



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

Project Number: 3012933
Applicant: Brandon Winters
Address: 2426 9th Avenue W

SUMMARY OF PROPOSED ACTION

Land Use Application to subdivide one parcel containing two existing single family residences into two parcels with one single family residence to remain on each. Proposed parcel sizes are: A) 2,518 sq. ft. and B) 1,800 sq. ft.

The following approval is required:

Short Subdivision - to create 2 lots (Seattle Municipal Code (SMC) 23.24).

BACKGROUND INFORMATION

Proposal: The proposal is to subdivide one parcel of land into two (2) lots. Proposed lot areas are indicated in the summary above. Proposed Parcel A will have direct access to 9th Ave W and proposed Parcel B will have direct access to the abutting alley. The existing single family residences will remain; at the time of this decision there were no applications for new construction for the site. The subject of this analysis and decision is only the proposed division of land.

Zoning: SF 5000

Public Comment: The public comment period ended on March 14, 2012. Several comment letters were received, expressing concerns about impacts related to the potential for redevelopment of the site.

ANALYSIS – SUBDIVISION

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;*

The site is zoned for single-family residential uses with a minimum lot size of 5,000 sq. ft. The Land Use Code generally allows one single family dwelling unit per lot. Multiple single-family dwelling units on a lot may be subdivided into undersized lots by short subdivision pursuant to the provisions of SMC 23.24.046 (multiple single family dwelling units on a single family lot).

In addition to lot size, development standards including lot coverage, yards, and parking may be applicable to a short subdivision application. Applicable modifications to development standards may be allowed by SMC 23.24.046 and/or 23.42.112 (nonconformity to development standards). The table on page 6 of this document outlines the extent of the non-conformities to both proposed parcels A and B of this subdivision.

Maximum lot coverage in a Single Family zone is as follows or as modified by SMC 23.24.046:

Lot Size	Maximum Lot Coverage*
5,000 sq. ft. or more	35% of lot area
Less than 5,000 sq. ft.	1,000 sq. ft. + 15% of lot area

*where an alley abuts the rear of the property, ½ of the width of the alley shall be included as a portion of lot for determining lot depth, which in turn, is used for determining lot coverage.

The Land Use Code permits up to 1,691 sq. ft. of lot coverage for the existing undivided lot (based on a lot area of 4,606 sq. ft. including ½ the alley width). Currently the existing structures total 1,890 sq. ft. of lot coverage, which is non-conforming to current standards. The short plat would allow 1,377 sq. ft. of lot coverage on Parcel A (2,518 sq ft. lot area) and 1,313 sq. ft. on Parcel B (1,800 sq. ft. lot area + 288 sq. ft. for alley area). Existing development on proposed Parcel A consists of 1,134 sq. ft. of lot coverage, and 756 sq. ft. on Parcel B.

The Land Use Code generally requires front yard setbacks of 20 ft. or an average of the neighboring adjacent lots, whichever is less. The existing westerly residence appears to have a conforming front yard as a result of averaging the adjacent lots.

The required minimum side yard setbacks are five (5) feet; the easterly residence on the subject site has non-conforming north and south side yards. The westerly residence has a nonconforming north side yard.

Minimum rear yard setbacks are twenty-five (25) feet or if lot depth is less than one-125' the requirement is 20% of lot depth, or as modified by 23.24.046-B.5. Parcel A is proposed to have some degree of non-conformity to this standard as the proposed plat will meet the modification allowed in SMC 23.24.046-B.5a.

Proposed Parcel B will maintain existing non-conformities to the north, south and rear yards, since the easterly residence is currently located closer than 5 ft. to the north, south and alley property lines (see SMC 23.44.014-B+C). No waivers are required for these standards.

Front 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.

The principal structures associated with this subdivision currently have some degree of non-conformity with current Land Use Code provisions and as a result will be subject to SMC 23.42.112 – Nonconformity to development standards. The only standard required to be modified as a result of the proposed short plat is the rear yard of the structure on proposed Parcel A (see table on page 6), which will also be subject to SMC 23.42.112.

The Land Use Code requires one parking space per dwelling unit. The site currently provides one on-site parking space; an existing nonconformity with regard to both quantity and location, as the attached garage is within 12 ft. of the centerline of the alley (SMC 23.44.016D.5). No waiver is required.

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;

Parcel A will have direct pedestrian access to 9th Ave. W. and an easement will provide pedestrian access to the street for Parcel B. The Seattle Fire Department has no objection to the proposed short plat. All private utilities are available in this area. Seattle City Light provides electrical service to the proposed short plat. City Light has reviewed the proposal and requires an easement to provide for electrical facilities and service to the proposed lots. Vehicle access to Parcel B will continue as currently provided; by way of the adjacent alley to the existing garage. Parcel A currently does

not have on-site parking, which is an existing nonconformity, and no additional parking is proposed. As conditioned, this short plat provides for adequate access for vehicles, utilities, and fire protection.

