

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

In the Matter of the Application of

DAVE HULQUIST

FILE NO. 8804972  
C.F. NO. 296728

for a subdivision pursuant to  
Chapter 23.22, Seattle Municipal  
Code

Introduction

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

For purposes of this recommendation, all section numbers refer to the Seattle Municipal Code, Title 23, as amended, unless otherwise indicated.

The Director's report, submitted by the Department of Construction and Land Use (DCLU), recommended that the application for the preliminary plat be conditionally granted.

This matter was heard before the Hearing Examiner on October 23, 1989.

After due consideration of the evidence presented by the Applicant, the information provided by the Director's report, 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 action proposed in this application is to subdivide 2.32 acres of land into 14 lots.

2. The initial applicant was Dave Hulquist. In March, 1989, subsequent to the initial application by Mr. Hulquist for approval of the proposed action, Greg Steinhour of Gregory Development Company assumed initial applicant's earnest money position and redesigned the project following a preliminary meeting with DCLU. Therefore, for purposes of this public hearing, Greg Steinhour is the applicant of record. Mr. Steinhour's address is 1020 108th Avenue N.E., Suite 105, Bellevue, Washington 98004.

3. The redesign which followed the preliminary DCLU meeting decreased the size of the subject site from 3.08 acres with twenty-one (21) proposed lots, to the present 2.32 acres with fourteen (14) proposed lots. The revised application resulted from recommendations, comments and concerns raised by City department and other governmental agencies.

4. With regard to the action proposed in this application, a declaration of non-significance (DNS) with conditions 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.

5. In addition, DCLU received comments from other departments on the preliminary plat plan as required by SMC 23.22.024.

6. The subject site, currently known as Sam Smith Estates, is a 2.32 acre parcel of properties with approximately 171 ft. (171') of frontage on the east side of Renton Avenue South which serves as the arterial avenue. This parcel has about 588 ft. (588') of depth. The subject site slopes moderately down from northwest to southeast and is covered with trees and unmaintained

vegetation. There is one single family residence located on the northwest side of the site at 8330 Renton Avenue South. Applicant proposes to rename the subdivision "Lilac Meadows."

7. The subject site is located in the Rainier Beach neighborhood, approximately three (3) blocks northwest from Rainier Beach Education Center. Vicinity properties are zoned and developed primarily with single family residences (SF 5000). The site also is zoned SF 5000.

8. The single family residence located south of the subject site at 8332 Renton Avenue South has an existing garage and dwelling which encroach into the site. Applicant proposes to establish a lot line that will deed the encroachment to this adjacent neighbor so as to resolve this problem.

9. The property adjacent to the north of the subject site also has frontage on Renton Avenue South and is developed with a church and daycare center. The rear portion of the adjacent property has recently been graded for development of a church parking lot.

10. Renton Avenue South is an arterial street bordering the western boundary of the subject site. The DCLU report indicates there are no curbs or sidewalks in this area. However, evidence elicited at the hearing from both applicant and DCLU clearly established that sidewalks, curbs and gutters presently exist along Renton Avenue South and the Hearing Examiner so finds.

11. The proposed roadway necessitates destroying the existing sidewalk and curb where that roadway would merge into Renton Avenue South. DCLU and applicant propose construction of curb and sidewalk extensions so as to merge the roadway curb and sidewalk with that of the arterial avenue.

12. The fourteen (14) lots into which the property is to be divided would range from 7,056 sq. ft. to 4,250 sq. ft. The respective size of these proposed lots is as follows:

Lot #2	-	5,742 sq. ft.
Lot #3	-	7,044 sq. ft.
Lot #4	-	5,350 sq. ft.
Lot #5	-	5,700 sq. ft.
Lot #6	-	5,725 sq. ft.
Lot #7	-	5,975 sq. ft.
Lot #8	-	5,080 sq. ft.
Lot #14	-	7,056 sq. ft.

Lots # 1, 9, 10, 11, 12, 13 at approximately 4,250 sq. ft. each would be below the minimum lot size for this SF 5000 zone.

13. Applicant proposed to construct a single family residence on each lot. Setbacks and building footprints had not been determined as of the date of the public hearing. Applicant indicated that pictures and floor plans will be available for Council review if requested.

14. These lots would be accessed by way of a proposed street leading from the eastern side of Renton Avenue South. This street would end in a cul-de-sac near the east side of the subject site.

15. Applicant's proposal would provide for a sidewalk on the north side of the proposed roadway, fronting Lots 2-14. The proposed cul-de-sac roadway would be positioned so that the south side of the roadway would coincide with the southern boundary of the subject site. According to applicant, this roadway placement as well as the pedestrian traffic pattern for the development site would be such that the proposed single sidewalk would be sufficient for pedestrian access to Renton Avenue South. He therefore objected to a perceived City Engineering Department requirement that sidewalks be provided on both sides of the roadway.

