



City of Seattle

Gregory J. Nickels, Mayor

**Department of Planning & Development**

D.M. Sugimura, Director

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

**Application Number:** 3004076

**Applicant Name:** Michael Wishkowski, GGLO Architects for  
Glen Scheiber, Trammell Crow Development

**Address of Proposal:** 1545 NW Market Street

**SUMMARY OF PROPOSED ACTION**

Land Use Application to establish use for the future construction of a six and eight story building with 8,000 square feet of commercial retail use and nine live/work units at ground level with 251 residential units above. Parking for 345 vehicles to be provided in a below-grade garage within the structure. Project includes demolition of existing retail and residential structures.\*

The following Master Use Permit components are required:

**Design Review - Seattle Municipal Code (SMC) Section 23.41**

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

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

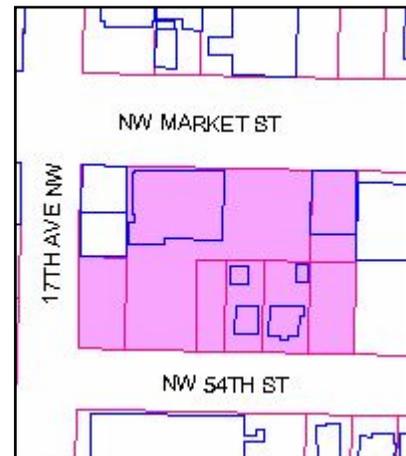
\*Project was originally noticed for 250 residential units, ten live/work units, 16,876 square feet of commercial retail use and 343 parking stalls.

\*\*Notice of early DNS was published July 20, 2006.

## **BACKGROUND DATA**

### Site Description

The approximately 25,000 square foot site is split zoned between Neighborhood Commercial 3 with a 65 foot height limit (NC3-65') on the south side and Neighborhood Commercial 3 with an 85 foot height limit (NC3-85') on the north side. The site is a through lot located on the south side of NW Market Street, on the north side of NW 54<sup>th</sup> Street and on the east side of 17<sup>th</sup> Avenue NW. The project site has evolved since the time of the Early Design Guidance meeting and the rectangular notch off 54<sup>th</sup> Street has been retained as part of the development site. There is no alley access to the site.



### Vicinity

The subject site is located in the Ballard neighborhood on the south side of Market Street. Development and use in the vicinity includes a variety of multi-family residential uses, medical offices and commercial uses in one to six story structures. Immediately abutting the site to the east is a fire station with a Walgreens drug store further beyond. The neighborhood to the west is predominantly medical services and office affiliated with or complementary to the Ballard Swedish Hospital. Market Street has a strong retail character that includes a few gaps in activity as one nears 15<sup>th</sup> Ave NW, a major north-south arterial, from the west.

The site is well served by transit.

The NC3-65 zone continues to the south and west of the subject site and the NC3-85 zone continues to the north of the site. Further to the east, the zone changes to Commercial 1 with a 65 foot height limit (C1-65) and further to the south, the zone changes to Lowrise 3 (L3). Further to the west, the zone becomes Major Institution Overlay Midrise zone (MIO-105-MR).

### Proposal

The proposal includes demolition of the existing buildings and the construction of a new mixed-use building. The new structure would include approximately 251 units of residential with underground parking and 8,000 square feet of commercial retail use and nine live/work units at ground level. Due to the split zoning of the site, the northern half of the structure would be eight stories in height, while the southern half would be six stories. Access to the site would be from NW 54<sup>th</sup> Street.

### Public Comments

Approximately five members of the public attended the Early Design Guidance meeting held on March 27, 2006. Public comment and clarifying questions focused on the following issues:

- The building should be made of high quality materials, such as concrete or steel.
- The relationship between the proposed building and two intervening parcels should be recognized.

- If open space provided on site is open to the public, there is concern that the homeless will utilize the space.

Approximately four members of the public attended the Initial Recommendation meeting held on September 25, 2006. The following comments were offered:

- Prefer landscape to hardscape for the corner plaza/park space.
- Clarification of which businesses are located on the proposed development site.
- Owners of abutting building are planning to remodel in coordination with the completion of construction.
- Clarification that proposed building will come to the property line against the abutting parcel to the northwest of the site.
- Concerned about the loss of on street parking, especially during construction.
- Interested in increasing the size of the bus shelter on Market Street.
- Concerned with the proposed open space and the likelihood of homeless persons using this space.

Approximately two members of the public attended the Final Recommendation meeting held on October 23, 2006. The following comments were offered:

- Appreciate the changes to the corner garden and find the proposed design very usable.
- Suggested that the entire corner garden be well-lit (not only the perimeter) and that all of the lights are maintained by the building owners.
- Believe that the building name should be on or around the main entry door.
- Concerned that view down market doesn't appear as a canyon.
- Clarification that the open space on the roof of the southern building.

No comment letters were received during the SEPA comment period for this proposal that ended on August 2, 2006.

