

FINDINGS AND RECOMMENDATION  
OF THE HEARING EXAMINER FOR THE CITY OF SEATTLE

In the Matter of the Application of

SEATTLE HOUSING AUTHORITY

FILE NO. CC-83-012  
C.F. NO. 292996

for a council conditional use  
pursuant to the provisions of  
the Seattle Municipal Code

Recommendation: The application should be conditionally  
GRANTED.

Introduction

The Seattle Housing Authority proposes to establish eleven dwelling units in the General Commercial zone at 902 North 128th Street. Council approval is required.

For purposes of this recommendation, all section numbers refer to the Seattle Municipal Code, unless otherwise indicated.

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

This matter was heard before the Hearing Examiner on March 1, 1984.

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

Findings of Fact

1. The subject property, one of approximately 230 properties for new construction or rehabilitation owned by the Seattle Housing Authority (SHA), is located in the General Commercial (CG) zone at 902 North 128th Street. The basically level site is presently developed with a single family residence and a detached garage. SHA proposes to demolish these structures and construct on-site two apartment buildings for a total of 11 units of subsidized housing.

2. The two 2-story buildings proposed will fall within basic RM 800 bulk specifications. Pitched roofs are planned to enhance compatibility with the vicinity's low scale residential development. The buildings would be somewhat modulated or indented and face each other across an interior access courtyard. Landscaping is proposed and is the topic of a DCLU recommended condition, as is compliance with Seattle Engineering Department standards on curbs, sidewalks and driveways. The streets south of North 130th Street are without sidewalks.

3. SHA proposes to locate five parking spaces beneath the buildings with access from North 128th, and an additional six spaces on the lot with access from Linden Avenue North.

4. By the subject proposal applicant seeks to implement provisions of the Seattle Housing Assistance Plan (HAP). The Plan calls for subsidized housing sites to comply with several criteria. The site must be a "scattered" site, that is, in an area without a concentration of subsidized housing. There are to be no more than two such projects within a one block area. Eighty percent of the units are required to be located north of the Lake Washington Ship Canal. There is also a fifteen unit maximum per site. Federal government standards relating to density and distance to schools, parks and playgrounds must also be met for subsidized housing site approval.

5. The subject site complies with both federal Housing and Urban Development (HUD) and Seattle HAP standards and criteria.

6. The subject 15,501 sq. ft. area lot measures roughly 118 ft. in width and 141 ft. in depth. It is located at the northeast corner of Linden Avenue North and North 128th Street. It is located near no railroad or similar commercial access. There is some Interstate 5 access via 130th, however.

7. The site is at the northwestern edge of a CG zone that extends south to North 125th Street, east to parallel Aurora Avenue North; and north to North 130th Street. A power line right-of-way (sans development) is west adjacent to the site's CG zone.

8. The subject CG zone is developed with various single family, retailing and manufacturing uses. Along 128th Street, east adjacent to the subject site, are duplex structures. Continuing east is a single family residence; a single family structure in converted use as a contractor's office; then a former automotive detailer facility with frontage on Aurora Avenue that is currently leased to a commercial landscape gardener.

9. Along the south side of North 128th Street, east to west, are a used car lot with frontage on Aurora Avenue; a photo development laboratory, with "many employees" according to a vicinity businessperson; a single family residence; a television warehouse; two single family residences; than a moving and storage concern with a truck storage yard directly across North 128th from the subject property.

10. There is a similar development pattern along the north side of North 127th. One building fronting on North 127th uses a North 128th access route for ingress.

11. A Single Family 7200 zone is immediately west of the subject CG zone and extends for several blocks to within a half block of Greenwood Avenue North where the property is zoned for multi-family uses (Lowrise 3).

12. Northwest of the subject zone is a strip of L-3 zoned property along North 130th Street. Continuing northwesterly is Bitter Lake and its surrounding development of condominiums, single family residences and a retirement community. Some CG zoning commences directly west of Linden Avenue and extends westerly to one portion of the lake.

13. A rather extensive Manufacturing (M) zone is found along the north side of North 130th Street between Aurora and Linden Avenues North. The south side of North 130th Street, part of the subject site's CG zone, is developed with businesses such as a clinic, military recruitment office and a finance company. (Kroll 219W).

14. DCLU received no comments prior to their recommendation in favor of the proposal, and the DCLU declaration of non-significance (DNS) was not appealed. However, objections to the proposal were offered in the hearing by the owner of the business property at 922 North 128th, which property is four lots east of the SHA site and also along the north side of North 128th Street.

