



City of Seattle

Department of Planning and Development

Diane M. Sugimura, Director

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

Application Number: 3011448
Applicant Name: Clark Design Group for GRE Ballard, LLC
Address of Proposal: 6559 15th Ave. N.W.

SUMMARY OF PROPOSED ACTION:

Land Use Application to allow a four-story building containing three live/work units and 101 residential units.. Parking for 95 vehicles to be provided within the structure. Project includes 11,000 cu. yds. of grading.

The following approvals are required:

SEPA - Environmental Determination - Chapter 25.05, (SMC).

Design Review - Chapter 23.41, (SMC).

Development Standard Departures:

Minimum Frontage in Non-residential Use, (SMC 23.47A.005.C.3)

Minimum Rear Setback above 13 Feet (SMC 23.47A.014) (*denied*)

Reduction in Percentage of Medium Parking Spaces
(SMC 23.54.015)

Reduction of Minimum and Average Non-residential Use Depth (SMC
23.54.030.G.2)

SEPA DETERMINATION: Exempt DNS MDNS EIS

DNS with conditions

DNS involving non-exempt grading, or demolition,
or another agency with jurisdiction.

BACKGROUND DATA

Site and Vicinity Description

The project site is zoned NC2-40' and is 87 feet deep in the east/west direction and 300 feet long in the north/south direction, and is a total of 26,083 square feet in area. The project site slopes 16 feet from the north property line to the south property line. There is no alley adjacent to the project site. The intersection of 15th Avenue N.W. and N.W. 67th Street is signalized. Currently existing on the site are two, long-vacant houses.



The project site is located in the Ballard neighborhood. The Ballard Hub Urban Village boundary is located two blocks to the south of the project site (south of NW 65th Street). The project site is located in a Neighborhood Commercial and Commercial corridor that extends all the way along 15th Avenue N.W. from N.W. 51st Street to N.W. 90th Street (and continuing up Holman Road N.W.). For the most part, single family zoned neighborhoods lie to the east and west of the commercial corridor. To the east of Ballard High School is an area of Lowrise zoning that separates the single family zone bordering the commercial area; to the south of N.W. 65th

Street also exist Lowrise areas.

Directly north of the project site across N.W. 67th Street is a Jiffy Lube auto care center. The Jiffy Lube accesses both N.W. 67th Street and 15th Avenue N.W. Directly south of and adjacent to the project site is the now-closed Ballard Veterinary Clinic, which is a two-story building. To the west of and adjacent to the project site are several single family homes. To the east of the project site is Ballard High School and the Ballard Public Pool.

Fifteenth Ave. N.W. is classified by SDOT as a Principal Arterial and Major Truck Route. The north-south arterial connects Elliott Avenue West near Magnolia to Holman Road N.W. in Greenwood. Near the site, the roadway has seven lanes (three lanes in each direction, plus a center turn lane). Between N.W. 67th and 65th Streets, on-street parking on the west side (southbound) is prohibited between 7:00 a.m. and 9:00 a.m. There is parallel parking on the east side of the street that is restricted to a two-hour duration between 7:00 a.m. and 6:00 p.m.

North West 67th St. is classified by SDOT as an Access Street. It runs east-west and connects 18th Avenue N.W. to the west with Aurora Avenue near Green Lake to the east. The roadway is approximately 30 feet wide and accommodates two-direction automobile travel. There is on-street parking, a planting strip, and a sidewalk on each side of N.W. 67th Street in the vicinity of the project site. There is a traffic circle at the intersection of N.W. 67th Street and 16th Avenue NW. The intersection of N.W. 67th Street and 15th Avenue, a major arterial road running north and south, is signalized.

Project Description

The applicant proposes to design and construct a four story mixed use building consisting of 101 residential units, 3 live work units (3,122 square feet) and a parking garage including parking for 95 vehicles. No retail or office uses are proposed. The proposed structure would front 15th Avenue N.W. and NW 67th Street in the Ballard neighborhood. The two existing vacant structures on the site would be demolished, and approximately 11,000 c.y. of excavation would occur as part of construction. Vehicular access to the garage would be from two driveways entering and exiting 15th Avenue N.W. Originally the access was proposed from 15th Ave. N.W. and N.W. 67th St.; the driveway from N.W. 67th St. was moved to 15th Ave. N.W.



The right-of-way at 15th Ave. N.W. is 90 ft wide. SDOT classifies 15th Ave as a major truck street, and the highest classification for transit usage. The project would include a widened sidewalk parallel to 15th Ave. It would respond to pedestrian activity particularly at the corner of 15th and 67th. The project design would provide a “layering of zones” along 15th, including: a landscape buffer adjacent to the street, an improved pedestrian space at the most public zone of the sidewalk, and a more intimate scale at the entries to the individual uses at the ground level.

The site slopes 16 feet from the north property line to the south property line. This topography allows the building to step along 15th creating a “tumble down effect” of separate masses. This is achieved by modulating the depth of the building to break the widths down to a scale similar to the residential lots to the rear of the site.

