



City of Seattle

Department of Planning and Development
Diane Sugimura, Director

**CITY OF SEATTLE
ANALYSIS AND DECISION OF THE DIRECTOR OF
THE DEPARTMENT OF PLANNING AND DEVELOPMENT**

Application Number: 3012152
Applicant Name: Jay Volz
Address of Proposal: 1419 – 7th Ave West

SUMMARY OF PROPOSED ACTION

Land Use Application to allow a twelve-foot tall retaining wall accessory to a single family residence (work already completed).

The following approvals are required:

Variances - To allow a retaining wall exceeding six feet in a required rear yard (SMC 23.44.014.D.10)

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

BACKGROUND DATA

Site and Vicinity Description

The subject site is located on the southwest slope of Queen Anne Hill, is developed with a single family residence, and is zoned Single Family 5000 (SF 5000). The site slopes down from the east to the west, and is mapped as an environmentally critical area due to the presence of steep slopes in excess of 40 percent. The property is bounded by 7th Ave. W. to the east, an alley to the west, and single family properties to the north and south. Surrounding properties are also zoned SF 5000, and are developed consistent with the single family residential zoning.

Proposal Description

The proposal is for a twelve-foot retaining wall accessory to an existing single family residence. The wall, already constructed, is one of two located along the alley in the rear yard. The westernmost or “lower” wall (approved under DPD Permit No. 6172875) was a replacement for an existing retaining wall that had deteriorated. The lower wall runs along the western property line (along the alley) and is shared with the abutting property to the south. The wall that is the subject of this variance application is located above the lower wall, in the rear yard, about seven feet from the western property line. This “upper” wall is about twelve feet tall and is three-sided. It is located along the northern property line, turns 90 degrees to run south for about 56 feet (parallel to the alley), then turns 90 degrees again before continuing east towards the existing single family residence.

The upper wall was built during the construction of the wall authorized under Permit No. 6172875, and was added to the project when the construction/design team encountered soil movement during construction of the lower wall. Because the upper wall is located within a required rear yard and is greater than six feet in height, variance approval is required.

Public Comments

The public comment period for this project began on May 19, 2011 and ended on June 1, 2011. 2008. Four comment letters were received.

ANALYSIS - VARIANCES

Pursuant to SMC 23.40.020 C, variances from the provisions or requirements of this Land Use Code shall be authorized when all the facts and conditions listed below are found to exist.

- 1. Because of unusual conditions applicable to the subject property, including size, shape, topography, location or surroundings, which were not created by the owner or applicant, the strict application of this Land Use Code would deprive the property of rights and privileges enjoyed by other properties in the same zone or vicinity; and***

The subject property is in a neighborhood on the southwest slope of Queen Anne Hill that is characterized by steep slopes and was originally developed about a hundred years ago. Tall, non-conforming retaining walls are not uncommon in the neighborhood, as demonstrated by photographs provided by the applicant. Some of these photos are included in the plan set, on Sheet A1.1. The photos are accompanied by a vicinity map that shows five such walls are located along the alley that abuts the subject property; two on the same block as the property and three on the block to the north.

According to information provided by the applicant, the slope where the subject wall is located consists of un-compacted fill that was placed when the home was originally constructed. According to the King County Assessor’s office, the house was originally constructed in 1920. Construction of the lower wall (under Permit No. 6172875) included the placement of soldier piles which extend deep into native soils for stability. During construction of the lower wall, soil movement occurred uphill that caused the construction/design team to modify the original design

to add the upper wall. The upper wall was designed and constructed to take advantage of the soldier piles that were already in place for the lower wall. The location of the soldier piles and the elevation of the existing residence were factors in the design and construction of the upper wall.

The historic, un-compacted soils, and the pre-existing nonconforming wall that was replaced under Permit No. 6172875, are unusual conditions not created by the owner/applicant. The strict application of the Land Use Code would deprive the applicant of a retaining wall that is similar to others along this alley in the near vicinity. This criterion is met.

- 2. The requested variance does not go beyond the minimum necessary to afford relief, and does not constitute a grant of special privilege inconsistent with the limitations upon other properties in the vicinity and zone in which the subject property is located; and***

According to information in the project file, the design and construction of the upper wall was: “. . . quicker, less-costly, and more considerate of neighboring property owners than construction of a conforming wall would have been.” This is explained as follows: The construction of a six-foot wall and engineered steep slope would have required (additional) months to design and construct due to the complexity of working above, below, and on-top of the unstable slope. The construction was underway during January, and delay would have exposed the project to potentially severe winter weather. The extra time needed to construct a six-foot alternative would also have resulted in a longer alley closure, which would have further inconvenienced neighbors who rely on the alley for access, garbage pick-up, and mail delivery. In addition, the contractor estimates that the construction costs alone of an alternative design would have added \$300,000 to the already \$375,000 project. Additional design and construction monitoring would have increased costs even more.

The design also allowed for a balanced cut and fill, which also reduced both project costs and timeline. The balanced cut and fill was accomplished by lowering the rear yard by up to four feet. Lowering it by more than four feet was not recommended by the project engineer, due to potential impacts on the stability of the house. The four-foot reduction resulted in the back yard being six to seven feet below the basement level of the house. The increase in the grade differential between the house and rear yard resulted in less convenient access between the two, but allowed the wall to be four feet lower than if the yard were not lowered. This compromise demonstrates the minimum necessary to afford relief.

As discussed above, and documented in the plans, retaining walls greater than six feet in height are common along the alley abutting this property. Granting variance relief for an over-height retaining wall in the rear yard would not constitute a special right or privilege that is inconsistent with rights and privileges enjoyed by other properties in the vicinity and zone. This criterion is met.

- 3. The granting of the variance will not be materially detrimental to the public welfare or injurious to the property or improvements in the zone or vicinity in which the subject property is located; and***

