

5905 (GENERAL)

COMPTROLLER
FILE NUMBER 282712

PETITION
OF CB 97989

MICHAEL M. VERGILLO, ET AL., FOR REZON-
ING OF CERTAIN PROPERTY IN BLOCK 6, SEATTLE
SUBURBAN HOME TRACTS.

1/18/78- CONDITIONALLY GRANT

(N. E. 143RD STREET AND 32ND AVENUE N. E.)

FILED NOVEMBER 14, 1975

C. G. ERLANDSON
COMPTROLLER AND CITY CLERK

C. G. Erlandson DEPUTY

ACTION OF THE COUNCIL

REFERRED	TO
NOVEMBER 24, 1975	PLANNING & URBAN DEV.
REFERRED	TO
REFERRED	TO
REPORTED	DISPOSITION
JAN 30 1978	GRANTED IN ACCOR- DANCE WITH REPORT OF COMMITTEE.
RE-REFERRED	TO
REPORTED	DISPOSITION

REPORT OF COMMITTEE

Mr. President:

Your Planning and Urban Development Committee

to which was referred the within petition

would respectfully report that we have considered the same and respectfully recommend that the same be granted subject to a Property Use and Development Agreement as recommended by the Hearing Examiner and that the Hearing Examiner, the Director of Community Development, the Superintendent of Buildings and the City Engineer be informed.

[Handwritten Signature]

CHAIRMAN

CHAIRMAN

Your City, Seattle

Office of the Mayor
Charles Royer, Mayor



February 2, 1978

Honorable Phyllis Lamphere
President, Seattle City Council
City of Seattle

Subject: Veto of Council Bill 97989

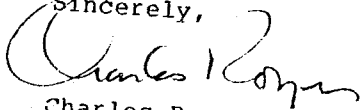
Honorable Council Members:

In accordance with Article IV, Section 12 of the City Charter, I am vetoing Council Bill 97989, relating to a rezone on the petition of Michael W. Vergillo.

The Bill rezones certain property subject to "the recording of a properly executed, delivered and accepted Property Use and Development Agreement pertaining to such property." The rezone petition was originally considered by the Council in December 1976 and action on the Council Bill was held until the petitioner delivered the signed Agreement. The Council Bill contains a copy of the Agreement and a letter from Corporation Counsel pointing out that one of the conditions for the rezone which appears in the Agreement (Section 1c) is that "Detailed development plans, ... shall be submitted to, reviewed and approved by the Director of Community Development prior to Council passage of legislation rezoning the Property..." (emphasis added). Corporation Counsel advised the City Council that the Bill should not be passed until a favorable report is received from the Director of DCD.

The City Council did not receive such a report. Plans have not been filed by the petitioner with the Department of Community Development. I believe that when conditions are made, we have a responsibility to ensure that they are followed. This is particularly important where, as here, it concerns land use in or near residential neighborhoods. I suggest that a new bill be considered only after detailed development plans have been filed by the petitioner and approved by the Director of the Department of Community Development.

Sincerely,


Charles Royer

CB 97989

**Your
Seattle
Engineering Department**

Paul A. Wiatrak, City Engineer
Wes Uhlman, Mayor



June 24, 1977

Re: Property Use
and Development Agreement
R/W 7665; C. F. 282712

Mr. E. L. Kidd
City Comptroller
101 Municipal Building
The City of Seattle

Attention: Mr. Wayne Angevine,
Assistant City Clerk

Dear Sir:

Please file the attached Property Use and Development Agreement in
C. F. 282712, entitled:

"Petition of Michael M. Vergillo, et al, for rezoning of certain
property in Block 6, Seattle Suburban Home Tracts (Northeast 143rd
Street and 32nd Avenue Northeast.)"

The agreement is accepted by the City Engineer for and on behalf of the
City, as authorized by C. B. 97989 and recorded under King County
No. 7706151103.

Please mail copies of the agreement to the Superintendent of Buildings
and the Director of the Department of Community Development.

Very truly yours,

PAUL A. WIATRAK, P. E.
City Engineer

Alice M. Wilde

By
ALICE M. WILDE
Title Examiner

AMW:bl
Enc.

cc: Dept. of Community Development
Superintendent of Buildings
Councilman Paul Kraabel
E. C. Lagerquist

Seattle City Council



February 28, 1978

Sam Smith
President of the Council
625-2455

George E. Benson
Chairman
Transportation
Committee
625-2441

Tim Hill
Chairman
Finance Committee
625-2438

Paul Kraabel
Chairman
Planning & Urban
Development Committee
625-2447

Phyllis Lamphers
Chairman
Intergovernmental
Relations Committee
625-2436

Jonathan Whitzel
Chairman
Utilities Committee
625-2443

John R. Miller
Chairman
Parks & Public
Grounds Committee
625-2451

Randy Revelle
Chairman
Public Safety & Justice
Committee
625-2445

Jeanette Williams
Chairman
Human Resources &
Operations Committee
625-2453

Honorable Doug Jewett
Seattle City Attorney
Municipal Building
Seattle, Washington 98104

Dear Doug:

On February 2, 1978, the Mayor vetoed CB 97989, relating to a rezone on the petition of Michael W. Verzillo.

According to the Mayor's veto letter, "The Bill rezones certain property subject to 'the recording of a properly executed, delivered and accepted Property Use and Development Agreement pertaining to such property.' The rezone petition was originally considered by the Council in December 1976 and action on the Council Bill was held until the petitioner delivered the signed Agreement. The Council Bill contains a copy of the Agreement and a letter from Corporation Counsel pointing out that one of the conditions for the rezone which appears in the Agreement (Section 1c) is that 'Detailed development plans, . . . shall be submitted to, reviewed and approved by the Director of Community Development prior to Council passage of legislation rezoning the Property . . .' (emphasis added). Corporation Counsel advised the City Council that the Bill should not be passed until a favorable report is received from the Director of DCD."

Due to a misunderstanding about the above Agreement Condition, the Council erred by prematurely sending the bill to the Mayor on January 23, 1978.

I understand from a discussion between Ann Ormsby of my staff and Gordon Crandall of your office that there is a remedy. The Council may simply consider a new bill which would recognize the inadvertent error and incorporate the contents of CB 97989, a copy of which is attached. The Bill would then be passed by the Council when all the conditions of the agreement have been met. That being the case, I request that your office prepare legislation for that purpose.

Sincerely,

MICHAEL HILDT, Chairman
Urban Development and Housing Committee

MH/dp

cc: Robert F. Hintz
William Snell, Hearing Examiner
Edwin C. Lagerquist

Eleventh Floor, Municipal Building, Seattle, Washington 98104

PROPERTY USE AND DEVELOPMENT AGREEMENT

7665

THIS INSTRUMENT, executed this date in favor of The City of Seattle, a municipal corporation (herein called "City"), by the undersigned owners of the within-described property (herein called "Owners"):

WITNESSETH:

WHEREAS, Owners are persons owning in fee simple and/or having a substantial beneficial interest in the following described real property (herein called the "Property"):

All of Lot 5 less the east 140 feet, Block 6, Seattle Suburban Home Tracts, as recorded in Volume 7, Plats, page 93, Records of King County, Washington;

and

WHEREAS, a petition (C.F. 282712) was filed with the City to rezone certain property from Multiple Residence Low Density (RM 800) Zone to General Commercial (CG) Zone pursuant to the provisions of the Zoning Ordinance (86300) of The City of Seattle; and the Hearing Examiner held a hearing upon said matter (File X-75-223) and recommended that the petition be granted and that the property be rezoned subject to the execution and recording of an agreement with the City pertaining to certain uses and development on the Property in order to ameliorate the adverse impact of unrestricted use and development permitted in the CG Zone;

NOW, THEREFORE, Owners hereby covenant, bargain and agree on behalf of themselves, their heirs, successors and assigns:

1. That if the Property is rezoned to the Commercial General (CG) Zone:

a) No vehicle access to said Property shall be permitted on 32nd Avenue Northeast, or on Northeast 143rd Street within seventy-five (75) feet of 32nd Avenue Northeast.

7706151103

7706151103

b) Yards extending at least the following minimum widths from the south, west and north property lines shall be provided on the Property as follows:

- Along Northeast 143rd Street - ten feet,
- Along 32nd Avenue Northeast - ten feet, and
- Along the northline of the Property - five feet.

Such yards shall be landscaped and maintained in good condition with:

- i) grass, hardy shrubs or evergreen groundcover;
- ii) screening consisting of view obscuring evergreen plantings of a minimum height of four feet when planted and of a type that will grow to a minimum height of twelve feet, planted along Northeast 143rd Street and 32nd Avenue Northeast no closer to said streets than the interior margins of the above-specified south and west yards, and along and within the above-specified north yard; and
- iii) deciduous trees planted, at a minimum spacing from each other of twenty-five feet, in the above specified south and west yards along Northeast 143rd Street and 32nd Avenue Northeast;

and shall not be used for any building or offstreet parking.

c) No building on the Property shall exceed a maximum building height of thirty-five feet.

d) Detailed development plans, including but not limited to the features specified above shall be submitted to, reviewed and approved by the Director of Community Development prior to Council passage of legislation rezoning the Property to the Commercial General (CG) Zone, and any future changes on the site shall be subject to approval by said Director. All development of the Property shall be in accordance with such approved plans and/or approved changes.

7706151103

2. This agreement shall be recorded in the records of King County and filed with the City Clerk in C.F. 282712, and the covenants hereof shall be deemed to attach to and run with the Property and shall be binding upon the Owners, their heirs, successors and assigns, and shall apply to after acquired title of the Owners of the Property.

3. This Agreement may be amended or modified by agreement between the Owners and the City; provided such amended agreement shall be approved by the legislative authority of the City by ordinance. Nothing in this Agreement shall prevent the City Council from making such further amendments of the Zoning Ordinance as it may deem necessary in the public interest.

4. This Agreement is made for the benefit of the City and for the benefit of owners of property within 300 feet of the Property, and either the City or any such property owner may institute and prosecute any proceeding at law or in equity to enforce this Agreement.

5. It is further expressly agreed that in the event any covenant or condition or restriction hereinabove contained or any portion thereof is invalid or void, such invalidity or voidness shall in no way affect any other covenant, condition, or restriction hereinabove contained.

OWNER:

Michael M. Vergillo
Michael M. Vergillo

Sandra A. Vergillo
Sandra A. Vergillo, wife of
Michael M. Vergillo

Irene Baird McDaniel
Irene Baird McDaniel

California
STATE OF ~~WASHINGTON~~)
Riverside) ss.
COUNTY OF ~~KING~~)

On this day personally appeared before me Irene Baird
McDaniel and _____

to me known to be the individuals described in and who executed the

City of Seattle
OFFICE OF THE COMPTROLLER
101 Municipal Building
Seattle, Washington 98104



E. L. KIDD

CITY COMPTROLLER

E. J. RILEY

CHIEF OF BUDGET & COMPTROLLER

JANUARY 31, 1978

MR. WILLIAM N. SNELL
HEARING EXAMINER
CITY OF SEATTLE

DEAR SIR:

THE CITY COUNCIL AT ITS MEETING ON JANUARY 30, 1978, ADOPTED
THE RECOMMENDATION OF ITS PLANNING & URBAN DEVELOPMENT COMMITTEE ON COMP-
TROLLER'S FILE No. 282712, ENTITLED:

PETITION OF MICHAEL M. VERGILLO, ET AL., FOR REZONING
OF CERTAIN PROPERTY IN BLOCK 6, SEATTLE SUBURBAN HOME
TRACTS.

THE COMMITTEE RECOMMENDATION IS AS FOLLOWS:

THAT THE SAME BE GRANTED SUBJECT TO A PROPERTY USE AND DE-
VELOPMENT AGREEMENT AS RECOMMENDED BY THE HEARING EXAMI-
NER.

VERY TRULY YOURS,

E. L. KIDD
COMPTROLLER AND CITY CLERK

By:

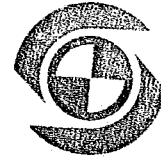
ASSISTANT CITY CLERK

WA:JG

CC: DIRECTOR, D.C.D.
SUPT. OF BLDGS.
CITY ENGINEER

Your
Seattle
Engineering Department

Paul A. Wiatrak, City Engineer
Wes Uhlman, Mayor



June 21, 1977

Re: Property Use
and Development Agreement
R/W 7665; C. F. 282712

Mr. E. L. Kidd
City Comptroller
101 Municipal Building
The City of Seattle

Attention: Mr. Wayne Angevine,
Assistant City Clerk

Dear Sir:

Please file the attached Property Use and Development Agreement in
C. F. 282712, entitled:

"Petition of Michael M. Vergillo, et al, for rezoning of certain
property in Block 6, Seattle Suburban Home Tracts (Northeast 143rd
Street and 32nd Avenue Northeast.")

The agreement is accepted by the City Engineer for and on behalf of the
City, as authorized by C. B. 97989 and recorded under King County
No. 7706151103.

Please mail copies of the agreement to the Superintendent of Buildings
and the Director of the Department of Community Development.