Because topography rises approximately eight feet up from 15th Ave. N.W. and remains at that elevation in the middle of the block before it gradually drops again on the western half of the block, the proposed building, which would at an elevation excavated to the level of 15th Ave. N.W., would appear approximately one story lower as viewed from properties adjacent to the west than it might otherwise. In effect, the height of the building would be one story lower facing the single family homes, than it is facing the busy transit corridor on 15th Ave. The taller façade, facing the commercial zone, would vary from 40 to 44 feet. The lower façade, facing the residential lots to the rear, would range from 30 to 35 feet.

The proposed project would provide some level of transition and buffer between the busy 15th Ave. N.W. and the single family neighborhood to the west in that it would present a residential face to the west at a height not dissimilar to the 30- foot (plus five for a pitched roof bonus) height limit of single family zoning.

ANALYSIS—DESIGN REVIEW

Public Comments—Early Design Guidance Meeting

Several people signed in at the Early Design Guidance meeting held on August 23, 2010. The following comments were offered:

- The driveway on 67th may have impacts to pedestrians to and from the high school, and other nearby schools and day care centers.
- The project should include a sight triangle to increase pedestrian safety.
- Vertical and horizontal modulation of the building should be incorporated including more modulation than the proposed one step in roof height.
- Planters should be incorporated along the rear property line on the deck lid to keep people away from the edge and increase privacy for adjacent residents to the west.
- Both ends of the building should have windows and be modulated.

Design Guideline Priorities

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 by letter and number those siting and design guidelines found in the City of Seattle's *Design Review: Guidelines for Multifamily and Commercial Buildings* of highest priority to this project. However, while the notes below indicate the areas the Board determined to be of highest priority to the project, all of the guidelines apply to the project.

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.

Along 15th Ave. N.W. the northern and southern corners of the proposed building would have a high level of visibility to passersby and should be designed with that in mind. This does not call for “artificial expressions” such as towers or turrets, but for a completeness of the expression of the building in these areas especially.

The long length of the site in the north/south direction requires the proposed building to be designed with “movements,” whether horizontal or vertical or both, and material or color changes, all designed to lessen the appearance of a long building. The two to four feet of modulation movement mentioned by the applicants may not be enough to obtain the desired effect.

Along the rear property line, the site sits above the rear yards of single family houses to the west. The cement wall of a parking garage along this line needs to be designed to lessen the blankness of the wall which may be as high as 13 feet above grade.

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

Ballard High School across 15th Ave. N.W. provides a substantial element neighborhood structure that should be respected, not mimicked, in the proposal.

15th Ave. N.W. is a very broad right-of-way with high levels of vehicular traffic. Design of the building and of the sidewalk improvements should respond to this condition. Street and building landscape should provide a buffer. Building architecture should be commercial enough in character with some formality and hardness to be successful in this environment.

The location and form of potential signage on the building should be developed and incorporated into the architecture.

A-5 Respect for Adjacent Sites—Buildings should respect adjacent properties by being located on their sites to minimize disruption of the privacy and outdoor activities of residents in adjacent buildings.

Landscape elements along the western edge, on the landscaped lid of the parking garage, should be designed to keep pedestrians far enough away from the edge to prevent looking down in to the backyards of the houses to the west.

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.

The fact that the building sits on a corner should be expressed in the architecture and at grade. Some area of pedestrian refuge would be appropriate at the corner sidewalk area.

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.

The building forms should express the commercial, live-work base, and the residential upper stories while also incorporating much movement of elements and other modulation to lessen the look of a long, narrow building.

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

Overhead weather protection along sidewalks is highly encouraged. Such a canopy along the length of the 15th Ave. N.W. frontage is encouraged.

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.

Bring a color and materials board to the recommendation meeting demonstrating consistency with this guideline as well as with the 'A' guidelines above.

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

The surface of the driveway out of the parking garage should have a feature incorporated into it which signals to exiting motorists that they are entering the pedestrian realm and need to exercise caution.

Design Review Recommendations

The Design Review Board held two recommendation meetings, one on November 8, 2010, and one on January 3, 2011. The following public comments were received at the recommendation meetings:

- The driveway on N.W. 67th Street should be moved to 15th Avenue N.W. where there would be less conflict with pedestrians and students.
- The parking count is too low to meet the project demand for parking.
- The requested departure regarding parking stall size should not be granted.
- All of the building setbacks should be from the west where there are sensitive uses and there should not be building setbacks for 15th Ave. N.W.
- The project should conform to all development standards instead of being granted departures from the code.
- The equipment and stair penthouses are too tall and unattractive.
- Landscaping should be designed to discourage jaywalking.
- The departure reducing the depth of the live-work spaces may have the effect of lessening economic viability of the live-work spaces.
- The proposed development is a good solution for the site—if not this use, what else would go here?
- There are no commercial parking or loading areas.
- The overall scale of the development is too large.
- The brown colored materials on the project should be green.
- There is concern for the privacy of residents in the homes directly west of the site—windows facing west should be frosted glass.
- There should be a design element included that limits views into neighboring yards.
- The project's corners are not interesting.
- The rooftop deck has a negative impact on neighborhood privacy.
- Trash pickup on 67th would interrupt traffic on 67th creating a backup and potential hazard to pedestrians.
- The structure is too large compared to the single family homes to the west.
- The three design review priorities, A-8, D-7 and A-10 relate to the site planning issue of driveway location; the driveway should be moved to 15th Ave. N.W.
- There is a high pedestrian volume along 67th Street.
- The planting used to screen the building from the west should not be deciduous.

