

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

In the Matter of the Petition of

MYLO CHARLESTON

FILE NO. CC-8501468
C.F. NO. 293916

for an amendment to the Official
Zoning Map pursuant to Title 23,
Seattle Municipal Code (Ordinance
86300, as amended)

Recommendation: The petition should be conditionally
granted.

Introduction

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

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

This matter was heard before the Hearing Examiner on October 4, 1985, and the date of October 9, 1985, was set as the deadline for the submittal of additional documents for the record.

After due consideration of the evidence presented by the Petitioner, 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 recommendations of the Hearing Examiner on this petition.

Findings of Fact

1. The subject site, legal description of record incorporated by reference, is located at 1810 N. 103rd Street in a SF 7200 zone. The proposal is to rezone the site to L-3. The site is 17,236 sq. ft. consisting of two lots measuring 50 ft. by 174 ft. each. A single family residence on one of the lots is to be demolished for construction of a nine unit apartment building.

2. The site's east boundary abuts an L-3 zone that is developed with multi-family structures and a four story office building at Meridian Avenue North and North 103rd Street. Properties west of the site are developed with single family residences and the property south across North 103rd Street is the North Precinct Police Station on a RD 7200 zoned parcel.

3. The site is one block north of the North Seattle Community College and the Hearing Examiner finds through credible testimony that the site is not in a block in which seventy percent of the structures is of single family use. The Hearing Examiner finds neither an increasing trend toward single family use in proportion to new construction nor an increasing trend of improvements or rehabs to single family structures in the area.

4. From the record the Hearing Examiner finds that in the last five years the single family residence on the abutting lot was demolished, the Precinct Station was constructed, the office building was constructed and other multi-family development has occurred along Meridian Avenue North.

5. Through credible testimony the Hearing Examiner finds that although the subject site has always been zoned single family, the adjoining lots to the east and south have undergone reclassification since 1957 to RMH, RM 800 and L-3.

6. Commercial and multi-family development such as apartment buildings, the police precinct station, the office building, North Seattle Community College and their related generation of traffic was stated by applicant and found by the Hearing Examiner to have caused deterioration of the area and to have changed the character of the area from single family use.

7. Additionally, as the precinct parking lot and fueling operation are visible directly across North 103rd Avenue from the subject site and only landscaped with a chain link fence, applicant states and the Hearing Examiner finds that the subject site is more appropriate and suitable for non-single family use.

8. Through credible testimony the Hearing Examiner finds that the single family uses to the west of the subject site are oriented westward toward Wallingford Avenue North and that the site is separated from the single family use by the slope of the site, the site's orientation toward the precinct station on the south and the site's orientation toward the L-3 zone on the east.

9. The Hearing Examiner finds through credible testimony that the present prevailing pattern of medium bulk and moderate height along North 103rd Avenue and Meridian Avenue North could be adopted by the applicant's proposal and not cause undue impact upon the single family use.

10. Heavy landscaping will mitigate and buffer the single family use on the west and north from the proposed nine unit apartment as stated on the record and is found by the Hearing Examiner to adequately protect and maintain the single family use in the area.

11. From the record the Hearing Examiner finds that the 10 to 15 vehicular trip generation from the subject site can be easily absorbed by North 103rd and Meridian Avenue North. North 105th is a major arterial and public transit can be found at North 105th and Meridian Avenue North.

Conclusions

1. Relevant rezone criteria and considerations are found at Seattle Municipal Code Section 23.34.28:

- A. Match between established criteria and area characteristics.
- B. Zoning history and precedential effects.
- C. Zoning principles relating to compatible land use patterns, size, configuration and boundaries.
- D. Impact Evaluation.
- E. Neighborhood planning effort.
- F. Changed circumstances.
- G. Overlay District.
- H. Greenbelt Plan.

2. Relevant locational criteria for single family zones are found at Seattle Municipal Code Section 23.34.32 and relevant locational criteria for L-3 found at Seattle Municipal Code Section 23.34.40.

- A. The Hearing Examiner concludes the block in which the site is located is not within a seventy percent single family block as indicated in the record. Seattle Municipal Code Section 23.34.32(A)(1).

- B. It is concluded that the area does not disclose a trend toward increasing single family usage in that construction, improvement or rehabilitation of single family structures was not in proportion to other new construction in the area. Seattle Municipal Code Section 23.34.32(A)(3)(d).
- C. It is concluded that the site is neither environmentally nor topographically suitable for single family use in that recent development in the area is other than single family use. Seattle Municipal Code Section 23.34.32(A)(3)(d).
- D. It is concluded that there are no natural boundaries to separate the single family residences from the more intense uses in the area and in that the single family residences are oriented away from the subject site, the site is not within a single family half block as the half block is defined in the record. Seattle Municipal Code Section 23.34.32(C).
- E. Because of the surrounding structures, it is concluded that the prevailing pattern is of medium bulk and moderate height buildings that could be appropriately adapted to by the applicant's proposal without undue impact to the single family use. Seattle Municipal Code Section 23.32.40, L-3 Locational Criteria.
- F. In that the single family use is oriented away from the site, and the development in the area and the related traffic generated in the area have caused deterioration and a break in the area, it is concluded the site can be utilized for smaller scale development such as proposed by applicant. Seattle Municipal Code Section 23.34.40(B).
- G. In that the topography is relatively flat view and overlook conditions are not applicable for this proposal and the Hearing Examiner so concludes. Seattle Municipal Code Section 23.34.40(C).
- H. Public transit can be found at Meridian Avenue North and 105th and 105th is also a major arterial so it is concluded that this consideration is met. Seattle Municipal Code Section 23.34.40(E).
- I. The site is concluded to appropriately serve as a transition between areas of smaller and larger sized housing and commercial structures and therefore to be compatible and match the L-3 requirements. Seattle Municipal Code Section 23.34.40(F).
- J. The site's zoning history is single family but rezoning to L-3 is concluded to be consistent with area development and will not set an unwarranted precedent. Seattle Municipal Code Section 23.34.28(B).
- K. Impacts during construction are concluded to be temporary in nature and not significant. From the record, vehicular trip generation will be ten to fifteen per day and should be easily absorbed onto North 103rd Avenue and Meridian Avenue North without impacting the residential use. It is concluded that heavy landscaping along the west and north boundaries will buffer and protect the residential use. Seattle Municipal Code Section 23.34.28(D).

- L. No neighborhood plan is in effect nor is the site in an overlay or greenbelt plan. Seattle Municipal Code Section 23.34.28(E).
- M. It is concluded that the area has changed in the recent years due to development other than single family and that rezoning to L-3 is a more compatible and consistent designation of the area. Seattle Municipal Code Section 23.34.28(F).

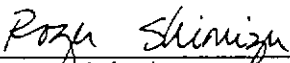
Recommendation

The recommendation of the Hearing Examiner to the City Council is as follows:

The petition should be conditionally granted as follows:

1. Grade from existing pavement edge to the property line per a Building Grade sheet.
2. A drainage control plan including detention will be required for improvement of the parcel.
3. A fire service no protest agreement must be filed with the Seattle Water Department.

Entered this 23rd day of October, 1985.



Roger Shimizu
Hearing Examiner Pro Tempore

CONCERNING FURTHER CONSIDERATION

Pursuant to 23.34.14, Seattle Municipal Code 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.