



CITY OF SEATTLE

City Council

Agenda

Tuesday, May 2, 2023

2:00 PM

**Council Chamber, City Hall
600 4th Avenue
Seattle, WA 98104**

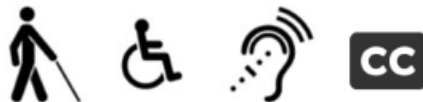
**Debora Juarez, Council President
Lisa Herbold, Member
Andrew J. Lewis, Member
Tammy J. Morales, Member
Teresa Mosqueda, Member
Sara Nelson, Member
Alex Pedersen, Member
Kshama Sawant, Member
Dan Strauss, Member**

Chair Info: 206-684-8805; Debora.Juarez@seattle.gov

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<http://seattle.gov/cityclerk/accommodations>.**



CITY OF SEATTLE

City Council Agenda

May 2, 2023 - 2:00 PM

Meeting Location:

Council Chamber, City Hall, 600 4th Avenue, Seattle, WA 98104

Committee Website:

<http://www.seattle.gov/council>

Members of the public may register for remote or in-person Public Comment to address the Council. Details on how to provide Public Comment are listed below:

Remote Public Comment - Register online to speak during the Public Comment period at <http://www.seattle.gov/council/committees/public-comment>. Online registration to speak will begin two hours before the meeting start time, and registration will end at the conclusion of the Public Comment period during the meeting. Speakers must be registered in order to be recognized by the Chair.

In-Person Public Comment - Register to speak on the Public Comment sign-up sheet located inside Council Chambers at least 15 minutes prior to the meeting start time. Registration will end at the conclusion of the Public Comment period during the meeting. Speakers must be registered in order to be recognized by the Chair.

Submit written comments to all Councilmembers at Council@seattle.gov

A. CALL TO ORDER

B. ROLL CALL

C. PRESENTATIONS

D. PUBLIC COMMENT

Members of the public may sign up to address the Council for up to 2 minutes on matters on this agenda; total time allotted to public comment at this meeting is 20 minutes.

E. ADOPTION OF INTRODUCTION AND REFERRAL CALENDAR:

Introduction and referral to Council committees of Council Bills (CB), Resolutions (Res), Appointments (Appt), and Clerk Files (CF) for committee recommendation.

[IRC 390](#)

May 2, 2023

Attachments: [Introduction and Referral Calendar](#)

F. APPROVAL OF THE AGENDA**G. APPROVAL OF CONSENT CALENDAR**

The Consent Calendar consists of routine items. A Councilmember may request that an item be removed from the Consent Calendar and placed on the regular agenda.

Journal:

1. [Min 425](#) April 25, 2023

Attachments: [Minutes](#)

Bills:

2. [CB 120558](#) AN ORDINANCE appropriating money to pay certain claims for the week of April 17, 2023 through April 21, 2023 and ordering the payment thereof; and ratifying and confirming certain prior acts.

Appointments:**ECONOMIC DEVELOPMENT, TECHNOLOGY, AND CITY LIGHT COMMITTEE:**

3. [Appt 02520](#) Appointment of Oksana Savolyuk as member, City Light Review Panel, for a term to April 11, 2024.

The Committee recommends that City Council confirm the Appointment (Appt).

In Favor: 4 - Nelson, Juarez, Sawant, Strauss

Opposed: None

Attachments: [Appointment Packet](#)

4. [Appt 02521](#) Reappointment of Scott Haskins as member, City Light Review Panel, for a term to April 11, 2026.

The Committee recommends that City Council confirm the Appointment (Appt).

In Favor: 4 - Nelson, Juarez, Sawant, Strauss

Opposed: None

Attachments: [Appointment Packet](#)

5. [Appt 02522](#) Reappointment of Timothy O. Skeel as member, City Light Review Panel, for a term to April 10, 2026.

The Committee recommends that City Council confirm the Appointment (Appt).

In Favor: 4 - Nelson, Juarez, Sawant, Strauss

Opposed: None

Attachments: [Appointment Packet](#)

H. COMMITTEE REPORTS

Discussion and vote on Council Bills (CB), Resolutions (Res), Appointments (Appt), and Clerk Files (CF).

CITY COUNCIL:

1. [CB 120551](#) AN ORDINANCE relating to City employment; authorizing the execution of a Memorandum of Understanding between The City of Seattle and the Seattle Parking Enforcement Officers' Guild; amending Ordinance 126725, which adopted the 2023 Budget; changing appropriations to various departments and budget control levels, and from various funds in the Budget; and ratifying and confirming certain prior acts; all by a 3/4 vote of the City Council.

Attachments: [Att 1 - SPEOG Agreement](#)

Supporting

Documents: [Summary and Fiscal Note](#)

2. [CB 120552](#) AN ORDINANCE relating to civil service commissions; clarifying election procedures for the employee-elected members of the Civil Service Commission and Public Safety Civil Service Commission; and amending Sections 4.04.250 and 4.08.040 of the Seattle Municipal Code.

Supporting

Documents: [Summary and Fiscal Note](#)

3. [CB 120553](#) AN ORDINANCE relating to City employment; authorizing the execution of a Memorandum of Understanding between The City of Seattle and Local 242; establishing a new title and rate of pay; and ratifying and confirming certain prior acts.

Attachments: [Att 1 – MOU with Park Rangers](#)

[Att 1 Ex A – Attachment to MOU](#)

Supporting

Documents: [Summary and Fiscal Note](#)

ECONOMIC DEVELOPMENT, TECHNOLOGY, AND CITY LIGHT COMMITTEE:

4. [CB 120537](#) AN ORDINANCE relating to downtown business improvement areas; establishing a new ten-year Business Improvement Area to be known as the Metropolitan Improvement District; levying special assessments upon owners of commercial property, multifamily residential property, and mixed-use property within the area; providing for the deposit of revenues in a special account and expenditures therefrom; providing for collection of and penalties for delinquencies; providing for the establishment of a Ratepayers Advisory Board; providing for an implementation agreement with a Program Manager; disestablishing the existing Metropolitan Improvement District that was established by Ordinance 124175 ("2013 MID"); suspending the issuance of assessments and providing for the continuity of services under the 2013 MID; providing for the transfer of any remaining funds from the 2013 MID Account; and ratifying and confirming certain prior acts.

The Committee recommends that City Council pass the Council Bill (CB).

In Favor: 4 - Nelson, Juarez, Sawant, Strauss

Opposed: None

Attachments: [Att A - Proposed MID Boundaries](#)

Supporting

Documents:

[Summary and Fiscal Note](#)

[Summary Att A - MID 2023-2033 Business Plan](#)

LAND USE COMMITTEE:

5. [CF 314470](#) Application of 2501 NW Market LLC for a contract rezone of a portion of a split-zoned site at 2501 NW Market Street from Industrial Commercial with a 65 foot height limit and Mandatory Housing Affordability (MHA) suffix (IC-65(M)) to Neighborhood Commercial 3 with a 75 foot height limit, Pedestrian designation and MHA suffix (NC3P-75(M)) (Project No. 3037522-EG; Type IV).

The Committee recommends that City Council grant as conditioned the Clerk File (CF) as amended.

In Favor: 5 - Strauss, Morales, Mosqueda, Nelson, Pedersen

Opposed: None

Attachments: [Rezone Material - 3037522-EG](#)
[Rezone Material - 3037590-LU](#)
[Clarified HE Findings and Recommendations](#)
[Central Staff Memo](#)
[Ex Parte Communication - Email](#)
[Ex Parte Communication - Letter 1](#)
[Ex Parte Communication - Letter 2](#)
[Unexecuted Findings Conclusions and Decision](#)

Public Comment on ex parte communication.

6. [CB 120533](#) AN ORDINANCE relating to land use and zoning; amending Chapter 23.32 of the Seattle Municipal Code at page 53 of the Official Land Use Map to rezone the western 15,943 square feet of the parcel located at 2501 Northwest Market Street from Industrial Commercial with a 65 foot height limit and an M Mandatory Housing Affordability Suffix (IC 65 (M)) to Neighborhood Commercial 3 with a 75 foot height limit, P pedestrian designation, and M Mandatory Housing Affordability Suffix (NC3P 75 (M)) and accepting a Property Use and Development Agreements as a condition of rezone approval. (Application of Pacific Fishermen, Inc. C.F. 314470, SDCI Project 3037590-LU)

The Committee recommends that City Council pass as amended the Council Bill (CB).

In Favor: 5 - Strauss, Morales, Mosqueda, Nelson, Pedersen

Opposed: None

Attachments: [Exhibit A – Rezone Map](#)
 [Exhibit B – Property Use and Development Agreement for 2501 NW Market Street v2](#)

Supporting Documents: [Summary and Fiscal Note](#)

I. ITEMS REMOVED FROM CONSENT CALENDAR

J. ADOPTION OF OTHER RESOLUTIONS

K. OTHER BUSINESS

L. ADJOURNMENT



Legislation Text

File #: IRC 390, **Version:** 1

May 2, 2023



Introduction and Referral Calendar

List of proposed Council Bills (CB), Resolutions (Res), Appointments (Appt) and Clerk Files (CF) to be introduced and referred to a City Council committee

Record No.	Title	Committee Referral
<u>By: Mosqueda</u>		
1. CB 120558	AN ORDINANCE appropriating money to pay certain claims for the week of April 17, 2023 through April 21, 2023 and ordering the payment thereof; and ratifying and confirming certain prior acts.	City Council
<u>By: Lewis</u>		
2. CB 120559	AN ORDINANCE relating to current use taxation; approving applications for current use taxation of properties located 4200 Baker Avenue NW and 2317 S Norman Street under the King County Public Benefit Rating System.	Public Assets and Homelessness Committee
<u>By: Herbold</u>		
3. CB 120560	AN ORDINANCE relating to appropriations for the Human Services Department; amending Ordinance 126725, which adopted the 2023 Budget; lifting a proviso; and ratifying and confirming certain prior acts.	Public Safety and Human Services Committee



Legislation Text

File #: Min 425, **Version:** 1

April 25, 2023

SEATTLE CITY COUNCIL

600 Fourth Ave. 2nd Floor
Seattle, WA 98104



Journal of the Proceedings of the Seattle City Council

Tuesday, April 25, 2023

2:00 PM

Public Hearing

Council Chamber, City Hall

600 4th Avenue

Seattle, WA 98104

City Council

Debora Juarez, Council President

Lisa Herbold, Member

Andrew J. Lewis, Member

Tammy J. Morales, Member

Teresa Mosqueda, Member

Sara Nelson, Member

Alex Pedersen, Member

Kshama Sawant, Member

Dan Strauss, Member

Chair Info: 206-684-8805; Debora.Juarez@seattle.gov

A. CALL TO ORDER

The City Council of The City of Seattle met in the Council Chamber in Seattle, Washington, on April 25, 2023, pursuant to the provisions of the City Charter. The meeting was called to order at 2:01 p.m., with Council President Juarez presiding.

B. ROLL CALL

Present: 8 - Juarez, Herbold, Lewis, Morales, Nelson, Pedersen, Sawant, Strauss

Excused: 1 - Mosqueda

Motion was made, duly seconded and carried, to excuse Councilmember Mosqueda from the April 25, 2023 City Council meeting.

C. PRESENTATIONS

There were none.

D. PUBLIC COMMENT

The following individual addressed the Council:

Howard Gale

E. ADOPTION OF INTRODUCTION AND REFERRAL CALENDAR:

[IRC 391](#)

April 25, 2023

Motion was made, duly seconded and carried, to adopt the Introduction & Referral Calendar (IRC) by the following vote:

In Favor: 8 - Juarez, Herbold, Lewis, Morales, Nelson, Pedersen, Sawant, Strauss

Opposed: None

F. APPROVAL OF THE AGENDA

Motion was made, duly seconded and carried, to adopt the proposed Agenda.

G. APPROVAL OF CONSENT CALENDAR

Motion was made, duly seconded and carried, to adopt the Consent Calendar.

Journal:**1. [Min 423](#) April 18, 2023**

The item was adopted on the Consent Calendar by the following vote, and the President signed the Minutes:

In Favor: 8 - Juarez, Herbold, Lewis, Morales, Nelson, Pedersen, Sawant, Strauss

Opposed: None

Bills:**2. [CB 120550](#) AN ORDINANCE appropriating money to pay certain claims for the week of April 10, 2023 through April 14, 2023 and ordering the payment thereof; and ratifying and confirming certain prior acts.**

The item was passed on the Consent Calendar by the following vote, and the President signed the Council Bill (CB):

In Favor: 8 - Juarez, Herbold, Lewis, Morales, Nelson, Pedersen, Sawant, Strauss

Opposed: None

Appointments:**NEIGHBORHOODS, EDUCATION, CIVIL RIGHTS, AND CULTURE COMMITTEE:****3. [Appt 02523](#) Appointment of Julie A. Howe as member, Seattle Social Housing Developer Board.**

The Committee recommends that City Council confirm the Appointment (Appt).

In Favor: 3 - Morales, Sawant, Lewis

Opposed: None

The item was confirmed on the Consent Calendar by the following vote:

In Favor: 8 - Juarez, Herbold, Lewis, Morales, Nelson, Pedersen, Sawant, Strauss

Opposed: None

4. [Appt 02524](#) **Appointment of Alexander Lew as member, Seattle Social Housing Developer Board.**

The Committee recommends that City Council confirm the Appointment (Appt).

In Favor: 3 - Morales, Sawant, Lewis

Opposed: None

The item was confirmed on the Consent Calendar by the following vote:

In Favor: 8 - Juarez, Herbold, Lewis, Morales, Nelson, Pedersen, Sawant, Strauss

Opposed: None

H. COMMITTEE REPORTS

PUBLIC ASSETS AND HOMELESSNESS COMMITTEE:

1. [CB 120547](#) **AN ORDINANCE relating to Jackson Park; transferring jurisdiction of a portion of NE 130th Street from the Seattle Department of Transportation to Seattle Parks and Recreation for open space, park, and recreation purposes; transferring a portion of Jackson Park adjacent to NE 145th Street from Seattle Parks and Recreation to the Seattle Department of Transportation for transportation purposes; and finding, after a public hearing, that the exchange of property meets the requirements of Ordinance 118477 that adopted Initiative 42.**

The Committee recommends that City Council pass the Council Bill (CB).

In Favor: 4 - Lewis, Mosqueda, Herbold, Juarez

Opposed: None

PUBLIC HEARING ON COUNCIL BILL 120547

At 2:12 p.m., Council President Pro Tem Herbold opened the Public Hearing.

At 2:12 p.m., the Public Hearing was closed.

The Council Bill (CB) was passed by the following vote, and the President signed the Bill:

In Favor: 8 - Juarez, Herbold, Lewis, Morales, Nelson, Pedersen, Sawant, Strauss

Opposed: None

2. [CB 120546](#) **AN ORDINANCE relating to Seattle Parks and Recreation; authorizing The City of Seattle to enter into a non-government agreement with The Baseball Club of Seattle, LLLP, for the purposes of making improvements to the Rainier Playfield; and ratifying and confirming certain prior acts.**

The Committee recommends that City Council pass the Council Bill (CB).

In Favor: 4 - Lewis, Mosqueda, Herbold, Juarez

Opposed: None

The Council Bill (CB) was passed by the following vote, and the President signed the Bill:

In Favor: 7 - Juarez, Herbold, Lewis, Morales, Nelson, Sawant, Strauss

Opposed: None

Absent(NV): 1 - Pedersen

I. ITEMS REMOVED FROM CONSENT CALENDAR

There were none.

J. ADOPTION OF OTHER RESOLUTIONS

There were none.

K. OTHER BUSINESS

Motion was made, duly seconded and carried, to excuse Councilmember Strauss from the May 2, 2023 City Council meeting.

L. ADJOURNMENT

There being no further business to come before the Council, the meeting was adjourned at 2:17 p.m.

Emilia M. Sanchez, Deputy City Clerk

Signed by me in Open Session, upon approval of the Council, on May 2, 2023.

Debora Juarez, Council President of the City Council

Elizabeth M. Adkisson, Interim City Clerk



Legislation Text

File #: CB 120558, **Version:** 1

CITY OF SEATTLE

ORDINANCE _____

COUNCIL BILL _____

AN ORDINANCE appropriating money to pay certain claims for the week of April 17, 2023 through April 21, 2023 and ordering the payment thereof; and ratifying and confirming certain prior acts.

BE IT ORDAINED BY THE CITY OF SEATTLE AS FOLLOWS:

Section 1. Payment of the sum of \$16,909,745.20 on PeopleSoft 9.2 mechanical warrants numbered 4100679146 - 4100681079 plus manual or cancellation issues for claims, e-payables of \$68,299.15 on PeopleSoft 9.2 9100013272 - 9100013299 and electronic financial transactions (EFT) in the amount of \$47,055,404.76 are presented to the City Council under RCW 42.24.180 and approved consistent with remaining appropriations in the current Budget as amended.

Section 2. RCW 35.32A.090(1) states, “There shall be no orders, authorizations, allowances, contracts or payments made or attempted to be made in excess of the expenditure allowances authorized in the final budget as adopted or modified as provided in this chapter, and any such attempted excess expenditure shall be void and shall never be the foundation of a claim against the city.”

Section 3. Any act consistent with the authority of this ordinance taken prior to its effective date is ratified and confirmed.

Section 4. This ordinance shall take effect and be in force 30 days after its approval by the Mayor, but if

not approved and returned by the Mayor within ten days after presentation, it shall take effect as provided by Seattle Municipal Code Section 1.04.020.

Passed by the City Council the 2nd day of May, 2023, and signed by me in open session in authentication of its passage this 2nd day of May, 2023.

President _____ of the City Council

Approved / returned unsigned / vetoed this ____ day of _____, 2023.

Bruce A. Harrell, Mayor

Filed by me this _____ day of _____, 2023.

Elizabeth M. Adkisson, Interim City Clerk

(Seal)



Legislation Text


File #: Appt 02520, **Version:** 1

Appointment of Oksana Savolyuk as member, City Light Review Panel, for a term to April 11, 2024.

The Appointment Packet is provided as an attachment.



City of Seattle Boards & Commissions Notice of Appointment

Appointee Name: <i>Oksana Savolyuk</i>		
Board/Commission Name: <i>City Light Review Panel</i>		Position Title: <i>Low Income Advocate Representative, Position 7</i>
<input checked="" type="checkbox"/> Appointment OR <input type="checkbox"/> Reappointment		City Council Confirmation required? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
Appointing Authority: <input type="checkbox"/> City Council <input checked="" type="checkbox"/> Mayor <input type="checkbox"/> Other: <i>Fill in appointing authority</i>		Term of Position: * 4/12/2021 to 4/11/2024 <input checked="" type="checkbox"/> <i>Serving remaining term of a vacant position</i>
Residential Neighborhood: Federal Way	Zip Code: 98003	Contact Phone No.: [REDACTED] [REDACTED]
Background: Ms. Savolyuk is the Energy Program Director for the Multi Service Center, an organization that offers people pathways out of poverty through support and resources in education, employment, housing, energy assistance, food, and clothing. In her role, she works closely with City Light Customer Energy Solution (CES) staff. She is a knowledgeable Program Director well-versed in providing strategic direction and ongoing leadership to community action agencies. Veteran of Energy Program with 26-year demonstrated track record of success. She is ready to apply expertise and experience to challenging new role with the City Light Review Panel.		
Authorizing Signature (original signature):  Date Signed (appointed): 3/27/2023		Appointing Signatory: <i>Bruce A. Harrell</i> <i>Mayor of Seattle</i>

*Term begin and end date is fixed and tied to the position and not the appointment date.

OKSANA SAVOLYUK

PROFESSIONAL SUMMARY

Knowledgeable Program Director well-versed in providing strategic direction and ongoing leadership to community action agencies. Veteran of Energy Program with 26-year demonstrated track record of success. Ready to apply expertise and experience to challenging new role at the Department of Commerce.

WORK HISTORY

Energy Program Director, 12/2011 to Current

Multi Service Center

- Oversee implementation of all Energy Assistance Programs
- Work with the Board of Directors with respect to development and implementation of agency program plans, goals, and outcomes.
- Represent the agency and the program at various community and coalition groups throughout King County, the City of Seattle, and the State or nationally as needed.
- Develop, implement, and control program budgets
- Assist with customer grievances as well as handle fair hearing requests
- Stay up to date on DEI trainings and apply DEI concepts when communicating with employees, customers, vendors, and peers.

Energy Program Supervisor, 04/2008 to 12/2011

Multi Service Center

- Directed team of nine personnel, overseeing records, performance and quality assurance.
- Coached team members on productivity strategies, policy updates and performance improvement plans to accomplish challenging goals.
- Assisted the Director in performing annual employee trainings and program presentations at annual conferences with Department of Commerce, PSE, and SCL.
- Worked closely with UTC on program policy and procedures on PSE HELP Program.

Energy Program Coordinator , 08/2006 to 04/2008

Multi Service Center

- Provided ongoing direction and leadership for program operations.
- Proofread customer files for accuracy.
- Helped design and setup a new customer database system.
- Helped design and implement brand new PSE HELP Program.

Energy Assistance Program Case Manager, 10/2000 to 08/2006

Multi Service Center

- Interviewed customers, reviewed income documents, and calculated energy assistance benefit.
- Explained eligibility requirements, application details, and preformed energy conservation education during intake assessment.
- Referred customers to other services based on specific needs and requirements.

EDUCATION

High School Diploma

Thomas Jefferson High School - Federal Way, WA

Accounting

Highline Community College - Des Moines, WA

REFERENCES

Kim Bachert

HR Director (MSC)



Linda Purlee

Direct Supervisor (MSC)



Tatyana Sirotin

Energy Supervisor (MSC)



City Light Review Panel

9 Members: Pursuant to Ordinance 123256, all members subject to City Council confirmation, 3-year terms:

- 4 City Council- appointed
- 5 Mayor- appointed

Roster:

*D	**G	RD	Position No.	Position Title	Name	Term Begin Date	Term End Date	Term #	Appointed By
6	M	3	1.	Economist	Timothy O. Skeel	4/11/23	4/10/26	2	Mayor
6	M	4	2.	Financial Analyst	Scott Haskins	4/12/23	4/11/26	2	City Council
6	F		3.	Non-Profit Representative	Kerry Meade	5/1/21	4/30/24	1	Mayor
1	M	6	4.	Residential Customer Representative	Leo Lam	10/1/22	9/30/25	1	City Council
6	M		5.	Commercial Customer Representative	Mikel Hansen	4/13/21	4/12/24	2	Mayor
6	F	4	6.	Industrial Customer Representative	Anne Ayre	10/1/22	9/30/25	1	City Council
2	F		7.	Low-Income Customer Representative	Oksana Savolyuk	4/12/21	4/11/24	1	Mayor
6	M	4	8.	Member at Large	John Putz	10/1/22	9/30/25	2	City Council
6	M		9.	Suburban Franchise Representative	Joel Paisner	5/1/21	4/30/24	1	Mayor

SELF-IDENTIFIED DIVERSITY CHART

SELF-IDENTIFIED DIVERSITY CHART					(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)	(9)
	Male	Female	Transgender	NB/ O/ U	Asian	Black/ African American	Hispanic/ Latino	American Indian/ Alaska Native	Other	Caucasian/ Non- Hispanic	Pacific Islander	Middle Eastern	Multiracial
Mayor	3	2				1				4			
Council	3	1			1					3			
Other													
Total	6	3			1	1				7			

Key:

*D List the corresponding *Diversity Chart* number (1 through 9)

**G List *gender*, M= Male, F= Female, T= Transgender, NB= Non-Binary, O= Other, U= Unknown

RD Residential Council District number 1 through 7 or N/A

Diversity information is self-identified and is voluntary.



Legislation Text


File #: Appt 02521, **Version:** 1

Reappointment of Scott Haskins as member, City Light Review Panel, for a term to April 11, 2026.

The Appointment Packet is provided as an attachment.



City of Seattle Boards & Commissions Notice of Appointment

Appointee Name: Scott Haskins		
Board/Commission Name: City Light Review Panel		Position Title: Financial Analyst, Position 2
Appointment OR <input checked="" type="checkbox"/> Reappointment		City Council Confirmation required? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
Appointing Authority: <input checked="" type="checkbox"/> City Council <input type="checkbox"/> Mayor <input type="checkbox"/> Other: Fill in appointing authority		Term of Position: * 4/12/2023 to 4/11/2026 <input type="checkbox"/> Serving remaining term of a vacant position
Residential Neighborhood: View Ridge, District 4	Zip Code: 98115	Contact Phone No.: [REDACTED]
Background: <p>Mr. Haskins is a project manager, leader, technologist, subject matter expert, and industry and management consultant for water, wastewater, power, and municipal clients in North America and abroad. He is a senior executive with extensive leadership and professional experience in management and finance and his international experience includes benchmarking, financial evaluation and capacity building. Mr. Haskins is a subject matter expert and industry leader in utility financial management, asset and risk management, alternative contracting, social equity, utility management, operations and maintenance, strategic planning, P3, leadership development, performance management, benchmarking, environmental management and sustainability, resilience, risk management, and triple bottom line and business case analysis. His background includes 30 years of utility management experience, primarily as Deputy Director for Seattle Water Department and Seattle Public Utilities, directing finance, project development, operations and maintenance, community programs, planning and executive leadership over the full range of wastewater, drinking water, and solid waste functions for City of Seattle.</p> <p>As a global director in Strategic Consulting for CH2M, now Jacobs, Mr. Haskins has worked closely with international industry organizations leading innovation and standards for benchmarking, optimization, asset management, and organizational development.</p>		
Authorizing Signature (original signature):  Date Signed (appointed): 3/29/23		Appointing Signatory: Sara Nelson Seattle City Councilmember - District 9

*Term begin and end date is fixed and tied to the position and not the appointment date.

EDUCATION

- Master of Public Administration, University of Washington, Seattle, Washington
- BA, Political Science, University of Washington, Seattle, Washington

CERTIFICATIONS

- Design-Build Institute of America, Professional Designation (now expired)

PROFESSIONAL AFFILIATIONS

- American Water Works Association
- Water Environment Federation
- International Water Association
- Design-Build Institute of America
- Water Research Foundation
- National Association of Clean Water Agencies
- Water Services Association of Australia
- Environmental Protection Agency



Scott Haskins

**Strategic Consulting-
Water Market Director
Jacobs, formerly CH2M**

SUMMARY BACKGROUND

Mr. Haskins is a project manager, leader, technologist, subject matter expert, and industry and management consultant for water, wastewater, power, and municipal clients in North America and abroad. He is a senior executive with extensive leadership and professional experience in management and finance and his international experience includes benchmarking, financial evaluation and capacity building. Mr. Haskins is a subject matter expert and industry leader in utility financial management, asset and risk management, alternative contracting, social equity, utility management, operations and maintenance, strategic planning, P3, leadership development, performance management, benchmarking, environmental management and sustainability, resilience, risk management, and triple bottom line and business case analysis. His background includes 30 years of utility management experience, primarily as Deputy Director for Seattle Water Department and Seattle Public Utilities, directing finance, project development, operations and maintenance, community programs, planning and executive leadership over the full range of wastewater, drinking water, and solid waste functions for City of Seattle.

As a global director in Strategic Consulting for CH2M, now Jacobs, Mr. Haskins has worked closely with international industry organizations leading innovation and standards for benchmarking, optimization, asset management, and organizational development.

WORK HISTORY

Jacobs Engineering (2018-Present):

Strategic Consulting Water Market Director - Buildings Infrastructure & Advanced Facilities. Scott Haskins sits on the global leadership team for Strategic Consulting within the Solutions & Technology organization in Buildings Infrastructure & Advanced Facilities at Jacobs. In this capacity, he delivers the full range of consulting services across markets and geographies in the fields of asset management and reliability, management consulting, and financial and P3 services. These practices and resources help our clients solve their management and operations challenges; adapt to a changing business environment; secure the resources they need for successful operations; and make their operations more efficient, effective and sustainable.

CH2M (2007-2017):

Senior Vice President and Director of Strategic Consulting (2014-2017). Mr. Haskins served as senior vice president and director of Strategic Consulting, overseeing delivery of CH2M's full range of consulting services across markets and geographies, with stewardship responsibility for consulting services in the fields of asset management and reliability, management consulting, and financial and P3 services.

Senior Vice President and Director of Technology, Quality & Innovation - O&M Business Group (2008-2013). Mr. Haskins served for five years as director of technology, quality and innovation for CH2M HILL's former Operations Management Business Group, where he was on the global leadership team and had responsibility for external consulting services, as well as internal organizational support for environmental compliance, sustainability, quality, technical services and innovation.

Vice President & Principal Management Consultant - Water Business Group (2007-2008). Responsible for providing business development, project management and delivery, and related management consulting services to utilities and municipal clients to meet their needs in the areas of asset management, business planning, human resource and financial planning, alternative delivery, sustainability and climate change, leadership development, operations and maintenance, and other management services.

Seattle Public Utilities (1997-2007)

Deputy Director (Branch Executive), Seattle Public Utilities, Seattle, WA. As the Deputy Director of Seattle Public Utilities, Mr. Haskins was responsible for utility systems management for drinking water, surface water, wastewater and solid waste functions. He provided executive oversight for emergency management and security, asset management, water conservation, its race and social justice program, and major interdepartmental projects. His experience also includes triple bottom line evaluation of projects and programs that incorporates social benefits and risk for utility investments. Previously, he was the Utility's Deputy Director for Operations and Maintenance, Resource Management, and Finance and Administration. Scott has also provided leadership for major industry innovations, particularly in asset management, benchmarking, alternative project delivery, and utility management. These roles required extensive interface with the City Council, Mayor's Office, community groups, consultants, regulators, and Federal, State, Regional and other agencies.

Branch Executive, Utility Systems Management (2005-2007). Responsible for utility management of drinking water, surface water, wastewater and solid waste functions.

Branch Executive, Operations and Maintenance (2001-2005). Responsible for the regional drinking water supply system, the operation and maintenance of the City's drainage, wastewater collection and solid waste system, and for providing support services to all of SPU.

Branch Executive, Resource Management (1997-2001). Responsible for all planning and community programs for water, wastewater, storm water and solid waste at SPU; water quality, supply, system operations, and watershed management; capital project development for major CIP program; and alternative delivery.

Seattle Water Department (1975-1997)

Deputy Director for Finance and Administration (1990-1997). Directed all finance, human resource and Information Technology functions for Department. Also served as **Acting Superintendent of Water** for six months in 1995 during department transition to new department head.

Finance Director (1980-1990). Served as Chief Financial Officer for Seattle's water utility. Responsible for full range of functions, including: financial policies, forecasting and rates; budget/CIP development and administration; economic analysis; performance management; grants; procurement; accounting; auditing; financial systems; debt issuance; financial and utility reporting. Liaison with City Budget Office, Mayor's Office and City Council. This included multiple debt issuances, debt portfolio refinancing and restructurings, development of new financial policies, rating agency presentations, financial advisor and legal counsel and auditor liaison for all financial activities. Responsible for CIP, budget, accounting, grants, management controls and procurement services.

Budget / CIP Manager (1975-1980). Responsible for all aspects of budget and capital programs, development and administration. Coordinated utility processes, supervised staff.

CITY OF SEATTLE PROJECTS AND EXPERIENCE

- **City Light related activities:** These activities encompassed such things as coordination with City Light on street related projects; participation on city-wide committees involving City Light such as Board of Public Works; classification and compensation studies, labor management committees and interface, City rate and financial policy formulation; city-wide customer service and permitting issues; presentations on Seattle Public Utilities asset management program; and periodic review of City Light budgets for City Council and OMB.
- **Capital Improvement Program, Seattle, WA.** Mr. Haskins was responsible for all finance, budget, capital improvement program development and administration for Seattle Water Department. He provided executive oversight for debt issuances, rate studies, financial policy development, and financial system development; member of City of Seattle's Debt Management Committee. He was responsible for regular communications and presentations before Seattle City Council, Mayor's Office, rating agencies and other committees. He worked with regional utilities to further collaboration and consensus on capital, rate, legal, conservation and supply issues.
- **Capacity Building (Water Sector volunteer work for U.S. Agency for International Development, Indonesia).** Conducted capacity building for Indonesia's largest utilities; management to leadership development and alternative contracting. Visited country for four extended visits on U.S. Agency for International Development missions, originally to evaluate

capability of utilities to issue debt; signed a twinning agreement with the Government of Indonesia on behalf of AWWA; conducted training in Seattle for 25 utility directors and industry leaders from Indonesia on full range of management, finance, capital planning, contracting, and utility issues.

- **Executive Lead; Cedar River and Tolt River Water Treatment Plants, Seattle, WA.** Mr. Haskins led development, implementation, and financing for the City of Seattle's Cedar River and Tolt River water treatment plants. He led the City negotiation team for these design-build-operate projects and served as Principal in Charge for project issues and agreements. He served as a technical advisor to other cities and utilities on major projects.

CONSULTING PROJECTS AND EXPERIENCE

- North American and Global Lead for International Asset Management Benchmarking, Water Services Association of Australia (2008-2020). Mr. Haskins has served as the North American lead and most recently as the global lead for WSAA's Asset Management Customer Value Benchmarking Program. This practice based benchmarking is the most advanced consortium process and tool globally, and Scott has participated with some 75 utilities, domestically and internationally, over the last 15 years, working directly with organizations on maturity assessments and leading practices. This has included preparation of utility and industry reports, identification of improvement initiatives, and facilitating leading practice workshops. Social equity practices are one feature of this benchmarking.
- Water Research Foundation's Tailored Collaboration Project: Collaborative Utility Benchmarking in North America, Denver, Colorado (2015-2017). Mr. Haskins provided asset management benchmarking support for the Water Research Foundation, which included a Benchmarking Workshop with Steering Group, comprised of utility leaders, AWWA, WEF, and WSAA, and Project Advisory members, a Benchmarking Workshop Results Summary Report, and the development of an evaluation survey. The project, completed in 2017, focused on evaluating benchmarking in North America and integrated Effective Utility Management and leading research principles, ISO 55000, AWWA's utility metric survey and management standards, and other industry wide sources and considerations.
- **Executive Lead for City of Vancouver and Metropolitan Water District of Southern California SCADA projects (2017-2018).** Provided leadership and guidance, and actively participated, in development of plan, business case, stakeholder involvement, innovation and decision-making process for upgrade and replacement of its SCADA system for water and wastewater treatment facilities.
- Project Director and Lead Strategist for City of Columbus Department of Public Works (Water, Wastewater, Power) Asset Management Program; Columbus, Ohio (2010-2014). The effort focused for 5 years on enterprise asset management development and delivery, service level development, strategic plan, implementation of performance management, business cases, CMMS implementation, operations optimization, training/knowledge transfer, risk management and automation and culture development. The utility achieved a 7 to 1 return on investment for this program.

- **Strategic Advisor and Asset Management Consultant for Cincinnati Metropolitan Sewer District; Cincinnati, Ohio (2008-2016).** Mr. Haskins worked for utility executives and supported asset management and utility improvement efforts in the utility. He helped advance asset management, capacity building, strategic planning, alternative contracting, leadership development, financial and human resource planning, social equity, and utility management.
- **Lead consultant for Metropolitan Council for Environmental Services (MCES) (2014-2020).** Scott has been the lead resource, assisting utility in development of their Strategic Plan and vision for utility; served as executive coach for utility director and leadership team; helped establish performance management; conducted WSAA benchmarking program for utility; trained and helped develop asset management for utility; assisted with human resource planning and system integrations; provided maintenance optimization, and facilitated enterprise risk management efforts.
- **Consulting for SABESP, Brazil (2013).** Conducted asset management workshops and training for approximately 100 members of utility leadership, including modules for asset management framework, risk management, maintenance and operations, change management, strategic planning, performance management, condition assessment, business case evaluation and triple bottom line reporting.
- **Strategic Advisor/Asset Management Consultant, Central Arizona Project, Central Arizona Water Conservation District, Phoenix, AZ (2010-2017).** Part of a team performing an organizational assessment of the maintenance organization. Conducted benchmarking of practices, evaluation of organizational functions, and identification of opportunities for improvement. The project included interviewing key personnel, documenting and analyzing findings, and developing recommendations.
- **Utility Operations and Innovation Improvements (2008-2020).** Scott has participated in project and strategy development and training for numerous large and globally significant projects, including automation and strategic plans covering the full range of utility services. Melbourne Water, Water Care, Cincinnati, Columbus, DC Water, San Diego, LA Sanitation, Seattle City Light, Toho Water Authority, Metropolitan Water District of Southern California, Portland Water, Metropolitan Council for Environmental Services, CH2M's 200 water/wastewater operations contracts, and Seattle Public Utilities.
- **Industry Projects.** Over his career, Mr. Haskins has been one of the most active members and spokespersons in our industry, having served in numerous leadership roles on committees and research projects, as well as authoring several AWWA books, journal articles and many presentations at conferences and workshops. He served on the Study Group on Resilience for NACWA/AMWA; was chair of QualServe and AWWA's Benchmarking Committee for 20 years; conducted an evaluation of benchmarking alternatives for AWWA and documented its program for marketing purposes; serves on IWA's Strategic Group for Asset Management; participated and led WRF focus groups, formulating more than a dozen research projects; served on numerous Project Advisory Committees for WRF; helped formulate and then participated on WERF asset management and utility improvement projects; led four consortium practice benchmarking programs, involving dozens of utilities; was on the original formulating committee that created Effective utility Management; facilitated CEO and CFO workshops on

financial management for WRF; convened and facilitated best practice conferences for our industry; and introduced a number of utilities to social equity research and leaders.

- **Municipal Government Support and Projects.** As a consultant, Mr. Haskins has worked with the US Conference of Mayors, most major cities, American Society of Public Administration, and utilities in the US and abroad. Included was a consulting engagement in 2011-2012 with Seattle City Light to introduce Asset Management to the organization. It included development of an asset management framework, engagement with leadership, and conducting a Blue-Ribbon Panel--- bringing national leaders in the power industry to Seattle to share their asset management journey experiences, leading practices and lessons learned with executives.

EXAMPLE PUBLICATIONS AND PRESENTATIONS

Co-Author of two AWWA books: The Changing Water Utility: Creative Approaches to Effectiveness and Efficiency, and The Evolving Water Utility: Pathways to Higher Performance. In addition, major contributor to Reinventing Water and Wastewater Systems, Global Lessons for Improving Water Management.

Journal Articles & Other Research Publications (author, co-author or major contributor to the following partial list):

“Seattle’s Approach to Asset Management.” Underground Infrastructure Management, December 2004.

“Benchmarking: Performance Indicators for Water and Wastewater Utilities: Survey Data and Analysis Report.” American Water Works Association.

“Selection and Definition of Performance Indicators for Water and Wastewater Utilities.” AWWA Research Foundation and American Water Works Association.

“Creating Effective Information Technology Solutions.” AWWA Research Foundation.

“Financial and Economic Optimization of Water Main Replacement Programs.” AWWA Research Foundation.

“Triple Bottom Line Reporting of Sustainable Water Utility Performance. AWWA Research Foundation and CSIRO. Spring, 2007

“Findings and Recommendations for a Water Utility Sector Management Strategy.” APWA, AWWA, AMWA, NACWA, NAWC, US EPA, WEF. March, 2007.

OTHER SIGNIFICANT ROLES

American Water Works Association Research Foundation (AWWARF)

Research Advisory Council member

Project Advisory Committee or Case Study Lead (Triple Bottom Line Reporting; Asset Management; SIMPLE for Drinking Water Sector; Water Main Replacement/Renewal; Energy Management; Enhancement of Qualserve Tools

Water Environment Research Foundation (WERF)

Steering Committee or Challenge Project member for: Asset Management; Performance Measures; Strategic Planning; SIMPLE and AMPLE, including current tool enhancement, decay studies, and asset management benchmarking

International Water Association (IWA)

Member; regular presenter at international conferences on asset management, alternative contracting, leadership, performance management and benchmarking

Member of Program Committee and topic coordinator and rapporteur on risk for 2007 Leading Edge Strategic Asset Management Conference (Portugal)

Global Water Research Coalition (GWRC)

Representative for AWWARF and WERF on asset management research collaboration

Environmental Protection Agency (EPA)/Collaborating Industry Organizations

Steering Committee Member for Effective Utility Management Initiative

Member of EPA's Environmental Finance Advisory Board (EFAB)

Design Build Institute of America (DBIA)

Chair, Water/Wastewater Specialty Conference; Program Committee; Water Committee; Trainer.

OTHER

Numerous papers, presentations and trainings conducted annually for conferences and utilities, including conferences and seminars for EPA, AWWA, WEF, NACWA, AWWARF, WERF, IWA, DBIA, WSAA, and GWRC.

City Light Review Panel

9 Members: Pursuant to Ordinance 123256, all members subject to City Council confirmation, 3-year terms:

- 4 City Council- appointed
- 5 Mayor- appointed

Roster:

*D	**G	RD	Position No.	Position Title	Name	Term Begin Date	Term End Date	Term #	Appointed By
6	M	3	1.	Economist	Timothy O. Skeel	4/11/23	4/10/26	2	Mayor
6	M	4	2.	Financial Analyst	Scott Haskins	4/12/23	4/11/26	2	City Council
6	F		3.	Non-Profit Representative	Kerry Meade	5/1/21	4/30/24	1	Mayor
1	M	6	4.	Residential Customer Representative	Leo Lam	10/1/22	9/30/25	1	City Council
6	M		5.	Commercial Customer Representative	Mikel Hansen	4/13/21	4/12/24	2	Mayor
6	F	4	6.	Industrial Customer Representative	Anne Ayre	10/1/22	9/30/25	1	City Council
2	F		7.	Low-Income Customer Representative	Oksana Savolyuk	4/12/21	4/11/24	1	Mayor
6	M	4	8.	Member at Large	John Putz	10/1/22	9/30/25	2	City Council
6	M		9.	Suburban Franchise Representative	Joel Paisner	5/1/21	4/30/24	1	Mayor

SELF-IDENTIFIED DIVERSITY CHART

SELF-IDENTIFIED DIVERSITY CHART					(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)	(9)
	Male	Female	Transgender	NB/ O/ U	Asian	Black/ African American	Hispanic/ Latino	American Indian/ Alaska Native	Other	Caucasian/ Non- Hispanic	Pacific Islander	Middle Eastern	Multiracial
Mayor	3	2				1				4			
Council	3	1			1					3			
Other													
Total	6	3			1	1				7			

Key:

- *D List the corresponding *Diversity Chart* number (1 through 9)
 **G List *gender*, M= Male, F= Female, T= Transgender, NB= Non-Binary, O= Other, U= Unknown
 RD Residential Council District number 1 through 7 or N/A

Diversity information is self-identified and is voluntary.



Legislation Text

File #: Appt 02522, **Version:** 1

Reappointment of Timothy O. Skeel as member, City Light Review Panel, for a term to April 10, 2026.

The Appointment Packet is provided as an attachment.



City of Seattle Boards & Commissions Notice of Appointment

Appointee Name: <i>Timothy O. Skeel</i>		
Board/Commission Name: <i>City Light Review Panel</i>		Position Title: <i>Economist, Position 1</i>
Appointment OR <input checked="" type="checkbox"/> Reappointment	City Council Confirmation required? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	
Appointing Authority: <input type="checkbox"/> City Council <input checked="" type="checkbox"/> Mayor <input type="checkbox"/> Other: <i>Fill in appointing authority</i>	Term of Position: * 4/11/2023 to 4/10/2026	
Residential Neighborhood: <i>Central District, District 3</i>	Zip Code: <i>98122</i>	Contact Phone No.: [REDACTED]
Background: <i>Mr. Skeel has thirty-five years of experience applying economic principles, research and analysis to guide public policy, including transportation and utility asset management, capital and O&M expenditure optimization, life cycle costing, risk assessment, integrated resource planning, non-market social and environmental (triple bottom line) valuation, modeling, econometrics, demand forecasting, benefit/cost analysis, utility rate setting, and financial forecasting and analysis.</i> <i>He has held positions that include Principal Economist for the City of Seattle at Public Utilities and the Department of Transportation, Director of Asset Management Services for CH2M Hill, Economics instructor at the University of Washington and North Seattle Community College, Economist for the Montana Department of Natural Resources and independent Asset Management Economics Consultant.</i> <i>Mr. Steel received a Master's degree in Economics from the University of Washington in Seattle, WA, 1983 and has completed all requirements for Ph.D. except dissertation.</i>		
Authorizing Signature (original signature): <i>Bruce C. Harrell</i> Date Signed (appointed): 3/27/2023	Appointing Signatory: <i>Bruce Harrell</i> <i>Mayor of Seattle</i>	

*Term begin and end date is fixed and tied to the position and not the appointment date.

Timothy O. Skeel



Thirty-five years of experience applying economic principles, research and analysis to guide public policy, including transportation and utility asset management, capital and O&M expenditure optimization, life cycle costing, risk assessment, integrated resource planning, non-market social and environmental (triple bottom line) valuation, modeling, econometrics, demand forecasting, benefit/cost analysis, utility rate setting, and financial forecasting and analysis.

Positions include Principal Economist for the City of Seattle at Public Utilities and the Department of Transportation, Director of Asset Management Services for CH2M Hill, Economics instructor at the University of Washington and North Seattle Community College, Economist for the Montana Department of Natural Resources and independent Asset Management Economics Consultant.

Received Master's degree in Economics from the University of Washington in Seattle, WA, 1983 (completed all requirements for Ph.D. except dissertation).

Experience

Economics and Asset Management Consulting Services, 2018 – Present

Provided independent asset management consulting services, including benefit/cost, business case, and financial analyses to Pierce County Transit (Tacoma, WA), Portland General Electric (Portland, OR) and Seattle Public Utilities (Seattle, WA)

Principal Economist/Consultant, Asset and Performance Management, Seattle Department of Transportation, Seattle, WA, 2014 – 2019

Developed economic decision models and business tools to assist SDOT better manage expenditures to realize best value over cost. Represented the department as its primary authority on the economics and financing of optimal capital and O&M expenditures on its assets. Advised department executives on economic principles, optimal expenditure strategies, and best practices of asset management. Gave written and oral presentations to management, citizen advisory boards, other agencies and organizations about research and analyses on economics and financing of asset life-cycle costing, benefit/cost analyses, risk models, and optimal capital investment strategies. Conducted research and analyses of economic and financial data on asset operation, maintenance, repair and replacement expenditures for economic prioritization models, financial models, and long-range resource planning, including models for pavement, traffic signals, sidewalks, bridges and structures. Developed and used databases for

economic analyses and asset expenditure optimization models. Analyzed the economic impacts of alternative asset investment strategies, determined project and program costs and benefits, and impacts of legislation, regulations, policies and projects. Incorporated analyses of equity impacts of projects and programs to support department goals in promoting diversity, race, and social justice. Conducted collaborative research and analysis with other work groups and organizations. Represented the department in efforts involving research and analysis, asset management best practices, and Transportation Asset Management conference presentations. Developed and gave presentations, participated in webinars, and provided analytical and technical expertise to outside groups, agencies and other transportation departments. Supervised professional technical staff involved in economic and statistical research, analyses and modeling.

Principal Economist/Strategic Advisor, Director's Office of Strategic Asset Management, Seattle Public Utilities, Seattle, WA, 2003 – 2009, 2011 - 2014

Helped shape and launch the utility's ongoing asset management program. Responsibilities included developing a structure for benefit/cost analysis evaluation of utility expenditures, managing the training of 200 key SPU employees in principles of optimal asset management, including whole-of-life cost, non-market economic valuation, value engineering, benefit/cost analysis, risk assessment, and customer-centered perspective. Developed a "Quick Start Guide to Business Cases" and template for use at SPU in capital and program investments; a model to forecast long run financial requirements for physical assets based on risk cost and optimal life cycle asset management decisions; a methodology for determining optimal infrastructure investment decisions; models used for optimal infrastructure replacement and optimal heavy equipment and fleet investments; economic structure for optimal maintenance strategy; data and methodology for asset costing; and optimal investment in asset information.

Provided ongoing review and guidance to business unit managers on asset management principles and review and approve business cases prior to funding. Promoted cultural "change management" efforts to establish asset management principles at all levels of decision making at SPU. Gave advice and recommendations to the SPU Director and Executive Team regarding optimal expenditure and policy decisions. Managed formal Value Engineering program to increase value and reduce cost of large capital projects.

Economics Instructor, North Seattle Community College, Seattle, WA, 2012 – 2013

Taught undergraduate micro- and macroeconomics principles courses, Econ 201 and 202.

Director, Asset Management Services, O&M Business Group, CH2M Hill, Denver, CO, 2010

Developed Economic decision models and business tools to assist clients better manage business value and cost. Models included optimal capital replacement timing, optimal operation and maintenance expenditures, risk cost analysis, benefit-cost templates, project opportunity decision framework. Implemented programs to use benefit-cost analysis in decision making for utilities, cities and other clients.

Consulting Economist, US Agency for International Development, Amman, Jordan, 2003

Developed water demand management data and analysis framework and work plan for Jordan's Ministry for Water and Irrigation under contract with USAID.

Principal Economist, Resource Management, Seattle Public Utilities, Seattle, WA, 1996 – 2003

Developed SPU's "Conservation Potential Assessment" to determine the least-cost investment path to meet growth in customers. Managed ongoing research and evaluation of integrated supply and demand-management investments to ensure cost-effective delivery and continuous improvement in cost of service. Developed program for incorporating social and environmental costs and benefits into utility investment and policy decisions. Initiated life-cycle cost analysis of utility infrastructure to optimize investment decisions. Participated in development of long range utility policy for infrastructure investments, service and risk. Presented analysis results and proposed strategies to management, elected officials and technical audiences.

Senior Economist, Rates and Finance, Seattle Water Department, 1986 – 1996

Responsible for utility water demand forecasting, economic, rate and financial analyses. Developed and maintained econometric demand forecasting models and databases used in rate setting, water conservation program planning and evaluation, integrated resource planning, and utility policy analysis. Developed state of the art integrated demand-supply-cost model used in long range water comprehensive planning. Rate setting work included development of utility revenue requirements, cost allocation to customer classes, and design of seasonal rates. Developed marginal cost methodology and applied marginal cost rate model. Presented results of planning, forecasting, rates and economic analyses to citizen advisory committees, City Council, Mayor's Office, utility managers and technical staff. Responsible for managing consultant contracts involving rate studies, comprehensive system planning, forecasting, databases and model development.

Economics Instructor, University of Washington, Seattle, WA, 1982 – 1986

Taught undergraduate micro- and macroeconomics principles courses, Econ 201 and 202.

Economist, Montana Department of Natural Resources, Helena, MT, 1978 – 1981

Provided economic and financial analyses for Environmental Impact Statements under Montana's Environmental Policy and Major Facility Siting Acts. Experience included benefit-cost analyses, evaluation of alternative financing structures, assessment of project need, and energy demand forecasting. Other responsibilities included managing consultant contracts, analyzing energy legislation, and supporting development of state conservation policies and legislation.

Education

M.A. Economics, 1983. University of Washington, Seattle (completed all requirements, course work and exams for Ph.D., except dissertation). Fields of specialization: Public Finance, Natural Resource Economics and Labor Economics.

B.A. Economics, 1978. University of Montana, Missoula.

Publications and References

Presented numerous papers and talks at conferences and panels locally, nationally and internationally, including: Transportation Research Board; Society for Advancement of Value Engineering International; American Water Works Association; American Water Resources Association; National Water Resources Association; Water Utility Infrastructure Association; International Water Association; World Water Forum; Global Water Challenge; International Conference on Wadi Hydrology; Sustainable WASH; Environmental Finance Center; Western Economics Association; Society for Benefit-Cost Analysis; Water Environment Federation; and Seattle Management Association.

References will be provided on request.

City Light Review Panel

9 Members: Pursuant to Ordinance 123256, all members subject to City Council confirmation, 3-year terms:

- 4 City Council- appointed
- 5 Mayor- appointed

Roster:

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Total	6	3			1	1				7			

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 RD Residential Council District number 1 through 7 or N/A

Diversity information is self-identified and is voluntary.



Legislation Text

File #: CB 120551, **Version:** 1

CITY OF SEATTLE

ORDINANCE _____

COUNCIL BILL _____

AN ORDINANCE relating to City employment; authorizing the execution of a Memorandum of Understanding between The City of Seattle and the Seattle Parking Enforcement Officers' Guild; amending Ordinance 126725, which adopted the 2023 Budget; changing appropriations to various departments and budget control levels, and from various funds in the Budget; and ratifying and confirming certain prior acts; all by a 3/4 vote of the City Council.

WHEREAS, a collective bargaining agreement between the City of Seattle and the Seattle Parking Enforcement Officers' Guild expired on December 31, 2021; and

WHEREAS, The City of Seattle and the Seattle Parking Enforcement Officers' Guild entered into negotiations to bargain a successor agreement, and came to an agreement as memorialized in a memorandum of understanding; NOW, THEREFORE,

BE IT ORDAINED BY THE CITY OF SEATTLE AS FOLLOWS:

Section 1. As requested by the Seattle Human Resources Director and recommended by the Mayor, the Mayor is authorized on behalf of The City of Seattle to execute a memorandum of understanding with the Seattle Parking Enforcement Officers' Guild substantially in the form attached to this ordinance as Attachment 1 and identified as "Memorandum of Understanding By and Between The City of Seattle and The Seattle Parking Enforcement Officers' Guild."

Section 2. In order to pay for necessary costs and expenses in 2023, but for which insufficient appropriations were made due to causes that could not reasonably have been foreseen at the time of the making of the 2023 Budget, appropriations for the following items in the 2023 Budget are increased from the funds shown, as follows:

Item	Fund	Department	Budget Summary Level	Amount
1.1	General Fund (00100)	Seattle Police Department	Special Operations (BO-SP- P3400)	\$1,147,212
Total				\$1,147,212

Section 3. Any act consistent with the authority of this ordinance taken prior to its effective date is ratified and confirmed.

Section 4. This ordinance shall take effect and be in force 30 days after its approval by the Mayor, but if not approved and returned by the Mayor within ten days after presentation, it shall take effect as provided by Seattle Municipal Code Section 1.04.020.

Passed by a 3/4 vote of all the members of the City Council the _____ day of _____, 2023, and signed by me in open session in authentication of its passage this _____ day of _____, 2023.

President _____ of the City Council

Approved / returned unsigned / vetoed this _____ day of _____, 2023.

Bruce A. Harrell, Mayor

Filed by me this _____ day of _____, 2023.

Elizabeth M. Adkisson, Interim City Clerk

(Seal)

Attachments:

Attachment 1 - Memorandum of Understanding By and Between The City of Seattle and The Seattle Parking Enforcement Officers' Guild

MEMORANDUM OF UNDERSTANDING
BY AND BETWEEN THE CITY OF SEATTLE

AND

THE SEATTLE PARKING ENFORCEMENT OFFICERS' GUILD

**RE: Collective Bargaining Agreement Extension, Effective January 1, 2022 through
December 31, 2023**

This MOU is entered into by and between the City of Seattle (City) and the Seattle Parking Enforcement Officers' Guild, (Guild), (collectively, the Parties) setting forth the terms of a two-year extension to the Parties' previous collective bargaining agreement that expired on December 31, 2021 ("1/1/2019-12/31/2021 CBA"). The Parties agree to the terms and conditions outlined below and agree the term of this MOU shall be January 1, 2022 through December 31, 2023. The Parties further agree that all other terms and conditions of the 1/1/2019-12/31/2021 CBA shall remain in full force and effect during the two-year term of this MOU.

Annual Wage Increase:

- A four percent (4%) Annual Wage Increase (AWI) shall be applied to 2021 base wage rates for all Guild members, and shall be paid retroactively starting the first full pay period of January 2022.
- A two and one-half percent (2.5%) Annual Wage increase (AWI) and a one and one-half percent (1.5%) market adjustment, for a total combined increase of four percent (4%), shall be applied to 2022 base wage rates for all Guild members and shall be paid retroactively starting the first full pay period of January 2023.
- If the Coalition of City Unions receives an AWI adjustment for 2023 that is greater than the combined 2.5% AWI and the 1.5% market adjustment combined, the city agrees to increase the Guild's AWI by the difference. (Example: If the Coalition receives a 4.5% AWI, then Guild members would receive an additional .5% AWI on top of their existing 4% increase for 2023.)

Additional Holidays:

- Juneteenth and Indigenous Peoples' Day (2nd Monday in October) shall be paid City holidays and will be added to the list of paid holidays in Article 10.1 of the Parties' 1/1/2019-12/31/2021 CBA. These two new paid holidays shall be treated like all other paid holidays, as provided in the Parties' 1/1/2019-12/31/2021 CBA.

Other Terms and Conditions:

- SPEOG agrees to recommend this MOU to its membership.

- From the date of the Guild membership's ratification of this MOU through the expiration date of this MOU, SPEOG agrees the OPA has the authority and jurisdiction to investigate complaints in which a SPEOG member is a named employee or witness.
- In consideration of the uncertainty as to which Department (other than SPD) the Seattle Parking Enforcement Division will ultimately report during the life of this MOU, the Parties agree to work during the course of this MOU to identify and discuss issues associated with identifying the appropriate department in which to place the parking enforcement officers.
- If, during the life of this MOU, Parking Enforcement is moved to another agency (other than SPD), SPEOG will agree to allow OPA investigations to continue and will not contest OPA's jurisdiction and authority to investigate complaints in which a SPEOG member is a named employee or witness. The Parties agree that neither party waives its stance taken prior to the execution of this MOU and after the transfer of Parking Enforcement to SDOT as to OPA's jurisdiction or authority to investigate complaints in which a SPEOG member is a named employee.
- The Guild agrees to not appeal the PERC ruling in Case 134758-U-22.
- The Parties mutual agreement to drop Safety Committee charge and pending bad faith bargaining claims in PERC Case No's: 135059-U-22; 135186-U-22; and 135385-U-22.
- All other terms of the Parties' 1/1/19-12/31/21 CBA will remain in effect through the expiration of this MOU.
- This constitutes the entire agreement between the Parties regarding the subject matter herein and all Parties acknowledge that there are no side agreements, written, oral, or otherwise. No modification to this agreement is valid unless in writing and signed by the Parties.

City of Seattle:

SPEOG:

Bruce Harrell
Mayor

Date

Chrisanne Sapp, Date
SPEOG President

Shaun Van Eyk
Labor Relations Director

Date

Jeff Clark
Labor Negotiator

Date

SUMMARY and FISCAL NOTE*

Department:	Dept. Contact:	CBO Contact:
Seattle Department of Human Resources	Jeff Clark Shaun Van Eyk	Kailani DeVille

** Note that the Summary and Fiscal Note describes the version of the bill or resolution as introduced; final legislation including amendments may not be fully described.*

1. BILL SUMMARY

Legislation Title: AN ORDINANCE relating to City employment; authorizing the execution of a Memorandum of Understanding between The City of Seattle and the Seattle Parking Enforcement Officers Guild; amending Ordinance 126725, which adopted the 2023 Budget; changing appropriations to various departments and budget control levels, and from various funds in the Budget; and ratifying and confirming certain prior acts; all by a 3/4 vote of the City Council.

Summary and Background of the Legislation:

This legislation authorizes the Mayor to implement a memorandum of understanding (“MOU”) between The City of Seattle (“City”) and the Seattle Parking Enforcement Officers’ Guild (“SPEG”), collectively referred to as “the Parties.” The memorandum of understanding is a two-year extension agreement to that which expired on December 31, 2021. This legislation affects approximately 100 regularly appointed City employees employed at the Seattle Police Department (“SPD”).

The MOU is an agreement on wages, benefits, hours, and other working conditions from January 1, 2022 to December 31, 2022. The extension agreement includes the following new items:

- A 4 percent wage increase to all titles covered by the agreement, effective the first full pay period in 2022;
- A two and one-half percent (2.5%) Annual Wage increase (AWI) and a one and one-half percent (1.5%) market adjustment, for a total combined increase of four percent (4%), effective the first full pay period in 2023;
- If the Coalition of City Unions receives an AWI adjustment for 2023 that is greater than the combined 2.5% AWI and the 1.5% market adjustment combined, the City agrees to increase the Guild’s AWI by the difference;
- The addition of Juneteenth and Indigenous Peoples’ Day as paid City holidays;
- New protocols related to filing of grievances and completion of investigations; and
- An agreement to bargain additional issues that may arise during the term of the agreement in a labor-management meeting, among other items.

Existing provisions from the expired collective bargaining agreement shall carry forward through the duration of this extension agreement.

The bill also appropriates \$1,147,212 which represents the amount the Seattle Police Department (“SPD”) will need to fulfill the terms of the MOU in 2023. The increased labor costs will be included in SPD’s base budget in future years. Funds supporting this

appropriations increase were held in the City's unbudgeted labor planning reserves but will exceed the share held for SPOG specifically due to a higher wage base than initially estimated. CBO will replenish reserves in 2023.

2. CAPITAL IMPROVEMENT PROGRAM

Does this legislation create, fund, or amend a CIP Project? ☐ Yes ☒ No

3. SUMMARY OF FINANCIAL IMPLICATIONS

Does this legislation amend the Adopted Budget? ☒ Yes ☐ No

Appropriation change (\$):	General Fund \$		Other \$	
	2023	2024	2023	2024
	\$1,147,212			
Estimated revenue change (\$):	Revenue to General Fund		Revenue to Other Funds	
	2023	2024	2023	2024
Positions affected:	No. of Positions		Total FTE Change	
	2023	2024	2023	2024

Does the legislation have other financial impacts to The City of Seattle that are not reflected in the above, including direct or indirect, short-term or long-term costs?

The financial impacts are outlined in the summary of the legislation. The increased labor costs beyond what is provided in this bill will be included in SPD's base budget in future years.

Are there financial costs or other impacts of *not* implementing the legislation?

If this MOU is not legislated, The City cannot implement the changes to wages and working conditions. There may be other implications of not authorizing the MOU.

3.a. Appropriations

☒ This legislation adds, changes, or deletes appropriations.

Fund Name and Number	Dept	Budget Control Level Name/Number*	2023 Appropriation Change	2024 Estimated Appropriation Change
General Fund (00100)	SPD	Special Operations (BO-SP-34000)	\$1,147,212	\$895,882
TOTAL			\$1,147,212	\$895,882

Appropriations Notes: The 2023 appropriation includes an estimated 2022 retroactive payment of \$251,330. The 2024 increase will be an ongoing cost contained in SPD's annual budget.

3.b. Revenues/Reimbursements

___ This legislation adds, changes, or deletes revenues or reimbursements.

3.c. Positions

___ This legislation adds, changes, or deletes positions.

4. OTHER IMPLICATIONS

- a. Does this legislation affect any departments besides the originating department? Yes, this legislation has operational and cost impacts to the Seattle Police Department.
- b. Is a public hearing required for this legislation?
No.
- c. Is publication of notice with *The Daily Journal of Commerce* and/or *The Seattle Times* required for this legislation?
No.
- d. Does this legislation affect a piece of property?
No.
- e. Please describe any perceived implication for the principles of the Race and Social Justice Initiative. Does this legislation impact vulnerable or historically disadvantaged communities? What is the Language Access plan for any communications to the public?
N/A.
- f. Climate Change Implications
 1. Emissions: Is this legislation likely to increase or decrease carbon emissions in a material way? No.
 2. Resiliency: Will the action(s) proposed by this legislation increase or decrease Seattle's resiliency (or ability to adapt) to climate change in a material way? If so, explain. If it is likely to decrease resiliency in a material way, describe what will or could be done to mitigate the effects. No.
- g. If this legislation includes a new initiative or a major programmatic expansion: What are the specific long-term and measurable goal(s) of the program? How will this legislation help achieve the program's desired goal(s)?
N/A.



Legislation Text

File #: CB 120552, **Version:** 1

CITY OF SEATTLE

ORDINANCE _____

COUNCIL BILL _____

AN ORDINANCE relating to civil service commissions; clarifying election procedures for the employee-elected members of the Civil Service Commission and Public Safety Civil Service Commission; and amending Sections 4.04.250 and 4.08.040 of the Seattle Municipal Code.

WHEREAS, the next regular elections for the employee-elected members of the Civil Service Commission and

Public Safety Civil Service Commission will be held in November 2023; and

WHEREAS, Civil Service Commission and Public Safety Civil Service Commission employee elections are

administered by the City Clerk pursuant to Seattle Municipal Code subsections 4.04.250.D and

4.08.040.D; and

WHEREAS, the Office of the City Clerk is preparing to revise and update its Rules for conducting the elections

for the employee-elected members of the Civil Service Commission and Public Safety Civil Service

Commission; and

WHEREAS, in the course of recent employee elections, questions have arisen that are beyond the scope of the

Rules; NOW, THEREFORE,

BE IT ORDAINED BY THE CITY OF SEATTLE AS FOLLOWS:

Section 1. Section 4.04.250 of the Seattle Municipal Code, last amended by Ordinance 126206, is amended as follows:

4.04.250 Civil Service Commission

* * *

B. Eligibility of Commissioners. In order that the independence of the Commissioners be assured, no

person shall serve as Commissioner who is also a member of the Mayor's office, the City Council staff, the Civil Service Commission staff, an elected official, a head of a City department, or ~~((an))~~ a Civil Service-exempt City employee.

C. Election for Employee's Commissioner. All ~~((City employees who are regular or probationary employees of the City, except members of the Public Safety Personnel System, are eligible to vote for the employee-selected Commissioner. Elected, exempt, and temporary employees may not vote in that election.))~~ regular and probationary employees who are members of the Civil Service system are eligible to vote for an employee-elected Civil Service Commissioner.

D. Commissioner's election and administration. Election of the employee-selected ~~((commissioner to))~~ member of the Commission shall be administered by the City Clerk as determined by City Clerk rule. Election shall be held during the week beginning on the first Monday in November 2020 and every third year thereafter.

* * *

F. Voting~~((:))~~

1. The candidate receiving the majority of votes cast shall win the election.

2. If no candidate receives a majority of the votes cast, the two candidates receiving the highest and next highest number of votes cast shall be candidates in a runoff election ~~((held at a date and time to be determined by the City Clerk. The runoff election be scheduled so that completion of balloting and certification))~~ . The City Clerk shall establish procedures for runoff elections by rule, provided that certification of runoff election results shall occur ((before)) no later than 5 p.m. on the last business day of December of the election year. ((Notice and voting shall be the same as for regular Commissioner's election.))

3. The City Clerk shall establish by rule a threshold for the difference in votes received by the top two candidates that would require a recount of the votes.

* * *

Section 2. Section 4.08.040 of the Seattle Municipal Code, last amended by Ordinance 126206, is

amended as follows:

4.08.040 Public Safety Civil Service Commission

* * *

C. All regular and probationary employees who are members of ~~((this system))~~ the Public Safety Civil Service System are eligible to vote for an employee-selected Public Safety Civil Service Commissioner.

D. Elections shall be administered by the City Clerk as determined by City Clerk rule. Elections shall be held during the week beginning on the first Monday in November 2020 and every third year thereafter.

* * *

F.

1. The candidate receiving the majority of votes cast shall win the election.

2. If no candidate receives a majority of the votes cast, the two candidates receiving the highest and next highest number of votes shall be candidates in a runoff election ~~((at a date and time to be determined by the City Clerk. The runoff election be scheduled so that completion of balloting and certification))~~ The City Clerk shall establish by Rule procedures for runoff elections. Certification of runoff election results shall occur ~~((before))~~ no later than 5 P.M. on the last business day of December of the election year. ~~((Notice and balloting shall be the same as for a regular Commissioner's election.))~~

3. The City Clerk shall establish by rule a threshold for the difference in votes received by the top two candidates that would require a recount of the votes.

* * *

Section 3. This ordinance shall take effect and be in force 30 days after its approval by the Mayor, but if not approved and returned by the Mayor within ten days after presentation, it shall take effect as provided by Seattle Municipal Code Section 1.04.020.

Passed by the City Council the _____ day of _____, 2023, and signed by

me in open session in authentication of its passage this _____ day of _____, 2023.

President _____ of the City Council

Approved / returned unsigned / vetoed this _____ day of _____, 2023.

Bruce A. Harrell, Mayor

Filed by me this _____ day of _____, 2023.

Elizabeth M. Adkisson, Interim City Clerk

(Seal)

SUMMARY and FISCAL NOTE*

Department:	Dept. Contact/Phone:	CBO Contact/Phone:
Legislative	Elizabeth M. Adkisson / 206-684-8361	

** Note that the Summary and Fiscal Note describes the version of the bill or resolution as introduced; final legislation including amendments may not be fully described.*

1. BILL SUMMARY

Legislation Title: AN ORDINANCE relating to civil service commissions; amending election procedures for the employee-elected members of the Civil Service Commission and Public Safety Civil Service Commission; and amending Sections 4.04.250 and 4.08.040 of the Seattle Municipal Code.

Summary and background of the Legislation: The Civil Service Commission and the Public Safety Civil Service Commission each consist of three members, including one member appointed by the Mayor, one member appointed by the Council and one member elected by eligible City employees. The Office of the City Clerk is responsible for administering the employee elections every three years. In the course of recent elections, questions have arisen that need to be clarified but are beyond the scope of the OCC's Election Rules. Primarily, this ordinance seeks to clarify who is eligible to run and to vote in Civil Service elections.