- Landscaping under the building overhang at the northeast corner was identified as unlikely to flourish.
- The small size of some units, combined with poor construction/bad materials could lead to slum conditions in a few years.

At the recommendation meetings, the project team requested four departures from the Land Use Code:

1. Allow an increase of the maximum amount of residential uses along 15th Avenue N.W. from 20% to 30%. (SMC 23.47A.005.C.3)
2. Allow a reduction of the required rear setback above 13 feet from 15 feet to between 11 and 15 feet. (SMC 23.47A.014)
3. Allow a reduction in the required number of medium-sized parking stalls from 60% to 0%. (SMC 23.54.015)
4. Allow a reduction in the minimum and average depths of non-residential uses from an average of 30 feet and 15 feet minimum to 23 feet average and 9 feet minimum. (23.47A.008.B.3.A.)

Board Recommendation

After considering the site and its context, hearing public comment, considering the previously identified design priorities, reviewing the plans and renderings showing the proposed revisions, and reviewing the requested departures, the Design Review Board members recommended **approval of the project's design and recommended approval of three of the four requested design departures, with conditions.** Four Design Review Board members attended both of the recommendation meetings. The recommendations summarized below were based on the plans submitted at the meetings. Design, siting, or architectural details not specifically identified in or altered by these recommendations are expected to remain as presented in the plans presented at the January 3, 2011 meeting.

In response to the Board's guidance the project team revised the project design in several ways. First, the project incorporated a 42" tall green screen railing along the rear of the property on top of the parking garage lid to break up the concrete wall facing the single family residents to the west. The landscaping is designed to grow up and over the green screen. Evergreen plantings were added to provide a year round buffer for privacy and to keep tenants away from the edge looking down into single family yards. Joints were also added to lessen the blank nature of the wall and the lower portions of the wall were also recessed to create shadowing effects. Along the south portion of the east elevation (facing 15th Ave. N.W.) the project's massing was broken down into smaller bays that relate better to the single family zoning. In addition, the stair tower and elevator was reduced to not extend beyond the roof line from adjacent vantage points. The ground floor along 15th Ave. N.W. uses brick, storefronts and glass and steel canopies that reflect a commercial character. A low wall with a precast top was located in front of the live/work units to provide buffers from the street. A blade sign was also proposed on the building that fits the character of the project. The design also eliminated the window projection over the garage on the upper floors, so the massing more emphasizes the corner of the building.

The Board discussed the architectural expression of the northeast corner of the proposed building and the need for additional pedestrian refuge in this area. Initially the Board discussed the placement of canopies at the northeast corner, but canopies were ruled out due to the presence of a pedestrian crossing light and other elements of the traffic signal in this location. The Board also discussed potentially changing the color of the corner element to emphasize the corner. At the first recommendation meeting, the Board stated that the landscaping provided at the corner of 67th and 15th did not provide benefit as a pedestrian amenity. Instead, the Board recommended an additional setback at the street level of the northeast corner as a pedestrian refuge with the second story overhang providing weather protection to pedestrians. At the second recommendation meeting, the project team presented designs meeting the Board's recommended solution at this corner. The Board recommended approval of the project's corner improvements including the cantilevered design of the northeast corner and additional setback. The Board determined that the northeast corner, with these changes, was properly expressed and addressed. The Board stated that the pedestrian area should be paved entirely and not partially landscaped, as the landscaping would be trampled.



NORTHEAST CORNER

At the first recommendation meeting, the Board asked the project team to better express the building entrance, possibly through an enhanced canopy or signage. At the second meeting changes to the building entrance were presented by the project team. The Board recommended approval of the revised scheme of canopies which were better-aligned with the building entries.

At the first recommendation meeting, the Board recommended moving the proposed above-grade utility vault, located on 67th Ave adjacent to the exercise room at the northeast corner of the building, to the western edge of the north façade. In place of the utility vault the Board suggested that art be incorporated into the sidewalk facing wall of the vault, and that the driveway on 67th be opened up to allow better sightlines and reduce potential conflicts between pedestrians and cars in the driveway on 67th. The Board also suggested that the project retain the location of the bike storage locker on the northern façade east of the driveway exit. At the second meeting, the project team presented the Board with a revised design that moved the vault to the requested location and kept the bike storage locker in place. The sidewalk-facing wall of

the vault was improved with a patterned brick wall in a basket weave pattern. The Board recommended approval of the revised plans and stated that it liked the basket weave pattern. The Board asked that the project team incorporate the basket weave pattern elsewhere in the project, such as on the privacy walls of the live-work units.

The Board considered the public comments received concerning the perceived height of the mechanical penthouses, and the perceived height of the project overall. The Board concluded that the penthouses' locations near the interior building would help limit visibility from surrounding locations. To reduce impacts on surrounding properties, the Board recommended that the penthouses be painted a grey color to aid in their blending into the sky.

