

The general site topography slopes gently to the south with an approximate vertical relief of 12 feet. There are currently four structures, including two commercial buildings, and a concrete block rehearsal studio and a storage shed, on-site.

Existing development in the immediate area is mixed. Parcels across NW Market Street to the north are zoned C2-40' and L-1 and are currently contain commercial uses such as the Ballard Health Center, and residential apartment buildings. Parcels across NW 54th Street to the south are zoned IG-65 and currently contain various industrial uses. The C1-65 zone extends west; the parcel immediately west of the project site contains a commercial use, a Firestone Tire store. The L-3 zone extends east; the parcels immediately east of the project contain a woodworking business and a senior housing facility named Market Terrace Apartments.

Most of the subject site is zoned C1-65' (Commercial with a 65-foot height limit); 16 percent of the site in the northeast corner is zoned L-3 (Lowrise 3). The site is within the Ballard Hub Urban Village Overlay. Multi-family structures are permitted outright throughout both zones. Building heights are restricted to 30 feet in L-3 and 65 feet in C1-65. No Environmental Critical Areas are located on site.

Proposal

The proposed redevelopment of the site involves construction of two six-story apartment buildings; the portion of the northern building in the L-3 zone would be limited to three stories, and would comply with the zone's 30-foot height limit. The applicant proposes to demolish all existing structures on site, which include two commercial buildings on the northern parcel and a concrete block rehearsal studio and storage shed on the southern parcel.

The two apartment buildings would be served by a single underground parking garage containing 164 parking spaces. Access to and from the garage would be through a single curb cut on N.W. 54th Street.

The two buildings would be rectangular, and oriented toward each street, creating a large private courtyard through the site. Nine apartments (four in the north building, and five in the south building) would open directly onto the shared private courtyard, as would a common amenity room located in the northern building. Three units in the eastern portion of the south building would open onto a separate courtyard located on the east side of the site. The main pedestrian entry to the northern building would be through the private courtyard and through a lobby on N.W. Market Street. The retail façade along N.W. Market Street would include storefront glazing systems, landscaping, and a five-foot setback from the property line to encourage retail usage. As mentioned above, the northeast corner of the northern building would be limited to three stories to comply with L-3 zoning requirements. The southern building would include eight live-work units opening up to N.W. 54th Street; these units would include extensive storefront glazing to emphasize their commercial purpose. The main pedestrian entry to the southern building would be via a breezeway connecting N.W. 54th Street with the private internal courtyard. Both the northern and southern buildings would be pulled back three to five feet from the western property boundary, and the northern building would be set back four to five feet from the northern property boundary.

The aesthetic approach of the project would be simple and modern. The two buildings are simple rectangular forms with limited articulations and no private decks. The exterior materials would be a mix of concrete, fiber cement lap siding, stucco, and wood-grained phenolic accent panels. The project includes dense, high-quality landscaping in accordance with the City's "Green Factor" requirements, including a 144 square foot vegetated wall at the west end of the private courtyard, and a 2,013 square foot green roof garden on the northeast portion of the northern building. The project proposes to add a second row of street trees to N.W. Market Street, resulting in an 8-foot wide planting strip along the curb, a 6-foot sidewalk, another 6-foot wide paving and planting area, and a 5-foot wide paving strip. The project is registered for LEED certification, targeting silver certification.

Public Comment

The SEPA comment period for this application ended on January 24, 2007. Two written comment letters were received. One letter was received from a resident in the Market Terrace apartments to the east of the site; this letter raised concerns with the project's height, increased traffic, noise, pollution, and pedestrian safety. Another letter was received raising concerns about traffic, affordable housing, and the number of apartments and condominium units being built in Ballard. Public comment was received at the Early Design Guidance meeting held on August 14, 2006. General support for the design scheme was expressed. Comments also expressed concern about vehicle entry from N.W. 54th Street as industrial trucks often use that street. Public comment was also received at the Design Review Board Recommendation Meetings held on February 26 and April 23, 2007.

DESIGN REVIEW BOARD DESIGN PRIORITIES

On August 14, 2006 the N.W. Seattle Design Review Board held an Early Design Guidance meeting to consider the site and objectives of the applicant. 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 and Commercial Buildings*" of highest priority to this project. The recommendations made were agreed to by all four of the Board members present, unless otherwise noted.

A-1 Responding to Site Characteristics - The siting of buildings should respond to specific site conditions and opportunities such as non-rectangular lots, location on prominent intersections, unusual topography, significant vegetation, and views or other features.

Board Comments:

The site is a through lot, split zoned, and mid block. Vehicle access from N.W. 54th St., even with its narrow roadway, is preferable to accessing from busy N.W. Market St. as this would cause pedestrian conflicts, interrupt the building frontage and cause traffic safety issues greater than those expected on N.W. 54th St.