2. CAPITAL IMPROVEMENT PROGRAM

Does this legislation create, fund, or amend a CIP Project? ☐ Yes ☒ No

3. SUMMARY OF FINANCIAL IMPLICATIONS

Does this legislation amend the Adopted Budget? ☐ Yes ☒ No

	General Fund \$		Other \$	
	2022	2023	2022	2023
Appropriation change (\$):				
Estimated revenue change (\$):	Revenue to General Fund		Revenue to Other Funds	
	2022	2023	2022	2023
Positions affected:	No. of Positions		Total FTE Change	
	2022	2023	2022	2023

Does the legislation have other financial impacts to the City of Seattle that are not reflected in the above, including direct or indirect, short-term or long-term costs?

No.

Is there financial cost or other impacts of *not* implementing the legislation?

No.

3.a. Appropriations

_____ This legislation adds, changes, or deletes appropriations.

See the list of items above for changes to appropriations.

Is this change one-time or ongoing?

3.b. Revenues/Reimbursements

_____ This legislation adds, changes, or deletes revenues or reimbursements.

Anticipated Revenue/Reimbursement Resulting from this Legislation:

Fund Name and Number	Dept	Revenue Source	2022 Revenue	2023 Estimated Revenue
TOTAL				

Is this change one-time or ongoing?

3.c. Positions

_____ This legislation adds, changes, or deletes positions.

4. OTHER IMPLICATIONS

a. Does this legislation affect any departments besides the originating department?

No.

b. Is a public hearing required for this legislation?

No.

c. Is publication of notice with *The Daily Journal of Commerce* and/or *The Seattle Times* required for this legislation?

No.

d. Does this legislation affect a piece of property?

No.

e. Please describe any perceived implication for the principles of the Race and Social Justice Initiative. Does this legislation impact vulnerable or historically disadvantaged communities? What is the Language Access plan for any communications to the public?

No implication or impact.

f. Climate Change Implications

1. Emissions: Is this legislation likely to increase or decrease carbon emissions in a material way?

No.

2. Resiliency: Will the action(s) proposed by this legislation increase or decrease Seattle's resiliency (or ability to adapt) to climate change in a material way? If so, explain. If it is likely to decrease resiliency in a material way, describe what will or could be done to mitigate the effects.

No.

g. If this legislation includes a new initiative or a major programmatic expansion: What are the specific long-term and measurable goal(s) of the program? How will this legislation help achieve the program's desired goal(s).

N/A

List attachments/exhibits below:



Legislation Text

File #: CB 120553, **Version:** 1

CITY OF SEATTLE

ORDINANCE _____

COUNCIL BILL _____

AN ORDINANCE relating to City employment; authorizing the execution of a Memorandum of Understanding between The City of Seattle and Local 242; establishing a new title and rate of pay; and ratifying and confirming certain prior acts.

WHEREAS, the City and Local 242 identified a need to bargain over rates of pay due to a change in job duties, and to establish additional classifications in a Park Ranger classification series; and

WHEREAS, The City of Seattle and Local 242 entered into negotiations, and came to a tentative agreement as memorialized in a Memorandum of Understanding; NOW, THEREFORE,

BE IT ORDAINED BY THE CITY OF SEATTLE AS FOLLOWS:

Section 1. As requested by the Seattle Human Resources Director and recommended by the Mayor, the Mayor is authorized on behalf of The City of Seattle to execute a Memorandum of Understanding with Local 242 substantially in the form attached to this ordinance as Attachment 1 and identified as “Memorandum of Understanding by and between The City of Seattle and Local 242,” after the union completes its approval process.

Section 2. As recommended by the Seattle Human Resources Director, the following title and salary rates are established as displayed below, effective as of the date shown and pay is authorized as of the effective date:

Department:	Seattle Parks & Recreation
New Title:	Park Ranger, Supervisor
Salary Range:	\$35.22 - \$37.01 - \$38.86 - \$40.83 - \$42.86
Report:	20487
Effective Date of Title:	4/1/2023

Section 3. Any act consistent with the authority of this ordinance taken prior to its effective date is ratified and confirmed.

Section 4. This ordinance shall take effect and be in force 30 days after its approval by the Mayor, but if not approved and returned by the Mayor within ten days after presentation, it shall take effect as provided by Seattle Municipal Code Section 1.04.020.

Passed by the City Council the _____ day of _____, 2023, and signed by me in open session in authentication of its passage this _____ day of _____, 2023.

President _____ of the City Council

Approved / returned unsigned / vetoed this _____ day of _____, 2023.

Bruce A. Harrell, Mayor

Filed by me this _____ day of _____, 2023.

Elizabeth M. Adkisson, Interim City Clerk

(Seal)

Attachments (if any):

Attachment 1 - Memorandum of Understanding by and between The City of Seattle and Local 242

Exhibit A - Attachment to Memorandum of Understanding

MEMORANDUM OF UNDERSTANDING

BY AND BETWEEN THE CITY OF SEATTLE

AND

Local 242

RE: Agreement on midterm contract wage adjustment for Park Rangers

This Memorandum of Understanding (MOU), regarding the implementation and settlement for Park Ranger wage adjustments. The following terms and condition shall apply all other conditions of the 2023 collective bargaining agreement will be in effect though the coalition bargaining process. This agreement is entered into by and between the City of Seattle (City) and Local 242), (collectively, the Parties).

Background:

Seattle Parks & Recreation submitted a request on February 16, 2023 to revise the existing Park Ranger classification as well as create two (2) new titles for a full series (senior and supervisory levels).

The new title requests for the Park Ranger, Senior and Park Ranger, Supervisor support newly defined bodies of work to provide lead responsibilities. Additionally, these new levels allow for Seattle Parks & Recreation to create a career ladder and support growth and development of existing Park Rangers.

The Park Ranger, Supervisor will not be represented. The classification specification content identifies clear distinguishing characteristics and separation of bargaining unit work performed by Local 242.

Wage Adjustment:

- The parties agree to amend and modify the collective bargaining agreement effective April 5, 2023 and to update the wage table with the following:

Title/Grade	Step 1 0-1 year	Step 2 1-2 years	Step 3 2-3 years	Step 4 3-4 years	Step 5 5 years and more
Park Ranger	\$29.07	\$30.51	\$31.97	\$33.56	\$35.26

Park Ranger, Senior	\$33.56	\$35.26	\$37.01	\$38.86	\$40.83
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- The parties agree this will be the only market adjustment for the above classifications for the current bargaining cycle. The classification will be eligible to receive an AWI for 2023 and future AWI adjustments negotiated through the coalition bargaining process.

Other Terms and Conditions:

- Employees listed in the attachments shall have their seniority carry with them into the Park Ranger classifications. If the employee elects to not move to one of the new classifications, this provision shall not apply.
- All other remaining terms of the current CBA will remain in effect.
- This agreement is non-precedent and can not be used in any future negotiations, grievances, or demand to bargain.
- This constitutes the entire agreement and resolves all issues between the parties regarding the subject matter herein and all parties acknowledge that there are no side agreements, written, oral, or otherwise. No modification to this agreement is valid unless in writing and signed by the parties.

For Local 242 _____ Date _____
Dale Cannon, Secretary
Business Manager

For the City of Seattle
Jeff Clark, Labor Negotiator

Date _____

For Local 242 _____ Date _____
Kathy Wilkens, Business Agent

For the City of Seattle Date
Shaun Van Eyk, Labor Relations Director

For the City of Seattle
Bruce Harrell, Mayor

Date _____

Attachment to
Memorandum of Understanding
By and between The City of Seattle
and
Local 242

Re: Agreement on midterm contract wage adjustment for Park Rangers

For layoff and bumping purposes, service credit in the Park Ranger classification will be granted to the employees listed below beginning on the date shown below:

<u>Name</u>	<u>Date</u>
Martin Lopez	8/24/2016
Lisa Harrison	12/27/2007
Brian Gay	9/15/2015
Sandra Wilcox	4/30/2008
Jordan Sorensen	5/4/2016
Louis Richardson	8/7/2019

SUMMARY and FISCAL NOTE*

Department:	Dept. Contact:	CBO Contact:
Seattle Department of Human Resources	Jeff Clark Shaun Van Eyk	Kailani DeVille Justin Hellier

** Note that the Summary and Fiscal Note describes the version of the bill or resolution as introduced; final legislation including amendments may not be fully described.*

1. BILL SUMMARY

Legislation Title: AN ORDINANCE relating to City employment; authorizing the execution of a Memorandum of Understanding between The City of Seattle and Local 242; establishing a new title and rate of pay; and ratifying and confirming certain prior acts.

Summary and Background of the Legislation:

The City and Local 242 entered into negotiations after identifying a need to bargain over rates of pay due to a change in job duties, and a need to establish additional classifications in a Park Ranger classification series.

This legislation:

- 1) Authorizes the Mayor to execute a Memorandum of Understanding (“MOU”) between The City of Seattle (“City”) and Local 242, collectively referred to as “the Parties.” The MOU memorializes the agreement between the Parties to:
 - Establish a new title and rate of pay for Senior Park Ranger, effective April 1, 2023.
 - Adjust the rate of pay for Park Rangers effective April 1, 2023. This will be the only market adjustment for Park Rangers and Senior Park Rangers this bargaining cycle. The classifications will be eligible to receive an Annual Wage Increase (“AWI”) for 2023 and future AWI adjustments negotiated through the coalition bargaining process.
 - Employees in the positions listed in the attachment shall have their seniority carry with them into the Park Ranger classifications.
- 2) Establishes a new title and rate of pay for Supervising Park Ranger, which is not represented by a union. The new title and rate of pay will be effective on April 1, 2023.

In 2023, this change is expected to cost an additional \$161,494, and the City will absorb these expenses within existing appropriations in Seattle Park and Recreation’s budget. This adjustment will have no impact on services provided, as these costs can be absorbed due to staff vacancies in the first quarter of 2023.

The Executive expects to transmit a budget neutral technical change in the 2024 Proposed Budget that funds these expenses in an ongoing way.

2. CAPITAL IMPROVEMENT PROGRAM

Does this legislation create, fund, or amend a CIP Project?

☐ Yes ☒ No

3. SUMMARY OF FINANCIAL IMPLICATIONS

Does this legislation amend the Adopted Budget? Yes X No

Does the legislation have other financial impacts to The City of Seattle that are not reflected in the above, including direct or indirect, short-term or long-term costs?

The financial impacts are outlined in the summary of the legislation. The increased labor costs beyond what is provided in this bill will be included in Seattle Parks & Recreation's base budget in future years.

Are there financial costs or other impacts of *not* implementing the legislation?

If this bill is not legislated, The City cannot implement the changes to wages. There may be other implications of not authorizing the MOU.

4. OTHER IMPLICATIONS

- a. Does this legislation affect any departments besides the originating department? Yes, this legislation has operational and cost impacts to Seattle Parks & Recreation.
- b. Is a public hearing required for this legislation?
No.
- c. Is publication of notice with *The Daily Journal of Commerce* and/or *The Seattle Times* required for this legislation?
No.
- d. Does this legislation affect a piece of property?
No.
- e. Please describe any perceived implication for the principles of the Race and Social Justice Initiative. Does this legislation impact vulnerable or historically disadvantaged communities? What is the Language Access plan for any communications to the public?
N/A.
- f. Climate Change Implications
 - 1. Emissions: Is this legislation likely to increase or decrease carbon emissions in a material way? No.
 - 2. Resiliency: Will the action(s) proposed by this legislation increase or decrease Seattle's resiliency (or ability to adapt) to climate change in a material way? If so, explain. If it is likely to decrease resiliency in a material way, describe what will or could be done to mitigate the effects. No.

- g. If this legislation includes a new initiative or a major programmatic expansion: What are the specific long-term and measurable goal(s) of the program? How will this legislation help achieve the program's desired goal(s)?**

N/A



Legislation Text

File #: CB 120537, **Version:** 1

CITY OF SEATTLE

ORDINANCE _____

COUNCIL BILL _____

AN ORDINANCE relating to downtown business improvement areas; establishing a new ten-year Business Improvement Area to be known as the Metropolitan Improvement District; levying special assessments upon owners of commercial property, multifamily residential property, and mixed-use property within the area; providing for the deposit of revenues in a special account and expenditures therefrom; providing for collection of and penalties for delinquencies; providing for the establishment of a Ratepayers Advisory Board; providing for an implementation agreement with a Program Manager; disestablishing the existing Metropolitan Improvement District that was established by Ordinance 124175 (“2013 MID”); suspending the issuance of assessments and providing for the continuity of services under the 2013 MID; providing for the transfer of any remaining funds from the 2013 MID Account; and ratifying and confirming certain prior acts.

WHEREAS, chapter 35.87A RCW authorizes the City to establish business improvement areas to provide special benefits to business and property owners within a defined geographic area through the imposition of special assessments; and

WHEREAS, the owners of commercial, multifamily residential, and mixed-use properties located within the area and representing over 66 percent of the total special assessments levied by this ordinance filed a petition with The City of Seattle (“City”) to establish a new Metropolitan Improvement District pursuant to chapter 35.87A RCW, a copy of which is filed in Clerk File 322591; and

WHEREAS, to gauge the percentage of special assessments that were reflected in signed petitions, City staff followed RCW 35.87A.010, and calculated the dollar amount of the special assessment that each commercial, multifamily residential, or mixed-use property would pay, and compared the dollar amount represented by signed petitions and letters of support to the estimated total for the entire proposed Metropolitan Improvement District, and the result was nearly 66 percent in approved and validated

petitions, which exceeds the threshold of 60 percent stated in RCW 35.87A.010; and

WHEREAS, the City Council adopted Resolution 32089, initiating the Metropolitan Improvement District via the resolution method instead of the petition method as provided for in RCW 35.87A.030; and

WHEREAS, pursuant to RCW 35.87A.040, the City Council on March 28, 2023, adopted Resolution 32090 entitled “A RESOLUTION of intention to establish a new Metropolitan Improvement District and fix a date and place for a hearing thereon,” which stated its intention to establish the new Metropolitan Improvement District, the proposed boundaries, and the proposed programs, and which set the date and time for a public hearing; and

WHEREAS, pursuant to RCW 35.87A.180, the City Council adopted Resolution 32091, which stated its intention to disestablish the current Metropolitan Improvement District established in 2013 by Ordinance 124175 and set a date and place for a public hearing; and

WHEREAS, the purpose of the Metropolitan Improvement District is to enhance conditions for the commercial, multifamily residential, and mixed-use properties by performing activities that go beyond the basic services provided by the City; and

WHEREAS, as provided by Resolution 32090, the City Council, through its Economic Development, Technology, and City Light Committee, held a virtual public hearing at 9:30 a.m. on April 12, 2023, at City Council Chambers, City Hall, 600 Fourth Avenue, 2nd Floor, Seattle, Washington, 98104; and

WHEREAS, the testimony received at that virtual public hearing resulted in the Council determining that establishing a new Metropolitan Improvement District is in the best interest of the owners of commercial, multifamily residential, and mixed-use properties within the Metropolitan Improvement District’s boundaries; NOW, THEREFORE,

BE IT ORDAINED BY THE CITY OF SEATTLE AS FOLLOWS:

Section 1. Disestablished. The current Business Improvement Area (BIA) known as the Metropolitan Improvement District (“2013 MID”) established by Ordinance 124175 shall be disestablished at 12:01 a.m. on

July 1, 2023.

Section 2. 2013 MID Assessments to Cease. No further MID assessments from Ordinance 124175 shall be made after July 1, 2023.

Section 3. Winding up of Operations. The Director of the Office of Economic Development or designee (“OED Director”) is authorized to enter into an agreement with the Program Manager of the 2013 MID to provide for continuity of services and winding up of operations of the 2013 MID. All 2013 MID program and management operations shall cease effective July 1, 2023 and all remaining funds in the 2013 MID Account shall immediately be transferred to the account described in Section 9 of this ordinance.

Section 4. Area established. As authorized by chapter 35.87A RCW, there is established a Business Improvement Area to be known as the Metropolitan Improvement District (“MID”), within the following boundaries as shown on the map attached to this ordinance as Attachment A and described in this section. When a street or alley is named, the area boundary is the centerline of the right-of-way including vacated portions unless otherwise specified in the description.

The Metropolitan Improvement District Area:

- From the corner of Elliott Avenue and Denny Way, proceed west to Elliott Bay [excluding Myrtle Edwards Park]; then proceed
 - South along the waterfront to Alaskan Way and Broad Street; then proceed
 - South along Alaskan Way, including the piers and/or properties abutting the west side of Alaskan Way, to South Dearborn St; then proceed
 - East to 1st Ave South; then proceed
 - South to South Royal Brougham Way, including properties abutting the west side of 1st Ave South to Alaskan Way South; then proceed
 - East to Occidental Avenue South; then proceed
 - North on Occidental Avenue South to South King Street; then proceed

- East on South King Street, including properties abutting the south side of South King Street to 4th Avenue South; then proceed

- North on 4th Avenue South to South Washington Street; then proceed
- East on South Washington Street to 6th Avenue South; then proceed
- North along 6th Avenue South and 6th Avenue to Jefferson Street; then proceed
- North along Interstate-5 to Denny Way [excluding Freeway Park]; then proceed
- West along Denny Way and West Denny Way to Elliott Avenue.

In case of a conflict between the descriptions of the areas and the map, the descriptions shall control.

Section 5. Programs. Special assessment revenues shall be used for the following component programs within the Business Improvement Area:

- A. Cleaning and Maintenance Services;
- B. Community Safety, Hospitality, and Outreach Services;
- C. Public Events and Beautification of Public Spaces;
- D. Economic Development, Advocacy and other Planning Services;
- E. Promotion, Marketing and Communication Services;
- F. Transportation and Parking Support; and
- G. Program Management.

All such activities are supplemental to programs and services provided by the City and are not intended to displace any services regularly provided by municipal government. The total projected cost of MID programs that will be paid for with the proposed MID's assessments in the fiscal year of 2023-2024 is estimated to be approximately \$18.3 million. This will also be the approximate amount in subsequent years as adjusted by various factors including, but not limited to, inflation and other impacts to the total level of assessment due to factors discussed in the assessment formula.

Section 6. Levy of special assessments. To finance the programs authorized in Section 5 of this

ordinance, a ten-year special assessment shall be levied upon and collected from the owners of commercial property, multifamily residential property (buildings containing four or more residential units), and mixed-use property (multifamily residential and commercial) located within the boundaries of the Metropolitan Improvement District (MID) described in Section 4 of this ordinance. Initial assessment calculations will be based on property information from the King County Assessor's Office for Value Year 2021/Tax Year 2022. The MID shall annually update records based on data and information from King County and the City. Ratepayers shall be assessed by the City in ten annual installments to be billed semi-annually beginning in the year of the authorization (2023), by applying the following assessment rates to each ratepayer:

A. Base Year Assessment = $(\$0.45 \times \text{Land Square Footage}) + (\$0.37 \times (\text{Total Taxable Value (Land + Improvements)} / \$1,000))$. Records for the assessment calculation are based on information provided by the King County Assessor's Office. This calculation is called the "Base Formula." Modifications or limitations to these assessments are described below.

B. Building Square Footage Ceiling. For any individual parcel for which the Floor Area Ratio (FAR=Net Building Square Footage/Land Square Footage) is greater than 0.5, no Base Year assessment shall exceed an amount equal to $(\$0.24 \times \text{Net Building Square Footage})$. This rate is called the "Building Square Footage Ceiling."

C. For the following special classifications of Ratepayers (using King County Assessor's Present Use Code) and where more than 75 percent of a property's total net building square footage is designated a hotel, parking or residential section use code, a Special Assessment Ceiling Rate as set forth below shall be applied to the Base Year Assessment to determine the rate most reflective of benefit for that particular class of Ratepayer:

1. Hotel Room Ceiling. The hotel room ceiling shall be \$112 in the first assessment year; \$125 in the second assessment year and adjusted by an inflationary factor as set forth in Section 6(G)(3) of this ordinance in the second through tenth assessment years.

2. Residential Unit Ceiling. The residential unit ceiling shall be \$175 in the first assessment

year; \$195 in the second assessment year and also adjusted by an inflationary factor as set forth in Section 6(G) (3) of this ordinance in the second through tenth assessment years.

3. Surface Parking Ceiling: $(\$0.81 \times (\text{Total Appraised Value}/\$1,000))$.

D. If the Total Appraised Value and Total Taxable Value in the King County Assessor's records are not equal, then using the King County Assessor's notations about "Tax Value Reason" (TVR), nonprofit rates or other special criteria may apply under the following rules:

1. If TVR is "OP" (Operating Property), then use Appraised Value.

2. If TVR is "HP" (Historic Property), then use Taxable Value.

3. If TVR is "NP" (Nonprofit Org.), and the property is in nonprofit use, then use Taxable Value and calculate the MID Assessment as 25 percent of the Base Formula. Twenty-five percent of the Base Formula is called the Nonprofit Rate.

4. If TVR is "EX" or "MX" (Exempt from Taxes), then review the property in detail, and:

a. If the property is owned and operated by a governmental organization, and in governmental use, then it is exempt from mandatory MID assessment.

b. If the property is owned and operated by a nonprofit organization in nonprofit use, the MID Assessment is calculated using Taxable Value and the Nonprofit Rate.

c. If the property is operated by a for-profit organization, the MID Assessment is calculated using Appraised Value.

5. If TVR is blank, then use Taxable Value.

E. When more than one Assessment Ceiling Rate applies to a single parcel, Ratepayers shall pay the lesser of the applicable Assessment Ceilings.

F. Properties owned by governmental entities and public utilities will not be assessed except as provided in Section 6(D) of this ordinance.

G. To maintain the current level of services and increase benefits provided by MID, annual assessment

rate increases shall be applied consistent with this subsection.

1. Assessments in the second through fifth years, as adjusted pursuant to this subsection, shall be based upon the same property values as in the first assessment year. In the sixth assessment year (2028-2029), the base formula shall be calculated using the most recent Total Appraised Value, Total Taxable Value, Land Square Footage, Net Building Square Footage, and other information from the King County Assessor's Office.

2. Assessments in the sixth, seventh, eighth, ninth, and tenth assessment years, as adjusted pursuant to this subsection, shall be based upon the same property values as in the sixth assessment year.

3. After the first assessment year, the Land Square Footage rate, and the ceilings for Building Square Footage, Hotel Room, and Residential Unit rates shall be adjusted by an Inflationary Factor, which will be equal to the change in the annual Consumer Price Index for All Urban Consumers in Seattle-Tacoma-Bellevue ("CPI") but no less than 2.5 percent and no greater than 5 percent.

4. After the first assessment year, the value portion of the prior year's base assessment calculation shall be adjusted by an Inflationary Factor, which will be equal to the change in the annual Consumer Price Index for All Urban Consumers in Seattle-Tacoma-Bellevue ("CPI") but no less than 2.5 percent and no greater than 5 percent.

5. Notwithstanding the provisions of this subsection, the following shall apply:

a. The Base Formula rate for the Total Taxable Value portion of the calculation will not exceed \$0.37.

b. The Base Formula rate for the Land Square Footage portion of the calculation will not exceed \$0.45 x the cumulative Inflationary Factor.

c. The Building Square Footage Ceiling will not exceed \$0.21 x the cumulative Inflationary Factor.

d. The Hotel Room Ceiling will not exceed \$125.00 x the cumulative Inflationary Factor.

e. The Residential Unit Ceiling will not exceed \$195.00 x the cumulative Inflationary

Factor.

f. The Surface Parking Ceiling will not exceed \$0.81 x the cumulative Inflationary Factor.

H. New benefit areas shall be added to the assessment roll on an annual basis, as follows. A “new benefit area” is created when a parcel’s net building square footage increases as a result of either a new building or expansion of an existing building. A new benefit area shall be added to the MID assessment roll following its inclusion in the King County Assessor assessment roll during the preceding year. The new benefit area shall be assessed according to the Base Formula factors and Assessment ceiling rates in effect during the assessment year. A new benefit area will continue to have its value updated to the most current year value until it is designated as 100 percent complete and no new dollars are added by the King County Assessor’s Office. The formula for a new benefit area will be calculated using the new King County Assessor’s values in the Base Formula multiplied by the annual CPI Factor in effect. New Business Improvement Area (BIA) assessments will be billed at the next regularly scheduled billing period established by the Director of Treasury Services.

I. Multifamily Tax Exemption (MFTE). If a property is owned by a for-profit entity and qualifies for the MFTE from the City, the Base Year Assessment will be calculated using the Total Appraised Value upon 100 percent completion of the building and/or authorization of MFTE.

J. Rate changes. Changes in assessment rates other than as described in this section shall only be authorized by ordinance consistent with RCW 35.87A.140 and with the approval of the BIA Advisory Board and shall not occur more than one time per year.

Section 7. Assessments shall commerce as of July 1, 2023, or on the effective date of this ordinance, whichever is later.

Section 8. Billing schedule. Special assessments shall be billed on a semi-annual basis. The Treasury Director may change the billing frequency by directive to an interval no more frequent than quarterly. The Treasury Director shall mail a copy of a directive issued under this section to all ratepayers not less than 90

days before the new billing due date is to take effect.

Section 9. Deposit of revenues. There is in the City Treasury's Business Improvement Area Fund a separate subaccount designated the Metropolitan Improvement District Account (called "the Account"). The following monies shall be deposited in the Account:

- A. All revenues from special assessments levied under this ordinance;
- B. All income to the City from public events financed with special assessments;
- C. Gifts and donations;
- D. Interest and all other income from the investment of Account deposits;
- E. Reimbursements due to the Account; and
- F. All revenues from special assessments levied under Ordinance 124175 pursuant to Section 3 of this

ordinance.

Section 10. Administration. The Treasury Director shall administer the program for the City with authority to:

- A. Collect the special assessments; refund special assessments when overpaid or otherwise improperly collected; extend the deadline for payment; and waive delinquency charges, processing fees, and interest whenever the delinquency results from extenuating circumstances beyond the ratepayer's control, such as a casualty loss causing premature closure of the business or bankruptcy, or the total payment due to the City (exclusive of delinquency charges and interest) is \$10 or less;
- B. Calculate and collect the interest, delinquency charges, and processing fees for late payments; and
- C. Accept and deposit advance payment of assessments by ratepayers; accept donations from governmental agencies, the public, and owners and operators of businesses on property that is developed or redeveloped during the existence of the Metropolitan Improvement District.

Section 11. Delinquent payments. If an assessment has not been paid within 30 days after its due date,

the Treasury Director shall send a reminder notice and add a \$5 processing fee. If the assessment is not paid within 60 days after its due date, a delinquency charge shall be added in the amount of ten percent of the assessment. All assessments that are not paid within 60 days of the due date shall also bear interest from the due date at 12 percent per annum. The Treasury Director is authorized to refer any unpaid assessments to a collection agency or to bring an action to collect any unpaid assessments in any court of competent jurisdiction in King County.

Section 12. Notices. Notices of assessment, installment payments, or delinquency, and all other notices contemplated by this ordinance may be sent by ordinary mail or delivered by the City to the address shown on the records of the Treasury Director, and, if no address is shown there, to the address shown on the records of the King County Assessor's Office. Failure of the ratepayer to receive any mailed notice shall not release the ratepayer from the duty to pay the assessment on the due date and any interest, delinquency charges, and processing fees.

Section 13. Disputes. Any ratepayer aggrieved by the amount of an assessment or delinquency charge may upon request obtain a meeting with the Treasury Director or the Treasury Director's designee. If not satisfied, the ratepayer may appeal the matter to the City's Hearing Examiner in the manner provided for a contested case under Seattle Municipal Code Chapter 3.02. The ratepayer has the burden of proof to show that the assessment or delinquency charge is incorrect.

Section 14. Audit. The City may conduct random audits of ratepayers to ensure that assessments are being properly calculated and reported.

Section 15. Expenditures. Expenditures from the Account shall be made upon demand and presentation of documentation of allowable expenses to the Treasury Director by the BIA Program Manager and shall be used exclusively for the purposes as defined in Section 5 of this ordinance.

Section 16. Program Manager. The Director of the Office of Economic Development or designee ("OED Director") is authorized to contract with a local non-profit entity operating primarily within the City

with experience in BIA management to act as the Program Manager. The Program Manager's duties, subject to the approval of the ratepayers at each annual meeting, will be to manage the day-to-day operations of the Metropolitan Improvement District and to administer the projects and activities. The Program Manager shall exercise fiduciary responsibility to spend the special assessment revenues exclusively for the benefit of the Metropolitan Improvement District and only for the purposes identified in Section 5 of this ordinance. The Program Manager shall abide by City ordinances and state law related to business improvement areas.

Meetings of the Program Managers' board or committee at which Metropolitan Improvement District activities are anticipated to be discussed shall be open to the public, with at least five days' advance notice posted by the Program Manager(s) on its website and also disseminated by any other means that the Program Manager(s) generally uses to communicate.

Section 17. BIA Advisory Board. The OED Director shall, within 30 days of the effective date of this ordinance, appoint an interim BIA Advisory Board comprised of ratepayers representative of the entire geography and variety of sizes within the Metropolitan Improvement District. The OED Director shall solicit recommendations from the ratepayers and shall appoint the interim board from that list. The interim BIA Advisory Board will, within 90 days of the effective date of this ordinance, recommend an inaugural BIA Advisory Board ("Board").

The composition of the Board shall be representative of the varying sizes and types of property owners, residents, and business tenants, within the geographic area of the Metropolitan Improvement District and may include public agencies.

The OED Director shall appoint the inaugural Board members from the list recommended by the interim BIA Advisory Board. The OED Director may appoint additional members to the Board beyond those recommended by the interim BIA Advisory Board to ensure a broad representation of ratepayers.

As a prerequisite to serving on the Board, each member shall sign an acknowledgment, prepared by the OED Director, that they will abide by City ordinances and state law related to business improvement areas.

The Board shall be responsible for: adopting bylaws consistent with the City’s BIA policies; adopting policy guidelines; recommending approval of budgets, expenditures, and programs; and providing advice and consultation to the OED and Treasury Directors and to the Program Manager.

The Board shall meet at least once quarterly; recommend an annual work program and budget; address and discuss ratepayer concerns and questions regarding the Metropolitan Improvement District programs; and sponsor an annual ratepayers’ meeting. Meetings of the Board shall be open to the public and subject to the Open Public Meetings Act, with at least five days’ advance notice posted by the Program Manager on its website and disseminated by any other means that the Program Manager generally uses to communicate.

At the annual ratepayers’ meeting, the Board shall present its proposed work plan and budget for the next year, and its recommendation regarding whether to continue with the current Program Manager. The work plan, budget, and recommendation regarding whether to continue with the current Program Manager must be approved by a vote of the ratepayers and submitted to the OED Director for review and approval.

Section 18. Request to disestablish. The Metropolitan Improvement District shall have a term of ten years and will expire ten years after the date that the area is established. Upon a petition signed by ratepayers that would pay 60 percent of the proposed special assessments, the BIA Advisory Board shall request that the City Council disestablish the Metropolitan Improvement District in accordance with chapter 35.87A RCW.

Section 19. Ratification and confirmation. The making of contracts and expenditures and the sending of assessment notices consistent with the authority of this ordinance taken after its passage and prior to its effective date are ratified and confirmed.

Section 20. This ordinance shall take effect and be in force 30 days after its approval by the Mayor, but if not approved and returned by the Mayor within ten days after presentation, it shall take effect as provided by Seattle Municipal Code Section 1.04.020.

Passed by the City Council the _____ day of _____, 2023, and signed by

me in open session in authentication of its passage this _____ day of _____, 2023.

President _____ of the City Council

Approved / returned unsigned / vetoed this _____ day of
_____, 2023.

Bruce A. Harrell, Mayor

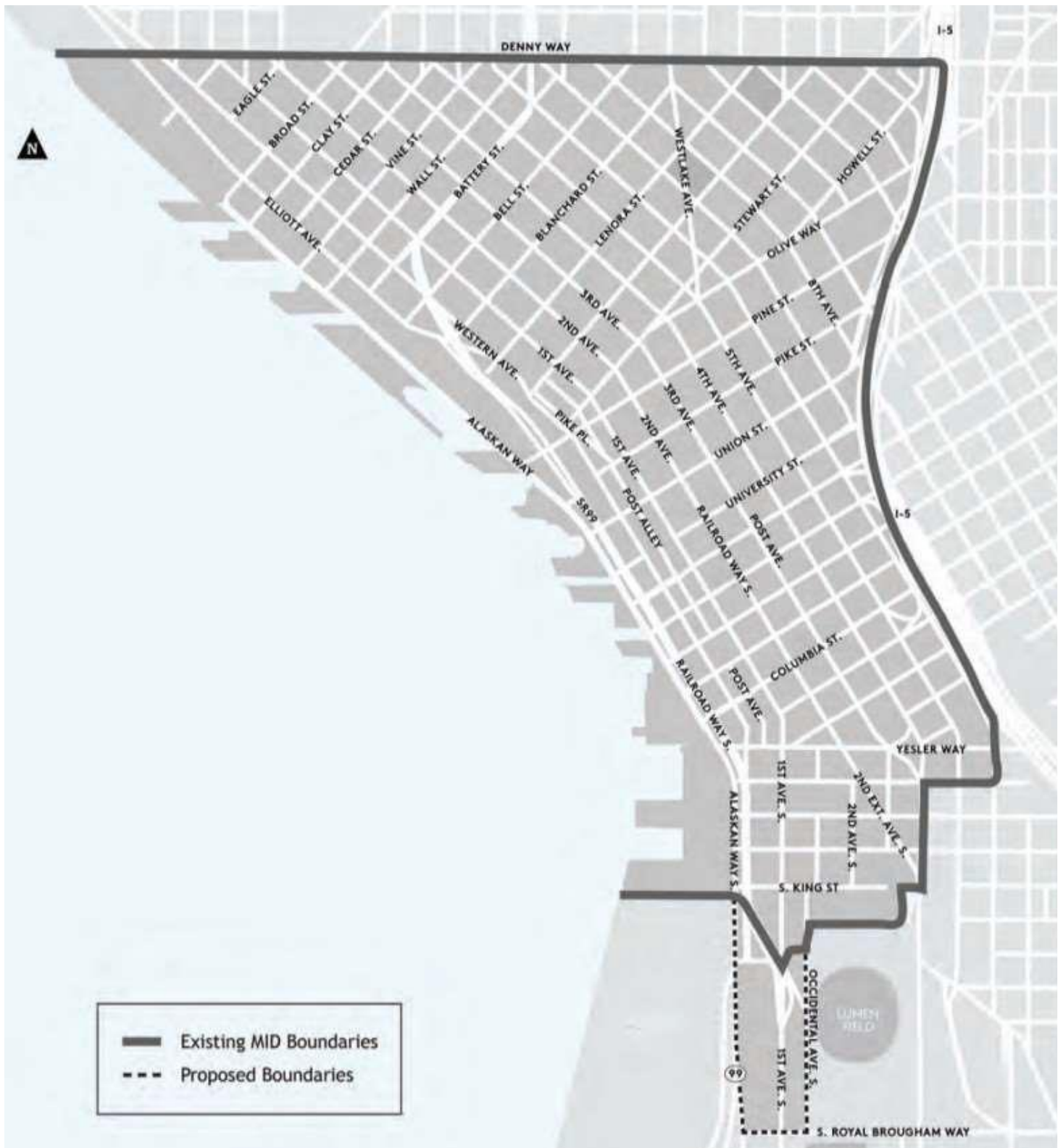
Filed by me this _____ day of _____, 2023.

Elizabeth M. Adkisson, Interim City Clerk

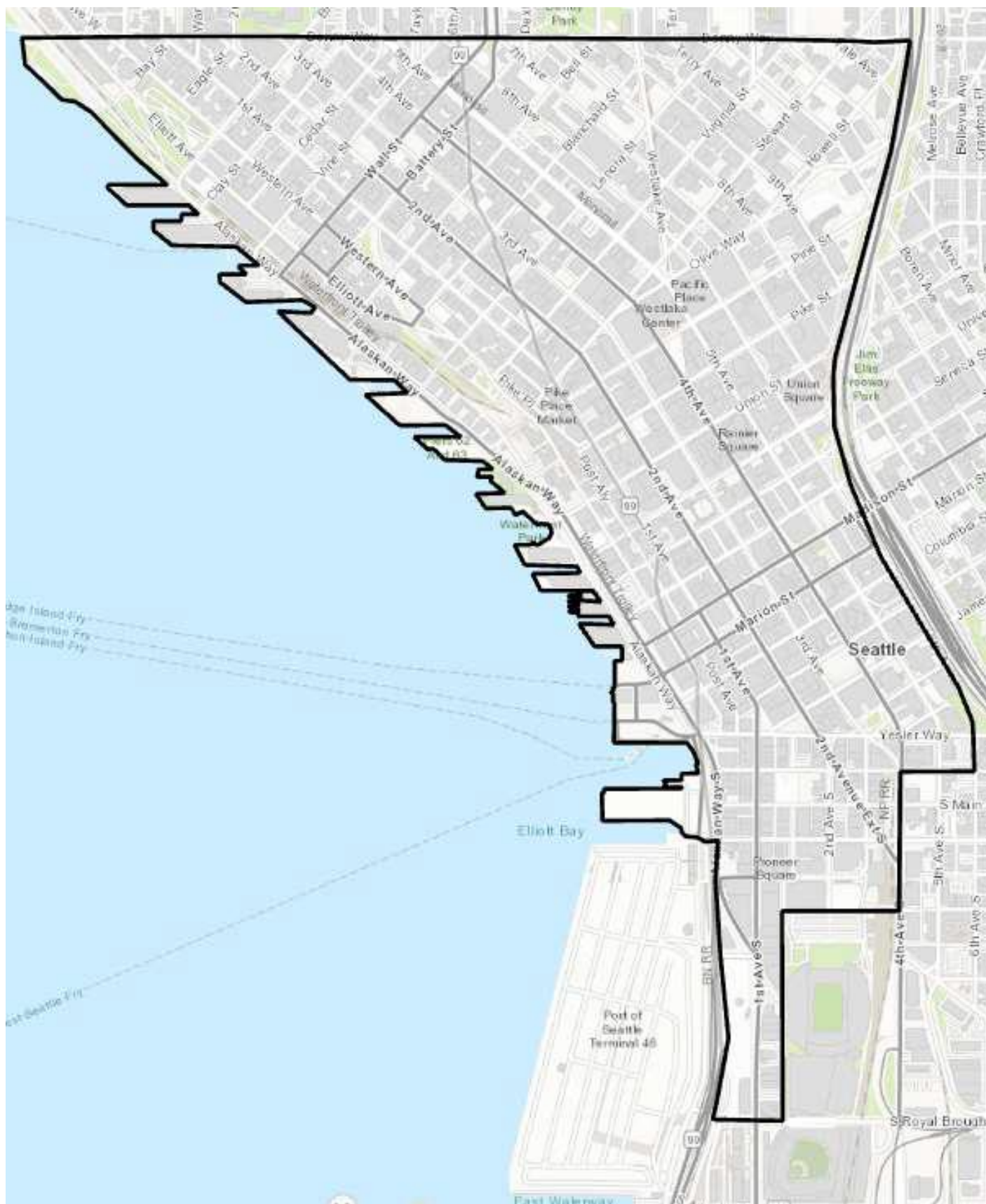
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Attachments:
Attachment A - Proposed MID Boundaries

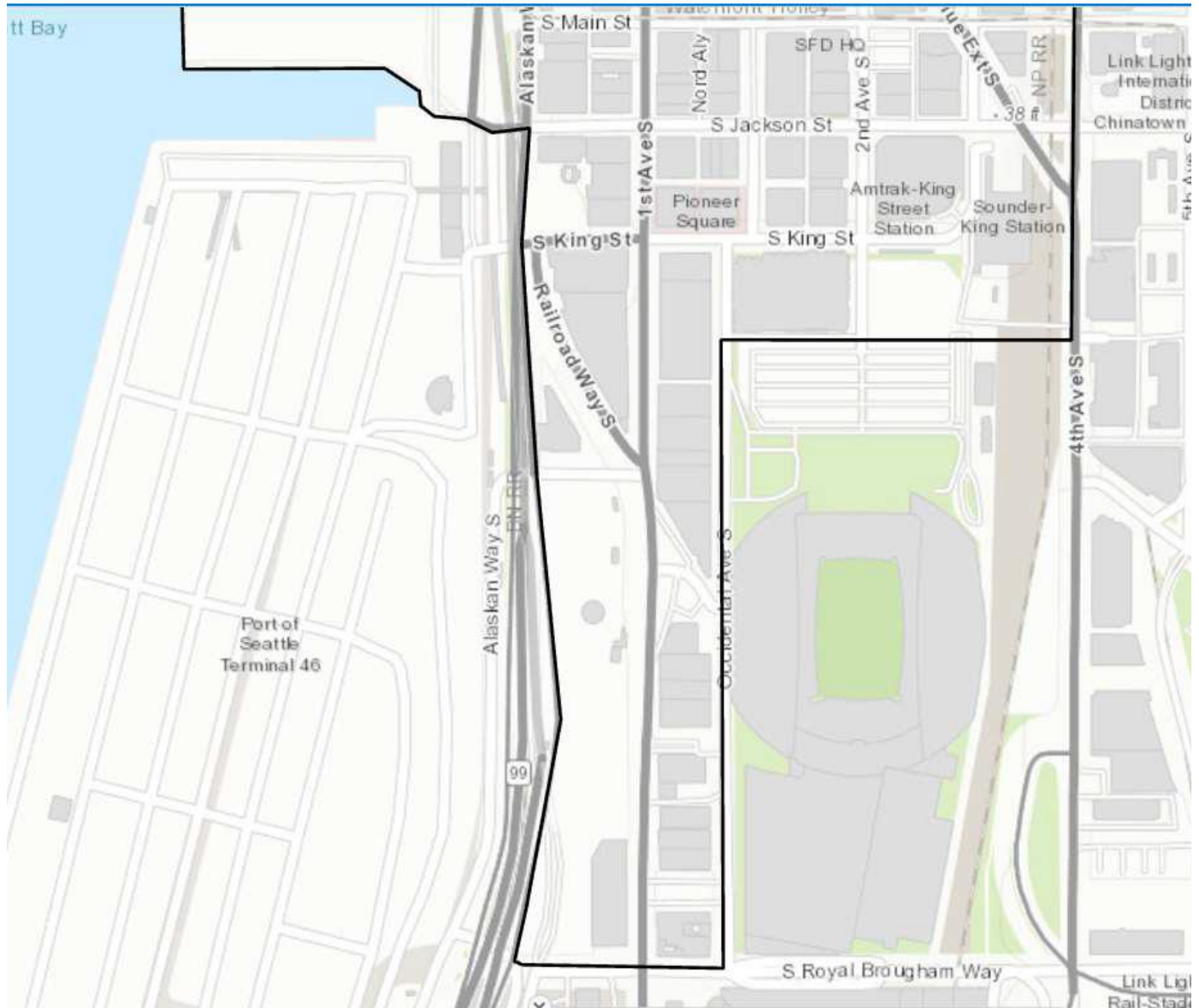
Attachment A – Proposed MID Boundaries
V1



V1



Southern Boundary Detail:



SUMMARY and FISCAL NOTE

Department:	Dept. Contact:	CBO Contact:
Office of Economic Development	Phillip Sit	Nick Tucker

** Note that the Summary and Fiscal Note describes the version of the bill or resolution as introduced; final legislation including amendments may not be fully described.*

1. BILL SUMMARY

Legislation Title: AN ORDINANCE relating to downtown business improvement areas; establishing a new ten-year Business Improvement Area to be known as the Metropolitan Improvement District; levying special assessments upon owners of commercial property, multifamily residential property, and mixed-use property within the area; providing for the deposit of revenues in a special account and expenditures therefrom; providing for collection of and penalties for delinquencies; providing for the establishment of a Ratepayers Advisory Board; providing for an implementation agreement with a Program Manager; disestablishing the existing Metropolitan Improvement District that was established by Ordinance 124175 (“2013 MID”); suspending the issuance of assessments and providing for the continuity of services under the 2013 MID; providing for the transfer of any remaining funds from the 2013 MID Account; and ratifying and confirming certain prior acts.

Summary and background of the Legislation:

This Ordinance disestablishes the current Metropolitan Improvement District (2013 MID) establishes a new Metropolitan Improvement District under RCW 35.87A. The Metropolitan Improvement District is expected to be funded by a special assessment levied on the owners of commercial, multi-family residential, and mixed-use properties within its boundaries. The City would contract with a program manager to administer the activities set out in the Metropolitan Improvement District business plan. The new MID’s program manager will be overseen by a Ratepayers Advisory Board, which would be broadly representative of the ratepayers within the Metropolitan Improvement District.

The existing MID, which was established in 2013 by Ordinance 124175, expires on July 1, 2023. This ordinance is the final piece of legislation required to create a new Metropolitan Improvement District, as required by chapter 35.87A RCW. The City Council passed a resolution to initiate the formation of the Metropolitan Improvement District, as well as a resolution of intent that included the date and place of a public hearing. After the public hearing, the City Council agreed to go forward with this ordinance.

The Metropolitan Improvement District would be established for the duration of ten years, with the base year being FY2023/2024. The Metropolitan Improvement District believes its proposal is efficient, accountable, and responsive to the area’s needs. The group collected signatures for a petition to form the Metropolitan Improvement District that will fund the following programs within the Business Improvement Area:

A. Cleaning and Maintenance Services;

- B. Community Safety, Hospitality, and Outreach Services;
- C. Public Events and Beautification of Public Spaces;
- D. Economic Development, Advocacy and other Planning Services;
- E. Promotion, Marketing and Communication Services;
- F. Transportation and Parking Support; and
- G. Program Management.

The petitioning effort resulted in a show of financial support by ratepayers who would pay at least 60% of the total special assessment revenues. Assessments will commence as of July 1st, 2023, or the effective date of this ordinance, whichever is later. The Metropolitan Improvement District will be overseen by a Ratepayers Advisory Board, which would be broadly representative of the proposed ratepayers and stakeholders from the district.

2. CAPITAL IMPROVEMENT PROGRAM

Does this legislation create, fund, or amend a CIP Project? ☐ Yes ☒ No

3. SUMMARY OF FINANCIAL IMPLICATIONS

Does this legislation amend the Adopted Budget? ☐ Yes ☒ No

Does the legislation have other financial impacts to The City of Seattle that are not reflected in the above, including direct or indirect, short-term or long-term costs?

No, the Metropolitan Improvement District (MID) would be established as a revenue-neutral program.

Are there financial costs or other impacts of *not* implementing the legislation?

If the Metropolitan Improvement District (MID) legislation is not implemented, it would potentially eliminate \$18 million in annual enhanced programs and services in the downtown service area.

4. OTHER IMPLICATIONS

a. Does this legislation affect any departments besides the originating department?

Treasury Services in the Office of City Finance administers the assessments for the BIAs. OED has worked in close coordination with Treasury on this legislation package. Treasury will collect the BIA assessments from its ratepayers. Treasury holds the funds solely for the purpose of reimbursing the Program Manager for administering staffing, projects, and other costs associated with the BIA.

b. Is a public hearing required for this legislation?

Yes, the public hearing date is set in the companion MID Intention to Establish resolution and was held on [REDACTED] as required by RCW 35.87A.140.

c. Is publication of notice with *The Daily Journal of Commerce* and/or *The Seattle Times* required for this legislation?

Yes. The companion MID Intention to Establish resolution was published to give notice of the public hearing for the proposed Council Bill.

d. Does this legislation affect a piece of property?

Please see Attachment A to the Ordinance: Proposed MID Boundaries

e. Please describe any perceived implication for the principles of the Race and Social Justice Initiative. Does this legislation impact vulnerable or historically disadvantaged communities? What is the Language Access plan for any communications to the public?

The Metropolitan Improvement District is not expected to have adverse disproportionate impacts on vulnerable and historically disadvantaged communities in the district. OED will complete a RET on the outreach process on the MID renewal.

f. Climate Change Implications

1. Emissions: Is this legislation likely to increase or decrease carbon emissions in a material way?

No.

2. Resiliency: Will the action(s) proposed by this legislation increase or decrease Seattle's resiliency (or ability to adapt) to climate change in a material way? If so, explain. If it is likely to decrease resiliency in a material way, describe what will or could be done to mitigate the effects.

No.

g. If this legislation includes a new initiative or a major programmatic expansion: What are the specific long-term and measurable goal(s) of the program? How will this legislation help achieve the program's desired goal(s)?

Summary Attachment A, the MID Business Plan, expands on the goals of the MID.

Summary Attachments:

Summary Attachment A - MID 2023-2033 Business Plan

MID 2023-2033 BUSINESS PLAN



Downtown
Seattle
Association

Metropolitan
Improvement
District

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Overview

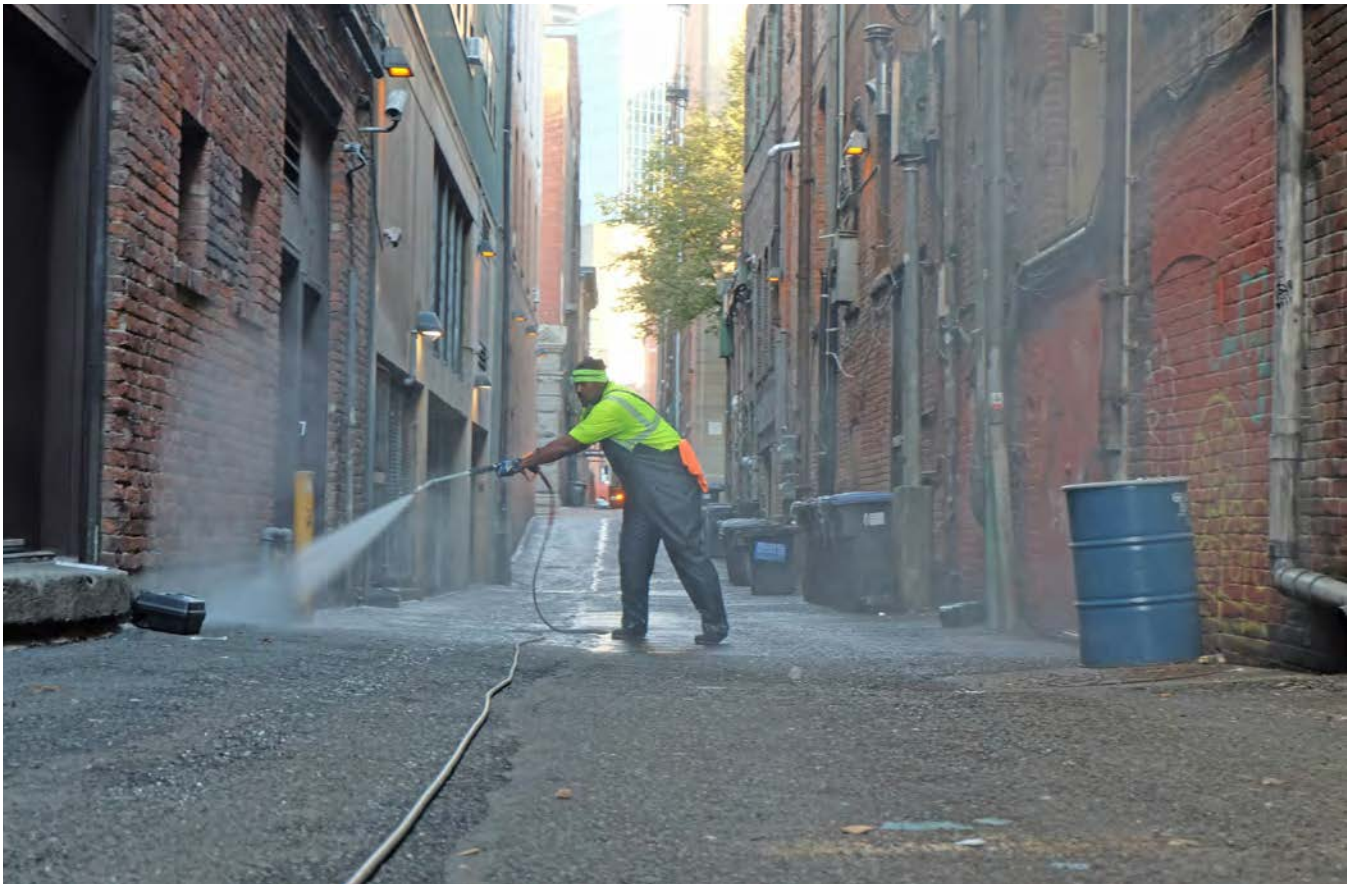
In 1999 the Downtown community came together under the leadership of the Downtown Seattle Association to form the Metropolitan Improvement District. The MID is a business-improvement area in downtown Seattle spanning 285-square blocks in six downtown neighborhoods. With support and funding from commercial and residential property owners within the MID boundaries, DSA provides an array of services to ensure a clean, safe and welcoming downtown for all. The downtown MID ratepayers and community members came together in 2013 to request the City to renew the MID and it is up for renewal again in 2023. As required by the City MID ordinance, a diverse advisory board of 35 property owners recommends an annual budget, program manager and work plan and provides ongoing input and oversight of MID programs. In addition to making sure downtown is clean, safe, a great place live, work and do business, the MID offers

stability and employment, healthcare and housing support to justice-involved individuals and those experiencing homelessness.

The following plan reviews:

- The reimagining process that determined the MID's post-pandemic services
- The MID renewal process and outreach conducted with MID ratepayers and downtown stakeholders
- The proposed services
- Budget considerations for 2023-24 and beyond
- Review of current MID assessment formula structure
- MID renewal goals
- Proposed changes to the assessment formula

Credit: @adam_noble86



MID-funded Services

MID-funded downtown ambassadors work seven days a week, 362 days a year, providing:

- Cleaning, including graffiti and biohazard removal
- Safety, outreach and hospitality services
- Maintenance of public infrastructure
- Park/public space event management and operations

In addition, MID funding supports:

- Marketing and promotion of downtown
- Public realm art installations and beautification
- Numerous family-friendly events
- Advocacy, research and economic development
- Transportation and commuting services
- Employment opportunities for individuals experiencing homelessness and/or are justice involved



Reimagining the MID for the Future

2022 MID OPERATIONAL CHANGES

Increased investment in private security staffing to address ratepayer and staff safety concerns

Expanded use of mobile cleaning equipment to increase speed of service delivery

\$3.00/hour increase in ambassador wages to respond to competitive labor environment and improve ambassador retention

Expanded duties of community safety and hospitality teams for enhanced coverage

MID operational changes implemented in 2022, based on stakeholder feedback.

In early 2022, to address both immediate post-pandemic conditions and the evolving needs of downtown Seattle into the next decade, the DSA and MID staff, along with members of the MID Ratepayer Advisory Board, began work on reimagining MID operations. Internally, an all-staff survey was conducted, and focus groups were comprised of operations leadership and ambassadors. All worked together on blue-sky planning, as well as concrete operational enhancements to be piloted immediately.



MID Accomplishments

The MID maintains an extensive record of services performed in order to demonstrate benefits to ratepayers, and to manage resources and employee productivity. Between July 2013 and June 2022, MID ambassadors accomplishments included:



8,664,909

gallons of trash
removed



102,571

incidents of
human/animal waste
cleaned up /disposed of



97,315

syringes
collected



339,229

graffiti tags
removed



71,156

welfare checks for
unsheltered individuals
conducted



770,806

visitors and tourists
assisted with directions



MID Renewal Process and Community Outreach

In March 2022, the MID Ratepayer Advisory Board established the MID Renewal Committee to inform and oversee the MID renewal process. This group of property owners and representatives was tasked with reviewing service needs, budget and rates as well as proposed assessment formula changes and potential boundary adjustments. The Renewal Committee was also instrumental in providing feedback on improving communication with ratepayers. Additionally, a MID Assessment Equity Work Group comprised of individuals representing commercial, residential and hotel properties was formed to review the MID's current assessment formula and impacts of proposed assessment changes across various property types.

To support extensive stakeholder outreach and renewal process management, DSA hired BDS Planning & Urban Design (BDS) and Kate Joncas, Director of Urban Strategy and Development with MIG.

MID STAKEHOLDER OUTREACH

MID stakeholder outreach began in January 2022 with the “reimagining” efforts and review of current MID services, continued throughout summer 2022 and is ongoing. Outreach efforts have included:

- Formation of the MID Renewal Committee and holding regular meetings and reviews
- Focus groups with the largest MID ratepayers
- Employee engagement, including facilitated team meetings, focus groups and a survey
- 1:1 interviews with select MID ratepayers across property types
- Focus group with CEOs and operations directors representing large downtown organizations across the U.S.
- Mailers to all MID ratepayers with notice of a scheduled public meeting, as well as information about where to learn more about the MID renewal process
- Online MID Renewal Fact Sheet and FAQ created and posted on the MID and DSA websites
- Virtual public meeting conducted on July 14, 2022
- Posting of information to the website KnowYourMID.org and ability to submit comments
- Online survey of MID ratepayers regarding service satisfaction and program direction
- Presentations to MID Condo Board association presidents and members
- New quarterly MID Dispatch newsletter developed and sent via email in September 2022 to more than 3,000 MID stakeholders
- Regular updates at MID Ratepayer Advisory Board meetings
- Meetings with City of Seattle leadership focused on current services and renewal
- A second public meeting held in-person on November 17, 2022
- Feedback from these events and stakeholder outreach confirms the following:
 - Strong support and appreciation for MID services (especially during the pandemic)
 - Ongoing concerns about safety and security in downtown Seattle
 - Concerns about the homelessness crisis and its impact on downtown
 - Desire for additional cleaning services
 - Desire for the city to commit to providing a higher level of core services downtown



MID 2023-2033 Business Plan Goals

The reimagined enhancements to the MID's core services form the basis for current operations and establish the foundation of the proposed 2023-2033 MID Business Plan. The accumulated feedback from stakeholder outreach meetings, along with ongoing conversations with ratepayers throughout the summer of 2022, provided clear messages that the MID must: remain focused on the core services of cleaning and safety; continue activation of public spaces throughout the MID to bring positive activities to public spaces; and be diligent in advocacy efforts to reestablish a strong partnership with the city and other public sector partners for the provision of basic services downtown.

KEY ELEMENTS OF THE 2023-2033 BUSINESS PLAN

- Sustained investment in private security patrols and SPD emphasis patrols
- Increase in cleaning services through expanded staffing and scheduling
- Competitive wages and benefits for our ambassador teams
- Enhanced advocacy/ratepayer customer service resources to focus on the city's basic service responsibilities and engagement with ratepayers
- Activation and programming of additional public spaces with private/city investment

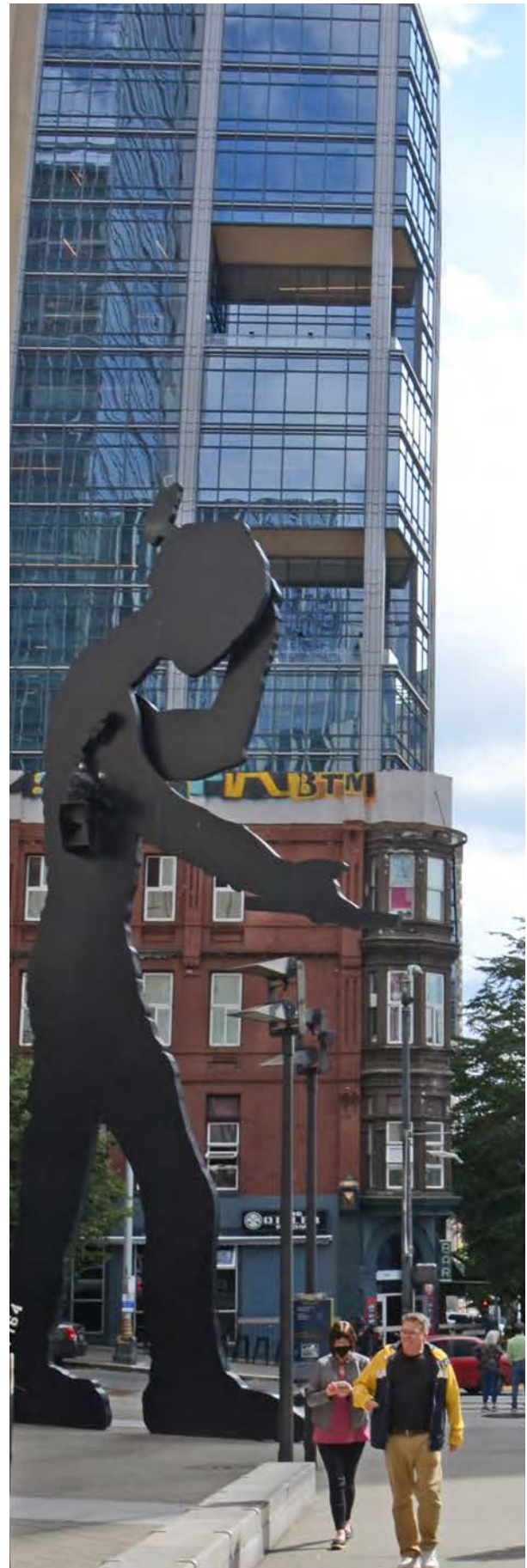
Impacts of Existing MID Assessment Mechanism: 2013-2023

Since the MID was last renewed in 2013, downtown Seattle has experienced significant growth. More than 100,000 people now live downtown – an increase of more than 50%. Over that time, employment and tourism have also grown significantly. Construction of new buildings has increased downtown square footage within the MID by 42%. Property values have also grown by more than 200%. During this period, MID assessments as a percentage of total property value in the district have decreased from .06% to .03%.

Under the current MID ordinance, each property is evaluated based on multiple criteria and then billed based on the lowest of the applicable calculated assessments. The formula was developed to include “ceilings,” which set a maximum assessment level across various property types. In 2013, nearly 65% of properties were assessed at the base levels, allowing for growth in annual assessments based on property value increases, plus an inflation factor of up to 3%. This provided appropriate funding for services that are responsive to changing conditions and growth in downtown.

However, with the record increase in property values over the past decade, more than two thirds of properties have reached “maximum ceilings” under the current formula. This limits funding additional services and programming to meet the needs of our growing downtown. In fact, the combination of ceiling limits and the current 3% inflation cap means that growth of assessment funding now falls behind the actual MID expense increases for wages, supplies and services. In a high-inflationary environment this puts significant downward pressure on MID funding, driving a reduction in services.

The ceilings have also played a significant role in altering assessment equity across property types. With current ceilings in effect, assessments of office properties have increased at a much faster rate than hotel and residential properties relative to respective increases in value.





MID Renewal Goals

The MID Renewal Committee and Assessment Equity Work Group developed the following goals for MID renewal:

- **Funding sufficient to deliver the service levels ratepayers have requested in the proposed MID Business Plan for 2023-2033.** In 2022-2023, MID ratepayers invested \$15.5M toward MID services. Sustaining current cleaning and safety/security service levels, providing extended cleaning services and increasing ambassador wages in the new MID Business Plan will require an assessment budget of approximately \$18M in year one.
- **Improved ratepayer equity across property types.** Over the past decade, assessments paid by office properties in the MID have grown more than assessments on residential and hotel properties. Going forward, adjustments to the assessment calculations by property type are needed to increase the relative assessments on residential and hotel properties to align with the assessments on office properties.
- **Closer linkage to actual CPI-U changes, as we face high inflation.** Based on the 2013 ordinance's cap of 3% annual increases even if CPI-U is higher than 3%, MID assessment increases have sometimes trailed inflation. MID assessments need to track closer to true inflation to avoid a shortfall in service delivery in future years.
- **More predictable budgeting for ratepayers** through a single mid-term TAV (total appraised value) adjustment. Having a formula that will allow ratepayers and staff to more accurately plan for future years' expenses was also key. The current MID business plan has provided for three updates to the property values used to determine assessment amounts, which in many cases has led to significant and unexpected increases for ratepayers because of the significant increases to property values in downtown over the previous decade.

Analysis of Assessment Options

To meet these objectives and fulfill the four goals set out by the Committee (generate sufficient revenue to invest in the proposed Services Plan while rebalancing equity across property types and avoiding extraordinary increases for any single property type), several assessment scenarios were analyzed. These ranged from removal of all ceilings to assessment calculations based on a single property value millage across all property types to a single square footage rate across all property types. After careful consideration, the following changes were recommended by the Assessment Equity Work Group and Renewal Committee.

Proposed Term

The renewed MID BIA will have a term of 10 years (2023-2033).



Boundaries and Proposed Adjustments

Proposed Metropolitan Improvement District – Service Area

The renewed Metropolitan Improvement District will cover the area generally between Elliott Bay and Interstate-5, and between Denny Way and the sports stadiums to the south. The MID Renewal Committee recommends an adjustment of the MID. The area (noted by a dashed border) is congruent with Pioneer Square Historic District.



Figure 1 map of entire current MID plus southern expansion

New MID Boundary 2023-2033

If the boundary modification is adopted, Figure 2 shows the MID's new boundary for 2023-2033.

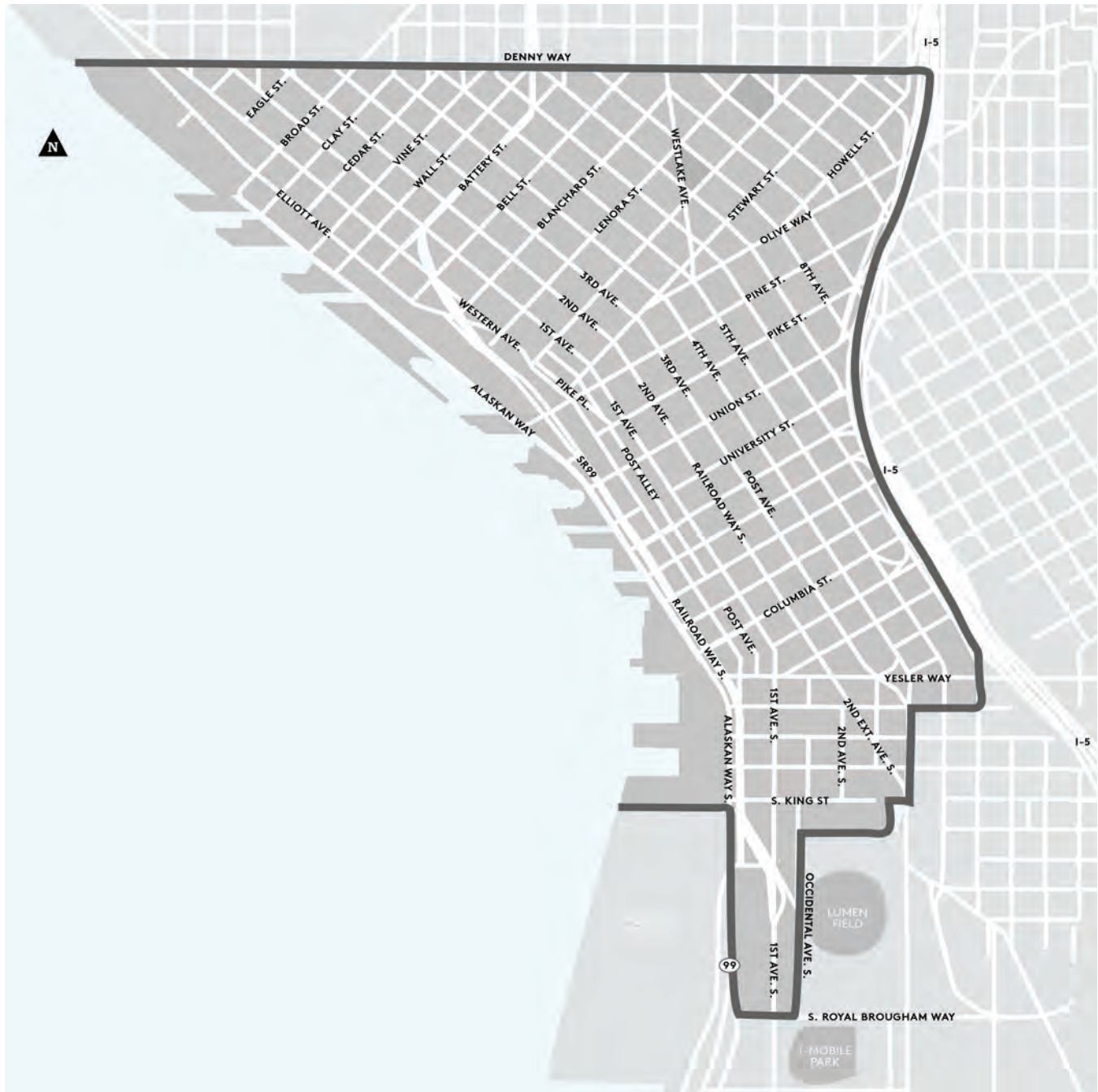


Figure 2 map new MID
boundary for 2023-2033

MID Governance

MID Ratepayer Advisory Board

The MID has a Ratepayer Advisory Board that recommends an annual budget, work plan and Program Manager to the City of Seattle. The board provides guidance and oversight of general operations and programs. The Ratepayer Advisory Board is representative of the diverse range of property owners and includes representation from each MID neighborhood and ratepayer type. Appointees may represent more than one category, but the final board composition must represent the full geography of the MID and various ratepayer types and sizes.

