



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:** 3006053  
**Applicant Name:** Brian Palidar for Mastro Properties  
**Address of Proposal:** 1636 South Holgate Street<sup>1</sup>

**SUMMARY OF PROPOSED ACTION**

Land Use Application to allow a new two-story, 2,600 square foot single family residence in an environmentally critical area. Parking for two vehicles will be located within the structure<sup>2</sup>.

The following approval is required:

**Variance** – to allow development of up to 30% of the steep slope and buffer area (0% allowed without variance, 28.8% proposed) Section 25.09.180.E

**SEPA DETERMINATION:**  Exempt  DNS  EIS  
 DNS with conditions  
 DNS involving non-exempt grading or demolition or involving another agency with jurisdiction.

**BACKGROUND DATA**

Site Description

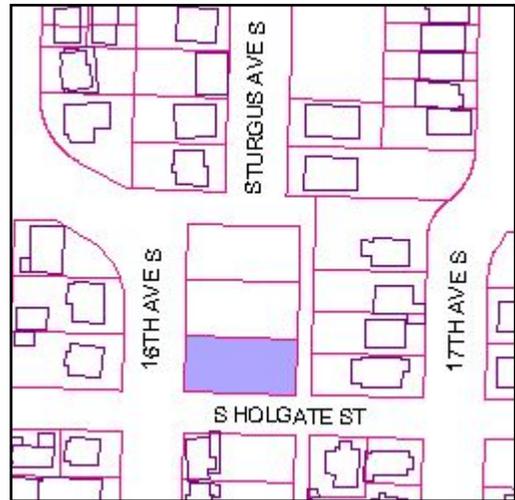
The site is a corner lot located with frontage along 16<sup>th</sup> Avenue to the west and South Holgate Street to the south in the North Beacon Hill neighborhood. The subject lot also abuts an unimproved alley running parallel to 16<sup>th</sup> Avenue abutting the east property line. The site comprises a land area of approximately 7,200 square feet in a Single family 5,000 (SF 5000) zone. The site is rectangular in shape (oriented east and west) with a dramatic elevation change.

<sup>1</sup> Project originally addressed at 1814 16<sup>th</sup> Avenue South at the time of public notification.

<sup>2</sup> Notice language originally stated that parking would be located in detached garage.

The site is also in an Environmentally Critical Area, per Seattle Municipal Code (SMC) 25.09 due to the presence of a mapped 40% Steep Slope, and Potential Landside Critical Areas.

The development site is located along the east slope of Beacon Hill, in a heavily sloped and vegetated area. The lot slopes downwards from west to east, approximately 54 feet over a distance of 120 feet. The most dramatic area of elevation change occurs within the west half of the lot. The subject site is heavily vegetated with Big Leaf Maples, overgrown shrubs and groundcover spread throughout the entire development site. Access to the development site can be taken through 16<sup>th</sup> Avenue to the west or through South Holgate Street via the alley. South Holgate's roadway surface terminates at the east edge of the alley. Pedestrian traffic continues through to 16<sup>th</sup> Avenue via stairs on grade at the end of the roadway. The 16-foot wide unimproved alley abuts the subject lot to the east (downhill side). Sixteenth Avenue and the east portion of South Holgate are partially improved rights-of-way with asphalt roadway surface and soft shoulders (gravel and dirt).



The subject site is located in an expansive Single Family 5000 (SF 5000) zone where a mixture of single family styled structures dominate the immediate vicinity. A mixture of turn of the century and post World War II single family homes populates this particular neighborhood. The area is characterized by moderate density residential uses sitting on the east face of Beacon Hill overlooking Rainer Valley's north end neighborhood. The owner of this proposal has two adjacent lots to the south that are currently under reviewed by DPD for a similar single family development proposal. Directly across the alley to the east of the subject lot and south across South Holgate are moderated sized single family developments.

The abutting zone to the north zone is Multifamily Lowrise 1 (L-1) with a mix of apartment, townhouse, and single family uses. Fifteenth Avenue South located to the west, and Rainier Avenue to the east, (both primary arterials) are the principal transportation corridors to the development site.

### Description of Proposal

The applicant proposes to construct a 2,600 square foot two story, single family residence, with daylight basement. Accessory parking will be provided within an attached two-car garage.

