



City of Seattle
Gregory J. Nickels, Mayor

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

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

Application Number: 3009687
Applicant Name: Gladys Ly-Au Young
Address of Proposal: 4743 Ballard Ave NW

SUMMARY OF PROPOSED ACTION

Land Use Application to allow a change of use (13,800 sq. ft.) from general manufacturing and warehouse to office, restaurant, and retail. Project includes two additions to the existing building, one 4,110 sq. ft. third story with mezzanine and one 8,106 sq. ft. three story addition. Surface parking for 11 vehicles to be provided. Existing shed to be demolished.

The following approval is required:

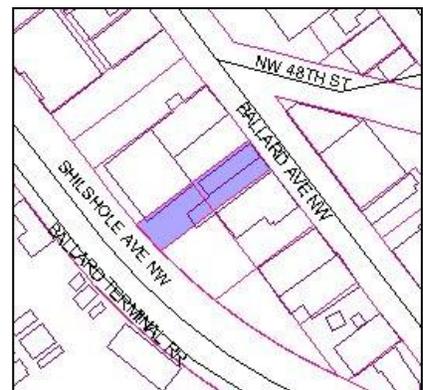
SEPA - Environmental Determination - Chapter 25.05, Seattle Municipal Code.

SEPA DETERMINATION: Exempt DNS EIS
 DNS with conditions
 DNS involving non-exempt grading or demolition or involving another agency with jurisdiction.

BACKGROUND DATA

Site Description

The proposed building site is the current location of the Kolstrand building on Ballard Ave NW. The property is 5,000 s.f. with 50 feet of frontage on both Ballard Ave NW and Shilshole Ave NW. The zoning is Industrial General 2 with unlimited height for industrial uses, and a 65' height limit for non-industrial uses (IG2 U/65). The Kolstrand building is a 2-story masonry structure with a full basement constructed circa 1900; the property was historically used as a machine shop with a small associated administrative office.



Description of Proposal

The proposal is in two phases. The first phase would reuse the existing building plus add a mezzanine and 3rd floor. The proposed uses with approximate sizes for Phase I are:

Office – 9,900 s.f. (levels, 2, mezzanine, and 3)

Bar – 3,000 s.f. (basement level)

Restaurant – 2,600 s.f. (1st floor)

Retail – 1,500 s.f. (1st floor)

Approximate Total for Phase I – 17,000 s.f.

An elevator would be added and seismic upgrades completed. The existing parking at the rear of the lot would be re-stripped.

Phase II would add a new section of building on the rear of the lot over the parking, and would contain the following uses:

Office – 8,100 s.f. (floors 2, 3 and 4)

Caretaker Unit – 800 s.f. (penthouse)

Approximate Total for Phase II - 9,000 s.f.

Parking for 11 vehicles is proposed on the rear of the lot at grade within the structure.

Phase I is proposed to occur immediately, while Phase II is anticipated to occur some time in the future, depending on market conditions. Grading is anticipated to be modest, although analysis of the specific foundation depth needed for Phase II will not be done until the building permit stage for that project.

Public Comment

The application was submitted 2/2/09. Notice of the application was issued. No public comments were received.

ANALYSIS - STATE ENVIRONMENTAL POLICY ACT (SEPA)

This analysis relies on the SEPA Environmental Checklist for the proposed project, prepared January 30, 2009, as well as on the technical environmental reports, and the comments and responses submitted with respect to this document. This decision also makes reference to and incorporates the project plans submitted with the project application.

The Seattle SEPA Ordinance provides substantive authority to require mitigation of adverse impacts resulting from a proposed project (SMC 25.05.655 and 25.05.660). Mitigation, when required, must be related to specific environmental impacts identified in an environmental document and may be imposed only to the extent that an impact is attributable to the proposal, and only to the extent the mitigation is reasonable and capable of being accomplished. Additionally, mitigation may be required only when based on policies, plans and regulations as enunciated in SMC 25.05.665 to SMC 25.05.675 inclusive (SEPA Overview Policy, SEPA Cumulative Impacts Policy, SEPA Specific Environmental Policies). In many instances, local, state or federal regulatory requirements will provide sufficient mitigation of an impact and additional mitigation through SEPA may be limited or unnecessary.

