

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

In the Matter of the Appeals of

**RONALD MUFFETT,
DOUG SETO,
VERSAILLES HOMEOWNERS ASSOCIATION AND
KEVIN CURTIN ET AL.**

FILE NOS. MUP-89-016(W)
MUP-89-017(W)
MUP-89-018(W)
MUP-89-019(W)

from a decision of the Director
of the Department of Construction
and Land Use on a master use
permit application

APPLICATION NO. 8803021

Introduction

This matter concerns an application for development of property addressed as 232 Belmont Avenue East.

This matter was heard before the Hearing Examiner on June 6 and 9, 1989. The record remained open until June 14, 1989, to allow Donald Muffett an opportunity to give his closing argument in writing.

Parties to the proceedings were as follows: Appellant Ronald Muffett, appeared pro se. Doug Seto and the Versailles Homeowners Association were represented at the June 6, 1989 session by Rebecca Gatchet Kenison, attorney at law. However, no appearance was entered for these appellants at the succeeding hearing session. Kevin Curtin, et al. appeared by Kevin Curtin, pro se; the applicant by J. Tayloe Washburn, attorney at law; and the Director, Department of Construction and Land Use (DCLU), was represented by Cheryl Waldman, land use specialist.

On June 29, 1989, the Hearing Examiner remanded the application to DCLU for preparation of a Supplemental Decision on parking mitigation and related issues.

On July 12, 1989, the Office of Hearing Examiner received applicant's notice of revised plans to, inter alia, add ten bicycle parking stalls, to provide temporary transit passes to tenants and to increase on-site parking from 50 to 60 stalls.

On July 19, 1989, DCLU notified the Office of Hearing Examiner of DCLU's acceptance of the revisions.

On July 19, 1989, the Hearing Examiner then mailed notice and copy of the DCLU "Supplemental Decision" to parties of record with a request that any appellant reply be received in the Office of Hearing Examiner by July 24, 1989.

The Office of Hearing Examiner received no appellant reply by July 24, 1989, nor by the July 26, 1989 official close of the record.

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

After due consideration of the evidence of record elicited during and subsequent to the public hearing, the following shall constitute the findings of fact, conclusions and decision of the Hearing Examiner on this appeal.

Supplemental Findings of Fact

1. Except as indicated herein the Findings entered June 29, 1989 in this matter are hereby fully incorporated by reference.
2. Subsequent to the hearing and Remand on this matter,

applicant revised the proposal in accord with the following:

On behalf of Robert Dedon, the applicant for the above noted project, we are transmitting a revised parking drawing...

The new drawing indicates 60 parking stalls to provide a ratio of 1.5 stalls per dwelling unit as requested in item 23 of the Hearing Examiner's Findings & Decision. In addition, we have indicated locations for ten bicycle parking stalls. The applicant will also provide one month transit passes for tenants during the initial building rent-up to encourage transit use. One stall per unit will also be included in the unit's rental fee.

This revised layout was achieved in the interior of the building by digging down and does not change any of the exterior elements and curbcuts. All of the additional parking is entering and existing on Belmont, not East Thomas...

3. DCLU accepted the revisions as modifications to the application and so notified the Hearing Examiner.

4. The Office of Hearing Examiner received no appellant comment to the revision by the close of record.

Conclusions

1. Except as modified herein, the Conclusions entered in this matter on June 29, 1989 are incorporated fully herein by reference.

2. DCLU accepted the revisions to the proposal. The revisions therefore constitute elements of the proposal which will be subject to the enforcement and monitoring function of DCLU.

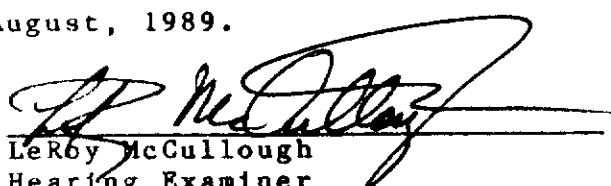
3. In addition, the DCLU decision is modified to impose applicant's proposals regarding transit pass availability, bicycle parking spaces and rental fee inclusion of parking costs as SEPA conditions pursuant to Seattle Municipal Code Section 25.05.675M.