At both recommendation meetings, the Board considered the location of the access driveway on N.W 67th Street. Design guidelines A-8, D-7 and C-5 potentially apply to the location of the driveway. Guideline A-78 provides in part that siting should minimize the impact of automobile parking and driveways on the pedestrian environment, adjacent properties, and pedestrian safety. Guideline D-7 states in part that project design should consider opportunities for enhancing personal safety and security. Guideline -5 states in part that the presence and appearance of garage entries should be minimized so they do not dominate the street frontage of the building. After considerable discussion at both recommendation meetings, the Board voted unanimously to recommend that the driveway accessing N.W. 67th Street be moved to 15th Ave. N.W. as far away from the intersection with N.W. 67th Street as possible. The Board made this recommendation based upon site design considerations, and the fact that N.W. 67th Street seems to be the most important pedestrian street given the fact that children use this street to walk to and from school. The project site's frontage along 67th Street is also not as long as on 15th Avenue N.W., resulting in a less-successful incorporation of a driveway into this street frontage. The Board stated that should the project move the driveway to 15th Avenue N.W. that the project should not include blank façade elements in the driveway location. The Board stated that if the project moved the driveway to 15th Ave. N.W. the project would not need to return to the Board for additional design review, so long as the entire project retained substantially the same architectural expression as presented to the Board in the January 3, 2011 meeting.

Departure Requests

The Applicant requested four potential development standard departures.

1. To allow the amount of residential uses along 15th Ave. N.W. to increase to a maximum of 20% to 35%.

The residential uses incorporated would consist of pedestrian entry to the building, a leasing office and an exercise room for residents. The areas of residential use would otherwise appear to be commercial in appearance and would be animated with users much of the time.

The Board recommended in favor of this departure request. The Board thought these kinds of uses tend to be animated with users and well meet the intention of providing visual interest in the pedestrian realm.

2. Reduction of the rear setback above 13 feet above grade from 15 feet to between 11 and 15 feet.

This reduction is requested for the purpose of incorporating modulations of the west walls of the building above the parking level. The site is very narrow and it would be difficult to incorporate these modulations within the area where the building is allowed.

The Board recommended that this departure **not be approved**.

3. Reduction in the amount of medium size stalls from 60% to zero.

This reduction would respond to the narrow site allowing deeper live-work units than would otherwise be possible east of the parking area.

The Board members recommended a configuration with 50% compact and 50% medium sized stalls. The Board thought this departure appropriately responded to the unique site configuration (Guideline A-2) with limited lot depth.

4. Reduction in the depth of non-residential use from 30 feet average and 15 feet minimum to 23 feet average and 9 feet minimum.

This reduction would allow for a widened sidewalk and street landscape area, and for a parking garage behind the non-residential use area on this unusually narrow site made so in part by historic widening of the 15th Ave. N.W. right of way. (Guideline A-2)

The Board members recommended approval of this departure.

The Board recommended approval of the project design, with the following conditions:

- 1) The building constructed shall substantially conform to the plans presented to the Board at the January 3, 2011 meeting, except for those changes necessary to conform to the Board's recommendations and conditions stated at that meeting.
- 2) Any proposed changes to the exterior of the building must be submitted to DPD for review and approval by the Land Use Planner assigned to the project. Any proposed changes to the improvements in the public right-of-way are subject to SDOT's Street Improvement Permit ("SIP") process and must be submitted for DPD and SDOT for review and for final approval by SDOT through the SIP process.
- 3) Prior to issuance of a MUP, the DPD planner assigned to this project, or the Design Review Manager, must verify substantial compliance of the final MUP plans with all images and text presented to the Design Review Board (including but not limited to exterior materials, landscaping, and right-of-way improvements), and compliance with the Design Review Board's recommendations as stated at the January 3, 2011 meeting, as well as the following design review conditions.

- 4) The cantilevered area providing expanded sidewalk refuge at the northeast corner area should be provided as shown at the second recommendation meeting (January 3, 2011), except that the covered area should be entirely paved instead of partially landscaped.
- 5) The basket weave brick colored pattern shown along the elements of the north façade should be incorporated elsewhere on the site, such as in the privacy walls of the live-work units.
- 6) Mirrors and warning lights should be incorporated into the driveway exits.
- 7) Mechanical and elevator penthouses should be painted grey to aid in blending the penthouses with the sky.
- 8) The garage driveway located on N.W. 67th Street should be moved to 15th Ave. N.W. as far away as possible from the intersection with N.W. 67th Street. The project should be revised to ensure that blank façade elements do not replace the previous driveway location on N.W. 67th Street.

DIRECTOR'S ANALYSIS—DESIGN REVIEW

The Director finds no conflicts between the Design Review Board's recommendations and SEPA requirements or state or federal laws. The Director has reviewed the Citywide Design Guidelines and finds that the Design Review Board neither exceeded its authority nor applied the guidelines inconsistently in its recommendation of approval of the project's design. The Director agrees with the conditions recommended by the Board members and agrees with the Board's recommendation as stated above.

DECISION—DESIGN REVIEW

The proposed design is **CONDITIONALLY APPROVED**, subject to the design review conditions stated at the end of this decision. **DEPARTURES** one, three and four are approved and number two is denied.

SEPA PUBLIC COMMENT

Extensive written comment was received during and after two SEPA comment periods, one from November 4, 2010 to December 1, 2010 and a second from May 26, 2011 to June 8, 2011. DPD held a SEPA public meeting on January 11, 2011 to obtain additional comment from the public regarding the project. Throughout the comment process, including the SEPA public meeting, the following comments were received:

- Driveway placement on 67th is a concern, would create increase in traffic on side streets, traffic would go too fast on 67th, there are kids walking to school on 67th.
- Pedestrian counts completed by the neighborhood on 67th show that there are lots of pedestrians in this corridor, and conflicts with school automobile traffic as well.
- The driveway should be moved to 15th.

