

The 9114 sq. ft. site has the shape of a trapezoid and slopes downward from the front property line along Exeter Ave NE. The existing house is sited near the front of the property. The site drops 35 feet in elevation although most of the slope occurs in two sections, one band of steep slope cuts across the site close behind the house and another section of steep slope exists toward the rear of the property. These two sections are classified as steep slopes since the elevation drops at least 10 feet within a distance of less than 25 feet (over 40% slope).

The adjacent land is zoned SF 7200 in all directions.

Proposal Description:

The proposal includes an addition to the existing house with a deck extension over a portion of the steep slope. The addition will allow reallocation of space on the existing main floor for a larger garage space, kitchen, and living room partly achieved by moving the bedroom to an expanded second floor.

Public Comment:

The comment period on this application ended on June 8, 2015. One written comments was received expressing concern over drainage and soil stability issues, especially during construction.

ANALYSIS – ECA VARIANCE

This variance request pertains to proposed disturbance of an identified Environmentally Critical Area (ECA) steep slope buffer. Such variances may be authorized according to the provisions of SMC [25.09.180 E](#), quoted below.

1. *Steep Slope Area Variance. 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*
 - 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 subject lot existed prior to October 31, 1992. The referenced criteria relate to the reduction of required yards to provide for preservation of ECA buffers. The cited criteria are discussed below.

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 steep slope essentially divides the site. The existing house is appropriately located on the portion of the site that is generally forward of the critical area although it extends into the critical area and buffer. Construction of the addition is not allowed outright in the steep slope area or the adjacent ECA buffer which is 15 feet upslope of the steep slope area. Based on the site survey, the existing house projects into the required front yard and is less than 10 feet from the front property line. There is only a small portion of the site where construction of an addition to the footprint of house could be allowed that is not in a required yard or in the steep slope area or its buffer. This proposal includes an addition in part of that non-steep slope area (which is a steep slope buffer) as well as a modest 163 sq. ft. of steep slope immediately adjacent to the rear of the existing structure. Construction activity will contribute temporary ground disturbance of an additional 65 sq. ft.

The applicant proposes an addition to result in a modest sized two story house and single-car garage to be located mostly on the flattest portion of the site, adjacent Exeter Ave NE. The existing house already has a reduced front setback. Further development within the remaining small front yard would not add much usable space to the house yet would result in a house more forward on its property than most other houses in the neighborhood.

In order to have a large enough building area for this house addition, the steep slope buffer also will be reduced near the top of the slope. The existing house already covers most of the buffer in this part of the site. The proposed addition will only disturb an additional 228 sq. ft. of the regulated steep slope area, which is less than 30% of the approx. 1996 sq. ft. total steep slope area on the entire site.

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 will be conditioned so that temporary construction fencing will physically delimit the edge of the non-disturbance area. The steep slope area that will be disturbed in the construction process will be required to be replanted in native vegetation. No other mitigation is necessary.

In addition to the provisions discussed above, DPD may grant an ECA variance only when all of the following criteria are met, as set forth in SMC [25.09.280 B](#), stated below:

1. The lot has been in existence as a legal building site prior to October 31, 1992.

The subject lot existed as a legal building site prior to October 31, 1992.

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 existing house sits forward with portions of the front façade between 5 and 10 feet from the street property line. The house is modest in size yet covers virtually all of the buildable area of the lot that is forward of the steep slope and buffer. Portions of the structure, which predates the ECA Ordinance, are constructed to the rear into what is now a steep slope and buffer as well to the front into what typically would be the required front yard. The proposal will take advantage

of a reduced front yard requirement by constructing 15 feet back from the front property line for the second story expansion.

The proposed deck will replace the function of an existing deck that already protrudes into the steep slope. The existing deck is being enclosed to allow for increased floor area on the first floor. The new deck is proposed to extend over steep slope area a few feet beyond the existing deck.

Limiting construction to the non-critical areas that are both contiguous to the existing house and not in any required yard would be an unnecessary hardship due to the limitation on structure size and shape.

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

SMC 25.09.180 E modifies this provision to allow for developmental disturbance within the steep slope ECA and/or its buffer. The requested buffer reduction and small intrusion into the steep slope is a reasonable minimum to allow for development of the addition to the house on the 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 project will be required to implement temporary erosion control measures during construction as is typically required of projects in landslide prone areas. The applicant has provided a geotechnical report which provides findings and preliminary recommendations for this development on the site. The granting of the variance will not be injurious to the property or to neighboring properties.

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 resulting construction will be a modest-sized two story residence that will not be materially detrimental to 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 requested variance achieves a reasonable protection of existing steep slope areas on this site while allowing reasonable development.

DECISION – VARIANCE

The requested ECA Variance to construct a house in a steep slope area is **CONDITIONALLY GRANTED**.

CONDITIONS – ECA VARIANCE

Prior to Issuance of Building Permit

1. Provide an ECA Covenant for the site.
2. Show on all site plans the location of temporary construction fencing to delimit the line of non-disturbance. No grading or other construction activities are allowed in the remainder of the steep slope or buffer. Areas of temporary construction disturbance are to be replanted with native plantings.

During Construction

3. Install temporary construction fencing to delimit the line of non-disturbance. No grading or other construction activities are allowed in the remainder of the steep slope or buffer.

Jerry Suder, Land Use Planning Supervisor
Department of Planning and Development

Date: November 16, 2015

JS:drm

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IMPORTANT INFORMATION FOR ISSUANCE OF YOUR MASTER USE PERMIT

Master Use Permit Expiration and Issuance

The appealable land use decision on your Master Use Permit (MUP) application has now been published. At the conclusion of the appeal period, your permit will be considered “approved for issuance”. (If your decision is appealed, your permit will be considered “approved for issuance” on the fourth day following the City Hearing Examiner’s decision.) Projects requiring a Council land use action shall be considered “approved for issuance” following the Council’s decision.

The “approved for issuance” date marks the beginning of the **three year life** of the MUP approval, whether or not there are outstanding corrections to be made or pre-issuance conditions to be met. The permit must be issued by DPD within that three years or it will expire and be cancelled. (SMC 23-76-028) (Projects with a shoreline component have a **two year life**. Additional information regarding the effective date of shoreline permits may be found at 23.60.074.)

All outstanding corrections must be made, any pre-issuance conditions met and all outstanding fees paid before the permit is issued. You will be notified when your permit has issued.

Questions regarding the issuance and expiration of your permit may be addressed to the Public Resource Center at prc@seattle.gov or to our message line at 206-684-8467.