The residential buildings should not be too close to the west property line. Windows and articulation should be provided on this west façade. The proposed structures should not crowd the street frontage along N.W. 54th St.; especially on the upper stories. Moving some of the open space to this frontage could help to avoid crowding the right-of-way and provide an opportunity to allow views of some of the open space from surrounding areas.

The site abuts a site to the west with the same C1-65' zoning which is currently improved with a one-story auto repair building. The proposed development should not approach too closely to the west property line. This façade should have setbacks, articulation and windows in a manner which both anticipates its prominent exposure while the neighboring site is in its current state and also anticipates the eventual construction of a six-story building there.

Project Response:

At all locations, the west façade is located three feet or more from the west property line. Articulation in the west façade would increase this setback to five feet or more in places. The northern building has been moved to four to five feet off the north property line in response to Board comments, providing a large strip of open space along the sidewalk, with landscaped connections to the retail/commercial space and residential lobby. The large private courtyard is connected to the public sidewalks by a wide gated connection at the northeast corner of the project and by a short stairway and breezeway through the southern building. The private courtyard provides an opportunity for future development on the site to the west to have access to light and air and take advantage of view into the ground level landscaped plaza.

A-3 Entrances Visible from the Street - Entries should be clearly identifiable and visible from the street.

Board Comments:

The L3 portion of the site is proposed to contain a residential lobby entry for the front residential "tower" and for the flat units within the zone. This element should be designed in a manner which clearly and attractively communicates this function.

The live work units proposed along N.W. 54th St. need to be designed to relate well with the sidewalk and street and communicate a commercial character of engagement. A tenant business in one of these units should be able to display goods in an inviting way or to present an office-like appearance in a flexible way.

Project Response:

Along N.W. Market Street, the main residential lobby will be clearly visible from the sidewalk, and will be furnished as a waiting and greeting area.

Along N.W. 54th Street, the live-work units will have extensive storefront-style glazing to emphasize their commercial purpose and appearance. The residential lobby for the southern building will have similar windows, but they will be set back from the sidewalk to provide a distinctive appearance adjacent to the breezeway connection to the central courtyard.

A-4 Human Activity

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

Board Comments:

The proposal would have ample non-residential frontage on two streets. These frontages need to be designed to encourage interaction between pedestrians and uses within the structure. Transparency, entries, overhead weather protection, landscaping, sidewalk extensions all are measures to be incorporated into a successfully animated pedestrian environment. This guideline direction applies to both the commercial, Market St. and the live work N.W. 54th St. frontages.

Project Response:

The non-residential façade along N.W. Market Street will be heavily retail in appearance, with storefront glazing systems, landscaping and a five-foot setback from the property line to create a generous transition zone and encourage passers-by to linger and window-shop.

Along N.W. 54th Street, the live-work units will be close to the sidewalk, opening directly to the public right-of-way. These units will have storefront glazing and small landscaped areas along the sidewalk.

A-7 Residential Open Space - Residential projects should be sited to maximize opportunities for creating usable, attractive, well-integrated open space.

Board Comments:

Residential open space should be located both to serve the residents of the project in an effective way and to add to the appearance of the project when viewed from outside the property lines. The Board suggested that some of the residential open space provided on the interior of the site should be moved to exterior locations viewable along N.W. 54th St.

Project Response:

The northern building has been moved four feet away from the northern property line along N.W. Market Street to provide extensive landscaped public open space along this major arterial and busy pedestrian route. The breezeway through the southern building and the wide landscaped area at the northwest corner of the site would provide visual access to the private central courtyard.

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 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 zones.

Board Comments:

The sheer scale of the proposal with six story buildings along and close to both street facing property lines necessitates that architectural measures be taken to reduce the perceptions of height, bulk and scale along street frontages. These measures might include increased and varied setbacks, building modulations, color and material variation and adjusted building forms, such as reduction of bulk of upper levels.

Project Response:

Sitting at the intersection of a number of different zones, including C1-65 to the west, IC-85 to the south, and L3 to the north and east, the simple massing of both buildings and the stepped structure of the northern building would provide a clear and sensitive response to the varied development potentials of nearby properties.

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 facade walls.

Board Comments:

The proposed buildings need to be designed in conformity to this general principle. The buildings would be large, very visible and should set a good context for future buildings the immediate area to respond to.

Project Response:

The clean, simple forms of the proposed structures would provide a unified and coherent modernist architectural design. The restrained palette of high-quality exterior materials and colors would support the clarity of architectural concept.

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.

Board Comments:

Materials and colors need to be shown at the next meeting.

Project Response:

Materials will consist of a mix of concrete, fibercement lap siding, stucco, metal, glass, and wood-grained phenolic access panels. Colors will consist of slate gray, beige, burnt orange, dark red, and black, gray and wood-like accents. Green design has been integral to this project, and the project is currently targeting LEED silver certification.

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.

