



City of Seattle

Gregory J. Nickels, Mayor

Department of Planning and Development

D. M. Sugimura, Director

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

Application Number: 3006540
Applicant Name: Freiheit & Ho Architects for Rhapsody Partners
Address of Proposal: 5501 15th Avenue NW

SUMMARY OF PROPOSED ACTION

Land Use Application to establish the use for the future construction of an eight-story building mixed use development containing 287 dwelling units and 32,734 square feet of retail space. Parking for 446 vehicles will be located at ground level and below grade. The project includes approximately 55,000 cubic yards of excavation.

The following approvals are required:

SEPA - Environmental Determination – Chapter 25.05 SMC

Design Review – Chapter 23.41 SMC – Three Design Departures

1. SMC 23.47A.032.A.1.c Location of access
2. SMC 23.54.030.G.2 Reduced sight triangles
3. SMC 23.54.030.F.2.b Maximum curb cut width

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

BACKGROUND INFORMATION:

Site and Area Description

Market Street Landing is a proposed mixed-use building located at the northwest corner of N.W. Market Street and 15th Avenue N. W. in the Ballard neighborhood. Both N.W. Market Street and 15th Avenue N.W. are busy arterial streets. The project



straddles a City of Seattle zoning boundary which results in the eastern third of the project being zoned C1-65' and the westerly two-thirds of the project being zoned NC3-85'. The entire site is located within the Ballard Hub Urban Village. The project site is located across 15th Avenue N.W. from a gas station and a Safeway, across Market Street from a Walgreens and a fire station, and across N.W. 56th Street from the Ballard Place condominiums and a Goodyear Tire store. Surrounding zoning designations include NC3-85' and C1-65'.

The project will include retail uses and residential units with adequate parking for each use provided on-site. There will be approximately 32,734 s.f. of retail space located on the ground level (including an approximately 16,395 s.f. drugstore). Approximately 287 residential units will be built above the ground floor retail level.

Parking for the project will be provided in structured parking at grade level and in a three-level below-grade parking garage. Approximately 446 stalls will be provided on-site. The ground level parking area will be accessed by one right-in/right-out curb cut off of N.W. Market Street. The underground garage will be accessed by a curb cut off of N.W. 56th Street.

The project site includes a grade change of approximately 12 feet, sloping from the northwest corner of the site down to the southeast corner. The site was previously in use as an abandoned apartment building, commercial uses, a Denny's restaurant, and associated parking lots. The Denny's restaurant has been demolished. A bus stop, on 15th Avenue N.W., is adjacent to the site.

Project Description

The project will include retail uses and residential units with parking for each use provided on-site. There will be approximately 32,734 s.f. of retail space located on the ground level (including an approximately 16,395 s.f. drugstore). Approximately 287 residential units will be built above the ground floor retail level.

Parking for the project will be provided in structured parking at grade level and in a three-level below grade parking garage. Approximately 446 stalls will be provided on-site. 28 of the stalls at ground level will be designated for parking by users of the on-site retail establishments. Additional parking spaces will be accessible on the first subterranean parking level for users of the retail establishments. The project will be accessed by only two curb cuts. The ground level parking area will be accessed by one right-in/right-out curb cut off of N.W. Market Street. The underground garage will be accessed by a curb cut off of N.W. 56th Street. A residential lobby will be located on N.W. 56th Street to add activity to that façade.

The design for the building is slightly contemporary, with a traditionally urban feel. The building includes a strong base, with more vertical expression in the bays. Proposed materials would include pre-cast concrete materials and older "used" looking brick at the base, to add emphasis and interest at the pedestrian level. In the upper levels, wood-resin panels and stucco-like materials would be used. Residential decks would be steel-framed with concrete. At the corner of 15th Avenue N.W. and N.W. Market Street, the building will include a tower element incorporating glass panels.

Landscaping surrounding the project would emphasize safety and would vastly enhance the pedestrian experience. The applicant proposes new street trees and landscaping in large planting strips, with enhanced paving between the planting strips, subject to SDOT approval.

