



City of Seattle

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: 3012606
Applicant Name: Richard Nahum
Address of Proposal: 5022 35th Avenue NE

SUMMARY OF PROPOSED ACTION

Land Use Application to subdivide one parcel into two parcels of land. Proposed parcel sizes are: A) 2,112 square feet and B) 1,891 square feet. Existing structures to remain.

The following approval is required:

Short Subdivision – Multiple single-family dwelling units on a single-family lot. To subdivide one parcel into two parcels. (Chapter 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 and Area Description

The approximately 4,003 square-foot site is located in a Single Family 5000 zone (SF 5000). The zoning of properties in the area is SF5000. The street frontage includes curbs, gutters, sidewalks, and planting strips. There is one curbcut on 35th Ave NE which accesses a parking space in the westerly house. The site abuts an improved alley, which provides parking for the easterly single family structure.

Proposal

The applicant proposes to short plat the property using the SMC subdivision section 23.24.046 to subdivide the property when there are multiple single-family dwelling units on a single-family lot. Historically, there had been two structures that were both recognized by permit 6241234 as single family residences.

Public Comment:

Three written comments were received during the public comment period ending on October 13, 2011. A variety of comments were received including the following:

- Site is too small to subdivide.
- Insufficient parking is provided on site.
- Location is attractive to students which negatively impacts population density, parking impacts and noise in area.

ANALYSIS – SHORT SUBDIVISION

This short subdivision is subject both to general approval criteria for short subdivisions and the specific requirements multiple single-family dwelling units on a single-family lot.

General short subdivision standards: 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;*
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;*
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 Section 25.09.240, Short subdivisions and subdivisions, in environmentally critical areas;*
6. *Whether the proposed division of land is designed to maximize the retention of existing trees;*
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 townhouse, rowhouse, and cottage housing developments as permitted in Single-Family, Residential Small Lot, and Lowrise zones and for single-family dwelling units in Lowrise zones, or any combination of the above types of residential development, as permitted in the applicable zones; and;*
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 or more lots from one lot with more than one existing single-family dwelling unit.*

Summary – Short Subdivision

Based on information provided by the applicant, referral comments from DPD, Water (SPU) (WAC #20110627), Fire Department (SFD), Seattle City Light (SCL), and review by the Land Use Planner, the above-cited criteria have been met. This short subdivision can be provided with public and private utilities and access (including emergency vehicles). Adequate provisions for drainage control, water supply and sanitary sewage disposal have been provided for each lot and service is assured, subject to standard conditions governing utility extensions if any are needed. The existing structures are proposed to remain. No tree removal is proposed or anticipated as a result of this plat; therefore the plat maximizes the retention of trees. The proposal is compliant with SMC 23.24.046. The public use and interest are served by the proposal since all applicable criteria are met and the proposal creates the potential for additional housing ownership opportunities in the City.

ANALYSIS - SHORT SUBDIVISION - Multiple single-family dwelling units on a single-family lot. (Chapter 23.24.046 Seattle Municipal Code).

The following code criteria will determine if a lot with multiple dwelling units can be short platted.

- A. *The provisions of this section apply exclusively to the short subdivision of a lot in a single-family zone containing more than one (1) existing single-family dwelling unit.*

Currently there are two residential structures on the lot.

- B. *A lot in a single-family zone containing more than one (1) existing single-family dwelling unit may be divided in accordance with this chapter as long as each of the following conditions is satisfied:*

- 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 second house on the lot was recognized by permit that established use for the record under permit 6241234.

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

The structures containing the dwelling units were originally constructed prior to February 20, 1982.

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

The proposal is for only one single family dwelling unit on each lot.

- 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](#); If the Director determines that at least one (1) of the foregoing conditions is present, the Director may waive or modify the parking requirements of Section [23.44.016](#) as long as the short subdivision does not reduce the number of off-street parking spaces existing prior to the short subdivision. In connection with such waiver or modification, the Director may require access and parking easements as conditions of approval of the short subdivision; and*

The plat is configured to provide one parking space on site for each lot.

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.*

Due to the location of the existing structures, lot lines cannot be drawn which will satisfy all of the required yard requirements. The proposal meets a. and b. above and is therefore eligible to receive development standard waivers. Each proposed lot cannot meet the single-family development standards in that the existing buildings do not anticipate the current development standard requirements. The City of Seattle provides opportunities for various housing types and ownership configurations. Short plats are one such vehicle to provide home ownership. It furthers the public interest to waive any applicable Seattle Municipal Code development standards.

- C. *Structures on lots for which the Director has waived or modified development standards according to subsection B of this section will be treated as nonconforming and be subject to Section [23.42.112](#).*

DECISION - SHORT SUBDIVISION

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

CONDITIONS - SHORT SUBDIVISION

Prior to Recording

- 1) Unless otherwise approved by Seattle Public Utilities (SPU) provide evidence that each house is properly connected to separate water meters.

Signature: _____ (signature on file) Date: September 10, 2012
Lindsay King, Senior Land Use Planner
Department of Planning and Development

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