

FINDINGS AND RECOMMENDATION

OF THE HEARING EXAMINER FOR THE CITY OF SEATTLE

In the Matter of the Application of

WILLIAM E. GUYOT

FILE NO. CC-82-003
C.F. NO. 291319

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

Introduction

William E. Guyot, applicant, has applied for Council Conditional Use authorization to allow dwelling units in a General Commercial (CG) zone at 9202-10 Greenwood Avenue North.

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.

The matter was heard before the Hearing Examiner on June 2, 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 applicant proposes to construct a four story building with 34 dwelling units for low income elderly tenants at 9202-10 Greenwood Avenue North.

2. The site fronts on the east side of Greenwood Avenue North and the north side of N. 92nd Street. It abuts upon a 20 ft. wide alley in the rear. The site is developed with a single family residence and a one story commercial building, both of which would be demolished.

3. The CG zone which encompasses the site extends north and a short distance south on both sides of Greenwood Avenue. The next property north has a liquor store and a bottle or mixer shop. Farther north is an animal clinic, auto body shop and two small apartment buildings. South of the site in the CG zone are six small apartment buildings, a single family residence and three commercial buildings. Across Greenwood is a 16 unit apartment building, two 8 unit apartment buildings and a single family residence. On the southern half of the block to the south is a Community Business (BC) zone with a 40 unit building for the low income elderly.

4. The alley behind the site separates the CG zone from a Single Family Residence High Density (RS 5000) zone to the east. Three single family residences are located directly opposite the subject site.

5. The alley would be improved and used for access to the six parking spaces required by the Code.

6. The structure would be 44 ft. above the level of Greenwood Avenue. Because of a ridge the houses across the alley are elevated about 24 ft. above that street so they would be exposed to about 20 ft. of the proposed building.

7. The houses on the ridge now have a view of the Olympic Mountains which view would be eliminated. That loss would reduce the market value of those properties.

8. A neighboring property owner requests limitation to two stories to maintain the view if the conditional use is granted.

9. Greenwood Avenue North is a four lane arterial. The street has no curbs or sidewalks in this area.

10. Bus service on Greenwood consists of the No. 355 line during rush hours and on weekends and the No. 5 to 87th the rest of the time.

11. Issues as to the appropriateness of the site for low income elderly housing were raised and facts presented at hearing.

12. Except for the expansion of the storage area for a contractor's business on the west side of Greenwood there has been little new commercial activity in the area. Vacant properties are still available in the CG zone.

13. Bulk provisions of the RM 800 zoning designation would not be exceeded by the proposed development.

14. The CG zoning would permit a commercial building as high as 60 ft. Commercial buildings now in the area do not exceed one or two stories.

15. DCLU recommends imposition of conditions for landscaping and standard curbs, sidewalks and driveway. No objection to those conditions was voiced.

16. A declaration of non-significance for the proposal has been entered by DCLU pursuant to the State Environmental Policy Act (RCW 43.21C) and Chapter 25.04.

Conclusions

1. For conditional use authorization of dwelling units in a CG zone the application must meet the requirements of Section 24.52.100 and the more general requirements of Section 24.74.010 for all conditional uses.

2. As to the specific requirements, the proposed use would not be adversely affected by surrounding uses since most are residential and the rest low intensity commercial. The land has no special attributes making it better suited to commercial usage and it does not appear to be needed for commercial development.

3. The final of the specific requirements, that the structural bulk incident to residential use will not adversely affect surrounding development and the criterion of the general conditional use provisions, that the use will not be injurious to property in the zone or vicinity, seem to be the main area of concern. The bulk will, in fact, harm the three residences behind it by the obstruction of their views to the west. It is true that greater height would be permitted a commercial structure. The code authorizes granting of the conditional use if it is found that "such conditional use will not be...injurious to property in the zone or vicinity in which the property is located...." That finding cannot be made at the proposed height. Only by limiting the building to two stories will the application meet the standards for conditional use.

4. The proposal is consistent with the spirit and purpose of the ordinance except for the damage to the residences behind it.

5. The issue of the appropriateness of this location for low income elderly persons is not considered in making this recommendation as the standards for conditional use involve only the comparison of residential versus commercial uses. It is the examiner's understanding that the factors regarding the location will be considered in the funding decision by the governmental agency involved.

Recommendation

The Council Conditional Use should be granted subject to the following conditions:

1. The structure be limited to two stories;
2. Landscaping to be provided per approved plans; and
3. Curbs, sidewalks and driveways provided meeting Seattle Engineering Department standards.

Entered this 15th day of June, 1982.


M. Margaret Klockars
Deputy 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.