



City of Seattle

Department of Planning and Development
Diane M. Sugimura, Director

**CITY OF SEATTLE
DETERMINATION OF THE DIRECTOR OF
THE DEPARTMENT OF PLANNING AND DEVELOPMENT**

Application Number: 3011952 (related to MUP 3009367)
Council File Number: 311301 (related to CF#309869)
Applicant Name: Steve Sears, Fuller Sears Architects, on behalf of Safeway Inc.
Address of Proposal: 2622 California Avenue SW

SUMMARY OF PROPOSED ACTIONS

Request to amend a Property Use and Development Agreement (PUDA) that was required as a condition to an amendment of the Official Land Use Map.

The following approvals are required:

Director's Determination of Minor Amendment—SMC 23.76.058 B2b
Council Approval of minor amendment by ordinance

BACKGROUND

On December 30, 2010, the Department of Planning and Development received from Steve Sears, on behalf of Safeway, Inc., a request to amend issued MUP 3009367. A further request to amend the Property Use and Development Agreement between Safeway, Inc. and the City of Seattle, executed on June 10, 2010 and recorded with the King County Department of Elections and Records, as provided for in SMC 23.76.058B2., was received on January 18, 2011, and made a part of MUP 3011952.

Notice and Public Comments

Notice of the revised project was published on January 27, 2011. The original comment period ran through February 10, 2011, but was extended to run through February 24, 2011. Four comments were received during the comment period. Two of the comments favored approval of the request to amend the PUDA. Two of the comments expressed concerns, primarily having to

do with traffic impacts and off-site parking impacts attributed to the proposed changes, and expressed opposition to any changes to the project.

As explained in a letter to the Department from the applicant dated January 18, 2011, the reasons for the requested amendment were as follows:

- Safeway originally proposed a joint development, intending to sell the portion of the development containing a mix of up to 40 residential units and commercial incubator office spaces designated as “flex-work” units that would adjoin the new grocery store of approximately 60,000 square feet;
- The original development partner was unable to find financing for their portion of the development;
- Safeway was able to find a new development partner who concluded that the flex-work units were not viable nor fundable and proposed converting that space into residential units so that the total number of residential units would total 78 for that portion of the development;
- The building envelope, modulation and materials, would remain virtually unchanged, with some minor refinements to the windows intended originally for the flex-work units; otherwise the project would remain essentially the same as approved by the Design review Board.
- No change to the total floor area or to the height and bulk of the structure is proposed.

Amendment of Property Use and Development Agreements

SMC 23.76.058 (Rules for specific decisions) sets forth the procedures and general criteria for the Director to make a determination whether a requested amendment is a minor or a major amendment:

1. The request is within the spirit and general purpose of the prior decision of the Council:

The proposal set forth in MUP 3009367 was subjected to five Design Review meetings, beginning on September 25, 2008 and ending on February 11, 2010. It was vetted before the Design Commission on several occasions. The proposal was for an expanded Safeway Grocery store as part of a larger mixed-use project to be located at the heart of the Admiral Residential Urban Village. External changes to the proposed structures as originally shown are insignificant, are in keeping with what had been reviewed by the public and official Boards, and are in keeping with the approved conceptual plans. Expanding the number of residential units is in keeping with the desires of some members of the public, with guidance of the Design Review Board which thought the project site would only be enhanced by a residential presence greater than that proposed, a view supported by the Department of Planning and Development. During the course of the Design Review process it was repeatedly pointed out by some members of the public and by members of the Board that the Safeway site, located in the heart of the Admiral District Residential Urban Village, represented half of the developable property in the village and could well provide for a greater proportion of residential use within the mix of commercial and residential uses being proposed.

2. The request is generally consistent with the uses and development standards approved in the prior decision of the Council:

The development of a large grocery store with ample spaces provided at ground level in the separate “shops” building and the ground floor of the north section of residential building extending along 42nd Avenue SW would still provide for smaller additional “village” commercial uses on the site. The remaining commercial spaces are all ground-related. This fact, combined with the stoops provided for the ground-floor residential units already approved, adequately provides for a large mixed-use development on this site that remains pedestrian-oriented through a number of design moves, despite the number of vehicles needing to be accommodated by a large, high-volume retail grocery use. This aspect of the project would appear to remain unchanged. There are no changes in development standards proposed or contemplated in the quest for a change in the PUDA.