Two residential terraces will be provided within the project. The first terrace will be located on the second floor facing N.W. Market Street. The residential amenity/club room will open onto this terrace, which will include a small water feature. The second terrace would be located above the fifth floor above the eastern portion of the building. The terraces will include a BBQ area and rooftop plantings and seating areas.

PUBLIC COMMENTS

The Notice of Application for the project was published on August 23, 2007. The required public comment period ended September 5, 2007.

The Northwest Design Review Board held publicly noticed Early Design Guidance meeting for the project on March 26, 2007. Three recommendation meetings were held on November 22, 2007, January 26, 2009 and March 23, 2009.

Public comment included:

- The design of the building should reflect historic Ballard.
- The building should be fun and quirky; should have some modern flare to it.
- The bus stop should have good visibility so that buses know when they should stop for people waiting.
- The bus stop should include benches for older citizens, and good lighting to provide safety and good visibility for passing buses.
- Traffic impacts to surrounding intersections are a concern.
- Should include adequate parking so overflow parking will not impact neighborhood.

ANALYSIS-DESIGN REVIEW

Design Guidelines Priorities

The initial ideas for the project were presented at an Early Design Guidance meeting on March 26, 2007. After 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 the following design guidelines found in the City of Seattle's "Design Review: Guidelines for Multifamily and Commercial Buildings" of highest priority to the project. The recommendations made were agreed to by all 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 natural features.

A-10 Corner Lots

Buildings on corner lots should be oriented to the corner and public street fronts. Parking and automobile access should be located away from corners.

Board Guidance: This is both a large and very prominent site. The building should serve as a “gateway” to Ballard’s commercial core. Facades should read as small modules and should have fine detailing, especially at the base and corners.

A-4 Human Activity

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

Board Guidance: The N.W. 56th Street frontage should include uses that will support pedestrian activities with uses, architecture, and landscape features. This should be an inviting, “walkable” area, and should not include large blank facades. A residential entry could be considered on N.W. 56th Street.

The sidewalk along 15th Avenue N.W. should be wide with a landscape buffer or a combination of tree wells and planted areas to provide a sense of separation for pedestrians from the heavy traffic on that street.

Overhead weather protection for pedestrians is highly desirable and should be provided along both Market Street and 15th Avenue N.W.

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.

Board Guidance: Parking should be designed to efficiently serve all commercial uses on the site. A plan with fewer vehicle entry points should be developed and evaluated. Consider two curb cuts instead of four. The configuration currently shown should be reconsidered.

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 Guidance: Massing of the proposal should be refined to moderate the appearance of height, bulk and scale to provide positive architectural expression.

Massing was presented as a two-building option. The applicant should consider a three-building expression, which could be successful on a large site, similar to the “China Buffet” site to the west of the project site on Market Street.

C-2 Architectural Concept and Consistency

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

C-4 Exterior Finish Materials

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

Board Guidance: Finish changes should be used along with architectural expressions to refine and define the character along each street. A more residential expression would be appropriate on N.W. 56th Street, with more formal commercial expressions elsewhere. The expressions may be modern. The expressions do not need to be historic in character, but historic expression would also be acceptable.

MASTER USE PERMIT APPLICATION

The applicant revised the design according to the Design Review Board's guidance and applied for a Master Use Permit on August 15, 2007. The application was deemed complete on August 23, 2007. The comment period associated with the Notice of Application expired on September 5, 2007.

DESIGN REVIEW BOARD RECOMMENDATION

The Design Review Board conducted three Recommendation Meetings on November 22, 2007, January 26, 2009 and March 23, 2009, to review the applicant's formal project proposal developed in response to the previously-identified priorities. At the public meeting, site plans, elevations, floor plans, landscaping plans and proposed exterior materials were presented for the Board members' consideration.