The proposed structure will be located on the downhill (east) side of the lot with access (vehicle and pedestrian) taken off South Holgate through an improved alley. The proposal seeks to encroach into An ECA New Potential Slide and Steep Slope area and buffer. The proposed development would disturb 28.8% of the steep slope areas.

Public Comment

Date of Notice of Application: November 16, 2006  
Date End of Comment Period: November 29, 2006

Number Letters: 1

Issues: One letter was received for this project during the comment period. A number of concerns were raised in the letter including activity around the stair adjacent to the subject lot within the South Holgate right-of-way. Because of overgrown vegetation and secluded location, the stairs have seen elicit activity over the years which is it hoped would be displaced during and after the development is completed.

**Environmentally Critical Areas Regulations**

SMC Section 25.09.180 provides specific standards for all development on steep slopes and steep slope buffers on existing lots, including the general requirement that development shall be avoided in these areas whenever possible.

SMC Section 25.09.180.E authorizes variances to ECA development standards. Development may occur in up to 30% of the steep slope area with this variance, subject to specific criteria. Relevant criteria are discussed below. ECA Variance decisions are Type II decisions, subject to the provisions of SMC 23.76 and are appealable to the City Hearing Examiner.

General Requirements and standards are described in Section 25.09.060 of the ECA ordinance and include the recording of conditions of approval, the recording of the identified ECA areas in a permanent covenant with the property as well as specific construction methods and procedures. The proposal must also comply with the specific requirements for development in areas with landslide potential areas (Section 25.09.080), steep slopes (Section 25.09.180), and trees and vegetation (Section 25.09.320). All decisions subject to these standards are non-appealable Type I decisions made by the Director (or designee) of DPD.

**ANALYSIS – ENVIRONMENTAL CRITICAL AREAS**

Pursuant to SMC 25.09.080, 25.09.200.A, and 25.09.320, the proposal is required to comply with ECA requirements for landslide potential areas, and trees and vegetation.

**Landslide-prone critical areas (SMC 25.09.080)**

The applicant has provided a geotechnical soils report, which has been reviewed by DPD geotechnical engineers. Vegetation removal, replacement, and monitoring plan activities have been proposed by the applicant and are included as conditions of approval, per SMC 25.09.320. The applicant has followed the sequence of priority for development in a critical area.

**Trees and Vegetation (SMC 25.09.320)**

This code section is often referenced in other Environmentally Critical Area code sections, including those discussed above. The applicant has provided Standard Mitigation Plan for removal and re-vegetation of trees and shrubs within the development footprint. At the time of

building intake an arborist report will be required to assess the health of the remaining trees in the ECA. If trees and noxious plants are deemed to pose safety hazards or are unhealthy the applicant will remove and replant according to the recommendations from the arborist. The decision has been additionally conditioned to ensure compliance with this and other ECA code sections.

### **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***

King County Assessor's documentation was provided demonstrating that Lot 1, (subject site) Block 3, of Joseph C. Kinnear's Addition was created prior to 1910. Therefore, King County Records indicates that the lot was legally in existence prior to October 31, 1992.

***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.***

After accounting for the land area outside the steep slope and buffers areas no land would be available for single family development. In order to minimize development in the buffers, all grading, structures, driveways, and impervious areas are proposed in an area where the topographic conditions are less dramatic. This area is also directly accessible to a paved roadway (South Holgate) which will require improvements both to the roadway and abutting alley. Without relief from reduced in required rear yards and buffers, development would be impossible to establish a single family use.

As noted in the Site Description, the subject property is rectangular in shape that slopes downward, from west to east, approximately 54 feet over a distance of 120 feet. The entire site contains steep slope and buffer areas. Development at the top of the slope (abutting 16<sup>th</sup> Avenue) whether with a front yard reduction or not would have a greater adverse impact when taken into consideration onsite grades elevations and development to the north. The east portion of the subject lot affords opportunities to lessen the extent of disturbance on steep slope and buffer areas. The abutting alley which is partially in the buffer area will provide the only access to the development site as proposed by the applicant. The proposal will require a rear yard reduction; however, this reduction will not place the development out of steep slope and buffers areas.

