



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: 3008315
Applicant Name: Brittani Ard, Ard Consulting
Address of Proposal: 114 Florentia Street

SUMMARY OF PROPOSED ACTION

Land Use Application to subdivide one parcel into two unit lots (Unit Lot Subdivision). The construction of a single-family residence with attached garage has been approved under Project 6096139. This subdivision of property is only for the purpose of allowing sale or lease of the unit lots. Development standards will be applied to the original parcel and not to each of the new unit lots.

The following approval is required:

Short Subdivision – to subdivide one parcel into two unit lots.
(Chapter 23.24, 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.

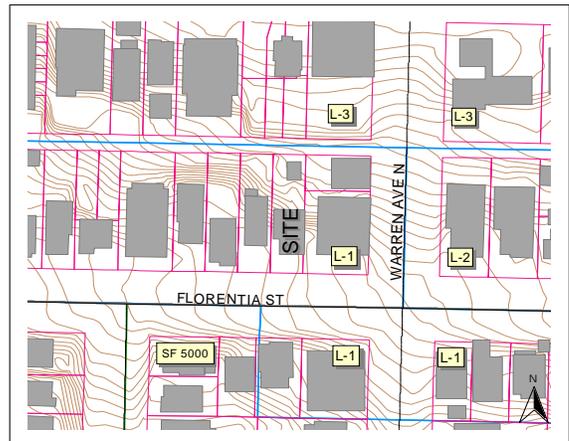
BACKGROUND DATA

Zoning: Multifamily Residential Lowrise 1 (L-1).

Uses on Site: One single family house to remain

Substantive Site Characteristics:

This 3,600 square foot subject site (the “parent lot”) is a rectangular lot that fronts on Florentia Street to the south and a gravel alley to the north. The block contains a variety of single family homes, duplexes and small apartment buildings.



The lot is located within a Residential, Multifamily, Lowrise 1 (L-1) zone. This zoning continues directly across Florentia to the south and southeast. The zoning changes to Single-Family 5000 to the southwest of the site. The areas across the alley to the north and northeast across Warren Avenue N are zoned Lowrise 3 (L-3) with L-2 directly across Warren to the east.

The northern section of the site where the additional house is proposed contains a 40% slope. The project was determined to qualify for an exemption from Steep Slope Development Standards under project 6096139 because the steep slope area is less than 20 feet in height and appears to have been created by previous legal grading activities. SEPA review was still required and a DNS was issued under project 3007197.

Proposal Description:

The applicant proposes to subdivide one 3,600.6 square foot parcel, the “parent lot,” into two unit lots with the following lot areas:

- Unit Lot A – 1,995.8 square feet
- Unit Lot B – 1,604.8 square feet

Pedestrian access to Unit Lot A is from its street frontage on Florentia Street. Pedestrian access to Unit Lot B from Florentia Street is provided by a pedestrian easement which runs north along the western boundary of the parent lot. Required parking for Unit Lot B will be provided within the proposed structure with access from the alley. Parking for Unit Lot A will be provided by a surface parking stall to the east of the new house, also accessed from the alley.

A Construction Permit to build an additional single family house with associated retaining walls has been reviewed and approved under Project No. 6096139. The existing single family house will remain. The subject of this analysis and decision is limited to the subdivision of land.

Public Comment:

The comment period for this proposal ended on January 2, 2008. During this period three written comment letters related to this project were received, all expressing opposition to the increased density created by the additional unit.

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;*
2. *Adequacy of access for vehicles, utilities and fire protection, as provided in Section 23.53.005;*
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 SMC Section 25.09.240, short subdivision and subdivisions in environmentally critical areas;*
6. *Is designed to maximize the retention of existing trees; and*
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.*

Conformance with the applicable regulations in the Land Use Code was determined at the time the building permit application was approved. Each lot will be provided with vehicular access (including emergency vehicles), pedestrian access, and public and private utilities either through adjacency to the public right-of-way or through the private ingress/egress easement from the alley. The existing property has water and sewer service and an additional connection will be made for the new unit during the building permit process. Storm drainage is also available in the alley. The adequacy of the provisions for drainage control, water supply, and sanitary sewage disposal for each lot have been reviewed and approved by appropriate City staff.

