



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: 3009098

Applicant Name: Derek Bottles for Avalon Bay Communities

Address of Proposal: 1400 N.W. Market St.

SUMMARY OF PROPOSED ACTION

Land Use Application to allow a six-story, 271 unit apartment building with 12,200 sq. ft. of ground floor retail use. Parking for 320 vehicles is to be provided below grade. The project includes 25,000 cu. yds. of grading. The existing structure on the site is to be demolished.

The following approvals are required:

SEPA - Environmental Determination – Chapter 25.05 SMC

Design Review – Chapter 23.41 SMC – Design Departures

1. SMC 23.47A.005.D Residential Space at Street-level
2. SMC 23.47A.008.D Location of Residential Space
3. SMC 23.47A.032.A.c Driveway Location

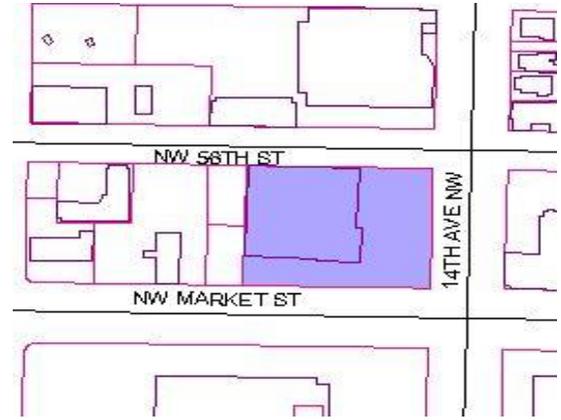
SEPA DETERMINATION: Exempt DNS MDNS EIS
 DNS with conditions
 DNS involving non-exempt grading, or demolition, or involving another agency with jurisdiction.

BACKGROUND INFORMATION:

Site and Area Description

The site, zoned C1-65 (Ballard Urban Hub Village) is located at NW Market Street and 14th Avenue NW. Curb cuts along both NW Market Street and NW 56th Street provide access to the site's surface parking.

A 25,000 sq. ft. one-story tilt-up concrete commercial building and surface parking occupy the site. To clarify the historic status of the building the applicant nominated the structure for landmark status. The Sunset Bowl Building was reviewed by the Landmark Preservation Board in November 2008. The Landmark Preservation Board denied landmark status for the building.



This thru-block corner site benefits from three street frontages: approximately 300 feet of frontage along NW Market Street and NW 56th Street to the north and south and approximately 200 feet of frontage on 14th Avenue NW to the east. The west boundary adjoins a private lot. From the highest point at the northwest corner of the site, the site slopes approximately 11' diagonally to the southeast.

The area is a transition zone from the residential neighborhoods in the east to the commercial core of Ballard west of the site. Adjacent uses include two large grocery stores, retail stores and fast food restaurants. The surrounding buildings use a varied palette of materials including brick, concrete block, wood and metal siding.

NW Market Street is a critical “spine” of the neighborhood – a popular corridor providing vehicular access to the Ballard commercial core. It is a heavily traveled major arterial commercial street characterized by automobile oriented businesses in the immediate vicinity. 14th Avenue NW is a wide right-of-way with median parking separating two lanes of traffic. Half a block to the west of the site is 15th Avenue NW, a major arterial, connecting Ballard to downtown Seattle and other neighborhoods to the north.

The area includes sidewalks and transit stops on NW Market Street and 15th Avenue NW. Area parking is predominantly on-street or in surface lots. Fourteenth Avenue NW is the subject of a neighborhood driven effort to improve the look and feel of the right of way. To the north of the site, planters, bio-swales and other improvements have been installed. There are street trees on all three frontages of the project.

Proposed Project

The applicant proposes to construct a six-story mixed-use structure with retail at grade and five stories of residential floors above. The proposal includes 271 apartment units with approximately 12,200 square feet of retail. Parking 320 vehicles is provided at grade behind retail and on a single level below grade with a single driveway entry located on N.W. 56th St.



