

## FINDINGS AND DECISION

### OF THE HEARING EXAMINER FOR THE CITY OF SEATTLE

In the Matter of the Petition of

JOSEPH AND DINA POLIN

FILE NO. CC-83-014  
C.F. NO. 292760

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

#### Introduction

Joseph and Dina Polin petition for the reclassification of property at 9515 Holman Road N.W. from SF 7200 to Lowrise 3.

For purposes of this recommendation, all section numbers refer to the Seattle Municipal Code, Title 23, as amended (Ordinance 85300, as amended) unless otherwise indicated.

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 Hearing Examiner on January 11, 1984.

After due consideration of the evidence presented by the Petition, 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 recommendation of the Hearing Examiner on this petition.

#### Findings of Fact

1. The petitioners, Joseph and Dina Polin, request that their property at 9515 Holman Road N.W., be reclassified from Single Family 7200 (SF 7200) to Lowrise 3 (L-3).

2. The subject property is a triangular lot described as Lot 36-26-03, Block 9026, Code 0010, Section 36, TWP 26, RG03, N. 135 ft. of S. 165 ft. of portion of S.E.  $\frac{1}{4}$  of N.W.  $\frac{1}{4}$  W. of Holman Road less W. 420 ft. The property is located on the north side of Holman Road N.W. between N.W. 95th and 9th Avenue N.W.

3. Properties to the west, north and northeast of the subject site are zoned SF 7200. Across Holman Road to the south is a large SF 5000 zone. Due east, across Holman Road and 9th Avenue N.W. is an L-3 zone.

4. The subject site is in a part of the City annexed in 1954. The area west of 9th Avenue N.W. was First Residence (R1-A) at that time and east of 9th Avenue N.W. was Two Family Residence (2F-A). The City applied RS 7200 and RD 7200 designations to the two areas which were changed to SF 7200 and L-3 in the recent city-wide amendments.

5. The SF zones around the subject site are almost entirely in single family use. The exception is a church in the block to the south and an elementary school approximately two blocks to the southwest.

6. The L-3 zone has a mix of residential uses and a large convalescent center.

7. Holman Road N.W. is a major arterial carrying in excess of 25,000 vehicles on an average weekday. It has a 90 ft. right of way with four traffic lanes and no provision for on-street parking. A rockery wall runs along the north side of the street some 10 ft. south of the property line. At the subject site it is approximately 4-5 ft. high and elsewhere up to 10 ft. high.

8. The subject property has no street frontage but Holman Road.

9. The topography of the subject site rises from the street level to the level of the other properties in the zone. A two story structure on the site would be approximately 10 ft. below other properties after excavation, as estimated by the petitioners' agent. The roadway is higher than development in the L-3 zone to the east where it passes over 8th Avenue.

10. The subject site is unusual in that the other houses on the north side of Holman Road are oriented away from that street. Those to the west have access off of N.W. 95th. Some to the north have a private easement roadway leading to 12th N.W. and others have frontage on 9th N.W.

11. There is no water main in Holman Road N.W. A 4 in. main, which is substandard, is located in N.W. 95th about 100 ft. from the subject site. A private water service line would have to be installed, under a street use permit, by any developer of the property.

12. Petitioners propose to develop the property with a triplex structure providing on-site parking and turn-around space for vehicles. The plan submitted as an example would not meet L-3 standards so there is no proof that the site could be developed meeting all requirements.

13. DCLU conducted environmental review and issued a declaration of non-significance for the proposal pursuant to SEPA.

14. DCLU recommends denying the petition.

#### Conclusions

1. Section 23.34.24 limits rezones of single family zoned areas to cases where petitioners demonstrate that the area does not meet the criteria for single family designation. No evidence was offered by petitioners that would tend to support that position. The record does show that the site satisfies the locational criteria for single family zoning in that the block has at least seventy percent of the structures in single family use and satisfies the size criteria in that, though less than 15 acres, it abuts an existing single family zone. The Single Family Residential Areas Policies which the rezone criteria implement say specifically that small areas which are vacant should be included if they are surrounded by single family uses. The existing zone boundary consisting of a major traffic arterial is also appropriate under Section 23.34.32. Therefore, the site does not qualify for reclassification.

2. Moreover, even were there evidence that supported a rezone under the Section 23.34.24 standard for change from single family, the characteristics of the area do not fit the L-3 locational criteria of Section 23.34.40. The site is not in an area where medium bulk and height of 30-40 ft. prevail. A 37 ft. height limit is not necessary to retain views. No transition between areas of smaller and larger sized buildings is needed here. The area is close to an arterial, however.

3. As to the remaining general rezone criteria to be considered, none support the rezone. First, the history of the area shows no shift from single family and stable boundaries. Zoning principles would not support separating the site from the rest of the zone. Except for a moderate topographical change and different orientation, the site is closely allied with the SF 7200 zoned properties and is separated physically and visually from the L-3 zone. The rezone, because of the small area involved, and, hence, the number of additional units which could be added, would not result in a great degree of negative impact on the surrounding area. The chief area of concern would be traffic circulation and safety were vehicles associated with three units attempting to back into Holman Road. No changed circumstance was noted by petitioners. There is no neighborhood plan for the area and it is not affected by an overlay district or greenbelt plan.

4. The only factor in support of the reclassification is the potential development difficulties and costs involved in development because of the frontage on Holman Road and the water main installation. The higher density permitted under the L-3 designation would encourage development by allowing the spreading of these costs.


5. From the application of the rezone criteria and examination of the factors to be considered in the Code, it is evident that the subject property should remain single family zoned.

#### Recommendation

For each of the above reasons, the recommendation of the Hearing Examiner to the City Council is as follows:

The petition should be DENIED.

Entered this 25th day of January, 1984.

  
M. Margaret Klockars  
Deputy Hearing Examiner

#### NOTICE OF RIGHT TO PETITION FOR 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.