MID RATEPAYER ADVISORY BOARD CATEGORIES

Neighborhoods

West Edge, Retail Core, Pioneer Square, Waterfront, Denny Triangle and Belltown

Ratepayer size

Small, medium and large ratepayers

Residential

Both condominium and apartment

Voluntary

Property owners that are not assessed but voluntarily contribute to the MID

Ratepayer type

Office, retail, parking and hotel

The Ratepayer Board has five committees that meet regularly: Finance, Clean and Safe, Communications and Marketing, Board Development and Executive.

2022-2023 RATEPAYER ADVISORY BOARD MEMBERS

Andy Bench
Wright Runstad & Company

Lisa Nitze
Nitze-Stagen

Allison Shephard
Holland Partner Group

Rebecca Uusitalo
Urban Renaissance Group

Dan Temkin
Block 41

Michael Pagana
Ethan Stowell Restaurants

Cary Clark
Argosy Cruises

Steven Van Til
Vulcan

Brandon Gardiner
Brickman / Pioneer Square

Lori Richards
Avison Young

Jeff Blunk
Nordstrom

Ross Peyton
Unimark Construction

Ben Grace
Amazon

Erik Lausund
Seattle Children's Research Institute

Tim Kuniholm
Seattle Aquarium

Amy Baker
Equity Office / DT Resident

Simone Loban
Ratepayer tenant / DT Resident

Janice Blair
Resident - Waterfront Landing

Mark Astor
Martin Smith, Inc

Aaron Blankers
Washington Holdings

Dan Feeney
Hines

Ed Leigh
Equity Residential

Collin Madden
GEM Real Estate

Allison Delong
Tishman Speyer

Valerie Heide Mudra
Resident - Belltown

Marshall Johnson
CWD Group

Reza Marashi
Kilroy

Michael Walzl
Hotel 1000

Jeff Draeger
Seattle Art Museum

Lars Pedersen
Hotel Åndra

Jennie Dorsett
Hudson Pacific Properties

Sabrina Villanueva
Clise Properties

Steve Emory
Madison Marquette

Gina Grappone
Recovery Café

Laura Jean Humiston
Resident - Pioneer Square



Assessment Formula and Methodology

Assessments in First Year

- Continue basic assessment formula, with adjustments to rates and ceilings across property types
- Increase the base assessment formula's lot footage rate to \$0.45, but maintain the value rate at \$0.37
- Raise Building Square Footage Ceiling factor to \$0.24
- Increase Hotel Room Ceiling to \$125 per room; with a two-year phase in of \$112 in Year 1 and \$125 in Year 2
- Raise Residential Unit Ceiling to \$195 per unit, with a two-year phase in of \$175 in Year 1 and \$195 in Year 2
- Eliminate the TAV Ceiling
- Adjust Surface Parking Ceiling factor to \$0.81 per \$1000/TAV
- Maintain nonprofit formula at 25% of base assessment (for properties owned by a nonprofit entity and in charitable use)

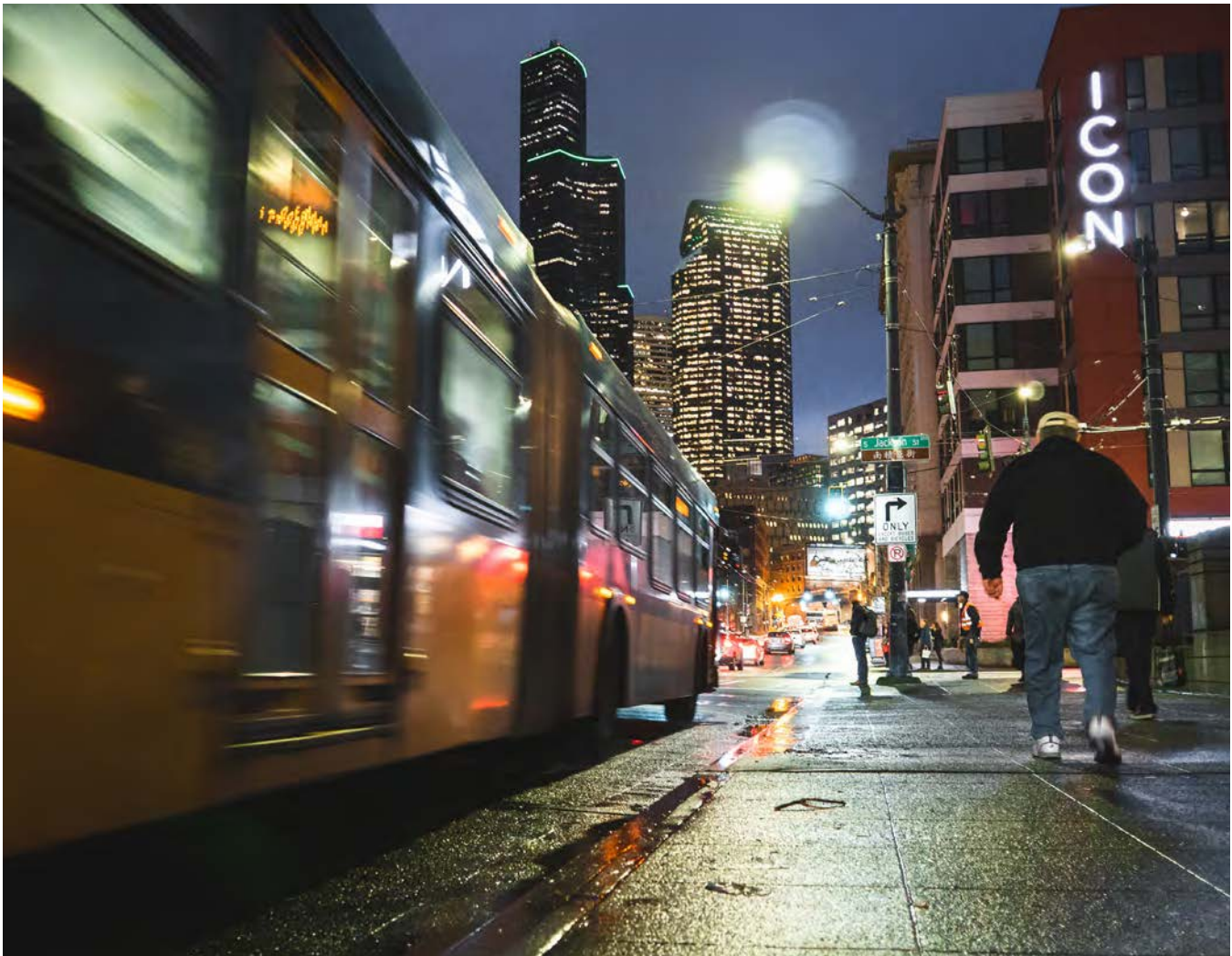
Annual Updates

- Apply CPI-U increase annually (at least 2.5%, but not more than 5%) to:
 - Value portion of the prior year's base-assessment calculation
 - Lot square footage rate, as well as ceilings for Building Square Footage, Residential Units, Hotel Rooms and Surface Parking
- Year 1-5 will be based on 2022 King County valuation data
 - Property valuations will be updated in Year 5 based on King County Assessor data, for calculation of Years 6-10 assessments
- Capture assessment on new development each year

Assessment Formula and Ceiling Factors

Formula	Rationale	Rate	Notes
Assessment / \$1,000 TAV	Reflects differential benefit associated with different land uses, investment value of property within land uses, and economic activity.	\$0.37	Value rate will remain the same
Assessment / Land Sq. Ft.	Reflects common level of service to all benefiting properties.	\$0.45	Increase of \$0.06 per lot square foot from 2022/23 value

Ceilings	Rationale & Calculation	Factor	Notes
Building Square Footage Ceiling	Limits assessments on small buildings due to limited rent-producing potential. (If FAR > 0.5, then Factor * Building New Square Feet) Floor Area Ratio (FAR): Net Building Square Footage / Land Square Footage	\$0.24	A \$0.03 per building square foot from 22/23 value
Hotel Room Ceiling	Limits assessments on hotels — value received relates to per room occupancy & revenue potential. (Factor * Number of Rooms).	\$125.00	Phased in over two years - Year 1 rate ceiling will be \$112 per room, and Year 2 rate ceiling will be \$125
Residential Unit Ceiling	Limits assessments on residential units — value received relates to per unit occupancy. (Factor * Number of Units)	\$195.00	Phased in over two years - Year 1 rate ceiling will be \$175 per unit, and Year 2 rate ceiling will be \$195
Surface Parking TAV Ceiling	Limits assessments on surface parking to compensate for limited benefits. (Factor * King County Total Appraised Value / \$1,000)	\$0.81	Per \$1,000 Total Appraised Value
Nonprofit Reduced Rate	Limits assessments on properties owned by nonprofits and in charitable use	25%	Of Basic Formula



Technical Changes to Current MID Ordinance

- **Multifamily Tax Exemption treatment.** Clarification of assessment of properties participating in Multifamily Tax Exemption (MFTE) program to align with City of Seattle policy.
- **Assessment of mixed-use properties.** Residential and hotel room ceilings will not apply to a mixed-use property unless the section use square footage designated with a hotel or residential section use code comprises at least 75% of the property's total net building square footage.
- **Assessing New Benefit Areas.** "New Benefit Area" shall be added to the assessment roll on an annual basis and will supersede the previous assessment for that parcel.
 - A New Benefit Area is created when a parcel's Net Building Square Footage increases as a result of either a new building or significant expansion of an existing building as recorded by the King County Assessor's Office.
 - Property values for a New Benefit Area will be updated annually until designated as 100% complete by the Assessor's Office.
- **University of Washington-owned properties.** UW-owned properties within the MID (which have previously received special assessment consideration) will be assessed using the base assessment formula. Property values for UW properties were not publicly available when the previous business plan and ordinance were developed. King County now publishes values for UW's downtown properties, which allows for properties to be assessed using the proposed MID assessment formula.



MID Budget and Services

MID income is a combination of assessment revenue, along with private and public partnership funding and fees for service. As the program manager appointed by the City, the Downtown Seattle Association develops an annual work plan based on the recommendations and priorities of the Ratepayer Advisory Board. The work plan and supporting budget are submitted each year for approval by a majority of ratepayers attending the MID annual meeting. The work plan aligns with priorities established in the Ordinance, including: Clean Services; Safety Outreach and Hospitality, including Law Enforcement; Marketing and Communications Services; Business Development and Market Research Services; Transit, Bike and Parking Services; and Management.

Income and Expenses (in thousands)

Projected Income for the 23/24 fiscal year

Assessments	\$18,060
Partner Funding	320
Sponsorship	226
Fee for Service Public	551
Fee for Service Private	149
Projected Income	\$19,306

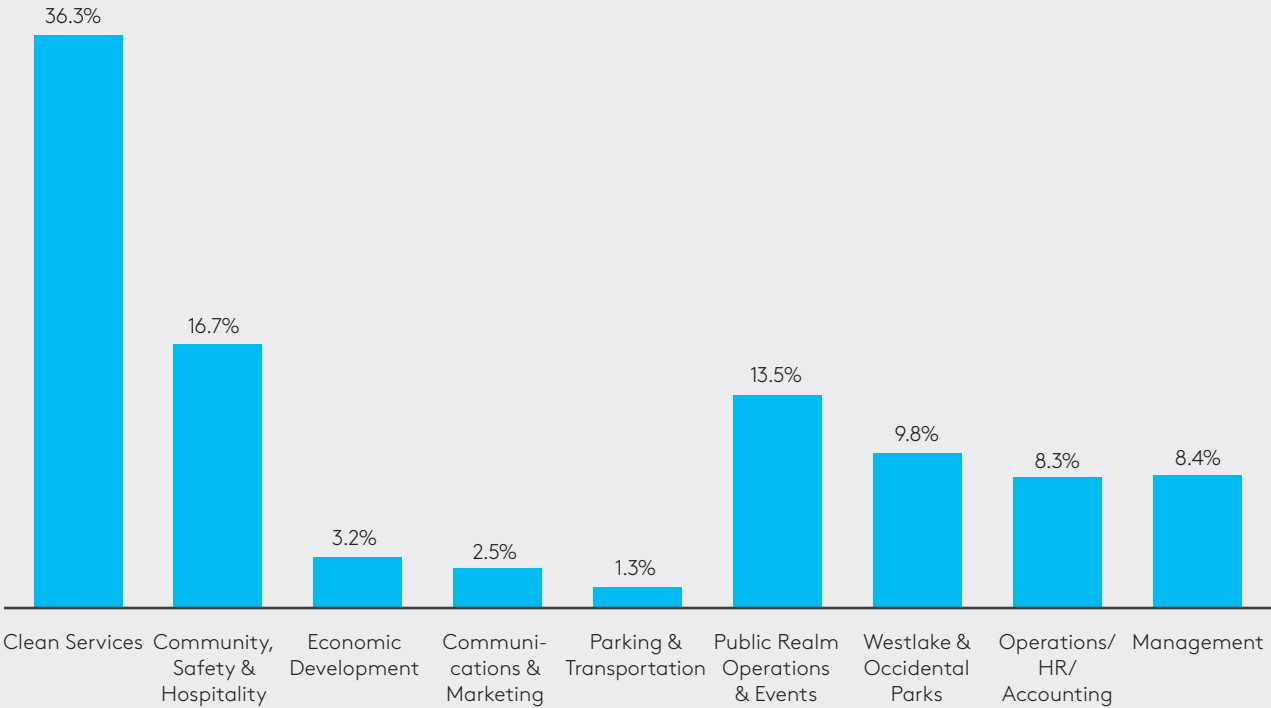
Projected Expenses

Wages & Benefits	\$11,909
Professional Service	2,200
General & Administrative	1,135
Program Expenses	6,192
Total Expenses	\$21,436

Funded from reserve (2,130)

*see budget considerations on following pages

2023-24 EXPENSE ALLOCATION BY PROGRAM



Budget Considerations 2023-2024 and Future Years

The MID is audited by an outside firm on an annual basis and is in a healthy financial position. Assessment fund reserves of approximately \$5 million accumulated during the 20-21 and 21-22 fiscal years as a result of the global pandemic impacts, including:

- Mandatory shut-downs of operations
- Pandemic-related service restrictions and reductions
- Furloughs/enhanced unemployment benefits; and
- Federal pandemic wage and benefit credits

This accumulated reserve has enabled the MID to invest beyond available “current year assessment funding” toward services focused on downtown’s recovery. Specifically, in 2022, the MID Advisory Board approved raising ambassador starting wages to \$20/hour; increasing security and cleaning services; and implementing downtown recovery activations,

events, beautification and marketing. With depletion of those accumulated reserves, increases in future year assessments will be required to sustain service levels currently in place as well as to fund proposed service enhancements in a high-inflation environment and competitive labor market.

For the proposed 23-24 fiscal year, these costs include:

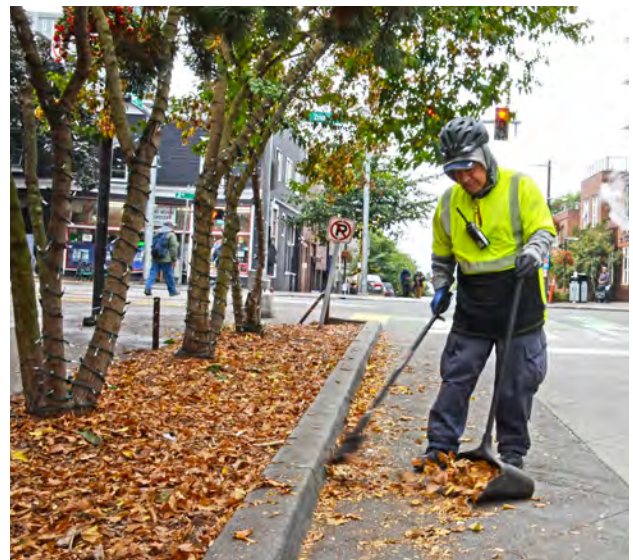
Sustained private security and SPD emphasis patrols	\$2.0m
Increased Clean team staffing/services by 10%	\$500k
Additional Advocacy efforts relative to city services	\$130k
Increase in ambassador wages	\$175k

Clean Services

The Clean Team is responsible for keeping the sidewalks, curbs and other areas of the downtown physical environment clean and free of litter, trash, graffiti and other forms of debris, clutter and obstructions. The team uses specialized cleaning equipment, including trucks, trikes and all-terrain litter vacuums to take care of the most challenging needs. Services are provided from 6:30 a.m.-9 p.m., 362 days a year.

Services

- Sweep and remove debris from sidewalks and curb lines
- Collect trash and litter
- Remove graffiti tags and stickers from public fixtures (light poles, mailboxes, parking signs and bike racks)
- Dispose of illegal dumps, large items and debris left by encampments in the right-of-way
- Schedule and execute regular pressure washing of alleys and sidewalks
- Provide pressure washings and graffiti removal from private property at ratepayer request
- Remove human/animal waste in public right-of-way
- Clean up and dispose of syringes
- Supervise 2,000+ hours of annual court-ordered community service
- Provide additional focused cleaning in high-transit and high-pedestrian traffic areas
- Support annual and seasonal cleanup of trash and debris in the water along the shoreline
- Contract with partner vendors to augment specialty services as needed (pressure washing, leaf clean-up, etc.)
- Maintain and continuously improve upon an electronic reporting system and dashboard to facilitate reporting, follow up and management
- Maintain mechanized cleaning machines/vehicles to increase efficiency and impact, including:
 - (40) Electric-Assisted Trikes
 - (5) Ford Trucks
 - (3) Green Machines
 - (2) All-Terrain Litter Vacuums (ATLV)



Community Safety and Hospitality Services

The Community Safety & Hospitality Team assists visitors, residents, workers and those in need. Team members perform a range of services intended to keep downtown Seattle safe, welcoming and livable. Duties include: providing directions and safety escorts, supporting local ordinances while working closely with security and law enforcement, working with social services agencies, providing welfare checks and supporting parks and public spaces. Services are provided from 7:30 a.m.- 9 p.m., 362 days a year.

Services

- Provide concierge service and uniformed presence in key locations to support visitors, businesses and residents, including in DSA/MID-managed parks and public spaces
- Offer customer service, wayfinding and transit information
- Provide safety escorts through the MID's SafeWalk service
- Assist in enrolling downtown businesses and properties in the West Precinct Conditions of Entry program
- Address civil ordinance violations, including Conditions of Entry (trespass) and sitting and lying in the public right of way when it impedes pedestrian access or building entryways
- Address physical items of public disorder, including overturned scooters, discarded signs and large debris, and work with the Clean Team to resolve these in a timely manner
- Provide welfare checks and relationship-building with people who are unsheltered in downtown
- Administer Narcan to individuals in need
- Engage with service agencies (KCRHA, REACH, DESC) to assist in connecting people to case management and available services
- Conduct regular visits with street level businesses, and downtown property and security personnel
- Partner with the West Precinct and the SPD Crime Prevention Coordinator to provide community education and support in the areas of crime prevention, public safety, and personal safety resources
- Conduct data collection to support public realm, public safety, and human welfare efforts
- Fund and oversee contracts with SPD and private security to provide uniformed presence in the right-of-way, support for ratepayers, observe and report criminal activity, address civility issues and support MID ambassadors when working in higher-risk areas



Parks and Public Space Management

The Public Realm Team is responsible for developing and implementing consistent, family-friendly programming in DSA/MID-managed urban parks (Occidental Square and Westlake Park) through an agreement with the City of Seattle. The team also provides ambassador staffing in parks and public spaces throughout the MID ensuring that they are clean, safe and welcoming for all. Ambassador staff provide information to visitors, support activations, events and vendors, and care for park amenities while staffing public spaces. Public Realm Ambassadors are stewards of quality of life in the public realm. Services are provided from 7:30 a.m.- 9 p.m., 362 days a year.

Services

- Provide information on the location of businesses and attractions
- Assist transit riders on bus schedules
- Track events occurring in Seattle and provide information to pedestrians
- Set-up/break-down park amenities (tables, chairs, games, etc.)
- Work with City of Seattle Park Rangers, SPD and security officers to report illegal behavior
- Observe and track condition of various public amenities throughout the public realm (newspaper boxes, light poles, public art, etc.) and share information to stakeholders for repairs/replacement
- Support consistent activation and programming in Westlake Park and Occidental Square, including:
 - Live music
 - Food trucks
 - Beautification efforts (planting, lighting, murals)
 - Art installations
 - Entertainment (concerts, performers, sports, etc.)
 - Community organization partnerships
 - Permitted events
- Plan and execute large-scale seasonal special events, including:
 - Downtown Seattle Tree Lighting Celebration
 - Holiday programming from late November into January, including multiple family-friendly events with entertainment, performers, incentives and more
 - Annual summer concert series in parks and various other locations bringing 30+ free live concerts to downtown



Communications and Marketing

Promote and market downtown to local and regional residents and visitors and position downtown as a vibrant, safe, clean and family-friendly destination. This includes ongoing promotion of yearlong MID-funded public events and activations and seasonal holiday and summer campaigns focused on creating a welcoming, vibrant urban experience and bringing locals into downtown. Efforts also involve communicating directly with MID ratepayers on the impacts of their investments, with the general public about the services MID-funding supports, branding MID ambassador equipment and supporting ambassador recruitment efforts with communication materials.

Downtown Marketing

- Promote downtown Seattle to local and regional visitors using a variety of communications channels, including social media, earned media/PR, digital and print communication and paid media as budget allows
- Maintain and promote a website designed to communicate events and activities throughout downtown post-pandemic. (Love,SeaTown)
- Maintain a robust online directory of what is open downtown post-pandemic (DSA/MID website)
- Promote yearlong and seasonal park and public space events and activations, including Downtown Summer Sounds and Holidays in Downtown/Tree Lighting
- Promote MID-funded services through DSA/MID website(s), videos, social and other digital and print collateral.
- Maintain and promote two websites designed to communicate what is open and available downtown post-pandemic.
- Promote MID-funded services through DSA/MID website(s), videos and other digital and print collateral.
- Support the ongoing marketing of downtown small businesses, retail and restaurants, attractions and arts and cultural organizations.
- Create signage, print materials and giveaways for events as needed

MID Ratepayer Engagement

- Create and send quarterly MID ratepayer email newsletter
- Produce informational insert on MID services mailed with twice-yearly assessments and posted online
- Host DSA/MID Annual Meeting with a report on MID investments and milestones
- Hold MID Annual Ratepayer Meeting
- Maintain DowntownSeattle.org/MID and KnowYourMID.org
- Post regular MID-related content on Facebook, Instagram and LinkedIn
- Send periodic emails to MID ratepayers about possible disruptions in downtown due to protests, marches, construction and other events
- Conduct business check-ins conducted by ambassadors with collateral explaining MID services

Ambassador Recruitment Support

- Create informational materials on working for the MID for use at recruiting events
- Post open jobs on DSA/MID website

Advocacy and Economic Development

Provide vision, leadership and influence on a range of issues impacting downtown, including public safety, chronic homelessness, transportation and overall health and recovery of downtown. Efforts focus on making downtown Seattle attractive and accessible to property and business owners, workers, residents and visitors. The team works closely with city and county leaders, neighborhood organizations and government agencies to ensure issues important to ratepayers get heard.

Economic Competitiveness and Research

- Advocate for transit and other transportation alternatives, providing services and housing options to those in crisis on our streets and investing in safe, inviting public spaces
- Research ballot initiatives and campaigns and provide insight into their impacts on the downtown experience and how they will address ratepayer priorities
- Collaborate with city and county government leaders on downtown economic development issues and initiatives
- Identify and facilitate opportunities for ratepayers to make their voices heard on issues of importance to downtown businesses, residents, visitors and workers
- Be a partner, thought-leader and advocate for strengthening downtown as a center for jobs, innovation and investment.
- Collect data to track downtown's recovery and economic health across a variety of metrics and provide analysis for our members, potential investors, policy-makers and the media
- Partner with the City of Seattle's Office of Economic Development on business-recruitment strategies
- Respond to requests, provide information and work with potential businesses and investors to recruit them to downtown Seattle

Policy Expertise

Increase the amount of policy analysis and research in areas that advance MID priorities and strategic initiatives (i.e. Third Avenue Vision report, future downtown light-rail expansion, downtown public safety initiatives). Continue to strengthen our reputation amongst policymakers and ratepayers as the go-to source for information on policies impacting downtown.

Convener and Advocate

- Provide access and opportunities for ratepayers and members to engage directly with city and regional leaders to amplify their voices in order to move the needle on a variety of issues affecting the downtown experience
- Find opportunities to convene downtown residents, workers, businesses and property owners to discuss issues and projects affecting downtown and ensure those perspectives are heard and considered at policy-maker tables
- Maintain relationships with city and regional governmental agencies. Help ensure ratepayer concerns and issues are directed and elevated to the appropriate point of contact within the relevant city or county agency for resolution

Commute Seattle

Increase access to transportation options to make downtown easy to reach for visitors, commuters and residents across the region.

Services

- Consult with ratepayers on world-class commute facilities and commuter benefits
 - Advise on parking policy and parking management strategies
 - Support with City of Seattle Transportation Management Plan regulations
 - Provide analysis of commuter trends for individual properties
 - Provide 1:1 Commute Consultations for tenants' employees
 - Offer guidance on transportation changes and their impacts
 - Conduct planning to meet sustainability goals
 - One-stop-shop for commuter transportation; web site, newsletter, social media
 - Tenant engagement seminars to educate tenants about transportation options and issues
 - Transportation events and briefings for tenants and employees
 - Quarterly best-practices transportation workshops for tenants
 - Research: bi-annual commuter mode split trend study & reports
 - Assistance in designing bike facilities to attract tenants
 - E-Bike facilities consultations and best-practices for property owners and tenants
 - Bike encouragement events (i.e Biking 101)
 - Bike inventory updates and bike map outreach resources
- Continue to provide discount transit pass sales and commute program consulting for property owners and tenants including:
- Transit pass product consultations to advise tenant investments in commuter benefits



Management Services

The Downtown Seattle Association (DSA) is the founder and program manager for the MID. The DSA has managed the MID Program since 1999 and is committed to excellent customer service to ratepayers. DSA provides management services for the MID under an annual contract with the City of Seattle.

Services include:

- Provide high-quality program administration and excellent customer services
- Develop and effectively implement services
- Provide sound financial and contract management
- Provide staff assistance and guidance to the MID Ratepayer Advisory Board to carry out the programs and activities financed through the MID assessments
- Provide the Board with organizational assistance, including setting meeting times, locations, and agendas; notifying all ratepayers of all Board meetings, keeping minutes; and following through on recommended activities
- Develop and carry out the Board-approved work plan, including specific products or activities, timelines and budget for each major element
- Schedule, organize and execute an annual meeting of all ratepayers
- Set program benchmarks based on Ratepayer Advisory Board priorities and keep ratepayers informed of progress

Develop and effectively implement service programs

- Actively seek and acquire national best practices and keep ratepayers informed of new and successful strategies
- Hire, train and manage high-quality staff to implement the MID programs
- Establish contacts throughout the country with other BIAs, call on their expertise in designing and benchmarking MID programs
- Identify and develop partnerships, grants and other resource-leveraging opportunities

Provide financial and contract management services

- Staff the MID Finance Committee and provide timely and accurate financial reporting
- Negotiate and execute subcontracts for work according to the approved budget. Through strict contract management ensure that these services are provided in a high-quality, cost effective and accountable manner
- Submit to the City, after approval of the Board, an annual work plan, proposed budget, and a statement of assessment rates requested for financing subsequent program years

Provide clear and consistent data tracking and reporting

- Develop regular reports on MID services provided
- Provide timely, accurate data to improve MID service delivery
- Maintain MID service program dashboards, highlighting progress against critical priorities and informing service plans and timely modifications grounded in data and analysis
- Conduct research projects

Support Public/Private Partnerships

The MID is proud to partner with many downtown public agencies and nonprofits to provide services including:

- City of Seattle: SDOT and SPU
- Uplift NW
- Belltown United
- Alliance for Pioneer Square
- Market to MOHAI
- DESC
- Union Gospel Mission
- LEAD
- King County Drug Diversion Court
- South Seattle College



To create a healthy, vibrant downtown for all

1809 7th Ave. Suite 900
Seattle, WA 98101

DowntownSeattle.org/mid

KnowYourMID.org



Legislation Text

File #: CF 314470, **Version:** 1

Application of 2501 NW Market LLC for a contract rezone of a portion of a split-zoned site at 2501 NW Market Street from Industrial Commercial with a 65 foot height limit and Mandatory Housing Affordability (MHA) suffix (IC-65(M)) to Neighborhood Commercial 3 with a 75 foot height limit, Pedestrian designation and MHA suffix (NC3P-75(M)) (Project No. 3037522-EG; Type IV).

The Rezone Material is provided as an attachment.

2501 NW Market St. —

(SITE)

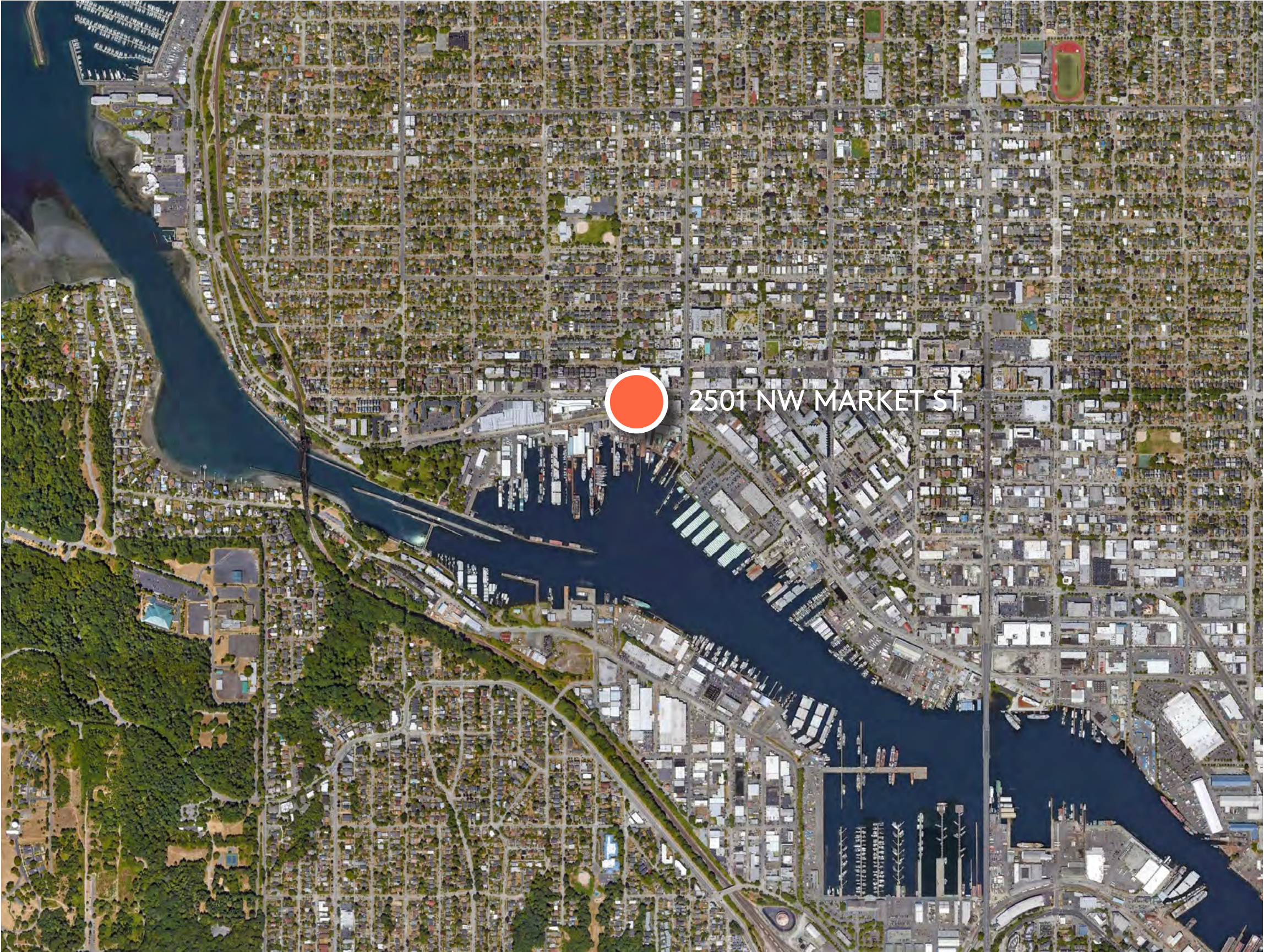
Early Design Guidance —
(Draft)
May 2021 (Tentative)

Address —
2501 NW Market St.
Seattle, WA 98107

Project Number —
3037522-EG

Applicant Team —
Developer: J. Selig Real Estate LLC
Architect: Mithun

CONTENTS



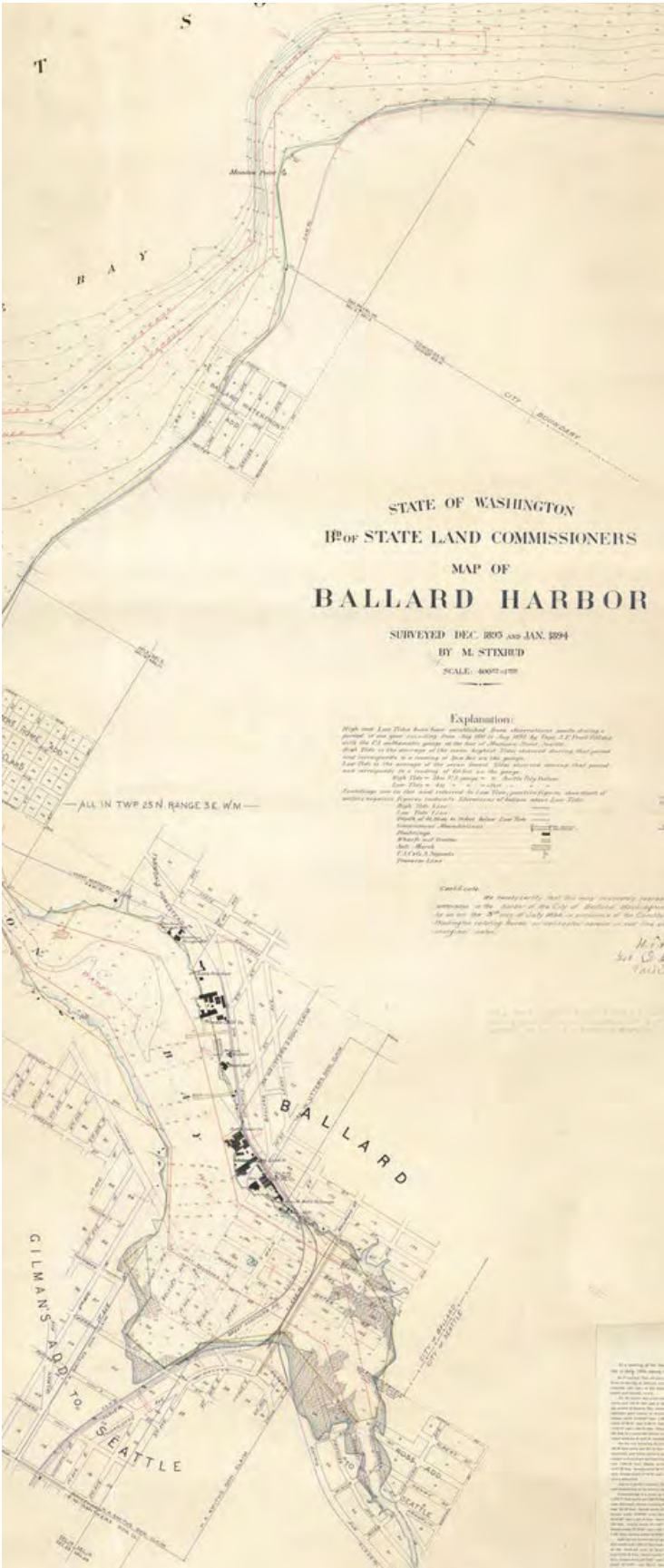
EDG Checklist Section Number	Page Number
3.0	Project Information
	Development Objectives
	2
4.0	Site Plan
5.0	Urban Design Analysis
6.0	Zoning Data
7.0	Design Guidelines
8.0	Massing Concepts
9.0	Departures

PROJECT INFORMATION



- Address:**
2501 NW Market St.
Seattle, WA 98107
- Developer:**
J. Selig Real Estate LLC
- Architect / Landscape Architect:**
Mithun
- Number of Residential Units:**
115-140 Units
- Gross Floor Area:**
117,000 - 125,5000 GFA
- Commercial Square Footage:**
~6000-7000 SF
- Number and Location of Parking Stalls:**
65-78 Below-Grade Parking Stalls (0.5 per unit)
- Project Description:**
7-story mixed-use multi-unit residential building (117,000 - 125,5000 GFA) containing approximately 115-140 residential units, 6000-7000 SF of commercial space and parking for approximately 65-78 vehicles. Residential use will consist of a mix of market rate and low income residential units. The project site is currently a split zone with NC3P-75 (M) on the east; and IC-65 (M) on the west. The applicant is pursuing a Contract Rezone in addition to a Master Use Permit (MUP). The development proposal shown in this package is based on NC3P-75 M zoning across the entire site, with an alternate option included requesting a Contract Rezone to NC3P-85 (M) for the entire site in order to provide additional housing units.

DEVELOPMENT OBJECTIVES



Development Objectives:

1. Contribute **exceptional housing** for the evolving Ballard Community.
2. Compliment and connect to the Ballard Avenue Landmark District with the extension of a walkable and bikeable Market Street.
3. Create a contextually responsive design informed by the **character** and **history of place**.
4. Promote a walkable streetscape.
5. Prioritize **unique, high-quality, timeless design** inspired by contemporary Scandinavian architecture and Ballard’s maritime-industrial neighborhood.
6. Incorporate **climate-responsive** design into the architecture.
7. Contribute to the **irreplaceable character** and culture that is **unique to Ballard**.

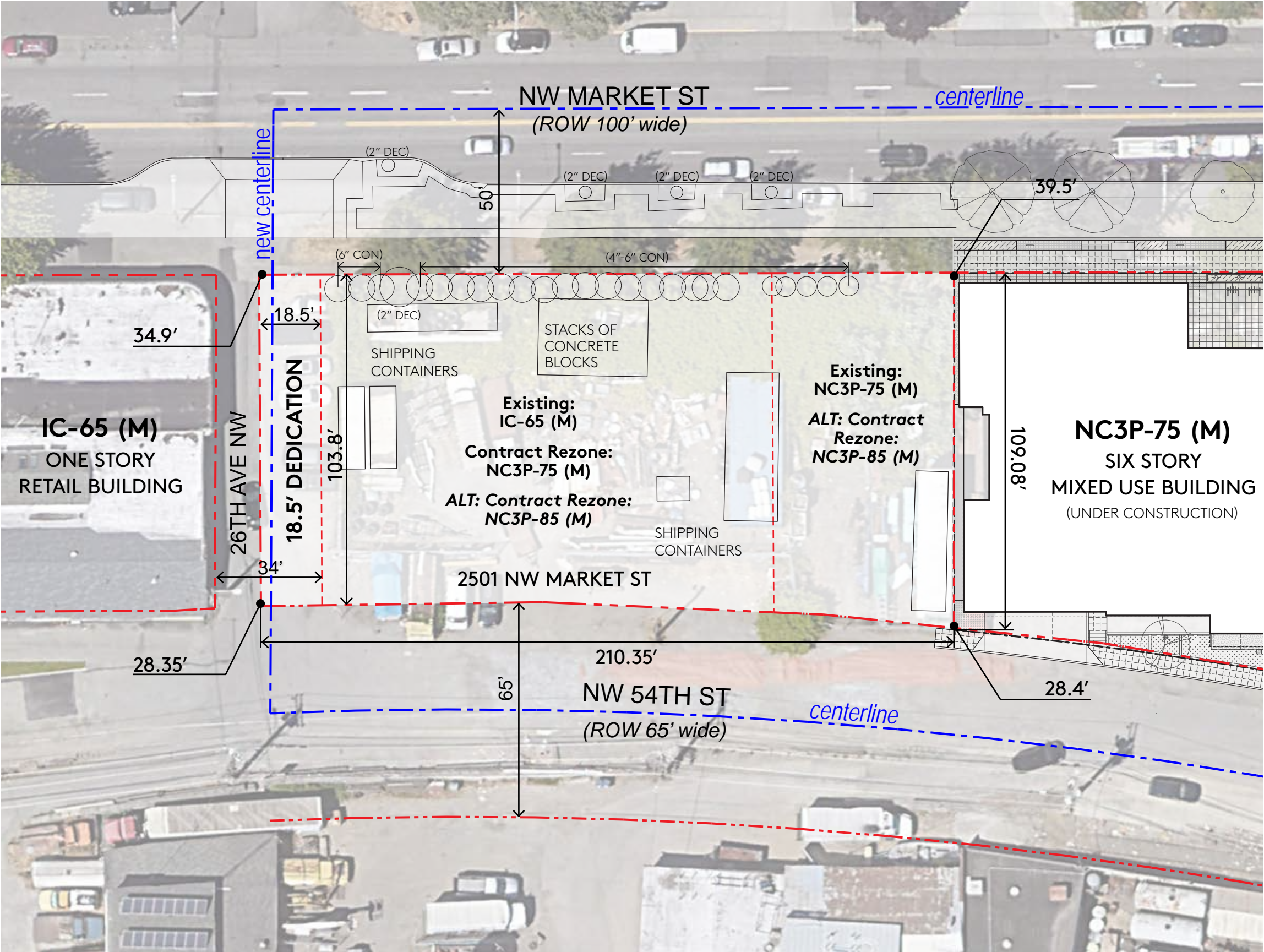
Community Outreach Summary:

1. 50 percent of survey respondents said **environmentally-friendly** features are most important to them.
2. Respondents also said that **attractive materials**, an **interesting and unique design**, quality parking, the relationship to **neighborhood character**, and drawing design inspiration from the **history and present day** of the area were important to them.
3. 56 percent of survey respondents said lighting and **safety features** are the most important consideration for the exterior space on this property. Others said **landscaping, seating options** and **places to congregate**, and **bicycle parking** were important to them.
4. A few respondents expressed concern that lost views of the ship canal, cityscape and Mt. Rainier will have a major impact on neighbors.
5. Others encouraged the project team to consider short-term noise, disruption and **aesthetics**.

Design Response to Outreach Summary:

1. The design will include a **high performing building envelope** and utilize **stormwater planters** on the site. Additionally, vegetation will be incorporated into terraces and rooftop decks.
2. The schemes shown will incorporate materials that reflect the **traditional architecture and industrial character of Ballard**. Although not required, the project will include below-grade parking to **reduce the impact** of spill over parking in the surrounding community.
3. All schemes prioritize **safety, privacy, and lighting**, to create a **space for interaction and connection** between residents, neighbors, and people passing by. Additionally, both **long and short term bicycle parking** feature prominently.
4. The schemes presented explore strategies to **reduce the scale of the building massing** in order to provide both daylight to the residents and allow continued upland views and access to the water.

URBAN ANALYSIS - EXISTING SITE CONDITIONS



Location

The site is bounded on the north by NW Market Street, on the south by NW 54th Street, and on the west by 26th Avenue NW.

Parcel Size

21,824 SF (0.5 Acres) (Parcel Number: 1125039037)

Legal Description

POR OF WLY 210.75 FT (MEAS ALG MARKET ST) OF VAC TRACT 49 FARMDALE HOMESTEAD LY N OF GN RR R/W & S OF SD MARKET ST

Existing Uses and Structures

The site is vacant and used for the laydown and storage of industrial material associated with ship yard across NW 54th Street.

Topography

The site slopes gently down from the northeast corner to the southwest corner. In total, the site slope measures approximately 11 feet in elevation difference from corner to corner, with approximately 6% slope along 26th Avenue NW from north to south.

Existing Trees

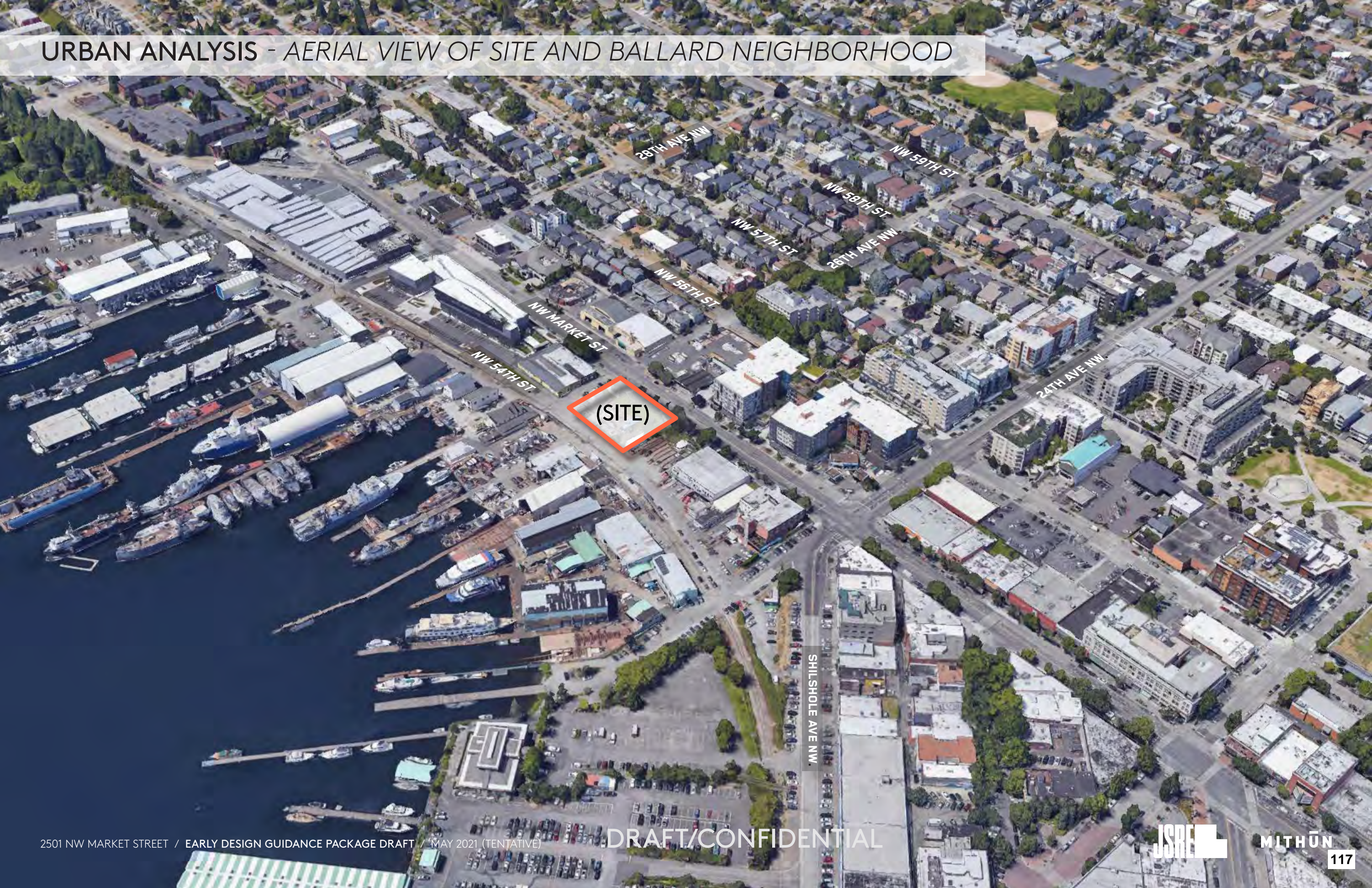
24 coniferous trees are located along the north edge of the site, ranging from 4"-6" in caliper, along with one 2" caliper deciduous tree. Additionally, four 2" caliper deciduous trees are located along Market Street, outside of the property line.

Contract Rezone

The western portion of the site is currently zoned "IC-65 (M)". A Contract Rezone is requested to change this portion to "NC3P-75 (M)" to match the eastern portion of the site and the neighbors to the east and northeast.

An alternate option is included requesting a Contract Rezone to "NC3P-85 (M)" for the entire site in order to provide additional housing units.

URBAN ANALYSIS - AERIAL VIEW OF SITE AND BALLARD NEIGHBORHOOD



(SITE)

URBAN ANALYSIS - AERIAL VIEW OF SITE



Aerial View Looking Southeast



Aerial View Looking Southwest

URBAN ANALYSIS - URBAN CENTERS / VILLAGES



BALLARD URBAN VILLAGE

2501 NW Market St

BALLARD GATEWAY

MAJOR BALLARD GATEWAY

NW MARKET ST

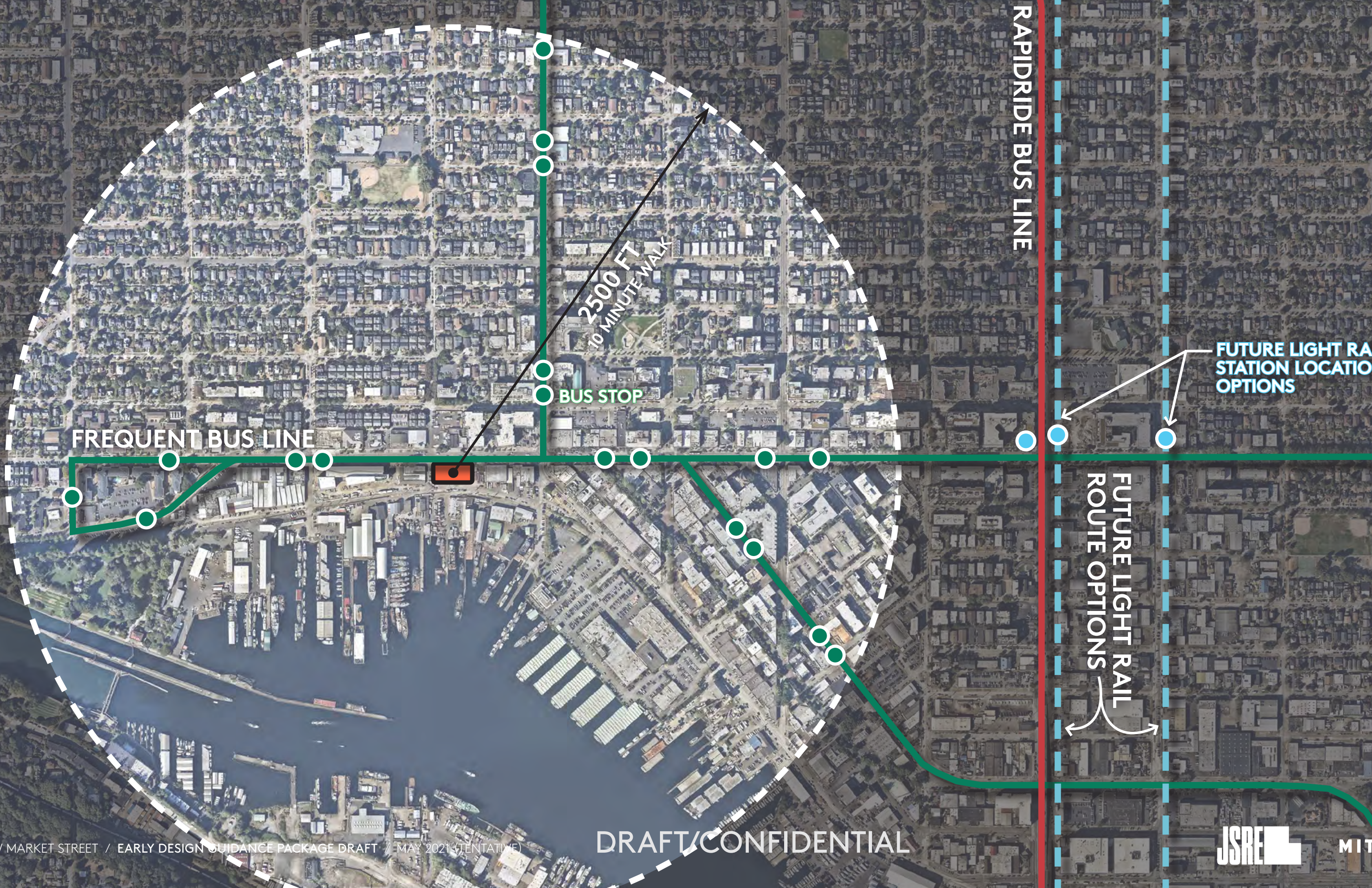
MAJOR BALLARD GATEWAY

BINMIC BOUNDARY

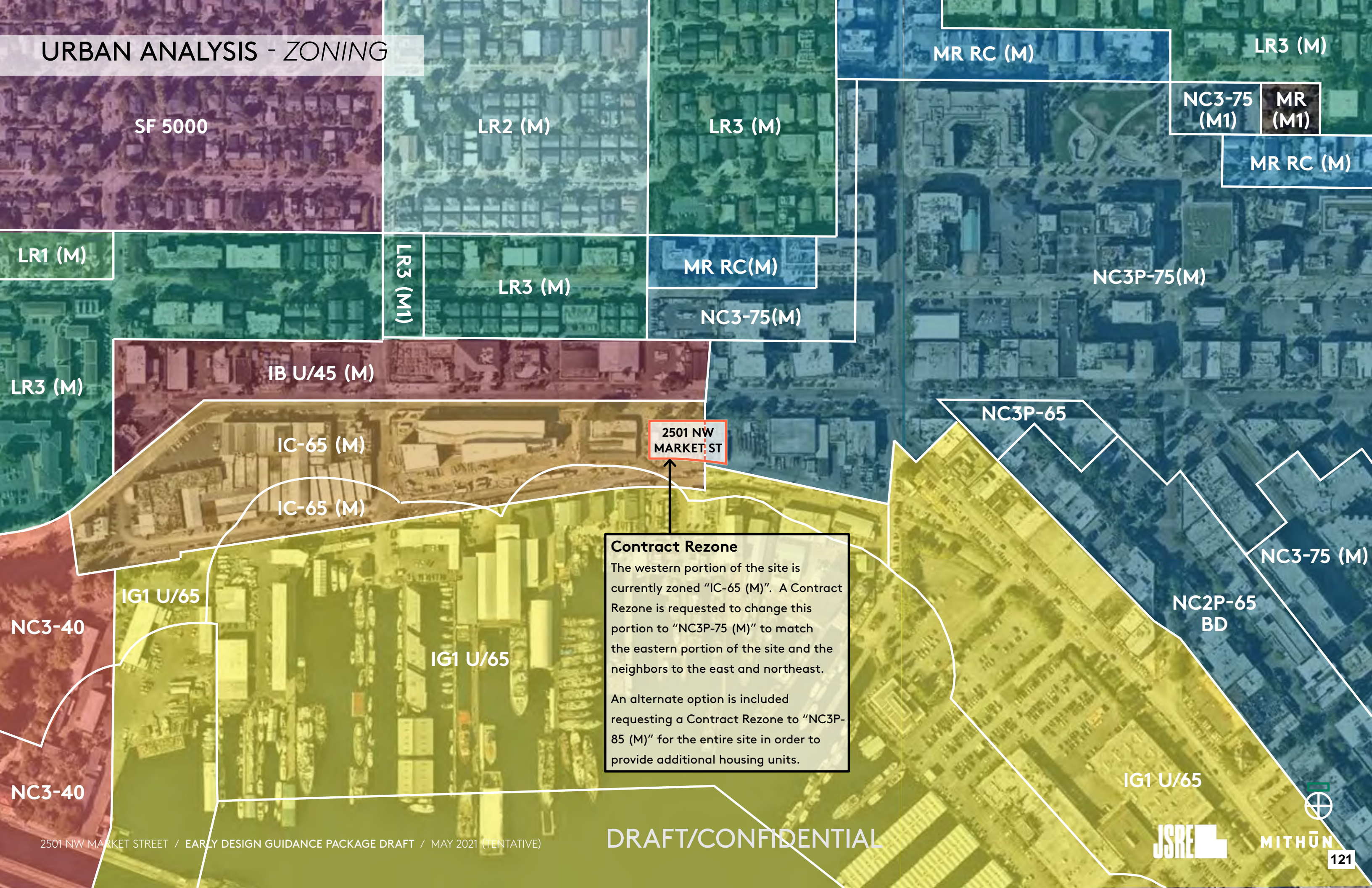
BALLARD GATEWAY

SHORELINE MASTER PROGRAM BOUNDARY

URBAN ANALYSIS - FREQUENT TRANSIT LOCATIONS



URBAN ANALYSIS - ZONING



Contract Rezone

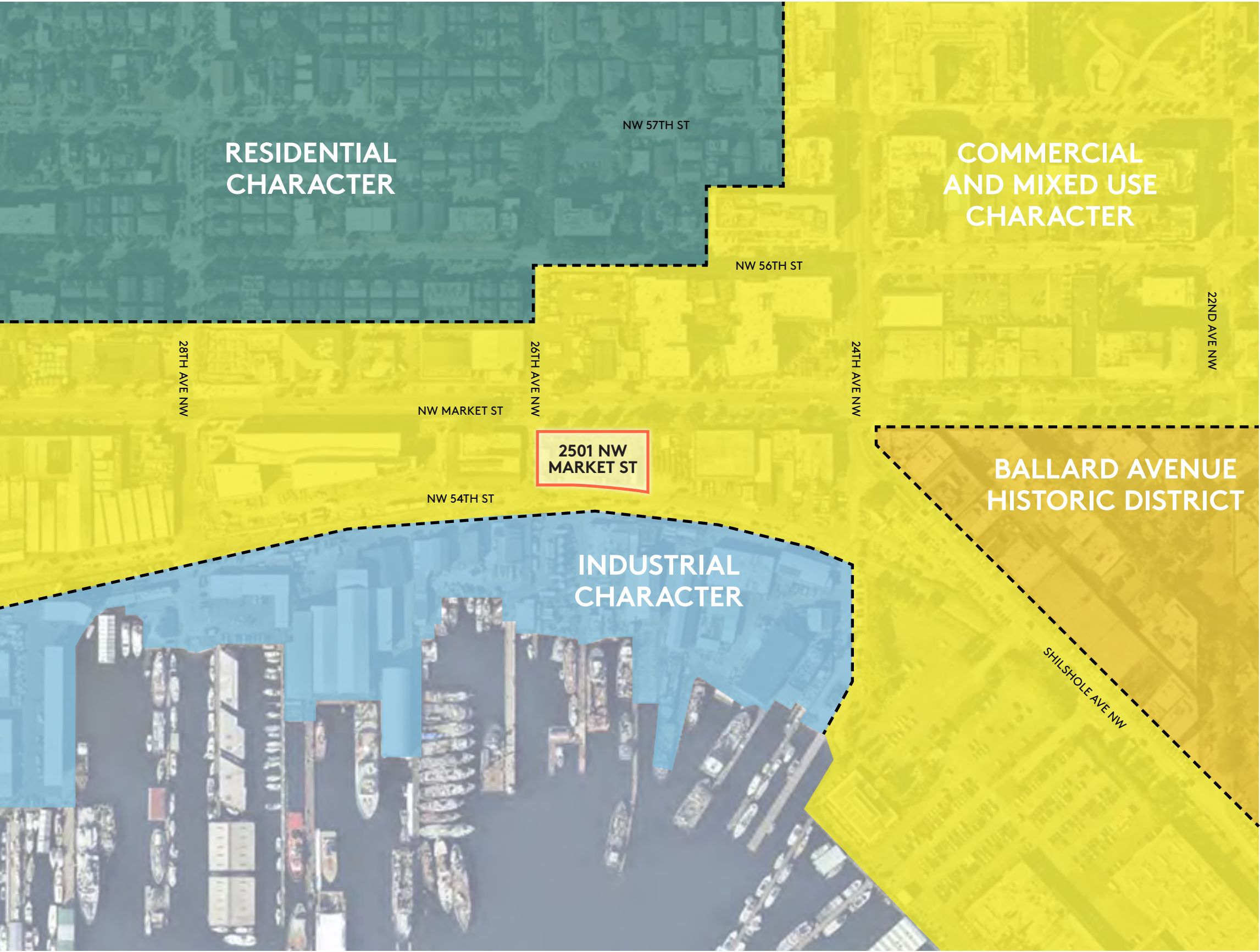
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URBAN ANALYSIS - ZONING



URBAN ANALYSIS - TRANSITION IN USE / CHARACTER



Commercial and Mixed Use ●●

This zone is characterized by newer mixed-use buildings, with retail at grade and housing above.



Residential ●

This zone includes single family houses and small multi-unit housing structures. The majority of these buildings are between 1 and 4 stories tall.



Industrial ●

The industrial area consists of warehouses, supply buildings, and shipyards. Buildings vary in height along the harbor/waterfront.



