City of Seattle
Gregory J. Nickels, Mayor

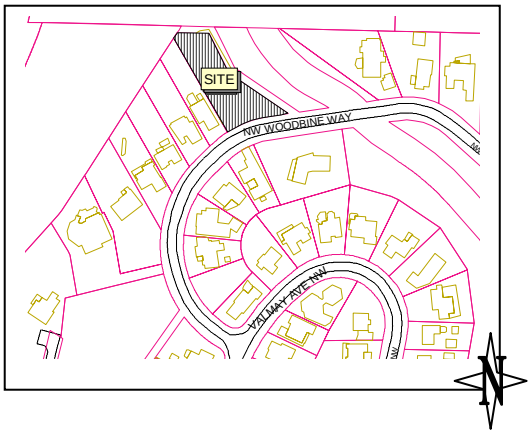
Department of Planning and Development
D. M. Sugimura, Director

CITY OF SEATTLE
ANALYSIS AND DECISION OF THE DIRECTOR OF
THE DEPARTMENT OF PLANNING AND DEVELOPMENT

Application Number: 3006625

Contact Person: Frank Russell

Address of Proposal: 1504 NW Woodbine Way



SUMMARY OF PROPOSED ACTION

Land Use Application to allow stabilization of an existing retaining wall with a soldier pile wall in an environmentally critical area.

The following approval is required:

Variance – to allow development of up to 17% of the steep slope area.
SMC Section 25.09.180.E

SEPA DETERMINATION: [X] Exempt [ ] DNS [ ] EIS

[ ] DNS with conditions

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

BACKGROUND DATA

Site & Surrounding Area Description

The site is zoned Single Family 7,200 (SF 7200), developed with a single-family structure and a swimming pool towards the northwesterly portion of the site. The site contains approximately 20,100 square feet of lot area and slopes down from south to north and is located within a steep slope area. An existing CMU block retaining wall is located along the northwesterly portion of the lot. Per a technical memo dated January 12, 2007, the current retaining wall is failing and

previous attempts at stabilizing the base of the wall with steel sheet pile wall and additional pipe piles have only been temporary fixes. Northwest Woodbine way abuts to the south and is improved with sidewalk curbs and gutters along the site frontage. The surrounding area is zoned SF 7200 and developed with single-family structures.

Description of Proposal

Land use application to allow stabilization of an existing retaining wall with a soldier pile wall in an environmentally critical area. The retaining wall is proposed to be located in the northwesterly rear yard area of the site and disturb 17% of the steep slope area. The proposed retaining wall will be located 5 feet downhill from the existing retaining wall. The applicant indicates a retaining wall constructed uphill (out of the critical area) and tied to the existing wall would not prevent the erosion at the toe of the wall and the walls ultimate failure. Additionally, the CMU block wall would need to be removed, as it would eventually fail, but due to the location of the wall, the required equipment to remove it safely cannot be used, thereby increasing the risks of portions of the wall rolling down the slope into the Blue Ridge Community property.

Public Comment

The application was deemed to be complete on January 19, 2007 and notice of application was sent on February 1, 2007. The 14 day public comment period ended on February 14, 2007. No public comments were received through the public notice process.

ANALYSIS – STEEP SLOPE AREA VARIANCE

Pursuant to SMC 25.09.180.E the Director may reduce the steep slope area buffer and authorize limited development in the steep slope area and buffer only when *all* of the facts and conditions stated in the numbered paragraphs below are found to exist:

SMC 25.09.180.
E. Steep Slope Area Variance.
1. 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

The subject property was part of the original "Blue Ridge" plat recorded with King County on February 24, 1930.

b. the proposed development otherwise meets the criteria for granting a variance under Section 25.09.280B, 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 proposed development meets the criteria for granting a variance under Section 25.09.280B.

The criteria and responses for granting a variance found in SMC 25.09.280.B is listed below:

SMC 25.09.280.B. Yard and setback reduction and variance to preserve ECA buffers and riparian corridor management areas.

B. The Director may approve a yard or setback reduction greater than five feet (5') in order to maintain the full width of the riparian management area, wetland buffer or steep-slope area buffer through an environmentally critical areas yard or setback reduction variance when the following facts and conditions exist:

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

The subject property was part of the original "Blue Ridge" plat recorded with the county on February 24, 1930.

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 proposed retaining wall is not subject to yard requirements.

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

The retaining wall is proposed to be located within the steep slope area. The technical memo indicates the proposal has been designed to minimize disturbance to the critical area and buffer. Alternatives were explored such as constructing the wall uphill and out of the critical area but were deemed ineffective.

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 proposed development will be subject to geotechnical and engineering review at the construction permit stage to ensure there is no damage to adjacent property stability. The applicant has provided a technical memo indicating the current CMU retaining wall will eventually fail and slide down the hillside onto private property. The proposed soldier pile retaining wall will stabilize the hillside and prevent the existing wall from sliding down the hill. Therefore, granting the variance to minimally intrude into the steep slope areas will not be injurious to safety, property, or improvements in the zone or vicinity.

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

The retaining wall is not subject to rear yard standards. Due to the retaining wall being located in the rear yard, there will be no substantial impact on the character, design and streetscape of the surrounding neighborhood. Topsoil will be added to the impacted area to establish an erosion control hydro seeded area.

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

The environmentally critical policies and regulations were created to preserve existing environmentally critical areas while allowing reasonable use of existing parcels. The current retaining wall is inadequate and needs to be replaced. The applicant has designed the new retaining wall to minimize unneeded disturbance to the critical area. The proposal would be consistent with the spirit and purpose of the environmentally critical policies and regulations, subject to the Conditions section below.

SMC 25.09.180.E. Steep Slope Area Variance.

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 applicant has provided a technical memo indicating the proposed limited intrusion within the critical area is the best option in this instance and is the minimal intrusion required to stabilize the slope. The retaining walls are not subject to yard standards. The technical memo indicates the only location where the retaining could stabilize the hillside was located in the steep slope area. The proposed development follows the sequence of priority and does not create an intrusion of more than 30% of the steep slope area. The proposal therefore meets this criterion.

DECISION – STEEP SLOPE AREAS VARIANCE

ECA Variance to allow development of up to 17% of the steep slope area is **CONDITIONALLY GRANTED.**

NON-APPEALABLE CONDITIONS OF APPROVAL

Prior to Issuance of a Master Use Permit

1. Show on the site plan the location of permanent ECA markers and the 15-foot buffer.

2. Permanent visible markers shall be placed along the edge of the nondisturbance area as approved on the site plan. The markers shall be either reinforcing steel or metal pipe driven securely into the ground with a brass cap affixed to the top similar to survey monuments. The brass cap shall be visible at the ground surface and indicate the purpose of the marker. Markers shall be placed at all points along the edge of the nondisturbance line where the line changes direction. Markers must be in place before issuance of this Master Use permit.

3. Submit a recorded copy of the ECA Covenant to the Land Use Planner.

Signature: (signature on file) Date: June 14, 2007
Mark Taylor, Land Use Planner
Department of Planning & Development

MJT:bg

I:\TaylorMJ\My Documents\Land Use Permits\ECA-SLOPE\3006625\R&D3006625.doc