



**CITY OF SEATTLE
ANALYSIS, DECISION AND RECOMMENDATION OF THE DIRECTOR OF
THE SEATTLE DEPARTMENT OF CONSTRUCTION AND INSPECTIONS**

Project Number: 3037590-LU
Applicant Name: Jodi Patterson-O'Hare
Address of Proposal: 2501 NW Market Street
Clerk File Number: 314470

SUMMARY OF PROPOSED ACTION

Council Land Use Action to rezone a parcel of land from IC-65 (M) (Industrial Commercial) to NC3P-75 (M) (Neighborhood Commercial-3 with a Pedestrian Designation). Project includes construction of an 8-story, 107-unit apartment building with 3 live/work units and retail. Parking for 67 vehicles proposed. Early Design Guidance conducted under 3037522-EG.

The following approvals are required:

- I. Design Review with Departures (Seattle Municipal Code 23.41)***
**Departures are listed near the end of the Design Review Analysis in this document*
- II. Contract Rezone (Seattle Municipal Code 23.34):** From Industrial-General [IC-65 (M)] to Neighborhood Commercial 3 [NC3P-75 (M)]
- III. SEPA - Environmental Determination (Seattle Municipal Code Chapter 25.05):**
Substantive SEPA Review/Conditioning: Recommendation to City Council

SEPA DETERMINATION

Determination of Non-Significance (DNS)

- ☒ Pursuant to SEPA substantive authority provided in SMC 25.05.660, the Director recommends to City Council that the proposal be conditioned to mitigate environmental impacts.

BACKGROUND

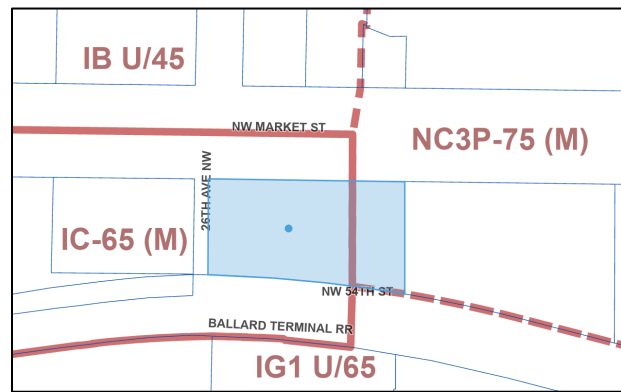
The site was granted a right-of-way improvement exception to reduce the required right-of-way dedication along 26th Avenue NW to the west of the site. An 18.5-foot dedication was required. The approved right-of-way exception (6862526-EX) allows for the dedication of 14 feet of right-of-way.

SITE AND VICINITY

Site Zone: Industrial-Commercial with a 65 foot height limit and MHA suffix [IC-65 (M)] & Neighborhood Commercial 3 with a Pedestrian Overlay, 75 foot height limit and MHA suffix [NC3P-75 (M)]

Zoning Pattern:

(North) NC3P-75 (M) &
Industrial Buffer U/45 [IB U/45]
(South) General Industrial 1
U/65 [IG1 U/65]
(East) NC3P-75 (M)
(West) IC-65 (M)



The top of this image is North. This map is for illustrative purposes only. In the event of omissions, errors or differences, the documents in SDCI's files will control.

The site is located at a transition point in zoning along NW Market Street. Neighborhood Commercial zoning is present on the eastern quarter of the site and on the blocks to the east of the site. Industrial zoning is present on the western three-quarters of the site and on the blocks to the west. To the north of the site, zoning transitions from industrial and commercial zoning along NW Market Street to multi-family zoning.

Environmentally Critical Areas: There are no mapped ECAs on the site.

Current and Surrounding Development; Neighborhood Character; Access:

The subject site is located in the Ballard Hub Urban Village and is surrounded by public streets on three sides with NW Market Street to the north, NW 54th Street to the south, and 26th Avenue NW to the west. The Burke-Gilman Trail runs along the north side of the site within the NW Market Street right-of-way. A functioning railroad spur is located on the south side of the NW 54th Street right-of-way, opposite the site. Recent development in the vicinity includes a 6-story mixed use development located across NW Market Street to the north and a 7-story mixed-use development to the east. A shipyard is located to the south of the site. One-story commercial buildings are located across 26th Avenue NW to the west, separating the site from the Nordic Heritage Museum, which is located approximately 300 feet to the west.

NW Market Street is a commercial corridor to the east and west of the site. To the east, the character of the NW Market Street and intersecting streets is generally a walkable commercial character that is experiencing some transition from existing 1-2 story buildings to recent development of taller mixed-use buildings. Three blocks to the east, the Ballard Ave Landmark District area maintains a traditional character established by the historic fabric. The character of NW Market Street transitions to a more car-oriented development style in the blocks to the west of the site, with lower density development and surface parking areas. The development character to the south of the site transitions quickly to maritime industrial uses related to shipping and warehouse uses located along Salmon Bay, which are generally characterized by simple 1-2 story warehouse and storage structures constructed using wood, metal, or brick. Beyond NW Market Street to the north, uses transition to lower density residential development.

Current vehicular access to the site is available along the NW 54th Street frontage. Sidewalks are currently present only along the NW Market Street frontage.

Public Comment

The public comment period ended on August 23, 2021. In addition to the comments received through the Design Review process, other comments were received and carefully considered, to the extent that they raised issues within the scope of this review. These areas of public comment related to the proposed rezone, density, cultural resources, transportation/traffic, noise, and construction impacts. Comments were also received that are beyond the scope of this review and analysis per SMC 23.41 and 25.05.

I. ANALYSIS – DESIGN REVIEW

The design packet includes information presented at the meeting, and is available online by entering the record number at this website:

<http://www.seattle.gov/DPD/aboutus/news/events/DesignReview/SearchPastReviews/default.aspx>

Any recording of the Board meeting is available in the project file. This meeting report summarizes the meeting and is not a meeting transcript.

EARLY DESIGN GUIDANCE May 17, 2021

PUBLIC COMMENT

The following public comments were offered at this meeting:

- Supported a turning radius connecting 26th Avenue NW and NW 54th Street that is no larger than that currently shown in the packet
- Supported solid waste staging along NW 54th Street to avoid losing on-street parking spaces along 26th Avenue NW.
- Preferred Scheme 3 because it will best complement and enhance the character of NW Market Street.
- Preferred a flat parking level design that could be more-easily converted in the future to a non-parking use than a parking design with ramped floors.
- Supported outdoor restaurant space along the Burke-Gilman Trail.
- Supported Scheme 3 because it reflects Ballard's history with a modern twist.
- Supported Scheme 3 due to its façade variation and good balance of design and functionality.
- Concerned about the development relationship to the southwest corner of the site and the possibility that the development would obscure visibility to the Nordic Museum.
- Concerned about the impact on traffic flow of parking and solid waste collection on 26th Avenue NW.

SDCI staff received the following public comments in writing prior to the meeting.

The Seattle Department of Transportation offered the following comments:

- Unsupportive of the proposed dumpster staging in the ROW on 26th Ave NW.
- Stated the frontage requirements on 26th Ave NW are a 6" curb, minimum 5.5' planting strip with street trees, and minimum 6' sidewalk along the full frontage.

- Stated the frontage requirements along NW 54th St are a 6" curb, 5.5' planting strip with street trees, and minimum 6' sidewalk.
- Presented the option of a sidewalk at the curb along NW 54th St with a minimum 5' setback behind the walk for street trees.

Seattle Public Utilities – Solid Waste Division offered the following comments:

- Unsupportive of the proposed dumpster staging in the right-of-way on 26th Ave NW or within the right-of-way on NW 54th Street.
- Supportive of on-site solid waste collection.

One purpose of the design review process is for the Board and City to receive comments from the public that help to identify feedback and concerns about the site and design concept, identify applicable Seattle Design Guidelines and Neighborhood Design Guidelines of highest priority to the site and explore conceptual design, siting alternatives and eventual architectural design. Concerns with off-street parking, traffic and construction impacts are reviewed as part of the environmental review conducted by SDCI and are not part of this review.

All public comments submitted in writing for this project can be viewed using the following link and entering the record number 3037522-EG: <http://web6.seattle.gov/dpd/edms/>

PRIORITIES & BOARD RECOMMENDATIONS

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.

1. Massing:

- a. The Board expressed support for Scheme 3 over the other two massing schemes due to the strength of its simple complementary massing forms and the compatibility of the massing to the concept which expresses the surrounding industrial and traditional commercial character through a simple contrasting material palette (CS3-A-1. Fitting Old and New Together, CS3-B-1. Placemaking, DC2-B-1. Façade Composition, DC2-C-3. Fit with Neighboring Buildings, *Ballard* DC4-1-a-1. Exterior Finish Materials).
- b. The shorter base height on the western side of the design was identified by the Board as an asset of Scheme 3 that allows a strong height transition to the lower building heights to the west, including the Nordic Museum, and to the three street frontages adjacent to the west side of the building (*Ballard* CS2-1-a. Character Core, CS2-D-4. Massing Choices, CS3-A-1. Fitting Old and New Together, DC2-D-1. Human Scale, *Ballard* DC2-4-a. Legibility and Flexibility, DC2-A. Massing, DC2-C-3. Fit with Neighboring Buildings).
- c. The Board supported Scheme 3 as an appropriate massing design that incorporates the height and FAR allowances of the proposed NC3P-75 (M) zone while sufficiently addressing surrounding context. (*Ballard* CS2-1-a. Character Core, CS2-D. Height, Bulk, and Scale, DC2-A-2. Reducing Perceived Mass, *Ballard* DC4-1-a-6. Exterior Finish Materials).
- d. The Board discussed a variation of Scheme 3 presented by the applicant at the early design guidance meeting, which offered a taller base height on the west side of the

building. A majority of Board members preferred the shorter four-story base height shown in the packet compared to the taller five story base height in the character sketches. The Board supported the shorter base height due to its stronger height transition to the east and south and a stronger expression of the design concept compared to the taller base height (*Ballard* CS2-1-a. Character Core, CS2-A-2. Architectural Presence, CS2-D-4. Massing Choices, CS3-A-1. Fitting Old and New Together, DC2-C-3. Fit with Neighboring Buildings).

2. Concept and Materials:

- a. The Board supported the expression of the concept through use of brick and wood as primary materials whose transitions coincide with the massing shifts of Scheme 3. Additionally, the Board encouraged strengthening the legibility of the concept throughout the building design (*Ballard* CS2-1-a. Character Core, DC2-B-1. Façade Composition, DC2-C-1. Visual Depth and Interest, DC2-C-3. Fit with Neighboring Buildings, *Ballard* DC4-1-a-2. Exterior Finish Materials, DC4-A-1. Exterior Finish Materials).
- b. A majority of the Board members supported the use of brick as an exterior material and supported the use of a non-red brick color to better fit within the surrounding commercial and industrial character (CS3-A-3. Established Neighborhoods, DC2-C-3. Fit with Neighboring Buildings, DC2-D. Scale and Texture, *Ballard* DC4-1-a-2. Exterior Finish Materials).
- c. The Board supported the intent for façade depth shown in the character sketches presented at the early design guidance meeting, including the intended depth of residential decks and rigor in fenestration pattern (*Ballard* CS2-1-a. Character Core, DC2-C-1. Visual Depth and Interest, DC2-C-2. Dual Purpose Elements).
- d. The Board encouraged the applicant to develop the terrace spaces on top of the shorter western base to both strengthen the concept legibility and to serve as usable spaces (DC2-C-1. Visual Depth and Interest, DC2-C-2. Dual Purpose Elements, DC2-D. Scale and Texture, DC3-B-1. Meeting User Needs).

3. Streetscape:

- a. The Board supported the conceptual design of the building frontage onto NW Market Street frontage, which includes the Burke-Gilman Trail. The Board requested additional detail at the Recommendation phase showing the incorporation of various frontage areas intended for seating, landscaping, and bicycle/pedestrian movement. The Board cited the NW Market Street frontage of the Nordic Heritage Museum as a strong example of landscaping and lighting that could serve as a model for this site (*Ballard* CS2-1-a. Character Core, CS2-A-1. Sense of Place, CS2-B-2. Connection to the Street, *Ballard* PL4-1. Planning Ahead for Bicyclists, PL4-A. Entry Locations and Relationships).
- b. The Board requested additional detail at the Recommendation phase for the intended streetscape character along 26th Avenue NW and NW 54th Street. The design should demonstrate how active and pedestrian-scaled frontages will be continued along these frontages from the NW Market Street frontage. The Board encouraged the use of continuous active uses along the 26th Avenue NW frontage (*Ballard* CS2-3-b. Pedestrian-Oriented Retail at Corners, *Ballard* CS2-4-a. Corner Sites, CS2-B-2. Connection to the Street, *Ballard* CS2-1-a. Character Core, *Ballard* PL1-2-b.

Pedestrian Amenities, PL2-B. Security and Safety, PL4-A. Entry Locations and Relationships).

- c. The Board encouraged strong interaction between the commercial spaces and the NW Market Street frontage, and specifically identified the ground level space within the vertical notch as an important outdoor extension of the commercial spaces that should allow for a strong connection to the street frontage (*Ballard* CS2-3-a-1. Character Core, CS2-B-2. Connection to the Street, DC2-C-1. Visual Depth and Interest, DC2-C-2. Dual Purpose Elements)
- d. The Board encouraged the incorporation of flexibility into the design of the commercial spaces to allow for inclusion of tenants with various commercial space needs (DC1-A-3. Flexibility, PL2-B-3. Street-Level Transparency, *Ballard* PL3-4. Retail Edges, PL3-A. Entries, *Ballard* DC2-4-a Legibility and Flexibility, *Ballard* DC4-1-a-5. Exterior Finish Materials).
- e. The Board identified the need for additional development of the residential lobby to improve its interaction with the streetscape and its legibility as the residential entry (PL2-D-1. Wayfinding, PL3-A-2. Ensemble of Elements, *Ballard* DC2-4-a Legibility and Flexibility, DC2-E-1. Legibility and Flexibility).

4. Solid Waste/Site Access:

- a. The Board generally supported the placement of the parking garage entrance on NW 54th Street to coincide with the parking entrance of the adjacent Ballard Locks development and to minimize interruption of other street frontages with driveway access (*Ballard* DC1-1-a. Access Location and Design, DC1-C-1. Below-Grade Parking, DC1-C-2. Visual Impacts).
- b. In its discussion of solid waste storage/staging design, the Board prioritized the need for a design that is minimally-visible from public view and integrated into the design of the site and building. The Board expressed its general preference of a solid waste storage/staging area along NW 54th Street to coincide with the similar uses of the adjacent Ballard Locks project to the east, but stated that the location of the storage/staging area was secondary to the need for its integration into the overall design and minimized visibility. (DC1-C-4. Services Uses)
- c. The Board supported the proposal for residential units and stoops along NW 54th Street and the intent for residential ground-level interaction with industrial uses to the south. The Board cautioned that future placement of a driveway and solid waste storage area should not compromise the interaction of residential uses with the NW 54th Street frontage (CS2-A-1. Sense of Place, *Ballard* PL3-1-a. Residential Entries, *Ballard* PL3-2. Residential Edges, PL3-A-1-d. Entries, PL3-B-2. Ground-level Entries).

RECOMMENDATION March 7, 2022

PUBLIC COMMENT

The following public comments were offered at this meeting:

- Appreciated the modern building design and felt that it complemented the surrounding neighborhood.
- Supported the placement of commercial spaces on the first floor to improve the walkable design of the neighborhood.

- Supported the project design due to its use of scale-reducing techniques, use of high-quality materials, the design of the streetscape character, and the interaction of the commercial spaces to the NW Market Street frontage.
- Supported the project design to strengthen the walkable connection to the Nordic Museum.
- Supported the incorporation of outdoor space into the project design
- Supported the proposed building height relative to context.
- Supported the façade design and the link between the materials and the maritime industry.

SDCI staff also summarized design related comments received in writing prior to the meeting:

- Appreciated the ground-level retail uses along NW Market St.
- Observed the project design is in scale with many of the new buildings nearby.
- Acknowledged the design and materials are inspired by the historic and industrial architectural features of nearby buildings and are consistent with neighborhood context.
- Appreciated locating the garage entrance and refuse staging along NW 54th in response to community feedback.
- Recommended considering a Coast Salish design, similar to the Duwamish Longhouse and the UW Intellectual House, that incorporates communal gathering areas and Coast Salish art.
- Recommended using only native vegetation for landscaping, including trees, bushes, and low ground cover.

The following comments were received by the Seattle Department of Transportation:

- **NW Market St Frontage**
Please ensure that the proposed seating structure provides multiple passable, ADA accessible spaces between the trail and sidewalk for trail users, those who have parked at the curb, and delivery drivers who need to access the proposed development from the curb.
- **26th Ave NW Frontage**
The frontage requirements on 26th Ave NW are a 6" curb, minimum 5.5' planting strip with street trees, and minimum 6' sidewalk. A planting strip with street trees between the curb and sidewalk is not shown in the REC packet. These frontage elements serve to buffer pedestrians from vehicle traffic, provide a space outside the pedestrian realm for signage and amenities, and provide a more comfortable overall pedestrian experience for the active uses proposed at ground level. SDOT recommends the project include a planting strip with street trees between the curb and sidewalk.

SDCI received non-design related comments concerning the related to density, archeological investigation, traffic, noise, and the proposed rezone of the site.

One purpose of the design review process is for the Board and City to receive comments from the public that help to identify feedback and concerns about the site and design concept, identify applicable Seattle Design Guidelines and Neighborhood Design Guidelines of highest priority to the site and explore conceptual design, siting alternatives and eventual architectural design. Concerns with off-street parking, traffic and construction impacts are reviewed as part of the

environmental review conducted by SDCI and are not part of this review. Concerns with building height calculations and bicycle storage standards are addressed under the City's zoning code and are not part of this review.

All public comments submitted in writing for this project can be viewed using the following link and entering the record number 3037590-LU: <http://web6.seattle.gov/dpd/edms/>

PRIORITIES & BOARD RECOMMENDATIONS

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 recommendations.

1. Massing:

- a. The Board recommended approval of the building massing refinement since EDG, citing strong relationships to context of the four-story base height on the west side of the building, which aids in the transition to lower building heights to the west, and the upper-façade setback on the east side of the NW Market Street façade, which transitions to height of the Ballard Yards development to the east (*Ballard* CS2-1-a. Character Core, CS2-A-2. Architectural Presence, CS2-D-1. Existing Development and Zoning, DC2-C-3. Fit with Neighboring Buildings).
- b. The Board recommended approval of ground-level massing insets on the NW Market Street façade to provide outdoor commercial spill-out spaces and added that the location and dimensions of these spaces will enhance street-level activity and enhance pedestrian activity. The Board specifically recommended approval of the depth of these spaces as dimensioned in the Recommendation packet (*Ballard* CS2-3-a-1. Character Core, CS2-B-2. Connection to the Street, DC2-C-1. Visual Depth and Interest, DC2-C-2. Dual Purpose Elements).
- c. The Board recommended approval of the location and scale of the residential entry inset area on the east side of the NW Market Street façade and its visual differentiation from the more-pronounced commercial massing notch near the middle of the NW Market Street façade (PL2-D-1. Wayfinding, PL3-A-2. Ensemble of Elements, *Ballard* DC2-4-a Legibility and Flexibility, DC2-E-1. Legibility and Flexibility).

