



**City of Seattle**  
Edward B. Murray, Mayor

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**Department of Planning and Development**  
D. M. Sugimura, Director

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

**Application Number:** 3016187  
**Applicant Name:** Tony Fan for 101 Broadway LLC  
**Address of Proposal:** 5601 22<sup>nd</sup> Ave NW

**SUMMARY OF PROPOSED ACTION**

Land Use Application to allow a 6-story building with two 5-story towers above a 1-story base, containing 84 residential units with 22,897 sq. ft. of office and 25,434 sq. ft. of retail. Parking for 142 vehicles to be provided below grade. Project includes 21,100 cu. yds. of grading. Existing structures to be demolished.

The following Master Use Permit components are required:

**Design Review Departures (Seattle Municipal Code 23.41)**

Development Standard Departure to allow 9 additional feet of building height, with upper level setbacks and townhouses facing Ballard Commons Park. (SMC 23.41.012.B.16.b)

Development Standard Departure to allow no sight triangles at the driveway. (SMC 23.54.030.G.1)

Development Standard Departure to allow residential units at street level to be less than 4' above or below grade, and set back less than 10' from the sidewalk. (SMC 23.47A.008.D.2)

Development Standard Departure to exceed the maximum 30' curb cut width. (SMC 23.54.030.F.2.b.5.iv)

**SEPA-Environmental Determination (Seattle Municipal Code 25.05)**

**SEPA DETERMINATION:**

Determination of Non-Significance

- No mitigating conditions of approval are imposed.
- Pursuant to SEPA substantive authority provided in SMC 25.06.660, the proposal has been conditioned to mitigate environmental impacts.

Site:

Site Zone: NC3-65 and NC3P-65

Nearby Zones: (North) NC3-65 and NC3P-65  
(South) NC3-65 and NC3P-65  
(East) NC3P-65 (E); MR-RC (NE)  
(West) NC3-65

Lot Area: 30,000 square feet

Current Development:



The site is located at a site in Central Ballard, bounded by NW 57th St on the north, 22nd Ave NW on the east, and NW 56th St on the south. The site is currently occupied by a one-story commercial building constructed in 1941 (Bartell Drugs) and a surface parking lot.

Existing vehicular access is via curb cuts at NW 57th St, 22nd Ave NW, and access to a parking lot on an adjacent site to the west.

Surrounding Development and Neighborhood Character:

The surrounding development is a mix of uses and age of structures. Nearby development includes older 1-2 story commercial office and retail/restaurant structures and newer 6-7 story office, residential, and retail mixed-use structures.

The Ballard Library and recently constructed Greenfire campus are located to the east across 22nd Ave NW. 20th century residential with some newer construction residential is located to the north. Recently constructed multi-family and retail mixed use development is located to the west along 24th Ave NW, and further to the east beyond 20th Ave NW. NW Market St is a busy commercial corridor located a block to the south and includes several 1-4 story older commercial structures. Historic Ballard is located south of NW Market St and includes additional commercial uses in primarily early 20th century masonry buildings.

The area offers frequent transit service, including several bus lines on NW Market Street to the south, 24th Ave NW two blocks to the west, and the Rapid Ride D Line on 15th Ave NW, seven blocks to the east. Cycling and walking are common modes of transportation in this area of Ballard.

## I. ANALYSIS - DESIGN REVIEW

### EARLY DESIGN GUIDANCE MEETING: December 16, 2013

#### DESIGN PRESENTATION

The packet includes materials presented at the meeting, and is available online by entering the project number (3016187) at this website:

[http://www.seattle.gov/dpd/Planning/Design\\_Review\\_Program/Project\\_Reviews/Reports/default.asp](http://www.seattle.gov/dpd/Planning/Design_Review_Program/Project_Reviews/Reports/default.asp).

The packet is also available to view in the 3016187 file, by contacting the Public Resource Center at DPD:

**Mailing Public Resource Center**  
**Address:** 700 Fifth Ave., Suite 2000  
P.O. Box 34019  
Seattle, WA 98124-4019

**Email:** [PRC@seattle.gov](mailto:PRC@seattle.gov)

At the EDG meeting, the applicant noted the intent to extend the curb out into 22<sup>nd</sup> Ave NW, which would widen the sidewalk to align with the curb line at Ballard Commons Park.

The proposed development includes a base that covers most of the site, with two multi-story structures above. The applicant referred to the separate upper portions of the building as the “north building” and the “south building.”

The proposed landscape plan includes a rooftop garden on the south building with p-patches and informal plantings, and a more formal outdoor deck and enclosed amenity area at the north building.

The applicant clarified that the north portion of the building includes retail and residential at street level, office levels above, and a top floor of residential overlooking the Ballard Commons Park. The eastern area of the massing proposed stepped setbacks and a courtyard to respond to the open space at the west edge of the Library and to minimize shadows cast on the Library west entry. The retail and residential lobby would both be accessed from this courtyard.