URBAN ANALYSIS - SURROUNDING USES (EXISTING)



LEGEND

- COMMERCIAL
- SINGLE FAMILY RESIDENTIAL
- MULTI-FAMILY RESIDENTIAL
- MIXED USE
- EDUCATIONAL
- COMMUNITY FACILITIES
- MANUFACTURING / INDUSTRIAL
- RELIGIOUS
- MUSEUM



URBAN ANALYSIS - TRANSPORTATION AND BOUNDARIES



URBAN ANALYSIS - *STREETSCAPE*

01 ELEVATION - LOOKING NORTH FROM MARKET STREET



02 ELEVATION - LOOKING SOUTH FROM MARKET STREET



URBAN ANALYSIS - *STREETSCAPE*

03 ELEVATION - LOOKING SOUTH FROM NW 54TH STREET



04 ELEVATION - LOOKING NORTH FROM NW 54TH STREET



URBAN ANALYSIS - *STREETSCAPE*

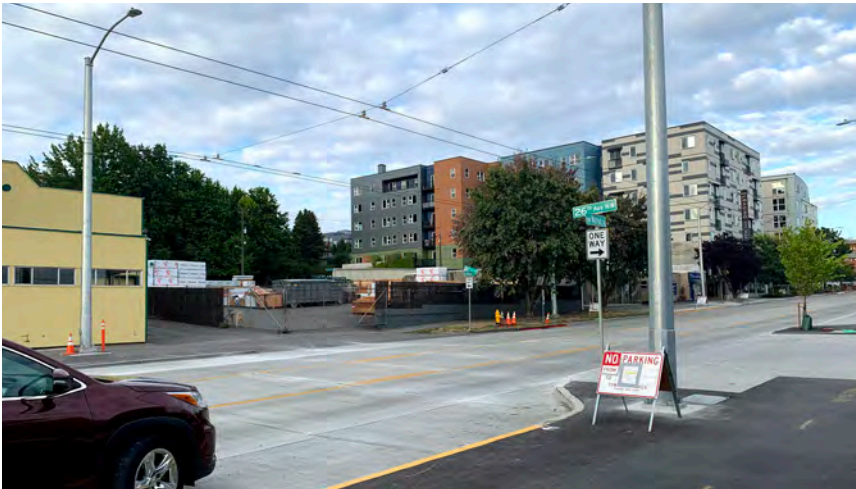
05 ELEVATION - LOOKING WEST FROM 26TH AVE NW



06 ELEVATION - LOOKING EAST FROM 26TH AVE NW



URBAN ANALYSIS - SITE PHOTOS



1. VIEW EAST TO AMLI MARK 24



2. INDUSTRIAL TO SOUTH



3. NORTH EDGE OF PROPERTY FROM MARKET



4. WEST EDGE OF PROPERTY LOOKING SOUTH



5. PROPERTY FROM MARKET



6. LOOKING WEST TOWARD THE NORDIC MUSEUM



7. WEST EDGE OF PROPERTY



8. NORTH TO LIMBACK LUMBER



9. SOUTH EDGE OF PROPERTY LOOKING EAST



URBAN ANALYSIS - BALLARD INDUSTRIAL CHARACTER



1. PACIFIC FISHERMEN INC.



2. BALLARD INDUSTRIAL



3. BARDAHL OIL SIGN



4. SALMON BAY



5. STABBERT MARITIME



6. SEATTLE MARITIME ACADEMY



7. WAYPOINT MARINE



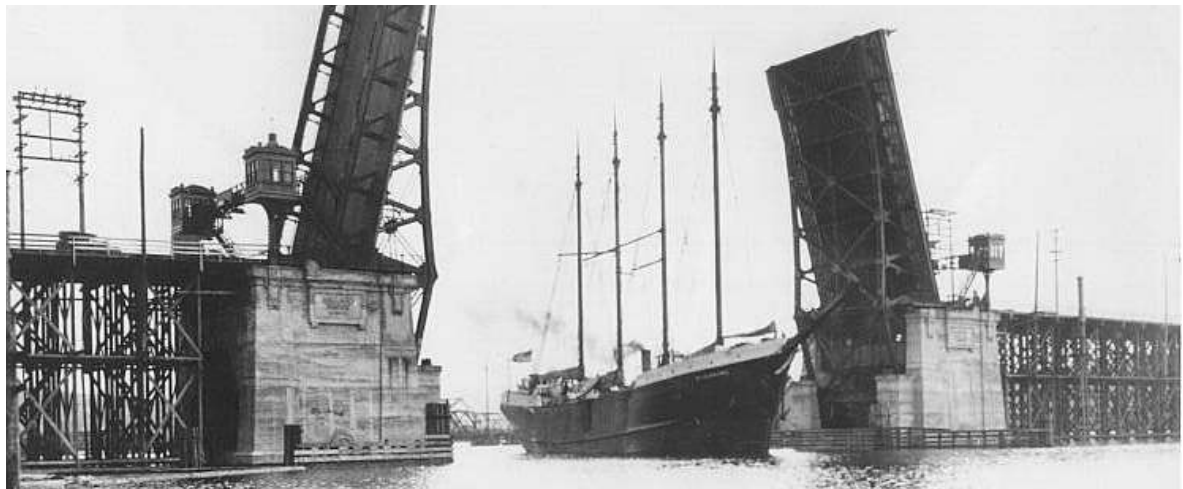
8. BALLARD OIL



9. BOAT STORAGE FACILITY



URBAN ANALYSIS - BALLARD HISTORY



URBAN ANALYSIS - TRADITIONAL BALLARD CHARACTER (BALLARD AVE LANDMARK DISTRICT)



1. SPACE ODDITY VINTAGE



2. PATXI'S PIZZA



3. STUDIO RA



4. CAFFE UMBRIA



5. BELLTOWER



6. THE MATADOR



7. MACLEOD'S



8. BALLARD ANNEX



9. SECRET GARDEN BOOKS

URBAN ANALYSIS - BALLARD NEIGHBORHOOD CHARACTER



1. NORDIC MUSEUM



2. 14TH AVENUE BOAT LAUNCH



3. BALLARD INN



4. BALLARD COFFEE WORKS



5. BALLARD RETAIL MURAL



6. ODIN STREET LEVEL



7. BALLARD AVENUE LANDMARK DISTRICT



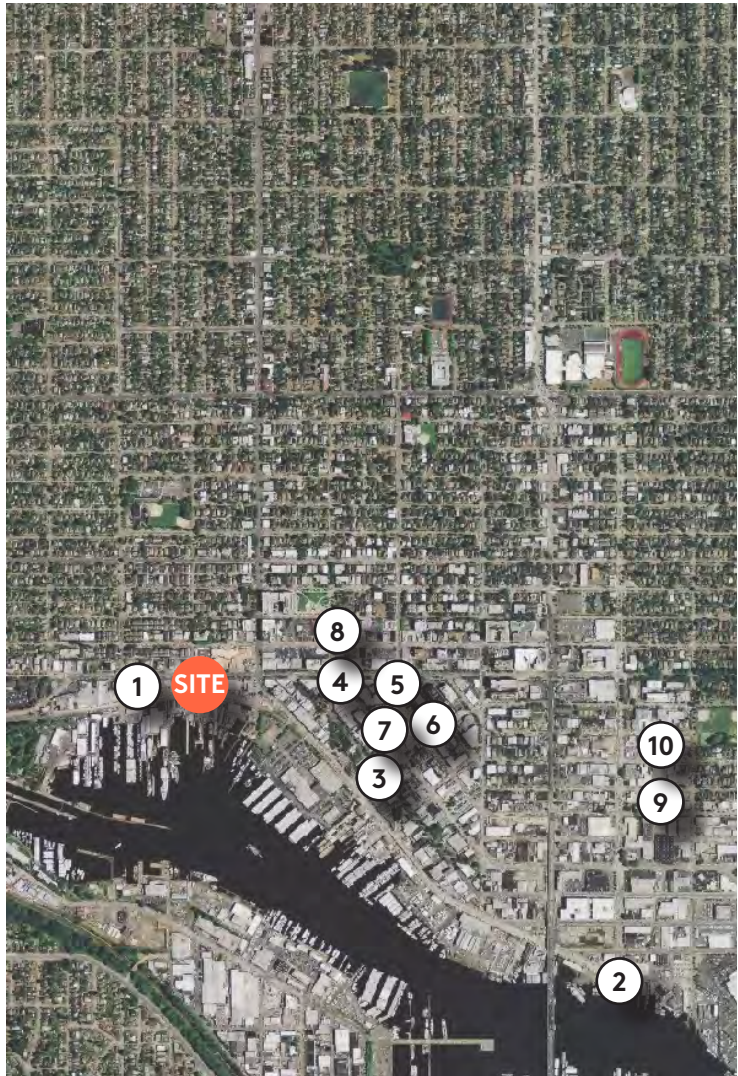
8. BALLARD LIBRARY



9. TRAILBEND TAPROOM



10. OBEC BREWING



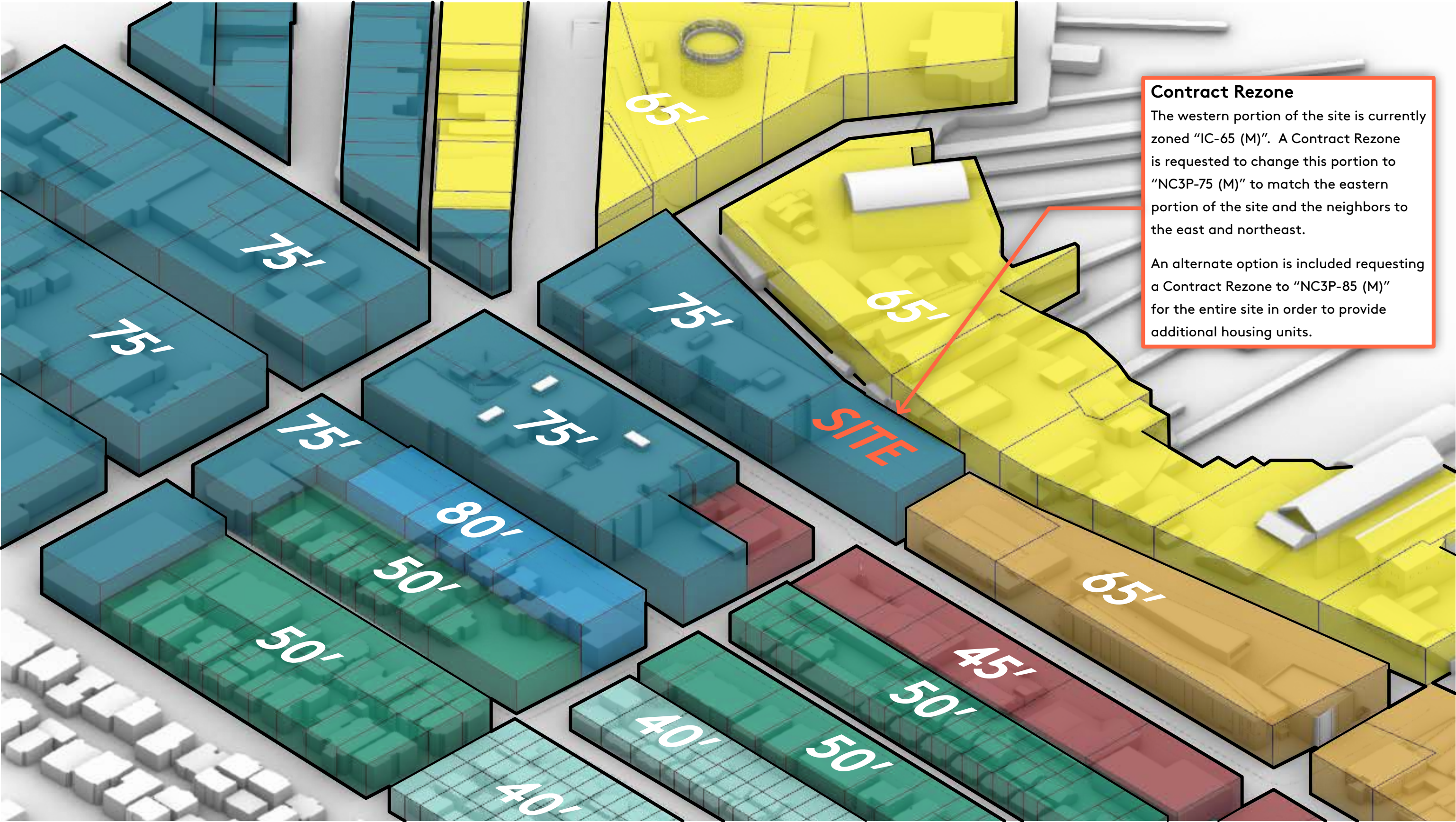
URBAN ANALYSIS - NEARBY MATERIALS AND TEXTURES



23



URBAN ANALYSIS - CONTEXT ZONING POTENTIAL

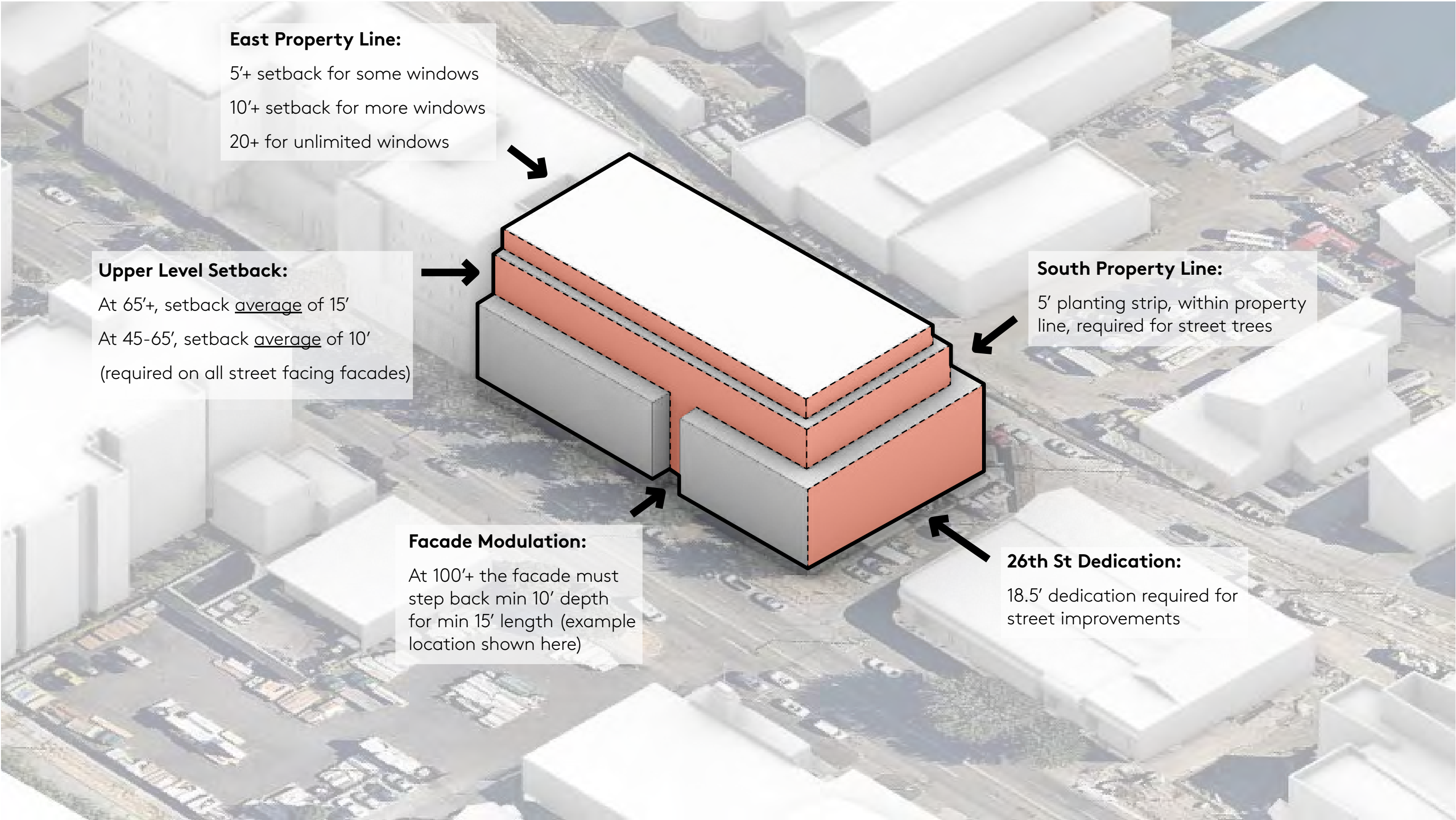


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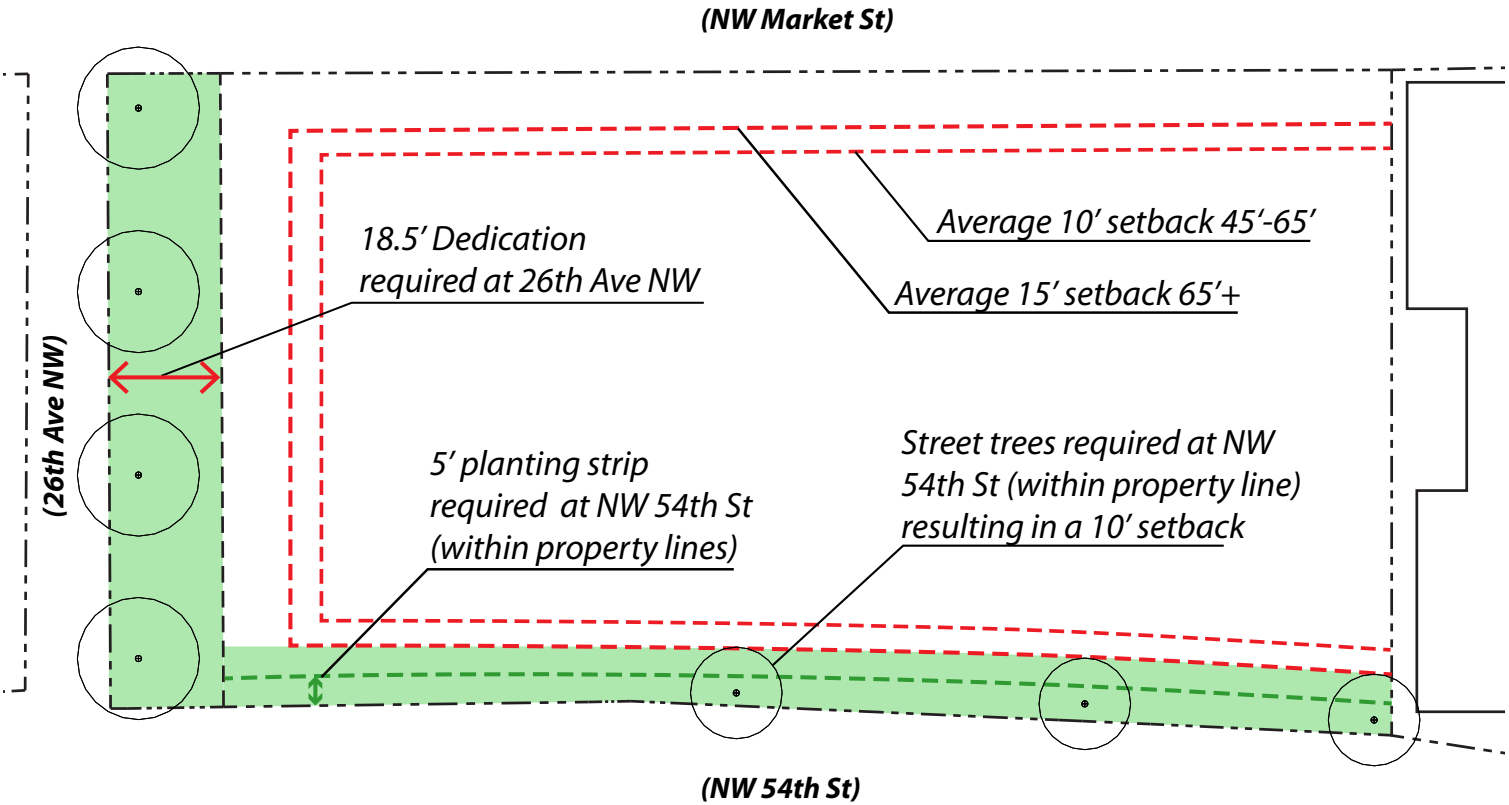
URBAN ANALYSIS - ZONING SUMMARY DIAGRAM - NC3P-75 (M)



SITE CONSTRAINTS & CAPACITY

Restrictive SDOT design directives limit development potential of the site and the range of design options. An 18.5' dedication is required on 26th Ave NW, running along the entire west property boundary. SDOT requests a planting strip and street trees along NW 54th St, located **WITHIN** the property boundaries. Due to the proximity of the trees to the building, this results effectively in a 10' setback along NW 54th St. In total, these requirements result in 3,850 sf of lost buildable site area. The SDOT street improvement requirements greatly reduce the capacity of the site and limit the range of viable massing options. In order to better utilize the development capacity and provide much needed housing for residents of Seattle, the applicant requests development standard departures from the upper level setbacks along two of the three streets (Ref. massing Options 2 and 3).

(18.5') 26th Ave NW - street dedication	1,900 sf
(5') NW 54th St - planting strip	1,000 sf
(5') NW 54th St - street tree additional setback (beyond the planting strip)	950 sf
Total affected site area	3,850 sf



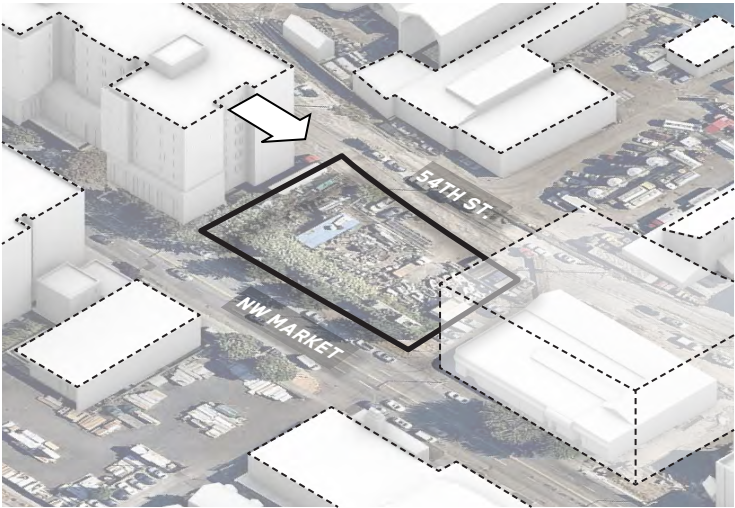
ZONING SUMMARY - SEATTLE - TITLE 23 LAND USE CODE

Applicable Code	Seattle Municipal Code - Title 23 - Land Use Code
Address	2501 NW Market St
Parcel Number	1125039037
Zoning / Land Use Classification	NC3P-75 (M), NC3P-85 (Contract Rezone)
Site Area	21,825 SF (0.5 Acres)
Special Review District	NONE
Urban Center Overlay	Ballard Hub Urban Village
Present Use	Vacant (Industrial)

23.47A.005 - Street Level Uses 23.47A.005.D.1: Along designated principal pedestrian streets, 80% of the street-level street-facing facade must be a use listed in 23.47A.008.C (non-residential use).	<i>Applies to NW Market St: Non-Residential proposed along 80% of the street-level facade.</i>
23.47A.008 - Street-Level Development Standards 23.47A.008.A.2 - Blank Facades Blank segments of the street-facing facade between 2 feet and 8’ above the sidewalk may not exceed 20’ in width. The total of all blank facade segments may not exceed 40% of the width of the facade of the structure along the street.	<i>Applies to all three street frontages. Blank facades will not exceed 20’ in width or 40% of total area.</i>
23.47A.008.B - Non-residential street-level requirements Transparency: 60% of the street-facing facade between 2’ and 8’ above the sidewalk shall be transparent.	<i>Applies to all three street frontages.</i>
Depth Provisions: non-residential uses greater than 600 sf are required to have an average depth of at least 30’ and a minimum depth of 15’. In a pedestrian designated zone, non-residential uses less than 600 sf are required to have an average depth of at least 20’ and a minimum depth of 10’.	<i>Commercial space proposed along NW Market St and will be compliant.</i>
Non-residential uses at street level shall have a floor-to-floor height of at least 13 feet.	<i>Commercial space proposed along NW Market St and will have a floor to floor height of 13’ or greater.</i>
23.47A.008.C.4 - Overhead Weather Protection Continuous overhead weather protection is required along at least 60% of the street frontage of a structure on a principal pedestrian street. The covered area shall have a minimum width of 6’.	<i>Applies to NW Market St. At least 60% coverage will be provided.</i>
23.47A.008.D.2. The floor of a dwelling unit located along the street-level, street-facing facade shall be at least 4’ above or 4’ below sidewalk grade or be set back at least 10’ from the sidewalk.	<i>Apartment units NW 54th St. Refer to plans.</i>

23.47A.009.F - Ballard Hub Urban Village 23.47A.008.F.2.B Facade Modulation The maximum width of any street-facing facade is 100 feet. Facades longer than 100 feet shall be modulated at 100-foot intervals by stepping back the facade a minimum depth of 10 feet and a minimum width of 15 feet.	<i>Applies to all three street frontages.</i>
23.47A.008.F.4.B Upper-Level Setbacks A setback with an average depth of 10’ from all abutting street lot lines is required for portions of a structure above a height of 45’ / and 15’ average above 65’.	<i>See departure requests.</i>
23.47A.012 Structure Height 23.47A.012.A Height limit - 75’ / 85’ ALLOWED.	<i>75’ and 85’</i>
23.47A.013 Floor Area Ratio (FAR) 23.47A.013.A FAR allowed - 5.5 / 5.75 ALLOWED.	<i>Schemes vary between 5.3 and 5.75.</i>
23.47A.024 Amenity Area 23.47A.024.A - Amenity areas are required in an amount equal to 5% of the total gross floor area in residential use (Gross floor area, for the purposes of this subsection, excludes areas used for mechanical equipment and accessory parking).	<i>5% minimum will be provided through a mix of public and private amenity space.</i>
23.47A.032 Parking Location and Access 23.47A.032.A.1.A. In NC zones, access to parking shall be from the alley if the lot abuts an alley.	<i>Refer to ground floor plans for garage access location.</i>
23.54.015 Required Parking and Maximum Parking Limits 23.54.015 - Required vehicular Parking NO MINIMUM REQUIREMENT IN FREQUENT TRANSIT SERVICE AREA.	<i>Though not required, APPROX. 65-78 residential stalls provided.</i>
23.54.015.K Bicycle Parking - table D Commercial Uses (eating and drinking): Long-term - 1 per 5,000 sqft / short-term - 1 per 1,000 sqft Commercial Uses (sales and services): Long-term - 1 per 4,000 sqft / short-term - 1 per 2,000 sqft Residential Uses (Multi-family structures): Long-term - 1 per dwelling unit / short-term - 1 per 20 dwelling units	<i>Commercial bike parking - 2 long term and 4 short term spots provided.</i> <i>Residential bike parking in excess of minimum requirement proposed.</i>
23.54.040 - solid waste and recyclable material storage and access	<i>Refer to ground floor plans for waste staging location.</i>

PRIORITY DESIGN GUIDELINES



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. Consider the following:

1. Reinforce the character and role of Ballard’s Character Core, and Industrial character areas.
2. Break up the length of the street facing facades and limit to 50’-100’ segments to reflect historic lot widths.
3. Reflect traditional buildings with detail and quality materials, transparent facades at the street, and clearly identifiable building entrances.
4. Create unified facades from bottom to top.
5. Work with upper level setbacks to avoid street canyons.
6. Respect for adjacent sites.

Response:

The project team carefully analyzed the neighborhood and adjacent buildings when studying massing for this site. The massing options explore strategies of providing daylight for the neighbor to the east and consider the future development potential of the site to the west. The changing urban character of the district, transitioning from industrial to urban, is addressed through material selection and massing division.



CS3 Architectural Context and Character

Contribute to the architectural character of the neighborhood. Consider the following:

1. Create a unified design and integrate the upper levels into the overall building design.
2. Reflect the scale and proportion of the Ballard Avenue Landmark District and older buildings along NW Market Street.
3. Strong architectural elements that define and create human scale are preferred over an unorganized mix of styles and materials.
4. Reference history and culture that is unique to the site and context.

Response:

The massing options respond to the surrounding architectural character of the project site. The maritime-industrial uses south of the site, the traditional character along Ballard Ave east of the site, and the expansion of the urban center along Market St. are considered. The massing options presented reflect the utility and simplicity of industrial buildings, while employing modern urban design principles of breaking down the scale of the overall mass in compositional ways. Schemes provide access to light and air, promote outdoor areas for tenants, and accommodate street level activity along Market.



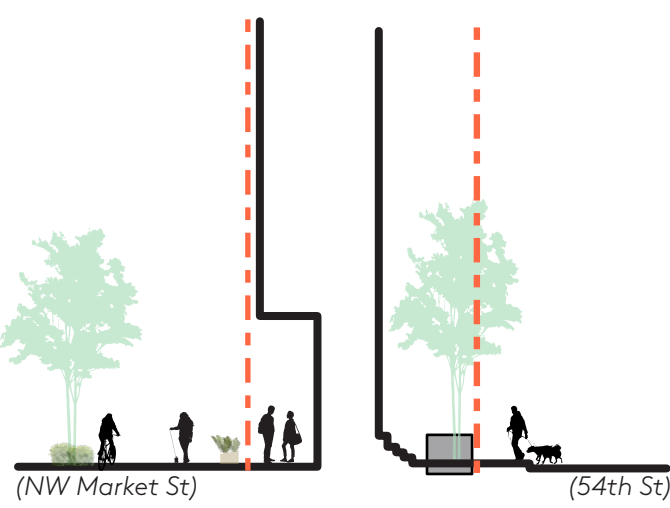
PL2 Walkability

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

1. Access challenges
2. Eyes on the street
3. Lighting for safety
4. Street-level transparency
5. Overhead weather protection
6. People friendly spaces
7. Design as wayfinding

Response:

NW Market St. and NW 54th St. have distinct characters and the proposed layout of the ground plane reflects those distinct identities. The ground floor facade on Market St. balances a separation from the Burke Gilman trail with the need for an active streetscape. Meanwhile, the project provides additional planting and screening along 54th to create a buffer between the project and the active industrial sites across NW 54th St. to the south.



PL3 Street Level Interaction

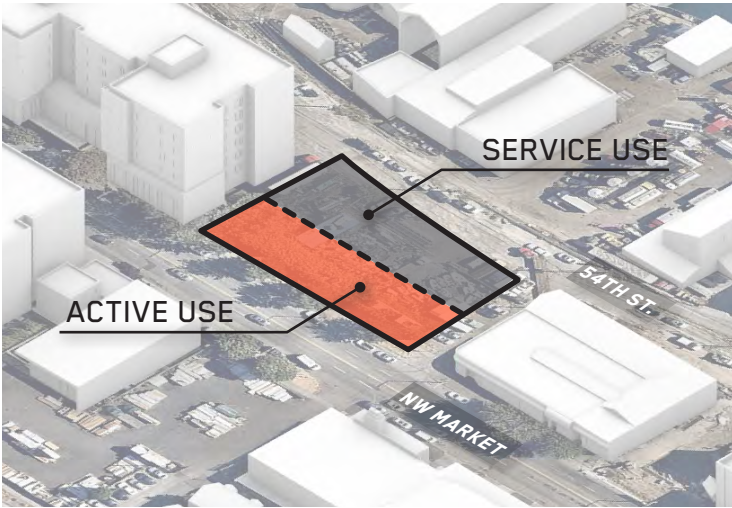
Encourage human interaction and activity at the street-level with clear connections to building entries and edges. Consider:

1. Create human-scaled street facades.
2. Encourage variety in awnings and signs along the street level facades.
3. Provide security and privacy for residential units that occur at the street.
4. Avoid deeply recessed commercial windows at the street level.
5. Consider small setbacks at the street level on busy streets and incorporate seating, displays, overhead weather protection, and relief from traffic.
6. Reduce the size of commercial spaces for small businesses that average 2000 SF, or less.

Response:

All schemes create space for interaction and connection between residents and visitors. As noted, the facade along 54th will maintain a buffer between the project and the industrial sites to the south. All facades will feature clearly demarcated entrances and transparency into active commercial spaces.

PRIORITY DESIGN GUIDELINES



DC1 Project Uses and Activity

Optimize the arrangement of uses and activities on site. Consider the following:

1. Design parking access to accommodate visitors, tenants, and shared or leased parking.
2. Combine and consolidate service areas with parking access.

Response:

Although not required, all schemes shown provide below-grade parking for residents both as an amenity and as a means to respond to parking concerns mentioned during community outreach. The ground floor plan of each option locates active commercial spaces along Market St. and orients other supporting ground floor uses along 54th St. and 26th Ave. NW to address concerns from the freight and maritime-industrial community neighbors.



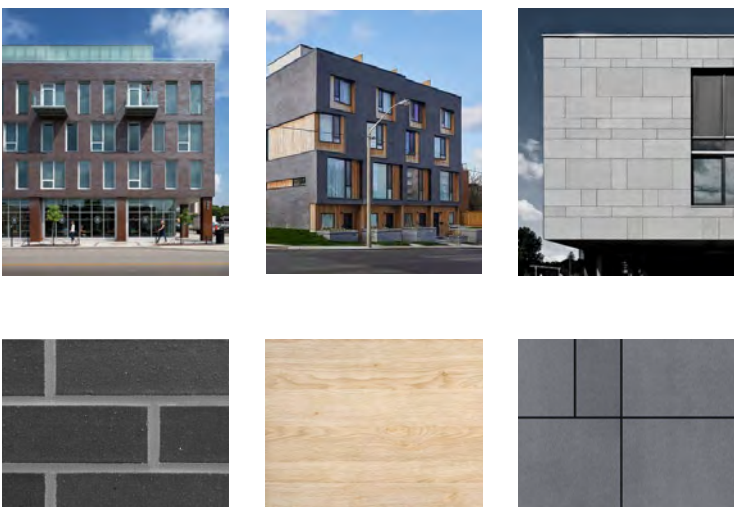
DC2 Architectural Concept

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

1. Create horizontal divisions that make strong base levels, preferably two stories.
2. Reduce perceived building mass. The massing should reflect the dominant 50-100 foot parcel width that was common before 1930.
3. Ensure that overhangs are 13'-15' above the sidewalk.
4. At the street level, incorporate a variety of textures such as blade signs, uneven brick, gooseneck lights, and windows that add texture and scale.
5. Create well detailed highly visible storefronts, avoid small and deeply inset storefront windows.
6. Clearly differentiate residential use from commercial street-level uses.

Response:

The traditional, industrial, and maritime roots of Ballard provide inspiration for the schemes shown. The schemes allow for transparency and connectivity at the ground floor and explore different strategies to break down the upper level massing to reduce the structure height, scale, and bulk.



DC4 Exterior Elements and Finishes

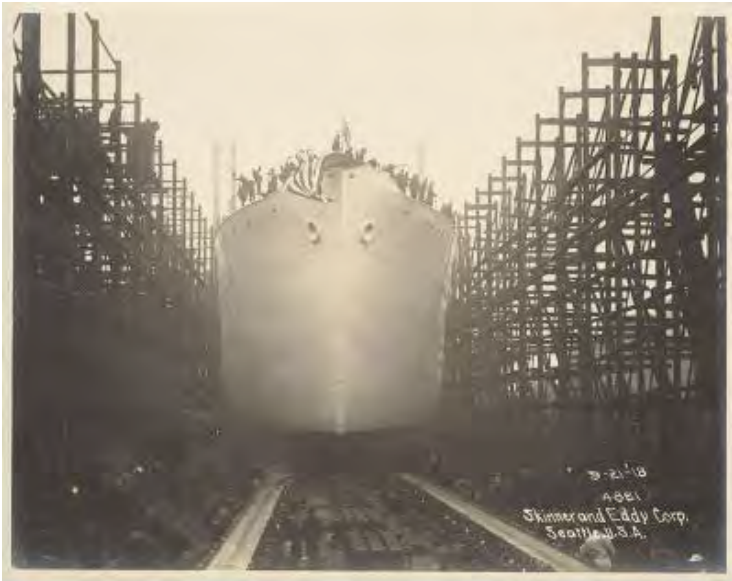
Use appropriate and high quality elements and finishes for the building and its open spaces. Consider the following:

1. Form and materials should respond to each other and changes in material should accompany a change in form or plane.
2. Select materials that convey permanence and require minimal maintenance such as brick, panel products with integral color, and metal.
3. Window openings should incorporate lintels and sills.
4. Avoid using a high variety of materials in an attempt to reduce bulk.
5. Use new technology and energy saving techniques.
6. Residential buildings should include operable windows.

Response:

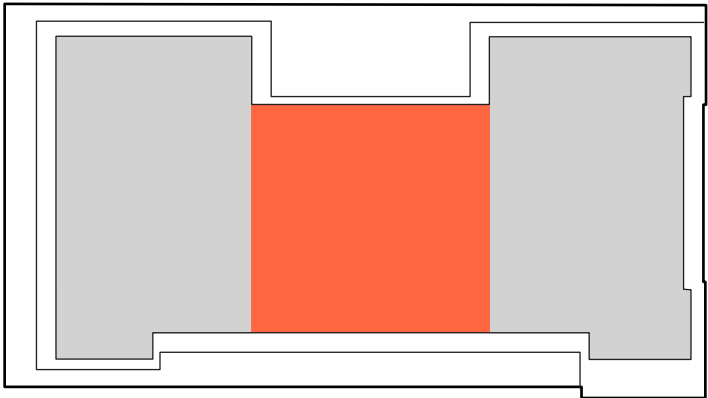
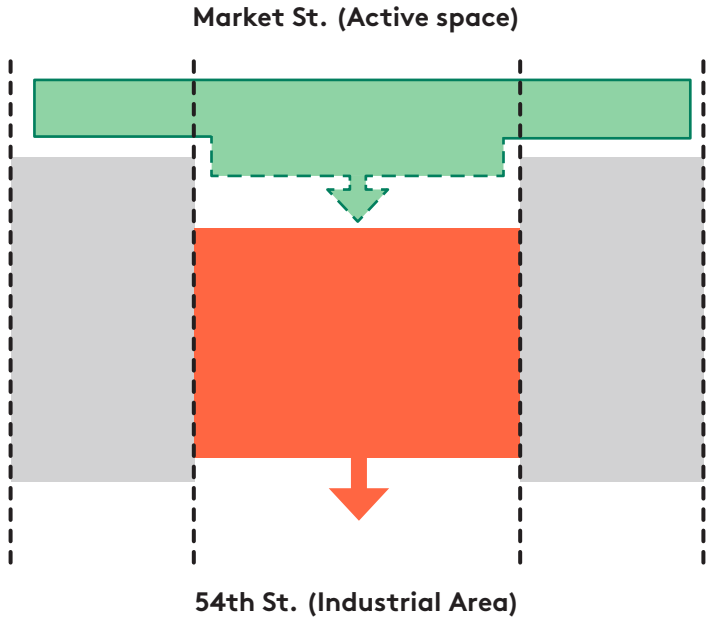
The project will employ materials with a restrained and timeless palette which acknowledges the maritime-industrial site adjacency, as well as the proximity of the design to the traditional character of nearby Ballard Ave. Lighting and signage will reinforce the design to establish a welcoming and safe environment. Lush landscaping both on site and within the right-of-way will contribute to a pedestrian oriented character and provide screened buffers.

COURTYARD / SCHEME 01 CONCEPT



Maritime Industrial History of Ballard

The Courtyard architectural concept stems from Ballard’s history as an industrial waterfront and its association with ship construction, as well as Ballard’s history as an independent town center. The image above depicts a ship launch in early Seattle. The image shows the ship held between anchoring scaffolding on each side. Ballard’s landmark character area is defined by buildings constructed before 1930 and facade lengths less than 100’ long, generally closer to 50’.



Relationship of Concept to Site Character

Market St. is an active east/west corridor in Ballard linking the site to the urban hub. The center massing is offset to the south toward the water, held between anchoring building ends, the concept is inspired by the process shown in the precedent image adjacent. Likewise, breaking the building into three divisions along the length of the street frontage allows for divisions closer to the historical lot width prevalent before 1930 (50'-100'). The proposed structure massing appropriately reduces the building scale along Market Street, as well as providing potential for quality outdoor space at the sidewalk for the use of retail patrons and building residents alike. Note that the courtyard is oriented toward the north away from industrial sites to the south to respond to comments from industrial neighbors.

EDDY / SCHEME 02 CONCEPT



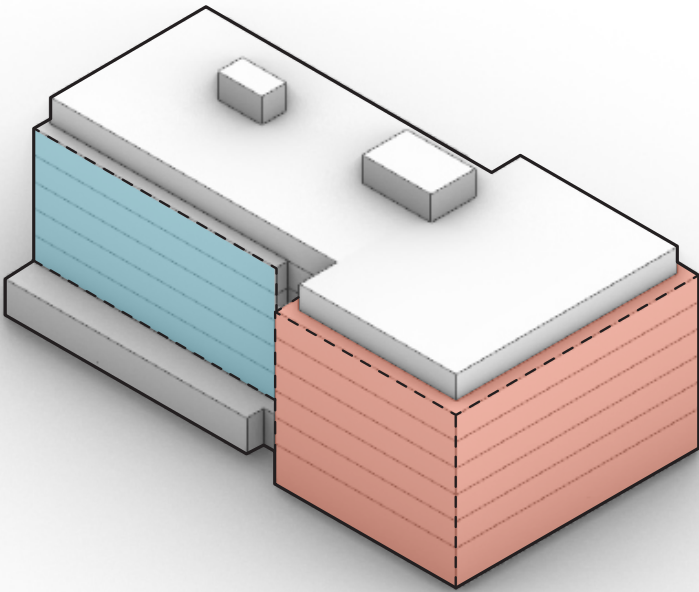
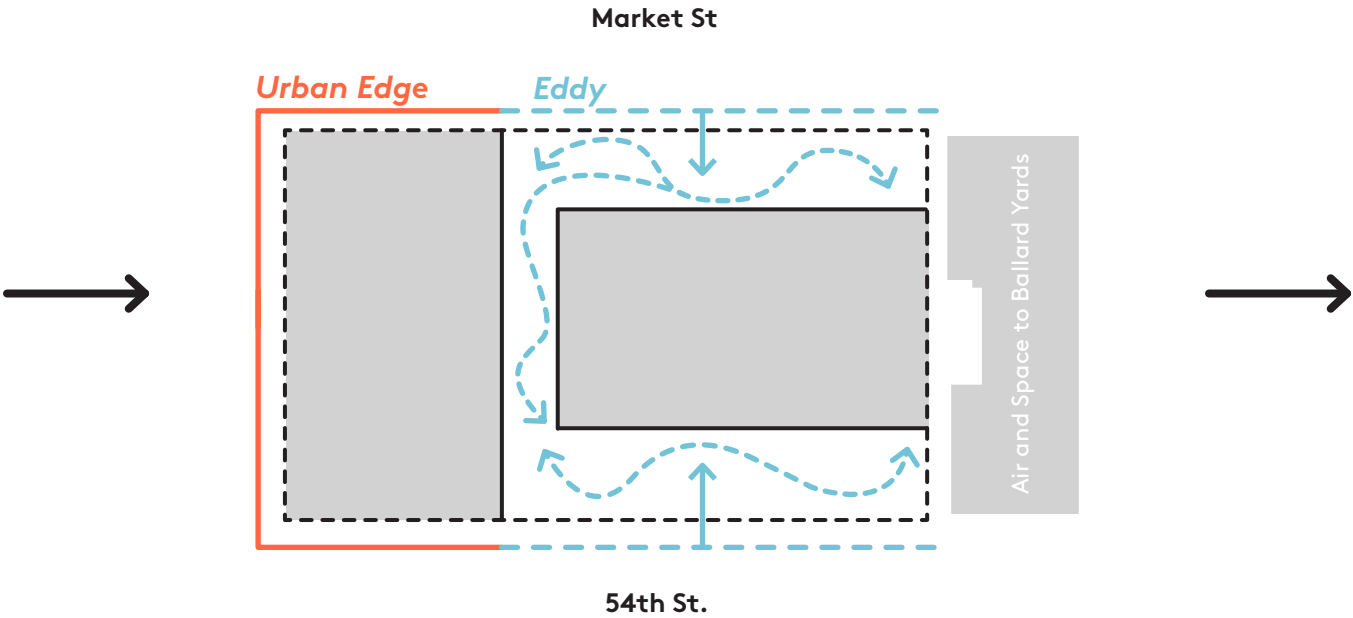
Urban Edge

The facades of buildings along Ballard Avenue define a continuous edge and provide coherent spatial definition. A character defining architectural presence along this edge creates a building with a unique visual impression and sense of place.

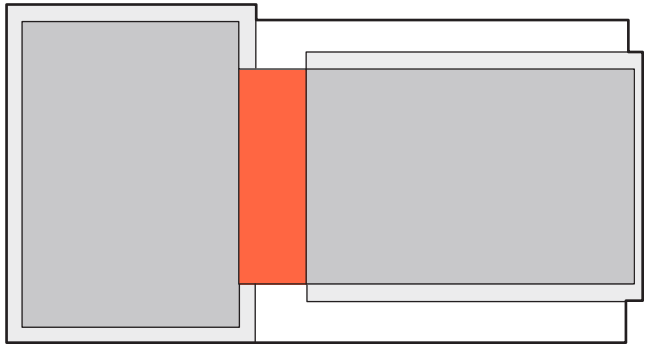


'Eddy'

An 'eddy' is defined as a circular movement of water, counter to a main current or flow. The eddy concept inspires a break along Market St., reducing the scale and bulk of the massing and directing views away from the eastern neighbor across the interior lot line.



- Urban Edge
- Eddy



Relationship of Concept to Site Character

Market St. serves as a primary east-west corridor in the community. Like the previous scheme, this scheme uses massing divisions to reduce the perceived scale of the building when viewed along the principal streets on the north and south frontages. A distinct building volume runs the length of 26th Ave. NW to clearly demarcate the corner site. Building setbacks provide visual breaks on the long Market St. and 54th St. facades while the project maintains a strong visual impression when traveling east on Market St. toward the Ballard urban center. The break between the two principal volumes will allow daylight into the corridor at the upper levels and provide views out to the north and south.

TERRACED / SCHEME 03 CONCEPT



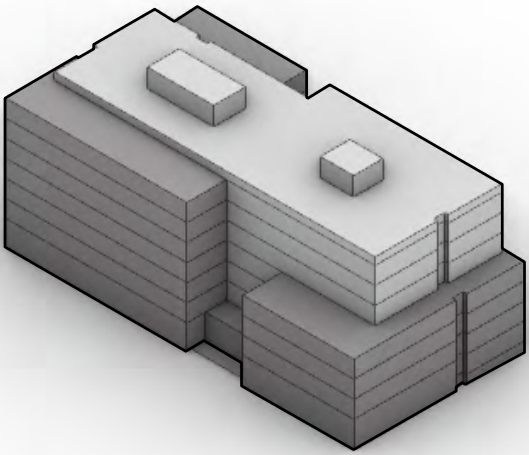
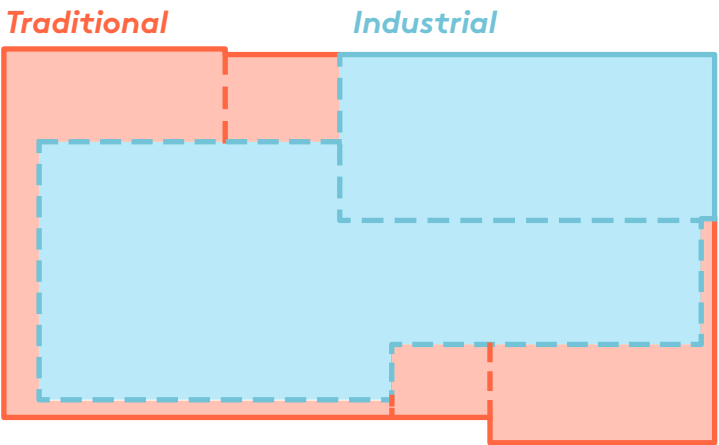
Traditional Ballard Character (Ballard Avenue Historic District)

The primary, street facing massing acknowledges the traditional architectural character along Ballard Avenue with historically resonant material application and simple rectilinear volumes that are inspired by the local landmarks.



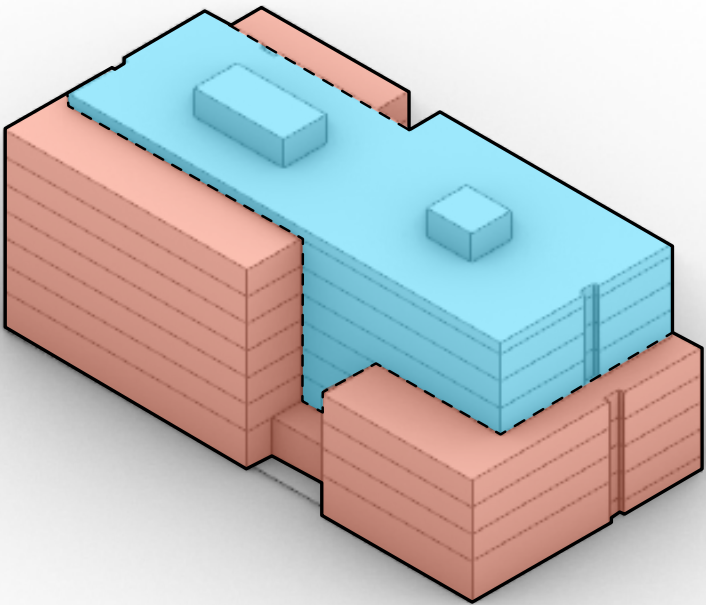
Industrial Ballard Character

The secondary, waterfront facing massing reflects the nearby maritime industrial uses located to the south of the site with a change in facade treatment, and a distinct architectural character that aligns with the massing divisions, all inspired by the utilitarian buildings in the area.



Relationship of Concept to Site Character

The resulting massing exercises architectural character, material application, and form to compliment the growing urban village, the nearby Ballard Avenue landmark character area, and acknowledge the adjacent industrial uses located along the waterfront. Building modulation reduces the perceived length of the project along NW Market Street. The building provides generous setbacks at the upper stories to create resident terraces and reduce the perceived height, scale, and bulk of the project when viewed from the street. The basic massing division also provides a break in the facade at the ground floor along Market Street to provide quality outdoor areas for residents and visitors along the sidewalk.

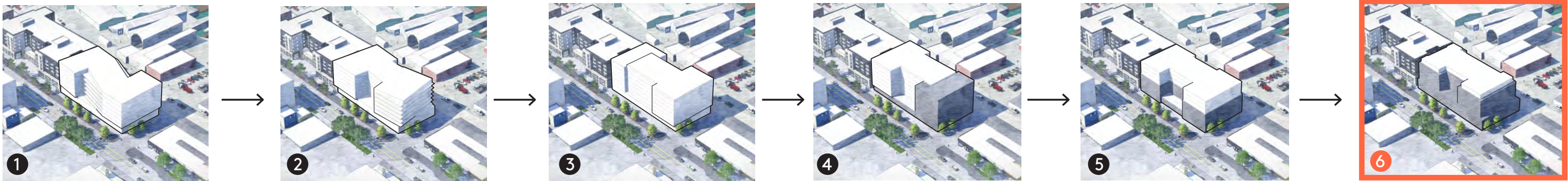


- Traditional Ballard Character
- Industrial Ballard Character

MASSING CONCEPTS - SCHEME DEVELOPMENT

COURTYARD

Courtyard examines variations on a traditional multi-family typology. Early studies focus on the orientation of the building to direct views to the landscape and the offset of the building volume above the first story.



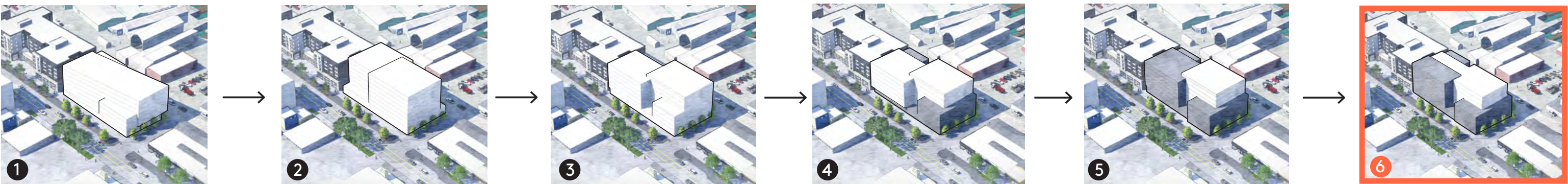
EDDY

Eddy explores ways to create a strong urban edge at the intersection of Market, 26th, and 54th by offsetting the structure mass against Ballard Yards on both Market and 54th, overhanging the upper volume above the base, and providing modulation for relief along NW Market St.

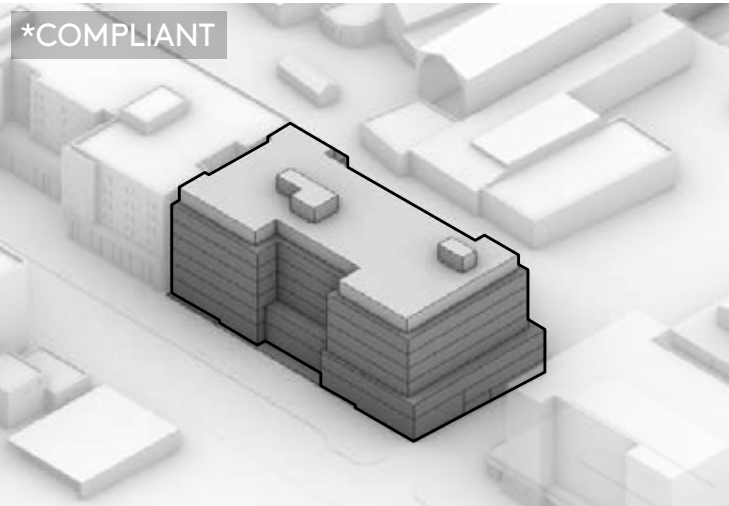


TERRACED

Terraced explores reduction of the building volume along the street facing facades to provide a better daylight penetration to the public right-of-way and create outdoor spaces with great views for residents. This scheme also provides a series of terraces at different levels to add visual interest and accessibility.



MASSING CONCEPTS - SUMMARY OF OPTIONS



COURTYARD / SCHEME 01

A courtyard is located along Market and 54th. The residential entrance, lobby, and commercial space are located along Market Street. Entries into ground floor apartments are located along 54th Street. The parking garage entrance and bicycle parking are accessed from 26th Avenue NW.

FAR / GFA:	5.36 / 117,000 GFA
Unit Count:	125
Parking Stalls:	65-78
Commercial Area:	~6000 SF

PROS

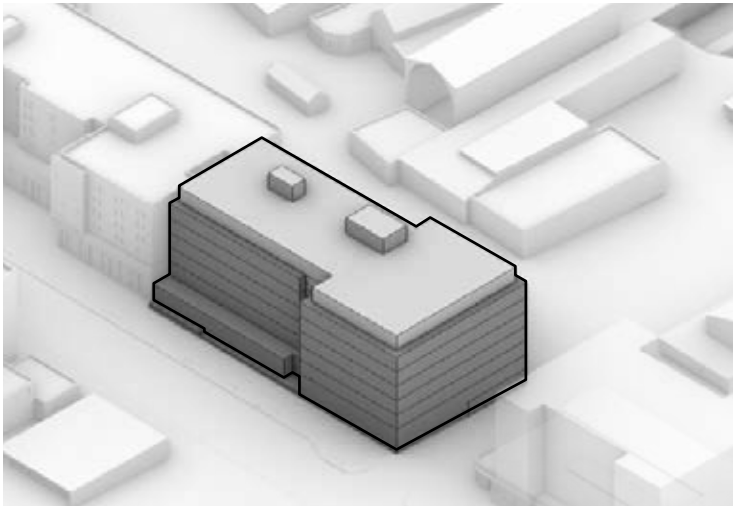
- Three divisions replicate historic site widths in Ballard.
- Courtyard provides usable open space at the street level.
- Courtyard is oriented to the north, away from active industrial waterfront uses located to the south.

CONS

- U-shaped organization mimics eastern neighbor.
- Required upper level setbacks and courtyard results in reduction in developable area.
- Long facade against the interior lot line.

DEPARTURES

- None.



EDDY / SCHEME 02

The massing employs a consistent language along Market St. and 26th Ave. The residential entrance, lobby, and commercial space are located on Market Street, and the entries into amenity space and ground floor apartments are located along 54th Street. The parking garage entrance and bicycle parking are accessed from 26th Avenue NW.

FAR / GFA:	5.48 / 119,600 GFA
Unit Count:	115
Parking Stalls:	65-78
Commercial Area:	~7000 SF

PROS

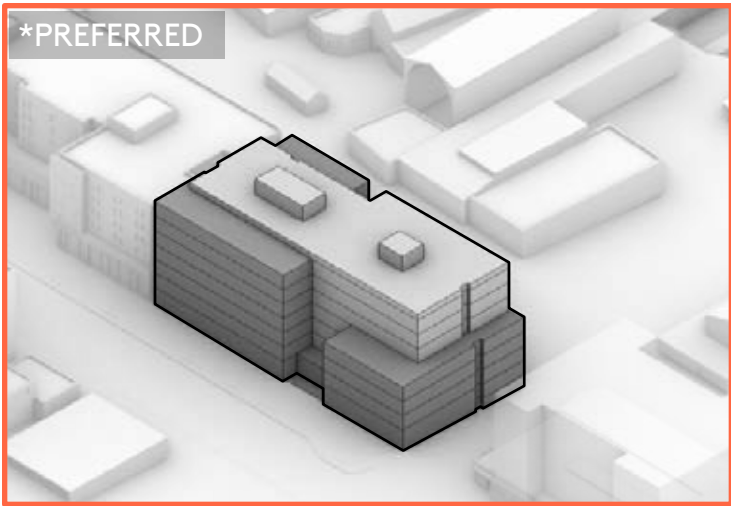
- Building organization allows outdoor amenity space above NW 54th Street facing the waterfront.
- Reduced facade length along NW Market Street.
- Unified massing composition.
- Reduced facade length along shared interior lot line.

CONS

- Tall continuous facade along 26th Ave NW facing western neighbor.
- Few opportunities for large outdoor amenity spaces below the roof

DEPARTURES

- Upper Level Setback Departure - A departure from the upper level setbacks at 45' and above along 26th Ave NW and NW 54th St.



TERRACED / SCHEME 03

The massing is setback from the street at the upper stories. The residential entrance, lobby, and commercial space are located on Market Street, and the entries into 5 ground floor apartments are located along 54th Street. The parking garage entrance and bicycle parking are accessed from 26th Avenue NW.

FAR / GFA:	5.5 / 120,000 GFA
Unit Count:	120
Parking Stalls:	65-78
Commercial Area:	~7000 SF

PROS

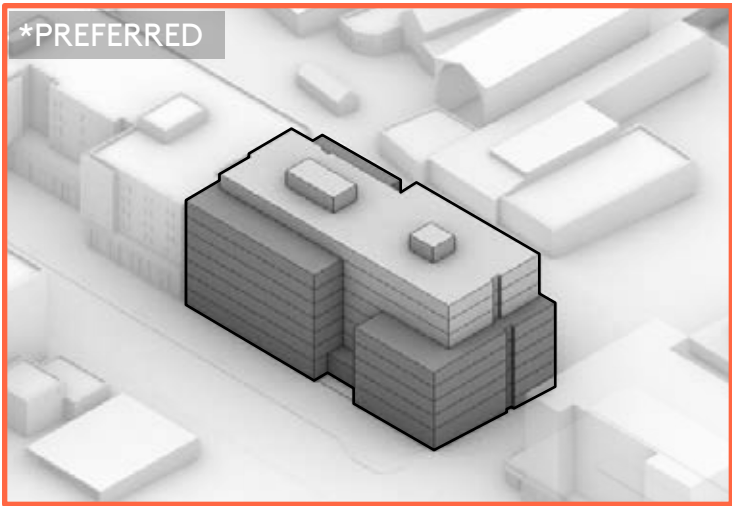
- Rich character and multiple opportunities for large outdoor amenity spaces.
- The varying size of building volumes relates to the smaller scale of existing industrial neighbors.
- Reduced building height, scale and bulk when viewed from NW Market Street and NW 54th Street.
- Setback upper level massing provides increased daylight penetration to the street.

CONS

- Reduction in the scale of the building at the NW corner when viewed east along NW Market Street.

DEPARTURES

- Upper Level Setback Departure - A departure from the upper level setback at 65' and above along Market St.



TERRACED / SCHEME 03 (85')

A variation on Scheme 03 that utilizes a 85' height limit through a NC3P-85(M) Contract Rezone.

FAR / GFA:	5.75 / 125,500 GFA
Unit Count:	140
Parking Stalls:	65-78
Commercial Area:	~7000 SF

PROS

- Upper level setbacks reduce the apparent structure height along NW Market St. and NW 54th Street.
- Additional height allowance provides more affordable units and housing density at a prime urban village site.
- Increased height allows for additional modulation along the interior lot line by providing flexible application of FAR.
- Higher building volume along the west edge of the site creates stronger corner along 26th Ave. NW and more attractive proportions when viewed from grade.
- This site is in close proximity to the future Ballard light rail station (approx .6 miles to the east). Additional housing at a TOD location supports city-wide goals.

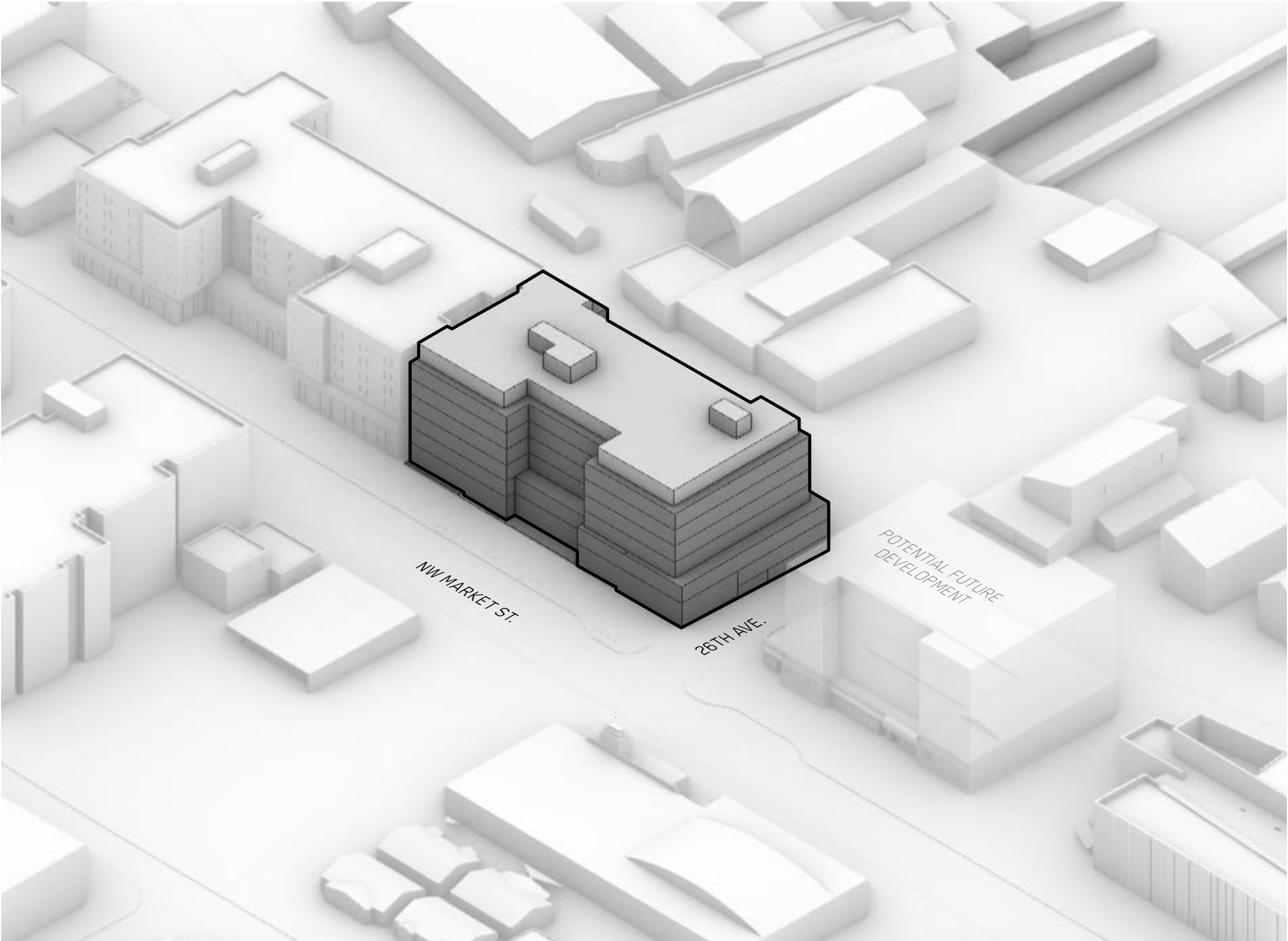
CONS

- The added height exceeds the scale of existing development around the site.

DEPARTURES

- None.

COURTYARD / SCHEME 01 SUMMARY



VIEW FROM NORTHWEST

COURTYARD / SCHEME 01 (COMPLIANT)

A courtyard is located along Market and 54th. The residential entrance, lobby, and commercial space are located along Market Street. Entries into ground floor apartments are located along 54th Street. The parking garage entrance and bicycle parking are accessed from 26th Avenue NW.

FAR / GFA:	5.36 / 117,000 GFA
Unit Count:	125
Parking Stalls:	65-78
Commercial Area:	~6000 SF

35

PROS

- Three divisions replicate historic site widths in Ballard.
- Courtyard provides usable open space at the street level.
- Courtyard is oriented to the north, away from active industrial waterfront uses located to the south.

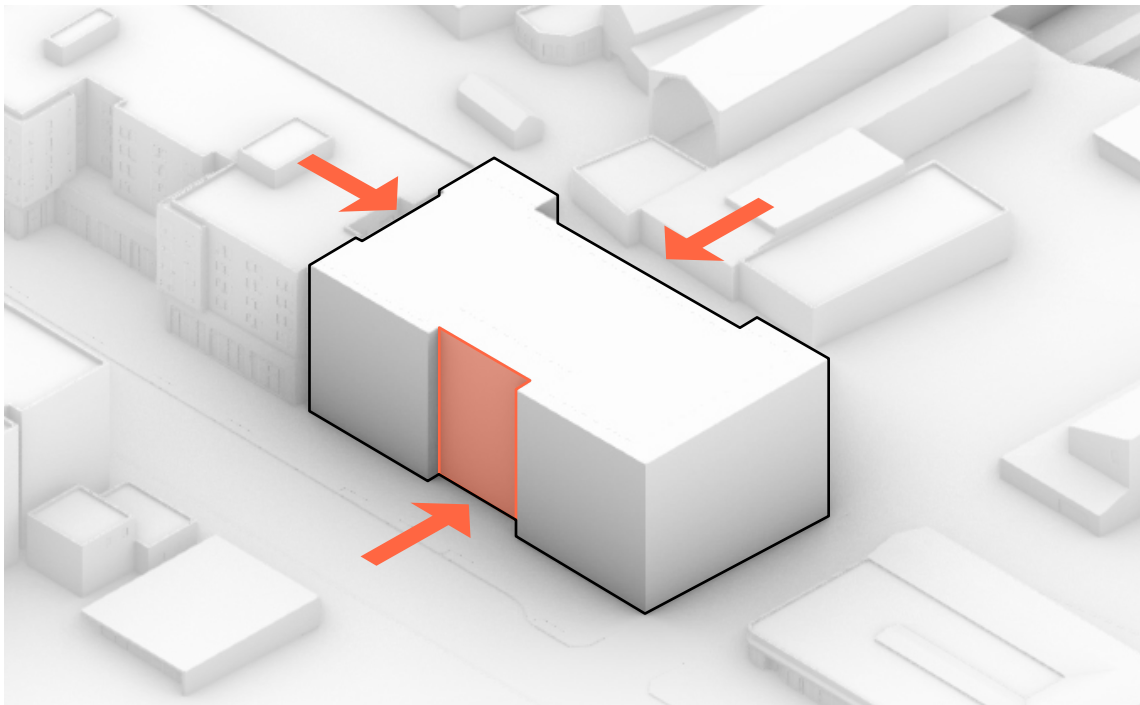
CONS

- U-shaped organization mimics eastern neighbor.
- Required upper level setbacks and courtyard results in reduction in developable area.
- Long facade against the interior lot line.

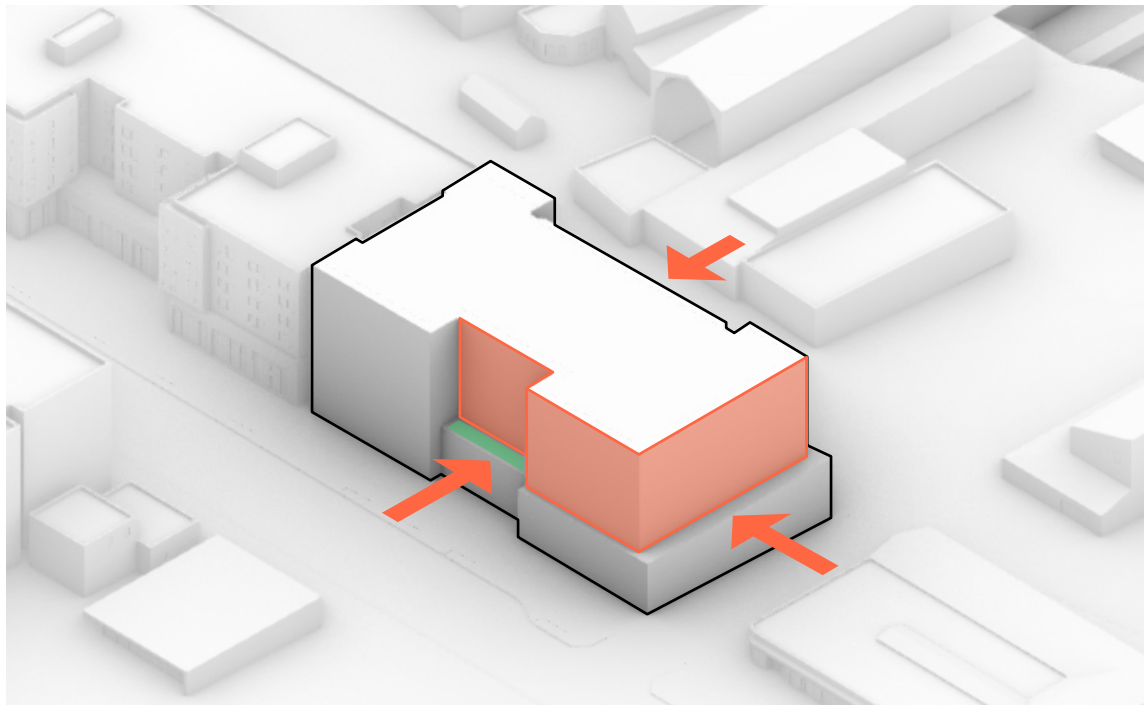
DEPARTURES

- None.

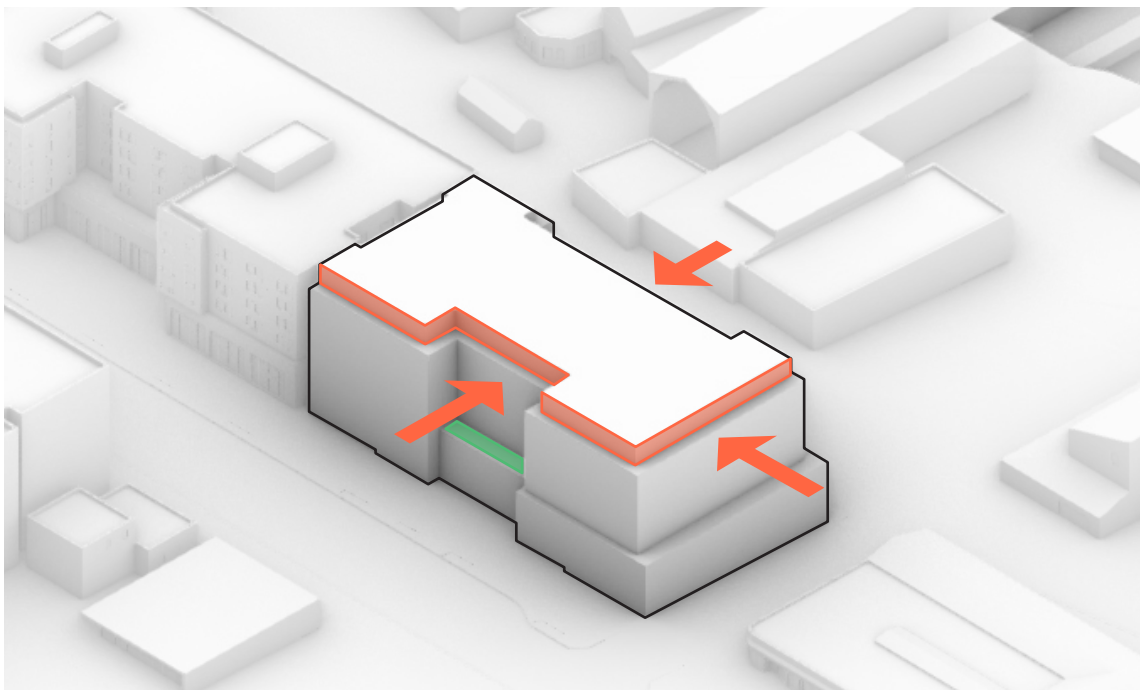
COURTYARD / SCHEME 01 CONCEPT DIAGRAM



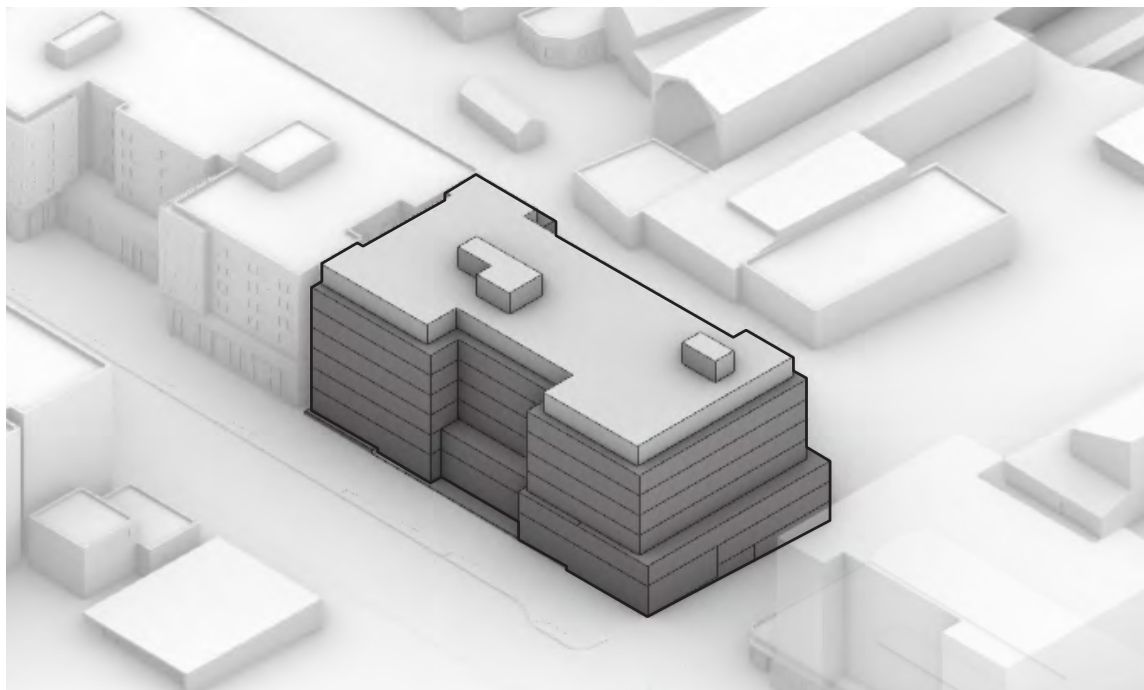
01 / COURTYARDS
Recessed building mass along the north and south facade to creates courtyards and allows daylight and ventilation to the existing eastern neighbor.



02 / SETBACKS
Further setbacks along all street facing facades above the ground floor reduce the scale of the building for pedestrians.