2. Materials:

- a. The Board recommended approval of overall application of exterior materials and supported the primary use of brick throughout the building design, citing its elegance, texture, and relationship to the industrial character of the surrounding area. The Board specifically recommended approval of the proposed coal creek brick color, which gives the brick a modern appearance and provides a legible contrast with the secondary wood material (CS3-A-1. Fitting Old and New Together, DC2-D. Scale and Texture, *Ballard* DC4-1-a. Exterior Finish Materials).
- b. The Board recommended approval of the use of composite wood panel as an accent material that is used to accentuate façade depth within the brick façade that is used to reflect significant massing shifts, rather than as a primary material as proposed at the EDG phase of review (DC2-D. Scale and Texture, *Ballard* DC4-1-a. Exterior Finish Materials).

- c. The Board recommended approval of the window recesses, vertical façade carves, and metal frames that are used throughout the building design, citing their ability to reduce the building bulk and add façade depth through shadow lines (DC2-D. Scale and Texture, *Ballard* DC4-1-a. Exterior Finish Materials).
- d. The Board recommended approval of the canopy designs as appropriate and helpful for incorporating an industrial aspect of Ballard into the design (PL2-C-2. Design Integration, DC2-D. Scale and Texture, *Ballard* DC4-1-a. Exterior Finish Materials).
- e. The Board specifically recommended approval of the use of wood as the primary material in soffit design throughout the project design (DC2-D. Scale and Texture, *Ballard* DC4-1-a. Exterior Finish Materials).

3. Streetscape:

- a. The Board recommended approval of streetscape design and relationships between building modulation and outdoor seating places. (CS2-B-2. Connection to the Street, *Ballard* CS2-1-a. Character Core, *Ballard* PL1-2-b. Pedestrian Amenities, PL2-B. Security and Safety, PL4-A. Entry Locations and Relationships, DC2-C-2. Dual Purpose Elements).
- b. The Board recommended approval of the relationship of the live-work units to the street frontage along NW 54th Street using a landscaped planter to provide some privacy to the units. The Board cited privacy concerns among the live-work units with the continuous walkway along their entrances and requested the applicant to examine the possibility of adding walkway connections to the street frontage through the planter and/or adding breaks to the continuous walkway. The Board declined to add a condition to add or study walkway connections (PL1-B. Walkways and Connections, *Ballard* PL3-1-a. Residential Entries, *Ballard* PL3-2. Residential Edges, PL3-A-1-d. Entries, PL3-B-2. Ground-level Residential).
- c. The Board encouraged the applicant to work with SDOT to add planters to the 26th Avenue NW frontage, citing the lack of landscape planters in the site plan (CS2-B-2. Connection to the Street).
- d. The Board cited comments from SDOT and expressed concern over the lack of dedicated pedestrian paths through the landscaped planters and furniture along the NW Market Street frontage. The Board encouraged the applicant to provide sufficient pedestrian pathways for walking perpendicularly between the sidewalk and Burke-Gilman Trail along the site frontage (CS2-B-2. Connection to the Street, PL1-B. Walkways and Connections, PL4-A. Entry Locations and Relationships).
- e. The Board recommended approval of the visual connection of the wood wave benches along the NW Market Street frontages to the commercial and residential entries (CS2-B-2. Connection to the Street, *Ballard* PL1-1-b. Adding to Public Life PL1-B-3. Pedestrian Amenities). *Staff note:* Structures in the public right of way will be subject to review and approval by SDOT.
- f. The Board recommended approval of the consolidated driveway access and solid waste storage area in the southeast corner of the site, stating that the location removes the driveway and service functions from parts of the site with more street activation, and groups these areas with the service and driveway areas of the adjacent Ballard Yards development (*Ballard* DC1-1-a. Access Location and Design, DC1-C-1. Below-Grade Parking, DC1-C-2. Visual Impacts, DC1-C-4. Services Uses).
- g. During the Recommendation presentation, the applicant described the intent to visually link the appearance of the art panels proposed along the 26th Avenue NW

frontage to the wave benches on the NW Market Street frontage through a common motif and colors. The Board encouraged the continued development of this visual connection but declined to add a related condition (CS2-B-2. Connection to the Street, *Ballard* PL1-2-b. Pedestrian Amenities).

DEVELOPMENT STANDARD DEPARTURES

The Board's recommendation on the requested departures was based on each departure's potential to help the project better meet these design guidelines priorities and achieve a better overall project design than could be achieved without the departure.

At the time of the Recommendation meeting the following departures were requested:

1. **Parking Access (23.47A.032.A.1.c):** The Code requires driveway access to parking along a side street where an alley is not present and the site abuts two or more streets. The applicant proposes driveway access along NW 54th Street, which is not considered to be a side street.

The Board recommended approval of this departure, stating that it allows for the grouping of service and parking functions farthest away from the areas of the site with the most pedestrian/commercial activity. This driveway/service area location is consistent with EDG guidance and is recommended for approval by the Board. The design with departure better meets the intent of Design Guidelines: *Ballard* DC1-1-a. Access Location and Design, DC1-C-1. Below-Grade Parking, DC1-C-2. Visual Impacts, DC1-C-4. Services Uses.

2. **Weather Protection Length (23.47A.008.C.4.):** The Code requires 60% of the street frontage of NW Market Street to have continuous weather protection. The applicant proposes weather protection along 85% of that street frontage. However, the proposed weather protection is divided into two non-continuous segments that each measure 37% and 48% of the total façade length.

The Board recommended approval of this departure stating that the break in the weather protection along NW Market Street is needed to express the building's design concept through the vertical notch in the NW Market Street façade, which helps to break down the scale of the building and highlights the ground-level commercial uses at ground-level. The design with departure better meets the intent of Design Guidelines: PL2-C. Weather Protection, DC2-A-2. Reducing Perceived Mass, DC2-B-1. Façade Composition, DC2-C-2. Dual Purpose Elements.

3. **Sight Triangle (23.54.030.G.1):** The Code requires an obstruction-free sight triangle where the edge of a driveway meets the right-of-way for two-way driveways 22 feet wide or more. A sight triangle with dimensions of 10'x10' is required on the west side of the driveway. The applicant proposes an obstruction-free sight triangle on the west side of the access driveway with dimensions of 3'-2" along the south property line by 3'-2" in depth from the property line to the building facade. This is a departure of 6'-10" in both dimensions.

The Board recommended approval of this departure, supporting the applicant's rationale that the departure allows for the grouping of driveway and service areas in the southeast corner of the site. The Board expressed the desire for the incorporation of additional safety into the

overall design to compensate for the reduced sight triangle. The Board recommended a condition to work with staff to incorporate sufficient safety measures into the design to ensure a safe exit from the site. The Board cited specific examples like additional visual permeability through the solid waste areas, additional lights and mirrors, or other traffic safety features. With this condition, the design with departure better meets the intent of Design Guidelines: PL2-B. Safety and Security, *Ballard* DC1-1. Vehicular Access and Circulation, DC1-B-1. Access Location and Design, DC1-C-4. Service Uses.

4. **Sight Triangle (23.54.030.G.4):** The Code requires an obstruction-free sight triangle where the edge of a driveway meets the right-of-way for two-way driveways 22 feet wide or more, but allows the sight triangle to begin 5 feet from the lot line when the driveway is located within 10 feet of that lot line. A sight triangle with dimensions of 5'x10' is required on the east side of the driveway. The applicant proposes an obstruction-free sight triangle on the east side of the access driveway with dimensions of 4'-6" along the south property line by 3'-2" in depth from the property line. This is a departure of 6" in sight triangle length along the south property line and 5'-5" in depth from the south property line to the building façade.

This departure was included in the request for Departure 3 in the packet, but the requirement is found in another code section and is therefore requires a separate departure. The Board recommended approval of this departure, agreeing with the applicant's rationale that the departure allows for the grouping of driveway and service areas in the southeast corner of the site. The Board expressed the desire for the incorporation of additional safety measures into the overall design to compensate for the reduced sight triangle. The Board recommended a condition to work with staff to incorporate sufficient safety measures into the design to ensure a safe exit from the site. With this condition, the design with departure better meets the intent of Design Guidelines: PL2-B. Safety and Security, *Ballard* DC1-1. Vehicular Access and Circulation, DC1-B-1. Access Location and Design, DC1-C-4. Service Uses.

DESIGN REVIEW GUIDELINES

The Seattle Design Guidelines and Neighborhood Design Guidelines recognized by the Board as Priority Guidelines are identified above. All guidelines remain applicable and are summarized below. For the full text please visit the [Design Review website](#).

CONTEXT & SITE

CS1 Natural Systems and Site Features: Use natural systems/features of the site and its surroundings as a starting point for project design.

CS1-A Energy Use

CS1-A-1. Energy Choices: At the earliest phase of project development, examine how energy choices may influence building form, siting, and orientation, and factor in the findings when making siting and design decisions.

CS1-B Sunlight and Natural Ventilation

CS1-B-1. Sun and Wind: Take advantage of solar exposure and natural ventilation. Use local wind patterns and solar gain to reduce the need for mechanical ventilation and heating where possible.

CS1-B-2. Daylight and Shading: Maximize daylight for interior and exterior spaces and minimize shading on adjacent sites through the placement and/or design of structures on site.

CS1-B-3. Managing Solar Gain: Manage direct sunlight falling on south and west facing facades through shading devices and existing or newly planted trees.

CS1-C Topography

CS1-C-1. Land Form: Use natural topography and desirable landforms to inform project design.

CS1-C-2. Elevation Changes: Use the existing site topography when locating structures and open spaces on the site.

CS1-D Plants and Habitat

CS1-D-1. On-Site Features: Incorporate on-site natural habitats and landscape elements into project design and connect those features to existing networks of open spaces and natural habitats wherever possible. Consider relocating significant trees and vegetation if retention is not feasible.

CS1-D-2. Off-Site Features: Provide opportunities through design to connect to off-site habitats such as riparian corridors or existing urban forest corridors. Promote continuous habitat, where possible, and increase interconnected corridors of urban forest and habitat where possible.

CS1-E Water

CS1-E-1. Natural Water Features: If the site includes any natural water features, consider ways to incorporate them into project design, where feasible.

CS1-E-2. Adding Interest with Project Drainage: Use project drainage systems as opportunities to add interest to the site through water-related design elements.

Ballard Supplemental Guidance:

CS1-1 Plants and Habitat

CS1-1-a. On-Site Features: In the Residential In-Town and Civic Core, integrate landscaping in front of residences, within the planting strip, setbacks, or in street-level open spaces to add visual interest for people walking by, habitat, or a buffer from sidewalks for residents. With Seattle Department of Transportation approval, select plants that will provide interest year-round and create a variety of color and texture along the street.

CS1-2 Water

CS1-2-a. Adding Interest with Project Drainage:

- In the Residential In-Town and Civic Core, consider integrating natural drainage in front of residences to add visual interest for pedestrians, as well as a landscape amenity and a buffer from sidewalks for residents.
- Consider integrating drainage elements in architectural or artistic ways.

CS2 Urban Pattern and Form: Strengthen the most desirable forms, characteristics, and patterns of the streets, block faces, and open spaces in the surrounding area.

CS2-A Location in the City and Neighborhood

CS2-A-1. Sense of Place: Emphasize attributes that give a distinctive sense of place. Design the building and open spaces to enhance areas where a strong identity already exists, and create a sense of place where the physical context is less established.

CS2-A-2. Architectural Presence: Evaluate the degree of visibility or architectural presence that is appropriate or desired given the context, and design accordingly.

CS2-B Adjacent Sites, Streets, and Open Spaces

CS2-B-1. Site Characteristics: Allow characteristics of sites to inform the design, especially where the street grid and topography create unusually shaped lots that can add distinction to the building massing.

CS2-B-2. Connection to the Street: Identify opportunities for the project to make a strong connection to the street and public realm.

CS2-B-3. Character of Open Space: Contribute to the character and proportion of surrounding open spaces.

CS2-C Relationship to the Block

CS2-C-1. Corner Sites: Corner sites can serve as gateways or focal points; both require careful detailing at the first three floors due to their high visibility from two or more streets and long distances.

CS2-C-2. Mid-Block Sites: Look to the uses and scales of adjacent buildings for clues about how to design a mid-block building. Continue a strong street-edge and respond to datum lines of adjacent buildings at the first three floors.

CS2-C-3. Full Block Sites: Break up long facades of full-block buildings to avoid a monolithic presence. Provide detail and human scale at street-level, and include repeating elements to add variety and rhythm to the façade and overall building design.

CS2-D Height, Bulk, and Scale

CS2-D-1. Existing Development and Zoning: Review the height, bulk, and scale of neighboring buildings as well as the scale of development anticipated by zoning for the area to determine an appropriate complement and/or transition.

CS2-D-2. Existing Site Features: Use changes in topography, site shape, and vegetation or structures to help make a successful fit with adjacent properties.

CS2-D-3. Zone Transitions: For projects located at the edge of different zones, provide an appropriate transition or complement to the adjacent zone(s). Projects should create a step in perceived height, bulk and scale between the anticipated development potential of the adjacent zone and the proposed development.

CS2-D-4. Massing Choices: Strive for a successful transition between zones where a project abuts a less intense zone.

CS2-D-5. Respect for Adjacent Sites: Respect adjacent properties with design and site planning to minimize disrupting the privacy of residents in adjacent buildings.

Ballard Supplemental Guidance:

CS2-1 Location in the Neighborhood – Sense of Place: Reinforce the character and role of Ballard's Character Areas.

CS2-1-a. Character Core: The mix of historic and heritage buildings create a welcoming business district. Buildings featuring construction techniques from over a century ago establish a distinct character with human scale, detail, and permanence.

1. Build structures to the street and include shops and restaurants along Principal Pedestrian Streets to create a vibrant street and solidify the walkable business district.
2. Respond to design precedents of old buildings by incorporating well-detailed, quality construction and transparent street-level facades. Draw attention to entrances, and use variety in awnings and signs.
3. Building massing should create human-scaled buildings, through their approach to the required upper setbacks, and employing massing breaks that avoid creating a continuous canyon - especially on NW Market St.
4. Detailed building form is preferred instead of ornamental decoration.

CS2-1-b. Civic Core: The Civic Core is a mix of civic uses, community oriented businesses and a variety of residential building types. The tree-lined streets include more intimate open spaces giving a unifying public character.

1. Contribute to a rich civic character, and active public life where people walk between homes and businesses, and parks, libraries and other gathering spaces.
2. Take cues from adjoining buildings for design elements, such as prominent roof overhangs, window placement and upper level setbacks.
3. Design and program privately owned open spaces to contribute to the public realm.
4. Strive to include north/south mid-block connections that improve access from new projects to the adjacent streets.
5. Consider setting back portions of the east-west facades to form “side rooms” or “eddies” of activities.
6. Set back and raise street-level residences from the sidewalk.
7. Provide visually distinguishable and/or individual residential entries.

CS2-1-c. General Commercial: *This commercial area is a neighborhood gateway that meets the surrounding neighborhoods’ weekly and monthly needs for goods and services.*

1. Consider office uses on upper floors.
2. Design the street-level of buildings, streetscape, and landscaping to produce active storefronts and a comfortable walking environment that balance the vehicle traffic on 15th Ave. NW and NW Market St.
3. At the intersection of 15th Ave. NW and NW Market St., create a sense of place by placing active uses on corners, and incorporating generous pedestrian amenities.

CS2-1-d. Commercial Mixed: *The section of 15th Ave NW, north of NW 58th St., provides a mix of businesses serving adjacent neighborhoods, as well as services and shops serving north-west Seattle.*

1. Include residential and/or office uses in upper floors to take advantage of the transit and auto access.
2. Prioritize pedestrian-oriented retail at corners.

CS2-1-e. Residential/Neighborhood Retail: *The primarily residential character is punctuated by small, neighborhood-oriented commercial spaces on corners along arterials that provide convenience retail and services within the neighborhood.*

1. Consider including small, pedestrian-oriented retail at corners on 14th Ave. NW.
2. Prioritize small scale businesses on corners along 24th Ave. NW.
3. Commercial spaces should wrap the corner and include windows and entries on streets as well as avenues.
4. When retail or cafes are included, prioritize pedestrian and bicycle access on amenities, rather than parking.

CS2-1-f. Residential In-Town: Ballard’s higher density multifamily areas provide in-town living opportunities that enjoy easy access to shops, services, and jobs. The design characteristics, and streetscape support a diverse population, including singles, families, and seniors.

- Row houses are preferred.
- Consolidate entries to shared, below-grade parking when parking is provided.

CS2-2 Architectural Presence at Gateways: Projects at gateways should have a strong visual identity that can be perceived at a distance as one approaches the gateway, in addition to strong architectural detail and high-quality materials.

CS2-2-a. Design Concept: Projects in gateways should have a strong design concept that integrates building architecture, streetscape and landscaping to create a landmark and sense of place that becomes part of the architectural legacy of Ballard.

CS2-2-b. Enhance the Major Gateways.

- Responding to adjacent transit facilities in the site plan;
- Incorporating generous pedestrian amenities at transit stops;
- Creating a landscaped buffer between pedestrians and traffic;
- Placing active uses on corners; and
- Ensuring buildings engage pedestrians and activate sidewalks at the street level.

CS2-3 Adjacent Sites, Streets, and Open Spaces

CS2-3-a. Connection to the Street

1. Character Core: Street-level facade design should create a strong connection to pedestrians.
 - Emphasize identifiable entrances. Avoid storefront windows recessed more than 6" behind the building facade at street level. Use a variety of awnings and signs. Street level facades should have greater proportion of windows than solids.
 - Consider responding to development standards such as lot coverage, building width, and facade modulation requirements, by connecting private open space to the street. Balance the impact to active street-level facade by wrapping commercial uses around the edges of these open spaces.
2. Civic Core: Provide a transition from public to private spaces.
 - Set back or raise street level residences from the sidewalk. Provide visually distinguishable individual residential unit entries to rowhouses.
 - In setbacks along residential units use design elements (e.g. hedges, paving changes, stoops, porches) to indicate the transition from public (sidewalk) to private (dwelling).
 - Consider setting back portions of the street-level commercial facades from the sidewalk to provide semi-public or private spaces along the streets, or incorporating undulating and playful building edges programmed with landscaping, active uses, cafe seating, walls and roof overhangs.
3. West and North Sides of Ballard Commons: Residential projects with units that directly access the public right-of-way are preferred since they help enliven the street environment.
4. South Side of Ballard Commons: Mixed-use projects around the park should 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.

CS2-3-b. Pedestrian-Oriented Retail at Corners: Encourage small pedestrian-oriented retail at corners along 15th Ave. NW and 14th Ave. NW, especially near bus stops.

