47.032 B1c).

The Board unanimously recommended that the applicants return for a second Early Design Guidance meeting at which time a more clearly differentiated set of alternatives would be proposed.

Staff Comments:

DPD concurred with the Board's recommended request for a second Early Design Guidance meeting. For the second Early Design Guidance meeting the applicants were asked to present a more comprehensive analysis of alternative schemes for the siting of parking and structures and overall massing as these were relate to the developer's programmatic intentions and expectations regarding the site. DPD's noted that it was the Department's expectation that the Board would take advantage of a second Early Design Guidance meeting to impart greater articulation to specific expectations relating to those Design Guidelines that they had already designated to be of highest priority for the project and to make reference to the Admiral Residential Urban Village Design Guidelines as might be appropriate.

Early Design Guidance Meeting II (November 20, 2008)

ARCHITECTS' PRESENTATION

For the second meeting of the Board on this project, the design team once again presented their client's programmatic requirements, which they indicated remained unchanged from the first presentation to the Board. These included: expanding the size of the Safeway store to 58,000 square feet, adding to the retail activity along SW California Avenue in order to activate the street edges, providing convenient access from the neighborhood and adequate parking (described as 3 vehicles per 1,000 square feet of grocery store space), providing urban density by constructing 30-40 residential units as part of the project, and doing this within a time-frame that would minimize the shut-down time for the grocery store (which could not exceed 16 months).

Four alternatives, additional to the three presented at the earlier meeting, were then briefly presented to the Board and the public. Alternative #4 moved the grocery store further north on the site and provided a "C"-shaped, 70-unit residential component facing Hiawatha Playfield on the south. An upward sloping ramp bisected the residential structure, providing access to rooftop parking above the grocery store. An added one story retail building at the northwest corner of the site extended its shorter façade along California Avenue SW. Alternative #5 wrapped a slightly smaller residential portion of the structure (containing 45 units) in an "L"-shape around the corner of 42nd Avenue SW and SW Lander Street. As in alternative #4, the additional retail building offered its smaller dimension to SW California Avenue. Alternative #6 presented a configuration of grocery store, residential units, and added one-story retail building that was described as Code-compliant and requiring no re-zone or alley vacation.

It was explained that each of these three alternatives had been dismissed by the design team and client because they would not allow for program viability, either in required store space, basic parking needs, or time required for construction and closure of the existing store. Alternative #7 was then presented. It showed a single story, 58,000 square foot grocery store, occupying the southern two-thirds of the site and set to the sidewalks along both SW California Avenue and SW Lander Street. A single story rectangular retail building with its longer façade set to the sidewalk at SW California Avenue occupied the northwest corner of the site. Surface parking was located behind this structure and on the roof of the grocery store. Between SW Lander Street and the north edge of the grocery store building was a four-story strip of residential units running along 42nd Avenue SW. A through-block driveway (alley) separated the grocery store and residential units from the separate, smaller retail building and the surface parking. A ramp connected this driveway to the rooftop parking area. There were entries to the grocery store from SW California Avenue at both the north and south ends of the store. Elevators and escalators connecting the store to the rooftop parking were located within an extended height atrium that ran from the northern entry some distance along SW California Avenue.

Board's Questions

Following the design team's presentation, it is customary for the Board to address a number of questions to the design team in order to clarify for themselves and the public aspects of the project which may not have been totally apparent during the course of the presentation. The Board's first question was a request to explain the precise differences between the "preferred option" (#3) presented at the first Early design Guidance meeting and alternate #7. The architects' response was that the scheme was essentially the same in siting and massing since the earlier preferred alternative was that which in their estimate best met the programmatic requirements of the client. One distinguishing feature of Alternate #7, it was noted, was that the through-block drive bisecting the lot was now proposed as an "alley relocation," substituting for the "L"-shaped alley that connected SW 42nd Avenue to SW Lander Street. The existing alley, of dubious functional or other worth, would be replaced by a "Woonerf-style" passageway that would directly connect 42nd Avenue SW to California Avenue SW and serve equally both pedestrian and vehicular needs through the site.

A second Board question was a request to explain how the project addressed an earlier Board concern that the proposed grocery store was "too suburban." In response the architects pointed to the fact that the grocery was set at the sidewalk line along both California Avenue SW and SW Lander Street and provided abundant transparency into the store from each of the streets. Additionally, the location of a four story residential apartment structure that intervened between the store and "residential" SW 42nd Avenue diminished the amount of blank façade presented to the periphery of the site. There would be "garage-type" roll-up doors along the relocated alley that would allow for a general openness into the store from that approach. Finally, there had been a compression of the proposed parking to 3 vehicles to 1000 square feet of store space (whereas the client's suburban would call for 5 vehicles per 1000). Following other comments from the Board that they had not seen a single alternative with underground parking, and that it was not appropriate for the Board to be constrained by the applicant's program (in particular considerations regarding projected construction time) the chair opened the meeting to public comment.

PUBLIC COMMENT

One of those in attendance expressed his agreement with the frustration manifested by some of the Board members following the design team's presentation. He noted that there were several significant issues with the project. These began with a fundamental misreading of the site: the site was at the core of the Admiral Residential Urban Village and as such was meant to have much higher density than was proposed. The proposal area was said to contain half of the development potential that was left in the Admiral area. As the neighborhood center, the site was intended to have much more retail activity as well as residential density. Further, the speaker claimed, the site could yield underground parking and extensive additional development without the existing store being closed at all.