4. As modified in accord with the foregoing, the DCLU decision is affirmed.

Decision

The DCLU decision as modified in accord with the foregoing is AFFIRMED.

Entered this 9th day of August, 1989.


Leroy McCullough
Hearing Examiner

Concerning Further Review

Pursuant to Seattle Municipal Code Section 23.76.024, a party to the hearing before the Hearing Examiner may file an appeal with the City Council no later than the fifteenth day after the date of the decision appealed from is filed with the SEPA Public Information Center, 5th Floor Municipal Building, 684-8322. The appeal statement must be filed with the City Clerk on the first

floor of the Municipal Building. The City Council's review on appeal shall be limited to the issue of compliance with Section 25.05.660. The City Council Land Use Committee should be consulted regarding further appeal specifics.

If an appeal is taken pursuant to Section 23.76.024, the time for filing a request for judicial review of the underlying governmental action and/or other SEPA issues is stayed until the City Council renders a final decision on this City Council appeal.

If no appeal is taken to the City Council, the decision of the Hearing Examiner in this case is final and is not subject to reconsideration except to correct errors on the ground of fraud, mistake, or irregularity in vital matters. Any request for judicial review of the decision on the underlying governmental action must be filed in King County Superior Court within fifteen days of the date of this Hearing Examiner decision. Seattle Municipal Code Section 23.76.22(C)(12)(c). Judicial review under SEPA shall without exception be of the decision on the underlying governmental actions together with its accompanying environmental determinations. SEPA issues may be added to the request for review within 30 days after the date of this decision if a notice of intent to seek judicial review of SEPA issues is filed with the Director of the Department of Construction and Land Use, 400 Seattle Municipal Building, Seattle, Washington 98104, within fifteen days of the date of this decision. See Chapter 43.21C, RCW and Chapter 25.05, Seattle Municipal Code.

If the Superior Court orders a review of the decision, the person seeking review must arrange for and bear the cost of preparing a verbatim written transcript of the hearing but will be reimbursed if successful in court. Instructions for preparation of the transcript are available from the Office of Hearing Examiner, 1320 Alaska Building, 618 Second Avenue, Seattle, Washington 98104. As an alternative to the written transcript, RCW 43.21C.075(6)(b) provides that a tape may be used for court review. If a taped transcript is to be reviewed by the court the record shall identify the location on the taped transcript of testimony and evidence to be reviewed. Parties are encouraged to present the issues raised on review, but if a party alleges that a finding of fact is not supported by evidence, the party should include in the record all evidence relevant to the disputed finding. Any other party may designate additional portions of the taped transcript relating to issues raised on review.

FINDINGS AND DECISION

OF THE HEARING EXAMINER FOR THE CITY OF SEATTLE

In the Matter of the Appeals of

RONALD MUFFETT,
DOUG SETO,
VERSAILLES HOMEOWNERS ASSOCIATION AND
KEVIN CURTIN ET AL.

FILE NOS. MUP-89-016(W)
MUP-89-017(W)
MUP-89-018(W)
MUP-89-019(W)

APPLICATION NO. 8803021

from a decision of the Director
of the Department of Construction
and Land Use on a master use
permit application

Introduction

The appellants exercised the right to appeal pursuant to the Master Use Permit Ordinance, Chapter 23.76, Seattle Municipal Code.

This matter was heard before the Hearing Examiner on June 6 and 9, 1989. The record remained open until June 14, 1989, to allow Donald Muffett an opportunity to give his closing argument in writing.

Parties to the proceedings were: appellants, Donald Muffett, pro se; Doug Seto and Versailles Homeowners Association were represented at the June 6, 1989 session by by Rebecca Gatchet Kenison, attorney at law, (no appearance was entered for the succeeding hearing session; Kevin Curtin, et al., by Kevin Curtin, pro se; the applicant J. Tayloe Washburn, attorney at law; and the Director, Department of Construction and Land Use (DCLU) was represented by Cheryl Waldman, land use specialist.

