

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

In the Matter of the Application of

JAMES BELL for WALDO MATHESON

FILE NO. CC-8501520

C.F. NO. ~~294063~~ 294053

for a council conditional use pursuant to the provisions of Title 23, Seattle Municipal Code (Zoning Ordinance 86300, as amended)

Recommendation: The application should be conditionally granted.

Introduction

No correspondence or testimony in opposition was entered into the record.

For purposes of this recommendation, all section numbers refer to the Seattle Municipal Code, Title 23, 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 August 27, 1985.

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 findings of fact, conclusions and recommendation of the Hearing Examiner on this application.

Findings of Fact

1. The applicant proposes to remodel an existing single family residence at 10310 Greenwood Avenue North, in Seattle. The site currently contains a nursery with a landscaping business office and the single family residence. The nursery and business office would remain at the site and a retail store would be added on the ground floor. In addition, one apartment each would be added on the second and third floors of the existing building. No views would be obstructed.

2. The site is zoned General Commercial (CG) as are properties located to the west, north and south of the site. Properties located east of the site are zoned Single Family (SF 5000). Within those zones are a mix of single family residences, multi-family dwelling units and small businesses, particularly along Greenwood Avenue North.

3. The remodeled structure will have greater height than the immediate buildings surrounding the site, but will be much smaller than other multi-family structures in the vicinity.

4. After remodeling, the building dimensions will be approximately 33.5 ft. in width, 50.7 ft. in depth, and 33.1 ft. in height. The structural bulk is within the code.

5. On-site parking is proposed which would serve both the retail store and the two residences. Five parking spaces are provided off the alley along the east side of the site. The applicant predicts a traffic of 20 to 30 people per day during non-peak traffic periods.

6. The major noise producer associated with the applicant's businesses is the operation of 3/4 ton and 1/2 ton pick-up trucks which pick up and deliver goods related to the businesses operating at the site. Those pick-ups and deliveries would usually be confined to the hours of 8:00 a.m. to 9:00 a.m. in the mornings and 4:30 p.m. to 5:00 p.m. in the afternoons. Only six or seven vehicles would be used during those time periods and light maintenance of the vehicles, requiring no heavy equipment, will be done at the site.

7. Applicant is in the landscaping business and has prepared an approved landscaping plan to include 200 to 300 specimen trees and permanent fence perimeter trees around the site.

8. Normal business hours of the businesses will be 8:00 a.m. to 4:00 p.m. on weekdays and 9:00 a.m. to 5:00 p.m. on Saturdays and Sundays.

9. With regard to the State Environmental Policy Act of 1971 (SEPA) and Ordinance 105735, as amended, Chapter 25.05, Seattle Municipal Code, the action proposed in this subject application has been determined by the responsible official to be categorically exempt pursuant to the provisions of WAC 197-10.

#### Conclusions

1. The residential and small business uses nearby and other conditions in the immediate environs will not create a nuisance or adversely affect the desirability of the remodeled single family residence. Seattle Municipal Code Section 24.52.100(A)(1).

2. The additional second and third floor dwelling units will not usurp land which is needed for and better suited for commercial usage. In fact, the proposal would increase retail floor space in the area. Seattle Municipal Code Section 24.52.100(A)(2).

3. The structural bulk incident to residential use will not adversely affect surrounding development. The proposed structure will be smaller than other vicinity multi-family structures.

4. The proposed project would not be detrimental to the public welfare and because of its compatibility of scale and use would be consistent with the spirit and purpose of the Seattle Municipal Code.

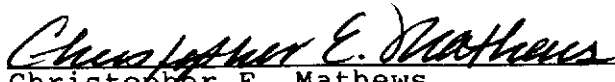
#### Recommendation

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

The proposed action should be conditionally granted, subject to the following conditions:

1. The operation of all loud equipment, including but not limited to, pavement breakers, pile drivers, jackhammers, sandblasting tools, crawlers, tractors, compactors, drills, graders, compressors, and other similar equipment is strictly limited to normal working hours (7:30 a.m. to 6:00 p.m.) on weekdays.
2. Landscaping shall be provided per approved plan prior to final occupancy of the building. Maintenance of the landscaping shall be the responsibility of the owner(s).

Entered this 9th day of September, 1985.

  
Christopher E. Mathews  
Hearing Examiner Pro Tempore

NOTICE OF RIGHT TO PETITION  
FOR FURTHER CONSIDERATION

Pursuant to 23.80.10, Seattle Municipal Code, as amended, any person substantially 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.