The bulk of the comments elicited from the public, however, voiced support for the project and the design team's preferred alternate #7. One member of the public expressed gratitude for the applicant's willingness to invest in the community in at this time of economic uncertainty. Several individuals expressed a conviction that the increased residential density introduced to the site was just about right for the Admiral neighborhood. While there was general support for the parking as shown (at grade and on the roof), a couple of individuals demurred, promoting the idea of at least some underground parking being incorporated into the project. One supporter of alternative #7 thought the colors of the project (graphic presentations showed the grocery store, separated retail building and residential apartment structure in white) should be "toned down" and suggested a pallet of "earthier colors."

Board's Deliberation

After eliciting and hearing public comment the Board found its own time for deliberation compressed due to the need to depart the meeting venue (the West Seattle Branch Library) in 15 minutes or less. Several Board members expressed frustration both at the time restraints and the feeling that the design team had not gone much beyond what they had presented at the first Design Review Early Design Guidance meeting. One Board member expressed disappointment at coming to the meeting and looking at essentially the same building that had been shown before, a building described as a "suburban building slid onto the site." Disappointment was also expressed that the applicant and the architects did not seem to realize how important a site this was. One complaint was that the design team did not offer the Board many of the things the Board had asked to be incorporated into a second presentation.

One member of the Board, who had not attended the first meeting, acknowledged personal disappointment that the site was not be being developed either to its commercial or residential potential, but did support the "urban" character of the development and noted that the proposal had responded to a number of the community's desires as expressed in the public comment portion of the meeting. He further noted that, given the complexity of the project process elements—alley vacation and rezone as well as design review, the project would be subjected to protracted reviews and other critiquing eyes, including the Design Commission's.

There was a very brief discussion regarding the merits of the design team's alternate #5 which had shown more ample residential development at the south end of the site facing onto Hiawatha Playfield. It was noted by a couple of the Board members that this scheme had several merits which should not be ignored by the applicants. Given the shortage of deliberation time, however,

a vote was called for, asking whether the Board should require the project to return for a third Early Design Guidance meeting. Given a split vote, the Chair noted some positive attributes of the proposal's design and intentions along the SW California Avenue portion of the site and voted to allow the project to proceed to design development, then to a Master Use Permit submittal and an eventual return to the Board for its recommendation of approval. In concluding the meeting the Chair noted that this was an immensely important project for the community and an opportunity that should not be squandered by anything less than a significant effort to get it right on the part of the development team.

Staff Comments

The *Admiral Residential Urban Village Design Guidelines* pre-identify and specify guidelines that are to be designated as being of highest priority for parcels that both *Abut Single Family Zoning* and are within the *Commercial Core Area* ("PASF in CCA"). These would include A-5, A-7, C-1, D-1, and D-5, not otherwise singled out by the Southwest Design Review Board. The applicants are reminded that these guidelines should be treated as being of highest priority for the project. The applicants are further reminded that all the guidelines, even those not designated as of highest priority are to be addressed in their design, unless a particular guideline is clearly inapplicable to the site or proposed development.

It is DPD's expectation that the applicant will proceed to design development and MUP intake. Prior to MUP intake, however, the applicant shall have to petition SDOT for an alley vacation. If feasible, the applicants should present their developed proposal to the Seattle Design Commission for comments and deliberation before returning to the Design Review Board for a Recommendation meeting.

First Recommendation Meeting, October 22, 2009

ARCHITECT'S PRESENTATION

Bill Fuller of Fuller Sear Architects provided a brief introduction to the Board and public, recounting reviews by SDOT and the Design Commission as well explaining the choice of relegating approval of the smaller, separate commercial building to a separate MUP (3010684) in order to allow its development to proceed prior to the grant of approvals (alley vacation, rezone) needed for development of the entire site. (The separate approval of the so-called "shops" building will also require a Lot Boundary Adjustment (MUP 3010683) to segregate the structure and parking area, and DPD has accepted an application seeking that approval.) Steve Johnson of the same firm made the substantive presentation at the meeting on behalf of the developer of the site, Safeway Stores. Andy Wiseman, the landscape designer for the project followed up with some brief comments regarding on-site and off-site landscape improvements which included supplemental street lighting, planters and seat walls, and decorative paving at the intersections of both SW Lander Street and California Avenue SW and SW Lander and 42nd Avenue SW. For the intersection at SW Lander and 42nd Avenue SW new landscaping was proposed at the park entry.

By separating the approval of the small "shops" building from the larger development, Safeway, it was noted, would be able to provide a continuity of pharmacy services to prescription customers during the time that the grocery store structure was being demolished and under construction. In making their presentation, the development team referred to the overall

programmatic objectives regarding the site, which included expanding the size of the Safeway store, adding to the retail activity along SW California Avenue in order to activate the street edges, providing convenient access from the neighborhood and adequate parking, and providing urban density to the tune of 41 apartment units to be located at the southeast corner of the site. Additionally, and a notable change from what had been previously presented to the Board, three stories of “flex work” spaces, totaling 21,100 square feet, would be located along 42nd Avenue SW, just to the north of the apartment units. The roof top of the portion of the structure occupied by flex work units would be accessible from the top floor of apartment units and would provide an amenity area for all occupants of the apartment units.