Very truly yours,

PAUL A. WIATRAK, P. E.
City Engineer

By
ALICE M. WILDE
Title Examiner

AMW:bl
Enc.

cc: Dept. of Community Development
Superintendent of Buildings
Councilman Paul Kraabel
E. C. Lagerquist

RECEIVED
JUN 28 1977

PAUL KRAABEL
SEATTLE CITY COUNCILMAN

ASSISTANT CORPORATION COUNSEL

JAMES M. TAYLOR
GORDON F. CRANDALL
G. GRANT WILCOX
THOMAS J. WETZEL
ARTHUR T. LANE
JORGEN G. BADER
CHARLES R. NELSON
LAWRENCE K. MCDONELL
J. ROGER NOWELL
E. NEAL KING
JAMES B. HOWE, JR.
DONALD H. STOUT
PHILIP M. KING
RICHARD E. MANN
WALTER L. WILLIAMS
JAMES G. BLAIR
CHARLES D. BROWN
DONA M. CLOUD
ROSS A. RADLEY
GORDON B. DAVIDSON
DIANA F. THOMPSON
MARIANNA S. COOKE

THE CITY OF SEATTLE

LAW DEPARTMENT

MUNICIPAL BUILDING - SEATTLE, WASHINGTON 98104
AREA CODE 206 TELEPHONE 475-2100

JOHN P. HARRIS, CORPORATION COUNSEL

December 8, 1976

SEATTLE CITY COUNCIL

DEC 8 AM 10:04

CITY PROSECUTORS

RICHARD S. OETTINGER
ROBERT M. ELIAS
JACK B. REGAN
ROBERT B. JOHNSON
JOSEPH T. SCHLOSSER
DAVID S. ADMIRE
MYRON L. CORNELIUS
ELIZABETH A. HUNEKE
HARRIETT M. CODY
DAVID N. WALTON
ANDRE WOOTEN

CLAIMS MANAGER
V. L. PORTER

Re: C.F. 282712

Honorable Paul Kraabel, Chairman
Planning and Urban Development Committee
City Council
The City of Seattle

RECEIVED
DEC 8 1976

PAUL KRAABEL
SEATTLE CITY COUNCILMAN

Dear Sir:

By City Council Transmittal of October 31, 1976 you transmitted C.F. 282712 entitled:

"Petition of Michael M. Vergillo, et al., for rezoning of certain property in Block 6, Seattle Suburban Home Tracts (N.E. 143rd Street and 32nd Avenue N.E.)"

including the Findings and Recommendation of the Hearing Examiner in said matter (his X-75-223) stating "The . . . Committee voted to grant the rezone subject to the conditions recommended by the Hearing Examiner.", and requested that we prepare legislation and a property use and development agreement as recommended by the Hearing Examiner.

The requested Property Use and Development Agreement and proposed legislation amending Plat 221E, page 8, of the Official Zoning Map and the file are forwarded herewith.

In accordance with the Hearing Examiner's recommendations the Property Use and Development Agreement provides that detailed development plans shall be reviewed and approved by the Director of Community Development prior to Council action on the rezone petition,

LAW DEPARTMENT—THE CITY OF SEATTLE

Honorable Paul Kraabel
December 8, 1976
Page 2

and we therefore advise that the Council Bill should be held in committee until a favorable report is received from the Director of Community Development.

Yours very truly,

JOHN P. HARRIS
Corporation Counsel

By *James B. Howe, Jr.*
JAMES B. HOWE, JR.
Assistant

JBH:ph
enc.

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ORDINANCE _____

AN ORDINANCE relating to and amending Plat 221E, page 8, of the Official Zoning Map of The City of Seattle, Ordinance 86300, to rezone certain property in Block 6, Seattle Suburban Home Tracts from RM 800 to CG contingent upon the recording of a properly executed, delivered and accepted Property Use and Development Agreement pertaining to such property. (Petition of Michael W. Vergillo, C.F. 282712).

BE IT ORDAINED BY THE CITY OF SEATTLE AS FOLLOWS:

Section 1. That contingent upon the recording as provided in Section 2 hereof, of a properly executed, delivered and accepted "Property Use and Development Agreement", substantially in the form attached hereto as Exhibit "A", by which the owners of the property described therein agree to certain restrictions on the use and development of certain property described therein to ameliorate the impact which some structures and uses otherwise permitted in the General Commercial (CG) Zone could have on the private property in the vicinity of said property, Plat 221E, page 8, of the Official Zoning Map of the City of Seattle, as adopted by Ordinance 86300, is amended to rezone from Multiple Residence Low Density (RM 800) Zone to General Commercial (CG) Zone the following described real property:

All of Lot 5 less the east 140 feet, Block 6, Seattle Suburban Home Tracts, as recorded in Volume 7, Plats, page 93, Records of King County, Washington

as shown on Exhibit "B" hereto; and upon receipt of said agreement, after its acceptance and recordation as contemplated in Section 2 below, the City Clerk is directed to place a copy of said Exhibit "B" in a volume entitled "Zoning Map Amendments," all as contemplated in C.F. 282712.

1 Section 2. That upon receipt of a properly executed
2 Property Use and Development Agreement as contemplated in Section
3 1 hereof, the City Engineer is hereby authorized to accept the
4 same for and on behalf of the City, and upon such acceptance is
5 authorized and directed to indicate such acceptance therein, to
6 record said executed agreement in the records of the Director of
7 Records and Elections of King County and to file said recorded
8 agreement with the City Clerk, and the City Clerk shall mail
9 copies of said recorded agreement to the Superintendent of
10 Buildings and the Director of the Department of Community
11 Development and file the original copy of the agreement in
12 C.F. 282712.

13 Section 3. That any act pursuant to the authority and
14 prior to the effective date of this ordinance is hereby ratified
15 and confirmed.
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Section 4. This ordinance shall take effect and be in force thirty days from and after its passage and approval, if approved by the Mayor; otherwise it shall take effect at the time it shall become a law under the provisions of the city charter.

Passed by the City Council the day of, 19,
and signed by me in open session in authentication of its passage this day of, 19

Approved by me this day of, 19
President of the City Council.

Filed by me this day of, 19
Mayor.

(SEAL)

Published.....

Attest:
City Comptroller and City Clerk.

By.....
Deputy Clerk.

EXHIBIT "A"

PROPERTY USE AND DEVELOPMENT AGREEMENT

THIS INSTRUMENT, executed this date in favor of The City of Seattle, a municipal corporation (herein called "City"), by the undersigned owners of the within-described property (herein called "Owners"):

WITNESSETH:

WHEREAS, Owners are persons owning in fee simple and/or having a substantial beneficial interest in the following described real property (herein called the "Property"):

All of Lot 5 less the east 140 feet, Block 6, Seattle Suburban Home Tracts, as recorded in Volume 7, Plats, page 93, Records of King County, Washington;

and

WHEREAS, a petition (C.F. 282712) was filed with the City to rezone certain property from Multiple Residence Low Density (RM 800) Zone to General Commercial (CG) Zone pursuant to the provisions of the Zoning Ordinance (86300) of The City of Seattle; and the Hearing Examiner held a hearing upon said matter (File X-75-223) and recommended that the petition be granted and that the property be rezoned subject to the execution and recording of an agreement with the City pertaining to certain uses and development on the Property in order to ameliorate the adverse impact of unrestricted use and development permitted in the CG Zone;

NOW, THEREFORE, Owners hereby covenant, bargain and agree on behalf of themselves, their heirs, successors and assigns:

1. That if the Property is rezoned to the Commercial General (CG) Zone:
 - a) No vehicle access to said Property shall be permitted on 32nd Avenue Northeast, or on Northeast 143rd Street within seventy-five (75) feet of 32nd Avenue Northeast.

b) Yards extending at least the following minimum widths from the south, west and north property lines shall be provided on the Property as follows:

Along Northeast 143rd Street - ten feet,

Along 32nd Avenue Northeast - ten feet, and

Along the northline of the Property - five feet.

Such yards shall be landscaped and maintained in good condition with:

i) grass, hardy shrubs or evergreen groundcover;

ii) screening consisting of view obscuring evergreen plantings

of a minimum height of four feet when planted and of a

type that will grow to a minimum height of twelve feet,

planted along Northeast 143rd Street and 32nd Avenue

Northeast no closer to said streets than the interior

margins of the above-specified south and west yards, and

along and within the above-specified north yard; and

iii) deciduous trees planted, at a minimum spacing from each

other of twenty-five feet, in the above specified south

and west yards along Northeast 143rd Street and 32nd

Avenue Northeast;

and shall not be used for any building or offstreet parking.

c) No building on the Property shall exceed a maximum building height of thirty-five feet.

d) Detailed development plans, including but not limited to the features specified above shall be submitted to, reviewed and approved by the Director of Community Development prior to Council passage of legislation rezoning the Property to the Commercial General (CG) Zone, and any future changes on the site shall be subject to approval by said Director. All development of the Property shall be in accordance with such approved plans and/or approved changes.

within and foregoing instrument, and acknowledged that they signed
the same as their free and voluntary act and deed, for the uses and
purposes therein mentioned.

GIVEN under my hand this _____ day of _____, 197__.

Notary Public in and for the State
of Washington, residing at _____.

Your
Seattle
Community Development



Paul E. S. Schell, Director
Wes Uhlman, Mayor

July 14, 1976

Honorable Paul Kraabel, Chairman
Planning and Urban Development Committee
City Council
City of Seattle

Dear Mr. Kraabel:

The Department of Community Development requests that the City Council further consider the rezoning petition of Sandra and Michael Vergillo (X-75-223) as provided under Section 27.51 of the Zoning Ordinance. The Department contends that the Hearing Examiner erred in his decision on this matter. We believe the decision is contrary to the Council's long standing policy that zoning should be consistent with the Comprehensive Plan and that it typifies a trend to viewing rezonings as ad hoc decisions rather than based on the merits of a total planning approach.

In this case the Examiner himself, in point 8 of Findings of Fact, stated that "The Comprehensive Plan designates the area generally oriented to Lake City Way N.E. from about N.E. 135th Street to N.E. 145th Street as best-suited for a Commercial area. Properties which are not oriented toward Lake City Way N.E. are designated for one and two-family residential development". This is an accurate interpretation of the Comprehensive Plan for this area. Our problem arises from the Examiner's conclusions in light of this finding.

Conclusion 2 states: "Although it is generally not advisable to expand the width of the CG zone in this area of Lake City Way N.E., the subject property has in fact been utilized for CG use for several years without any noticeable adverse impacts. With the imposition of proper conditions, the area will not be developed for intense CG uses and will be compatible with RM uses".

We contend that such a conclusion is contradictory to good planning principles. It is acknowledged that "it is generally not advisable to expand the width of the CG in this area of . . ." but that because of circumstances and prescribed conditions it could be made compatible. Yet this does not address the point that the Plan and the Department consider the best use of the area is residential. If rezonings are continually given to CG, permitting admitted questionable uses, then the objectives of the plan will never be reached. The granting of this rezoning will discourage residential development and make it difficult to maintain the area as a desirable living environment.

Conclusion 3 reads: "The subject property abuts directly CG zoned property to the east and would be utilized in conjunction with an existing auto dealership so it is reasonable to conclude that this property is oriented to Lake City Way, and therefore rezoning would be in conformity with the Comprehensive Plan Map".

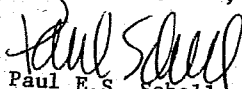
Honorable Paul Kraabel, Chairman
Planning and Urban Development Committee

-2-

We believe that ownership does not orient this property to Lake City Way unless required to be. The topography, platting and orientation directly relate to this property to 32nd Avenue N.E. The only thing that relates the property to Lake City Way is the fact that the owner wants it to support his activity on Lake City Way. There is nothing intrinsic to the lot that orients it to Lake City Way. The site could be very appropriately and economically used for an apartment building such as many others along that street.

We intend to further document our concerns in a further report and testimony if possible. Our Office of Neighborhood Planning has also indicated objections to this zoning in relationship to their planning work in Lake City. The concept being developed would confine commercial development to the perimeter of the business core further south near N.E. 125th Street. As stated earlier, we believe this decision has strong implications to the Comprehensive Plan. The fact that conditions are proposed prerequisite to rezoning does not mitigate the broader effects of cancelling out this property for its intended use as shown in the Comprehensive Plan.

Very truly yours,


Paul E.S. Schell
Director

PESS:PE:mr

#.

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

In the Matter of the Petition of
SANDRA A. & MICHAEL M. VERGILLO
for an amendment to the Official
Zoning Map, Title 26, Seattle Code

FILE NO. X-75-223

Recommendation: The petition should be GRANTED subject
to a property use and development agreement.

Introduction

The petitioners request that property located at the northeast corner of 32nd Avenue N.E. and N.E. 143rd Street be rezoned from Multiple Residence Low Density (RM 800) to General Commercial (CG).

Correspondence and testimony was received in support of the petition.

The Director's Report, submitted by the Department of Community Development pursuant to Section 26.54.050, Seattle Code, recommended that the petition be denied.

This matter was heard before the Hearing Examiner on May 14, 1976.

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, and as a result of the personal inspection of the subject property and surrounding area by the Hearing Examiner, 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 consists of a 122 foot by 150 foot area located at the northeast corner of 32nd Avenue N.E. and N.E. 143rd Street. The site is level and has no improvements, although it is used for the storage of motor vehicles. See attached map, appendix A.
2. The subject property has been utilized as a storage site for motor vehicles for 15 to 20 years. The petitioners seek to legalize this use and are willing to agree to conditions to protect the surrounding properties.
3. The zoning and land use pattern in the area adjacent to the proposed rezone site is as follows:
 - (a) one-half block to the east is Lake City Way N.E., which is zoned CG on both sides and developed primarily with auto-oriented uses;
 - (b) to the north and west are RM 800 zoned properties developed primarily with apartments and single-family residences; and
 - (c) to the south is a CG zone that extends between 32nd Avenue N.E. and Lake City Way N.E., although it is separated from the subject property by a small RM 800 zone located at the southeast corner of 32nd Avenue N.E. and N.E. 143rd Street.

4. The petitioners own an auto dealership located on the corner of N.E. 143rd Street and Lake City Way N.E., directly to the east of the subject property. The vehicle storage facility would be used in connection with the auto dealership.
5. At the request of the Hearing Examiner, the Department submitted in a letter dated May 25, 1976, a list of suggested contract conditions. The petitioners, in a letter dated June 17, 1976, filed a written response to the Department's recommendations.
6. The RM 800 zone permits construction of apartments with a basic density of up to 1 apartment unit per 800 square feet of land area. In the CG zone, a wide variety of business and commercial uses are permitted.
7. Lake City Way N.E., a major arterial, with high traffic volumes is located one-half block to the east of the subject property. N.E. 143rd Street and 32nd Avenue N.E. are local access streets and the city engineer has stated that the proposed action could generate additional traffic and create undesirable traffic impacts due to the narrow (50 foot) street widths.
8. The Comprehensive Plan Map designates the area generally oriented toward Lake City Way N.E., from about N.E. 135th Street to N.E. 145th Street as best-suited for a commercial area. Properties which are not oriented toward Lake City Way N.E. are designated for one and two-family residential development.

Conclusions

1. The petition should be granted, but only subject to specified conditions that will protect the adjacent properties and mitigate any adverse impacts.
2. Although it is generally not advisable to expand the width of the CG zone in this area of Lake City Way N.E., the subject property has in fact been utilized for CG uses for several years without any noticeable adverse impacts. With the imposition of proper conditions, the area will not be developed for intense CG uses and will be compatible with RM 800 uses.
3. The subject property abuts directly CG zoned property to the east and would be utilized in conjunction with an existing auto dealership so it is reasonable to conclude that this property is oriented to Lake City Way, and therefore rezoning would be in conformity with the Comprehensive Plan Map.
4. Pursuant to the procedural requirements of the State Environmental Policy Act of 1971 (SEPA) (RCW 43.21C), the action proposed in this petition is not considered a major action having significant environmental impact.