16. In response, DCLU stated that it supports the concept of a sidewalk on only one side of the proposed roadway. DCLU further stated that the City Engineering Department does not object to the concept. As such, it is DCLU's recommendation that a single sidewalk fronting Lots 2-14 of the subject site be approved.

17. The Director's report, provided pursuant to SMC 23.76.050, adopted a number of recommendations from various City departments and other governmental agencies. The Director had distributed preliminary plat plans to these departments pursuant to SMC 23.22.024. The Engineering Department in particular provided considerable input beyond comment regarding sidewalks and curbs. In response to those comments, applicant has redesigned the proposed street to ensure that the cul-de-sac has a minimum of 7 1/2 ft. of clearance along the south side of the pavement, including the curb. In addition, applicant has agreed to develop the proposed street to meet required City of Seattle street width standards and dedicate it as a City street to provide for maintenance of the street and drainage facilities and policing of parking.

18. Other DCLU adopted recommended conditions require a twenty ft. (20') overhead and underground easement for future development of the proposed subdivision prior to approval of the plot and the construction of 480 ft. of a six inch (6") watermain and installation of standard fire hydrant(s) prior to issuance of a water availability certificate. No other conditions were recommended to DCLU by the other departments mandated pursuant to SMC 23.22.024 to review the preliminary plat.

19. The SEPA analysis discloses short and long-term impacts are to be anticipated from the proposal. The short-term impacts are construction related and thus are to be expected. Those include decreased air quality; potential erosion during footing excavation and general site work; tracking of mud into adjacent streets by construction vehicles; increased traffic and parking demand from those vehicles and construction personnel; increased noise; disruption of normal pedestrian foot traffic; and consumption of renewable and non-renewable resources.

20. Anticipated long term impacts, typical of single family development, include increased surface run-off from greater site coverage by an impervious surface; increased bulk on the site; increased ambient noise resulting from increased human activity and vehicle movement; increased traffic and parking demand by residents and visitors; and other associated impacts set forth in the Director's report.

#### Conclusions

1. The Hearing Examiner has jurisdiction of this matter pursuant to the procedures of Title 23, Seattle Municipal Code.

2. The purpose of the Land Use Code is to protect and promote public health, safety and general welfare with respect to land use activities and their impacts. SMC 23.02.020. A further purpose is to preserve and maintain the physical character of single family residential areas in a way that provides housing opportunities throughout the city for all residents. SMC 23.16.002. Given these policies, areas which are currently in predominantly single family residential use shall be preserved and protected. Id. The Hearing Examiner concludes that these purposes will be met by this proposal as overall it is consistent and compatible with the residential zoning of the surrounding area and will add to the existing housing stock within that zone.

3. The Council must consider all relevant facts to determine whether the establishment and dedication of a subdivision serves the public use and interest by making appropriate provision for the public health, safety and general welfare and for appropriate elements such as streets, other public ways, water supplies, fire protection and sanitary wastes. SMC 23.22.054. The Hearing Examiner concludes that the

subdivision will serve those purposes.

4. The criteria for approval of a preliminary plat have been analyzed and reviewed in the DCLU report. Those criteria are set forth at Seattle Municipal Code Section 23.22. et seq. These criteria have been met.

5. The SEPA threshold determination, required pursuant to SMC 25.05 satisfies the requirements of the State Environmental Policy Act, RCW 43.21C. The Hearing Examiner concludes that the Director has made a meaningful environmental analysis and SEPA conditions imposed prior to recording the full subdivision; after recording and prior to issuance of lot building permits; and during construction of plat and on site improvements are in accord with that analysis. As such the insignificant, but adverse short and long term impacts are sufficiently mitigated.

6. Based on the record presented, the Hearing Examiner concludes that the public use and interest proposed will be served by the establishment of this subdivision. It is further concluded that the general purposes of the Land Use Code as well as the specific policy of encouraging housing opportunities throughout the city for all residents is also served. SMC Sections 23.22.054; 23.02.020; and 23.16.002.

#### Recommendation

Based on the foregoing, the Hearing Examiner recommends that the Council conditionally approve the application for a subdivision of 2.32 acres into 14 lots.

Entered this 9th day of November, 1989.



Stan Taylor  
Deputy Hearing Examiner

#### NOTICE OF RIGHT TO PETITION FOR FURTHER CONSIDERATION

Pursuant to Seattle Municipal Code Section 23.76.054, 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 fifteen days after the date of mailing the recommendation of the Hearing Examiner and addressed to: City Council, Urban Redevelopment Committee, Municipal Building, Seattle, Washington 98104. The request for further reconsideration shall clearly identify specific objections to the Hearing Examiner's recommendation, facts missing from the record, and the relief sought.

Pursuant to Seattle Municipal Code Section 23.76.054(D), if there is no request for further consideration Council action shall be based on the record established by the Hearing Examiner.

The City Council Urban Redevelopment Committee should be consulted for further information on the Council review process.