



City of Seattle

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Gregory J. Nickels, Mayor  
**Department of Planning & Development**  
D. M. Sugimura, Director

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

**Application Number:** 2503584  
**Applicant Name:** Chris Trujillo for Soleil LLC  
**Address of Proposal:** 2827 S.W. Dakota St.

**SUMMARY OF PROPOSED ACTION**

Master Use Permit to subdivide one parcel of land into three unit lots. 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 construction of a three-unit townhouse has been approved under project #2502359.

The following approval is required:

**Short Subdivision** - To divide one parcel of land into three unit lots.  
(Seattle Municipal Code Chapter 23.24)

**SEPA DETERMINATION:**  Exempt  DNS  MDNS  EIS  
 DNS with conditions  
 DNS involving non-exempt grading, or demolition, or another agency with jurisdiction.

**BACKGROUND DATA**

Site Description

The proposal site is approximately 5,097 square feet and is located in a Multi-Family Lowrise One (L-1) zone on S.W. Dakota St. between 28<sup>th</sup> Avenue S.W. and 30<sup>th</sup> Avenue S.W. S.W. Dakota St. The lot has approximately 49.98-feet of street frontage on S.W. Dakota St. Vehicular access to the three Unit Lots is from S.W. Dakota St. over an Ingress, Egress, Parking and Utility Easement. Surface parking for Unit Lot A is provided on Unit Lot A. Surface parking for Unit Lots B and C is provided by easement on Unit Lot B. Site vegetation includes grass and shrubs.

### Area Development

Zoning in the vicinity is mixed between multi-family, neighborhood commercial and Industrial Buffer. The subject site and surrounding area is zoned Lowrise One (L-1), to the northwest of the site the zoning is Commercial-One (C1/40') and to the northeast the zoning is Industrial Buffer (IB U/85'). To the east and southeast the zoning is Lowrise-Duplex-Triplex (LDT). The immediate and surrounding areas are predominately single-family and multi-family use.

### Proposal Description

The applicant proposes to subdivide one parcel of land into three unit lots. Proposed unit lot sizes are: A) 2,752.8 square feet, B) 1,292.8 square feet, and C) 1,051.4 square feet. Vehicular access to the three Unit Lots is from S.W. Dakota St. over an Ingress, Egress, Parking and Utility Easement. Surface parking for Unit Lot A is provided on Unit Lot A. Surface parking for Unit Lots B and C is provided by easement on Unit Lot B.

### Public Comments

The public comment period for the proposed project ended on June 1<sup>st</sup>, 2005 and one comment letter was received.

### **ANALYSIS - SHORT SUBDIVISION**

Pursuant to SMC 23.24.040, no short subdivision shall be approved unless all of the following facts and conditions are found to exist. 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;

A construction permit that dealt with all development standards for townhouses in the L-1 zone, Project Number 2502359, was issued for the parent lot. The unit lots proposed by this subdivision conform to the standards for unit lot subdivisions (SMC 23.24.045) and other code provisions applicable to unit lot subdivisions. Any new development must conform to code requirements for the parent lot at the time of application.

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

Vehicular access to the three Unit Lots is from S.W. Dakota St. over an Ingress, Egress, Parking and Utility Easement. Surface parking for Unit Lot A is provided on Unit Lot A. Surface parking for Unit Lots B and C is provided by easement on Unit Lot B.

Pedestrian access to the unit lots would be obtained from the street. A pedestrian access easement of approximately 5-feet in width is proposed across Unit Lot A for pedestrian access to Unit Lots B and C.

In order to insure that the use and maintenance responsibilities associated with the common areas are clear, the applicant/responsible party will be required to record an easement maintenance agreement with the final short plat.

The Seattle Fire Department has reviewed the proposed lot configuration with regard to fire protection and emergency vehicle access and has no objection. No improvements were requested by the Fire Department.

Seattle City Light requires an overhead/underground power easement over the west 10.63 feet and the north 13.8 feet of Unit Lot A.

As conditioned, this short plat provides for adequate access for vehicles, utilities, and fire protection.

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

**Sanitary Sewer:** At the time of the building permit application review, the DPD Site Development staff confirmed that a public sanitary sewer is available and is of adequate capacity for sanitary discharge from new construction on this ULS site. A Side Sewer Permit has been issued, or will be issued, for connection of the project's side sewer to the public sewer. The Side Sewer Permit includes, or will include, the necessary easement and connection agreement documents.

**Drainage:** At the time of the building permit application review, we determined the discharge point for the project storm-water runoff and designated, or approved, the project storm-water control method. A Side Sewer Permit has been issued, or will be issued, for the connection of the project's service drains to an approved discharge point. The necessary easement and connection documents will be included with the Side Sewer Permit.

Seattle Public Utilities reviewed the unit lot subdivision application and approved a Water Availability Certificate, **No. 05-0712 on May 16<sup>th</sup>, 2005**. All conditions on the certificate must be met prior to receiving water service.

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

The proposed unit lot subdivision meets the minimum provisions of the Seattle Land Use Code. The proposal meets all applicable criteria for approval of a short plat as discussed in this analysis and decision. 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;

The site is not mapped as an Environmentally Critical Area.

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

Not applicable, as the development of the subject site is permitted by approval of the associated building permit. No trees are expected to be removed as a result of this short subdivision.

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.

Section 23.24.045 of the Seattle Municipal Code provides that under certain circumstances some types of parcels may be created that do not individually meet the zoning requirements for lot size, setbacks, density, and structure width and depth. These are called unit lot subdivisions and may be permitted as long as the development as a whole meets development standards. However, as a result of this subdivision, development on the individual lots may be non-conforming. To assure that future owners have constructive notice that additional development may be limited due to non-conformities; the following statement shall be required to be included as a note on the final short subdivision: “The unit lots shown on this site are not separate buildable lots. Additional development on any individual unit lot in this subdivision may be limited as a result of the application of development standards to the parent lot pursuant to applicable provisions of the Seattle Land Use Code, Chapter 23 of the Seattle Municipal Code.”

### **DECISION - SHORT SUBDIVISION**

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

### **CONDITIONS - SHORT SUBDIVISION**

#### **Prior to Recording**

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

1. Provide final recording forms and fees. Have the 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 the field and all property corners set in conformance with appropriate state statute. The property corners set shall be identified on the plat and encroachments such as side yard easements, fences or structures shall be shown, as well as all structures and distances from them to the proposed property lines. All existing structures, principal and accessory, shall be shown on the face of the plat and their distances to the proposed property lines dimensioned. A licensed surveyor shall stamp the short plat drawings.
2. Insert the following on the face of the plat: “The unit lots shown on this site are not separate buildable lots. Additional development on any individual unit lot in this subdivision may be limited as a result of the application of development standards to the parent lot pursuant to applicable provisions of the Seattle Land Use Code, Chapter 23 of the Seattle Municipal Code.”

3. Provide a joint maintenance and responsibility agreement for maintenance and use of shared walls on property lines and all ingress, egress and utility easements.
4. Provide an easement for proper posting of address signage that is visible from the street.

Signature: (signature on file)  
Joan S. Carson, Land Use Planner II  
Department of Planning and Development

Date: October 17, 2005