The townhouse style units at the north edge of the site were proposed to be approximately 19’ deep and would be accessed from the street frontage, in order to activate the street. The applicant noted that the preferred option provides approximately 75% of the maximum Floor Area Ratio possible at this site.

The applicant explained that part of the design intent is to respond to the cycling culture in Ballard and provide safe storage for bicycles. Each residential level is proposed to include bicycle storage adjacent to the elevators.

A shared vehicle access and loading area is proposed at NW 56<sup>th</sup> St near the southwest corner of the site. Solid waste storage and collection would be located off the loading bay at NW 56<sup>th</sup> St.

## PUBLIC COMMENT

Comments and questions included the following:

- The central lobby between two building masses doesn't respond well to the nearby context. The retail entry at the courtyard gives the impression that the building turns its back on the street frontage.
- To relate to the nearby 1-2 story scale, a canopy or other design move should be used in the courtyard.
- The setback on the north side above the townhouses is a nice response to the lower height context and should be extended to 22<sup>nd</sup> Ave NW.
- Look to old Ballard for design cues for materials and colors. The two buildings on the corner of 22<sup>nd</sup> Ave NW and NW Market St offer good examples of quality materials and detailing.
- Questioned whether Bartell's would return to the site. [*The applicant responded that the retail space has been designed to accommodate them, but they haven't committed to return to this site.*]
- The townhouses and associated landscaping should be designed in the spirit of brownstones.
- The residential lobby entrance should be designed to accommodate people with mobility needs (wheelchairs, strollers, etc.).
- The courtyard should be sufficiently wide to accommodate the residential and retail entries, if that's the function.
- The courtyard should be designed to be welcoming to public use, rather than just an entry point.
- Appreciated the wider sidewalk on 22<sup>nd</sup> Ave NW.
- The residential parking should be secured from the exterior and from the other parking uses.
- The townhouse units should be designed to be ADA accessible from the street frontage.
- The elevator/stair towers at street frontage should be relocated internal to the building. The proposed location dominates the street frontage and creates a large blank wall.

### **FINAL RECOMMENDATION MEETING: July 21, 2014**

#### **DESIGN PRESENTATION**

The packet includes materials presented at the meeting, and is available online by entering the project number (3016187) at this website:

[http://www.seattle.gov/dpd/Planning/Design\\_Review\\_Program/Project\\_Reviews/Reports/default.asp](http://www.seattle.gov/dpd/Planning/Design_Review_Program/Project_Reviews/Reports/default.asp).

The packet is also available to view in the 3016187 file, by contacting the Public Resource Center at DPD:

**Mailing Public Resource Center**  
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The applicant provided replacement Recommendation packets at the Recommendation meeting, showing some revised areas of materials and a modified northeast retail canopy.

The applicant noted that the office floors are intended to be divided into small tenant spaces with short term leases, to serve as incubators for small businesses in the neighborhood.

The applicant described the evolution of the design since the EDG meeting. The west façade was revised to include additional modulation and setbacks at the west edge of the south tower and northwest corner to allow for more windows.

The vehicle entry and loading entry were shown accessed from a single curb cut at the NW 56<sup>th</sup> St frontage, near the southwest corner of the site. The loading door was shown with decorative wood panels, since it will be closed most of the day and therefore will be a prominent part of the street facing facade. The garage entry will access public retail parking as well as residential and office parking, so the garage door will be open most of the day.

The depth of the east courtyard entrance was shown as shallower than at the EDG meeting, in order to engage the sidewalk with the building entry.

A retail vestibule and entry were shown at the northeast corner to activate the important intersection. The vestibule canopy was shown extended out on an angle to relate to the architectural context of the corner.

The applicant clarified that the residential units at NW 57<sup>th</sup> St are proposed at 1' above grade to provide some separation from the sidewalk, with stoops to provide usable outdoor area and activation of the sidewalk.

Signage included pedestrian level tenant signage, with a marquis sign at the 2<sup>nd</sup>-3<sup>rd</sup> floors and a sixth floor wall sign at the west façade for the primary retail tenant. Building signage was shown at street level and marquis signage at the 2<sup>nd</sup>-3<sup>rd</sup> floors. The lighting plan intent is to minimize light pollution and allow the storefronts to light the sidewalk in the evenings, with additional spot lighting on the awning soffit.

The intent of the landscape plan is to relate to the nearby context of landscaping to the east at the Greenfire campus and the Library. The ground floor included new trees and planter strips on the street frontages, and planters near the building entrance and drop off area on 22<sup>nd</sup> Ave NW. The applicant proposes to move the curb on 22<sup>nd</sup> Ave NW to 16' from the building edge, allowing wider walkways and planting areas.

The 2<sup>nd</sup> story podium between the north and south towers was shown with landscaping to provide screening between the residential units and office spaces. The top of the townhouse style units on NW 57<sup>th</sup> St included landscaping with potential for a rain catchment system. The south rooftop deck intent is for more “wild” type of landscaped areas and smaller deck spaces. The north rooftop deck was designed to allow a larger group deck area and more structured plantings.