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

After due consideration of the evidence elicited during the public hearing, the following shall constitute the findings of fact, conclusions and decision of the Hearing Examiner on this appeal.

Findings of Fact

1. Applicant proposes to construct a 40-unit, six-story apartment building on property addressed as 232 Belmont Avenue East. On-site parking for 50 vehicles is planned. After review of the application, DCLU issued a determination of nonsignificance (DNS) and imposed conditions relating to masonry exterior, landscaping, construction parking and construction noise. Appellants, neighbors of the proposal site and opponents of the proposal in its present form, challenged the DNS and the adequacy of the conditions imposed by DCLU.

2. The subject site is located at the southeast corner of Belmont Avenue and a curving portion of East Thomas Street. The property, zoned Midrise with a 60 ft. height limit, is surrounded by other MR-zoned properties.

3. The proposal site is approximately 11,800 sq. ft. in area. It is currently developed with three wood frame structures that contain a total of 18 units. These three structures are proposed for demolition. Although three on-site parking spaces are indicated by the Environmental Checklist, there is credible testimony of record that eight cars regularly park on-site.

4. The project site is bordered on its east by a 12 ft. - wide concrete alley. East of this alley are other MR- zoned properties that have frontage to Boylston Avenue. Continuing

easterly are additional MR-zoned properties that either front on Boylston or that are oriented east and front to Harvard Avenue East. Broadway East and a portion of its business district are one block east of Harvard (approximately 2.5 blocks from the project site).

5. North of the proposal site, across East Thomas Street, is a lot that curves to East Thomas Street and to Belmont. The site is located within the MR zone and is developed with the 19-unit San Remo apartment building. The San Remo was designated a city landmark in December, 1987. The building has a curved facade to Thomas Street and has a distinctive, dark red brick base; contrasting, lighter brick upper floors; and a prominent top floor that completes the classical three-part design.

6. The City Historic Preservation Officer declined DCLU's invitation to respond or comment on measures that might mitigate the subject proposal's impacts on the San Remo. However, DCLU conditioned the present proposal to require masonry materials for the first floor, the retaining walls and for the "landscape features" (e.g. planters).

7. Across Belmont from the site, west, are more MR-zoned properties, including a four-story, 42-unit apartment that was under construction at the time of the DCLU Analysis and Decision. As presently completed the building is one of contemporary architecture with balcony and fenestration features that tend to deemphasize building massing. The MR zone extends approximately three "blocks" west to Melrose Avenue and to its adjacent Interstate freeway. At the south end of the block of the proposal site are several lots with frontage or immediate access to East Olive Way. These are zoned Neighborhood Commercial 3/65' and have a pedestrian overlay.

8. Although they bear MR, NC3 and other "higher intensity" designations, the vicinity properties are developed with large 3-story, single family homes, older 3-4 story apartment buildings and some newer apartments. For example, an older four-story over base apartment is located at the southeast corner of Boylston and East Thomas. South of this apartment is a 3 + story more modern structure that extends to within two lots of the south block end. Diagonally from the proposal site on Summit Avenue and north of East Thomas are two adjacent multifamily structures that are 3 + stories in height. See photo Exhibit 14. The subject site is substantially compatible with the prevailing platting.

9. Retail and commercial uses are present along the East Olive Way corridor (south) and along Broadway, approximately 2.5 blocks east of the site.

10. Applicant's proposed building will rise approximately 60 ft. from grade. It will contain 15 two-bedroom units and 25 one-bedroom units. The 50 parking spaces proposed would be located on two levels. The basement garage, 27 spaces, would offer egress and ingress from East Thomas Street. The first floor garage and its 23 spaces would access to Belmont Avenue.

11. No other six-story buildings are near the project site. The proposed building would therefore be the tallest structure in the immediate vicinity.