## **ANALYSIS - DESIGN REVIEW**

### **Design Guidance**

Three schemes were presented at the Early Design Guidance (EDG) meeting – all of which included a mixed-use program, below grade parking and parking access from NW 54<sup>th</sup> Street. The first scheme (preferred) included two separate building masses with a courtyard in between and no building in the southeast portion of the site, to be reserved as landscaped area. The second alternative proposes two departures from ground level use and lot coverage standards. The second alternative included a single building mass, also with an open area at the southwest portion of the site. The third scheme showed two building masses with area removed from the upper levels in the 65-foot zone and redistributed to enclose an interior courtyard space. The program of scheme 3 is most comparable to proposed scheme one. The landscaped open area at the southwest portion of the site is reduced. All three schemes would involve two development standards departures: reduced non-residential use at ground level and increased lot coverage over a portion of the site. The extent of the departures varies with each alternative.

The architect presented scheme one as the preferred scheme because of the divided massing that will reduce bulk impacts, increase access to light and reduce visual access to the courtyard area from the outside.

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 and identified by letter and number those siting and design guidelines found in City of Seattle's "*Design Review: Guidelines for Multifamily and Commercial Buildings*" of highest priority to this project.

The design presented at the Initial Recommendation meeting evolved considerably since the EDG meeting. As noted earlier, the project site is slightly larger and less irregularly shaped. The development is configured with two parallel rectangular buildings separated by a courtyard. The north building fronts onto Market Street and the south building fronts onto NW 54<sup>th</sup> Street. The design of the Market Street and NW 54<sup>th</sup> Street reflect the different characters of the immediate context with a more urban and commercial character along Market and a more residential character along 54<sup>th</sup> Street. The principal residential entrance is located on Market in the north building and a secondary residential entrance is located in the south building directly south of the Market Street entrance. While street trees are proposed along both streets, the Market Street right-of-way also includes seating, paving details and planters, while the 54<sup>th</sup> Street includes a landscaped planting strip. Access has been shifted from 17<sup>th</sup> Avenue to 54<sup>th</sup> Street. An at-grade open space has been proposed at the corner of 17<sup>th</sup> Avenue and 54<sup>th</sup> Street and a curb bulb is also proposed at the intersection. Approximately 80% of the design is paved and vegetation is designated for raised planter beds with seating walls. Stairs connecting to the private residential courtyard are shown at the northeastern corner of this open space. Open space has also been included on the roof of the south building and at grade between the two buildings.

The Design Review Board reviewed the final project design on October 23, 2006, at which time site, landscaping and floor plans, as well as elevation sketches and renderings, were presented for the members' consideration. The design presented at the Final Recommendation meeting responded to the guidance offered at the previous meeting using larger scaled material samples, detailed elevations and a reconsidered corner open space. The guidance by the Board appears after the bold guidelines text and the recommendations from the final meeting follow in italicized bold text.

#### **A. Site Planning**

- A-1 **Responding to Site Characteristics. The siting of buildings should respond to specific site conditions and opportunities.**
- A-3 **Entrances Visible from the Street. Entries should be clearly identifiable and visible from the street.**
- A-4 **Human Activity. New development should be sited and designed to encourage human activity along the street.**

- A-5 **Respect for Adjacent Sites.** Buildings should respect adjacent properties by being located on their sites to minimize disruption of the privacy and outdoor activities of residents in adjacent buildings.
- A-6 **Transition Between Residence and Street.** The space between the buildings and the sidewalk should provide security and privacy for residents and encourage social interaction among residents and neighbors.
- A-7 **Residential Open Space.** Residential projects should be sited to maximize opportunities for creating usable, attractive, well-integrated open space.
- A-8 **Parking and Vehicle Access.** Siting should minimize the impact of automobile parking and driveways on the pedestrian environment, adjacent properties and pedestrian safety.
- A-10 **Corner Lots.** Buildings on corner lots should be oriented to the corner and public street fronts. Parking and auto access should be located away from corners.

The Board agreed that the building design and massing should take advantage of the prominent site location and ability to become a gateway building. The Board would like to see a building design that makes a strong statement of entering the Ballard neighborhood and notable historic district of Old Ballard.

The Board agreed that enhancement and promotion of the pedestrian experience along Market Street is critical. The Board encouraged the design to include distinct and clearly recognizable residential entries. Additionally, the commercial entries should be differentiated from the residential ones. Perhaps the building modulation should reinforce the entry points.

The intervening parcels that are not part of the site and the fire station abutting the site to the east are of a much lower scale than the proposed structure. Some consideration of these uses and incongruous scales should be reflected in the proposed design.

The Board recognized that the existing character of the Market streetscape and the 17<sup>th</sup> Ave and 54<sup>th</sup> Street streetscapes are dramatically different and should be designed accordingly. The 17<sup>th</sup> Ave and 54<sup>th</sup> Street character is far more residential, quiet and private while the Market character is more commercial with greater foot and vehicle traffic. The street level design and building program should encourage pedestrian activity on Market Street to continue west along Market, linking the commercial core with 15<sup>th</sup> Avenue. Transparent windows, overhead weather protection and commercial uses that have the potential to straddle the public and private realms are examples of attractive features that should be included for a successful commercial pedestrian environment.