Reducing front or rear yard setbacks to zero will not both mitigate the hardship and maintain the full steep slope buffer.

Criteria and responses for granting a variance found in SMC 25.09.280.B are 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 in existence prior to October 31, 1992. King County Assessor's documentation was provided demonstrating that Lot 1, (subject site) Block 3, of Joseph C. Kinnear's Addition was created prior to 1910. Therefore, King County Records indicates that the lot was legally in existence 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***

Response is the same as that found in discussion for SMC 25.09.180.E.1.b; presence of steep slope and buffers eliminates any area for potential development, causing unnecessary hardship.

***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 subject lot is not located in a riparian management area; therefore, this section does not apply.

***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 geotechnical report at this stage titled "Geotechnical Engineering Study, Residential Development, 16<sup>th</sup> Avenue South and South Holgate, Seattle Washington," dated September 18, 2006 by Earth Solutions NW, LLC). Additionally, an Addendum was submitted on March 23, 2007 for review and approval by DPD. The reports addressed proposed improvements including building site preparation and development with respect to steep slope areas, landslide areas and potential erosion hazards. In the Executive Summary, Earth Solutions concluded that excavations, permanent foundation walls and associated drainage improvements will have a negligible impact on the existing steep slope areas as long as certain geotechnical recommendations

are followed. The report has been reviewed by DPD staff. In addition, a planting plan for the undeveloped steep slope areas has been reviewed and approved by DPD staff. The proposed development includes a single family house with an attached two-car garage, which is similar to nearby development in the zone and vicinity. 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, subject to conditions of approval and appropriate reviews of associated construction permits.

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 proposed development includes a single family house with an attached two-car garage, which is similar to nearby neighborhood character consisting of one to two-story single family residences with attached garages. As discussed above, the proposed residence would be sited at the toe of the slope that is approximately 54 feet below 16<sup>th</sup> Avenue. It is expected that visual impacts from the development upon neighboring properties to the west (16<sup>th</sup> Avenue), to the north, and south will not be readily apparent to surrounding uses. The applicant seeks to reduce the rear yard from 25 feet, as measured from the centerline of the 16-foot wide alley, to 18 feet to the alley's centerline. The two-story structure with daylight basement will be located on a terraced bench area uphill from neighboring properties. The proposed structure will be in keeping with surrounding residential structures to the east and southeast of the development site. Visually, the heavily vegetated land of the western portion of the development site that raises above the development area will continue characterized this hillside.

There are no sidewalks in the immediate vicinity to contribute to the pedestrian environment, and none appear to be proposed with the development. The existing pedestrian stairs connecting 16<sup>th</sup> Avenue to South Holgate is approximately 15 feet away from the south property line and another ten feet away from the proposed residential structure may be spruced up to encourage and instill a sense of security. At the least, active use of the stairs adjacent to the area of development will provide additional eyes on the street to help increase a sense of security and deter criminal activity. The reduced yards setbacks, combined with the proposed height, bulk and scale of the development will not result in materially detrimental effects on the character, design, and streetscape of the surrounding neighborhood.

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 applicant proposes to build a single family house on a single family zoned existing property with minimal intrusion into environmentally critical areas and buffers, as well as proposing to remove invasive non-native vegetation on site and replace with additional native trees and vegetation. The proposal would be consistent with the spirit and purpose of the environmentally critical policies and regulations, subject to the Conditions section below.

- C. When an environmentally critical areas variance is authorized, the Director may attach conditions regarding the location, character and other features of a proposed development to carry out the spirit and purpose of this chapter.***

Applicable conditions are listed in 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.***

A total reduction in the required front, rear and side yards will not provide enough land areas to reasonably development and provide adequate separation from the steep slope. The steep slope area occupies the majority of the land area with the remaining area within the buffer areas. The applicant has proposed to place the building footprint in a portion of the development site with the least amount of disturbance in the steep slope and buffer areas - the rear yard. The required rear yard is 25 feet as measured from the alley centerline. The applicant seeks to reduce the depth of the rear yard to 18 feet to accommodate a safe vehicle access and provide land area of less than 400 square feet for usable open space between the structure and alley. As previously stated the entire site is located within the steep slope and buffer areas. No development would be allowed, without encroachment into the 15 feet buffer area and further into the steep slope itself.