- Parking in the neighborhood is an issue; the project does not provide enough parking and would overflow into the neighborhood. Should include a 1:1 parking ratio.
- There are queuing issues on 67th that would be exacerbated by the driveway on 67th.
- There have been several accidents on 67th—it's an unsafe street.
- How would the project get garbage in and out?
- There are events at Ballard High School at night and on the weekends—these should be accounted for.
- Noise and glare impacts and aesthetic impacts should be addressed by the project.
- Would there be any mitigation for the rats that live in the vacant houses?
- There would be less light and air for the properties on 16th because of the project, should reduce height of building to one or two stories.
- Should address privacy for properties on 16th.
- People park their cars in the neighborhood and ride the bus downtown, this should be addressed.
- Quality of people living in a rental building would be questionable. The smaller nature of units would be an impact that would change the nature of the single family neighborhood.
- This type of density should be reserved for an urban village.
- The project disregards the quality of life for people living in the neighborhood, creates a big concrete area.
- Green spaces should be added.
- This is not market rate, this is high income (\$1100/month rents), so everyone would have a car.
- Plants living in backyards of people living on 16th would be impacted due to less light and air.
- Where would the loading areas be for the live/work units?

DIRECTOR'S ANALYSIS—SEPA

The initial disclosure of the potential impacts from this project was made in the environmental checklist prepared by the applicant and dated September 9, 2010 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 stormwater 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 adequately mitigated by existing City codes, ordinances, and regulations applicable to this project such as: the Noise Ordinance, the Stormwater Grading and Drainage Control Code, the Street Use Ordinance, and the Building Code. The following is an analysis of construction-related/short-term noise, air quality, earth, grading, construction, traffic and parking impacts as well as the mitigation required to adequately address such impacts.

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 condition.

Air Quality

Construction is expected to temporarily add particulates to the air and would result in a slight increase in auto-generated air contaminants from construction activities and equipment and worker vehicles. However, this increase is not expected to be significant. Federal auto emission controls are the primary means of mitigating air quality impacts as stated in the Air Quality Policy (SMC 25.05.675). To mitigate the impacts of exhaust fumes on the surrounding

residential uses, trucks hauling materials to and from the project site would not be allowed to queue while idling in the surrounding neighborhood.

Construction activities, including construction worker commutes, truck trips, the operation of construction equipment and machinery, and the manufacture of the project's materials themselves resulting an increase of carbon dioxide and other greenhouse gas emissions which may adversely impact air quality and may contribute to climate change. While the increase in greenhouse gas emissions is adverse, the small increase is not significant and no mitigation is therefore warranted pursuant to SEPA policies.

Earth

The project proponent prepared a Geotechnical Engineering Study that included a soils and groundwater report to evaluate the site conditions and to provide recommendations for safe construction on this site.

11 borings were drilled at accessible locations across the subject site for the purposes of assessing the soil conditions, and for the purposes of characterizing and classifying the site soils. Fill was encountered at the borings near the existing retaining walls and consisted primarily of loose to medium dense silty sand and silty sand extending to about two to five feet below existing grades. Underlying the fill and surface cover at the remainder of the sites, the borings showed soils consisting of silty sand to 16.5 feet below grade. A layer of sand was encountered at one boring location at a depth of 14.5 feet below existing grade. No groundwater was observed at the test sites at the time of the tests, however, perched groundwater is relatively common in the area and may be encountered during construction. The subject site is not located in a designated environmentally critical area based on City of Seattle maps.

The soils report, construction plans, and shoring and excavation plans would be required to be reviewed by the DPD Geotechnical Engineer and Building Plans Examiner who would require any additional soils-related information, recommendations, declarations, covenants, and bonds necessary to assure safe grading and excavation and compliance with all City codes and regulations. This project is a "large project" as defined by SMC 22.802.015.D. As a result, the project would be required to meet several additional requirements for erosion control including a provision for implementation of best management practices and the creation and approval of an erosion control plan. The erosion control plan would be reviewed by the DPD Building Plans Examiner and the Geotechnical Engineer prior to issuance of the shoring or grading permit. The Stormwater, Grading and Drainage Control Code provides extensive authority to DPD to require conditions of approval of the shoring and excavation plans to assure safe and environmentally sensitive construction techniques are used. As a result, the existing City codes and regulations adequately mitigate any potential earth impacts, and no additional conditioning is therefore warranted pursuant to SMC 25.05.665.

Grading/Hauling

The project proposes to excavate 11,000 cubic yards of material to construct the project. The soil removed would not be reused on the site and would be disposed of off-site by trucks. Chapter 11.74 SMC requires that material hauled in trucks may not be spilled during transport.

The code requires that a minimum of one foot of “freeboard” (area from level of material to the top of the truck container) be provided in loaded uncovered trucks to eliminate or minimize the amount of dirt or dust spilled from the truck after leaving the project site. Compliance with chapter 11.74 SMC is adequate to mitigate any potential grading or hauling impacts, and therefore no additional conditioning or mitigation is warranted pursuant to SMC 25.05.665.

