



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

Record Number: 3030984-LU
Applicant: Julian Weber for JW Architects
Address of Proposal: 11730 Pinehurst Way NE

SUMMARY OF PROPOSAL

Land Use Application to allow a 3-story, 6-unit townhouse building. Parking for 6 vehicles proposed. Existing building to be demolished.

The following approvals are required:

SEPA - Environmental Determination (Seattle Municipal Code Chapter 25.05)

Special Exception - to allow development exceeding 20% of the street-level street-facing facade as a special exception in an NC zone with a height limit less than 85 feet in the Northgate Overlay District. (SMC 23.71.044).

SEPA DETERMINATION:

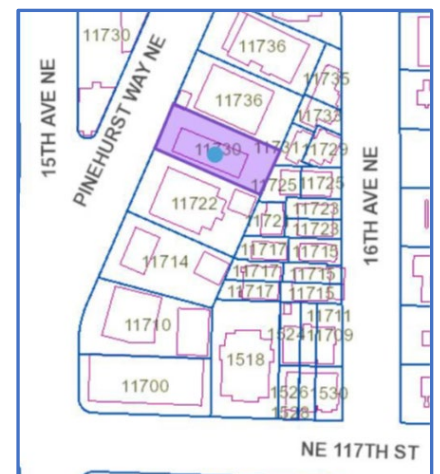
Determination of Non-significance

- ☒ 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 Description: The proposed site is located at 11730 Pinehurst Way NE located in the Northgate Overlay District. The midblock lot is situated three (3) lots northeast from the 15th Ave NE and Pinehurst Way NE intersection, with 15th Ave NE becoming a principal arterial north of NE 117th St. At 15th Ave NE, Pinehurst Way is a principal arterial to the south and a non-arterial or local street to the south. There is no alley in the block.

The lot sits on a zone edge. The adjacent lots to the north and east are residential LR2. The lot to the west across Pinehurst Way is zoned NC2 with a 55' height limit. The lot sits at the edge of a Neighborhood Commercial 2 zone scattered with small commercial buildings, some residential buildings and surface parking lots.



The site slopes downward approximately four feet to the southeast where an exceptional Cedar tree has been identified.

Site Zone: Neighborhood Commercial 2 with 55-foot height limit. NC2-55 (M). The lot was rezoned in 2019 from NC2-40 to NC2-55 (M) with a 55' height limit.

Zoning Pattern: The zoning pattern of the area is NC2-55 along a strip of 15th Avenue NE about three blocks long north to south. The commercial zone extends along Pinehurst Way NE for one half block southwest and northeast. One lot deep residential Lowrise zones line the edge of the NC2 zone giving way to single family zoning east of 16th Ave NE.

ECAs: No Environmentally Critical Areas (ECA) are mapped at the site.

Site Size: 5,902.64 square feet

PUBLIC COMMENT:

The public comment period ended on March 20, 2019. 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 traffic and air quality. Comments were also received that are beyond the scope of this review and analysis.

- Efforts should be made to help the small local business at the site. The Enat Souk business should be retained or relocated.
- There is already too much traffic in the area. This proposal should not be approved.
- Agency Comment:
The Puget Sound Clean Air Agency submitted the following public comment:
Any project where demolition of structure(s), earth moving and material handling, heavy equipment operations, and/or disposing of vegetative matter is to occur, is subject to Puget Sound Clean Air Agency regulations. The requirements may include, but are not limited to the following:
Agency Regulation I:
Article 8 – Outdoor Burning
Article 9 – Emission Control Standards, Section(s) 9.03, 9.11, and 9.15

Agency Regulation III:
Article 4 – Asbestos Control Standards

Agency Regulations can be viewed in full on our website:
<http://www.pscleanair.org/219/PSCAA-Regulations>

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 2/7/2019. The Seattle Department of Construction and Inspections (SDCI) 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, air quality, greenhouse gas, and construction traffic 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 Traffic

Increased trip generation is expected during the proposed demolition, grading, and construction activity. The area is subject to 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.

However, the amount of excavation and size of construction will result in a small and temporary increase in truck trips and demand for on-street parking. Any closures of the public right of way will require review and permitting by Seattle Department of Transportation. Additional mitigation is not warranted per SMC 25.05.675.B.

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 7:00 PM on weekdays and 9:00 AM and 7:00 PM on weekends and legal holidays in Neighborhood Commercial zones.

If extended construction hours are necessary due to emergency reasons or construction in the right of way, the applicant may seek approval from SDCI through a Noise Variance request. The applicant's environmental checklist does not indicate that extended hours are anticipated.