**At the Initial Recommendation meeting, the Board was pleased with proposed site plan, use of the southwestern corner as a public open space, the configuration of the residential open space, the different characters of the street-facing buildings and the visible entries.**

## B. Height, Bulk and Scale

**B-1 Height, Bulk, and Scale Compatibility. Projects should be compatible with the scale of development anticipated by the applicable Land Use Policies for the surrounding area and should be sited and designed to provide a sensitive transition to nearby, less intensive zones. Projects on zone edges should be developed in a manner that creates a step in perceived height, bulk, and scale between the anticipated development potential on the adjacent zones.**

The Board agreed schemes One and Three are more desirable than scheme Two, which was too large and bulky. The Board supported the internal modulation shown with the other schemes and agreed that breaking up the massing into distinct buildings best addresses the unusual site shape and large size. The proposed site is large for this neighborhood that is in a transition from the bigger boxier development closer to 15<sup>th</sup> Avenue to the more finely grained, smaller retail character at the heart of the Ballard commercial core only a few blocks to the west.

Scheme One offers the largest separation between the buildings and appears cleaner and simpler. The Board liked the interior open spaces created by the separation and believed that such a configuration can provide opportunities for landscaping and solar access.

Generally, the Board expressed a preference for Scheme One qualifying that increased modulation along Market Street is needed. The Board discussed the façade along Market Street as a long, unrelenting street wall that should be further broken down.

**At the Initial Recommendation meeting, the Board recommends that perhaps more attention should be paid to the design of the northeast corner of the building as it is highly visible from the east and serves as the gateway marker to the Ballard neighborhood.**

*At the Final Recommendation meeting, the Board was satisfied that the wrapping of materials around the corners, as well as the building being held back from the property line to allow transparency and articulation to occur on the east and west facades is adequate treatment of these visible elevations.*

## C. Architectural Elements

**C-1 Architectural Context. New buildings proposed for existing neighborhoods with a well-defined and desirable character should be compatible with or complement the architectural pattern and siting pattern of neighboring buildings.**

**C-2 Architectural Concept and Consistency.**

- **Building design elements, details and massing should create a well-proportioned and unified building form and exhibit an overall architectural concept.**
- **Buildings should exhibit form and features identifying the functions within the building.**
- **In general, the roofline or top of the structure should be clearly distinguished from its façade walls.**

- C-3 Human Scale. The design of new buildings should incorporate architectural features, elements, and details to achieve a good human scale.**
- C-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.**
- C-5 Structured Parking Entrances. The presence and appearance of garage entrances should be minimized so that they do not dominate the street frontage of a building.**

The Board agreed that the surrounding built context includes a variety of styles and materials. The Board noted, however, that the retail core of Ballard offers very distinctive historical context, and strongly encouraged a design that continues the elements of a pedestrian friendly, lively, interesting and creative environment. The Board recommended those incorporating elements depicted in the character study graphic shown on page A4.1 of the project packet.

The façade length along Market Street is unusually long and the Board recommended that significant modulation, including at least two notches, should help break up this significant mass. The Board suggested that transparent operable windows at ground level along the Market frontage should seriously be considered and would help achieve the desired interaction between the private and public realm. See also B-1.

The Board stressed that the use of brick, especially along Market Street, should be an appropriate material to use given the historic points of reference in the area. The Board recommended that the use of brick extend to a minimum height of two stories. The Board also suggested that if other materials are used with brick, that they break vertically rather than the often seen horizontal palette change.

The Board strongly agreed that the vehicular access to the site should be visually minimized and cause as little disruption to pedestrian circulation around the site as possible.

**At the Initial Recommendation meeting, the Board complimented the simplicity and proportioning of the architecture and appreciated that the two street-facing building elevations differed from each other. The Board also supports most of the proposed material palette. The proposed design includes brick veneer along the first two floors of the eastern portion of the Market Street façade and along the ground level of the western portion of this same façade. The second story portion of the brick section is designed to give the appearance of transom windows above the ground level commercial. The brick color has been selected to match the Walgreens and abutting fire station. The design proposal includes beige vinyl windows, vinyl siding, metal accent panels and metal awnings over the sidewalk. The Board would like to see the middle section of the building extend to the roofline (and eliminate the vinyl siding) and be capped with a solid cornice line.**

**The Board would like to see the metal awnings extend eight feet from the building face, over the sidewalk. The Board would also like to review the details of the awning design.**

The Board discussed at length how the texture of the proposed building materials will appear in reality. While they agreed that the renderings are very attractive, they neglect to show the true appearance and details of the building design. Therefore, the Board would like to review elevations and/or renderings that more accurately show how the material palette will appear.

The Board also stressed that the eastern and western portions of the north elevation should strive to be either more similar or more different from each other. The Board was not supportive of the slight variation shown between these sections of the building, specifically the distribution of brick only over the first level on the western portion.

The Board was not thrilled that only one modulated notch occurs along the Market Street façade, when they specifically requested more vertical variation.

