



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: 2403574
Applicant Name: Terry Wilson
Address of Proposal: 10033 75th Avenue South

SUMMARY OF PROPOSED ACTION

Master Use Permit to subdivide one lot into two parcels of land in an Environmentally Critical Area. Proposed lot sizes are: A) 6,527 sq. ft. and B) 5,000 sq. ft. The existing structure on proposed Lot A will remain. The structure's wood deck, stairs, a shed, and a portion of the parking pad on proposed Parcel A and will be removed.

The following approvals are required:

Short Subdivision - to divide one parcel of land into two parcels.
(Seattle Municipal Code 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 DNS MDNS EIS
 DNS with conditions
 DNS involving non-exempt grading or demolition or involving another agency with jurisdiction

BACKGROUND DATA

Zoning: SF 5000

Date of Site Visit: August 19, 2004

Uses on Site: Single Family residence and accessory garage structure.

Site and Vicinity Descriptions: The project site is located at 10257 Rainier Avenue South (former address). It is approximately 11,527 square feet in area and is bordered by three streets: Rainier Avenue South to the north, 75th Avenue South to the east and South Taft Street to the south. The site contains mapped Environmentally Critical Areas (ECA's): *steep slopes and new potential slide*. The *steep slope* is located along the entire length of the western property boundary and extends into the property variously 10 in the northern portion and 30 feet in the southern portion. A substantial portion of the property is classified as *new potential slide*.

Development in the vicinity is comprised of a mix of single-family structures. All streets are paved. Rainier Avenue South has curbs and gutters but no sidewalk along the property frontage. Neither 75th Avenue South nor South Taft Street have curbs, gutters, or sidewalks.

Proposal

The proposal is to short subdivide one platted lot into two lots. Proposed Lot A will contain 6,527 sq. ft. and proposed Lot B will contain 5,000 sq. ft. The existing single family residence on proposed Parcel A will remain. The attached wood deck and stairs, existing shed and portion of the asphalt parking pad on proposed Lot A will be removed. The site contains Environmentally Critical Areas, *steep slopes and known slide, as* outlined above.

Vehicular access to proposed Lot A will be from an existing driveway on South Taft Street. Vehicular access to proposed Lot B will be from 75th Avenue South.

Public Comments

The two-week comment period for this proposal ended July 7, 2004. One comment letter was received expressing concern that any future structure on proposed Lot B not be built close to the street edge of Rainier Avenue South in order to avoid obscuring motorist visibility when entering Rainier Avenue South from South 75th Street.

ANALYSIS - SHORT SUBDIVISION

Pursuant to SMC 23.24.040, no short subdivision shall be approved unless all of the following facts and conditions are found to exist. The findings which follow are based upon information provided by the applicant; review of access, drainage and zoning within the Department of Planning and Development (DPD); review from Seattle Public Utilities, Seattle Fire Department and Seattle City Light; and, review by the Land Use Planner.

1. *Conformance to the applicable Land Use Code provisions;*

The lots created by the proposed short subdivision will conform to all development standards of the SF 5000 zone and for lots containing *Environmentally Critical Areas – Steep Slopes and New Potential Slide Areas*. Proposed Parcels A and B meet the required minimum lot area of this zone. The lot configurations provide adequate buildable area to meet applicable yard and lot coverage requirements and other land use code development standards, with the exception of the north side yard of proposed Parcel A, which will be located 3 feet from the new north property boundary with proposed Parcel B. This undersized side yard (Code requires a 5 foot side yard) is, however, allowed provided a side yard easement with the adjacent property is in place that provides for a 10 foot separation between present and future structures (SMC 23.44.014.D.2). Such easement has been included with this proposal.

The existing shed and asphalt parking space on proposed Parcel A are non-conforming to the Land Use Code. Structures, such as the shed, are not permitted in front yards per SMC 23.44.014, and therefore must be removed prior to the sale or transfer of ownership or issuance of a building permit for any structure on proposed Parcel B. The asphalt parking space along the south property boundary is within the side yard of proposed Parcel A. Parking is not permitted in side yards abutting a street per SMC 23.44.016.C.1.b. Proposed Parcel A is a *reverse corner lot* and, as such, has a required side yard depth of 10 feet. Any portions of the asphalt parking space that are within 10 feet of the property boundary along South Taft Street must therefore be removed as a part of short plat approval. A Code conforming parking space must be provided in replacement and shown on the face of the plat.

2. *Adequacy of access for vehicles, utilities and fire protection, as provided in Section 23.53.005;*

Each of the proposed parcels will have adequate access for vehicles, utilities, and fire protection. Proposed Parcel will have this access from both South Taft Street and 75th Avenue South. Proposed Parcel B will have access from 75th Avenue South and Rainier Avenue South.

