



CITY OF SEATTLE
ANALYSIS, RECOMMENDATION AND DECISION OF THE DIRECTOR OF
THE SEATTLE DEPARTMENT OF CONSTRUCTION AND INSPECTIONS

Project Number: 3028072-LU
Applicant: Tom Brown
Address of Proposal: 2500 W Marina Place

SUMMARY OF PROPOSAL

Land Use Application to allow 2, 3-story single family residences. Parking for 13 vehicles proposed. Existing building to remain.

The following approvals are required:

ECA Administrative Conditional Use (Seattle Municipal Code Chapter 25.09.260)

SEPA DETERMINATION: ☒ Exempt ☐ DNS ☐ MDNS ☐ EIS
☐ DNS with conditions
☐ DNS involving non-exempt grading or demolition, or involving another agency with jurisdiction

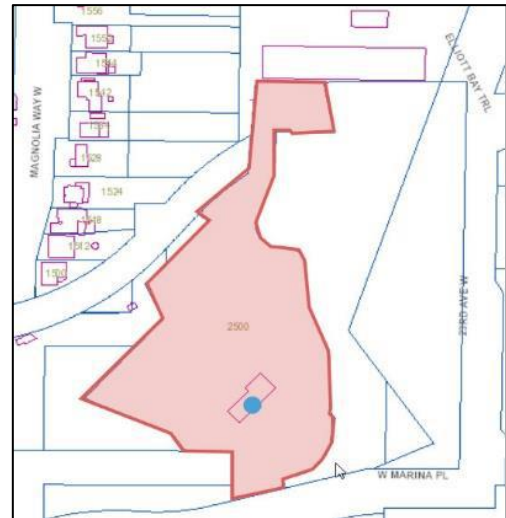
Site and Vicinity

Site Zone: Single Family 5000 (SF 5000), Single Family 7200 (SF 7200), and Industrial General U/45 (IG U/45)

Vicinity Zoning Pattern: Single family zones (SF 5000 and SF 7200) are generally west and north, C2-40 is west and south, and IG U/45 is to the east of the site.

Environmental Critical Areas: ECAs include Potential Slide Area, Known Slide Area, Steep Slopes, and Liquefaction Prone Area. Steep slopes encumber portions of the project site with an area of approximately 87,109 square feet.

Site Description: The approximately 3.89 acre site (169,442 square feet) generally slopes down from W Galer Street to W Marina Place. The Admiral's House and a portion of the property are designated as a landmark (Council Ordinance 124135).



The top of this image is north. This map is for illustrative purposes only. In the event of omissions, errors or differences, the documents in SDCI's files will control.

Public Comment

The public comment period ended on June 3, 2019, and a public meeting was held on September 23, 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 slope stability, vegetation, and development. Comments were also received that are beyond the scope of this review and analysis.

I. ANALYSIS – ECA ADMINISTRATIVE CONDITIONAL USE

The Director may authorize an environmentally critical areas administrative condition use in single family zones for the purpose of development of single family residences that meet certain development standards and platting conditions per SMC 25.09.260. The application shall provide information sufficient to demonstrate that the proposal meets the following criteria in SMC 25.09.260.B:

1. Environmental impacts on environmentally critical areas and buffers

- a. No development is in a biodiversity area or corridor, riparian corridor, wetland, or wetland buffer.*

The development is not located in a biodiversity area or corridor, riparian corridor, wetland, or wetland buffer.

- b. No riparian management area or wetland buffer is reduced.*

The proposal is not requesting a reduction to a riparian management area or wetland buffer.

- c. No development is on a steep slope erosion hazard area or its buffer unless either the proposed development meets the criteria of subsections 25.09.090.B.2.a, 25.09.090.B.2.b, or 25.09.090.B.2.c or the property is a lot in existence as a legal building site prior to October 31, 1992, is predominantly characterized by steep slope erosion hazard areas, and the following criteria are met:*

- 1) The proposed development shall be located away from steep slope erosion hazard areas and buffers to the extent practicable.*

Application materials indicate the proposal is located on a lot in existence as a legal building site prior to October 31, 1992. The areas of the site that are zoned for single family are predominately characterized by steep slopes. The proposal does not include any changes to the Admiral's House or the landmark portion of the property. The landmark portion of the site includes developed and landscaped areas outside the steep slope areas and their buffers. With these considerations, the proposed development is located away from steep slope erosion hazard areas and buffers to the extent practicable.

