

FINDINGS AND RECOMMENDATION
BEFORE THE CITY OF SEATTLE HEARING EXAMINER

In the Matter of the Application of

CAL WISEMAN

APPLICATION NO. 8900163
C.F. 292791

for an amendment to the official
land use map

Introduction

Cal Wiseman has requested that a parcel of property at 2646 S.W. Holden Street be rezoned from Single Family 5000 to Lowrise 1.

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 denied.

This matter was heard before the Deputy Hearing Examiner on September 26, 1990. The Deputy Examiner conducted a site inspection on October 2, 1990.

The parties to the proceeding were represented as follows: applicant Cal Wiseman, pro se, and the Director, Department of Constitution and Land Use (DCLU), by John Doan, senior land use specialist.

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

Findings of Fact

1. The subject property is located at 2646 S.W. Holden Street. The property is currently zoned Single Family 5000 (SF 5000). The petition submitted by the applicant asked that the property be rezoned Lowrise Multifamily (L1).

2. The property is legally described as follows:

(Parcel #798540-0261) - East 12 feet to the south 112.5 feet of the south half of the south half of lot 16; and South half of south half of lot 17; ALL in block 3, Steel Plant Addition to the City of Seattle, according to plat recorded in volume 11 of plats, page 90, in King County, Washington; and (Parcel #798540-0264) - the North half of Lot 17, Block 3, Steel Plant Addition to the City of Seattle, according to the plat thereof recorded in Volume 11 of Plats, page 90, records of King County, Washington.

3. The proposal site is located in West Seattle. The site is composed of two parcels. The northerly parcel is 38,610 square feet, and the southerly parcel is 22,455 square feet. The two parcels are approximately 61,065 square feet combined. There is a small single family residence of low height on each parcel. The remainder of the parcels are heavily wooded and landscaped. The two parcels surround a landlocked parcel of approximately 21,285 square feet, also owned by the applicant, which is zoned L-1.

4. The parcels are immediately east of the West Seattle Community Hospital. The proposal site is separated from the hospital complex by a fire lane. The property slopes easterly toward the fire lane. The hospital complex property is a continuous piece of property which is not broken for several blocks by what would be the equivalent of cross streets.

5. The West Seattle Community Hospital has recently filed for bankruptcy protection. The future fate as a hospital complex is unknown. The hospital site was recently rezoned commercial. The current zoning is C-1/30', C-1/40', and C-1/65'. The hospital property is subject to more restrictions than is usual with commercial zoning. The restrictions relate to lot coverage, landscaped buffer areas, and height limits.

6. The L-1 parcel between the two subject parcels was zoned for multifamily use while under the hospital's ownership. Though zoned for multifamily use, the lot has never been developed for multifamily use.

7. The proposal site is surrounded on three sides by single family residences. The history of the neighborhood indicates that the neighborhood, with the exception of the West Seattle Hospital property and the L-1 zoned lot, has been historically zoned single family. There is no reason to anticipate that the single family zoning designation will be changed. A new single family development is under construction across the street from the subject parcels on Holden Street.

8. Three blocks east of the hospital, the area is zoned Commercial (C-1) and Multifamily L-1 and L-2. The area contains several apartment complexes, some single residents, K-Mart and vacant land.

9. Within four blocks of the subject property, over 300 apartments have been developed within the past five years. One neighborhood resident testified that there were 800 multi-family apartment units within a one mile radius of the proposed site, with an anticipated increase of 150 additional units with the completion of the Delridge Apartments.

10. Five neighbors testified in opposition to the rezone. All of the neighbors complained of the increased traffic and crime, which is occasioned by an increased population of renters. The neighbors are concerned that renters in multifamily dwellings do not have the same commitment to the quality of neighborhood life as are single family residential owners. The neighbors also expressed concern regarding the destruction of the Greenbelt affect of the property which currently serves to block the roof and plumbing fixtures atop the hospital complex buildings. In addition to the witnesses, nine neighbors submitted letters in opposition to the project and submitted a petition with the signatures of 68 neighbors opposing the rezone.

11. Three letters were submitted in favor of the project, including a letter from the West Seattle Chamber of Commerce. In addition to the applicant, one other witness testified as to the favorable aspects of the rezone.