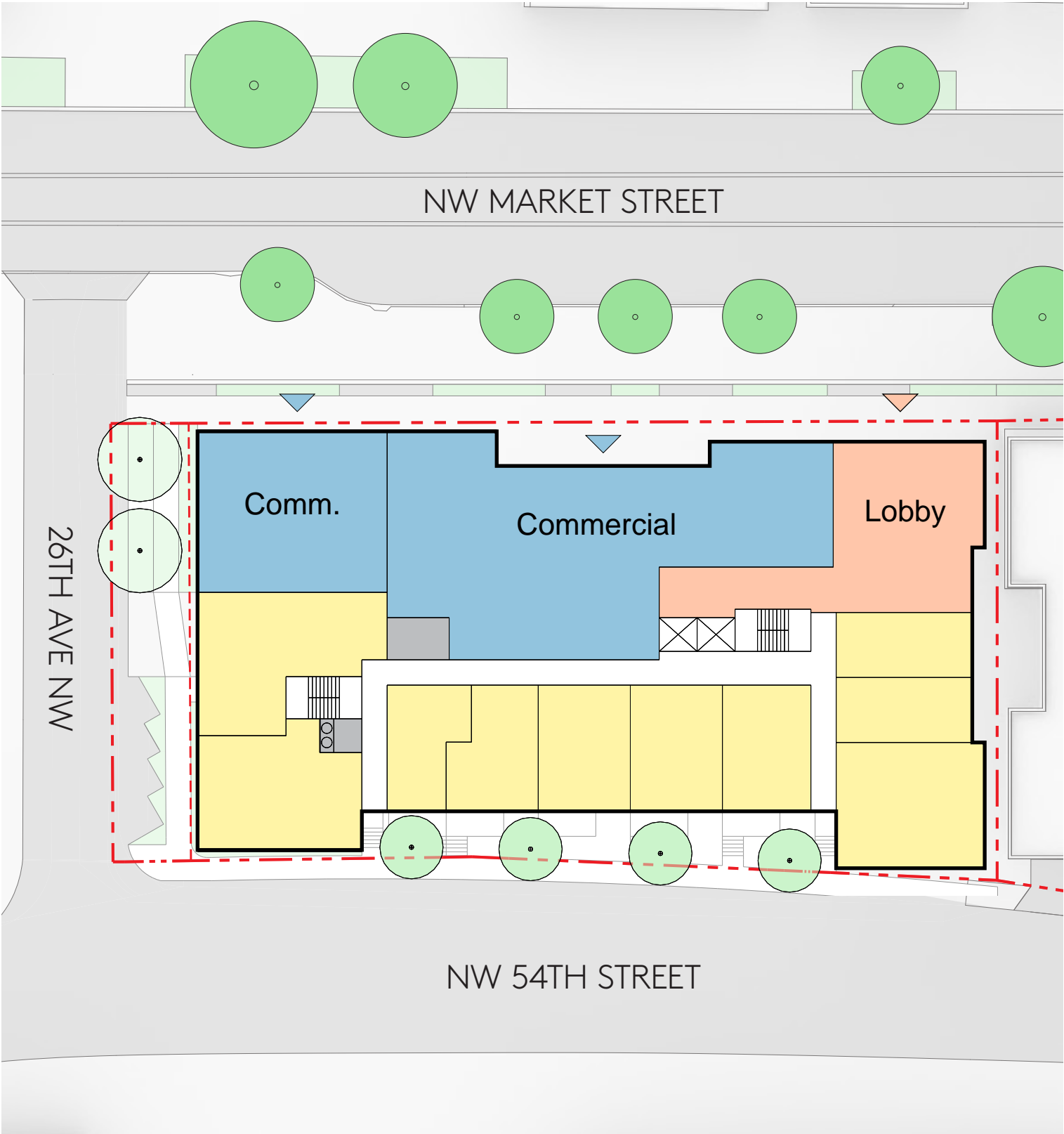


03 / PENTHOUSE
Upper level setbacks at the top level of the massing create a terracing effect and acknowledge the datum of the shorter eastern neighbor.



04 / COMPLETED MASSING

COURTYARD / SCHEME 01 SITE PLAN



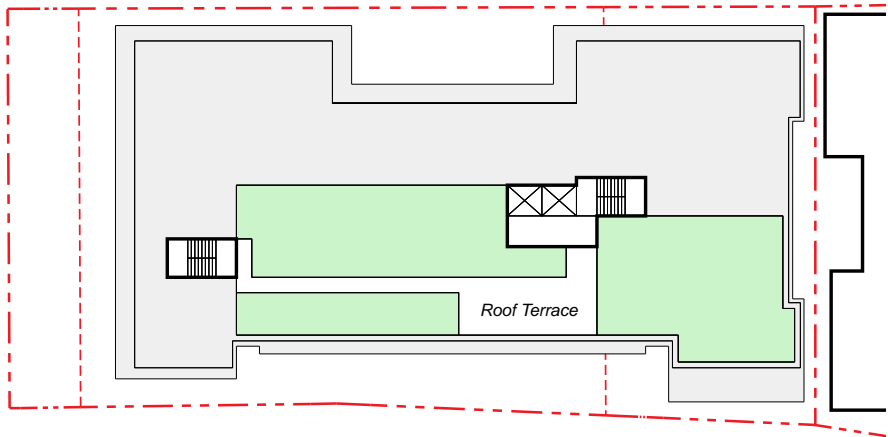
MARKET STREET GROUND FLOOR PLAN



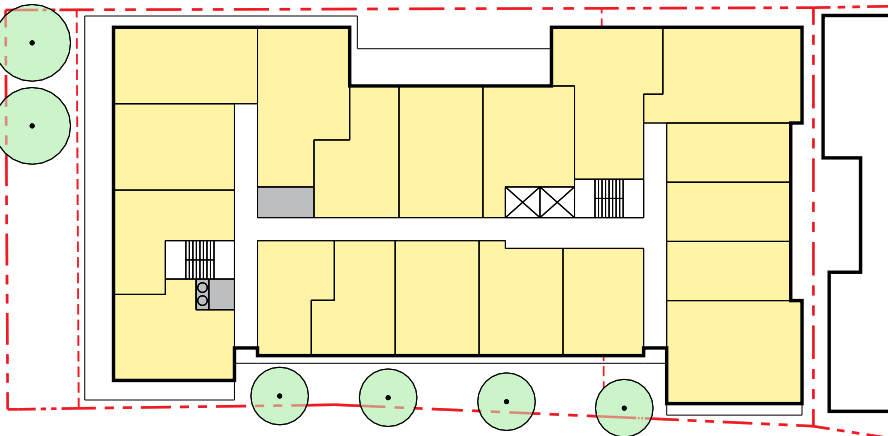
54TH STREET GROUND FLOOR PLAN



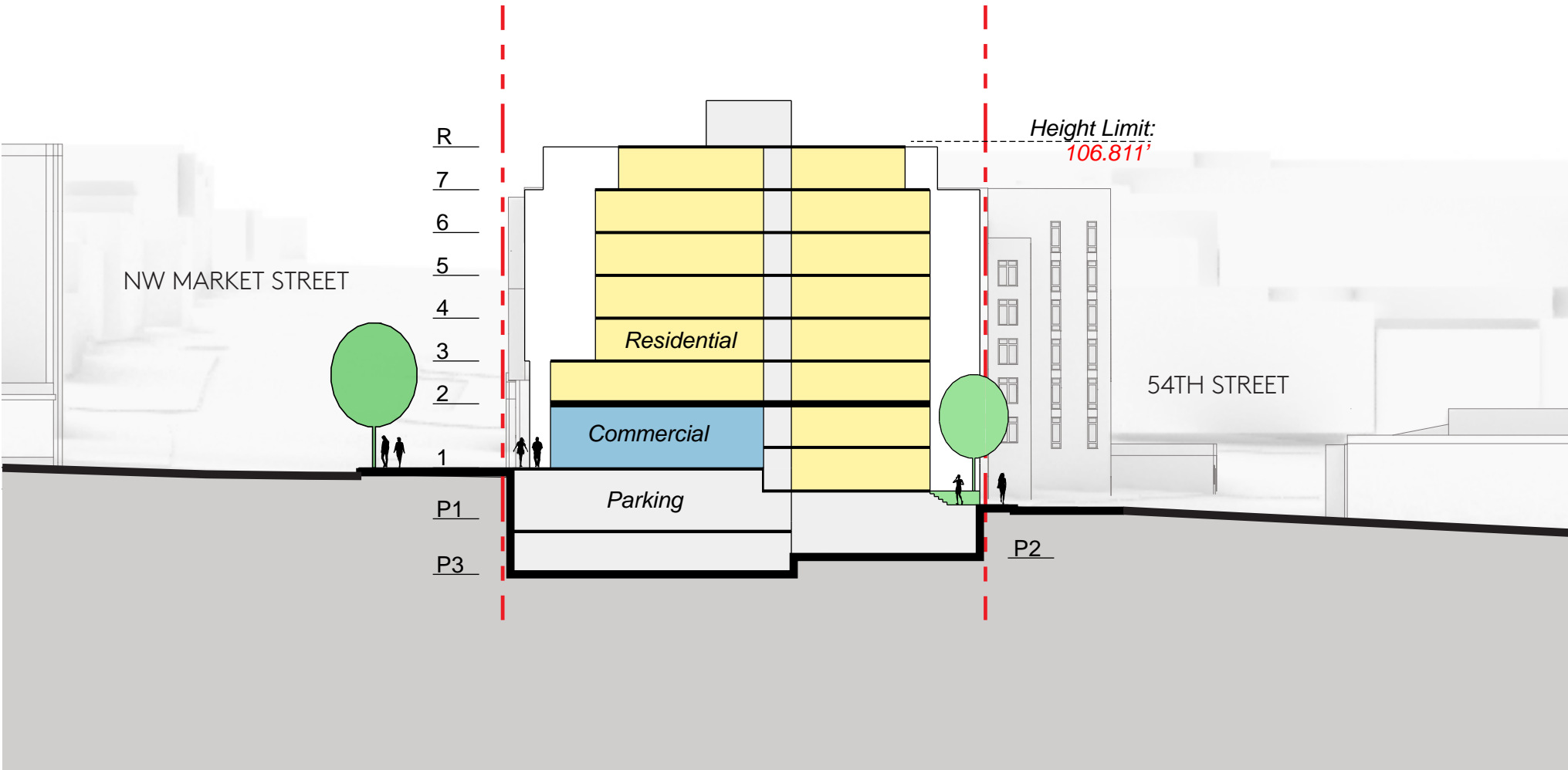
COURTYARD / SCHEME 01 PLANS AND SECTION



Roof Level



Lvls 3-6



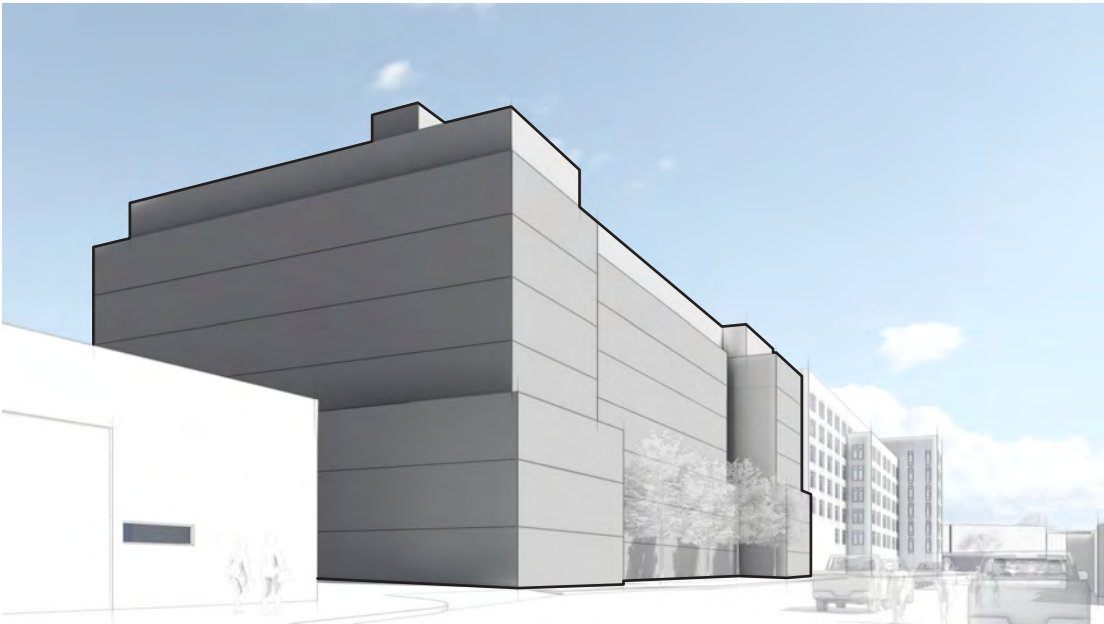
COURTYARD / SCHEME 01 *PERSPECTIVES*



1. LOOKING EAST ON MARKET ST.



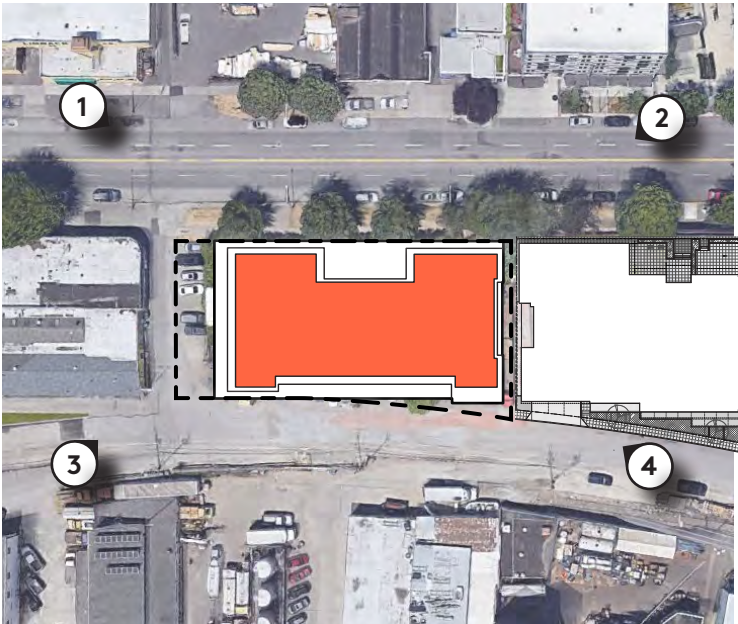
2. LOOKING WEST ON MARKET ST.



3. LOOKING EAST ON 54TH ST.



4. LOOKING WEST ON 54TH ST.



COURTYARD / SCHEME 01 SOLAR STUDY

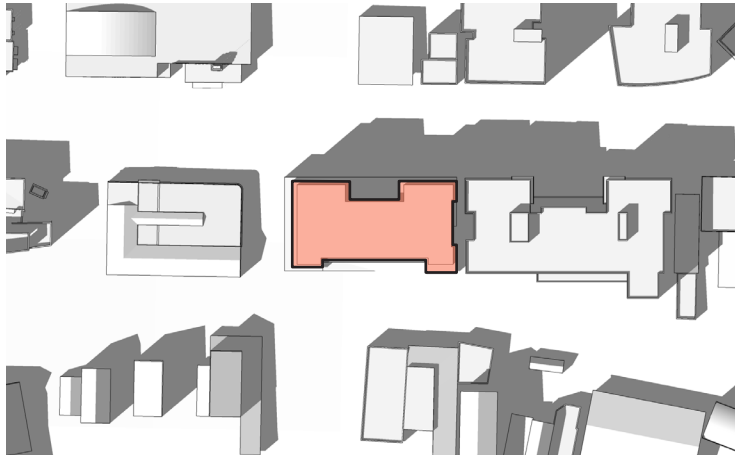
MARCH 21ST:



9 AM

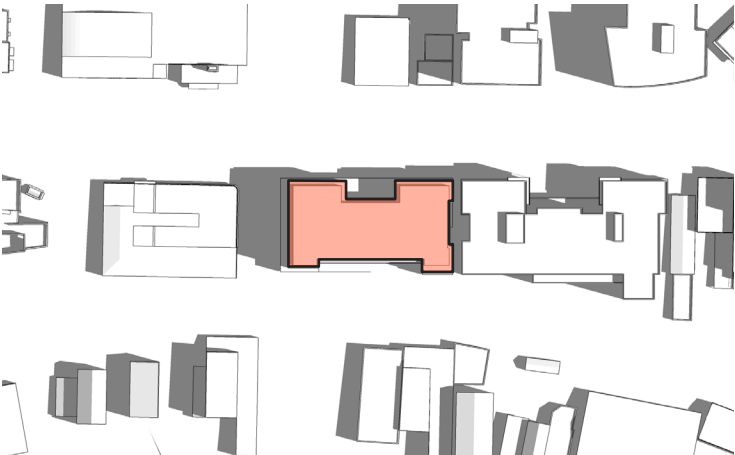


NOON

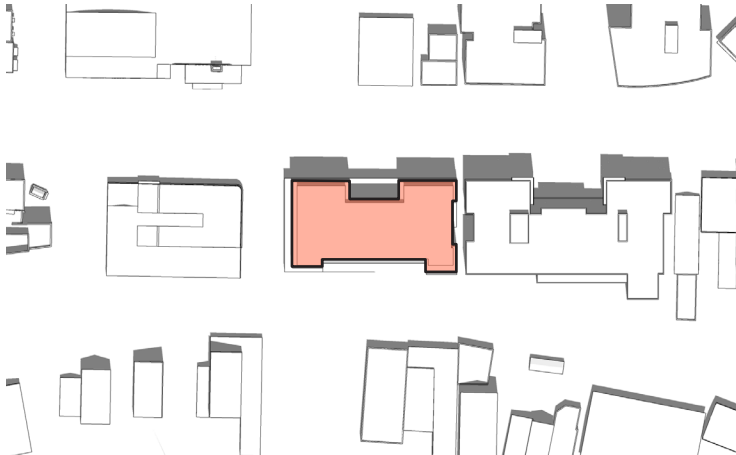


3 PM

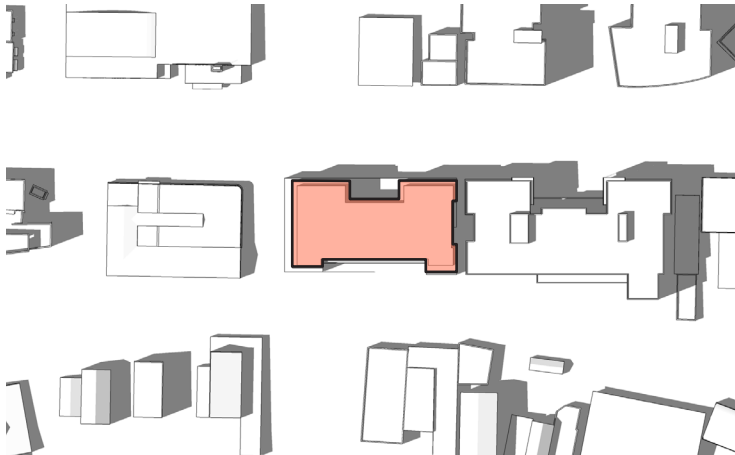
JUNE 21ST:



9 AM



NOON



3 PM

DECEMBER 21ST:



9 AM

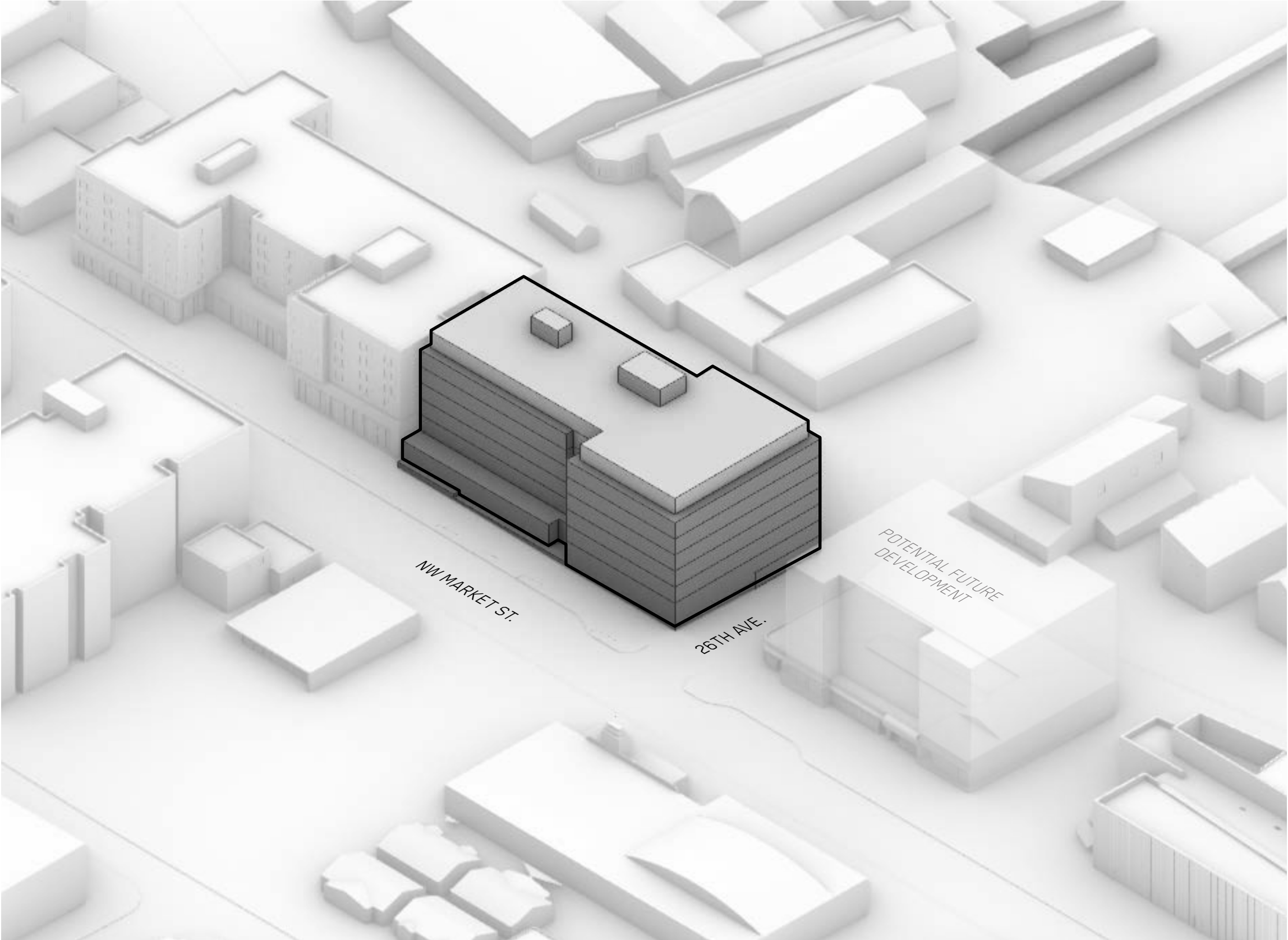


NOON



3 PM

EDDY / SCHEME 02 SUMMARY



VIEW FROM NORTHWEST

EDDY / SCHEME 02

The massing employs a consistent language along Market St. and 26th Ave. The residential entrance, lobby, and commercial space are located on Market Street, and the entries into amenity space and ground floor apartments are located along 54th Street. The parking garage entrance and bicycle parking are accessed from 26th Avenue NW.

FAR / GFA:	5.48 / 119,600 GFA
Unit Count:	115
Parking Stalls:	65-78
Commercial Area:	~7000 SF

PROS

- Building organization allows outdoor amenity space above NW 54th Street facing the waterfront to the south.
- Reduced facade length along NW Market Street.
- Unified massing composition.
- Reduced facade length along shared interior lot line directs views out to the north and south rather than directly to the east.

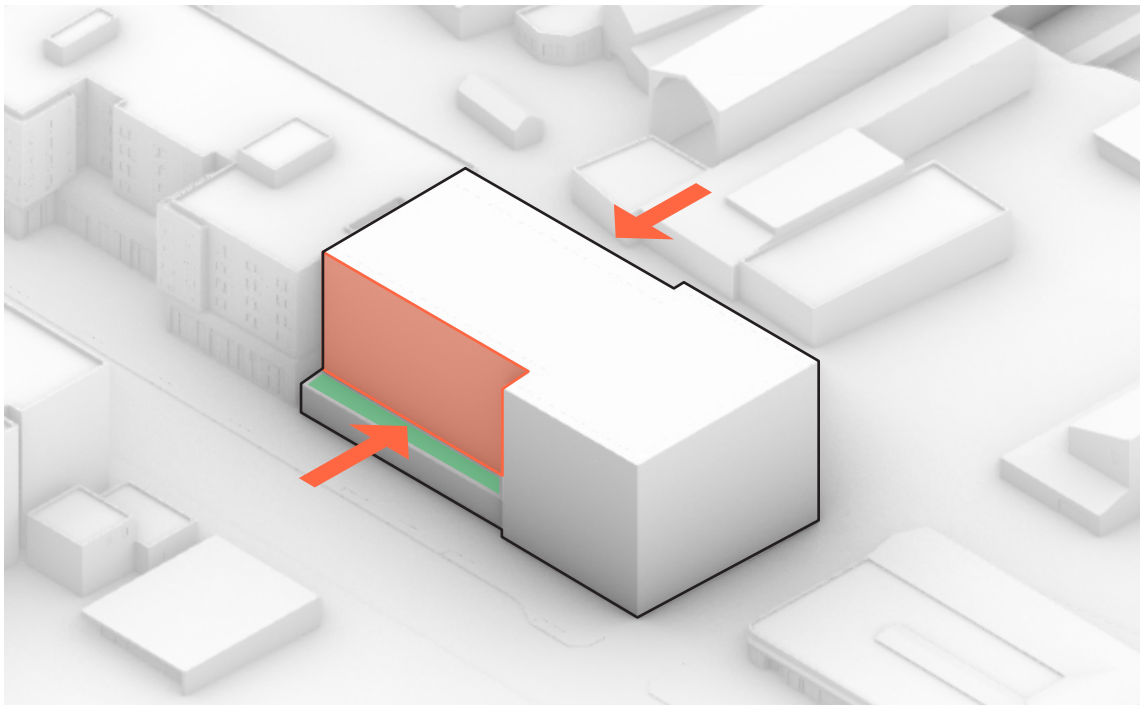
CONS

- Few opportunities for large outdoor amenity spaces below the roof level.

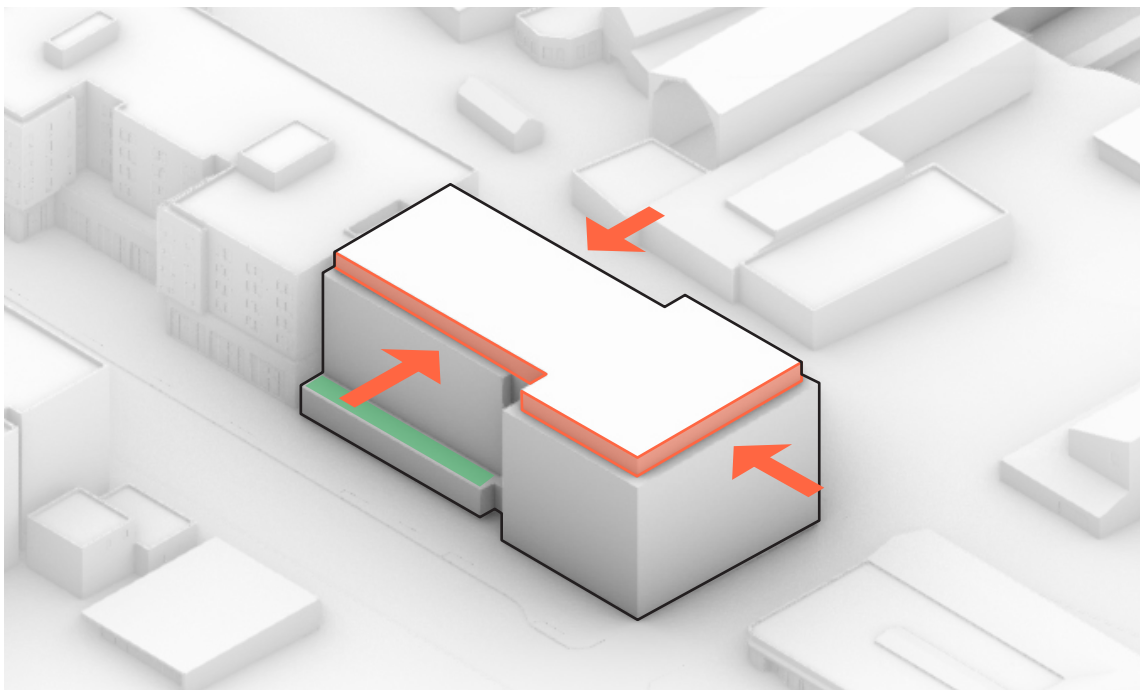
DEPARTURES

- Upper Level Setback Departure - A departure from the upper level setbacks at 45' and above along 26th Ave NW and NW 54th St.

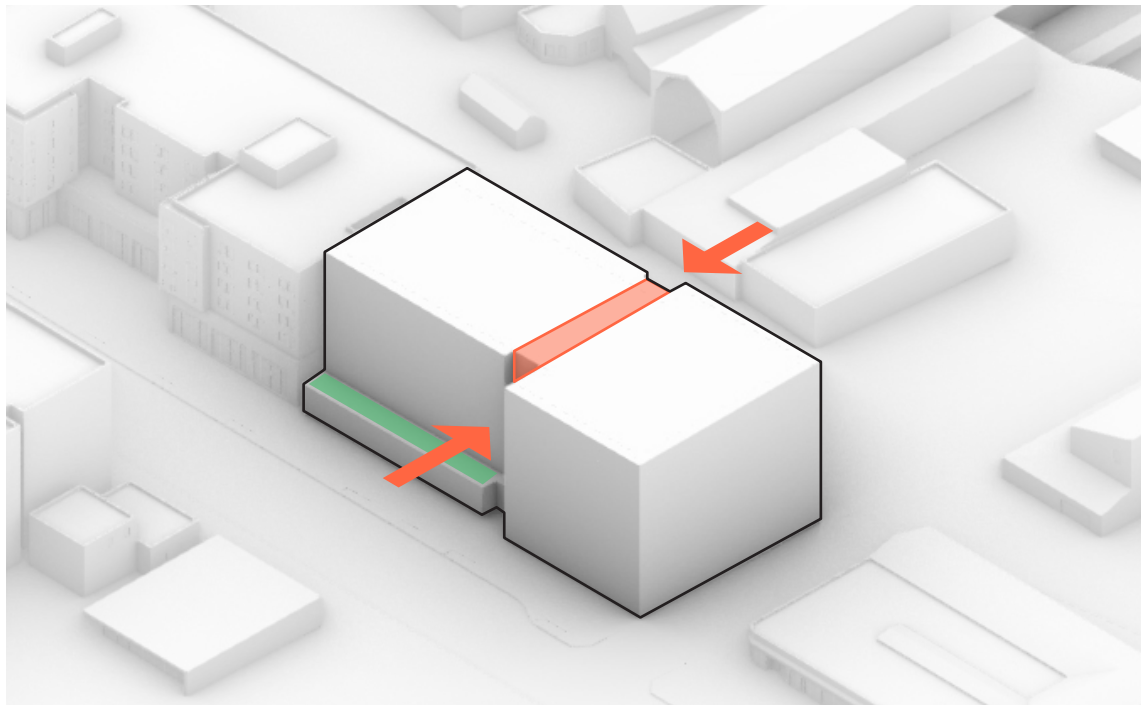
EDDY / SCHEME 02 CONCEPT DIAGRAM



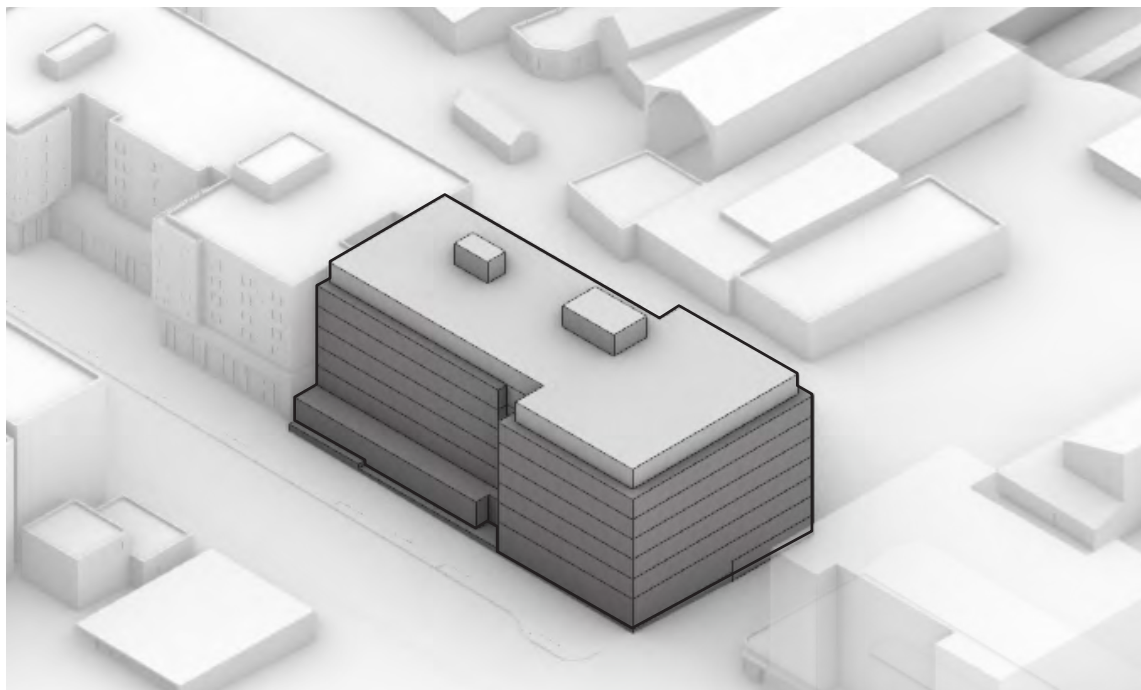
01 / COURTYARDS
Recessed massing along the north and south reduces the length of the continuous facade along Market St. and 54th St.



03 / PENTHOUSE
Upper level setbacks at the top level of the massing create a terracing effect and acknowledge the datum of the shorter eastern neighbor.



02 / SETBACKS
An additional setback occurs between the two primary massings to reduce the scale and bulk of the building.

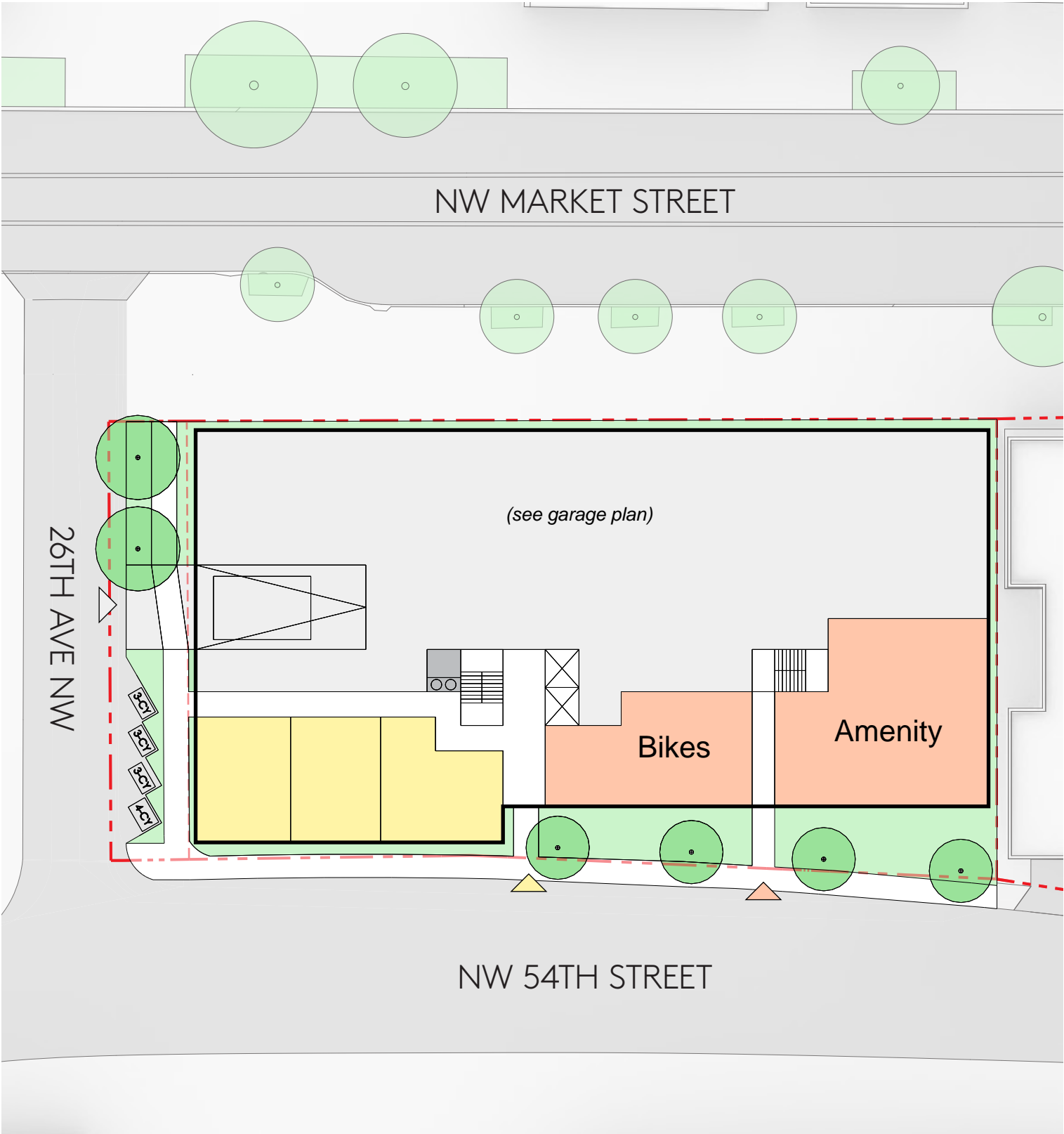


04 / COMPLETED MASSING

EDDY / SCHEME 02 SITE PLAN



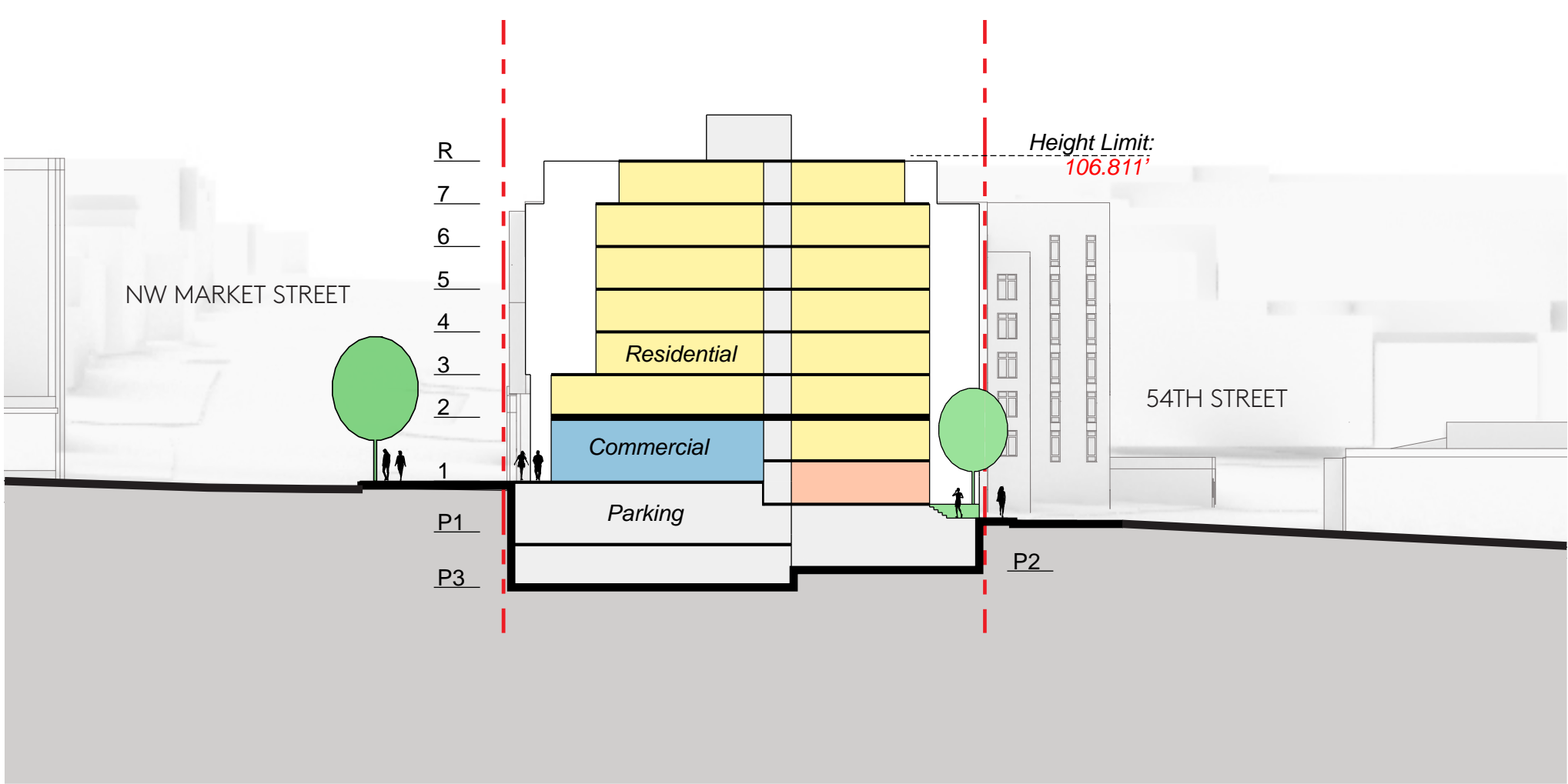
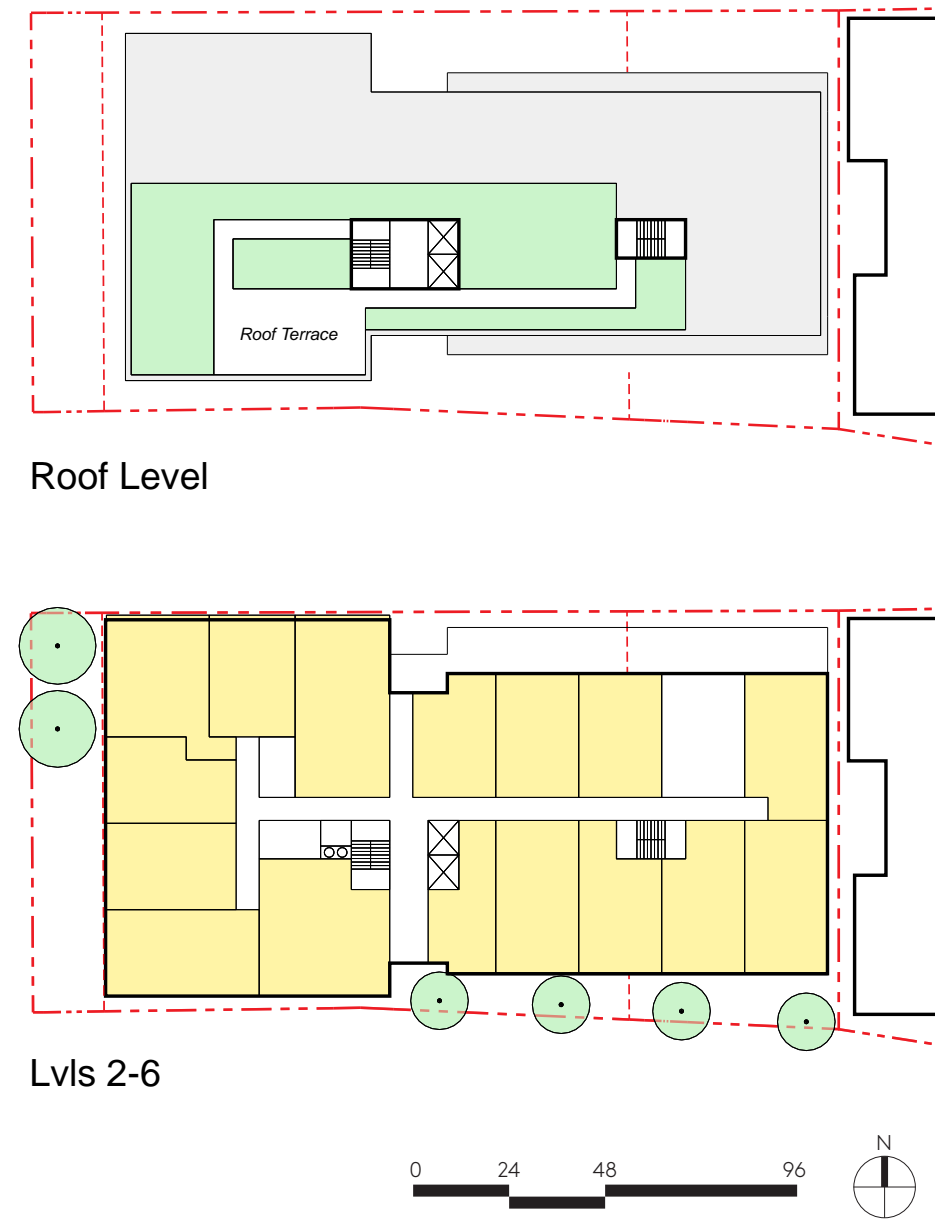
MARKET STREET GROUND FLOOR PLAN



54TH STREET GROUND FLOOR PLAN



EDDY / SCHEME 02 PLANS AND SECTION



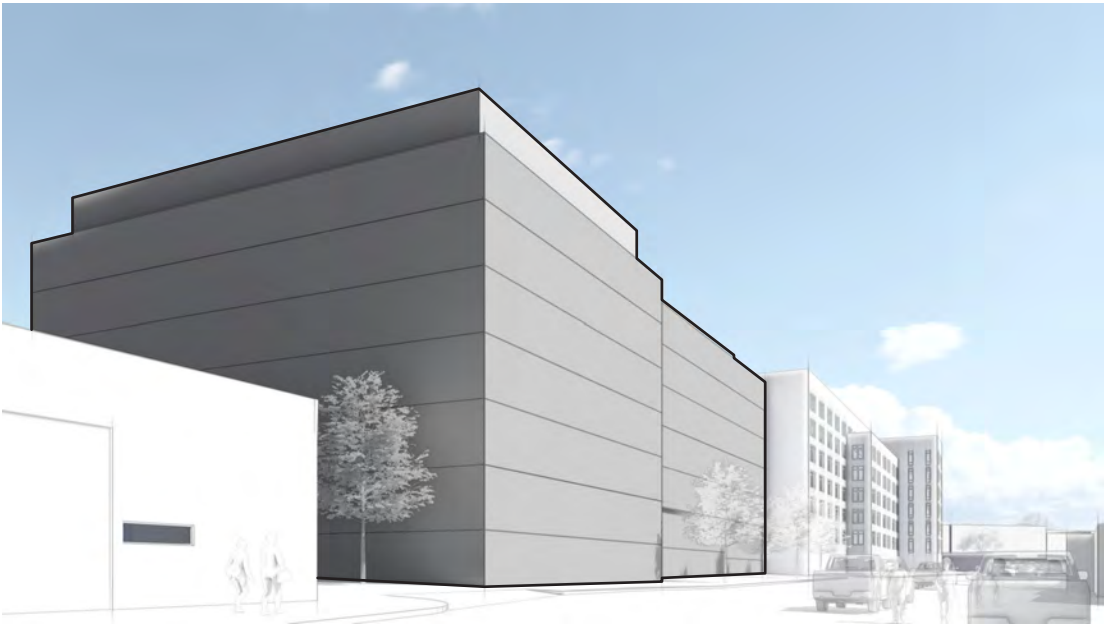
EDDY / SCHEME 02 PERSPECTIVES



1. LOOKING EAST ON MARKET ST.



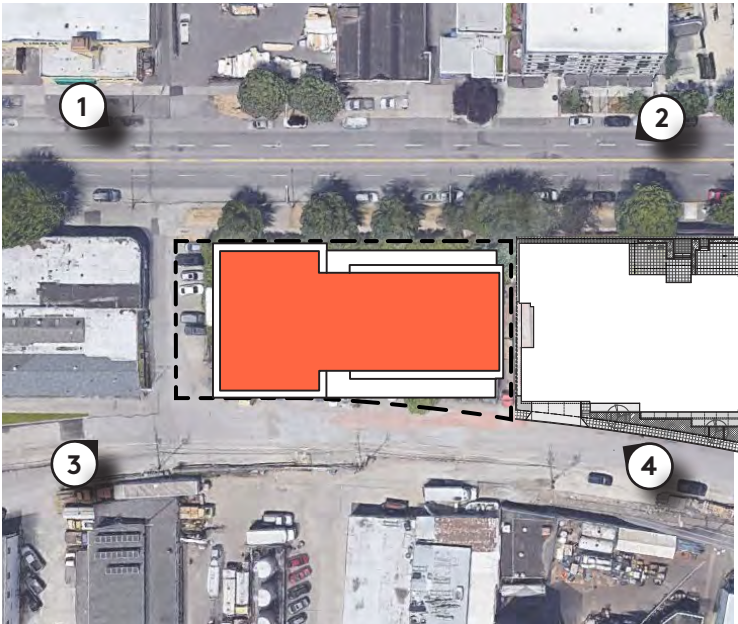
2. LOOKING WEST ON MARKET ST.



3. LOOKING EAST ON 54TH ST.



4. LOOKING WEST ON 54TH ST.



EDDY / SCHEME 02 DEPARTURE REQUEST SUMMARY

DEPARTURE REQUEST

23.47A.009.F.4.B UPPER-LEVEL SETBACKS
(BALLARD HUB URBAN VILLAGE)*

- 1) A setback with an average depth of 10 feet from all abutting street lot lines is required for portions of a structure above a height of 45 feet. The maximum depth of a setback that can be used for calculating the average setback is 20 feet.
- 2) A setback with an average depth of 15 feet from all street lot lines is required for portions of a structure above a height of 65 feet. The maximum depth of a setback that can be used for calculating the average setback is 25 feet.

**These setbacks apply to all three streets bounding this site, NW Market St, 26th Ave NW & NW 54th St.*

PROPOSITION

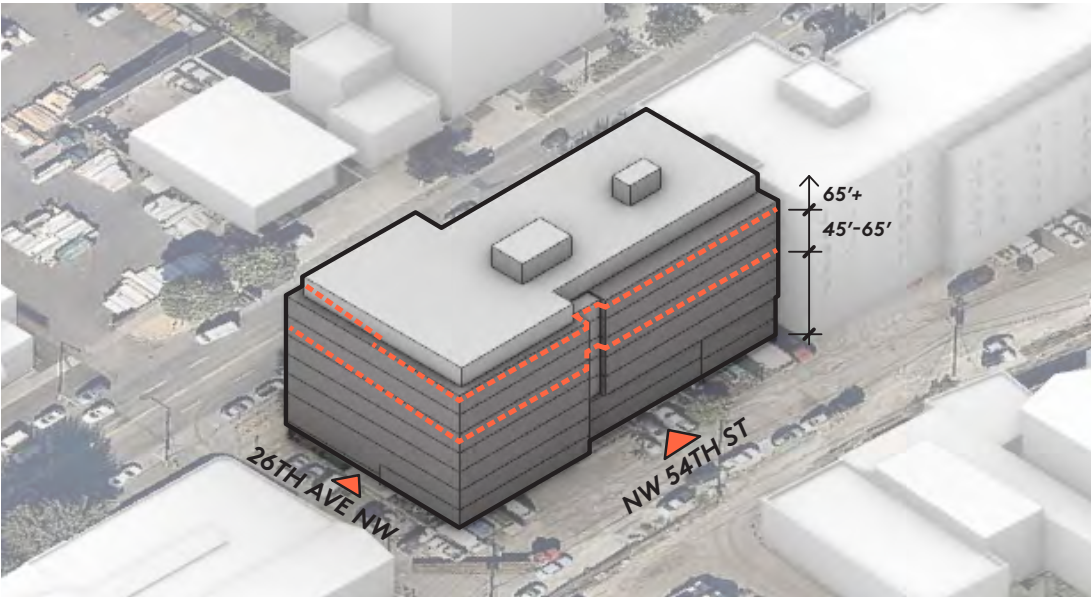
The following average setbacks are proposed along 26th Ave NW and NW 54th St above 45 feet:

26th Ave NW - Departure Request:

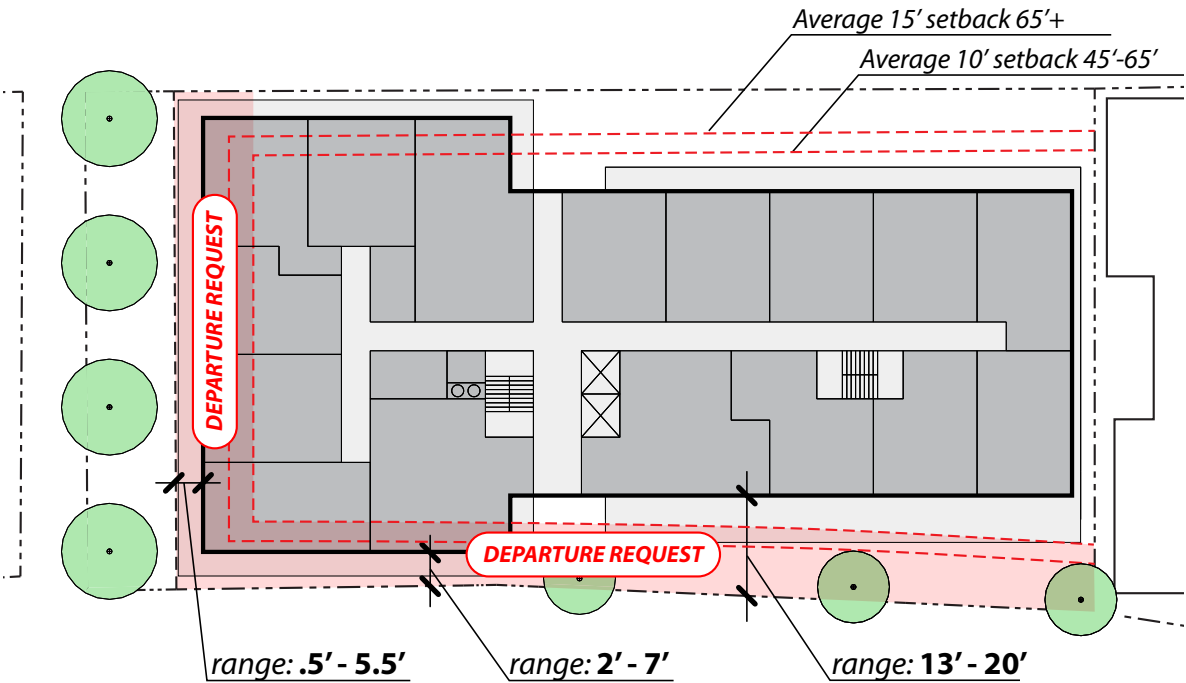
- To provide an average of **7'** setback above 65'
- To provide an average of **2'** setback 45'-65'

NW 54th St - Departure Request:

- To provide an average of **13'** setback above 65'
- To provide an average of **8'** setback 45'-65'



VIEW FROM SOUTHWEST



RATIONALE

CS2 - URBAN PATTERN AND FORM

This request enables the project to better respond to the changing urban character of the district, transitioning from urban to industrial use. The Offset scheme strives to reinforce the character and role of Ballard's Character Core and Industrial character areas. It breaks down the length of the site into smaller segments that approximate the 50' block frontage that was prevalent before 1930.

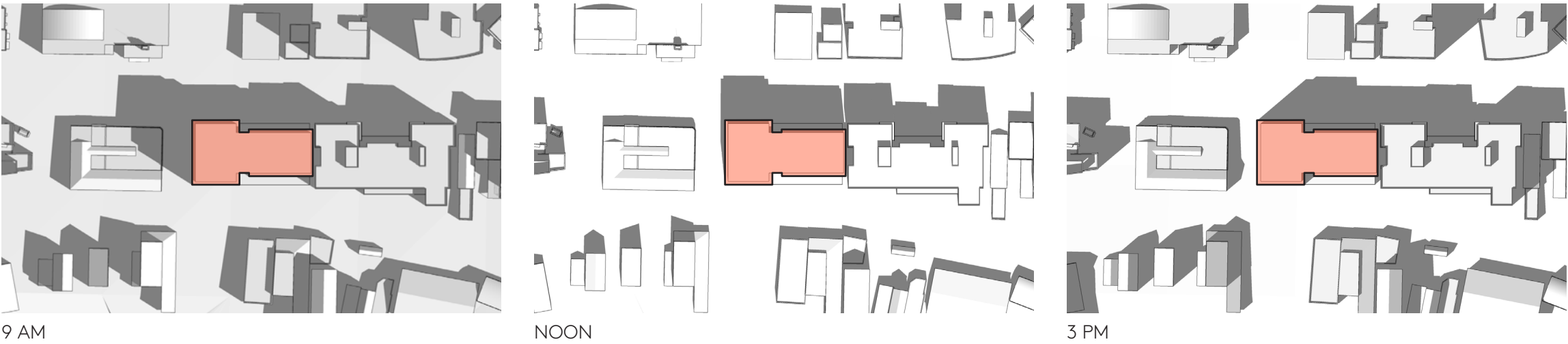
CS3 - ARCHITECTURAL CONTEXT AND CHARACTER

The departure allows the building volume to shift south, reducing the perceived mass of the building both from Market Street and from neighboring buildings.

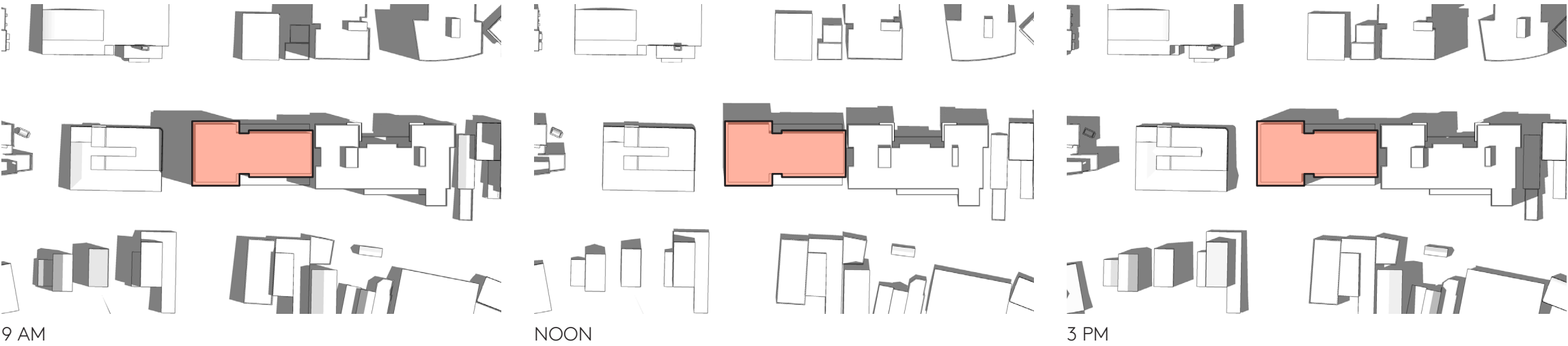
This departure enables a unified facade design that integrates the upper levels into the overall building composition. The massing responds to the surrounding architectural character of the project site, the maritime-industrial uses south of the site, the traditional character along Ballard Ave east of the site, and the expansion of the urban center along Market St. The scheme reflects the utility of industrial buildings, while employing modern urban design principles.

EDDY / SCHEME 02 SOLAR STUDY

MARCH 21ST:



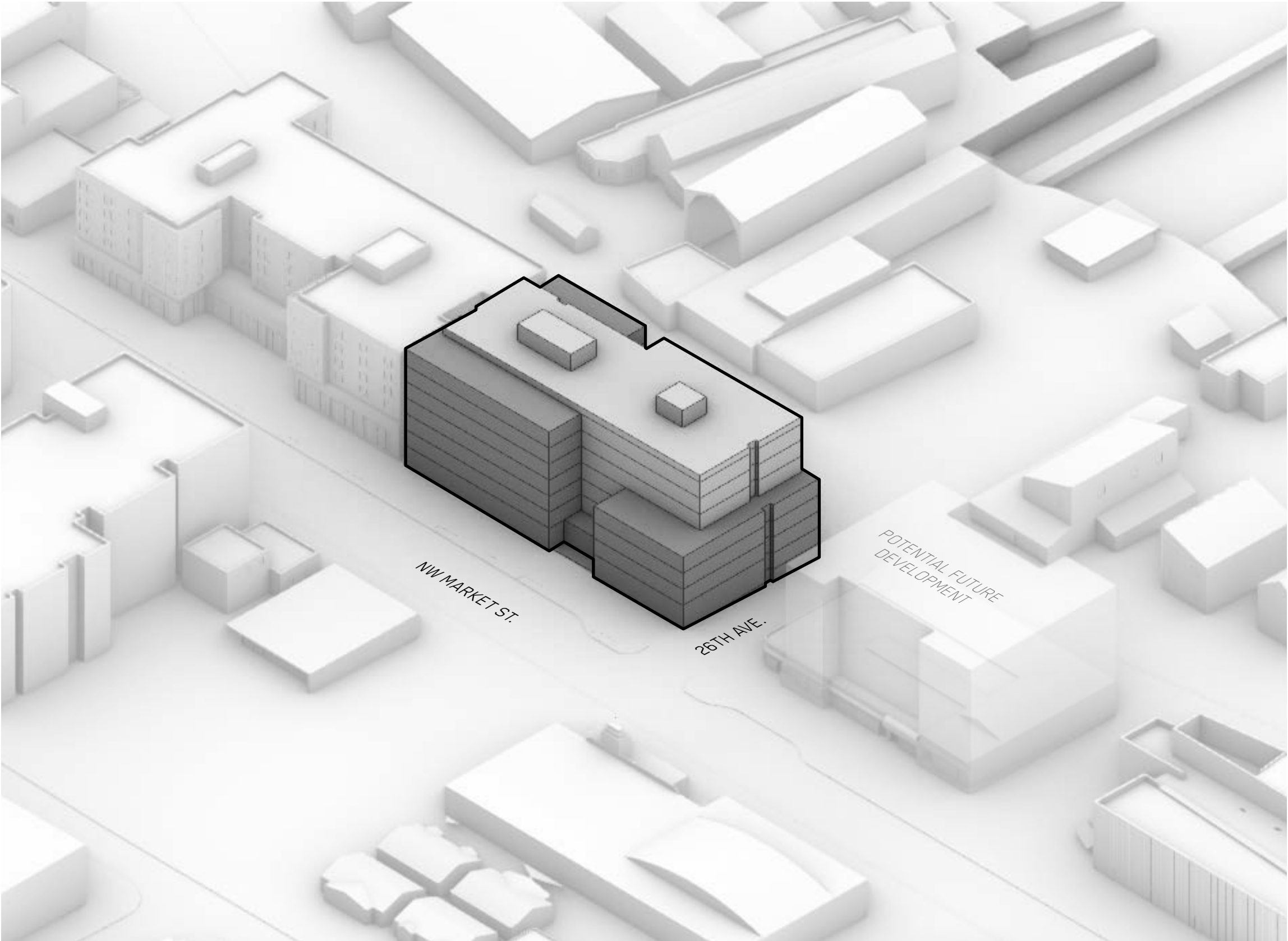
JUNE 21ST:



DECEMBER 21ST:



TERRACED / SCHEME 03 SUMMARY



VIEW FROM NORTHWEST

TERRACED / SCHEME 03

The massing is setback from the street at the upper stories. The residential entrance, lobby, and commercial space are located on Market Street, and the entries into 5 ground floor apartments are located along 54th Street. The parking garage entrance and bicycle parking are accessed from 26th Avenue NW.

FAR / GFA:	5.5 / 120,000 GFA
Unit Count:	120
Parking Stalls:	65-78
Commercial Area:	~7000 SF

PROS

- Rich character and multiple opportunities for large outdoor amenity spaces.
- The varying size of building volumes relates to the smaller scale of existing industrial neighbors.
- Reduced building height, scale and bulk when viewed from NW Market Street and NW 54th Street.
- Setback upper level massing provides increased daylight penetration to the street.

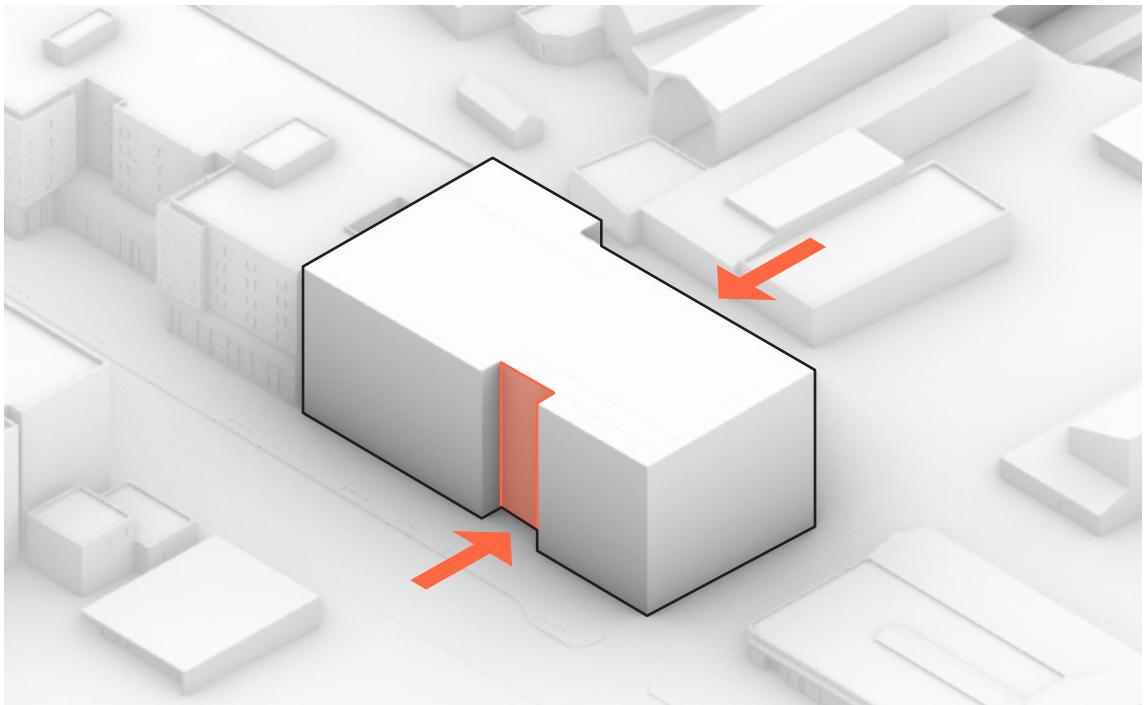
CONS

- Reduction in the scale of the building at the NW corner when viewed east along NW Market Street.

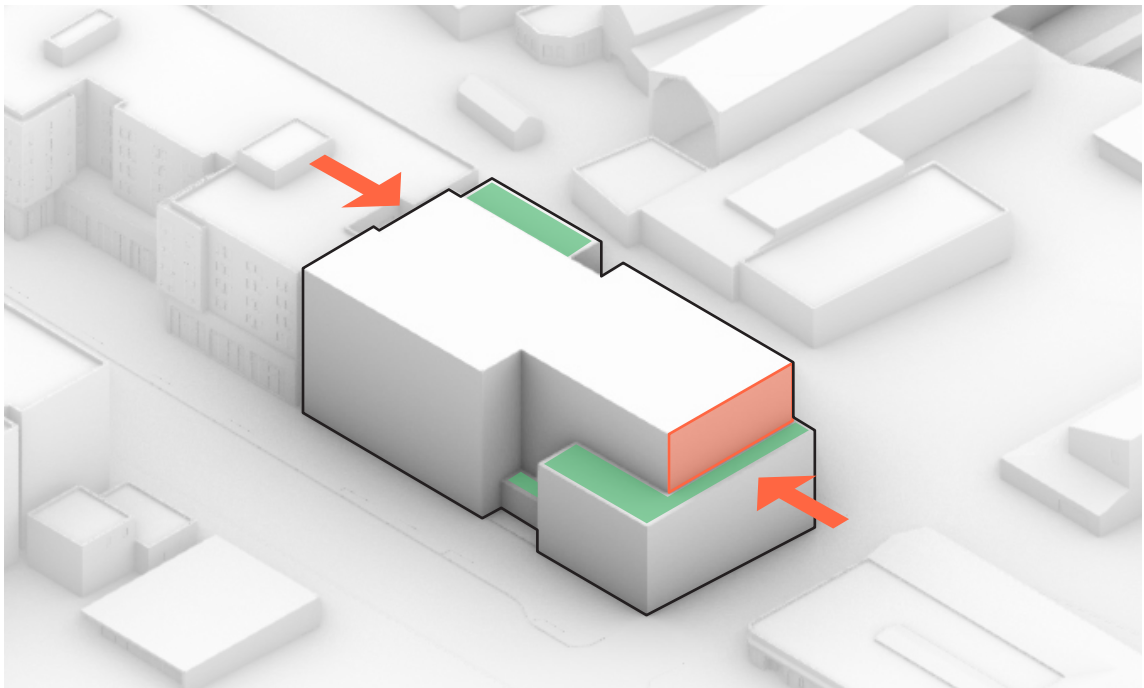
DEPARTURES

- Upper Level Setback Departure - A departure from the upper level setback at 65' and above along Market St.

