

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

In the Matter of the Application of

NORTHWARD PROPERTIES

FILE NO. 8501503
C.F. NO. 293927

for a council conditional use
pursuant to the provisions of
Title 24, Seattle Municipal Code

Introduction

Northward Properties applied for Council Conditional use approval to establish dwelling units in a CG zone at 11501 Stone Avenue North.

For purposes of this recommendation, all section numbers refer to the Seattle Municipal Code 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 December 30, 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 findings of fact and conclusions shall constitute the recommendation of the Hearing Examiner on this application.

Findings of Fact

1. The applicant proposes to construct four apartment buildings with 102 dwelling units and a recreation center building on a 2.63 acre parcel at 11501 Stone Avenue North.
2. The subject site, located just east of Aurora Avenue North, is bounded on the east by Stone Avenue North and on the south by North 115th Street.
3. Uses surrounding the site include a motel to the west, a vacant property proposed for a mini-storage facility to the northwest, a racquet club on the north, and cemeteries to the south, east southeast and across Aurora to the west. To the northeast, within 300 ft., is Stendal Place, a residential PUD. Northwest Hospital is to the east, beyond the cemetery.
4. The Director issued a determination of non-significance (DNS) pursuant to Chapter 25.05 and RCW 43.21C for the proposal. Adverse impacts from light, glare, dust, noise, vehicular movement and demand for additional parking were identified in the DNS.
5. The I-5 freeway is approximately .7 mile east of the subject site. It can be reached by traveling on North 115th, a collector arterial, to get to Meridian Avenue North. Aurora Avenue North, a regional arterial, is less than one block to the west.
6. The roadway of North 115th is 22 ft. wide with no curbs, gutters or sidewalks. Stone Avenue North also has a 22 ft. wide roadway with no curbs, gutters or sidewalks.
7. The plans provide for 129 parking spaces on-site for the 102 units, a ratio of 1.26 spaces per unit.

8. Traffic and transportation consultants to the applicant estimate that the development will generate some 550 vehicle trips per day. Approximately 51 trips would be at the morning peak hour and 61 at the evening peak hour. The surrounding street system is expected to handle this increase in volume with little degradation in service.

9. Transit routes in the vicinity follow Aurora and Meridian.

10. The streets adjacent to the subject site are not currently used for parking.

11. Each apartment building would be located on a separate lot with lot sizes ranging from 19,474 to 37,432 sq. ft. Lot coverage would range between 27.5% and 37.5%. The buildings, as measured by Title 24 methods, would be 30.75 ft. high. The least front yard setback shown is 15 ft., the least rear yard setback is 41.83 ft. and the least side yard setback is 8 ft.

12. The Director imposed certain conditions to mitigate impacts in the DNS. Those include controlling the hours when loud construction equipment is used, requiring landscaping, controlling the direction of lighting on the site, improving North 115th Street adjacent to the site to Engineering Department standards, and improving Stone Avenue North adjacent to the property to Engineering Department standards. In addition, installation of watermain and fire hydrants and grading were required as conditions of the lot boundary adjustment accomplished earlier.

13. The Director's recommendation as to the Council conditional use is to grant the application subject to the following conditions:

(1) Loud equipment, including but not limited to, pavement breakers, pile drivers, jackhammers, sand-blasting 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).

(3) Lighting on site will be directed and shielded so as not to cause glare off the subject property (lots two to five inclusive).

Prior to Issuance of Building Permits

(4) The applicant will have applied to the Seattle Engineering Department for a street use permit for the following street improvements:

(a) improve North 115th Street for the length of the property as shown on Figure IV of the Seattle Street Design Manual (which indicates a 40' wide roadway or a 36' wide roadway when the collector arterial is not a "Transit Designation"). The pavement and sidewalk widths will be per the collector arterial standard.

(b) improve Stone Avenue North, for the length of the property as shown on Figure IV of the Seattle Street Design Manual (which indicates a 36' or a 40' wide roadway - yet to be determined). The pavement and sidewalk widths shall be per the commercial access standard.

Conclusions

1. Dwelling units may be permitted in a CG zone by Council conditional use authorization. Section 24.51.100. The conditional use may be granted if the proposed use meets the general criteria for conditional use and those specifically related to dwelling units in a CG zone. The general requirements are that the use will not be materially detrimental to the public welfare or injure other property and will be consistent with the spirit and purpose of the zoning code. Section 24.74.010. Section 24.52.100 provides the other specific requirements:

(1) When nearby or associated uses and other conditions in the immediate environs are not of the type to create a nuisance or adversely affect the desirability of the area for living purposes,

(2) When residential development will not usurp land which is needed for and better suited to commercial usage by virtue of special attributes such as railroad access and proximity of established commercial development,

(3) When structural bulk incident to residential use will not adversely affect surrounding development; provided that in no event may RM 800 zone bulk regulations be exceeded,...

2. The proposed development meets the specific criteria of Section 24.52.100. The record shows other residential uses and amenities and cemeteries surrounding the site, none of which would have an adverse affect on the proposed residential use. The record also shows that while this large, vacant site near Aurora would appear to be especially desirable for commercial development, the underutilization of other commercial properties in the area indicates it has not been needed for commercial use. The record further shows that the bulk of the proposed development, given its setting, will not affect other development and it would not exceed RM 800 standards.

3. The environmental impacts disclosed in the DNS should be balanced against the benefit of additional housing in assessing whether the use would be detrimental to the public welfare. Construction noise can and should be controlled as to time. The only permanent impacts would be those associated with the traffic and parking demand generated by the project. Lighting should be controlled and landscaping required to be maintained. Street improvements should sufficiently mitigate those impacts so that the net affect of the development would be benefit to the public welfare. The development would not injure any other property.

4. The spirit and purpose of the zoning subtitle is shown in the specific requirements for residential uses in the zone. Since these are met, it may be concluded that the proposed development is consistent with the spirit and purpose of the zoning ordinance.

Recommendation

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

The Council conditional use should be granted subject to the following conditions:

1. The use of loud equipment is limited to weekdays only, between the hours of 7:30 a.m. and 6:00 p.m.

2. A landscaping plan is to be approved by DCLU and implemented prior to final occupancy of any building. Continued maintenance of that landscaping is required and shall be the responsibility of the owner(s).

3. Lighting on the site will be directed and shielded so as not to cause glare off the subject property (lots two to five, inclusive).

4. Prior to issuance of building permits the applicant will have obtained street use permits from the Seattle Engineering Department and will have installed the following street improvements:

a. Improve North 115th Street for the length of the property as shown on Figure IV of the Seattle Street Design Manual. The pavement and sidewalk widths to be according to the collector arterial standard. It is intended by this condition that sidewalk, curb and gutter be required only on the side abutting the subject site unless the Engineering Department finds that those improvements on both sides are necessary.

b. Improve Stone Avenue North for the length of the property as shown on Figure IV of the Seattle Street Design Manual. The pavement and sidewalk widths to be according to the commercial access standard. It is intended by this condition that sidewalk, curb and gutter be required only on the side abutting the subject property unless the Engineering Department finds that those improvements on both sides are necessary.

Entered this 10th day of January, 1986.

M. Margaret Klockars
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Deputy 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 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.