Board Deliberation

November 22, 2007 Meeting: Board members praised the project team for the improvements in the project design since it was last presented and agreed that the project was heading in the right direction. It was commented that the retail spaces added to the N.W. 56th Street frontage were an improvement, and that the circulation within the parking levels had been greatly improved as well. The fact that all parking levels were connected and vehicles no longer needed to leave the building and enter at a different drive to access another parking level addressed most of the previous on-site parking issues. The majority of the recommendations and discussions of the board revolved around the massing, scale, and circulation through and around the project.

The Board members indicated that the N.W. 56th Street façade should be further treated to reduce the appearance of height, bulk and scale along this façade. The "C" shaped building opening to the south is successful as viewed from the south, but from the north it needs additional architectural treatment to lessen the appearance of bulk and scale.

The Board suggested further evolution of the building corner design to successfully fill this location's iconic, gateway, and niche. The Board suggested using a recess entry, a unique canopy

design, or a differentiation in materials at this location. The Board also suggested possibly creating a “Ballard” architectural context—not necessarily Scandinavia, but fun.

The Board felt that the current architecture was too fine-grained and busy, and that the expression should be simplified, both in colors used and in surface movements. The building should be unified in architectural expression. The building corners would be benefited by a “cap.” The use of balconies throughout the project gives it a distinctly residential appearance, where a more commercial appearance may be appropriate in some areas of the building. Bus shelters should be incorporated into the building’s canopies to eliminate the need for free-standing METRO shelters.

The Board requested that the applicant return to the Board with an evolved design based on this guidance.

January 26, 2009 Meeting: The Board accepted the tower element on the corner of N.W. Market Street and 15th Avenue N.W. as “headed in the right direction.” The blank spaces just above the canopies at its base should be made transparent. It was suggested that the brick may not need to be extended for the full height of the tower, and that a more transparent expression in the tower body may be interesting. The tower top should be differentiated from the adjacent roof line.

The Board believed the gable roof elements on the lower building mass did not seem to fit in well with the overall design of the project. The Board suggested removing these gables, and replacing them with elements that better unify the building expression. An example of such an element would be a more continuous cornice line below the top story. Varied parapet heights on the roofline may also add interest to the building.

The three building masses along N.W. 56th Street responded to the Board’s earlier guidance to relieve scale along the north façade of the building. The façade should be further articulated with architectural details, materials, and colors to help further break down the scale. The south façade could also benefit from similar treatment.

The Board suggested investigating the possibility of providing public open space opportunities at the street level.

The Board requested that the applicant return to the Board for one more recommendation meeting.

March 23, 2009 Meeting: The Board members were pleased to see that the design team had addressed each of the Board’s issues requested in the past meetings.

The Board spent a large amount of time discussing the corner tower element. The tower base works well, and the canopies integrate the tower into the overall building mass. The Board appreciated the lantern theme to the design, but stressed that the upper shelter of the tower should not feel like it was a light gazebo structure, and there should be more integration between the upper and middle portions of the tower. Brick pilasters were not necessary for a successful tower

design. The Board recommended bringing the tower design back to DPD for final review, but did not feel that additional Board review was necessary.

A few Board members stated they did not like the reversal of colors on the gables at the taller building mass since the last meeting. The members suggested reverting back to the preceding color scheme.

The Board recommended decreasing the parapet height on the lower building mass. It was recognized that the raised parapet walls should be kept at the minimum guard height of 42", to prevent falls, but the intervening parapet walls could be lowered from 18" to the top of the roof.

The Board suggested that the wall behind the seating area at the bus stop might be better served with an information board, and not a coffered brick wall pattern.

The Board was concerned that the windows depicted in the renderings showed a window construction that would not normally be installed in a metal bay window system. The design team confirmed that the window system would be the standard window system typically found in metal bay windows, and agreed that the windows would be depicted as such in future renderings.

The Board approved all development standard departures, and appreciated the movement of the residential lobby to N.W. 56th Street, and appreciated the reduction of curb cuts from the originally-proposed four to two.

DIRECTOR'S ANALYSIS - DESIGN REVIEW

The Director finds no conflicts with SEPA requirements or state or federal laws, and has reviewed the Citywide Design Guidelines and finds that the Board neither exceeded its authority nor applied the guidelines inconsistently in the approval of this design.

