



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: 3014120
Applicant Name: Robert Humble for Hybrid Architecture
Address of Proposal: 2432 Delmar Drive East

SUMMARY OF PROPOSED ACTION

Land Use Application to allow a 1,046 sq. ft. addition to an existing single family residence in an environmentally critical area.

The following approval is required:

Environmentally Critical Area Variance – to allow development into not more than 30% of the steep slope and buffer area. (Proposal is to disturb 16% of steep slope.) (SMC 25.09.180E).

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

BACKGROUND DATA

Site Description

The 13,241 square foot site is located on Delmar Drive East above Boyer Avenue East overlooking Portage Bay in the North Capitol Hill area of Seattle. Zoning is Single Family 5000 (SF 5000). The wooded site is characterized by Environmentally Critical Areas (ECAs) including Steep Slope and Potential Slide. The existing one and one half story home was built in 1910.



Zoning for the surrounding parcels is Single Family 5,000 (SF 5000). The entire site is comprised of either steep slope or buffer. The steep slope area (40% or greater steep slope) is 11,426 square feet and the steep slope buffer is 1,815 square feet. There are native and non-native trees, shrubs, and groundcover on the site.

Area Development

Surrounding development consists of single family homes some with one to two story garages. Some garages are for two vehicles and others for one vehicle. Some properties have vehicle maneuvering on site and some do not in which case vehicles must back out onto Delmar Drive East. Curb cut widths for vehicle access vary in width along Delmar Drive. Delmar Drive East is a somewhat steep, winding, minor arterial with narrow shoulders. There are sidewalks on portions of the right of way, but not the full length of the Drive. No parking is allowed on either side of Delmar Drive East.

Description of Proposal

The proposal is to retain the single family dwelling and add an addition. The existing home foot print is 1,234 square feet, including exterior decks. The 1,046 square foot (print) addition is a street grade garage with a room below and an enclosed linking structure and open patio to the house.

The proposed structure would be located both in the steep slope area and buffer. The total project (addition and construction disturbance) proposes to disturb approximately 16% of the steep slope. Per SMC 25.09.180 and in consultation with the DPD geotechnical engineer the existing house and disturbance area are exempt from the prohibition of development on the steep slope areas since they are the result of previous legal grading activity.

The applicant has proposed to remove some of the existing vegetation in order to develop the proposal. New native plants will be planted where the slope has been disturbed.

Trees and Vegetation (SMC 25.09.320)

This code section is often referenced in other Environmentally Critical Area code sections, including those discussed above. The applicant will replant in accordance with the requirements of this section.

Public Comment

No comment letters were received during the official public comment period which ended on September 11, 2013.

Environmentally Critical Areas Regulations

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.

SMC Section 25.09.180.E authorizes variances to ECA development standards. Development may occur in up to 30% of the steep slope area with this variance, subject to specific criteria. Relevant criteria are discussed below. ECA Variance decisions are Type II decisions, subject to the provisions of SMC 23.76 and are appealable to the City Hearing Examiner.

General Requirements and standards are described in Section 25.09.060 of the ECA ordinance and include the recording of conditions of approval, the recording of the identified ECA areas in a permanent covenant with the property as well as specific construction methods, planting schedules and procedures. The proposal must also comply with the specific requirements for development in areas with landslide potential areas (Section 25.09.080), steep slopes (Section 25.09.180), and trees and vegetation (Section 25.09.320). All decisions subject to these standards are non-appealable Type I decisions made by the Director (or designee) of DPD.

ANALYSIS – STEEP SLOPE AREA VARIANCE

Regulations found in SMC 25.09.180.A-D apply. 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 property at 2432 Delmar Drive East, assessor's parcel number (APN 195220-0240), includes lots 17, 18 and 19 of the Delmar Park Addition. A 2002 Lot Boundary Adjustment adjusted lot 17 while the remaining lots remained unchanged including lot 19 where the house is located. The dwelling on the property was built in 1910. Research shows that platting in the area was completed in the early 1900's. Therefore, the lot has been in existence prior to October 31, 1992.

