

FINDINGS AND RECOMMENDATION

OF THE HEARING EXAMINER FOR THE CITY OF SEATTLE

In the Matter of the Appeal of

FRANCISZEK STARCZEWSKI

DCLU FILE NOS. 8403554
(CC-84-013)

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

C.F. NO. 293415

Recommendation: The petition should be DENIED

Introduction

Petitioner requests that two properties addressed as 2118 and 2120 N.E. 54th Street be rezoned from single family to multi-family.

For purposes of this recommendation, all section numbers refer to the Seattle Municipal Code Title 23, as amended, unless otherwise indicated.

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

This matter was heard before the Hearing Examiner on May 1, 1985.

After due consideration of the evidence presented and subsequent to the Hearing Examiner's inspection of the subject site and vicinity, the following shall constitute the findings of fact, conclusions and recommendation of the Hearing Examiner on this petition.

Findings of Fact

1. The subject property consists of two adjacent 50 by 100 ft. lots located in the Ravenna District near the University of Washington campus.

2. The properties are addressed as 2118 and 2120 N.E. 54th and legally described as:

Lots 4 and 5...Block E, EATON'S ADDITION
TO RAVENNA SPRINGS PARK.

The original application also included "portions of Lots 6 and 7", the property addressed as 5401 Ravenna Avenue N.E.

3. The subject parcels are located on the north side of N.E. 54th Street. The easternmost of the two lots is separated from Ravenna Avenue N.E. by the 5401 Ravenna Avenue development. To the west, 21st Avenue N.E. is the nearest north-south street. A portion of intervening 22nd Avenue N.E. terminates at N.E. 54th near the subject property.

4. Between 21st and Ravenna Avenues N.E., N.E. 54th declines steeply to the east. Because of this topography some auto visibility is impaired. One letter described pulling onto the hill from a driveway as "dangerous", and described the "54th Street hill" as heavily travelled during rush hours. This portion of N.E. 54th has single lane traffic each way and is designated as a collector arterial.

5. A triangular, heavily landscaped island is located in the southeast portion of the 22nd Avenue - N.E. 54th Street intersection. The island in effect separates the north and south segments of N.E. 54th.

6. The more westerly of petitioner's subject parcels is developed with a single family residence (2118 N.E. 54th). The more easterly lot is developed with a circa 1925 duplex

structure. Since a fire approximately two years ago, at least one of the units has been unoccupied. Petitioner and neighbors agree that the existing duplex structure is an eyesore.

7. The subject site, adjacent properties and an extensive area of other properties north, west and southwest are zoned Single Family (SF) 5000, and are developed primarily with single family residences, some duplexes and rooming houses.

8. Land immediately south and southeast, across N.E. 54th Street, are zoned Lowrise 3 (L-3). This L-3 zone is developed predominantly with apartment buildings.

9. In 1977, a large area west and southwest of the subject site was downzoned from Duplex Residence (RD 5000) to single family.

10. The subject site and block face, i.e., the properties fronting the north side of N.E. 54th, have been zoned for single family use since 1923. The property south of the subject site has been zoned for multi-family use since the same year.

11. To "increase available housing in the University District," petitioner proposes to reclassify the subject site to L-3 and construct thereon 10-12 units with parking provided on site. According to petitioner's submittals, the new development will enhance the neighborhood aesthetics and take advantage of solar and other technological advancements. One witness agreed with petitioner that the site's multi-family zoning would improve area aesthetics, solve crowding and improve the parking situation.

12. DCLU recommended against the rezone. According to their analysis, the most logically defined "block" would be an irregularly shaped portion generally extending west to the mid-point of 21st Avenue N.E.; north to the rear lot lines of petitioners' and adjacent owners' properties; east to the mid-point of Ravenna Avenue N.E.; southeast to the border of the 22nd Avenue landscaped island; and south to the rear lot lines of properties fronting on the south side of N.E. 54th Street. With this schematic, 7 of the 10 lots (70%) are in single family use. If the duplex is considered to have reverted to single family classification due to the time it was not occupied as a duplex, the percentage of single family uses increases.

13. According to petitioner, the "block's" western boundary should be a point two lots east of 21st Avenue N.E., and the northern boundary the same (rear) lot lines as recommended by DCLU. Petitioner's "block" also extends to the L-3 zoned area southeast of the site and includes the portion east of both the landscaped triangle and 22nd Avenue N.E. By this schematic, petitioner explained, apartments constitute at least 70% of the "block."

14. DCLU issued a declaration of non-significance (DNS) for the proposal although impacts expected to result from the proposed use, such as increased traffic movement and hazards and on-street parking demand, were noted in the SEPA (environmental) analysis.

