



## City of Seattle

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

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

**Application Number:** 3015023  
**Applicant Name:** Mike Skidmore for Brian Regan  
**Address of Proposal:** 5304 Ballard Avenue NW

#### **SUMMARY OF PROPOSED ACTION**

Land Use Application to allow a third-story 3,514 sq. ft. office addition to an existing restaurant/office building (Queen Building). Project includes a four-story 22,439 sq. ft. restaurant/retail/office addition to the south portion of the building, resulting in a 34,549 sq. ft. building.

The following approval is required:

**SEPA – Environmental Determination-** Chapter 23.05 Seattle Municipal Code

**SEPA DETERMINATION:** [ ] Exempt [X] DNS [ ] EIS

[ ] DNS with conditions

[ ] DNS involving non-exempt grading or demolition  
or involving another agency with jurisdiction.

#### **BACKGROUND DATA**

The site is located on Ballard Avenue NW between Vernon Place NW and NW 22<sup>nd</sup> Avenue in the Ballard neighborhood. The site lies within the Ballard Urban Village and is also located in the Ballard Avenue Landmark District.

The site is zoned Neighborhood Commercial 2 with a 65-foot height limit (NC2-65) as are all properties along this section of Ballard Avenue NW. Nearby zones include Neighborhood Commercial zoning with varying height limits and Industrial Commercial to the west along the Lake Washington Ship Canal.

Because the project lies within the Ballard Avenue Landmark District it is subject to review by the Ballard Avenue Landmark District Board.

Proposal

The project covers two sites on Ballard Avenue NW; at 5310 Ballard Avenue NW which contains an existing 2-story building and at the adjacent 5304 Ballard Avenue NW which is currently vacant. The proposal is to construct a new partial 3<sup>rd</sup> story on the existing building at 5310 and to construct a new 4-story structure with a basement on the vacant site at 5304. The applicants have presented design options to the Ballard Avenue Landmark District Board on three occasions beginning in April 2013. On July 12, 2013, the District Board Coordinator gave approval for the applicant to proceed to application for SEPA review. Upon issuance of the SEPA determination, the Board may issue a Certificate of Approval to allow for the issuance of a building permit.

Public Comment

The public comment period ended on September 25, 2013. DPD received two comments from the public.

**ANALYSIS – SEPA**

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

The initial disclosure of the potential impacts from this project was made in the environmental checklist submitted by the applicant dated July 17, 2013. The Department of Planning and Development has analyzed and annotated the environmental checklist submitted by the applicant; reviewed project plans and any additional information in the file and any pertinent comments which may have been received regarding this proposed action have been considered. However, due to the temporary nature or limited effects, the impacts are not expected to be significant.

The SEPA Overview Policy (SMC 25.05.665 D) clarifies the relationship between codes, policies, and environmental review. Specific policies for each element of the environment, certain neighborhood plans, and other policies explicitly referenced may serve as the basis for exercising substantive SEPA authority. The Overview Policy states, in part: "Where City regulations have been adopted to address an environmental impact, it shall be presumed that such regulations are adequate to achieve sufficient mitigation," subject to some limitations.

Applicable codes may include the Stormwater Code (SMC22.800-808), the Grading Code (SMC22.170), the Street Use Ordinance (SMC Title 15), the Building Code, and Noise Control Ordinance (SMC 25.08).

### Short-Term Construction Impacts

The short-term, construction related impacts anticipated from the proposal are as summarized in the following list:

- *Air Quality* --- Increased dust and particulate matter due to construction activities and hauling of waste materials.
- *Transportation* --- An increase in vehicular traffic adjacent to the site due to construction vehicles.
- *Noise* --- Increased noise during construction

Noise- The project is expected to generate loud noise during demolition, grading and construction. These impacts would be especially adverse in the early morning, in the evening, and on weekends.

The Seattle Noise Ordinance permits increases in permissible sound levels associated with construction and equipment between the hours of 7:00 AM and 7:00 PM on weekdays and 9:00 AM and 7:00 PM on weekends. If extended construction hours are desired, the applicant may seek approval from DPD through a Noise Variance request. The applicant's environmental checklist states that extended hours are not anticipated. The limitations stipulated in the Noise Ordinance are sufficient to mitigate noise impacts; therefore no additional SEPA conditioning is necessary.

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

Codes and development regulations applicable to this proposed project will provide sufficient mitigation and no further conditioning or mitigation is warranted pursuant to the SEPA Overview Policy (SMC 25.05.665).

### Long-Term Impacts

The long-term use-related impacts anticipated to result from approval of this proposal are summarized in the following:

- *Historic Preservation* --- *alteration of an existing Historic landmark and construction of a new structure in a Historic Landmark District*
- *Traffic and parking*

Historic Preservation - The approval of designs for the proposed alterations and new construction are the purview of the Ballard Avenue Landmark District Board, pursuant to SMC 25.05.675H. In addition, Historic buildings are protected by the Landmarks Preservation Ordinance, SMC25.12, as well as the city's Land Use Code, Title 23.

Traffic and parking – The proposed uses for the new structure include retail and office uses with an estimated 90 people working at the site. The project is located within the Ballard Urban Village and is also located in the Ballard Avenue Landmark District where parking is not required. One block east of the site is Leary Avenue NW which is served by multiple bus lines.

Pursuant to SMC 25.05.675.M, there is no SEPA authority provided for mitigation of parking impacts in portions of urban villages within 1320 feet of a street with frequent transit service. Regardless of the parking demand impacts, no SEPA authority is provided to mitigate impacts of parking demand from this project, even if impacts were identified.

Compliance with these applicable codes is adequate to achieve sufficient mitigation for the long-term impacts resulting from the project.

Greenhouse gas emissions- 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.

No further conditioning or mitigation is warranted pursuant to specific environmental policies or the SEPA Overview Policy (SMC25.05.665).

### **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 43.21.C), including the requirement to inform the public of agency decisions pursuant to SEPA.

Determination of Non-Significance. This proposal has been determined to not have a significant adverse impact upon the environment. An EIS is not required under RCW 43.21C.030.(2)(C).

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(2)(C).

### **SEPA CONDITIONS**

None required.

Signature: \_\_\_\_\_ (signature on file) Date: December 5, 2013

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Department of Planning and Development