



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: 3006191
Applicant Name: Murray Hutchins
Address of Proposal: 3720 W Lawton St

SUMMARY OF PROPOSED ACTIONS

Land Use Application for construction of a single family home.

The following approval is required:

Variance – to allow disturbance of an Environmentally Critical Area (ECA) steep slope and its buffer, SMC [25.09.180](#), and involving a reduction in the required front yard, SMC [23.44.014 A](#).

SEPA DETERMINATIONS: Exempt DNS MDNS EIS

DNS with conditions

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

BACKGROUND DATA

Site and Vicinity Description

The site is located on the north side of West Lawton Street, in Seattle's Magnolia neighborhood. West Lawton Street is a narrow roadway between Fort Lawton/Discovery Park to the south and single family residential properties to the north. For vehicle traffic, Lawton forms a dead-end about 200' to the west of the site. A stairway provides a pedestrian linkage to the neighborhood beyond.

Development in the vicinity consists almost entirely of single family homes (see Figure 1). Most properties are roughly rectangular or irregularly shaped, and several are the result of recent subdivision. The vicinity slopes down to the north.

The subject site is a 11,780 sq. ft. lot, approximately 105' wide (E-W) and about 115' deep (N-S), with a chamfered northeast corner. Portions of the site slope steeply down to the north and west, while the flattest and most accessible portions of the site abut W Lawton St. Along its eastern edge, the site is subject to a 10'-wide "landscape buffer easement" benefiting the neighboring property. The site is currently vacant, except for a concrete platform, apparently the remnants of a parking pad or structure. The site is wooded and affords filtered views toward Salmon Bay to the north.



Figure 1. Project vicinity



Figure 2. Aerial photo (1999)

Proposal

The project involves the construction of a three-story single family home encompassing about 2,800 sq. ft. and including an attached two-car garage.

Public Comment

DPD published [public notice](#) of the proposed development on December 7, 2006, and the associated public comment period ended on December 20, 2006. DPD received one comment letter, which raised concerns about the project's potential impacts on surface water runoff to neighboring properties.

ANALYSIS – ECA VARIANCE

This variance request pertains to proposed disturbance of an identified Environmentally Critical Area (ECA) steep slope and its associated buffer. Such variances may be authorized according to the provisions of SMC [25.09.180 E](#), quoted below.

1. *Steep Slope Area Variance. The Director may reduce the steep slope area buffer and may authorize limited intrusion into the steep slope area and steep slope buffer to the extent allowed in subsection E2 only when the applicant qualifies for a variance by demonstrating that:*
 - a. *the lot where the steep slope or steep slope buffer is located was in existence before October 31, 1992; and*
 - b. *the proposed development otherwise meets the criteria for granting a variance under Section [25.09.280 B](#), except that reducing the front or rear yard or setbacks will not both mitigate the hardship and maintain the full steep slope area buffer.*

The subject lot existed prior to October 31, 1992. The referenced criteria relate to the reduction of required yards to provide for preservation of ECA buffers. The cited criteria are discussed below.

2. *If any buffer reduction or development in the critical area is authorized by a variance under subsection E1, it shall be the minimum to afford relief from the hardship and shall be in the following sequence of priority:*
 - a. *reduce the yards and setbacks, to the extent reducing the yards or setbacks is not injurious to safety;*
 - b. *reduce the steep slope area buffer;*
 - c. *allow an intrusion into not more than thirty percent (30%) of the steep slope area.*

The site's required front yard is 20'. Plans show a proposed front wall that modulates from 10' to about 20' from the front property line. The proposed building footprint also extends into the identified steep slope and its buffer.

As drawn, the building footprint represents a reasonably sized development in the zone and vicinity. The proposed front yard encroachment corresponds to a 1:1 reduction in development disturbance area in the steep slope buffer. Considering factors such as neighborhood character, building scale, space remaining for landscaping, and potential future street improvements, the proposal appears to strike an appropriate balance of the priorities listed above. DPD determines that a narrower front yard should have no effect on vehicle or pedestrian safety, and no effect on the site's stability.

