



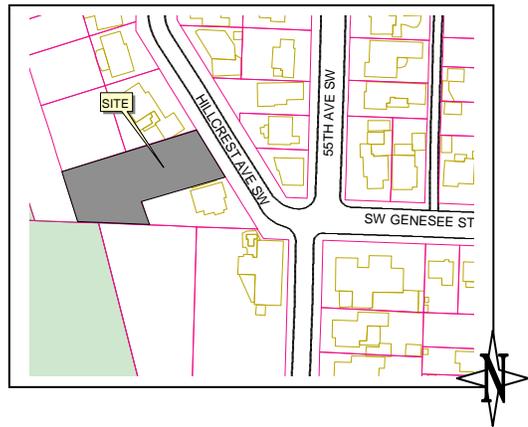
City of Seattle

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: 3011181
Contact Person: Richard Hiner
Address of Proposal: 4141 Hillcrest Ave SW



SUMMARY OF PROPOSED ACTION

Land Use Application to allow an existing soldier pile wall in an environmentally critical area.

The following approvals are required:

ECA Variance – to allow disturbance within a steep slope area. 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 INFORMATION

Site & Surrounding Area Description

The easterly portion of the site is zoned Single Family 5,000 (SF 5000) and the westerly portion of the site is zoned Single Family 7,200 (SF 7200). The site is developed with a single-family structure located on the east side of the site. The site contains approximately 16,163 square feet of lot area and slopes severely down from east to west. The site is located within a steep slope and potential slide area. Approximately 11,903 s.f. of the westerly portion of the site is designated as steep slope and associated buffer and covers 73.65% of the site.

Prior to the construction of the soldier pile wall, a narrow pedestrian pathway was located along the top of slope which allowed access to the back yard area. In a letter dated April 26, 2012 from Associated Earth Sciences, Inc., they indicated the slope below the now existing soldier pile wall was covered with blackberries, broken concrete and yard debris. They indicated the debris was loading the slope and increasing the risk of local slope instability or debris flow which is common due to the disposal of such debris on the surface of slopes.

Hillcrest Avenue SW abuts to the east and an unimproved ROW (Arnold Avenue SW) abuts to the west. The SW corner of the lot abuts Seattle Park's property. The surrounding area developed primarily with single-family structures.

Description of Proposal

Land use application to allow an existing soldier pile wall to be located within steep slope area and associated buffer. The soldier pile wall disturbs approximately 188 s.f. of steep slope and 270 s.f. of associated buffer for a combined disturbance area of approximately 458 s.f. or 3.8% of the total steep slope area and buffer on site. The wall is located to the west of the house and runs north to south. The wall is approximately 41 feet long from end point to end point and has a slight curvature designed to keep out of the steep slope area. The north 10 feet of the wall received a limited exemption on April 9, 2010.

In a letter dated April 26, 2012 from Associated Earth Sciences, Inc., the following work was described after trimming back the blackberries and revealing concrete and yard debris "It our opinion this material was loading the slope and increased the risk of local slope instability or debris flow which is common due to the disposal of such debris on the surface of slopes. In the best interest of slope stability this debris was removed by hand and the surface remediated by placing jute matting and hydroseed to control erosion until the vegetation could be established. However, this left a top edge of slope that was unprotected and subject to erosion along the line of what was thought to be the edge of the permitted grading area. In order to protect the development to the east of the top of slope and establish a permanent top of slope, a soldier pile wall was placed so that the top of the wall would be flush with the current grade. No fill was placed so that the top of the wall would be flush with the current grade. No fill was placed behind the wall to extend the top of slope out further than the current grades at the time of installation. The only fill placed behind the wall was pea gravel to provide drainage and fill the voids behind the lagging. In addition to tiebacks the soldier pile wall was designed with adequate embedment to retain the old fill behind it while allowing the old fill below the wall to be removed in the case of a shallow failure."

Environmentally Critical Areas Regulations

General Requirements and standards are described in Section 25.09.060 of the ECA ordinance (SMC Chapter 25.09). SMC Section 25.09.080 provides specific standards for all development in potential slide areas. 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. Trees and vegetation standards are found at SMC 25.09.320.

Public Comment

Notice of the proposal was issued on May 6, 2010. No comment letters were 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

A building permit indicates the parcel has existed since at least 1957, when the existing residence was constructed.

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 proposed retaining wall is not subject to yard requirements. Furthermore, the wall is only functional near the top of the slope which is not in the front or rear yards.

Criteria and responses for granting a variance found in SMC 25.09.280.B is discussed below.

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

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.

A building permit indicates the parcel has existed since at least 1957, when the existing residence was constructed.

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. Furthermore, the wall is only functional near the top of the slope which is not in the front or rear yards. Based on the letter from Associated Earth Sciences, Inc., the existing debris was loading the slope and increasing the risk of local slope instability towards the top of slope which would have impacted the narrow pedestrian pathway allowing access through the back yard.

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

This criterion is not applicable since there is no riparian management area or required (riparian) buffer on-site.

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 letter from a geotechnical engineer firm (Associated Earth Sciences, Inc) dated April 26, 2010 indicating the existing soldier pile wall “should be considered a slope stabilization/preservation measure that has enhanced the stability of the area from the previous condition”.

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 soldier pile wall is not subject to yard standards. Due to the retaining wall being located behind the house and not visible from the street, 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 soldier pile wall was designed to minimize unneeded disturbance to the critical area while promoting slope stability. Work in the ECAs will be performed using hand operated equipment. Disturbed areas will be re-vegetated with native vegetation. The proposal would be consistent with the spirit and purpose of the environmentally critical policies and regulations.

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.

The project as proposed is designed to minimize ECA disturbance. Additional conditions are not warranted.

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.***

Based on the letter from Associated Earth Sciences, Inc., the existing debris was loading the slope and increasing the risk of local slope instability towards the top of slope which would have impacted the narrow pedestrian pathway and preventing access through the back yard. The wall was designed to minimize the impact to the steep slope and buffer by having a curvature which generally followed the top of slope. The soldier pile wall is not subject to yard standards nor would the wall be functional if located in a required front or rear yard, so reduction of required yards will not provide relief. The steep slope and steep slope buffer occupies a large portion of the project area. The soldier pile wall disturbs approximately 188 s.f. of steep slope area and 270 s.f. of associated buffer. The approximate 458 s.f. intrusion into the steep slope area and buffer of a total steep slope and buffer area of 11,903 s.f. is relatively small, impacting 3.8% of the total 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.

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 project as proposed is designed to minimize ECA disturbance. Additional conditions are not warranted.