Seattle City Light provides electrical service to the subject property and has approved this proposal. No easement for this utility is required.

The Fire Department has approved this short plat as proposed.

3. *Adequacy of drainage, water supply, and sanitary sewage disposal;*

Review for drainage and sanitary sewage disposal indicates these services are adequately provided for. If any future project creates greater than 5,000 square feet of new or replaced impervious surface, a comprehensive drainage control plan prepared in accordance with SMC 22.802.015 D and 22.802.020 may be required.

Seattle Public Utilities has reviewed this proposal and assures water availability access for all parcels (See Water Availability Certificate # 20040932).

4. *Whether the public use and interests are served by permitting the proposed division of land;*

The proposed subdivision is consistent with the relevant Comprehensive Plan policies for residential single-family zones and meets the minimum provisions of the Seattle Land Use Code for SF 5000 zones. These policies and provisions are intended to provide opportunities for the creation of additional housing units within the City while protecting existing neighborhood character, the natural environment, and the public health and safety.

The proposal will meet all applicable criteria for approval of a short plat as discussed in this analysis and decision upon completion of the conditions of this decision. 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;*

The parent parcel to this short plat proposal contains the following Environmentally Critical Areas: *steep slope* and *new potential landslide*. The western border of the parent parcel is comprised of *steep slope*. Almost the entirety of the parent parcel is classified as *new potential landslide*.

A Geotechnical Investigation Report by Soil and Environmental Engineers, Inc., and dated May 14, 2004 was submitted with this application. The report recommended a 15 foot buffer from the toe of the steep slope and presented technical information about the feasibility of constructing a new structure on propose Parcel B. Although the report stated that this construction was technically feasible, provided the report recommendations were followed, the *steep slope* and proposed 15 foot buffer can not be counted toward development credit per SMC 25.09.240.D and therefore resulted in proposed lots with insufficient lot area for the SF 5000 zone.

The applicant subsequently applied for a Limited Exemption from the *steep slope* regulations, which permits development credit for the *steep slope* if the *steep slope* has a vertical elevation change of no more than 20 feet, is not part of a larger *steep-slope* system, or has been created by previous legal grading activities (SMC 25.09.180.D.4). Based on the above cited geotech report and the DPD geotech reviewer's findings a Limited Exemption was granted (MUP 2501091), therefore the parent lot provides sufficient area to allow the creation of two lots of sufficient size for this zone. The normally required *environmentally critical area covenant* is therefore not required. Future construction of a structure on either proposed parcel will, however, still require Environmentally Critical Area review.

Based on the above findings, this short plat conforms to the applicable provisions of SMC 25.09, Environmentally Critical Areas.

6. *Is designed to maximize the retention of existing trees;*

The proposed lot shapes and boundary line locations were configured as proposed to allow the creation of an additional lot for the future construction of a single-family structure along Rainier Avenue South. The two (2) trees on site are on proposed Parcel A would not face removal due to this platting action.

7. *Conformance to the provisions of Section 23.24.045, Unit lot subdivisions, when the short subdivision is for the purpose of creating separate lots of record for the construction and/or transfer of title of townhouses, cottage housing, clustered housing, or single-family housing.*

This criterion is not applicable to this short subdivision.

DECISION - SHORT SUBDIVISION

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

ANALYSIS - SEPA

The proposal site contains the following types of Environmentally Critical Areas: *steep slope, and new potential slide*, thus environmental review resulting in a Threshold Determination is required pursuant to the Seattle 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 June 18, 2004. 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 western property boundary of the parent site there is a *steep slope* that has been determined to have a vertical elevation change of no more than 20 feet, is not part of a larger *steep-slope* system, or has been created by previous legal grading activities. Virtually the entire site, including the majority of lots in the vicinity, is classified as *new potential slide areas*. 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 *land-slide prone 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 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 Recording

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

1. Submit the final recording forms for approval and any necessary fees.
2. Change “Department of Design, Construction, and Land Use” on the face of the plat to “Department of Planning and Development”.
3. Remove “18.5” dimension on concrete patio of proposed Parcel A.
4. Note on the face of the plat that a portion of the asphalt parking space, the entire shed, the wood deck and stairs on proposed Parcel A must be removed prior to the individual transfer or sale of lots or issuance of a building permit for Parcel B.
5. Show on the face of the plat the location of a Code complying parking space for Parcel A.

Conditions of Approval Prior to the Individual Transfer or Sale of Lots or Issuance of a Building Permit for Parcel B.

1. On proposed Parcel A, legally remove the portion of the asphalt parking space that is within the 10 foot side yard, the shed that is within the front yard, and the wood deck and stairs on the north side of the existing structure.

2. Provide a Code complying parking space on Parcel A.

Signature: _____ (signature on file) _____ Date: August 4, 2005
Art Pederson, Land Use Planner

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