Recommendation


For each of the above reasons, the recommendation of the Hearing Examiner to the Seattle City Council on the proposed amendment to the Official Zoning Map is that a property use and development agreement be prepared which includes the following conditions:

- 1) No vehicle access be permitted on 32nd Avenue N.E. or on N.E. 143rd Street within 75 feet of 32nd Avenue N.E.;
- 2) A 10 foot side yard setback be provided on 32nd Avenue N.E. and on N.E. 143rd Street, and a 5 foot setback on the north property

line. Each of the foregoing margins must be landscaped, after being set back the minimum distances, as follows:

- (a) view obscuring evergreen plantings of a minimum height of 4 feet when planted and of a type that will grow to a minimum height of 12 feet,
 - (b) deciduous trees be planted in the street yards along N.E. 143rd Street and 32nd Avenue N.E. at a minimum spacing distance from each other of 25 feet.
- 3) A maximum building height not to exceed 35 feet.
 - 4) Detailed development plans incorporating but not necessarily limited to specified features noted above both as to landscaping and building design be subject to review and approval by the Department prior to Council action on the rezone petition.
 - 5) Any future changes on the site be subject to Department approval.

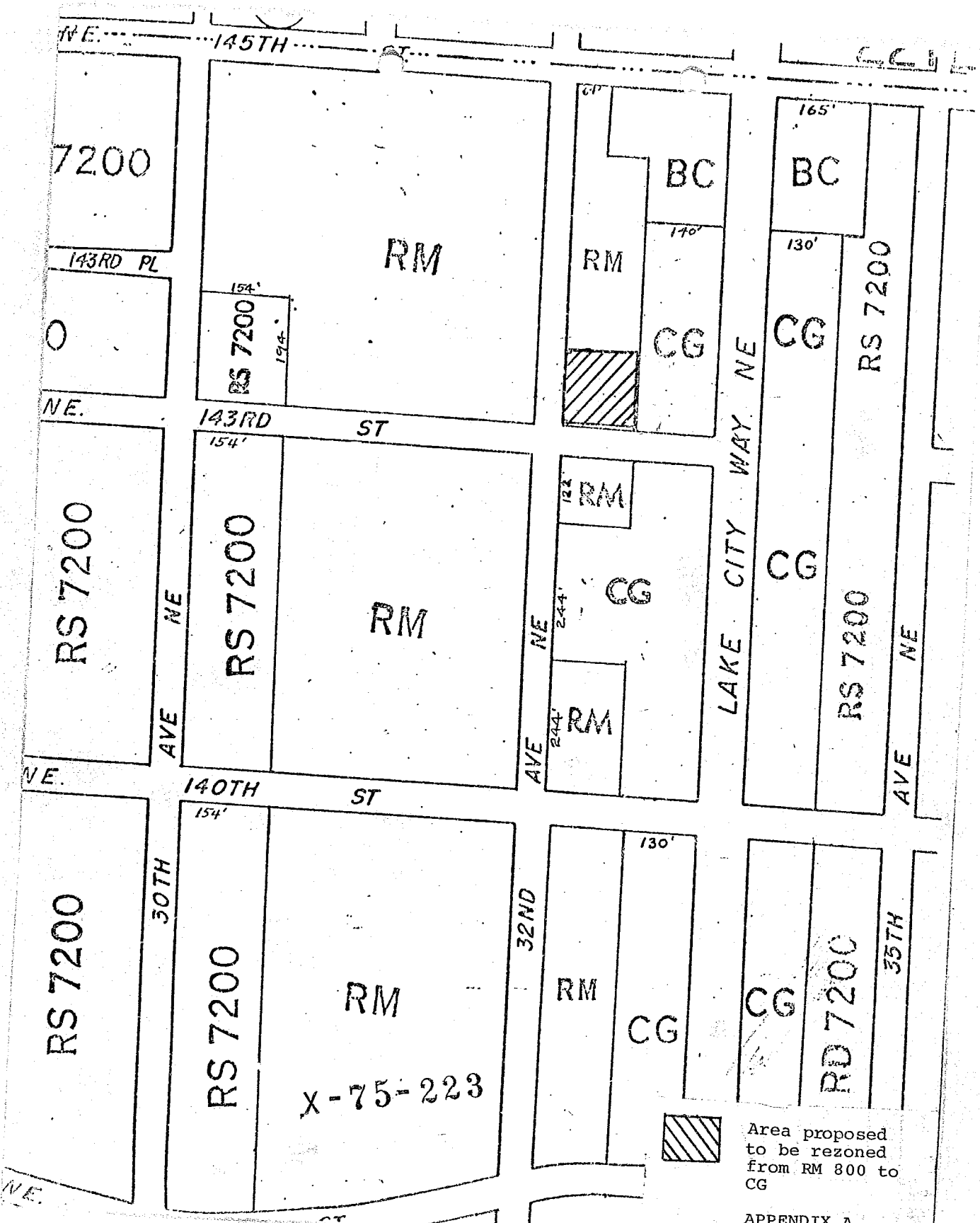
Entered this 30th day of June, 1976,
pursuant to the authority granted under Ordinance 102290.



William N. Snell
Hearing Examiner

Notice of Right to Appeal

Pursuant to Section 26.52.090, Seattle Code, any party affected by a recommendation of the Hearing Examiner may submit a petition in writing to the City Council requesting further consideration. The appeal petition must be submitted within 14 days after the date of mailing the recommendation of the Hearing Examiner. The written appeal petition should be addressed to: City Council, Planning and Urban Development Committee, Municipal Building, Seattle, Washington 98104.



Area proposed
to be rezoned
from RM 800 to
CG

APPENDIX A

X-75-223

7200

143RD PL

RS 7200

RM

BC

RM

CG

BC

130'

CG

RS 7200

NE.

143RD

ST

RS 7200

AVE NE

RS 7200

RM

122'

RM

CG

AVE NE

RM

LAKE CITY WAY NE

CG

RS 7200

AVE NE

NE.

140TH

ST

RS 7200

30TH

RS 7200

RM

32ND

RM

CG

130'

CG

RD 7200

35TH

NE.

Your
Seattle
Community Development

Paul E. S. Schell, Director
Wes Uhlman, Mayor

May 25, 1976

Mr. William Snell
Hearing Examiner
City of Seattle

Dear Mr. Snell:

RECEIVED
JUN 1 1976

OFFICE OF HEARING EXAMINER

This letter is in response to your request that this Department prepare a list of contract provisions for the CG rezone at the northeast corner of N. E. 143rd and 32nd Avenue N. E. (X-75-223). Although we are responding to your request we are on record as being opposed to the rezone. However, if a contract is desired, here are the conditions we recommend imposing:

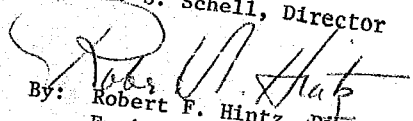
1. No vehicle access be permitted on 32nd Avenue N. E. or within 75 ft. of this street on N. E. 143rd Street.
2. Heavily landscaped yards (excluding driveway) of 20 ft. be provided and maintained on 32nd Avenue N. E. and 15 ft. on N. E. 143rd Street and 5 ft. on the north property line to consist of the following:
 - (a) View obscuring evergreen planting be planted that will be a minimum height upon planting of 4 ft. and of a type to grow to a minimum height of 12 ft.
 - (b) This screening will be set back at the minimum distances indicated above.
 - (c) Deciduous tree planting be provided in the street yards along N. E. 143rd Street and 32nd Avenue N. E. at a minimum spacing distance from each other of 25 ft.
3. Maximum building height not to exceed 35 ft.
4. No activities on site occur between the hours of 10:00 P.M. to 7:00 A.M. on weekdays and 10:00 P.M. to 10:00 A.M. on weekends or holidays.
5. Detailed development plans, incorporating but not necessarily limited to specified features noted above, both as to landscaping and building design, be subject to review and approval by the Department prior to Council action

Mr. William Snell
Page Two

on the rezoning petition.

6. Any future changes on site be subject to Department approval.

Very truly yours,
Paul E. S. Schell, Director


By: Robert F. Hintz, Director
Environmental Management Division

RFH:AW:do

Lagerquist & McConnell
attorneys at law

EDWIN C. LAGERQUIST
ROBERT A. McCONNELL
Of Counsel
JOHN E. OSWALD

P.O. Box 25729
303 Shoreline Tower
12360 Lake City Way N.E.
Seattle, Washington 98125

June 17, 1976

(206) 364 7744

The City of Seattle
Office of Hearing Examiner
204 Lyon Building
Seattle, Washington 98104

Re: Petition of Michael Vergillo to
Re-zone Property on Northeast
Corner of N.E. 143rd and 32nd Ave. N.E.

Attention: Mr. William Snell

Gentlemen:

This is our response to recommendations set forth in the
Department of Community Development's letter of May 25, 1976.
For clarification purposes we shall refer to their paragraphs
in the same numerical order.

1. Agreeable.
2. Objectionable because a 20 foot setback
is excessive and out of proportion to
existing street width. See photo #3 and
#4 depicting 20 foot setbacks on
southeast corner of 137th and 32nd Avenue N.E.
From existing roadway the effective
setback will be approximately 32 feet on
32nd Avenue N.E. and 27 feet on 143rd Street.
The square footage of the total effective
setback is approximately 8,400.
The total lot size is only 18,300 square feet.
See exhibit A and photos #1 and #2. In view
of the foregoing we would suggest that a
setback of ten feet on both 32nd and 143rd
as being reasonable and adequate.
 - (a) Agreeable.
 - (b) Agreeable subject to remarks in 2 above.
 - (c) Agreeable.

RECEIVED
JUN 17 1976

OFFICE OF HEARING EXAMINER

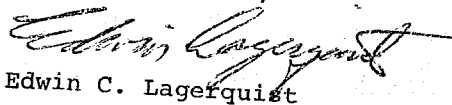
The City of Seattle
Attention: Mr. William Snell
Re: Petition of Michael Vergillo
Re-zone Property on Northeast Corner
of N.E. 143rd and 32nd Avenue N.E.
June 17, 1976
Page 2

3. Agreeable.
4. Objectionable since existing city ordinance regarding "nuisance" and "disturbing of peace" provide ample protection.
5. Agreeable.
6. Agreeable.

The foregoing is presented with a view towards fairness and reasonableness to all parties. The department has made no reference to a fencing of any sort. The petitioner in exchange for the suggestions in 2 and 4 above would be willing to install a suitable fencing in addition to the plantings.

Your consideration of the foregoing is much appreciated.

Very truly yours,



Edwin C. Lagerquist

ECL:sm
Encl.



Chamber of Commerce

2825 N.E. 125th • SEATTLE, WASHINGTON 98125 • 522-8240

December 16, 1975

Paul Kraabel

The City Council
City of Seattle
11th Floor, Seattle Municipal Bldg.
Seattle, Washington 98104

RECEIVED
DEC 22 1975

PAUL KRAABEL
SEATTLE CITY COUNCILMAN

Re: Rezoning Petition C.F. 282712
Michael and Sandra Vergillo
All of Lot 5, Block 6, Seattle
Suburban Home Tracts, Plat records
Volume 7, Plats, page 93, records
of King County, Washington

Honorable Members:

We wish to call your attention to the above entitled application being submitted by Michael and Sandra Vergillo and point out that the proposed change has been reviewed by the Board of the Lake City Planning Committee. We have concluded that the subject parcel along with the proposed zone classification, C.G. is compatible and proper in terms of the Lake City comprehensive plan.

Accordingly, we wish to convey our recommendation that favorable action be given by the commission in rezoning the area from what is now East 1/2 CG to CG and West 1/2 RM to CG.

Sincerely yours,

C. Richard Miller

C. Richard Miller
President
Lake City Chamber of Commerce

CRM:sm

The City of Seattle

OFFICE OF HEARING EXAMINER

~~XXXXXXXXXXXXXXXXXXXX~~ • SEATTLE, WASHINGTON 98104
204 LYON BUILDING TELEPHONE: 625-4197

June 3, 1976

TO: Parties of Record
FROM: Hearing Examiner
Re: Petition of Michael Vergillo to rezone property
on the northeast corner of N.E. 143rd and 32nd
Avenue N.E.

Enclosed is a copy of a letter submitted by the Department of Community Development containing conditions recommended to be imposed in the event the petition is granted. Any written comments with regard to the subject letter must be received in the Office of Hearing Examiner no later than June 11, 1976.

Your
Seattle
Community Development

Paul E. S. Schell, Director
Wes Uhlman, Mayor

Mr. William Snell
Hearing Examiner
City of Seattle



May 4, 1976
X-75-223 (C.F. #282712)
Michael M. Vergillo, et al.
Hearing Date: May 14, 1976

DEPARTMENT REPORT

SUMMARY OF PROPOSED ACTION

Comptroller's File #282712, being the petition of Michael M. Vergillo, et al., for the rezoning from Multiple Residence Low Density (RM 800) Zone to General Commercial (CG) Zone of property located at the northeast corner of 32nd Ave. N.E. and N.E. 143rd St. (Kroll #221E)

(LEGAL: Lot 5, Block 6, Seattle Suburban Homes Tracts, less the East 140 ft.)

The petitioner seeks to legitimize an historical use of the site as a storage area for the CG zoned business abutting to the east. A rezone to CG is required in order to permit the use of the subject property as intended. The petitioner has expressed a willingness to be bound by conditions under a contract rezone to assure that the use of the site will be as compatible as possible to the neighboring residential uses.

DEPARTMENT CONCLUSION AND RECOMMENDATION

The Department recognizes that continuation of the historical use of the site would probably not have any significant impacts on the environment. In addition, a contract rezone would aid in assuring that use of the subject property is compatible with the adjacent residential uses.

However, the Department also recognizes that contract rezones should only be used when all planning and zoning principles are met. In this case, the proposed action would be contrary to these principles. First, the proposed rezoning could result in development out of character, with respect to both scale and use, to surrounding residential uses. Second, rezoning would result in the intrusion of commercial uses into a residential area. The intent of Comprehensive Plan in this area is to limit development to Lake City Way.