DECISION - DESIGN REVIEW

The proposed design is **CONDITIONALLY GRANTED**. Design Review conditions are listed at the end of this report.

ANALYSIS-SEPA

The initial disclosure of the potential impacts from this project was made in the environmental checklist prepared by the applicant and submitted on August 15, 2007 and annotated by the Department. The information in the checklist, the supplemental information submitted by the applicant, and the experience of the lead agency with the review of similar projects form the basis for this analysis and decision.

The SEPA Overview Policy (SMC 25.05.665D) 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 such limited circumstances (see SMC 25.05.665.D.1-7), mitigation may be considered by the Department.

Short-term Impacts

Construction activities could result in the following adverse impacts: construction dust and storm water runoff, erosion, emissions from construction machinery and vehicles, increased particulate levels, increased noise levels, occasional disruption of adjacent vehicular and pedestrian traffic, and a small increase in traffic and parking impacts due to construction related vehicles. Several construction-related impacts are mitigated by existing City codes and ordinances applicable to the project such as the Noise Ordinance, the Stormwater Grading and Drainage Control Code, the Street Use Ordinance, and the Building Code. Additionally, due to the temporary nature and limited scope of these impacts, they are not considered significant per SMC 25.05.794. The following is an analysis of construction-related noise, air quality, drainage, earth, grading, traffic and parking impacts as well as mitigation.

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, as the Department finds them to be non-significant.

Construction Noise

Noise associated with construction of the building could adversely affect surrounding uses in the area, which include residential uses. Many apartments are adjacent to the site, and more residences are nearby. The Noise Ordinance alone is found to be insufficient to mitigate potential noise impacts during construction. Pursuant to SEPA policy authority for construction impacts the following conditioning will be imposed.

All construction activities are subject to the limitations of the Noise Ordinance, SMC [25.08](#). Construction activities (including but not limited to deliveries, framing, roofing, and painting) shall be limited to non-holiday weekdays from 7am to 6pm. Interior work that involves mechanical equipment, including compressors and generators, may be allowed on Saturdays between 9am and 6pm once the shell of the structure is completely enclosed, provided windows and doors remain closed. Non-noisy activities, such as site security, monitoring, and weather protection shall not be limited by this construction. See Conditions #1 and 2 and **Table 1**.

The project team has the option to submit for review and approval a Construction Noise Management Plan to address mitigation of noise impacts resulting from all construction activities. Such a Plan shall include a discussion on management of construction related noise, efforts to mitigate noise impacts and community outreach efforts to allow people within the immediate area of the project to have opportunities to contact the site to express concern about noise.

- The applicant(s) or responsible party(ies) have the option to submit for review and approval a Construction Noise Management Plan to address mitigation of noise impacts resulting from all construction activities. Such a Plan shall include discussion of management of construction related noise, efforts to mitigate noise impacts and community outreach efforts to allow people within the immediate area of the project to have opportunities to contact the site to express concern about noise.
- Unless otherwise modified in an approved Construction Impact Management Plan (see condition 1), all construction activities are subject to the limitations of the Noise Ordinance, SMC [25.08](#). Construction activities (including but not limited to grading, deliveries, framing, roofing, and painting) shall be limited to non-holiday weekdays^{1[1]} from 7am to 6pm. Interior work that involves mechanical equipment, including compressors and generators, may be allowed on Saturdays between 9am and 6pm once the shell of the structure is completely enclosed, provided windows and doors remain closed. Non-noisy activities, such as site security, monitoring, and weather protection shall not be limited by this condition. If an approved Construction Noise Management Plan modifies this condition, the applicant(s) and/or responsible party(ies) shall make the Plan publicly available at the construction site office.

