

FINDINGS AND RECOMMENDATION

OF THE HEARING EXAMINER FOR THE CITY OF SEATTLE

In the Matter of the Petition of

JOHN ENDRESSEN

FILE NO CC-84-019 ✓
C.F. FILE NO. 293594

for an amendment to the
official Zoning Map
pursuant to Title 23,
Seattle Municipal Code
(Ordinance 86300, as amended)

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 May 28, 1985.

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. 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 subject site at 319 N.W. 100th Street from SF 5000 to L-2. The legal description is of record and is incorporated herein by reference.

3. The site is an approximately 24,032 sq. ft. parcel located at the southeast corner of N.W. 100th and 4th N.W. in the North Park district of Seattle. The parcel has a 180 foot frontage along 4th N.W. and 133.5 foot of frontage along N.W. 100th and is presently developed with three (3) duplexes with one duplex containing an additional basement unit without permit. Third and Fourth Avenues N.W. and N.W. 100th Street are all major arterials.

4. Properties to the north of the site are zoned L-2; properties to the west are zoned BC; and immediately adjacent to the site on the east and south are single family zoned residences.

5. The entire area, including the subject site, north of N.W. 85th was annexed by the City in 1954 as a Two-Family residential zone (2F-A); reclassified as RS 5000 in 1957; and reclassified SF 5000 in 1982.

6. The Hearing Examiner finds in the immediate general vicinity and west of the site a large shopping center which is bordered by properties zoned L-2. Properties zoned L-3 are one block northeast of the site, Careek Park is within walking distance, and Metro transit service is available on Holman Road.

7. The Hearing Examiner finds that Holman Road traverses diagonally through the area, which is otherwise rectilinearly gridded. This results in triangular wedge-shaped zoning boundaries emanating from Holman Road that extend to mid-blocks, alleys, and streets. Based on the credible testimony of the Director's representative, the Hearing Examiner also finds that the property within the wedge-shaped boundaries have higher density use than the parcels abutting said boundaries. A portion of Holman Road is immediately west of the N.W. 100th - 4th Avenue N.W. intersection.

8. A "Block" is defined at Section 23.84.04 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...

Since it fronts on two streets the site is identified as part of two blocks: the first is defined the one bisected by N.W. 100th and found between Holman Road and 3rd N.W. It contains four structures, only one of which is a single family residence. The second "block" is bisected by 4th N.W. and located between 97th N.W. on the south and Holman Road on the north. It contains 19 structures of which only 11 are single family residences.

9. The North Greenwood (West) Neighborhood Improvement Plan, adopted previously by the City Council, designated the subject area as low density residential.

10. According to the credible testimony of applicant's agent, the low density classification occurred at the time of the City's annexation of the area from the county, and further, that especially along Holman Road, the past several years have seen substantial development of commercial and multi-family structures.

11. The Hearing Examiner finds that the development of the subject site with an additional 10 units would be compatible with and closely match the adjacent pattern of land use development.

12. The Hearing Examiner finds on the basis of the environmental checklist reviewed by DCLU that 75 to 104 auto related trips per day would be generated by a L-3 zoned development; that impacts such as on-street parking demand, increased noise and increased traffic flow would be absorbed by the area; and that construction impacts would be temporary in nature.

However, the Hearing Examiner also notes that as the petition is not a contract rezone petition, the applicant is not bound to his proposal as submitted.

Conclusions

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

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

G. Overlay district.

H. Greenbelt plan.

2. Locational criteria for Lowrise 2 (L-2) are found at Section 23.34.38(A-F):

A. The proposed development is adjacent to existing L-2 zoned properties, a large shopping center zoned BC and a mix of single family residences, duplexes and small apartments of medium height and scale. As the site is situated between the commercial development along Holman Road and the large 15 acre single family zoned area to the east and south, it is concluded that the site as an L-2 zoned property would more adequately serve as a desired transition between commercial and residential properties.

It is concluded that the site is not within a single family residence "block" as "block" is presently defined.

B. Third N.W., 4th N.W. and N.W. 100th are all major arterials capable of absorbing the increased traffic flow expected from the proposed 10 units. Seventy five to 104 trips per day were calculated for the more intense L-3 designation for the site, but it was determined that the proposal would have no significant adverse impact on the environment. It is therefore concluded that the present requested L-2 designation would not cause an undue impact to the area. Since the site fronts 4th N.W. and N.W. 100th, it is concluded that the development would not cause traffic to travel through the lower intensity areas around the subject site.

C. The site is served by Metro on Holman Road, is within walking distance to Carkeek Park and close to a vast array of neighborhood businesses.

D. Topographic, view and overlook considerations were not part of the record in this petition but the Hearing Examiner concludes from the lack of neighborhood comment letters and opposition to the rezone petition that said considerations did not affect the possibly impacted neighbors. It is concluded that the area characteristics closely match the established criteria for the site.

3. The site was zoned Two-Family residential when it was annexed in 1954, and has been designated single family since 1954 but it is concluded that L-2 zoning of the site would not be incompatible nor inconsistent with other properties in the area. Designating the boundary of the single family zone at the site's interior property line (rear of wedge/triangle) and rezoning to L-2 would be consistent with the existing pattern of land use and would not set unwarranted precedent.

4. In terms of compatible land use patterns, size, configuration and boundaries, existing L-2 zoned properties are compatible with the proposed development and zoning of the site.

5. The proposed L-2 development will increase the on-street parking demands in the vicinity, and increase noise and traffic flow. However, these impacts will not be significant in that several of the impacts, e.g., construction-related, will be temporary in nature and the area is capable of absorbing the impacts.

6. It is concluded the "low-density residential" designation for the North Greenwood (west) Neighborhood Improvement Plan has been superceded by the Residential Areas Policies, Resolution number 25968; amended by 26684. The pattern of rezoning similar properties to L-2 along Holman Road is a more proper indication of the appropriate zoning for the site.

7. Changes in recent years have been the L-2 rezoning, and commercial development along Holman Road indicating a more

intense use than single family residential in the area.

8. The remaining rezone criteria are not applicable.

Recommendation

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

The petition should be granted.

Entered this 10th day of June, 1985.

Roger H. Shimizu
Roger H. Shimizu
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 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.