CS2-3-c. Intersection of 15th Ave. NW and NW Market St.: On projects at the intersection of 15th Ave. NW and NW Market St., in addition to creating an active sidewalk frontage, consider incorporating small, street-level courtyards with seating and landscaping. This would complement the busy pedestrian and vehicle environment, by

increasing the commercial frontages and create a welcoming, off-street environment for occupants and patrons.

CS2-3-d. Character of Open Space

1. Surrounding the Ballard Commons Park: Buildings should create a consistent two-story street wall with ground related entries. Development above the two-story base should be set back and be modulated to increase solar exposure to the street park.
2. Commercial buildings adjacent to parks should create active spaces (such as dining areas or window displays) that support activity and create lively backdrops to parks.

CS2-4 Relationship to the Block

CS2-4-a. Corner Sites

1. Avoid live-work units on corners, or provide large work space display windows that wrap the corner, in order to accommodate truly commercial ground-floor uses.
2. Where building facades span to corners on a sloping street, adjust the ground-floor height to increase the amount of full-height floors along the street. Provide entries to shops near both corners. Alternatively, set back the ground floor and adjust the grade to provide full-height floors.
3. Avoid the use of turrets on corner sites, and use architecture details and massing that are integrated into the overall design concept.

CS2-5 Height, Bulk, and Scale

CS2-5-a. Character Core and Civic Core: Work with required upper-level setbacks to avoid creating a canyon feel, particularly along the long, east-west blocks. Consider orienting open areas that provide light and air to residences on the upper levels toward the street.

CS2-5-b. Along Commercial Streets: In general, projects should provide a consistent, two-story street wall along commercial streets. Deviations from the consistent street wall are acceptable for open spaces that are programmed for public use (e.g. dining or sitting). Strive to create unified facades along these lower stories by:

- Continuing floor heights;
- Reflecting adjacent window size and placement;
- Incorporating similar cornice or pediment treatments; and/or
- Other similar methods.

CS3 Architectural Context and Character: Contribute to the architectural character of the neighborhood.

CS3-A Emphasizing Positive Neighborhood Attributes

CS3-A-1. Fitting Old and New Together: Create compatibility between new projects, and existing architectural context, including historic and modern designs, through building articulation, scale and proportion, roof forms, detailing, fenestration, and/or the use of complementary materials.

CS3-A-2. Contemporary Design: Explore how contemporary designs can contribute to the development of attractive new forms and architectural styles; as expressed through use of new materials or other means.

CS3-A-3. Established Neighborhoods: In existing neighborhoods with a well-defined architectural character, site and design new structures to complement or be compatible with the architectural style and siting patterns of neighborhood buildings.

CS3-A-4. Evolving Neighborhoods: In neighborhoods where architectural character is evolving or otherwise in transition, explore ways for new development to establish a positive and desirable context for others to build upon in the future.

CS3-B Local History and Culture

CS3-B-1. Placemaking: Explore the history of the site and neighborhood as a potential placemaking opportunity. Look for historical and cultural significance, using neighborhood groups and archives as resources.

CS3-B-2. Historical/Cultural References: Reuse existing structures on the site where feasible as a means of incorporating historical or cultural elements into the new project.

Ballard Supplemental Guidance:

CS3-1 Fitting Old and New

CS3-1-a. Character Core: New buildings should: reflect the scale and proportion, roof forms, detailing, windows, and use complementary materials of the Ballard Avenue Landmark District and older buildings along NW Market St.

CS3-1-b. Character Core and Civic Core: New, large buildings should reflect the 50' - 100' typical lot widths as well as the spacing of floors and windows of existing projects when incorporating techniques to create compatible scale and bulk. Consider the height of adjacent building parapets and other design features when determining the height at which to begin upper-level setbacks.

CS3-1-c. Civic Core and In-Town Residential: In these areas, where a new project is replacing smaller-scaled buildings, reinforce the more granular massing and design concepts found in existing buildings, without using details (such as small dormers or shingles) that are not appropriate to the new, larger-scaled project.

CS3-1-d. Massing Choices: Strong architectural elements that define and create human scale are preferred over unorganized mix of styles and materials.

CS3-1-e. Unified Design: Design new buildings to have horizontal divisions that create distinctive base and cap levels. Integrate the upper levels into the overall building design and choice of materials.

PUBLIC LIFE

PL1 Connectivity: Complement and contribute to the network of open spaces around the site and the connections among them.

PL1-A Network of Open Spaces

PL1-A-1. Enhancing Open Space: Design the building and open spaces to positively contribute to a broader network of open spaces throughout the neighborhood.

PL1-A-2. Adding to Public Life: Seek opportunities to foster human interaction through an increase in the size and quality of project-related open space available for public life.

PL1-B Walkways and Connections

PL1-B-1. Pedestrian Infrastructure: Connect on-site pedestrian walkways with existing public and private pedestrian infrastructure, thereby supporting pedestrian connections within and outside the project.

PL1-B-2. Pedestrian Volumes: Provide ample space for pedestrian flow and circulation, particularly in areas where there is already heavy pedestrian traffic or where the project is expected to add or attract pedestrians to the area.

PL1-B-3. Pedestrian Amenities: Opportunities for creating lively, pedestrian oriented open spaces to enliven the area and attract interest and interaction with the site and building should be considered.

PL1-C Outdoor Uses and Activities

PL1-C-1. Selecting Activity Areas: Concentrate activity areas in places with sunny exposure, views across spaces, and in direct line with pedestrian routes.

PL1-C-2. Informal Community Uses: In addition to places for walking and sitting, consider including space for informal community use such as performances, farmer's markets, kiosks and community bulletin boards, cafes, or street vending.

PL1-C-3. Year-Round Activity: Where possible, include features in open spaces for activities beyond daylight hours and throughout the seasons of the year, especially in neighborhood centers where active open space will contribute vibrancy, economic health, and public safety.

Ballard Supplemental Guidance:

PL1-1 Network of Open Spaces

PL1-1-a. Enhancing Open Space

1. Projects fronting onto Bergen Park should consider how to incorporate site circulation, ground-level open space, and windows to create activity that complements the park. Consider upper-story setbacks to minimize shading of Bergen Park.
2. Projects across 22nd Ave. NW from Ballard Commons, should orient buildings so that entrances and private open spaces create a physical or visual connection with Ballard Commons, and activate 22nd Ave. NW, integrating the park, the street and private development for celebrations and events.

PL1-1-b. Adding to Public Life

1. Large Mixed-use and Multifamily Buildings: When not located on Principal Pedestrian Streets, projects should consider including ground-level open space when designing the building massing.
 - Orient open space to take advantage of sunlight.
 - Include windows, entries, balconies, and design elements of adjacent building facades that help activate the open space.
 - When possible, connect interior building common areas to the outdoor areas.
 - When a project incorporates restaurants or pubs, the design should consider café seating.
 - Create gradual transitions from street-level to any raised open areas by using wide steps and integrating landscaping and other elements.
 - Incorporate places to sit that are integrated into active uses and can be easily managed by those uses.
 - Include green stormwater infrastructure where feasible.
2. In the Civic Core: The landscaping and sidewalk environment should create a rich public realm and active public open space that extends from the Ballard Commons.
 - With SDOT approval, create tree-lined, and well landscaped streets that integrate with semi-private and private spaces, giving a unifying public character.
 - Design private open spaces to contribute to public life through their location and site plan. Strive to include street-level open space and amenity areas in residential projects.
 - Integrate artistic and custom-made elements into street level landscaping.

PL1-2 Walkways and Connections

PL1-2-a. Pedestrian Volumes: Create welcoming and spacious sidewalk environment through integrating private open space, setbacks and careful location of entrances at the Gateways.

PL1-2-b. Pedestrian Amenities: Create lively, pedestrian oriented open spaces to enliven the area and attract interest and interaction to the site and building. Examples of pedestrian amenities include seating, other street furniture, lighting, year-round landscaping, seasonal plantings, pedestrian scale signage, site furniture, artwork, awnings, large storefront windows, and engaging retail displays and/or kiosks.

PL1-2-c. Mid-Block Pedestrian Connections: Mid-block connections are strongly encouraged through long blocks in the Character Core and Civic Core. The Design Review Board may consider a departure as set forth at SMC 23.41.012 to reduce open space requirements in exchange for a mid-block pedestrian connection. Such spaces shall be sited and designed in a manner that are clearly public in nature and engaging to pedestrians.

PL1-3 Outdoor Uses and Activities

PL1-3-a. Priority Activity Area: Along 22nd Ave. NW, between NW Market St. and NW 58th St., consider designing street-level elements to support the role of 22nd Ave. NW as a street that accommodates festivals and events. The Ballard Branch Library supports this by providing wide sidewalks, and by including an entrance to the public meeting room that allows events to spill out on to the sidewalk.

PL2 Walkability: Create a safe and comfortable walking environment that is easy to navigate and well-connected to existing pedestrian walkways and features.

PL2-A Accessibility

PL2-A-1. Access for All: Provide access for people of all abilities in a manner that is fully integrated into the project design. Design entries and other primary access points such that all visitors can be greeted and welcomed through the front door.

PL2-A-2. Access Challenges: Add features to assist pedestrians in navigating sloped sites, long blocks, or other challenges.

PL2-B Safety and Security

PL2-B-1. Eyes on the Street: Create a safe environment by providing lines of sight and encouraging natural surveillance.

PL2-B-2. Lighting for Safety: Provide lighting at sufficient lumen intensities and scales, including pathway illumination, pedestrian and entry lighting, and/or security lights.

PL2-B-3. Street-Level Transparency: Ensure transparency of street-level uses (for uses such as nonresidential uses or residential lobbies), where appropriate, by keeping views open into spaces behind walls or plantings, at corners, or along narrow passageways.

PL2-C Weather Protection

PL2-C-1. Locations and Coverage: Overhead weather protection is encouraged and should be located at or near uses that generate pedestrian activity such as entries, retail uses, and transit stops.

PL2-C-2. Design Integration: Integrate weather protection, gutters and downspouts into the design of the structure as a whole, and ensure that it also relates well to neighboring buildings in design, coverage, or other features.

PL2-C-3. People-Friendly Spaces: Create an artful and people-friendly space beneath building.

PL2-D Wayfinding

PL2-D-1. Design as Wayfinding: Use design features as a means of wayfinding wherever possible.

PL3 Street-Level Interaction: Encourage human interaction and activity at the street-level with clear connections to building entries and edges.

PL3-A Entries

PL3-A-1. Design Objectives: Design primary entries to be obvious, identifiable, and distinctive with clear lines of sight and lobbies visually connected to the street.

PL3-A-2. Common Entries: Multi-story residential buildings need to provide privacy and security for residents but also be welcoming and identifiable to visitors.

PL3-A-3. Individual Entries: Ground-related housing should be scaled and detailed appropriately to provide for a more intimate type of entry.

PL3-A-4. Ensemble of Elements: Design the entry as a collection of coordinated elements including the door(s), overhead features, ground surface, landscaping, lighting, and other features.

PL3-B Residential Edges

PL3-B-1. Security and Privacy: Provide security and privacy for residential buildings through the use of a buffer or semi-private space between the development and the street or neighboring buildings.

PL3-B-2. Ground-level Residential: Privacy and security issues are particularly important in buildings with ground-level housing, both at entries and where windows are located overlooking the street.

PL3-B-3. Buildings with Live/Work Uses: Maintain active and transparent facades in the design of live/work residences. Design the first floor so it can be adapted to other commercial use as needed in the future.

PL3-B-4. Interaction: Provide opportunities for interaction among residents and neighbors.

PL3-C Retail Edges

PL3-C-1. Porous Edge: Engage passersby with opportunities to interact visually with the building interior using glazing and transparency. Create multiple entries where possible and make a physical and visual connection between people on the sidewalk and retail activities in the building.

PL3-C-2. Visibility: Maximize visibility into the building interior and merchandise displays. Consider fully operational glazed wall-sized doors that can be completely opened to the street, increased height in lobbies, and/or special lighting for displays.

PL3-C-3. Ancillary Activities: Allow space for activities such as sidewalk vending, seating, and restaurant dining to occur. Consider setting structures back from the street or incorporating space in the project design into which retail uses can extend.

Ballard Supplemental Guidance:

PL3-1 Entries

PL3-1-a. Residential Entries: In Residential In-Town, row houses with individual entrances and stoops are recommended at the street level. In the Civic Core, residences with individual entrances and stoops are preferred along NW 58th St.

PL3-1-b. Retail Entries:

- Character Core: Along Principal Pedestrian streets in Pedestrian designation zones, continue the precedent of a high density of storefronts, entries, and the

human-scale of the street-facing façades established along Ballard Ave. NW and along NW Market St. between 24th Ave. NW and 20th Ave NW.

- **Civic Core:** Where ground level commercial uses are provided, consider setting back portions of the street-level facade and cluster entries and active uses such as sidewalk cafes and benches to create a transition from public to semi-private spaces and to create a softer street-wall.

PL3-2 Residential Edges

- Use strong design elements in setbacks (e.g. sitting walls, raised patios, planters, paving changes, stoops, and porches) to indicate the transition from public to private.
- Encourage clearly differentiated residential or commercial street level uses. Encourage ground-related residential uses to follow development standards.

PL3-3 Buildings with Live/Work Uses: Discourage live/work units on Principal Pedestrian Streets; these streets should have genuine, activating commercial uses.

- Avoid live/work units on corners.
- All residential buildings are preferred over live-work units along the entire street-level.

PL3-4 Retail Edges should be porous, and include pedestrian interest and diverse storefront treatments and tenant spaces.

PL3-4-a. Windows: Avoid deeply recessed windows at street level.

PL3-4-b. Awnings and Signage: Encourage variety in awnings and signs along the street-level facades of longer buildings.

PL3-4-c. Transparency: Street level facades should have a greater proportion of transparency than solids.

PL3-4-d. Setbacks: Consider small setbacks at street-level on busy streets, or where sidewalks are narrow, to incorporate seating, displays, rain cover, and provide some relief from traffic.

PL3-4-e. Individualization: Where multiple storefronts are provided along a building facade, incorporate features that allow for individualized identity.

PL3-4-f. Operable Windows: Incorporate window walls that can open for restaurants.

PL3-4-g. Size and Length: Include commercial spaces for small, individual business establishments that average 2,000 square feet or less in size at street level. Set maximum length of street frontage for individual business consistent with area business character.

PL4 Active Transportation: Incorporate design features that facilitate active forms of transportation such as walking, bicycling, and use of transit.

PL4-A Entry Locations and Relationships

PL4-A-1. Serving all Modes of Travel: Provide safe and convenient access points for all modes of travel.

PL4-A-2. Connections to All Modes: Site the primary entry in a location that logically relates to building uses and clearly connects all major points of access.

PL4-B Planning Ahead for Bicyclists

PL4-B-1. Early Planning: Consider existing and future bicycle traffic to and through the site early in the process so that access and connections are integrated into the project along with other modes of travel.

PL4-B-2. Bike Facilities: Facilities such as bike racks and storage, bike share stations, shower facilities and lockers for bicyclists should be located to maximize convenience, security, and safety.

PL4-B-3. Bike Connections: Facilitate connections to bicycle trails and infrastructure around and beyond the project.

PL4-C Planning Ahead For Transit

PL4-C-1. Influence on Project Design: Identify how a transit stop (planned or built) adjacent to or near the site may influence project design, provide opportunities for placemaking.

PL4-C-2. On-site Transit Stops: If a transit stop is located onsite, design project-related pedestrian improvements and amenities so that they complement any amenities provided for transit riders.

PL4-C-3. Transit Connections: Where no transit stops are on or adjacent to the site, identify where the nearest transit stops and pedestrian routes are and include design features and connections within the project design as appropriate.

Ballard Supplemental Guidance:

PL4-1 Planning Ahead for Bicyclists: Bicycle use and parking should be encouraged to promote a healthy and active neighborhood and to support local businesses. Plan for bicycle parking that provides a place to lock up close to business entries. Bicycle racks should be plentiful, and either be from the Seattle Department of Transportation's bike parking program or be an approved rack of similar "inverted U" or "staple" style. The bicycle racks may also be an opportunity for place-making, such as having a uniform color.

PL4-2 Planning Ahead for Transit: Consider adjacent transit stops by orienting entrances near stop locations, and providing sufficient setbacks to accommodate transit users, pedestrians and to minimize conflicts.

DESIGN CONCEPT

DC1 Project Uses and Activities: Optimize the arrangement of uses and activities on site.

DC1-A Arrangement of Interior Uses

DC1-A-1. Visibility: Locate uses and services frequently used by the public in visible or prominent areas, such as at entries or along the street front.

DC1-A-2. Gathering Places: Maximize the use of any interior or exterior gathering spaces.

DC1-A-3. Flexibility: Build in flexibility so the building can adapt over time to evolving needs, such as the ability to change residential space to commercial space as needed.

DC1-A-4. Views and Connections: Locate interior uses and activities to take advantage of views and physical connections to exterior spaces and uses.

DC1-B Vehicular Access and Circulation

DC1-B-1. Access Location and Design: Choose locations for vehicular access, service uses, and delivery areas that minimize conflict between vehicles and non-motorists wherever possible. Emphasize use of the sidewalk for pedestrians, and create safe and attractive conditions for pedestrians, bicyclists, and drivers.

DC1-B-2. Facilities for Alternative Transportation: Locate facilities for alternative transportation in prominent locations that are convenient and readily accessible to expected users.

DC1-C Parking and Service Uses

DC1-C-1. Below-Grade Parking: Locate parking below grade wherever possible. Where a surface parking lot is the only alternative, locate the parking in rear or side yards, or on lower or less visible portions of the site.

DC1-C-2. Visual Impacts: Reduce the visual impacts of parking lots, parking structures, entrances, and related signs and equipment as much as possible.

DC1-C-3. Multiple Uses: Design parking areas to serve multiple uses such as children's play space, outdoor gathering areas, sports courts, woonerf, or common space in multifamily projects.

DC1-C-4. Service Uses: Locate and design service entries, loading docks, and trash receptacles away from pedestrian areas or to a less visible portion of the site to reduce possible impacts of these facilities on building aesthetics and pedestrian circulation.

Ballard Supplemental Guidance:

DC1-1 Vehicular Access and Circulation

DC1-1-a. Access Location and Design

- Continue to develop the alley between NW Market St. and NW 56th St. between 17th Ave. NW and 24th Ave. NW, and design buildings so that all vehicle and service access occur from the alley.
- Where there is no platted alley, consider organizing vehicle access to accommodate future shared, private access easements.
- Combine and consolidate service areas with parking access, where parking is provided.

DC1-2 Shared Parking: Where parking is provided, design access so that it can accommodate visitors, tenants, and the potential for shared or leased parking.

DC2 Architectural Concept: Develop an architectural concept that will result in a unified and functional design that fits well on the site and within its surroundings.

DC2-A Massing

DC2-A-1. Site Characteristics and Uses: Arrange the mass of the building taking into consideration the characteristics of the site and the proposed uses of the building and its open space.

DC2-A-2. Reducing Perceived Mass: Use secondary architectural elements to reduce the perceived mass of larger projects.

