City of Seattle
Edward B. Murray, Mayor

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: 3014915

Applicant Name: Daren Doss

Address of Proposal: 1814 16th Avenue South

SUMMARY OF PROPOSED ACTION

Land Use Application to allow a single family residence in an environmentally critical area (ECA).

The following approvals are required:

Steep Slope Area Variance– to allow intrusion into a steep slope area and steep slope buffer. Section 25.09.180.E

ECA Variance – to allow a less than minimum required front yard setback. Section 25.09.280.B.

SEPA Determination: [X] 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 16th Avenue South in the North Beacon Hill neighborhood. The subject property has a lot area of 6,007 sq. ft. and is zoned Single Family (SF 5000). The adjacent surrounding property has a zoning designation of single family. LR1 and LR2 zoning districts are located to the north and west of the subject site. The property slopes downward toward the east from the edge of 16th Avenue South with the entire site located within a steep slope ECA or steep slope ECA buffer.

Description of Proposal

The applicant proposes to construct a two-story 1,204 sq. ft. single family residence. The residence will be oriented toward the front of the property along 16th Avenue South. Vehicular and pedestrian access is proposed along 16th Avenue South.

The entire site is designated as environmentally critical due to the presence of steep slopes and buffers. Disturbance of steep slope ECAs, ECA buffers and a front yard reduction all require variance approval.

Public Comment

Multiple written comments were received during the public comment periods ending on June 21, 2015. Comments were received and carefully considered, to the extent that they raised issues within the scope of this review. These areas of public comment related to impacts on the environmentally critical area and slope stability.

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 – ECA VARIANCES

The applicant has requested variances from three requirements of the environmentally critical areas ordinance: ECA Variance to disturb a steep slope and steep slope buffer; and an ECA Variance for a reduced front yard. Pursuant to the environmentally critical areas ordinance (SMC 25.09) the Director may allow these ECA Variances 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 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 lot was originally platted in 1876. This criterion is met.

   b. the proposed development otherwise meets the criteria for granting a variance under Section 25.09.280B, 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 analysis of the proposal in response to criteria in 25.09.280B follows the analysis of 25.09.180E in this document.

As shown by the topographic survey and site plan, the entire property is designated as a steep slope ECA or steep slope buffer. The steep slope buffer area is located in the west portion of the site along 16th Avenue South. The strict application of the steep slope standards would require avoidance of both the steep slope area and the steep slope buffer, preventing development of the site.

The applicant is requesting a reduced front yard (required = 20 feet, proposed = 5 feet). Reduction of the required front yard does not result in a feasible building footprint outside of the steep slope and steep slope buffers, 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.

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 proposing a reduced front yard setback. Since the entire site is designated as a steep slope or steep slope buffer, the reduction is not sufficient to keep the development entirely out of the steep slope and steep slope buffer. Approximately 90% of the site, or 5,415 sq. ft. of the 6,007 sq. ft. site is designated as an ECA. As such, it is not possible to develop the site with a single family residence without development in the ECA.

The proposed residence includes a two-story structure with a footprint of 1,204 sq. ft., 1,088 sq. ft. second level, and an above grade 284 sq. ft. deck which cantilevers from the rear of the structure. The total site coverage including driveway and walkways is 1,488 sq. ft. or less than 25% site coverage.

The applicant proposes a 584 sq. ft. buffer intrusion and a 1,568 sq. ft. intrusion into the steep slope. Including all site disturbances (construction impact area, access and utilities) the proposed project has a total intrusion of 29.9% of the steep slope area. 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 residence is designed to be minimally intrusive into the ECA and buffer, with a total steep slope ECA disturbance of 29.9%. Disturbed areas will be required to be re-vegetated with native vegetation as an ECA code requirement. A non-disturbance area covenant is required by the ECA code and will be required for all areas not included in the 29.9% disturbance area.

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, as stated below.

<u>SMC 25.09.280.B. Yard and setback reduction and variance to preserve ECA buffers and riparian corridor management areas</u>.

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.***

The lot was originally platted in 1876. A Lot Boundary Adjustment (Recordation #2013925001166) in 2013 maintained the lot as a legal building site. 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***

The entire site is located within an ECA area, including steep slope and buffer. The strict application of the steep slope standards would require avoidance of both the steep slope area and the steep slope buffer, preventing development of the site.

