

FINDINGS AND RECOMMENDATION

OF THE HEARING EXAMINER FOR THE CITY OF SEATTLE

In the Matter of the Application of

JOHN R. SATO AND ASSOCIATES

FILE NO. CC-82-0001
C.F. NO. 291234

for a council conditional use pursuant to the provisions of Title 24, Seattle Municipal Code, (Zoning Ordinance 86300, as amended)

Recommendation: The application should be CONDITIONALLY GRANTED.

Introduction

The applicant seeks council conditional use approval to construct a 72 unit low income elderly apartment building at 12702-12710 15th Avenue N.E.

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 application be conditionally granted.

This matter was heard before the Hearing Examiner on April 26, 1982.

After due consideration of the evidence presented by the applicant, the information provided by the Director's report, and all evidence elicited during the public hearing, the following shall constitute the recommendation of the Hearing Examiner on this application.

Findings of Fact

1. The subject property is located at the northern tip of a General Commercial (CG) zone at 12702-12710 15th Avenue N.E. The site, presently vacant, is on the east side of 15th Avenue N.E., has 100 ft. of width and frontage on 15th Avenue N.E., and is approximately 188.4 ft. deep for a total lot area of 18,840 sq. ft. Some trees and grass are on site.

2. The applicant proposes to construct on-site a four story, 73 unit building to house approximately 110 low income elderly persons. The structure, to be at less than 35 ft. in height, will comply with other characteristics of RM 800 bulk designations. The structure will be set from 28-32 ft. 6 in. from the west property line. Included in the proposal are plans for a resident community area within the structure and an outdoor recreation area. Fourteen on-site parking spaces are proposed with primary access to 15th Avenue N.E.; no traffic circulation is proposed for the west portion of the subject lot.

3. The units will be designed to comply with the U.S. Department of Housing and Urban Development (HUD) design standards for low income elderly projects and would not meet the design requirements for general low income tenancies. As described by the project applicant representative, the federal government subsidy would be lost if the design were so altered.

4. The subject site has attributes which meet the HUD criteria for low income elderly housing, including immediate proximity to public transportation (Metro bus stops are on 15th N.E. near the site); proximity to religious services (St. Matthew's church and school are across 15th Avenue); the lot is relatively level; and the site is within 1,000 ft. of a major supermarket.

5. Landscaping for the site will be required to meet DCLU requirements, although it is noted that present plans call for the retention of viable trees located along the south border of the subject site and the addition of several others. As noted in the environmental checklist, the project will result in a decrease in the absorption rate of the site by virtue of the building and sidewalk areas cover. However, a drainage plan will be submitted and a storm water retention system designed and implemented for the site.

6. Abutting to the north and east of the subject site is a Single Family Residence Medium Density (RS 7200) zone. Single and multifamily residences are to the north of the site. The property to the east is topographically below the grade of the subject site. The property west of 15th N.E. is zoned RS 7200 and CG. The property to the south is zoned CG. However, the south adjacent property is developed with a four story multifamily structure similar in profile to that here proposed.

7. Some medium scale commercial uses such as a floor covering store, gas stations and a towing office are located to the south of the subject property along 15th Avenue N.E. The vicinity has not seen extensive new commercial development.

8. Following input from the Seattle Engineering Department DCLU recommended approval of the project subject to the following:

- a. Curbs, sidewalks and driveways shall meet Seattle Engineering Department standards.
- b. Applicant shall seek a street use permit from the Engineering Department in order to install a crosswalk across 15th Avenue NE at NE 127th St. This will provide some safety for residents crossing 15th Avenue NE, to and from the south-bound Metro bus stop. If approval is obtained, then a crosswalk shall be installed, according to Engineering Department standards.

The DCLU recommendation also included the condition that landscaping be provided per approved plan.

9. 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, Chapter 25.04, Seattle Municipal Code, and is part of the record.

Conclusions

1. Both north and south adjacent properties to the site are residentially developed, and the south adjacent site is developed with a multifamily dwelling similar to the one proposed by applicant. The RS 7200 zone abuts to the north and east of the subject site, and there is also RS 7200 zoning across 15th Avenue N.E. Based on the foregoing, we conclude that the project will be compatible and consistent with

existing vicinity development and consistent with the spirit and purpose of the zoning code. With the landscaping, drainage and other plans and compliance which will be required, the use will not prove materially detrimental to the public welfare nor injurious to vicinity properties.

2. The requirements of Section 24.52.100 are further met by the proposal in that

- a. Nearby or associated uses, primarily residential or medium scale commercial, are not of the type to adversely affect the desirability of the area for living purposes. In point of fact, the site is desirable for its access to grocery, religious and similar facilities.
- b. The residential development will not usurp land needed for and better suited for commercial usage. The site offers no special attributes such as railroad access, nor proximity to newly established commercial development.
- c. The structural bulk will not exceed RM 800 zone bulk regulations and will not adversely affect surrounding development. The proposed building will have a profile similar to that of the apartment building directly south.


3. Development of the site as proposed will prove beneficial to surrounding residential development in that the lot coverage and blockage will be less by the proposed structures than would be offered by commercial development of the site. Protections are built in to address an abutting property owner's concern about the restrictions on the tenancy. The conditions recommended by DCLU pertaining to landscaping, curbs, sidewalks and driveways and the crosswalk will enhance the beneficial aspects of the project and are accordingly adopted in this recommendation.

Recommendation

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

That the application for council conditional use be GRANTED on the conditions recommended by DCLU, in Finding of Fact 8, above.

Entered this 28th day of April, 1982.


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, 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.