



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: 3016273
Applicant Name: James Romano
Address of Proposal: 3302 East Laurelhurst Dr NE

SUMMARY OF PROPOSED ACTION

Land Use Application to allow a 405 sq. ft. accessory structure to an existing single family residence in an environmentally critical area.

The following approvals are required:

ECA Variance – to allow disturbance within a steep slope area and steep slope buffer.
Section 25.09.180.E

SEPA Determination: 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 14,805 sq. ft. site is located on East Laurelhurst Drive NE, on the shore of Lake Washington, east of the University of Washington and north of the RT. 520 Bridge. The subject property is developed with a single family residence and located within a Single Family zone with a minimum lot area of 9,600 square feet (SF 9600). Surrounding parcels are zoned SF9600 or SF7200. The property is also located within the Urban Residential/Conservancy Recreation (UR/CR) Shoreline Environments. The site slopes down from the west (East Laurelhurst Dr. NE) to the east (Lake Washington) and contains the following environmentally critical areas: Steep Slope, Potential Slide, Liquefaction, and Shoreline Habitat Buffer. The Steep slope and

steep slope buffer area is located in the middle of the site, between the relatively flat portion where the residence is located and the lesser sloped area near the lake front.

Description of Proposal

The applicant proposes to construct a single-story 405 sq. ft. structure accessory to the existing single family residence. The structure would be located downslope from the residence, near Lake Washington. It will be used as an entertainment area and includes a shower and toilet.

The proposed structure location, to the east of the principal structure, is within the steep slope area and the steep slope buffer area of the site. The proposed structure will have a patio that is partially within the steep slope buffer and partially outside of the environmentally critical area.

The steep slope and steep slope buffer area is currently developed with an upper retaining wall near the residence, a cantilevered landing and stair, and a path including retaining walls down to the waterfront. The proposed development will be located within the area of the existing lower retaining walls and part of the path.

Between the shoreline and the area of the proposed development there is a 15" Metro sewer line that runs on a diagonal through the site. Seattle Public Utilities is requiring a 6' setback for location of any structures. The applicant has pushed the proposed structure to the western edge of the setback.

The existing development disturbs 23.45% of the steep slope area. The existing development and proposed development will disturb 29.95% of the steep slope area. The applicant proposes construction staging on site, outside the ECA area near the lake. Construction equipment will be brought to the staging area by barge. The project includes re-vegetation of the steep slope and buffer area that is being disturbed during construction with native plant species.

The proposed work is located within 200 feet of the shoreline. A shoreline exemption request was approved under the associated building permit #6378089. Therefore, a Shoreline Substantial Development Permit is not required.

The proposed accessory structure is located within the steep slope and steep slope buffers environmentally critical areas (ECAs). Disturbance of steep slope ECAs and ECA buffers requires variance approval.

Public Comment

Notice of the proposal was issued on December 6, 2013. No comment letters were received.

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 is prohibited on steep slope areas, unless the applicant demonstrates that the provisions of subsections 25.09.180.B.2 or 25.09.180.E apply. Trees and vegetation standards are found at SMC 25.09.320.

ANALYSIS – STEEP SLOPE AREA VARIANCE

The applicant has requested variances from two requirements of the environmentally critical areas ordinance: ECA Variance to disturb a steep slope buffer, and ECA Variance to disturb a steep slope.

Pursuant to SMC 25.09.180.E, the Director may allow disturbance of the steep slope area buffer and authorize limited disturbance and 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 subject property is a historically platted lot and King County records indicate the existing residence was built in 1918. This criterion is met.

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 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 location of the proposed accessory structure is well within the principal building area of the site, away from both the required front yard and required rear yard. As the 25' rear yard abuts Lake Washington, development in that area would be prohibited by SMC25.09.200.B.4.d.3. Thus, reducing the yards would not mitigate impact on the steep slope and in the case of the rear yard would not be allowed.

The proposed development will be located within the area of the existing lower retaining walls and part of the path, which will be removed.

The dry land area of the lot is approx. 12,900 sq. ft., of which 3,833 sq. ft. is designated as steep slope. Currently, the steep slope area is disturbed by 386 sq. ft. of upper retaining walls, 73 sq. ft. of cantilevered stairs and path, 424 sq. ft. of pathway, and 16 sq. ft. of lower retaining walls, for a total of 899 sq. ft. The existing development disturbs 23.45% of the steep slope area. With the proposed development, steep slope disturbance area would be 386 sq. ft. of upper retaining walls, 73 sq. ft. of cantilevered stairs and path, 389 sq. ft. of pathway, 155 sq. ft. of the accessory structure, and 145 sq. ft. of construction impact area, for a total of 1,148 sq. ft. With the proposed development 29.95% of the steep slope area will be disturbed.

Between the shoreline and the steep slope area there is a 15" Metro sewer line that runs on a diagonal through the site. There is a required setback for construction of any permanent structures of six feet from the centerline of the sewer line. Because of the presence of the utility line, it is not possible to locate the proposed structure to the east of the steep slope and steep slope buffer area nearer to the shoreline. Thus, location of the accessory structure is only possible within the steep slope buffer and steep slope area.

The 1,148 sq. ft. intrusion into the steep slope is 29.95% of the total steep slope area of 3,833 sq. ft., according to the plans. The proposed development follows the sequence of priority required by the Code 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 into the ECA and buffer, with a total *added* steep slope ECA disturbance of 6.5%. Disturbed areas within the construction impact area will be re-vegetated with native vegetation, as shown on the Landscape plan, as an ECA code requirement. As the steep slope area is currently disturbed with pedestrian access through the area it was determined a non-disturbance area covenant is not required.

SMC 25.09.280.B.

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 options for location of the proposed new development outside of the steep slope and steep slope buffer is limited by restrictions and prohibitions on development near Lake Washington, the Metro sewer line and required side yards. The small accessory structure, a customarily incidental use to the existing single family residence, will be partially located where the ECA areas have already been disturbed, and abutting the sewer line setback. Thus, the strict application of Title 23 would cause unnecessary hardship.

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 applicant has provided geotechnical reports (“Geotechnical Engineering Services”, dated November 8, 2013 and March 17, 2014) which was reviewed by DPD’s geotechnical engineer and approved on April 8, 2014.

Granting the variance to allow additional intrusion 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 project will not need yard or setback reductions so this criterion does not need to be addressed. As well, the building will not be visible from the street.

6. *The requested variance would be consistent with the spirit and purpose of the environmentally critical policies and regulations.*

Given the above analysis and limitations on developable area the requested variance achieves a reasonable protection of existing steep slope areas on this site.

ECA CODE REQUIREMENTS:

The landscape plan shown on in the MUP set must be incorporated into the building permit set of plans.

DECISION – STEEP SLOPE AREAS VARIANCE:

GRANTED.

CONDITIONS OF VARIANCE APPROVAL:

None.

Signature: _____ (signature on file) Date: December 11, 2014
Beth Hartwick, Senior Land Use Planner
Department of Planning and Development

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