DC2-B Architectural and Facade Composition

DC2-B-1. Façade Composition: Design all building facades—including alleys and visible roofs—considering the composition and architectural expression of the building as a whole. Ensure that all facades are attractive and well-proportioned.

DC2-B-2. Blank Walls: Avoid large blank walls along visible façades wherever possible. Where expanses of blank walls, retaining walls, or garage facades are unavoidable, include uses or design treatments at the street level that have human scale and are designed for pedestrians.

DC2-C Secondary Architectural Features

DC2-C-1. Visual Depth and Interest: Add depth to facades where appropriate by incorporating balconies, canopies, awnings, decks, or other secondary elements into the façade design. Add detailing at the street level in order to create interest for the pedestrian and encourage active street life and window shopping (in retail areas).

DC2-C-2. Dual Purpose Elements: Consider architectural features that can be dual purpose—adding depth, texture, and scale as well as serving other project functions.

DC2-C-3. Fit With Neighboring Buildings: Use design elements to achieve a successful fit between a building and its neighbors.

DC2-D Scale and Texture

DC2-D-1. Human Scale: Incorporate architectural features, elements, and details that are of human scale into the building facades, entries, retaining walls, courtyards, and exterior spaces in a manner that is consistent with the overall architectural concept

DC2-D-2. Texture: Design the character of the building, as expressed in the form, scale, and materials, to strive for a fine-grained scale, or “texture,” particularly at the street level and other areas where pedestrians predominate.

DC2-E Form and Function

DC2-E-1. Legibility and Flexibility: Strive for a balance between building use legibility and flexibility. Design buildings such that their primary functions and uses can be readily determined from the exterior, making the building easy to access and understand. At the same time, design flexibility into the building so that it may remain useful over time even as specific programmatic needs evolve.

Ballard Supplemental Guidance:

DC2-1 Massing

DC2-1-a. Reducing Perceived Mass: In the Character Core, the massing of new buildings should reflect the dominant 50 to 100-foot parcel width that was common in areas platted up to 1930. This can be achieved by either limiting building lengths or by creating distinct designs or material changes, or vertical modulations, that break up facades into this scale.

DC2-2 Architectural and Façade Composition

DC2-2-a. Rhythm and Corners: Provide continuity of rhythm of vertical and horizontal elements (such as window size and spacing and location of entrances) along a block. Maximize the visibility of corner locations by placing entrances and strong design features on corners.

DC2-2-b. Horizontal Divisions: Design buildings to have horizontal divisions that create strong base levels (preferably two stories) that are not overpowered by the upper-level massing. Where the street level façade is set back to provide additional space at the ground level, ensure that the overhang is at least 13-15 feet above the sidewalk.

DC2-3 Scale and Texture

DC2-3-a. Texture

- At the street level, incorporate a variety of textures such as blade signs, uneven brick, gooseneck lights, and windows that add texture and scale that is perceptible at a walking pace.
- Create well-detailed and highly-visible storefronts. Provide opportunities for window displays. Generally, avoid small, deeply inset street-level storefront windows.
- Consider small recesses for doorways.

DC2-4 Form and Function

DC2-4-a. Legibility and Flexibility: In addition to responding to the design of surrounding buildings, new projects should continue Ballard’s legacy of historic buildings by integrating form, function, and materials to meet today’s needs.

1. Clearly differentiate residential from commercial street-level uses.
2. Discourage departures from ground-related residential development standards.
3. Create a strong building base design presence so that the street-level is not overwhelmed by the middle and top of the building.
4. Include smaller, more “naturally affordable” retail spaces to maintain a diversity in services and stores, and to fit with the historic predominance of smaller commercial spaces.

DC3 Open Space Concept: Integrate open space design with the building design so that they complement each other.

DC3-A Building-Open Space Relationship

DC3-A-1. Interior/Exterior Fit: Develop an open space concept in conjunction with the architectural concept to ensure that interior and exterior spaces relate well to each other and support the functions of the development.

DC3-B Open Space Uses and Activities

DC3-B-1. Meeting User Needs: Plan the size, uses, activities, and features of each open space to meet the needs of expected users, ensuring each space has a purpose and function.

DC3-B-2. Matching Uses to Conditions: Respond to changing environmental conditions such as seasonal and daily light and weather shifts through open space design and/or programming of open space activities.

DC3-B-3. Connections to Other Open Space: Site and design project-related open spaces to connect with, or enhance, the uses and activities of other nearby public open space where appropriate.

DC3-B-4. Multifamily Open Space: Design common and private open spaces in multifamily projects for use by all residents to encourage physical activity and social interaction.

DC3-C Design

DC3-C-1. Reinforce Existing Open Space: Where a strong open space concept exists in the neighborhood, reinforce existing character and patterns of street tree planting, buffers or treatment of topographic changes. Where no strong patterns exist, initiate a strong open space concept that other projects can build upon in the future.

DC3-C-2. Amenities/Features: Create attractive outdoor spaces suited to the uses envisioned for the project.

DC3-C-3. Support Natural Areas: Create an open space design that retains and enhances onsite natural areas and connects to natural areas that may exist off-site and may provide habitat for wildlife.

Ballard Supplemental Guidance:

DC3-1 Building-Open Space Relationship

DC3-1-a. Interior/Exterior Fit: Consider wrapping commercial uses around corners into any courtyards to create a gradual transition from public to private open space areas.

DC3-2 Open Space Uses and Activities

DC3-2-a. Meeting User Needs: Outside of pedestrian zones, large mixed-use and multifamily developments should incorporate ground-level open space when designing the massing.

1. Include windows, entries, balconies, and design elements of adjacent building facades that help activate the open space.
2. When possible, connect interior building common areas to the outdoor areas.
3. When a project incorporates restaurants or pubs, the design should include café seating along sidewalks and/or courtyards.
4. Create gradual transitions from street-level to any raised open areas by using wide steps with integrated landscaping and other welcoming elements.
5. Include green stormwater infrastructure where feasible.
6. In General Commercial areas, along 15th Ave. NW, incorporate into street-level setbacks elements such as pedestrian circulation areas, landscaping, lighting, weather protection, art, or other similar features that enhance the usability for

residents and businesses, and gives relief to pedestrians walking along a busy street.

DC3-3 Design

DC3-3-a. Amenities and Features: In the Residential In-Town and Civic Core, integrate landscaping in front of residences within the planting strip and/or in the required setback to add visual interest for people walking by, a habitat, and a privacy layering from sidewalks for residents.

DC4 Exterior Elements and Finishes: Use appropriate and high quality elements and finishes for the building and its open spaces.

DC4-A Exterior Elements and Finishes

DC4-A-1. 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.

DC4-A-2. Climate Appropriateness: Select durable and attractive materials that will age well in Seattle's climate, taking special care to detail corners, edges, and transitions.

DC4-B Signage

DC4-B-1. Scale and Character: Add interest to the streetscape with exterior signs and attachments that are appropriate in scale and character to the project and its environs.

DC4-B-2. Coordination with Project Design: Develop a signage plan within the context of architectural and open space concepts, and coordinate the details with façade design, lighting, and other project features to complement the project as a whole, in addition to the surrounding context.

DC4-C Lighting

DC4-C-1. Functions: Use lighting both to increase site safety in all locations used by pedestrians and to highlight architectural or landscape details and features such as entries, signs, canopies, plantings, and art.

DC4-C-2. Avoiding Glare: Design project lighting based upon the uses on and off site, taking care to provide illumination to serve building needs while avoiding off-site night glare and light pollution.

DC4-D Trees, Landscape, and Hardscape Materials

DC4-D-1. Choice of Plant Materials: Reinforce the overall architectural and open space design concepts through the selection of landscape materials.

DC4-D-2. Hardscape Materials: Use exterior courtyards, plazas, and other hard surfaced areas as an opportunity to add color, texture, and/or pattern and enliven public areas through the use of distinctive and durable paving materials. Use permeable materials wherever possible.

DC4-D-3. Long Range Planning: Select plants that upon maturity will be of appropriate size, scale, and shape to contribute to the site as intended.

DC4-D-4. Place Making: Create a landscape design that helps define spaces with significant elements such as trees.

DC4-E Project Assembly and Lifespan

DC4-E-1. Deconstruction: When possible, design the project so that it may be deconstructed at the end of its useful lifetime, with connections and assembly techniques that will allow reuse of materials.

Ballard Supplemental Guidance:

DC4-1 Building Materials

DC4-1-a. Exterior Finish Materials:

1. The structure's form and materials should respond to each other and changes in material should accompany a change in form or plane. Randomly changing materials within the same plane to reduce perceived bulk is discouraged.
2. Select materials that convey permanence:
 - On building cladding and details, avoid thin materials that buckle or warp.
 - Materials that require no or minimal maintenance are encouraged on larger buildings. Examples include: brick, steel, and fiber cement panel products with integral color.
 - Commercial development should incorporate materials that stand up to intensive public use.
 - Window openings should incorporate lintels and sills on a scale that is appropriate to the size of the building.
3. Avoid using a high variety of materials in an attempt to reduce bulk. Brick and stone masonry are preferred. Metal and other industrial finishes can be used to complement traditional materials or create interesting contrast.
4. Residential buildings should incorporate operable windows, and fine-scaled detailing without relying on single-family residential materials such as vinyl clapboards and shingles.
5. Use new technology and energy-saving techniques, quality materials, and designs that allow long-term flexibility of uses in a manner that expresses an integration of form, function and materials to create buildings that age gracefully.
6. New buildings in the Character Core and Civic Core should reflect the larger scale and significant investment found there.
 - a) Traditional materials like brick and stone are preferred for the Character Core.
 - b) In the Civic Core, use durable and modern materials such as metal, wood, glass, and brick that are in scale with new development. Bold colors and volumes similar to those expressed in the Ballard Library and Greenfire buildings are encouraged.
 - c) Projects should reinforce the historic character with use of high quality materials and a selective color palette.
 - d) The detailing and texture of materials used at street-level in the Character Core and Civic Core should reflect the pedestrian scale.

DC4-2 Signage

DC4-2-a. Scale and Character: In addition to all requirements found in the Sign Code, the following guidelines also apply:

1. Indirectly lit signs are preferred. Internally illuminated signs are generally not appropriate within the neighborhood design guideline boundary (Ballard Urban Village) except on 15th Ave NW and 24th Ave NW. Where backlit signs are used, they should be integrated into the building architecture.
2. Awnings, especially if backlit, should not be the primary signage.
3. Shingle signs, signage integrated into the transom or cornices, and applied to display windows are preferred for the Character Core and Civic Core.
4. Consider complex shapes rather than simple rectangles, circles or squares where they complement the architectural expression of the building and/or neighborhood.

DC4-2-b. Coordination with Project Design: Size and locate signs to complement the architectural scale of the façade, and to not obscure or bridge horizontal and vertical elements such as cornices, transoms, or beltlines.

RECOMMENDATIONS

The recommendation summarized above was based on the design review packet dated March 7, 2022, and the materials shown and verbally described by the applicant at the March 7, 2022, 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 condition:

1. Work with staff to incorporate sufficient safety measures into the design to ensure a safe exit from the driveway access on NW 54th Street (PL2-B. Safety and Security, *Ballard* DC1-1. Vehicular Access and Circulation, DC1-B-1. Access Location and Design, DC1-C-4. Service Uses).

ANALYSIS & DECISION – DESIGN REVIEW

DIRECTOR’S ANALYSIS

The design review process prescribed in Section 23.41.008.F of the Seattle Municipal Code describing the content of the SDCI Director’s decision reads in part as follows:

The Director’s decision shall consider the recommendation of the Design Review Board, provided that, if four (4) members of the Design Review Board are in agreement in their recommendation to the Director, the Director shall issue a decision which incorporates the full substance of the recommendation of the Design Review Board, unless the Director concludes the Design Review Board:

- a. Reflects inconsistent application of the design review guidelines; or
- b. Exceeds the authority of the Design Review Board; or
- c. Conflicts with SEPA conditions or other regulatory requirements applicable to the site; or
- d. Conflicts with the requirements of state or federal law.

Subject to the recommended conditions, the design of the proposed project was found by the Design Review Board to adequately conform to the applicable Design Guidelines.

At the conclusion of the Recommendation meeting held on March 7, 2022, the Board recommended approval of the project with the condition described in the summary of the Recommendation meeting above.

Five members of the Northwest Design Review Board were in attendance and provided recommendations (listed above) to the Director and identified elements of the Design Guidelines which are critical to the project’s overall success. The Director must provide additional analysis of the Board’s recommendations and then accept, deny or revise the Board’s recommendations (SMC 23.41.014.F3).

The Director agrees with the Design Review Board's conclusion that the proposed project and condition imposed result in a design that best meets the intent of the Design Review Guidelines and accepts the recommendations noted by the Board.

Following the Recommendation meeting, SDCI staff worked with the applicant to update the submitted plans to include the recommendations of the Design Review Board.

Applicant response to the Recommended Design Review Condition:

1. The applicant responded with a memo on April 28, 2022, explaining the proposed safety measures intended to address Condition #1 as recommended by the Northwest Design Review Board. According to the memo, wall-mounted mirrors on the garage interior, tactile warning strips on the driveway apron, and signage will be used to provide a safe exit from the driveway access on NW 54th Street. These items are shown in the MUP plan set on sheets G2.07, A1.01, and A2.01. This response satisfies the recommended condition for the MUP decision.

The applicant shall be responsible for ensuring that all construction documents, details, and specifications are shown and constructed consistent with the approved MUP drawings.

The Director of SDCI has reviewed the recommendations of the Design Review Board made by the 5 members present at the recommendation meeting and finds that they are consistent with the City of Seattle Design Review Guidelines. The Director is satisfied that all the recommendations imposed by the Design Review Board have been met.

DIRECTOR'S DECISION

The Director accepts the Design Review Board's recommendations and **CONDITIONALLY APPROVES** the proposed design and the requested departures with the condition at the end of this report.

II. ANALYSIS – REZONE

Seattle Municipal Code (SMC) Chapter 23.34, "Amendments to Official Land Use Map (Rezoning)," allows the City Council to approve a map amendment (rezone) according to procedures as provided in Chapter 23.76, Procedures for Master Use Permits and Council Land Use Decisions. The owner/applicant has made application, with supporting documentation, per SMC 23.76.040.D, for an amendment to the Official Land Use Map. Contract rezones and Property Use and Development Agreements (PUDAs) are provided for in the Code at SMC 23.34.004.

The applicable requirements for this rezone proposal are stated in SMC 23.34.004 (*Contract rezoning*), 23.34.006 (*Application of MHA suffixes in Type IV rezoning*), 23.34.007 (*Rezone evaluation*), 23.34.008 (*General rezone criteria*) and 23.34.009 (*Height limits*), 23.34.072 (*Designation of commercial zones*), 23.34.076 (*Neighborhood Commercial 2 (NC2) zones, function and locational criteria*), 23.34.078 (*Neighborhood Commercial 3 zones, function and locational criteria*), 23.34.086 (*Pedestrian designation (suffix P), function and locational criteria*), 23.34.090 (*Designation of industrial zones*), 23.34.094 (*Industrial Buffer (IB) zone*,

function and locational criteria), and 23.34.096 (Locational criteria—Industrial Commercial (IC) zone), and 23.34.128 (Seattle Mixed (SM) zone, function and locational criteria).

Applicable portions of the rezone criteria are shown in *italics*, followed by analysis in regular typeface.

SMC 23.34.004 Contract Rezones.

- A. *Property Use and Development Agreement. The Council may approve a map amendment subject to the execution, delivery, and recording of a property use and development agreement (PUDA) executed by the legal or beneficial owner of the property to be rezoned containing self-imposed restrictions upon the use and development of the property in order to ameliorate adverse impacts that could occur from unrestricted use and development permitted by development regulations otherwise applicable after the rezone. All restrictions imposed by the PUDA shall be directly related to the impacts that may be expected to result from the rezone.*

A Property Use and Development Agreement (PUDA) will be executed and recorded as a condition of the contract rezone. The Director recommends that the PUDA include conditions requiring development of the rezoned property to be in substantial conformance, as determined by the Director, with the approved plans for Master Use Permit number 3037590-LU; and to maintain non-residential uses along the south side of the building, as discussed below in response to SMC 23.34.008.D.

- B. *Notwithstanding any contrary provision of subsection 23.34.004.A, the Council may approve a map amendment subject to execution, delivery, and recording of a property use and development agreement (PUDA) executed by the legal or beneficial owner of the property to be rezoned containing self-imposed restrictions applying the provisions of Chapter 23.58B or Chapter 23.58C to the property. The Director shall by rule establish payment and performance amounts for purposes of subsections 23.58C.040.A and 23.58C.050.A that shall apply to a contract rezone until Chapter 23.58C is amended to provide such payment and performance amounts for the zone designation resulting from a contract rezone.*

In November 2015, the City Council passed Ordinance 124895 creating a new Land Use Code Chapter 23.58B, *Affordable Housing Impact Mitigation Program Development Program for Commercial Development* (MHA-C). The Council followed this, in August 2016, with Ordinance 125108 creating a new Land Use Code Chapter 23.58C, *Mandatory Housing Affordability for Residential Development* (MHA-R). The rezoned property is subject to Chapters 23.58B and 23.58C through the terms of a contract rezone in accordance with SMC 23.34.004 and Director's Rule 14-2016.

A Director's Rule (*Application of Mandatory Housing Affordability for Residential Development [MHA-R] in contract rezones, DR 14-2016*) has been approved pursuant to SMC 23.34.004.B. The rule specifies how to determine the appropriate MHA suffix. Application of the Director's Rule indicates that the proposed rezone from IC-65 to NC3P-75 would fall into tier *M*, and therefore receive an (*M*) suffix; consistent with the proposal.

The associated development under the proposed rezone to NC3P-75 (*M*) is subject to the MHA provisions of SMC 23.58B and/or 23.58C. The applicant has elected the MHA

performance option, as indicated on sheet G2.03 of the plan set for this Master User Permit number 3037590.

- C. *A contract rezone shall be conditioned on performance or compliance with the terms and conditions of the PUDA. Council may revoke a contract rezone or take other appropriate action allowed by law for failure to comply with a PUDA. The PUDA shall be approved as to form by the City Attorney, and shall not be construed as a relinquishment by the City of its discretionary powers.*

A PUDA will be executed and recorded as a condition of the contract rezone from Industrial-Commercial [IC-65 (M)] to Neighborhood Commercial 3 with a Pedestrian designation and Mandatory Housing Affordability (MHA) designation of “M” [NC3P-75 (M)] with the recommended condition that the development shall be in substantial conformance, as determined by the director, with the approved plans for Master Use Permit number 3037590-LU; and non-residential uses shall be maintained along the south side of the building. The recorded conditions will facilitate the use of an MHA “M” suffix, pedestrian “P” suffix, and any associated development standards identified in the Code for Neighborhood Commercial 3 zones with a 75-foot height limit.