15. Letters and testimony opposing the petition expressed the most concern with the impact of additional traffic on the hill, and with the potential encroachment of a multi-family pocket into a single family zone.

16. The environmental section of the Engineering Department had no comment on the proposal and the Seattle Engineering Department Office of Planning had no objection. The file contains a Water Department Certificate indicating that water service and fire hydrant access are available.

Conclusions

1. Since the subject area is not "for five or more acres of vacant land currently zoned for single family use" it may be rezoned from single family only if the applicant demonstrates

that the subject property does not meet the criteria for single family designation. Seattle Municipal Code Section 23.34.24.

2. The criteria for single family designation of an area are at Section 23.34.32. Although the code language suggests that the criteria be considered for rezoning to a single family zone, the criteria are appropriately viewed as offering general standards for a present or proposed single family zone.

3. According to Section 23.34.32 the

...locational criteria for single family zones include...(1) Areas which consist of blocks with at least seventy percent of the existing structures in single family residential use.

As noted in Findings 12 and 13 above, DCLU and petitioner offer discordant views of what the appropriate "block" is. No formal interpretation pursuant to Chapter 23.88, Seattle Municipal Code, is before the Hearing Examiner, so that some separate analysis on the question is undertaken here.

4. Section 23.84.04 defines block as follows:

A block consists of two facing block fronts bounded on two sides by alleys or rear property lines and on the other two sides by the center line of platted streets, with no other intersecting streets intervening...

A "block front" is defined and illustrated in the same code section as the "frontage of property along one side of a street bound on three sides by the center line of platted streets and on the fourth side by...rear property lines..."

5. DCLU has no specific regulations on how to define a block when irregular street platting is present such as in this case. Nevertheless, the Seattle Municipal Code definitions militate against petitioner's interpretation. Petitioner's block is not bounded "on two sides by the center line of platted streets." Instead, petitioner's "block" has a border which bisects the two facing block fronts, and the southern edge of petitioner's "block" extends beyond either alleys or rear property lines to the south. On the other hand the DCLU schematic is more compatible with the code definition, and appears to give petitioner an advantage by the excision of two single family zoned lots, which face 21st and Ravenna Avenues N.E., from the computation.

6. Therefore, assuming that petitioner's duplex retains its legal status as a duplex, and has not lapsed or reverted to single family because of non-use, 7 of the 10 lots in the "block" are in single family use. This satisfies single family zone criteria Section 23.34.32(A)(1). Further, a large area south and southwest of the subject site was downzoned to single family in 1977. This suggests that even if the "block" was less than 70% single family, an increasing trend toward single family residential use might be demonstrable, Section 23.34.32(A)(3), and the single family criteria would still be met.

7. Further, since petitioner's parcels are adjacent to a large, single family zoned area to the north, west and southwest, the site also meets the single family locational criteria of Section 23.34.32(B)(1). In terms of boundaries, N.E. 54th is a steep, collector arterial that serves as a reasonable separator between the multi-family zoning south and the single family zoning north of the street's centerline. Section 23.34.32(C).

8. Based on the foregoing, the subject property generously meets the single family zone criteria and, per Section 23.24, may not be rezoned to another classification.

9. Neither are the more general rezone criteria of Section 23.34.28 met by this proposal. Although some L-3 locational

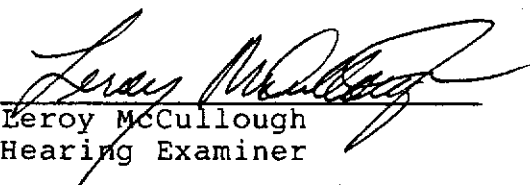
criteria are met, e.g. Section 23.34.40(E), the zoning history and precedential impact weigh heavily against the petition. The subject site is part of an block face zoned single family since 1923. An area south and southwest was added as single family as recently as 1977 (and confirmed by Council in 1982). Allowing the proposed rezone would permit a pocket multi-family intrusion into the established single family zone north of North 54th Street, and precedentially operate to reduce the amount of single family zoned property in the general area. In terms of impacts, the street visibility is impaired, and traffic hazards would increase by the addition of 10-12 units. (See SEPA determination). On the other hand, the proposal could favorably impact student housing opportunities. The fact that a new building would be more aesthetically pleasing and technically functional is not weighed as a merit since no reason for maintenance of the present aesthetics was presented. In sum, the potential benefits are substantially outweighed by the detriment and the petition should be denied.

Recommendation

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

The petition should be denied.

Entered this 15th day of May, 1985.


Leroy McCullough
Hearing Examiner

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 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.