



City of Seattle

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: 3010906  
Applicant Name: Kozo Nozawa, Prentiss Architects, for Travis Penn  
Address of Proposal: 3700 E. Valley Street

**SUMMARY OF PROPOSED ACTION**

Land Use Application to allow a 2,070 sq. ft., two story single family residence with an attached accessory dwelling unit in an environmentally critical area. Parking for 5 vehicles to be located on site. Existing structures to be demolished.

The following approvals are required:

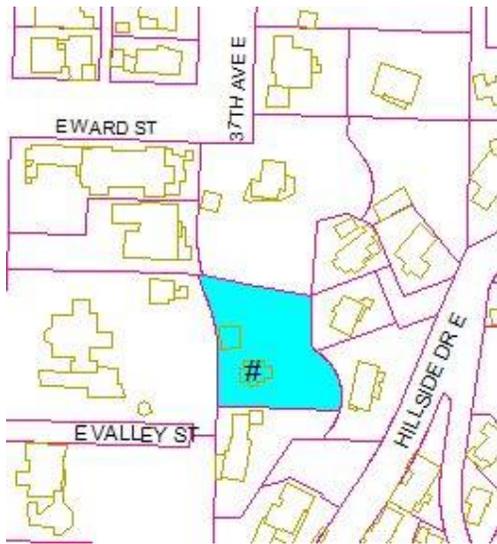
**Variance** – to allow disturbance of an Environmentally Critical Area (ECA) steep slope and buffer, SMC 25.09.180.

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

**BACKGROUND DATA**

Zoning:                      The site is zoned Single Family 7,200 (SF 7200), minimum lot size 7200 square feet.

Prior Uses on Site:      The existing single family house and carport/garage are to be demolished



Substantive Site Characteristics:

The property is addressed as 3700 E. Valley Street with a total lot area of 25,366 square feet. The property fronts just off the snub end of E. Valley Street (an existing condition to be discussed in further detail later in this analysis). The property currently contains a single family residence and a detached garage/carport located in the southwest corner of the site. The area of current development sits at the edge of an extensive bluff directly above Hillside Drive E. and the shore of Lake Washington which lies approximately 735 feet to the east at the base of the bluff. There is a known slide area mapped directly to the east of the current house location. This bluff is mapped as containing landslide-prone and steep slope e environmentally critical areas; there is a 15-foot steep slope buffer that extends west and south from the top of the designated steep slope area. Additionally, the site has been designated a “known landslide area” due to a landslide that occurred on the east side of the existing residence in the early 1970s.

There are two “Exceptional” trees protected under the Seattle Municipal Code (Chap 25.11) located within the buildable area on site. Proposed plans for the development on site will preserve and protect these trees as well as other mature trees on site.

The general vicinity is zoned for single family development in all directions.

Proposal Description:

The proposal includes demolishing the existing house and garage/carport and constructing a new two story house with daylight basement and a detached garage. The footprint of the proposed new house on the site, at 2070 Square feet, will exceed the existing dwelling footprint by 842 square feet. It will include the footprint of the present dwelling but extend further in both the northeast and southwest directions. The proposed two-story garage structure will be constructed on the entire 465 square foot footprint of the existing detached carport, but will extend further east and north for a total footprint of 945 Square feet to accommodate a third vehicle. Construction of the dwelling and garage structure are sited over approximately 1200 square feet or 26 percent of the designated steep slope buffer. The portion of the proposed development that encroaches into the designated steep slope area totals approximately 1200 square feet, or less than 4 percent of the 16,440 square feet designated steep slope area.

Public Comment:

The comment period on this application ended on May 5<sup>th</sup>, 2010. No public comments were received during the comment period.

## ANALYSIS – ECA VARIANCE

This variance request pertains to proposed disturbance of an identified Environmentally Critical Area (ECA) steep slope and steep slope 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 subject lot is of unusual shape. Although the north and south property lines are straight lines, they are not parallel to each other, with the westernmost portion of the lot wider in the north/south dimension than the easternmost. There is a conclave flare that extends the northwest portion of the lot to the west and a convex flare that extends the southeast area of the lot to the east. The lot does not front on a street, but the assumed front yard has been, and continues to be, an area twenty feet in width running parallel to the south property line. The assumed side yards run parallel to the west and east property lines with assumed rear yard running from side lot line to side lot line along the north property line.

The actual buildable areas of the site outside the steep slope areas and their buffers lie at the northeast and southwest corners of the site which are bisected by the steep slopes. The southeast

corner of the site is the larger of the two buildable areas and the only feasible area to develop due to its relationship to the only viable point of access to the property. It is the intention of the proposed development to preserve the existing access and driveway to minimize site disturbance and to avoid an increase in impervious surface area. Given the distribution of the steep slope areas on the site a reduction in the rear or side yards would not alter the disturbance of the steep slope of the steep slope buffer. The location of the proposed residential structure and garage on site both maximizes the ability to reuse the foundation areas of the existing house and garage for the new construction and allows for the preservation and protection of the two "Exceptional" trees on site, the Lodgepole pine and Japanese maple which occupy spaces between the existing driveway and proposed dwelling. Reduction of the size of the front yard would not appreciably affect the amount of buffer and steep slope intrusion and could compromise the intent to retain and protect the two exceptional trees.