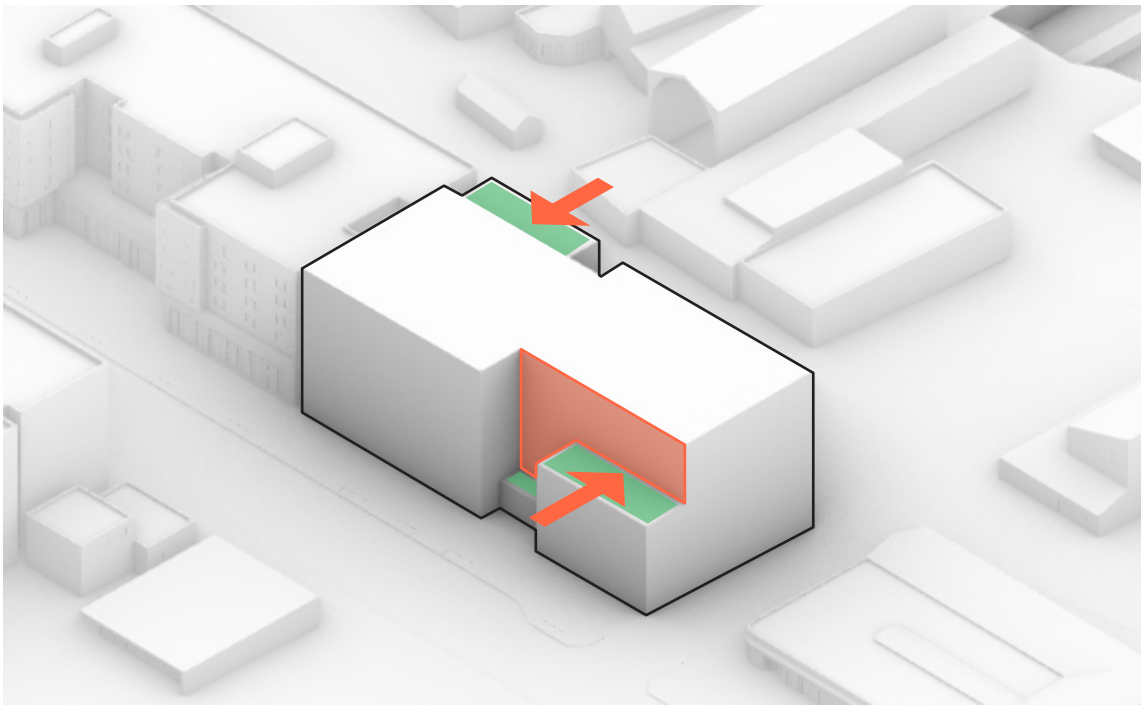
TERRACED / SCHEME 03 *CONCEPT DIAGRAM*



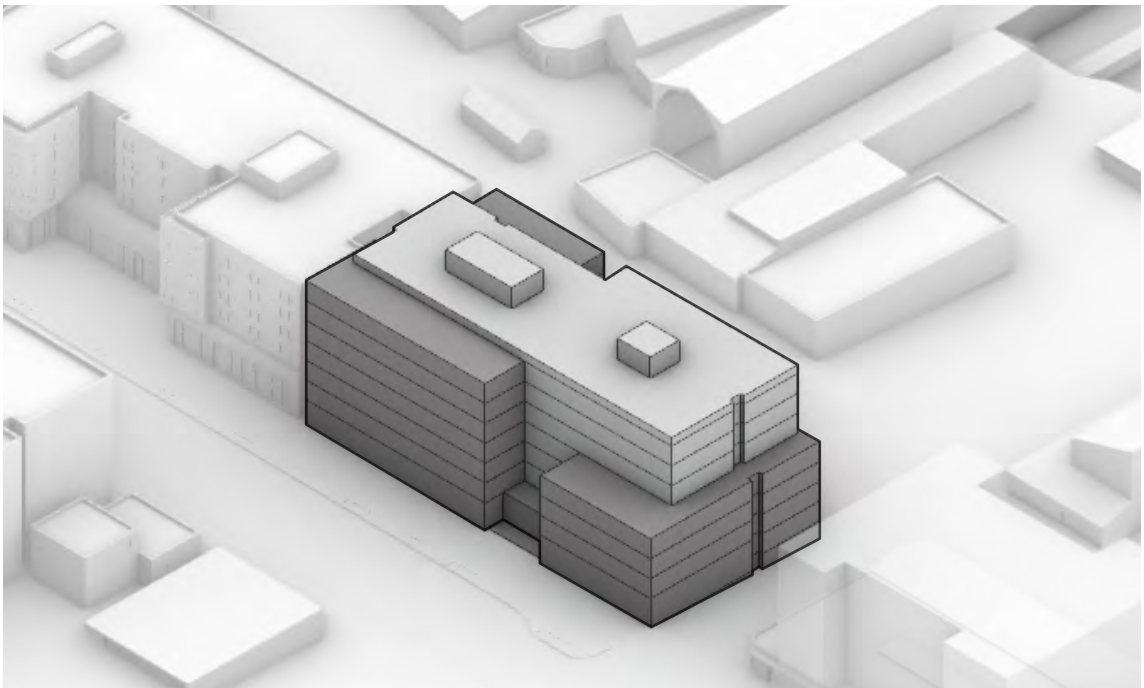
01 / FACADE LENGTH REDUCTION
Inset facade areas break up the volume along the north and south facades to reduce the scale of the building.



03 / PENTHOUSE
The massing set back along the east and west facades further reduce the size of the building volumes and better relate the massing to the neighborhood scale.

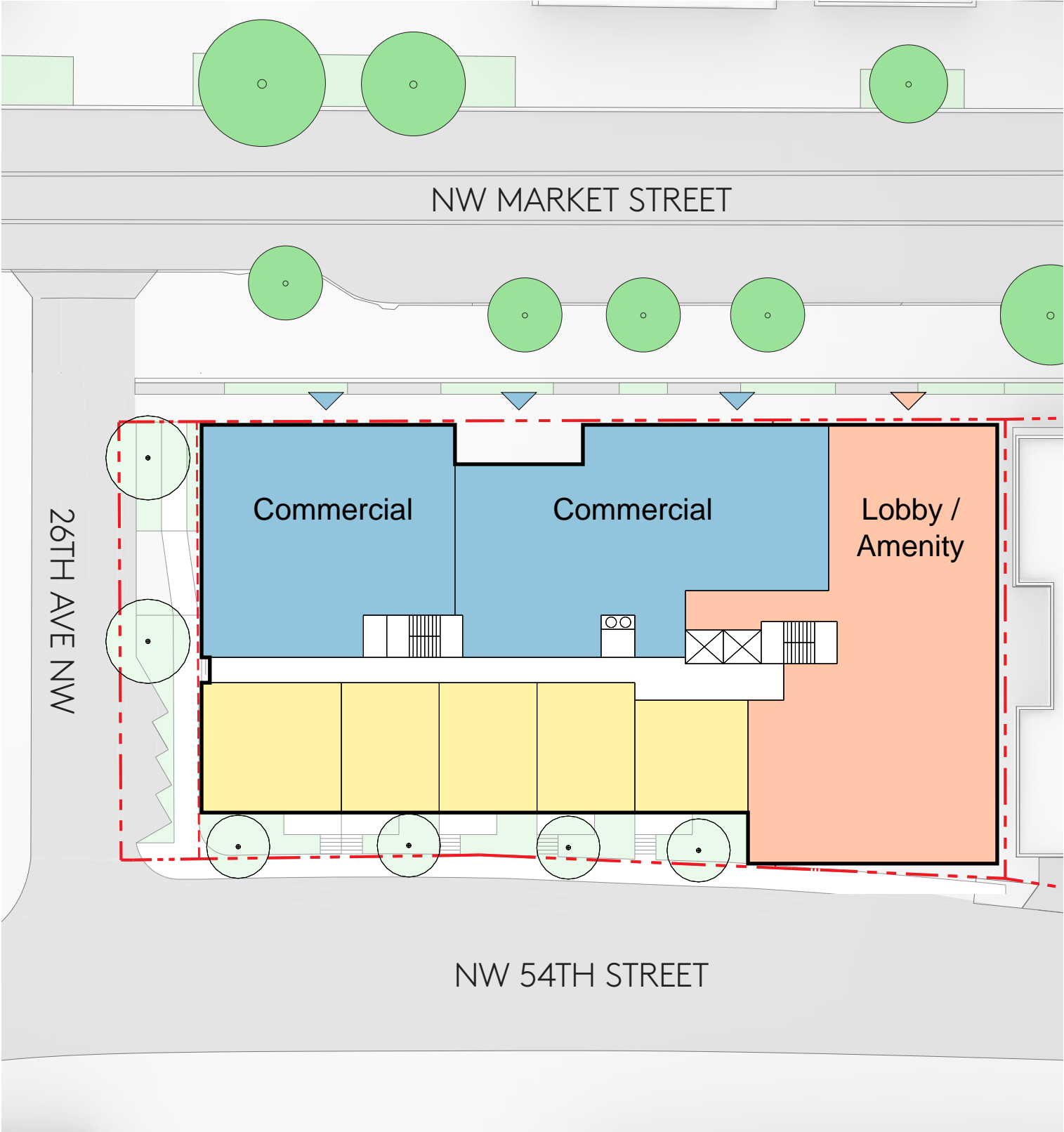


02 / SECONDARY MASSING
An upper level setback is applied along Market St. and 54th St. to provide increased daylight penetration to the street.

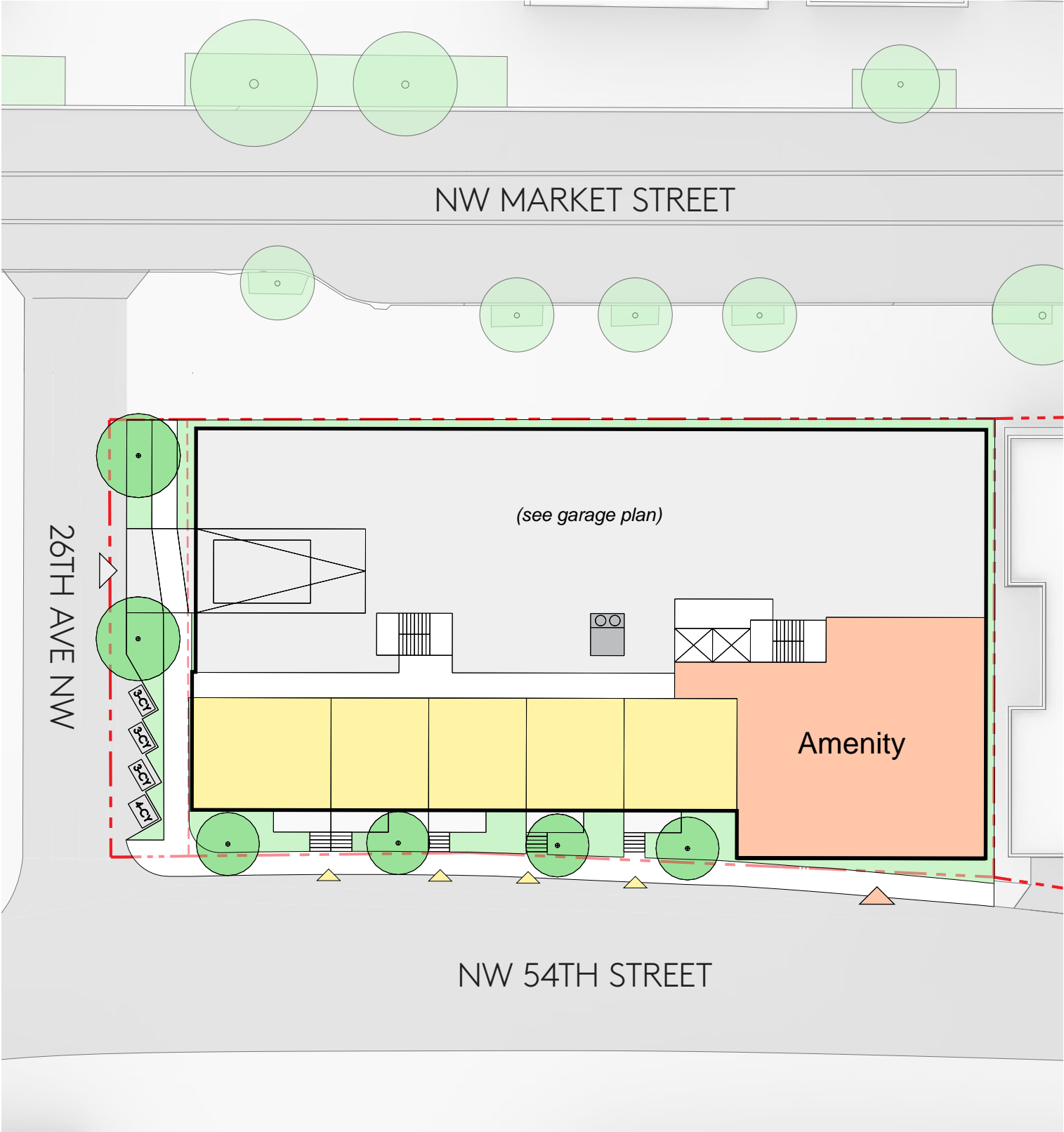


04 / COMPLETED MASSING

TERRACED / SCHEME 03 SITE PLAN



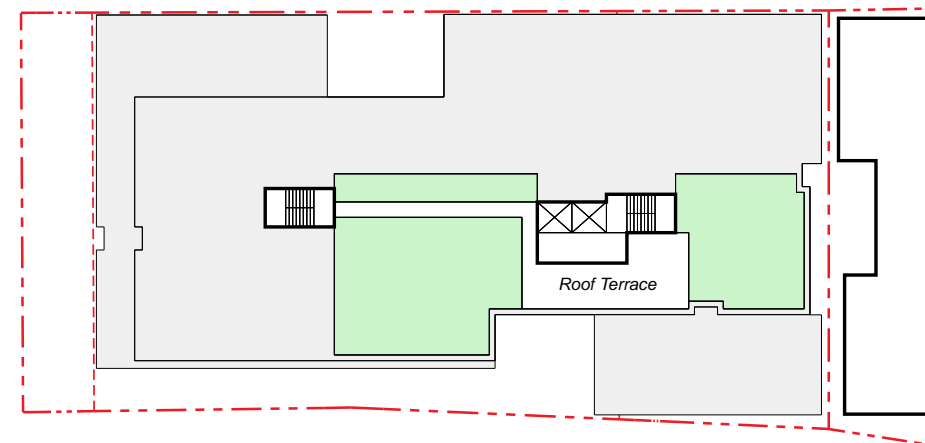
MARKET STREET GROUND FLOOR PLAN



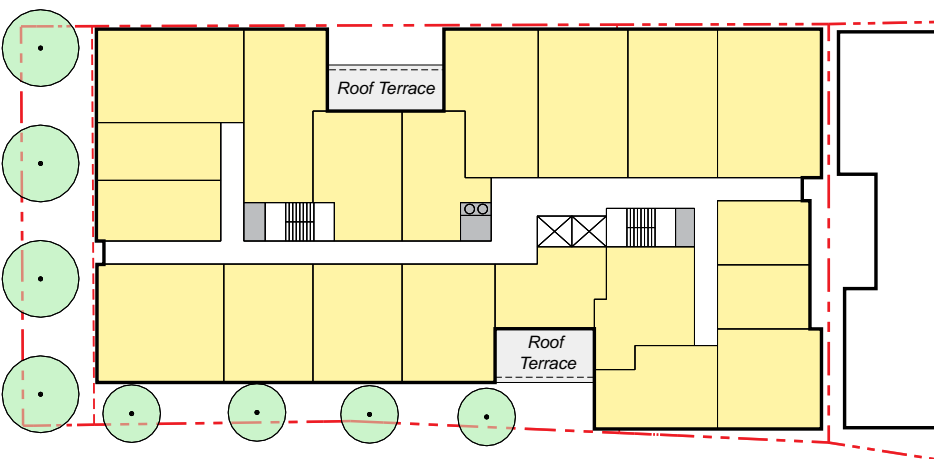
54TH STREET GROUND FLOOR PLAN



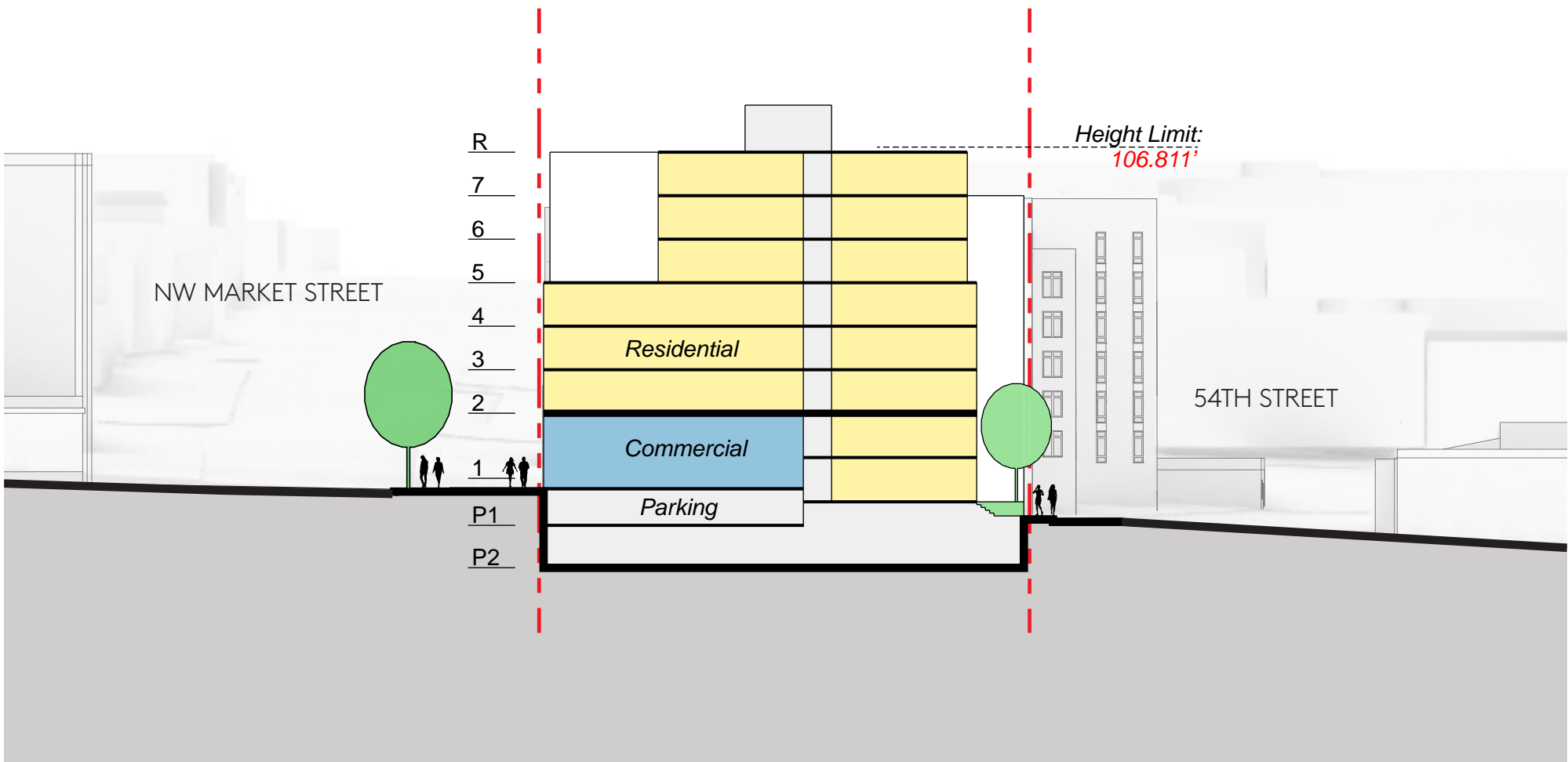
TERRACED / SCHEME 03 PLANS AND SECTION



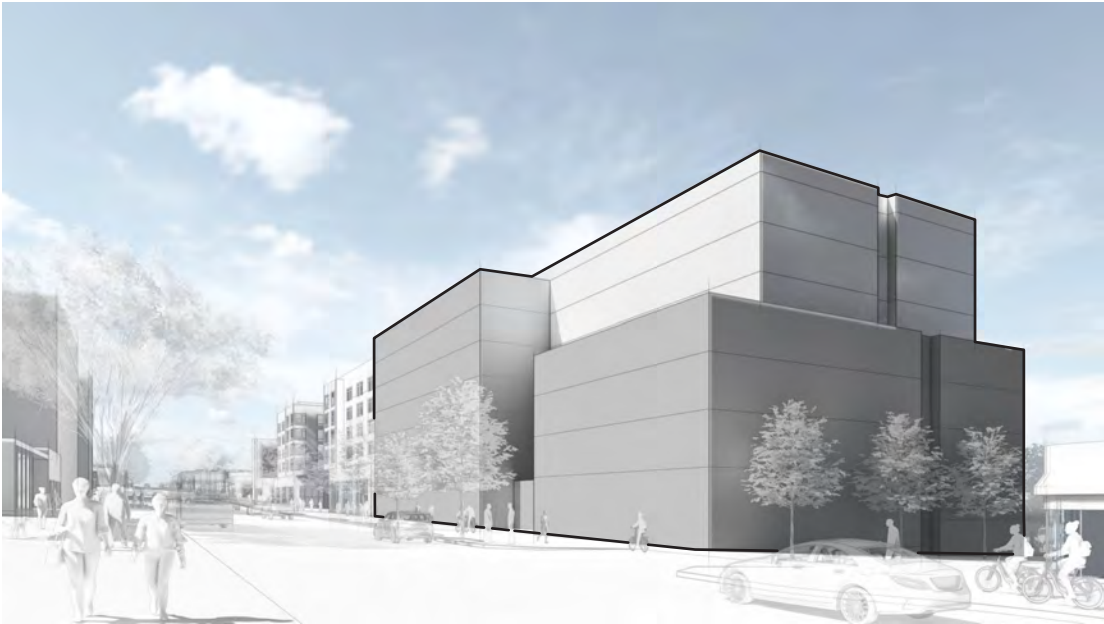
Roof Level



Lvls 2-4



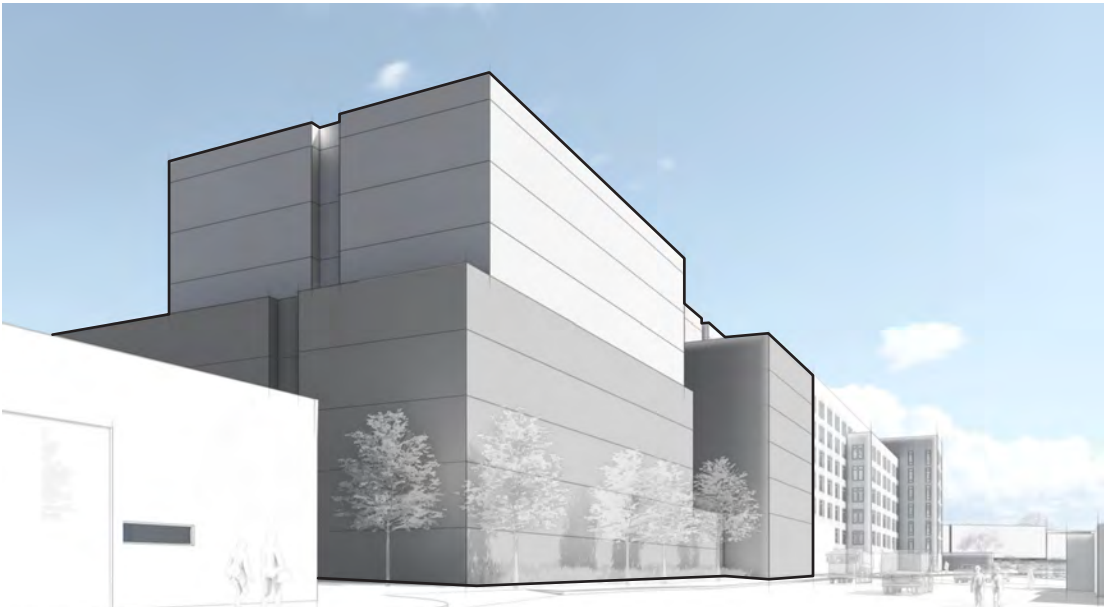
TERRACED / SCHEME 03 *PERSPECTIVES*



1. LOOKING EAST ON MARKET ST.



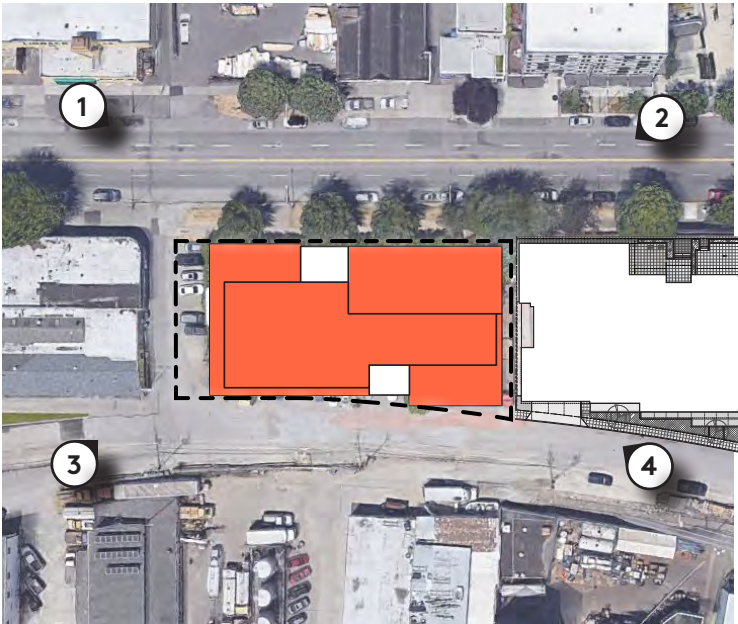
2. LOOKING WEST ON MARKET ST.



3. LOOKING EAST ON 54TH ST.



4. LOOKING WEST ON 54TH ST.



DEPARTURE REQUEST

23.47A.009.F.4.B UPPER-LEVEL SETBACKS
(BALLARD HUB URBAN VILLAGE)*

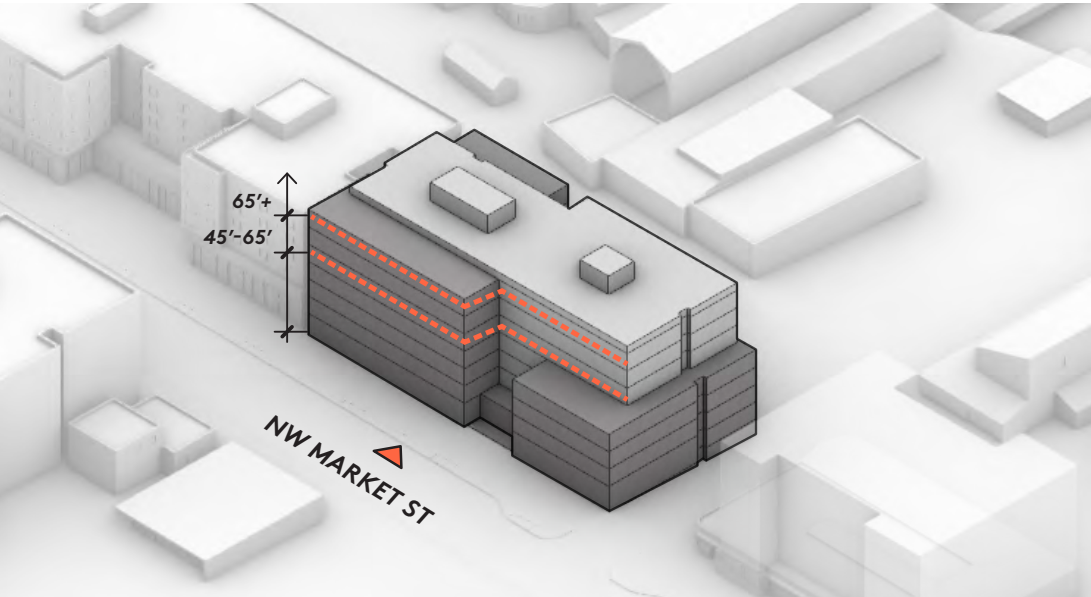
- 1) A setback with an average depth of 10 feet from all abutting street lot lines is required for portions of a structure above a height of 45 feet. The maximum depth of a setback that can be used for calculating the average setback is 20 feet.
- 2) A setback with an average depth of 15 feet from all street lot lines is required for portions of a structure above a height of 65 feet. The maximum depth of a setback that can be used for calculating the average setback is 25 feet.

**These setbacks apply to all three streets bounding this site, NW Market St, 26th Ave NW & NW 54th St.*

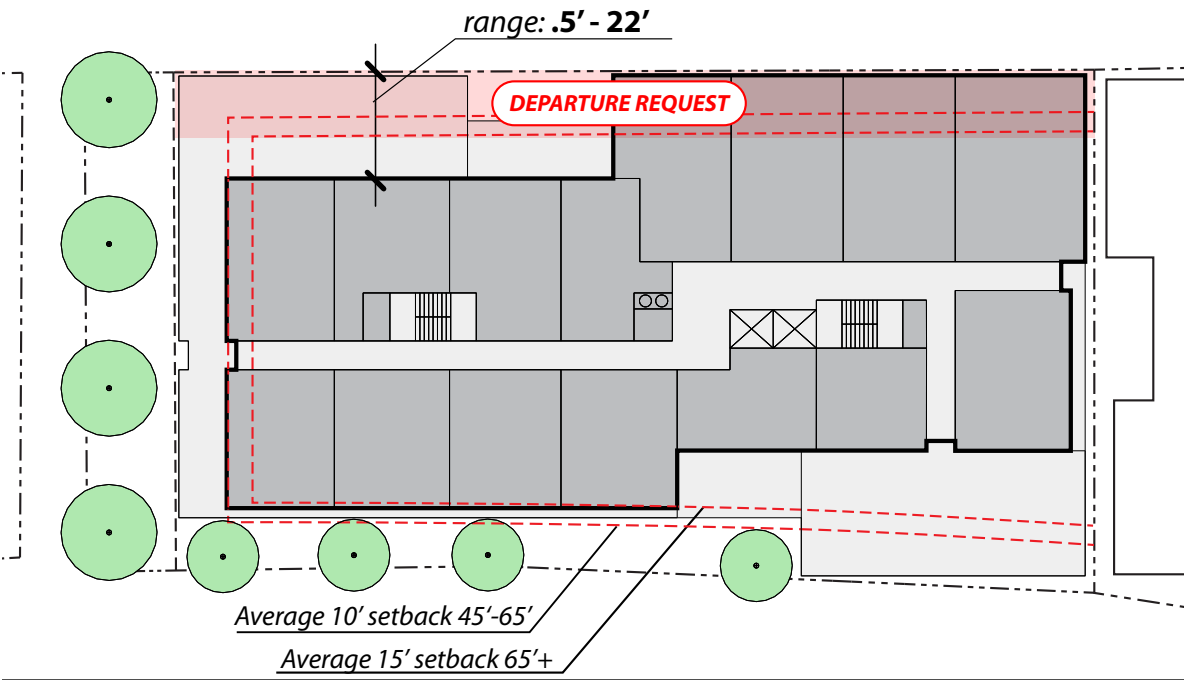
PROPOSITION

The following average setback along NW Market St above 65 feet:

- NW Market St - Departure Request:**
- To provide an average of **13'** setback above 65'



VIEW FROM NORTHWEST



RATIONALE

CS2 - URBAN PATTERN AND FORM

The departure allows the project to better respond to the changing urban character of the district, the structure’s massing reflecting the transition from urban to industrial character. This scheme responds to the Ballard Character Core, the Industrial character areas, and breaks down the length of the site into two shorter segments. Upper level setbacks reduce the height of street facing facades to mitigate “street canyons” and reduce the perceived mass of the building.

CS3 - ARCHITECTURAL CONTEXT AND CHARACTER

The departure allows for division of the 7 story mass into one, two, and three story elements, reducing the perceived mass of the building both from the street level and from neighboring buildings.

The departure facilitates a unified design and integrates the upper levels into the overall building design. The massing options respond to the surrounding architectural character of the project site, including the maritime-industrial uses south of the site, the traditional character along Ballard Ave east of the site, and the expansion of the urban center along Market St. The scheme reflects the utility of industrial buildings, while employing modern urban design principles.

TERRACED / SCHEME 03 *SOLAR STUDY*

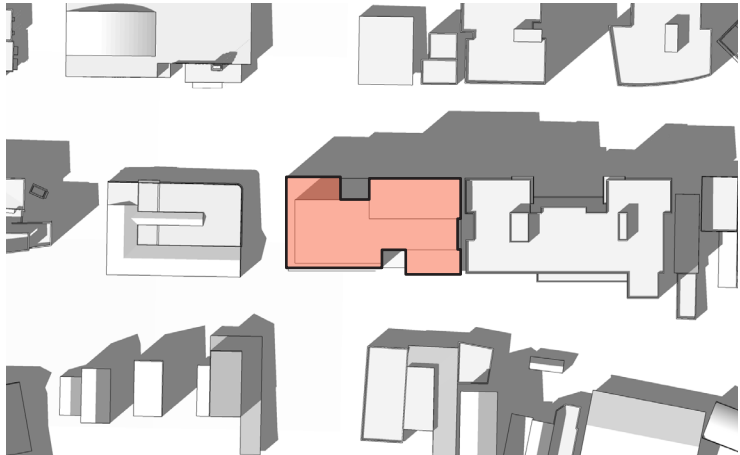
MARCH 21ST:



9 AM



NOON

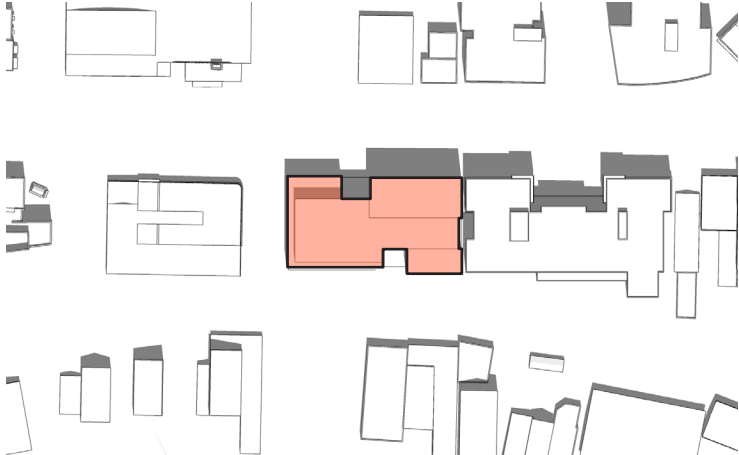


3 PM

JUNE 21ST:



9 AM



NOON



3 PM

DECEMBER 21ST:



9 AM

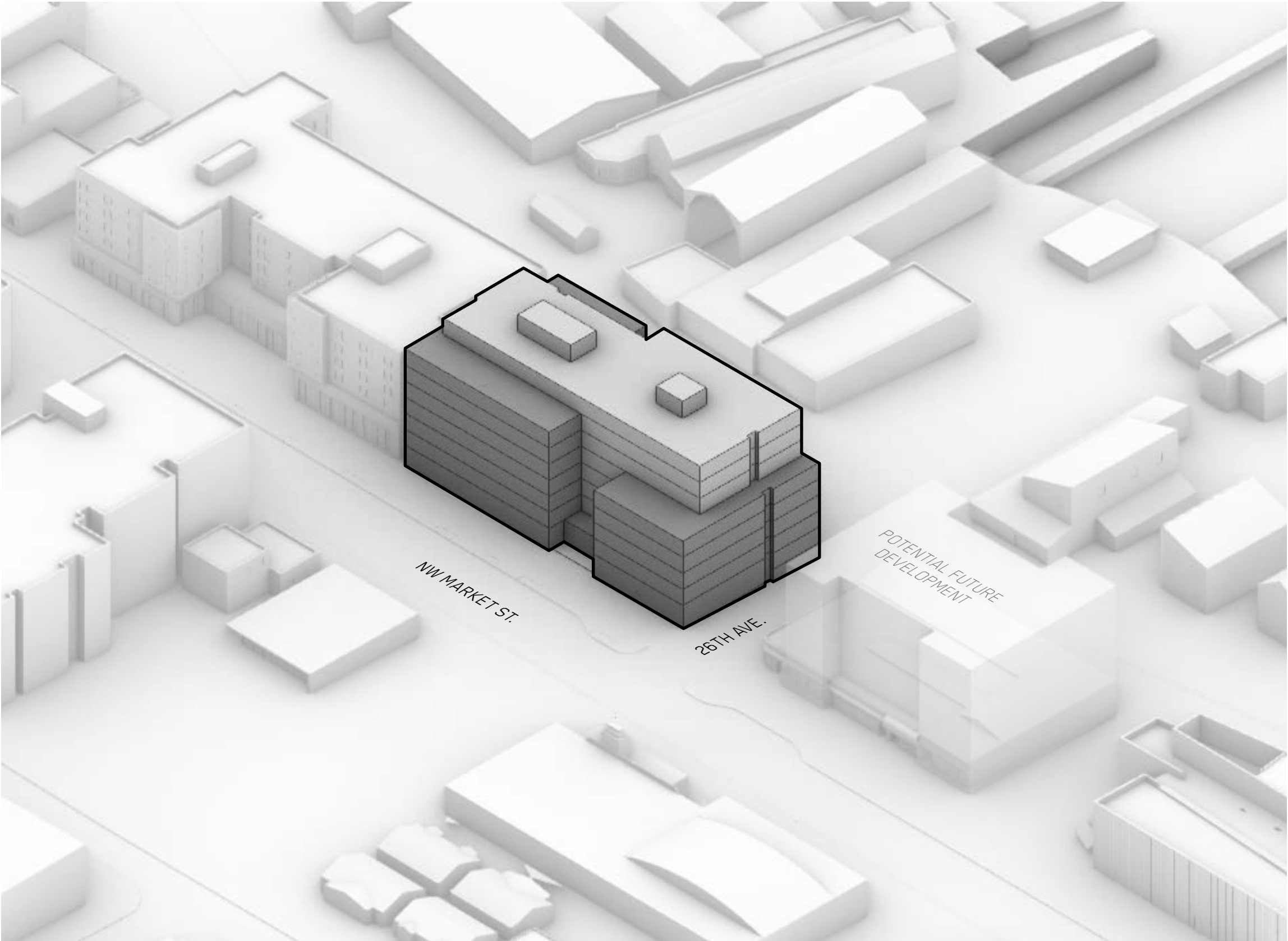


NOON



3 PM

TERRACED / SCHEME 03 (85') SUMMARY



VIEW FROM NORTHWEST

TERRACED / SCHEME 03 (85')

A variation on Scheme 03 that utilizes a 85' height limit through a NC3P-85(M) Contract Rezone.

FAR / GFA:	5.75 / 125,500 GFA
Unit Count:	140
Parking Stalls:	65-78
Commercial Area:	~7000 SF

PROS

- Upper level setbacks reduce the apparent structure height along NW Market St. and NW 54th Street.
- Additional height allowance provides more affordable units and housing density at a prime urban village site.
- Increased height allows for additional modulation along the interior lot line by providing flexible application of FAR.
- Higher building volume along the west edge of the site creates stronger corner along 26th Ave. NW and more attractive proportions when viewed from grade.
- This site is in close proximity to the future Ballard light rail station (approx .6 miles to the east). Additional housing at a TOD location supports city-wide goals.

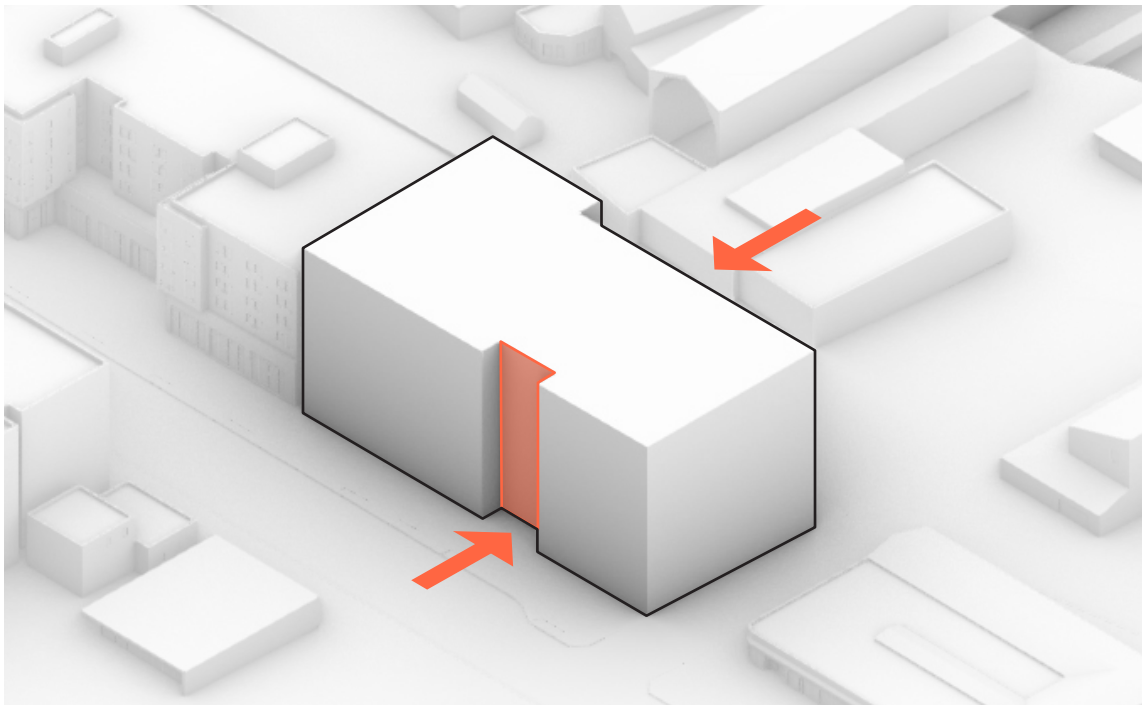
CONS

- The added height exceeds the scale of existing development around the site.

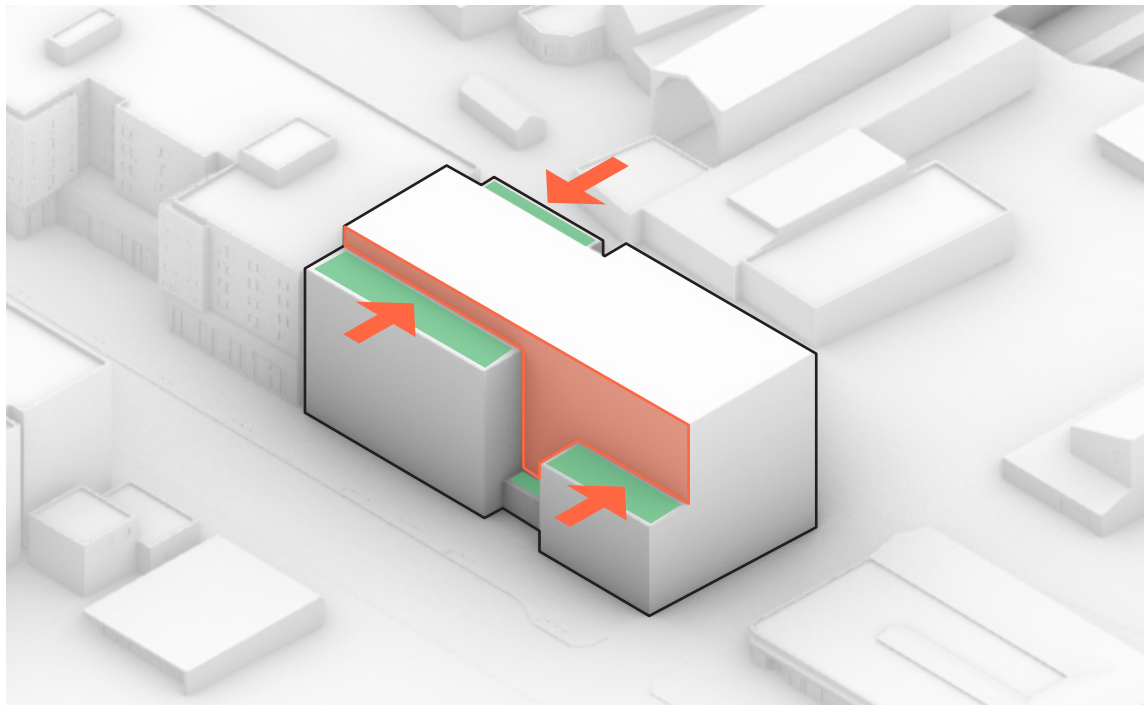
DEPARTURES

- None.

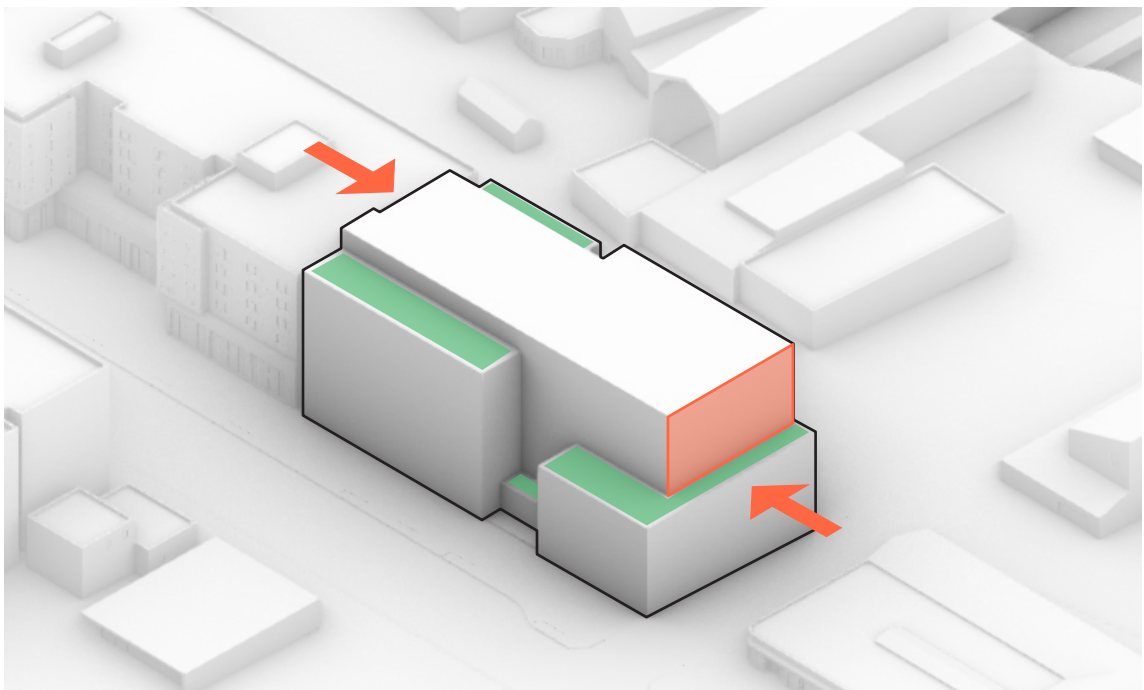
TERRACED / SCHEME 03 (85') *CONCEPT DIAGRAM*



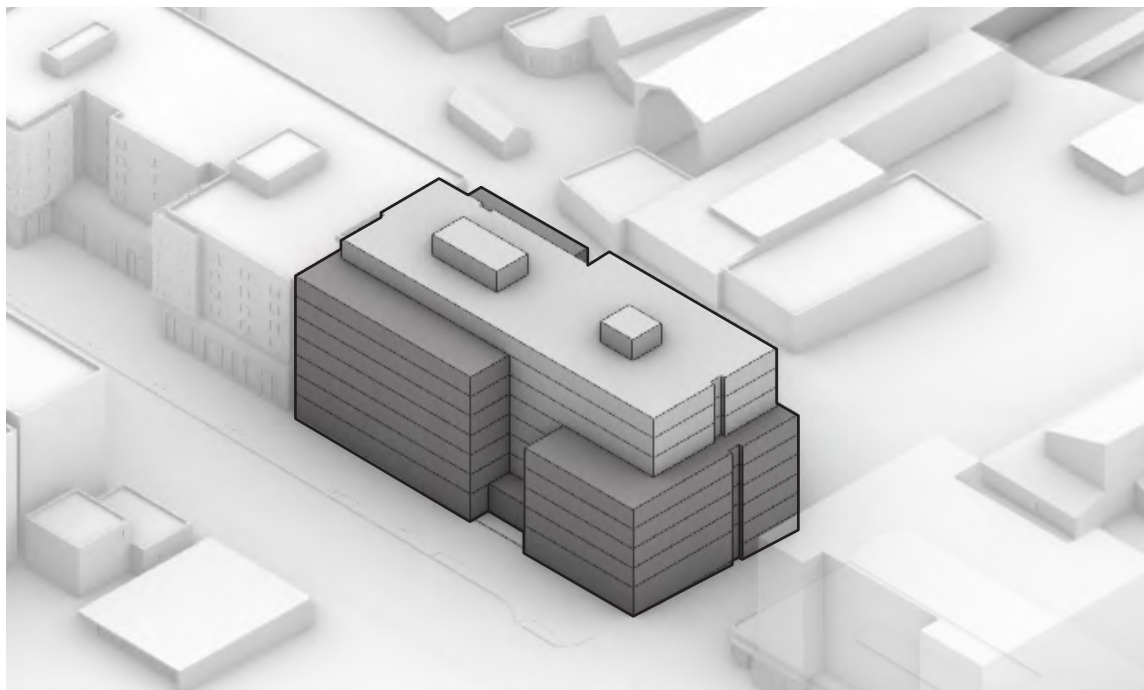
01 / FACADE LENGTH REDUCTION
The massing is broken up at the long north and south facades to reduce the length of the building facades along the principal street frontages.



02 / SECONDARY MASSING
Upper level setbacks applied along NW Market St. and NW 54th St. provide increased daylight penetration to the street.

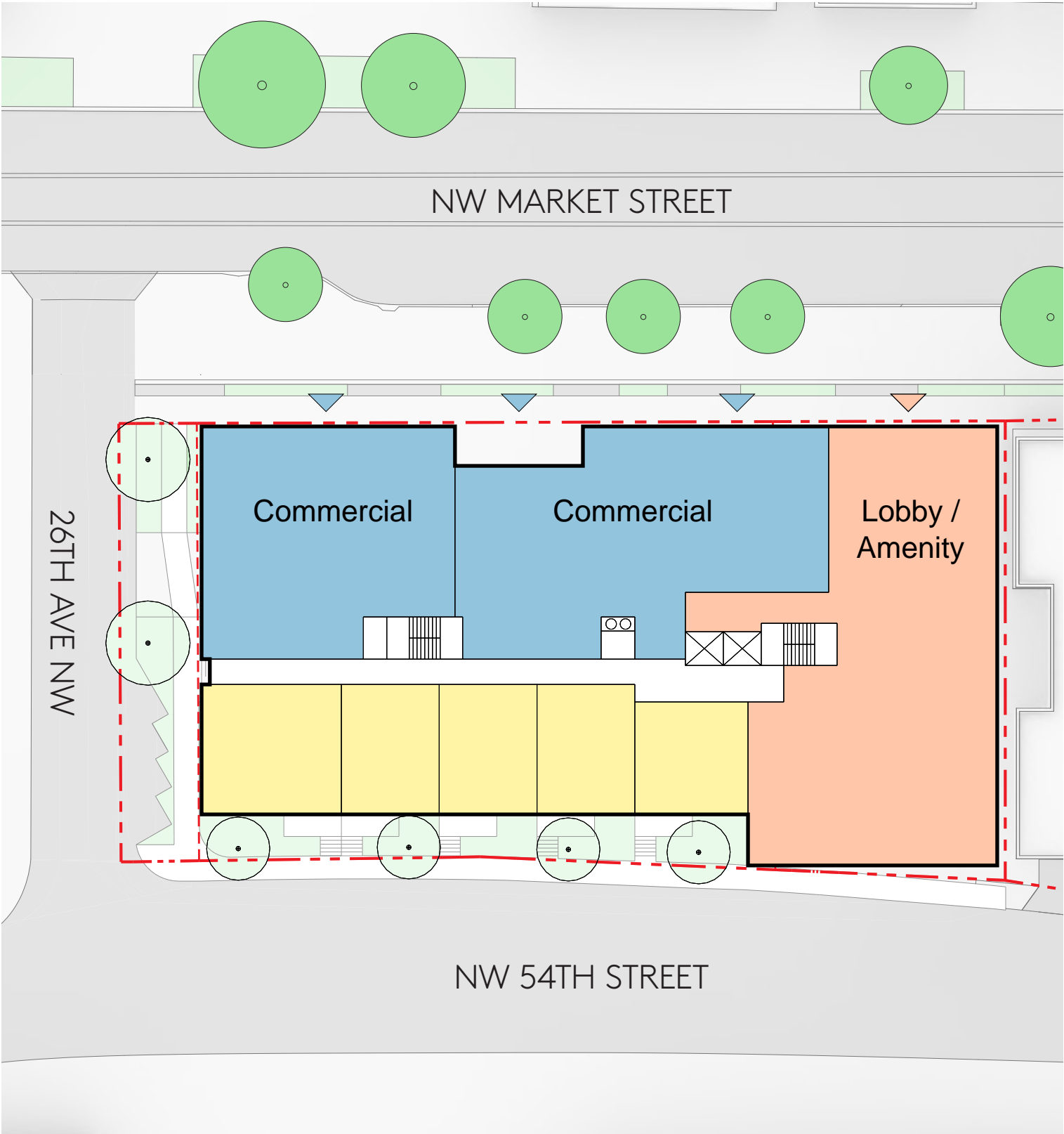


03 / PENTHOUSE
The offset massing along the east and west facades reduce the size of the building volumes and better relate the massing to the neighborhood scale.

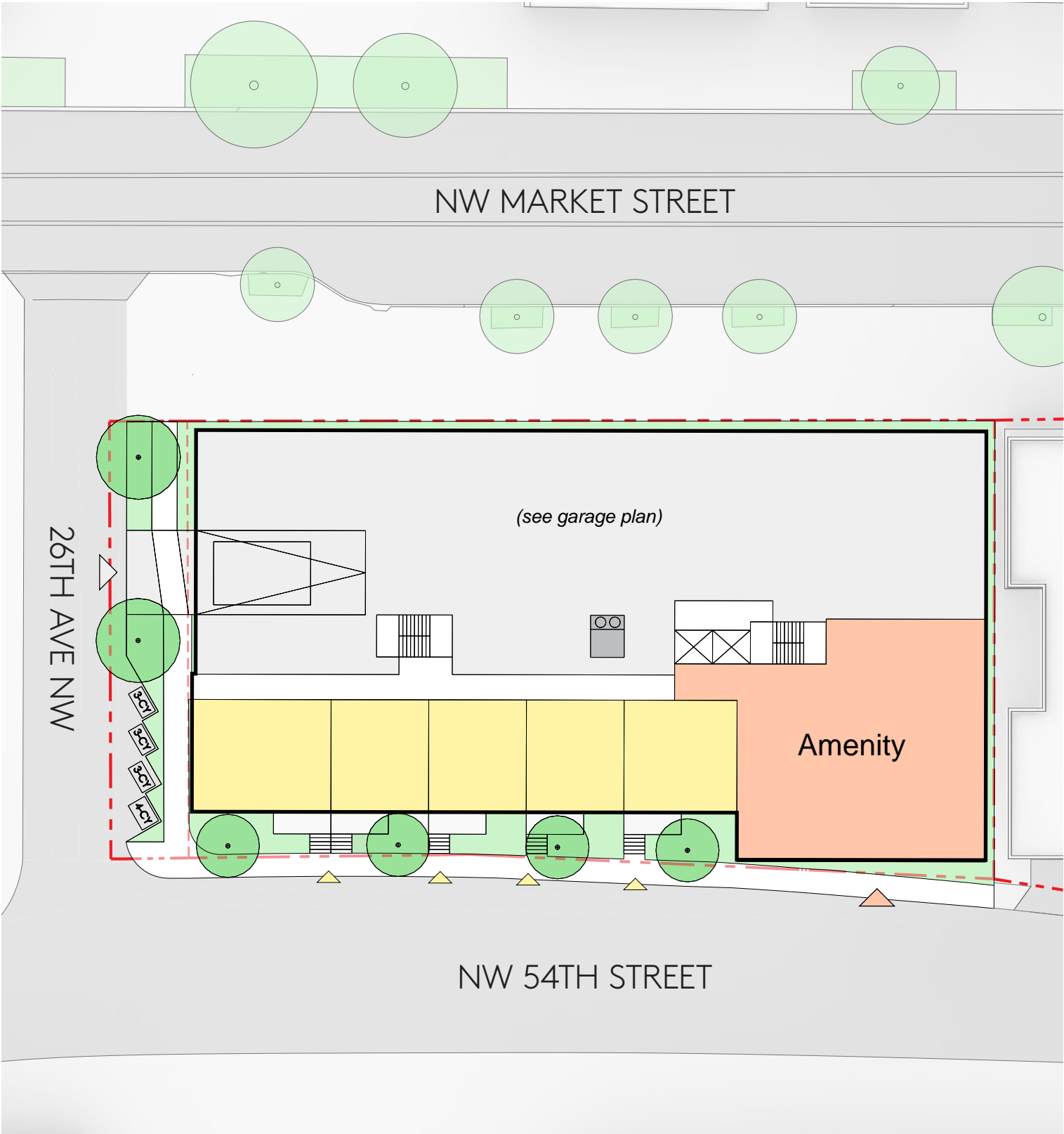


04 / COMPLETED MASSING

TERRACED / SCHEME 03 (85') SITE PLAN



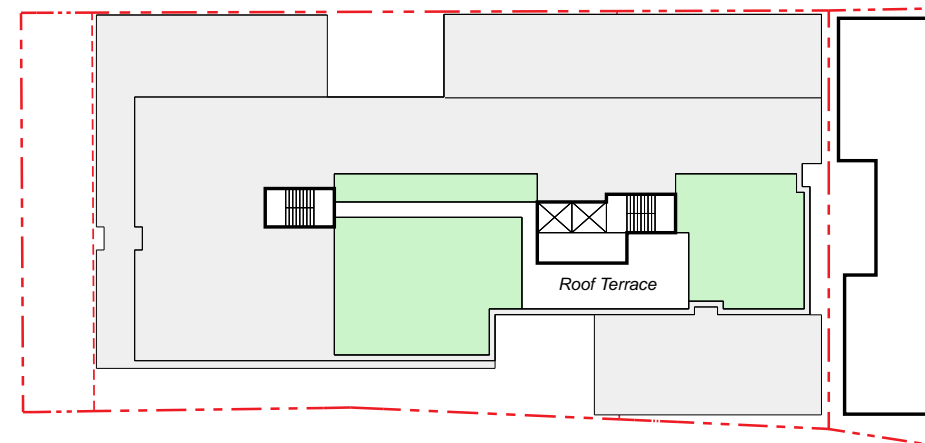
MARKET STREET GROUND FLOOR PLAN



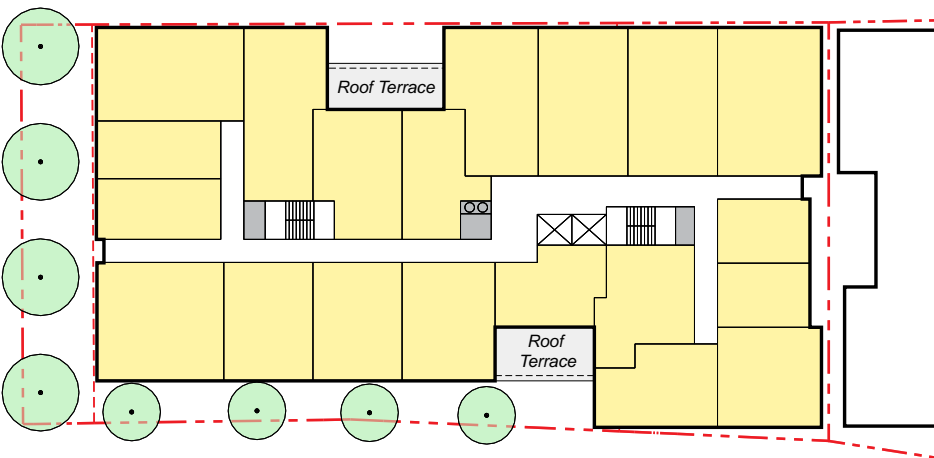
54TH STREET GROUND FLOOR PLAN



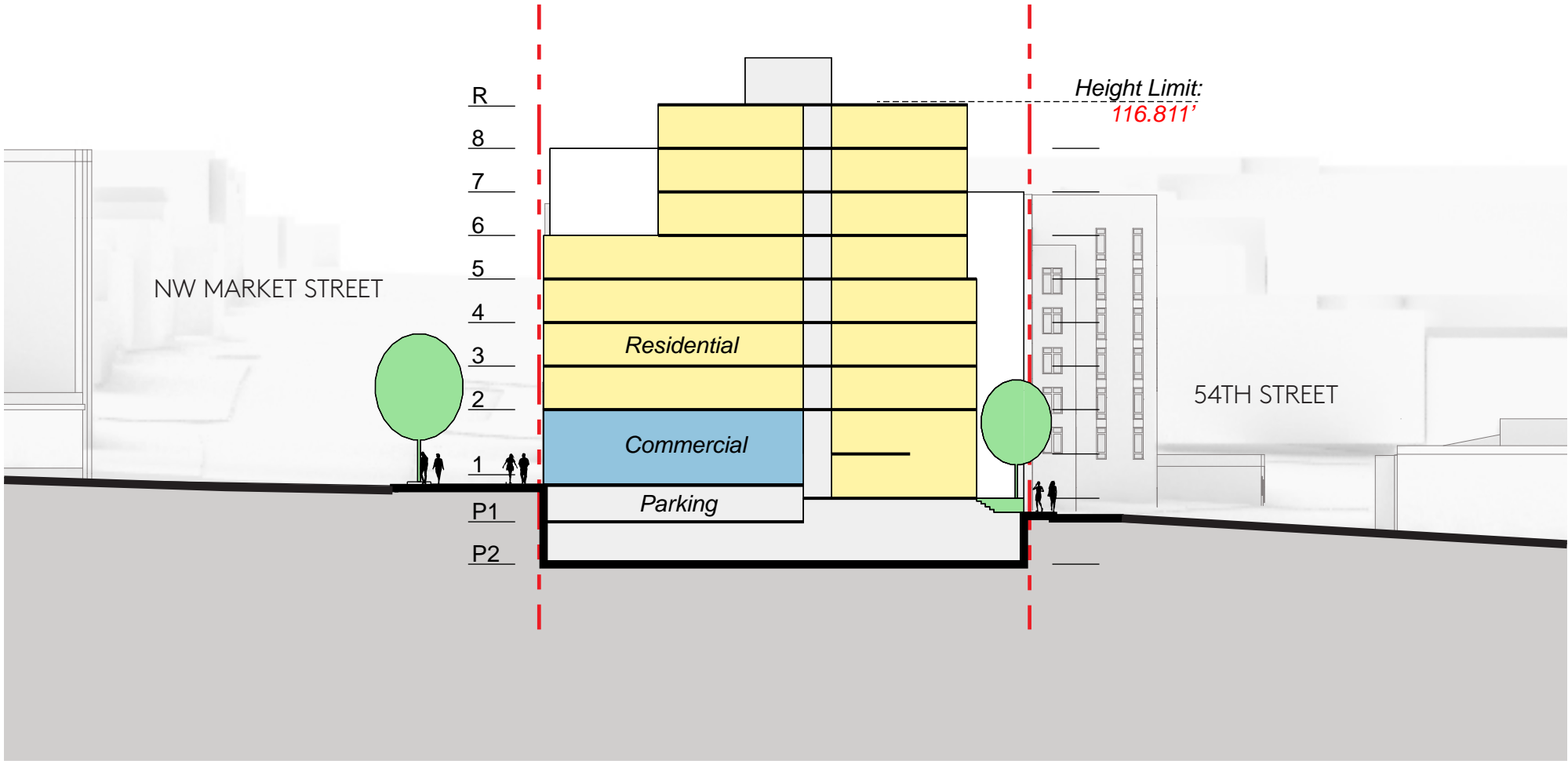
TERRACED / SCHEME 03 (85') PLANS AND SECTION



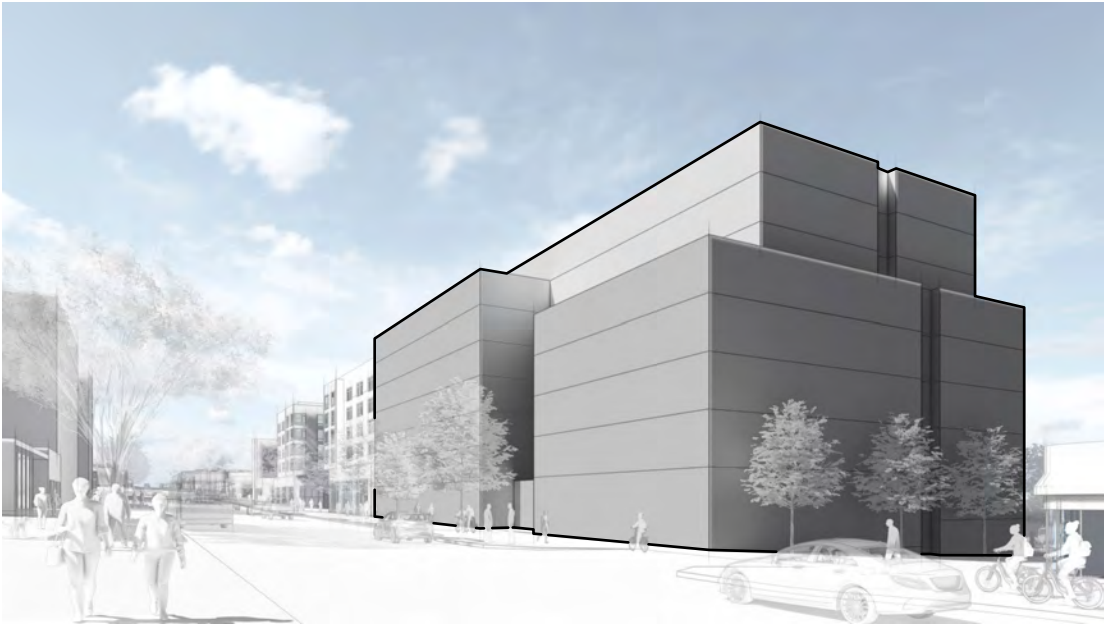
Roof Level



Lvls 2-4



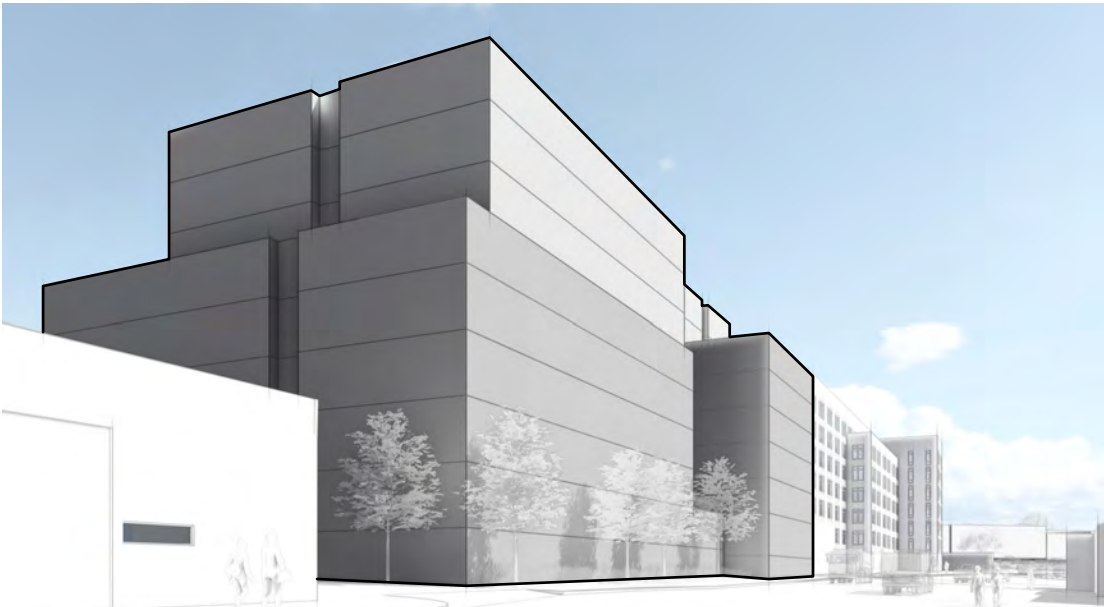
TERRACED / SCHEME 03 (85') PERSPECTIVES



1. LOOKING EAST ON MARKET ST.



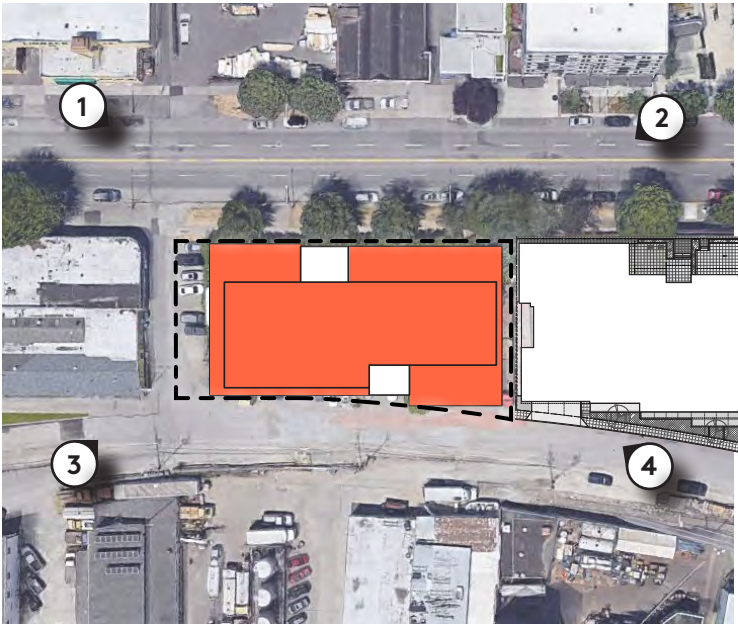
2. LOOKING WEST ON MARKET ST.



