



**City of Seattle**

Gregory J. Nickels, 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:** 3009603  
**Applicant Name:** Michael Chen  
**Address of Proposal:** 10243 Rainier Avenue South

**SUMMARY OF PROPOSED ACTION**

Land Use Application to subdivide one parcel into two parcels of land in an *Environmentally Critical Area*. Proposed parcel sizes are: Parcel A) 5,400 sq. ft. and Parcel B) 5,410 sq. ft. Existing structures to be demolished.

The following approval is required:

**Short Subdivision** – To create two parcels of land (SMC Chapter 23.24).

**SEPA Environmental Determination** - Review of development proposals in areas mapped as Environmentally Critical Areas, Chapter 25.05 Seattle Municipal Code.

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

**BACKGROUND DATA**

Zoning: SF 5000  
Date of Site Visit: October 23, 2009  
Uses on Site: Single-Family Residence

**Site and Vicinity Characteristics:**

The 10,810 square foot site, which has two street frontages, is located on the south side of Rainier Avenue South and the north side of South Taft Street. The vehicular and pedestrian access for the existing residence is from South Taft Street. The site is rectangular and approximately 120 feet in

length north to south and 90 feet in length east to west. The Rainier Avenue South street frontage is considered a *Steep Slope* area.

The surrounding zoning is also SF 5000. The surrounding uses are a variety of sizes and ages of single-family structures.

### Proposal Description

The applicant proposes to subdivide one parcel with a total area of 10,810 square feet into two parcels of approximately 5,400 sq. ft (Parcel A) and 5,410 sq. ft. (Parcel B). The existing single-family structure, which straddles the proposed lot line between Parcels A and B, and the garage on proposed Parcel B are proposed to be demolished prior to the sale of either parcel created. Future pedestrian and vehicular access for both proposed parcels will likely be from South Taft Street, due to the *Steep Slope* along the Rainier Avenue South frontage and Rainier Avenue's character as an arterial street. Pedestrian access, however, is possible from Rainier Avenue South.

### Public Comment

No comment letters were received during or after the comment period that ended September 30, 2009.

### **ANALYSIS - SHORT SUBDIVISION**

Pursuant to SMC 23.24.040, no short plat shall be approved unless all of the following applicable facts and conditions are found to exist.

1. *Conformance to the applicable Land Use Code provisions;*
2. *Adequacy of access for vehicles, utilities and fire protection, as provided in Section 23.53.005;*
3. *Adequacy of drainage, water supply, and sanitary sewage disposal;*
4. *Whether the public use and interests are served by permitting the proposed division of land;*
5. *Conformance to the applicable provisions of SMC Section 25.09.240, short subdivision and subdivisions in environmentally critical areas;*
6. *Is designed to maximize the retention of existing trees;*

### Summary - Short Subdivision

Based on information provided by the applicant, referral comments from Water (SWD), Fire Department (SFD), Seattle City Light, the Building Plans Examiner, the Drainage Section of DPD, and review by the Land Use Planner, the above cited criteria have been met subject to any conditions imposed at the end of this decision.

The lots to be created by this short subdivision will meet all minimum standards or applicable exceptions set forth in the Land Use Code and are consistent with applicable development standards with the following **Condition**:

*Prior to a change of ownership of either lot or the development of either lot the existing structures (house and detached garage) shall be removed or brought into conformity with existing development standards at the time of such actions.*

Vehicle and pedestrian access for both proposed parcel is available from the abutting streets.

Adequate provisions for drainage control, water supply, and sanitary sewage disposal can be provided for each lot and service is assured, subject to standard conditions governing utility extensions. No easement rights are required by reviewing utilities.

The site contains a mapped *Steep Slope* along Rainier Avenue South. However, this area has been *Exempted* from the prohibition of receiving development credit when platting because the *Steep Slope* areas were created by previous legal grading (for Rainier Avenue) (SMC 25.09.180.B). All other ECA submittal, general, *Landslide Hazard*, and development standards will apply for any future site or development work.