12. The applicant has not yet indicated plans for the site, consequently some of the neighbors' concerns regarding the impact of low income tenants and/or other social problems associated with multifamily dwellings on their neighborhood are premature, speculative and not supportable at this time.

13. The applicant's only disagreement with the DCLU analysis and conclusions is on the issue of whether rezoning the two parcels to L-1 would provide a better buffer, or transition, between the single family residences to the west of the parcel, and the hospital complex to the east than the current zoning. Since the DCLU report is not contested in any other respects, the report is incorporated herein by reference.

14. In addition to the applicant's position that the rezone would provide a good buffer or transition between single family and commercial uses of the hospital complex, the applicant expressed his interest in the desirable outcome of providing good affordable housing to families who are priced out of the spiraling real estate market. The applicant also cited a recent public hearing conducted by Councilmember Donaldson as evidence of strong support for the need for increased affordable housing development. The applicant takes exception to neighbors who contend that multifamily housing would increase traffic and destroy, or compromise the quality of life in single family neighborhoods. The applicant takes strong exception to neighbors who predict increased criminal activity with rental housing. The applicant contends that no neighborhood in Seattle is immune from criminal activity and there is no basis for finding it is necessarily related to multifamily dwellings. Finally, the applicant cites the uncertainty of the future development of the West Seattle Hospital site. Because the hospital property is zoned commercial, the future uses allowable under that zoning may dictate an increased need for a transition or buffer between the single family residences and the future use of the hospital complex site.

15. Finally the applicant contends that the landlocked parcel is already zoned L-1 which allows for multifamily use. Regardless of the neighbors concerns, multifamily use is presently allowed on that parcel. The applicant is simply seeking to expand the area zoned for multifamily development.

16. There are no neighborhood plans or any in process. The Delridge Neighborhood Plan, currently in preparation with the neighborhood organization and the City does not include a map for recommended zoning for this site.

17. If the three lots are zoned single family, current zoning regulations would allow 25 single family lots, each with a minimum lot area of 5000 square feet. If the three lots were rezoned to L-1, current zoning would allow 51 townhouse units.

18. DCLU recommends that the rezone be denied because the property meets the single family criteria for stability of single family use and zone boundary location.

19. DCLU found that if the subject property is rezoned to L-1 the increased parking, traffic and impact on facilities and services used by households with children would be minimal.

20. In conjunction with its analysis and recommendation, DCLU issued a Declaration of Nonsignificance (DNS).

Conclusions

1. The Hearing Examiner has jurisdiction to conduct a public hearing and make recommendations to the City Council pursuant to 23.76.052.

2. Section 23.34.010(A) reads as follows:

Except as provided in subsection B of this section, single family zoned areas may be rezoned to another classification only if the applicant can demonstrate that the area does not meet the criteria for single family designation.

3. Section 23.34.012 sets forth the criteria for single family zoning. Subsection A of that section reads as follows:

The locational criteria for single family zones include the following:

1) Areas which consist of blocks with at least 70 percent of the existing structures in single family residential use; or

2) Areas which are now designated by an adopted neighborhood plan as appropriate for single family residential use, or

3) Areas which consist of blocks with less than 70 percent of the existing structures in single family use but in which an increasing trend toward single family residential use can be demonstrated....

The locational criteria for single family zones cannot be conclusively applied to the proposal site due to several unusual features in the area. As indicated in the DCLU analysis, the difficulty in applying the first criteria is that the definition of a "block" cannot be applied to configuration of the hospital complex which is unbroken by cross streets for what would be the equivalent of several blocks. The second locational criteria is not met because the area is not included in a neighborhood plan. The third criteria is difficult to apply because of the considerable differences in development between the outer radius of the proposed site and the area immediate to the proposed rezone. Within a four block radius of the subject property there has been significant and continuing multifamily development. However, with the exception of the hospital property and the L-1 zoned parcel, the immediate area has been historically zoned single family. New single family construction is nearing completion across the street from the site on Holden Street. Based on the continuing stability of the single family area bordering

the proposed site on three sides, it is concluded the area meets the criterion for single family designation.

4. Subsection B of Section 23.34.012 provides that an area meeting at least one of the locational criteria in Subsection A should generally comprise 15 contiguous acres or more, or should abut an existing single family zone. The site is contiguous with 15 acres of an existing single family zone.

