

FINDINGS AND RECOMMENDATION

OF THE HEARING EXAMINER FOR THE CITY OF SEATTLE

In the Matter of the Petition of

RICHARD M. HANSON

FILE NO. CC-84-023

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

C.F. NO. 293693

Recommendation: The petition should be GRANTED.

Introduction

For purposes of this recommendation, all section numbers refer to the Seattle Municipal Code 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 April 23, 1985. Only the Department's representative was present to testify.

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

Findings of Fact

1. With regard to the action proposed in this application, a declaration of non-significance has been prepared by the responsible official pursuant to the State Environmental Policy Act of 1971 and Ordinance 105735, as amended, Chapter 25.05, Seattle Municipal Code, and is incorporated herein by reference as part of the record.

2. Applicant proposes to change the zoning of the site at 14300 32nd N.E. from contract CG (General Commercial) to MR (Midrise). The legal description of record is incorporated herein by reference.

3. The site is a 15,860 sq. ft. parcel located at the intersection of N.E. 143rd Street and 32nd Avenue N.E. at that intersection's northeast corner in the Cedar Park neighborhood of North Seattle. Applicant's development as tentatively proposed calls for a 40 unit apartment building 50 ft. in height.

4. Previously zoned RM 800, the site was rezoned CG by contract (C.F. NO. 282712) in 1978 with no expiration date. The site is, however, unimproved and has been utilized as an automobile and equipment storage yard. In 1982, the surrounding RM 800 zoned properties were rezoned MR pursuant to the Multi-Family Residential Areas Policies. The subject site, however, was not considered for reclassification because of its CG (contract) designation.

5. Properties immediately to the north, west, and south, are zoned Midrise and developed with apartment buildings. Property immediately to the east of the subject site is developed with commercial usage along the Lake City Way N.E. strip and is zoned CG. Lake City Way and N.E. 145th Street are major arterials.

6. The Director's representative states and the Hearing Examiner finds that the requested rezone to MR designation would more closely match the subject site's adjacent properties' land.

7. The Director's representative's testified credibly that the CG (contract) designation imposed such conditions on the subject site's development and usage that no development took place on the site, and that the requested MR designation would allow the present property owner compatible and comparable development with other properties in the vicinity. The credible testimony also indicated and the Hearing Examiner finds that the present CG designation would permit a commercial building 60 ft. in height while the MR designation would allow a 40 unit apartment building up to 60 ft. in height, and that the change in designation will be neither inappropriate nor adverse to the intentions of the Land Use Code.

8. The subject site is said by the Department's representative to be considered for reclassification under the Mayor's Neighborhood Commercial Areas Policies (NCAP's) to MR. (As a commercially zoned site, the subject parcel was not reclassified under earlier Multi-Family Residential Areas Policies.) The Department's representative indicated that the NCAP's have been submitted to the City Council's Land Use Committee with hopes for adoption and issuance of the related map by October, 1985. The Director's representative testified that the applicant had earlier expressed a desire to commence development and construction as early as possible to take advantage of seasonal climate conditions and not await possible Council action this fall.

Conclusions

1. Relevant rezone criteria and considerations are found at Section 23.34.28:

- A. Match between established locational criteria and area characteristics.
- B. Zoning history and precedential effect.
- C. Zoning principles relating to compatible land use patterns, size, configuration and boundaries.
- D. Impact evaluation.
- E. Neighborhood planning efforts.
- F. Changed circumstances.
- G. Overlay district.
- H. Greenbelt plan.

2. Locational criteria for Midrise (MR) are found at Section 23.34.42(A-I) and several are met by this proposal as described below: The proposed apartment building site is adjacent to existing MR zoned properties and the CG zoned Lake City Way N.E. commercial strip. The proposed development would be comparable in height and bulk to adjacent development. It is therefore concluded that the area is "adjacent to business and commercial areas with comparable height and bulk." B. The proposed apartment development is 1/2 block from Lake City Way N.E. and 1 block of N.E. 145th. Both are major arterials capable of absorbing auto traffic generated by the proposed 40 unit development. Also, twelve Metro lines serve the immediate area. C. The subject site is near employment and commercial centers along Lake City Way, N.E. 145th and the Northgate retail and office center, indicating compliance with Section 23.34.42(C).

D. The subject site's location is within walking distance to the Burke-Gilman trail and the Jackson Park Golf Course, thus in close proximity to open space and recreational facilities. Section 23.34.42(D). Also the surrounding area is relatively flat and is developed with an assortment of apartment buildings and no height pattern has been established.

3. The subject site and immediate adjacent properties were previously zoned RM 800. The subject site was then zoned CG (contract) in 1978. The surrounding RM 800 properties were zoned MR in 1982. Therefore, the Hearing Examiner concludes the site's immediate history supports a return to midrise classification. And the site is proposed for MR classification by the City Council under the Neighborhood Commercial Areas Policies. A positive precedent would be established in that the subject site would be returned to a former residential and compatible use.

4. In terms of compatible land use patterns existing MR zoned development is compatible with the proposed development and zoning of the subject site.

5. The proposed MR zone residential development will increase the vicinity on-street parking, noise and, evening and weekend traffic. However, these impacts will not be significant in that the area can absorb said impacts.

6. From the record it is established that no neighborhood plan exists for the area and that the remaining rezone criteria not applicable.

Recommendation

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

The petition should be granted.

Entered this 7th day of May 1985.


Roger H. Shumizu
Hearing Examiner Pro Tempore

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.