The building would be organized in a capital “G” shape with the opening to residential open space on top of the concrete plinth level facing south towards Market St. Retail uses would line the sidewalk along N.W. Market St. Along 14th Ave. N.W. there would be ground level retail uses at the southern half and residential amenity spaces and rental offices along the northern half of the project. The N.W 56th St. frontage would have, moving from east to west, residential amenity space, a driveway and residential uses facing onto the sidewalk; most with steps and all with outdoor living areas.

Exterior siding would be of painted fiber cement panels and cedar siding with white vinyl windows and metal and glass picket guardrails.

PUBLIC COMMENTS

The Notice of Application for the project was published on October 30, 2008.

The Northwest Design Review Board held publicly noticed Early Design Guidance meeting for the project on July 28, 2008. A second Early Design Guidance meeting was held on October 13, 2008. A Recommendation Design Review Meeting was held on April 27, 2009.

- Public comment included the following comments:
- The retail and residential amenity spaces in the east façade should be compatible with the long term vision of 14th Avenue NW.
- Fourteenth Avenue N.W. is the best hope for providing green space to east Ballard, which is currently underserved.
- Concern over increased traffic on residential streets to the east, especially N.W. 56th St. and a request that some mitigation effort be directed fund street improvements such as traffic circles in this area.
- The design of the west façade, especially the two ornamented, blank elements could be more subtle and less conducive to graffiti tagging.
- The top of the building as viewed from the northeast could be softened with planting.
- The bland west wall elements would be a good place for art pieces.
- The northeast corner elevation is perhaps played down too much without a strong expression or active enough sidewalk connection.

ANALYSIS-DESIGN REVIEW

Design Guidelines Priorities

The initial ideas for the project were presented at an Early Design Guidance meeting on July 28, 2008. 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 features.

The proposal site is large and has a prominent corner location with three street frontages and a long lot line to the west along a parcel which will be undeveloped for the foreseeable future. This combined with the 65 foot height limit means the building will be prominent and must be well designed on every side.

A-2 Streetscape compatibility - The siting of buildings should acknowledge and reinforce the existing desirable spatial characteristics of the right-of-way.

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

A-4 Human Activity - New Development should be sited and designed to encourage human activity on the street.

Uses at ground level around the site need to be defined in the architecture. The base needs to be carefully designed to provide areas of pedestrian scale and interest. The N.W. 56th St. frontage is a particular design problem with the proposed parking garage wall to be exposed at up to six feet in elevation as a blank wall. The residential uses above it need to be connected to the sidewalk grade. The steps up to double loaded residential entries need to be wide and read as inviting connections not as narrow penetrations into the building mass. Landscapes connected to the residential uses could help as well. The blank wall needs to be softened. A sense of porches could be provided. A photo of the north side of the Ballard Condominiums just west of 15th Ave. N.W. was shown and the Board commented that they would love to see a treatment like that one, with substantial landscaped setbacks connected to the residential uses.

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.

The Board thinks that the preferred massing adequately addresses the height, bulk and scale of the southern and eastern frontages. The northern frontage needs further work. An element which “breaks” the northern façade into two expressions is needed. It might be an actual division of the structure or it might simply read as one. Some upper level stepping or other shaping of the structure should be incorporated. The western wall should have some “movement” as well.

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.

The design appears to be on the right track in this regard.

C-3 Human Scale - The design of new buildings should incorporate architectural features, elements and details to achieve a good human scale.

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.

Special care needs to be taken to provide human scaled spaces adjacent to sidewalk areas which are connected to building functions such as retail shops, residential units or entrances.

The Board indicated that they would continue to entertain the departure requests and that they were generally in favor of them in conjunction with proper development. The Board’s final recommendation on the requested departures would be reserved until the final Recommendation Meeting.

On October 13, 2008 further design guidance was offered.

FURTHER GUIDANCE PROVIDED:

This second Early Design Guidance Meeting focused on three areas identified at the prior meeting as fundamentally important.

1. The design and function of the porch entries to the units at the street level along N.W. 56th Street.
2. The design of the west façade which is close to the property line has the potential for large blank facades and is likely to be visible for the foreseeable future, until the adjacent site is developed.
3. The composition and design of the north façade of the building along N.W. 56th St. including measures to control its appearance of bulk and scale.

