

RECEIVED

AUG 30 1988

OFFICE OF HEARING EXAMINER

FINDINGS AND RECOMMENDATION

OF THE HEARING EXAMINER FOR THE CITY OF SEATTLE

In the Matter of the Petition of

SHARON GUSTAFSON ET AL.

FILE NO. 8705889
C.F. NO. 296003

for an amendment to the Official
Zoning Map pursuant to Title 23,
Seattle Municipal Code

Introduction

Sharon Gustafson and neighbors have petitioned to reclassify a strip of approximately 2 acres from Lowrise 2 to Single Family 5000. The property is located along S.W. Admiral Way.

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

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

This matter was heard before the Hearing Examiner on August 9, 1988. Sharon Gustafson and neighbors appeared pro se and the DCLU Director appeared by Jim Barnes, associate land use specialist.

After due consideration of the evidence presented by the petitioner, the information provided by the Director's report, letters of comment from the public and all evidence elicited during the public hearing, the following shall constitute the Findings, Conclusions, and the Recommendation of the Hearing Examiner on this petition.

Findings of Fact

1. Sharon Gustafson and other neighbors seek to rezone approximately 2 acres of land fronting on the south side of S.W. Admiral Way from Lowrise 2 to Single Family 5000. DCLU recommended that the petition be granted.

2. The subject of the rezone petition is land located along S.W. Admiral Way generally between 59th Avenue S.W. to the east and 64th Avenue S.W. to the west. The western boundary of the rezone area terminates halfway between 63rd and 64th Avenues S.W.

3. The legal description for the 21 separately developed lots comprising the rezone area are included in the record in the Notice of Public Hearing, in the DCLU Analysis and in the Comptroller's File. The descriptions are incorporated herein by reference as if fully set forth.

4. The rezone site is not within the Greenbelt Overlay District, but is subject to a city-wide interim reduction in L-2 and L-3 development standards. There is no adopted current neighborhood plan for the subject area.

5. From 1957-1982 the rezone area was classified as RD 5000. In 1982 the area was classified as L-2 as part of citywide multi-family zoning.

6. The property fronting the north side of S.W. Admiral Way is zoned L-1. Properties to the south, east and west of the rezone site, 15 acres or more, are zoned single family.

7. The Office for Long Range Planning (OLP) commented to DCLU and the Hearing Examiner finds that in 1980 the blocks between 59th and 64th Avenues S.W. along S.W. Admiral Way contained at least 70 percent single family structures. OLP also

observed that the prevailing character of the rezone area is that of single family homes closely related to south abutting single family zoned properties. The Hearing Examiner finds in accord with that observation.

8. The Hearing Examiner finds that there are 21 developed properties in the rezone area. Of the 21, 18 are single family, two are duplexes and one is a 7-unit building. The Hearing Examiner finds the predominant structure height to be 25 ft. or less.

9. The single family homes within the rezone area and vicinity are generally well-maintained and attractive. Several rehabilitation efforts are underway. Specifically within the rezone area, one home at 59th Avenue S.W. - S.W. Admiral Way is the subject of extensive (deck) remodeling. Two homes at the corner of 63rd S.W. and S.W. Admiral Way are subjects of upgrading and remodeling efforts. Photo Exhibit 6.

10. Within 1-3 blocks directly south, southeast and southwest of the rezone area, within the single family zone, some 14 new homes have been constructed, including 3 that generally abut the southern boundary, within the past five years. One multi-family structure which fronts on 63rd S.W. has been converted to single family. A second floor was added to a dwelling on 59th S.W. Photo Exhibit 6. Other vicinity activities have included solar access, sauna, landscaping and other single family home improvements.

11. The Hearing Examiner finds that the single family character of the properties on the south side of S.W. Admiral Way has been generally constant since 1955.

12. The rezone area is generally flat with lawns, some fences and private areas "for children and pets."

13. The Hearing Examiner finds in accord with another OLP observation that "Admiral Way provides a significant physical buffer between...[the rezone area] and the Lowrise 1 zone to the north of Admiral Way." DCLU Analysis, p.3. S.W. Admiral Way, designated as a minor residential arterial street, serves as the principal arterial access from Alki Point - California Avenue S.W. - S.W. Spokane Street. At the rezone area, S.W. Admiral Way has an average weekday traffic of 5-10,000 vehicles.

14. S.W. Admiral Way is an 80 ft. - wide right of way improved to a 54 ft. width. The intersecting streets are generally improved to a 20 ft. width and have curbs, sidewalks, gutters and planting strips.