Board Comments:

The applicants need to provide a sketch showing how the garage entry is designed so as to minimize interruption of the live work frontage along N.W. 54th St.

Project Response:

The garage entrance along N.W. 54th Street has been located to the west of the live-work units, allowing the units to coordinate more clearly with the visual characters of the open breezeway and residential lobby that share the southern façade.

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.

Board Comments:

Pedestrian spaces, both inviting and animated by building uses need to be provided on both street frontages. N.W. Market St. should be a commercial storefront in appearance with overhead weather protection in metal canopies and glazed windows. The use of transom windows above the canopy would be appropriate. Along the live work frontage of N.W. 54th St. the units should provide an opportunity to view the commercial uses within through extensive glazing and there should be clearly identifiable pedestrian entries.

Project Response:

The primary pedestrian space for this project would be the large private courtyard located in between the northern and southern buildings. Additional pedestrian spaces would consist of the residential lobbies, the landscaped access at the northeast corner, and the breezeway connection to N.W. 54th Street. Along N.W. Market Street, the storefronts will be sheltered by metal and glass awnings, and the live-work units on N.W. 54th Street will include extensive storefront glazing and clearly marked entries to emphasize commercial character.

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.

Board Comments:

The presentation of a blank wall along the western property line is undesirable. Instead building setbacks and modulations should be incorporated with windows to give this façade a “face” similar to that on the other facades.

Project Response:

The western and eastern facades would be articulated with setbacks and material transitions, and includes windows at each level.

D-5 Visual Impacts of Parking Structures - The visibility of all at-grade parking structures or accessory parking garages should be minimized. The parking portion of a structure should be architecturally compatible with the rest of the structure and streetscape. Open parking spaces and carports should be screened from the street and adjacent properties.

Board Comments:

The parking garage should remain entirely underground as shown at the EDG meeting and not “creep upwards” in later iterations.

Project Response:

The proposed parking garage would be entirely below grade or hidden behind the live-work units and other uses along N.W. 54th Street.

D-6 Screening of Dumpsters, Utilities and Service Areas - Building sites should locate service elements like trash dumpsters, loading docks and mechanical equipment away from the street front where possible. When elements such as dumpsters can not 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.

Board Comments:

Dumpsters should be located in an area which is safe, convenient to tenants, screened from surrounding properties and accessible to commercial trash trucks. These locations should be shown at the next meeting.

Project response:

The project will be served by internal trash and recycling chutes. Dumpsters for pickup will be stored in the trash and recycling room in the southern building adjacent to the garage entry on N.W. 54th Street.

D-7 Personal Safety and Security - Project design should consider opportunities for enhancing personal safety and security in the environment under review.

Board Comments:

Safe, well lit and observable entry points and routes should be incorporated.

Project Response:

The project would have clearly defined and easily controlled entry points and routes. Access to the lobbies and narrow walkways along the northwest, southwest, and southeast edges will be controlled. The private central courtyard will be similarly controlled; all will be well-trafficked by resident pedestrians.

Development Standard Departures

The applicant disclosed potential departures from development standards, desired in order to achieve a better-designed project. These requested departures include:

DEPARTURES REQUESTED IN C1-65 ZONE:

1. A waiver of the requirement for a 15 by 15 foot triangle front setback abutting residentially-zoned lots, as the proposed structure straddles the C1-65 and L3 zones on an internal lot line. Instead, the project proposes to set back the northern building the full width of the structure.
2. A waiver of the requirement for a 10-foot side setback above 13 feet, as the proposed structure straddles the C1-65 and L3 zones on an internal lot line. No setback is proposed to allow for a single building.
3. A reduction of the requirement that 60% of the street level façade between 2 feet and 8 feet be transparent; the required garage entry and solid waste and recycle rooms necessitate the reduction of façade transparency requirements to 45% of the N.W. 45th Street façade. Without the garage and garbage room the project would meet transparency requirements.
4. A reduction of the 10 x 10 foot sight triangle at the exit side of the driveway. The sight triangle is proposed to be reduce by two feet to the south. The exceptionally wide sidewalks and planting strips along N.W. 54th Street will allow safe exiting and entering and will also provide for pedestrian safety.

DEPARTURES REQUESTED IN L3 ZONE:

1. An allowance to exceed the 45% maximum lot coverage requirement. The portion of the project in the L3 zone would cover 52.3% of the L3 area. The total departure would increase the square footage of the building by about 363 square feet. The departure would not significantly increase the visible size of the L3 portion of the structure, and the structure would be setback 12 feet from the nearest adjacent lot line.