The Board indicated that the strong residential design of the live/work units along 54<sup>th</sup> Street was somewhat misleading given that the Land Use Code considers this to be a commercial use and intends for commercial use to occur in these spaces. Over emphasizing the residential aspect of live/work through the design of the ground level units both neglects the Code's intent, but also effectively discourages commercial activity from occurring at the sidewalk level.

*At the Final Recommendation meeting, the Board was pleased that the materials of the building body continue to the cornice line, that the vinyl siding on the north facade has been eliminated and that the cornice line of the north building has been well-scaled within the context of the design (increased to approximately a two-foot depth). The Board clarified that there is approximately four feet between the top of the uppermost windows and the top of the cornice along the north façade. The cornice will be of the same color and materials as the building body, but will step out slightly from the building face.*

**Recommended Condition #1: The use of vinyl siding should be limited to those areas that do not abut pedestrian areas or usable spaces.**

*The Board was supportive of the increased awning depth to eight feet that offers better weather protection. The Board also reviewed and approved the more specific details shown for the awning designs (metal canopy with wood soffits) and texture of the proposed material palette. All of the awnings above the commercial spaces are flat, while the awnings above the residential entrances are sloped.*

*The design has evolved to match the use of materials used on either side of the main residential entrance along Market Street. Specifically, the brick base extends up to two stories (increased from one story) on the west end of the building to correspond with the eastern portion of the façade. The Board was satisfied with the efforts to make the design of this western portion align more with the eastern portion of the north facade.*

*Clarification was provided that the ground-face CMU used along the base of the south façade will have some variation in tone, but does not have the dramatic color differentiation that is shown on the colored rendering. The Board was satisfied with the changes.*

*Regarding the singular notch, the Board agreed that the size of the proposed entrance notch is fairly significant in depth and width and effectively breaks the long building faced into two distinct masses. A typical building mass often includes a solid base with a modulated building on the upper levels. The Board agreed that the proposed modulation created by the one notch that extends from ground to sky more successfully reinforces a pedestrian scaled streetscape and breaks the building proportions into more manageable masses. Moreover, the Board noted that the notch occurs in a meaningful location that approximates the scale of existing development.*

**Recommended Condition #2: Street trees along Market Street will help alleviate the large building size and length. Therefore, the replacement trees (Norwegian Maple) along Market Street should have at least a three-inch caliper.**

*The Board discussed at length the proposed changes to the design of the live/work units. They agreed that the larger windows at the sidewalk level better communicate the work function of these units; however the sunshades previously shown over the windows were an interesting feature that is missed. The Board leaves it to the design team to determine whether to reintroduce the sun shades. The Board recommended that the landscaping of the stoop areas in front of the live/work units be a combination of hard and softscape in an effort to create highly usable spaces that can be unique to the different entrances. Each unit has a slightly raised plinth area that will be designated for signage.*

**Recommended Condition #3: The space between the live/work units and the sidewalk should be designed to be functional with a combination of hard and softscapes.**

#### D. Pedestrian Environment

- D-1 Pedestrian Open Spaces and Entrances.** Convenient and attractive access to the building's entry should be provided. To ensure comfort and security, paths and entry areas should be sufficiently lighted and entry areas should be protected from the weather. Opportunities for creating lively, pedestrian-oriented open space should be considered.
- D-2 Blank Walls.** Buildings should avoid blank walls. Where unavoidable, walls should receive design treatment to increase pedestrian comfort and interest.
- D-6 Screening of Dumpsters, Utilities, and Service Areas.** Building sites should locate service elements like trash dumpsters, loading docks, and mechanical equipment away from the street where possible. When elements such as dumpsters, utility meters, mechanical units, and service areas cannot be located away from the street front, they should be situated and screened from view and should not be located in the pedestrian right-of-way.
- D-7 Personal Safety and Security.** Project design should consider opportunities for enhancing personal safety and security in the environment under review.

The Board noted the interior facing facades should be well-designed to avoid bank walls, while also preserving privacy for the residential units. The Board raised concern with the facades facing those two parcels not part of the subject site – the corner parcel and the mid-block parcel. The façade design bordering these two parcels should include interesting details, materials and/or forms that avoid becoming blank walls that will be visible until those sites are re-developed.

The Board expects that all service elements should be housed internally within the proposed structure.

The Board is particularly interested in a design that incorporates good pedestrian level lighting, transparency, overhead weather protection, signage and other features that will animate the ground plane of this site, while also encouraging safety and security in and around the site.

**At the Initial Recommendation meeting, the Board was satisfied that this guidance was appropriately applied to the proposed design.**

## **E. Landscaping**

**E-1 Landscaping to Reinforce Design Continuity with Adjacent Sites. Landscaping should reinforce the character of neighboring properties and abutting streetscape.**

**E-3 Landscaping Design to Address Special Site Conditions. Landscape design should take advantage of special site conditions.**

The Board was concerned that the southeastern portion of the site shown as project open space would appear as a leftover parcel without adequate connection to the rest of the site and development. The Board stressed that it is essential that if ground level open space is located at this location, that it be well-programmed and linked to the interior courtyard areas. They are apprehensive that open space at this location could become too desolate and disconnected from the rest of the site. The shade cast upon this parcel from the proposed structure is of some concern and needs to be addressed by techniques such as light colored walls to reflect light into these spaces. The Board agreed that all of the open spaces should receive equally well-programmed and well-landscaped attention.

