

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

In the Matter of the Petition of

JOHN DEMCO, AGENT FOR FRANKLIN SMITH

FILE NO. CC-82-006  
C.F. NO. 291444

for an amendment to the Official  
Zoning Map pursuant to Title 24,  
Seattle Municipal Code (Ordinance  
86300, as amended)

Recommendation:        The petition should be GRANTED.

Introduction

The petition is to reclassify property located at  
5224 Wilson Avenue South from Duplex Residence High Density  
to Neighborhood Business.

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

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  
petition be granted.

This matter was heard before the Hearing Examiner on  
July 16, 1982.

After due consideration of the evidence presented by the  
petitioner, the information provided by the Director's report,  
and all evidence elicited during the public hearing, the  
following findings of fact and conclusions shall constitute  
the recommendation of the Hearing Examiner on this petition.

Findings of Fact

1.    The subject 8,638 sq. ft. area property is located on  
the northeast corner of Wilson Ave. S. and S. Mayflower Street at  
5224 Wilson Avenue S. The legal description follows:

Lot 16 and portions of Lots 17, 18 and 19,  
lying northeast of Wilson Avenue, Block 8,  
Burke Farrar's Columbia Park Addition to  
the City of Seattle, according to the Plat  
recorded in Volume 18, page 25, King County,  
Washington.

Topographically, the site drops approximately 6-8 ft. below the  
adjacent streets.

2.    The trapezoid shaped parcel has 125.73 ft. of frontage  
on west abutting Wilson Avenue S.; 48.8 ft. on south abutting  
Mayflower Street; and 123.93 ft. on a 12 ft. wide gravelled  
alley north adjacent. The north-south distance from the alley  
to Mayflower Street is approximately 100 ft.

3.    The site is developed with a building formerly used  
as a pharmacy and medical clinic. The floor plan shows several  
examination rooms, a waiting room and other features consistent  
with medical clinic use.

4. Total gross floor area for the medical clinic and the pharmacy is approximately 3,400 sq. ft. The one floor area is level with Wilson Avenue. An asphalt parking area, approximately 34½ ft. by 70 ft., is north of the building. This area, capable of providing 7-10 spaces, is accessed by the alley north of the site. Wilson Avenue S. is an arterial of moderate volume.

5. In January, 1957, when the building permit to construct the clinic was issued, the property was zoned for business, permitting medical clinics outright. In July, 1957, the subject property was reclassified to its current designation of RD 5000, which classification generally prohibits medical clinics. The facility was used as a medical clinic from 1957 to approximately 1974, when according to the Director, the use terminated due to the owner's inability to maintain a practice. The building has been without active tenancy since 1974.

6. The May, 1982, interpretation by the Director of the Department of Construction and Land Use concluded that

Although the subject building has not been occupied with a tenant for several years, the owners of the property have made continuous attempts to sell or lease the property to other professional groups. Medical equipment has been stored in the building for the purpose of re-use by a new medical tenant. The owners of the property clearly did not willfully intend to discontinue the use of the building as a medical clinic or for another similar professional use. In this case, the building was not "unoccupied".

The decision from the interpretation was that a nonconforming medical clinic could be changed to a professional office in the RD 5000 zone.

7. The Neighborhood Business (BN) zone is immediately northwest and west of the subject property, and includes the property directly across Wilson Avenue S. The variety of office and service uses present in the zone include an insurance agency at 5215 Wilson Avenue S., directly opposite the subject property, and a hair styling studio at 5300 Wilson Avenue S. More directly north of the subject property, across the alley, are an 11 unit apartment building and single family residences oriented toward east-west oriented S. Dawson Street, zoned Single Family Residence High Density (RS 5000), the zone designation south, west and east of the subject RD 5000-BN zone. Some single family homes also are to the southwest, across Wilson Avenue S. One block south of Mayflower is S. Brandon Street. The RD 5000 portion of which the subject property is a part extends to the corner of Wilson Avenue S. and S. Brandon and east to 52nd Avenue S. That RD 5000 portion south of the subject property is developed with an antique/gift shop and a beauty salon fronting on Wilson Avenue S. Two 40 ft. by 100 ft. deep RD 5000 zoned lots abut east of the clinic and are part of the rear yard of the RS 5000 zoned and single family developed lot to the east which fronts on 52nd Avenue South.