Materials included cedar siding in three stain colors. The applicant noted that the materials are proposed in response to the EDG direction and the high quality natural context of the nearby Library and Greenfire developments, rather than the use of fiber cement found elsewhere in the neighborhood. The applicant explained that the cedar siding is treated and sealed at the factory to minimize future maintenance. Other materials included bronze colored and gray metal siding near the street level, bronze vinyl windows at the upper levels, beige brick on the townhouse style units, and some areas of fiber cement at the west façade blank wall.

## **PUBLIC COMMENT**

Comments and questions included the following:

- No public comments were offered at the Final Recommendation meeting, but the DPD Planner summarized comments received from DPD’s Long Range Policy Planning group on the proposal, in relationship to the existing Design Guidelines. This group has been examining some recent project in Ballard, in preparation to revise the Ballard Design Guidelines.
  - The south retail façade should include transparent glazed operable windows located close to the building edge, rather than set deeply into the façade.
  - The southeast retail corner outdoor seating is a good response to Guidelines and context, and should include operable storefront windows such as nana doors.
  - The sidewalk café at the southeast retail corner should be designed to maximize pedestrian flow in a north-south direction. Narrowing the area near 22<sup>nd</sup> Ave and expanding it west on NW 56<sup>th</sup> will help. The sidewalk café permit will be done through SDOT, though.
  - The building materials at the street level should be consistently applied to the northeast corner retail space, instead of using wood siding in that area.
  - The north elevation should present a strongly composed façade, given the high visibility from the Ballard Commons Park.
  - The northeast retail entry signage should identify the entry location and should be located at the pedestrian level rather than upper building levels. Consider a blade sign or awning sign at the sidewalk level.
  - The northeast corner retail vestibule form should relate to the significant corner scale. A larger roof form and landscaped roof at the vestibule may help.
  - Outdoor seating should be provided at the northeast corner to tie the retail activity to civic character of the intersection.
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<b>PRIORITIES &amp; BOARD RECOMMENDATIONS</b>
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After visiting the site, considering the analysis of the site and context provided by the proponents, and hearing public comment, the Design Review Board members provided the following siting and design guidance.

**EARLY DESIGN GUIDANCE (DECEMBER 16, 2013):**

1. **Massing Options.** The preferred massing option with reduced FAR and the appearance of two buildings is a successful response to the context and treatment of scale.
  - a. The Board appreciated the proposed setback above the townhouses, since it enhances the architectural concept by expressing the different unit types. (A-2, C-2)
  - b. The Board discussed extending the setback to the east façade, but noted that the east façade includes office levels over a building base, with stacked flat residential units. There are no 2-story uses proposed on the east façade, so extending the 3<sup>rd</sup> floor setback to this façade would weaken the use of the setback to express the townhouse units on the north façade. (B-1, C-2)
  - c. The Board noted that the visible and wide separation between the upper levels of the buildings is a positive response to reduce the appearance of bulk and scale at 22<sup>nd</sup> Ave NW. (B-1)
  
2. **Streetscape.** The Board supported the proposed sidewalk widening on 22<sup>nd</sup> Ave NW.
  - a. The Board noted that while the extended curb line may restrict traffic flow on 22<sup>nd</sup> Ave NW, the wider sidewalk would provide a better response to the Design Review Guidelines. (A-2, A-4, D-1)
  - b. The Board supported the overall proposed landscaping plan, but noted that street level landscaping should not be placed between the retail spaces and the sidewalk. (A-2, E-2)
  
3. **Residential and Retail Entries.**
  - a. The townhouse style units should be designed with sufficient stoops to provide usable space, activate the street frontage, and accommodate sufficient screening and visual separation for residents as viewed from the sidewalk. (A-1, A-2, A-4, A-6, D-12, E-1, E-2)
  - b. The Board discussed the possibility of designing the townhouse style units to allow wheeled access, but recommended that the stoop and separation from the sidewalk are a higher priority for these particular units. (A-1, A-2, A-6, D-12, E-2)
  - c. The entry for the north retail space (for the larger space) should be designed to maximize human activity at the street frontage and provide a sufficient transition to the sidewalk. The Board noted that a courtyard entry location could help to activate the courtyard, but may detract from human activation along the north part of the block. A street frontage entry would activate the north portion of the block, but may result in a less active courtyard area. (A-1, A-2, A-4, D-1)
  - d. The residential entry should be designed to be visually obvious from the street frontage, welcome residents and visitors, and activate the courtyard. The Board noted that the entry as shown at the EDG meeting appears to be too deeply recessed to relate well to the street frontage. A wider east courtyard would help to make the entry more obvious and welcoming and relate better to the Ballard Library frontage. (A-2, C-2, D-6, D-12)
  - e. The retail spaces should be designed for maximum transparency, commercial lighting, and opportunities for signage. (D-9, D-10, D-11)

