

FINDINGS AND RECOMMENDATION

OF THE HEARING EXAMINER FOR THE CITY OF SEATTLE

In the Matter of the Petition of

DON DALLY

FILE NO. CC-84-018
C.F. NO. 293595

for an amendment to the Official
Zoning Map pursuant to Title 23,
Seattle Municipal Code

Introduction

Petitioner, Don Dally, requests that property at 10740 - 8th Avenue N.E. be reclassified Lowrise 3 from CG zoning.

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

The Director's report, submitted by the Department of Construction and Land Use (DCLU), recommended that the petition be conditionally approved.

This matter was heard before the Hearing Examiner on March 21, 1985.

After due consideration of the evidence presented by the Petitioner, 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 subject property is a .75 acre site on the east side of 8th Avenue N.E. approximately 170 ft. south of N.E. Northgate Way with the address of 10740 8th Avenue N.E. The site is currently undeveloped.

2. The subject site is part of a CG zone which extends to the north, east and west taking in the Northgate Shopping Center. On the north side of the subject site are properties in business use with frontage on N.E. Northgate Way. On the east side of the subject site is a parking area and commercial storage area for businesses on N.E. Northgate Way. Across 8th Avenue to the west is property with carwash structures on it which does not appear to be in use and, north of that, businesses with frontage on N.E. Northgate Way.

3. The site's south side abuts an L-3 zone which is occupied by a large apartment complex, the Villa Roma with more than 200 units, which extends east to Roosevelt Way N.E. and has access on both streets. Further south, on the west side of 8th, is Waldo Hospital.

4. The site is at the same elevation as 8th Avenue N.E. with a slight slope to the southeast. At the northeast corner is a steep grade created by a small fill and a concrete retaining wall supporting an easement roadway leading to Schuck's Auto Supply and serving all the parking areas and businesses to the north. These businesses are at a considerably higher elevation than the subject site.

5. The site is not served by a storm sewer. An open drainage ditch located on the east side of 8th Avenue N.E. receives runoff and discharges it into a branch of Thorton Creek south of the Villa Roma complex.

6. Though CG zoning is intended primarily for commercial development, dwelling units could be constructed on the subject site under current CG zoning with Council conditional use authorization. Approximately 41 units would be permitted. Under the requested Lowrise 3 zoning the number of units would be increased to approximately 55. No commercial use would be permitted.

7. The petitioner has a proposed development plan which contemplates some 55 units which he characterizes as "affordable." The parking can be located on a two layer deck because of the ramp on the north side of the property. He is negotiating with adjacent businesses for after hours parking to accommodate guests and residents' second vehicles.

8. Eighth Avenue N.E. has fairly low volume as it serves mostly residential uses, except for the hospital, south of the Northgate Way frontage.

9. A declaration of non-significance (DNS) was issued for the proposed rezone recognizing a potential increase from 41 to 55 dwelling units which would lead to minor increases in energy consumption, noise, population, light and glare, increased use of utilities, parking demand and vehicular trips. Conditions were imposed on the DNS to mitigate impacts from construction noise and exterior lights and to provide for landscaping and street improvements necessary to accommodate on-street parking.

10. Utilities, other than storm sewers, are adequate to serve the proposed development.

11. The site has good access to Metro bus lines on Northgate Way and a park and ride lot north of Northgate Way on 5th Avenue N.E.

12. Accommodating overflow parking from the site would be difficult if arrangements are not made with neighboring property owners because of the condition of 8th Avenue N.E., which does not have curbs or sidewalks and is bordered by the drainage ditch. Certain street improvements should be considered at the time of building permit.

13. The CG zoning did extend farther to the south but a number of rezones have reclassified the business zoning to multi-family zoning.

14. The subject site is part of that proposed for C1/65 ft. as part of the Council's city-wide Neighborhood Commercial Areas zoning to take place this Fall. The land use specialist testified that as nearly as he could tell the proposed development would be consistent both with the L-3 bulk standards and the general description of bulk standards in the Neighborhood Commercial Areas Policies.

Conclusions

1. Section 23.34.28 provides the general rezone criteria to be used in evaluating requests for a zoning change. The first criterion to be considered is the match between the established locational criteria and area characteristics. Several of the locational criteria for the Lowrise 3 are met on this site in that it abuts existing multi-family development on the south and commercial uses on the north which are of comparable height and bulk. The topography, however, gives the site a more southerly orientation toward the residential area. The site is proximate to arterials and is well served by public transit. It is convenient to the Northgate Shopping Center.

2. As to the zoning history, the trend in the area has been toward multi-family zoning. The zoning proposed by the Neighborhood Commercial Area Policies to C1/165 ft. has similar

locational criteria and would allow the proposed development plan for the site. If granted, the rezone should not serve as precedent for any extensive change as the rezone would fill the gap between the already-developed commercial properties fronting on Northgate Way and the large apartment complex to the south. It should be noted that the site has remained undeveloped despite its CG zoning since 1957.

3. As to zoning principles, the topographical separation from the frontage businesses and the orientation of the site toward the residential area makes multi-family zoning of the site consistent with accepted land use patterns.

4. The Director determined that there would be no significant environmental impacts from the development under the proposed rezone but has imposed a series of mitigation measures on the DNS to assure that these impacts would be minimal. He proposes that these mitigating measures be conditions of the rezone.

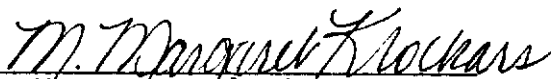
5. Criteria E, F, G and H are not applicable in this situation.

6. Based on the evaluation of the general rezone criteria, it is concluded that the rezone would be appropriate and would benefit the public welfare by providing additional housing and utilizing property which has not been utilized under the existing zoning. It appears that the City Council should, if reclassifying the property at this time to L-3, delete the subject property from the rezone proposed by the policy map to C1 as L-3 appears to be equally appropriate and allowing it to remain at that would assure that any development is entirely in conformance with the development standards rather than to have some potential nonconformity, however minor. All conditions recommended by the Director appear to be equally appropriate conditions for the master use permit for development so that this need not be a contract rezone.

Recommendation

The City Council should rezone the subject site to Lowrise 3.

Entered this 4th day of April, 1985.


M. Margaret Klockars
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.