



City of Seattle
Greg Nickels, Mayor

Department of Planning and Development
Diane Sugimura, Director

**CITY OF SEATTLE
ANALYSIS AND DECISION OF THE DIRECTOR
OF THE DEPARTMENT OF PLANNING AND DEVELOPMENT**

Application Number: 3006451
Applicant Name: Warren Erickson
Address of Proposal: 515 W McGraw St

SUMMARY OF PROPOSED ACTION

Land Use Application to allow change of use from a 2,787 square foot administrative office to a single family residence.

The following Master User Permit components are required:

Administrative Conditional Use - to allow a single-purpose residential building (two-unit apartment) in a Neighborhood Commercial One zone. (SMC 23.47.008)

Variance - to allow less than the required 13 foot floor to floor height limit at street level. (Seattle Municipal Code 23.47.008C2)

SEPA DETERMINATION Exempt DNS MDNS EIS
 DNS with conditions
 DNS involving non-exempt grading or demolition or involving another agency with jurisdiction.

BACKGROUND DATA

Site and Vicinity Description

The subject property is located on West McGraw Street between 5th Avenue West and 6th Avenue West in the Queen Anne neighborhood. The subject site is rectangular in shape, with its lengthwise orientation running along a north/south axis. The site is approximately 2,400 square feet in size and is located in a Neighborhood Commercial 1 zone with a height limit of 30 feet (NC1 - 30).



The site is relatively level and sits approximately two foot above sidewalk grade. A concrete alley abuts the subject site to the east. A two and one-half-story single family building with partially above grade basement is the only structure on the development site. The single family structure was built in 1911 as a single family residence and remained so until 1984 when it was converted to an administrative office use. The first floor sits approximately 4 feet above grade and occupies an area of approximately 933 sq. ft. Surface parking is currently located in the rear of the site. Vehicle access to the site is through a 16 foot wide concrete alley abutting the east side of the property.

The subject site is situated along an east/west arterial serving the west top of the Queen Anne neighborhood. The NC1-30 zoning begins at the subject site and continues west for one and one-half blocks west and includes only those properties abutting West McGraw Street. A mix of small commercial and residential uses are located in this zone. Surrounding this small NC1-30 zone is SF5000 zoning for several blocks in all directions.

Proposal Description

The applicant proposes to convert an existing administrative office use to a single family residential use. The existing offices in the building will be converted back to residential uses including kitchen, dining room and bedrooms. Parking for one vehicle is provided in the rear with alley access.

Public Comment

Notice was published on February 8, 2007 and the comment period closed on February 21, 2007. One comment was received from a neighbor who recommended that the proposal be approved.

ANALYSIS - ADMINSTRATIVE CONDITIONAL USE

The proposal is to convert an existing administrative office to a single-purpose residential use that does not comply with development standards on a lot zoned NC1-30 pursuant to Seattle Municipal Code (SMC) Section 23.47.004.E.1. Single purpose residential structures otherwise permitted or exempted as provided in SMC Section 23.47.004.E in NC1 zones requires approval of an administrative conditional use permit pursuant to the criteria identified at SMC Section 23.47.006.B.4. The applicable criteria are listed below and followed by brief discussion of the project consistency with each criterion.

- (a) *Due to location or parcel size, the proposed site is not suited for commercial development; or*

The applicant proposes to convert the existing administrative office uses to a single family residential use. The structure was built in 1911 as a single family residential home. The current owner converted the home to administrative offices for his law practice in 1984. He now wishes to restore the home to its former residential use. The site is a rectangular shaped lot that is approximately 2,400 square feet. As such it is extremely limited for commercial redevelopment.

The existing structure's first floor sits approximately four feet above the existing sidewalk grade and approximately 12 feet from the front property line which does not establish a commercial presence. Typically commercial uses on the first floor in NC zones are located at street level, and are abutting the front property line.

Adjacent structures to the east and west of the subject property are single family residences. Further, the administrative office use that has existed since 1984 did appear to be a commercial use except for a small sign next to the front entrance. Provided the existing structure is to remain, the site is not well suited for most non-residential uses at street level.

(b) There is substantial excess supply of land available for commercial use near the proposed site, evidenced by such conditions as a lack of commercial activity in existing commercial structures for a sustained period, commercial structures in disrepair, and vacant or underused commercially zoned land: provided that single-purpose residential development shall not interrupt an established commercial street front. As used in this subsection, an "established commercial street front" may be intersected by streets or alleys, and some lots with no current commercial use.

Commercial structures within this small NC1-30 zone along West McGraw are a mix of small commercial buildings and converted single family structures built in the first two decades of the century. The block itself lacks a definitive commercial presence. One block to the west is at least two vacant storefronts with businesses for sale. Converting the existing administrative office use to single purpose residential will not impact the established commercial frontage. Thus, the second criterion is satisfied.

Conclusion

Application of the conditional use criteria to the subject site leads to the conclusion that the conversion of an existing administrative office use to a single purpose residential use should be permitted. Future development could support commercial and residential use meeting Code, and would be encouraged, if the existing structure was to be demolished. As currently proposed no adverse impacts requiring mitigation pursuant to the conditional use authority have been identified.