The Board also discussed at length the configuration of the interior open space courtyard formed by the separation between buildings. Such a courtyard should be cognizant and responsive to solar access, be well –integrated into the rest of the project and provide a distinct design element and presence that connects with 54<sup>th</sup> Street and 17<sup>th</sup> Avenue.

At the next meeting, the Board would like to see very detailed landscape plans that address the programming, hardscaping and landscaping of the open spaces.

**At the Initial Recommendation meeting, the Board was thrilled with the generous open space located at the southwestern corner of the site that will be available for public use during the day and enjoy excellent solar exposure. The Board agreed, however, that the corner open space needs to emit a stronger sense of place and noted that they would like to see an iconic sculpture as the centerpiece of the proposed space. They also encouraged the landscape design to include greater**

vegetation and landscaping to soften the space and add visual interest and dimension. They suggested that the lighting of the open space should also be carefully explored to enhance the safety of the area, as well as contribute to an interesting pocket park type of atmosphere.

The Board noted that the proposed units which abut the corner open space should be turned towards the open space, helping to activate and increase visibility of the open space. The Board also encouraged the design to carry the water feature and theme through the project to the corner open space.

The Board was not supportive of the garage intake being located at the corner open space given that it is likely to be noisy and have an intrusive appearance.

The Board would like to review specific renderings and perspectives of the park as it is viewed from the pedestrian level.

*At the Final Recommendation meeting, the Board was very pleased with the progress and improvement of the corner open space design. The Board feels that the space has the potential to be an exciting and interesting space. The revised design incorporates more complexity with the program design and more comfortably integrates smaller iconic elements such as a stage, stepped seating and artwork. The new design includes the creation of four “rooms” within the space defined by curved lines, tighter programming of the rooms, different scoring patterns in the pavement differentiating the rooms (as opposed to the standard 2x2 paving dimension required in the right-of-way), additional seat walls and artist designed seat and stage element. The Board was especially supportive of the artwork proposed to be integrated into the seating and stage designs.*

*The previous design proposed 80% impervious hardscape surfaces to 20% pervious softscape. In response to Board direction, the revised design has reduced this ratio to 55% hardscape to 45% planting areas. The Board was very pleased with this change.*

*The open space will be at grade with the sidewalk and then rise gradually with stepped seating and stairs leading to the gated entry of the private residential courtyard at the northeast corner of the park. Finally, the Board supported the planting closest to the westernmost live/work unit which has been designed to be more formal; the unit itself is turned towards the west to face towards the corner open space and better engage with that part of the site.*

**Recommended Condition #4: The landscape should strive to soften the effect of the building massing with larger scaled trees with taller elements. Specifically, these trees should be:**

- **at least eight feet tall at the time of planting;**
- **deciduous;**
- **have somewhat transparent canopy.**

**Recommended Condition #5: The parameters of the art elements integrated into the stage feature, seating and walls should be described and designated on the plans.**

*The garage ventilation in-take design was clarified as occurring behind a planter (with specific vegetation that can handle the intake activity) and will be an intake-only louver without a fan.*

*All of the proposed lighting throughout the proposed development will be down-lit – on the underside of the awnings, in the planters, etc.*

**Recommended Condition #6: Photometric studies should be completed to develop a well-considered lighting design for the corner open space. The stage and seating areas, in particular, should be well-lit.**

### **Design Review Departure Analysis**

No departures from the development standards were requested.

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

The recommendations summarized below are based on the plans submitted at the Final Design Review meeting. Design, siting or architectural details specifically identified or altered in these recommendations are expected to remain as presented in the presentation made at the March 1, 2006 public meeting and the subsequent updated plans submitted to DPD. After considering the site and context, hearing public comment, reconsidering the previously identified design priorities, and reviewing the plans and renderings, the Design Review Board members recommended **CONDITIONAL APPROVAL** of the proposed design including the requested departures subject to the following design elements in the final design including:

1. The following architectural features and details presented at the Final Design Review meeting and described under Guidelines A-4 and C-3:
  - a) the right-of-way improvements;
  - b) the building setback to accommodate the live/work units;
  - c) the transparent glazing of the storefront system;
  - d) signage;
  - e) overhead weather protection; and
  - f) indented entries to the retail space along Market Street.
2. As described under Guidelines C-2 and C-4, the building materials and colors presented at the Final Design Review meeting.
3. The following open space features and details presented at the Final Design Review meeting and described under Guidelines C-3, E-1 and E-3:
  - a) the corner open space landscaped with plants providing texture, color and seasonal variation;
  - b) street trees;
  - c) seats and walls adorned with art;
  - d) stage element incorporating art;
  - e) curved scoring patterns in the concrete;
  - f) added seating; and
  - g) tall, larger trees along the east side of the open space, abutting the live/work unit.