- D. *Waiver of Certain Requirements. The ordinance accepting the PUDA may waive specific bulk or off-street parking and loading requirements if the Council determines that the waivers are necessary under the agreement to achieve a better development than would otherwise result from the application of regulations of the zone. No waiver of requirements shall be granted that would be materially detrimental to the public welfare or injurious to property in the zone or vicinity in which the property is located.*

At the time of SDCI recommendation, no waivers to requirements were requested.

23.34.006 - Application of MHA suffixes in Type IV rezones

- A. *When the Council approves a Type IV amendment to the Official Land Use Map that increases development capacity in an area to which Chapters 23.58B and 23.58C have not previously been applied, the following provisions govern application of Chapters 23.58B and 23.58C to the rezoned area through use of a mandatory housing affordability suffix:*
1. *If the rezone is to another zone in the same MHA zone category according to Table A for 23.34.006, the new zone should have a (M) suffix.*
 2. *If the rezone is to another zone that is one category higher than the existing zone according to Table A for 23.34.006, the new zone should have a (M1) suffix.*
 3. *If the rezone is to another zone that is two or more categories higher than the existing zone according to Table A for 23.34.006, the new zone should have a (M2) suffix.*

Chapters 23.58B and 23.58C have been previously applied to the project site. Both existing zones within the site contain an (M) suffix.

- B. *When the Council approves a Type IV amendment to the Official Land Use Map in an area to which Chapters 23.58B and 23.58C have previously been applied through the use of a*

mandatory housing affordability suffix, the suffix for the new zone shall be determined as follows:

- 1. If the rezone would not increase development capacity or is to another zone in the same MHA zone category according to Table A for 23.34.006, the MHA suffix should not change.*
- 2. If the rezone is to another zone that is one category higher than the existing zone according to Table A for 23.34.006, the new zone should:*
 - a. Have a (M1) suffix if it currently has an (M) suffix; or*
 - b. Have a (M2) suffix if it currently has an (M1) or (M2) suffix.*
- 3. If the rezone is to another zone that is two or more categories higher than the existing zone according to Table A for 23.34.006, the new zone should have a (M2) suffix.*

The existing IC-65 (M) zone and the proposed NC3P-75 (M) zone are both in Category 4 according to Table A of SMC 23.34.006. Because they are both in Category 4, the proposed NC3P-75 zone should have an (M) suffix.

SMC 23.34.007 Rezone Evaluation.

- A. The provisions of this chapter shall apply to all rezones, except correction of mapping errors. In evaluating proposed rezones, the provisions of this chapter shall be weighed and balanced together to determine which zone or height designation best meets these provisions. In addition, the zone function statements, which describe the intended function of each zone designation, shall be used to assess the likelihood that the area proposed to be rezoned would function as intended.*

This rezone is not proposed to correct a mapping error, and therefore the provisions of this chapter apply. In evaluating the proposed rezone, the provisions of this chapter have been weighed and balanced together to determine which zone and height designation best meets the provisions of the chapter. Additionally, the zone function statements have been used to assess the likelihood that the proposed rezone will function as intended.

- B. No single criterion or group of criteria shall be applied as an absolute requirement or test of the appropriateness of a zone designation, nor is there a hierarchy or priority of rezone considerations, unless a provision indicates the intent to constitute a requirement or sole criterion.*

This analysis evaluates a range of criteria as they apply to the subject rezone and as identified in Chapter 23.34 Amendments to Official Land Use Map (Rezoning) and Seattle Municipal Code (listed at the beginning of this “Analysis” section) and subject to the requirements of SMC 23.58.B and 23.58.C. No provision of the rezone criteria establishes a particular requirement or sole criterion that must be met for rezone approval. Thus, the various provisions are to be weighed and balanced together to determine the appropriate zone designation for the property.

- C. Compliance with the provisions of this chapter shall constitute consistency with the Comprehensive Plan for the purpose of reviewing proposed rezones, except that*

Comprehensive Plan Shoreline Environment Policies shall be used in shoreline environment redesignations as provided in SMC subsection 23.60A.042.C.

The proposed rezone is not a shoreline environment redesignation. The Comprehensive Plan Shoreline Policies were not used in this analysis.

- D. Provisions of this chapter that pertain to areas inside of urban centers or villages shall be effective only when a boundary for the subject center or village has been established in the Comprehensive Plan. Provisions of this chapter that pertain to areas outside of urban villages or outside of urban centers shall apply to all areas that are not within an adopted urban village or urban center boundary.*

The entire subject site is located within the Ballard Hub Urban Village with boundaries as established in the Comprehensive Plan. The proposed rezone has been evaluated according to the provisions of this chapter that apply to areas that are inside of urban villages.

- E. The procedures and criteria for shoreline environment redesignations are located in Sections 23.60A.042, 23.60A.060 and 23.60A.220.*

The subject rezone is not a redesignation of a shoreline environment and therefore is not subject to Shoreline Area.

- F. Mapping errors due to cartographic or clerical mistakes may be corrected through process required for Type V Council land use decisions in SMC Chapter 23.76 and do not require the evaluation contemplated by the provisions of this chapter.*

The subject rezone is not a correction of a mapping error and so should not be evaluated as a Type V Council land use decision.

SMC 23.34.008 General rezone criteria.

- A. To be approved a rezone shall meet the following standards:*

- 1. In urban centers and urban villages, the zoned capacity for the center or village taken as a whole shall be no less than 125% of the growth targets adopted in the Comprehensive Plan for that center or village.*
- 2. For the area within the urban village boundary of hub urban villages and for residential urban villages taken as a whole the zoned capacity shall not be less than the densities established in the Growth Strategy Element of the Comprehensive Plan.*

The site is located within the Ballard Hub Urban Village. Hub Urban Villages include residential and employment growth targets within the Seattle Comprehensive Plan 2035. The current residential density (as of September 2022) in the Ballard Hub Urban Village is 24.7 dwelling units per acre, which is more than 125% of the residential growth target of 15 dwelling units per acre. Outside of caretaker units, residential uses are not permitted within the current IC-65 (M) zone. The proposed NC3P-75 (M) zone permits multi-

family residential units, which would result in an overall increase to the zoned capacity for residential.

The employment density (as of March 2021) in the Ballard Hub Urban Village is 15.4 jobs per acre. The zoned employment capacity of the Ballard Hub Urban Village, at 23.8 jobs per acre, is less than the growth target of 25 jobs per acre. Because both the existing and proposed zone designations allow for commercial development, the proposed rezone and associated development are not expected to significantly alter the employment capacity of the Ballard Hub Urban Village and for urban villages as a whole.

- B. Match between Established Locational Criteria and Area Characteristics. The most appropriate zone designation shall be that for which the provisions for designation of the zone type and the locational criteria for the specific zone match the characteristics of the area to be rezoned better than any other zone designation.*

This proposed rezone includes a change to the zone designation; therefore, an analysis of the zone type and locational criteria is required. Please see the functional and locational criteria analyses for the relevant zones below. Analyses of the Neighborhood Commercial 2 (NC2), Neighborhood Commercial 3 (NC3), Industrial-Commercial (IC), Industrial Buffer (IB), and Seattle Mixed (SM) zones are included below. Analysis of these specific zones is included because their locational criteria appear to be the most applicable to the characteristics of the project site and surroundings.

- C. Zoning History and Precedential Effect. Previous and potential zoning changes both in and around the area proposed for rezone shall be examined.*

Zoning History

The project site is split-zoned with Industrial-Commercial zoning on the western three-quarters of the project site and Neighborhood-Commercial 3 zoning on the eastern quarter of the site. Historical zoning information shows that the current zoning division within the site between Industrial and Commercial zoning has been present since at least 1961.

- **1947 Zoning Map:** The zoning classification of the entire project site is identified as “First Manufacturing District”.
- **1961 Zoning Map:** The site is shown with split zoning similar to the current zone boundaries with the western portion of the site zoned “General Industrial Zone” and the eastern portion of the site zoned “Community Business Zone.”
- **1973 Zoning Map:** This zoning map shows the same zoning for the project site as 1961 zoning map.
- **1994 Ordinance 117221:** This ordinance approved the 1994 Seattle Comprehensive Plan, which introduced the Ballard Hub Urban Village. The project site is located within the Ballard Hub Urban Village and was included at the time of this initial adoption.
- **1995 Ordinance 117434:** This approved rezone designated the eastern quarter of the project site as the Neighborhood Commercial (NC3-65) zone and the General Industrial (IG2 U/65) zone on the western three-quarters of the project site.
- **2010 Ordinance 123282:** This ordinance rezoned the western portion of site from General-Industrial (IG2 U/65) to Industrial-Commercial (IC-65).

- **2019 Ordinance 125791:** The Housing Affordability and Livability Agenda (HALA) rezoned the site in April 2019. The eastern portion of the site was rezoned from NC3P-65 to NC3P-75 (M), which added 10 feet to the permitted height of the eastern quarter of the site while adding the MHA suffix. The western portion of the site was rezoned from IC-65 to IC-65 (M), which only added the MHA suffix.

The zoning history listed above shows that the project site has a history of split zoning between industrial and commercial zoning. All three listed rezones since 1995 have included an area larger than just the project site and do not appear to include analysis of the site and the reasons for the split zoning. Instead, these rezones appear to have respected the existing division between Industrial-Commercial and Neighborhood-Commercial zoning.

Potential Changes to Industrial Zoning

The City of Seattle Office of Planning and Community Development (OPCD) is currently examining the City's Industrial and Maritime Strategy related to the use of industrially-zoned land throughout the city. A final Environmental Impact Statement (EIS) was produced in September 2022 that identifies potential new industrial zoning classifications to replace current industrial zoning classifications citywide and examines concepts for deploying these zoning classifications on land currently zoned industrial.

The final EIS examines four concepts for deploying these industrial zoning classifications. In general, these four concepts and associated policies focus on providing stronger land-use protections for industrial areas; encouraging modern high-density industrial development; and creating affordable opportunities for small-scale light-industrial businesses; while improving the environmental health of communities in and near industrial areas.

The final EIS includes a preferred alternative concept. According to the preferred alternative, the Industrial-Commercial zone that includes the project site and extends to the west for approximately two blocks would be maintained in its current location along the south side of NW Market Street. This Industrial-Commercial zoning would be preserved with the intent to provide a buffer of industrial and commercial uses while restricting multi-family residential uses along the south side of NW Market Street. The final EIS does not appear to reach a level of detail that examines the zoning of individual sites like the split zoning on the project site.

23.34.008.D Summary: The project site's zoning history shows that the zoning division on the site between Industrial and Commercial zoning dates back to at least the 1960s. Available information does not explain why the zoning division currently occurs within the project site. Rezones within the last 30 years that have included the site have not addressed the split zoning of the site. As discussed in subsequent sections, revising the location of the Industrial/Neighborhood Commercial transition from within the project site to 26th Avenue NW would provide stronger definition of the current Industrial-Commercial/Neighborhood Commercial zone transition.

OPCD is currently examining revisions to the city's Comprehensive Plan and Land Use Code to align with the City's Industrial and Maritime Strategy. The preferred alternative within the final EIS completed by OPCD shows no change to the Industrial-Commercial zone on the project site and no change to the current split-zoning with Neighborhood Commercial 3. Implementation of policy amendments and land use recommendations related to the Industrial and Maritime Strategy land use recommendations is anticipated in Winter 2023.

D. Neighborhood Plans

1. *For the purposes of this title, the effect of a neighborhood plan, adopted or amended by the City Council after January 1, 1995, shall be as expressly established by the City Council for each such neighborhood plan.*

The applicable Crown Hill/Ballard Neighborhood Plan was adopted on August 19, 1998 through ordinance 119111. Since that initial plan adoption, goals and policies applicable to the Crown Hill/Ballard neighborhood have been updated through comprehensive plan processes. The current form of these goals and policies can be found in the Seattle 2035 Comprehensive Plan, beginning on page 241.

2. *Council adopted neighborhood plans that apply to the area proposed for rezone shall be taken into consideration.*

The adopted portions of the Crown Hill/Ballard Neighborhood Plan located within the Seattle 2035 Comprehensive Plan include only one policy (CH/B-P6.5) that specifically refers to future rezones, and addresses single-family-zoned portions of split-zoned lots having an existing multifamily use. The proposed rezone does not include single-family zoning, so this policy does not apply to the proposed rezone.

The adopted Seattle 2035 Comprehensive Plan contains policies specific to the Crown Hill/Ballard Neighborhood, which includes the project site. The following policies may apply to the proposed rezone:

Policy CH/B-P5 Accommodate the majority of new housing units and increases in density in the central areas of the Ballard and Crown Hill urban villages.

The site is located in the Ballard Hub Urban Village. The development proposal associated with this rezone includes 107 multi-family residential units, which is consistent with this policy.

Policy CH/B-P10 Strive to improve the pedestrian environment along NW Market Street while retaining its function as a principal arterial.

Although the site is located along the south side of NW Market Street, the street is not classified as a principal arterial in this location. The principal arterial designation is located to the east of 15th Avenue, approximately 0.6 miles to the east of the site. The portion of NW Market Street west of 15th Ave NW, including the frontage adjacent to the site, is mapped as a minor arterial.

The proposed development of the site includes the construction of sidewalks along the three street frontages surrounding the site. 26th Avenue NW to the west of the site and NW 54th Street to the south of the site currently do not have sidewalk along the project site. The associated development proposal also includes ground level commercial spaces along NW Market Street and proposes a building design with a high-level of ground-level transparency into the commercial spaces and outdoor seating spaces. The proposed rezone includes a pedestrian designation with a “P”

suffix that includes additional zoning requirements to enhance pedestrian-oriented design of the project site frontage.

Policy CH/B-P19 Address the lack of affordable live-work spaces for artists and others in Seattle through promoting the adaptive reuse of historic buildings in the Ballard Landmark District and other nearby areas as appropriate.

The proposed rezone will not help to reuse existing buildings because there are no existing buildings on-site. However, the proposed development includes live-work units on the south side of the site, which include overhead roll-up doors and interior spaces that are potentially conducive to small-scale artist spaces and other uses. The application does not contain information about the intended affordability of the live-work spaces.

Policy CH/B-P20 Seek to attract industrial uses that could have a symbiotic relationship with the local arts community, including but not limited to, glass-blowing facilities, welding and metalwork shops, facilities that recycle materials into usable objects, woodworking facilities, or large-scale ceramics.

The current IC-65 (M) zone allows for a range of manufacturing uses, which includes the types of uses listed above. The proposed NC3P-75 (M) zone only allows for small-scale light-manufacturing uses, but not general or heavy manufacturing, which limits potential uses to the production of materials that do not need to be refined. Although the IC-65 (M) zone would allow for a wider range of industrial uses than the proposed NC3P-75 (M) zone, there is not an existing building on-site, and the site appears to be undeveloped throughout its history.

3. *Where a neighborhood plan adopted or amended by the City Council after January 1, 1995, establishes policies expressly adopted for the purpose of guiding future rezones, but does not provide for rezones of particular sites or areas, rezones shall be in conformance with the rezone policies of such neighborhood plan.*

The adopted portions of the Crown Hill/Ballard Neighborhood Plan do not include any policies expressly adopted for the purpose of guiding future rezones.

4. *If it is intended that rezones of particular sites or areas identified in a Council adopted neighborhood plan are to be required, then the rezones shall be approved simultaneously with the approval of the pertinent parts of the neighborhood plan.*

The Council-adopted portions of the Crown Hill/Ballard Neighborhood Plan do not identify any specific areas for rezone.

SMC 23.34.008.D Conclusion: There are no specific policies in the Crown Hill/Ballard Neighborhood Plan to guide rezones. The proposed rezone is consistent with Crown Hill/Ballard policies to increase residential densities in the Ballard Hub Urban Village and improve the pedestrian environment along arterial streets. Two policies in particular recommend the implementation of small-scale industrial uses within the area surrounding the project site. The proposed mixed-use development associated with this rezone includes live-work units facing NW 54th Street that could support artist work spaces and similar uses

intended by the Crown Hill/Ballard policies of the Seattle Comprehensive Plan 2035. The Director recommends a condition to maintain non-residential uses along the south side of the building.

E. Zoning Principles. The following zoning principles shall be considered:

- 1. The impact of more intensive zones on less intensive zones or industrial and commercial zones on other zones shall be minimized by the use of transitions or buffers, if possible. A gradual transition between zoning categories, including height limits, is preferred.*

According to the Land Use Code, all industrial zones surrounding the project site are considered to be more-intensive than the proposed Neighborhood Commercial 3 zone. This includes the Industrial-Commercial (IC-65) zone to the west, the Industrial Buffer (IB U/45) zone to the north, and the Industrial-General (IG U/65) zone to the south.

Close proximity between Industrial and Neighborhood Commercial zones is a common feature in the area surrounding the project site. A zone transition between Industrial-General zoning, which allows for relatively intense industrial uses, and Neighborhood Commercial zoning, which allows for multi-family residential uses extends from the project site to the east and southeast for approximately a half mile. Although the proposed rezone would increase the amount of Neighborhood Commercial zoning in close proximity to more intensive industrial zoning, it would also shift the current zone boundary from within the project site to the surrounding street frontages, which act as more natural zone transition boundaries.

The City of Seattle Office of Planning and Community Development (OPCD) completed a final EIS in September 2022, that examined potential policy and code changes to industrial zoning. This draft EIS also examined impacts related to industrial zoning citywide. Based on this report, potential noise impacts caused by industrial uses in close proximity to residential uses appear to be most applicable to the proposed rezone. The final EIS notes that Ballard is not one of the existing industrial areas in Seattle that is classified as “noise-impacted” where noise levels exceed 65 dBA. However, it also notes that noise impacts contributed by industrial areas in Ballard could occur in residential areas adjacent to the periphery industrial areas.

Public comment received from industrial business interests expressed some concern about the increase of Neighborhood Commercial zoning adjacent to industrially-zoned land and the potential for noise-related incompatibility. According to the Seattle Noise Ordinance in SMC Chapter 25.08, the maximum exterior sound level limits of industrial zones are 70 DB where sound receiving sites are also industrial. These maximum sound level limits are reduced to 65 DB for industrial sites where receiving sites have commercial zoning. The proposed rezone, which would add commercially-zoned land adjacent to industrial zoning, may have the effect of reducing the permitted sound levels of the industrial zone.

In order to address potential noise impacts related to the rezone and proposed development, the applicant has proposed in its MUP Land Use Correction Notice #1 dated January 14, 2022, the installation of double-paned windows facing the industrial uses to the south of the project site.

2. *Physical buffers may provide an effective separation between different uses and intensities of development. The following elements may be considered as buffers:*

- a. *Natural features such as topographic breaks, lakes, rivers, streams, ravines and shorelines;*
- b. *Freeways, expressways, other major traffic arterials, and railroad tracks;*
- c. *Distinct change in street layout and block orientation;*
- d. *Open space and greenspaces;*

The current boundary between the Industrial-Commercial and Neighborhood-Commercial zones occurs within the site, giving the site split-zoning between the Industrial-Commercial and Neighborhood Commercial 3 zones. The proposed rezone would shift this zone transition to the surrounding streets: NW Market Street, 26th Avenue NW, and NW 54th Street. NW Market Street is an arterial street, which is listed above as an appropriate buffer. Although 26th Avenue NW is not a major road, it will be widened and improved with development of the site, allowing it to serve as a logical zoning boundary.