8. Neither the Columbia Heights neighborhood, west of 51st Avenue S., nor the Lakewood-Seward Park neighborhood, to the subject property's east, have neighborhood plans.

9. Applicant proposes the rezone from RD 5000 to avoid the restrictions inherent in the property's nonconforming status in the RD 5000 zone. Proposed is use of the structure as a law office and the lease of the remaining space in the building for other professional uses. Section 24.40.020 provides that uses permitted outright in the BN zone include those uses permitted in the Multiple Residence High Density (RMH 350) zone as specified in Chapter 24.32. Section 24.32.020(C), Principal Uses Permitted Outright in the RMH 350 Zone, permits offices and clinics of physicians, surgeons, dentists, lawyers, public accountants and others.

10. Comments on the proposal were solicited from the Seattle Water Department and Department of Engineering. The Water Department had no objection. The Seattle Engineering Department Office for Planning offered no objection to the proposed rezone "provided that the developer improves the street R/W abutting the subject property (if needed) to Seattle Engineering Department standards." The vicinity property is developed with sidewalks, curbs and gutters and no improvements of record were suggested to the abutting street right-of-way.

11. The subject environmental checklist noted that the proposal will not alter or affect population or housing. Concerning transportation/circulation, it was noted by the DCLU analyst that there would be some additional vehicular movement, some effect on existing parking facilities, some impact upon existing transportation systems and some alterations of the present patterns of circulation, all compared with current vacant use. The DNS notation continues

Due to limited scale of proposed use and excellent access to an arterial, parking and traffic circulation will not have a significant affect to [sic] surrounding properties or street congestion...

12. The July, 1981, map of Proposed Multi-family Residential Zones shows the subject parcel as a Mixed Use (MU) area, i.e., residential and business/commercial. In May, 1982, the Proposed Policy Map for Neighborhood and Commercial Areas was issued indicating that the subject RD 5000 segment as well as the BN and RD 5000 segments northwest will be designated Neighborhood Commercial (NC) 1, the lowest commercial designation per that proposal.

13. With regard to the action proposed in this application, a declaration of nonsignificance (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 petition should be granted. The new designation and resultant professional office use will be compatible with the salon, insurance company and similar land use patterns that mark the subject vicinity. The proposal would be consistent with the Multi-family Policies Mixed Use designation and would further be consistent with the proposed NC 1 classification. Section 24.72.100. Exclusive residential use is not proposed for the subject area.

2. The rezone proposal should not prove detrimental to vicinity single family zoned and developed properties as these homes as separated from the proposal by either an alley or the arterial. Most are oriented from the subject site. Neither the Department of Engineering nor the Water Department stated objections to the proposal. Any increase in traffic

from the site should be adequately accommodated by the adjacent arterial. Parking, to be provided on-site, will not prove visually obtrusive because of the topographical recess.


3. The rezone would extend the existing BN classification to South Mayflower, leaving the triangular shaped lot between South Mayflower and South Brandon Streets in RD 5000 isolation. However, the land use of this segment would not be unduly affected as its use is business/commercial also. Further, the Multi-family Policy Mixed Use designation, to be followed by a more particular neighborhood commercial area designation (NC 1 is proposed), includes this remaining RD 5000 portion. Therefore, the isolated classification appears to be temporary.

#### Recommendation

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

The petition should be GRANTED.

Entered this 23rd day of July, 1982.

  
Leroy McCullough  
Hearing Examiner

#### NOTICE OF RIGHT TO PETITION FOR FURTHER CONSIDERATION

Pursuant to 24.72.090, Seattle Municipal Code, as amended, (Section 27.51 of the Zoning Ordinance 86300, 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.