Consequently, the Department believes that, even under the conditions of a contract rezone, the desirability of the proposed action is, at best, questionable. Therefore, the Department recommends that the petition be denied.

BACKGROUND INFORMATION

1. Petitioners: Michael and Sandra Vergillo
11618 87th Ave. So.
Seattle, WA. 98178
2. Owners: Same as above.
3. Existing Zone: RM 800 Zone which permits apartments with a basic density up to one apartment unit per 800 sq. ft. of land area. Some other uses allowed outright are Day Care Centers, Homes for the Retired and Nursing Homes.
4. Proposed Zone: CG Zone which permits a wide range of business and commercial uses. Various specified manufacturing uses are also allowed provided that these uses are completely within an enclosed building.

SITE CHARACTERISTICS

1. Size: Approximately 122 ft. x 150 ft., or 183,000 sq. ft.
2. Topography: Level.
3. Existing Development: Site is currently vacant and used for storage of automobiles.

AREA CHARACTERISTICS

Adjoining to the east of the proposed rezone area is a CG zoned area developed with a used car dealership. This CG Zone extends along the east and west sides of Lake City Way N.E. Properties in this strip of CG are generally developed with a wide variety of auto-related businesses.

Properties to the north, south and west of the subject property are RM 800 zoned and developed primarily with apartments and single family homes. Portions of this RM 800 zoned area are vacant and undeveloped.

DEPARTMENT EVALUATION

1. Relationship to Comprehensive Plan

The Comprehensive Plan Map designates the area generally oriented toward Lake City Way N.E. from about N.E. 135th St. to N.E. 145th St. as best suited for a "Commercial Area." Properties which are not generally oriented toward Lake City Way to the east and west are indicated as best suited for "One and Two Family Residential Areas." Generally speaking the Plan does not encourage increasing the depth of commercial properties which are not oriented toward Lake City Way.

This general area has been the subject of a variety of rezone petitions since the current Zoning Ordinance went into effect in 1957. At least nine of the petitions are similar to the proposed action in that the requests were for rezoning from a residential zone to a commercial zone. Of these nine similar rezone petitions,

only two were granted (C.F. #259601 in 1967 and C.F. #273239 in 1972) by the City Council. Both of these rezones resulted in the deepening of the CG zoned properties along Lake City Way N.E. to 32nd Ave. N.E.

In summary, the Council has given some consideration for expansion of the CG Zone into the RM 800 Zone along the east side of 32nd Ave. N.E. when there is an apparent need, and it will not be detrimental to surrounding uses and will be generally in accord with appropriate zone boundary relationships. However, our interpretation of the Comprehensive Plan is that this property should be used for residential purposes.

2. Relationship to Transportation

The subject property is about 130 ft. west of Lake City Way N.E., which is a major arterial with high traffic volumes. Direct access to the site is provided by N.E. 143rd St. and 32nd Ave. N.E., both of which are local access streets. The City Engineer stated that the proposed action could generate additional traffic and create undesirable traffic impacts since both streets have insufficient widths for commercial access. However, this could be mitigated in a contract rezone by requiring that all vehicular access be directly from Lake City Way N.E.

3. Relationship to Zoning Principles

It is generally desirable that boundaries between areas in different zoning classifications be located to avoid causing properties in different zones to face each other. This proposed rezoning does not satisfy this principle. The proposed rezoning would permit development of new commercial businesses not oriented to Lake City Way N.E. Therefore, more residential frontage could be exposed to non-residential uses. Heavy non-residential uses permitted in the CG Zone could also adversely impact the adjacent residential uses. It should be noted, however, that a contract rezone could aid in assuring that any CG development is compatible with the residential properties.

Another zoning principle that should be considered is that a zone should only be expanded when there is an established need for that zone. In this case, the present CG Zone has not been fully developed. There are numerous examples of vacant and/or under utilized properties within current CG Zone along Lake City Way N.E. Consequently, it is difficult to justify the proposed rezone since there appears to be no imminent need for new CG zoning in this area.

OVERALL ANALYSIS

It is generally undesirable to permit the intrusion of non-residential uses into residential areas unless there are compelling reasons and the potential development will not adversely impact the surrounding homes. In this instance, the proposed rezoning would not seem to meet these conditions. Additionally, several options are available for a more intense use of the site without rezoning such as the 25 ft. zone extension provision (Section 4.13(c) of the Ordinance) and the accessory parking provision (Section 12.42(b) of the Ordinance).

The Department believes that the proposed rezone, even if limited by the provisions of a contract, would still not be compatible with the surrounding residential uses.

X-75-223 - Michael M. Vergillo, et al.
Rezone

-4-

The proposed action could substantially increase the bulk of commercial uses in the area and intensify the appearance of the CG Zone. In addition, it would set a poor precedent for similar future land use relationships in this area.

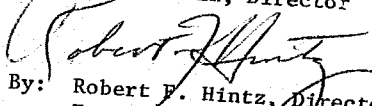
Contract rezones, according to the City's Corporation Counsel Office, should be used only when the rezone meets all basic zoning criteria. In this case, the rezone boundary relationships would be inappropriate because CG zoning would face apartments across both 32nd Ave. N.E. and N.E. 143rd St. and would directly at it a single family residence on its north boundary. The result would be a commercial use surrounded on three sides by residential uses.

The citizens and City of Seattle have made a commitment to preserving and protecting the livability of residential areas within the City. If the proposed rezone is granted, the resultant land use pattern would be in direct conflict with this goal since it could lessen the desirability of this residential area.

STATE ENVIRONMENTAL POLICY ACT (S.E.P.A.)

There has been a Declaration of Non Significance prepared for this report which is part of the file.

Paul E.S. Schell, Director


By: Robert F. Hintz, Director

Environmental Management Division

RFH:RP:mr

May 14, 1976
Case #1
9:00 a.m.

M I N U T E S

Michael M. Vergillo, et al. X-75-223
Rezone Petition
Snell - Hearing Examiner

Tape Count
Tape 19
Track 4
227

228 Introduction of above-entitled case.

229 All parties giving testimony in this case were given the oath by the Hearing Examiner.

234 Art Ward, DCD representative, introduced the file which was entered in the record as Exhibit #1.

276 Mr. Ward summarized the Department Report. A change was made on the area of square footage. The Department's recommendation was to deny the petition.

356 * The agent representing Mr. Vergillo, Edwin C. Lagerquist, 12360 Lake City Way N.E., Seattle, Wa. 98125, testified in support of the petition.

385 * The petitioner, Michael Vergillo, 14307 32nd, Seattle, Wa. 98125, testified in support of the application.

391 The Hearing Examiner questioned Mr. Ward about what conditions the Department would recommend if a contract rezone was granted.

404 Mr. Ward cited an example of a similar case that was granted and the conditions recommended by the Department.

423 The Hearing Examiner asked the petitioner if he would be agreeable to those conditions cited by Mr. Ward. He also asked questions about the use of the property in the past and present.

427 The Hearing Examiner asked Mr. Vergillo his reaction to a contract limitation that would allow vehicle storage only.

433 The Hearing Examiner asked the Department to prepare a list of recommended conditions to a contract rezone. The list is required to be submitted to Office of Hearing Examiner within one week from the above date (date of hearing). This list of conditions will then be sent to the petitioner for comment.

The hearing was concluded at 10:00 a.m.

TRANSCRIPT OF THE HEARING HELD BEFORE THE
CITY HEARING EXAMINER ON MAY 14, 1976, TO
CONSIDER THE REZONE PETITION OF MICHAEL M.
VERGILLO, FILE NO. X-75-223.

HEARING EXAMINER: Okay, the first item that we have on the agenda is the rezone petition of Michael Vergillo, to rezone from a Multiple Residence (RM 800) Zone to a General Commercial (CG) Zone property located at the northeast corner of 32nd N.E. and N.E. 143rd St. All parties who are going to testify in this matter will please stand and raise your right hand. DO YOU AND EACH OF YOU AFFIRM THAT THE FACTS YOU ARE ABOUT TO GIVE IN THE MATTER NOW BEING HEARD WILL BE THE TRUTH, SAY I DO. (I do.) The Department may proceed.

ART WARD, (DCD) DEPARTMENT OF COMMUNITY DEVELOPMENT: Mr. Examiner, I have the rezone file of Michael Vergillo, which includes the Department report and recommendation, the original petition as filed. It also includes any correspondence which might be introduced for the record. A record also as indicated through the property owners who are notified within 300 feet of the radius of this rezone are also included, affidavit of posting, certifying that the Department has complied with the notification, and several photographs taken by the Department. I'll now hand this file over to the Hearing Examiner.

HEARING EXAMINER: It will be marked and admitted into the record as Exhibit #1. I would note that all the documents in the file are public record and can be...they're open to public inspection.

ART WARD: Mr. Examiner, before I begin, there's a correction page 2, under site characteristics, that's the second area down, under 1, it has the size, we added an extra zero onto the size. Instead of being 183,000 square feet, it's 18,300 square feet. We're located on Kroll Map 221 East in the north end of the Lake City area and on the northeast corner of N.E. 143rd Street and 32nd Avenue N.E. The property has a frontage of 150 feet on 143rd, 122 feet on 32nd Avenue N.E., for the indicated 18,300 square foot lot area. It is now apparently vacant although a field inspection revealed that there was a large truck, apparently disabled, on the site. And directly across to the east in the CG zone is the thrust of the petition of the person who apparently has the franchise for a used car dealer that has frontage on Lake City Way, a major arterial. Immediately adjacent to the north of the proposed rezone in the RM 800 zone, that's an apartment zone, we have a single-family residence, a duplex, some other sort of residences, including apartments. Directly across to the west, across 32nd Avenue N.E., a single-family residence and then a multi-story rather new apartment, constructed in 1969. Other multi-story apartments are located directly catercornered to the southwest. Directly across N.E. 143rd to the south, there's a garden court apartments. Further south, we come into a General Commercial zone extension which was approved on May 4 of 1968. This did not have any contract restrictions on that rezone. Then we come further south on the same side, that is, the east side of 32nd Avenue N.E., we have some more residential uses, until we come to N.E. 140th Street. Then we have an area

which has been rezoned under a contract with the city of Seattle. This was passed by the City Council, December 12, excuse me...December 18, 1972, and the property use and development agreement and the plan that was incorporated as a part of that has just recently been approved. And then to the south of that a 400 foot lineal belt, mentioned previously, has some residential uses and then we come to N.E. 137th. All directly across on 32nd Avenue N.E. on the west side is all apartment zoned and residentially developed from single-family to apartments. Lake City Way, located 1/2 block to the east, as I pointed out, was a major arterial and developed with non-residential uses. And this is developed all the way south and extending well south of even N.E. 110th Street, which is off the map here. The long range Comprehensive Plan depicted here, and this indicates that this magenta color starts from about N.E. 135th Street and then extends north to past even the county line at N.E. 145th Street and that's indicated as a commercial area. Now our interpretation of that, and if you look closely at the coloring, is that it means that commercial usage should be encouraged for uses that front on Lake City Way N.E. and for uses that do not front on N.E. Lake City Way, and are not so oriented, should be zoned one and two-family residential. Of course, it's apartment zoned. We admit that. The Department looks at this rezone, of course, as clearly an intrusion into the residential apartment zoned area. We note that it's got a single-family residence on the north as I pointed out and residential uses surrounding on all margins. The only margin which isn't residential is, of course, directly to the east. Generally speaking, the zone boundary relationship should be the same on opposite sides of the street. This is not. So it's not in accord with zoning principles for delineation or zone boundary lines being appropriate. Also, we don't believe there's a need. This is a very large area, as I pointed out, of General Commercial along Lake City Way and in (inaudible) you can note a lot of vacant land. As I pointed out here, south of 135th Street, and even north, used car...new car dealerships have gone out and there's just no need in this area for that type of additional CG capacity. The...also I should mention that the Corporation Counsel has tended to indicate to us...to the City Council actually by letter that generally that rezones should not go by contract unless they tend to make sense by themselves without any contract restrictions. So, on the contract rezone, that I mentioned previously from N.E. 140th Street for 425 feet to the south on the east side of 32nd Avenue N.E., the Department was against that. It was a split decision but the majority ruled and the Planning Commission recommendation to Council and Council adopted it. We want to be again consistent with our previous recommendation to deny...to deny the proposed rezone also. We just, although we don't believe material detriment of major proportion will result. We think it's very undesirable environmentally. It's clearly incompatible. It's almost a shish kebab of uses going from south to north here...that is residential, non-residential, residential, non-residential, residential, now the proposed, non-residential and residential again. Very undesirable. Mixed land use...something we've always been

against. So the Department has no other alternative but to recommend deny of the (inaudible) of the petition.

HEARING EXAMINER: I notice that someone just came in. We're still on the very first item on the agenda which is the rezone petition for property of Vergillo located at 32nd Avenue N.E. Okay, would the petitioner or his representative come forward? Yes, right.

EDWIN C. LAGERQUIST: My name is Edwin C. Lagerquist. My address is 12360 Lake City Way N.E.

HEARING EXAMINER: Could you spell your last name?

EDWIN C. LAGERQUIST: L-A-G-E-R-Q-U-I-S-T. And the zip code is 98125. I'd like to in opening just indicate that in the petition, reference was made to the alternatives of a contract rezone and I note also in the report from the Department, they likewise have on occasion made reference to the alternative of a contract rezone. And so I intend to in the few remarks I make now to likewise...to make mention in that direction. I would like to just review a little bit on the historical use of the subject parcel. This parcel of property as Mr. Ward has indicated has been used for the parking of vehicles and storing of vehicles. And presently there's a truck on it apparently. And it has been used in this manner for a number of years. We estimate anywhere from 15 to 20 years on an uninterrupted basis. The ownership of the front parcel of the property, that is the parcel which is not the subject parcel but the parcel that abuts to Lake City Way, is the same as the ownership of the portion that we are requesting a rezone.

HEARING EXAMINER: That's a car dealership?