12. Architecturally, applicant's proposed six-story building (five floors of residential) will offer design features that enhance compatibility specifically with the San Remo apartment building. Among those features are recessed windows, use of stucco-masonry in the first floor building and planters, and architecturally distinct three-part division of the building (i.e., base, shaft, cornice line, and a curved facade). Exhibit 5.

13. The proposal site is within 1.5 - two blocks of excellent transit service to Rainier Valley, the University

District and to downtown Seattle. Exhibit 35.

14. Belmont Avenue East and East Thomas Street are classified as local access streets as is Summit Avenue East, one block west of Belmont. East Olive Way, south of the site, is a principal general arterial. The Olive Way - Belmont Avenue intersection is controlled by a stop sign. Traffic at other intersections is also controlled by stop signs or moderated by traffic circles, such as the one located at the Belmont Avenue - East Thomas Street intersection. Traffic circles are also located at intersection of Boylston and East Thomas and at the Boylston - East Harrison intersection. To negotiate the circles, traffic proceeds along this segment of East Thomas at 5-15 mph.

15. Neighborhood parking exceeds the 85 percent utilization standard for "capacity" as defined by the Seattle Engineering Department. Vehicles are parked on sidewalks, on planting strips and in no parking zones. The problem is presented in part because of older developments' exemption from present on-site parking requirements. In addition, parking is permitted on only one side of most vicinity streets. On Belmont Avenue, for example, parking is prohibited on the east side.

16. Because the on-street parking is at or above capacity, DCLU did not require a specific on-street utilization study. DCLU did require the developer to present a parking (and traffic) study "to determine the parking demand of the project" in cumulative consideration with other proposed projects. Exhibit 6.

17. Applicant's traffic consultant conducted a car ownership survey representing 214 units in seven Capitol Hill area apartment buildings. The result of the manager interviews was reported in a letter dated December 21, 1988 to project applicant from the traffic consultant, i.e. that there was a 1.02 average car ownership per occupied unit. The essential question was "what is the average car ownership per unit in the subject market area?" Exhibit 11.

18. Applicant conducted a second survey, by written questionnaires to 168 Capitol Hill units. Managers distributed one questionnaire per unit to tenants or condominium owners. The subject units were within four blocks of the project site. One was a condominium within two blocks of the proposal site and the other three were apartments.

19. The survey revealed as follows:

The mean cars per unit among all four buildings varied from 0.67 to 1.13, with an overall mean of 0.97. The mean among all the apartments was 0.95, while the mean for the condominium was 0.98.

...the overall high-end limit of car ownership per unit was determined to be 1.073. Among all the apartments, the high limit was 1.46, while for the condominium it was 1.097.

20. DCLU has customarily used a ratio of 1.5 parking spaces per unit to assess Seattle apartment projects tenant and visitor demand. However, in accord with a Seattle Engineering Department study, DCLU has determined that the First Hill area shows an average demand of .92 cars per unit.

21. Neither study for the subject proposal specifically ascertained the demand for guest parking. No studies or other evidence were submitted contradicting the survey data that was presented by applicant.

22. The Hearing Examiner therefore finds from this record that the resident parking demand from the new units will approximate 41 (40 units x 1.02 = 40.8) or 39 (40 units x .97 = 38.8).

23. Per the undisputed rate published by the Institute of Transportation Engineers (4th ed., 1987), the average trip generation for residential apartments is 6.103 vehicle trips per dwelling unit. The 40 unit apartment proposed is therefore expected to generate 244 vehicle trips per average weekday. Exhibit 7. Twenty one of these are expected to occur during the AM peak hour and 27 during the PM peak hours.

