

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

In the Matter of the Application of

MARTIN HOCHFELD

FILE NO. CC-82-0017
C.F. NO. 291948

for a council conditional use
pursuant to the provisions of
Title 24, Seattle Municipal Code,
(Zoning Ordinance 86300, as amended)

Introduction

Applicant proposes to construct a 12 unit apartment building in the General Commercial (CG) zone at 705 North 105th Street. Council Conditional Use approval is required.

The affidavit of notification of record states that on November 5, 1982, affiant

caused to be deposited in the mails of the United States of America properly stamped and addressed notice directed to the applicant and to all property owners and all residents (addressed to "Occupant") of the property concerned and within Three Hundred (300) Feet of the boundaries of the property using for this purpose the property ownership records of the King County Treasurer and the addresses listed in the latest addition of Polk's Directory or its successor publication, and to news media and interested civic groups as provided by the Rules, advising of the time, place and purpose of this public hearing.

No correspondence or testimony in opposition was entered in the record.

For purposes of this recommendation, all section numbers refer to the Seattle Municipal Code, Title 24, as amended, (Ordinance 86300, as amended) unless otherwise indicated.

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

This matter was heard before the Hearing Examiner on December 8, 1982.

After due consideration of the evidence presented by the applicant, 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 application.

Findings of Fact

1. Project applicant proposes to construct a 12 unit apartment dwelling on-site at 705 N. 105th Street.

2. The proposed apartment would be four stories in height, three stories of living area and one story for parking. Ten of the twelve parking spaces would be developed underground and two spaces would be developed adjacent to the south adjacent, unimproved alley, that applicant proposes to surface. The underground spaces would be accessed from west abutting Fremont Avenue N. The height of the proposed structure would approximate 35 ft. in height and will present a profile similar to the condominium directly west of the site. Landscaping is also proposed.

3. The subject site is located on the southeast corner of N. 105th Street and Fremont Avenue N. The subject lot has 82 ft. of frontage on N. 105th Street, a four lane arterial, and 96 ft. of frontage on Fremont Avenue. Total lot size approximates 7,900 sq. ft. The site is currently vacant.

4. The subject property is also located in the southeast corner of a CG zone which is developed with a single family residence, a 12 unit condominium, a tavern, a barber shop, a cleaner and the City of Seattle Northpark Substation. South of the CG zone is a Multifamily (Lowrise 2) zone. Abutting the CG zone on the north, east and south-east and abutting the L-2 zone to the south is the Single Family (SF) 5000 zone.

5. Northeast 105th Street, also known as N. Northgate Way, has primarily automobile and some light truck traffic. Fremont Avenue N. traffic is primarily passenger traffic from the abutting residential areas.

6. The subject area is served by Metro transit. North 105th Street links the area with Northgate, I-5 and Aurora Avenue to the east and Ballard, via Holman Road, to the west.

7. No railroad tracks or bodies of traffic-bearing water are located near the site.

8. The only new development to have occurred recently in the subject zone is the construction of the 12 unit residential structure across Fremont Avenue N.

9. The site, located near two medium scale multifamily structures, is surrounded by single family uses.

10. With regard to the action proposed in this application, a declaration of non-significance (DNS) has been prepared by the responsible official pursuant to the State Environmental Policy Act of 1971 (SEPA) and Ordinance 105735, as amended, Chapter 25.04, Seattle Municipal Code, and is part of the record.

Conclusions

1. The procedure for consideration of Council conditional use applications is provided in Chapter 23.80, Seattle Municipal Code. The substantive criteria are found in Section 24.52.100, as amended, Seattle Municipal Code.

2. Pursuant to Title 24 dwelling units are permitted in the CG zone in accordance with Chapter 24.72 when

- (1) immediate environment conditions are "not of the type to create a nuisance or adversely affect the desirability of the area for living purposes"
- (2) "residential development will not usurp land which is needed for and better suited to commercial usage by virtue of special attributes such as railroad access and proximity of established commercial development"
- (3) "structural bulk incident to residential use will not adversely affect surrounding development; provided that in no event may RM 800 Zone bulk regulations be exceeded."

3. Section 24.72.160, as amended, provides

No conditional use or variance shall be recommended by the Hearing Examiner or authorized by the Council unless the applicable facts and conditions set forth in Section 24.74.010 for conditional uses or Section 24.74.030 for variances, are found to exist.

4. Section 24.74.010, as amended, permits authorization of conditional uses if it is found that the use

will not be materially detrimental to the public welfare or injurious to property in the zone or vicinity in which the property is located, and that the authorization of such conditional use will be consistent with the spirit and purpose of this subtitle.

5. The general and specific criteria for conditional use authorization are met by the subject application. Proposed is a residential use similar in scale and design to at least one nearby structure. The proposed use is consistent and compatible with that of the vicinity. Accordingly, it is consistent with the purpose of the Land Use Code to "maintain a compatible scale within an area", Section 23.02.20. Accord, Section 24.06.020, Seattle Municipal Code. The proposed use will not be materially detrimental to the public welfare nor injurious to vicinity properties.

6. The more specific criteria of Section 24.52.100, as amended, are also met. Nearby or associated uses include a barber shop, a cleaner, single family residential and some multifamily residential development. These uses are not of the type to create a nuisance or adversely affect the desirability of the area for living purposes. Nor will the nature of the traffic have such an adverse effect.

7. The proposed residential development will not usurp land which is needed for and better suited to commercial usage. The subject site is in no proximity to railroad or water transportation access. The commercial development that is present is limited in scale. The rather light history of development in the particular zone suggests that the subject property is not in great demand for commercial development.

8. Finally, the structural bulk of the residential use will not adversely affect surrounding development. RM 800 bulk provisions will not be exceeded. The profile of the structure will be similar to that of an existing neighborhood structure. Additionally, the proposed structure could serve to buffer single family areas to the south from the vehicle noise of N. 105th Street.

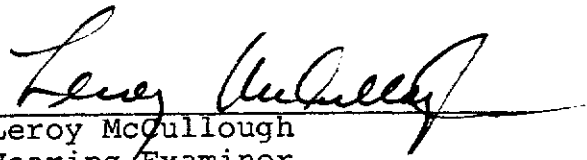
9. Twelve parking spaces are shown for the 12 units. Landscaping is proposed on-site. Improvement to the alley is also planned. The application should be approved on the specific condition, however, that the applicant improve the alley sufficiently for automotive traffic to the satisfaction of the Seattle Department of Engineering.

Recommendation

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

That the application be approved on the condition that applicant sufficiently improve the alley for automotive traffic to the satisfaction of the Seattle Department of Engineering.

Entered this 16th day of December, 1982.


Leroy McCullough
Hearing Examiner

NOTICE OF RIGHT TO PETITION
FOR FURTHER CONSIDERATION

Pursuant to Section 23.80.10.E, Seattle Municipal Code, any person substantially affected by or interested in this recommendation may submit a petition in writing to the City Council requesting further consideration. The petition must be filed with the Council within fourteen days of the date of this recommendation and should be addressed to the City Council, Land Use Committee, Municipal Building, Seattle, Washington, 98104.

The petition should clearly identify specific objections to this recommendation and the relief sought; however, the petitioner should not include any additional evidence or exhibits as the Council's consideration will be based upon the record of the Hearing Examiner's hearing. If the Council determines that a factual error exists in the record or that important information is missing, the Council may have the record supplemented pursuant to Section 23.80.10.E.3 or 23.80.10.E.4. At its public meeting the Council may allow oral or written arguments based on the record.