The limitations stipulated in the Noise Ordinance are sufficient to mitigate noise impacts and no additional SEPA conditioning is necessary to mitigate noise impacts per SMC 25.05.675.B.

Environmental Health

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 the following: greenhouse gas emissions; parking; 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, historic resources, height bulk and scale, parking, and transportation warrant further analysis.

Greenhouse Gas Emissions

Operational activities, primarily vehicular trips associated with 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.

Historic Resources

The existing structure on site is more than 50 years old. The Department of Neighborhoods reviewed the proposal for compliance with the Landmarks Preservation requirements of SMC 25.12 and indicated the structure on site is unlikely to qualify for historic landmark status (Landmarks Preservation Board letters, reference number LPB 168/20). Per the Overview policies in SMC 25.05.665.D, the existing City Codes and regulations to mitigate impacts to historic resources are presumed to be sufficient, and no further conditioning is warranted per SMC 25.05.675.H.

Height, Bulk, and Scale

The height, bulk and scale of the proposed development and relationship to nearby context have been addressed during the land use review process. The proposed project has articulated massing with a variety of building materials to provide scale and contribute to a sense of reduce bulk and height. The roof forms are residential in character and relate to the surrounding neighborhood. Pursuant to the Overview policies in SMC 25.05.665.D, the existing City Codes and regulations to mitigate height, bulk and scale impacts are adequate and additional mitigation is not warranted under SMC 25.05.675.G.

Plants and Animals

Mature vegetation is located on the site, including an exceptional tree, a western red cedar. The location of this tree is in the southeast corner of the site. The applicant submitted an arborist report (*Cushing, 2009*) and identified the exceptional tree in the MUP plan set. SDCI's Arborist has reviewed the information.

The proposal is to retain the exceptional tree. In order to mitigate impacts to the exceptional tree under SMC 25.05.675.N, a tree preservation plan is included in the MUP set. The tree preservation plan will be included in demolition, excavation, shoring, and construction permit plans.

Transportation

The low amount of additional traffic, net 12 traffic trips per day, anticipated from this project during the AM and PM peak hours would distribute to nearby roadways, including 15th Avenue NE and Pinehurst Way NE. No mitigation is warranted per 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).

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.

II. ANALYSIS - SPECIAL EXCEPTION

The Land Use Code provides a Special Exception review process for residential uses in commercial zones within the Northgate Overlay District. The special exception application shall be subject to the following provisions:

SMC 23.71.044

- A. *In C and NC zones with height limits less than eighty-five (85) feet, residential uses, in aggregate, may exceed 20% of the street-level street-facing façade only as a special exception under the following conditions or criteria:*
 1. *Either:*
 - a. *Due to location or parcel size, the proposed site is not suited for commercial development; or*
 - b. *There is substantial excess supply of land available for commercial use near the lot, as evidenced by conditions such as lack of commercial activity in existing commercial structures for a sustained period, commercial structure in disrepair, or vacant or underused commercially zoned land; and*
 2. *The residential structure would not interrupt an established commercial street front. As used in this subsection, the phrase “established commercial street front” may include a street front intersected by streets or alleys, and some lots with no current commercial use.*



Figure 1: The site

The project proposal aims to build residential development greater than the code allowed 20% of the street facing façade. The code allows 20% of the 50-foot property width to be residential use, or ten feet. The proposal is for 34.5 feet of residential use.

The subject parcel is suited for small commercial development as evidenced by the current use and thus does not meet criterion SMC 23.71.044 A1a.

However, analysis shows that there is an excess supply of land available for commercial use near the lot as evidenced by conditions such as lack of commercial activity in existing commercial structures, structures in disrepair, or vacant or underused commercially zone land. Also, the proposed residential structure would not interrupt an established commercial street front.

The lot directly to the south of the subject parcel is zoned NC2-55 (M). It is a residential apartment building with no commercial uses. The adjacent lots to the south along Pinehurst, also zoned NC2-55 (M), are vacant commercially zoned properties, underbuilt properties, or properties which are unoccupied, fenced off single-level commercial buildings. The commercial building across Pinehurst Way from the subject site is oriented to 15th Avenue NE with parking and commercial entries while the back of the building faces Pinehurst Way. The table below demonstrates that there are many underdeveloped commercial properties in the immediate area.

