



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: 3012849
Applicant Name: David Douglas
Address of Proposal: 5747 NE Ambleside Road

SUMMARY OF PROPOSED ACTION

Land Use Application to grade 20 cubic yards of material in an environmentally critical area and to allow a 105 linear feet incline elevator accessory to a single family residence.

The following approval is required:

ECA Variance – to allow disturbance of the steep slope buffer and disturbance of up to 30% of the steep slope area (0% allowed without variance, up to 26% proposed) per 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, in the Laurelhurst neighborhood of northeast Seattle. The property is zoned SF 9600: Single Family Residential, with a minimum lot size of 9,600 square feet. Other properties in the immediate vicinity are also zoned SF 9600. The dry land portion of the property that is within 200 feet of the shoreline is within a UR (Urban Residential) Shoreline Environment, and the over water portion is within a CR (Conservancy Recreation) Shoreline Environment. The property contains steep slope, potential slide, fish and wildlife conservation, and shoreline habitat

environmentally critical areas designated under Seattle Municipal Code (SMC) Chapter 25.09, Regulations for Environmentally Critical Areas. It is presently developed with a single family residence on the highest portion of the site, nearest the street. 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 a stairway of wood construction. Reconstruction of this stair was authorized under a previous variance approval, DPD Project No. 3009336.

Description of Proposal

The applicant proposes to construct a winding drum style residential incline elevator to the general area now occupied by the existing stairway through the steep slope ECA, reconfigure the stairway as necessary to accommodate the elevator, and revegetate the entire development area in all areas west and southwest of the reconfigured stair with native plants. The elevator would be located 10 feet from the westerly property line in the steep slope area and consist of 105 feet of galvanized steel track four feet wide and supported by six steel supports at 16 feet on center with two-inch pipe piles at each support. The track is carried by a 31.25 square-foot concrete foundation at the top of the slope, nearest the residence, and a 30-square-foot landing at the base of the slope for loading and unloading. The proposed structure and related grading would disturb up to 26% of the combined steep slope and steep slope buffer areas.

Public Comment

The comment period for this proposal ended on March 21, 2012. 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.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. The 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.***
This criterion is met.
- 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***

Yard setbacks are not relevant as noted above. With respect to unnecessary hardship, the parcel is located on waterfront property and the residence is separated from the beach and water by a steep slope that is about 55 feet in height and is inclined on the order of 80 to 90 percent (40 percent is a minimum for a regulated steep slope). The existing stairway access to the water is difficult to maneuver due to the length and steep grade. The staircase severely limits, and in some cases prevents, access for elderly and those individuals with limited mobility or wheelchair bound. Authorizing the installation of the incline elevator within the steep slope critical area will allow safe and reasonable access from the residence to the water.

- 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***

There is no riparian management area 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 that specifically addresses the project. Project plans and the report 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 native plants. The elevator will also result in less impact from foot traffic in other areas of the steep slope.

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 proposed elevator will be constructed close to the ground, with a maximum elevation above existing grade of 4 feet 2 inches about halfway down the slope. It will be screened on the southwesterly side of the property by the proposed planting of vegetation. That vegetation will be an improvement over the existing growth.

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 or final approval of building permits.

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:

3. ***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 disturbance of the steep slope area will not exceed 30 percent, and much of the disturbance is to accommodate more appropriate plantings. The elevator itself is proposed 10 feet from the southwesterly property line and will only cover a 4-foot to 5-foot wide area on the approximately 100-foot property. The elevator is a standard design and accessory structure for properties where steep slopes are present. The proposal therefore meets this criterion.

- 4. 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 approval of building permit or certificate of occupancy.

DECISION – ECA STEEP SLOPE AREA VARIANCE

The proposal to disturb up to 26% of the steep slope and buffer areas is **CONDITIONALLY GRANTED**.

CONDITIONS - ECA STEEP SLOPE AREA VARIANCE

Prior to Issuance of Any Construction Permit

1. Show on construction plans the location of a temporary, durable, highly visible construction fence at the boundary between the construction activity area and areas of steep slope and associated steep slope buffer that are to be left undisturbed (SMC Section 25.09.060).
2. Provide a landscape plan with the building permit set of plans containing the information provided on the MUP revegetation plan and indicating revegetation with native plants to replace vegetation damaged or removed due to construction.

Prior to Final Approval of Building Permit or Certificate of Occupancy and for the Life of the Project

3. Landscaping shall be installed and maintained per plan.

Signature: _____ (signature on file) Date: June 28, 2012
William K. Mills, Senior Land Use Planner
Department of Planning and Development

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