4. **Vehicular Access.** The Board agreed that NW 56<sup>th</sup> seemed to be the best option for placement of the driveways.
  - a. The proposed garage entry should be designed to be safe for users and pedestrians, and designed to minimize visual impacts to the street frontage. (A-10, C-5, D-6, D-7)
  - b. The Board expressed some concern about the proposed solid waste storage at the loading dock and will want to see how the proposed design meets the Design Review Guidelines. (D-6)
  - c. Any blank walls resulting from the garage structure should be treated for human scale and visual interest. (C-3, D-2)
  
5. **Architectural Concept and Materials.** A strong architectural expression, cohesive design, and high quality materials are required at this site.
  - a. The Board called out the 1620 Broadway example in the EDG packet as a positive example of a strongly expressed concept. (C-2)
  - b. The design concept should be iconic, coherent and offer a strong consistent architectural concept. (A-10, C-2, C-3, C-4)
  - c. The materials should be durable, natural materials reflecting the context of nearby Ballard buildings. Nearby examples of high quality materials may be found in the early 20<sup>th</sup> century buildings at 22<sup>nd</sup> Ave NW and NW Market St, as well as newer nearby contemporary styled development (Greenfire and the Ballard Library). (C-1, C-4)
  - d. The Board clarified that while the 1620 Broadway example in the EDG packet is a good example of strong design concept, the material palette of that project is not well suited to this particular location. (C-1, C-3, C-4)

**FINAL RECOMMENDATIONS (JULY 21, 2014):**

1. **Design Concept.** The Board approved of the varied rooflines and the overall building forms, and noted that the wood siding colors will weather to further enhance the design expression over time. (C-1, C-2, C-4)
  - a. The Board specifically approved of the physical colors and materials shown at the Recommendation meeting. The wood stains were more subtle on the materials and colors board shown at the meeting, and the Board specifically recommended approval based on the physical samples of the materials. (C-2, C-4)
  - b. The Board discussed potentially simplifying the material and color scheme, but declined to recommend a condition, since the materials and colors actually proposed were the ones shown on the physical materials and colors board. (C-2, C-4)
  - c. The Board noted that some of the changes in colors, such as the vertical gray lines, are coplanar with the adjacent materials. The Board noted that over time the stain colors will weather to a consistent tone. The Board recommended that this weathering will enhance the design concept, so a change in plane or reveal between stain colors was not warranted. (C-2, C-4)
  
2. **Northeast Corner Vestibule.** The Board approved of the second retail entry at this important intersection, but recommended a condition to relate the scale and treatment of the corner to the nearby context. (A-2, A-10, C-1, E-2)

- a. The Board noted that descending into the retail space from the northeast corner will create an interesting second approach to the space from the sidewalk, which helps to create human activity near the intersection. (A-2, A-4)
  - b. In order to better relate the 1-story vestibule to the overall concept and the nearby context, the Board recommended a condition to modify the design to add a green roof to the roof of the 1-story corner element. (A-10, C-1, E-2)
3. **Signage.** The Board recommended a condition to design the tenant and building identification signage to identify the uses and entrances to the identified uses, rather than locating tenant signage on upper building levels away from the applicable entry. (D-9).
- a. The Board noted that the upper level tenant signage shown at the west façade is misplaced and oriented to vehicles rather than pedestrians. The site is located in the pedestrian core of Ballard and adjacent vehicles are slow-moving, which doesn't warrant upper level tenant signage.

### DESIGN REVIEW GUIDELINES

The Board identified the following Citywide Design Guidelines of highest priority for this project.

The Neighborhood specific guidelines are summarized below. For the full text please visit the [Design Review website](#).

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

**Ballard-specific supplemental guidance:**

**Development Surrounding the Park**

- **West, North and East sides of the park:** Buildings are encouraged to create a consistent two-story street wall with ground related entries. Development above the base should be set back and/or modulated to increase solar exposure to the street and other public places.
- **South side of the park:** Cultural and civic uses are planned in this area. However, if mixed use development occurs, a consistent street wall with a two story minimum base is encouraged. Development should be set back above the two story height and/or modulated in a manner that enhances solar exposure to the park.

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

**Ballard-specific supplemental guidance:**

**Development Surrounding the Park**

- **West, North and East sides of the park:** Townhouse style design is appropriate at street level adjacent to the park. Residential developments that provide units that directly access the public right-of-way are preferred since they help enliven the street environment. Sidewalk-related spaces should appear safe and welcoming.

- **South side of the park:** If mixed use development occurs around the park, it is desirable to provide active storefronts along the entire south edge of NW 57th Street, west of 22nd Avenue NW, and a consistent street wall with a two-story minimum height.
- **Mixed Use and Residential on East-West Streets:** Buildings should maintain a consistent street wall up to a minimum of two story development and provide a setback(s), particularly on the south side of the street, beyond three stories to enhance solar access to the street and avoid a ‘canyon’. Deviations from the consistent street wall should be allowed for public usable open spaces. Where appropriate, mid-block pedestrian connections are strongly encouraged. The Design Review Board may consider a departure to reduce open space requirements in exchange for a mid-block pedestrian connection. Such spaces shall be sited and designed in a manner that is clearly public in nature and engaging to pedestrians.

