



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: 2500969
Applicant Name: Scott Clark for 1416 NW 46th Street LLC
Address of Proposal: 1416 NW 46th Street LLC

SUMMARY OF PROPOSED ACTION

Master Use Permit to establish use for future construction of a 250,672 sq. ft. five-story commercial building. Proposed uses include: General retail sales and service (11,287 sq. ft.); Administrative office (6,610 sq. ft.); Participant sports and recreation (indoor) (46,693 sq. ft.) and Accessory parking (186,082 sq. ft.). Related project(s): DPD #MUP 2500971 and ECA Exemption (DPD # 2502771).

The following approval is required:

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

SEPA DETERMINATION: Exempt DNS MDNS EIS

DNS with conditions

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

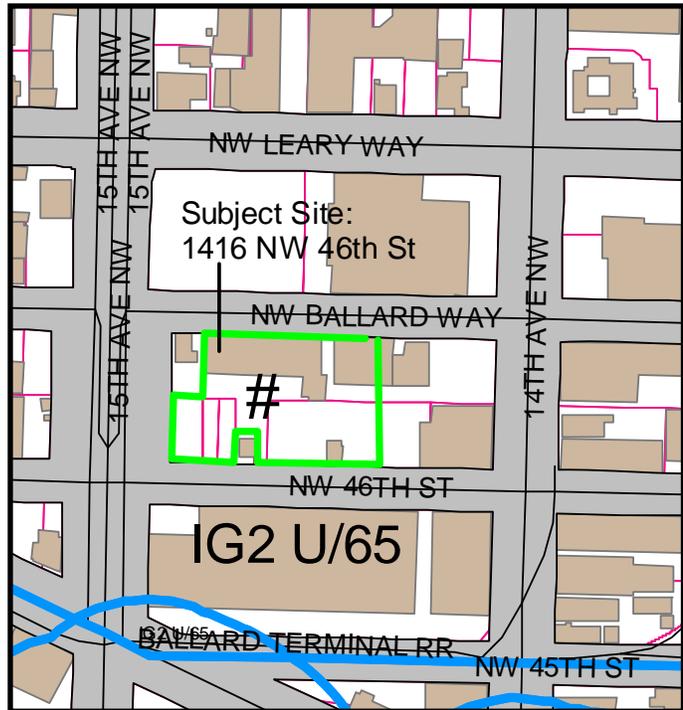
BACKGROUND DATA

Zoning: General Industrial Two with a sixty-five (65) foot height limit (**IG2-U/65**)

Proposed Uses: General retail sales and service, Administrative office, Participant sports and recreation (indoor) and Accessory parking.

Public Comment: The comment period for this proposal ended on June 15, 2005. During the public comment period, DPD received five written comments related to the project. Comments were focused on the cumulative effects of the subject project coupled with the abutting project (MUP# 2500971), parking issues, impedance of industrial users, vehicle access, street improvement specifications, and construction impacts.

Site and Vicinity: The site is located in the heart of Ballard just east of the Ballard Bridge (15th Ave NW). Vehicle access to the site will be provided mid block by way of two shared driveways with the abutting easterly site and project (MUP #2500971). 468 parking spaces will be shared between the abutting sites by way of a parking covenant.



Surrounding zoning in the vicinity is the same as the proposal site (IG2-U-85). Surrounding uses include a restaurant, a single family home, a religious facility, and industrial uses.

ANALYSIS - SEPA

Environmental review resulting in a Threshold Determination is required pursuant to the Seattle 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 April 13th, 2005. The Department of Planning and Development has analyzed and annotated the environmental checklist submitted by the project applicant and reviewed the project plans and any additional information in the file. As indicated in the checklist, this action may result in adverse impacts to the environment. However, due to their temporary nature and limited effects, the impacts are not expected to be significant. A discussion of these impacts is warranted.