- 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.***

As shown in by the topographic survey and site plan, the property is designated as a steep slope ECA or steep slope buffer. Strict application of the steep slope standards would require avoidance of both the steep slope area and the steep slope buffer, preventing further development on the site including the proposed covered and secured parking.

The applicant considered a reduced front yard (required: 4.5 feet, and considered: 0 feet) to site the proposed garage; however, reduction of the front yard does not result in access and a building footprint outside of the steep slope and steep slope buffer, so it does not fully mitigate the hardship created by the strict application of the steep slope standards nor does it maintain the full steep slope buffer.

Criteria and responses for granting a variance found in SM25.09.280 B are discussed 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.

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 proposed development will be subject to geotechnical and engineering review at the construction permit stage to ensure there is no damage to adjacent property stability. The applicant has provided a geotechnical report at this stage ("Geotechnical Report," dated January 24, 2013 by PanGeo, Inc.). The report has been reviewed and approved by DPD geotechnical staff. Granting a variance to intrude into the steep slope areas will not be injurious to safety, property, or improvements in the zone or vicinity, subject to conditions of approval and appropriate reviews of associated construction permits.

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 applicant is not requesting a variance for a reduced front yard, (only 4.5 feet required) since such a reduction would not mitigate the hardship or allow or maintain the full steep slope buffer. The applicant has incorporated project elements that maintain neighborhood character, including proposing a one story garage, retaining the existing driveway and curb cut and maintaining as many trees as possible while replanting disturbed areas with native landscape plants. The landscape plan is an ECA code requirement and must be incorporated into the associated building permit in order for the project to be approved.

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 in an effort to protect ecological functions, prevent erosion and protect the public the public health, safety and welfare in landslide-prone (including steep slope) areas, and to permit landowners reasonable development and to avoid development that causes injury to persons, property, public resources or the environment.

The applicant proposes to construct a 1,046 square foot structure (garage with lower level room, deck and hallway accessory to an existing single family residence). The site is entirely either steep slope or steep slope buffer, which limits the potential areas of the property where a structure may be located. The steep slope area is 11,426 square feet and the steep slope buffer is 1,815 square feet for a total site area of 13,241 square feet. Disturbed areas will be re-vegetated with native vegetation. Variance relief is necessary to allow the proposed development. 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.***

No conditions are imposed.

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.***

The applicant is not requesting a variance for a reduced front yard, since such a reduction would not mitigate the hardship nor allow or maintain the full steep slope buffer. A buffer reduction alone would not provide a garage large enough for a functional garage and access to and from Delmar.

The steep slope area is 11,426 square feet and the steep slope buffer is 1,815 square feet for a total site area of 13,241 square feet. The proposed development of addition and construction disturbance is 1,709 square feet. Existing development has been exempted from the calculation and thus the proposal is to disturb 16% of the steep slope area 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 accessory structure is designed to be minimally intrusive in to the ECA and buffer, with a total steep slope ECA disturbance of 16%. Disturbed areas will be required to be vegetated with native vegetation as shown on the Restoration Planting Plan as an ECA code requirement. A non-disturbance area covenant is required by the ECA code and will be required for all ECA areas not included in the 16% disturbance area. With these code requirements (Restoration Planting Plan and ECA covenant) no additional mitigation or conditions are warranted.

ECA CODE REQUIREMENTS

- The owner and/or responsible party shall provide a signed and notarized ECA Non-disturbance Covenant to the Land Use Planner for recording in accordance with instructions contained in Director's Rule 4-2007.
- The Restoration Planting Plan must be incorporated into the building permit set of plans.

DECISION – STEEP SLOPE AREAS VARIANCE

Granted.

CONDITIONS OF APPROVAL

None.

Signature: _____ (signature on file) Date: February 17, 2014
Holly J. Godard, Land Use Planner
Department of Planning and Development

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