



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

Project Number: 3027799-LU
Applicant Name: Jeff Ruehlmann
Address of Proposal: 2530 55th Ave SW

SUMMARY OF PROPOSED ACTION

Land Use Application to allow 4, 4-story single family residences. Parking for 4 vehicles proposed.

The following approval is required:

ECA Administrative Conditional Use to allow cluster development in the steep slope ECA and buffer.

BACKGROUND

Subject property was denied relief from Prohibition on Steep Slope Development, as it does not meet the provisions of SMC 25.09.090.B.2.

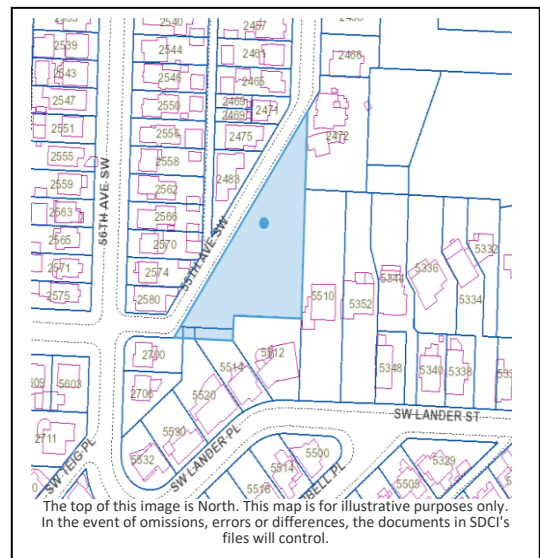
Site and Vicinity

Site Description: Subject parcel is a 30,490 square foot triangular site with a steep slope down from east to west. Said parcel abuts 35th Ave SW.

Site Zone: **Single Family 7200**

Zoning Pattern:

- North: Lowrise 1 (M), Single Family 5000
- South: SF 7200
- West: SF 5000, LR1 (M)
- East: SF 7200



Environmental Critical Areas: Most of the site contains Steep Slope conditions. The western edge of the property is mapped as a Liquefaction Prone Area, and there is record of previous land slide on the property, identified on SDCI maps as Known Slide Area.

Public Comment:

The public comment period ended on February 27, 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, drainage, parking, right-of-way conditions, and property line accuracy.

I. ANALYSIS – ECA ADMINISTRATIVE CONDITIONAL USE – SMC 25.09.260

The Land Use Code allows development in the steep slope ECA and buffer through the environmentally critical areas administrative conditional use process. This proposal for four single family residences within a steep slope hazard area is allowed in a single family zone through ECA administrative conditional use approval. Approval of an administrative conditional use is based on demonstrating that the proposed meets the criteria outlined in SMC 25.09.260.B. The SDCI Director has the authority to approve, condition or deny a conditional use application. This decision shall be based on whether the proposed use will be materially detrimental to the public welfare or injurious to property. The applicable criteria used for evaluating and or conditioning the applicant's proposal are discussed below.

ECA Administrative Conditional Uses - General Provisions

A. Administrative conditional use

1. In Single-Family zones the Director is authorized to approve an environmentally critical areas administrative conditional use pursuant to [Section 23.42.042](#) and this [Section 25.09.260](#) for one or both of the following purposes:

- a. In calculating the maximum number of lots and units allowed on the entire parcel under subsection 25.09.240.G, the Director may count environmentally critical areas and/or buffers, except the open water area of a wetland or riparian corridor, that would otherwise be excluded, if an applicant is unable to demonstrate compliance with the requirements of subsection 25.09.240.B for the entire parcel proposed to be subdivided.*
- b. For the entire parcel proposed to be subdivided, the Director may approve development of single family residences that meet the development standards of subsection 25.09.260.B.3 and the platting conditions in subsections 25.09.260.B.1 and 25.09.260.C.2.b. Except as specifically superseded by the development standards of subsection 25.09.260.B.3 and the platting conditions of subsection 25.09.260.C.2.b, all applicable regulations of [Title 23](#) shall also apply to the entire parcel. The entire parcel is designated as the site.*

B. Criteria. An application under this [Section 25.09.260](#) shall provide information sufficient to demonstrate that the proposal meets the following criteria:

- 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.*
 - b. No riparian management area or wetland buffer is reduced.*
 - 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.*
- 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.*
- 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.*
 - d. *The proposal protects WDFW priority species and maintains wildlife habitat.*
 - 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.*
 - f. *The proposal promotes expansion, restoration, or enhancement of the identified environmentally critical area and buffer.*

25.09.260.C - Conditions

In authorizing an environmentally critical areas conditional use, the Director may impose conditions to 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.

Conclusion

A conditional use may be approved, conditioned, or denied based on a determination of whether the proposed meets the criteria for establishing a specific conditional use and whether the use will be materially detrimental to the public welfare or injurious to property in the zone or vicinity (SMC Section 23.44.021.C). The proposed development is located away from the steep slope hazard area to the extent practicable and the proposed intrusion is the minimum necessary to

achieve the four single family dwelling units allowed on the original entire parcel per SMC 25.09.240.G. The front yard has been reduced to the minimum allowable per SMC 25.09.260.B.3.b.1 and the proposed building locations and side separations have been established in consideration of steep slope and steep slope buffer intrusion and in relation to other buildings and the front lot line. The proposed development intrudes into less than 30 percent of steep slope erosion hazard area and preserves wildlife habitat by reducing disturbance to the extent practicable. Potential negative environmental impacts are to be mitigated by compliance with the Seattle Land Use and Building and Construction Codes, and existing ecological functions impacted shall be mitigated by adhering to the proposed revegetation, monitoring and maintenance plan.

The proposed single family residences meet the development standards of subsection 25.09.260.B.3 and the platting conditions in subsections 25.09.260.B.1 and 25.09.260.C.2.b. The entire parcel is designated as the site and any new lots proposed must be approved through unit lot subdivision regulations of SMC 23.22.062 and 23.24.045 and by compliance with SMC 25.09.260. The proposed development must meet development standards under SMC 23 and 25.09 at time of vesting, and subsequent platting actions or additions or modifications may not create or increase any nonconformity of development as a whole.

DECISION - ADMINISTRATIVE CONDITIONAL USE

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

CONDITIONS

1. Provide an ECA covenant per SMC 25.09.240.D.

Corey J. Buttry, Land Use Planner
Seattle Department of Construction and Inspections

Date: January 16, 2020

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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 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.