Short - Term Impacts

Construction Impacts

Construction activities for the five-story structure could result in the following adverse impacts: construction dust, emissions from construction machinery and vehicles, increased particulate levels, increased noise levels, occasional disruption of adjacent vehicular and pedestrian traffic, and a small increase in traffic and parking impacts due to construction workers' vehicles. Several construction related impacts are mitigated by existing City codes and ordinances applicable to the project, such as the Noise Ordinance; the Street Use Ordinance; and the Building Code. Following is an analysis of the air, water quality, streets, parking, and construction-related noise impacts as well as mitigation.

The character of the area is industrial in nature with the exception of an existing restaurant (Mike's Chili) and one single family residence, both of which abut the site. There is also a religious facility north of the site. The construction-related noise will have some impact on one resident and the existing restaurant. Although the times allowed for construction per the Noise Ordinance (SMC 25.08) are found to be adequate to mitigate the noise impacts for the subject zone, the construction schedule from the contractor shall be provided for the single family resident (1416 NW 46th St) and the restaurant (Mike's Chili) which currently both exist on the subject block. Thus conditioning is warranted to ensure the inhabitants of the single family residence and Mike's Chili are both aware of the construction schedule.

The Street Use Ordinance includes regulations that mitigate dust, mud, and circulation. Temporary closure of sidewalks and/or traffic lane(s) is adequately controlled with a street use permit through the Seattle Department of Transportation. One issue not addressed in other city code requirements is dirt/dust created by excavation materials onto the adjacent street system. Considering the 28,500 cubic yards of cut (21,000) and fill (7,500) grading proposed in concert with the fact that trucks will be entering and leaving the site for a substantial time during construction, SEPA conditioning is warranted to mitigate these impacts.

Construction is expected to temporarily add particulates to the air and will result in a slight increase in auto-generated air contaminants from construction worker vehicles; however, this increase is not anticipated to be significant. Federal auto emission controls are the primary means of mitigating air quality impacts from motor vehicles as stated in the Air Quality Policy (Section 25.05.675 SMC).

Street Improvements and Construction Impacts

A summary of the proposed street improvements abutting the site is appropriate considering the scope of the project and the impacts to the surrounding uses and residents. Full street improvements are proposed abutting the site, with city standard curbs and gutters. Street lighting will be provided in accordance with SDOT requirements in coordination with Seattle City Light and will be reviewed during the building permit stage of the project. Relocation and replacement of existing drainage structures will likely need to take place at the new curb location. Additional collection structures may be necessary to ensure appropriate collection of curb discharged

drainage flows, particularly at 14th Ave NW and NW 46th Streets. Turning radii was considered in the design of the street improvements and reviewed by SDOT to ensure adequate maneuvering for trucks using the adjacent rights of way.

It should be noted that code compliant street improvements in the subject zone, General Industrial Two (IG2), do not required curbs and gutters or city standard sidewalks. The applicant is providing beyond what the Land Use Code requires for street improvements (SMC 23.53.020-C).

Along NW Ballard Way, the sidewalk will be 11'-6" in width and will include new street trees with landscaping pits. The existing power lines will be moved under ground and vaults provided along NW Ballard Way. This will require the temporary shut down of power to the adjacent uses (PATH Building and Mike's Chili), proper conditioning is justified pursuant to SEPA authority to ensure notice to the businesses is provided about the temporary loss of power. The applicant has stated the power shut down would take place at night so not to affect the businesses.

Along 14th Ave NW, the sidewalks will be eighteen (18) feet in width and will include new street trees with landscaping pits, the two existing power poles will be relocated. The northern pole will be moved south approximately 15 feet. The other pole will be moved easterly from the property line but remain in the same general location. ADA ramps will be provided at the intersections of both NW Ballard Way and N 46th St with 14th Ave NW. A right turn pocket will be provided headed southbound on 14th Ave NW approaching NW 46th St to alleviate possible traffic congestion.

Along NW 46th St, the sidewalks will be eleven feet (11-6) six inches in width and will include new street trees with landscaping pits. The two existing Qwest-owned phone line poles are planned to remain at the time of this decision. The poles may be relocated depending on the needs of Qwest and the applicant.