3. *Zone Boundaries*

- a. *In establishing boundaries the following elements shall be considered:*
 - (1) *Physical buffers as described in 23.34.008.E.2; and*
 - (2) *Platted lot lines.*

The site is currently a split-zoned parcel with a zone transition that is not currently located along a platted lot line or any of the physical buffers described in 23.34.008.E.2. The proposed rezone would establish the transition between Industrial-Commercial and Neighborhood Commercial along surrounding streets instead of its current location within an existing parcel and not along a platted lot line. Separation of Industrial and Neighborhood Commercial zones along existing streets is an established zoning pattern within the area surrounding the site.

- b. *Boundaries between commercial and residential areas shall generally be established so that commercial uses face each other across the street on which they are located, and face away from adjacent residential areas. An exception may be made when physical buffers can provide a more effective separation between uses.*

The project site and surrounding blocks are generally characterized by a mix of commercial, multi-family, and mixed-use development within the same block faces. Due to this existing context, avoiding zone transitions along street frontages is less important surrounding the project site than in other parts of the city where there are distinct residential and commercial areas existing side-by-side. Appropriately addressing surrounding street frontages using ground-level commercial storefront spaces and massing shifts was addressed by the applicant

through the design review process. Additionally, the development will address the maritime-industrial uses to the south with live-work units that could accommodate small scale light-industrial uses. Because of these design aspects of the proposed development, a strict separation of residential versus non-residential uses based on street frontages is not necessary in this location.

4. *In general, height limits greater than 55 feet should be limited to urban villages. Height limits greater than 55 feet may be considered outside of urban villages where higher height limits would be consistent with an adopted neighborhood plan, a major institution's adopted master plan, or where the designation would be consistent with the existing built character of the area.*

The proposed NC3P-75 (M) zone would permit building heights greater than 55 feet. The site is located within the Ballard Hub Urban Village, which is consistent with this section.

- F. *Impact Evaluation. The evaluation of a proposed rezone shall consider the possible negative and positive impacts on the area proposed for rezone and its surroundings.*

1. *Factors to be examined include, but are not limited to, the following:*

- a. *Housing, particularly low-income housing;*

The proposed project will not result in any reduction in existing housing stock. Furthermore, it will have a positive effect on the supply of housing on the site and its surroundings by providing 107 new residential dwelling units and 3 live/work units. The PUDA will ensure that the property is subject to the provisions of Chapters 23.58B and 23.58C. Because commercial and residential development are proposed, participation in the program will yield affordable housing through on-site performance or an in lieu payment.

- b. *Public services;*

Though demand for public services may increase with an increased population of residents, the added population will strengthen the community by contributing to the critical mass necessary to support neighborhood services anticipated in the neighborhood plan.

Public services will be available to the project due to its location in a highly developed urban area.

Finally, the increased security provided by a developed site with security lighting and the surveillance of eyes on the street provided by multiple residents is seen as having a positive impact and may be seen as mitigating the increased demand for some public safety services.

- c. *Environmental factors, such as noise, air and water quality, terrestrial and aquatic flora and fauna, glare, odor, shadows, and energy conservation;*

The potential impacts of the proposed rezone and development project are identified in greater detail in the SEPA analysis in this report. The additional height and residential density that would be permitted through the rezone will not significantly increase shadow impacts to surrounding sites. The only shared lot line condition is to the east of the proposal where the adjacent structure reaches a height of 65 feet, which is not significantly shorter than the maximum permitted height of the proposed Neighborhood Commercial 3 zone (75 feet). Shadow studies are provided in the MUP plans. No odor or noise-producing uses are proposed as part of the project. Noise excessive of the urban environment will not be produced by the project. Air and water quality will not be impacted, nor will terrestrial and aquatic flora and fauna. The project will comply with existing energy codes.

d. Pedestrian safety

The project will go through the Street Improvement Permit (SIP) review process with the Seattle Department of Transportation to ensure compliance with the most current requirements for sidewalk and landscaping improvements, including widening the sidewalks where required. The proposed development will construct sidewalks along the 26th Avenue NW and 54th Street NW frontages, which currently do not have sidewalks.

e. Manufacturing activity;

The proposed rezone to Neighborhood Commercial 3 is unlikely to negatively impact current or future manufacturing activity within the surrounding area.

The site is undeveloped. Based on information submitted by the applicant, the site has remained undeveloped throughout its history.

Letters from real estate professionals submitted by the applicant document the characteristics of the site that make it unlikely to house a significant industrial development. See letters from Colliers Seattle, dated January 6, 2022, and May 17, 2022; and Washington Real Estate Advisors dated May 17, 2022. These letters identify the relatively small size of the site, its location removed from more-competitive and accessible parts of the region, and its lack of direct access to rail and water transportation as factors that will inhibit industrial development with significant levels of employment. An additional letter dated May 22, 2022, from Pacific Fishermen, Inc., the owner of the project site, describes the various unsuccessful attempts to market the project site to various commercial and industrial uses.

The proposed rezone and associated development is unlikely to negatively impact the current industrial and manufacturing activity surrounding the site. The proposed development of the site associated with the rezone would widen and improve 26th Avenue NW to allow turning movements from industrial uses to the south of the site, which should be a positive impact for nearby industrial activity. The relatively small increase in Neighborhood Commercial 3 zoning surrounded

by industrial zoning is unlikely to result in significant noise restrictions on surrounding industrial/manufacturing uses.

f. Employment activity;

The proposed rezone is unlikely to negatively impact employment activity. As described above, the site appears to be undeveloped throughout its history and does not have the inherent characteristics to house an industrial use that would generate significant employment. The proposed rezone includes a development proposal for a mixed-use development with ground-floor commercial uses. The ground-floor commercial spaces are expected to generate employment within the project site.

g. Character of areas recognized for architectural or historic value;

There are no existing buildings on-site. There are no designated landmark buildings surrounding the site, nor any properties listed for potential landmark status. The Ballard Avenue Historic District is located two blocks to the east of the site, and the proposed rezone is not anticipated to negatively impact its character.

h. Shoreline view, public access and recreation.

The undeveloped nature of the site allows for views of the ship canal from some areas to the north of the site. Although shoreline views are currently available, the current Industrial-Commercial zoning allows for a maximum height limit of 65 feet. The proposed NC3P-75 (M) zone would increase the permitted height by 10 feet to 75 feet. The additional 10 feet of permitted height would likely have minimal additional impact on shoreline views from areas to the north of the site compared to the existing zoning.

The proposed NC3P-75 (M) zone and associated development do not appear to negatively impact public access and recreation. Improvements to 26th Avenue NW associated with the proposed mixed-use development on the project site are likely to improved public access to surrounding areas, especially to industrial uses to the south of the project site.

2. Service Capacities. Development which can reasonably be anticipated based on the proposed development potential shall not exceed the service capacities which can reasonably be anticipated in the area, including:

- a. Street access to the area;*
- b. Street capacity in the area;*
- c. Transit service;*
- d. Parking capacity;*
- e. Utility and sewer capacity;*
- f. Shoreline navigation*

The applicant submitted a Final Technical Memorandum (Transpo Group, December 9, 2021), examining potential traffic and parking impacts related to the development proposal associated with the rezone. The memorandum found that “no significant transportation impacts are anticipated as a result of the proposed mixed-use development. The proposed project vehicular, non-motorized and transit trips would be fully accommodated by the existing transportation system.” Additionally, the development will include construction/replacement of sidewalks along its three street frontages. There is currently no sidewalk along the 26th Avenue NW and NW 54th Street frontages.

The site is located within a Hub Urban Village and a frequent transit service area with a high-level of transit capacity. Significant residential development beyond the project site is anticipated within the Ballard Hub Urban Village.

The development proposal associated with the rezone includes 67 parking spaces. Based on the King County Right Size Parking Calculator the residential use site is estimated to have a parking demand rate of 0.55 stalls/unit, which results in a peak parking demand of approximately 62 vehicles. The non-residential use is expected to have a peak demand of 4 parking spaces.

With respect to utility and sewer capacity, a Water Availability Certificate will be required. No issues of water or sewer capacity are anticipated given infrastructure upgrades implemented by Seattle Public Utilities (SPU). Water capacity information provided by SPU states that a “12-inch distribution main in NW 54th St is sufficient and available for this project’s needs.”

The project site is not located within any shoreline area and therefore no impacts to shoreline navigation are anticipated.

Public comment associated with the master use permit identified a concern about potential impacts to truck traffic caused by the proposed development. Specifically, comments were concerned that the turning radii needed for truck movements to and from the adjacent industrial area to the south of the project site would be impacted by the proposed development. The current SIP, which includes improvements on surrounding streets associated with the proposed development, allows for the truck turning movements discussed in public comments. This includes the improvements associated with 26th Avenue NW adjacent to the site to the west.

G. Changed circumstances. Evidence of changed circumstances shall be taken into consideration in reviewing proposed rezones, but is not required to demonstrate the appropriateness of a proposed rezone. Consideration of changed circumstances shall be limited to elements or conditions included in the criteria for the relevant zone and/or overlay designations in this Chapter 23.34.

SDCI is not aware of changed circumstances related to elements or conditions included in the applicable rezone criteria that will need to be taken into consideration to evaluate the appropriateness of the proposed rezone. The proposed rezone can be considered using the rezone criteria and zone characteristics currently in-place.

- H. Overlay Districts. If the area is located in an overlay district, the purpose and boundaries of the overlay district shall be considered.*

The site is located in the Airport Height Overlay. The proposed NC3P-75 (M) zone and the associated development will not exceed the maximum building height permitted by this overlay district in the area surrounding the project site.

- I. Critical Areas. If the area is located in or adjacent to a critical area (SMC Chapter 25.09), the effect of the rezone on the critical area shall be considered.*

There are no critical areas identified on the site. This criterion is not applicable.

23.34.009 Height limits of the proposed rezone.

Where a decision to designate height limits in Neighborhood Commercial or Industrial zones is independent of the designation of a specific zone, in addition to the general rezone criteria of Section 23.34.008, the following shall apply:

- A. Function of the zone. Height limits shall be consistent with the type and scale of development intended for each zone classification. The demand for permitted goods and services and the potential for displacement of preferred uses shall be considered.*

The proposed 75-foot maximum height is consistent with the intended function of the Neighborhood Commercial 3 (NC3) zone, whose intent is to support a pedestrian-oriented shopping district and to include residences that are compatible with the retail character of the area. The development proposal associated with the rezone includes ground-floor commercial space along the NW Market Street frontage with multi-family dwellings on upper floors. The 75-foot maximum height is one of the potential height limits specified in the Land Use Code associated with the Neighborhood Commercial 3 zone, and the NC3P-75 (M) zone already exists on a portion of the site and to the east of the site.

One of the primary differences between the Neighborhood Commercial 3 zone and surrounding industrial zones is that the Neighborhood Commercial 3 zone allows for multi-family residential uses and the industrial zones do not. The development proposal associated with the rezone includes 107 multi-family residential units, which is consistent with the permitted uses of the Neighborhood Commercial 3 zone.

- B. Topography of the Area and its Surroundings. Height limits shall reinforce the natural topography of the area and its surroundings, and the likelihood of view blockage shall be considered.*

The relatively small height increase associated with the rezone proposal combined with the nature of existing zoning heights and topography surrounding the site makes significant impacts to views surrounding the site unlikely. The proposed rezone would result in a 10-foot increase in permitted height from the 65-foot limit in the current IC-65 (M) zone to a 75-foot limit in the proposed NC3P-75 (M) zone. The additional 10-feet of permitted height is unlikely to impact views from adjacent sites. The site is surrounded by streets on three sides and abuts an existing multi-family development along the east

property line. Although the placement of the proposed development will inhibit existing views within some units placed along the west façade of the adjacent Ballard Yards development, these views would also be inhibited by development reaching the currently permitted 65-foot height limit. Due to the relatively tall height of the current permitted development, the additional 10 feet of height is unlikely to prevent views of the ship canal from surrounding or uphill vantage points.

The proposed rezone would place relatively tall development rights in a location that is downslope from much of the surrounding neighborhood. However, this is consistent with the current zoning arrangement of the surrounding area, where a general incongruity exists between permitted zoning heights and topography. The tallest permitted building heights are located in Industrial and Commercial zones at low elevations along the Lake Washington Ship Canal and NW Market Street. Neighborhood Residential zones several blocks to the north of the site at somewhat higher elevations have the shortest permitted heights.

Although the proposed rezone would place relatively tall development rights at downslope from shorter permitted heights within the same neighborhood, this arrangement is consistent with the surrounding situation. The 10-feet of additional building height that would be permitted through the rezone is unlikely to significantly impact views from surrounding developments due to relatively tall existing development rights on the site and the relatively gradual upward slope of topography from the site to the north.

C. Height and Scale of the Area.

- 1. The height limits established by current zoning in the area shall be given consideration.*

The block face along the south side of NW Market Street is generally characterized by maximum zoning heights of 65 feet to the west of the project site and 75 feet to the east. This proposed rezone would shift the boundary of this permitted height transition approximately 150 feet to the west of its current location where it would align with 26th Avenue NW. The proposed height limit is consistent with prevailing height limits along the southern block faces of NW Market Street. Permitted building heights for block faces on the north side of NW Market Street are generally shorter, ranging from 45-75 feet. NW Market Street is a relatively wide arterial street that serves as a buffer between the taller permitted zoning on the south side of NW Market Street and the shorter permitted heights on the north side.

- 2. In general, permitted height limits shall be compatible with the predominant height and scale of existing development, particularly where existing development is a good measure of the area's overall development potential.*

Existing development to the east of the site within the NC3P-75 (M) zone is generally of heights comparable to the permitted 75-foot height limit. Recent mixed-use development to the east of the site shows that development within the NC3P-75 (M) zone can reach the development potential. Existing developments include the Ballard Yards development adjacent to the site to the east and the Mark 24 development on

the north side of NW Market Street. Both of these developments approach heights of 65 feet, which was the maximum permitted height at the time of their approval. The HALA rezone in 2019 subsequently allowed for a 10-foot increase in height in the Neighborhood Commercial 3 zone.

D. Compatibility with Surrounding Area.

- 1. Height limits for an area shall be compatible with actual and zoned heights in surrounding areas excluding buildings developed under Major Institution height limits; height limits permitted by the underlying zone, rather than heights permitted by the Major Institution designation, shall be used for the rezone analysis.*

As described in sections above, the proposed 75-foot height limit is compatible with the 65-75 foot zoned height limits surrounding the site within the block faces along the south side of NW Market Street. Existing developments to the east of the site, on the north and south sides of NW Market Street, reach heights comparable to the 75-foot height limit of the proposed zone. Conversely, existing development to the west of the site is generally significantly shorter in height than the permitted 65-foot heights.

There are mitigating factors that will help the proposed 75-foot height limit to be compatible with actual shorter building heights to the west. The proposed rezone would extend the 75-foot maximum height to 26th Avenue NW, which would serve as a buffer between the taller and shorter building heights. Additionally, the development includes a massing height step-down along the west side of the site. This step-down was proposed through the design review process to allow the proposed mixed-use development to appropriately address the shorter building heights to the west.

- 2. A gradual transition in height and scale and level of activity between zones shall be provided unless major physical buffers, as described in Subsection 23.34.008.E.2, are present.*

The proposed rezone and associated mixed-use development include both physical buffers and a height and scale transition. As described above, the current zoning on the site already allows for building heights of 65-75 feet. NW Market Street is an arterial road, which serves as an effective buffer to shorter zoned and existing building heights to the north. The mixed-use development proposal associated with the rezone includes a massing height step-down along the west and south sides of the site. This step-down to a building height of four stories along 26th Avenue NW to the west and NW 54th Street to the south was proposed through the design review process to allow the proposed mixed-use development to appropriately address shorter building height context to the west and south of the project site.

E. Neighborhood Plans

- 1. Particular attention shall be given to height recommendations in business district plans or neighborhood plans adopted by the City Council subsequent to the adoption of the 1985 Land Use Map.*

2. *Neighborhood plans adopted or amended by the City Council after January 1, 1995 may require height limits different than those that would otherwise be established pursuant to the provisions of this section and Section 23.34.008.*

The Crown Hill/Ballard Neighborhood policies included in the Seattle 2035 Comprehensive Plan do not explicitly address building heights. The site and area are not located in a zone with an incentive zoning suffix. The proposed development has gone through the Design Review process, which considered aspects of scale and context in the design recommendation.

SMC 23.34.009 Conclusion: The additional height increase that would result in a change of zoning from IC-65 (M) to NC3-75 (M) would meet the criteria of SMC Section 23.34.009, as described above. The proposed height of 75 feet is not significantly taller than the current zoned height of 65 to 75 feet within the project site. It is unlikely that additional views from private property would be significantly blocked by the additional building height resulting from the contract rezone.

23.34.072 - Designation of commercial zones.

- A. *The encroachment of commercial development into residential areas shall be discouraged.*

All existing development adjacent to the site houses either an industrial or commercial development or ground-level space intended for commercial uses. There are no zone designations adjacent to the site that limit development to residential uses.

- B. *Areas meeting the locational criteria for a neighborhood residential designation may be designated as certain neighborhood commercial zones as provided in Section 23.34.010.*

Because the site is located within the Ballard Hub Urban Village and is not located in an area where the primary building type is single-family residential, it does not meet the locational criteria for neighborhood residential designation.

- C. *Preferred configuration of commercial zones shall not conflict with the preferred configuration and edge protection of residential zones as established in Sections 23.34.010 and 23.34.011 of the Seattle Municipal Code.*

The site is located more than 800 feet from the closest Neighborhood Residential zone and is separated from that zone by Industrial and Lowrise zones. Because of this significant separation, the proposed rezone will not conflict with the preferred configuration of residential uses and the edge protection of residential zones.

- D. *Compact, concentrated commercial areas, or nodes, shall be preferred to diffuse, sprawling commercial areas.*

The proposed Neighborhood Commercial zone currently extends from the site to the east to the Ballard Ave. Landmark District. Current development in this zone is compact with continuous storefronts and sidewalks with few intervening streets, alleys, and driveways. The development associated with the proposed rezone would extend this type of compact

development across the site frontage with ground-level commercial space with storefront windows along the sidewalk.

- E. The preservation and improvement of existing commercial areas shall be preferred to the creation of new business districts.*

The proposed rezone would maintain the ability to place commercial uses along NW Market Street, which is a primary mixed-use street in Ballard. Continuous ground-level commercial uses connect the project site to the Ballard Ave Landmark District to the east. Development to the west of the site in the Industrial-Commercial zone is generally developed with uses that are also permitted in commercial zones.

23.34.076 - Neighborhood Commercial 2 (NC2) zones, function and locational criteria.