- 2) The Director shall require clear and convincing evidence that the provisions of this subsection 25.09.260.B are met if development is located on steep slope erosion hazard areas and buffers with these characteristics:*

- a) A wetland over 1,500 square feet in size or a watercourse designated part of a riparian corridor;*

- b) An undeveloped area over 5 acres characterized by steep slope erosion hazard areas; or*
- c) Areas designated by the Washington Department of Fish and Wildlife (WDFW) as biodiversity areas and corridors, or areas identified by the Director with significant tree and vegetation cover providing wildlife habitat.*

The application is not within a wetland, undeveloped area over 5 acres, or an area designated by the Washington Department of Fish and Wildlife as a biodiversity area. The critical areas report (“Environmentally Critical Areas Report: Global Seas Residential Development – Admiral’s House Property” dated June 2020; Revised September 2020 by The Watershed Company) indicates the presence of habitat areas both on and off-site. Vegetation on the site is varied and contains a mix of forested, shrub, and groundcover plants in undeveloped portions of the site.

- 3) If the application includes a proposal to develop in a steep slope erosion hazard area or buffer, the development in the steep slope erosion hazard area or buffer shall be the minimum necessary to achieve the number of single family dwelling units that would be allowed on the original entire parcel according to the calculation for subdivision required under subsection 25.09.240.G in the following order of priority:*
 - a) The proposal reduces the front and/or rear yards pursuant to subsection 25.09.260.B.3.b.1 and complies with the building separation standards of subsections 25.09.260.B.3.b.2 and 25.09.260.B.3.b.3;*
 - b) The proposal reduces the steep slope erosion hazard area buffer; and*
 - c) The proposal intrudes into not more than 30 percent of the steep slope erosion hazard area.*

The portion of the site outside of the landmark boundary and in the single family zoned area could allow more than the number of single family homes proposed. The proposal is for two single family homes, which is below the number of single family dwelling units that would be allowed given the area of the single family zoned portion of the parcel. Reductions to the front and rear yards would leave small areas of the site outside steep slope areas and their buffers. The proposal reduces steep slope buffers in some areas and intrudes into the steep slope erosion hazard in other areas to provide sufficient building area for the proposed homes. Intrusion into the steep slope areas is approximately 27 percent of the entire steep slope area on the site. The siting of the homes close to one another concentrates development activity in one area of the site and reduces impacts to the steep slopes.

- d. The proposal protects WDFW priority species and maintains wildlife habitat.*

The critical areas report indicates the presence of tree and vegetation cover for wildlife habitat. The critical areas report indicates the observed habitat areas do not have a primary association with any WDFW priority species. The mitigation plan contained in the critical areas report is designed to maintain and enhance areas of wildlife habitat on-site through the removal of non-native and invasive plant species, and installation of native vegetation, thereby satisfying these criteria.

- e. The proposal does not result in unmitigated negative environmental impacts pursuant to Section 25.09.065, including drainage and water quality, erosion, loss of trees and vegetation, and slope stability on the identified environmentally critical area and buffer.*

The applicant provided studies, including geotechnical engineering letters, that demonstrate the proposal would not result in unmitigated negative environmental impacts. The proposal includes shoring supports and tiebacks to stabilize the construction area during construction and post-occupancy. The critical areas report illustrates the mitigation sequencing approach taken for the site. Mitigation will occur within areas of steep slope to the extent feasible to compensate for unavoidable impacts to critical areas. Plantings are primarily focused on the northeast and west side of the property in the vicinity of retained vegetation in order to maximize the benefits to habitat function and improve habitat continuity. The mitigation plan establishes a maintenance and monitoring plan consistent with SMC 25.09.065.

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

The identified critical areas and buffers will be enhanced through the mitigation plan by removing invasive plant species and planting native species.

2. General environmental impacts and site characteristics

- a. The proposal minimizes potential negative effects of the development on the undeveloped portion of the site and preserves topographic features.*
- b. The proposal retains and protects trees and vegetation on designated non-disturbance areas, protects stands of mature trees, minimizes tree removal, removes noxious weeds and non-native vegetation and replaces this vegetation with native trees and vegetation, and protects the visual continuity of treed and vegetated areas and tree canopy.*

Proposed development is concentrated in an area on the north and west portions of the project site. Access is through an existing driveway and extension to reach the single family homes. The site includes a variety of trees, some of which are considered exceptional. To accommodate the proposed development, 25 trees identified in the arborist report (“Analysis of Trees at The Admiral’s House” dated November 11, 2019 and Amended September 16, 2020 by Gilles Consulting) are to be removed. Three of these are exceptional trees and located on the west slope above the driveway extension. The location of the driveway extension and development minimizes tree removal and impacts to topographic features. The non-disturbance area shown on sheet A0.06 of the plan set limits intrusion into the steep slope critical areas. In addition, the project includes a mitigation plan that removes invasive species and replaces with native species.

