

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

In the Matter of the Petition of

EDWARD BUCHANAN

FILE NO. CC-81-005  
C.F. NO. 290729

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

Edward Buchanan proposes to reclassify property from Single-family Residence High Density to Multiple Residence Low Density and construct a four unit apartment on a lot located within the proposed rezone area.

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 October 15, 1981.

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 shall constitute the findings of fact, conclusions, recommendation of the Hearing Examiner on this petition.

Findings of Fact

1. Petitioner, Edward Buchanan, proposes to reclassify property located on both sides of Yesler Way, extending east from Empire Way to midway through the block between 28th and 29th Avenues from Single-family Residence High Density (RS 5000) to Multiple Residence Low Density (RM 800). The legal description appears in the application and is incorporated herein by reference. Two single family homes are located in the proposed rezone area.

2. Petitioner owns a vacant lot in the northeast quadrant of the proposed rezone area. He proposes to construct thereon a four unit apartment with on-site parking for four vehicles. Petitioner's 40 by 100 foot lot has frontage on 28th Avenue, to the property's west.

3. North adjacent to the petitioner's lot is a three story 10 unit dwelling. The south adjacent lot is developed with a three story triplex and adjoining three story duplex. Connecting to the southeast is a 12 unit, three story dwelling. An eight unit, two story dwelling is located across 28th Avenue. Based in great measure on these surroundings, but also in deference to the interest rate and other perceived negative cost factors, petitioner considered single family development of the lot impractical.

The more general surrounding area is a mix of duplexes, triplexes, apartment buildings, and single family dwellings.

4. The more general surrounding area is a mix of duplexes, triplexes, apartment buildings, and single family dwellings.

5. The subject area was downzoned in 1963 from RM 800 to its present RS 5000 zone classification. Whereas petitioner initially proposed rezoning only two lots the proposed rezone area was expanded to include the areas previously zoned as RM 800. The proposal recognizes and adjusts to existing development and platted lots.

6. 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 10735, as amended, Chapter 25.04, Seattle Municipal Code, and is part of the record. The environmental specialist noted no significant impacts resulting from the change in the increased area of the proposed rezone.

7. RM zoning extends west from Empire Way along the south and north sides of Yesler Way. The remaining area surrounding the proposed rezone area is RS zoned.

8. Yesler Way is a moderately used arterial. Public transportation is available on this street as well as on Empire Way. The Seattle Engineering Department's Office for Planning has no objection to the rezone.

9. One neighbor inquired into the adequacy of water service, particularly in view of the potential for additional units in the area. The Seattle Water Department responded to a DCLU inquiry by noting the existence of standard water mains and fire hydrants on Yesler Way and 28th Avenue. That department did comment that applications for water service for new construction should be made before issuance of a building permit. Utilities are fully developed in the area. Petitioner's lot is in close proximity to churches, parks, schools and other public amenities.

10. Although the subject area was downzoned in order to encourage some conversion to single family units the zoning change was of little effect in the subject area as opposed to other areas where, according to the unrefuted testimony of the DCLU representative, some apartments were eliminated.

#### Conclusions

1. The RM 800 zone provides for low density multiple-family dwellings. Section 24.06.060(B). In this zone no building shall exceed a height of 35 feet with the exception of churches, schools, hospitals, or sanitariums as provided in the ordinance. Section 24.30.110.

2. The proposed rezone should be granted. Multi-family dwellings are adjacent to the subject lot and are present throughout the proposed rezone area. Approval of the rezone would facilitate reasonable and compatible in-fill of undeveloped property and would add to the housing stock of Seattle. The area proposed for rezone is developed so that no appreciable change in the pattern of existing development is anticipated. Adequate transportation, public utilities and public amenities are available. Off-street parking is proposed for the four-plex. In essence, the rezone will reinstitute zone lines predating the 1963 downzone, which was of little modifying effect in the subject area. RM zoning is present along Yesler west of Empire Way.

3. The 1974 Leschi Neighborhood Improvement Plan, also designating the area as single family, was a five year plan to be used to guide development of the subject neighborhood. The current (1981) Multi-Family Land Use Policies state as objectives:

... to increase opportunities for new housing development in order to ensure that there will be adequate capacity for future housing need ... to ensure that new development is compatible with neighborhood character. Policy 1.

Policy 2, Residential Rezones, provides that

In evaluating rezone requests under this policy, the basic test shall be whether the locational criteria for the proposed designation more closely match the characteristics of the area proposed for rezone than the locational criteria of the designation currently in place.

4. The proposed rezone is consistent with the focus and intent of the Multi-Family Land Use Policies. The locational criteria of area characteristics, proximity to transit and arterials and others, are met by the proposal. The locational criteria for multi-family classification more closely match the characteristics of the area than the characteristics of the single family residential areas. One such designation for single family areas is

Areas which consist of blocks...with at least 70% of the existing structures in the single family use.

#### Recommendation

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

That the petition be GRANTED.

Entered this 29th day of October, 1981.

  
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, Urban Development and Housing 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.