In order to achieve the overall programmatic objectives, the development team would continue to seek both an alley vacation and a rezone from NC2-40 to NC3-40. In addition, the development team identified the following departures from development standards that would be sought for the proposal:

- a departure for not meeting the .30 Seattle Green Factor score for the area of the site to be occupied by the “shops” building and its attendant parking (23.47A.016), even though the overall Seattle Green Factor for the entire development site would exceed the .30 standard;
- a departure for not meeting the minimum depth for commercial spaces (30 feet) for the street-level flex work units proposed along 42nd Avenue SW (23.47A.008);
- a departure would be required to take vehicular access from the street(s) since there is alley access to the site from the alley on the north, an alley which would not be included in the vacation petition (23.47A.032);
- departure to allow parking between a structure and the street (23.47A.032);
- departure to allow less than 60 percent façade transparency (23.47A.008);
- departure to allow for a blank façade greater than 20-foot in width (23.47A.008);
- departure to allow blank façade segments to exceed 40 percent of a single façade along the street (23.47A.008).

BOARD CLARIFYING QUESTIONS AND COMMENTS

The Board asked a number of clarifying questions regarding the architect’s presentation which included a question regarding the precise depth in feet proposed for the ground-floor flex work units for which a departure was being sought.

PUBLIC COMMENTS

There were 11 members of the public who signed in to become parties of record. Seven members of the public spoke to the proposal. One indicated unqualified support for the project, noting that the details of the proposal and design were in keeping with the Admiral neighborhood plan and neighborhood-specific guidelines. Some others expressed a qualified approval of the design as presented while suggesting that the California Avenue façade of the grocery store needed further design enhancements, particularly a greater sense of transparency into the interior of the building and more opportunities for actual physical penetration into the structure from the sidewalk along that façade. More than one member of the public commented on the need for more rooftop greening of the project and especially for screening of the rooftop parking.

One member of the public thought that the addition of the flex work units along 42nd Avenue SW was a particularly fine improvement to the overall site planning but noted that the choices to locate the office and elevators along the California Avenue side contributed to a major problem with blank walls and lack of transparency that were already questionable elements in the design. The same individual opined that street improvements proposed along 42nd Avenue SW should be continued all the way to SW Admiral Way. Another commentator thought the overall design remained “too suburban,” and called for the greening of the roof of the smaller shops building and a significant increase in the landscaping, particularly that proposed to buffer the rooftop parking on the grocery store building.

BOARD DELIBERATIONS

General Directives

The members of the Board expressed the following, generally shared, opinions regarding the proposal as presented, which echoed some of the comments from the public:

- the project, though improved in this iteration, embodied design issues that in the Board’s view needed further resolution;
- the addition of the flex work units was a good move, although the depth of the units at the sidewalk level could use further adjustment;
- the Board remained concerned regarding the possible negative visual and aesthetic impacts of the rooftop parking area, which in the view of some members ideally should be underground parking; as rooftop parking it needed more landscaping and the effectiveness of its screening from adjacent properties needed further demonstration;
- the Board had previously emphasized that human activity on the street should be promoted by the interface of sidewalk and retail spaces and some members remained skeptical that the location of proposed grocery store functions provided for the enlivening of California Avenue SW they envisioned; the interior of the grocery store building remained in need of substantially greater connectivity with the California Avenue SW sidewalk and the pedestrian experience along that sidewalk;
- interior/exterior connectivity and enhancement of the pedestrian experience along California Avenue SW, the Board were agreed, would require actual penetration of the façade at some midpoint to provide for pedestrian movement at least from the outside into the interior of the building;
- the Board had previously noted that the location and quality of open space for the residents of the proposed apartments should be considered a significant element of the design, especially as it would interface with the adjacency of rooftop parking; as shown, the proposed amenity space for residents atop the flex work spaces would be a real asset to the project; the adequacy of screening and landscaping for those units looking directly over the rooftop parking, however, remained a priority concern; it was noted that the Board had earlier referred to the rooftop parking area as “almost a separate façade,” and more detailed studies of this area as such would be expected as design development continued.

BOARD'S RECOMMENDATION

A single story rectangular retail building, totaling 6,860 square feet, approximately 20-feet in height, with its longer façade set to the sidewalk at SW California Avenue, is proposed to occupy the northwest corner of the site. As explained at the beginning of the design team's presentation, the applicants have chosen to relegate actual approval of the smaller, separate commercial building to a separate MUP in order to allow its development to proceed prior to the grant of approvals (alley vacation, rezone) needed for development of the entire site. The separate approval of the so-called "shops" building will also require a Lot Boundary Adjustment to segregate the structure and parking area and DPD has accepted an application seeking that approval.

In terms of process, approval of the design of the smaller building remains part of the Recommendation phase of the Design Review process. The question was raised to the Board whether at this juncture separate design approval could be recommended for the so-called "shops" building since it was clear from the Board's deliberations that recommendation of approval of the entire proposal would require at least one additional Recommendation meeting. After some discussion and agreement of the Board members that they would not recommend a grant of a departure to allow less than a .30 Seattle Green Factor score for the segregated "shops" building portion of the site as requested by the applicants, five of the six Board members did recommend approval of the proposed design of the smaller building.