15. The majority of the property directly north of S.W. Admiral Way is zoned L-1, but approximately 2.5 blocks are zoned L-3. These L-3 zoned properties front to either 59th or 60th Avenue S.W.

16. The properties north of S.W. Admiral Way are developed with a mixture of low-scale single and multi-family development. Because of trees and other vegetation, some of the multi-family development is obscured from direct view. Photo Exhibit 3.

17. Land between 61st and 63rd Avenues S.W. on the north side of Admiral Way was the subject of a rezone effort that culminated in a 1986 Council decision to downzone the area from L-2 to L-1. The petitioners had requested SF 5000 zoning.

18. The downzone of this rezone site would reduce potential auto-related impacts such as parking, traffic and air quality, and would reduce the demand on public services. This is because the rezone would eliminate a potential 57 (multi-family) dwelling units and attendant population and activity.

19. The Hearing Examiner adopts the DCLU indication of the relevant "blocks." See DCLU Analysis, Exhibit "B." Generally, DCLU has designated the easternmost block, to the midpoint of

59th S.W. along S.W. Admiral Way, as "A;" and the westernmost, to the midpoint of 64th Avenue S.W. along S.W. Admiral Way, as "E." DCLU has also labeled for analysis two block configurations that front to 60th and 61st Avenues S.W. as blocks "F" and "G," respectively. (Two of the lots in the downzone area front to 60 and 61st Avenues S.W., as opposed to S.W. Admiral Way. DCLU therefore considered these properties as parts of blocks "F" and "G.")

20. Block "A" has two multi-family structures on the north side of S.W. Admiral Way between 59th And 60th Avenues S.W. The south block front is composed of four single family structures and one multi-family structure. The percentage of single family use in this block is therefore 57 percent (i.e. 4 of 7 structures are in single family use).

21. DCLU defines Block "A's" southern boundary as the rear lot line of the properties fronting to S.W. Admiral Way. If the southern boundary of block "A" is extended to an unopened portion of S.W. Horton, as suggested by Petitioners' Exhibit 2, an additional single family home would be included, for single family utilization of 62.5 percent. A building permit application has been filed to add a unit to a single family structure within block "A" that fronts to S.W. Admiral Way.

22. Block "A's" single family stock has been stable since 1951. However, there has been no new construction of single structures in block "A" in the last 5 years. As noted in Finding 9 above, a home at 59th Avenue S.W. and S.W. Admiral Way is the subject of a recent, extensive deck remodel.

23. The S.W. Admiral Way blocks "B" through "E" are at least 71 percent developed with single family structures. Block "C," between 61st and 62nd Avenues S.W., is approximately 86 percent single family developed.

24. Blocks "E" and "F" exceed 90 percent single family development as would other area blocks south, southeast and southwest of the rezone area.

24. The subject rezone petition has overwhelming community support as evidenced by letters and testimony of record. No evidence was offered in opposition to the rezone.

Conclusions

1. The Hearing Examiner has jurisdiction of this matter pursuant to the procedures of Chapter 23.76, Seattle Municipal Code. Seattle Municipal Code Section 23.34.002.

2. The criteria for evaluating rezone requests are delineated at Seattle Municipal Code Section 23.34.008. After a review of the relevant criteria, it is the Hearing Examiner's opinion that the rezone should be approved.

3. The characteristics of the rezone petition area "closely fit the adopted locational criteria" for the single family zone. Seattle Municipal Code Section 23.34.008(A). Included within the single family zone locational criteria is the following descriptive:

Areas which consist of blocks with at least-
...70 percent...of the existing structures in
single family residential use.

Section 23.34.012(A)(1).

4. To an overwhelming degree, the rezone petition area has blocks which are from 71-96 percent in single family use. Block "A" is the exception at 57 percent single family use.

5. The Hearing Examiner should here indicate the reason for the conclusion that block A is 57 percent single family, and not 62.5 percent. In order to include five single family structures

and to therefore conclude that 62.5 percent of the structures are single family, the block would have to be bordered by 60th S.W., S.W. Admiral Way, 61st S.W. and by unopened (but nevertheless platted) S.W. Horton Street. Seattle Municipal Code Section 23.84.004 "B" defines a block as two facing "block fronts." A "block front" consists of

the frontage of property along one...side of a street bounded on three...sides by the center-line of platted streets and on the fourth side by an alley or rear property line...

loc. sit. (emphasis added). The DCLU configuration of block "A," with its fourth (most southerly side) as a rear lot line, appears to accord with the Land Use Code definition.

