



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

Application Number: 3014085
Applicant Name: Dave Biddle
Address of Proposal: 1718 Nob Hill Ave 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) 3,459.5 sq. ft. and B) 2,545.0 sq. ft.

The following approval is required:

Short Subdivision - to create two lots pursuant to Seattle Municipal Code (SMC) 23.24.046

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 Nob Hill Ave N and proposed Parcel B will have access to Nob Hill Ave N via ingress/egress easement on the southern portion of Parcel A. The existing residential structures 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 extended public comment period ended on October 31, 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 below 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 2,101.9 sq. ft. of lot coverage for the existing undivided lot (based on a lot area of 4,606 sq. ft.). Currently the existing structures total 2,288.0 sq. ft. of lot coverage, which is non-conforming to current standards. Based on the Table above, the short plat would allow 1,518.9 sq. ft. of lot coverage on Parcel A and 1,381.7 sq. ft. on Parcel B. Proposed development on proposed Parcel A consists of 1,016 sq. ft. of lot coverage, and 806 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 a non-conforming south side yard.

Minimum rear yard setbacks are 25 feet or if lot depth is less than 125 feet 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 side and rear yards, since the easterly residence is currently located closer than 5 ft. to the south and east 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 quantity. 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 Nob Hill Ave. N. 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 A will continue as currently provided; by way of the driveway to surface parking. Parcel B 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 October 3, 2012. (WAC ID No. # 30121071) and stated the following:

Water Main:

Size: 8 inches Material: Cast Iron Class: B Year: 1929

- Standard
- Abutting

Water Main is available to serve in: Nob Hill Avenue N

Distance of main to E margin of street is 20 feet.

Public ROW width is 60 feet.

New Meter Location: Nob Hill Avenue N

The water system is in conformance with a County approved water comprehensive plan, and has water right claims sufficient to provide service.

The proposed project is within Seattle's water utility's direct service area.

Sanitary Sewer, and Stormdrain Facilities — *“ There is an eight inch diameter combined sewer main in Nob Hill Ave. N. adjacent to the site. Storm water from any future development will be discharged to the combined sewer. There are no recommended sewer or drainage conditions prior to recording of the short plat. ”*

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 20” maple tree on the south property located approx. 10’ from the west property line of the existing parcel. 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;*

Permit history provided by the applicant notes that the site has a **multi-family (duplex) and a single-family established**. See Permit 450332, 10/16/56 and Certificate of Land Use and Local Assessments, 3/15/88.

As a result of the applicant's application to change the use of the multi-family (duplex) to a single-family residence, 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 residential dwelling units were constructed prior to February 20, 1982; 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;*

As conditioned below, 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 have one surface space with access from the street. Parcel B will not have on-site parking and the short plat cannot be configured in such a manner as to be able to provide an additional on-site parking space for Parcel B. 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 11.31' feet at the closest point to the proposed common lot line. In order to meet this standard, of the existing porch on the back of the house will need to be reduced in size and a wooded deck 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 1718 Nob Hill Ave N	No change (nonconforming)	No change (conforming)	No change (conforming)	The covered porch will be 11.31' from the rear lot line (allowed for by exception SMC 23.24.046-B.5) The east façade of the residential structure will be 15.31' from the rear lot line. (conforming)
Proposed Parcel B 1716 Nob Hill Ave N	Conforming at 20'	No change (conforming)	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**.

CONDITIONS

Prior to Recording

1. On the Final Plat, provide an easement or covenant to allow for the proper posting of address signage for Parcel B that does not have street frontage.
2. Provide documentation of a 'finalled' permit for the change of use 'from Duplex to Single Family residence' and the removal of structures identified on the draft plat.
3. **Meters are needed to serve the domestic water needs of each single legal parcel.** *"... separate meters will be required for each legally described parcel. This may necessitate the installation of a water main by the developer."* Unless otherwise approved by Seattle Public Utilities (SPU), provide documentation that a 2nd meter has been installed and inspected by SPU.

Signature: _____ (Signature on file) Date: February 21, 2013
Colin R. Vasquez, Senior Land Use Planner
Department of Planning and Development