Traffic and Parking

Project construction would last approximately 11 months. During construction, parking demand would increase due to the demand created by construction personnel and equipment. It is the City’s policy to minimize temporary adverse impacts associated with construction activities and parking (SMC 25.05.675.B and .M).

Project construction would also result in adverse impacts to both pedestrian and vehicular traffic in the vicinity of the traffic site. During construction a temporary increase in traffic volumes to the site would occur due to travel of construction workers and the transport of construction materials and grading activities. Approximately 11,000 c.y. of soil is expected to be excavated from the project site. The soil would be removed and disposed of off-site. Excavation and fill activity would require several truck trips, which would impact the surrounding streets.

It is expected that surrounding public streets will be adequate to accommodate construction related traffic and parking impacts without the necessity of SEPA Policy based conditioning.

Sidewalks along the proposal site are extensively used by pedestrians. In the east/west direction pedestrians accessing Ballard High School, the Ballard Public Pool, Salmon Bay School and Salmon Bay Park all use the traffic signal at N.W. 67th St. to cross 15th Ave. N.W. In addition some pedestrians walk past the site as they travel north and south along 15th Ave. N.W. These two pedestrian paths should be kept open to the greatest extent possible. Replacement of sidewalks and construction of a new curb bulb will require sidewalk closures for periods of time. SEPA conditioning can be imposed to require safe pedestrian routes past the site along N.W. 67th St. and 15th Ave N.W. be open at all times other than as necessary to construct new infrastructure in the rights-of-way.

Long-Term Impacts

Long-term or use-related impacts are also anticipated as a result of this project including: increased surface water runoff due to greater coverage of the site by impervious surfaces; increased height bulk and scale on the site, increased energy use, increased traffic in the area, increased parking demand, and increased light and glare.

Several adopted City codes, regulations, and/or ordinances provide mitigation for several of the identified impacts, including the Stormwater Grading and Drainage Control Code, which requires on-site collection of stormwater runoff with provisions for controlled release to an approved outlet, the City Energy Code which would require insulation for outside walls and

energy efficient windows, and the Land Use code which controls site coverage, setbacks, building height and use, and contains other development and use regulations to assure compatible development. Compliance with these applicable codes, regulations and ordinances is adequate to achieve sufficient mitigation of most long-term impacts and no further conditions is therefore warranted by SEPA policies. However, due to the size and location of this proposal several elements of the environment warrant further analysis:

Greenhouse Gas Emissions

Operational activities associated with the completed project, particularly vehicular trips generated by the project and the project's energy consumption, are expected to result in an increase in carbon dioxide and other greenhouse gas emissions which adversely impact air quality and may contribute to climate change. While these impacts are adverse, they do not rise to the level of significance and no mitigation is therefore necessary.

Plants and Animals

The environmental checklist identifies that several birds have been observed on or near the project site, including hawks and eagles. The project applicant prepared a Threatened and Endangered Species and Habitat Assessment to determine the impact of the project on any Threatened or Endangered Species. The assessment states that the vegetation existing on the property consists of ornamental grasses, shrubs, and groundcover typical of residential landscaping. The project site has been vacant for some time, and has become overgrown with non-native blackberry bushes. There are eight trees located on the site which would be removed. The project has prepared a tree protection plan for those trees on-site that would not be removed.

The assessment states that the Washington Department of Fish and Wildlife Bald Eagle Buffer Management Zone Map indicates that eight bald eagle nests have been observed within approximately two to three miles of the project site, but none on the project site, with the latest siting confirmed in October 2009. On June 28, 2007, the bald eagle was removed from the Federal List of Endangered and Threatened Wildlife and Plants, but the bald eagle remains a federal species of concern. The bald eagle is listed as a sensitive species on the Washington State list of species of concern.

The City's SEPA policy states that when the decisionmaker finds that a proposed project would reduce or damage rare, uncommon, unique or exceptional plant or wildlife habitat, wildlife travelways, or habitat diversity for species, the decisionmaker may condition the project to mitigate such a reduction. SMC 25.05.675.N. Here, the project site contains no such plant or wildlife habitat, and although hawks and bald eagles may have been sighted in the area, the development of the project site would not adversely impact plants or wildlife. The trees to be removed are not considered to be exceptional in that they do not provide unique historical, ecological, or aesthetic value, and do not constitute an important community resource. As such, any impacts are expected to be minor and non-significant and would be adequately mitigated by existing policies and ordinances and the tree protection plan.

Height, Bulk, and Scale

The City's SEPA Policy regarding height, bulk, and scale states:

It is the City's policy that the height, bulk and scale of development projects should be reasonably compatible with the general character of development anticipated by the goals and polices set forth in Section B of the land use element of the Comprehensive Plan regarding Land Use Categories...and the adopted land use regulations for the area in which a development project is located, and to provide for a reasonable transition between areas of less intensive zoning and more intensive zoning.

SMC 25.05.675.G.2.a. The Citywide design guidelines are intended to mitigate for height bulk and scale impacts addressed by the City's SEPA policies. A project that is approved pursuant to the design review process is presumed to comply with the City's height, bulk and scale SEPA policies. This presumption may be rebutted only by clear and convincing evidence that height, bulk and scale impacts documented through environmental review have not been adequately mitigated. Any additional mitigation imposed by the decisionmaker pursuant to these height bulk and scale policies on projects that have undergone design review shall comply with design guidelines applicable to the project.