2. A reduction of the required front setback. The required setback for the building would be 15 feet; the proposed departure would reduce the setback to 11 feet at ground level, and six feet at the second and third levels. As a proposed transition between the C1-65 and L3 zones, the applicant felt this would be a reasonable transition.
3. An allowance to exceed the 65% maximum structure depth requirement. The requirement on the L3 portion of the lot would be a maximum depth of 65 feet, and the proposed departure would increase the depth to 67 feet. The proposed departure would allow the L3 structure to relate with the adjacent 71-foot deep C1-65 structure and would not significantly increase the bulk of this portion of the project.

The Board indicated that each of the departures could potentially be granted in a development that does an outstanding job of providing quality open spaces to both residents of the building and to the public and which is highly successful in meeting the architectural challenges outlined in the design guidance.

First Recommendation Meeting, February 26, 2007

After considering the site and context, hearing public comment, reconsidering the previously identified design priorities the Board declined to make a recommendation to DPD.

The Board wanted to see colors and materials proposed prior to making a recommendation. They also wanted to see the sidewalk realm along Market St. in more detail.

The Board indicated support for the development standard departures requested. They endorsed the architectural expressions shown. The landscape plan was also supported by the Board. It was noted that landscaping should be shown on elevation views as well as on the landscape plan. It was requested that enlarged section drawing(s) of the sidewalk level along N.W. Market Street be provided at the next meeting. Concern was expressed about the height of the canopies on the north side and the Board recommended they be lowered for the next meeting to provide better weather protection and scale.

Second Recommendation Meeting on April 23, 2007

The applicant presented colors and material boards and some revisions of elevations were shown incorporated into the project. Materials included Prodema, a plasticized wood product in a light wood tone color on the first floor of the smaller, L-3 zoned building and in a darker tone as an accent on the upper levels of the larger building in the northwest corner of the site. Colors shown in the materials packet presented to Board members and shown on presentation boards at the meeting included earth tones of grays, blues, light brown and black. The southern elevation facing N.W. 54th Street was reworked to provide vertical breaks in the horizontal sunshades over windows. Canopies on the N.W. Market Street elevation were lowered to nine feet above the sidewalk.

At this Second Recommendation Meeting the Board unanimously recommended that the DPD Director **approve** the design of the proposal and **grant** all of the development standard **departures** as listed above. The departures were recommended because the guideline priorities were well-addressed by the project design. Particularly well-addressed were those stated in the departure chart below.

BOARD RECOMMENDATION

After considering the site and context, hearing public comment, reconsidering the previously identified design priorities, recommended conditions, and reviewing the plans and renderings showing the proposed revisions, the Design Review Board members recommended **approval of the subject design** (all recommendations were by all four members agreeing, unless otherwise indicated). The recommendations summarized below were based on the plans submitted at that meeting. Design, siting, or architectural details not specifically identified or altered in these recommendations are expected to remain as presented in the plans available at the April 23, 2007 meeting and according to the recommendations of the Board at that meeting.

The Board Recommended Approval of the Following Departures:

C1 – 65’		
Development Standard	Proposed	Reason for Departure
Minimum Street Level Façade In Non-Residential Use (SMC 23.47.008B,B4)	Shift this non-residential use requirement to NW Market Street. We propose that 94’-1” (99.2%) of the 99’-10” ground level street frontage will be devoted to non-residential uses.	The primary commercial street front for this site is NW Market Street; we believe that is where the non-residential use requirement should apply. The land use code would have the requirement apply to NW 54 th Street only because the length of the commercial zone street frontage along NW 54 th Street is longer than the commercially- zoned street front along NW Market Street. This approach best responds to the existing street character of the site. Guideline A-1
80% of façade (less 22’ garage entry) at NW 54 th St. to be dedicated to non-residential uses.	Shift requirement from NW 54 th Street to NW Market Street.	
Front setbacks at lots abutting residential zoned lots (SMC 23.47.014 B1)	4’x4’ triangle abutting front of residential zoned lot, plus a 4’-0” deep setback (5’-0” deep at ground level) along the full 100’ width of the C1-65 tax lots (400 sf)	Because the proposed structure straddles the transition between the C1-65 and L3 zones at an internal parcel line, the required front setback is reduced. Although no other setback is required along the NW Market Street frontage of the C1-65 zoned parcels, the proposal is to set back the full width of the structure, as requested by the Design Review Board.
15’x15’ triangle abutting front of residential zoned lot (113 sf)	11’ reduction in the triangular setback area, but a net 287 sf increase in setback area	Guideline A-1