24. The Belmont Avenue East - East Olive Way intersection's Level of Service (LOS) will see after the project with one exception. The southbound (Belmont Avenue) LOS will be reduced from C (average traffic) to D (long traffic delays). LOS D is considered acceptable for urban areas. The above-stated conclusions includes consideration of these other projects in the area:

	MUP #	Number of Units
1. 208 Boylston Ave. E.	8706712	6
2. 1816 Boylston Ave. E.	8707123	32
3. 231 Belmont Ave. E.	8706011	42
4. 420 Melrose Ave. E.	8705238	44
5. 530 Melrose Ave. E.	8705485	53
6. 711 E. Denny Way	8704050	28
7. 607 E. Harrison St.	8804454	30
8. 521 Harvard Ave., E.	8708351	70
9. 1712 Boylston Ave	8705787	12
10. 1616 Summit Ave.	8604538	76
11. 1704 Bellevue Ave.	8702537	20
12. 1718 Melrose Ave.	8702846	52

25. Although the intersection's 1989 reserve capacity with the project is 104 (LOS D), the reserve capacity is five passenger cars per hour (PCPH) short of LOS E (0-99) PCPH. Five vehicles is within the study's margin of error.

26. Eight vehicles are projected to exit the site's garage from Thomas Street in the AM peak and four in the PM peak. Based on the low numbers and the nearby traffic circles which moderate Thomas Street speeds, the exiting maneuver will generally not be hazardous Exhibit 8.

27. It is very unlikely that project traffic will utilize the east adjacent alley due to project's direct access to East Thomas Street and to Belmont Avenue East.

28. There is concern but no evidence that the water, sewer and other infrastructure systems would be overwhelmed by the present project and others considered in the cumulative traffic analysis.

29. The Seattle Street Design Manual requires alley in Midrise zones to have a minimum width of 18 ft. However, as noted in a April 28, 1989 DCLU letter to counsel for applicant:

...a partial exemption from these standards has been granted by the Engineering Department, resulting in a required dedication of three feet, rather than four feet, and no physical improvement of the alley. As an alternative, sufficient structure setback may be provided to allow for future dedication. In this case, dedication would be deferred provided that construction would not create potential encroachments. This requirement is the minimum necessary to assure compliance with the intent of the Street Design Manual and for future operations in that alley.

Exhibit 30.

30. Because the proposed building has street access by two streets, and will be covered by a sprinkling system, the Hearing Examiner finds that alley widening is not presently required for fire safety or for vicinity vehicular circulation.

31. DCLU limited the hours of construction "to non-holiday weekdays between 7:30 a.m. and 6:00 p.m." Parties have stipulated and agreed regarding the DCLU condition to specifically as follows:

New Years Day
 Martin Luther King Jr. Day
 Presidents' Day
 Memorial Day
 Independence Day
 Labor Day
 Columbus Day
 Veterans Day
 Thanksgiving Day and the day after
 Christmas Day

32. Appellant Curtin specifically requested that the Hearing Examiner require applicant to be bonded in the amount of \$5000 so that each violation of the construction - noise condition could be of more significance to project applicant.

33. Shadow, light, glare and other impacts will be minor and/or temporary.

Conclusions

1. The Hearing Examiner has jurisdiction of this appeal pursuant to Chapter 23.76, Seattle Municipal Code.

2. Seattle Municipal Code Section 23.76.022C.7 provides the "standard of review" for these appeals, i.e. the Hearing Examiner shall give substantial weight to the DCLU Director's decision. By case law, it therefore falls to appellants to show that the DCLU decision was "clearly erroneous." Brown v. Tacoma, 30 Wn. App 762, 637 P.2d 1005 (1981).

3. There are two principal issues for the Hearing Examiner to resolve in this appeal. The first is whether DCLU should have required an environmental impact statement (EIS) for the project. In order to require an EIS, the decisionmaker must be persuaded that the project will cause probable significant adverse environmental impacts. Seattle Municipal Code Section 25.05.360.

4. The second issue is whether DCLU properly conditioned the proposal based on disclosed impacts that are adverse, but not significantly adverse. Seattle Municipal Code Section 25.05.660A.

5. Appellants have failed to overcome the substantial weight given the DCLU decision in this matter as it relates to the requirement of an EIS. The project will have adverse impacts on the environment, especially relating to height, bulk and scale. It will present as the only six-story building in the vicinity. Further, traffic will increase. On-street parking is likely to increase as well.