15. In the opinion of that property owner, North 128th is functionally only 21 ft. wide but highly used by potential customers of the Aurora Avenue automobile dealers (test drivers) as well as by the five to seven 27 ft - 40 ft. trailers per day traversing this segment of 128th Street, some destined for the witness' business. The witness acknowledged that his employees owned ten vehicles and the employer six. SHA's site visit showed no exceptionally adverse traffic condition along 128th.

16. The opposing witness also was of the opinion that 130th and Linden was a blind corner, due in significant measure to the sight obscuring parking habits of apartment dwellers and their guests at 130th; and further that the two grades of property at the corner, coupled with the 130th access to the I-5 freeway, make the subject site better suited for commercial use and unsuitable for (new) residential use.

17. The witness testified further that based on his experience, a shortage of commercial property exists. When he was relocated from a site farther north it was difficult to find other suitable property, he recalled. There has been no new commercial development in the vicinity in the recent past.

#### Conclusions

1. Dwelling units such as here proposed may be located in the CG zone if Council conditional use approval is secured. Specific criteria of Section 24.52.100 must be met as well as the Title 24 general conditional use criteria.

2. The Hearing Examiner concludes that the general criteria will be met by the proposal. The use will not prove materially detrimental to the public welfare nor injurious to neighboring properties. The proposal also comports with the spirit and purpose of the Zoning Code. The proposed construction will be of a bulk and scale compatible with the great majority of its surrounding (mixed-residential) development. For example, duplex uses are east adjacent. The block front offers a mix of single family and residential development. An extensive Single Family 7200 zone is directly west. Bitter Lake, a park, offices and a variety of retail and manufacturing uses complete the immediate environs. Although the site is addressed to North 128th Street, only five of the eleven parking spaces will access the property by that street. Further, the two proposed structures will be oriented east and west away from North 128th, and separated by an access courtyard. The proposal meets Seattle and federal government locational criteria relating to density and accessibility of schools, parks and playgrounds. Thus, although several trailer trucks may use North 128th, the great weight of the evidence supports the conclusion that neither the vicinity traffic pattern nor development characteristics militates against approval of the proposal.

3. Concerning the criteria of Seattle Municipal Code Chapter 24.52, the proposed units would be at the western edge of the CG zone and would be oriented away from most of its zone's development. Orientation notwithstanding, the

... nearby or associated uses ... are not of the type to create a nuisance or adversely affect the desirability of the area for living purposes.

Section 24.52.100(1). The nearby or associated uses are low density residential, and medium to light business and commercial use.

4. Structural bulk will complement surrounding development and be within required bulk limitations. Section 24.52.100(3).

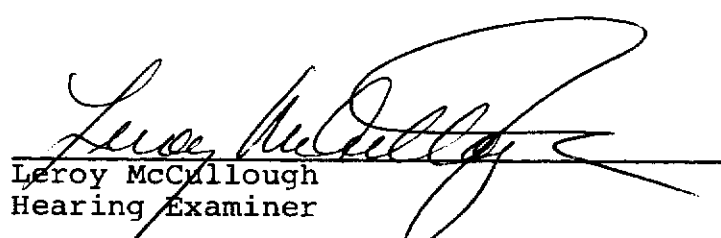
5. The site is near established commercial development, such as the storage business directly across North 128th. The site also has some access via 130th to the I-5 freeway. However, the site has no nearby railroad or similar access, and is surrounded on essentially three sides by low density residential development. The foregoing, coupled with the absence of recent new commercial development in the area, supports the conclusion that the subject site is not necessarily better suited for commercial usage, the one related personal experience of the opposing witness notwithstanding. Section 25.52.100(2).

Recommendation

That the application be approved on the conditions recommended by DCLU;

1. that landscaping be provided per approved plan
2. that curbs, sidewalks and driveways meet Seattle Engineering Department standards.

Entered this 13th day of March, 1984.

  
Leroy McCullough  
Hearing Examiner

NOTICE OF RIGHT TO PETITION  
FOR FURTHER CONSIDERATION

Pursuant to 23.80.10.E, Seattle Municipal Code, any person substantially affected by or interested in the Hearing Examiner's recommendation may submit a petition in writing to the City Council requesting further consideration. The petition should be addressed to: City Council, Land Use Committee, Municipal Building, Seattle, Washington 98104.

The petition must be submitted by 5:00 p.m. of the fourteenth calendar day following the date of the Hearing Examiner's recommendation. If the fourteenth calendar day is a Saturday, Sunday or federal or City holiday, the petition period shall run until 5:00 p.m. on the next business day.

The petition shall clearly identify specific objections to the Hearing Examiner's recommendation and the relief sought. If there is no petition for further consideration, Council action shall be based on the record established by the Hearing Examiner hearing.