The SEPA Overview Policy (SMC 25.05.665) clarifies the relationship between codes, policies and environmental review. Specific policies for each element of the environment, certain neighborhood plans, and other policies explicitly referenced may serve as the basis for exercising substantive SEPA authority. The Overview Policy states in part that, “where City regulations have been adopted to address an environmental impact, it shall be presumed that such regulations are adequate to achieve sufficient mitigation.” Under specific circumstances, mitigation may be required even when the Overview Policy is applicable (SMC 25.05.665(D)).

Short-Term (Construction-Related) Impacts

Earth

The geotechnical/structural analysis provided by PanGeo engineers (November, 2008), shows that the soils are mapped as Vashon (glacial) till, overlain with about 6 feet of fill. The water table is shallow, given the proximity to the shoreline, and need for dewatering is anticipated during construction. Expansion of the existing sub-surface drainage system is proposed to ensure the basement level stays dry. The sub-surface drainage is anticipated to be discharged into the sanitary sewer.

No environmentally critical areas are on the site. The site is about 150 feet outside the shoreline zone--about 350 feet from the shore.

Soils reports included with the application show testing of the soils for heavy metals and petrochemicals. While one of the early reports noted levels exceeding Model Toxic Control Act (MTCA) standards, according to a follow-up study, the standards cited in the early report were for residential areas, and the levels are within the allowable Department of Ecology parameters for properties within industrial areas. Still, there is a need to ensure proper handling of any excavated soils that are exported off-site; cleanup standards could be exceeded if exported to non-industrially-zoned properties. Additionally, construction dewatering that may contain some heavy metals should not be discharged to the waters of the state, such as into the storm drainage system, without treatment. It is likely given the lack of current connection to the storm drainage system from the property, that dewatering would be discharged to the sanitary sewer. Discharge to the sanitary sewer with any necessary permits, treatment prior to discharge to the storm system, or trucking to an approved location off-site are safe methods of handling dewatering from the site. A plan is being prepared by a qualified engineer to ensure soil excavation that needs to be exported, and construction dewatering, are handled in accordance with all required environmental regulations and with best management practices. This plan will be reviewed by DPD’s technical staff and approved prior to Building Permit issuance.

Air

During construction, construction equipment will generate exhaust emissions. The movement of construction equipment, handling of material, and wind erosion of exposed surfaces could generate fugitive dust. These impacts should be minimal and short-term. The applicant will be required to follow Best Management Practices for construction activities required by the Puget Sound Clean Air Agency (PSCAA), including all reasonable precautions to avoid or minimize fugitive dust emissions. Compliance with the regulations of PSCAA will be sufficient to control those short-term impacts to air.

Construction activities including construction worker commutes, truck trips, the operation of construction equipment and machinery, and the manufacture of the construction materials themselves result in increases in carbon dioxide and other greenhouse gas emissions which adversely impact air quality and contribute to climate change and global warming. While these impacts are adverse, they are not expected to be significant due to the relatively minor contribution of greenhouse gas emissions from this project.

Noise

The area is zoned for industrial uses. Given the absence of residential uses in the immediate area, the noise ordinance is anticipated to sufficiently mitigate construction-related noise concerns.

Historic and Cultural Preservation

The project is within the “meander buffer” area, which is the area within 200 feet of the historic shoreline of the City. Grading in this area may potentially uncover historic artifacts from native cultures. Director’s Rule 2-98 outlines a procedure to follow during construction for projects in such areas. Given the six feet of fill shown on the site, anticipated project excavation for Phase I would not reach native soils where artifacts may be found. However, the engineering analysis for the future Phase II has not been done and the depth of excavation for Phase II footings is not yet known. If the engineering for Phase II would require excavation in excess of six feet, then a report will be required to assess the likelihood of encountering archeological resources and whether conditions such as on-site monitoring during excavation are recommended.

Should any archaeological resources be encountered during excavation of either phase, the project will have to comply with Chapters 27.34, 26.53, 27.44, 79.01 and 79.90 RCW and Chapter 25-48 WAC, as applicable. It is reasonable to require a condition that the project applicant or owner make compliance with these statutes and regulations a provision of any construction contracts related to excavation, furnish DPD proof this condition is satisfied prior to commencement of construction, and comply with the process in Appendix A to Director’s Rule 2-98 should any archaeological resources be encountered during excavation.

Transportation and Parking

Due to the limited size of the project, location within an industrial area where on-street parking is available, and access from both Ballard Ave NW, and from Shilshole Ave NW which is a minor arterial, construction transportation and parking impacts are considered to be minimal and not to warrant mitigation. Compliance with the street use ordinance will ensure that any off-site impacts of the construction on the streets immediately adjacent to the site will be minimized.