DECISION - ADMINISTRATIVE CONDITIONAL USE PERMIT

This application to convert an administrative office use to a single-purpose residential use in a Neighborhood Commercial 1-30' zone as depicted in the Master Use Permit drawings dated, January 18, 2007, is **APPROVED**.

ANALYSIS - VARIANCE

Variances from the provisions or requirements of this Land Use Code shall be authorized only when all of the following facts and conditions (stated in *italics*) are found to exist:

1. *Because of unusual conditions applicable to the subject property, including size, shape, topography, location or surroundings, which were not created by the owner or applicant, the strict application of this Land Use Code would deprive the property of rights and privileges enjoyed by other properties in the same zone or vicinity; and*

The existing was built in 1911 as a single family residence and remained so until 1984 when the current owner converted the building to administrative offices for his law practice. The owner now intends to restore the structure to a single family residence and reside there. The structure is located in an NC1-30 zone and as such must meet the development standards for the zone. Specifically, SMC23.47.023C states “*single-purpose residential structures shall meet all other development standards applicable to mixed use development,...*”. SMC23.47.008CF2 requires that “*mixed use development at street level shall have a minimum floor to floor height of thirteen (13) feet.*”

The existing structure, built in 1911, has a first floor, floor-to-floor height of 10 feet 6 inches which is high for a single family structure by today’s standards. However, in 1911 larger single family homes were typically built with high first-floor ceilings. The existing floor to floor height is 2 feet 6 inches less than required for the underlying zone, however, as this structure will be restored to its former residential use the extra height (13 feet), which is required for street-level commercial uses, is unnecessary.

Strict application of the Code to Mixed Use standards would require demolition or substantive structural alterations. Given the precise location of the existing structure and interior design which were not created by the owner or applicant, the strict application of the Land Use Code would deprive the property of rights and privileges enjoyed by other properties in the same zone or vicinity.

2. *The requested variance does not go beyond the minimum necessary to afford relief and does not constitute a grant of special privilege inconsistent with the limitations upon other properties in the vicinity and zone in which the subject property is located; and*

The owner of the subject lot is proposing to allow the structure, which was built in 1911 to remain as is with the existing floor-to-floor height of 10 foot 6 inches. The owner has maintained the structure in excellent condition and would be deprived of reusing the existing structure as a single family for which it was originally designed.

Many of the neighboring properties were single family homes converted to commercial uses or remain as single family homes. A number of properties throughout the city and within the area have reused existing single family structures by converting them into structures containing both commercial and residential uses that failed to meet mixed use development standards. For example, two properties west of the subject site is a development site where the commercial addition was added between the residential structure and the front property line. This property’s street level ceiling height appears not meet the 13 foot ceiling height requirement. To allow this variance would not represent a grant of special privilege because it would not be out of scale with other existing single family structures that have established commercial uses or remain in residential use without meeting current mixed use development standards.

Therefore, the requested variance would not go beyond the minimum necessary to afford relief and would not constitute a grant of special privilege.

3. *The granting of the variance will not be materially detrimental to the public welfare or injurious to the property or improvements in the zone or vicinity in which the subject property is located; and*

No material detriment to the public welfare or injury to property or improvements in the zone or vicinity is likely to occur by granting the requested variances. The relationship of the existing structure's bulk and scale to West McGraw Street is in keeping with other structures on the block. The two structures located on either side of the subject site are also single family residences.

4. *The literal interpretation and strict application of the applicable provisions or requirements of this Land Use Code would cause undue hardship or practical difficulties; and*

The literal interpretation and strict application of the Land Use Code would require that the building be structurally altered, at considerable expense, in order to provide the required 13-foot ceiling height in accordance with SMC 23.47.008C2). It would be more practical to demolish the existing structure and build new. The owner would like to restore the existing structure to its original use without altering the exterior.

Therefore, the literal interpretation of the requirements of the Land Use Code would result in undue hardship or practical difficulties for the applicant.

5. *The requested variance would be consistent with the spirit and purpose of the Land Use Code and regulations for this area.*

The Neighborhood Commercial development standards seek to ensure that the scale of uses is compatible with the character and function of the commercial area. The requested variance in this instance would not detract from the character of the surrounding commercial community. In fact the area will benefit from the proposal. An existing structure will be preserved which will preserve early century look of the existing streetscape. Granting the variance would not be contrary to the spirit and purpose of the Land Use Code regulations.

Therefore, granting the requested variance would be consistent with the spirit and purpose of Land Use Code regulations for the area.

DECISION - VARIANCE

The proposed variance to allow a less than 13-foot floor-to-floor height at street level is **GRANTED**.

CONDITIONS - ADMINISTRATIVE CONDITIONAL USE

None.

Signature: _____ (signature on file)
Marti Stave, Land Use Planner
Department of Planning and Development
Land Use Services

Date: March 19, 2007