3. Development standards

- a. The total number of single-family dwelling units permitted through the environmentally critical areas conditional use regulations shall not exceed the number that would be allowed based on compliance with the use regulations of Section 23.44.008, and the minimum lot area standards of the underlying Single-Family zone, and shall be established only on the site comprised of the original entire parcel, with subdivision of*

the original entire parcel allowed only as unit lots approved through the unit lot subdivision process in Section 25.09.260.C.2.b.2.

b. Single-family dwelling units shall be the sole type of principal use permitted through the environmentally critical areas conditional use regulations and shall meet the development standards of Chapter 23.44, except that the following standards apply instead of the standards in Chapter 23.44, as applicable:

- 1) Front and rear yards required by subsections 23.44.014.A and 23.44.014.B may be reduced to no less than 10 feet each and 30 feet for the sum of both yards if the reduction would minimize or eliminate any intrusion into the steep slope erosion hazard area or required buffer;*
- 2) Front and rear building separations between proposed single family residences shall be a minimum of 25 feet;*
- 3) Side building separations shall be a minimum of 10 feet;*
- 4) The maximum lot coverage shall be calculated by deducting required non-disturbance areas from total lot size; and*
- 5) Front, rear, and side separations shall be determined by the Director, based on location of the building in relation to other buildings and the front lot line.*

SDCI staff has reviewed the proposal, including number of residential structures and setback requirements in accordance with the above standards. Staff finds the proposal meets this code section and therefore can be developed as shown in the plan set.

23.42.042 – Conditional uses

The Director may deny or recommend denial of a conditional use if the Director determines that adverse impacts cannot be mitigated satisfactorily, or that the proposed use is materially detrimental to the public welfare or injurious to property in the zone or vicinity in which the property is located.

The proposal is located in an area with other single family homes. An ECA administrative conditional use can allow more than one single family home on a parcel that has sufficient lot area. The environmental impacts related to this application are addressed in the application materials, including the mitigation plan, and in the analysis of criteria under SMC 25.260.09.B.

In authorizing a conditional use, the Director or City Council may impose conditions to mitigate adverse impacts on the public interest and other properties in the zone or vicinity. Pursuant to SMC section 25.09.260.C (Conditions) the following apply to this project:

C. Conditions

1. In authorizing an administrative conditional use, mitigation pursuant to Section 25.09.065 shall apply to protect and mitigate negative impacts to biodiversity areas and corridors, priority habitat and setbacks, riparian corridors, wetlands, wetland buffers, and steep slope erosion hazard areas and buffers, and the Director may impose additional conditions to protect other properties that could be adversely affected in the zone or vicinity in which the property is located.

SDCI staff has reviewed the ECA covenant and plan set that includes permanent markers delineating the non-disturbance areas on the site. Recording the ECA covenant will protect

potential negative impacts on the steep slope critical area and its associated buffer. Current code requirements for grading in areas of steep slopes and drainage requirements will be enforced to protect adjacent properties so that they are not adversely affected by this project.

2. *In addition to any conditions imposed under subsection 25.09.260.C.1, the following conditions apply to all administrative conditional uses approved under this Section 25.09.260:*
- a. *Replacement and establishment of native trees and vegetation shall be required where it is not possible to save trees and vegetation and shall comply with Section 25.09.070.*

The applicant has submitted a mitigation plan for the preservation of trees outside of the development footprint on the project site and the replacement of trees and vegetation removed on the site.

- b. *If a subdivision or short-subdivision is proposed, the following standards apply:*
 - 1) *The development as a whole shall meet development standards under Title 23 and this Chapter 25.09 applicable at the time the application is vested.*
 - 2) *A unit lot short subdivision or unit lot subdivision proposal shall be required to ensure that the development standards of subsection 25.09.260.B.3 are implemented for development. New unit lots created under this Section 25.09.260 shall be approved through the unit lot subdivision regulations of Sections 23.22.062 and 23.24.045 and by compliance with this Section 25.09.260. Development on individual unit lots, except as otherwise set forth in this Section 25.09.260, may be nonconforming as to some or all of the development standards.*
 - 3) *Subsequent platting actions or additions or modifications to structures may not create or increase any nonconformity of the development as a whole to this Chapter 25.09, and this shall be noted on the document creating the new unit lots that is recorded with the King County Recorder's Office.*
 - 4) *Access easements and joint use and maintenance agreements shall be executed for use of common garage or parking areas, common open space, and other similar features and be recorded with the King County Recorder's Office.*

No subdivision of the site is included with this master use permit application.

DECISION - ADMINISTRATIVE CONDITIONAL USE

The conditional use application is **Approved with Conditions** as indicated at the end of this document.

CONDITIONS – ADMINISTRATIVE CONDITIONAL USE

Prior to Issuance of the Administrative Conditional Use Permit

1. Provide an ECA covenant substantially similar to the draft uploaded to SDCI files on January 20, 2021 recorded with the King County Records and Elections.

Michael Houston, AICP, Land Use Planner
Seattle Department of Construction and Inspections

Date: April 22, 2021

MH:adc
3028072-LU Decision

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 SDCI 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 or to our message line at 206-684-8467.