3. LOOKING EAST ON 54TH ST.



4. LOOKING WEST ON 54TH ST.



TERRACED / SCHEME 03 (85') SOLAR STUDY

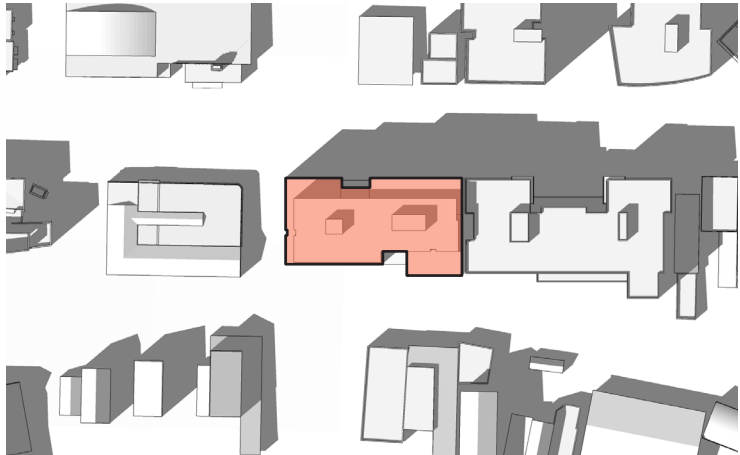
MARCH 21ST:



9 AM

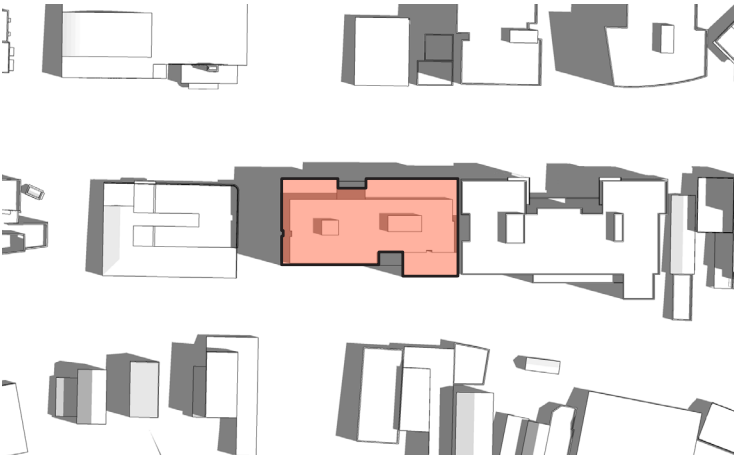


NOON



3 PM

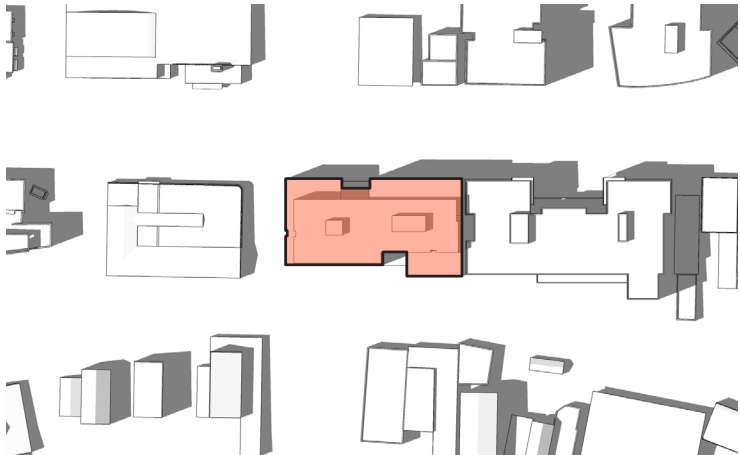
JUNE 21ST:



9 AM

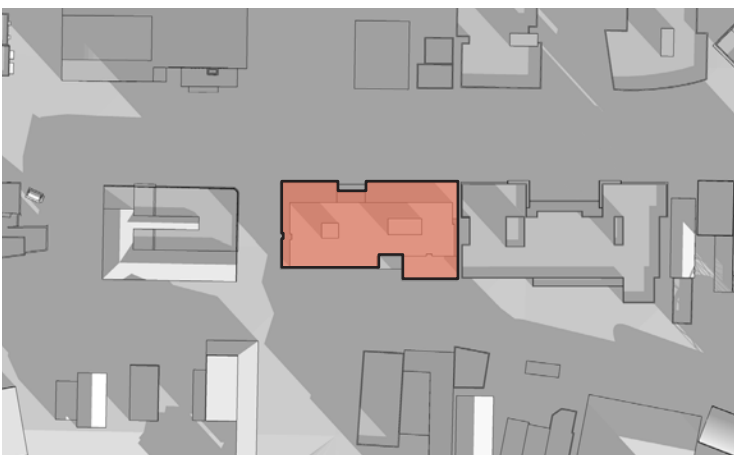


NOON



3 PM

DECEMBER 21ST:



9 AM



NOON



3 PM

The End —

(SITE)

Meeting Notes

APPROVED PRESUB NOTES (GJ) – SEPA and Full Design Review required.

Project:	2501 NW Market Street	Project #:	2033300
Subject:	3037522-EG: EDG Pre-app meeting	Date/Time:	1/21/21
Attendance:	Greg Johnson, SDCI Shelley Bolser, SDCI Sonja Brown, SDCI Ketil, Freeman, COS Ray Ramos, SCL Faith Sugerman, SPU SW Kelsey Timmer, SDOT Jodi Patterson-O'Hare Jordan Selig, JSRE Johan Strand, JSRE Thaddeus Egging, KPFF Ian Morrison, MHL Martha Cox, Mithun Bill Lapatra, Mithun George Gibbs, Mithun	Location:	MS Teams
Distribution:	File; Attendees;	Submitted by:	George Gibbs
Attachments:	None	Meeting No.	NA

Greg Johnson, SDCI - City discretionary Land Use Planner.

Presentation

Brief GG introduction

Industrial waterfront is our neighbor to the south

Site is located within the Ballard Urban Village – inside the Ballard Urban Village

Shoreline master program boundary immediately to the south

BINMIC is immediately to the south of the project site.

2500 fit work radius

site located on bus line and approximately 10 minutes from the future light rail

Site bridges two zones – industrial and NC3

Project is proposing a contract rezone.

214' from a residential zone.

NW Market is a principle pedestrian street

Site is just east of 26th Avenue NW

Ballard Yards project is newest neighbor to the south

Industrial neighbors to the south

Ballard pump station and park to the SE – access to parks at lake edge.

Urban Village

Historic fabric

Bike trail

Timeless design in Ballard with Scandinavian roots

Green champion

Honor what is unique about Ballard.

Site shows adjacency to project under construction
Burke Gillman has been added to the sidewalk piece to the north
Project will consist of residential units above a podium, commercial, parking, bikes (summarize program slide).
Topo
Site right of way along 26th Avenue.
Split zone,
18.5' ROW dedication along 26th Avenue NW
entries from NW Market Street.
Housing units on the south side
54th Street elevation will feature ground related residential, BOH, amenities.
Design team asserts that residents will thrive enjoying adjacency to industrial sites.
75' foot height limit in NC3-75';
Project applicant will pursue Contract Rezone under development standards of NC3-75 (M) zone.

Applicant Questions/assumptions submitted for confirmation:

- 1) Regarding the 26th Avenue SDOT dedication for street widening: Confirm the methodology for calculating FAR. The PAR indicates that the City will require an 18.5' dedication as a condition of the Project to expand 26th Avenue. Please confirm that the Applicant will be able to count the area required to be dedicated by the City as a component of the Project's floor area ratio calculations per SMC 23.86.007.E, which provides "If [a ROW] dedication of right-of-way is required as a condition of a proposed development, the area of dedicated right-of-way is included in these calculations."
- 2) Regarding the 26th Avenue SDOT dedication: Please confirm the 18.5' dedication is measured from the site's westernmost boundary and that the street centerline shall be as indicated on the survey (ref. presentation).
- 3) Regarding 26th Avenue Street design: Confirm that the street design shall include two-way traffic on 26th with planting strip, street trees, 6' wide sidewalk. Confirm that parking is not required at the curb edge.
- 4) Regarding NW 54th Street design: Confirm that the street design shall include a curb, a 6' sidewalk, and planting strip including street trees.
- 5) Regarding NW Market Street: Confirm that that 6' wide sidewalk and planting strip, including street trees, is required between the property and the recently extended Burke Gillman trail that passes in front of the project site.

6) Please confirm the likely location of incoming primary electrical power service for the project. The proposed transformer access shall be from NW 54th Street. The PAR mentions underground power along NW Market Street. Please provide the location of known underground electrical utilities not shown on the survey.

7) The Applicant proposes long-term bicycle parking access from NW 54th Street.

8) Likewise, the Applicant proposes long-term bicycle parking access from NW 54th Street.

9) The Applicant assumes that solid waste staging and pickup will be from NW 54th Street.

10) Regarding short term parking along NW Market Street – (2) 3 -minute loading zones are proposed along NW Market Street. Move-in vehicle parking and move in will be from NW 54th Street.

11) Please confirm the locations of the proposed utility taps from NW Market street: Gas, domestic water, fire, electrical, comm, other.

1) SCL (Ray Ramos)

Power Service: NW Market side is a possibility. Ballard Yards (project to east) utilized an underground street crossing to a vault in the ROW (577 vault) and then into an in-building vault. (can add information in the meeting notes – confirmed that the 2417 project is served from NW Market St). An obstacle for service from NW 54th Side is the railroad tracks along the south side.

Primary power is available at the north side of market. Service routing to be confirmed after application to SCL.

SCL doesn't prefer 54th because of the railroad crossing that would be required. Nordic Museum appears to have been served from 54th but that was connected years ago and isn't necessarily preferred by SCL now.

SCL contacts will be provided. Same engineer as the project to the east of us. SCL ESR contact is Brittney Kent, 206-615-0613, Brittney.Kent@seattle.gov

Service may come from Market Street, while vault may still be placed and accessed from NW 54th . Once again, final service decision will be made by SCL engineering after electrical service size and loads are known.

2) SDOT (Kelsey Timmer)

- *(Added question) What is the required minimum separation between curb cuts? For residential uses, the minimum distance between any two curb cuts located on a lot is 30 feet, except for rowhouse and townhouse developments, the minimum distance between curb cuts is 18 feet (See Exhibit D for 23.54.030).*
- Because the site is in an Urban village, a 6" curb, minimum 6' sidewalk, and street trees are required on all frontages. The standard configuration is street trees within a 5.5' planting strip between the curb and sidewalk. If this configuration is not feasible, street trees could alternatively be planted in 5' setback behind the sidewalk.
- Street trees on market to remain
- Bike parking: SDOT recommends short term bike parking be accessed via Market.
- NW 54th Street: new curb, minimum 6' sidewalk and street trees are required.
 - Initial SDOT guidance is to set curb to allow 22' operating pavement plus 8.5' clear from center of tracks.
 - SDOT does not recommend vehicle and solid waste access from 54th, but this is not a requirement
- 26th Avenue NW
 - 18.5' ROW dedication is required. Measured from property line. Future ROW is 52'. Example 52' UV Neighborhood Access cross section examples can be found in [Streets Illustrated](#).
 - SDCI will weigh in on setback requirements for building
 - New curb, minimum 6' sidewalk, and street trees are required.
 - Set curb to support future 25' roadway
 - A minimum 20' roadway is required in the interim between this project's development and the future development, ROW dedication, and street improvements on the west side of the street.
 - Loading and solid waste staging probably will not be allowed at the curb on 26th due to space constraints.
 - SDOT's initial advice is for the design team to consider the limitations on 54th and 26th as they affect the site, provide a full survey and some recommendations, and Set up a review meeting with SDOT, SPU, Freight and Burke Gillman team to determine frontage details PRIOR to SIP submittal. Set up this meeting with Kelsey at kelsey.timmer@seattle.gov.
- NW Market Street
 - Minimum 6' sidewalk and street trees are required. Existing street trees may satisfy that requirement. Landscape plans for all frontages should be sent to SDOT Urban Forestry at DOT_LA@seattle.gov.

- Burke-Gillman trail and new curb work will remain

3) SPU (Faith Sugerman) - Solid Waste

- 140 apartments will require 21 cubic yards garbage, 14 cubic yards recycle (3) 96 gallon carts for organic compost.
- 8,000 sf of commercial space will require 8 cubic yards garbage, 8 cubic yards recycle, (3) 96 gallon carts organic compost..
- Suggests including SPU in the SIP meeting for the design of 26th Avenue NW and how it affects solid waste collection. Given the challenges of each street frontage on the project, SPU encourages the project to plan for on-site solid waste services.

2-weeks prior to MUP application send a completed [solid waste checklist](#) and site plan that details solid waste storage and access to SPU_SolidWastePlanReview@seattle.gov.

4) Zoning (Sonja Brown)

- FAR basis to include surveyed property boundary as it exists *before* the dedication.
- Upper level setback applies to all street frontages.
- 26th Avenue setback is measured from the PL or the setback? Measured from street lot line *post-dedication*.
- How is the height limit determined? May we use the dedication area in determining height? No. It is based on the building face (smallest rectangle that inside which the building is inscribed).
- There is not any mechanism that provides monetary compensation for the land that is taken by the dedication. Because dedications are a condition of the development permit (generally to meet minimum width requirements of a street or alley, but sometimes for other required improvements) the City does not compensate the landowner for the dedication.

5) Contract Rezone Pre-app (Ketil Freeman, Shelley Bolser)

- Quasi-judicial Process (Rezone) slide, summary of the process (obtain).
- The boiler plate rules re. communications with decision makers, influencers etc. "discouraged."
- PUDA is drawn up and recorded against the project.
- Council members not permitted to communicate with applicant during process.

6) Contract Rezone presentation to Shelley Bolser and Greg Johnson.

- Presentation of criteria. NC3 Contract Rezone pre-app concepts.
- Outside of the BINMIC, outside of the shoreline area
- Inside the Urban Village, on principle pedestrian arterial, well served by transit options

- Outside the shoreline zone.
- Looking for questions or reactions to the locational criteria.
 - Shelley Bolser offers the following:

- Show how it meets the general rezone criteria, difference in height limits between existing and proposed zoning:
23.34.008
23.34.009
-
- In this response, be sure to touch on how rezone affects potential employment (industrial zones have more employment opportunity than residential)
-
- Be sure to show how private property views are potentially blocked by the change in zoning, as well as views from the public realm.
-
-
- Show how the site is suited to and DOES meet commercial zones and NC3 criteria:
-
- 23.34.072
23.34.078
-
- Also address the P zone criteria as being appropriate for this site:
-
- 23.34.086
-
-
- Demonstrate how it is not well suited to and does NOT meet industrial and IC criteria:
-
- 23.34.090 - Designation of industrial zones with extra attention in the response to (G) for rezoning industrial to less intensive zones, and (H) zone transitions between residential/more intensive industrial (ex. that transition exists moving south-north now and would be less gradual with this change)
23.34.096 - Locational criteria—Industrial Commercial (IC) zone.
-
-
- Also indicate how the criteria for intermediate zones are NOT as well suited for this site (SDCI analysis requires zones between the two intensities are considered):
C1 zones in SMC 23.34.080 and C2 zones in SMC 23.34.082
-
-
- SDCI will have to weigh and balance all the criteria in our recommendation to the Hearing Examiner
 - Graphically represent the site with and without the rezone (sight lines)
 - Show how it meets the location criteria.
 - How does the site NOT meet the industrial IC locational criteria.
 - G. Rezoning industrial to less-intensive zones.

- H. Zone transitions to industrial use to the south – potentially awkward.
- Burden is on the Owner to show that the site doesn't meet the IC criteria.
- Surplus site hasn't yet been developed for industrial use. Wouldn't bring other industrial use into non-conformity.
- Project site sits outside the BINMIC, outside shoreline zone, and inside the Ballard urban village.
- SDCI cannot give indication of whether or not the staff will support the ask.
- Re: Intensity that exists and intensity that you are asking for
 - Site is not well suited to commercial zoning.
 - Between the existing NC zones and the C zones, this site meets/does not meet the criteria.
- Applicant asks that SDCI communicate negative reactions to the narrative, if you see any fatal flaws we want to enter into dialogue.
 - "Maybe, and here are some challenges you'll have to address."

7) EDG/DRB (Greg Johnson, SDCI)

- Full DRB required for proposal/site
- Approved EDG pre-app notes uploaded
- Review notes – (1-2 week turnaround +/-)
- Review packet with planner by email/short meeting. Prior to draft packet submission with the EDG application, if you have any questions about the design/organization/necessary information within the packet, you can discuss with Greg Johnson over the phone or email.
- Complete EDG application, including submission of draft packet
- Draft EDG Packet and submit. Allow two weeks for review of draft packet. If the draft packet is sufficiently developed, a DRB meeting can be scheduled.
- Turn in for review
- Planner will schedule Board meeting (six weeks advance notice)
- Need final packets submitted via mail 2-weeks prior to meeting
- Upload final packets to the file (hightail). Approximately a month prior to the DRB meeting, you will receive instructions for the electronic and paper-copy submission of the final EDG packet.
- EDG meeting
- Summarize by planner in Report (Report will be uploaded approximately 2 weeks after the DRB meeting.)
- Okay to proceed to MUP application with Board recommendation to move ahead to MUP. If massing/conceptual guidance is substantial, the Board may recommend a second EDG meeting.

- Public outreach required? Comments from DON must be included within the EDG packet. You should be contacted by DON about the public outreach requirements. Yes. Public comments received during the public outreach should be summarized within the packet.
- April EDG meeting may be possible with prompt EDG application submission and a thorough EDG packet based on the timing of this meeting and turnaround of notes.
- SEPA Review is required based on the thresholds of the current zoning district. Confirm that SEPA is required based on current zoning district. Which zoning district would apply. A SEPA review component will be required at the Master Use Permit stage due to the proposed development exceeding the SEPA thresholds of the current IC zoning district.
- Specific to the SEPA review, the site is located within the Meander Line buffer and is also located along a designated scenic route. The SEPA checklist and MUP application materials should include analysis of these issues.

The above notes are Mithun's interpretation of the items discussed. If there are corrections, clarifications, or additions to these minutes, please send them to Mithun within seven calendar days, or submit them at the next meeting. Otherwise, these notes will be considered an accurate record of the meeting.





City of Seattle
Department of Construction and Inspections
700 Fifth Avenue, Suite 2000
P.O. Box 34019
Seattle, WA 98124-4019
(206) 684-8850

SDCI Project Number

Statement of Financial Responsibility/ Agent Authorization

Project Address	
------------------------	--

NAME AND ADDRESS OF FINANCIALLY RESPONSIBLE PARTY (Required)

A. Name of Individual or Entity (<i>Company, Partnership, etc.</i>) Assuming Financial Responsibility	
B. Name of Individual Signing on Behalf of an Entity (<i>Company, Partnership, etc.</i>)	
C. Financially Responsible Party Relationship to Property	<input type="checkbox"/> Property Owner <input type="checkbox"/> Property Lessee <input type="checkbox"/> Property Contract Purchaser <input type="checkbox"/> Public Agency <input type="checkbox"/> Service Requestor (check only if request does not directly relate to the development of real property i.e. request for interpretation, legal building site letter)
D. Mailing Address (<i>of individual signing statement</i>)	
E. Telephone (<i>of individual signing statement</i>)	
F. Email (<i>of individual signing statement</i>)	

Individual Declaration of Financial Responsibility (*must match the individual's name listed in "A" above*)

I _____ (printed name) declare that I am the _____ (relationship to project or service request) and that I am responsible for payment of all fees associated with this project or other request to SDCI requiring payment of fees, including all hourly or other fees which may accrue during the review and/or post-issuance whether the permit is issued or whether the application is canceled or denied before the permit is issued.

Signature

Date

Entity Declaration of Financial Responsibility *(must match the individual name in "B" above and have authority to bind entity named in "A" above)*

I _____ *(printed name)* declare that in my capacity as _____ *(position within entity - ie manager, CFO, etc)* for _____ *(financially responsible entity named in "A" above)* I have the authority to bind the Financially Responsible party named above to payment of all fees associated with this project or other request to SDCI requiring payment of fees, including all hourly or other fees which may accrue during the review and/or post-issuance whether the permit is issued or whether the application is canceled or denied before the permit is issued.

Signature

Date

AGENT AUTHORIZATION (Optional):

I hereby authorize the individual named below to act as the primary contact (aka primary applicant) for this project. This individual is not responsible for the payment of fees.

Primary Applicant Name: _____

Primary Applicant Phone: _____

Primary Applicant Email: _____

Primary Applicant Address: _____

Rezone Application Submittal Information

Please provide the following information with your rezoning application at the time of your appointment:

1. Project number.

3037590-LU; the Project was reviewed under 3037522-EG for early design guidance.

2. Subject property address(es).

2501 NW Market Street in Seattle, Washington 98107 (referred to herein as the “Property”).

3. Existing zoning classification(s) and proposed change(s).

The western portion of the Property is zoned Industrial Commercial with a 65-foot height limit and a Mandatory Housing Affordability designation of (M) (“IC-65 (M)”). The eastern component of the Property is zoned Neighborhood Commercial-3 with a Pedestrian Designation, a 75-foot height limit, and MHA designation of (M) (“NC3-P 75 (M)”). This application is for a contract rezoning to designate the entirety of the Property NC3-P 75 (M) (the “Application” or the “Rezoning”). The entire Property, including the western portion currently zoned IC-65(M) is within the Ballard Hub Urban Village, and not within the Ballard-Interbay-Northend Manufacturing Industrial Center.

4. Approximate size of property/area to be rezoned.

The total size of the Property 21,824 SF or approximately 0.5 acres. The 15,943-sf. eastern (approximately 0.366 acres) portion of the Property to be rezoned from IC-65(M) to NC3-P 75.

5. If the site contains or is within 25 feet of an environmentally critical area, provide information if required pursuant to SMC 25.09.330 and Tip 103B, Environmentally Critical Area Site Plan Requirements.

N/A

6. Applicant information:

J. Selig Real Estate, LLC

7. Legal description of property(s) to be rezoned (also include on plans – see #16, below).

THAT PORTION OF GOVERNMENT LOT 3, SECTION 11, TOWNSHIP 25 NORTH, RANGE 3 EAST, W.M., IN KING COUNTY, WASHINGTON, DESCRIBED AS FOLLOWS:

TRACT 49 OF FARMDALE HOMESTEAD, ACCORDING TO THE PLAT THEREOF RECORDED IN VOLUME 1 OF PLATS, PAGE 211, IN KING COUNTY, WASHINGTON, LYING NORTHERLY OF THE GREAT NORTHERN RAILROAD RIGHT OF WAY AND SOUTHERLY OF MARKET STREET RIGHT OF WAY.

EXCEPT THE EAST 450.00 FEET THEREOF.

8. Present use(s) of property.

The site is vacant and used for outdoor storage associated with the shipyard across NW 54th Street.

9. What structures, if any, will be demolished or removed?

There are no existing permanent buildings on the Property. All temporary outdoor storage structures will be removed. The site will be cleared in preparation for grading and excavation work.

10. What are the planned uses for the property if a rezone is approved?

The project is an 8-story mixed-use multi-unit residential building containing approximately 110-120 residential units, 4,500-5,500 SF of commercial space and parking for approximately 60 vehicles ("Project"). Residential use will consist of a mix of market rate and low-income residential units through the City's MHA performance option.

11. Does a specific development proposal accompany the rezone application? If yes, please provide plans.

Yes. Please see the attached Master Use Permit application.

12. Reason for the requested change in zoning classification and/or new use.

The Rezone would implement the goals and policies of the Comprehensive Plan by allowing for dense residential development within the Ballard Hub Urban Village and to eliminate a split-zoned property that is currently underdeveloped and used only as a storage site. The Comprehensive Plan calls for the greatest density to be directed towards urban villages and centers. The Rezone will allow for more residential and mixed-use development within the Ballard Hub Urban Village near transit.

13. Anticipated benefits the proposal will provide.

The Rezone will contribute to the City's housing supply by providing new housing in the Ballard Hub Urban Village near transit. The Property is currently undeveloped and used only for storage.

The Rezone would allow for a pedestrian-oriented and climate-responsive residential building offering a variety of unit sizes. The Applicant intends to pursue the MHA affordable housing on-site performance option with at least 7 units (6%) available for MHA qualified households spread across various unit types. In general, the Project benefits the City by allowing more people, including diverse families to live in the Ballard Hub Urban Village with its accessibility to walkable services and transit options. On site affordable housing, especially in varied unit sizes, is a benefit.

In addition, the ground-level design will benefit both the neighborhood and local small businesses. The Project's design includes street facing retail along Market Street with a high degree of transparency. The proposed design of the ground level commercial space accommodates a variety of neighborhood and local small businesses, including restaurants, café, and small-scale retail sales and services. The commercial frontage will feature broad expanses of transparent operable storefront glazing and encourage outdoor seating along the Market street sidewalk frontage. The NW 54th street frontage will incorporate flexible residential-workshop style residential units accessed from the public way with residential space located on the level above the street. The design will support the needs of adjacent uses by locating service uses to minimize impacts to existing freight traffic.

14. Summary of potential negative impacts of the proposal on the surrounding area.

The Project will displace the current outdoor storage use and replace it with a mixed-use development that is consistent with the scale and design of current surrounding properties such as the Mark24 residential development across Market Street. The Project would not have negative impacts on the surrounding area. Potential concerns around the perception of bulk and scale could be addressed through the City's design review process and would factor in the following concepts:

- i. Project complies with the NC3-75 zoning to the east of the Property.
- ii. Project design includes upper-level setbacks and façade modulation to reduce the perceived scale and bulk of the project when viewed from the street and upland sites.
- iii. Project will undergo design review process to ensure height, bulk and scale compatibility.
- iv. Project includes varying sizes of building volumes relates to the smaller scale of existing industrial neighbors.
- v. Project design provides reduced building height, scale and bulk when viewed from NW Market Street and NW 54th Street.
- vi. Project's setback upper-level massing provides increased daylight penetration to the street
- vii. Design team utilized shadow studies to sculpt the building and reduce the impacts on adjacent properties
- viii. Design team conducted community outreach to understand specific concerns with height, bulk and scale, incorporating comments into our design.
- ix. Adjusted designs per the recommendations of Design Review Board at EDG (which reviewed for height bulk and scale).

The Project will not have any potential negative transportation or parking impacts as shown in the Transpo Group traffic impact analysis submitted with the MUP based on the Project's anticipated population and travel patterns and the proximity to a variety of transit options near the Project.

15. List other permits or approvals being requested in conjunction with this proposal (e.g., street vacation, design review).

No special permits or approvals are necessary other than code-required processes for a project this scale. Those processes include: SEPA determination, design review approval, and zoning approval. A Building Permit and Street Improvement Permit, as well as various other ministerial permits (side sewer permit, PSCAA permit, for example) will be required to actually construct the Project.

16. Submit a written analysis of rezone criteria (see SMC 23.34.008 and applicable sections of 23.34.009-128). Include applicable analysis locational criteria of 23.60.220 if a shoreline environment redesignation is proposed.

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.

This Application is for a contract rezone; a PUDA will be developed as part of the Council review.

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.

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.

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.

The Applicant does not seek a waiver from bulk or off-street parking and loading requirements. Departures from Code will be addressed through the Design Review process.

SMC 23.34.007 - Rezone evaluation

A. The provisions of this chapter 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 those 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.

Noted. The relevant rezone criteria for this Application are addressed below and should be weighed and balanced together.

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.

Noted.

C. Compliance with the provisions of this Chapter 23.34 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 subsection 23.60A.042.C.

The Shoreline Policies do not apply to this Rezone.

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 Property is located in the Ballard Hub Urban Village as established in the Comprehensive Plan on page 243.

E. The procedures and criteria for shoreline environment redesignations are located in Sections 23.60A.042, 23.60A.060 and 23. 60A.220.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.

N/A.

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 percent of the growth estimates 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 Property is located in the Ballard Hub Urban Village. Current density in Hub Urban Villages is 13.5 housing units per acre (Seattle Comprehensive Plan, Land Use Appendix Figure A-2). The Comprehensive Plan adopts growth targets of 10,900 new residential units in Hub Urban Villages between 2015 and 2035 (2035 Seattle Comprehensive Plan, Citywide Planning, Growth Strategy Figure 1). The proposed rezone would slightly increase the zoned capacity of the Ballard Hub Urban Village, by adding 115-140 new units. This increase does not reduce capacity below 125% of the Comprehensive Plan growth targets. Instead, the Rezone supports the City's ability to meet the population growth targets and densities in the Comprehensive Plan.

- B. Match Between Zone 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.

The western portion of the Property is currently zoned IC-65. The eastern component of the Property is zoned NC3-P 75. The Rezone of the western portion would allow for 75 feet in height across the entire site and residential uses, consistent with properties extending east along NW Market Street, and the recently developed AMLI residential project across NW Market Street from the Property. Please see the functional and locational criteria analyses below.

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

The Property was originally zoned First Manufacturing as reflected in the City's 1947 zoning map.¹ The block to the west and across Market Street were zoned Commercial. The Property was designated Industrial in the City's first Comprehensive Plan in 1957. Resolution 17488; see <https://www.seattle.gov/cityarchives/search-collections/research-tips-and-tools/guide-to-the-comprehensive-plan-in-seattle>. In 1973, the Property was zoned General Industrial and eastern portion of the block, adjacent to the Property was a Community Business zone.

The Ballard Urban Hub Village was first established in 1994. *See* Ordinance 117221.

The western portion of the Property was previously designated IC-65 prior to implementation of Citywide MHA, when it was designated IC-65(M) in 2019.

- 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.
2. Council adopted neighborhood plans that apply to the area proposed for rezone shall be taken into consideration.
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.
4. If it is intended that rezone 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.

¹ See City of Seattle Archives 1947 Zoning Maps, Plate 11: http://archives.seattle.gov/digital-collections/index.php/Search/objects/search/ca_objects.type_id%253A26+AND+ca_objects.date.value%253A%221947%22+AND+ca_objects.map_group:%207419

The Crown Hill/ Ballard neighborhood plan is a part of the Comprehensive Plan. It does not include specific guidance for rezones or rezone review in the Ballard Hub Urban Village. Our proposal is consistent with the Neighborhood Plan, furthering its goals and policies.

The Crown Hill/ Ballard Neighborhood Plan encourages mixed use development within the Ballard Hub Urban Village, concentrating residential density within the Hub, and supporting local business and a pedestrian environment. The proposed NC3-P zoning designation would allow for multifamily development and neighborhood-serving commercial uses, with required ground-level uses on pedestrian designated streets. Since the Property is within the Urban Village, a rezone to an NC designation across the entire Property would be consistent with the following Neighborhood Plan policies:

CH/B-G1 A defined, vital, accessible mixed-use core with residential and commercial activity in the Ballard Hub Urban Village and Crown Hill Residential Urban Village.

CH/B-P2 Improve the attractiveness of the business areas in the Ballard Hub Urban Village and the Crown Hill Residential Urban Village to businesses, residents, and shoppers through creation of pleasant streetscapes and public spaces.

CH/B-G2 A community with housing types that range from single-family to moderate-density multifamily.

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.

CH/B-P6 Maintain the physical character of the single-family-zoned areas in the Crown Hill/ Ballard plan area.

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

Crown Hill/ Ballard Neighborhood Plan, 2020 Comprehensive Plan p. 241-246.

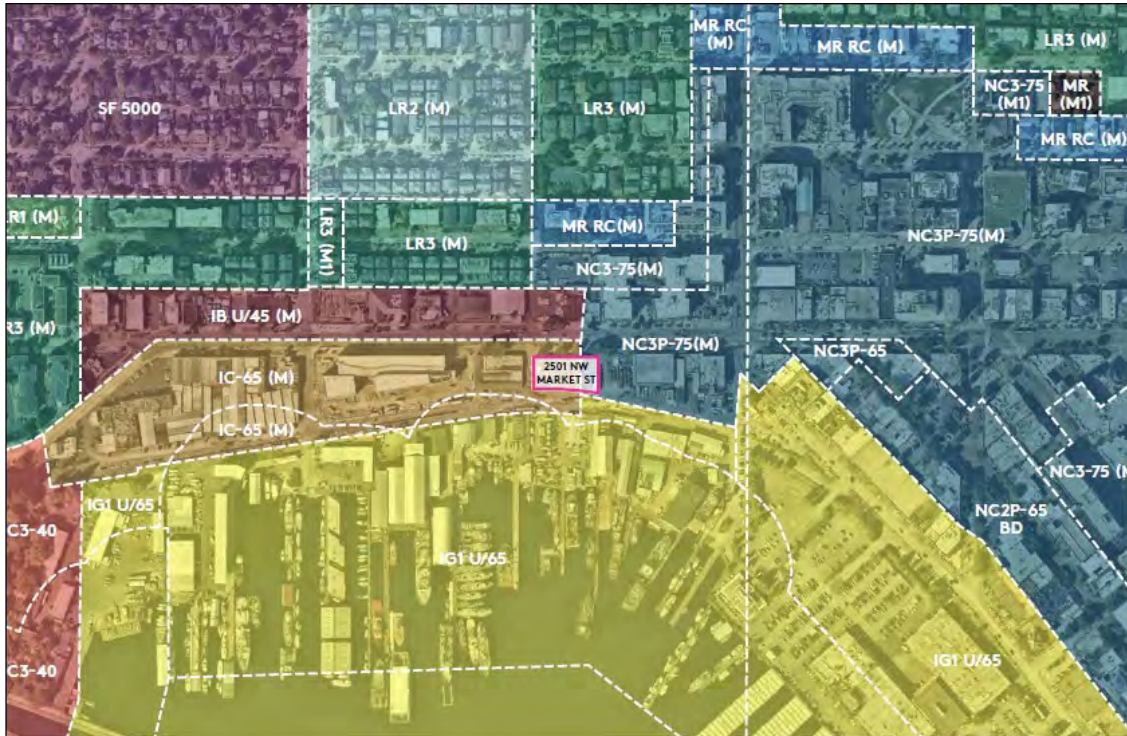
E. Zoning principles. The following zoning principles shall be considered:

- 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.**

As shown on Map A below, the properties to the west of the Property are zoned IC-65(M). Apart from the Nordic Museum these are industrial and commercial properties with a height designation of only ten feet less than what is contemplated in the Rezone. The properties to the east are all NC3-75, which matches the Rezone request. The nearest residential zone is a Lowrise 3 zone to the north approximately 200+ feet away. The nearest single-family zoning is nearly 1000 feet away as the crow flies. See Map A and D below. To address the transition to the IC-65 zone to the west, the Project incorporates massing that steps down 2-stories at the western site boundary facing 26th Avenue NW to reduce the perceived height,

scale and bulk of the Project when viewed from the west. The Project supports the goals of the Ballard Hub Design Guidelines for commercial development located along NW Market Street. The Project is entirely consistent with the goals of the Comprehensive Plan and the neighborhood design guidelines to provide more residential density with urban villages and sensitively integrate with existing uses and physical urban patterns. The Project matches the scale of the eastern neighbors along NW Market Street and steps down toward the west.

MAP A – ZONING CONTEXT



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.

N/A.

- b. Freeways, expressways, other major traffic arterials, and railroad tracks;

The Project is separated from the nearest residential uses to the north by Market Street, which is a major arterial in the Ballard Hub Urban Village.

- c. Distinct change in street layout and block orientation;

N/A.

- d. Open space and greenspaces.

The Project is set back 10-15 feet along the southern site boundary facing NW 54th Street to provide a screened buffer from existing industrial uses located across the right-of-way. The setback will incorporate trees and planting to reduce glare and noise impacts from adjacent uses.

3. Zone boundaries

a. In establishing boundaries, the following elements shall be considered:

- 1) Physical buffers as described in subsection 23.34.008.E.2; and
- 2) Platted lot lines.

The Property is currently split-zoned. The proposed Rezone would correct that to create a zone boundary following platted lot lines.

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.

See Map A above. The Property is abutting commercial uses to the east and west and commercial/industrial uses to the north. The nearest single residential zoned area to the north is nearly a ¼ mile away and is buffered by a major arterial street and intervening blocks of industrial, commercial and lowrise residential zoned land that provides adequate transition.

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.

Since the Property is within the Ballard Hub Urban Village the proposed Rezone to NC3 with a 75-foot height designation meets this criterion.

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 Project will have a positive impact on housing because it will provide approximately 110-120 units of rental housing, including approximately 7 units of affordable housing reserved for residents earning between 40% and 80% AMI through on-site MHA performance.

b. Public services;

The Project will have a less than moderate impact on public services similar to the other mixed-use residential and commercial development in the Ballard Hub Urban Village.

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

The Project will have a less than moderate impact on environmental factors and will undergo SEPA review and condition subject to SMC 25.05.675.

d. Pedestrian safety;

The Project will locate its pedestrian entrance on Market Street on the eastern façade to ensure compatibility with the vicinity industrial uses.

f. Employment activity;

The Property is vacant land used for outdoor storage; there is no employment activity on the site. The Project will support additional commercial activity with the ground-floor space and provide housing opportunities for tenants that work in the Ballard Hub Urban Village and the BINMIC. Overall, the Project will have a positive impact on employment activity compared to current use.

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

N/A.

h. Shoreline view, public access, and recreation.

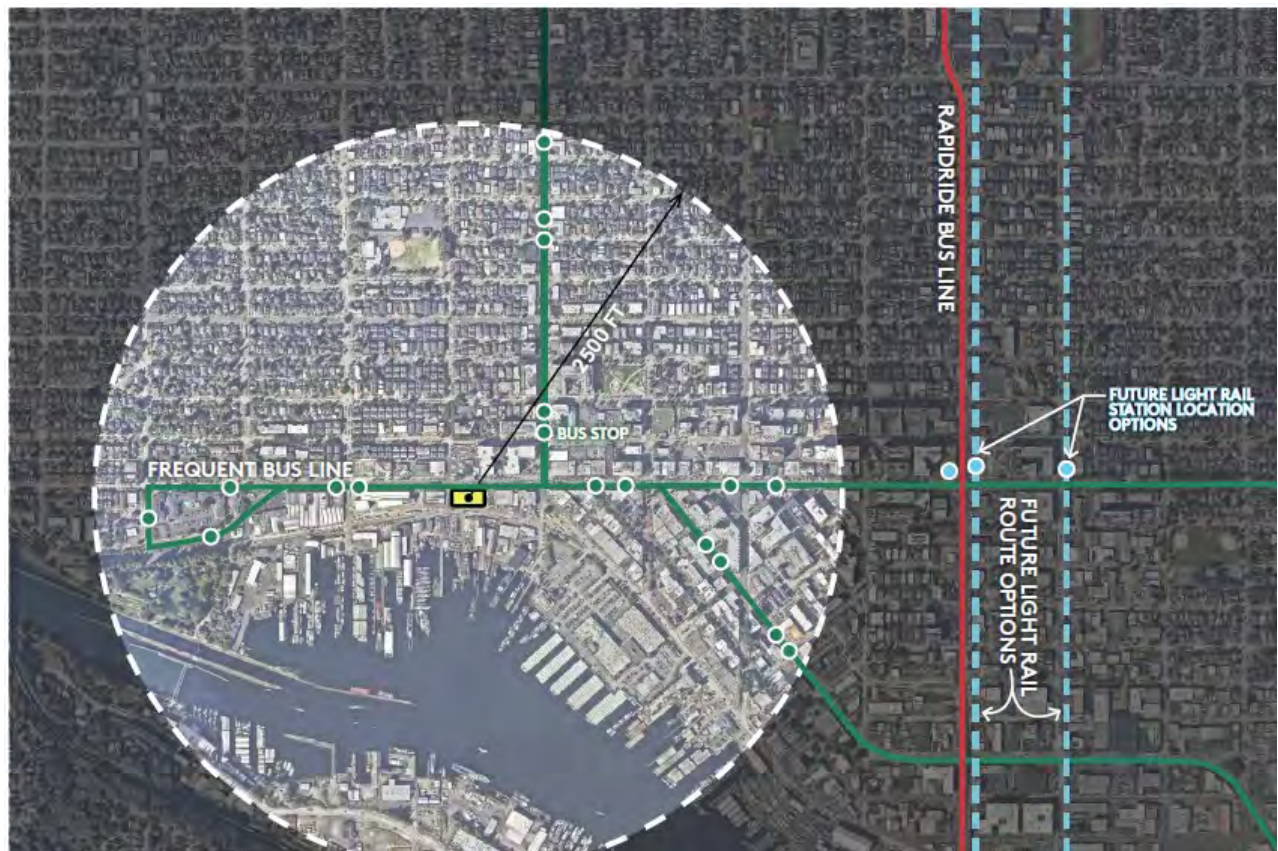
N/A. The Project is not within the City's shoreline designation and will not interfere with any public access or recreational activities within the vicinity.

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 Project demands on service capacities can reasonably be anticipated in the Ballard Hub Urban Village and access can reasonably be provided to the necessary utility and sewer capacity. The Project will provide on-site parking and is located within 2500 feet of frequent transit options and within ½ mile of a future light rail station. See Map B below. The project has obtained confirmation that adequate water, sewer, transit, storm water, and electrical services exist to serve the proposed project. The Preliminary Assessment Report is part of the MUP record reflecting these adequacies. The Project will not impact shoreline navigation.

MAP B – TRANSIT CONTEXT



- 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.

The Rezone reflects changed conditions in the gradual urbanization of the Ballard Hub Urban Village especially along Market Street since the last time the zoning for the industrial section of the Property was addressed. The development of the Mark24 residential project to the east reflects the shifting nature of the residential and mixed-use development to the east. The completion of the Nordic Museum to the west demonstrates the emerging institutional and recreational nature of the industrial areas to the west. The Rezone will implement the changed conditions in the land use patterns.

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

N/A. The Project is not within an overlay district.

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

N/A. The Project is not located in or adjacent to a critical area on the City's maps.

SMC 23.34.009 Height limits of the proposed rezone

If a decision to designate height limits in residential, 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.

An NC3-P 75 designation is the most appropriate for the Property. The functional and criteria of the of the NC3 zone is provided below followed. Further below please find the criteria for the other commercial zones and our response as to why those zones are less appropriate for the Property.

- 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.

An NC3-P 75 designation is the most appropriate for the Property. There are no topographical features in the vicinity that make the Rezone inappropriate. The Rezone will regularize the zoning between the split zoned parcel. The Industrial Commercial zoning to the west is of a similar height and bulk. There is limited likelihood of view blockage from the public right of way in the vicinity.

See Map A for more detail.

- C. **Height and scale of the area**

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

An NC3-P 75 designation is the most appropriate for the Property. The Rezone will regularize the zoning between the split zoned parcel with NC3-P 75 zoning. The Industrial Commercial zoning to the west is of a similar height and bulk. There is limited likelihood of view blockage from the public right of way in the vicinity. The zoning to the north and Market Street provides an appropriate transition on height and bulk. See Map A for more detail about the surrounding context.

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.

See answer to C.1. above.

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.

See answer to C.1. above.

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.D.2, are present.

See answer to C.1. above.

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 23.34.009 and Section 23.34.008.

The applicable Neighborhood Plan policies do not specifically address height limits.

SMC 23.34.072 Designation of commercial zones.

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

The Rezone does not result in encroachment into residential areas.

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

N/A.

- 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.

N/A.

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

The Rezone would support the success of the compact, concentrated Ballard Hub Urban Village.

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

The Rezone would support the preservation and improvement of the Ballard Hub Urban Village.

SMC 23.34.074 Neighborhood Commercial 1 (NC1) zones, function and locational criteria.

- A. Function. To support or encourage a small shopping area that provides primarily convenience retail sales and services to the adjoining residential neighborhood, where the following characteristics can be achieved:
1. A variety of small neighborhood-serving businesses;
 2. Continuous storefronts built to the front lot line;
 3. An atmosphere attractive to pedestrians;
 4. Shoppers walk from store to store.
- B. Locational Criteria. A Neighborhood Commercial 1 zone designation is most appropriate on land that is generally characterized by the following conditions:
1. Outside of urban centers and urban villages, or within urban centers or urban villages where isolated or peripheral to the primary business district and adjacent to low-density residential areas;

Not met because Property is located in the Ballard Hub Urban Village.

2. Located on streets with limited capacity, such as collector arterials;

Not met because Project is located on Market, which is a principal arterial.

3. No physical edges to buffer the residential areas;

Project is buffered from residential uses by Market Street and intervening zoning.

4. Small parcel sizes;

Not met because the Property is over 0.5 acre in size.

5. Limited transit service.

Not met because the Property is well served by transit. See Map B.

A rezone to NC1 is not the most appropriate zoning relationship for the Property due to the location inside the Urban Village on the primary arterial and the Site's proximity to transit. The Rezone provides for high density housing while balancing impacts to adjacent industrial use and anticipates future development along NW Market Street (250 units/acre). NC1 zoning does not take full advantage of the parcel and would not provide the appropriate housing productivity on an urban parcel. Half of the Property is currently zoned NC3-75 (M). NC1 is not an appropriate zone.

SMC 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;

Not met because the Property is on primary business street on Hub Urban Village.

2. Located on streets with good capacity, such as principal and minor arterials, but generally not on major transportation corridors;

Not met because Market Street is a major transportation corridor in Ballard.

3. Lack of strong edges to buffer the residential areas;

Project is buffered from residential uses by Market Street and intervening zoning.

4. A mix of small and medium sized parcels;

Not met because the Property and vicinity is mostly large contiguous parcels.

5. Limited or moderate transit service.

Not met because the Property is well served by transit. See Map B.

A rezone to NC-2 is not the most appropriate zoning relationship for the Property due to the location inside the Urban Village on the primary arterial and the Site's proximity to transit. The Rezone provides for high density housing while balancing impacts to adjacent industrial use and anticipates future development along NW Market Street (250 units/acre). NC2 zoning does not maximize development of the parcel in a fashion compatible with current land use patterns and the neighborhood plan and would not provide the appropriate housing productivity on this site. Half of the Property currently zoned NC3-75 (M); A rezone to NC2 zoning is not an appropriate zone here.

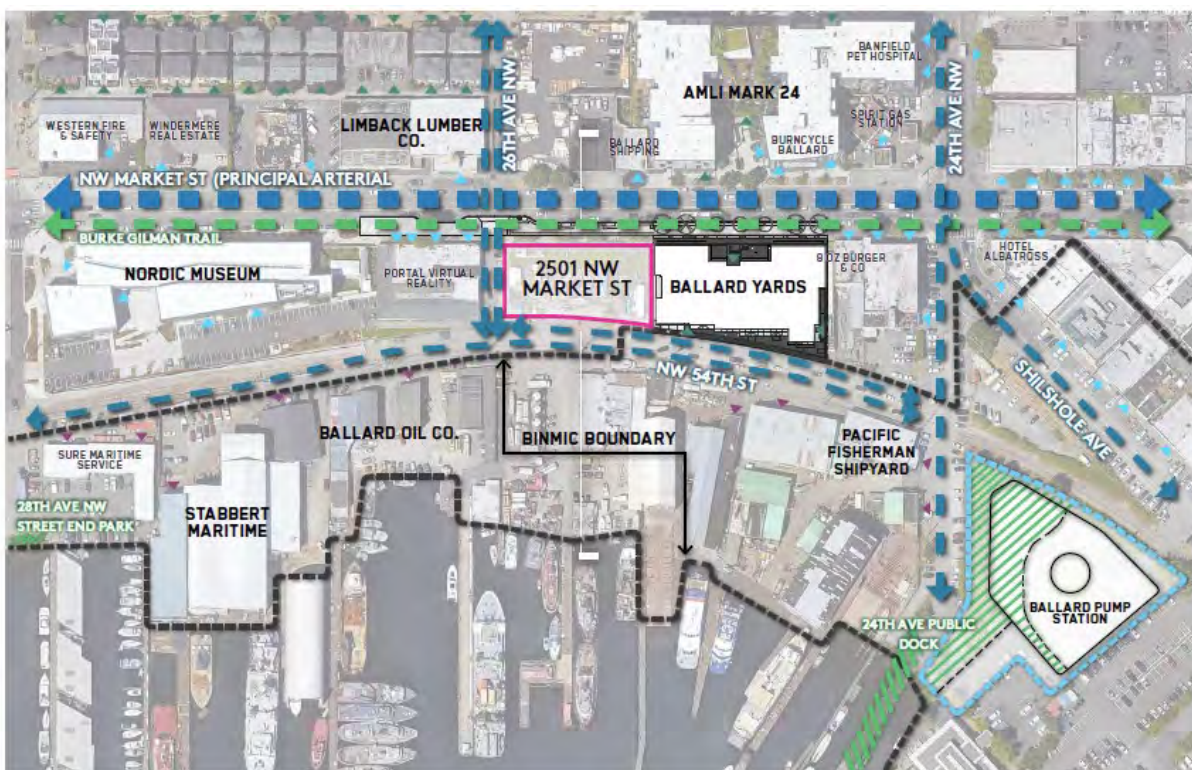
SMC 23.34.078 Neighborhood Commercial 3 (NC3) zones, function and locational criteria.

- 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.
- 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;
Met because the property is on Market Street corridor in the Ballard Hub Urban Village.
 2. Served by principal arterial;
Met as Property is abutting Market Street. See Map B.
 3. Separated from low-density residential areas by physical edges, less-intense commercial areas or more-intense residential areas;
Met because Property is separated from single family residential zoning by nearly ¼ mile and buffered by a principal arterial street and intervening commercial, industrial and lowrise residential zoning.
 4. Excellent transit service.
Met because the Property is well served by transit. See Map B.

The Rezone to NC3-75 on the western portion is the most appropriate zone for the Property. The Rezone would allow for consistent zoning across the entire site results in the Project that is consistent with the type and scale of development intended for the NC3 zone. The Project includes neighborhood retail spaces built to the front lot line, an atmosphere attractive to the pedestrians, and encourages walking from store to store along Market Street NW. See Map C.

MAP C – REZONE CONTEXT

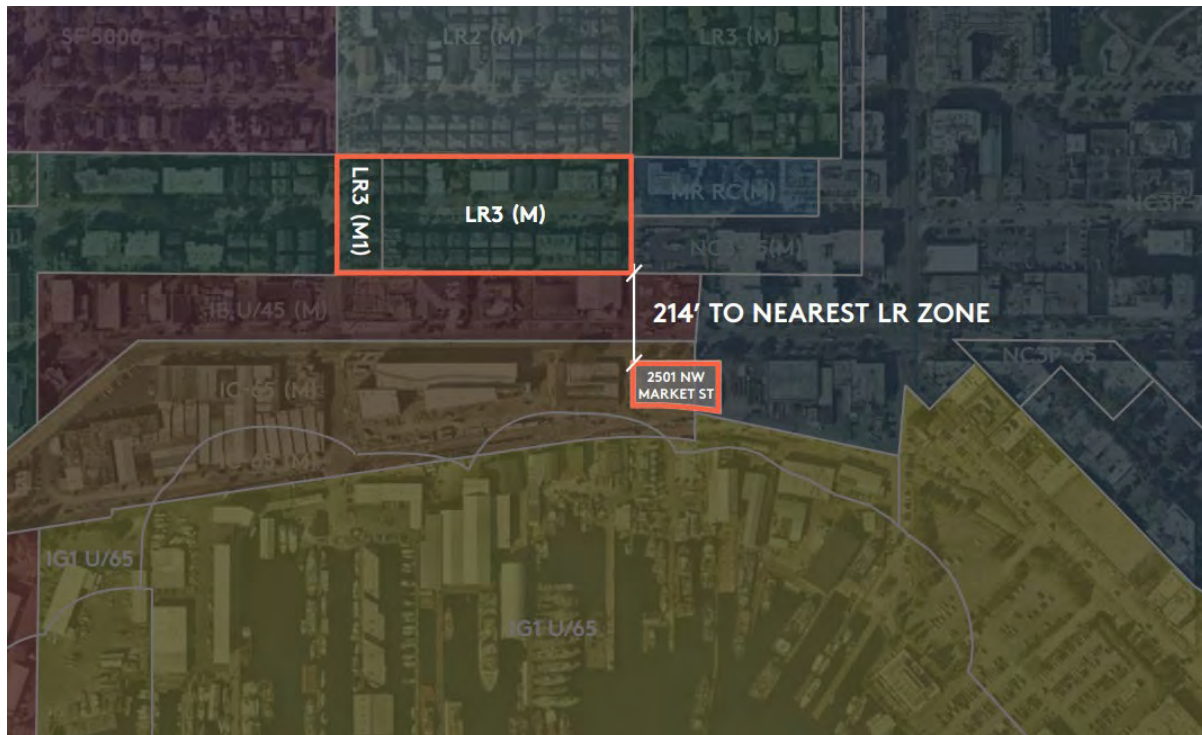


The 75-foot height limit allows for multifamily housing and street-level retail, preferred uses, that will support the neighborhood commercial district. Approximately 110-120 units of housing are proposed (250 units/acre), which further supports the goal of the Comprehensive Plan to increase residential density in Seattle's urban villages. Increased residential density will foster pedestrian activity along NW Market Street, and in Ballard generally. The Project will provide space for parking on two partial below grade levels in order to mitigate the parking impact in the vicinity.

The Rezone does not displace a preferred use but instead replaces an undeveloped lot used for outdoor storage that detracts from the vibrancy of the neighborhood. Per the Neighborhood Plan, a mixed-use building in the form of the proposal is desired by the neighborhood in this location, is compatible with the goals of the city, and intensifies use of land in the Ballard Hub Urban village. Notably, the Applicant presented the Rezone design to the Northwest Design Review Board for early design guidance on May 17, 2021. The Board indicated its support for the Project's massing concept because it expressed the "surrounding industrial and traditional commercial character through a simple contrasting material palette." EDG Board Report, Dated May 17, 2021, pg. 4. The Board also noted that the Rezone concept successfully addressed the surrounding context.

This transition is especially responsive to the residential uses to the north as shown in Map D below. The Rezone provides a graceful and gradual transition to the nearest residential uses and will not adversely impact the perception of height, bulk and scale from the lower-density residential zones, especially considering the physical and geographic separation from the Property and the nearest single-family zoned areas to the west that is separated by nearly ¼ mile as the crow flies. The Project – if approved – will be virtually imperceptible from those single-family residential areas.

MAP D – RELATIONSHIP TO LR/SF-5000 ZONING



The Applicant appreciates the Board's positive feedback on the Project's early design massing and believe that it supports the determination that a consistent NC3-P 75 zoning is the appropriate contextual zoning for the Property given the surrounding zoning relationships in the vicinity.

SMC 23.34.080 Commercial 1 (C1) zones, function and locational criteria.

- A. Function. To provide for an auto-oriented, primarily retail/service commercial area that serves surrounding neighborhoods and the larger community, citywide, or regional clientele.
- B. Locational Criteria. A Commercial 1 zone designation is most appropriate on land that is generally characterized by the following conditions:

1. Outside of urban centers and urban villages or, within urban centers or urban villages, having a C1 designation and either abutting a state highway, or in use as a shopping mall;

Not met. No C1 designations or state highways/malls within the vicinity.

2. Retail activity in existing commercial areas;

Partially met because there is retail activity in the vicinity but not best match.

3. Readily accessible from a principal arterial;

Met because of access from Market.

4. Presence of edges that buffer residential or commercial areas of lesser intensity, such as changes in street layout or platting pattern;

Not met.

5. Predominance of parcels of 20,000 square feet or larger;

Large parcels are not "predominant" in the vicinity.

6. Limited pedestrian and transit access.

Not met given the strength of transit and pedestrian access in vicinity.

A rezone to C-1 is not the most appropriate zoning relationship for the Property due to lack of proximity to C-1 zone areas and the lack of commercial activity within the immediate vicinity. Additionally, C-1 zoning is not appropriate due to the multi-modal transit options within close proximity to the Property which provide excellent transit access. An auto oriented development isn't consistent with the goals of the district. The Rezone provides for high density housing while balancing impacts to adjacent industrial use and anticipates future development along NW Market Street (250 units/acre). C1 zoning does not maximize development of the parcel in a fashion compatible with current land use patterns and the neighborhood plan and would not provide the appropriate housing productivity that the district so desperately needs. Half of the Property is currently zoned NC3-75 (M). A rezone to C1 commercial zoning is not the most appropriate here.

SMC 23.34.082 Commercial 2 (C2) zones, function and locational criteria.

- A. Function. To provide for an auto-oriented, primarily non-retail commercial area that provides a wide range of commercial activities serving a community, citywide, or

regional function, including uses such as manufacturing and warehousing that are less appropriate in more-retail-oriented commercial areas.

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

1. Outside of urban centers and urban villages or, within urban centers or urban villages, having a C2 designation and abutting a state highway;

Not met. No C2 designations in the vicinity and Property does not abut a state highway.

2. Existing commercial areas characterized by heavy, non-retail commercial activity;

Not met. Not an area with non-retail commercial activity.

3. Readily accessible from a principal arterial;

Met because of access from Market.

4. Possibly adjacent to manufacturing/industrial zones;

Met because of adjacency with BINMIC.

5. Presence of edges that buffer residential or commercial areas of lesser intensity, such as changes in street layout or platting pattern;

Not met as the street layout is regularized to the north.

6. Predominance of parcels of 30,000 square feet or larger;

Not met.

7. Limited pedestrian and transit access.

Not met given the strength of transit and pedestrian access in vicinity.

A rezone to C-2 is not the most appropriate zoning relationship for the Property due to lack of proximity to C-2 zone areas and the lack of commercial activity within the immediate vicinity. Additionally, C-2 zoning is not appropriate due to the multi-modal transit options within close proximity to the Property which provide excellent transit access. Lastly, there is not a predominance of parcels of 30,000 sf. or larger within the vicinity. Automobile centric zoning is inconsistent with the goals for development within the Ballard Hub Urban Village. The Rezone provides for high density housing while balancing impacts to adjacent industrial use and anticipates future development along NW Market Street (250 units/acre). C2 zoning is not compatible with current land use patterns and the neighborhood plan, and would not provide the appropriate housing productivity prioritized for this district. Half of the subject site is currently zoned NC3-75 (M). A rezone to C2 commercial zoning is not the most appropriate here.

SMC 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.
- 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;
Met because residential areas with P-designation to the east and the major activity center of the Nordic Museum to the west along with the vicinity location to pedestrian amenities.
 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
Met. NC zoned areas of Market are within the vicinity to the east.
 3. Excellent access for pedestrians, transit, and bicyclists.
Met. See Map B and C for transit access and vicinity amenities.

The proposed zoning designation, NC3-75 (M) complements the existing zoning, the development patterns, and the goals of the Ballard design guidelines to create pedestrian oriented sidewalks along NW Market, extending from the Ballard Avenue Landmark Area, west to the Nordic Museum.

SMC 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.
- B. Industrial areas are generally well-served by rail, truck and water transportation facilities and do not require direct vehicular access through residential zones.
- C. Relative isolation from residential zones either by distance or physical buffers shall be preferred in the creation of new industrial zones.
- 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.
- 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.
- F. In determining appropriate boundaries with residentially and commercially zoned land, the appropriate location and rezone criteria shall be considered.
- 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 Property's location within the Ballard Hub Urban Village makes it inappropriate for an IC-65 designation. Since the Property is split zoned, it also has remained undeveloped and is unlikely to support new industrial development. The industrial zone designation criteria are addressed below.

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

The western portion of the Property is currently occupied by an accessory outdoor storage use.

According to the current Property owner, the Property has not been in industrial uses for over 100 years and does not support any industrial or manufacturing employment. The Rezone would not decrease the industrial development and employment potential.

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

N/A. The Property is vacant and not being used for industrial use.

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 Rezone is limited to the Property and will not extend further than clarifying the split zone. The Property is not inside the BINMIC; instead, it is located in the Ballard Hub Urban Village. The Rezone would not lead to further encroachment into the BINMIC. The properties immediately adjacent to the east are developed with multifamily and commercial uses and the industrial zoned areas to the west are developed with the Nordic Museum, an institutional use. The industrial uses to the south are separated by right of way and are located within the BINMIC so there is limited likelihood of encroachment. The Rezone would not adversely impact the existing BINMIC uses.

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

The Rezone is not within the City's shoreline designation, so the SMP is inapplicable here.

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

The Property 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;

N/A

2. Freeways, expressways, other major traffic arterials, and railroad tracks;

The Rezone is buffered from residential uses by Market Street and intervening commercial and industrial zoned areas that provides over ¼ mile buffer.

3. Changes in street layout and block orientation;

N/A

4. Open spaces and greenspaces.

The Project steps down on the west half of the site in order to transition to the scale of buildings on neighboring sites to the west. The proposed development is setback along NW 54th Street to provide a buffer from existing industrial uses. The proposed development will provide a ROW dedication along 26th to support freight access to and from neighboring industrial sites.

- 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 site is located within the Ballard Hub urban village, along the edge of the BINMIC area. Half of the site is currently zoned NC3-75, as are sites located to the east along NW Market Street. The Rezone is consistent with recent patterns of development in the Ballard Hub Urban Village and the character of development occurring along this section of the Market Street corridor. The Property is minimally developed and redevelopment under the Rezone supports the City's housing goals.

SMC 23.34.092 General Industrial 1 (IG1) zone, function and locational criteria.

- A. **Function.** An area that provides opportunities for manufacturing and industrial uses and related activity, where these activities are already established and viable, and their accessibility by rail and/or waterway make them a specialized and limited land resource.
- B. **Locational Criteria.** General Industrial 1 zone designation is most appropriate in areas generally characterized by the following:
 1. Areas directly related to the shoreline having the following characteristics:
 - a. Suitable water access for marine industrial activity,
 - b. Upland property of sufficient depth to accommodate industrial activity,
 - c. An existing character established by industrial uses and related commercial activity including manufacturing use, warehousing, transportation, utilities, and similar activities;

Not met. The Property is not directly related to the shoreline or provides water access.

2. Areas directly related to major rail lines serving industrial businesses;

Not met. The Property is not directly related to major rail lines.

3. Areas containing mostly industrial uses, including manufacturing, heavy commercial, warehousing, transportation, utilities and similar activities;

Not met. The Property is surrounded by residential and institutional uses along Market.

4. Large areas with generally flat topography;

The Property is surrounded by large areas with generally flat topography.

5. Areas platted into large parcels of land.

The Property is in an area of mixed large and medium sized parcels of land.

The Property's location within the Ballard Hub Urban Village makes it inappropriate for an IG-1 designation. The Property is not water-adjacent and does not provide support for maritime activity. The Property is not directly related or adjacent to rail access. The Property has not been actively used for an industrial use for decades. Since the Property is split zoned, it also has remained undeveloped and is unlikely to support new industrial development.

SMC 23.34.093 General Industrial 2 (IG2) zone, function and locational criteria.

- A. Function. An area with existing industrial uses, that provides space for new industrial development and accommodates a broad mix of activity, including additional commercial development, when such activity improves employment opportunities and the physical conditions of the area without conflicting with industrial activity.
- B. Locational Criteria. General Industrial 2 zone designation is most appropriate in areas generally characterized by the following:

- 1. Areas that are developed with industrial activity or a mix of industrial activity and a wide range of commercial uses;

Not met. The Property is surrounded by residential and institutional uses along Market Street. It has been vacant for over 100 years according to the owner and does not support industrial uses.

- 2. Areas where facilities, such as the Kingdome or Design Center, have established a more commercial character for the surroundings and have created the need for a broader mix of support uses;

Not met.

- 3. Areas with adequate access to the existing and planned neighborhood transportation network; where additional trips generated by increased commercial densities can be accommodated without conflicting with the access and circulation needs of industrial activity;

The Property has adequate access to the Ballard transportation network.

- 4. Areas where increased commercial densities would allow the economic reuse of small sites and existing buildings no longer suited to current industrial needs;

N/A.

- 5. Areas that, because of their size and isolation from a larger industrial area due to separation by another type of zone or major physical barrier, such as an arterial or waterway, can accommodate more nonindustrial activity without conflicting with the industrial function of the larger industrial area;

N/A.

- 6. Large areas with generally flat topography;

The Property is surrounded by large areas with generally flat topography.

- 7. Areas platted into large parcels of land.

The Property is in an area of mixed large and medium sized parcels of land.

The Property's location within the Ballard Hub Urban Village makes it inappropriate for an IG-2 designation for the reasons discussed in the IG-1 section. The proposed development continues expansion of the Ballard Hub urban village toward the west but does not encroach on existing industrial use. This site has been vacant for a century or more, used only for lay-down storage.

SMC 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.

Not met. The Property is in the Ballard Hub Urban Village and is not in an area where additional transition is needed to the NC3 area to the east.

- 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 Property's location within the Ballard Hub Urban Village makes it inappropriate for an IB designation for the reasons discussed in the IG-1 section. The location is most appropriate for the development of a mixed-use commercial development that supports the goals and patterns of development in the vicinity. Since the site is currently split zoned, it is unlikely to undergo development as an industrial use.

SMC 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;
N/A. The Property is not in an area with amenities such as shoreline views or access to public open spaces and is not within proximity to Downtown. The size of the Property does not lend itself to recruitment of R&D or technology businesses that seek a campus environment.
- B. Areas in close proximity to major institutions capable of providing support for new technology-oriented and research and development businesses;
N/A. The Property is not near any major institutions that support R&D and tech businesses. We note that the Ballard Alliance, which advocates for current and new businesses in Ballard, has indicated their support for the Rezone. The Ballard Alliance's support is a good indicator that the Property is not a target location for R&D or tech office.
- 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;
N/A.
- 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;
N/A.
- 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.
N/A.

The Property's location within the Ballard Hub Urban Village makes it inappropriate for an IC designation for the reasons discussed in the IG-1 section. The site's location within the Ballard Hub urban village and its close proximity to existing and future mass-transit, support the development objective of providing high-density housing (250 units/acre). The site is currently split zoned, the eastern half of the site currently designated NC3-75 (M). The IC zoning is not appropriate here.

17. Provide six copies of scale drawings with all dimensions shown that include, at a minimum, existing site conditions, right- of-way information, easements, vicinity map, and legal description. See SMC 23.76.040.D, Application for Council Land Use Decisions for other application materials that may be pertinent. Plans must be accompanied by Seattle DCI plans cover sheet

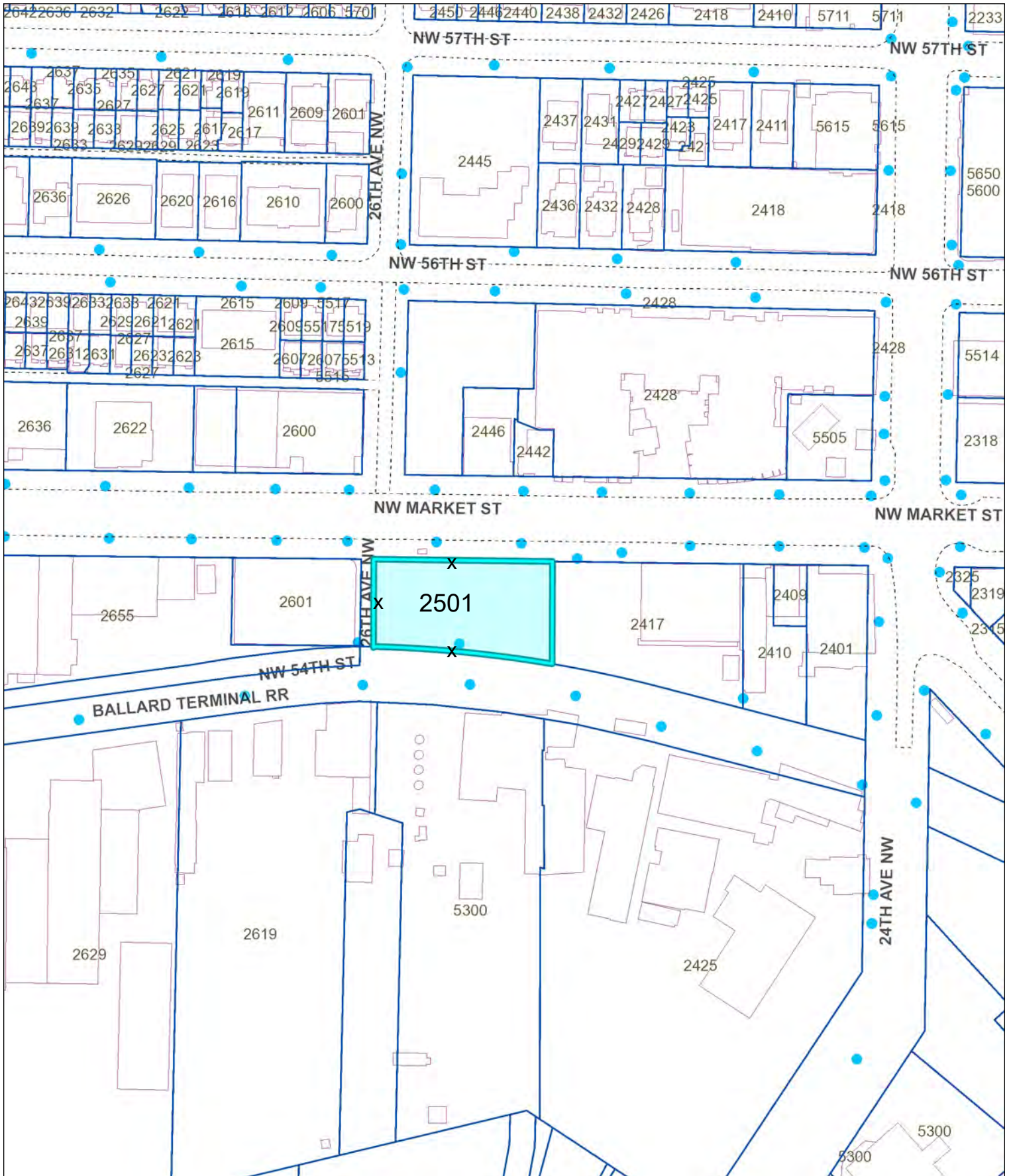


3037590-LU, DR, REZONE, SEPA

2501 NW MARKET ST
MAP 53



Feet
0 150



Seattle Department of Construction and Inspections is reviewing

NEW 8-STORY APARTMENT BUILDING

Project:
3037590-LU

What is it?