The site contains a few small trees, none that could be considered *Exceptional* per SMC 25.11. These are located along the periphery of the site. As such, the proposed plat as configured maximizes the retention of existing trees.

Based on the above responses to the applicable criteria, the public use and interest are served by the proposal to create additional lots.

### **DECISION - SHORT SUBDIVISION**

The proposed Short Subdivision is **CONDITIONALLY GRANTED**.

### **ANALYSIS - SEPA**

The proposal site contains the following Environmentally Critical Areas: *Steep Slope and Potential Slide*, thus environmental review resulting in a Threshold Determination is required pursuant to the State Environmental Policy Act (SEPA), WAC 197-11, and the Seattle SEPA Ordinance (Seattle Municipal Code Chapter 25.05).

SMC 25.05.908 requires that the scope of environmental review of projects within critical areas shall be limited to: 1) documenting whether the proposal is consistent with the City's Environmentally Critical Areas (ECA) regulations in SMC 25.09; and 2) evaluating potentially significant impacts on the critical area resources not adequately addressed in the ECA regulations. This review includes identifying additional mitigation measures needed to protect the ECA in order to achieve consistency with SEPA and other applicable environmental laws.

The initial disclosure of the potential impacts from this project was made in the environmental checklist submitted by the applicant dated August 25, 2009. The information in the checklist, public comment, and the experience of the lead agency with review of similar projects form the basis for this analysis and decision. As indicated in the checklist and the submitted geotechnical report, this action will not result in adverse impacts to the environment.

The proposed short plat will divide an existing lot with Environmentally Critical Areas into two lots. Along the northern property boundary of the parent site there is a *Steep Slope* that has been determined to have been caused by previous legal grading for the construction of Rainier Avenue South. Based on this it received a Limited *Steep Slope* Exemption. However, all other ECA submittal, general, *Landslide Hazard*, and development standards will apply for any future site or development work.

The submitted geotechnical report and evaluation indicates that future construction in this area is feasible provided the recommendations of the report and the existing City regulations for *Potential Slide* areas (SMC 25.09.080) are followed. Similarly, the geotechnical report gives recommendations for construction adjacent to the *Steep Slope*. Provided the report recommendations and recommendations from the required DPD ECA review are followed no mitigation of this proposal under SEPA is warranted.

### **DECISION - SEPA**

This decision was made after review by the responsible official on behalf of the lead agency of a completed environmental checklist and other information on file with the responsible department. This constitutes the Threshold Determination and form. The intent of this declaration is to satisfy the requirement of the State Environmental Policy Act (RCW 43.21.C), including the requirement to inform the public of agency decisions pursuant to SEPA.

[X] Determination of Non-Significance. This proposal has been determined to not have a significant adverse impact upon the environment. An EIS is not required under RCW 43.21C.030 (2) (C).

[ ] Determination of Significance. This proposal has or may have a significant adverse impact upon the environment. An EIS is required under RCW 43.21C.030 (2) (C).

### **CONDITIONS – SEPA**

*None.*

### **CONDITIONS - SHORT SUBDIVISION**

#### **Conditions of Approval Prior to MUP Permit Issuance**

1. Submit the final recording forms for approval along with any required fees.
2. Note on the face of the final plat that prior to a change of ownership of either lot or the development of either lot the existing structures (house and detached garage) shall be removed or brought into conformity with existing development standards at the time of such actions.

After Recording and Prior to Issuance of Any Building Permits

The owner(s) and/or responsible party(s) shall:

3. Attach a copy of recorded short subdivision to all copies of future building permit application plans for proposed Parcels A and B.

Signature: \_\_\_\_\_ (signature on file) \_\_\_\_\_ Date: November 12, 2009  
Art Pederson, Land Use Planner  
Department of Planning and Development

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