The recommendations of the Board reflected concern on how the proposed project would be integrated into both the existing streetscape and the community. Since the project would have a strong presence along Market Street, as well as along 54<sup>th</sup> Street, the Board was particularly interested in the establishment of a vital design that would enhance the existing streetscape, interact with the pedestrian activity, offer a successful public open space and reflect the neighborhood character.

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

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

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

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

## **ANALYSIS & DECISION – DESIGN REVIEW**

### **Director's Analysis**

Three members of the Northwest Design Review Board were in attendance and provided recommendations (listed above) to the Director and identified elements of the Design Guidelines which are critical to the project's overall success. The Director must provide additional analysis of the Board's recommendations and then accept, deny or revise the Board's recommendations (SMC 23.41.014.F3). The Director agrees with the well-considered street level details, building materials, and architectural design that support a high-quality, functional design responsive to the neighborhood's unique conditions. Moreover, the Director accepts the conditions recommended by the Board that further augment Guidelines C-3, C-4 and D-7 and E-3.

- 1. The use of vinyl siding shall be limited to those areas that do not abut pedestrian areas or usable spaces.**
- 2. The replacement trees (Norwegian Maple) along Market Street should have at least a three-inch caliper to help alleviate the large building size and length.**
- 3. The space between the live/work units and the sidewalk shall be designed to be functional with a combination of hard and softscapes.**
- 4. The landscape of the corner open space shall strive to soften the effect of the building massing with larger scaled trees with taller elements. Specifically, these trees should be:**

- at least eight feet tall at the time of planting;
  - deciduous;
  - offer a somewhat transparent canopy.
5. The parameters of the art elements integrated into the stage feature, seating and walls shall be described and designated on the plans.
6. Photometric studies shall be completed to develop a well-considered lighting design for the corner open space. The stage and seating areas, in particular, shall be well-lit.

Following the Recommendation meeting, DPD staff worked with the applicant to update the submitted plans to include all of the recommendations of the Design Review Board.

The Director of DPD has reviewed the decision and recommendations of the Design Review Board made by the three members present at the decision meeting and finds that they are consistent with the City of Seattle Design Review Guidelines for Multifamily and Commercial Buildings. The Director agrees with the Design Review Board's conclusion that the proposed project and conditions imposed result in a design that best meets the intent of the Design Review Guidelines and accepts the recommendations noted by the Board.

#### Director's Decision

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

#### **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, 2006. The information in the checklist, project plans, and the experience of the lead agency with review of similar projects form the basis for this analysis and decision.

The SEPA Overview Policy (SMC 25.05.665 D) clarifies the relationship between codes, policies, and environmental review. Specific policies for each element of the environment, certain neighborhood plans and other policies explicitly referenced may serve as the basis for exercising substantive SEPA authority.

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

### Short-term Impacts

The following temporary or construction-related impacts are expected: decreased air quality due to suspended particulates from construction activities and hydrocarbon emissions from construction vehicles and equipment; increased dust caused by drying mud tracked onto streets during construction activities; increased traffic and demand for parking from construction materials hauling, equipment and personnel; increased noise; and consumption of renewable and non-renewable resources. Several adopted codes and/or ordinances provide mitigation for some of the identified impacts:

- The applicant estimates approximately 35,000 cubic yards of excavation for construction. Excess material to be disposed of must be deposited in an approved site.
- The Stormwater, Grading and Drainage Control Code regulates site excavation for foundation purposes and requires that soil erosion control techniques be initiated for the duration of construction.
- The Street Use Ordinance requires watering streets to suppress dust, on-site washing of truck tires, removal of debris, and regulates obstruction of the pedestrian right-of-way.
- Puget Sound Clean Air Agency regulations require control of fugitive dust to protect air quality. The Building Code provides for construction measures in general.
- Finally, the Noise Ordinance regulates the time and amount of construction noise that is permitted in the city.

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

<b>Environmental Element</b>	<b>Discussion of Impact</b>
1. Drainage/Earth	• 35,000 cubic yards of excavated materials.
2. Traffic	• Increased vehicular traffic adjacent to the site due to construction vehicles.
3. Construction Noise	• Increased noise from construction activities.

### Drainage

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

Earth - Grading

A Geotechnical Report was completed by Terra Associates, Inc and dated January 25, 2006 and revised on August 7, 2006. The report assessed the geotechnical aspects of project design and construction. The construction plans will be reviewed by DPD and any additional information showing conformance with applicable ordinances and codes will be required prior to issuance of building permits. Applicable codes and ordinances provide extensive conditioning authority and prescriptive construction methodology to assure safe construction techniques are used; therefore, no additional conditioning is warranted pursuant to SEPA policies.

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 current proposal involves excavation of approximately 35,000 cubic yards of material. 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.

Construction: Traffic

The SEPA Overview Policy (SMC 25.05.665) and the SEPA Construction Impacts Policy (SMC 25.05.675B) allow the reviewing agency to mitigate impacts associated with construction activities.