6. However, the impacts are not "significant" as defined by the SEPA provisions of the Seattle Municipal Code.

'Significant'...means a reasonable likelihood of more than a moderate adverse impact on environmental quality...The context may vary with the physical setting.

Seattle Municipal Code Section 25.05.794.

7. Although taller and bulkier than nearby development, the proposed building has fenestration, modulation, facade treatment and other features which detract from its height and bulk. The project site is a corner site completely within a midrise, 60 ft. height limit zone. Several other buildings are large multifamily structures of 3-4 stories. The proposed building is designed to be compatible with those buildings and in particular with the landmark San Remo.

8. Regarding traffic, the proposed building and other proposed projects will cause a reduction in the level of service southbound in the PM peak from C to D. Otherwise, no LOS change is anticipated. The 244 vehicle trips per day were not shown to be beyond the capability of the street system. The site has excellent transit access and is near the East Olive Way and Broadway commercial areas. Notwithstanding curvature or decline of the East Thomas Street segment, the traffic exiting the site to East Thomas will cause no "more than a moderate impact" on the safety and quality of the environment.

9. Considering the foregoing and the other evidence of record, no EIS is required for this project.

10. Specific, clearly identified adverse environmental impacts that are not "significant" may serve as bases for applying mitigating conditions to nonexempt proposals. Seattle Municipal Code Section 25.05.660A. The mitigation measures must be based on designated "policies, plans, rules or regulations," and must be "reasonable and capable of being accomplished." Seattle Municipal Code Section 25.05.660A.1-3.

11. The Seattle City Council has indicated that

The test of 'reasonableness' should be limited to whether the required mitigation bears a 'reasonable' relationship to or is 'reasonable' in proportion to the identified adverse impact.

In Re the Appeals of the Queen Anne Community Council et al. (re Victoria apartments), C.F. 293623 (1985).

12. Regarding height, bulk and scale, the project may be conditioned

...to mitigate the adverse impacts of substantially incompatible height, bulk and scale (emphasis supplied).

Seattle Municipal Code Section 25.05.675G.2.b. Further, City policy is to provide a reasonable transition between areas of less intensive zoning and more intensive zoning. Third, City policy is to ensure that height, bulk and scale of development projects are

...reasonably compatible with the general character of development anticipated by the adopted Land Use Policies...for the area in which they are located... (emphasis supplied).

Seattle Municipal Code Section 25.05.675G.2.a.

13. The Hearing Examiner cannot find from this record that the applicant's project will present "substantial incompatibility" with vicinity height, bulk and scale. Three and four story buildings of varying scale and design are located in the vicinity. Although it will be 60 ft. in height, the development is "reasonably compatible" with the midrise character anticipated by the applicable policies. The project site is not on the edge of any lesser intensive or other zone.

14. Further, the landscape containers, the building facade and the building architecture will be compatible with that of the landmark San Remo, Seattle Municipal Code Section 25.05.675G.2.b.iii. The windows, balconies, main entry, modulation and landscaping will contribute to offset the "appearance of incompatible height, bulk and scale." Seattle Municipal Code Section 25.05.675G.2.b.vi.

15. Regarding historic preservation in particular, Seattle Municipal Code Section 25.05.675H, the SEPA policies permit mitigation "to insure the compatibility" of a project proposal adjacent to or across the street from a designated site or

structure. Mitigating measures are limited to sympathetic facade, street or design treatment, which are already presented in this case by the application as conditioned (stucco and masonry siding was approved by appellant Curtin). Concerning "size" of a project adjacent to or across the street from a landmark structure, "mitigating measures shall not include reductions in a project's gross floor area." The Hearing Examiner concludes that a reduction in bulk or the number of floors to accommodate the San Remo would be equivalent to a reduction in the project's gross floor area. Seattle Municipal Code Section 25.05.675H.2.d.i-iv.