The public interest is expressed by the zoning designation of the site and the development regulations as an expression of the City's Comprehensive Plan goals and policies. The L-1 zone is intended for multi-family development at a density of one unit per 1,600 square feet of lot area. This project will result in an average lot size of 1,800.3 square feet. Comprehensive Plan goals include accommodation of additional households, preservation of housing affordability, achievement of a mix of housing types and expansion of owner-occupied housing opportunities. This project would expand the number of housing units on the site from one to two and the unit lot subdivision would allow for individual unit ownership.

While the proposal site is located in an environmentally critical area, namely a landslide-prone area, SMC 25.09.240 is not applicable to unit lot subdivisions. Tree and other landscaping requirements were considered under the building permit review.

CONCLUSIONS - SHORT SUBDIVISION

The lots to be created by this short subdivision are consistent with applicable development standards set forth in the Land Use Code. As conditioned, this short subdivision can be provided with vehicular access (including emergency vehicles), public and private utilities and pedestrian access. 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 the zoning use and density standards will be met and the proposal creates the potential for additional owner-occupied housing opportunities in the City.

Based on information provided by the applicant, referral comments from DPD, Water (SWD), Fire Department (SFD), Seattle City Light, the Building Plans Examiner, the Drainage Section of DPD, and review by the Land Use Planner, the short subdivision decision criteria have been met subject to the conditions imposed at the end of this decision. Detailed discussion of Criterion #7 follows below.

ANALYSIS –UNIT LOT SUBDIVISION (CRITERION #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.

SMC 23.24.045 Unit Lot Subdivisions

- A. Provisions of this section apply exclusively to the unit subdivision of land for townhouses, cottage housing developments, residential cluster developments, and single-family residences in zones where such uses are permitted.*
- B. Sites developed or proposed to be developed with dwelling units listed in subsection A above, may be subdivided into individual unit lots. The development as a whole shall meet development standards applicable at the time the permit application is vested. As a result of the subdivision, development on individual unit lots may be nonconforming as to some or all of the development standards based on analysis of the individual unit lot, except that any private, usable open space for each dwelling unit shall be provided on the same lot as the dwelling unit it serves.*
- C. Subsequent platting actions, additions or modifications to the structure(s) may not create or increase any nonconformity of the parent lot.*
- D. Access easements and joint use and maintenance agreements shall be executed for use of common garage or parking areas, common open space (such as common courtyard space for cottage housing), and other similar features, as recorded with the Director of the King County Department of Records and Elections.*
- E. Within the parent lot, required parking for a dwelling unit may be provided on a different unit lot than the lot with the dwelling unit, as long as the right to use that parking is formalized by an easement on the plat, as recorded with the Director of King County Department of Records and Elections.*
- F. The facts that the unit lot is not a separate buildable lot, and that additional development of the individual unit lots may be limited as a result of the application of development standards to the parent lot shall be noted on the plat, as recorded with the Director of the King County Department of Records and Elections.*

This application involves the creation of unit lots for development of an additional single family house. The parent lot for the project was reviewed for compliance with development standards at the time of permit issuance. An access easement as well as a joint use and maintenance agreement has been provided as part of the recording documents. Each unit will have its required parking space, Unit A with a surface spot off of the alley secured by an easement and Unit B with an attached garage. A note explaining the limitations on unit lots has been included on the recording document.

CONCLUSIONS – UNIT LOT SUBDIVISION

Review of this application shows that the proposed short subdivision would conform to applicable standards of SMC 23.24.045 subject to the conditions imposed at the end of this

decision. The new structure, as reviewed under the separate building permit, conforms to the development standards for the time the permit application was vested. Constructive notice that additional development may be limited is provided to future owners through a note on the face of the plat.

DECISION – UNIT LOT SUBDIVISION

The proposed Unit Lot Subdivision is **CONDITIONALLY GRANTED**.

CONDITIONS

Conditions of Approval Prior to Recording

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

1. Include any required easement description provided by Seattle City Light on the face of the final plat and in the legal descriptions of the affected Unit Lots.
2. 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 side yard easements, fences or structures shall be shown. Lot areas shall be shown on the plat. The lot areas of each parcel shall be shown on the recording documents.
3. Provide an easement, covenant, or other agreement on the final plat for the proper posting of all unit lot addresses.
4. Submit the recording fee and final recording forms for approval.

For the Life of the Project

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

5. 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: February 4, 2008
Nora Gierloff, Land Use Planner
Department of Planning and Development

NG:bg

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