

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

In the Matter of the Petition of

V.S. TJOSSEM, GUNNAR KOMSTADIUS, AGENT

FILE NO. CC-81-002
C.F. NO. 290701

for an amendment to the Official
Zoning Map, Ordinance 86300, as
amended

Recommendation: The petition should be DENIED.

Introduction

V.S. Tjossem, petitioner, by Gunnar Komstadius, agent, requested a reclassification of property at the southwest corner of the intersection of Greenwood Avenue North with North 136th Street from RD 7200 to RM 800.

For purposes of this recommendation, all section numbers, unless otherwise indicated, refer to the Zoning Ordinance (86300, as amended), Title 24, Seattle Municipal Code.

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 September 4, 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 findings of fact and conclusions shall constitute the recommendation of the Hearing Examiner on this petition.

Findings of Fact

1. The property which is the subject of the rezone petition consists of a parcel with 135 ft. of frontage on the west side of Greenwood Avenue North and 120 ft. on the south side of North 136th Street. (See Appendix A.) The legal description of the property is:

Lots 6, 7, 8 and C, Block 2, Greenwood Heights Addition.

2. The subject property is zoned Duplex Residence Medium Density (RD 7200) and is developed with a single family residence. The site has an embankment which slopes down to the street on the north and east sides. The center of the site is at the same elevation as the area to the west.

3. The RD 7200 zone extends from the subject property north along the west side of Greenwood and both north and south along the east side. Development in the zone includes single family residences, triplexes and fourplexes.

South of the subject property on the west side of Greenwood is a Multiple Residence Low Density (RM 800) zone developed with three-story apartments.

Adjoining the subject property on the west side and west of the RD 7200 zone to the north and the RM 800 zone to the south is a large Single Family Residence Medium Density (RS 7200) zone. Development in that zone is single family.

4. The petitioner requests reclassification to RM 800 for the subject property to allow the construction of a 19-unit, four-story condominium apartment building with underground parking for 38 vehicles.

5. The Comprehensive Plan map designates the subject site as appropriate for one and two family residential use.

6. According to the environmental specialist from DCLU, the Multi-Family Land Use Policies indicate a Lowrise 2 designation which would be slightly more intensive than RD 7200 but considerably less than the RM 800 use proposed.

7. The structure, as proposed, would have a width of 122 ft. and a depth of 95 ft. The Lowrise 2 classification would permit a maximum width of 60 ft. and depth of 81 ft. with a height of 30 ft.

8. The subject site has been zoned RD 7200 since 1957. The RM 800 zone immediately south of the subject site was created in 1968. The classification of the rest of the surrounding area has not changed since 1957.

9. Greenwood Avenue North is a heavily travelled arterial with no curbs or sidewalks. North 136th Street is a residential street which does not continue beyond Greenwood. It has sidewalks but no curbs. Residents of the area use the street to avoid Greenwood. A number of accidents have occurred on 136th recently.

10. The proposed building is predicted to generate approximately 110 vehicle trips per day.

11. The structure on the site would be oriented toward North 136th and would use that street for vehicular access.

12. The area experiences flooding during periods of heavy rain. When Greenwood is closed because of water, the traffic on North 136th Street increases greatly.

13. The single family neighborhood is stable.

14. 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, and is a part of the record.

Conclusions

1. The designation criteria of the land use policies are to be the basis for evaluating residential rezone requests. According to Policy 2, Multi-Family Land Use Policies, "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."

2. Since the bulk permitted in the RD 7200 zone is similar to that in Lowrise 2 and the policy map designates the area as Lowrise 2, the locational criteria for that designation should be used for that of the existing designation.

3. The subject site is in an area which features a mix of single family, duplex and small to medium sized apartment buildings with a height of one to three stories closely corresponding with Locational Criterion a.

4. It is also in an area where the prevailing scale is small, one-story single family residence, two-story duplexes and triplexes and three-story apartment buildings to the south.

5. The RD 7200 classification or the Lowrise 2 designation provides a transition between the small scale, single family area and the larger scale apartment development.

6. The characteristics of the area and site do not comport with the locational criteria for higher classifications.

7. The zone boundary relationships that now exist are consistent with the principle of having like zones face each other across streets.

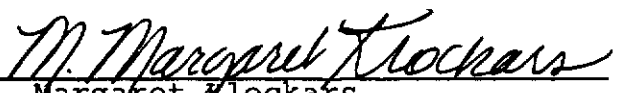
8. The development, if the site were rezoned, would have a detrimental effect on the single family residences nearby through the increased use of North 136th. The bulk proposed would be out of character with development in the zone and area.

9. The rezone would allow construction of additional housing, however, the other factors which are required to be considered - locational criteria and negative impacts - dictate a denial of the petition.

Recommendation

For each of the above reasons, the recommendation of the Hearing Examiner to the City Council is that the petition should be denied.

Entered this 18th day of September, 1981.


M. Margaret Klockars
Deputy Hearing Examiner

NOTICE OF RIGHT TO PETITION FOR FURTHER CONSIDERATION

Pursuant to 24.72.090, Seattle Municipal Code (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 must be 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. The Council, in its discretion, may allow oral or written arguments based on the record when it considers the petition.