- A. Function. To support or encourage a pedestrian-oriented shopping area that provides a full range of household and personal goods and services, including convenience and specialty goods, to the surrounding neighborhoods, and that accommodates other uses that are compatible with the retail character of the area such as housing or offices, where the following characteristics can be achieved:*

- 1. A variety of small to medium-sized neighborhood-serving businesses;*
- 2. Continuous storefronts built to the front lot line;*
- 3. An atmosphere attractive to pedestrians;*
- 4. Shoppers can drive to the area, but walk from store to store.*

- B. Locational Criteria. A Neighborhood Commercial 2 zone designation is most appropriate on land that is generally characterized by the following conditions:*

- 1. Primary business districts in residential urban villages, secondary business districts in urban centers or hub urban villages, or business districts, outside of urban villages, that extend for more than approximately two blocks;*
- 2. Located on streets with good capacity, such as principal and minor arterials, but generally not on major transportation corridors;*
- 3. Lack of strong edges to buffer the residential areas;*
- 4. A mix of small and medium sized parcels;*
- 5. Limited or moderate transit service.*

23.34.076 Conclusion: The project site is located on the western edge of a blocks-long area that is zoned Neighborhood Commercial 3 (NC3). Within this portion of Ballard, the NC3 zone is more suitable than the Neighborhood Commercial 2 (NC2) because:

- NW Market Street is a primary, not secondary, business district in the Ballard Hub Urban Village.

- Strong edges and zoning buffers exist within this neighborhood between residential-only and non-residential and mixed-use zones.
- The site and surrounding parcels along NW Market Street lack small parcels that are generally found in low or medium-density residential areas.
- The site and surrounding area have a relatively high level of transit service due to its location in a frequent transit service area.

23.34.078 - Neighborhood Commercial 3 (NC3) zones, function and locational criteria.

A. Function. To support or encourage a pedestrian-oriented shopping district that serves the surrounding neighborhood and a larger community, citywide, or regional clientele; that provides comparison shopping for a wide range of retail goods and services; that incorporates offices, business support services, and residences that are compatible with the retail character of the area; and where the following characteristics can be achieved:

- 1. A variety of sizes and types of retail and other commercial businesses at street level;*
- 2. Continuous storefronts or residences built to the front lot line;*
- 3. Intense pedestrian activity;*
- 4. Shoppers can drive to the area, but walk around from store to store;*
- 5. Transit is an important means of access.*

The characteristics of adjacent pedestrian-oriented shopping district and the proposed development associated with this rezone request will allow for seamless commercial and pedestrian continuity through the site. The project site is located along NW Market Street, which is a primary mixed-use street in Ballard. Continuous ground-level commercial storefront spaces link the project site to the Ballard Avenue Historic Landmark District located approximately two blocks to the east. The surrounding blocks linking the site to the rest of the Ballard commercial areas have continuous sidewalks, allowing for pedestrian activity. The project site is also located within a frequent transit service area, which designates areas with high levels of transit service. The proposed development includes continuous commercial uses along NW Market Street with storefront windows and outdoor spaces that could be used for seating.

B. Locational Criteria. A Neighborhood Commercial 3 zone designation is most appropriate on land that is generally characterized by the following conditions:

- 1. The primary business district in an urban center or hub urban village;*

The site is located in the Ballard Hub Urban Village and has primary frontage along NW Market Street, which serves as a primary commercial street within Ballard.

- 2. Served by principal arterial;*

The site is located on the south side of NW Market Street, which is a minor arterial street in this location. The minor arterial designation extends approximately a half-mile to the east to 15th Avenue NW, where NW Market Street becomes a principal arterial. Neighborhood Commercial 3 is the primary

zoning designation along the north and south sides of NW Market Street between the site and 15th Avenue NW, where the principal arterial designation begins.

3. *Separated from low-density residential areas by physical edges, less-intense commercial areas or more-intense residential areas;*

The site has significant separation from low-density residential areas. The site is more than 800 feet from the closest Neighborhood Residential zone, where single-family dwellings are the primary land use. Several streets separate the site from this zone, as well as a gradual zoning transition from Neighborhood Commercial to Lowrise residential to Neighborhood Residential zoning.

4. *Excellent transit service.*

The site is located within a frequent transit service area, which means that the site is located within 1,320 feet walking distance of a bus stop served by a frequent transit route.

23.34.086 - Pedestrian designation (suffix P), function and locational criteria.

- A. *Function. To preserve or encourage an intensely retail and pedestrian-oriented shopping district where non-auto modes of transportation to and within the district are strongly favored, and the following characteristics can be achieved:*

1. *A variety of retail/service activities along the street front;*
2. *Large number of shops and services per block;*
3. *Commercial frontage uninterrupted by housing or auto-oriented uses;*
4. *Pedestrian interest and activity;*
5. *Minimal pedestrian-auto conflicts.*

The pedestrian designation is appropriate with the proposed rezone because the project site abuts an existing Neighborhood Commercial zone with a pedestrian designation and the physical characteristics of the proposed development will extend the pedestrian-oriented characteristics of existing development. The development associated with the proposed rezone would extend a commercial district along the south side of NW Market Street where continuous ground-level commercial uses connect the project site to the Ballard Ave Landmark District to the east. This continuity of commercial storefronts reflects the intensity and variety of commercial uses and also the continuity of pedestrian interest along the south side of NW Market Street. Outside of public street and alley crossings, there are few locations where vehicles have the ability to cross pedestrian pathways. The lack of driveway connections minimizes the potential for conflicts between pedestrians and vehicles.

- B. *Locational criteria. Pedestrian-designated zones are most appropriate on land that is generally characterized by the following conditions:*

1. *Pedestrian district surrounded by residential areas or major activity centers; or a commercial node in an urban center or urban village;*

2. *NC zoned areas on both sides of an arterial, or NC zoned block fronts across an arterial from a park, major institution, or other activity center; and*
3. *Excellent access for pedestrians, transit, and bicyclists.*

The site is located in a commercial node in the Ballard Hub Urban Village along an arterial roadway (NW Market Street) with Neighborhood-Commercial zoning on both sides of the street. The Burke-Gilman Trail, a recreational trail uses for walking, running, bicycling, etc., is located along the site frontage in the NW Market Street right-of-way. With continuous sidewalks and storefronts along NW Market Street, the presence of the Burke-Gilman Trail, and a location within a frequent transit area, the location of the proposed rezone meets these criteria to apply the Pedestrian (P) designation.

23.34.090 Designation of industrial zones.

- A. *The industrial zones are intended to support existing industrial activity and related businesses and provide for new industrial development, as well as increased employment opportunities.*

Information provided by the applicant shows that the site, though in close proximity to existing industrial uses, has not been developed into an industrial use throughout its history.

The applicant has submitted information to demonstrate that the project site is not ideal for the development of a new industrial use due to its characteristics and location. Three letters from real estate professionals document the characteristics of the site that make it unlikely to house a significant industrial development. See letters from Colliers Seattle, dated January 6, 2022, and May 17, 2022; and Washington Real Estate Advisors dated May 17, 2022. These letters identify the relatively small size of the site, its location removed from more-competitive and accessible parts of the region, and its lack of direct access to rail and water transportation as factors that will inhibit industrial development with significant levels of employment. An additional letter dated May 22, 2022, from Pacific Fishermen, Inc., the owner of the project site, describes the various unsuccessful attempts to market the project site to various commercial and industrial uses.

- B. *Industrial areas are generally well-served by rail, truck and water transportation facilities and do not require direct vehicular access through residential zones.*

The site is located along the north side of 54th Avenue NW, which contains a rail spur. A short line railroad operates on this spur. Although the rail spur is located within a street adjacent to the site, the spur is on the south side of the street, opposite the site, where it could not directly access the project site. The lack of direct access to the project site by the rail spur makes the project site an unlikely customer of the short line railroad.

The Pacific Fisherman Shipyard is located on the south side of 54th Avenue NW on the same block face as the site.

- C. *Relative isolation from residential zones either by distance or physical buffers shall be preferred in the creation of new industrial zones.*

The site is relatively isolated from zones that are defined as residential zones by the Seattle Land Use Code. The closed residential zones are located north of the NW Market Street

corridor. However, a significant amount of the surrounding industrial land is adjacent to Neighborhood Commercial zoning, which allows for multi-family residential uses and has seen significant recent multi-family development. Recent development includes the Ballard Yards mixed use development, which is located adjacent to the project site and includes ground-level commercial space along NW Market Street and 171 residential units.

- D. Areas where the infrastructure (streets, water, sewer, electrical, and other facilities) is adequate, or can be upgraded at a reasonable cost, are preferred to accommodate an industrial designation.*

The project site is located in a developed urban area that has historically housed industrial uses.

- E. 1. Economic Development. Increasing industrially zoned land shall be favorably considered when such action will provide additional opportunities for business expansion, retention of manufacturing and other industrial firms in Seattle, or increased employment, especially employment that adds to or maintains the diversity of job opportunities in Seattle. Land proposed to be assigned an industrial designation shall be suitable for manufacturing, research and development and other industrial uses and shall meet the locational criteria for the industrial zone.*
- 2. The rezone shall enhance and strengthen the industrial character of an area.*

Development within industrially-zoned parcels similar in size to the project site in Ballard and Fremont within the last 10 years appears to generally result in office uses. Examples include office buildings at 3417 Evanston Avenue N., 146 N. Canal Street, and 401 N. 36th Street. Staff found one example of a similar site that redeveloped as a light manufacturing use. Western Fire and Safety is a one-story building on the north side of NW Market Street, several hundred feet to the west of the project site. Although this site developed a light manufacturing use, the one-story development is significantly smaller than the permitted FAR on the subject site. Based on this evidence and marketing and real estate information discussed above, maintaining the Industrial-Commercial zoning on the project site is unlikely to allow for business expansion, retention of manufacturing and industrial uses, increase employment, maintain job opportunities in Seattle, or strengthen the industrial character of the area.

- F. In determining appropriate boundaries with residentially and commercially zoned land, the appropriate location and rezone criteria shall be considered.*

The project site has had split-zoning between industrial and commercial zones since at least the 1960s. This split-zoning creates land use conflicts between zones with different permitted uses and development standards. The proposed rezone would eliminate these conflicts by placing the entire project site within the Neighborhood Commercial 3 zone and shifting the zone transition to surrounding industrial zones to the street frontages surrounding the site. The rezone would also unify the block containing the project site into the Neighborhood Commercial 3 zone. Analysis of potential zones for the project site shows that the project site best meets the locational criteria of the Neighborhood Commercial 3 (NC3) zone.

G. Rezoning of Industrial Land. Rezoning of industrial land to a less-intensive zone shall be discouraged unless most of the following can be shown:

1. The area does not meet the locational criteria for the industrial zone.

The site is not consistent with most locational criteria for the current Industrial-Commercial zoning located on the project site. The locational criteria for this zone focuses on the attraction of industrial uses related to the technology and research and development sectors. The size and location of the site, along with the lack of institutions and concentration of similar uses make the project site unlikely to develop into one of these uses.

2. The rezone will not decrease industrial development and employment potential, especially manufacturing employment.

The rezone is unlikely to decrease industrial development and manufacturing employment potential. The site is currently vacant. Based on available public records and information submitted by the applicant, the site has not been developed or served as a significant source of industrial development or employment throughout its history. The applicant has submitted several letters from real estate professionals supporting its lack of development potential as an industrial use. Examination of new development within Ballard and Fremont industrially-zoned areas by SDCI staff shows that new development is primarily for office, not industrial uses.

3. The rezone would not result in existing industrial uses becoming nonconforming.

There are no established uses on the site that would become nonconforming through the rezone.

4. The area clearly functions as a residential or commercial zone, has little or no potential for industrial development, and would not lead to further encroachment of residential, office, or retail uses into industrially zoned land located adjacent to or near the proposed rezone.

The project site is located on a block face along NW Market Street with consistent mixed-use development containing ground-level commercial uses with storefront windows facing the street and upper-level residential uses. Examination of recent development in the surrounding industrial zones and additional marketing and real estate information supplied by the applicant support the applicant's assertion that the site has little potential for industrial development. Although the proposed rezone would allow for retail and residential uses on land currently zoned industrial, the resulting zone change would clarify zoning boundaries for a split-zoned parcel by placing them along surrounding streets.

5. The rezone shall be consistent with the Seattle Shoreline Master Program.

The site is not located within a shoreline environment.

6. The area is not part of an adopted Manufacturing/Industrial Center (MIC).

The site is located adjacent to the Ballard Interbay Northend Manufacturing and Industrial Center (BINMIC), which includes the properties located along the south side of 54th Street NW. The site is not located within the BINMIC.

H. Compatibility With Scale and Character of Surrounding Area-Edges. In general, a transition in scale and character shall be provided between zones. A gradual change in height limit or an area of transition (e.g., commercial zone between residential and industrial zones) shall be provided when the area lacks physical edges. Rezones shall achieve a better separation between residential and industrial zones, significantly reducing or eliminating major land use conflicts in the area. The following elements shall be considered physical edges or buffers:

- 1. Natural features such as topographic breaks, lakes, streams, ravines and shorelines;*
- 2. Freeways, expressways, other major traffic arterials, and railroad tracks;*
- 3. Changes in street layout and block orientation;*
- 4. Open spaces and greenspaces.*

The current zone transition between the Industrial-Commercial and Neighborhood Commercial 3 zones occurs within the project site, making it split-zoned between two zones with conflicting standards. The proposed rezone would remove this land use conflict by designating the entire project site as Neighborhood Commercial 3 and shifting the zone transition to Industrial-Commercial to surrounding street frontages. Although the transition would not occur along any of the significant features listed above, transitions between Neighborhood Commercial and Industrial-Commercial zones along street frontages are common surrounding the site. The rezone would also place the entire block containing the site into the Neighborhood Commercial 3 zone.

I. Existing Pattern of Development. Consideration shall be given to whether the area is primarily industrial, commercial, residential, or a mix, and whether the area is fully developed and in need of room for expansion, or minimally developed with vacant parcels and structures.

The surrounding area is developed with a mix of commercial, residential, and industrial uses. Newer developments surrounding the site are primarily located in the Neighborhood Commercial zone and combine multi-family residential uses with ground-level commercial uses. Much of the surrounding area zoned Industrial-Commercial or Industrial-Buffer along the north and south sides of NW Market Street to the west of the site is occupied by uses that would be permitted in Neighborhood Commercial zoning like offices, restaurants, and museums. These uses are generally significantly smaller in floor area than permitted by the underlying industrial zones. The modest size and non-industrial uses characterizing development within the industrial zones along NW Market Street, combined with the apparent lack of development within the project site throughout its history provides evidence that the industrial zoning does not need to be expanded.

23.34.094 - Industrial Buffer (IB) zone, function and locational criteria.

A. Function. An area that provides an appropriate transition between industrial areas and adjacent residential zones, or commercial zones having a residential orientation and/or pedestrian character.

B. Locational Criteria. Industrial Buffer zone designation is most appropriate in areas generally characterized by the following:

- 1. Areas containing industrial uses or a mix of industrial activity and a wide range of commercial uses which are located on the edge of a larger industrial area designated Industrial General 1 (IG1), Industrial General 2 (IG2), or Industrial Commercial (IC).*
- 2. Areas where a transition is needed to protect a less-intensive zone from potential negative impacts of industrial activity when the area directly abuts a residential, Neighborhood Commercial 1 (NC1), Neighborhood Commercial 2 (NC2), Neighborhood Commercial 3 (NC3), Commercial 1 (C1), or Commercial 2 (C2) zone with a substantial amount of residential development and/or pedestrian character.*

C. Zone Boundaries. The boundaries and overall depth of the Industrial Buffer (IB) zone shall vary according to the specific conditions of each area, so that an adequate separation between industrial activity and less-intensive zones can be provided to reduce through traffic, noise, visual conflicts, and other impacts of industrial development. However, where there are no special features or other conditions to provide sufficient buffer depth, a distance ranging from three hundred (300) to five hundred (500) feet shall be maintained as a buffer. Within an industrial area, the following conditions help establish the transition desired between industrial areas and less-intensive zones and should be considered in establishing boundaries separating the Industrial Buffer zone from the rest of the industrial area:

- 1. Topographic Conditions. Significant changes in topography within an industrial area may provide a good boundary for the Industrial Buffer zone by reducing the noise and visual impacts of the larger industrial area on an abutting, less-intensive zone.*
- 2. Development Patterns. Changes in the type of activity and/or the scale of existing development occurring along the edge of an industrial area may create conditions that are more compatible with the abutting, less-intensive zone.*
- 3. Grid and Platting Patterns. Changes in block sizes, shifts in the street grid, a major arterial, undeveloped streets, platted lot lines, and other factors related to the platting pattern often create separate areas which, when located along the edge of an industrial area, can reinforce the transition desired in the Industrial Buffer zone.*
- 4. Special Features. Certain natural or built features such as railway lines, open spaces, transmission line rights-of-way, and waterways may, because of their width, siting, or landscaping, separate the edge of an industrial zone from a larger industrial area, helping to establish the edge of the Industrial Buffer zone.*

The Industrial Buffer zone criteria above describe the zone's intent to serve as a buffer between intense industrial zones and zones allowing for residential uses. The project site is located within a portion of Ballard with relatively abrupt shifts between industrial zones and Neighborhood-Commercial zones with residential uses, primarily on the block containing the project site and blocks to the east of the project site. The placement of Industrial Buffer on the western portion of the project site would have minimal effect on improving the buffer between the industrial and Neighborhood-Commercial zones in this area where the interface

between Neighborhood-Commercial and Industrial-General zones is approximately a half-mile long. Additionally, the Zone Boundaries portion of the Industrial Buffer criteria specify that a range of 300 to 500 feet should be maintained as a buffer depth. A rezone of the project site along would not achieve this amount of depth.

23.34.096 Locational criteria—Industrial Commercial (IC) zone.

The Industrial Commercial (IC) zone is intended to promote development of businesses which incorporate a mix of industrial and commercial activities, including light manufacturing and research and development, while accommodating a wide range of other employment activities. In reviewing a proposal to rezone an area to Industrial Commercial (IC), the following criteria shall be considered:

- A. Areas with amenities such as shoreline views, proximity to downtown, or access to public open spaces that could provide an attraction for new businesses, particularly new technology-oriented and research and development activities which might otherwise be likely to seek locations outside the City;*

The site has shoreline views to the Lake Washington Ship Canal. However, it does not have proximity to downtown or access to public open spaces. The closest public open space of significant size is Ballard Commons Park, which is located approximately a quarter mile to the northeast of the project site.

The applicant has submitted documentation of owner's unsuccessful attempts to market the site to various types of uses, including other commercial and industrial uses, other types of industrial uses, and commercial uses similar to those already located along NW Market Street. As described in Part E below, a letter from a real estate company, submitted by the applicant, describes why the project site is unlikely to house technology-oriented development.

- B. Areas in close proximity to major institutions capable of providing support for new technology-oriented and research and development businesses;*

The site is not in close proximity to major institutions capable of providing support for new technology-oriented and research and development businesses. The closest major institution is Ballard Swedish Medical Center which is just over ¼ mile to the east.