<p>Side setbacks at lots abutting residential zoned lots (SMC 23.47.014 B2)</p>	<p>No setback Reduce setback above 13' height to 0'-0"</p>	<p>Because the proposed structure straddles the transition between the C1-65 and L3 zones at an internal parcel line, no side setback is proposed. Guideline A-1</p>
<p>10'-0" setback from 13' height up to 65' height Lot Coverage (SMC 23.47.023.C)</p>	<p>Proposed lot coverage/lot area = 16,570 sf / 24,900 sf = 66.6%</p>	<p>The proposed project devotes significant lot area to public and shared block-interior interior open space, and the proposed small increase in lot coverage will not increase how the width or bulk of the project is perceived from either on, or off the site. Building form, materials and placement of open space and setbacks accomplish the objectives of controlling height, bulk and scale. Guideline B-1</p>
<p>Maximum 64% residential lot coverage above 13'</p>	<p>2.6%, or 634 sf</p>	<p>By its nature, this single development cannot functionally separate the open space provided for the residents in the L3 and C1-65 zones, so we propose that L3 open space in excess of what is needed to satisfy the L3 open space requirement be used to meet the C1-65 open space requirement.</p>
<p>Open space (SMC 23.47.024 B)</p>	<p>1) Reduce open space requirement by 25%. Proposed open space is 13,200 sf</p>	<p>Further, since all the open space at this project will be shared open space (no private decks) a 25% reduction to the total amount required is reasonable.</p>
<p>Open space requirement is 20% of gross floor area in residential use. 20% x 87,750 sf = 17,550 sf</p>	<p>2) Allow open space at ground level with 5'-0" minimum dimension. 3) Count ground level open space in L3 zone that is not used to satisfy the L3 open space requirement to satisfy the C1-65 open space requirement.</p>	<p>Proposed 5' and larger setbacks along the east, west and north sides of the project will provide useful separation between this project and its neighbors and add public open space along NW Market Street. These open spaces, which are typically narrower than 10' should be counted as open space.</p>
<p>Sight Triangle (SMC 23.54.030)</p>	<p>Sight triangle proposed is 10'x10', based on back-of-sidewalk line, 2' forward of the property line.</p>	<p>The quality of public spaces provided in the adjacent Market St. and the common nature of the residential open space meet the objective of the open space requirement as well as the code mandated approach. Guidelines D-1, A-7</p>
<p>10'x10' triangle at exit side of driveway</p>	<p>Move sight triangle forward by 2'-0"</p>	<p>Exceptionally wide sidewalks and planting strips along NW 54th street (18' from back of sidewalk to curb) allow for this slight reduction in the sight triangle without any loss in pedestrian safety. Narrowed sight triangles would help maintain the presence of the building and uses at the pedestrian, street level. Guidelines C-1, C-2</p>

DECISION - DESIGN REVIEW

The Director of DPD has reviewed the recommendations of the Design Review Board and finds that they are consistent with the City of Seattle Design Review Guidelines for Multi-family and Commercial Structures. Therefore, the proposed design is **APPROVED** substantially as presented in the official plan sets on file with DPD as of the April 23, 2007 Design Review Board meeting, with the Board's recommended design **departures**, enumerated above.

ANALYSIS - SEPA

The initial disclosure of the potential impacts from this project was made in the environmental checklist submitted by the applicant on November 17, 2006, and annotated by this Department. This information in the checklist, supplemental information provided by the applicant (plans, including landscape plans), comments from members of the community, 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) establishes the relationship between codes, policies, and environmental review. Specific policies for specific elements 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/circumstances (SMC 25.05.665 D 1-7) mitigation can be considered. Thus, a more detailed discussion of some of the impacts is cited below.

Short Term Impacts

Anticipated short term impacts that could occur during demolition excavation and construction include; increased noise from construction/demolition activities and equipment; decreased air quality due to suspended particulates from building activities and hydrocarbon emissions from construction vehicles and equipment; increased dust caused by construction activities; potential soil erosion and potential disturbance to subsurface soils during grading, excavation, and general site work; increased traffic and demand for parking from construction equipment and personnel; conflicts with normal pedestrian and vehicular movement adjacent to the site; increased noise; and consumption of renewable and non-renewable resources. Due to the temporary nature and limited scope of these impacts, they are not considered significant (SMC 25.05.794).

Many are mitigated or partially mitigated by compliance to existing codes and ordinances; specifically these are: Stormwater, Grading and Drainage Control Code (grading, site excavation and soil erosion); Street Use Ordinance (watering streets to suppress dust, removal of debris, and obstruction of the pedestrian right-of-way); the Building Code (construction measures in general); and the Noise Ordinance (construction noise). The Department finds, however, that certain construction-related impacts may not be adequately mitigated by existing ordinances. Further discussion is set forth below.

Noise

- The project is expected to generate loud noises during demolition, grading, and construction. These impacts would be especially adverse in the early morning, in the evening, and on weekends. The surrounding properties are developed with retail, restaurant, commercial, and residential uses and will be impacted by construction noise. Due to the proximity of other sensitive uses, the limitations of the Noise Ordinance are considered 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. The applicant will be required to limit periods of construction to between the hours of 7:00 AM to 6:00 PM on non-holiday weekdays. To shorten the overall construction time frame, construction will be allowed on Saturdays between the hours of 9:00 AM and 6:00 PM.