| Non-holiday work hours | | | | | | | |
|------------------------|-----|-----|------|-----|-------|-----|-----|
| | Sun | Mon | Tues | Wed | Thurs | Fri | Sat |
| 7:00 am | | | | | | | |
| 8:00 | | | | | | | |
| 9:00 | | | | | | | |
| 10:00 | | | | | | | |
| 11:00 | | | | | | | |
| 12:00 pm | | | | | | | |
| 1:00 | | | | | | | |
| 2:00 | | | | | | | |
| 3:00 | | | | | | | |
| 4:00 | | | | | | | |
| 5:00 | | | | | | | |
| 6:00 | | | | | | | |
| 7:00 | | | | | | | |
| 8:00 | | | | | | | |

Table 1. Non-holiday work hours. Unshaded work hours shown above are permitted outright. For certain work, it is possible to request DPD approval for additional hours shaded in gray.

Earth/Grading

An excavation to construct the below grade parking for the proposal will be necessary. The depth of the excavation will be a maximum of approximately 30 feet in depth. Approximately 55,000 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. 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.

Greenhouse Gases

Construction activities including construction worker commutes, truck trips, the operation of construction equipment and machinery, and the manufacture of the construction materials themselves result in increases in carbon dioxide and other greenhouse gas emissions which adversely impact air quality and contribute to climate change and global warming. While these impacts are adverse, they are not expected to be significant due to the relatively minor contribution of greenhouse gas emissions from this project

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 sidewalks along 15th Avenue N.W. and N.W. Market Street are important pedestrian routes which should be kept open to the greatest extent possible. SEPA authority will be exercised to require that safe pedestrian routes along both streets be kept open as much as possible. Permit approval by SDOT to allow closure of these routes as necessary will overrule this condition.

Construction-Related Traffic and Parking

Under SMC 25.05.675.B.2, DPD has authority under SEPA to impose conditions to mitigate parking impacts related to the project. During construction, parking demand will increase due to construction personnel and equipment. Off-site parking during construction hours in the general vicinity of the project is limited. To minimize on-street parking in the vicinity due to construction impacts, construction workers will be required to park in the on-site garage when it becomes available.

Truck trips could be generated during excavation, shoring, and foundation construction. A truck route for site excavation has not yet been worked out with the City. A construction traffic plan must be provided to the City in connection with the issuance of a street use permit.

It is the policy of the City of Seattle to minimize or prevent temporary adverse impacts associated with construction activities, including measures to address parking and transportation impacts during construction per SMC 23.05.0675.B.1.g. Pursuant to this policy, project approval shall be conditioned upon the following:

- To minimize on-street parking in the project vicinity due to construction impacts, construction workers will be required to park in the on-site garage when it becomes available.
- 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 during construction (if any) shall be only pursuant to a permit authority received from SDOT.

Long-term Impacts

Long-term or use-related impacts are also anticipated as a result of approval of this proposal including: increased surface water runoff from greater site coverage by impervious surfaces, potentially decreased water quality in surrounding watersheds, increased on-site bulk and scale, 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.

Notwithstanding the Determination of Non-Significance, the following impacts merit more detailed discussion.

Earth

There would be almost no potential for erosion from the completed development, since almost no exposed earth would remain on-site. Open space would be provided in the form of interior courtyards. Landscaping would be provided by built-in containers, landscaping strips, and by street trees. As there is no erosion potential, impacts are not considered significant and no mitigation is warranted.

Traffic and Parking

The Transpo Group completed a traffic study for the project which was submitted to the City as part of the application and review process.

For its analysis, The Transpo Group utilized trip generation rates associated with ITE Land Use Code 220 (Apartment), 820 (Shopping Center), and 881 (Pharmacy with drive-through window). All rates were obtained from the ITE 7th Edition (2004). The study estimated that the project would generate approximately 1,940 net new daily trips and 190 net new PM peak hour trips

(108 entering and 82 exiting). The number of net trips was calculated by determining the new trips to be generated by the project, subtracting the trips that are generated by the uses currently on the site, and by subtracting a number of pass-by trips associated with the shopping center and pharmacy components. The pass-by rates documented in the ITE Trip Generation Handbook were used.