The narrow irregular shaped buffer is proposed to be fully developed. The applicant proposes a retaining wall well within the steep slope area to contain developed within 45 feet from the east property line. No development is proposed west of the proposed retaining wall - the applicant has elected not to disturb this area. Based on a geotechnical study analyzing soil conditions the proposed development can be safely designed and developed under the guidance of a geotechnical engineer. The retaining wall is proposed to engineered to stabilize the hillside to allow development to occur on the east third of the lot, which represents an intrusion of up to 28.8% into the steep slope. Without the intrusion into the steep slope and buffer areas no land area would be available to allow development of any scale establishing a single family use. The applicant has therefore proposed to develop an area designed to minimize impacts at the subject lot with a major portion of the residence extending beyond the buffer and into the steep slope areas. This intrusion into the steep slope area would impact up to 28.8% of the total steep slope area. As executed, the proposal is designed to place development on the downhill portion of the slope in order to minimize intrusion into the actual steep slopes while safeguarding soil stability.

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.

- 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.***

The subject property currently contains 17 mature deciduous trees (Big Leaf Maple), shrubs, and groundcover. Some of the vegetation will be removed including 8 Big Leaf Maples to accommodate development. Other vegetation outside the development area the applicant has elected not to disturb. The Director has determined additional evaluation is warranted to determine the health of the remaining trees and potential safety risks at the time of the intake appointment for the building permit. The responsible party (applicant or owner) will provide an arborist report documenting the health of trees, which trees would be removed and replaced, and a vegetation monitoring plan. If it is determined that the removal of invasive non-native vegetation and replanting with native trees and shrubs is warranted, after DPD has evaluated and approved report the responsible party will complete prior to finalization of building permit. The decision below includes conditions to ensure that all non-native vegetation in the ECA is removed.

Conditions imposed as a means of compliance with the ECA ordinance are non-appealable. General Requirements and standards are described in Section 25.09.060 of the ECA ordinance and include the recording of conditions of approval, the recording of the identified ECA areas in a permanent covenant with the property as well as specific construction methods and procedures. The proposal must also comply with the specific requirements for development in areas with landslide potential areas (Section 25.09.080), steep slopes (Section 25.09.180), riparian corridors (Section 25.09.200.A), and trees and vegetation (Section 25.09.320). All decisions subject to these standards are non-appealable Type I decisions made by the Director (or designee) of DPD.

### **DECISION – STEEP SLOPE AREAS VARIANCE**

ECA Variance to allow development of up to 28.8% of the areas measured over 40% steep slope and to place development in the steep slope buffer is **CONDITIONALLY GRANTED**.

### **NON-APPEALABLE CONDITIONS OF APPROVAL**

#### **Prior to Issuance of a Master Use Permit**

1. Permanent visible markers shall be placed along the edge of the no disturbance 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 no disturbance line where the line changes direction. Markers must be in place before issuance of this Master Use permit. Markers should be detailed in accordance with description contained in Director's Rule 3-94.

2. Submit a signed and notarized copy of the ECA Covenant to the Land Use Planner.
3. Update plan set to reflect revised slope lot bonus calculations per instructions from Land Use Plans Examiner.

Prior to Issuance of Any Construction Permits

The owner and/or responsible party shall:

4. Show on the site plan the location of permanent ECA markers.
5. Show on building plans the location of a temporary, durable, highly visible construction fence at the boundary between the construction activity area and areas of steep slope and steep slope buffer which are to be left undisturbed. (25.09.060)

**CONDITIONS OF VARIANCE APPROVAL**

Prior to Issuance of a Building Permit

6. Submit an arborist report documenting the health of all trees at the development site; this report should identify trees that should be removed and replaced, and a vegetation monitoring plan. If it is determined that the removal of invasive non-native vegetation and replanting with native trees and shrubs is warranted, then applicant will be allowed in the steep slope areas, subject to review and approval by the Land Use Planner.
7. Document improvements within the rights-of-way including landscaping adjacent to the subject lot (16<sup>th</sup> Avenue South).

Signature: \_\_\_\_\_ (signature on file) Date: October 01, 2007

Bradley Wilburn, Land Use Planner  
Department of Planning and Development

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