



**City of Seattle**  
Edward B. Murray, Mayor

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**Department of Construction and Inspections**  
Nathan Torgelson, Director

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

**Application Number:** 3024098 & 3022094  
**Applicant Name:** Alec Paddock  
**Address of Proposal:** 951 NW Ballard Way & 907 NW Ballard Way

**SUMMARY OF PROPOSAL**

**3024098:** Land Use Application to allow a 25,000 sq. ft. retail building (grocery store). Surface parking for 74 vehicles will be provided. Demolition of existing structure is being reviewed under project 3022094. Project to be considered with project 3022094 for shared lighting, access and parking.

**3022094:** Land Use Application to demolish a 2-story 36,408 sq. ft. building and allow a two story, 14,600 sq. ft. retail building. Surface parking for 43 vehicles will be provided. To be considered with project 3024098 for shared lighting, access and parking.

The following approval is required:

**SEPA - Environmental Determination (Seattle Municipal Code Chapter 25.05)**

**SEPA DETERMINATION:**

Determination of Non-Significance

- No mitigating conditions of approval are imposed.
- Pursuant to SEPA substantive authority provided in SMC 25.05.660, the proposal has been conditioned to mitigate environmental impacts

SITE AND VICINITY

Site Zone: General Industrial 2 with a 65-foot height limit (IG2 U/65)

Nearby Zones:   North: IG2 U/65  
                      South: IG2 U/65  
                      West: IG2 U/65  
                      East: IG2 U/65

ECAs:           None are present.

Site Size:       1.18 acres



PUBLIC COMMENT:

The public comment period ended on May 15, 2016. Comments were received and carefully considered, to the extent that they raised issues within the scope of this review. These areas of public comment related to the application of zoning standards related to the grocery store component of the project, traffic impacts and mitigation, and the size of the parking lot.

**I.     ANALYSIS – SEPA**

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

The initial disclosure of the potential impacts from this project was made in the environmental checklist submitted by the applicant dated 3/10/2016. The Seattle Department of Construction and Inspections (Seattle DCI) has annotated the environmental checklist submitted by the project applicant; reviewed the project plans and any additional information in the project file submitted by the applicant or agents; and any pertinent comments which may have been received regarding this proposed action have been considered. The information in the checklist, the supplemental information, and the experience of the lead agency with the review of similar projects form the basis for this analysis and decision.

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

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

### Short Term Impacts

Construction activities could result in the following adverse impacts: construction dust and storm water runoff, erosion, emissions from construction machinery and vehicles, increased particulate levels, increased noise levels, occasional disruption of adjacent vehicular and pedestrian traffic, a small increase in traffic and parking impacts due to construction related vehicles, and increases in greenhouse gas emissions. Several construction-related impacts are mitigated by existing City codes and ordinances applicable to the project such as: the Stormwater Code (SMC 22.800-808), the Grading Code (SMC 22.170), the Street Use Ordinance (SMC Title 15), the Seattle Building Code, and the Noise Control Ordinance (SMC 25.08). Puget Sound Clean Air Agency regulations require control of fugitive dust to protect air quality. The following analyzes construction-related noise, earth/soils, environmental health, greenhouse gas, construction traffic and parking impacts, as well as mitigation.

### Greenhouse Gas Emissions

Construction activities including construction worker commutes, truck trips, the operation of construction equipment and machinery, and the manufacture of the construction materials themselves result in increases in carbon dioxide and other greenhouse gas emissions which adversely impact air quality and contribute to climate change and global warming. While these impacts are adverse, no further mitigation is warranted pursuant to SMC 25.05.675.A.

### Construction Impacts - Parking and Traffic

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

The area includes limited and timed or metered on-street parking. Additional parking demand from construction vehicles would be expected to further exacerbate the supply of on-street parking. It is the City's policy to minimize temporary adverse impacts associated with construction activities.

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

<http://www.seattle.gov/transportation/cmp.htm>.

### Construction Impacts - Noise

The project is expected to generate loud noise during demolition, grading and construction. The Seattle Noise Ordinance (SMC 25.08.425) permits increases in permissible sound levels associated with private development construction and equipment between the hours of 7:00 AM and 10:00 PM on weekdays and 9:00 AM and 10:00 PM on weekends and legal holidays.

If extended construction hours are desired, the applicant may seek approval from Seattle DCI through a Noise Variance request. The applicant's environmental checklist does not indicate that extended hours are anticipated.