- Units: 112
- Parking: 61

Required Approvals:

- Environmental Review
- Council Action, Contract Rezone
- Design Review

2501 NW MARKET ST

Sign company
Insert Map Here

Submit comments to:

- Email: PRC@seattle.gov
- Mail: SDCI/PRC, P.O. Box 34019
Seattle, WA 98124-4019

More Information:

- Online: Enter project number **3037590-LU**
at maps.seattle.gov/shapingseattle/buildings
- Phone: (206) 684-8467 (message line)

Insert project photo here

Include the project number and address.

(The comment period may be extended by written request prior to the date below. The comment period for Shoreline applications cannot be extended)

Submit comments by _____.

* All comments are posted on our website in their entirety.



Representation only; approved project may vary.

CLARIFIED¹ FINDINGS AND RECOMMENDATION
OF THE HEARING EXAMINER FOR THE CITY OF SEATTLE

In the Matter of Application of

Hearing Examiner Files:
CF 314470-LU

JODI PATTERSON-O'HARE

Department References:
3037590-LU

For a Rezone of Property at NW Market Street.

FINDINGS OF FACT

1. Introduction. Request for a contract rezone from IC-65 (M) (Industrial Commercial) to NC3P-75 (M) (Neighborhood Commercial with a Pedestrian Designation) at 2501 NW Market Street, in the Ballard Hub Urban Village. The site is undeveloped and used as storage. It is split-zoned, with both Industrial Commercial and Neighborhood Commercial zoning. The Applicant is requesting removal of the split zoning, so the entire site has the same Neighborhood Commercial zoning throughout.

2. Hearing. A properly noticed public hearing² was remotely held January 31, 2023. The Seattle Department of Construction and Inspections ("Department"), through Greg Johnson, described the proposal. The Applicant, through Ian S. Morrison, McCullough Hill PLLC, introduced the project and called two witnesses, Bill LaPatra, a Mithun architect with USGBC LEED accreditation,³ and Jordan Selig, with Selig Real Estate LLC. No member of the public indicated a wish to testify, but in case anyone had technical difficulty connecting, the record was kept open through day end. No further comment was received.

3. Exhibits. The Department submitted Exhibits 1-68 and the hearing notice (Exhibit 69). During the hearing, the Department utilized a power point presentation (Exhibit 70). The Applicant submitted five exhibits (Exhibits 71-75). All exhibits were admitted without objection. No written public comment was submitted to the Examiner.

4. Site Visit. The Examiner visited the site on February 7, 2023. The visit provides context, but is not evidence.

5. Site and Area. Neighborhood Commercial zoning is on the site's eastern quarter and

¹ The Department requested clarification on whether Attachment 1's SEPA conditions should be noted as Department recommended instead of required. Because the Department intended the conditions for Council determination, Attachment 1 and Findings 6 and 8 were clarified.

² Exhibit 69; SMC 23.76.052(C). No concerns on notice were raised.

³ Exhibit 70 (Resume).

to the east, with industrial zoning on the site's western three-quarters and to the west and south. To the north, the zoning transitions from industrial and commercial along NW Market Street to multi-family.⁴

Public streets surround the site 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 within the NW Market Street right-of-way. A railroad spur is on the south side of the NW 54th Street right-of-way, opposite the site.⁵

Recent area development includes a 6-story mixed use development across NW Market Street to the north and a 7-story mixed-use development to the east. A shipyard is to the south. One-story commercial buildings are across 26th Avenue NW to the west, separating the site from the Nordic Heritage Museum, about 300 feet west.⁶

Along NW Market Street, running east, the corridor is generally a walkable commercial area transitioning from existing 1-2 story buildings to taller mixed-use buildings. Three blocks east is the Ballard Avenue Landmark District area. NW Market Street transitions to a more car-oriented development style to the west, with lower density development and surface parking areas. To the south, uses transition quickly to maritime industrial uses related to shipping and warehouse uses along Salmon Bay, generally characterized by simple one-two story warehouse and storage structures constructed with wood, metal, or brick. Beyond NW Market Street to the north, uses transition to lower density residential development.⁷

6. Written Comments. Public review was afforded through the Early Design Guidance Meeting and environmental review. The Department reviewed and conditionally approved the Design Review Board recommendation, finding it consistent with the Seattle Design Review Guidelines.⁸ The Department also reviewed the project through the State Environmental Policy Act, Ch. 43.21C, identifying several conditions and finding the proposal does not have significant environmental impacts.⁹ These decisions were not appealed. The Department Recommendation addressed comments received, which are included in the exhibits, and the Applicant provided several letters of support.¹⁰ No public comments were submitted directly to the Examiner,

7. Project Details. The rezone is coupled with a specific development project. The below image is not to scale, but provides an illustration:¹¹

⁴ Exhibit 1 (Department Decision and Recommendation), p. 2.

⁵ Exhibit 1 (Department Decision and Recommendation), p. 2; Testimony, Mr. Johnson and Mr. LaPatra.

⁶ *Id.*

⁷ *Id.*

⁸ *Id.*, p. 29, with the condition at p. 65.

⁹ *Id.*, pp. 64-66, with the conditions at pp. 65-66.

¹⁰ Exhibit 4 (Public Comments); Exhibit 5 (Application submittal information), p. 5, identifying Ballard Alliance, Pacific Fisherman Inc./Pacific Fisherman Shipyard, Alaska Bering Sea Crabbers, Norwegian American Chamber of Commerce, Warren Aakervick (Ballard Oil, retired), and Freezer Long Line Coalition; Exhibit 72 (Applicant Rezone Presentation/Point Point), pp. 28-29, attaching ten supporting letters.

¹¹ Exhibit 72 (Applicant Power Point Presentation), p. 1.



The site is within the Ballard Hub Urban Village. It has no direct water access and lacks a direct rail connection. The spur in NW 54th Street is separated by about 27 feet of right of way, including an operating travel lane, requiring offloading transportation through the right of way, which is prohibited.¹² Also, the Neighborhood Commercial zoning with a pedestrian designation found along Market Street prohibits the industrial uses which could utilize the spur.¹³ Located along Ballard's key Market Street corridor, the rezone and project would:

- Provide 107 new apartments in an eight-story building with 3 live/work units and retail.
- Establish retail along the Market Street corridor.
- Include double-paned windows in the south-side residential units closest to maritime uses for noise buffering.
- Provide safer freight access for larger trucks through a 14-foot dedication on 26th Avenue NW.
- Enhance the pedestrian environment with pedestrian-oriented improvements on Market Street, 26th Avenue NW, and 54th Street NW.¹⁴

8. Department Review. The Department recommended approval with two conditions. The two conditions ensure development is constructed as proposed and reviewed. At the hearing, the Department and Applicant clarified condition language related to the live-work units. SEPA and Design Review conditions have also been incorporated into the project to further address design, construction management, and archaeological resources, with the SEPA conditions being recommended and subject to Council review. All conditions are listed in the attachment at the end of this Recommendation. The Department Recommendation includes considerable detail on the rezone criteria and is incorporated.¹⁵

¹² SMC 11.74.060.A.2.

¹³ SMC 23.47A.005.D.

¹⁴ Exhibit 5 (Application submittal information); Exhibit 1 (Department Decision and Recommendation), p. 1.

¹⁵ Exhibit 1.

CONCLUSIONS OF LAW

1. Jurisdiction. The Hearing Examiner has jurisdiction to issue a recommendation on the rezone, while the Council makes the final decision.¹⁶

2. Criteria, Summary. Criteria for assessing a site-specific rezone request are at SMC 23.34.004 (contract rezones), 23.34.006 (MHA suffixes), 23.34.007 (rezone evaluation), 23.34.008 (rezone criteria), 23.34.009 (height limits), 23.34.072 (commercial zones), 23.34.076 (NC2 zones), 23.34.078 (NC3 zones), 23.34.086 (pedestrian designations), 23.34.090 (industrial zones), 23.34.094 (IB zone), 23.34.096 (IC zone), and 23.34.128 (Seattle Mixed or SM zone). Despite the considerable level of often overlapping criteria, the key consideration is zoning compatibility with the land use planning for the area.

3. Contract Rezone. As this is a contract rezone, a Property Use and Development Agreement or PUDA will be executed and recorded.¹⁷ The code details payment and performance requirements.¹⁸ The PUDA should include conditions requiring property development to substantially conform with the approved plans for Master Use Permit #3037590-LU and addressing the south side live/work units.¹⁹

4. “M” and “P” Suffixes: Mandatory Housing Affordability and Pedestrian Designations. With the proposed zoning, the project will be subject to MHA requirements at SMC 23.58B and/or 23.58C. Both existing zones within the site contain an “M” suffix and the site should have an “M” suffix under the proposed zoning.²⁰ The Applicant proposed the MHA performance option, as sheet G2.03 of the Plan Set for Master Use Permit #3037590 indicates. With the rezone to NC3, the “P” suffix, or Pedestrian designation will also apply, as the Applicant proposed.²¹

5. Rezone Evaluation, SMC 23.34.007. Applicable sections of Ch. 23.34 SMC on rezones are weighed and balanced together to determine the most appropriate zone and height designation.²² Zone function statements are used "to assess the likelihood that the area proposed to be rezoned would function as intended."²³ "No single criterion ... shall be applied as an absolute requirement or test of the appropriateness of a zone designation ... unless a provision indicates the intent to constitute a requirement...."²⁴ The most appropriate zone designation is the one "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."²⁵

¹⁶ SMC 23.76.004(C); SMC 23.76.004, Table A.

¹⁷ SMC 23.34.004.

¹⁸ See e.g., Ch. 23.58B and .58C SMC.

¹⁹ Exhibit 3a.

²⁰ SMC 23.34.006.

²¹ See e.g., Exhibit 1 (Department Decision and Recommendation), pp. 31-32.

²² SMC 23.34.007.

²³ SMC 23.34.007(A).

²⁴ SMC 23.34.007(B).

²⁵ SMC 23.34.008(B).

6. Match Between Zone Criteria and Area Characteristics, SMC 23.34.008(A) and (B). The proposal is consistent with Comprehensive Plan growth targets. It increases the zoned capacity of residential and does not significantly alter employment capacity for the Ballard Hub Urban Village or for urban villages as whole. The proposal meets criteria for best matching the characteristics of the area with the appropriate zoning district. The site is split zoned. The proposal would allow the parcels to be within the same zone. Besides unifying the zoning and easing redevelopment, the rezone allows an intensification of residential use, while respecting the area's Nordic heritage and adjacent industrial zoning and uses, including through the live-work units, noise buffering, and access improvements.

7. Neighborhood Plan/Precedential Effect, SMC 23.34.008(C) and (D). A key factor in individual site assessment is the split zoning, site size, and site location, which have undermined industrial use viability. Unifying the site would allow the undeveloped storage lot to better achieve local planning objectives.

The site is within the Crown Hill/Ballard Neighborhood Plan and outside the shoreline. The increased residential capacity is consistent with Policy CH/B-P5 and the NW Market Street pedestrian environment is improved, consistent with Policy CH/B-P10.²⁶ Sidewalks will be constructed along three street frontages surrounding the site with ground-level commercial along NW Market Street and a building design with a high-level of ground-level transparency. The rezone includes a pedestrian designation with a "P" suffix, which includes additional requirements to enhance pedestrian-oriented design along project site frontage.

Consistent with the Neighborhood Plan, live-work spaces are increased with over-head roll-up doors and interior spaces potentially conducive to small-scale artist and other uses (Policy CH/B-P19). The existing industrial zoning does allow a wider range of industrial uses (Policy CH/B-P20), but that zoning has not been fully utilized for over 35-years. There are no policies in the Neighborhood Plan guiding rezones and the proposal is otherwise consistent.

8. Zoning Principles, SMC 23.34.008(E). The split zoning provides a less than ideal transition situation between zones. The rezone would shift the transition to the surrounding streets, NW Market Street, 26th Avenue NW, and NW 54th Street. NW Market Street, as an arterial, is an appropriate buffer. 26th Avenue NW is not a major road, but will be widened and improved, allowing it to serve as a logical zoning boundary. This is coupled with the live-work units on the building's south side. The street frontages will become natural zone transition boundaries.

9. Impact Evaluation, SMC 23.34.008(F). The rezone meets the compatibility standards for the surrounding neighborhood and scale. Housing capacity is increased and the project will be adequately supported by public services and infrastructure, including pedestrian amenities and sidewalks. This improves area aesthetics and environmental conditions. Given site underutilization and the mitigation proposed, negative impacts to industrial and manufacturing activity is unlikely.

²⁶ The street is a minor arterial at this location. Exhibit 1 (Department Decision and Recommendation), p. 36.

The 26th Avenue NW improvements will improve turning movements for industrial uses to the south. Transportation is adequately accommodated with street and sidewalk improvements, 67 parking spaces, and transit proximity, including future light rail. Sewer and water capacity is adequate.

10. Changed Circumstances, SMC 23.34.008(G). There are not changed circumstances to account for, other than the fact that present zoning has proved unconducive to site development. These circumstances have led to the site's longstanding underutilization.

11. Overlay Districts and Critical Areas, SMC 23.34.008(H) and (I). The site is within the Airport Height Overlay. The NC3P-75 (M) zone and associated development will not exceed maximum building height permitting in the district. There are no critical areas on-site.

12. Heights, SMC 23.34.009. The 75-foot height maximum already exists on a portion of the site and is only a ten-foot increase for the remaining portion. The height is consistent with NC3 zone function, which supports a pedestrian oriented shopping district and includes residences compatible with the area's retail character. The limited increase is consistent with area topography and will have limited view impacts. The rezone and project include buffers coupled with height and scale transitions.

NW Market Street is an arterial, which serves as a buffer to shorter building heights to the north. Existing development to the east reaches comparable heights. The project includes a massing height step-down along the west and south sides to four stories along 26th Avenue NW to the west and NW 54th Street to the south, which arose through design review. This allows the project to transition to shorter building heights in those directions. This design, coupled with buffering and the street grid, gradually transitions heights, making the proposal compatible with the surrounding area. While Crown Hill/Ballard Neighborhood policies do not explicitly address heights, the project is otherwise consistent.

13. Commercial Zone Designations, SMC 23.34.072. These considerations are met. Adjacent zone designations do not limit development to residential uses and more than 800-feet separate the project from the closest Neighborhood Residential zone. With continuous storefronts and sidewalks, current development in the NC zone is compatible with a project extending this pattern of compact commercial uses.

14. NC2 Designations, SMC 23.34.076. The NC3 designation is more suitable than the NC2 designation for several reasons.

- 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 generally found in low or medium-density residential areas.
- The site and surrounding area have a relatively high transit service level.

15. NC3 Designations, SMC 23.34.078. The site and project are well suited to the NC3 zoning criteria. Continuous ground-level commercial storefront spaces link the project site to the Ballard Avenue Historic Landmark District two blocks east. Surrounding blocks linking the site to the rest of Ballard's commercial areas have continuous sidewalks, allowing for transit supported pedestrian activity. The site is within the Ballard Hub Urban Village with frontage on NW Market Street, a primary commercial street in Ballard. NW Market Street, a minor arterial, extends a half-mile east to 15th Avenue NW, where it becomes a principal arterial. NC3 is the primary zoning designation along NW Market Street's north and south sides between these areas. Separation from low density residential areas and transit service criteria are met, as addressed above.

16. Pedestrian Designations, SMC 23.34.086. The pedestrian designation is warranted at this site. The development associated with this rezone would extend a commercial district along NW Market Street's south side, where continuous ground-level commercial uses connect the project to the Ballard Avenue Landmark District to the east. The area is focused on the pedestrian with supporting commercial frontage along a highly walkable area.

17. Industrial Zone Designations, SMC 23.34.090. The site's small size, split zoning, and lack of rail or water transportation, continue to be factors limiting its industrial potential. The site is adjacent to, but not within the Ballard Interbay Northend Manufacturing and Industrial Center, or BINMIC. The property has not proven capable of industrial redevelopment. Its long underutilized status emphasize the site's weaknesses for industrial uses. The NC designation would not be problematic for surrounding industrial development as the area's industrial users documented. Also, mixed use development proximate to industrial has proven successful in the area. The site does not meet locational criteria for the IC zoning due to factors noted above. Shifting the zoning transition from the site to surrounding street frontages is a more natural and common transition. NC3 zoning better adheres to the area's commercial, residential, and industrial use mix. The proposed zoning is preferred over industrial, as reflected in Comprehensive Plan Policy LU 10.9 which discourages industrial zoning designations inside the Ballard Hub Urban Village.

18. Industrial Buffer Zone (IB), SMC 23.34.094. As detailed above, the site is better suited for a commercial than industrial designation. The existing industrial zoning would not serve as a better buffer between industrial and commercial uses than the proposal which provides a thoughtful transition between the zones and is an area where this type of transition is common.

19. Industrial Commercial Zone (IC), SMC 23.34.096. NC is preferable to the IC designation, which calls for sites with downtown proximity and public open space access to attract technology-oriented research and development which might otherwise locate outside the City. Nor is the site proximate to a major institution which could support this type of use. The growth planned is readily accommodated with the NC3 zoning.

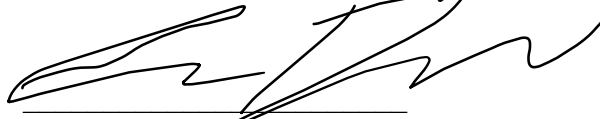
20. Seattle Mixed Zone, SMC 23.34.128 (SM). Although some criteria are supportable, the zone is not needed for transition. NC3 with the project accomplishes this and is a better fit with a site already under NC3 zoning. Also, the SM zone includes a focus on encouraging a primarily residential character, as opposed to the wider mix of uses characterizing the area which NC3 would better accommodate.

21. Conclusion. Weighing and balancing Ch. 23.34 SMC criteria together, the most appropriate zone designation for the site is NC3P-75(M) (Neighborhood Commercial-3 with a Pedestrian Designation), with a PUDA. With its current split zoning, the site is underutilized and not fulfilling Comprehensive Plan objectives for industrial development. With a pedestrian and local commercial focus, additional housing, and thorough design review, the proposed zoning and project would better fulfill Plan objectives for the area.

RECOMMENDATION

The Hearing Examiner recommends that the City Council **APPROVE** the requested rezone subject to a PUDA, with the Department's recommended contract rezone conditions, Attachment 1, Conditions 2-3.

Entered February 8, 2023, with clarification on February 16, 2023.


Susan Drummond
Deputy Hearing Examiner

Concerning Further Review

NOTE: It is the responsibility of the person seeking to appeal a Hearing Examiner's recommendation to consult appropriate Code sections to determine applicable rights and responsibilities.

Under SMC 23.76.054, a person who submitted comment to the Department or Hearing Examiner may submit an appeal of the recommendation in writing to the City Council. The appeal must be submitted within fourteen (14) calendar days following the date of the issuance of the recommendation of the Hearing Examiner, and be addressed to:

Seattle City Council
Planning, Land Use and Zoning, c/o Seattle City Clerk
Physical Address: 600 Fourth Avenue, Floor 3, Seattle, WA 98104
Mailing Address: P.O. Box 94728, Seattle, WA 98124-4728

The appeal shall clearly identify specific objections to the Hearing Examiner's recommendation and specify the relief sought. Review code language for exact language and requirements, which are only summarily described above. Consult the City Council committee named above for further information on the Council review process.

Attachment 1
Conditions

DEPARTMENT IMPOSED 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

These conditions are recommended for PUDA inclusion, for the contract rezone from IC-65 (M) to NC3P-75 (M):

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

For the Life of the Project

3. Non-residential uses shall be maintained on the ground-floor of the south facade in the location of the three proposed live-work units.

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.

**BEFORE THE HEARING EXAMINER
CITY OF SEATTLE**

CERTIFICATE OF SERVICE

I certify under penalty of perjury under the laws of the State of Washington that on this date I sent true and correct copies of the attached **Clarified Findings and Recommendation** to each person listed below, or on the attached mailing list, in the matters of **JORDAN SELIG.**, Hearing Examiner Files: **CF-314470** in the manner indicated.

Party	Method of Service
Applicant Legal Counsel Ian S. Morrison McCullough Hill PLLC imorrison@mhseattle.com	<input type="checkbox"/> U.S. First Class Mail, postage prepaid <input type="checkbox"/> Inter-office Mail <input checked="" type="checkbox"/> E-mail <input type="checkbox"/> Fax <input type="checkbox"/> Hand Delivery <input type="checkbox"/> Legal Messenger
Department SDCI Greg Johnson greg.johnson@seattle.gov PRC@seattle.gov SCI_Routing_Coordinator@seattle.gov Janet Oslund Janet.Oslund@seattle.gov Ketil Freeman Ketil.Freeman@seattle.gov Roger Wynne Roger.Wynne@seattle.gov Nathan Torgelson Nathan.Torgelson@seattle.gov	<input type="checkbox"/> U.S. First Class Mail, postage prepaid <input type="checkbox"/> Inter-office Mail <input checked="" type="checkbox"/> E-mail <input type="checkbox"/> Fax <input type="checkbox"/> Hand Delivery <input type="checkbox"/> Legal Messenger

Property Owner Jordan Selig 2501 NW Market LLC Seligj@me.com	<input type="checkbox"/> U.S. First Class Mail, postage prepaid <input type="checkbox"/> Inter-office Mail <input checked="" type="checkbox"/> E-mail <input type="checkbox"/> Fax <input type="checkbox"/> Hand Delivery <input type="checkbox"/> Legal Messenger
Mailing separegister@ecy.wa.gov igreene@kingcounty.gov ; shirlee.tan@kingcounty.gov ; annette.pearson@seattle.gov ; SEPA.reviewteam@doh.wa.gov ; SEPA@pscleanair.org ; McCollD@wsdot.wa.gov ; bpfeiffer@kingcounty.gov ; Jim.Ishimaru@kingcounty.gov ; lpa.team@kingcounty.gov ; glen.stamant@muckleshoot.nsn.us ; fisheries2@muckleshoot.nsn.us ; fisheriescontact@muckleshoot.nsn.us ; Jae.butler@muckleshoot.nsn.us ; Ktsang@muckelshoot.nsn.us ; toddgray@tulaliptribes-nsn.gov ; preservationdept@duwamishtribe.org ; KCWTD_otheragencyplanning@kingcounty.gov ; JODI@PERMITCNW.COM ; SELIGJ@ME.COM ; bpaine@ucba.org ; deane@railsnwimage.com ; deke@sbmc.com ; DougD@PFIShipyard.com ; ecotours@duwamishtribe.org ; ericn@nordicmuseum.org ; gphoops@comcast.net ; info@ballardmailbox.com ; jamie@alaskacrabbers.org ; mike@ballardalliance.com ; ptarabochia@ebdq.com ; Tim.McKay@colliers.com ; warren@ballardoil.com ; adrienne.watkins@gmail.com ; billl@mithun.com ; bjohnson@eworks.org ; caseyh@mithun.com ; chrisr@mithun.com ; christianr@mithun.com ; imorrison@mhseattle.com ; johanerikstrand@gmail.com ;	<input type="checkbox"/> U.S. First Class Mail, postage prepaid <input type="checkbox"/> Inter-office Mail <input checked="" type="checkbox"/> E-mail <input type="checkbox"/> Fax <input type="checkbox"/> Hand Delivery <input type="checkbox"/> Legal Messenger

lauren@weinstein.com ; nash@nashj.com ; pennd@touchstonenw.com ; phoebe.bogert@place.la ; jweill@gmail.com ; mike.seilo@gmail.com ; culturalpreservation@duwamishtribe.org ; mattymatt@gmail.com ; kdop07au2@relay.firefox.com ; landowsr@gmail.com ; hralphbyzorg@yahoo.com ; michaela@rose-labyrinth.com ; yenney3@gmail.com ;	
Mailing Duwamish Tribe 4705 W Marginal Way SW SEATTLE WA 98106-1514 Loretta Juarez-Wagner 1316 NE 70 th St. Seattle, WA 98115 Suquamish Tribe PO BOX 498 Suquamish, WA 98392	<input checked="" type="checkbox"/> U.S. First Class Mail, postage prepaid <input type="checkbox"/> Inter-office Mail <input type="checkbox"/> E-mail <input type="checkbox"/> Fax <input type="checkbox"/> Hand Delivery <input type="checkbox"/> Legal Messenger

Dated: February 16, 2023.

/s/ Angela Oberhansly

Angela Oberhansly, Legal Assistant

March 16, 2023

MEMORANDUM

To: Land Use Committee
From: Ketil Freeman, Analyst
Subject: Clerk File 314470 and Council Bill 120533 – Contract Rezone, 2501 NW Market Street

On March 22, the Land Use Committee (Committee) will have a briefing and may make a recommendation to City Council on [Clerk File \(CF\) 314470](#), which is an application by J. Selig Real Estate, LLC for a contract rezone of a site located in the Ballard urban village and addressed as 2501 NW Market Street, and Council Bill (CB) 120533, which would implement the rezone if approved by Council.

This memorandum: (1) provides an overview of the rezone application contained in CF 314470; (2) describes the contents of Council decision documents, which would grant the rezone application, including a summary of CB 120533, which would amend the Official Land Use Map, also known as the zoning map, to effectuate the rezone, and accept a Property Use and Development Agreement (PUDA) limiting future development; and (3) describes next steps.

Overview of Rezone Application

J. Selig Real Estate, LLC (Applicant) has applied for a contract rezone for the western portion of a split-zoned site from Industrial Commercial with a 65-foot height limit and M Mandatory Housing Affordability (MHA) suffix (IC 65 (M)) to Neighborhood Commercial 3 with a 75-foot height limit, pedestrian designation and M MHA suffix (NC3P 75 (M)). The proposal site is approximately half an acre in size. The proposed rezone would apply to the western 15,934 square feet of the property.

The applications includes a Master Use Permit to redevelop the site with a mixed use building with 107 apartment units, retail on Market Street, and three live-work units. The Applicant intends to satisfy MHA program requirements through on-site performance.

On January 5, 2023, the Seattle Department of Construction and Inspections (SDCI) issued an affirmative recommendation to conditionally approve the application. On January 31, 2023, the Deputy Hearing Examiner held an open-record public hearing on the proposed rezone. On February 8, 2023, the Deputy Hearing Examiner recommended conditional approval. That recommendation was subsequently clarified and reissued on February 16, 2023.

Hearing Examiner recommended conditions are:

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

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. Non-residential uses shall be maintained on the ground-floor of the south facade in the location of the three proposed live-work units.

DEPARTMENT IMPOSED 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.

Type of Action

A Council decision on the rezone application is quasi-judicial.¹ Quasi-judicial decisions are subject to the Appearance of Fairness Doctrine prohibiting ex-parte communication and are governed by the Council's Quasi-judicial Rules.²

Council decisions must be made on the record established by the Hearing Examiner. The Hearing Examiner establishes the record at an open-record hearing. The record contains the substance of the testimony provided at the Hearing Examiner's open record hearing and the exhibits entered into the record at that hearing.

Audio recordings of the approximately 40 minute hearing can be accessed through the Hearing Examiner's website.³ Excerpts from the record, including the early design guidance outreach packet, the SDCI recommendation, other public comments letters, and an analysis by the Applicant of how the proposed rezone meets the rezone criteria in [SMC Chapter 23.34](#) are contained in the Legistar record for CF 314470.

Committee Decision Documents

To approve a contract rezone the Committee must make recommendations to the City Council on two pieces of legislation: (1) a Council Findings, Conclusions and Decision that grants the rezone application and (2) a bill amending the zoning map and approving a PUDA.

CF 314470 - Findings, Conclusions and Decision

Council staff has drafted a proposed Council Findings, Conclusions and Decision, which:

- Adopts the Hearing Examiner's findings and conclusions and

¹ [Seattle Municipal Code \(SMC\) Section 23.76.036](#).

² Adopted by [Resolution 31602](#) (2015).

³ [Case Details for CF-314470 \(seattle.gov\)](#).

- Adopts the remaining prior-to-Master-Use-Permit-Issuance conditions recommended by the Hearing Examiner.

CB 120533 – Rezone Bill

CB 120275 would amend the Official Land Use Map to rezone the sites and approve and accept the executed PUDA.

Next Steps

The rezone application will be considered by the Committee for a potential recommendation to City Council on March 22. Depending on Committee action, a City Council vote would occur no earlier than March 28.

cc: Yolanda Ho, Supervising Analyst

----- Forwarded message -----

From: **Doug Dixon** <DougD@pfishipyard.com>

Date: Sat, Jan 8, 2022, 15:39

Subject: RE: 2501 NW Market Street Rezone Support Letters

To: Tarabochia, Peter <ptarabochia@ebdg.com>, Eugene Wasserman (eugene@ecwassociates.com) <eugene@ecwassociates.com>, Chad See <chadsee@freezerlongline.biz>, Jamie Goen (jamie@alaskacrabbers.org) <jamie@alaskacrabbers.org>, bpaine@ucba.org <bpaine@ucba.org>
Cc: Suzie Burke <office@fremontdockco.com>, Warren Aakervik <warren@ballardoil.com>, Chris Johnson <ChrisJ@pfishipyard.com>

Eugene, Peter, Chad, Jamie and Brent:

Attached please find two support letters for the rezoning of Pacific Fishermen's split zoned vacant land. We are simply asking that our property can be made just one NC3 zone, not a zone up. It is out of the BINMIC and we believe we have addressed the concerns you outlined below in the revised MUP.

We hope as leaders of the SMBC, NSIA, FLC, ABSC and UCB you can come together and support this important development that will enable Pacific Fishermen to pay for our needed dredging and help us to shore up our Union pension plans. We don't believe our maritime industry and your vessels and businesses that we support can survive the hit of another closed shipyard.

Please write to Greg Johnson CNU-A, AICP, Senior Land Use Planner, Seattle Department of Construction and Inspections at greg.johnson@seattle.gov.

Best Regards,

Pacific Fishermen, Inc.

Doug Dixon, P.E. Corporate Secretary

Naval Architect and Marine Engineer

(206) 718-0253

5351 24th Ave NW

Seattle, WA 98107

www.PacFish150.com Purchase our Book, Jigsaw Puzzle and Deck of Cards featuring King Crab Boats

www.pacificfishermen.com

[US Corps of Engineers: Shipyards of the Government Locks](#)

[Jacques Cousteau's R/V CALYPSO in Ballard](#)

[HM King Harald V and his Norwegian American Fishing Pioneers at Pacific Fishermen Shipyard](#)

From: Tarabochia, Peter <ptarabochia@ebdg.com>
Sent: Tuesday, July 20, 2021 12:32 PM
To: Jordan Selig <seligj@me.com>
Cc: Johan Strand <johan@discoverypark.ventures>; Eugene Wasserman (eugene@ecwassociates.com) <eugene@ecwassociates.com>; Suzie Burke <office@fremontdockco.com>; Doug Dixon <DougD@PFIShipyard.com>; 'Warren Aakervik' <warren@ballardoil.com>
Subject: RE: 2501 NW Market Street Support Letter.pdf

Hello Jordan,

Appreciate your assistance with a draft letter. I would like to clarify some underlying key considerations, in order for SMBC to support this as it relates to the best interests of not just PacFish but all the maritime businesses we represent in the area.

And that is, are there safeguards in the rezoning request that will protect/preserve (1) the transportation corridors for WB-67 truck traffic to/from the industrial businesses adjacent to the subject property, and (2) the currently allowed noise generated by those same industrial businesses' operations?

Additionally, are you able to share a copy of the application for the rezoning request?

Thank you,

Peter

Peter Tarabochia
Vice President, CFO

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direct: 206.204.1302 - cell: 206.851.6509

[Website](#) | [Facebook](#) | [LinkedIn](#) | [Twitter](#) | [Instagram](#)

From: Jordan Selig <seligi@me.com>
Sent: Tuesday, July 20, 2021 12:10 AM
To: Tarabochia, Peter <ptarabochia@ebdg.com>
Cc: Johan Strand <johan@discoverypark.ventures>; Eugene Wasserman (eugene@ecwassociates.com) <eugene@ecwassociates.com>; Suzie Burke <office@fremontdockco.com>; Doug Dixon <DougD@PFIShipyard.com>
Subject: Re: 2501 NW Market Street Support Letter.pdf

Dear Peter,

Thank you for your willingness to send a letter of support for the 2501 NW Market Street development on behalf of the Seattle Marine Business Coalition (SMBC).

We will draft a letter for you to review and edit as you so see fit. This letter will be addressed to Greg Johnson at the Seattle Department of Construction and Inspection (SDCI). He is our land use planner on this project.

Please let us know if you have any questions whatsoever. And again, thank you for the support.

By the way, you are absolutely correct that it's better for the City to hear more voices from the community, as opposed to a singular co-signed voice.

With best regards,

Jordan

Jordan Selig
J. Selig Real Estate, LLC
p: (206) 386-5203 m: (206) 295-3177 e: seligi@me.com

1000 Second Avenue Suite 3210, Seattle, WA 98104

On Jul 20, 2021, at 7:26 AM, Doug Dixon <DougD@PFIShipyard.com> wrote:

Thanks Peter.

The SMBC Seattle Marine Business Coalition endorsement will mean a lot to us.

I like your comment a lot:

largely borrow from your content and make it our own letter (that approach goes towards the idea that perhaps the City hearing from more voices on any one topic is better than a singular co-signed voice).

To that end, Jordon Selig and Johan Strand would be pleased to draft a first cut tailored to you organization to send.

Thanks again, Jordon will send you something to edit soon.

Doug

From: Tarabochia, Peter <ptarabochia@ebdg.com>
Sent: Monday, July 19, 2021 6:00 PM
To: Doug Dixon <DougD@PFIShipyard.com>
Cc: 'Warren Aakervik' <warren@ballardoil.com>
Subject: RE: 2501 NW Market Street Support Letter.pdf

Hi Doug,

Thanks for passing along the letter and your ask. I feel SMBC should support this one way or another – Warren, please step in if you feel otherwise and/or think we need to involve the entire Board.

I agree asking the membership base to weigh in with their own will be a longshot. But as SMBC, we could either endorse your letter (perhaps send a brief cover letter saying we endorse the attached), or largely borrow from your content and make it our own letter (that approach goes towards the idea that perhaps the City hearing from more voices on any one topic is better than a singular co-signed voice).

Peter

Peter Tarabochia
Vice President, CFO

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direct: 206.204.1302 - cell: 206.851.6509

[Website](#) | [Facebook](#) | [LinkedIn](#) | [Twitter](#) | [Instagram](#)

-----Original Message-----

From: Doug Dixon <DougD@PFIShipyard.com>

Sent: Friday, July 16, 2021 6:51 AM

To: Eugene Wasserman (eugene@ecwassociates.com) <eugene@ecwassociates.com>; Tarabochia, Peter <ptarabochia@ebdg.com>

Cc: Warren Aakervik Jr. (warren@ballardoil.com) <warren@ballardoil.com>; Suzie Burke (office@fremontdockco.com) <office@fremontdockco.com>

Subject: 2501 NW Market Street Support Letter.pdf

Eugene and Peter, how best can we at PacFish get support for this letter from NSIA and SMBC and maybe even Warren as well, sent to the City?

Can you endorse it, or is there an other way to beg the membership individually to support it with their own letters? That seems laborious and not many are letter writers.

Doug

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Pacific Fishermen Shipyard

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Fax: 206-784-1986
DougD@PFIShipyard.com

5351 24th Ave NW
Seattle, WA 98107
www.pacificfishermen.com

January 5, 2022

Greg Johnson CNU-A, AICP
Senior Land Use Planner
Seattle Department of Construction and Inspections
206-727-8736 | greg.johnson@seattle.gov

Re: 2501 NW Market Street Project & Rezone

We are a longtime Ballard heavy industrial business, founded by 400 Norwegian heritage fishermen and their wives, operating a shipyard in Seattle since 1946. As the seller of the 2501 NW Market Street property site, Pacific Fishermen, Inc., is writing to express our support for the project and the necessary request for a one level rezone match of our split-zoned property to build this project and alignment with the character and public needs of Market Street.

There have been Nordic heritage shipyards in the vicinity of this vacant lot for 150 years, since 1871, before Ballard was annexed. Unlike like our IG1 heavy industrially zoned shipyard, this vacant property is “across the tracks” in a split IC light commercial/NC3 Neighborhood Commercial zone, out of the BINMIC Ballard Interbay Northend Manufacturing Industrial Center and IG1 zoning.

This site has never been used for an industrial purpose and is located within the Ballard Urban Village, meaning the proposed use is compatible with the urban nature of the neighborhood’s central business district. We have been unable to find a suitable industrial use. It has been used as boat, car and truck storage, as there was no tenant demand for other uses. It’s size and location have never lent itself toward an industrial tenant or long-term manufacturing, maritime or industrial use. In addition, it has been mostly vacant with no tenants displaced or demand for a use that will go unmet by a change in zoning.

In addition, the sale of this property will greatly benefit the Ballard industrial community. The rezone will provide Pacific Fishermen Shipyard with much-needed funds that will restore the Shipyard to its original capacity through costly dredging along the Ship Canal. The funds may also be used to help with our Union’s underfunded pension liabilities, which forced another shipyard, FVO Fishing Vessel Owners and Marine Ways at Fishermen’s Terminal into bankruptcy.

In conclusion, we strongly support this beneficial new project and its modest rezone request. If you have any questions, please contact me at DougD@PFIShipyard.com or (206) 718-0253.

Sincerely,
Pacific Fishermen, Inc.
Pacific Fishermen Shipyard and Electric, LLC



Doug Dixon
Corporate Secretary

January 5, 2022

Re: 2501 NW Market Street Project & Rezone

Dear Greg Johnson:

As a longtime industrial business owner and neighbor adjacent to the 2501 NW Market St project, I want to express agreement that the site is not operating in a primary industrial use and is likely better suited for a non-industrial use, consistent with how other properties are redeveloping along NW Market ST and west of 24th Ave NW. This site is located within the Ballard Urban Village and the proposed use is consistent with this designation.

In addition, we appreciate that the new property owners have been in direct communication with us and we have been working together to resolve design-related access and ingress / egress concerns along NW 54th St and 26th Ave NW for Ballard Oil and its trucks.

This agreement to the project is predicated on the cooperation of SDCI and SDOT to agree to a plan that will protect the adjacent water dependent shoreline maritime industrial businesses which are a significant part of the critical mass of this important maritime economic cluster.

Thank you,

Warren Aakervik Jr.
Ballard Oil (retired)

FINDINGS, CONCLUSIONS, AND DECISION
OF THE CITY COUNCIL OF THE CITY OF SEATTLE

In the matter of the Petition:)	Clerk File 314470
Application of J. Selig Real Estate, LLC for a contract rezone of a portion of a split-zoned site at 2501 NW Market Street from Industrial Commercial with a 65-foot height limit and Mandatory Housing Affordability (MHA) suffix (IC-65(M)) to Neighborhood Commercial 3 with a 75-foot height limit, Pedestrian designation and MHA suffix (NC3P-75(M)) (Project No. 3037522-EG; Type IV).)))))))))))	FINDINGS, CONCLUSIONS, AND DECISION

Introduction

This matter involves a petition by J. Selig Real Estate, LLC (“Applicant”) for a contract rezone for the western portion of a split-zoned site from Industrial Commercial with a 65-foot height limit and M Mandatory Housing Affordability (MHA) suffix (IC 65 (M)) to Neighborhood Commercial 3 with a 75-foot height limit, pedestrian designation and M MHA suffix (NC3P 75 (M)).

The proposal site is approximately half an acre in size and is located in the Ballard urban village. The proposed rezone would apply to the western 15,934 square feet of the property. The application includes a Master Use Permit to redevelop the site with a mixed-use building with 107 apartment units, retail on Market Street, and three live-work units. The Applicant intends to satisfy MHA program requirements through on-site performance. Attachment A shows the area to be rezoned.

On January 5, 2023, the Seattle Department of Construction and Inspections (SDCI) issued an affirmative recommendation to conditionally approve the application. On January

31, 2023, the Deputy Hearing Examiner held an open-record public hearing on the proposed rezone. On February 8, 2023, the Deputy Hearing Examiner recommended conditional approval. That recommendation was later clarified and reissued on February 16, 2023. On March 22 and April 26, 2023, the Land Use Committee of the Council reviewed the record and the recommendations by SDCI and the Hearing Examiner and recommended approval of the contract rezone to the City Council.

Findings of Fact

The Council hereby adopts the Hearing Examiner's Findings of Fact as stated in the Clarified Findings and Recommendation of the Hearing Examiner dated February 16, 2023.

Conclusions

The Council hereby adopts the Hearing Examiner's Conclusions as stated in the Clarified Findings and Recommendation of the Hearing Examiner dated February 16, 2022.

Decision

The Council hereby **GRANTS** a rezone of the property from IC 65 (M) to NC3P 75 (M), as shown in Exhibit A. The rezone is subject to the execution of a Property Use and Development Agreement (PUDA) requiring the owners to comply with certain conditions for the life of the project. Those conditions, and additional conditions from the Clarified Hearing Examiner's recommendation, are adopted by the Council as follows:

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

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. Non-residential uses shall be maintained on the ground-floor of the south facade in the location of the three proposed live-work units.

DEPARTMENT IMPOSED 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.

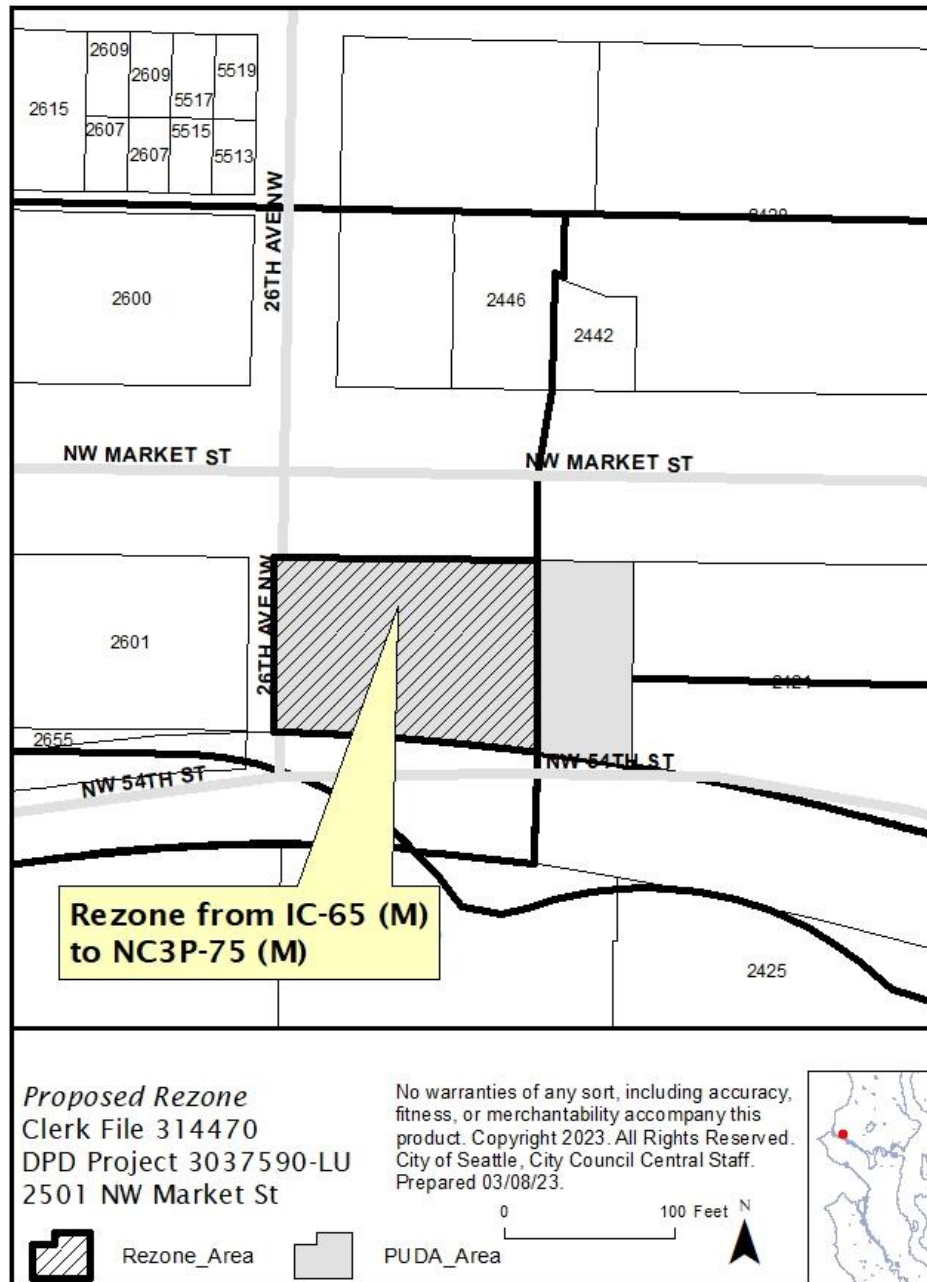
8. If resources of potential archaeological significance are encountered during construction or excavation, the owner and/or responsible parties shall:

- 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.

Dated this _____ day of _____, 2023.

City Council President

ATTACHMENT A





Legislation Text

File #: CB 120533, **Version:** 1

CITY OF SEATTLE

ORDINANCE _____

COUNCIL BILL _____

AN ORDINANCE relating to land use and zoning; amending Chapter 23.32 of the Seattle Municipal Code at page 53 of the Official Land Use Map to rezone the western 15,943 square feet of the parcel located at 2501 Northwest Market Street from Industrial Commercial with a 65 foot height limit and an M Mandatory Housing Affordability Suffix (IC 65 (M)) to Neighborhood Commercial 3 with a 75 foot height limit, P pedestrian designation, and M Mandatory Housing Affordability Suffix (NC3P 75 (M)) and accepting a Property Use and Development Agreements as a condition of rezone approval. (Application of Pacific Fishermen, Inc. C.F. 314470, SDCI Project 3037590-LU)

BE IT ORDAINED BY THE CITY OF SEATTLE AS FOLLOWS:

Section 1. This ordinance rezones the western 15,943 square feet of the following legally described property commonly known as 2501 NW Market Street:

PARCEL A:

THAT PORTION OF GOVERNMENT LOT 3, SECTION 11, TOWNSHIP 25 NORTH, RANGE 3 EAST OF THE WILLAMETTE MERIDIAN, IN KING COUNTY, WASHINGTON, DESCRIBED AS FOLLOWS:

TRACT 49 OF FARMDALE HOMESTEAD, ACCORDING TO THE PLAT THEREOF RECORDED IN VOLUME 1 OF PLATS, PAGE 211, IN KING COUNTY, WASHINGTON, LYING NORTHERLY OF THE GREAT NORTHERN RAILROAD RIGHT OF WAY AND SOUTHERLY OF MARKET STREET RIGHT OF WAY.

EXCEPT THE EAST 450.00 FEET THEREOF.

PARCEL B:

A NON-EXCLUSIVE ACCESS EASEMENT OVER A PORTION OF TRACT 49, FARMDALE HOMESTEAD, ACCORDING TO THE PLAT RECORDED IN VOLUME 1 OF PLATS, PAGE 211, IN KING COUNTY, WASHINGTON, DESCRIBED AS FOLLOWS:

BEGINNING AT A POINT ON THE SOUTHERLY LINE OF THE GREAT NORTHERN RAILROAD RIGHT OF WAY WHICH IS 299.52 FEET WEST OF THE EAST LINE OF SAID TRACT 49 AND RUNNING

THENCE SOUTH 10°08'33" WEST 24 FEET;
THENCE NORTH 72°38'30" EAST 31.00 FEET;
THENCE NORTH 86°00'30" EAST 10.00 FEET;
THENCE SOUTH 78°19'30" EAST 70.00 FEET, MORE OR LESS, TO THE SAID SOUTHERLY
LINE OF RIGHT OF WAY;
THENCE NORTHWESTERLY ALONG SAID SOUTHERLY LINE TO THE POINT OF
BEGINNING.

Section 2. Page 53 of the Official Land Use Map, Seattle Municipal Code Section 23.32.016, is amended to rezone the western 15,943 square feet of the Property described in Section 1 of this ordinance, and shown in Exhibit A to this ordinance, from Industrial Commercial with a 65 foot height limit and an M Mandatory Housing Affordability Suffix (IC 65 (M)) to Neighborhood Commercial 3 with a 75 foot height limit, P pedestrian designation, and M Mandatory Housing Affordability Suffix (NC3P 75 (M)). Approval of this rezone is conditioned upon complying with the Property Use and Development Agreement (PUDA) approved in Section 4 of this ordinance.

Section 3. The zoning designations established by Section 2 of this ordinance shall remain in effect until the Property is rezoned by subsequent Council action.

Section 4. The PUDA attached to this ordinance as Exhibit B is approved and accepted.

Section 5. The City Clerk is authorized and directed to file the PUDA with the King County Recorder's Office; to file the original PUDA along with this ordinance at the City Clerk's Office upon return of the recorded PUDA from the King County Recorder's Office; and to deliver copies of the PUDA and this ordinance to the Director of the Seattle Department of Construction and Inspections and to the King County Assessor's Office.

Section 6. This ordinance, effectuating a quasi-judicial decision of the City Council and not subject to Mayoral approval or disapproval, shall take effect and be in force 30 days from and after its passage and approval by the City Council.

Passed by the City Council the _____ day of _____, 2023, and signed by
me in open session in authentication of its passage this _____ day of _____, 2023.

President _____ of the City Council

Filed by me this _____ day of _____, 2023.

Elizabeth M. Adkisson, Interim City Clerk

(Seal)

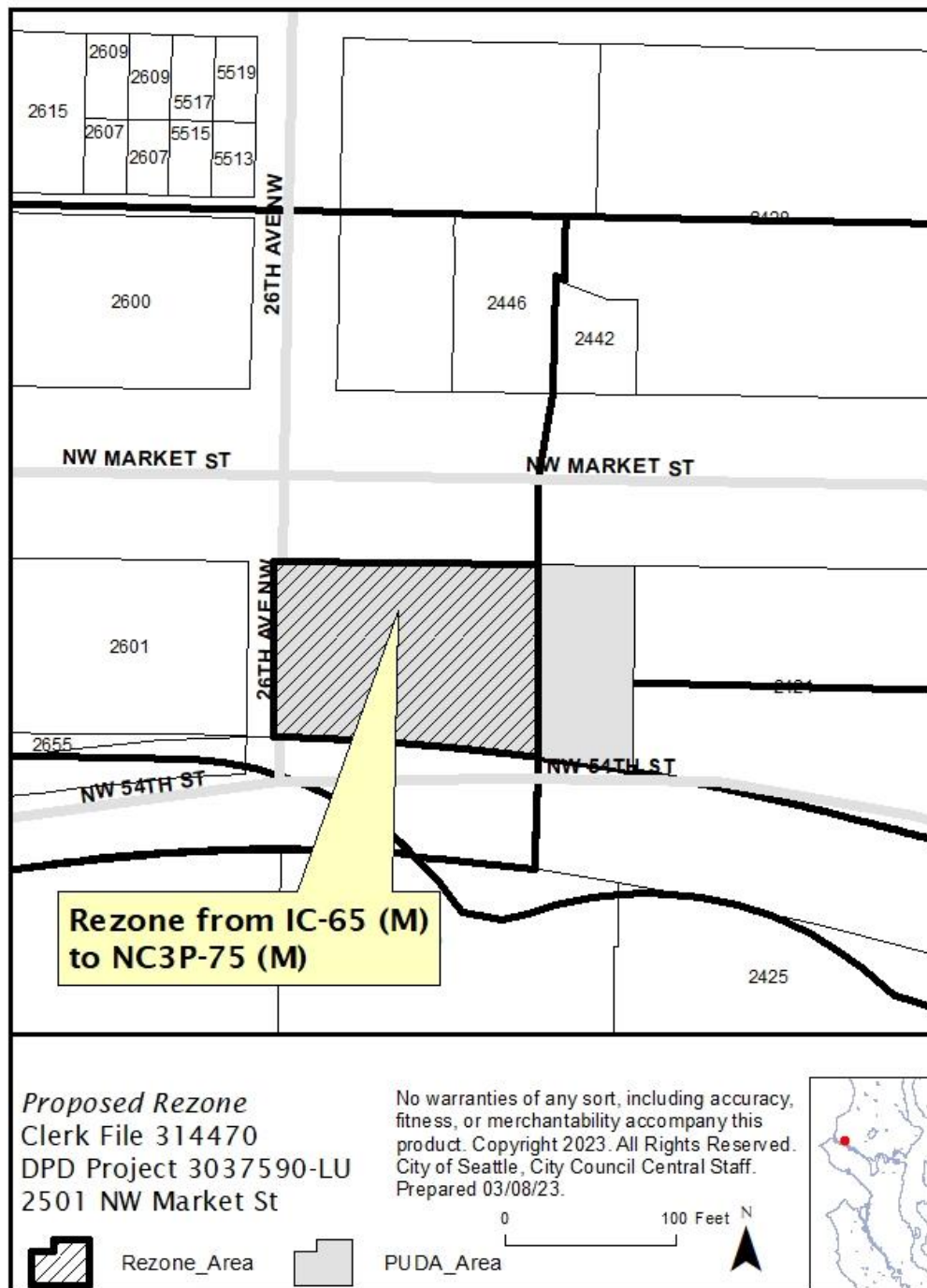
Exhibits:

Exhibit A - Rezone Map

Exhibit B - Property Use and Development Agreement for 2501 NW Market Street

Exhibit A – Rezone Map

V1



Property Use and Development Agreement

<i>When Recorded, Return to:</i>	
THE CITY CLERK 600 Fourth Avenue, Floor 3 PO Box 94728 Seattle, Washington 98124-4728	

PROPERTY USE AND DEVELOPMENT AGREEMENT

Grantor(s):		Pacific Fisherman, Inc.		
Grantee:		The City of Seattle		
Legal Description <i>(abbreviated if necessary):</i>	THAT PORTION OF GOVERNMENT LOT 3, SECTION 11, TOWNSHIP 25 NORTH, RANGE 3 EAST OF THE WILLAMETTE MERIDIAN, IN KING COUNTY, WASHINGTON, DESCRIBED AS FOLLOWS: TRACT 49 OF FARMDALE HOMESTEAD, ACCORDING TO THE PLAT THEREOF RECORDED IN VOLUME 1 OF PLATS, PAGE 211, IN KING COUNTY, WASHINGTON, LYING NORTHERLY OF THE GREAT NORTHERN			

	RAILROAD RIGHT OF WAY AND SOUTHERLY OF MARKET STREET RIGHT OF WAY. EXCEPT THE EAST 450.00 FEET THEREOF.
Assessor's Tax Parcel ID #:	112503-9037
Reference Nos. of Documents Released or Assigned:	n/a

THIS PROPERTY USE AND DEVELOPMENT AGREEMENT (the "Agreement") is executed this 22 day of March, 2023, in favor of the CITY OF SEATTLE (the "City"), a Washington municipal corporation, by PACIFIC FISHERMEN, INC., a Washington Corporation ("Owner").

RECITALS

A. PACIFIC FISHERMEN, INC., is the owner of that certain real property consisting of two parcels (collectively "Property") in the City of Seattle currently zoned Industrial Commercial with a 65 foot height limit and an M Mandatory Housing Affordability Suffix (IC 65 (M)) for the west 15,943 square feet and Neighborhood Commercial 3 with a 75 foot height limit P pedestrian designation and M Mandatory Housing Affordability Suffix (NC3P 75 (M)) for the east 5,892 square feet, shown in Attachment A and legally described as:

PARCEL A:

THAT PORTION OF GOVERNMENT LOT 3, SECTION 11, TOWNSHIP 25 NORTH, RANGE 3 EAST OF THE WILLAMETTE MERIDIAN, IN KING COUNTY, WASHINGTON, DESCRIBED AS FOLLOWS:

TRACT 49 OF FARMDALE HOMESTEAD, ACCORDING TO THE PLAT THEREOF RECORDED IN VOLUME 1 OF PLATS, PAGE 211, IN KING COUNTY, WASHINGTON, LYING NORTHERLY OF THE GREAT NORTHERN RAILROAD RIGHT OF WAY AND SOUTHERLY OF MARKET STREET RIGHT OF WAY.

EXCEPT THE EAST 450.00 FEET THEREOF.

PARCEL B:

A NON-EXCLUSIVE ACCESS EASEMENT OVER A PORTION OF TRACT 49, FARMDALE HOMESTEAD, ACCORDING TO THE PLAT RECORDED IN VOLUME 1 OF PLATS, PAGE 211, IN KING COUNTY, WASHINGTON, DESCRIBED AS FOLLOWS:

BEGINNING AT A POINT ON THE SOUTHERLY LINE OF THE GREAT NORTHERN RAILROAD RIGHT OF WAY WHICH IS 299.52 FEET WEST OF THE EAST LINE OF SAID TRACT 49 AND RUNNING

THENCE SOUTH 10°08'33" WEST 24 FEET;

THENCE NORTH 72°38'30" EAST 31.00 FEET;

THENCE NORTH 86°00'30" EAST 10.00 FEET;

THENCE SOUTH 78°19'30" EAST 70.00 FEET, MORE OR LESS, TO THE SAID SOUTHERLY LINE OF RIGHT OF WAY;

THENCE NORTHWESTERLY ALONG SAID SOUTHERLY LINE TO POINT OF BEGINNING.

B. In August 2021, the Owner submitted to the City an application under Project No. 3037590-LU for a rezone of the western portion of the Property from IC 65 (M) to NC3P 75 (M) (the “Rezone”).

C. Seattle Municipal Code Section 23.34.004 allows the City to approve a rezone subject to “self-imposed restrictions” upon the development of the Property.

NOW, THEREFORE, in consideration of the mutual agreements contained herein, the parties agree as follows:

AGREEMENT

Section 1. Agreement. Pursuant to Seattle Municipal Code Section (“SMC”) 23.34.004, the Owner covenants, bargains, and agrees, on behalf of itself and its successors and assigns that it will comply with the following conditions in consideration of the Rezone:

Prior to Issuance of a Building Permit

A. 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

B. Non-residential uses shall be maintained on the ground-floor of the south facade in the location of the three proposed live-work units.

Section 2. Agreement Runs With the Land. This Agreement shall be recorded in the records of King County by the City Clerk. The covenants contained in this Agreement shall attach to and run with the land and be binding upon the Owners, their heirs, successors and assigns, and shall apply to after-acquired title of the Owner.

Section 3. Amendment. This Agreement may be amended or modified by agreement between the Owner and the City; provided any amendments are approved by the City Council by ordinance.

Section 4. Exercise of Police Power. Nothing in this Agreement shall prevent the City Council from making further amendments to the Seattle Municipal Code or Land Use Code as it may deem necessary in the public interest.

Section 5. No Precedent. The conditions contained in this Agreement are based on the unique circumstances applicable to the Property and this Agreement is not intended to establish precedent for other rezones in the surrounding area.

Section 6. Repeal as Additional Remedy. Owner acknowledges that compliance with the conditions of this Agreement is a condition of the subject rezone and that if the Owner avails itself of the benefits of this rezone but then fails to comply with the conditions of this Agreement with the City, in addition to pursuing any other remedy, the City may:

- a. Revoke the rezone by ordinance and require the use of the Property to conform to the requirements of the previous zoning designation or some other zoning designation imposed by the City Council; and
- b. Pursue specific performance of this Agreement.

[signature and acknowledgment on following pages]

SIGNED this 22ND day of MARCH, 2023.

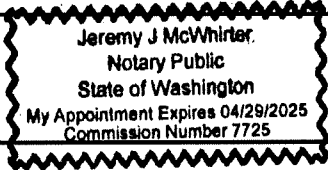

PACIFIC FISHERMEN, INC., a Washington Corporation

By: Chris Johnson

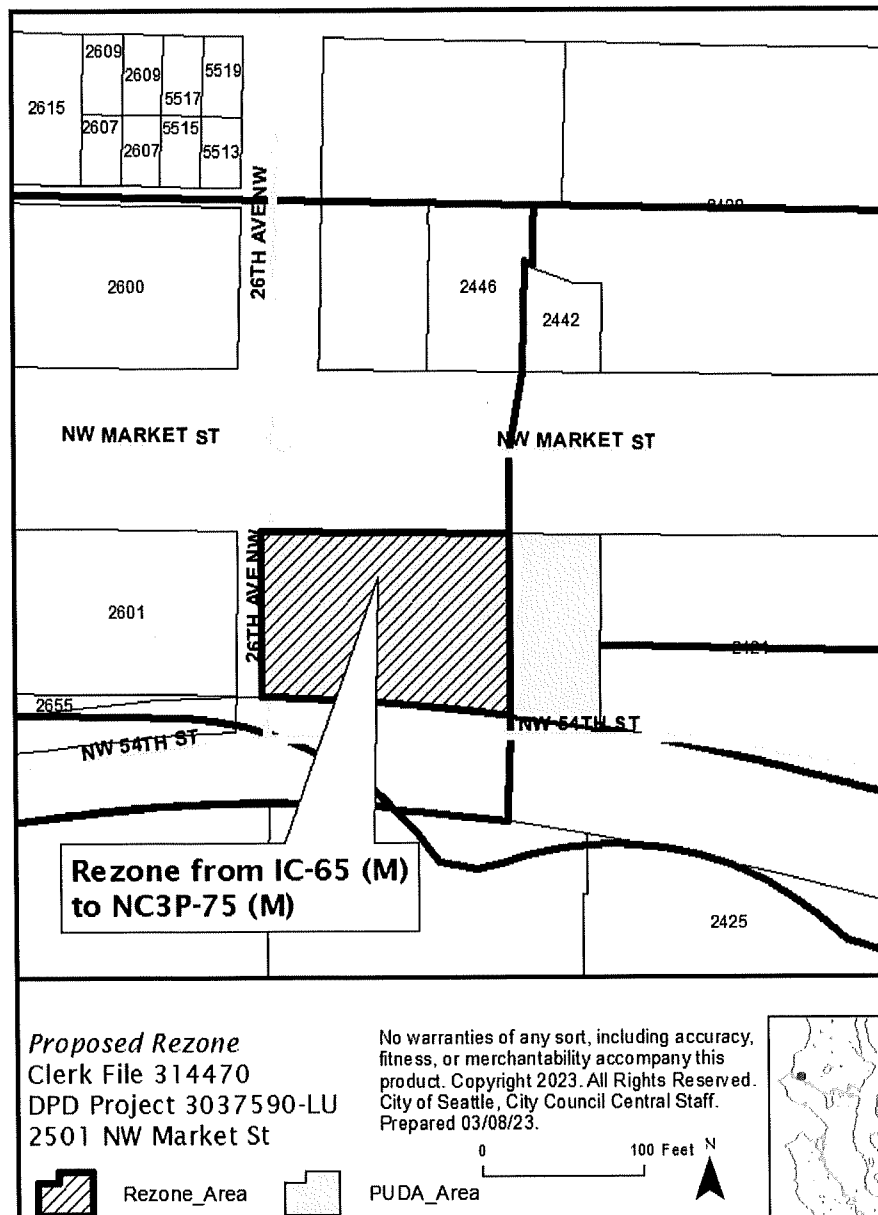
Chris Johnson
Assistant Corporate Secretary

On this day personally appeared before me Chris Johnson, to me known to be the Assistant Corp Sec of Pacific Fishermen, a Washington LLC, Washington limited liability company that executed the foregoing instrument, and acknowledged such instrument to be the free and voluntary act and deed of such limited liability company, for the uses and purposes therein mentioned, and on oath stated that he was duly authorized to execute such instrument.

GIVEN UNDER MY HAND AND OFFICIAL SEAL this 22 day of MARCH, 2023.

		Printed Name <u>Jeremy McWhirter</u>
		NOTARY PUBLIC in and for the State of Washington, residing at <u>5351 24th Ave NW Seattle WA 98107</u>
		My Commission Expires <u>4-29-2025</u>
STATE OF WASHINGTON COUNTY OF KING	}	 SS. <u>3-22-2023</u>

ATTACHMENT A



SUMMARY and FISCAL NOTE*

Department:	Dept. Contact/Phone:	CBO Contact/Phone:
Legislative	Ketil Freeman/206.684.8178	N/A

** Note that the Summary and Fiscal Note describes the version of the bill or resolution as introduced; final legislation including amendments may not be fully described.*

1. BILL SUMMARY

Legislation Title:

AN ORDINANCE relating to land use and zoning; amending Chapter 23.32 of the Seattle Municipal Code at page 53 of the Official Land Use Map to rezone the western 15,943 square feet of the parcel located at 2501 Northwest Market Street from Industrial Commercial with a 65 foot height limit and an M Mandatory Housing Affordability Suffix (IC 65 (M)) to Neighborhood Commercial 3 with a 75 foot height limit, P pedestrian designation, and M Mandatory Housing Affordability Suffix (NC3P 75 (M)) and accepting a Property Use and Development Agreements as a condition of rezone approval. (Application of Pacific Fishermen, Inc. C.F. 314470, SDCI Project 3037590-LU)

Summary and Background of the Legislation:

This bill rezones the westerly 15,943 square feet of a parcel located at 2501 NW Market St. and accepts a property use and development agreement limiting future development on the parcel. The rezone will facilitate development of a mixed-use project with 107 apartment units, here live-work units, and retail along NW Market St.

2. CAPITAL IMPROVEMENT PROGRAM

Does this legislation create, fund, or amend a CIP Project? ☐ Yes ☒ No

3. SUMMARY OF FINANCIAL IMPLICATIONS

Does this legislation amend the Adopted Budget? ☐ Yes ☒ No

Does the legislation have other financial impacts to The City of Seattle that are not reflected in the above, including direct or indirect, short-term or long-term costs?

None

Are there financial costs or other impacts of *not* implementing the legislation?

No

4. OTHER IMPLICATIONS

- a. Does this legislation affect any departments besides the originating department?

No.

- b. Is a public hearing required for this legislation?

The Seattle Hearing Examiner held an open record public hearing on January 31, 2023.

- c. Is publication of notice with *The Daily Journal of Commerce* and/or *The Seattle Times* required for this legislation?

No

- d. Does this legislation affect a piece of property?

Yes, see Exhibit A to the bill.

- e. Please describe any perceived implication for the principles of the Race and Social Justice Initiative. Does this legislation impact vulnerable or historically disadvantaged communities? What is the Language Access plan for any communications to the public?

The project will include affordable housing units meeting the requirements of the Mandatory Housing Affordability program.

- f. Climate Change Implications

1. Emissions: Is this legislation likely to increase or decrease carbon emissions in a material way?

Mixed-use development without car parking in transit-rich environments, such as the Ballard hub urban village, is likely to result in fewer carbon emissions than a similar number of housing units in a more auto-dependent location.

2. Resiliency: Will the action(s) proposed by this legislation increase or decrease Seattle's resiliency (or ability to adapt) to climate change in a material way? If so, explain. If it is likely to decrease resiliency in a material way, describe what will or could be done to mitigate the effects.

No

- g. If this legislation includes a new initiative or a major programmatic expansion: What are the specific long-term and measurable goal(s) of the program? How will this legislation help achieve the program's desired goal(s)?

Not applicable

Summary Attachments: None