



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: 3011904
Applicant Name: Judy Tucker
Address of Proposal: 10411 Maplewood Place SW

SUMMARY OF PROPOSED ACTION

Land Use Application to remove existing stairs (220 sq. ft.) and replace with 127 sq. ft. stairs in an environmentally critical area. Project includes 600 sq. ft. of site work and re-vegetation.

The following approvals are required:

ECA Variance – to allow disturbance within a steep slope area. Section 25.09.180.E

SEPA Determination: Exempt DNS MDNS EIS
 DNS with conditions
 DNS involving non-exempt grading or demolition
Or involving another agency with jurisdiction.

BACKGROUND INFORMATION

Site Description

The site is located on Maplewood Place SW, on the shore of Puget Sound near the southernmost Seattle City Limits in southwest Seattle. The subject property is developed with a single family residence, and zoning for the site and surrounding parcels is Single Family Residential with a minimum lot area of 9,600 square feet (SF 9600). The property is also located within the Urban Residential/Conservancy Recreation (UR/CR) Shoreline Environments. The property slopes down from the east (Maplewood Place SW) to the west (Puget Sound) and contains the following environmentally critical areas: Flood Prone, Liquefaction, Potential Slide, Steep Slope and Shoreline Habitat Buffer.

Description of Proposal

The applicant proposes to replace an existing on-grade stairway and path to the beach with a grated metal 'floating' stair. The existing concrete/crushed gravel path and stairs (approximately 227 square feet in area) are cut into the slope and are eroding and in need of repair or replacement. The new "floating" stairs consist of 'flow-through' pervious steel treads with steel stringers supported on concrete footings at the top and middle landing. The bottom landing is supported by a concrete column. The new stairs will have a footprint of 127 square feet. The project includes re-vegetation of the steep slope area with native plant species.

The existing and proposed stairs are located within the steep slope environmentally critical area. Disturbance of steep slope ECAs requires variance approval.

Public Comment

Notice of the proposal was issued on February 10, 2011. Four comment letters were received. The public comment period was extended to March 9, 2011 by request.

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 25.09.180 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.

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

According to information provided by the applicant, the lot has been in existence prior to 1992. King County records indicate the house was built in 1928.

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.

Neither the existing nor the proposed stairs are located within any required setbacks or yards, so reduction of the front or rear setbacks would not provide any mitigation. The stairs are intended to replace the existing access to the beach from the upper level of the site (where the residence is located). Since the steep slope ECA is located across the entire width of the western portion of the site adjacent to the Sound (for a depth of about 40 feet) it is not possible to replace the existing beach access without disturbing the ECA. The replacement stairs are necessary for access to the beach to be maintained. Reduction of the front or rear yards will not mitigate the hardship created by the strict application of the steep slope standards.

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.***

See response to SMC 25.09.180.E.1.a, above.

- 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***

See response to SMC 25.09.180.E.1.b, above.

- 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 geotechnical report (“Geotech Consultants, Inc., dated March 17, 2010) which was reviewed by DPD’s geotechnical engineer and approved on March 16, 2011.

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***

No setback reduction is proposed since this is not a feasible option for this project. The proposed stair replacement will be located no more than 18 inches above grade and is designed to minimize disturbance of existing vegetation and any disturbed areas will be replanted with native vegetation. A landscape plan is provided on Sheet L1 (dated December 10, 2010). As the landscape matures, the stair is expected to visually blend into the landscape. Therefore, the proposed 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 replace a beach access which is deteriorated with a new stair which will be minimally intrusive into environmentally critical areas and buffers. Disturbed areas will be revegetated 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.***

As discussed above, the location of the existing and proposed stairs is not located within any required yards or setbacks, and reductions of required yards will not provide relief. Further, it is not possible to replace the existing beach access without disturbing the ECA. The intrusion into the steep slope and buffer would impact about 19% of the total, according to the plans. 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 proposed septic system is designed to be minimally intrusive into the ECA and buffer. Disturbed areas will be re-vegetated with native vegetation. Additional conditioning is not warranted.

DECISION – STEEP SLOPE AREAS VARIANCE

ECA Variance to allow removal of existing stairs (220 sq. ft.) and replace with 127 sq. ft. stairs in an environmentally critical area, and re-vegetate disturbed areas is **GRANTED**.

CONDITIONS OF VARIANCE APPROVAL

None.

Signature: _____ (signature on file)
Molly Hurley, Senior Land Use Planner
Department of Planning and Development

Date: April 4, 2011