A Construction Management Plan will be required prior to issuance of the first building permit, including contact information in the event of complaints about construction noise, and measures to reduce or prevent noise impacts. The submittal information and review process for Construction Management Plans are described on the SDOT website at:

<http://www.seattle.gov/transportation/cmp.htm>. The limitations stipulated in the Noise Ordinance and the CMP are sufficient to mitigate noise impacts; therefore, no additional SEPA conditioning is necessary to mitigation noise impacts per SMC 25.05.675.B.

### Earth / Soils

Excavation to construct the project will be necessary. Excavation will remove an estimated 1,500 cubic yards of material from the development site and import an estimated 1,500 cubic yards of material. Soil, gravel and similar materials may be imported to or exported from the site. Transported soil is susceptible to being dropped, spilled or leaked onto City streets. The City's Traffic Code (SMC 11.74.150 and .160) provides that material hauled in trucks not be spilled during transport. The City requires that loads be either 1) secured/covered; or 2) a minimum of six inches of "freeboard" (area from level of material to the top of the truck container). The regulation is intended to minimize the amount of spilled material and dust from the truck bed en route to or from a site. No further conditioning of the impacts associated with the grading/excavation impacts of the project is warranted pursuant to SEPA policies (SMC 25.05.675.D).

### Environmental Health

The applicant submitted studies regarding existing contamination on site:

1. Phase 1 and Limited Phase 2 Environmental Assessment, 907 Northwest Ballard Way, Seattle, King County, Washington, for Pacland dated November 20, 2015 by Zipper Geo Associates, LLC.
2. Supplemental Phase 2 Environmental Site Assessment, 907 Northwest Ballard Way, Seattle, King County, Washington, for Pacland dated July 5, 2016 by Zipper Geo Associates, LLC.
3. Soil and Groundwater Analytical Results, 907 Northwest Ballard Way, Seattle, King County, Washington, for Pacland dated June 24, 2016 by Zipper Geo Associates, LLC.
4. Soil and Groundwater Management Plan, 907 Northwest Ballard Way, Seattle, King County, Washington, for Pacland dated October 21, 2016 by Zipper Geo Associates, LLC.

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

Mitigation of contamination and remediation is in the jurisdiction of Washington State Department of Ecology ("Ecology"), consistent with the City's SEPA relationship to Federal, State and Regional regulations described in SMC 25.05.665.E. This State Agency Program functions to mitigate risks associated with removal and transport of hazardous and toxic materials, and the agency's regulations provide sufficient impact mitigation for these materials.

The City acknowledges that Ecology's jurisdiction and requirements for remediation will mitigate impacts associated with any contamination.

As indicated in the SEPA checklist, the Phase I and Limited Phase II reports, and the Soil Ground Management Plan, the applicant will comply with all provisions of MTCA in addressing these issues in the development of the project.

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

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

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

Should asbestos be identified on the site, it must be removed in accordance with the Puget Sound Clean Air Agency (PSCAA) and City requirements. PSCAA regulations require control of fugitive dust to protect air quality and require permits for removal of asbestos during demolition. The City acknowledges PSCAA's jurisdiction and requirements for remediation will mitigate impacts associated with any contamination. No further mitigation under SEPA Policies 25.05.675.F is warranted for asbestos impacts.

Should lead be identified on the site, there is a potential for impacts to environmental health. Lead is a pollutant regulated by laws administered by the U. S. Environmental Protection Agency (EPA), including the [Toxic Substances Control Act \(TSCA\)](#), [Residential Lead-Based Paint Hazard Reduction Act of 1992 \(Title X\)](#), [Clean Air Act \(CAA\)](#), [Clean Water Act \(CWA\)](#), [Safe Drinking Water Act \(SDWA\)](#), [Resource Conservation and Recovery Act \(RCRA\)](#), and [Comprehensive Environmental Response, Compensation, and Liability Act \(CERCLA\)](#) among others. The EPA further authorized the Washington State Department of Commerce to administer two regulatory programs in Washington State: The Renovation, Repair and Painting Program (RRP) and the Lead-Based Paint Activities Program (Abatement). These regulations protect the public from hazards of improperly conducted lead-based paint activities and renovations. No further mitigation under SEPA Policies 25.05.675.F is warranted for lead impacts.

### Long Term Impacts

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

is warranted by SEPA policies. However, greenhouse gas, parking, and traffic warrant further analysis.