- C. Former industrial areas which are undergoing a transition to predominantly commercial or mixed commercial and industrial activity, but where transportation and/or other infrastructure capacities are constrained and can only accommodate modest growth without major improvements;*

The various industrial zones along NW Market Street to the west of the site represent a former industrial area that has transitioned to small-scale commercial uses. However, transportation and other infrastructure capacities are not constrained in this area. The site is located within the Ballard Hub Urban Village where higher residential densities and employment intensity are encouraged. New development surrounding the site is generally characterized by mixed use development with ground-level commercial/retail uses and upper-level multi-family residential uses. Conversely, existing development in industrial

zones along NW Market Street in proximity of the site are generally significantly smaller in floor area than the zoning would permit.

- D. Areas where there is an existing concentration of technology-oriented and research and development uses which may be subject to displacement by commercial development;*

There is not an existing concentration of technology-oriented research and development uses in the area surrounding the site. Existing uses in the surrounding industrially-zoned land are generally characterized by maritime-industrial uses located along the ship canal and industrial and neighborhood-supportive business (eg. restaurants, storage, building supply uses) along NW Market Street.

- E. Areas which are underutilized and, through substantial redevelopment, could provide the type of campus-like environment attractive for new technology-oriented industrial and commercial development.*

The surrounding area is developed with few vacant properties. The site is surrounded by public streets and recently-developed land. Though vacant, the project site is relatively small. The applicant submitted a letter from Colliers Real Estate, dated January 6, 2022, stating that the project site “would not be a candidate for a future tech-oriented R&D business, nor a campus-like environment for new tech-oriented industrial development. It does not have the characteristics to provide a campus-like environment attractive a campus-like environment for technology-oriented industrial and commercial development.” The letter adds that “This is due to the site’s small size and the lack of demand in West Ballard for this type of use, compared to more competitive areas in South Lake Union, Kirkland and Bellevue. Additionally, this type of use wants to be closer to freeways and urban centers, not residential neighborhoods that are more access constrained.”

23.34.128 - Seattle Mixed (SM) zone, function and locational criteria.

In considering rezones to the SM zone designation, the following function and locational criteria shall be taken into consideration:

- A. Function. An area within an urban center, urban village, or station area overlay district that provides for a wide range of uses to encourage development of the area into a mixed-use neighborhood with a pedestrian orientation;*

The site is located in a hub urban village, and the surrounding area includes a diverse range of uses. The proposed rezone and associated development would be consistent with other mixed use development along NW Market Street to the east of the site.

- B. Transportation and infrastructure capacity. An area that is well-served by transit and vehicular systems and where utility infrastructure is adequate, or where such systems and infrastructure can be readily expanded to accommodate growth;*

The surrounding area is well-served by transit, vehicular systems, and infrastructure.

- C. Relationship to surrounding activity. An area that either provides a transition from, or is compatible with, an adjacent neighborhood that is densely developed or zoned for high*

density mixed use; or an area where a transition to higher density mixed use is desired, either within a larger area characterized primarily by commercial or industrial activity, or within an area where significant investment in public transit infrastructure can accommodate greater density and adequate transition with surrounding areas can be provided;

The site is located at a transition point between the mixed-use development character of downtown Ballard and the industrial zones to the west along the Lake Washington Ship Canal and NW Market Street. Although a transition in uses exists between the Neighborhood Commercial and industrial zones, the transition in permitted building heights is minimal. The existing NC3P-75 (M) zone on the eastern portion of the site extending to the east has a maximum permitted height of 75 feet. The adjacent Industrial-Commercial and Industrial-General designations have permitted maximum heights of 65 feet. A gradual transition in zones already exists to the north of the site, separating commercial and industrial zones from areas with lower-density residential uses. The minimal difference in permitted building heights in the existing transition between industrial and Neighborhood Commercial zones, combined existing zoning transitions separating residential zones from more-intense non-residential and mixed-uses zones, already serves the purpose of the SM zone to provide a tailored zoning transition to a specific area.

D. Mix of use. In general, the zone is suitable for a wide range of uses. However, an area within the SM zone may be identified for the purposes of encouraging a primarily residential character. Within these areas, non-residential uses shall generally be of modest scale or neighborhood-serving in character.

The area surrounding the site is characterized by a diverse mix of uses including industrial, commercial, and multi-family residential. Using the flexibility of the SM zone is not necessary in this location to promote a primarily residential character or to reduce the scale of non-residential uses.

23.34.128 Conclusion: The Seattle Mixed (SM) zone is intended to permit a wide range of land uses and development intensities. Development standards, such as maximum building height and floor area, are tailored to specific transition issues in the areas where the SM zone is used.

The SM zone designation is currently deployed in specific geographic areas listed in Table A for SMC 23.48.002, not to individual parcels that are discontinuous and distinct from those areas. The site is not located in proximity to an existing SM zone designation for a listed geographic area.

The criteria listed above emphasize that the SM zone is generally used in transition areas. Although there are significant use transitions surrounding the site between industrial and Neighborhood Commercial zones, permitted building heights are not significantly different. Gradual transitions between intense development and lower-density residential areas already exist surrounding the site.

RECOMMENDATION – REZONE

Based on the analysis undertaken in this report, the SEPA analysis of the rezone and project proposal, and the provisions in SMC 23.34, the Director recommends that the proposed contract rezone from Industrial-Commercial [IC-65 (M)] to Neighborhood Commercial 3 [NC3P-75 (M)] be approved.

The Director recommends conditions to be included in the PUDA; these are listed at the end of this report.

III. ANALYSIS – SEPA

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

The initial disclosure of the potential impacts from this project was made in the environmental checklist submitted by the applicant, signed July 19, 2021. The Seattle Department of Construction and Inspections (SDCI) has annotated the environmental checklist submitted by the project applicant; reviewed the project plans and any additional information in the project file submitted by the applicant or agents; and any pertinent comments which may have been received regarding this proposed action have been considered. The information in the checklist, the supplemental information, 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 25.05.665 D) 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.

Under such limitations/circumstances, mitigation can be considered. Thus, a more detailed discussion of some of the impacts is appropriate.

SHORT TERM IMPACTS

Construction activities could result in the following adverse impacts: construction dust and storm water runoff, erosion, emissions from construction machinery and vehicles, increased particulate levels, increased noise levels, occasional disruption of adjacent vehicular and pedestrian traffic, a small increase in traffic and parking impacts due to construction related vehicles, and increases in greenhouse gas emissions. Several construction-related impacts are mitigated by existing City codes and ordinances applicable to the project such as: 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. The following analyzes greenhouse gas emissions, construction traffic and parking impacts, construction-related noise, and environmental health, as well as mitigation.

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, no further mitigation is warranted pursuant to SMC 25.05.675.A.

Construction Impacts - Parking and Traffic

Increased trip generation is expected during the proposed demolition, grading, and construction activity. The area is subject to significant traffic congestion during peak travel times on nearby arterials. Large trucks turning onto arterial streets would be expected to further exacerbate the flow of traffic.

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.

Pursuant to SMC 25.05.675.B (Construction Impacts Policy), additional mitigation is warranted, and a condition for a Construction Management Plan is recommended, which will be reviewed by Seattle Department of Transportation (SDOT). The requirements for a Construction Management Plan include a Haul Route and a Construction Parking Plan. The submittal information and review process for Construction Management Plans are described on the SDOT website at: [Construction Use in the Right of Way](#).

Construction Impacts - Noise

The project is expected to generate loud noise during demolition, grading and construction. The Seattle Noise Ordinance (SMC 25.08.425) permits increases in permissible sound levels associated with private development construction and equipment between the hours of 7:00 AM and 7:00 PM on weekdays and 9:00 AM and 7:00 PM on weekends and legal holidays in Neighborhood Commercial zones.

If extended construction hours are necessary due to emergency reasons or construction in the right of way, the applicant may seek approval from SDCI through a Noise Variance request. The applicant's environmental checklist does not indicate that extended hours are anticipated.

The Director recommends a condition that a Construction Management Plan be required prior to issuance of the first building permit, including contact information in the event of complaints about construction noise, and measures to reduce or prevent noise impacts. The submittal information and review process for Construction Management Plans are described on the SDOT website at: [Construction Use in the Right of Way](#). The limitations stipulated in the Noise Ordinance and the CMP are sufficient to mitigate noise impacts; therefore, no additional SEPA conditioning is necessary to mitigation noise impacts per SMC 25.05.675.B.

Environmental Health

The applicant submitted studies regarding existing contamination on site (*“Phase I Environmental Site Assessment Report, 2501 Northwest Market Street Seattle, Washington Parcel No. 112503-9037”*, Prepared For: Ms. Jordan Selig by Kane Environmental Inc., dated March 5, 2021; *“Supplemental Phase II Environmental Site Assessment, 2501 NW Market Street Seattle, Washington 98042 King County Assessor’s Parcel No. 112503-9037”*; Prepared For: Jordan Selig, dated March 8, 2022, by Kane Environmental Inc.; *Cleanup Action Plan 2501 NW Market Street, Seattle, WA, Prepared for: J. Selig Real Estate, LLC, dated May 2022, by Infinity Solutions Group*) explaining potential soil and groundwater cleanup procedures and compliance with the Model Toxics Control Act requirements.

If not properly handled, existing contamination could have an adverse impact on environmental health.

As indicated in the SEPA checklist and the Cleanup Action Plan, the applicant will comply with all provisions of MTCA in addressing these issues in the development of the project.

If the recommendations described in the Cleanup Action Plan are followed, then it is not anticipated that the characterization, removal, treatment, transportation or disposal of any such materials will result in a significant adverse impact to the environment. This conclusion is supported by the expert environmental consultants for the project, whose conclusions are also set forth in the materials in the MUP file for this project.

Adherence to MTCA provisions and federal and state laws are anticipated to adequately mitigate significant adverse impacts from existing contamination on site. The Cleanup Action Plan describes strategies to ensure adherence with MTCA provisions and indicates compliance with Washington State Department of Ecology (Ecology) regulatory authority.

Mitigation of contamination and remediation is in the jurisdiction of Ecology, consistent with the City’s SEPA relationship to Federal, State and Regional regulations described in SMC 25.05.665.E. This State agency program functions to mitigate risks associated with removal and transport of hazardous and toxic materials, and the agency’s regulations provide sufficient impact mitigation for these materials. The City acknowledges that Ecology’s jurisdiction and requirements for remediation will mitigate impacts associated with any contamination.

The proposed strategies and compliance with Ecology’s requirements are expected to adequately mitigate the adverse environmental impacts from the proposed development and no further mitigation is warranted for impacts to environmental health per SMC 25.05.675.F.

LONG TERM IMPACTS

Long-term or use-related impacts are also anticipated as a result of approval of this proposal including the following: greenhouse gas emissions; parking; potential blockage of designated sites from the Scenic Routes nearby; possible increased traffic in the area. Compliance with applicable codes and ordinances is adequate to achieve sufficient mitigation of most long-term impacts and no further conditioning is warranted by SEPA policies. However, greenhouse gas

emissions, historic resources, height bulk and scale, parking, public views, and transportation warrant further analysis.

Greenhouse Gas Emissions

Operational activities, primarily vehicular trips associated with 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, no further mitigation is warranted pursuant to SMC 25.05.675.A.

Historic Resources

The project is within the U. S. Government Meander Line buffer that marks the historic shoreline – an area with the potential for discovery of pre-contact and early historic period resources. The applicant submitted an *Archaeological Resource Report for the 2501 NW Market St. Development Project, Seattle, Washington* (Historical Research Associates, Inc., March 8, 2022), which indicated that the lack of significant previous ground disturbance on the east side of the site greatly increases the likelihood of finding precontact artifacts.

Since the information showed there is probable presence of archaeologically significant resources on site, Section B of Director's Rule 2-98 applies. The report included further analysis and a mitigation plan prepared by a professional archaeologist, consistent with Section B of the Director's Rule. The archaeological resource report recommended additional archaeological monitoring during future ground-disturbing activities at depths below modern fill depths down to 25 feet. The Director recommends a condition of approval to provide an archaeological monitoring and discovery plan prepared by a qualified professional; the plan shall be consistent with the recommendations in the Archaeological Resource Report (Historical Research Associates, Inc., March 8, 2022) on file.

Furthermore, SDCI received letters (August 19, 2021; March 4, 2022) from the Duwamish Tribe indicating the project is near a highly culturally significant site with a high probability of having unknown archaeological deposits, and requested notification should any archaeological work be performed. The archaeological monitoring and discovery plan shall include a statement that the Duwamish Tribe shall be notified in the event of archaeological work.

In addition to the condition of monitoring during construction, the following conditions are also recommended to mitigate impacts to potential historic resources, per SMC 25.05.675.H and consistent with Section B of Director's Rule 2-98:

Prior to Issuance of Master Use Permits:

1. The owner and/or responsible parties shall provide SDCI with a statement that the contract documents for their general, excavation, and other subcontractors will include reference to regulations regarding archaeological resources (Chapters 27.34, 27.53, 27.44, 79.01, and 79.90 RCW, and Chapter 25.48 WAC as applicable) and that construction crews will be required to comply with those regulations.

During Construction:

2. If resources of potential archaeological significance are encountered during construction or excavation, the owner and/or responsible parties shall:
 - Stop work immediately and notify the SDCI Land Use Planner and the Washington State Archaeologist at the State Department of Archaeology and Historic Preservation (DAHP). The procedures outlined in Appendix A of Director's Rule 2-98 for assessment and/or protection of potentially significant archeological resources shall be followed.
 - Abide by all regulations pertaining to discovery and excavation of archaeological resources, including but not limited to Chapters 27.34, 27.53, 27.44, 79.01 and 79.90 RCW and Chapter 25.48 WAC, as applicable, or their successors.

Height, Bulk, and Scale

The proposal completed the design review process described in SMC 23.41. Design review considers mitigation for height, bulk and scale through modulation, articulation, landscaping, and façade treatment.

Section 25.05.675.G.2.c of the Seattle SEPA Ordinance provides the following: "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 shall be presumed to comply with these 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 on projects that have undergone Design Review shall comply with design guidelines applicable to the project."

The height, bulk and scale of the proposed development and relationship to nearby context have been addressed during the Design Review process. Pursuant to the Overview policies in SMC 25.05.665.D, the existing City Codes and regulations to mitigate height, bulk and scale impacts are adequate and additional mitigation is not warranted under SMC 25.05.675.G.

Parking

The proposed development includes 107 residential units, 3 live/work units and 2,911 square feet of commercial space with 67 off-street vehicular parking spaces. The traffic and parking analysis (Transpo Group, Final Technical Memorandum, December 9, 2021) was based on a project description of 112 residential units, 4,842 square feet of commercial space and 67 parking spaces; however, the difference is negligible and anticipated parking demand may be equal or less than analyzed. The analysis indicates a peak residential demand for approximately 62 vehicles and a peak non-residential demand for 4 vehicles from the proposed development. Peak residential demand typically occurs overnight.

The traffic and parking analysis noted that the total peak parking demand for this development is 66 vehicles. The number of proposed parking spaces accommodates all of the anticipated parking demand, and no additional mitigation is warranted per SMC 25.05.675.M.

Public Views

SMC 25.05.675.P provides policies to minimize impacts to designated public views listed in this section. NW Market Street is a SEPA Scenic Route. The applicant provided a Scenic Corridor Study (MUP Land Use Correction Notice #1 Response (pages 73-83), Mithun January 14, 2022) showing the proposed development in relation to the designated public views in SMC 25.05.675.P. Due to existing dense landscaping along the NW Market Street site frontage and intermediate development, the proposed development will not block any existing views of the ship canal to the south. Due to topography and existing intermediate development, there are no existing views of the Olympic and Cascade Mountains to the east and west from NW Market Street, or the downtown skyline to the southeast. The proposed development does not block views of any nearby historic landmarks.

Additional mitigation is not warranted under SMC 25.05.675.P.

Transportation

The Traffic Impact Analysis (Transpo Group, Final Technical Memorandum, December 9, 2021) indicated that the project is expected to generate a net total of 376 daily vehicle trips, with 19 net new PM peak hour trips and 23 AM peak hour trips.

The additional trips are expected to distribute on various roadways near the project site, including NW Market Street NW, Shilshole Avenue NW, 24th Avenue NW, NW 54th Street, and 26th Avenue NW and would have minimal impact on levels of service at nearby intersections and on the overall transportation system. The SDCI Transportation Planner reviewed the information and determined that no mitigation is warranted per SMC 25.05.675.R.

DECISION – SEPA

This decision was made after review by the responsible official on behalf of the lead agency of a completed environmental checklist and other information on file with the responsible department. This constitutes the Threshold Determination and form. The intent of this declaration is to satisfy the requirement of the State Environmental Policy Act (RCW 43.21.C), including the requirement to inform the public of agency decisions pursuant to SEPA.

- ☒ 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.

CONDITIONS – DESIGN REVIEW

For the Life of the Project

1. 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.

RECOMMENDED CONDITIONS – REZONE

The Director recommends approval of the contract rezone from IC-65 (M) to NC3P-75 (M) subject to the following conditions, which should be contained in the PUDA:

Prior to Issuance of a Building Permit

2. Plans for development of the rezoned property shall be in substantial conformance, as determined by the Director, with the approved plans for Master Use Permit number 3037590-LU.

For the Life of the Project

3. Maintain non-residential uses along the south side of the building.

RECOMMENDED CONDITIONS – SEPA

Prior to Issuance of Master Use Permit

4. The owner and/or responsible parties shall provide SDCI with a statement that the contract documents for their general, excavation, and other subcontractors will include reference to regulations regarding archaeological resources (Chapters 27.34, 27.53, 27.44, 79.01, and 79.90 RCW, and Chapter 25.48 WAC as applicable) and that construction crews will be required to comply with those regulations.

Prior to Issuance of Demolition, Grading, or Construction Permit

5. Provide a Construction Management Plan that has been approved by SDOT. The submittal information and review process for Construction Management Plans are described on the SDOT website.
6. Provide an archaeological monitoring and discovery plan prepared by a qualified professional; the plan shall be consistent with the recommendations in the Archaeological Resource Report (Historical Research Associates, Inc., March 8, 2022) on file and include statement that the Duwamish Tribe shall be notified in the event of archaeological work.

During Construction

7. Archaeological monitoring shall occur consistent with the archaeological monitoring and discovery plan submitted in response to condition 6.
8. If resources of potential archaeological significance are encountered during construction or excavation, the owner and/or responsible parties shall:
 - Stop work immediately and notify the SDCI Land Use Planner and the Washington State Archaeologist at the State Department of Archaeology and Historic Preservation (DAHP). The procedures outlined in Appendix A of Director's Rule 2-98 for assessment and/or protection of potentially significant archeological resources shall be followed.
 - Abide by all regulations pertaining to discovery and excavation of archaeological resources, including but not limited to Chapters 27.34, 27.53, 27.44, 79.01 and 79.90 RCW and Chapter 25.48 WAC, as applicable, or their successors.

Greg Johnson, Senior Land Use Planner
Seattle Department of Construction and Inspections

Date: January 5, 2023