EDWIN C. LAGERQUIST: That's correct, right. And I believe that the predecessor of Mr. Vergillo was a Rambler dealer that was also likewise using the back half for parking purposes ...storage also. In any event, when Mr. Vergillo purchased the property and proceeded to use it in the same manner, it came to...it was brought to his attention through the enforcement of zoning laws that he was not using it in the proper manner and that's the reason why we're here today, to try and make it possible to use it in the manner that it has been used for so many years. I think what I'll do at this point is to sort of have some continuity in the remarks...I'm going to make a few remarks that are going to be towards the Department's report. In the first paragraph of the Department's report there's reference to the relationship to a Comprehensive Plan. And one of the emphasis was placed on the lack of

orientation. The petitioner would take issue with that interpretation for several reasons. First of all, it has been clearly oriented to the front half over many years just out of its historical use. The continuous...the ownership being the same, there's also...that has also been historical because the previous owner owned both parcels. And then one other item on the orientation is that the parcel is located...it's not in the middle of a block. Now, it's right on the corner and so therefore there is a flow of traffic that goes from one hundred and I believe that's 143rd to Lake City Way. So it's not an isolated, in the middle of the block situation. We feel that this contributes toward it being more oriented than less oriented. Okay. I think I'll go now to the remarks on the...he has pointed out... also it has been mentioned that the area has a high usage of...for the automobile industry and that this entire area as you go up the street you will find it's not only dealerships, new and used, but also body and fender shops, repairs and automobile repair shops in this entire area. And that's a good portion of Lake City commercial area has been well recognized...been devoted to the automobile industry. And that's...this particular lot has been likewise devoted to the industry, so we feel the orientation is certainly a considerable factor here. Mr. Ward, or I should say the Department, has pointed out some statistics that requests to rezone this area have been made. As a matter of fact, he indicates there's been nine of them over the past 20 years and only two of them were granted. I didn't go to quite that much...that degree of homework, but I think it is significant to point out that there have been extensions of the Commercial General area within just the last few years. And of course Mr. Ward has very nicely pointed out the two areas that have been...that have been ultimately allowed. I think that's all I'm going to say on that particular area. I... We can assume that there must have been some element that did meet with the normal growth of the commercial general area to ultimately have allowed these areas...this expansion to come about. There must have been some need. We can assume that or else it would not have been the application made and I would...that's all I'm going to say on that. The next matter is...that is set forth in the Department's report is the relationship to transportation. And there's an indication that if this request is granted that all of a sudden we're going to have a substantial increase in the traffic to this area. Well, we have difficulty accepting that statement because its usage for the future is exactly the usage that has been used in the past, although contrary to the zoning laws. So we don't see where there would be any increase in the traffic flow. I would like, however, to point out that there probably is more traffic on 32nd today than there has been in the past. And if I could just take a moment, I'd like to point out on the chart. All right. The traffic flow, as we all know, is...this is a major arterial as Mr. Ward has indicated. And there has been provided a fairly narrow commercial general area which goes halfway back on these blocks as you...this is...the original proposal was to have this commercial area only going halfway.

There have been these extensions here and then this new one down here. And of course, the one we're requesting now. But I think one of the most significant remarks that the petitioner can make on this is the fact that this isn't just an ordinary arterial. This happens to be a state highway. It's state highway 522. And I spoke with the Highway Department just the other day and they've indicated to me that the average traffic flow on this little old Lake City Way here is from 27 to 30 thousand automobiles per day. So this obviously is not a business area like Ballard or Queen Anne or Greenwood. We've got a major traffic problem here. We've got vehicles here...the speed limit here is 35 miles per hour and I think any one of us driving down Lake City Way at a peak traffic hour in the morning, evening or afternoon, you're going to find, aside from the back-up of traffic at 145th, you're going to find the cars moving 40 miles an hour or more. The result of this being such a heavily traveled highway is that the merchants who have this property adjacent to Lake City Way are finding that they can't use their property properly. The reason I'm making these remarks, I'm trying to drive out the fact that there is a need. There have been a number of complaints that have been registered by merchants along here that there is no ingress and egress during peak traffic hours. You just can't get your car out of there. And I think the accident reports would show that there has been a high rate of accidents and certainly many near accidents of people trying to pull out from a little commercial establishment out into traffic that's moving 40 miles an hour. So I'm pointing out that there is a need for some expansion. I'd like also to point out that going back to this street here, 32nd, I said...first of all, I don't believe that a change in the zone is going...in this parcel of property is going to change the traffic because it's going to be used the way it's always been used. But yes, there is going to be more traffic here. There has been more traffic here, simply because there's going to be...there are constantly, if you're ever out in this area, early in the morning or around 4:30 to 5:30 at night, you'll find the traffic backed up here. On Lake City Way you'll find the traffic backed up here and 145th. And there are a number of vehicles now that are sliding down here, coming down 32nd and using it almost as a bypass. I know a lot of the residents would be unhappy to know that, but as a matter... that is a fact. And furthermore, at this corner right up here and I think the tape covers it, is the 7/11 Grocery Store and so there's a lot of traffic that is going to be encouraged just from the fact that there is this commercial establishment on this corner. Okay, I think that's all I'm going to say on that traffic problem.

HEARING EXAMINER: Wait until...make sure that everyone...

EDWIN C. LAGERQUIST: Mr. Vergillo...incidentally. On the next paragraph that's in the Department's report, there's reference made to the relationship to zoning principles, indicating that the ...indicating that the thing that the petitioner's going for now is going to

create a new commercial business. No way. We're not asking to...for the privilege to generate a new commercial business in that area. We're asking for the privilege to continue what has been there traditionally. I tried to indicate that there is an element of need because that narrow segment along Lake City Way would be fine if we were talking about an area that had traffic flowing through it at 25 miles per hour. But we're talking about a major...a state highway that makes a great deal of some of those vacant parcels of property unusable for ingress and egress for the automobile industry. I'd like to wrap this up now by just pointing out that some of the...emphasizing some of our justifications. We feel, first of all, that if this change is made that all we're doing in effect, is bringing a classification into line with the actual use over the years. I'd like to emphasize again that we feel that it is a contiguous piece of property that is clearly oriented to the automobile industry and clearly oriented to Lake City Way. I'd like to indicate also that the need is there, that I'd like to point out also that I know one of the concerns of the zoning is to make areas compatible. What we have in this area right now, if we continue to protect and go to great lengths to try and keep residential adjacent to Commercial General, we have got homes and we have got apartments in that area that are back to back. I mean built right up to the very end of the property line that are back to back with body and fender shops and automobile repair. I really don't see where that type of relationship is compatible. But that does exist in a good portion of that block. We feel that the extensions that have occurred over the past few years is a manifestation of the need and the trend in that area and we're just asking for a continuation of that trend. The Department has acknowledged that a contract rezone does afford the aid and does afford the controls in order to have some control over the usage of the property. So it would not be used for something that would be grossly incompatible. Mr. Vergillo is looking...is asking for the privilege to use the property but he's also, more than that, he's willing to restrict his usage of the property as far as ingress and egress. It's not necessary that he drive in on and off of 32nd. Even if he could get out, there's a sort of an alley way there right between the CG and the RM there on 143rd. He would be willing to restrict his ingress and egress to that portion of it. The rest of it could be very nicely buffered, either with an artificial or with natural trees and with a reasonable setback...and really make it an attractive area. But it is not today as you will see, the way the lot sits today. We feel that the allowing of this petition would permit a controlled, orderly and would enhance the necessary growth that would be compatible and in keeping with the trend and the precedence that's already been established in that area.

MICHAEL M. VERGILLO: My name is Michael M. Vergillo and I own the business at 14307 Lake City Way N.E., 98125. I would just like to comment that I have been operating a business there as well as owner of the property for 7 years and as such I've made many improvements

to the property from what it was previously. And at the present time I would like to expand these improvements and clean the area up because the area is really quite bad. The homes that you speak of in the area are very dilapidated. They are quite old and I'm sure that within a very few years that they'll probably be taken down and apartment houses built up there. So I don't think it's quite the mix of apartment houses and residences that it might appear to be. Also the type of rezone that we're looking for and the type of improvements that we would like to make, certainly wouldn't be at all any different than the parking areas that the apartment houses in the area have already put up where they've surrounded them with fences, and trees and greenery and things of this sort. I think because of what we've done in the past and also because what we intend to do with the property, in discussing the matter with most of the neighbors in the area, I haven't run across anyone who has been against it at all. In fact, most of them would very much like to see that happen. And I think the reason there again is, that the property at the present time has become a catch all. People from the surrounding apartment houses take their cars over there and change oil, park at night, leave beer cans and oil cans and just a wide variety of debris laying there. And frankly, it's very difficult and very impractical for us to keep it cleaned up and policed the way that we'd like it to be. Also, on very many occasions, we've had abandoned vehicles. And these again are things that are very unsightly that the neighbors would very much like to see taken out of there. But it all boils down to a situation where it's impractical for us to spend the money to do the things that would prohibit these things from happening if we can't use the property legally. I would also like to point out that 20th has become a rather major arterial because of the high density of traffic on Lake City Way and as such we do get quite a flow of traffic on 143rd, either coming off of Lake City Way to 30th or from 30th to Lake City Way. So, I don't think that any of the things we're requesting really are quite compatible. In fact I think that they would add a high measure of desirability to the area, cosmetically as well as restricting the type of thing that might go in there in the future. That's all I have to say. Thank you.

HEARING EXAMINER: Why don't you just stay there. Is there anyone else who wishes to testify on this petition? Okay. Mr. Ward, do you have any rebuttal?

ART WARD: Well, the Department would like to point out that environment has become a key issue in the United States and elsewhere in the world, also in the city of Seattle. And we believe that now in the last several years that the goals of the city have been one toward committing the preservation and preserving and protecting of apartment as well as all residential living within the city. And we feel that if this were to be rezoned, that this would be inconsistent with that goal. And we think now is the time to start standing up to the principles that we have stood for. And as far as the...in response to the peti-

tioner and the...his attorney, this of course...this use, this proposed site has been used perhaps for 7 years for non-residential uses. But I think that the owner of course, has known that it was not zoned for this and he could sell at any time for apartment use. It's a very excellent site for apartments...a corner lot. You can have quite a few units on there...level. And we do feel that although contract requirements could make it certainly more compatible than it has been in the past, there's no doubt about that, we do feel that even screening could only partially give a proper screening just obviously because these are multi-story apartments. And they're very fine. Many of them are new. And we take issue of course that single-family homes are dilapidated. Some certainly do need maintenance, but of course, again there's where they need protection, as much protection as possible from these constant interfacing between non-residential and residential uses. Again, it's the time to stand up and back up what we are for and just deny these kinds of applications...petitions. So...

HEARING EXAMINER: I clearly recognize the Department's position but since you do have expertise in the planning area, if we're to consider a contract proposal, what type of suggestions would the Department make just from a planning...this is not to be interpreted as your endorsement of it. But if we are considering conditions, what would the Department recommend or suggest?

ART WARD: Actually, I'd like to let the Department speak for this issue, but seeing as how you requested this, I probably should go back and mention this prior contract rezone that I mentioned south of N.E. 140th Street. In that case, let's see...the requirements in the contract, as I remember were (1) to require setbacks, that is yard setbacks. I believe 20 feet or 15 feet is the required yard in an RM 800 zone and screening is required by the zoning ordinance. This would be a 4 to 6 foot high view obscuring screen. In fact you can see that today, the setback and screening on the southeast corner of N.E. 140th and 32nd, one block to the south of the petitioned area. Also there were requirements imposed by the Planning Commission and Council that various commercial and manufacturing uses not be developed in this area and this of course...some of these things would not... these limitations would not prevent storage. This is a very suggestive matter and...For instance, it could be that a building if properly detailed and not having any activities directly off this could be better than even storage. So what I'm saying, this is depending on who you're talking with what is desirable. Now another requirement in the contract limitations was that no more than 24 feet...width of roadway...of driveway be permitted on this 32nd Avenue N.E. margin. On the proposed plan that I saw there was two 12 foot ones, one at the north end and one at the south end of the property. Also that both requirements for the RM 800 zone had to be followed. These are all of course desirable, but as I pointed

out, it's... I think that if you do lean toward this, I would like our Department to get up a formal list of what our requirements would be.

HEARING EXAMINER: Does the petitioner have any... would like to comment on any of those types of conditions in the general format. Would you be agreeable to conditions? Along there the one I would just illustrate... I think it's been previously mentioned... one possible condition would be that there would be no egress or ingress on 32nd N.E.... that it would be limited to 143rd.

MICHAEL M. VERGILLO: Just that I don't think there's anything restrictive that would be incompatible with our desires on there. My father and I have been in business in Lake City and on Lake City Way since 1952. I think Lake City Way is potentially beautiful area and Lake City itself. I think it's terrible today. It has so many trashy businesses, it's so broken up. People just haven't taken the pride and so on. Now since my father and I've been there and we've consistently done things that have been inconsistent with what you call environmental things today. We've planted grass in the various businesses that we've had. We've planted trees. We've done fencing. We've done things that 10 to 15 years ago really weren't things people were too concerned about. So that would be one thing that I would point in our favor along with the original question... that no I can't see anything restrictive that would bother us. Secondly, I'd also like to point out that the property I'm purchasing is under a real estate contract which won't be paid off for about 14 years. And there are no provisions in there for deed release. And as such, it would be almost impossible to sell off the back part of the property for an apartment house because I can't get a deed release and it would be almost impossible to get the property refinanced. I discussed this with the contract holder and she's not willing to rewrite the contract and she's not willing to release the portion in the back. So I'm rather stuck here with keeping the property the way it is, if I can't use it. The third thing I'd like to point out is I understand the report from the Department... the last thing on there commented about the State Environmental Policy Act. And I would just like to note it in the record that it would appear there seems to be a declaration of non-significance or at least a neutral stand in that regard.

HEARING EXAMINER: Okay. Now, at present, you're using this for storage and is that what you've used it for... vehicle storage, in the past?

MICHAEL M. VERGILLO: Yes. We have plans that we'd like to use expansive parking area and we really can't without rezoning that in the back. That property has been used that way for 11, 12, 13 years as just parking and storage. And that's what we'd like to continue to

use there but legally.

HEARING EXAMINER: The...one of the more difficult parts if we go...the recommendation is for a contract proposal...is I think probably somewhat of agreement on the various setbacks and screening and things like that. The other is the restriction on the uses because the danger is here that if there are no restrictions then, you know, someone could go in there and put in a very...7/11 store or something like this, which would be detrimental and even though you don't have any present intentions, you know, you could eventually sell it out. So, if this was restricted only to vehicle storage, would you be agreed...it wouldn't mean you couldn't build a structure there sometime, but restricted to vehicle storage..would that, what is your reaction to that type of...?