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

**Ballard-specific supplemental guidance:**

**Development Surrounding the Park**

- **West side:** Access to the front doors of townhouse residences should be provided via a paved and well lit pedestrian connection. The non-residential development west of the park should provide at least two separate retail entrances on 24th Avenue NW. Residential access (both vehicular and pedestrian) is most appropriate on NW 58<sup>th</sup> Street.
- **Streets:** The mid block pedestrian connection should foster social contact in a safe environment. New development is highly encouraged to front retail and/or townhouse style units on the mid block connection at street level. To further promote vitality and safety in the pedestrian experience, entries to retail and townhouse units should be placed in an identifiable and engaging manner.

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

**Ballard-specific supplemental guidance:**

**Development Surrounding the Park**

- **South side:** Setbacks from the property line should be allowed up to ten feet consistent with pedestrian zoning requirements for outdoor activity.
- **Mixed Use Development on Avenues:** Commercial uses are encouraged to setback in order to provide opportunities for pedestrian activities where appropriate.

**A-6 Transition Between Residence and Street.** For residential projects, the space between the building and the sidewalk should provide security and privacy for residents and encourage social interaction among residents and neighbors.

**Ballard-specific supplemental guidance:**

- **West side of the park:** For residential units with direct access to the street, a ten foot landscaped setback or pedestrian walkway immediately adjacent to the park property edge is recommended with a low landscaped fence or low hedge to help define the relationship between the property and the park edge.

- **North and East sides:** New development should provide a landscaped fence or low, dense hedge to help define the street edge. No more than a ten foot setback to provide an effective transition between townhouse units and the public realm is desirable. In general, the landscaped setback from the park to the building edge should be integrated as an extension of the mid-block pedestrian connection system.
- **Single Use residential:** Townhouse or other residential developments that have direct unit entrances on the sidewalk are encouraged. New development should mark the property line with a landscaped fence or low hedge planting to enhance the continuity of the street.

**A-8 Parking and Vehicle Access.** Siting should minimize the impact of automobile parking and driveways on the pedestrian environment, adjacent properties, and pedestrian safety.

**A-10 Corner Lots.** Building on corner lots should be oriented to the corner and public street fronts. Parking and automobile access should be located away from corners.

**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 anticipated development potential of the adjacent zones.

**Ballard-specific supplemental guidance:**

#### **Development Surrounding the Park**

- **West, North and East sides of the park:** In general, the overall development massing should maximize the solar access to the park through careful massing arrangement of the upper levels, set back above a two-story base containing townhouse style units.
  - **South side of the park:** Civic and cultural uses are anticipated to be developed along the south edge of the park. However if mixed use development does occur, it should provide a consistent street wall with a two-story minimum height. Development should be set back above the two story height and/or modulate the facade to enhance solar exposure to the park.
  - **Mixed Use Development on North-Side Avenues:** Buildings should maintain a consistent street wall up to a minimum of two stories and provide a setback(s), particularly on the west side of the avenue, beyond three stories to enhance solar access to the street and avoid a ‘canyon’ effect.
  - **Mixed Use and Residential Development on East-West Streets:** Same as above, except with setbacks particularly on the south side of the street beyond three stories to enhance solar access to the street. Buildings should provide façade modulations that break down the scale of larger developments to recall the underlying original 50’ parcel widths.
- C-1 Architectural Context.** New buildings proposed for existing neighborhoods with a well-defined and desirable character should be compatible with or complement the architectural character and siting pattern of neighboring buildings.
- C-2 Architectural Concept and Consistency.** Building design elements, details and massing should create a well-proportioned and unified building form and exhibit an

overall architectural concept. Buildings should exhibit form and features identifying the functions within the building. In general, the roofline or top of the structure should be clearly distinguished from its facade walls.

**Ballard-specific supplemental guidance:**

**Institutional Development:** The design of institutional buildings should be distinguished from commercial and residential buildings by location on the site, materials and massing. A building with public uses should exhibit a civic presence through careful attention to its relationship with the public realm. A primary entrance, building form, and architectural elements should be designed and scaled to reflect the public activities contained within.

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

**C-4 Exterior Finish Materials.** Building exteriors should be constructed of durable and maintainable materials that are attractive even when viewed up close. Materials that have texture, pattern, or lend themselves to a high quality of detailing are encouraged.

**Ballard-specific supplemental guidance:**

New development should exhibit craftsmanship through the use of durable, attractive materials. Building materials and interesting details found on older buildings on Market Street and the Ballard Avenue Landmark District should be recalled.

**C-5 Structured Parking Entrances.** The presence and appearance of garage entrances should be minimized so that they do not dominate the street frontage of a building.

**D-2 Blank Walls.** Buildings should avoid large blank walls facing the street, especially near sidewalks. Where blank walls are unavoidable they should receive design treatment to increase pedestrian comfort and interest.

**Ballard-specific supplemental guidance:**

Active, open, interesting building facades are strongly encouraged, particularly on sites adjacent to the park.