Long-Term Impacts

Earth

A general description of the site is included in the Short-term Impacts/Earth above. After construction activities at the site are complete, adverse impacts to earth are not expected. Ongoing compliance with the operational requirements of the Seattle Storm water, Grading and Drainage Control Ordinance and the Washington State Department of Ecology’s Storm water Management Manual for the Puget Sound Basin should be sufficient to mitigate any long-term, potential significant adverse impacts to earth.

Air

Operational activities, primarily vehicular trips associated with the project and the projects' energy consumption, are expected to result in increases in carbon dioxide and other greenhouse gas emissions which adversely impact air quality and contribute to climate change and global warming. While these impacts are adverse, they are not expected to be significant due to the relatively minor contribution of greenhouse gas emissions from this project.

Transportation and Parking

The applicant envisions a project that will draw customers and employees from the nearby area, as well as provide a mixture of uses on site that will reduce the need for trips. The project is served by Metro bus routes 17 and 18. Further analysis of parking and transportation impacts follows:

Parking

An analysis was done of the parking demand likely to be generated by the project. The project is estimated to generate the need for 40 parking spaces during the daytime peak. Given the 11 spaces to be accommodated on site, 29 spaces are anticipated to need to use street parking. Additionally, currently the industrial use generates the need for 9 spaces, 7 of which currently use street parking. Thus the net increase in overspill is anticipated to be about 22 spaces during the daytime peak. The peak demand for parking in the immediate area is also during the daytime, from nearby businesses. Based on a site visit, there is estimated to be adequate on-street parking in the immediately vicinity to accommodate the demand. The demand will also be reduced by the transportation management plan discussed under the next section.

Transportation

While the project will generate some traffic in an already congested urban area, it is anticipated that the amount of traffic generated will not have a substantial adverse impact on the intersections and streets adjacent to the site since Shilshole Avenue NW is an arterial, and the project is of limited scope. Further, there are transit opportunities available to the site and the applicant has agreed to develop and implement a Transportation Management Plan (TMP), to reduce trips by promoting transit use and ride share options. Office uses (of which the project contains 18,000 s.f.) are well-suited to benefit from such strategies. From Census data in the area, we find that Single Occupancy Vehicle Use for businesses in Ballard averages about 53%. The goal of the TMP will be to reduce trips for the site to a maximum of 50%, slightly less than the average Ballard business. The plan will be required to be approved by DPD prior to building permit final.

DECISION - SEPA

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

- [X] Determination of Non-Significance. This proposal has been determined to not have a significant adverse impact upon the environment. An EIS is not required under RCW 43.21C.030 2c.
- [] Determination of Significance. This proposal has or may have a significant adverse impact upon the environment. An EIS is required under RCW 43.21C.030 2c.

This application is **APPROVED WITH CONDITIONS.**

CONDITIONS - SEPA

Prior to Issuance of the Master Use Permit

1. An agreement form regarding completion of a Transportation Management Plan per Director's Rule 19-2008 shall be submitted to the DPD Planner.

Prior to Issuance of Construction Permits

2. Compliance with the provisions of Chapters 27.34, 26.53, 27.44, 79.01 and 79.90 RCW and Chapter 25-48 WAC, as applicable, shall be made a provision of any construction contracts related to excavation. The applicant will furnish DPD with proof this condition is satisfied prior to commencement of construction. Should any archaeological resources be discovered during excavation for the project, the applicant shall comply with the process set forth in Appendix A to Director's Rule 2-98. A copy of Director's Rule 2-98 shall be provided to excavation contractors.
3. A plan shall be prepared by a qualified engineer outlining proper disposal of construction dewatering and soil excavations. At a minimum, it shall be ensured that construction dewatering is not discharged to the storm system without prior treatment, and that any excavated soils are exported only to approved sites.
4. If footing excavation for Phase II of the project will exceed a depth of six feet, then a report discussing the potential archeological resources on site, as described in Director's Rule 2-98, shall be submitted to the DPD planner as part of the building permit review for Phase II.

Prior to Building Permit Final

5. The Transportation Management Plan discussed in condition 1 shall be completed and approved by the DPD planner.

Signature: (signature on file)
Holly E. Anderson, Land Use Planner
Department of Planning and Development

Date: June 4, 2009