MICHAEL M. VERGILLO: Very fine. No problem.

HEARING EXAMINER: I think in light of what the Department has said because we do need to get into some details here, I will, Mr. Ward,...the petitioner has said that that restriction would be a simpler to....he was...be agreeable to vehicle storage and I think it would be wise to have a condition that would say, he could if he eventually wanted to build a structure, a storage structure, but they would have to conform to the RM 800 bulk requirements, meaning you couldn't build anything more than you could build in the apartment structure or you could leave it as the open storage. But we would require the screening. I would ask the Department to detail, to put in detailed conditions of what they would recommend recognizing the Department's position but only saying even if the worst comes to worst, I guess as far as the Department's concerned, how can you best protect the area. And what we'll do is...can that Department have that ready within one week?

ART WARD: Certainly.

HEARING EXAMINER: Okay. Upon receipt of that I will mail a copy to each of you and then I will give you one week in which to respond to those conditions and then after that I will prepare the written recommendation. So then that will...there will be some delay so it will give you an opportunity to comment when you get those details. But I think this will be more helpful so you'll have a clear idea of what type of conditions are proposed and if you have a problem with detail with...Okay, then that will conclude this matter.

MICHAEL M. VERGILLO: Thank you.

Rezone Petition of Michael M. Vergillo
File No. X-75-213

I, William N. Snell, Hearing Examiner for the
City of Seattle, do hereby certify that the
foregoing is a full, true, and correct trans-
cript of the hearing held on May 14, 1976, in
the above-entitled matter.

Date:

September 7, 1976

William N. Snell
William N. Snell
Hearing Examiner

AFFIDAVIT OF SERVICE BY MAILING

State of Washington)
County of King)

Rebecca A. Schmidt, being first duly sworn,
upon oath disposes and states:

That on the 30th day of June,
19 76, affiant deposited in the mails of the United States
a sealed envelope containing a decision or recommendation
with postage prepaid, addressed to the parties of record in
the below-entitled application or petition.

Rebecca A. Schmidt

Subscribed and sworn this 30th day of June,
19 76.

William T. Sull
Notary Public in and for the State
of Washington, residing at Seattle

Application, Petition or Case: SANDRA A. & MICHAEL M. VERGILLO
X-75-223
(The minutes contain a list of the parties of record)

August 4, 1976

Mr. Paul Schell, Director
Department of Community Development
City of Seattle
Seattle, Washington 98104

Dear Paul:

Your appeal of the recommendation of the Hearing Examiner for rezoning the property at 32nd Northeast and Northeast 143rd Street, Seattle, has been received by my office.

Allow me to briefly explain the procedure involved in an appeal in a rezoning petition. First, the Planning and Urban Development Committee of the City Council reviews the record of the hearing that was held before the Hearing Examiner and also considers letters and other information in the file both in support and in opposition to the proposed rezoning. My staff has requested that the Hearing Examiner prepare a written transcript of the hearing held before him in this case. When that transcript is prepared and sent to the Committee, the Committee members will need time to review the transcript and all the materials in the file.

The first time this appeal will be considered by the Committee, the only decision the Committee will be making is whether or not there is sufficient information contained in the record to enable the Committee members to make an informed decision on your appeal. You will be given notice of this meeting, but there will not be an opportunity for you or anyone else to speak about the merits of this particular rezoning at that meeting.

If the Committee wishes additional information, it can hold a hearing of its own, accept additional written comments, or remand the matter to the Hearing Examiner for another hearing by him. On the other hand, if the Committee feels that the record contains sufficient information, it will schedule the matter for another meeting at which it will take a vote on the Hearing Examiner's recommendation and announce its decision. Before the first Committee meeting on this subject, you and all other parties of record will be informed of the Committee's schedule for considering your appeal.

20:11
(1:12)

Mr. Paul Schell, Director
August 4, 1976
Page 2

Another important procedural point is that, from this time on, no one should attempt to communicate directly with members of the City Council concerning the merits of this case. In rezone matters the courts have decreed that Councilmembers sit in a quasi-judicial capacity and that we are therefore prohibited by law from discussing the merits of rezone cases outside of open public meetings in which all sides have an equal opportunity to present their views. If you have any questions about this procedure, you should call my Assistant, Warren McGee, at 625-2447.

Respectfully,

PAUL KRAABEL
Seattle City Council

PK:wm:vc

cc: Michael and Sandra Vergillo

Hand carried
Lagerquist & McConnell
attorneys at law
PEE
PP

CITY OF SEATTLE
DEPT. OF COMMUNITY DEVELOPMENT

JAN 16 1976

January 16, 1976

OFFICE OF ENVIRONMENTAL MGMT.

Mr. Paul E.S. Schell, Director
Department of Community Development
Attn: Mr. Robert F. Hintz
Environmental Management Division
Arctic Building
306 Cherry Street
Seattle, Washington 98104

RECEIVED	
JAN 16 1976	
COM. DEV. DEPT.	
DIV.	

Re: Applicant - Michael M. Vergillo
and Sandra A. Vergillo
Environmental Impact Assessment

Dear Mr. Schell:

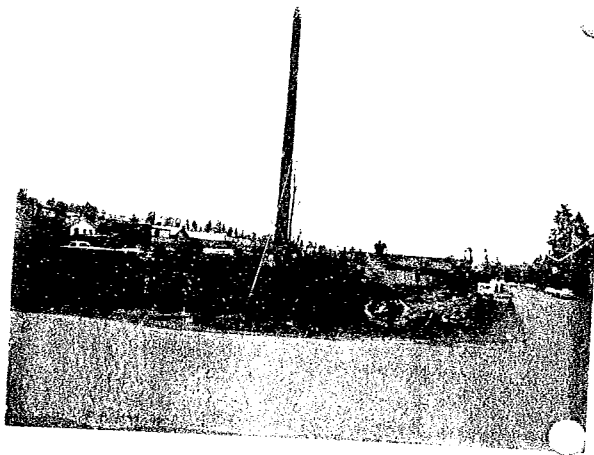
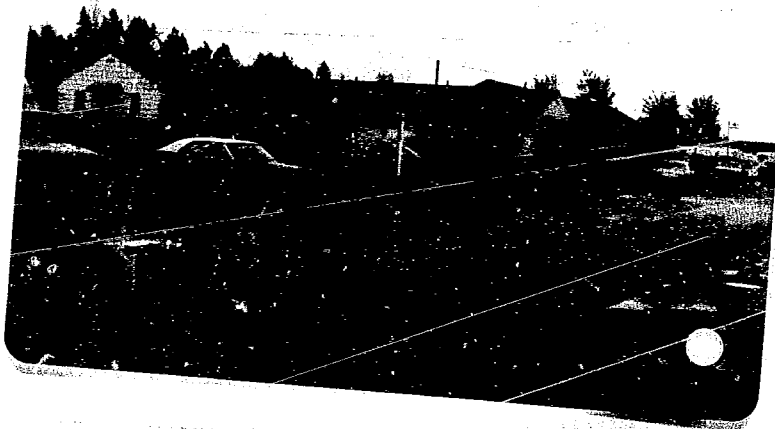
Enclosed please find 3 copies of the Environmental
Impact Assessment for the above referenced applicants.

Your cooperation and assistance in this matter
is greatly appreciated.

Very truly yours,
Edwin C. Lagerquist
Edwin C. Lagerquist

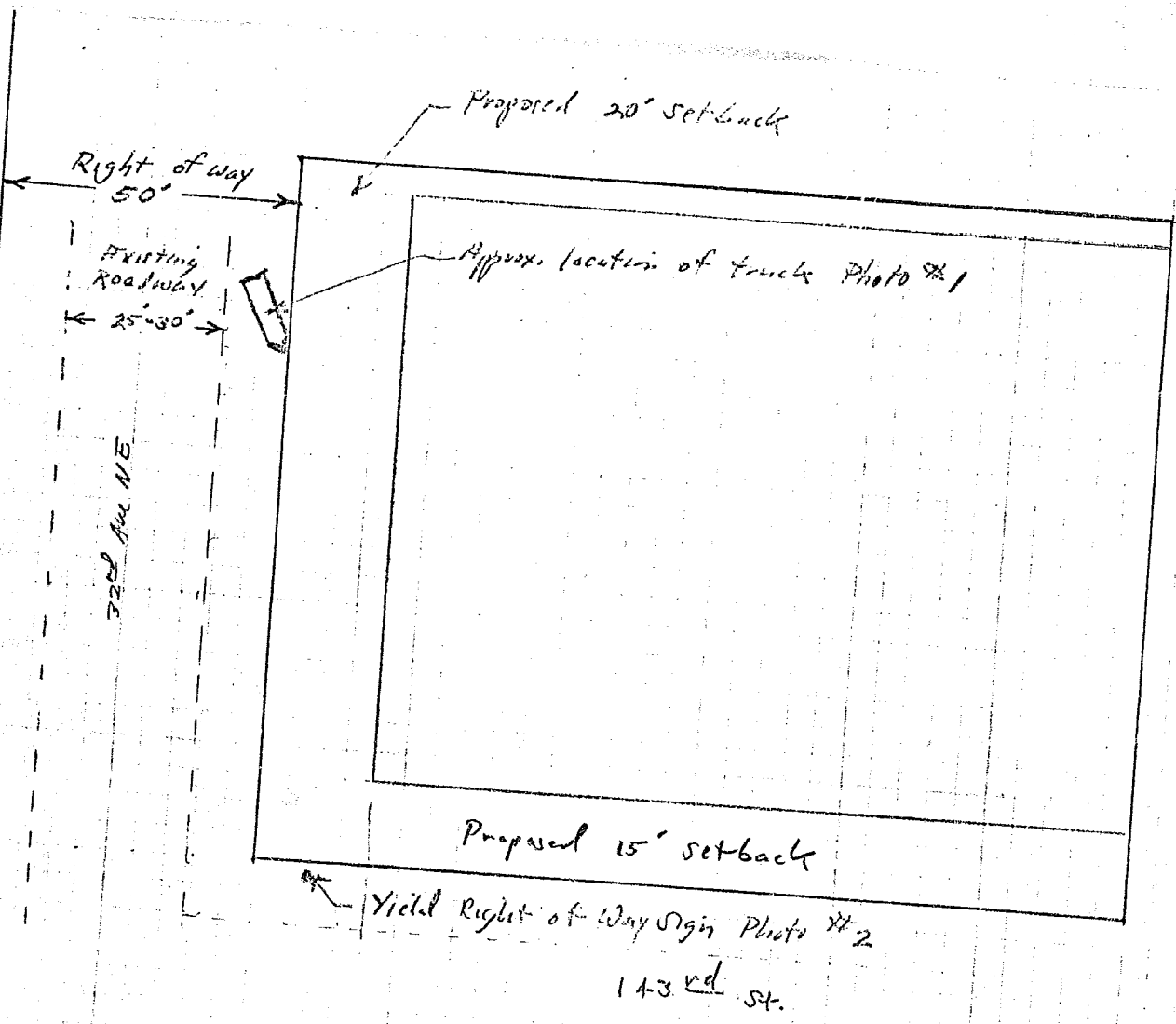
ECL:sm
Encl. (3)

723



N ↑

EXHIBIT A



Proposed 20' setback

Right of way 50'

Existing Roadway

25'-30'

32nd Ave NE

Approx. location of truck Photo #1

Proposed 15' setback

Yield Right of Way Sign Photo #2

143 rd. St.

Michael M. Vergillo &
Sandra A. Vergillo
11618 87th Avenue South
Seattle, Washington 98178