In discussing the design of the "shops" building, Board members took note of the palette of materials prepared on a presentation board by the design team and specific references made during the design team's presentation that cues for detailing of the two colors of brick chosen for the "shops" project were taken from the nearby Hiawatha Community Center where horizontal bands of contrasting brick were set proud of the field brick. It is the Board's expectation that this level of attention in the finish detail will be evident in the completed structure. It was noted during the Board's deliberations that elements of "quirkiness" were characteristic of the commercial establishments along the California Avenue commercial corridor. The Board encouraged the design team to explore some of these elements while finalizing the design of the "shops" building. It was also noted that nowhere in the presentation drawings was there an indication of bicycle parking (a Code requirement) and one Board expectation would be the integration of a bicycle parking component into the design. Likewise, it was an expectation that storefront lighting on the west, south and east facades of the "shops" building should be carefully coordinated with adjacent street, walkway and parking lighting.

While the "shops" building, with further development by the design team of the considerations noted immediately above, was recommended for approval, it was the Board's expectation that the grocery store building, with its apartment and flex-work components, together with the rest of the site and adjoining right-of way, would undergo further design development in response to the design issues raised by the Board. Those portions of the project will then be returned to the Board for its further review and recommendation.

Second Recommendation Meeting, December 17, 2009

ARCHITECT'S PRESENTATION

Five members of the Board attended the meeting which commenced after 8:00 PM and was held at the Youngstown Cultural Arts Center in West Seattle. Bill Fuller of Fuller Sear Architects began the presentation by providing a brief introduction to the Board and public, recounting reviews by SDOT and the Design Commission as well as recalling that recommendation of approval of the smaller, separate commercial building, with a separate MUP (3010684), had been at the previous meeting in order to allow its development to proceed prior to the grant of approvals (alley vacation, rezone) needed for development of the entire site. By separating the approval of the small "shops" building from the larger development, Safeway, it was noted, would be able to provide a continuity of pharmacy services to prescription customers during the time that the grocery store structure was being demolished and under construction. (The separate approval of the so-called "shops" building would also require a Lot Boundary Adjustment (MUP 3010683) to segregate the structure and parking area, and DPD has accepted an application seeking that approval.)

The bulk of the presentation dealt with the California Avenue SW façade of the grocery store and the Board's general concern for promotion of human activity along that street and the interface of sidewalk and the store front. The Board had felt that the location of some proposed grocery store functions prevented the full enlivening of the California Avenue SW they desired. The interior of the grocery store building, the Board had indicated, needed still greater connectivity with the California Avenue SW sidewalk and the pedestrian experience along that sidewalk.

In making those general observations at the last meeting, the Board had indicated that actual penetration of the façade "*at some mid-point*" would be required to provide for the pedestrian movement from the outside into the interior of the building to meet their expectations for interior/exterior connectivity.

In making their presentation to the Board the design team pointed to a number of enhancements that had been made in response to the public's concerns and the Board's guidance expressed at the previous meeting: further greening of the rooftop parking area and screening to soften residents' views; an enlarged and more inviting plaza at the southwest corner of the building; extended depth to the flex/work units on the ground floor facing 42nd Avenue SW; and, especially, the addition of new entry into a raised coffee shop space along California Avenue SW. The raised platform provided considerably more interaction between the inside and the sidewalk; it was explained as well as actual penetration into the structure. Several drawings were used to show and explore this interplay of inside and outside spaces.

The development team showed examples of materials proposed for the development and noted that, in order to achieve the overall programmatic objectives, the development team would continue to seek both an alley vacation and a rezone from L-3 and NC2-40 to NC3-40. In addition, the development team identified the following departures from seven development standards that would be sought for the proposal. Two departures previously requested had been omitted and two new departures had been added to the list:

- a departure for not meeting the minimum depth for commercial spaces (30 feet) for the street-level flex work units proposed along 42nd Avenue SW (23.47A.008);
- a departure from prohibition to take vehicular access from the street(s) when there is alley access to the site-- from the alley on the north, an alley which would not be included in the vacation petition (23.47A.032);
- departure to allow parking between a structure and the street (23.47A. 032);
- departure to allow less than 60 percent façade transparency (23.47A.008);
- departure to allow for dwelling unit entries to be less than ten feet from the sidewalk (23.47A.008 D3).
- departure from the requirement to provide a five-foot walkway through a parking lot when parking lot is oriented to a pedestrian entry (23.47A.032 H1);
- to allow less than 60% transparency along street-facing facades (23.47A.008).

PUBLIC COMMENTS

Several members of the public spoke to the proposal. One indicated unqualified support for the project, noting that the details of the proposal and design were in keeping with the Admiral neighborhood plan and neighborhood-specific guidelines. Others expressed a qualified approval of the design as presented, noting that it had come a long way from its original conception. . Others suggested that the California Avenue façade of the grocery store still needed a greater sense of interplay with the interior of the building. A couple of the comments questioned the adequacy of the proposed rooftop greening effectively to screen the rooftop parking from residents who would occupy units above the parking. One individual called for street improvements proposed along 42nd Avenue SW to be continued all the way to SW Admiral Way, an opinion voiced at earlier meetings. Other comments recalled comments from earlier Board meetings, questioning, for instance, the proposed location of the residential portion of the program and insisting that it should have been worked into the south façade across the street from the park, and chiding the decision not to underground all the parking.