The City of Seattle has implemented a Transportation Concurrency system to comply with one of the requirements of the Washington State Growth Management Act. The system is designed to provide a mechanism that determines whether adequate transportation facilities would be available concurrently with proposed development projects.

Three screenlines were chosen for review, based on their location in relationship to the project site and project trip distribution. The screenlines that were analyzed for concurrency review include the Ballard Bridge (Screenline 5.11), South of NW 80th Street (Screenline 6.11), and west of Aurora Avenue (Screenline 7.11). As a conservative estimate, it was assumed that all project-generated traffic traveling in the direction of the screenlines would extend across the screenlines included in this analysis. The transportation concurrency analysis indicates that with traffic generated by the project, the screenlines would have v/c ratios that are less than the City level of service threshold and thus, the conditions would meet concurrency requirements.

The addition of project traffic would cause the intersection of NW 56th Street and 15th Avenue N.W. to degrade from LOS B to LOS C. All other study intersections would continue to operate at the same LOS without or with the proposed project, and all study intersections would continue to operate at LOS D or better with the proposed project.

Covered at-grade parking and three levels of below ground parking are proposed. The covered at-grade and a portion of the below grade parking are proposed for the retail uses. The remainder of the below grade parking will be reserved for residential use. The below grade retail parking will be separated from the residential parking with a fence and a gate. Approximately 446 parking stalls are proposed (28 surface and 418 below grade). A minimum of 287 residential parking stalls must be provided to meet minimum code requirements, and an additional 61 stalls must be provided to meet the retail use code requirements. A total of 348 stalls are therefore required by code. The project meets the City's minimum parking requirements.

Peak parking demand was estimated using data from two sources: *Shared Parking* published by the Urban Land Institute and *Parking Generation* published by ITE. Parking conditions were evaluated for typical weekday and weekend conditions. The site's peak parking residential demand would be 287 parking stalls based on a rate of 1.0 stall per apartment. The site's peak retail parking demand would be 85 parking stalls. It is anticipated that the combined retail and residential parking demand (372 stalls) would be able to be accommodated by the proposed residential and retail parking supply (446 stalls).

Because the project traffic will not cause degradation of LOS at intersections below an LOS D, the project meets concurrency requirements, will comply with City codes regarding parking, and will provide an adequate number of parking stalls during peak hours, any long term traffic and parking impacts are not considered significant and no mitigation is warranted.

Water Quality/Drainage

The site is not located within the Shoreline District. Upon completion of the project, the site will be mostly covered by impervious surfaces. All vehicle parking will be provided in an underground parking garage. Stormwater from impervious surfaces will be collected for on-site detention and controlled release to the City's stormwater conveyance system. Most stormwater runoff from the completed project 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 area. The project will comply with the City's Green Factor code requirements.

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 287 residential units are proposed. Utilities and transportation infrastructure are adequate to serve the project without adverse impacts. Housing opportunities close to transportation routes, retail areas, and urban areas 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 designed to read as three separate building components. Additional features on building faces 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.

Public View Protection

The City's SEPA policies protect public views of significant natural or human-made features from designated public places; private views are not protected. The City's Land Use codes attempt to protect private views through height and bulk controls and other zoning regulations, but it is impractical to protect private views through project-specific review. The proposed project may impact private views, but it will not impact public views. Therefore, no SEPA mitigation is warranted.

Light and Glare

The project will replace a commercial use that included large parking lot lights on much of the property. In comparison, sources of light following the project's completion will include lights from inside residential units, low-level landscape lighting, and shielded security lighting at exterior entrances. A building address identifier would also be lighted. Individual businesses are expected to provide signage consistent with the Seattle Land Use Code.

No reflective materials, such as highly 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. Low reflection glass will be used in building windows and in the tower element of the building.