### Greenhouse Gas Emissions

Operational activities, primarily vehicular trips associated with the project construction and the project's energy consumption, are expected to result in increases in carbon dioxide and other greenhouse gas emissions which adversely impact air quality and contribute to climate change and global warming. While these impacts are adverse, no further mitigation is warranted pursuant to SMC 25.05.675.A.

### Parking

The proposed development includes a 25,000 sq. ft. grocery store and a commercial retail development of 14,600 sq. ft. with 117 off-street vehicular parking spaces. The traffic and parking analysis, Transpo Group, Traffic Impact Analysis, 951 NW Ballard Way, July 2016 and Transpo Group, Traffic Impact Analysis, 907 NW Ballard Way, July 2016 indicate a peak demand for approximately 87 vehicles from the proposed development.

The traffic and parking analysis noted that the peak parking demand for this development is 87 vehicles. The number of proposed parking spaces accommodates all of the anticipated parking demand, and no additional mitigation is warranted per SMC 25.05.675.M.

### Transportation

The Traffic Impact Analysis Transpo Group, Traffic Impact Analysis, 951 NW Ballard Way, July 2016 and Transpo Group, Traffic Impact Analysis, 907 NW Ballard Way, July 2016 indicate that the project is expected to generate a net total of 2,080 daily vehicle trips, with 188 net new PM Peak Hour trips and 64 AM Peak hour trips.

“The project is forecast to add traffic to the intersection of NW Ballard Way/NW Leary Way/NW 47th Street. Eastbound movements from NW Ballard Way are limited to right-turns onto Leary Way through signage, although observation indicates that illegal left-turns and through movements are made by eastbound vehicles. Increased traffic may increase illegal movements at this intersection. To limit this, the project will be required to design and install turn restrictions prohibiting through movements across NW Leary Way, in consultation with the Seattle Department of Transportation. No further transportation mitigation is required pursuant to SMC 25.05.675 R.”

## **DECISION – SEPA**

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

- Determination of Non-Significance. This proposal has been determined to not have a significant adverse impact upon the environment. An EIS is not required under RCW 43.21.030(2) (c).
- Mitigated Determination of Non-Significance. This proposal has been determined to not have a significant adverse impact upon the environment. An EIS is not required under RCW 43.21.030(2) (c).

The lead agency for this proposal has determined that it does not have a probable significant adverse impact on the environment. An environmental impact statement (EIS) is not required under RCW 43.21C.030 (2)(c). This decision was made after review of a completed environmental checklist and other information on file with the lead agency. This information is available to the public on request.

This DNS is issued after using the optional DNS process in WAC 197-11-355 and Early review DNS process in SMC 25.05.355. There is no further comment period on the DNS.

### **CONDITIONS – SEPA**

#### *Prior to Issuance of Demolition, Excavation/Shoring, or Construction Permit*

1. Each project should 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 at: <http://www.seattle.gov/transportation/cmp.htm>.

#### *Prior to Final Inspection*

2. The project will design and install turn restrictions prohibiting through movements across NW Leary Way, in consultation with the Seattle Department of Transportation.” This condition will be fulfilled by the first project to submit a building permit.

Joshua Johnson, AICP  
Seattle Department of Construction and Inspections

Date: October 31, 2016

JJ:drm

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**IMPORTANT INFORMATION FOR ISSUANCE OF YOUR MASTER USE PERMIT**

Master Use Permit Expiration and Issuance

The appealable land use decision on your Master Use Permit (MUP) application has now been published. At the conclusion of the appeal period, your permit will be considered “approved for issuance”. (If your decision is appealed, your permit will be considered “approved for issuance” on the fourth day following the City Hearing Examiner’s decision.) Projects requiring a Council land use action shall be considered “approved for issuance” following the Council’s decision.

The “approved for issuance” date marks the beginning of the **three year life** of the MUP approval, whether or not there are outstanding corrections to be made or pre-issuance conditions to be met. The permit must be issued by Seattle DCI within that three years or it will expire and be cancelled. (SMC 23-76-028) (Projects with a shoreline component have a **two year life**. Additional information regarding the effective date of shoreline permits may be found at 23.60.074.)

All outstanding corrections must be made, any pre-issuance conditions met and all outstanding fees paid before the permit is issued. You will be notified when your permit has issued.

Questions regarding the issuance and expiration of your permit may be addressed to the Public Resource Center at [prc@seattle.gov](mailto:prc@seattle.gov) or to our message line at 206-684-8467.