

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

In the Matter of the Petition of

Norma Jean Trabold for  
Public Storage, Inc.

FILE NO. 8804453  
C.F. NO. 296944

for an amendment to the Official  
Zoning Map pursuant to Title 23,  
Municipal Code

Introduction

Petitioner applied to rezone property addressed as 9440 Olson Place S.W. from Single Family 7200 to a Commercial 2, 40 ft. high limit designation. Petitioner is seeking the rezone to facilitate construction of a mini warehouse on site.

The Department of Construction and Land Use recommended that the petition be denied.

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 23, as amended unless otherwise indicated.

This matter was heard before the Hearing Examiner on September 14, 1989. The record remained open to September 26, 1989 for Seattle Engineering Department and other supplemental correspondence.

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 and recommendation of the Hearing Examiner on this petition.

Findings of Fact

1. The essential facts are undisputed. Public Storage, Inc., hereinafter referred to as the applicant, proposes to construct a two-story mini-warehouse building and separate caretaker's building on property addressed as 9440 Olson Place S.W. The site is zoned Single Family 7200 (Single Family 7200). Applicant seeks to have the site rezoned to Commercial 2 with a 40 ft. height limit (C2/40') to accommodate the warehouse construction.

2. The Director of the Department of Construction and Land Use (DCLU) recommended that the rezone petition be denied.

3. DCLU determined that the proposal would have no significant adverse impact upon the environment and therefore issued a determination of nonsignificance (DNS). The Office of Hearing Examiner received no appeal of the determination of nonsignificance.

The Site

4. The subject site is a vacant parcel of land approximating 64,346 sq. ft. in area. The site lies generally east of abutting Olson Place S.W. and south of unopened S.W. Cambridge Street.

5. The site is legally described as follows:

Parcel A, Revised City of Seattle Short Plat  
Number 78-211, recorded under Recording Number

8107020401, being a revision of Short Plat recorded under Recording Number 7901020608, in the Southeast quarter of Section 31, Township 24 North, Range 4 East, Willamette Meridian, in King County, Washington.

6. Most of the site is open and grass-covered with a mix of blackberry vines, trees and shrubs.

7. The proposal site is irregularly shaped. In width, the lot tends to fan out as one proceeds north.

#### Topography

8. Topographically, the site is flat at the western segment. It then slopes downhill towards the northeast. A very steep slope marks the eastern boundary. The site is classified as environmentally sensitive because of the slopes.

9. The subject site and other property to the east of Olson Place is generally located at or below the road grade, to 2nd Avenue S.W., while property across Olson, to the west, is generally located above grade.

#### Geotechnical

10. Terra Associates, Inc., consultants in geotechnical engineering, performed a study for the proposed mini-warehouse project. The study included the preparation of test pits, laboratory tests and geotechnical engineering analyses.

11. Terra Associates found the site to be "generally underlain by medium dense native sand soils" with loose sod and fill present in some areas of the site. According to the September 2, 1988 report,

Foundation subgrades in these fill areas should be thoroughly compacted to create a structured fill mat beneath the building pads. The grading and compaction should be conducted using the site recommendation included...

#### Summary of Findings, Page 1.

12. Terra Associates continued that

Based on our study, it is our opinion that the proposed mini-warehouse complex may be constructed on this site as planned provided the recommendations presented in this report are incorporated into the project design and construction. The buildings may be supported on conventional spread footings and slab-on-grade floors bearing on the firm native soils encountered, recompacted older fills or on new structural fills...We anticipate minor cuts and fills on site.

13. In addition to specific recommendation for grading and site preparation, Terra Associates recommended their review of "the final design and specifications" so that "earthwork and foundation recommendations may be properly interpreted and implemented in the design and construction." It was further recommended that their geotechnical services be retained during construction

...to observe compliance with design concepts, specifications, and recommendations; and to allow design changes in the event subsurface conditions differ from these anticipated prior to the start of construction...

14. By subsequent letter of May 30, 1989 to applicant's agent, Terra Associates advised that the risk of site instability was "minimal" so long as the prior recommendations were followed. The May 30, 1989 correspondence also recommended that final plans be submitted for review "to verify that... recommendations have been incorporated into the planning of the project."

#### Building Plans

15. Applicant's proposal is for a contract rezone. It calls for a two-story, approximately 25 ft. high, mini warehouse building that would be located in the southwestern sector of the lot. The eastern portion of the lot would remain in native landscape. An 800 square ft. caretaker's building would be sited near the northwest corner of the lot and would be separated by the parking area for the 14 spaces proposed and by the access aisle to Olson Place S.W.

16. Obscured by a partial landscape buffer, slightly more than one story of the building will be visible, i.e., above grade, along Olson Place S.W. The minimum setback from Olson S.W., five ft., will be provided near the northwest corner of the building. Applicant proposes landscaping for this five ft. area and the entire strip of property along Olson. The exception is for the 30 ft. wide driveway aisle.

