



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: 3009336
Applicant Name: Howard Miller
Address of Proposal: 5747 NE Ambleside Road

SUMMARY OF PROPOSED ACTION

Land Use Application to allow the replacement of the existing 109 lineal feet of stairs in an environmentally critical area. Project includes 1,900 sq. ft. of revegetation.

The following approval is required:

Variance – to allow development of up to 30% of the steep slope and buffer area (0% allowed without variance, 6% 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 subject Lake Washington waterfront site is located among a long strip of residences on the east side of NE Ambleside Road. The property (like the others for a long distance around) is zoned SF9600. The subject property contains steep slope, potential slide, fish and wildlife conservation, and shoreline habitat environmentally critical areas. It is presently developed with a single family residence on the highest portion of the site. The waterfront is developed with a pier, and the flat area of the shore is developed with an accessory structure. In between, through the steep slope, there is an existing deteriorating stair, also of wood construction, and not dissimilar from what is proposed.

Description of Proposal

The applicant proposes to remove an existing deteriorated stairway through the steep slope ECA, construct a new stairway, and revegetate the entire development area, almost exclusively with native plants. The proposed structure would disturb approximately 6% of the combined steep slope and steep slope buffer areas.

Public Comment

The comment period for this proposal ended on August 20, 2008. During this period, no comment letter was received.

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 existing house on the site was built in 1928. The lot has existed prior to 1992 based on DPD records.

- b. the proposed development otherwise meets the criteria for granting a variance under Section 25.09.280~~E-E~~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 issue here is to allow circulation between permitted developments at the top and bottom of the steep slope. So yard setbacks have no relevance. 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.***

Yes.

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***
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***
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 two geotechnical reports, one specifically addressing the project. Project plans and the reports have been reviewed by DPD's geotechnical and engineering staff to ensure there is minimum risk of damage to the on-site developments and to adjacent properties. In addition, a planting plan has been provided, which re-vegetates the subject area with almost exclusively native plants. 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 existing stair is quite similar in design to that proposed. The slight relocation will not materially increase its prominence, and even if it were to do so, the extensive native plant revegetation plan will be a marked improvement over what is to be seen today. The result should be a more natural and pleasing appearance, especially as the plantings mature.

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 proposal would be consistent with these intents.

- 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.***

Because the revegetation plan is so important, project approval is conditioned upon verification that the planting plan has been fulfilled prior to issuance of any final certificate of occupancy.

SMC 25.09.180.E. Steep Slope Area Variance.

There are additional criteria established for the steep slope area variance; those above were activated by reference from this section, which goes on to require:

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 proposal cannot be served by any yard reductions, nor can it be fully served by buffer reductions. It is necessary to actually intrude into the steep slope areas. The amount of disturbance is small (claimed to be approximately 6%). Even if that is an underestimate, because it counts only the square footage of the stairs and not the associated ground disturbance, it is still a very small amount of disturbance. And a good deal of that is to accommodate more appropriate plantings. 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.*

Because the revegetation plan is so important, project approval is conditioned upon verification that the planting plan has been fulfilled prior to issuance of any final certificate of occupancy.

DECISION – ECA STEEP SLOPE AREA VARIANCE

The proposal to approximately 6% of the steep slope and buffer areas is **CONDITIONALLY GRANTED**.

CONDITIONS - ECA STEEP SLOPE AREA VARIANCE

Prior to Final Certificate of Occupancy and for the Life of the Project

1. Landscaping shall be installed and maintained per plan.

Signature: _____ (signature on file) Date: October 6, 2008
Paul Janos, Land Use Planner
Department of Planning and Development

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