Mobil Oil Corp.
612 S. Flower Street
Los Angeles, CA. 90054

Helmer Soderlund
14324 32nd Avenue N. E.
Seattle, Washington 98125

Irene B. McDaniel
712 N. W. 127th
Seattle, Washington 98177

James C. Morrison
2740 N. E. 143rd Place
Seattle, Washington 98125

Sherwood Corp.
14321 32nd Avenue N. E.
Seattle, Washington 98125

Robert Gall & J. Harvey &
D. Dovin
1003 N. 47th
Seattle, Washington 98103

R. G. Hunter
14315 35th Avenue N. E.
Seattle, Washington 98105

Theresa M. Giles
14299 35th Avenue
Seattle, Washington 98125

Northwestern Mortgage Inc.
2525 6th Avenue
Seattle, Washington 98121

Nathan A. Metcalf
12550 35th Avenue N. E.
Apt. #C
Seattle, Washington 98125

Erene Baird McDaniel
11618 87th Avenue South
Seattle, Washington 98178

James C. Morrison
2740 N. E. 143rd Place
Seattle, Washington 98125

R. B. Leshner
14328 32nd Avenue N. E.
Seattle, Washington 98125

Tam Mar Inc.
8620 Roosevelt Way N. E.
Seattle, Washington 98115

Jerome H. Atkins
14337 32nd Avenue N. E.
Seattle, Washington 98125

Gordon & Robert Cochran
14313 32nd Avenue N. E.
Seattle, Washington 98125

Primitivo Fabian
14303 32nd Avenue N. E.
Seattle, Washington 98125

T. E. Tinkler
14311 35th Avenue N. E.
Seattle, Washington 98125

J. H. Kruse
14303 35th Avenue N. E.
Seattle, Washington 98125

James Doleshall
P. O. Box 55119
Seattle, Washington 98155

F. G. West & J. D. Roger
14017 Lake City Way N. E.
Seattle, Washington 98125

Bernard Robicoffetal
150 East 95th
Salt Lake City, UT 84111

Clarence W. Suder
14340 1/2 32nd Avenue
Seattle, Washington 98125

Claire J. Bourne
13740 40th Avenue N. E.
Seattle, Washington 98125

Morrison Bro Const. Co.
2701 N. E. 65th
Seattle, Washington 98115

Richard Graham
3236 78th S. E.
Mercer Island, Wa. 98040

Traid Development Co.
c/o McGardner
3519 N. E. 60th
Seattle, Washington 98105

D. Edgerton
1525 N. W. 195th
Seattle, Washington 98177

Northwest Terminal Co.
P. O. Box 99007
Seattle, Washington 98199

J. B. Champlin
14307 35th Avenue N. E.
Seattle, Washington 98125

Adam V. Lansing
14033 32nd Avenue N. E.
Seattle, Washington 98125

L. T. Slocum
15202 10th Avenue N. E.
Seattle, Washington 98155

Edna B. Cole
801 2nd Avenue
Seattle, Washington 98104

Jeffrey J. Tobolski
14295 35th Avenue N. E.
Seattle, Washington 98155

Barney Naon
9830 40th Avenue N. E.
Seattle, Washington 98115

Occupant
14020 32nd Avenue N. E.
Seattle, Washington 98125

Occupant
14043 32nd Avenue N. E.
Seattle, Washington 98125

Occupant
14051 32nd Avenue N. E. #3
Seattle, Washington 98125

Occupant
14051 32nd Avenue N. E. #6
Seattle, Washington 98125

Occupant
14051 32nd Avenue N. E. #9
Seattle, Washington 98125

Occupant
14303 32nd Avenue N. E. #B
Seattle, Washington 98125

Occupant
14303 32nd Avenue N. E. #E
Seattle, Washington 98125

Occupant
14303 32nd Avenue N. E. #H
Seattle, Washington 98125

Arnold Hartvigson &
A. Denholme
23121 3rd Avenue S. E.
Bothell, Wa. 98011

Stanley E. Burrill
14291 35th Avenue N. E.
Seattle, Washington 98125

G. Jaasund
14283 35th Avenue N. E.
Seattle, Washington 98125

Occupant
14023 32nd Avenue N. E.
Seattle, Washington 98125

Occupant
14051 32nd Avenue N. E. #1
Seattle, Washington 98125

Occupant
14051 32nd Avenue N. E. #4
Seattle, Washington 98125

Occupant
14051 32nd Avenue N. E. #7
Seattle, Washington 98125

Occupant
14051 32nd Avenue N. E. #10
Seattle, Washington 98125

Occupant
14303 32nd Avenue N. E. #C
Seattle, Washington 98125

Occupant
14303 32nd Avenue N. E. #F
Seattle, Washington 98125

Occupant
14303 32nd Avenue N. E. #I
Seattle, Washington 98125

Walter T. Slocum
3214 N. E. 140th
Seattle, Washington 98125

Leslie L. Armstrong
14050 Bothell Way N. E.
Seattle, Washington 98125

H. R. Oas
14287 35th Avenue N. E.
Seattle, Washington 98125

Occupant
14033 32nd Avenue N. E.
Seattle, Washington 98125

Occupant
14051 32nd Avenue N. E. #2
Seattle, Washington 98125

Occupant
14051 32nd Avenue N. E. #5
Seattle, Washington 98125

Occupant
14051 32nd Avenue N. E. #8
Seattle, Washington 98125

Occupant
14303 32nd Avenue N. E. #A
Seattle, Washington 98125

Occupant
14303 32nd Avenue N. E. #D
Seattle, Washington 98125

Occupant
14303 32nd Avenue N. E. #G
Seattle, Washington 98125

Occupant
14307 32nd Avenue N. E.
Seattle, Washington 98125

Occupant
14313 32nd Avenue N. E. #1
Seattle, Washington 98125

Occupant
14313 32nd Avenue N. E. #2
Seattle, Washington 98125

Occupant
14313 32nd Avenue N. E. #3
Seattle, Washington 98125

Occupant
14313 32nd Avenue N. E. #4
Seattle, Washington 98125

Occupant
14313 32nd Avenue N. E. #5
Seattle, Washington 98125

Occupant
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14320 32nd Avenue N. E. #202
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14320 32nd Avenue N. E. #304
Seattle, Washington 98125

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14320 32nd Avenue N. E. #305
Seattle, Washington 98125

Occupant
14340 1/2 32nd Avenue N. E.
Seattle, Washington 98125

Occupant
14346 32nd Avenue N. E. #3
Seattle, Washington 98125

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14346 32nd Avenue N. E. #6
Seattle, Washington 98125

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14346 32nd Avenue N. E. #9
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14349 32nd Avenue N. E. #102
Seattle, Washington 98125

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14349 32nd Avenue N. E. #105
Seattle, Washington 98125

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14349 32nd Avenue N. E. #108
Seattle, Washington 98125

Occupant
14349 32nd Avenue N. E. #111
Seattle, Washington 98125

Occupant
14050 Lake City Way N. E.
Seattle, Washington 98125

Occupant
14307 Lake City Way N.E.
Seattle, Washington 98125

Occupant
14322 Lake City Way N. E.
Seattle, Washington 98125

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14346 32nd Avenue N. E. #1
Seattle, Washington 98125

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14346 32nd Avenue N. E. #4
Seattle, Washington 98125

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14349 32nd Avenue N. E. #109
Seattle, Washington 98125

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14349 32nd Avenue N. E. #112
Seattle, Washington 98125

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14058 Lake City Way N. E.
Seattle, Washington 98125

Occupant
14317 Lake City Way N. E.
Seattle, Washington 98125

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Seattle, Washington 98125

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14346 32nd Avenue N. E. #8
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14349 32nd Avenue N. E. #110
Seattle, Washington 98125

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14061 Lake City Way N. E.
Seattle, Washington 98125

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14315 Lake City Way N. E.
Seattle, Washington 98125

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14320 32nd Avenue N. E. #306
Seattle, Washington 98125

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Seattle, Washington 98125

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14320 32nd Avenue N. E. #308
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Seattle, Washington 98125

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14324 32nd Avenue N. E. #A
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14324 32nd Avenue N. E. #B
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14324 32nd Avenue N. E. #C
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14324 32nd Avenue N. E. #D
Seattle, Washington 98125

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14324 32nd Avenue N. E. #E
Seattle, Washington 98125

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14331 32nd Avenue N. E.
Seattle, Washington 98125

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14332 32nd Avenue N. E. #A
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Seattle, Washington 98125

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Seattle, Washington 98125

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Seattle, Washington 98125

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14332 32nd Avenue N. E. #E
Seattle, Washington 98125

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14332 32nd Avenue N. E. #F
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14332 32nd Avenue N. E. #G
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14332 32nd Avenue N. E. #H
Seattle, Washington 98125

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14336 32nd Avenue N. E.
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Seattle, Washington 98125

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14338 32nd Avenue N. E.
Seattle, Washington 98125

Occupant
14340 32nd Avenue N. E.
Seattle, Washington 98125

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14333 Lake City Way N. E.
Seattle, Washington 98125

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14339 Lake City Way N. E.
Seattle, Washington 98125

Occupant
14350 Lake City Way N. E.
Seattle, Washington 98125

Occupant
14357 Lake City Way N. E.
Seattle, Washington 98125

Occupant
3027 N. E. 143rd Street
Seattle, Washington 98125

Occupant
3102 N. E. 143rd Street
Seattle, Washington 98125

Occupant
3108 N. E. 143rd Street
Seattle, Washington 98125

Occupant
3114 N. E. 143rd Street
Seattle, Washington 98125

Occupant
3116 N. E. 143rd Street
Seattle, Washington 98125

**Seattle
Department of Buildings**

Alfred Petty, P.E. Superintendent
Wes Uhlman, Mayor

Phone 583-2720



NOTICE OF PUBLIC HEARING
File No. K-75-223

On Friday, May 14, 1976 the City Hearing Examiner will hold a public hearing, beginning at 9:00 A.M. in the City Council Chambers, Room 1101 Seattle Municipal Building, 600 Fourth Avenue, to consider the following proposal:

Comptroller's File No. 282712, being the petition of Michael M. Vergillo, et al., for the rezoning from Multiple Residence Low Density (RM 800) Zone to General Commercial (CG) Zone of property located at the northeast corner of 32nd Avenue N. E. and N. E. 143rd Street. (Kroll No. 221E)
(LEGAL: Lot 5, Block 6, Seattle Suburban Homes Tracts, less the East 140 ft.)

A report and recommendation to the Hearing Examiner on this matter will be available for public review at the Zoning Counter, 503 Municipal Building seven days before the hearing. Written representations (either in support or protest) should be addressed to the Hearing Examiner, c/o Zoning Counter, Department of Buildings, 503 Municipal Building and received not later than three days before the hearing. For further details call 583-2720.

DATE OF NOTICE: April 12, 1976.

CITY OF SEATTLE DEPARTMENT OF BUILDINGS
AFFIDAVIT OF NOTIFICATION

State of Washington)
County of King) ss.

The undersigned, being first duly sworn, on oath states:

That on this day, April 7, 1976, affiant caused to be deposited in the mails of the United States of America properly stamped and addressed notice directed to the applicant and to all property owners and all residents (addressed to "Occupant") of the property concerned and within Three Hundred (300) Feet of the boundaries of the property using for this purpose the property ownership records of the King County Treasurer and the addresses listed in the latest edition of Polk's Directory or its successor publication, and to news media and interested civic groups as provided by the Rules, advising of the time, place and purpose of a public hearing on the petition/proposal/application identified below.

The undersigned, being first duly sworn, on oath states: That on this day 4-13-76 affiant posted not less than four (4) placards in conspicuous public places within Three Hundred (300) Feet of the area concerned, stating the time, place and purpose of a public hearing on the petition/proposal/application identified below.

Betty Salasosa

Richard Ward

Subscribed and sworn to this 21 day of April, 1976.

[Signature]
Notary Public in and for the State of
Washington, residing at Seattle

Petition/Proposal/Application No. X-75-223 for Rezone
(C. F. #282712)
Petitioner/Initiator/Applicant Michael M. Vergillo, et al.
Property Address/Location Northeast corner of 32nd Avenue N. E. and
N. E. 143rd Street.
Date of Public Hearing May 14, 1976



CITY OF SEATTLE
DEPARTMENT OF COMMUNITY DEVELOPMENT

MEMORANDUM

TO: PAUL EDGAR Date: 11-20-75

FROM: RICK NARO

SUBJECT FOR REVIEW: # OF APPLIC. ATTACHED

REZONE _____

P.U.D. _____

SUB. DIV. _____

COND. USE _____

VARIANCE _____

DATE REVIEW IS DUE BACK TO OEM:

APPLICATION DATE 11-15-75 DUE BACK ASAP

~~X-75-224~~

X-75-223

For Use by reviewing Division _____

Individuals assigned review _____

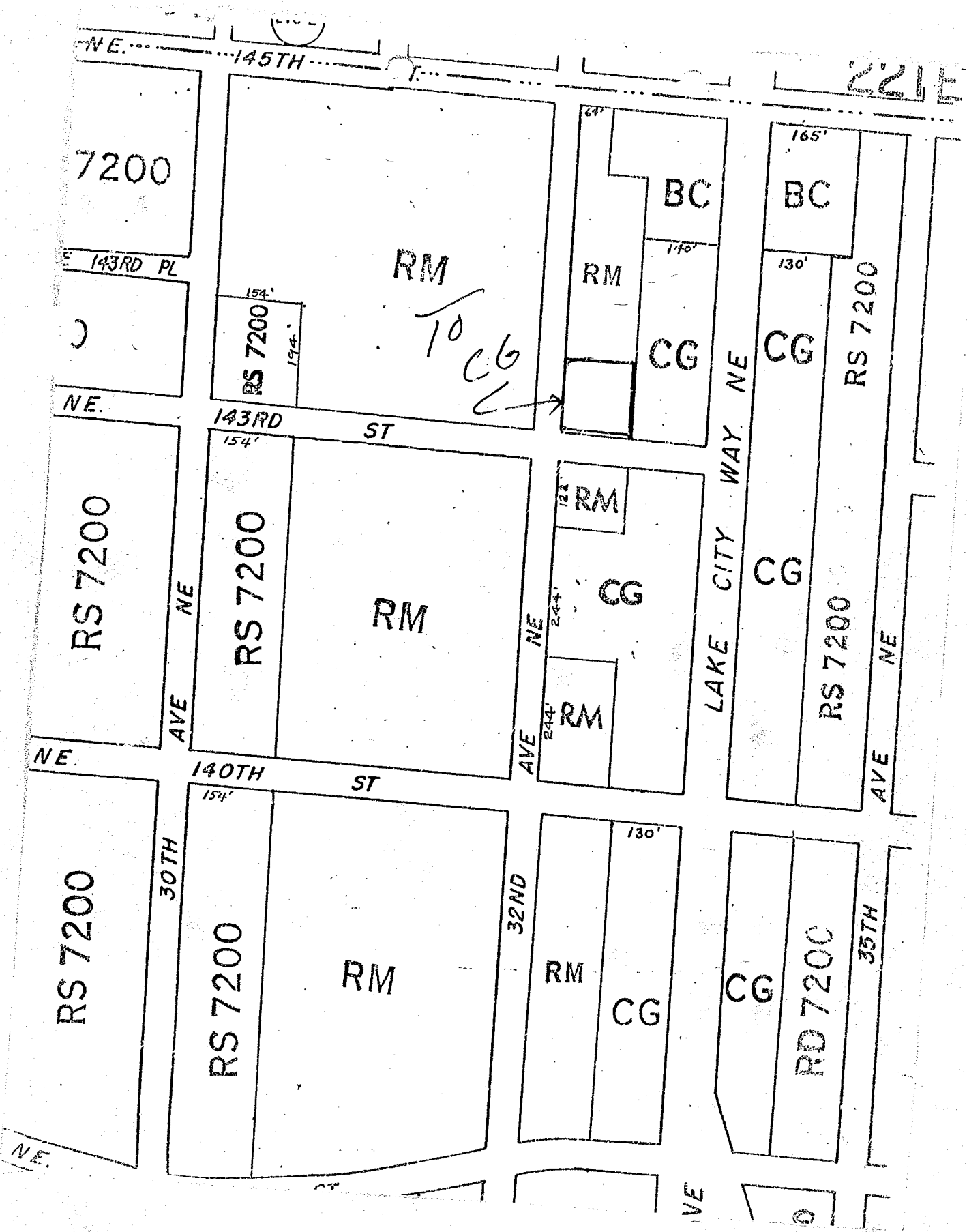
By _____

Work Completed and returned _____

Date _____ By _____

6. Justifications for Rezoning

1. This action shall bring classification into line with actual use. History will show that Parcel has been used for parking purposes on uninterrupted basis for approximately 15 to 20 years.
2. RM classification is undesirable in view of increased traffic on State Highway 522 (Lake City Way). This highway currently scheduled to be upgraded in order to handle greater traffic flow.
3. Reclassification will encourage higher and better use of subject Parcel in a compatible manner with the overall growth pattern.
4. Increased traffic flow at higher speeds has created an enormous ingress/egress problem for merchants. This is borne out by formal complaints currently on file with both City and State. The result is a necessity to widen existing C.G. zoning areas.
5. Present zoning pattern has created undesirable narrow strips which are back to back ie, apartment house adjacent to auto repair and body shops. This has confused and impaired the development of the RM strip lying on east side of 32nd Avenue N.E.
6. Requested zone change on 32nd Avenue N.E. has already been granted to sizable parcel lying to the south of N.E. 143rd Street.
7. Usage proposed by owner is merely a continuation of "historical use" parking. Access to 32nd Avenue N.E. is not critical and owner would not be adversely installation of a zone buffer in the form of a botanical artificial barrier.