In the case of this project, the height, bulk and scale of the project is reasonably compatible with the character of development anticipated by Section B of the Comprehensive Plan, which states that Mixed Use/Commercial areas, including the NC2 zone, may be zoned with heights that would help promote compatible land use patterns, and help ensure that the scale of uses is compatible with the surrounding commercial area. *See* Policy LU109. In addition, the Design Review Board recommended approval of the project. The Design Review Board did not grant one requested departure, which was to reduce the depth of rear setback facing the adjacent single family neighborhood. The Board did not grant the requested departure due to the project's location on the edge of the NC2 zone, the site's narrow depth, and its location bordering a single family zone. The Board determined that this sensitive edge condition on the rear of the building required the full code-mandated setback. The Board approved the features on the rear of the building that were designed to reduce height, bulk and scale impacts, including a modulated west wall, materials and colors choices, and a landscape screen along the landscape lid of the parking garage to create a year-round buffer for privacy and to keep tenants away from the edge to prevent privacy concerns for adjacent residents. The Board stated that the design provided adequate interest for views from the west and privacy and that the design adequately addressed design guidelines regarding Height, Bulk and Scale (B-2) and Respect for Adjacent Sites (A-5). The Board also approved the project's The director finds that the Board thoughtfully addressed the issue of height, bulk, and scale, and any height, bulk, and scale impacts have been adequately mitigated through the design review process.

Traffic and Transportation

The applicant's traffic consultant completed a revised traffic impact analysis to determine the traffic and parking impacts that would result from the project following the relocation of the garage driveway from N.W. 67th Street to 15th Ave. N.W.

The analysis determined the “person trips” and “vehicle trips” that would be generated by the project. “Person trips” better reflect the number of transit and non-automobile mode trips that the project would generate. Trip generation rates for Apartments (Land Use Code 220) were used to determine the person trips generated by the project. The total person trips projected to be generated by the project are 840. Within the 840 total person trips, 90 trips are projected to be walk and bike trips, 120 are project to be transit trips, and 630 are projected to be vehicle trips.

The majority of traffic generated by the project is expected to approach the site to and from the south. The distribution of site-generated trips using each driveway are expected to be in similar proportion to the number of parking spaces that the driveways serve, with 67% of the trips using the north driveway (because 67% of the project’s parking spaces are located in the garage accessed by this driveway), and 33% of the trips using the south driveway. Each parking space, except for the two Zipcar spaces, would be assigned to a resident; therefore, no vehicle trips between the two parking garages are anticipated.

Traffic movements at the north driveway would be restricted to right-turn-in and right-turn-out movements. Therefore, trip distribution assumes that inbound vehicles approaching the north driveway from the south and outbound vehicles departing the north driveway to the south would travel around the block to and from the site driveway (westbound on N.W. 65th Street, northbound on 16th Ave. N.W., eastbound on N.W. 67th St., and southbound on 15th Ave. N.W.). At the south driveway, which would include full movement, left turns at the site would occur for inbound vehicles approaching from the south and outbound vehicles destined to the north. The project is not expected to change the levels of service at any of the intersections studied by the traffic impact analysis. All intersections, including the site access driveways, are projected to continue to operate at LOS D or better during the AM and PM peak hours in 2012 with the proposed project. Operations of LOS D or better are considered acceptable for the City of Seattle.

The project was reviewed for traffic safety. The project would reduce the number of curb cuts on 15th Ave. N.W. by one (there are currently three existing driveways, and two would be constructed). The driveways would be designed to provide adequate sight distance to the north and the south. The proposed driveway locations are also proposed to include several safety measures including building setbacks with adequate sight lines, a flashing light for pedestrians at the driveway entry, and mirrors in the driveway to enhance visibility for drivers exiting the site. No safety impacts to vehicles or pedestrians are expected as a result of the project as designed.

The project as proposed includes a creation of a new curb bulb at the southwest corner of N.W. 67th St. and 15th Ave. N.W. that provides added pedestrian queuing space, a pedestrian shorter path across 15th Ave N.W. and indicates to vehicles traveling south on 15th Ave. N.W. in the outside lane that there are vehicle parking spaces along the curb from that point south. In order to insure that the proposed curb bulb on the southwest corner of N.W. 67th St. and 15th Ave. N.W. is installed it is necessary to condition the proposal pursuant to SEPA Transportation Policy authority to require it be installed prior to building occupancy.

The project was reviewed for compliance with the City’s transportation concurrency policy. Three screenlines were evaluated for this project: Ship Canal—Ballard Bridge, South of NW 80th

Street—Seaview Ave. N.W. to 15th Ave. N.W., and west of Aurora Avenue—Fremont Pl. N. to N. 65th St. With the estimated proposed project trips added to the most recent measurements of the screenline capacities, the v/c ratios for all screenlines are less than the established LOS standards. Therefore, transportation concurrency would be met for the project. Overall, the increase in traffic expected as a result of the project is fairly slight, and would not create an adverse impact. As a result, no traffic mitigation is required.

