



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: 3006986
Applicant Name: Loren Landerholm
Address of Proposal: 7753 Earl Avenue Northwest

SUMMARY OF PROPOSED ACTION

Land Use Application to subdivide one parcel containing two existing single family residences into two (2) parcels of land with one single family residence on each. Proposed parcel sizes are: A) 2,070 square feet; and B) 1,804 square feet.

The following approval is required:

Short Subdivision - to subdivide one existing parcel into two parcels.
(Chapter 23.24, (23.24.046) 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

Site & Area Description

The approximately 3,874 square-foot project site is located in a single-family residential zone with a minimum lot size of 5,000 square feet (SF 5000). The site is located in the Loyal Heights neighborhood on the west side of Earl Avenue Northwest one parcel south of Northwest 80th Street. The site has 40 feet of street frontage on Earl Avenue Northwest which is paved with sidewalks curbs and gutters and alley access at the rear of the site. There are two existing houses on the site, which are to remain. The lot is relatively flat and is not located within any mapped or observed



Environmentally Critical Areas. Surrounding properties are also zoned SF 5000. Development in the area consists of a variety of one and two-story single-family houses of varying age and architectural style on a variety of lot sizes, consistent with the zoning designations.

Proposal

Pursuant to SMC 23.24.046, lots with multiple single-family dwelling units may be subdivided when the provisions of the chapter are met. The proposal is to subdivide one parcel of land into two (2) parcels. Proposed lot areas are indicated in the summary above. Proposed Parcel A and Proposed Parcel B will both have direct pedestrian access from Earl Avenue Northwest. The existing single-family residences will remain. There is currently no off-street parking for the existing residences on Parcel A or on Parcel B (accessed via the alley). New off-street parking will not be required to be provided for either residence due to the size and configuration of the proposed lots.

The subject of this analysis and decision is only the proposed division of land.

Public Comment

One comment letter and one phone call were received during the public comment period, which ended May 9, 2007. Both comments dealt with the lack of parking on Earl Avenue NW when the nearby church was being used.

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. 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 subject property is zoned for single-family residential with a minimum lot size of 5,000 square feet. The allowed use in a single-family zone is one dwelling unit per lot, with accessory dwelling units meeting the provisions of SMC 23.44.041 and multiple single-family dwelling units on a single-family lot meeting the provisions of SMC 23.24.046. Maximum lot coverage is 35% or 1,750 sq. ft. whichever is greater or as modified by SMC 23.24.046. Front yard setbacks are an average of the neighboring adjacent lots, or twenty (20) feet, whichever is less. The minimum side yard setbacks are five (5) feet, except as modified by 23.24.046-B5. Minimum rear yard setbacks are twenty-five (25) feet or if lot depth is less than one-hundred-twenty five feet (125'), 20% of lot depth, or as modified by 23.24.046-B5.

The principal structures associated with this subdivision will have some degree of non-conformity relevant to development standards and as a result will be subject to SMC 23.42.112 – Nonconformity to development standards. Table 1 on page 6 of this document outlines the extent of the non-conformities to both proposed parcels A and B of this subdivision.

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

Proposed parcels A and B will have direct pedestrian access to Earl Avenue Northwest. There is no vehicle access for either Proposed parcel A or B.

The Seattle Fire Department has no objection to the proposed short plat. All private utilities are available in this area. Seattle City Light is reviewing this short plat and may require an overhead/underground easement. This short plat provides adequate utilities, and fire protection.

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

This area is served with domestic water, sanitary sewer, and storm drain facilities by the City of Seattle. Availability of service is assured subject to standard conditions of utility extension. The Short Plat application has been reviewed by Seattle Public Utilities and a Water Availability Certificate was issued on April 27, 2007 (WAC ID No. 20070745). Separate water meters will be required for each parcel prior to recording of this short plat.

Sanitary Sewer: there is an eight inch diameter combined sewer main in Earl Avenue NW adjacent to the property.

