

**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 hearing<sup>1</sup> 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,<sup>2</sup> 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 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.<sup>3</sup>

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<sup>1</sup> Exhibit 69; SMC 23.76.052(C). No concerns on notice were raised.

<sup>2</sup> Exhibit 70 (Resume).

<sup>3</sup> Exhibit 1 (Department Decision and Recommendation), p. 2.

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.<sup>4</sup>

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.<sup>5</sup>

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.<sup>6</sup>

**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.<sup>7</sup> The Department also reviewed the project through the State Environmental Policy Act, Ch. 43.21C, imposing several conditions and finding the proposal does not have significant environmental impacts.<sup>8</sup> 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.<sup>9</sup> 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:<sup>10</sup>

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<sup>4</sup> Exhibit 1 (Department Decision and Recommendation), p. 2; Testimony, Mr. Johnson and Mr. LaPatra.

<sup>5</sup> *Id.*

<sup>6</sup> *Id.*

<sup>7</sup> *Id.*, p. 29, with the condition at p. 65.

<sup>8</sup> *Id.*, pp. 64-66, with the conditions at pp. 65-66.

<sup>9</sup> 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.

<sup>10</sup> 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.<sup>11</sup> Also, the Neighborhood Commercial zoning with a pedestrian designation found along Market Street prohibits the industrial uses which could utilize the spur.<sup>12</sup> 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.<sup>13</sup>

**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. 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.<sup>14</sup>

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<sup>11</sup> SMC 11.74.060.A.2

<sup>12</sup> SMC 23.47A.005.D.

<sup>13</sup> Exhibit 5 (Application submittal information); Exhibit 1 (Department Decision and Recommendation), p. 1.

<sup>14</sup> 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.<sup>15</sup>

**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.<sup>16</sup> The code details payment and performance requirements.<sup>17</sup> 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.<sup>18</sup>

**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.<sup>19</sup> 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.<sup>20</sup>

**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.<sup>21</sup> Zone function statements are used "to assess the likelihood that the area proposed to be rezoned would function as intended."<sup>22</sup> "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...."<sup>23</sup> 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."<sup>24</sup>

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<sup>15</sup> SMC 23.76.004(C); SMC 23.76.004, Table A.

<sup>16</sup> SMC 23.34.004.

<sup>17</sup> See e.g., Ch. 23.58B and .58C SMC.

<sup>18</sup> Exhibit 3a.

<sup>19</sup> SMC 23.34.006.

<sup>20</sup> See e.g., Exhibit 1 (Department Decision and Recommendation), pp. 31-32.

<sup>21</sup> SMC 23.34.007.

<sup>22</sup> SMC 23.34.007(A).

<sup>23</sup> SMC 23.34.007(B).

<sup>24</sup> 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.<sup>25</sup> 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, 26<sup>th</sup> Avenue NW, and NW 54<sup>th</sup> Street. NW Market Street, as an arterial, is an appropriate buffer. 26<sup>th</sup> 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.

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<sup>25</sup> The street is a minor arterial at this location. Exhibit 1 (Department Decision and Recommendation), p. 36.

The 26<sup>th</sup> 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 uncondusive 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 26<sup>th</sup> Avenue NW to the west and NW 54<sup>th</sup> 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 15<sup>th</sup> 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



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.

**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.

**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 **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.

<b>Party</b>	<b>Method of Service</b>
<b>Applicant Legal Counsel</b> 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
<b>Department</b> SDCI  Greg Johnson <a href="mailto:greg.johnson@seattle.gov">greg.johnson@seattle.gov</a>  <a href="mailto:PRC@seattle.gov">PRC@seattle.gov</a> <a href="mailto:SCI_Routing_Coordinator@seattle.gov">SCI_Routing_Coordinator@seattle.gov</a>  Janet Oslund <a href="mailto:Janet.Oslund@seattle.gov">Janet.Oslund@seattle.gov</a>  Ketil Freeman <a href="mailto:Ketil.Freeman@seattle.gov">Ketil.Freeman@seattle.gov</a>  Roger Wynne <a href="mailto:Roger.Wynne@seattle.gov">Roger.Wynne@seattle.gov</a>  Nathan Torgelson <a href="mailto:Nathan.Torgelson@seattle.gov">Nathan.Torgelson@seattle.gov</a>	<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

