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: 3004828

Applicant Name: Tony Flock

Address of Proposal: 3515 Woodlawn Avenue N

SUMMARY OF PROPOSED ACTION

Land Use Application to subdivide one parcel containing two existing single family residences into two parcels of land with one single family residence to remain on each. Proposed parcel sizes are A) 1,800 sq. ft. and B) 5,042 sq. ft.

The following approval is required:

Short Subdivision - To subdivide one parcel into two parcels of land. (SMC Chapter 23.24, 23.24.046)

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

BACKGROUND DATA

Zoning:

Single family with a minimum lot size of 5,000 sq. ft. (SF5000)

Prior Uses on Site:

Two single family houses to remain

Substantive Site Characteristics:

The 6,842 sq. ft. through lot is occupied by two legally established single family homes built in 1905 and 1907. The zoning is SF 5000. The westerly house on Parcel A is addressed 3516 Carr Place North and the easterly one on Parcel B is at 3515 Woodlawn Avenue N, both of which are to remain. The neighborhood consists of single

family zoning in all directions, though the two adjacent lots to the south are developed as parking lots owned by the City of Seattle. South of 35th Street the zoning changes to commercial (C2-40) and industrial (IB U/30). Both adjacent streets are paved in front of the property, with curbs and sidewalks and allow on-street parking. There are no mapped or unmapped critical areas on site or in the immediate vicinity.

Proposal

Pursuant to SMC 23.24.046, multiple single-family dwelling units on a single-family lot may be subdivided when the provisions of the chapter are met. The proposal is to subdivide one parcel of land into two parcels as shown on the survey drawings prepared by GeoDimensions Surveying dated 4/24/07. Proposed lot areas are A) 1,800 sq. ft. and B) 5,042 sq. ft. Both proposed parcels will have direct pedestrian access to a public street, though no on-site parking is provided for the western house that fronts on Carr Place N. The eastern house that fronts on Woodlawn Avenue has a surface parking space to the north of the house. No changes are proposed to the existing single family residences.

Public Comment

The public comment period ended July 16**,** 2008. DPD received three written comments from the public related to the subdivision application. One of the comments objected to the proposal on the grounds that it would lock in the non-conforming development pattern of the western parcel. The property owner to the north was concerned that the location of the western house on the property line would limit their ability to construct a garage accessed from Carr Place. The last letter objected to the application due to the existing congested parking conditions on Carr Place.

ANALYSIS - SHORT SUBDIVISION

Pursuant to SMC 23.24.040, the Director shall, after conferring with appropriate officials, use the following criteria to determine whether to grant, condition, or deny a short plat:

1. Conformance to the applicable Land Use Code provisions, as modified by this chapter;

The subject property is zoned for single-family residential with a minimum lot size of 5,000 square feet. Minimum lot size is subject to exceptions in SMC 23.44.010 B and 23.24.046. The applicant has proposed this subdivision under the provisions of SMC 23.24.046 which allows certain lots containing multiple single-family dwellings to be eligible for subdivision even if they do not meet current development standards. Under those provisions, the Director may modify or waive development standards, such as lot size, lot coverage, required yards, and location of parking and access. The chart below outlines this application's proposed nonconformities to development standards.

	Lot size	Front Yard	Side Yards (N/S)	Rear Yard	Lot coverage	Parking
Proposed Parcel A 3516 Carr Pl. N	Noncon-forming at <5000 sq. ft. (1,800 sq. ft.)	**West -** Unchanged nonconforming at 0’	Unchanged nonconforming at 0’ to north and conforming to south at approx. 27.5’	**East -** Nonconforming at approx. 4.5’	Conforming at < 1750 sq. ft. (approx. 858 sq. ft.)	No space provided, Nonconforming
Proposed Parcel B 3515 Woodlawn Av N	Conforming at >5000 sq. ft. (5,042 sq. ft.)	**East -** Unchanged Conforming at approx. 20.5'	Unchanged conforming at 16.7’ to north, conforming at 19’to south	**West -** Conforming at 19.7’	Conforming at < 1764 sq. ft. (approx. 1,080 sq. ft.)	1 existing space, Conforming

Table 1, Proposed modifications to development standards are shaded.

2. *Adequacy of access for pedestrians, vehicles, utilities and fire protection as provided in Section 23.53.005, Access to lots, and Section 23.53.006, Pedestrian access and circulation;*

No changes are proposed to the existing structures, utilities or access points. Both proposed parcels will have direct pedestrian and vehicular access (including emergency vehicles) to a public right-of-way, though no driveway or parking is proposed for Parcel A. The Seattle Fire Department has no objection to the proposed short plat.

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

The existing property has a shared side sewer that connects to a main located in Woodlawn Avenue N. The Sewer and Drainage Reviewer recommended no conditions, though this arrangement should be formalized though an easement and joint maintenance agreement. The short plat application has been reviewed by Seattle Public Utilities and a Water Availability Certificate number 20080836 was issued. A second water meter will be needed prior to final plat approval so that each lot has a separate service.

