



City of Seattle

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: 2500716

Applicant Name: Bob Erlichman, Bennett Sherman LLC and Seattle Housing Authority

Address of Proposal: 6701 37th Avenue South

SUMMARY OF PROPOSED ACTION

Master Use Permit to establish use for future construction of a Clustered Housing Planned Development to create 40 lots. Project includes approximately 21,167 cubic yards of associated grading. A full subdivision to subdivide 22 existing parcels into 40 parcels was reviewed under Project #2505089.

The following approvals are required:

- **Administrative Conditional Use (ACU)**
Clustered Housing Planned Development (CHPD) – SMC 23.44.024
- **SEPA to conditionally approve pursuant to 25.05.660.**

SEPA DETERMINATION: Exempt DNS MDNS EIS*

DNS with conditions

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

*Addendum to Environmental Impact Statement.

RELATED PROJECTS

MUP 2505089 included the subdivision of 22 parcels into 40 unit lots and three tracts for open space in an Environmentally Critical Area. A grading and site improvement application has been made under Project No. 6094252 and a building permit application was filed under Project No. 6094233.



BACKGROUND INFORMATION

The applicant proposes a Clustered Housing Planned Development and Subdivision consisting of a unit subdivision of 22 existing parcels into 40 unit lots. The existing tax parcels (3395060140 through 3395060340) are also existing platted lots (7 through 27 and Block 11). The subdivision application used the entire area of 22 parcels to construct the project, effectively creating one “parent” lot.

The currently vacant development site is proposed for construction of 40 single family detached structures. Accessory parking is provided within all of the units. The individual unit lots range in size from 2,116 sq. ft. to 4,400 sq. ft. (please refer to sheet 3 of the plat map of project #2505089 for detailed parcel square footage). Table 1 summarizes the proposed lot sizes.

Table 1: Proposed Lots sq. ft.

Number of Unit Lots	Square Footage	Referenced Lot Numbers
1	4,400	10
1	3,931	1
5	3,920	4-7
4	3,850	2-3,8-9
2	3,710	15-16
4	3,430	12-13, 20-21
1	3,423	11
4	3,360	14, 17-19
1	2,775	23
5	2,208	24, 27, 30, 33, 35
12	2,116	25-26,28-29, 31-32, 34-35, 37-40

Each unit lot will contain private usable open spaces that will be landscaped. Landscaping within the parent lot will include existing and new trees and shrubbery meeting Code requirements. Additionally, the proposed subdivision includes three open space tracts, one of which will be designated for common recreational use and two of which are preserved open spaces. As referenced, the 37th Avenue South and South Holly Street rights-of-way would be developed to full right-of-way improvement standards.

The proposed structures along 37th Ave South and South Holly Street are designed to be two to three-story structures fronting the streets. Primary vehicle access to the development site will be from six shared curb cuts off of 37th Avenue South and three individual driveways off South Holly Street. This full unit lot subdivision would create 40 separate unit lots only for the purpose of allowing sale or lease of the individual unit lots for each of the dwelling units on the one parent lot (or development site).

Vehicle access to the site is proposed from 37th Ave South via six pairs of curb cuts. Interior to the site is a series of driveways and pathways for vehicle and pedestrian circulation throughout the property. A designated common open space (Tract A) is located along 37th Avenue South. The vast western portion of the site is to remain undeveloped and maintained as a greenbelt (Tracts B and C).

Site and Vicinity

The project site is located in the Holly Park neighborhood on the south side of South Holly Street and on the west side of 37th Avenue South. The site is zoned both Multifamily: Lowrise Three (L3) and Single Family 5000 (SF 5000). The Lowrise zoning continues to the west and the single family zoning extends across 37th Avenue South to the east and across South Holly Street to the north. Abutting the subject site to the south is John C. Little, Sr. Park that is also zoned SF

5000 and L3. The western portion of the subject site (zoned L3) includes a greenbelt area that is designated and maintained by the Seattle Housing Authority.

The irregularly shaped parcel has approximately 292,715 square feet, with an 850 foot frontage along 37th Avenue South and a 437 foot frontage along South Holly Street. Both South Holly Street and 37th Avenue South are non-arterial streets, and there is no alley. South Holly Street to the north is improved with sidewalk, curb and gutter and 37th Avenue South is not improved with sidewalk, curb and gutter. The site contains Environmentally Critical Areas (ECA) 40% Steep Slope and a Category IV wetland.