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

It is expected that most of the demolished materials will be removed from the site prior to construction. During demolition a single-loaded truck will hold approximately 10 cubic yards of material. This would require approximately 3,500 single-loaded truckloads to remove the estimated 35,000 cubic yards of material.

Existing City code (SMC 11.62) requires truck activities to use arterial streets to the greatest extent possible. This immediate area is subject to traffic congestion during the p.m. peak hour, and large construction trucks would further exacerbate the flow of traffic. Pursuant to SMC 25.05.675(B) (Construction Impacts Policy) and SMC 25.05.675(R) (Traffic and Transportation), additional mitigation is warranted.

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

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

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

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

### Noise

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

2. The hours of construction activity shall be limited to non-holiday weekdays between the hours of 7:30 a.m. and 6:00 p.m. and between the hours of 9:00 a.m. and 6:00 p.m. on Saturdays (except that grading, delivery and pouring of cement and similar noisy activities shall be prohibited on Saturdays). This condition may be modified by DPD to allow work of an emergency nature. This condition may also be modified to permit low noise exterior work (e.g., installation of landscaping) after approval from DPD.

### Long-term Impacts

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

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

Due to the type, size and location of the proposed project, additional analysis of parking and traffic impacts is warranted and summarized below:

Environmental Element	Point of Discussion
1. Parking	<ul style="list-style-type: none"> <li>Increase in parking from proposed development.</li> </ul>
2. Traffic	<ul style="list-style-type: none"> <li>Increase in traffic from proposed development.</li> </ul>

Parking

A transportation study was submitted to DPD by The Transpo Group dated August 2006 evaluating the parking impacts of the proposed development. The 345 parking spaces provided by the proposed development are all located on-site. The parking spaces are below grade which is accessed via a single two-way driveway off of NW 54th Street.

Using the Third Edition of the Institute of Traffic Engineers *Parking Generation Manual*, parking generation rates associated with Mid Rise Apartment and Shopping Center (retail) were used. The results of the parking generation are shown below:

**Parking Demand Calculations: Proposed Use**

Use	Use Per ITE Land Use	Use Per SMC	Independent Variable	ITE Peak hour	Total Spaces per ITE	SMC Required	Proposed
<b>Proposed</b>	Mid Rise Apartment (ITE 221)	Multifamily Residential	251 units	312	323	344	345
<b>Proposed</b>	Shopping Center (ITE 820)	Live/work units	9 units	21			
		Commercial Retail	8,000 SF				

According to the ITE report, the 8,000 square feet of commercial uses associated with the proposed project would require approximately 21 parking spaces during the peak hour likely to occur during the early afternoon peak hours. The 251 proposed residential units would require approximately 312 spaces during the peak hours likely between late evening and early morning. The peak parking demand for both uses occurs at the early evening and totals 323 stalls. The proposed development will provide 345 parking spaces. The amount of parking provided exceeds the anticipated demand during peak hours. Therefore, the estimated parking demand generated by the proposed project is not considered adverse and the parking impacts require no further mitigation.

Traffic

A traffic study was submitted to DPD by The Transpo Group dated August 2006 (and addended on September 7<sup>th</sup> and October 27, 2006) evaluating the impacts of the proposed development to the surrounding street system.

The vehicular traffic generated by the project will be both residential and business-related and will likely peak during the weekday PM hours. As depicted in the traffic study, trip generation information was calculated using average PM peak hour trip generation rates obtained from the Seventh Edition of the ITE *Trip Generation Manual*. For the proposed development, trip generation rates associated with Apartment and Specialty Retail were used. The results of the trip generation are shown below:

**Trip Generation Calculations: Proposed Use**

Use	Use Per ITE Land Use	Use Per SMC	Independent Variable	PM Peak Trips Generated	Total PM Peak Trips Generated
<b>Proposed</b>	Mid Rise Apartment (ITE 220)	Multifamily Residential	(Unit Count) 251	156	200
<b>Proposed</b>	Specialty Retail (ITE 814)	Commercial Retail and Live/Work units	(Per 1,000 SF) 16,082 including 9 live/work units	44	

Using the ITE data, there will be approximately 200 additional trips in the PM peak hour associated with the proposed combination of uses. This figure does not factor in the existing building/uses currently located on the site. These ITE figures also tend to be higher than what is expected in an urban environment where transit readily services Market Street and the Ballard neighborhood and provides direct connections to downtown Seattle. During the PM peak hour, all study intersections would operate at the same level of service (LOS) with or without increases in traffic attributable to the proposed project. Both signalized intersections would operate acceptably (LOS D or better) during the PM peak hour. Likewise, both unsignalized intersections would operate relatively well (LOS B or better).

The intersection of NW 54<sup>th</sup> Street and 17<sup>th</sup> Avenue NW currently is uncontrolled and with the development of the project and frontage improvements, the study recommends that a stop sign be installed on the westbound approach. Therefore, the following condition shall be imposed.

3. The plans shall show a stop sign at NW 54<sup>th</sup> Street for westbound traffic at the intersection with 17<sup>th</sup> Avenue NW pursuant to SDOT concurrence (as described in the Transportation Impact Analysis).