<p><b>Property Owner</b>  Jordan Selig  2501 NW Market LLC  Seligj@me.com</p>	<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
<p><b>Mailing</b>  <a href="mailto:separegister@ecy.wa.gov">separegister@ecy.wa.gov</a>  <a href="mailto:jgreene@kingcounty.gov">jgreene@kingcounty.gov</a>;  <a href="mailto:shirlee.tan@kingcounty.gov">shirlee.tan@kingcounty.gov</a>;  <a href="mailto:annette.pearson@seattle.gov">annette.pearson@seattle.gov</a>;  <a href="mailto:SEPA.reviewteam@doh.wa.gov">SEPA.reviewteam@doh.wa.gov</a>;  <a href="mailto:SEPA@psc Cleanair.org">SEPA@psc Cleanair.org</a>;  <a href="mailto:McCollD@wsdot.wa.gov">McCollD@wsdot.wa.gov</a>;  <a href="mailto:bpfeiffer@kingcounty.gov">bpfeiffer@kingcounty.gov</a>;  <a href="mailto:Jim.Ishimaru@kingcounty.gov">Jim.Ishimaru@kingcounty.gov</a>;  <a href="mailto:lpa.team@kingcounty.gov">lpa.team@kingcounty.gov</a>;  <a href="mailto:glen.stamant@muckleshoot.nsn.us">glen.stamant@muckleshoot.nsn.us</a>;  <a href="mailto:fisheries2@muckleshoot.nsn.us">fisheries2@muckleshoot.nsn.us</a>;  <a href="mailto:fisheriescontact@muckleshoot.nsn.us">fisheriescontact@muckleshoot.nsn.us</a>;  <a href="mailto:Jae.butler@muckleshoot.nsn.us">Jae.butler@muckleshoot.nsn.us</a>;  <a href="mailto:Ktsang@muckelshoot.nsn.us">Ktsang@muckelshoot.nsn.us</a>;  <a href="mailto:toddgray@tulaliptribes-nsn.gov">toddgray@tulaliptribes-nsn.gov</a>;  <a href="mailto:preservationdept@duwamishtribe.org">preservationdept@duwamishtribe.org</a>;  <a href="mailto:KCWTD_otheragencyplanning@kingcounty.gov">KCWTD_otheragencyplanning@kingcounty.gov</a>;  <a href="mailto:JODI@PERMITCNW.COM">JODI@PERMITCNW.COM</a>;  <a href="mailto:SELIGJ@ME.COM">SELIGJ@ME.COM</a>; <a href="mailto:bpaine@ucba.org">bpaine@ucba.org</a>;  <a href="mailto:deane@railsnwimage.com">deane@railsnwimage.com</a>;  <a href="mailto:deke@sbmc.com">deke@sbmc.com</a>;  <a href="mailto:DougD@PFIShipyard.com">DougD@PFIShipyard.com</a>;  <a href="mailto:ecotours@duwamishtribe.org">ecotours@duwamishtribe.org</a>;  <a href="mailto:ericn@nordicmuseum.org">ericn@nordicmuseum.org</a>;  <a href="mailto:gphoops@comcast.net">gphoops@comcast.net</a>;  <a href="mailto:info@ballardmailbox.com">info@ballardmailbox.com</a>;  <a href="mailto:jamie@alaskacrabbers.org">jamie@alaskacrabbers.org</a>;  <a href="mailto:mike@ballardalliance.com">mike@ballardalliance.com</a>;  <a href="mailto:ptarabochia@ebdg.com">ptarabochia@ebdg.com</a>;  <a href="mailto:Tim.McKay@colliers.com">Tim.McKay@colliers.com</a>;  <a href="mailto:warren@ballardoil.com">warren@ballardoil.com</a>;  <a href="mailto:adrienne.watkins@gmail.com">adrienne.watkins@gmail.com</a>;  <a href="mailto:billl@mithun.com">billl@mithun.com</a>; <a href="mailto:bjohnson@eworks.org">bjohnson@eworks.org</a>;  <a href="mailto:caseyh@mithun.com">caseyh@mithun.com</a>; <a href="mailto:chrisr@mithun.com">chrisr@mithun.com</a>;  <a href="mailto:christianr@mithun.com">christianr@mithun.com</a>;  <a href="mailto:imorrison@mhseattle.com">imorrison@mhseattle.com</a>;  <a href="mailto:johanerikstrand@gmail.com">johanerikstrand@gmail.com</a>;</p>	<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

<p> <a href="mailto:lauren@weinstein.com">lauren@weinstein.com</a>;  <a href="mailto:nash@nashj.com">nash@nashj.com</a>;  <a href="mailto:pennd@touchstonenw.com">pennd@touchstonenw.com</a>;  <a href="mailto:phoebe.bogert@place.la">phoebe.bogert@place.la</a>;  <a href="mailto:jweill@gmail.com">jweill@gmail.com</a>; <a href="mailto:mike.seilo@gmail.com">mike.seilo@gmail.com</a>;  <a href="mailto:culturalpreservation@duwamishtribe.org">culturalpreservation@duwamishtribe.org</a>;  <a href="mailto:mattymatt@gmail.com">mattymatt@gmail.com</a>;  <a href="mailto:kdop07au2@relay.firefox.com">kdop07au2@relay.firefox.com</a>;  <a href="mailto:landowsr@gmail.com">landowsr@gmail.com</a>;  <a href="mailto:hralphbyzorg@yahoo.com">hralphbyzorg@yahoo.com</a>;  <a href="mailto:michaela@rose-labyrinth.com">michaela@rose-labyrinth.com</a>;  <a href="mailto:yenney3@gmail.com">yenney3@gmail.com</a>; </p>	
<p><b>Mailing</b></p> <p>Duwamish Tribe 4705 W Marginal Way SW SEATTLE WA 98106-1514</p> <p>Loretta Juarez-Wagner 1316 NE 70<sup>th</sup> St. Seattle, WA 98115</p> <p>Suquamish Tribe PO BOX 498 Suquamish, WA 98392</p>	<p> <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 </p>

Dated: February 9, 2023.

/s/ Angela Oberhansly

Angela Oberhansly, Legal Assistant