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 modifies this provision to allow for developmental disturbance within the steep slope ECA and/or its buffer. As the entire site is an ECA, a variance is required to development the site. The applicant is proposing a single family home comparable in size and location to neighboring properties. Therefore, the buffer reduction and intrusion into the steep slope area would allow development of the site which would minimally disturb or alter the character of the existing heavily wooded vegetated property.

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 three geotechnical reports (Earth Solutions NW, LLC, dated September 18, 2006, Geotech Consultants, INC., dated May 7, 2015 and July 28, 2015) which provided findings and preliminary recommendations for future development. The geotechnical reports have been reviewed and were approved on September 25, 2015 by DPD's geotechnical engineer. DPD's geotechnical experts have determined that the impacts to soils can be sufficiently mitigated through the Grading Code and Stormwater Code review by the Geotechnical Engineer during the Building Permit phase of review. The applicant will be required to submit geotechnical studies and any other information to determine compliance with those Codes during Building Permit review.

Development will be required to be conducted in accordance with these recommendations before issuance of any permits allowing for disturbance of the site, such disturbance within the steep slope and steep slope buffer should not be injurious to the property or to neighboring properties. In addition, a drainage plan is required by the ECA Code to minimize disturbance of the steep slope and steep slope buffer, and will be detailed and reviewed during review of the associated building permit. Further, the applicant is proposing to locate the new home on the most level and most stable portion of the property.

Therefore, 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 that will not result in a development 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 requesting a variance for a reduced front yard setback of five feet; twenty feet would be required under front yard setback requirements per SMC 23.44.014. The applicant has

proposed to locate the home closer to the front of the property in order to preserve a larger portion of the ECA steep slope area. As illustrated in the plan set (sheet A.1) the proposed setback reduction is consistent with neighboring homes along 16th Avenue South with a similar ECA condition. In addition, placement of the home closer to 16th Avenue South allows for the preservation of existing exceptional trees. An arborist report prepared by American Forest Management dated April 25th, 2015 has been submitted and reviewed by DPD. The Director reviewed the arborist report and concurs with the arborist's tree inventory and site plan showing the location of the trees. The Director determined the proposal is consistent with the provisions of SMC 25.11.060.

Further, the proposed building is comparable in height, bulk, and scale to neighboring homes. Allowing the home to be placed closer to the street creates a more continuous and consistent building pattern, as well as, allowing for less disturbance of the site.

Therefore, the proposed development will not result in materially detrimental effects on the character, design, 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 protect ecological functions, prevent erosion and protect the public health, safety and welfare in landslide-prone (including steep slope) areas, and to permit landowners reasonable development and avoid development that causes injury to persons, property, public resources or the environment.

The applicant proposes to construct a single family residence on a site consisting of steep slopes and steep slope buffers. The lot area is 6,007 sq. ft.; the steep slope area is 5,415 sq. ft. and the steep slope buffer area is 591 sq. ft.

Variance relief is necessary to allow development of the property. 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.

A non-disturbance covenant shall be required. In addition, a re-vegetation plan is required to demonstrate how the disturbed areas will be in compliance with 25.09.180, vegetation and replanting.

A steep slope re-vegetation plan must be submitted prior to MUP issuance. Removal of tree or vegetation in a steep slope area and its buffer must show replanting with native vegetation. 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. (All work in the right-of-way requires SDOT approval.)

DECISION – ECA VARIANCES:

DPD **CONDITIONALLY APPROVES** the requested variances to allow a single family residence to be developed within the steep slope and steep slope buffer, and reduce the front yard setback to minimize intrusion into the ECA.

CONDITIONS OF VARIANCE APPROVAL:

Prior to MUP Issuance

1. Provide an ECA Covenant recorded with King County Office of Records and Elections meeting the requirements of SMC 23.09.335.B.
2. A landscape plan indicating revegetation of the disturbed steep slope area and buffer shall be provided as required by SMC 25.09.320.

During Construction

3. All grading, demolition, and other construction related earthwork must follow the recommendation contained in the geotechnical reports prepared by Geotech Consultants Inc., or that may be contained in other studies that may be required as supplemental geotechnical reports by DPD to issuance of construction permits.

Signature: retagonzales-cunneutubby for Date: October 22, 2015
Magda Hogness, Land Use Planner
Department of Planning and Development

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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.