Lastly, along 15 Ave NW (just east of Ballard bridge and abutting the site), approximately twelve (12) back-in angled parking spaces are proposed. The width of sidewalk will vary from approximately twenty-four (24) feet at the north and south corners to nine (9) feet for the majority of sidewalk. Landscaping will be applied where feasible subject to SDOT requirements.

Long - Term Impacts

The following long-term or use-related impacts, increased demand on public services and utilities; increased light and glare; and increased energy consumption are not considered adverse, as other City Departments will review in detail the feasibility of these issues. Additional land use and parking/traffic impacts which may result in the long-term are discussed below.

Height, Bulk and Scale

Although there is an increase in height and overall lot coverage proposed for the development site as a whole, the proposed commercial structure will meet the Land Use Code requirements (development standards) laid forth in SMC 23.50 (Industrial). The adjacent zoning designations (Also IG2/U65) on all sides of the site allow the same height as the proposed structure. Future development as permitted by the adjacent zones has the potential of similar height and scale. Lastly, there are no unusual topographic features on the development site that warrant mitigation for Height, Bulk and Scale. As a result, no mitigation is required pursuant to SEPA authority.

Public View Protection

It is the City's policy to protect public views of significant natural features such as Mount Rainier. The project site is located between 15th Ave NW and Mount Rainier. 15th Ave NW (from NW Market St. south to W Nickerson St) is mapped as a scenic route per Exhibit 1 of SEPA Scenic Routes Map for North Seattle*. The subject site is just east of 15th Ave NW, as a result, analysis of the view protection and proposed design is appropriate.

The applicant submitted photo simulations of the proposed massing of the building in the context of 15th Ave NW and Mount Rainier. The building is proposed to the maximum permitted height limit of sixty-five (65) feet, but has portions of the structure setback from 15th Ave NW and the Ballard Bridge. The northern one-hundred (100) feet of the western facade of the proposed building is setback fifty (50) feet from 15th Ave NW, as it is not part of the subject site, (Mike's Chili site). The remaining south one-hundred (100) feet of the facade is proposed to abut 15th Ave NW.

Considering the submitted photo simulations, the location of the building relative to 15th Ave NW and the fact that 15th Ave NW is elevated approximately 12'-15' above the site, no SEPA mitigation is necessary to mitigate view protection.

Parking

The project proposes 468 garage parking spaces on site which will be shared with the abutting easterly site by way of a parking covenant. The abutting easterly development is being simultaneously reviewed for compliance under DPD MUP # 2500971. The site is proposed to also share vehicle access with the abutting development by way of an easement. The two way easement will be accessible from both NW Ballard Way and NW 46th St. Both of the access points are proposed mid-block. Pursuant to parking requirements of Chart A - SMC 23.54.015, and using transit reduction (SMC 23.54.020-F), the code adjusted parking requirement for the subject site is 140 parking stalls. The adjacent site's transit reduction adjusted parking requirement is 176 parking stalls. The combined parking requirement for both sites is 316 spaces. It is also estimated that 56 on street parallel parking spaces would be provided adjacent to the two sites.

* Scenic routes identified as protected view rights of way in the Seattle Mayor's 1987 Open Space Policies Recommendation.

The submitted transportation analysis (Heffron Transportation Inc.) shows that parking demand may be exceeded during the December peak shopping period by up to 22 spaces on any given peak Saturday. This extra demand may be balanced by the reduced demand for the large health club during the holidays. Recently the applicant has proposed approximately twelve (12) angled back up parking spaces along 15th Ave NW, which directly abuts the site. This amenity has been given preliminary approval by SDOT. Considering the proposed 468 spaces on site and the 56 on street parking spaces, the project will provide ample parking to meet use demands. The abutting site will be reviewed to ensure compliance with parking demand requirements. No SEPA conditioning is warranted.