The Department will allow work of an emergency nature or allow low noise interior work after the exterior of the structure is enclosed outside the above-approved hours. Subject to approval by the Department, low noise exterior work (e.g., installation of landscaping), may also be allowed outside the above-approved hours.

Air Quality

The existing on-site buildings will be demolished. Prior to demolition activities, the contractor will provide to Puget Sound Clean Air Agency pre-survey documentation of buildings for possible presence of asbestos and lead paint. Notice to the Puget Sound Clean Air Agency is required prior to demolition of any structures greater than 100 square feet in coverage. OSHA requirements shall be followed to determine any special handling or disposal requirements for demolition debris. If asbestos is present in the existing buildings, Puget Sound Clean Air Agency, Department of Labor and Industry, and EPA regulations will provide for the safe removal and disposal of asbestos encountered during building demolition. Other than assurance that the required notice has been provided, no SEPA conditioning of air quality impacts is necessary.

Earth/Grading

An excavation to construct the below grade parking for the proposal will be necessary. The depth of the excavation will be to approximately 20 feet in depth. Approximately 18,000 cubic yards of soil and existing material will be removed from the site, which could create potential earth-related impacts. Compliance with the Stormwater, Grading, and Drainage Control Code (SMC 22.800) will require the proponent to identify a legal disposal site for excavation and demolition debris prior to commencement of demolition/construction.

Compliance with the Uniform Building Code and the Stormwater, Grading, and Drainage Control Code will also require that Best Management Practices (BMPs) be employed during demolition/excavation/construction including that the soils be contained on-site and that the excavation slopes be suitably shored and retained in order to mitigate potential water runoff and erosion impacts during excavation and general site work.

According to the geotechnical study, groundwater at depths ranging from 5 to 28 feet was encountered during test borings. Although groundwater conditions seasonally change based on a number of factors, it is anticipated that groundwater seepage will be encountered during excavation. In the opinion of the geotechnical study, excavation should be designed with permanent under-drains or water-tight building design. Temporary construction dewatering may also be required.

With the mitigations and systems described above, the geotechnical report stated that groundwater seepage is not anticipated to have an adverse impact on the planned excavation. A drainage control plan, including a temporary erosion and sedimentation control plan will be required with the building permit application. In addition, a Shoring and Excavation Permit will be required by SDOT prior to issuance of a building permit. Compliance with the requirements and conditions described above will provide sufficient mitigation for the anticipated earth-related impacts.

A drainage control plan, including a temporary erosion and sedimentation control plan will be required with the building permit application. In addition, a Shoring and Excavation Permit will be required by SDOT prior to issuance of a building permit. Compliance with the requirements and conditions described above will provide sufficient mitigation for the anticipated earth-related impacts.

Pedestrian Circulation

The Street Use Ordinance includes regulations that regulate dust, mud, and circulation within the public right-of-way. Street use permits obtained from SDOT will be necessary for any temporary closures of sidewalks and/or traffic lanes. The sidewalk along N.W. Market Street is an important pedestrian route which should be kept open to the greatest extent possible. SEPA authority will be exercised to require that safe pedestrian passing will be provided for during construction.

Long Term Impacts

Long term or use-related impacts are also anticipated from the proposal and include: increased surface water runoff from greater site coverage by impervious surfaces; potentially decreased water quality in surrounding watersheds; increased ambient noise due to increased human activity; increased demand on public services and utilities; increased light and glare; increased energy consumption, increased on-street parking demand, and increased vehicle traffic. These long term impacts are not considered significant because the impacts are minor in scope.

Earth

There would be almost no potential for erosion from the completed development, since any exposed area would be densely landscaped on-site with trees and drought-resistant plants. Open space would be provided in the form of interior courtyards. Landscaping would be provided by planter strips, street trees, and built-in containers. As there is no erosion potential, impacts are not considered significant and no mitigation is warranted.

Transportation and Parking

Proposed are 164 parking spaces for 155 residential units, 8 live-work units, and 3,060 square feet of general retail space; 26 currently existing on-site parking spaces would be eliminated. With the application of certain parking waivers contained in SMC 23.54.015, the project meets parking requirements established by the Seattle Land Use Code. In the event the project's parking demand exceeds the amount of on-site parking provided, it is expected that surrounding streets should have the capacity to accommodate such overflow. No SEPA-based conditioning of on-street parking impacts appears to be warranted.

The proposed project has excellent access to public transportation; NW. Market Street is a major bus route, and 15th Avenue N.W., a block away from the project, is also a major bus route. The project is located near many convenient bicycle routes and will provide bicycle parking and storage in compliance with SMC 23.54.015.K. A traffic study was not requested by DPD and was not completed for the project. However, given the relatively small number of residential units and commercial areas, as well as the availability of alternate modes of transportation, no SEPA-based conditioning of traffic generation appears to be warranted.