5. Section 23.34.012(C) provides as follows:

In establishing boundaries for single family zones, the following elements shall be considered:

- 1) Natural features such as lakes, streams, ravines and shorelines;
- 2) Freeways, express ways and other major traffic arterials;
- 3) Platted lot lines;
- 4) Half blocks at the edge of single family zones which have more than 50 percent single family structures, or portions of blocks on an arterial which have a majority of single family structures shall generally be included. This shall be decided on a case by case basis, but the policy will be to favor including them.

The current boundary line is a platted lot line which follows a topographic break. The proposed zone boundary line would also be a platted lot line, but it would be undesirable because it would be level with the existing single family lots on the western boundary.

6. Section 23.34.013 provides as follows:

A decision to rezone a parcel of land to any multifamily zone designation shall be based on the general rezone criteria of Section 23.34.008 and the locational criteria for multifamily zones contained within the Multifamily Residential Area policies.

7. Resolution 28110 adopted on December 18, 1989, sets forth the locational criteria for Lowrise 1 zones. Those criteria read as follows:

- 1) Development characteristics of area.

Locations appropriate for Lowrise 1 designation shall be consistent with the following description of conditions within the area itself:

- a. Areas with a predominance of multifamily building less than four-stories in height.
- b. Areas where the street pattern provides for adequate

vehicular circulation and access to sites. Locations with alleys are preferred. Street widths should be sufficient to allow for two-way traffic and parking along at least one curb side.

2) Relationship to the surrounding area.

Locations appropriate for a Lowrise 1 designation shall be consistent with the following description concerning their fit with surroundings:

a. Areas which are well served by public transit and have direct access to arterials, so that vehicular traffic is not required to use streets that pass through less intensive residential zones.

b. Areas with significant topographic breaks major arterials or open space that provides sufficient transition to LTD or L-1 multifamily development.

c. Areas with existing multifamily zoning with close proximity and pedestrian connections to neighborhood services, public open spaces, schools and other residential amenities.

d. Areas which are adjacent to business and commercial areas which comparable height and bulk, or where a transition in scale between areas of larger multifamily and/or commercial structures and smaller scale multifamily development is desirable.

The area does not satisfy the development characteristics of the L-1 locational criteria. The two residences on the site are of small bulk and less than 30 feet high. There are no multifamily structures on the lot or in the immediate area. The site is not on a principal arterial, but Holden Street can accommodate the increased traffic which would be related to multifamily development. The proposed rezone would not be compatible with the surrounding area because the immediate area is not multifamily. The site is bounded by single family residences on three sides. The area does not meet the remaining criteria for compatibility with surroundings.

8. Finally, a request for a zoning change must also consider:

- ...B. Zoning history and precedential effect
- C. Other zoning principals
- D. Impact Evaluation
- E. Neighborhood Planning Efforts
- F. Changed Circumstances
- G. Overlay District
- H. Greenbelt Plan

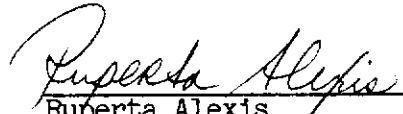
9. As noted earlier, the applicant did not offer any evidence to contest DCLU's analysis regarding the above criteria. Accordingly, DCLU's analysis and conclusions regarding the general rezone criteria are adopted herein. In

summary, the DCIU analysis indicates that the strength of the stable single family residential area would be negatively impacted by a rezone of the proposal site to L-1. The other environmental impacts on traffic, public services, and housing would not be significant. The applicant's contention that there is a need for affordable housing options is meritorious, but is not sufficient to counter the land use policies which strongly favor the protection of single family zones. The applicant's L-1 zoned lot can be used for limited multifamily development. The use will satisfy some of the applicant's concerns regarding affordable housing options, without overrunning the primarily single family neighborhood.

Recommendation

The Hearing Examiner recommends that the City Council Deny the petition to rezone the subject property from Single Family 5000 to Lowrise 1.

Entered this 11th day of October, 1990.


Ruperta Alexis
Deputy Hearing Examiner

NOTICE OF RIGHT TO PETITION
FOR FURTHER CONSIDERATION

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 address to: City Council Urban Redevelopment Committee, Municipal Building, Seattle, Washington 98104. The request for further reconsideration 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.