Traffic and Transportation

The applicant submitted a transportation analysis dated May 2005 prepared by Heffron Transportation, Inc. The analysis included a comprehensive review of both proposed projects, MUP(s) 2500969 and 2500971. This report analyzed the cumulative project impacts: roadway network, traffic volumes, level of service (LOS), traffic safety, parking, transit, non-motorized facilities, site access and truck loading. Considering the likely impacts, the report cited three proposed mitigation changes:

- To improve operations, it is recommended that two southbound lanes be provided on 14th Ave NW approaching NW 46th St. One left-thru lane and one right turn only.
- On-street parking near the corner of NW Ballard Way NW 46th St should be prohibited to maximize maneuvering space for turning trucks. The clock wise movement around the site from 15th Ave NW to Ballard Ave NW to 14th Ave NW to NW 46th St is part of the route that large trucks use to access the industrial area of Ballard west of the Ballard Bridge.
- The angled parking along the north side of NW Ballard Way be removed and replaced with parallel parking. This change should be made regardless of the proposed project as the angled parking encroaches into the westbound driving lanes of NW Ballard Way.

The level of service for the study area intersections was analyzed with assumed 2007 levels of service. The level of service analysis shows that the project would not change the level of service at any location.

The applicant has agreed that the proposed mitigation changes should be made. The angled parking along the north side of NW Ballard Way proposed mitigation is not in the purview of this decision. Seattle Department of Transportation will need to review this proposed change.

Summary

In conclusion, adverse effects on the environment resulting from the proposal are anticipated to be non-significant. Meeting the conditions stated below and analyzed above, the project will be compliant with SEPA policies.

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

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 requirement of the State Environmental Policy Act (RCW 43.21.C), including the requirement to inform the public of 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 43.21.030(2)(C).

CONDITIONS - SEPA

During Construction

The following conditions to be enforced during construction shall be posted at each street abutting the site in a location on the property line that is visible and accessible to the public and to construction personnel from the street right-of-way. The conditions shall be affixed to placards prepared by DPD. The placards will be issued along with the building permit set of plans. The placards shall be laminated with clear plastic or other waterproofing material and shall remain posted on-site for the duration of the construction.

1. The owner(s) and/or responsible party(s) shall provide constructive notice of the loss of power to the adjacent uses affected by the power outage. The owner(s) and/or responsible party(s) shall provide documentation to the DPD Planner (Lucas DeHerrera (206.615.0724) or Land Use Supervisor Cheryl Waldman (206.233.3861) that the notice to the businesses and resident affected has been given or sent.
2. The owner(s) and/or responsible party(s) shall provide a construction schedule to the single family resident (1416 NW 46th St) and the business (Mike's Chili) which currently exist on the site. This schedule must be updated and sent monthly to ensure the most up to date information possible. The owner(s) and/or responsible party(s) shall provide documentation to the DPD Planner (Lucas DeHerrera (206.615.0724) or Land Use Supervisor Cheryl Waldman (206.233.3861) that the monthly construction schedule has been given or sent to the businesses affected has been given.
3. During grading activities, watering of the site and uncovered materials in trucks shall be required to reduce construction dust.

4. Construction vehicles leaving the construction site shall make provisions to wash vehicle tires, wheels and exteriors in order to prevent spillover of particulates into the adjacent rights of way.

Prior to Issuance of any Demolition Permit (non-appealable)

5. The owner(s) and/or responsible party(s) shall provide documentation to the DPD Planner (Lucas DeHerrera (206.615.0724) or Land Use Supervisor Cheryl Waldman (206.233.3861) that Puget Sound Clear Air Agency (PSCAA) has received all information necessary to assess and mitigate likely air impacts at least 10 days in advance of the demolition of any structures on site greater than 120 sq. ft.

Prior to Issuance of the Building Permit

6. The applicant shall provide a construction management plan addressing worker parking locations, construction truck routes of travel to and from the sites, construction truck arrival and departure times. The owner(s) and/or responsible party(s) shall provide this plan for review and consultation with SDOT to the DPD Planner (Lucas DeHerrera (206.615.0724) or Land Use Supervisor Cheryl Waldman (206.233.3861).

Prior to Issuance of the Building Permit (non appealable)

7. Update the MUP drawings to reflect the proposed street improvements as described above in the "Street Improvements and Construction Impacts" section of the SEPA analysis.

Signature: _____ (signature on file)

Lucas DeHerrera, Land Use Planner
Department of Planning and Development

Date: November 17, 2005