The number of additional trips is not likely to adversely impact the existing levels of service of surrounding intersections beyond existing conditions. Therefore, the estimated increase in trips during the PM peak hours is not considered a significant impact and no additional mitigation measures or conditioning pursuant to the SMC Chapter 25.05, the SEPA Ordinance is warranted.

### **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.

### **CONDITIONS – SEPA**

#### *During Construction*

The owner applicant/responsible party shall:

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

1. For the duration of the construction activity, the applicant/responsible party shall cause construction truck trips to cease during the hours between 4:00 p.m. and 6:00 p.m. on weekdays.
2. The hours of construction activity shall be limited to non-holiday weekdays between the hours of 7:30 a.m. and 6:00 p.m. and between the hours of 9:00 a.m. and 6:00 p.m. on Saturdays (except that grading, delivery and pouring of cement and similar noisy activities shall be prohibited on Saturdays). This condition may be modified by DPD to allow work of an emergency nature. This condition may also be modified to permit low noise exterior work (e.g., installation of landscaping) after approval from DPD.

## **CONDITIONS – DESIGN REVIEW**

### *Prior to MUP Issuance (Non-Appealable)*

3. Update the submitted MUP plans to reflect all of the recommendations made by the Design Review Board and reiterated by the Director's Analysis. The plans shall also reflect those architectural features, details and materials described at the Design Review Recommendation meeting.

### *Prior to the MUP Issuance and for the Life of the Use (Non-appealable)*

4. To meet requirements of SMC 23.47.035, the residential portion of the live/work units shall not be visible from the adjacent right of way through screening or programming of the interior space.
5. The plans shall be revised to show separate square footage calculations for live/work from the other nonresidential spaces.

### *Prior to Building Permit Issuance (Non-Appealable)*

6. Provide evidence of recorded No Protest Agreement.
7. The plans shall continue to show the curb along NW 54<sup>th</sup> Street set back pursuant to SDOT concurrence (as described in the Transportation Impact Analysis).

### *Prior to Building Permit Issuance*

8. The plans shall show a stop sign at NW 54<sup>th</sup> Street for westbound traffic at the intersection with 17<sup>th</sup> Avenue NW pursuant to SDOT concurrence (as described in the Transportation Impact Analysis).
9. The use of vinyl siding shall be limited to those areas that do not abut pedestrian areas or usable spaces.
10. The replacement trees (Norwegian Maple) along Market Street should have at least a three-inch caliper to help alleviate the large building size and length.
11. The space between the live/work units and the sidewalk shall be designed to be functional with a combination of hard and softscapes.
12. The landscape of the corner open space shall strive to soften the effect of the building massing with larger scaled trees with taller elements. Specifically, these trees should be:
  - at least eight feet tall at the time of planting;
  - deciduous;
  - offer a somewhat transparent canopy.

13. The parameters of the art elements integrated into the stage feature, seating and walls shall be described and designated on the plans.
14. Photometric studies shall be completed to develop a well-considered lighting design for the corner open space. The stage and seating areas, in particular, shall be well-lit.

Prior to Pre-Construction Conference

15. Three days prior to the pre-construction conference, contact the Land Use Planner to confirm attendance.

Prior to Issuance of the Certificate of Occupancy

Compliance with conditions #8-14 must be verified and approved by the Land Use Planner prior to the final building inspection. The applicant/responsible party is responsible for arranging an appointment with the Land Use Planner at least three (3) working days prior to the required inspection.

**NON-APPEALABLE CONDITIONS – DESIGN REVIEW**

16. Any proposed changes to the exterior of the building or the site or must be submitted to DPD for review and approval by the Land Use Planner (Lisa Rutzick, 386-9049), or by the Design Review Manager (Vince Lyons, 233-3823). 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.
17. Compliance with all images and text on the MUP drawings, design review meeting guidelines and approved design features and elements (including exterior materials, landscaping and ROW improvements) shall be verified by the DPD Land Use Planner assigned to this project or by the Design Review Manager. An appointment with the assigned Land Use Planner must be made at least (3) working days in advance of field inspection. The Land Use Planner will determine whether submission of revised plans is required to ensure that compliance has been achieved.
18. Embed all of the conditions listed at the end of this decision in the cover sheet for the MUP permit and for all subsequent permits including updated MUP plans, and all building permit drawings.
19. Embed the 11 x 17 colored elevation drawings from the DR Recommendation meeting and as updated, into the MUP plans prior to issuance, and also embed these colored elevation drawings into the Building Permit Plan set in order to facilitate subsequent review of compliance with Design Review.
20. Include the Departure Matrix in the Zoning Summary section of the MUP Plans and on all subsequent Building Permit Plans. Add call-out notes on appropriate plan and elevation drawings in the updated MUP plans and on all subsequent Building Permit plans.

Compliance with all applicable conditions must be verified and approved by the Land Use Planner, Lisa Rutzick, (206 386-9049) 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. **Prior to any alteration of the approved plan set on file at DPD, the specific revisions shall be subject to review and approval by the Land Use Planner.**

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

Date: November 6, 2006