Water Quality/Drainage

The site is not located within the Shoreline District. Upon completion of the project, the site will comply with Green Factor requirements, which are intended to reduce stormwater runoff through the use of various landscaping treatments and pervious surfaces. Additional stormwater from impervious surfaces would be collected for release to the City's stormwater conveyance system. Any runoff not collected by the on-site pervious surface landscaping would be from "clean" surfaces (i.e., not exposed to vehicular traffic). Impacts to stormwater are not considered significant and no mitigation is warranted.

Plants/Animals

All existing vegetation would be removed during the site excavation and construction. There is no known occurrence of threatened or endangered species on or near the site.

Frontage improvements will include street trees. Landscaped open spaces will be provided in the interior courtyards, public rights-of-way, and the roof garden.

Impacts to plants and animals are not considered significant and no mitigation is warranted.

Energy and Natural Resources

Natural gas or electricity would be used as the principal source of energy for space heating. Electrical energy would be used for lighting and operating appliances. It is not expected that the height and configuration of the proposed structure would interfere with the potential use of solar energy by adjacent properties. Building construction would comply with this and other requirements of the Seattle Energy Code, at a minimum, to be reviewed at the time of Building permit application.

Long term impacts to energy and natural resources are not considered significant and no mitigation is warranted.

Housing

The City's SEPA policies encourage preservation of housing opportunities, especially low income housing. The proposed project would not demolish any housing. A total of 158 residential units are proposed. Utilities and transportation infrastructure are adequate to serve the project without adverse impacts. Housing opportunities close to downtown and urban villages minimize impacts to the regional transportation system.

There would be no long term significant impacts to housing. Therefore, no mitigation measures for such impacts are warranted.

Height, Bulk and Scale

The subject proposal has been through the Design Review Process, previously discussed in this decision. A project that is approved pursuant to the design review process is presumed to comply with the City's height, bulk and scale policies. This presumption may be rebutted only by clear and convincing evidence that the height, bulk and scale impacts documented through environmental review have not been adequately mitigated. SMC 25.05.675.G.2. Measures employed to mitigate height, bulk and scale impacts, as incorporated into the building architecture, were reviewed by the Design Review Board and found sufficient.

In order to respond to the site characteristics and reduce the building mass and bulk, the project was broken into two separate building components. Additional features on building faces, as well as setbacks and compliance with the height limit in the L3 zone, will reduce height, bulk and scale impacts.

Long-term height, bulk and scale impacts have been addressed through the Design Review process. No additional SEPA mitigation measures are warranted.

Light and Glare

A new source of light in the evenings will be from the glow of lights inside residential units and lighting of the sidewalk surrounding the project.

Lighting proposed within the mixed-use residential/commercial project would include low-level landscape lighting at the interior courtyard, shielded security lighting at exterior building entrances, and individual incandescent or fluorescent lights on decks and at unit entries. Individual businesses are expected to provide signage consistent with the Seattle Land Use Code.

No reflection materials, such as reflective glass or polished metal are proposed for the building exterior. The proposal includes use of low-level, directional lighting, and non-reflective exterior building materials to minimize the occurrence of light and glare from circulating or parked vehicles.

Impacts from light and glare are not considered significant and mitigation is not warranted.

Public Services and Utilities

The change of use, increase in development on the site, type of development (residential and commercial), and the introduction of a resident population are expected to result in an increased demand for public services. There are no existing deficiencies in needed services or utilities to the site. The project would comply with applicable codes and requirements of the Seattle Fire Department for fire protection and fire suppression, to be reviewed at the time of Building Permit application. All exterior entrances to the building would be well-lit and equipped with security gates.

All utilities required to serve the proposed mixed-used residential/commercial development are located within adjacent street frontages. Only side service connections should be required for each utility service. Overall, the impacts to public services and utilities are not considered significant and no mitigation is warranted.

Existing and Projected Land Use; Comprehensive and Neighborhood Plan

The site previously was in commercial use, with two commercial buildings on the northern parcel and a concrete block rehearsal studio and storage shed on the southern parcel. All structures are vacant. With the redevelopment proposal, all existing buildings would be demolished. A new, mixed-use residential project with an interior courtyard, and retail and live-work uses at street level would be built in their place. The land use of the site would thus be changed with the proposal.

The proposed project is compatible with surrounding uses and is located in an area of commercial, residential, and industrial zoning. The site itself is zoned Commercial One (C1-65'), with a small portion in the northeast corner of the site zoned L3; the site is within the Ballard Hub Urban Village Overlay. The redevelopment proposal is consistent with both zoning designations. Residential use in a mixed use development is permitted outright in both the C1-65 and L3 zones. The proposal complies with development standards applicable to mixed-use development within the C1-65 and L3 zones, except for the previously discussed development standard departures approved by the Design Review Board.

The City of Seattle Comprehensive Plan designates the site as Hub Urban Village (Ballard). The proposed mixed-use development is consistent with the Comprehensive Plan designation.