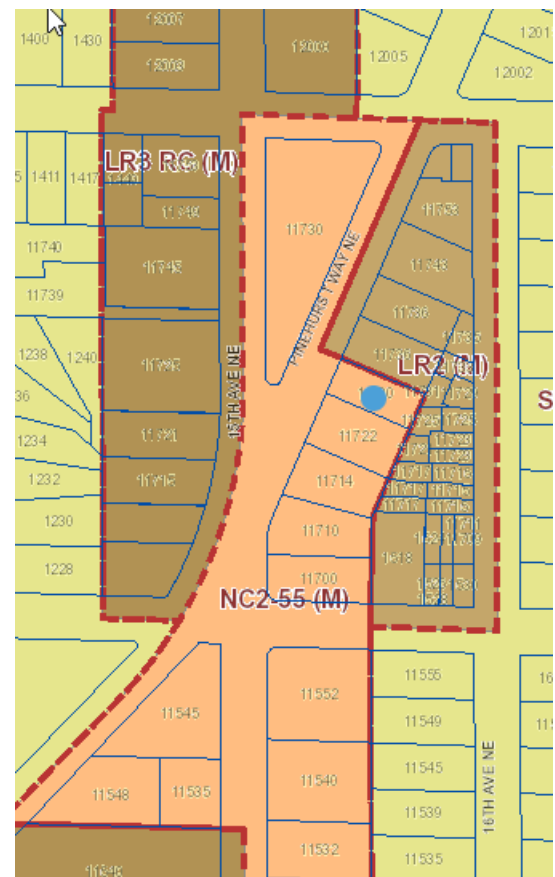


Figure 2: Area zoning and addresses

Parcel information of the NC2-55 (M) zone along Pinehurst Way NE and 15th Avenue NE

<i>Address</i>	<i>Total FAR available</i>	<i>FAR used</i>	<i>Net FAR available</i>	<i>Property notes</i>
11722 Pinehurst Way NE	31,500 sf	6,900 sf	24,600 sf	(8) unit apartment (built 1978)
11714 Pinehurst Way NE	61,088 sf	20,000 sf	41,088 sf	(5) Live-work & (7) Townhouse under 3036800-EG (in review)
11710 15 th Ave NE	Combined with the site above.			
11700 15 th Ave NE	30,195 sf	4,320 sf	25,875 sf	1 story retail (built 1947) Active restaurant and dry cleaner
11552 15 th Ave NE	30,375 sf	930 sf	29,445 sf	Vacant lot with fenced perimeter
11540 15 th Ave NE	53,156 sf	3,654 sf	49,502 sf	1 story retail (built 1956) Abandoned
11532 15 th Ave NE	37,968 sf	No record for total sf from KC	N/A	(20) units and (2) office condo (built 1997)
11535 15 th Ave NE	26,831 sf	1,204 sf	25,627 sf	1 story retail (built 1996) Building for rent.
11545 15 th Ave NE	54,000 sf	3,768 sf	50,232 sf	1 story office (built 1955) Active uses
11730 15 th Ave NE	104,242 sf	1,732 sf	102,510 sf	1 story retail strip. Active uses.

A new livework and townhouse development is proposed to the south of the subject property at 11710 15th Ave NE. Substantial development on many properties in the area has not occurred since 1997.

Active commercial use is located to the south of the site on Pinehurst Avenue NE at 11700 15th Ave NE. The use is a single level dry-cleaner and Ethiopian restaurant.

Travelling south to 15th Avenue NE there are vacant lots, abandoned commercial buildings or lots underbuilt to development standards. Commercially zone land in this area is underused as evidenced by empty one-story commercial buildings located in a NC zone with a 55-foot height limit. Occupied and vacant one-story commercial buildings are located in the area where zoning allows four and five story commercial buildings. Abundant commercial square footage is available in the NC-55 zone along Pinehurst Avenue NE and 15th Avenue NE as shown in the table above.

The proposed residential structure would not interrupt an established commercial street front. The proposed structure is at the zone edge of a residential zone extending to the north. The property is located on Pinehurst Way NE which is a commercial street transitioning to a residential street, tangent to the busy and predominantly commercial 15th Avenue NE. 15th Avenue NE carries the majority of the commercial traffic traveling north and south in the area. The nearby established

commercial area is primarily located on 15th Avenue NE, a large portion of which is underutilized; thus, the subject parcel does not interrupt an established commercial street front.

The subject parcel is suited for small residential development and meets criteria SMC 23.71.044 A1b and 2.

DECISION – SPECIAL EXCEPTION

The project proposal to build a residential building which occupies more than 20% of the street-facing façade in an NC zone with a height limit less than eighty-five (85) feet is **approved**.

CONDITIONS – SEPA

None.

CONDITIONS – SPECIAL EXCEPTION

None.

Holly J. Godard, Senior Land Use Planner
Seattle Department of Construction and Inspections

Date: June 20, 2023