A carefully designed siting of the new structures has been proposed, one that reasonably reduces the amount of site disturbances. The combination of the proposed dwelling and garage would disturb approximately 1200 square feet (or 26%) of the 4520 square feet of steep slope buffer area on site. Intrusion into the steep slope area itself would amount to 619 square feet, or slightly less than 4% of the total of 16,440 square feet of steep slope area identified on site.

The report prepared by Associated Earth Sciences (July 1, 2019; revised June 10, 2010) recommends continued geological consultation as the project design develops and further recommend geotechnical review of plans prior to final design completion. The Department of Planning and Development will require geotechnical plan review prior to approval of any construction plans and should any variations in subsurface conditions be encountered during actual construction, appropriate changes may be necessitated which would require additional DPD geotechnical approval. This decision will be conditioned to allow some intrusion into the front yard should subsurface conditions require minor adjustments in the siting of foundation work.

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 stabilization of the bluff is of primary concern. Because the construction will need to occur in close proximity to the bluff the work must be done in strict accordance with the recommendations made in the existing and more detail geotechnical reports that will be required for construction approval. As noted above, this decision will be conditioned to allow some intrusion into the front yard should subsurface conditions require minor adjustments in the siting of foundation work.

In addition to the provisions discussed above, DPD may grant an ECA variance only when all of the following 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 applicant is not requesting any yard reductions as they would not appreciably reduce the impact of the construction within the ECA buffer or steep slope area. The combination of the proposed dwelling and garage would disturb approximately 1200 square feet (or 26%) of the 4520 square feet of steep slope buffer area on site. Intrusion into the steep slope area itself would amount to 619 square feet, or slightly less than 4% of the total of 16,440 square feet of steep slope area identified on site.

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 buffer reduction and intrusion into the steep slope area would allow development on site that minimally would disturb or alter the character of the existing heavily wooded and vegetated property. The proposed development will provide for the preservation and protection of two exceptional trees on site and require removal of only two of the property's non-exceptional trees.

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 by Associated Earth Sciences, Inc., dated July 1, 2009 and revised June 10, 2010, which provides findings and preliminary recommendations for future development on the site. DPD has reviewed the report and finds the preliminary analysis to be acceptable. Assuming development is conducted in accordance with these recommendations and in accordance with the refined recommendations that will be required before issuance of any permits allowing for disturbance of the site, such disturbance within the steep slope and steep slope buffer should not be injurious to the property or to neighboring properties. Further, with the majority of the proposed development situated on the most level and most stable portion of the property and confined to the existing dwelling and garage footprints, risk of damage to neighboring properties will effectively be decreased. The proposed replacement of deteriorating foundations and landscape retaining wall on site with new, extensively engineered foundations and walls, as indicated in the geotechnical report, will effectively reduce rather than increase the slide risk on a site that has a record of known slides.

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 secluded site is literally without “street presence” and therefore there is no off-site pedestrian environment. No yard or setback reduction is proposed or anticipated, although the decision will be conditioned to allow minimal intrusion into the nominal front yard should minor adjustments to the footprint of the dwelling be necessitated by subsurface conditions.

At two and a half stories above grade and totaling 3,635 square feet of living area, the scale of the proposed development is modest in relation to the total property area (25,366 square feet) and in relation to other development in the immediate area.

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.

### **DECISION – VARIANCE**

**DPD CONDITIONALLY APPROVES** the requested variance to allow a single family residence and garage to be developed within the steep slope and steep slope buffer.

### **CONDITIONS – VARIANCE**

*Prior to issuance of any demolition or construction permits*

1. Temporary construction easements must be obtained from adjacent property owners as needed.
2. Obtain a permanent appurtenant easement(s) from adjacent property owner(s), as required by SMC 23.53.005, meeting the requirements of 23.53.025, in addition to or in lieu of the existing revocable easement for right of ingress and egress, King County Department of Elections and Recording No. 9102120464.
3. Obtain any other easements as needed for utilities that may cross adjacent parcels.
4. Minimal intrusion into the nominal front yard may be allowed with the approval of the Land Use Planner should minor adjustments to the footprint of the dwelling be necessitated by subsurface conditions.

*During Construction*

5. All grading, demolition, and other construction related earthwork must follow the recommendations contained in the geotechnical reports and memoranda prepared by Associated Earth Sciences, Inc., or that may be contained in other studies that may be required as supplemental geotechnical reports by DPD prior to issuance of construction permits.

Signature: \_\_\_\_\_ (Signature on File)  
Michael Dorcy, Senior Land Use Planner  
Department of Planning and Development

Date: June 2, 2011