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

This area is served with domestic water, sanitary sewer, and stormdrain 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 February 13, 2012 (WAC ID No. #20120119). The two existing houses located upon the proposed short plat are connected by means of a shared sidesewer to the sewer located in 9th Ave W. There is an eight inch diameter sanitary sewer main in 9th Ave. W adjacent to the property. There is a fifteen inch diameter public storm drain in W. Wheeler St. north of the property. Storm water from future development on the site may be discharged to the alley, from where it will flow to the public storm drain. There are no recommended sewer or drainage conditions prior to recording of the short subdivision.

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 allowable exceptions. The proposed development has adequate 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 Section 25.09.240, Short subdivisions 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. Whether the proposed division of land is designed to maximize the retention of existing trees;

The survey shows one 10" maple tree on the south property located between the two existing residences. As configured, the proposed plat is designed to retain the maximum number 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;

This application 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 or more lots from one lot with more than one existing single-family dwelling unit.*

Subsection B of the SMC 23.24.046 outlines the requirements for the subdivision of a lot in a single-family zone containing more than one 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;*

Based on records on file with DPD, a permit (#127893) was issued in 1913 to build two single family residences. As a result, the two residences are eligible to be established as a non-conforming development.

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

King County Assessor's data shows that both homes were constructed in 1914; therefore the provisions of this section are met.

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 proposed plat configuration showing separate structures on each proposed parcel. Therefore 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;*

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;

No change to the existing parking situation is proposed; Parcel A will not have on-site parking and Parcel B will have one space in the attached parking garage with access from the alley. The short plat cannot be configured in such a manner as to be able to provide an additional on-site parking space for Parcel A. Since condition (b) is met, and the proposal will not reduce the number of off-street parking spaces that currently exist, and parking quantity is an existing nonconformity, the Director will not require additional parking on-site.

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 will be in concurrence with the above criteria (23.24.046-B5 (a) (b)). The single-family dwelling located on proposed Parcel A is proposed to be 3' feet at the closest point to the proposed common lot line. In order to meet this standard, approximately 4' of the existing deck on the back of the house will need to be removed. The single-family dwelling located on proposed Parcel B is proposed to be approximately 20' at the closest point to the proposed common lot line. Parcel A will contain 2,518 sq. ft. and Parcel B will contain 1,800 sq. ft. The two existing single-family dwellings meet the provisions of SMC 23.24.046-B5. Below is a table that summarizes the yard standards that if strictly applied would preclude the approval of this subdivision.

Required Yard Analysis per SMC 23.44	Front Yard (west)	Side Yard (north)	Side Yard (south)	Rear Yard (east)
Proposed Parcel A 2426 9 th Ave W	No change (conforming)	No change (nonconforming)	No change (conforming)	Nonconforming at 11.6' with deck in the yard but meets exception in 23.24.046-B.5 (14' required)
Proposed Parcel B 2428 9 th Ave W	Conforming at 20'	No change (nonconforming)	No change (nonconforming)	No change (nonconforming)

As shown in this table, the proposed short plat would cause only the rear yard of Parcel A to become noncompliant with Single Family yard standards; all other yards for both parcels are either currently nonconforming, or would meet standards. The provision in SMC 23.24.046.B.5 allows plats for multiple single family dwelling units to waive standards. The pertinent requirement with respect to Parcel A's rear yard is the provision of the 3' minimum setback from the common lot line in the short subdivision.

Conclusion

Based on information provided by the applicant, referral comments from DPD and other City Departments, and review and analysis by the Land Use Planner, the above criteria have been met. The short subdivision meets all minimum standards or applicable exceptions set forth in the Land Use Code. This short subdivision will provide pedestrian and vehicular access (including emergency vehicles), and public and private utilities. 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. The public use and interest are served by the proposal since all applicable criteria are met.

DECISION –SHORT SUBDIVISION

The proposed Short Subdivision is **Conditionally Granted**.

CONDITION OF APPROVAL PRIOR TO RECORDING

Provide an easement or covenant to allow for the proper posting of address signage for all unit lots that do not have street frontage.

Signature: _____ (signature on file) Date: June 14, 2012
Cheryl Waldman, Supervising Senior Land Use Planner
Department of Planning and Development

CW:bg

Waldman/3012933 Short Plat 2 Houses 1 lot.docx