**D-6 Screening of Dumpsters, Utilities, and Service Areas.** Building sites should locate service elements like trash dumpsters, loading docks and mechanical equipment away from the street front where possible. When elements such as dumpsters, utility meters, mechanical units and service areas cannot be located away from the street front, they should be situated and screened from view and should not be located in the pedestrian right-of-way.

**Ballard-specific supplemental guidance:**

Service areas, loading docks and refuse should be internal to the development or carefully screened, especially on sites directly adjacent to the park.

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

- D-9 Commercial Signage.** Signs should add interest to the street front environment and should be appropriate for the scale and character desired in the area.
- D-10 Commercial Lighting.** Appropriate levels of lighting should be provided in order to promote visual interest and a sense of security for people in commercial districts during evening hours. Lighting may be provided by incorporation into the building façade, the underside of overhead weather protection, on and around street furniture, in merchandising display windows, in landscaped areas, and/or on signage.
- D-11 Commercial Transparency.** Commercial storefronts should be transparent, allowing for a direct visual connection between pedestrians on the sidewalk and the activities occurring on the interior of a building. Blank walls should be avoided.
- D-12 Residential Entries and Transitions.** For residential projects in commercial zones, the space between the residential entry and the sidewalk should provide security and privacy for residents and a visually interesting street front for pedestrians. Residential buildings should enhance the character of the streetscape with small gardens, stoops and other elements that work to create a transition between the public sidewalk and private entry.
- E-1 Landscaping to Reinforce Design Continuity with Adjacent Sites.** Where possible, and where there is not another overriding concern, landscaping should reinforce the character of neighboring properties and abutting streetscape.
- E-2 Landscaping to Enhance the Building and/or Site.** Landscaping, including living plant material, special pavements, trellises, screen walls, planters, site furniture, and similar features should be appropriately incorporated into the design to enhance the project.

## DEVELOPMENT STANDARD DEPARTURES

The Board's recommendations on the requested departures are based upon the departures' potential to help the project better meet these design guideline priorities and achieve a better overall design than could be achieved without the departures.

### 1. **Ballard Municipal Center Master Plan Building Height Departure (SMC**

**23.41.012.B.16.b):** The Code requires a maximum building height of 65' in NC3-65 zones. The Ballard Municipal Center Master Plan includes a provision for additional height for projects that include townhouses facing a park or mid-block connection. The applicant proposes an additional 9' to the proposed height, to allow for an enclosed rooftop amenity space on the north side of the site, and a portion of the roof structure on the south side of the site. Townhouse style residential units are proposed on NW 57th St, facing the Ballard Commons Park.

This departure would provide an overall design that would better meet the intent of Design Review Guideline A-1 by providing a 2-story street wall at NW 57<sup>th</sup> St and by stepping back the upper levels of the north façade 20' to minimize shadows on the Ballard Commons Park.

The Board unanimously recommended that DPD grant the departure.

- 2. Sight Triangle (SMC 23.54.030.G.1):** The Code requires sight triangles on either side of a driveway that measures 22' wide. The applicant proposes alternative methods such as convex mirrors, signal lights, strobe lights, and audible alarms to provide safe visual connections between pedestrians and drivers.

This departure would provide an overall design that would better meet the intent of Design Review Guidelines A-8 and C-5 by minimizing the visual appearance of the garage and loading entries to the NW 56<sup>th</sup> Street frontage.

The Board unanimously recommended that DPD grant the departure, with a condition to design the garage warning system with visual cues and alert systems instead of audible alarms. (D-7)

- 3. Residential Uses at Street Level (SMC 23.47A.008.D.2):** The Code requires the floor of residential uses at grade to be located either 4' above or below the sidewalk grade, or set back 10' from the sidewalk. The applicant proposes to locate the floor of the residential units on NW 57<sup>th</sup> St one foot (1') above the sidewalk grade and two feet (2') back from the edge of the sidewalk. A 6'x12' entry stoop would be provided, with landscaping and decorative metal rails to provide visual screening between the units and the sidewalk.

This departure would provide an overall design that would better meet the intent of Design Review Guidelines A-2, C-1, and C-3 by providing a two story street wall at NW 57<sup>th</sup> St and providing design features for residential privacy and pedestrian interest, and the fact that the units are raised above the sidewalk. The elevation of the townhouses would also make it possible for full height north-facing windows at the second story office level.

The Board unanimously recommended that DPD grant the departure.

- 4. Curb Cut Width (SMC 23.54.030.F.2.b.5.iv):** The Code allows a maximum curb cut width of 30' for a lot with this amount of street frontage with required off-street loading berths. The applicant proposes a single curb cut with a width of 41'8", rather than two curb cuts totaling 52'.

This departure would provide an overall design that would better meet the intent of Design Review Guidelines C-5 and D-7 by minimizing the visual appearance of the garage and loading entries to the NW 56<sup>th</sup> Street frontage.

The Board unanimously recommended that DPD grant the departure.