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 was previously a Denny's restaurant, other retail uses, and an abandoned residential building. The Denny's was demolished after review by the Seattle Landmarks Board (see Historic Preservation discussion below). The other properties are currently vacant. With the redevelopment proposal, the existing properties would be demolished. A new, mixed-use residential project with street-level retail street level would be built in its 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 mixed Commercial and Neighborhood Commercial zoning. The site itself is zoned Neighborhood Commercial 3, with split height designations (NC3-65 and NC3-85). The entire site is within the Ballard Hub Urban Village. Residential use in a mixed use development is permitted outright in the NC3 zone. The proposal complies with development standards applicable to mixed-use development within the NC3-65 and NC3-86 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 a Hub Urban Village (Ballard). The proposed residential/commercial 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 Crown Hill/Ballard Plan adopts several neighborhood specific goals and policies. The project is consistent with the following policies and goals:

- G1: A defined, vital, accessible mixed use core with residential and commercial activity in the Ballard Hub Urban Village.
- CH/B2: Improve the attractiveness of the business areas in the Ballard Hub Urban Village to businesses, residents, and shoppers through the creation of pleasant streetscapes and public spaces.
- CH/D5: Accommodate the majority of new housing units and increases in density in the core areas of the Ballard urban village.
- G4: A transportation system that supports residential, commercial. And civic activity in the core of the Ballard urban village, and encourages people to use transit and non-motorized transportation modes.
- CH/B10: Strive to improve the pedestrian environment along N.W. Market Street while retaining its function as a principal arterial.
- CH/B21: Define and promote Ballard's identity by establishing a series of welcoming gateways, such

The proposal directly supports the above-stated goals and policies. With 287 new residential units, the project will contribute a significant increase in pedestrian activity in an important Ballard gateway location. The project will transform a previously auto-oriented use with a large parking lot into a vibrant mixed use development. The increased population will generate significant foot traffic, and support existing and future businesses in the vicinity. The increased residential and retail density on a possible future Bus Rapid Transit route on N.W. 15th Street also supports existing and future transit service.

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 mixed use project is consistent with the Crown Hill/Ballard Neighborhood Plan and the Seattle Comprehensive Plan. No mitigation resulting from land use impacts is warranted.

Historic Preservation

It is the City's policy to maintain and preserve significant historic sites and structures. For projects involving structures or sites which have been designated as historic landmarks, compliance with the Landmarks Preservation Ordinance shall constitute compliance with the City's SEPA policies regarding historic preservation.

A Denny's restaurant was previously located on the site of the proposed project. As the Denny's was more than 25 years old and was not yet designated as a historical landmark, the property owner referred the building to the Landmarks Preservation Board for consideration in September 2007 for a determination that the Denny's was not a landmark. On January 2, 2008, the Landmarks Board met to consider the property owner's request to confirm that the Denny's was not a landmark. The Landmarks Board staff recommended that the Denny's not be found to be a landmark. The Landmarks Board voted to nominate the building for landmarks designation. On February 20, 2008, the Landmarks Board met to consider whether the Denny's should be designated as a landmark. The Board voted to designate the Denny's building (but not the underlying property) as a landmark. The written decision of the Landmarks Board was issued on March 5, 2008.

Per SMC 25.12.580, no landmark proceeding may deprive any owner of a landmark of the reasonable economic use of the landmark. At the Controls and Incentives hearing regarding the Denny's, following a review of all of the evidence in the record, the Board found that designating the Denny's building as a landmark deprived the property owner of the reasonable economic use of the landmark. On May 20, 2008, a Controls and Incentives Agreement was signed by the City and the property owner imposing no controls on the Denny's. The Denny's was demolished in June 2008.

The site was reviewed by the Landmarks Board and complied with the Landmarks Preservation Ordinance at chapter 25.12 SMC. Compliance with this ordinance constitutes compliance with the City's SEPA policies regarding historic preservation. Therefore, no SEPA mitigation for historic preservation impacts is warranted.

Greenhouse Gases

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

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).

CODE REQUIREMENTS

A Notice of Intent must be filed with the Puget Sound Clean Air Agency prior to demolition of buildings.