Procedural Information

This DPD Decision and Recommendation includes three distinct components of review to evaluate the proposal. One component is the SEPA threshold determination and mitigation of adverse environmental impacts (SMC 25.05). The second component is the Administrative Conditional Use (ACU) for the Clustered Housing Planned Development (CHPD). Lastly is the Subdivision component under project #2505089, which requires a written report and recommendation by the Director to the Hearing Examiner. The Hearing Examiner will make a decision on the subdivision (preliminary plat) and the City Council will then render a determination on the final plat pursuant to SMC 23.22.074.

Future development of the subject site will undergo further permitting requirements, including construction-level approvals such as grading and building permits.

Public Comment

One comment was received during the comment period which ended on July 20, 2005. The letter expressed support for the proposed development and to ensure that the existing greenbelt along the western portion of the site be preserved.

DIRECTOR'S ANALYSIS – ADMINISTRATIVE CONDITIONAL USE (ACU)

SMC 23.44.024 Clustered housing planned developments.

Clustered housing planned developments (CHPDs) may be permitted as an administrative conditional use in single-family zones. A CHPD is intended to enhance and preserve natural features, encourage the construction of affordable housing, allow for development and design flexibility, and protect and prevent harm in environmentally critical areas. CHPDs shall be subject to the following provisions:

A. *Site Requirements.*

- 1. The minimum size of a CHPD shall be two (2) acres. Land which is designated environmentally critical due to the presence of a riparian corridor, wetland or steep slope according to SMC Chapter 25.09, Regulations for Environmentally Critical Areas, and submerged land shall not be used to meet minimum size requirements.*

The site is 6.77 acres in size. The steep slope and wetland environmentally critical areas (ECA's) mapped by the City of Seattle or otherwise observed on the site have not been used to meet minimum size requirements. Therefore this requirement is satisfied.

2. *Where portions of a site are designated environmentally critical due to the presence of a riparian corridor, wetland or steep slope according to SMC Chapter 25.09, Regulations for Environmentally Critical Areas, the conditional use clustered development provisions under Section 25.09.260 shall apply, superseding the standards of this section.*

Given the presence of steep slope and wetland environmentally critical areas (ECA's) mapped by the City of Seattle or otherwise observed on the site, the Environmentally Critical Areas conditional use clustered development provisions shall be applied to the proposed development.

3. *The Director may exclude land from a CHPD if it is separated from the site by topographical conditions, if it has a poor functional relationship with the site, or if inclusion of the land would negatively impact adjacent single-family zoned lots.*

No topographical conditions exist which would warrant exclusion of any land from the CHPD. No portion of the property has a poor functional relationship with the site as a whole. No portion of the site need be excluded from the CHPD due to negative impacts on adjacent single-family zoned lots.

25.09.260 Environmentally critical areas administrative conditional use.

- A. *When the applicant demonstrates it is not practicable to comply with the requirements of Section 25.09.240 B considering the parcel as a whole, the applicant may apply for an administrative conditional use permit, authorized under Section 23.42.042, under this section to allow the Director to count environmentally critical areas and their buffers that would otherwise be excluded in calculating the maximum number of lots and units allowed on the parcel under Section 25.09.240 E.*

The proposed development does not meet the requirements of SMC 25.09.240 and therefore cannot count environmentally critical areas and their buffers towards calculating the maximum number of lots allowed.

- B. *Standards. The Director may approve an administrative conditional use for smaller than required lot sizes and yards, and/or more than one (1) dwelling unit per lot if the applicant demonstrates that the proposal meets the following standards:*

Along 37th Avenue South, the required front setback is 20 feet. For lots 1-10, eight-foot setbacks are proposed.

1. *Environmental Impacts on Critical Areas.*
 - a. *No development is in a riparian corridor, shoreline habitat, shoreline habitat buffer, wetland, or wetland buffer.*
 - b. *No riparian management area, shoreline habitat buffer, or wetland buffer is reduced.*
 - c. *No development is on a steep slope area or its buffer unless the property being divided is predominantly characterized by steep slope areas, or unless approved by the Director under Section 25.09.180 B2a, b or c.*
 - (1) *The preference is to cluster units away from steep slope areas and buffers.*
 - (2) *The Director shall require clear and convincing evidence that the provisions of this subsection B are met when clustering units on steep slope areas and steep slope area buffers with these characteristics:*

- (a) *A wetland over fifteen hundred (1,500) square feet in size or a watercourse designated part of a riparian corridor; or*
- (b) *An undeveloped area over five (5) acres characterized by steep slopes; or*
- (c) *Areas designated by the Washington Department of Fish and Wildlife as urban natural open space habitat areas with significant tree cover providing valuable wildlife habitat.*

The proposed development has selected to comply with the newly adopted Environmental Critical Areas regulations, effective May 9, 2006. No development is proposed to occur in the steep slope critical areas or buffers. The private usable yards for 11 of the units along the west, however, will encroach onto the steep slope buffer area. Such encroachment will not involve significant grading or development; therefore neither the steep slopes nor their buffers will be disturbed by development. Thus, the steep slope regulations are satisfied.