BOARD DELIBERATIONS

A significant amount of the Board's deliberation time was given to a discussion whether the proposed new entry into the elevated coffee shop space along California Avenue met the Board's directive to enhance the interior/exterior connectivity along the street and adequately enhanced the pedestrian experience as the Board had required. At the previous meeting the Board had indicated that actual penetration of the façade "*at some mid- point*" would be required to provide for the pedestrian movement from the outside into the interior of the building to meet their expectations for interior/exterior connectivity. There was discussion whether this single entry point at this place, now that the applicant had provided it, adequately responded to the Board's concerns about interior connectivity from the sidewalk.

More broadly related to the interior/exterior sidewalk experience was the discussion regarding the appropriateness of what the transparency of the curtain wall revealed to the pedestrian passer-by on California Avenue SW. The Board members generally were in agreement that the view down onto functional hallway and ceiling tops of restrooms and management offices could benefit from some rethinking and rearranging. Finally, there was discussion and deliberation regarding whether it would be more appropriate to recommend approval of the project with a thick layer of conditioning or to ask the applicant to return with some more finely tuned elements to present at another recommendation meeting to be held before the Board.

At evening's end it was DPD's expectation that the project would undergo further design development which would be focused on the California Avenue SW façade of the grocery store building, in response to the design issues raised by the Board. The design of the project will then be returned to the Board for its further review and final recommendation.

Third Recommendation Meeting, February 11, 2010

ARCHITECT'S PRESENTATION

Four members of the Board attended the meeting which commenced at 6:30 PM and was held at the Youngstown Cultural Arts Center in West Seattle. Bill Fuller of Fuller Sear Architects began the presentation by noting that the presentation would focus on the experience of the California Avenue SW façade of the grocery store and the relationship of the inside of the store with the pedestrian realm of the sidewalk outside as the applicants had been directed at the last Design Review Board Recommendation meeting.

In making the presentation, the architect contrasted a typical Safeway store layout with the current proposal, in what he referred to as a brief "supermarket 101," indicating a greater visibility into the store from the sidewalk level than is customary. Added elements since the last time the Board had seen the design included a change in the store's video rental area which allowed for deeper views into the interior and transparency into the manager's office area. The addition of an ATM machine at the building's California Avenue façade created a greater opportunity for sidewalk activation as did adding California Avenue-facing entrances at the two corner main entries. These, together with the sidewalk level opening for the Starbucks elevated platform within the store were the design team's response to the guidance to provide greater pedestrian activation along the California Avenue frontage.

Public Comment

There was a brief period devoted to clarifying questions following the applicants' presentation and then the Board asked for public comment on the proposal. The first two members of the public commended the development team on the overall design and on the latest improvements and suggested it was time to move on in the process and get the development built. The second commentator, however, did add that he believed some outdoor seating at the Starbucks entry area would be desirable and further activate the pedestrian experience along California Avenue. A third member of the public likewise expressed approval of the proposal, but suggested that the entries along California Avenue could be enhanced to suggest a greater "experience of entry" and that one element of this experience should be the signage along the pedestrian realm.

Board Deliberations

After a brief discussion regarding the adequacy of the changes offered along the California Avenue façade and changes made within the structure to enhance views to the interior of store from the sidewalk, the Board agreed to recommend the overall design for approval. The Board also recommended for approval the departures from development standards that had been identified by the applicants. These included the following:

- a departure for not meeting the minimum depth for commercial spaces of an average of 30 feet for the street-level flex work units proposed along 42nd Avenue SW (23.47A.008);
- a departure to take vehicular access from the street(s) since there is alley access to the site from the alley on the north, an alley which would not be included in the vacation petition (23.47A.032);
- a departure to allow parking between a structure and the street (23.47A. 032);
- a departure to allow less than 60 percent façade transparency along the south facade (23.47A.008);
- a departure to allow a curb cut to exceed 30 feet and a curb flare to exceed 2.5 feet in width (a 37 foot wide curb cut and 4 foot flares are proposed along both California Avenue SW and 42nd Avenue SW) (23.54.030);
- a departure not to provide a 5-foot wide pedestrian walkway through the parking lot to the pedestrian entrances to the stores that face the interior portions of the lots (23.47A032 H1);
- a departure to allow less than a 10-foot setback from the edge of the sidewalk for residential units that are not 4 feet above or 4 feet below the sidewalk level (23.47A.008 D3).

Conditions of Approval

In recommending the overall design of the project and recommending approval of the requested departures, the Board agreed that the following *Conditions* should accompany their approvals. These were:

- 1) provide the assurance that the loading dock implemented adequate acoustical mitigation to offset its location close to 42nd Avenue SW and the residentially zoned properties across the street to the east;
- 2) provide assurance that various pieces of mechanical equipment, especially rooftop equipment and fixtures that could impact the residential units and the experience of people in the park across Lander Street, were adequately screened and shielded and impacts mitigated;
- 3) provide assurances that any sequencing in the actual development of the entire proposal on site would adequately mitigate against untoward physical and aesthetic impacts of a portion of the project not being completed before occupancy was requested for another part of the project.

It was the Board's understanding that for each of the above circumstances the applicants would work with the DPD planner to provide the amelioration the Board's conditions were intended to accomplish.

It was further understood that the applicants would proceed to construction documents that would essentially reflect the design as contained in the design packet as presented at the February 11, 2010 Design Review Board recommendation meeting. In order to achieve the overall programmatic objectives of the development, the applicants would still need to continue to seek both a rezone from L-3 and NC2-40 to NC3-40 and an alley vacation.