3. *The Director may impose additional conditions on the location and other features of the proposed development as necessary to carry out the purpose of this chapter and mitigate the reduction or loss of the yard, setback, or steep slope area or buffer.*

Plans updated March 2, 2007, show a structure that extends into the required front yard, as well as into the site's steep slope area and its buffer. The proposed structure's vertical and horizontal modulation, its fenestration, and the proposed landscaping all serve to mitigate for the reduction of the required yard. As such, DPD conditions approval of the variance on the completion of these features. Modifications affecting the proposed front wall or the scale and quantity of proposed landscaping are subject to review and approval by the assigned land use planner.

In addition to the provisions discussed above, DPD may grant an ECA variance only when all of the criteria are met, as set forth in SMC [25.09.280 B](#), stated below:

1. The lot has been in existence as a legal building site prior to October 31, 1992.

The subject lot existed as a legal building site prior to October 31, 1992.

2. Because of the location of the subject property in or abutting an environmentally critical area or areas and the size and extent of any required environmentally critical areas buffer, the strict application of the applicable yard or setback requirements of Title 23 would cause unnecessary hardship; and

The steep slopes occupy about 37% of the total property. The standard 15' steep slope buffer occupies about 76% of the total property. The portion of land that is most appropriate to locate a dwelling is a relatively level "bench" immediately adjacent to Lawton Street along the south portion of the lot. Construction and site disturbance in this area would involve the least disruption to the existing topography and vegetation of the site. It offers direct, at-grade access for construction and vehicle parking.

The typically required front yard overlaps with a portion of the standard 15' steep slope buffer. A narrow strip of the site, about 8' x 30' lies outside of the steep slope, its buffer, required yards and the 10' landscaping buffer easement. On a recognized buildable lot, limiting development to this footprint would likely constitute a hardship.

As proposed and as conditioned in this variance, the structure would extend into the required front yard, providing a setback ranging from 10'-6" to 20'-6". Disturbance of the steep slope area would be approximately 980 sq. ft., or 22% of the site's steep slope area. Considering alternatives, this appears to be a reasonable configuration.

3. The requested variance does not go beyond the minimum to stay out of the full width of the riparian management area or required buffer and to afford relief; and

SMC [25.09.180 E](#) modifies this provision to allow for developmental disturbance within the steep slope ECA and/or its buffer. The requested building footprint is within the norm for single family homes in the zone and vicinity, and the resulting floor area and the proposed two-car garage are also reasonable. The requested reduction in the required front yard appears to result in a 1:1 reduction in the steep slope and buffer area that the proposed structure and its associated development would otherwise disturb.

Considering the scale of the proposed single family home's footprint and the proportionate benefit of minimizing disturbance of the steep slope area and buffer, DPD concludes the proposed yard and buffer reductions do not go beyond the minimum to afford relief.

4. The granting of the variance will not be injurious to safety or to the property or improvements in the zone or vicinity in which the property is located; and

The applicant has provided a geotechnical report, dated October 11, 2006, which provides findings and preliminary recommendations for future development on the site. DPD has reviewed the report and finds it to be acceptable. Assuming development is conducted in accordance with these recommendations, such disturbance within the steep slope area and its buffer should not be injurious to the property or to neighboring properties.

While the existing West Lawton Street right of way and its roadway are relatively narrow, the reduction of the front yard does not preempt any future widening or improvements within the right of way. It does not impact sight lines or create the potential for undue vehicle-pedestrian conflicts.

The granting of the variance will not likely be injurious.

5. The yard or setback reduction will not result in a development that is materially detrimental to the character, design and streetscape of the surrounding neighborhood, considering such factors as height, bulk, scale, yards, pedestrian environment, and amount of vegetation remaining; and

DPD staff has conducted a site visit to review existing conditions in the surrounding neighborhood. The design provides an appropriate space for landscaping and appropriate measures to integrate the single family home with the streetscape. As proposed, the structure provides substantial horizontal and vertical modulation, and a roof form that fits within the existing context. Residential fenestration also achieves an appropriate scale and interest when seen from the adjoining street.

DPD considers the project's design and the remaining front yard area to adequately address the above criterion.

6. The requested variance would be consistent with the spirit and purpose of the environmentally critical policies and regulations.

The requested variance achieves a reasonable protection of existing steep slope areas on this site.