Drainage: There are no suggested drainage conditions prior to recording.

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

The proposed short subdivision will meet the applicable Land Use Code provisions of Section 23.24.046 for single-family lots containing more than one single-family dwelling. The proposed development has adequate 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 as defined in SMC 25.09.240. There are no environmentally critical areas mapped or otherwise observed on the site.

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

At the time of this decision, no related building permit has been applied for. Future construction will be subject to the provisions of SMC 23.44.008, 25.11.050 and 25.11.060, which sets forth tree planting and exceptional tree protection requirements on single-family lots.

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 subdivision. Thus, this section is not applicable to this short plat proposal.

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.*

SMC 23.24.046

Pursuant to SMC 23.24.046-B5, the structures on the proposed lots will not meet all applicable development standards for single-family zoning. Pursuant to SMC 23.24.046-B5 each resulting lot will conform 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 will be in concurrence with the above criteria (23.24.046-B5(a)(b)). The single-family dwellings will not be closer than 3 feet to any proposed common lot line. The smallest lot size of the proposed parcels is 1,804 square feet (parcel B). As a result, the proposed lots meet the criteria for waiver or modification of the development standards. DPD recognizes the two existing single-family dwellings as meeting the provisions of SMC 23.24.046-B123. Below is a table that summarizes the modification or waivers to the development standards that are required to approve the short plat.

This short subdivision was submitted on the basis of SMC 23.24.046, which allows for a lot in a single-family zone containing more than one (1) existing single-family dwelling unit to be divided in accordance with SMC 23.24.046-B, as long as each of the required conditions are satisfied. The analysis of the required criteria and or modification is examined in the relevant criteria for short plat approval above.

Conclusion

DPD permit records show both structures established as single family residences. The applicant included in their application a copy of the permit history for both houses. Seattle Building Permit No. 376505, issued in October 1946 for enclosing a porch shows the use of the main structure as a single family residence. The house on Parcel B was established as a residence by Seattle Building Permit No. 51789, which was issued May 17, 1965.

It appears that, although these proposed parcels are non-conforming to some of the development standards, the intent of the ordinance allowing subdivision of two houses on one single family zoned lot was clearly intended for short plats similar to this one.

Analysis of Required Yards

	Front Yard	Side Yard (north)	Side Yard (south)	Rear Yard
<i>Proposed Parcel A</i>	Non-conforming at 19.4 feet (existing)	Conforming at greater than 5 feet (existing)	Non-conforming at 3 feet (new)	Nonconforming at 6 feet (New)
<i>Proposed Parcel B</i>	Conforming at greater than 20 feet (New)	Conforming at 5 feet (existing)	Conforming at 14 feet (existing)	Nonconforming: Principal structure closer than five feet to alley. (existing)

Table 1

DECISION - SHORT SUBDIVISION

The proposed short plat is **CONDITIONALLY GRANTED**.

CONDITIONS - SHORT SUBDIVISION

Prior to Recording

1. Have final recording documents prepared by or under the supervision of a Washington state licensed land surveyor. Each lot, parcel, or tract created by the short subdivision shall be surveyed in accordance with appropriate State statutes. The property corners set shall be identified on the plat and encroachments such as sideyard easements, fences or structures shall be shown. Lot areas shall be shown on the plat. All existing structures, principal and accessory, shall be shown on the face of the plat, and their distances to the proposed property lines dimensioned.
2. Submit the final recording forms for approval and any necessary fees.
3. Provide, on face of plat, an easement or covenant to allow for posting of individual addresses in a manner visible from Earl Avenue Northwest.
4. Provide any easement required by Seattle City Light on the final short subdivision.

After Recording and Prior to Issuance of a Building Permit

5. Attach a copy of the recorded subdivision to all future building permit application plans.
6. Provide evidence that a separate water meter exists for each proposed parcel.

Signature: _____ (signature on file) Date: October 22, 2007
Marti Stave, Senior Land Use Planner
Department of Planning and Development