The project is expected to generate a peak parking demand of 100 vehicles on a typical weekday and 108 vehicles on a typical Saturday. Parking demand is expected to peak for the project in the late evening and early mornings on weekdays and Saturdays. The 95 on-site parking stalls would accommodate the majority of the potential parking demand. Approximately 7 to 15 vehicles associated with the project could park in on-street space near the site in the evenings and overnight. The project is expected to increase the average on-street parking utilization rates from 53% to 55% on weekdays, and from 56% to 62% on weekend evenings. During a large evening event at Ballard High School, the project is expected to increase on-street parking utilization from 68% to 71%. Although the project would slightly increase parking impacts in the area, the City considers on-street parking utilization rates less than 85% to be acceptable. The City maintains SEPA authority to mitigate parking impacts only when utilization is at capacity with or without the project. Due to the fact that the parking impacts are slight, and utilization rates are not at capacity, no mitigation due to parking impacts is warranted.

Historic Preservation

Two older now vacant houses currently exist on the project site. Both of the houses were constructed in the early 20th century. The vacant houses would be demolished as part of the project construction. Because the houses are more than 50 years old, DPD referred the houses to the City's Historic Preservation Officer for determination of the houses' historic status according to the City's Landmark Preservation Ordinance. The City's Historic Preservation Officer determined that, due in part to a loss of integrity, the buildings were unlikely to meet the standards for designation as individual landmarks. No impacts to historic preservation are expected as a result of demolition of the houses, and therefore no additional mitigation is required.

Noise

Neighbors to the west of the project expressed concerns that noises from the project could be disruptive. However, the residential nature of the project is expected to generate residential-type noises, and major noise impacts are not expected. In addition, the project would be required to comply with the City's Noise Ordinance, which would provide sufficient mitigation for any potential noise impacts. Therefore, no mitigation due to noise is required.

Light and Glare

The residential project would slightly increase the amount of light than currently exists on the project site. However, the increases are expected to be minimal and mainly from interior

sources. All exterior lighting would be downshielded to minimize any potential impacts. As such, no mitigation due to light or glare is required.

Summary

In conclusion, some adverse impacts on the environment are anticipated to result from the project, but none would rise to the level of significance. 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 (chapter RCW 43.21C), 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).

CONDITIONS—DESIGN REVIEW

Prior to Issuance of a Master Use Permit

- 1) The building constructed shall substantially conform to the plans presented to the Board at the January 3, 2011 meeting, except for those changes necessary to conform to the Board's recommendations and conditions stated at that meeting.
- 2) Any proposed changes to the exterior of the building must be submitted to DPD for review and approval by the Land Use Planner assigned to the project. Any proposed changes to the improvements in the public right-of-way are subject to SDOT's Street Improvement Permit ("SIP") process and must be submitted for DPD and SDOT for review and for final approval by SDOT through the SIP process.
- 3) Prior to issuance of a MUP, the DPD planner assigned to this project, or the Design Review Manager, must verify substantial compliance of the final MUP plans with all images and text presented to the Design Review Board (including but not limited to exterior materials, landscaping, and right-of-way improvements) and conditions imposed in this MUP decision.

- 4) The cantilevered area providing expanded sidewalk refuge at the northeast corner area shall be provided as shown at the second recommendation meeting (January 3, 2011), except that the covered area should be entirely paved instead of partially landscaped.
- 5) The basket weave brick colored pattern shown along the elements of the north façade shall be incorporated elsewhere on the site, such as in the privacy walls of the live-work units.
- 6) Mirrors and warning lights shall be incorporated into the driveway exits.
- 7) Mechanical and elevator penthouses shall be painted grey to aid in blending the penthouses with the sky.
- 8) The garage driveway located on N.W. 67th Street shall be moved to 15th Ave. N.W. as far away as possible from the intersection with N.W. 67th Street. The project shall be revised to ensure that blank façade elements do not replace the previous driveway location on N.W. 67th Street.

Prior to Issuance of all Construction Permits

- 9) Embed the MUP conditions in the cover sheet for the MUP permit and for all subsequent permits including updated MUP plans, and all building permit drawings.

Prior to Issuance of a Certificate of Occupancy

- 10) 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 right-of-way improvements) shall be verified by the DPD planner assigned to this project or by the Design Review Manager.

CONDITIONS—SEPA

During Construction

- 11) Conditions to be enforced during construction (including during grading, demolition, and construction and enforcement of the construction noise mitigation plan and the construction traffic management plan) shall be posted at the site in a location on the property line that is visible and accessible to the public and to construction personnel from the street right-of-way. The conditions would be affixed to placards prepared by DPD. The placards would be

issued along with the building permit set of plans. The placards shall be laminated with weatherproofing materials and shall remain in place throughout the duration of construction.

12) 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 condition.

13) Safe pedestrian routes past the site along N.W. 67th St. and 15th Ave N.W. shall be kept open at all times other than as necessary to construct new infrastructure in the rights-of-way.

Prior to Occupancy

14) Construct a sidewalk/curb bulb, of a design acceptable to SDOT, on the southwest corner of N.W. 67th St. and 15th Ave. N.W.

Signature: _____ (Signature on File)
Scott Kemp, Senior Land Use Planner
Department of Planning and Development
Land Use Services

Date: August 22, 2011