6. Although block "A" is less than 70 percent single family, it is not inappropriate to include it within the single family parameter. Seattle Municipal Code Section 23.34.012(A)(3) provides illustrative scenarios where areas with less than 70 percent single family structure use, but within which "an increasing trend toward single family residential use can be demonstrated..." may still be considered for single family status. The number of single family structures in block "A" has been "very stable in the last five...years." Seattle Municipal Code 23.34.012(A)(3)(c). The area is "topographically and environmentally suitable for single family residential development." Section 23.34.012(A)(3)(d). Also, there is at least one home in block "A" that has been renovated. Section 23.34.012(A)(3)(b).

7. In addition to meeting the "70 percent or alternative rule" of Seattle Municipal Code Section 23.34.012(A), the rezone petition area "abuts an existing single family zone" to the south, east and west. It therefore satisfies the "size criteria" of Seattle Municipal Code Section 23.34.012(B).

8. The third single family locational criterion concerns boundaries. Major traffic arterials and platted lot lines "shall be considered." Seattle Municipal Code Section 23.34.012(C). The proposed rezone area has as a southern boundary platted lot lines that abut presently-zoned single family properties. Additionally, the S.W. Admiral Way arterial would be an effective boundary between the newly created single family zone and the L-1 zone to the north of S.W. Admiral Way. The arterial has an average weekday traffic count of 5-10,000 vehicles. The Admiral Way right of way is 80 ft. wide and the street is improved to a 54 ft. width, which can accommodate some four lanes of traffic.

9. Consideration of the second general rezone criteria, zoning history and precedential effect, is less affirmative but nevertheless would support a rezone. The rezone site remained under a multi-family classification from 1957-1982 (RD 5000) and was zoned Lowrise 2 in 1982. However, the record reflects no special attention to the area in the 1982 rezone. The 1980 count of structures between 59th and 64th Avenues S.W. along S.W. Admiral Way showed that at least 70 percent of the structures were single family. This suggests that in 1982 the site could have been considered for rezoning to single family.

10. No negative precedent would be established with the proposed rezone. The rezone would permit an official melding of the compatible, existing single family uses south of S.W. Admiral Way.

11. As noted above, the rezone would provide compatible zoning for compatible uses. The newly configured single family zone would have a reasonable and effective north boundary in S.W. Admiral Way. Accordingly, the essential zoning principles are not violated even though there will remain L-1 and L-3 zoning along the north side of Admiral Way.

12. The rezone would foster a reduced human population, and decreased automotive, traffic, air quality and other environmental impacts. The rezone would eliminate a potential 57 in-city dwelling units, however. Seattle Municipal Code Section

23.34.008(D).

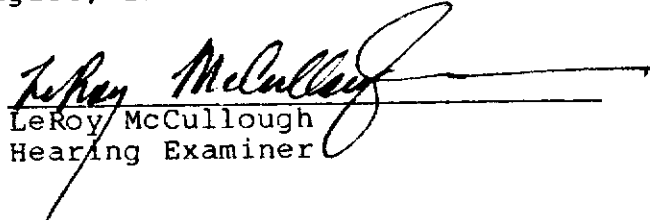
13. The area is not included within "the Greenbelt Plan," Seattle Municipal Code Section 23.34.008(H); and is subject to no adopted neighborhood plan or recommendation. Section 23.34.008.

14. The new construction and remodeling of single family homes within the area in the last five years would support the rezone.

Recommendation

Based on the foregoing Findings and Conclusions the Hearing Examiner recommends to the City Council that the rezone from L-2 to SF 5000 be Granted.

Entered this 24th day of August, 1988.


LeRoy McCullough
Hearing Examiner

Concerning Further Review

Pursuant to Seattle Municipal Code Section 23.76.054, as amended, any person substantially 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 fifteen days after the date of mailing the recommendation of the Hearing Examiner and addressed to: City Council, Urban Redevelopment Committee, Municipal Building, Seattle, Washington 98104. The request for further consideration shall clearly identify specific objections to the Hearing Examiner's recommendation, facts missing from the record, and the relief sought.

Pursuant to Seattle Municipal Code Section 23.76.054(D), if there is no request for further consideration Council action shall be based on the record established by the Hearing Examiner.

The City Council Urban Redevelopment Committee should be consulted for further information on the Council review process.