DIRECTOR'S ANALYSIS - DESIGN REVIEW

The Director finds no conflicts with SEPA requirements or state or federal laws, and has reviewed the City-wide Design Guidelines and finds that the Board neither exceeded its authority nor applied the guidelines inconsistently in the approval of this design. The Director agrees with the conditions recommended by the four Board members and the recommendation to approve the design, as stated above.

DECISION - DESIGN REVIEW

The proposed design is **CONDITIONALLY GRANTED**.

ANALYSIS - SEPA

The initial disclosure of the potential impacts from this project was made in the environmental checklist submitted by the applicant dated June 16, 2009. 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

Construction activities could result in the following adverse impacts: construction dust and storm water runoff, erosion, emissions from construction machinery and vehicles, increased particulate levels, increased noise levels, occasional disruption of adjacent vehicular and pedestrian traffic, and a small increase in traffic and parking impacts due to construction related vehicles. Several construction-related impacts are mitigated by existing City codes and ordinances applicable to the project such as: the Noise Ordinance, the Stormwater Grading and Drainage Control Code, the Street Use Ordinance, and the Building Code. The following is an analysis of construction-related noise, air quality, earth, grading, construction impacts, traffic and parking impacts as well as mitigation.

Noise

Noise associated with construction of the mixed use building and future phases could adversely affect surrounding uses in the area, which include residential and commercial uses. Surrounding uses are likely to be adversely impacted by noise throughout the duration of construction activities. Due to the proximity of the project site to residential 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.

Prior to issuance of demolition, grading and building permits, the applicant will submit a construction noise mitigation plan. This plan will include steps 1) to limit noise decibel levels and duration and 2) procedures for advanced notice to surrounding properties. The plan will be subject to review and approval by DPD. In addition to the Noise Ordinance requirements to reduce the noise impact of construction on nearby properties, all construction activities shall be limited to the following:

- 1) Non-holiday weekdays between 7:00 A.M and 6:00 P.M.
- 2) Non-holiday weekdays between 6:00 P.M. and 8:00 P.M limited to quieter activities based on a DPD approved mitigation plan and public notice program outlined in the plan.
- 3) Saturdays between 9:00 A.M. and 6:00 P.M. limited to quieter activities based on a DPD approved mitigation plan and public notice program outlined in the plan.
- 4) Emergencies or work which must be done to coincide with street closures, utility interruptions or other similar necessary events, limited to quieter activities based on a DPD approved mitigation plan and public notice program outlined in the plan.

Air Quality

Construction is expected to temporarily add particulates to the air and will result in a slight increase in auto-generated air contaminants from construction activities, equipment and worker vehicles; however, this increase is not anticipated to be significant. Federal auto emission controls are the primary means of mitigating air quality impacts from motor vehicles as stated in the Air Quality Policy (Section 25.05.675 SMC). To mitigate impacts of exhaust fumes on the directly adjacent residential uses, trucks hauling materials to and from the project site will not be allowed to queue on streets under windows of the nearby residential buildings.

Earth

The Stormwater, Grading and Drainage Control 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 soils report, construction plans, and shoring of excavations as needed, will be reviewed by the DPD Geo-technical Engineer and Building Plans Examiner who will require any additional soils-related information, recommendations, declarations, covenants and bonds as necessary to assure safe grading and excavation. This project constitutes a "large project" under the terms of the SGDCC (SMC 22.802.015 D). As such, there are many additional requirements for erosion control including a provision for implementation of best management practices and a requirement for incorporation of an engineered erosion control plan which will be reviewed jointly by the DPD building plans examiner and geo-technical engineer prior to issuance of the permit. The Stormwater, Grading and Drainage Control 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.

Grading

Excavation to construct the mixed use structure will be necessary. The maximum depth of the excavation is estimated to be 10 feet and will consist of an estimated 9,100 cubic yards of material. The soil removed will not be reused on the site and will need to be disposed off-site by trucks. City 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 enroute to or from a site. Future phases of construction will be subject to the same regulations. No further conditioning of the grading/excavation element of the project is warranted pursuant to SEPA policies.

Construction Impacts

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.

Traffic and Parking

Construction of the mixed use structure is proposed to last several months. During construction, parking demand will increase due to additional demand created by construction personnel and equipment. It is the City's policy to minimize temporary adverse impacts associated with construction activities and parking (SMC 25.05.675 B and M). Parking utilization along streets in the vicinity is near capacity and the demand for parking by construction workers during construction could reduce the supply of parking in the vicinity. Due to the large scale of the project, this temporary demand on the on-street parking in the vicinity due to construction workers' vehicles may be adverse. In order to minimize adverse impacts, construction workers will be required to park on site as soon as possible and continue for the duration of construction. The authority to impose this condition is found in Section 25.05.675B2g of the Seattle SEPA Ordinance.

The construction of the project also will have adverse impacts on both vehicular and pedestrian traffic in the vicinity of the project site. During construction a temporary increase in traffic volumes to the site will occur, due to travel to the site by construction workers and the transport of construction materials. Approximately 9,100 cubic yards of soil are expected to be excavated from the project site. The soil removed for the garage structure will not be reused on the site and will need to be disposed off-site. Excavation and fill activity will require approximately 911 round trips with 10-yard hauling trucks or 456 round trips with 20-yard hauling trucks. Considering the large volumes of truck trips anticipated during construction, it is reasonable that truck traffic avoid the afternoon peak hours. Large (greater than two-axle) trucks will be prohibited from entering or exiting the site after 3:30 PM.

