

FINDINGS AND RECOMMENDATION

OF THE HEARING EXAMINER FOR THE CITY OF SEATTLE

In the Matter of the Appeal of

SEATTLE HOUSING AUTHORITY

FILE NO. CC-83-006
C.F. NO. 292533

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

Introduction

The Seattle Housing Authority applied for a Council Conditional Use to permit residential units connected with a low income elderly proposal in a CG zone at 6561 Phinney Avenue North.

For purposes of this recommendation, all section numbers refer to the Seattle Municipal Code, Title 24, as amended, (Ordinance 85300, 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 September 27, 1983.

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 application.

Findings of Fact

1. Seattle Housing Authority (SHA) proposes to demolish two commercial buildings and three single family residences and construct a 57-unit apartment building for the low income elderly. Council Conditional Use authorization is requested because part of the site is in a CG zone. Section 24.52.100.

2. The site of the proposed apartment building is 6523-61 Phinney Avenue North, a 34,076 sq. ft., 15 lot parcel located on the west side of Phinney just south of the curve where Phinney joins Greenwood North. A zone boundary line divides the site between CG zoning on the 5 northerly lots and RM on the remaining southerly lots.

3. The CG zone extends across Greenwood whether is to the west and then along both sides to the north. It contains a mixture of small commercial uses and residential uses. The RM zone to the south also has a mixture of small commercial uses and mixed residential uses. SF 5000 zoning extends east and west beyond the Phinney-Greenwood strip of more intensive zoning. Directly east, across Phinney, is the site of the former elementary school, now occupied by the Phinney Ridge Neighborhood Association. Most of the commercial uses are one story in height and residential uses are one to four stories.

4. The 51 units would be in a three story building similar in profile to other apartment buildings on Phinney Ridge. The design would met RM 800 limitations on bulk and provide more modulation than required. Twelve parking spaces would be at the

south end of the site, 8 for residents and 4 for staff and guests.

5. There is no shortage of available commercial property in the area and there is a relatively high rate of turnover in commercial properties. The area has no special attributes to make it especially desirable for commercial use.

6. There are no uses in the area which makes it undesirable for residential use.

7. Phinney is served by two Metro transit routes.

8. The water pressure in the area is low. It will be raised on-site by mechanical means. The architect for the proposal does not expect that pressure would be lowered for other users in the area because of the additional demand. The volume of water is adequate.

9. The Director issued a declaration of non-significance for the proposal recognizing some adverse environmental impacts such as those during construction, slight increase in traffic, etc., but found that because of the small scale of the project, developed character of the site and the temporary nature of the construction impacts they would not be significant.

10. Conditions recommended by the Director, Department of Construction and Land Use, are that landscaping be provided per an approved plan, that existing curb cuts be removed, that new curbs, sidewalks and driveways meet Engineering Department standards and that construction activity be limited to between 8:00 a.m. and 5:00 p.m.

Conclusions

1. The general considerations for conditional use authorization are whether the use will be materially detrimental to the public welfare or injurious to other properties and whether its authorization will be consistent with the spirit and purpose of the Zoning Code. Section 24.74.010. For dwelling units in a CG zone, the Code sets forth three specific conditions at Section 25.52.100 A:

1. that 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. that 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; and
3. that structural bulk incident to residential use will not adversely affect surrounding development, provided that in no event may RM 800 bulk provisions be exceeded.

2. The findings show that all three of the specific requirements are met in that the high incidence of residential use, even in the CG zone, shows the area's desirability for that use, the area does not seem to be particularly desirable for business and the bulk is within RM 800 standards and not out of scale with other development in the area.


3. As to the more general considerations, there is no indication that allowing this residential use in this CG zone would cause any material detriment to the public welfare or injure any property. Imposition of the conditions recommended by the Director, Department of Construction and Land Use, will mitigate any minor detriment. There would be benefit to the public welfare from the addition to the housing stock available to the low income elderly and the further stabilization of this area. The spirit and purpose of the Code is met in this instance since all the special requirements for residential uses in the zone are met.

Recommendation

The Council should grant the Conditional Use subject to the following conditions:

1. Landscaping shall be provided according to a plan approved by Department of Construction and Land Use.
2. Existing curb cuts shall be removed.
3. New curbs, sidewalks and driveways shall meet Engineering Department standards.
4. Construction activity shall be restricted to the period between 8:00 a.m. and 5:00 p.m.

Entered this 4th day of October, 1983.


M. Margaret Klockars
Deputy Hearing Examiner

NOTICE OF RIGHT TO PETITION
FOR FURTHER CONSIDERATION

Pursuant to Section 23.80.10.E, Seattle Municipal Code, any person substantially affected by or interested in this recommendation may submit a petition in writing to the City Council requesting further consideration. The petition must be filed with the Council within fourteen days of the date of this recommendation and should be addressed to the City Council, Land Use Committee, Municipal Building, Seattle, Washington, 98104.

The petition should clearly identify specific objections to this recommendation and the relief sought; however, the petitioner should not include any additional evidence or exhibits as the Council's consideration will be based upon the record of the Hearing Examiner's hearing. If the Council determines that a factual error exists in the record or that important information is missing, the Council may have the record supplemented pursuant to Section 23.80.10.E.3 or 23.80.10.E.4. At its public meeting the Council may allow oral or written arguments based on the record.