17. The applicant's proposal would provide a 40 ft. setback from the south property line. This area would be landscaped and have several fir and pine trees.

18. The proposal would retain an existing rockery located in the southwest corner of the site.

19. Although the DCLU recommended that the rezone be denied, they noted that any future construction would be subject to further environmental review. Then, bulk, scale and other impacts could be addressed. The Department of Construction and Land use further cautioned that:

if this rezone is approved, it should be conditioned to require the submittal of a landscape plan designed to screen and reduce the building's apparent bulk and scale impacts on the adjacent Single Family zone.

#### P. 15, Analysis and Decision.

20. Mini storage business hours would be from 7:00 a.m. - 7:30 p.m. seven days per week. Gates would be closed during off hours.

#### Street and Traffic Impacts

21. The completed project is expected to generate approximately 115 vehicular trips per day (Institute of Traffic Engineers estimate for facility). Approximately seven of these trips would occur during the morning peak hour and approximately 12 during the peak evening commute period.

22. The site is served by Metro Route #130 which travels along Olson Place S.W.

23. Olson Place S.W. is a major transit street, a principal arterial (residential) and a "key" bicycle street. The right of way is 78 ft. The 1980 traffic volume was 16,600 vehicles per day with 1,700 of the vehicles in the peak hour.

24. The Seattle Engineering Department (SED) initially commented to DCLU that Olson Place S.W. should have an 85 ft. right-of-way and 60 ft. of pavement. The March 25, 1989 Correction Sheet continued in numbered paragraph 2 that applicant would therefore need to dedicate at least 3.5 ft. along the western side of the subject lot.

25. The Correction Sheet also indicated that S.W. Cambridge would become a commercial access street and would need 40 ft. pavement and a 65 ft. right-of-way. According to SED, this would necessitate a 2.5 ft. dedication along applicant's north property line. In fact, SED subsequently acknowledged that the adjacent portion of S.W. Cambridge Street is too steep and will not be developed as a through street "due to slopes in excess of 37 percent." Seattle Engineering Department Correction Sheet, September 22, 1988. The slope is 45 percent for approximately one-half of the street's frontage to the subject site. Also, applicant presented their engineer's assessment that it is impossible to build a road that is limited by most standards to a 15-20 percent maximum slope (September 22, 1989 letter to Hearing Examiner).

26. Dedication and widening of Olson S.W. could impact the established street trees in the area. The September 22, 1988 Seattle Engineering Department Correction Sheet acknowledges applicant's "revised June 1, 1989 plan for landscaping and indicates the plan's "sufficiency for this low intensity C-2 use."

27. Olson Place S.W. is a major barrier between the east and west sides due to its width, the high volume of traffic and the speed of the traffic which seems to increase as vehicles proceed north from Roxbury past the site. The topography, which is lower on the east side of Olson Place, also serves as a barrier.

28. The proposal would create traffic, noise dust and other short-term construction impacts. Long term impacts would include such items as increases in energy consumption; in traffic to and from the site; in light and glare, and in bulk and scale. The development future of the six single family parcels will be affected by commercial use of the subject site.

29. Applicant is willing to commit to several mitigation measures including limiting lot coverage to 34 percent; muted building colors; and installation of a decorative wrought iron gate around the driveway area (Exhibit 29).

#### Vicinity Zoning and Development

30. The block and street configurations are unusual. The subject site is part of a pyramid-shaped parcel that is bounded on the west by Olson Place S.W.; on the north by undeveloped S.W. Cambridge Street; on the east by 2nd Avenue S.W.; and on the south by S.W. Roxbury Street.

31. Within the pyramid are several zones. At the top (north) is the subject site that is zoned Single Family 7200. To its southeast along 2nd Avenue S.W. is a large, vacant parcel that was rezoned in 1982 to Commercial 1, 65 ft. height limit. Adjacent to and southwest of the site are six contiguous Single Family zoned and developed parcels. The southernmost of these is bounded on its south by a Lowrise 2 (L-2) zone that extends south to S.W. Roxbury Street and east to 2nd Avenue S.W.

32. This L-2 zone also extends irregularly north to include a triangular parcel that is southwest of the subject site and that is developed with a non-single family use.

33. Within the western half of this L-2 zone are three non single family uses and one single family use. See Exhibit 4.

34. North of S.W. Cambridge Place and along the west side of Olson Place S.W. is a large Single Family 7200 zone. This zone, in excess of 15 acres, extends north past unopened S.W. Cambridge Street and appears on the east and west sides of Third Avenue S.W. The southeast extreme of this Single Family 7200 zone abuts a portion of Olson S.W.