Truck access to and from the site shall be documented in a construction traffic management plan, to be submitted to DPD and SDOT prior to the beginning of construction. This plan also shall indicate how pedestrian connections around the site will be maintained during the construction period, with particular consideration given to maintaining pedestrian access along California Avenue SW. Compliance with Seattle's Street Use Ordinance is expected to mitigate any additional adverse impacts to traffic which would be generated during construction of this proposal.

Long-term Impacts

Long-term or use-related impacts are also anticipated as a result of approval of this proposal including: increased surface water runoff due to greater site coverage by impervious surfaces; increased bulk and scale on the site; increased traffic in the area; increased demand for parking; and increased light and glare.

Several adopted City codes and/or ordinances provide mitigation for some of the identified impacts. Specifically these are: The Stormwater, Grading and Drainage Control Code which requires on site collection of stormwater with provisions for controlled tightline release to an approved outlet and may require additional design elements to prevent isolated flooding; the City Energy Code which will require insulation for outside walls and energy efficient windows; and the Land Use Code which controls site coverage, setbacks, building height and use and contains other development and use regulations to assure compatible development. Compliance with these applicable codes and ordinances is adequate to achieve sufficient mitigation of most long-term impacts and no further conditioning is warranted by SEPA policies. However, due to the size and location of this proposal, green house gas emissions, traffic, and parking impacts warrant further analysis.

Greenhouse Gas Emissions

Operational activities, primarily vehicular trips associated with the project and the project's energy consumption, are expected to result in increases in carbon dioxide and other greenhouse gas emissions which adversely impact air quality and contribute to climate change and global warming. While these impacts are adverse, they are not expected to be significant.

Traffic and Transportation

A traffic impact analysis, dated November 20, 2009, has been prepared for this project by Heffron Transportation, Inc. According to that analysis the proposed projects would increase site traffic by about 2,710 vehicle trips per day and 325 vehicle trips during the PM peak hour. Of these, 920 daily trips and 143 PM peak hour trips would be new to the site vicinity, with the remaining trips already on the roadway system. The project trips are expected to add very little delay to the study area intersections during the PM peak hour, with each study intersection to operate at Level of Service (LOS) C or better in the future with the proposed project. The analysis concludes that no off-site transportation mitigation is required to accommodate the proposed West Seattle Admiral Safeway redevelopment.

Parking

The proposed project would increase the on-site parking supply from 177 to 227 parking spaces. These new spaces would be distributed as follows: there would be 19 residential parking spaces below grade under the proposed residential units; 141 spaces would be provided on the roof-top of the new grocery store; 67 spaces would be provided as surface parking spaces. Surface parking currently provides the 177 available spaces.

The peak parking demand on weekdays would be 227 vehicles and would occur between 4:00 and 5:00 PM. This demand includes 141 vehicles for the Safeway and retail use, 29 vehicles for the office use, and 57 spaces reserved for residents. The parking demand is within the site's on-site parking supply. According to the Heffron analysis, the Saturday parking demand is expected to be less than the weekday demand because there would be little or no office use. Suggested measures to increase the space available for Safeway and retail customers include encouraging office tenants to walk or take public transportation to work, discouraging office workers from parking on the site after 4:00 PM, or reserving fewer parking spaces for residents.

It is DPD's conclusion that the most practicable mitigation for possible off-site spillover parking demand during PM peak hours is the designation of no more than 41 spaces (including those in the underground parking garage) for unrestricted reserved residential parking, with 16 spaces outside the parking garage restricted by signage to: "Residential parking, Monday thru Friday, after 6:00 PM only." The decision will be conditioned accordingly.

Large trucks supplying the grocery store would access the site from California Avenue SW, then back into the loading dock, and exit on 42nd Avenue SW. Some on-street parking spaces on 42nd Avenue SW may need to be removed to accommodate turning maneuvers for the large trucks. With the reduction in the number of curbcuts serving the site, however, some parking could be added along the site frontages, thus providing no net loss in parking.

Summary

In conclusion, several adverse effects on the environment are anticipated resulting from the proposal, which are anticipated to be non-significant. The conditions imposed below are intended to mitigate construction impacts identified in the foregoing analysis, or to control impacts not regulated by codes or ordinances, per adopted City policies.

DECISION - SEPA

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

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

[] Determination of Significance. This proposal has or may have a significant adverse impact upon the environment. An EIS is required under RCW 43.21C.030 2C.

RECOMMENDED CONDITIONS-REZONE

The Director recommends **APPROVAL** of this request for a rezone from L-3 and NC2-40, to NC3-40 subject to the following recommended conditions of the PUDA.

Prior to Issuance of a Certificate of Occupancy

1. Special assurances shall be made to the City in the event that construction of the residential units and/or “flex work” spaces are not completed by the time the grocery store portion of the development seeks a Certificate of Occupancy for that portion of the development. Safeway shall be required to provide bonding or other instruments agreeable to the City guaranteeing completion of the residential and “flex work” commercial spaces within a reasonable amount of time. These instruments shall be negotiated and shall be in place prior to a granting of any Temporary Certificate of Occupancy. In no case shall a Final Certificate of Occupancy be granted for the grocery store before the other components, including structures, landscaping and street improvements, as set forth and defined in the approved plans, are substantially completed as proposed in the approved plans.