## **RECOMMENDATION**

**The recommendation summarized below was based on the design review packet dated July 21, 2014, and the materials shown and verbally described by the applicant at the July 21, 2014 Design Recommendation meeting. After considering the site and context, hearing public comment, reconsidering the previously identified design priorities and reviewing the materials, the five Design Review Board members recommended APPROVAL of the subject design and departures, with the following conditions:**

1. Modify the design to add a green roof to the roof of the 1-story northeast corner element. (A-10, C-1, E-2)
2. Design the tenant and building identification signage to identify the uses and entrances to the identified uses, rather than locating tenant signage on upper building levels away from the applicable entry. (D-9).

3. Design the garage warning system with visual cues and alerts, rather than audible alarms. (D-7)

Applicant response to Recommended Design Review Conditions:

1. The northeast corner entry was modified to include a green roof on the 1-story entry vestibule, as shown in the MUP plan sets. The proposal satisfies recommended condition #1.
2. The proposed signage was modified to remove the sign from the upper west façade and to locate signs near the tenant spaces, as shown in the MUP plan sets. The proposal satisfies recommended condition #2.
3. A note has been added to the MUP plan sets indicating a garage warning system that uses visual cues and alerts, rather than audible alarms. The proposal satisfies recommended condition #3.

## **DECISION – DESIGN REVIEW**

The proposed design is **CONDITIONALLY GRANTED** subject to the conditions listed at the end of this document.

## **II. SEPA ANALYSIS**

Environmental review resulting in a Threshold Determination is required pursuant to the Seattle State Environmental Policy Act (SEPA), WAC 197-11, and the Seattle SEPA Ordinance (Seattle Municipal Code Chapter 25.05)

The initial disclosure of the potential impacts from this project was made in the environmental checklist submitted by the applicant dated March 19, 2014. The Department of Planning and Development has analyzed and annotated the environmental checklist submitted by the project applicant, reviewed the project plans and any additional information in the file, and pertinent comments which may have been received regarding this proposed action have been considered.

As indicated in the checklist, this action may result in adverse impacts to the environment. However, due to their temporary nature or limited effects, the impacts are not expected to be significant.

The SEPA Overview Policy (SMC 25.05.665) clarifies the relationship between codes, policies, and environmental review. Specific policies for each element of the environment, and 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.

Codes and development regulations applicable to this proposed project will provide sufficient mitigation for many short and/or long term impacts. Applicable codes may include the Stormwater Code (SMC 22.800-808), the Grading Code (SMC 22.170), the Street Use Ordinance (SMC Title 15), the Seattle Building Code, and the Noise Control Ordinance (SMC 25.08). Puget Sound Clean Air Agency regulations require control of fugitive dust to protect air quality. Washington State Department of Ecology regulations require mitigation of significant environmental contamination impacts, consistent with Model Toxics Control Act requirements.

Additional discussion of short and long term impacts, and conditions to sufficiently mitigate impacts where necessary, is found below.

Public Comment:

The public comment period ended on April 30, 2014. Comments were received in response to the proposal.

Short Term Impacts

The following temporary or construction-related impacts are expected: temporary soil erosion; decreased air quality due to increased dust and other suspended air particulates during excavation, filling and transport of materials to and from the site; increased noise and vibration from construction operations and equipment; increased traffic and parking demand from construction personnel traveling to and from the work site; consumption of renewable and non-renewable resources; disruption of utilities serving the area; and conflict with normal pedestrian movement adjacent to the site. Compliance with applicable codes and ordinances will reduce or eliminate most adverse short-term impacts to the environment.

Greenhouse Gas Emissions

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.

Construction Parking and Traffic

The area includes limited and timed or metered on-street parking. Additional parking demand from construction vehicles would be expected to further exacerbate the supply of on-street parking. It is the City's policy to minimize temporary adverse impacts associated with construction activities.

The proposed development includes 21,100 cubic yards of grading, in addition to demolition of the proposed building, which will result in a large number of trucks needed to haul material away from the site. The site is located near several arterials and side streets that are often congested, especially at peak travel hours. Construction vehicles and workers traveling to the site and queueing near the site can further exacerbate existing traffic congestion and parking demand.

Pursuant to SMC 25.05.675.B (Construction Impacts Policy), additional mitigation is warranted.

To mitigate construction parking impacts, the applicant shall submit a Construction Parking Plan for approval by DPD. This plan shall demonstrate the location of the site, the peak number of construction workers on site during construction, the location of nearby parking lots that are identified for potential pay parking for construction workers, the number of stalls per parking lot identified, and a plan to reduce the number of construction workers driving to the site. This plan shall be reviewed by DPD. Approval of the plan is required prior to the issuance of demolition, grading, and building permits.

To mitigate construction truck trip impacts, the applicant shall submit a Construction Haul Route for approval by Seattle Department of Transportation. This plan may include a restriction in the hours of truck trips to mitigate traffic impacts on nearby arterials and intersections. Evidence of the approved plan shall be provided to DPD prior to the issuance of demolition, grading, and building permits.