The wetland located on site is classified as a degraded Category IV wetland and is less than 1,000 square feet. Although no buffer is required, the following mitigation shall be required pursuant to SMC 25.09.160.C3.

1. All plans shall include 50' buffer as shown with a 25' buffer along the western portion of the wetland.
2. All invasive plants within the entire wetland buffer region shall be removed.
3. Signage indicating a "No Disturbance Area" shall be posted in at least four locations (evenly spaced) around the wetland buffer perimeter.
4. Fencing and signage shall be posted at western edge of those rear yards abutting the wetland buffer.

d. The proposal protects Washington State Department of Fish and Wildlife priority species and maintains wildlife habitat.

Not applicable.

e. The open water area of a shoreline habitat, wetland or riparian corridor shall not be counted in determining the permitted number of lots.

The wetland area has not been counted towards the density calculations.

f. The proposal does not result in unmitigated negative environmental impacts, including drainage and water quality, erosion, and slope stability on the identified environmentally critical area and its buffer.

See conditions listed above.

g. The proposal promotes expansion, restoration or enhancement of the identified environmentally critical area and buffer.

See conditions listed above.

2. *General Environmental Impacts and Site Characteristics.*

- a. *The proposal keeps potential negative effects of the development on the undeveloped portion of the site to a minimum and preserves topographic features.*

The requested reduction to the front setbacks are the result of the steep slopes and wetland located in the midsection of the site. The Code requires preservation and enhancement of these topographical conditions by requiring buffer areas. The provision of these buffer areas limits the buildable area and constricts the proposed units to a slightly smaller portion of the property than would be necessary if the topographical conditions did not exist. As a result, some of the yards are less than required in order to accommodate the proposed structures, vehicle access lanes and utility easements. No disturbance of the significant topographic features including the steep slopes, trees and wetland is proposed; therefore this criterion is satisfied.

- b. *The proposal retains and protects vegetation on designated non-disturbance areas, protects stands of mature trees, keeps tree removal to a minimum, removes noxious weeds and protects the visual continuity of vegetated areas and tree canopy.*

Most all of the trees identified in the tree survey will remain unaffected by the proposed development. These trees are essentially located westward of the steep slope system and run along the greenbelt portion of the site to the west. This area is identified as Tracts B and C, neither of which are expected to be affected by the proposed development. All of the development and landscaping is to occur essentially within the easternmost 150 feet of the site fronting on to the existing streets.

3. *Neighborhood Compatibility.*

- a. *The total number of lots permitted on-site shall not be increased beyond that permitted by the underlying single-family zone.*

The minimum lot size permitted by SMC 23.44.010.A for the subject single family zone (SF 5000) is 5,000 sq. ft. The overall square footage of the site and CHPD land area is 225,495 sq. ft. as indicated on the survey. Since the Code does not contemplate spilt-zoned lots for the purposes of clustered housing and because the standards set forth in the single family portion of the Code are more restrictive, it was determined that the single family density provisions may be applied to this site for the purposes of clustered housing. As a result, $225,495 / 5000 = 45$; 45 units are allowed and 40 dwelling units are proposed. Therefore, the proposed number of units proposed to be permitted in the CHPD is consistent with this requirement.

- b. *Where dwelling units are proposed to be attached, they do not exceed the height, bulk and other applicable development standards of the Lowrise 1 (L-1) zone.*

None of the dwelling units are proposed to be attached; therefore this provision does not apply.

- c. *The development is reasonably compatible with and keeps the negative impact on the surrounding neighborhood to a minimum. This includes, but is not limited to, concerns*

such as neighborhood character, land use, design, height, bulk, scale, yards, pedestrian environment, and preservation of the tree canopy and other vegetation.

The proposed reduction in setbacks does not pose a compatibility concern with the surrounding context given that there no discernible pattern established. The subject site is bordered to the west by a greenbelt that is zoned Lowrise 3, a public park to the south and street right-of-ways to the east and north. Across these streets, the development pattern varies between undeveloped single family lots, single and multi family structures. Furthermore, much of the Holly Park land owned by Seattle Housing Authority has recently experienced significant redevelopment that includes dense residential development.

Since the surrounding built context offers no discernible pattern for layout protocol, the reduced front yards and proposed layout are not incompatible with the scale and design of the surrounding community. In order to establish a consistent pattern of front yard setbacks that are compatible with typical single family development, the Director approves the reduced front yard setback to eight feet for Lots 1 through 10.