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

The proposed short subdivision will meet all the applicable Land Use Code provisions or the standards for waivers of those provisions. The proposed development has appropriate access for vehicles, utilities and fire protection, and has adequate drainage, water supply and sanitary sewage disposal. The proposal will meet all applicable criteria for approval of a short plat upon completion of the conditions in this analysis and decision. As a result, the public use and interest are served.

5. *Conformance to the applicable provisions of SMC Section 25.09.240, short subdivision and subdivisions, in environmentally critical areas;*

This site is not located in any environmentally critical area. There are no environmentally critical areas mapped or otherwise observed on the site.

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

The survey shows one tree on Parcel B which would not be affected by the proposed short plat. DPD considers the configuration of the proposed lots to be an appropriate option for maintenance of existing vegetation.

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 short subdivision is not a unit lot subdivision.

8. *Conformance to the provisions of Section 23.24.046, multiple single-family dwelling units on a single-family lot, when the short subdivision is for the purpose of creating two (2) or more lots from one (1) lot with more than one (1) existing single-family dwelling unit.*

Subsection B of SMC 23.24.046 outlines the requirements for the subdivision of a lot in a single-family zone containing more than one (1) existing single-family dwelling as detailed below.

1. *Each existing single-family dwelling unit was legally established by permit or is eligible to be established as a nonconforming development in accordance with Section 23.42.102, Establishing nonconforming status;*

The houses are shown in substantially their current forms in King County archives as having been built in 1905 and 1907. Because this predates the requirement for building permits they are considered legally established.

2. *Each existing single-family dwelling unit was constructed prior to February 20, 1982;*

As stated above, the existing homes were constructed in 1905 and 1907.

3. *Each resulting lot has one (1), but no more than one (1), existing single-family dwelling unit;*

Each resulting lot will have one (1) single family residence located on it as evidenced by the approved plat configuration showing separate structures on each proposed lot, and by the permit history detailed above. The provisions of this section are met.

4. *Parking is provided in accordance with Section 23.44.016, Parking location and access, unless the Director determines that at least one (1) of the following conditions is present:*

    a. *Providing parking accessory to an existing single-family dwelling unit is undesirable or impractical because of the location of an environmentally critical area, existing drainage patterns, natural features such as significant trees, or access to a resulting or adjacent lot; or*
    b. *The short subdivision cannot be configured to provide parking in compliance with Section 23.44.016;*

There is currently no on-site parking located on Parcel A. Originally the house was built with a basement garage, however in the intervening years the street grade appears to have changed and now there is a significant step at the garage entrance, see picture below. In addition to the grade issue the garage is not sized to accommodate modern cars.

There is a retaining wall along the Carr Place frontage of Parcel A and removing it and lowering the grade to accommodate a parking space would require additional retaining walls that would not allow for adequate sight distance to the north. The 22’ width of Carr Place N combined with the allowed on-street parking would not provide a safe backing distance for a car exiting a surface parking space. Due to the small size of the parcel surface parking could not be provided outside of the front yard and moving the proposed parcel line eastward would create additional non-conformities on Parcel B. Historically the residents of this house have used the on-street parking on Carr Place N and the applicant has proposed to continue this approach.

According to the archive records at one point Parcel B had a one car garage, however that no longer exists and now surface parking is provided by a driveway along the north side of the house. The 16.7’ distance between the house and the north property line would allow for two side-by-side spaces even with the requirement from SMC 23.54.030 A 7 that a space next to a property line be 9' wide.

5. *Each resulting lot conforms to all other development standards of the zone unless the Director determines that the short subdivision cannot be approved if such standards are strictly applied and modification or waiver of some or all of such standards would further the public interest. If the Director makes such determination, then the Director may waive or modify development standards, provided that:*

    a. *Each existing single-family dwelling unit shall be set back at least three (3) feet from each common lot line in the short subdivision; and*

    b. *No resulting lot shall be smaller than one thousand eight hundred (1,800) square feet.*

The proposed subdivision meets the above criteria. See previous table summarizing the modification or waivers to development standards required to approve the short plat.

CONCLUSION - SHORT SUBDIVISION

The proposed modifications to development standards are approved. Based on information provided by the applicant, referral comments as appropriate from DPD, Water (SPU), Fire Departments (SFD), Seattle City Light, and review by the Land Use Planner, the applicable criteria cited above (#5 and #7 do not apply) have been met subject to the conditions imposed at the end of this decision.

DECISION - SHORT SUBDIVISION

The proposed Short Subdivision is **CONDITIONALLY GRANTED**. Applicant must meet all standard recording requirements and conditions as described in the approval cover letter.

CONDITIONS - SHORT SUBDIVISION

Conditions of Approval Prior to Recording

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

1. Update the plat to include easements for any utilities that cross one lot to serve the other.

2. If the houses share any utility lines provide a joint maintenance agreement.

3. Install a second water meter serving the house on Parcel A per Water Availability Certificate 20080836 so that each parcel has its own domestic water service.

Prior to issuance of any building permit

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

4. Attach a copy of the recorded short subdivision to all permit application plans for any application for a permit to construct, demolish, or change use.

Signature: (signature on file) Date: September 08, 2008
Nora Gierloff, Land Use Planner
Department of Planning and Development

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