35. A large C2/40'-zoned parcel is north of unopened S.W. Cambridge Street. This property, directly northeast and adjacent to the proposal site, was rezoned in recent years under contract

(C.F. 289193). It is developed with a commercial (mini warehouse) use.

36. In sum, the area zoning is mixed. Property to the south, west and northwest is zoned Single Family 7200. These single family properties are developed with single family residences. Property directly northeast of the site is C2/40' and the property directly to the east C1/65'.

37. In contrast to the proposal site, nearby residential properties appear as subdivided into smaller lots.

#### Zoning and Other Site History

38. The subject property has been consistently zoned for Single Family use. Until 1957 the site was zoned R1-A. From 1957-1982 it was zoned as RS 7200. In 1982 the site was given its present Single Family 7200 designation.

39. As noted above, property north of the site was rezoned C2/40' in 1980 and property east of the site was rezoned C1/65' in 1982. Property south of the site, along Olson Place S.W., was previously designated "for business use" but was redesignated in 1957 for residential use (DCLU Analysis and Decision, P. 11).

40. The present owners purchased the site in 1978. Despite the engagement of a large sign and real estate agents, no offers have been received on the sale of the land as zoned for single family use.

#### Overlay, District or Neighborhood Plans

41. The vicinity is included within no Council-adopted business district or neighborhood plan. No increasing trend towards single family development is present.

42. The subject site is not covered by the Greenbelt or other overlay designation.

#### Public Comment

43. No public comments were received regarding the project prior to the hearing. After the hearing, letters of support for the rezone were received from the project engineer and from the White Center Chamber of Commerce.

#### CONCLUSIONS

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

2. The rezone criteria are delineated at Chapter 23.34, Seattle Municipal Code. A threshold test is presented at Seattle Municipal Code Section 23.34.010A which provides that

Single family zoned areas may be rezoned to another classification only if the applicant can demonstrate that the area does not meet the criteria for single family designation.

3. The single family zone locational criteria are found at Seattle Municipal Code Section 23.34.012. On criterion suggests single family zoning for areas consisting of "blocks with at least...70 percent...of the existing structures in single family residential use." Seattle Municipal Code Section 23.34.012A.1.

4. A "block" is defined at Seattle Municipal Code Section 23.84.004B as consisting of

two...facing block fronts bounded on two...-  
sides by alleys or rear property lines and on  
two...sides by the centerline of platted

streets, with no other intersecting streets intervening...

5. "Block front" is also defined at Section 23.84.004B. It means the

frontage of property along one...side of a street bound on three...sides by the centerline of platted streets and on the fourth side by an alley or rear property line.

6. In the present case, street and lot configurations are unusual and do not permit a crisp application of the definitions of "block" and "block front."

7. Applicant suggests that the "block" should include the entire C-2/40' - zoned parcel north of the S.W. Cambridge Street right-of-way. Exhibits 2,3. By those specified configurations the single family residential uses would approximate 60 percent and 52.9 percent respectively. Applicant's third configuration would allow S.W. Cambridge Street as the "block's" northern terminus and would include properties along the east and west sides of Olson Place to S.W. Roxbury Street. Of those 18 total buildings, 13 are single family and five are non-single family for 72 percent single family development. Exhibit 4.

8. Applicant's configurations generally do not accord with the Land Use Code definitions. The subject site is in a "block front" defined by the S.W. Cambridge Street centerline. S.W. Cambridge, although unopened, is a platted street. The block front has to its rear the subject property's east lot line. To the south, the block front should be defined by the S.W. Cambridge Place centerline and the eastward extension thereof. To set the southern terminus past Cambridge Place to S.W. Roxbury Street would render nugatory the statutory provision that defines a block as without intervening, intersecting streets.

9. By similar analysis, the western "block front" is reasonably defined as land generally lying between S.W. Cambridge Place, S.W. Cambridge Street, Olson Place S.W. and the rear lot lines of those properties fronting to Olson Place S.W.

10. Within this defined "block" all existing development is single family.

11. Counsel for applicant has set forth several cogent reasons for adopting a different configuration. One of the most salient relates to the use of an undeveloped, but platted street for a "block" boundary. Hearing Statement, p.4. The Hearing Examiner concludes, however, that the steep nature of S.W. Cambridge Street and the distinct nature of the use north of S.W. Cambridge could distinguish this case from that of In re Muir, File No. 8707004. Therefore, the "block" is 100 percent single family. Seattle Municipal Code Section 23.34.012A.1.

12. The subject area also meets the size criterion of Seattle Municipal Code Section 23.34.012B.1 for single family zones since it abuts an existing single family zone. Regarding boundaries, the existing single family zone is marked to the north by a steep and undeveloped right-of-way and to the south by platted lot lines north of the L-2 zone. It is acknowledged that the topographical break of Olson Place S.W., a principal arterial, could serve as a reasonable boundary between zones. In the main, however, the present boundaries are functional. Seattle Municipal Code Section 23.34.010 prohibits rezones from single family unless it is shown that the area fails to meet single family criteria. The (70%) residential use; size; and boundary criteria adequately show the site as single family.