In addition, the proposed project complies with the Crown Hill/Ballard Neighborhood Plan. This Plan is one of 37 neighborhood plans prepared with the participation of people in the neighborhood to articulate a vision for growth and change over the next 20 years, which identifies actions to be taken to help achieve this vision and further implement the Citywide Comprehensive Plan. The Plan adopts several neighborhood specific goals and policies. The project is consistent with the following policies and goals:

- CH/B-G1: A defined, vital, accessible missed use core with residential and commercial activity in the Ballard Hub Urban Village and Crown Hill Residential Urban Village.
- CH/B-P2: Improve the attractiveness of the business areas in the Ballard Hub Urban Village to businesses, residents, and shoppers through creation of pleasant streetscapes and public spaces.
- CH/B-G3: A civic complex in the core of the Ballard Hub Urban Village that incorporates housing as well as public open space and other public and private services.
- CHB-P5: Accommodate the majority of new housing units and increases in density in the central areas of the Ballard Hub Urban Village.
- CH/B-G4: A transportation system that supports residential, commercial and civic activity in the core of the Ballard Hub Urban Village, and encourages people to use transit and non-motorized transportation modes.
- CH/B-P10: Strive to improve the pedestrian environment along NW Market Street while retaining its function as a principal arterial.

The proposal directly supports the above-stated goals and policies. With 121 new apartment units, the project will contribute a significant increase in pedestrian activity in an important Ballard Hub Urban Village location. The increased population will generate significant foot traffic, and support existing and future businesses in the vicinity.

It is the City's SEPA policy to ensure that proposed uses in development projects are reasonably compatible with surrounding uses and are consistent with adopted City land use policies. The subject proposal is compatible with surrounding uses, zoning, and City policies. The proposed project is consistent with the Crown Hill/Ballard Neighborhood Plan and the Seattle Comprehensive Plan. No mitigation resulting from land use impacts is warranted.

Summary

In conclusion, certain non-significant adverse impacts on the environment are anticipated to result from the proposal. The conditions imposed below are intended to mitigate specific 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 requirement of the State Environmental Policy Act (RCW 43.21.C), including the requirement to inform the public of agency decisions pursuant to SEPA.

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

CONDITION - SEPA

Prior to Issuance of Demolition, Grading, or Building Permits

The owner(s) and/or responsible parties shall:

1. Submit to DPD evidence of having submitted a Notice of Intent of Demolition to the Puget Sound Clean Air Agency.
2. Prior to issuance of a street use permit, the contractor shall provide a construction traffic plan to SDOT for review and approval. Site work shall be conducted in a manner that would minimize interference with vehicular, pedestrian, and other non-motorized forms of circulation. Temporary traffic control or pedestrian obstructions (if any) during construction shall be managed in accordance with the current City of Seattle Traffic Control Manual for In-Street Work and Manual of Uniform Traffic Control Devices. In the event that work requires closure of an entire sidewalk or travel land, a signage plan and traffic control plan shall be prepared for approval by SDOT.
3. A drainage control plan, including a temporary erosion and sedimentation control plan will be required with the building permit application.
4. A Shoring and Excavation permit shall be required by SDOT prior to issuance of a building permit.

During Construction

5. Construction work shall be limited to between the hours of 7:00 AM and 6:00 PM on non-holiday weekdays and Saturdays. The Department will allow work of an emergency nature or allow low noise interior work after the exterior of the structure is enclosed outside the above-approved hours. Subject to approval by the Department, low noise exterior work (e.g., installation of landscaping), may also be allowed outside the above-approved hours.
6. Provisions shall be made for safe pedestrian routes along N.W. Market Street, in accordance with SDOT standards.

CONDITIONS – DESIGN REVIEW

Prior to Issuance of Construction Permit

7. The architectural expression, site plan and building and site materials proposed at the April 23, 2007 meeting shall be incorporated, substantially as shown at that meeting, in the buildings as constructed.

Non-Appealable Conditions

8. 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 (Scott Kemp, scott.kemp@seattle.gov). Any proposed changes to any improvements in the public right-of-way must be submitted to DPD and SDOT for review and for final approval by SDOT.

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 (Scott Kemp, scott.kemp@seattle.gov), or by the Design Review Manager. 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.
10. All of the conditions contained in this decision must be embedded in the cover sheet for updated MUP permit plans and for all subsequent permits including any MUP revisions, and all building permits.
11. The colored elevation drawings from the April 23, 2007 Design Review meeting shall be embedded into the MUP plans prior to MUP issuance. These plans shall also be embedded into the Building Permit Plan set to facilitate subsequent review of compliance with Design Review.

Signature: (signature on file)
Scott Kemp, Senior Land Use Planner
Department of Planning and Development
Land Use Division

Date: November 1, 2007