16. There is no evidence of record that the project will add to or exacerbate alley traffic. Nor does the record reflect that immediate widening of the alley is required for fire safety or access. It would therefore be "unreasonable" to attach a condition pursuant to SEPA that would require that applicant widen the alley from the present 12 to the Seattle Engineering Department Manual width of 18 ft. Seattle Municipal Code Section 25.05.660A.3. Further, no "specific, adverse environmental impact" related to the alley has been clearly identified. Seattle Municipal Code Section 25.05.660A.2.

17. In similar vein, the record fails to show that East Thomas egress should be prohibited. Although the adjacent segment is winding and sloping, traffic speed will be moderated by two traffic circles. The resulting traffic speeds will be from 5-15 mph. During the AM peak, only eight vehicles will exit to Thomas and approximately four during the PM peak. The Hearing Examiner concludes from these factors that it is inappropriate to require, pursuant to SEPA, relocation of the driveway from East Thomas Street.

18. There is no evidence of record that the project-related traffic 244 average weekday vehicle trips cannot be reasonably absorbed into the existing street system, singly or in conjunction with other anticipated traffic. The LOS for southbound traffic at East Olive Way will be reduced in the PM peak from C to D, an acceptable (although unpleasant) level of service. Belmont and west parallel Summit Avenues East feed directly into East Olive Way, a principal arterial-general. The site is near local commercial districts and has excellent transit access. There are indications that residents of the geographical area own approximately one car per unit.

19. There is no evidence that the sewer, water and other infrastructure components will be unfairly burdened or rendered dysfunctional because of the project, singly or in conjunction with other proposed projects.

20. At this time and based on this record, the Hearing Examiner declines to order applicant's bonding against construction noise violation. The Hearing Examiner is not persuaded that such a requirement is necessary or accords with the sense of mitigating measures outlined at Seattle Municipal Code Section 25.05.675B.2.d. DCLU enforcement procedures should be regularly implemented should violations be presented.

21. Regarding parking, Seattle Municipal Code Section 25.05.675M, the project may and should be mitigated to minimize adverse impacts on this area. The vicinity parking is already at or above capacity. Seattle Municipal Code Section 25.05.675M.2.b.

22. The surveys submitted by applicant do not, in the Hearing Examiner's opinion, show whether adequate visitor-guest parking will be available on site to avoid spillover demand. Assuming a .97 or 1.02 car/unit ratio, 39 or 41 spaces will be allotted to tenants. This leaves only 9-11 spaces for the guests of 40 one and two bedroom units, service delivery persons and others. Application of DCLU's customary 1.5 ratio would mean that 60 off-street parking spaces would be required. Applicant is proposing 50 spaces for 40 units, or a ratio of 1.25.

23. This application is therefore remanded to DCLU. DCLU shall require further information on guest-visitor ratios or shall require compliance with the standard 1.5 ratio which includes visitor parking. In addition, DCLU shall submit to the Hearing Examiner conditions which will encourage the use of alternatives to single occupancy vehicles such as requirements for short-term transit pass subsidies, provision of bicycle space and a statement requiring inclusion of parking space fees in the unit's rental fee. This latter item will discourage tenants from competing for the present on-street spaces. DCLU should also consider the option of permitting unused tenant parking stalls to be used by visitors. Seattle Municipal Code Section 25.05.675M.2.c. In all other respects the DCLU decision is affirmed.

24. Following receipt of the information requested by the Hearing Examiner, DCLU shall issue a Supplemental Decision. DCLU shall mail or deliver that decision to all party representatives of record and to the Hearing Examiner. A certificate or affidavit of mailing must be submitted to the Hearing Examiner. Any reply to the DCLU Supplemental Decision must be in writing and received by the Office of Hearing Examiner within seven business days of the DCLU mailing - delivery of the Supplemental Decision. The Hearing Examiner will determine whether an additional hearing is required and in either event will notify the parties.

Decision

This application is REMANDED in accord with the foregoing.

Entered this 29th day of June, 1989.


Leroy McCullough
Hearing Examiner