For the Life of the Project

2. Future development in the rezone area shall be those improvements circumscribed by the uses, structures, landscaping and street improvements which, having undergone the Design Review Process, are set forth in the approved plan sets for MUP 3009367 and MUP 30120684. These include a mixed-use structure containing a 58,688 square foot grocery store, four stories of residential units (40) occupying some 29,676 square feet, and an additional three stories of rentable/leasable commercial “flex work” totaling approximately 20,000 square feet. Future development shall also include a separate smaller, single-story “shops” building containing 6,852 square feet of commercial space.
3. Any future proposal for commercial development within the rezone site not included in the plan sets for MUP 3009367 or 3010684 shall be limited to 7,000 square feet for any single commercial entity.

CONDITIONS – DESIGN REVIEW

Prior to Issuance of the Master Use Permit

4. Provide the planner with documentation demonstrating that the acoustical design of the loading dock provides adequate noise mitigation to offset its location close to 42nd Avenue SW and the residentially zoned properties across the street to the east;
5. Provide the planner with documentation indicating that the various components of mechanical equipment, especially rooftop equipment and fixtures (including lighting fixtures) that could impact the residential units and the experience of people in the park across Lander Street, are adequately screened and shielded and impacts mitigated.

Prior to Building Permit Issuance

6. Include the Departure Matrix in the Zoning Summary section on all Building Permit Plans.

Prior to Commencement of Construction

7. Arrange a pre-construction meeting with the building contractor, building inspector, and Land Use Planner.

Prior to Issuance of a Certificate of Occupancy

8. Provide the planner and DPD with a plan of any anticipated sequencing in the actual construction of the proposed development on site that would adequately mitigate against untoward physical and aesthetic impacts of a portion of the project not being completed before occupancy was requested for another part of the project. Such conditioning has been recommended to the Council as conditions that should attach to the PUDA, but absent such conditions as part of the PUDA the conditioning is here appended as recommended unanimously by the Design Review Board:

Special assurances shall be made to the City in the event that construction of the residential units and/or “flex work” spaces are not completed by the time the grocery store portion of the development seeks a Certificate of Occupancy for that portion of the development. Safeway shall be required to provide bonding or other financial instruments of assurance agreeable to the City guaranteeing completion of the residential and “flex work” commercial spaces within a reasonable amount of time. These instruments must be negotiated and must be in place prior to a granting of any Temporary Certificate of Occupancy. In no case shall a Final Certificate of Occupancy be granted for the grocery store before the other components, including structures, landscaping and street improvements, as set forth and defined in the approved plans, are substantially completed as proposed in the approved plans.

9. Compliance with all images and text on the MUP drawings, design review meeting guidelines and approved design features and elements (including exterior materials, landscaping and ROW improvements) shall be verified by the DPD planner assigned to this project (Michael Dorcy, 615-1393). An appointment with the assigned Land Use Planner must be made at least three (3) working days in advance of field inspection. The Land Use Planner will determine whether submission of revised plans is required to ensure that compliance has been achieved.

For the Life of the Project

10. 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 (Michael Dorcy, 615-1393). 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.

RECOMMENDED CONDITIONS – SEPA

During Construction

11. 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. 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 weatherproofing material and shall remain in place for the duration of construction.
12. Grading, delivery and pouring of concrete and similar noisy activities will be prohibited on Saturdays and Sundays. In addition to the Noise Ordinance requirements, to reduce the noise impact of construction on nearby residences, only the low noise impact work will be permitted on Saturdays from 9:00 A.M. to 6:00 P.M.:
13. In addition to the Noise Ordinance requirements to reduce the noise impact of construction on nearby properties, all construction activities shall be limited to the following:
 - a) Non-holiday weekdays between 7:00 A.M and 6:00 P.M.
 - b) Non-holiday weekdays between 6:00 P.M. and 8:00 P.M limited to quieter activities based on a DPD approved mitigation plan and public notice program outlined in the plan.
 - c) Saturdays between 9:00 A.M. and 6:00 P.M. limited to quieter activities based on a DPD approved mitigation plan and public notice program outlined in the plan.
 - d.) Emergencies or work which must be done to coincide with street closures, utility interruptions or other similar necessary events, limited to quieter activities based on a DPD approved mitigation plan and public notice program outlined in the plan.
14. Non-noisy activities, such as site security, monitoring, weather protection shall not be limited by this condition.
15. Construction activities outside the above-stated restrictions may be authorized upon approval of a Construction Noise Management Plan to address mitigation of noise impacts resulting from all construction activities. The Plan shall include a discussion on management of construction related noise, efforts to mitigate noise impacts and community outreach efforts to allow people within the immediate area of the project to have opportunities to contact the site to express concern about noise. Elements of noise mitigation may be incorporated into any Construction Management Plans required to mitigate any short -term transportation impacts that result from the project.

Compliance with all applicable conditions must be verified and approved by the Land Use Planner, Michael Dorcy, (206-615-1393) at the specified development stage, as required by the Director's decision. The Land Use Planner shall determine whether the condition requires submission of additional documentation or field verification to assure that compliance has been achieved.

Signature: (signature on file)

Michael Dorcy, Senior Land Use Planner
Department of Planning and Development

Date: March 25, 2010