CONDITIONS - SEPA

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

During Construction

Construction Noise

1. All construction activities are subject to the limitations of the Noise Ordinance, SMC [25.08](#). Construction activities (including but not limited to deliveries, framing, roofing, and painting) shall be limited to non-holiday weekdays from 7am to 6pm. Interior work that involves mechanical equipment, including compressors and generators, may be allowed on Saturdays between 9am and 6pm once the shell of the structure is completely enclosed, provided windows and doors remain closed. Non-noisy activities, such as site security, monitoring, and weather protection shall not be limited by this construction. See Conditions #1 and 2 and **Table 1**.

- The applicant(s) or responsible party(ies) have the option to submit for review and approval a Construction Noise Management Plan to address mitigation of noise impacts resulting from all construction activities. Such a Plan shall include discussion of management of construction related noise, efforts to mitigate noise impacts and community outreach efforts to allow people within the immediate area of the project to have opportunities to contact the site to express concern about noise.
- Unless otherwise modified in an approved Construction Impact Management Plan (see condition 1), all construction activities are subject to the limitations of the Noise Ordinance, SMC [25.08](#). Construction activities (including but not limited to grading, deliveries, framing, roofing, and painting) shall be limited to non-holiday weekdays^{2[1]} from 7am to 6pm. Interior work that involves mechanical equipment, including compressors and generators, may be allowed on Saturdays between 9am and 6pm once the shell of the structure is completely enclosed, provided windows and doors remain closed. Non-noisy activities, such as site security, monitoring, and weather protection shall not be limited by this condition. If an approved Construction Noise Management Plan modifies this condition, the applicant(s) and/or responsible party(ies) shall make the Plan publicly available at the construction site office.

| Non-holiday work hours | | | | | | | |
|------------------------|-----|-----|------|-----|-------|-----|-----|
| | Sun | Mon | Tues | Wed | Thurs | Fri | Sat |
| 7:00 am | | | | | | | |
| 8:00 | | | | | | | |
| 9:00 | | | | | | | |
| 10:00 | | | | | | | |
| 11:00 | | | | | | | |
| 12:00 pm | | | | | | | |
| 1:00 | | | | | | | |
| 2:00 | | | | | | | |
| 3:00 | | | | | | | |
| 4:00 | | | | | | | |
| 5:00 | | | | | | | |
| 6:00 | | | | | | | |
| 7:00 | | | | | | | |
| 8:00 | | | | | | | |

Table 1. Non-holiday work hours. Unshaded work hours shown above are permitted outright. For certain work, it is possible to request DPD approval for additional hours shaded in gray.³

2. Safe pedestrian routes along both N.W. Market Street and 15th Avenue N.W. shall be kept open past the project site during construction. Permit approval by SDOT to allow closure of these routes as necessary will overrule this condition.

^{3[1]} Holidays recognized by the City of Seattle are listed on the City website, <http://www.seattle.gov/personnel/services/holidays.asp>

3. Construction worker parking shall avoid residential neighborhoods and will utilize the on-site parking garage when it becomes available.

Design Review Conditions

4. The building constructed shall substantially conform to the one represented to the Design Review Board and which received a recommendation of approval.
5. Any proposed changes to the exterior of the building or the site must be submitted to DPD for review and approval of the Land Use Planner (Scott Kemp, scott.kemp@seattle.gov). 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.
6. 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, or by the Design Review Manager.

An appointment with the assigned Land Use Planner must be made at least three 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.

7. 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.
8. Refine the tower design to include more integration between the upper and middle portions of the tower. DPD shall review and approve the final tower design. The final tower design shall be inserted into the MUP plan set.
9. Reverse the color scheme on the gables at the taller building mass. Use the colors shown in the January 26, 2009 meeting.
10. Decrease the parapet height on the lower building mass. It was recognized that the raised parapet walls should be kept at the minimum guard height of 42" to prevent falls, but the intervening parapet walls could be lowered to 18" to the top of the roof.
11. Include an information board rather than a coffered brick wall pattern behind the seating area at the bus stop.

Signature: _____ (signature on file) Date: August 10, 2009
Scott Kemp, Senior Land Use Planner
Department of Planning and Development
Land Use Services

SK:bg

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