### Long Term Impacts

Long term or use-related impacts are also anticipated as a result of this proposal, including: increased surface water runoff due to greater site coverage by impervious surfaces; increased bulk and scale on the site; increased traffic in the area and increased demand for parking; increased demand for public services and utilities; loss of plant and animal habitat; and increased light and glare. Compliance with applicable codes and ordinances will reduce or eliminate most adverse long-term impacts to the environment.

### Greenhouse Gas Emissions

Operational activities, primarily vehicular trips associated with the project construction and the project's energy consumption, are expected to 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; therefore, no further mitigation is warranted.

### Height, Bulk & Scale

The project went through a Design Review process which addressed the issue of Height, Bulk & Scale; see the above Design Review Analysis for details of the process and design changes.

Pursuant to SEPA Policy 25.05.675.G.2.c: Height, Bulk and Scale, "the Citywide Design Guidelines (and any Council-approved, neighborhood Design Guidelines) are intended to mitigate the same adverse height, bulk and scale impacts addressed in these policies. A project that is approved pursuant to the Design Review process is presumed to comply with the height, bulk and scale 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 decision maker pursuant to these height, bulk and scale policies that have undergone design review shall comply with the design guidelines applicable to the project."

Additional SEPA Mitigation of height, bulk and scale is not warranted.

### Historic Preservation

The existing structure on site is more than 50 years old. The Department of Neighborhoods reviewed the proposal for potential impacts to historic resources, and indicated that the existing structure on site is unlikely to qualify for historic landmark status (LPB 435/14).

Therefore, no mitigation is warranted for historic preservation.

### Parking and Traffic

As part of the environmental checklist, the project submitted a Traffic Impact Analysis (Ballard Bartell's Site Traffic Impact Analysis by Gibson Traffic Consultants, dated March 2014).

The Traffic Impact Analysis noted that the peak parking demand for this development could be as high as 135 spaces (93 spaces for residential uses, and 42 spaces for commercial uses). 142 off-street parking spaces are proposed in the below grade garage. The Traffic Impact Analysis notes that the actual anticipated demand is likely lower than 135 spaces, due to the shared parking opportunities between residential and commercial uses within the building and the proximity of nearby transit options.

SMC 25.05.675.M notes that there is no SEPA authority provided for mitigation of residential parking impacts in portions of Urban Villages that are within 1,320 feet of frequent transit service, such as this site. Regardless of the parking demand impacts from residential uses, no SEPA authority is provided to mitigate impacts of parking demand from the residential components of this project, even if impacts were identified.

The parking demand for the commercial uses will be satisfied by the proposed 142 parking spaces; therefore no mitigation for parking is warranted.

The Traffic Impact Analysis indicated that the project is expected to generate a net total of 559 daily vehicle trips, with 58 net new PM Peak Hour trips. The DPD Transportation Planner reviewed the information and determined that while these impacts are adverse, they are not expected to be significant; therefore, no mitigation for traffic is warranted.

### **DETERMINATION OF NONSIGNIFICANCE**

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.

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 43.21.030(2) (c).

The lead agency for this proposal has determined that it does not have a probable significant adverse impact on the environment. An environmental impact statement (EIS) is not required under RCW 43.21C.030 (2)(c). This decision was made after review of a completed environmental checklist and other information on file with the lead agency. This information is available to the public on request.

This DNS is issued after using the optional DNS process in WAC 197-11-355 and Early review DNS process in SMC 25.05.355. There is no further comment period on the DNS.

### **DESIGN REVIEW - CONDITIONS OF APPROVAL**

#### **Prior to Certificate of Occupancy**

1. The Land Use Planner shall inspect materials, colors, and design of the constructed project. All items shall be constructed and finished as shown at the design recommendation meeting and the subsequently updated Master Use Plan set. Any change to the proposed design,

materials, or colors shall require prior approval by the Land Use Planner (Shelley Bolser 206-733-9067 or shelley.bolser@seattle.gov).

2. The applicant shall provide a landscape certificate from Director's Rule 10-2011, indicating that all vegetation has been installed per approved landscape plans. Any change to the landscape plans approved with this Master Use Permit shall be approved by the Land Use Planner (Shelley Bolser (206) 733-9067 or shelley.bolser@seattle.gov).

For the Life of the Project

3. The building and landscape design shall be substantially consistent with the materials represented at the Recommendation meeting and in the materials submitted after the Recommendation meeting, before the MUP issuance. Any change to the proposed design, including materials or colors, shall require prior approval by the Land Use Planner (Shelley Bolser 206-733-9067 or shelley.bolser@seattle.gov).

**SEPA - CONDITIONS OF APPROVAL**

Prior to Issuance of a Demolition, Grading, or Building Permit

4. The applicant shall provide a copy of a Construction Haul Route, approved by Seattle Department of Transportation.
5. A Construction Parking Plan, approved by the Land Use Planner (Shelley.bolser@seattle.gov), shall be required.

Signature: \_\_\_\_\_ (signature on file) Date: November 13, 2014  
Shelley Bolser, AICP, LEED AP  
Land Use Planning Supervisor  
Department of Planning and Development

SB:drm

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