C. Conditions.

- 1. In authorizing an administrative conditional use, the Director may mitigate adverse negative impacts by imposing requirements and conditions necessary to protect riparian corridors, wetlands and their buffers, shoreline habitats and their buffers, and steep slope areas and their buffers, and to protect other properties in the zone or vicinity in which the property is located.*

See conditions listed above.

- 2. In addition to any conditions imposed under subsection 1, the following conditions apply to all administrative conditional uses approved under this subsection:*
 - a. Replacement and establishment of native vegetation shall be required where it is not possible to save trees or vegetation.*

The street rights-of-way will include 27 street trees – a combination of Beech and Elm trees. In the portion of the site where the development is proposed to occur, dense vegetation is proposed including large deciduous trees and smaller varieties of trees. In total, 114 trees will be provided as part of the development. In addition, numerous shrubs, perennials, grasses and groundcovers have been shown throughout the development, emphasizing individual entry areas, pathways and the designated common open space area (identified as Tract A). All of the landscaping is compatible with and in keeping with typical traditional single family development.

- b. Where new lots are created, the provisions of Section 23.22.062, Unit lot subdivisions, or Section 23.24.045, Unit lot subdivisions, apply, regardless of whether the proposal is a unit lot subdivision, so that subsequent development on a single lot does not result in the development standards of this chapter being exceeded for the short subdivision or subdivision as a whole.*

The unit lot subdivision provisions have been applied to the site.

DECISION – ADMINISTRATIVE CONDITIONAL USE

The proposed yard reductions are hereby **APPROVED WITH CONDITIONS** by the Director.

ANALYSIS – SEPA

The applicant submitted copies of the Holly Park Redevelopment Final Environmental Assessment EIS (April 1997) and subsequent Phase III Addendum prepared by the Seattle Housing Authority (May 2001). These documents include a Traffic Impact Analysis, Hazard Materials Survey Report and Phase I Environmental Site Assessment. In 2006, the City prepared an Addendum to the Final EIS for the proposed project (see project file). This information, supplemental information contained in the DPD file for the project, and the experience of the lead agency with review of similar projects form the basis for this analysis and decision. Potential environmental impacts are discussed below only where mitigation under Seattle's SEPA Ordinance may be warranted.

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 the limitations set forth in subparagraphs D1 through D7. Unless otherwise specified in the Policies for Specific Elements of the Environment (SMC Section 25.05.675), denial or mitigation of a project based on adverse environmental impacts shall be permitted only under the following circumstances..." The Overview Policy (SMC 25.05.665) D1 through D7 and Specific Elements of the Environment (SMC Section 25.05.675) provide the circumstances in which denial or mitigation of a project can take place.

Short-Term Impacts

Construction activities could result in the following adverse impacts: noise, air quality (construction dust and emissions from construction machinery and vehicles), storm water runoff, increased noise levels, occasional disruption of adjacent vehicular 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 Stormwater Grading and Drainage Control Code, the Street Use Ordinance, and the Building Code. The following is an analysis of short-term, construction-related impacts as well as mitigation.

Noise

Noise associated with construction of the project could adversely affect surrounding uses in the area, which include all single family residential uses. Surrounding uses are likely to be adversely impacted by noise throughout the duration of construction activities. Due to the proximity of the project site to these uses, the limitations of the Noise Ordinance are found to be inadequate to mitigate the potential noise impacts. Pursuant to the SEPA Overview Policy (SMC.25.05.665)

and the SEPA Construction Impacts Policy (SMC 25.05.675 B), mitigation is warranted. In addition to the Noise Ordinance requirements, to reduce the noise impact of construction on nearby properties, construction activities shall be limited to non-holiday weekdays between 7:00 A.M and 6:00 P.M., Saturdays and holidays between 9:00 A.M. and 6 P.M. After each building is enclosed with exterior walls and windows, interior construction on the individual enclosed buildings can be done at other times in accordance with the Noise Ordinance. Such construction activities will have a minimal impact on adjacent uses. Restricting the ability to conduct these tasks would extend the construction schedule; thus the duration of associated noise impacts. DPD recognizes that there may be occasions when critical construction activities could be performed in the evenings and on weekends, which are of an emergency nature or related to issues of safety, or which could substantially shorten the total construction timeframe if conducted during these hours. Therefore, the hours may be extended and/or specific types of construction activities may be permitted on a case by case basis by approval of the Land Use Planner (Lisa Rutzick – 206.386.9049) prior to each occurrence. As conditioned, impacts to nearby uses are considered adequately mitigated.