The Board endorsed the “stoop” or porch design shown along a portion of the residential base of N.W. 56th St. Some members of The Board liked the three division of the façade at the base; however, the group asked the applicant to look into continuing the stoops into the western third of the façade.

The residential entry on N.W. 56th does not look very residential. An effort to create a residential presence in the ground plane with transparency elements greater than six feet in height should be undertaken.

The west façade elevation is found to be highly successful. One additional design measure should be to incorporate some patterning into the two end walls, each about 40 feet long. They will be visible a potentially long time. Something artistic should be adopted. Perhaps a metal patterning similar to the side of the residential tower next to the downtown public library would work.

The promised “fine grain” of storefronts should rely on existing storefronts in the Ballard area for inspiration. Something of better texture and finish than painted concrete should be used for the building base around the commercial uses.

The main building entrance could have masonry brought all the way down to street level rather than the wood-like material shown at the meeting.

Bring actual building material samples and colors swatches, a landscape plan and a ground floor plan showing the layout of uses to the next, Recommendation, meeting.

DEVELOPMENT STANDARD DEPARTURES

The Board did not revisit requested development standard departures at this meeting. The initial support shown at the first EDG meeting continued.

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 October 17, 2008. The MUP application was deemed complete on December 2, 2008. The comment period associated with the Notice of Application expired on December 24, 2008.

DESIGN REVIEW BOARD RECOMMENDATION

The Design Review Board met for a Recommendation Meeting on April 27, 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

The Board generally found the project to be well designed and to present highly successful functional elements at the street level. Their further comments centered on four particular aspects of the proposed building.

One more porch/stoop entry to a residential unit should be added to those already present on N.W. 56th St. bringing the row of them to within one unit of the west property line. The westernmost unit should remain unconnected to the sidewalk level providing some visual protection from the parking lot to the west.

The Board agreed that the applicant should remove the planting in front of the storefront on 14th Ave. and increase the amount of glazing at the fitness center to better relate to the adjacent retail areas.

The some variety in the height of building parapets should be introduced. In places where there are “blue inserts” in the façade reaching the parapet height the parapet should be noticeably lowered. On the west wall a pattern with the inner, recessed wall having a lowered parapet should be reconsidered so as to add to the prominence of the corner elements.

The two blank elements without setback from the property line in the west façade continue to need refinement. The pattern of contrasting shapes is not of the same scale as the rest of the building. It should be more subtle so that it is not the first thing you notice when viewing the building from the west. Yet the texture and pattern needs to be substantial enough to be recognizable from a distance. Without introducing a new color the gray tone of the concrete base could be brought into the upper pattern. Maybe less blue could be used. Maybe some horizontal lines could be incorporated into the pattern. This redesign can be worked out with DPD staff and incorporated into the finished MUP.

Response to the Board’s Comment

The applicant met with DPD staff on May 14, 2009 to present further development of the design in response to the Board’s comments. The applicant responded to each of the comments. One stoop entry was added as requested by the Board.

Planting in front of the fitness center along 14th Ave. N.W. was removed and the amount of glass was increased at the corner. A white panel was added to the corner at the residential levels above to add interest along the entire edge.

The parapet was lowered by 1’-0” at all five of the blue recessed areas on the north façade. On the west façade the parapet was lowered at the central portion by 6” and a recessed break was added to the parapet that is an additional 1’-0” lower.

The design of the portions of the western wall which are not fenestrated was further developed and approved by DPD staff and that scheme is evidenced in the image below.

VIEW FROM SOUTHWEST LOOKING AT WEST FACADE



DESIGN REVIEW
AVALON BALLARD, 1400 NW MARKET ST
May 14, 2009

AvalonBay COMMUNITIES, INC. 5

DPD staff reviewed the applicant’s design refinements and agreed that the presented materials met the intent of the Board’s recommendations for additional refinements.

Requested Departures

The Board recommended approval of the three development standard departures requested described in the July 28, 2008 meeting.