3. The request would not result in significant adverse impacts that were not anticipated in the prior decision of the Council:

Impacts remain unchanged or even lessened. See the SEPA discussion below. There are no significant adverse impacts resulting from the proposal overall nor from any changes in the amended proposal.

4. The request does not seek any additional waivers or changes in the waivers of bulk or off-street parking and loading requirements other than those approved in the prior decision of the Council:

There were no requests for additional waivers of for changes in the waivers of bulk or off-street parking and loading requirements as part of the prior decision of the Council. There are no requests for waivers as part of this request for an amendment to the PUDA.

After reviewing the request and the general criteria set forth in SMC 23.76.058, **the Director has determined that the amendment sought is a minor amendment.** Modifications to the issued PUDA are within the original scope of the approved project. The determination that this amendment is a minor one and within the spirit and general purpose of the prior decision of the Council is a Type I, non-appealable decision.

The Director has also determined that modifications to the issued MUP plan sets for this project that has undergone Design Review are within the original scope of the approved project and has determined that these modifications are minor and within the spirit and general purpose of the Design Review component of the prior decision and do not need to be returned to the Design Review Board for their recommendation. This determination has been done in accord with the criteria set forth in Client Assistance Memo (CAM) 224B. This is a Type I, non-appealable decision. Any changes to the plan sets will be made as revision to issued construction applications.

In making the determination that the proposed amendment is a minor one per SMC23.76.058B2b, **the Director recommends that the Council amend the existing Property Use and Development Agreement (PUDA)** filed as directed by Ordinance 123320, and hereby transmits to Council this request to amend.

SEPA Threshold Determination

The initial disclosure of the potential impacts from this project was made in the environmental checklist submitted by the applicant on January 18, 2009. The information in the checklist, project plans and the experience of DPD as lead agency with review of similar projects formed the basis of the analysis and decision. A DNS (Determination of Non-significance) was issued by the Department of Planning and Development as lead agency on March 25, 2010. The Director's SEPA decision was not appealed.

A revision of the Environmental Checklist was submitted to the Department on January 18, 2011 in support of this application for a Director's determination of a minor amendment and request to Council for approval to amend a Property Use and Development Agreement. The revised environmental checklist was supported by revised transportation and parking impact studies prepared by Heffron Transportation, Inc., who had prepared the comprehensive transportation study for the original application, dated November 20, 2009. An analysis of the Checklist indicates no change in short-term impacts resulting from the project. An analysis of the long-term impacts in the original analysis had focused on traffic and transportation impacts as well as parking impacts. An updated trip-generation comparison shows that the proposed MUP minor revision providing of less dedicated office space and greater number of residential units would actually generate fewer trips than the development that was approved in the original MUP (286 PM peak hour trips vs. 297 PM peak hour trips). Therefore no additional mitigation is needed for the development contemplated by the proposed revision.

An analysis of the parking demand for the revised program of eliminating the commercial office space and providing 78 residential units, contained in "Revised Site Program-Parking Demand," prepared by Heffron Transportation Inc. and dated February 15, 2011, is based on the same assumptions in the original *Transportation Impact Analysis* dated November 20, 2009, and approved in the original MUP. The analysis assumed that on-site residents, through whatever arrangements, contractual or otherwise that are to be provided, would be able to park on the Safeway site either in spaces reserved for residents or in spaces shared among all uses. The site's total parking supply of 219 spaces, the revised study indicates, would accommodate the peak parking demand.

There are no changes to the threshold determination of DNS (an EIS is not required) issued by the Department on March 25, 2010. Further, SMC 25.05.390 C provides that, regardless of any appeals, a DNS issued by the responsible official may be considered final for purposes of other agencies' planning and decisionmaking unless subsequently changed, reversed or withdrawn. The DNS for this proposal, issued on March 25, 2010, has not been changed, reversed or withdrawn.

Signature: _____ (signature on file) Date: March 3, 2011
Michael Dorcy, Senior Land Use Planner
Department of Planning and Development

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