

FINDINGS AND RECOMMENDATION

OF THE HEARING EXAMINER FOR THE CITY OF SEATTLE

In the Matter of the Application of

UNIVERSITY OF WASHINGTON

FILE NO. CC-81-022
C.F. NO. 291110

for a council conditional use pursuant
to the provisions of Title 24, Seattle
Municipal Code, (Zoning Ordinance
86300, as amended)

Recommendation: The application should be GRANTED.

Introduction

The applicant seeks council conditional use authorization in order to establish student dwelling units in the General Commercial (CG) zone at 3801 Brooklyn Avenue N.E.

No correspondence or testimony in opposition was entered in the record.

For purposes of this recommendation, all section numbers refer to the Seattle Municipal Code, Title 24, as amended, (Ordinance 86300, as amended) unless otherwise indicated.

The Director's report, submitted by the Department of Construction and Land Use (DCLU), recommended that the application be granted.

This matter was heard before the Hearing Examiner on January 21, 1982.

After due consideration of the evidence presented by the applicant, the information provided by the Director's report, and all evidence elicited during the public hearing, the following shall constitute the findings of fact, conclusions and the recommendation of the Hearing Examiner on this application.

Findings of Fact

1. The subject property consists of an irregularly shaped 1.8 acre parcel found in the University District of Seattle at 3801 Brooklyn Avenue N.E.

2. The site is currently in use as a surface parking area for 196 vehicles in temporary University parking lots W-29 and a portion of W-36. Proposed is the construction of 59 student apartments on site, which would house approximately 300 single students.

3. To the north of the site is the Burke-Gilman Trail and the Cowlitz Apartments. The property is bounded on the east by Brooklyn Avenue N.E.; on the west by a portion of parking lot W-36; and on the south by N.E. Pacific Street, south of which is a mix of University buildings and temporary surface parking lots. Development surrounding the site consists almost totally of academic-housing, parking, open space uses and University parking lots.

4. The subject property is zoned General Commercial (CG). The legal description is presented in the application and is incorporated herein by reference. The site is located within 1/8 mile of the main campus of the University, and several blocks from the business core of the University District.

5. The applicant is proposing modulated structures which would not exceed 35 ft. in height and which would result in a lot coverage less than 40 percent. A community center and below grade parking on site for 100 cars are proposed as part of the project. The draft environmental impact statement (DEIS) indicated that on-site parking for 63 vehicles would be provided for a net loss of 133 spaces, at p. 13; however, as noted by the final environmental impact statement (FEIS) the University decided to provide 37 additional spaces, resulting in "approximately 1 space for every three students, or 1.7 spaces per unit."

According to the FEIS, the change was taken

in recognition of the fact that the proposed housing will not be traditional dormitory housing, and therefore may appeal to more upper division and graduate students who are more likely to have cars. Page 1.

The resulting net loss of parking is 96 spaces. The University of Washington prepared DEIS was issued in August, 1981, and following a public hearing the FEIS was issued October 23, 1981.

6. A minimum 15 ft. setback from N.E. Pacific Street and Brooklyn Avenue N.E. is proposed as well as a minimum 30 ft. setback from the Burke-Gilman Trail.

7. According to applicant, the proposed site is subjected to existing noise levels which exceed normally acceptable standards for housing development. Designs are proposed, however, to achieve interior noise levels in sleeping rooms in order to meet the current standards.

8. The Seattle Engineering Department's Office for Planning stated no objection to the conditional use

...provided that SED (Standard Type 106A) driveways are used and curbs and walks are restored to 'as before' construction.

9. A letter in support of the application was received in the record from the City of Seattle/University of Washington Community Advisory Committee (CUCAC) which noted among other items that the University would be replacing some housing which was lost to University expansion; and that "fewer vehicles may be traveling through our neighborhoods."

Conclusions

1. The standards of Section 24.72, reference 24.74.010, 030 are applicable. Those sections require that a conditional use not prove materially detrimental to the public welfare or injurious to the property in the subject zone or vicinity. Additionally, the authorization should be consistent with the spirit and purpose of the zoning ordinance. Section 24.52.100 more specifically subjects applications for dwelling units located in the CG zone to the following conditions: nearby or associated uses and other conditions in the immediate environs should not be of the type to create a nuisance or adversely affect the desirability of the area for living purposes; (2) residential development should not usurp land which is needed for and better suited to commercial usage by virtue of special attributes such as railroad access and proximity of established commercial developments; (3) the structural bulk incident to the residential use should not adversely affect surrounding development.

2. The application should be granted. The proposed use by the University for student housing would be consistent with the Seattle Comprehensive Plan designating the area for governmental, educational and related uses. The University Addition-Northlake Urban Renewal Plan covers the subject area, and, as noted in the DEIS, p. 33, primarily recommends the site for residential (University housing). That plan also contains particular regulations and controls concerning setback requirements, floor area ratio, off street parking and height requirements. The project applicant indicates that the project will comply with the requirements of the Urban Renewal Plan, which was approved by the Seattle City Council in February, 1972. The project is further consistent with the major institutions designation of the proposed land use map.

3. No housing will be destroyed by the proposal. The proposed development is consistent in scope, architecture and use to the immediately surrounding and the extended area. It offers the potential benefit of decreased traffic circulation in the University neighborhood area. The proposal will not prove materially detrimental to the public welfare nor injurious to the subject zone or vicinity. Further, the conditional use proposed will be consistent with the spirit and purpose of the zoning ordinance.

4. The surrounding student housing, academic, open space and other uses are not of the type to create a nuisance or adversely affect the desirability of the area for living purposes. The project applicant has proposed mitigating measures to address the noise levels.

5. The subject site is not better suited for commercial usage. It is separated from the commercial center of the University District. It is surrounded by uses compatible with that proposed.

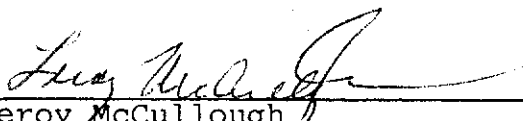
6. The structural bulk will not adversely affect surrounding development. Proposed is construction resulting in less than 40 percent lot coverage and in height less than 35 ft. Parking in excess of the minimum code requirements is also proposed as are other amenities. Access to major travel corridors is also noted.

Recommendation

For each of the above reasons, the recommendation of the Hearing Examiner for the City Council is as follows:

That the petition be GRANTED.

Entered this 4th day of February, 1982.



Leroy McCullough
Hearing Examiner

NOTICE OF RIGHT TO PETITION
FOR FURTHER CONSIDERATION

Pursuant to 24.72.090, Seattle Municipal Code , as amended, (Section 27.51 of the Zoning Ordinance 86300, as amended) any party affected by a recommendation of the Hearing Examiner may submit a petition in writing to the City Council requesting further consideration. The petition must be submitted within fourteen days after the date of mailing the recommendation of the Hearing Examiner and addressed to: City Council, Land Use Committee, Municipal Building, Seattle, Washington 98104.

The petition should state clearly and concisely the reason(s) why further consideration is necessary, and should refer specifically to any errors alleged to exist in the Hearing Examiner's Findings and Conclusions. The City Council's consideration of the petition will be based upon the record of the Hearing Examiner's hearing, and new exhibits or other evidence in support of the petition should not be submitted. In its discretion the Council may allow oral or written arguments based on the record when it considers the petition.