Development Standard	Requirement	Request	Justification
23.47A.005.D	Residential uses may not occupy more than 20% of a street-level street-facing facade on an arterial; both NW Market Street and 14th Ave NW are designated as arterials.	Project proposes to increase percentage to 45% of residential use along 14 th Ave. N.W. with 90'-6" of leasing office/amenity space use which is accessory to the residential uses in the building.	The leasing office and residential amenity spaces function in a similar way to a retail storefront. The applicant proposes a high percentage of transparency and detailing similar to the retail areas at grade. There is a great deal of commercial frontage proposed and these amenity spaces for residential use are appropriate in the northeast corner of the project as proposed. Guideline A-4

23.47A.008.D	First floor of the structure shall be 4 feet above sidewalk for residential use or set back 10 feet from sidewalk.	Project proposes the leasing office/amenity space occur in a street-level street-facing façade. This use would extend 90'-6" on 14 th Ave. N.W. Classified as residential uses, residential standards apply to this façade.	The leasing office and residential amenity spaces function in a similar way to a retail storefront. The applicant proposes a high percentage of transparency and detailing similar to the retail areas at grade. Guideline A-4
23.47A.032.A.c	Where site abuts two streets, access must be from the street with fewest lineal feet of commercially zoned frontage. (14 Avenue NW has the least commercially zoned frontage).	Project proposes to place parking entrance on NW 56th Street, rather than 14th Avenue NW.	The applicant wishes to support the neighborhood's long term vision of 14th Avenue NW as a green boulevard with minimal curb cuts by locating the parking access across NW 56 th Street from Ballard Market's loading dock. Guideline A-8

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 APPROVED** and the **development standard departures listed above are 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 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 operate 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 require 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. 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.

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 15 feet in depth. Approximately 25,000 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 Seattle 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 14th 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 created. A construction traffic plan is ordinarily 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) and 820 (Shopping Center). A pass by trip reduction of 34% was applied to the commercial use. The study estimated that the project would generate approximately 1,470 net new daily trips and 116 net new PM peak hour trips (76 entering and 40 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 use.

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 to the four intersections studied would add some seconds of delay to each, but would not cause any to degrade from on level of service category to a lower one. The intersection of N.W. Market St. and 15th Ave N.W. is the worst performing of the studied intersections and is predicted to operate at level of service "E" in project year 2011 both with and without the subject development.

Proposed are 320 parking spaces estimated by the Transpo Group Transportation Impact Analysis, dated August 2008, to be sufficient to meet peak parking demand estimated to be one space per residential unit and 39 for the commercial uses.

Because the project traffic will not cause degradation of LOS at intersections below an LOS E, the project meets concurrency requirements, will comply with City codes regarding parking, and will provide an adequate number of parking stalls to meet estimated demand during peak hours, any long term traffic and parking impacts are not considered significant or in need of SEPA policy based mitigation.

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 SEPA policy based 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 271 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.

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. While the proposed project may impact some private views, it will not impact any protected 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 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 Commercial One 65' (C1-65') and is within the Ballard Hub Urban Village as designated by the Seattle Comprehensive Plan. Residential use in a mixed use development is permitted outright in the C1 zone. The proposal complies with development standards applicable to mixed-use development within the zone, 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.

With 271 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 an urban, mixed use development. The increased population is would be expected to generate additional pedestrian traffic in the area, 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.

The site was reviewed by the Seattle Landmarks Board, pursuant to the Landmarks Preservation Ordinance at chapter 25.12 SMC, and was found not to meet the criteria for landmark designation. 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^{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.²

- Safe pedestrian routes along both N.W. Market Street and 14th 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.
- Construction worker parking shall avoid residential neighborhoods and will utilize the on-site parking garage when it becomes available.

Design Review Conditions

Prior to Final Inspection

- The building constructed shall substantially conform to the one represented to the Design Review Board and which received a recommendation of approval.
- 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.

^{2[1]} Holidays recognized by the City of Seattle are listed on the City website, <http://www.seattle.gov/personnel/services/holidays.asp>