13. Assuming that the single family criteria were not met, the area could be appropriate for a contract rezone as proposed by petitioner.

14. The locational criteria for the commercial zones in

general would be adequately met by this proposal. Although the development would extend commercial development farther south along Olson, a 40 ft. south setback and a low-lying building would minimize the encroachment. Seattle Municipal Code Section 23.34.072B1.2.

15. Olson Place S.W. provides a topographical and functional distinction that would effectively separate the single family-zoned properties west of Olson Place from the subject site. The single family homes south of the site would be buffered by landscaped open space. Seattle Municipal Code Section 23.34.072B.3.

16. The nature of the proposed use tends to expand and improve the existing commercial area. Seattle Municipal Code Section 23.34.072B.5.

17. The streets and other infrastructure components can accommodate the low intensity use proposed. Seattle Municipal Code Section 23.34.072B.6.

18. With the extensive southerly setback and the contract rezone proposed, the zone change would be orderly and would tend to protect the southerly single single family zoned dwellings from undue pressure to be reclassified. Seattle Municipal Code Section 23.34.072B.8.

19. Specific to the C2 zone, Seattle Municipal Code Section 23.34.082, the proposed area appears auto-oriented and offers commercial activity, e.g. mini-warehousing, which serves a city-wide function. Marked by a principal arterial and a variety of commercial zoning, the area character could be considered as that of a major commercial center. The site is readily accessible from the Olson Place arterial; and is one of several large lots in the vicinity.

20. Regarding the general rezone criteria, Seattle Municipal Code Section 23.34.008, the proposal would adequately fit the locational criteria for the C2 zone. Given the proximity of the single family zoned and developed properties south adjacent to the site, a rezone would constitute a negative precedent. It would suggest that single family zoned properties fronting the arterial and bordered by commercially zoned property should be reclassified.

21. The zoning history of the site also suggests that the site should not be reclassified. It has been classified as RIA, RS and SF, i.e. it has had an uninterrupted pattern of single family zoning. On the other hand, zoning changes to the north and east adjacent sites (1980 and 1982 to commercial) suggest that some re-evaluation of the subject site could be appropriate.

22. Regarding zoning principles and impacts, the rezone would allow replacement of a platted street zone boundary (north) with a platted lot line boundary (south). And, commercial zoning would abut the edge of a single family. The nature of the use, however, is low intensity. A substantial setback would be offered along the south boundary. And, the commercial zoning to the north and east could continue through the site.

23. No issue of greenbelt, overlay district, or neighborhood planning effort is presented.

24. In sum, the Hearing Examiner recommends that the project site retain its single family zoning pursuant to Seattle Municipal Code Section 23.34.010. Should the rezone be granted, however, conditions should be imposed by contract to include the requirements:

1. that all geotechnical recommendations be followed unless specifically waived in writing by DCLU

2. that applicant's proposed mitigation

measures be incorporated (Exhibit 9)

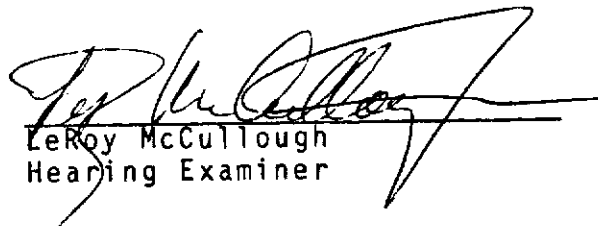
3. that applicant submit a detailed landscape plan approved by DCLU that will offer year-round screening and buffering of the development from single family homes to the south and west.

25. The Hearing Examiner would not recommend as conditions that applicant dedicate property along the Olson or S.W. Cambridge rights-of-way.

Recommendation

The Hearing Examiner recommends that the City Council deny the rezone.

Entered this 11th day of October, 1989.

  
Leroy McCullough  
Hearing Examiner

NOTICE OF RIGHT TO PETITION  
FOR FURTHER CONSIDERATION

Pursuant to Seattle Municipal Code Section 23.76.054, as amended, any person substantially 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 fifteen days after the date of mailing the recommendation of the Hearing Examiner and addressed to: City Council, Urban Redevelopment Committee, Municipal Building, Seattle, Washington 98104. The request for further reconsideration shall clearly identify specific objections to the Hearing Examiner's recommendation, facts missing from the record, and the relief sought.

Pursuant to Seattle Municipal Code Section 23.76.054(D), if there is no request for further consideration Council action shall be based on the record established by the Hearing Examiner.

The City Council Urban Redevelopment Committee should be consulted for further information on the Council review process.