Air Quality

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. City Code (SMC 11.74) provides that material hauled in trucks not be spilled during transport. The City requires that a minimum of one foot of "freeboard" (area from level of material to the top of the truck container) be provided in loaded, uncovered trucks, which minimizes the amount of spilled material and dust from the truck bed enroute to or from a site. In addition, watering of the site and uncovered materials in trucks shall be required to reduce construction dust during grading. Federal auto emission controls will adequately mitigate air quality impacts from motor vehicles. See SMC §25.05.675 (Air Quality Policy). Lastly, to mitigate spillover onto the adjacent street systems, the wheels of 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. No further conditioning of the grading/excavation element of the project is warranted pursuant to SEPA policies.

Stormwater Runoff

The Stormwater, Grading and Drainage Control Code provide extensive conditioning authority and prescriptive construction methodology to assure safe construction techniques are used. The project will comply with the requirements of this Code and with any conditioning imposed on the grading permit. Therefore, no additional conditioning is warranted pursuant to SEPA policies.

Construction (Traffic)

Construction traffic includes trucks removing earth from the site, other construction vehicles and construction workers' vehicles. The initial estimates of grading quantities are 20,475 cubic yards of cut and 692 cubic yards of fill material. The grading and infrastructure phase would require approximately 2,100 truck trips. Conditioning is warranted to mitigate spillover materials to the adjacent street system during the initial site grading and infrastructure installation. The proposal will not represent a significant impact to the street system when meeting the conditions of City

Code (SMC 11.62). SMC 11.62 requires truck activities to use arterial streets to every extent possible. No further mitigation is warranted.

Compliance with Seattle's Street Use Ordinance is expected to mitigate any additional adverse impacts to traffic which would be generated during construction of this proposal. Traffic control would be regulated through the City's street use permit system, and a requirement for the contractor to meet all City regulations pertaining to the same. Temporary sidewalk or lane closures may be required during construction. The timing and duration of these closures would be coordinated with the City of Seattle to ensure minimal disruptions.

The demand for parking by construction workers during construction will temporarily increase the demand for parking in the vicinity. This impact is not anticipated to be significant, however, since parking will be available on the project site and there is no data showing that on-street parking is at capacity.

Long-Term Impacts

Several adopted City Codes and Ordinances provide mitigation for these impacts. Specifically, these are the Land Use Code which controls land use, density and development standards, the Noise Ordinance and the Stormwater, Grading and Drainage Control Code which contains requirements for drainage.

Noise

Long-term noise will be typical of a residential neighborhood. The Noise Ordinance will continue to apply to activities on the project site after development. Impacts are not anticipated to be significant.

Light and Glare

Long term light and glare will be typical of a residential neighborhood. Impacts are not anticipated to be significant.

Traffic and Parking

The proposed 40 single family lots will provide two (2) parking spaces per lot for a total of 80 spaces on the site. As a result of the applicant providing two (2) spaces per lot, no SEPA conditioning is needed or warranted related to the amount of parking spaces for the project.

Based on consultation with the Institute of Traffic Engineers 7th Edition manual, the completed development will generate 383 vehicle trips per day, 30 vehicle trips during the AM peak hour, and 40 vehicle trips during the PM peak hour. It is unlikely that this additional volume of trips would adversely affect any intersections or roadways in the study area. Accordingly, no significant impacts are anticipated and no mitigation is warranted.

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 43.21C.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).

CONDITIONS – ADMINISTRATIVE CONDITIONAL USE

Prior to Issuance of Construction Permits:

1. All plans shall include a 50' buffer as shown with a 25' buffer along the western portion of the wetland.

Prior to Final Inspection of Construction Permits:

2. All invasive plants within the entire wetland buffer region shall be removed.
3. Signage indicating a "No Disturbance Area" shall be posted in at least four locations (evenly spaced) around the wetland buffer perimeter.
4. Fencing and signage shall be posted at western edge of those rear yards abutting the wetland buffer.

CONDITIONS – SEPA

During Construction:

5. Unless approved by the Land Use Planner for the project on a case-by-case basis, construction activities shall be limited to non-holiday weekdays between 7:00 A.M and 6:00 P.M., Saturdays and holidays between 9:00 A.M. and 6 P.M. After each building is enclosed with exterior walls and windows, interior construction on the individual enclosed buildings can be done at other times in accordance with the Noise Ordinance.
6. During grading activities, watering of the site and uncovered materials in trucks shall be required to reduce construction dust.
7. 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 right-of-way.

Signature: _____ (signature on file) Date: May 11, 2006
Lisa Rutzick
Land Use Planner

LR:bg