NE 145TH

221E

7200

143RD PL

RM
10 CG

67'
RM
140'
CG

165'
BC
130'
CG
RS 7200

NE

143RD ST

LAKE CITY WAY NE

RS 7200

AVE NE

154'
RS 7200
RM

122'
RM
244'
244'
CG
RM

CG
CG
RS 7200

AVE NE

NE

140TH ST

RS 7200

30TH AVE NE

154'
RS 7200
RM

32ND AVE NE

130'
RM
CG

CG
CG
RD 720C

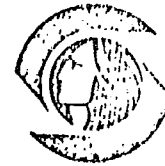
35TH AVE NE

NE

AVE

Your Seattle ~~X-75-223~~ X-75-223
Department of Community Development

James Blaman, Director



Wes Uhlman, Mayor

11-30-1975

copy

Paul Wiatrak P.E.
City Engineer
City of Seattle

Dear Sir:

Attached for your review and comment is a portion of the Zoning Map portraying the petition of MICHAEL M. VERGILLO requesting rezoning from R-1 Zone to CG Zone of property described as follows:

Legal: WEST 1/2 LOT 5 BLK 6.
SUBURBAN HOME TRACTS

Location: NE. CORNER OF N.E. 193rd St.
AND 32nd AVE NE.

Please comment by separate report (in duplicate) on the anticipated effect, from the Engineering point of view, on adjacent traffic facilities should this petition be granted and development occur as permitted by the new classification.

Since this matter will be considered by the City Hearing Examiner at public hearing on JAN 1975, we will appreciate receiving your report by ASAP.

Sincerely,

Paul E.S. Schell, Director

By: Robert F. Hintz, Director
Environmental Management Division

JAB
1/20/75

THRESHOLD DETERMINATION

Description of Proposal Rezone property from RM 800 to CG
Proponent Michael and Sandra Vergillo
Location of Proposal Northeast corner of the intersection of NE 143rd and 32nd Ave. NE
Lead Agency Department of Community Development

The applicant proposes to rezone the site from RM 800 to CG in order to legalize the historical use of the site as a storage area for cars and trucks. This storage area has been an accessory to the retail automobile sales on the abutting property to the east just inside the CG Zone which is operated by the applicant. If the use of the subject land is nothing more than a continuation of this past storage use, it is difficult to find that this action would have a significant impact on the environment.

However, if the rezone were granted, it would then be possible to develop any CG zoned use on the site. Depending upon the type and scale of the CG use, development could have several negative impacts on the adjacent residential uses. Such impacts could be increased parking demands, increased traffic volumes and congestion and increased noise as well as a development out of scale with the surrounding residential uses.

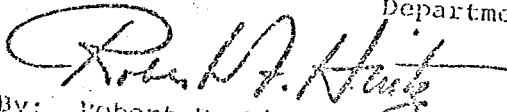
On the other hand, there are several methods for accomplishing the applicant's purposes which would not have these potential, negative impacts. These alternatives are addressed in the attached environmental impact assessment. More importantly, while the potential impacts of a CG zoned development on the site would be considered detrimental, they would not be considered environmentally significant. This is especially true considering the relatively small area involved, the history of the (continued on the next page)

This proposal has been determined to have a . . .

- Significant adverse impact upon the environment, and an EIS is required under RCW 43.21 C.030 (2) (c).
- Non-significant adverse impact upon the environment, and an EIS is not required under RCW 43.21 C.030 (2) (c).

This decision is reached after review by the lead agency of a completed environmental checklist and other information on file with the lead agency.

Responsible Official: Paul E. S. Schell, Director,
Department of Community Development


By: Robert F. Hantz, Director
Environmental Management Division

Date: 24 Mar. 76

Continuation of THRESHOLD DETERMINATION

site and the existing, irregular boundary relationship between the PM 800 and CG Zones in this area. Consequently, while the proposed action does not appear to have merit from the standpoint of balanced land use patterns and accepted zoning principles, the rezone, in itself, would not appear to have any significant, adverse impacts on the environment.

X-75-223

ENVIRONMENT IMPACT ASSESSMENT
PROCEDURES

INTRODUCTION

The State Environmental Policy Act of 1971, Chapter 43.21C, RCW, requires all state and local governmental agencies to consider environmental values both for their own actions and when authorizing private proposals. The Act also requires that an Environmental Impact Statement be prepared for all major actions significantly affecting the quality of the environment. In order to help the agencies involved determine whether your proposal is such a major action, we require that you fill out the attached Environmental Impact Assessment form. The questions contained in the Assessment are exclusive, and factors not therein will not be considered in making this determination.

INSTRUCTIONS FOR COMPLETING THE
ENVIRONMENTAL IMPACT ASSESSMENT FORM

Please answer all of the questions on the Assessment as completely as you can with the information presently available to you. Where explanations of your answers are required, or where you believe an explanation would be helpful to government decision-makers, enclose your explanation in the spaces provided or use additional pages if necessary. You should include references to any reports or studies of which you are aware and which are relevant to the answers you provide. Complete answers to these questions now will help the agencies involved with your proposal to undertake the required environmental review without unnecessary delay.

The questions apply to your total proposal, not just the license (i.e. permit, variance, rezone, etc.) for which you are currently applying. Your answers should cover the impacts, including any secondary or possible cumulative impacts, which will be caused by your proposal when it is completed, even though completion may not occur until some time in the future. This will help to eliminate the need for duplicative paperwork in the future.

In filling out Section III of the Assessment, there should be a "Yes", "No", or "Maybe" answer for each item, but if a question does not apply, "N/A" should be written in the "No" column. An explanation of every "Yes" and "Maybe" answer is required, and although explanations of "No" answers to questions that apply to the proposal are not required, it may be desirable to provide an explanation of the "No" response to facilitate the environmental review process on the proposal.

The applicant should forward 3 copies of the Environmental Impact Assessment to:

Mr. Paul E. S. Schell, Director
Department of Community Development
Att'n: Mr. Robert F. Hintz
Environmental Management Division
Arctic Building
306 Cherry Street
Seattle, WA 98104

This will ensure that the project will receive prompt attention throughout the steps to complete the environmental review process.

REVIEW BY THE CITY

After the Environmental Impact Assessment is submitted to the City, the responsible official will review the Assessment together with any supporting documentation. In making this initial review, he will independently evaluate the significance of every item in Section III of the Assessment and indicate thereon the results of this evaluation. He will then make the necessary Threshold Determination, indicating whether an Environmental Impact Statement will be required.

If he determines that the information available is not reasonably sufficient to make this determination, one or more of the following actions may be taken:

(a) The applicant may be required to furnish further information in the form of a partial assessment. This assessment will be limited to those categories in the Environmental Impact Assessment for which, as determined by the City, there is not enough information to evaluate the environmental impacts of the proposal.

(b) The City may initiate further studies, including physical investigations of the subject property, directed toward providing additional information on the environmental impacts of the proposal.

(c) The City may consult with other agencies with jurisdiction over the proposal, requesting substantive information as to potential environmental impacts of the proposal which lie within the area of expertise of the particular agency so consulted.

When, during the course of collecting further information on a proposal, the City obtains enough information to assess the adverse environmental impacts of the proposal, it shall immediately make the Threshold Determination. If further investigations do not provide enough information to assess the impacts, an Environmental Impact Statement will be required.

ENVIRONMENTAL IMPACT ASSESSMENT

I. BACKGROUND

- (1) Name of applicant: Michael M. Vergillo and Sandra A. Vergillo
- (2) Address and phone number of applicant:
11618 81st Ave. So. phone: 772-1749
- (3) Date checklist submitted: January 16, 1976
- (4) Agency requiring checklist: City of Seattle
Department of Community Development
- (5) Project Name, if applicable: not applicable
- (6) Nature and brief description of the proposal.
Reclassify this parcel from RM to CG. The purpose of this zoning request is to bring the zoning classification into line and make it compatible with the parcels traditional as well as highest and best use.
- (7) Location of proposal:
The northeast corner at the intersection of N.E. 143rd and 32nd Avenue N.E.
- (8) Estimated date for completion:
- (9) List of all permits, licenses, or government approvals required for the proposal (federal, state and local--including rezones):
Rezone from RM to CG
- (10) Do you have any plans for future additions, expansion, or further activity related to or connected with this proposal? If yes, explain:
No particular changes in activity or expansion are contemplated, however, your applicant has considered installation of fencing which would incorporate shrubs, and ground cover.
- (11) Do you know of any plans by others which may affect the property covered by your proposal? If yes, explain:
No.

II. EXISTING CONDITIONS

- (1) Natural Setting: (Briefly describe the area directly involved, topography, geology, biological and botanical characteristics, atmospheric conditions, water resources, etc., where applicable)
- This parcel can be described as a flat, street level unimproved lot in which two sides front on an intersection. It is basically devoid of vegetation with exception of some grass on the northerly border.

- (2) Cultural Setting: (Briefly describe the land uses, population characteristics, structural improvements, services, public utilities, historical significance, etc., where applicable).
- Land use has been devoted substantially to vehicular parking purposes. Applicants predecessors utilized the property in substantially the same manner as its current use. The Easterly 1/2 of total parcel (not involved in this application) is zoned CG, fronts on State Highway 522 and is devoted to retail automobile sales. Immediately to the south lies several one storey, frame low income residential units. These units are surrounded on two sides by CG zoning and appear somewhat out of place.
- Population characteristics are very mixed since this property lies directly adjacent to a highly developed auto related industry.
- No structural improvement exists on the subject parcel. Public utilities appear adequate and if parcel is used for parking purposes as in the past there shall be no added burden on utilities.

III. ENVIRONMENTAL IMPACTS

(Explanations of all "yes" and "maybe" answers are required.)

	<u>Yes</u>	<u>Maybe</u>	<u>No</u>
(1) <u>Earth.</u> Will the proposal result in:			
(a) Unstable earth conditions or in any changes in geologic sub-structures?	—	—	<u>X</u>
(b) Disruptions, displacements or overcovering of the soils?	—	—	<u>X</u>
(c) Change in topography or ground surface relief features?	—	—	<u>X</u>
(d) The destruction, covering, or modification of any unique geologic or physical features?	—	—	<u>X</u>
(e) Any increase in wind or water erosion of soils, either on or off the site?	—	—	<u>X</u>
(f) Changes in desposition or erosion of beach sands, or in changes in siltation, deposition, or erosion which may modify the channel of a river or stream or the bed of the ocean or any bay, inlet or lake?	—	—	<u>X</u>
Explanations:	—	—	<u>X</u>

(2) Air. Will the proposal result in:

(a) Air emissions or deterioration of ambient air quality?

— — X

(b) The creation of objectionable odors?

— — X

(c) Alteration of air movement, moisture or temperature, or in any change in climate, either locally or regionally?

<u>Yes</u>	<u>Maybe</u>	<u>No</u>
—	—	<u>X</u>

Explanations:

(3) Water. Will the proposal result in:

- | | <u>Yes</u> | <u>Maybe</u> | <u>No</u> |
|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------|--------------|-----------|
| (a) Changes in currents, or the course or direction of water movements, in either marine or fresh waters? | — | — | <u>X</u> |
| (b) Changes in absorption rates, drainage patterns, or the amount of surface water run-off? | — | — | <u>X</u> |
| (c) Alterations to the course or flow of flood waters? | — | — | <u>X</u> |
| (d) Change in the amount of surface water in any watercourse? | — | — | <u>X</u> |
| (e) Discharge into surface waters, or in any alteration of surface water quality, including temperature or turbidity? | — | — | <u>X</u> |
| (f) Alteration of the direction or rate of flow of ground waters? | — | — | <u>X</u> |
| (g) Change in the quantity of ground waters, either through direct additions or withdrawals, or through interception of an aquifer by cuts or excavations? | — | — | <u>X</u> |
| (h) Deterioration in ground water quality, either through direct injection, or through the seepage of leachate, phosphates, detergents, waterborne virus or bacteria, or other substances into the ground waters? | — | — | <u>X</u> |

(1) Reduction in the amount of water otherwise available for public water supplies?

<u>Yes</u>	<u>Maybe</u>	<u>No</u>
_____	_____	<u>X</u>

Explanations:

(4) Flora. Will the proposal result in:

(a) Change in the diversity of species, or numbers of any species of flora (including trees, shrubs, grass, crops, micro-flora and aquatic plants)?

_____	_____	<u>X</u>
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(b) Reduction of the numbers of any unique, rare or endangered species of flora?

_____	_____	<u>X</u>
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(c) Introduction of new species of flora into an area, or in a barrier to the normal replenishment of existing species?

_____	_____	<u>X</u>
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Explanations:

(5) Fauna. Will the proposal result in:

(a) Changes in the diversity of species, or numbers of any species of fauna (birds, land animals including reptiles, fish and shellfish, benthic organisms, insects, or micro-fauna)?

_____	_____	<u>X</u>
-------	-------	----------

- | | <u>Yes</u> | <u>Maybe</u> | <u>No</u> |
|----------------------------------------------------------------------------------------------------------------------|------------|--------------|-----------|
| (b) Reduction of the numbers of any unique, rare or endangered species of fauna? | — | — | X |
| (c) Introduction of new species of fauna into an area, or result in a barrier to the migration or movement of fauna? | — | — | X |
| (d) Deterioration to existing wildlife habitat? | — | — | X |

Explanations:

- (6) Noise. Will the proposal increase existing noise levels?

Explanation: *If property is ever developed with a CG use, the noise could be rather offensive to the abutting residential uses.*

— X *

- (7) Light and Glare. Will the proposal produce new light or glare?

Explanation:

— — X

- (8) Land Use. Will the proposal result in the alteration of the present or planned land use of an area?

Explanation:

This property has been used as a parking lot for over 15 years. However, CG zoning permits numerous activities, many of which would be incompatible with the adjacent residential properties.

— X *

- (9) Natural Resources. Will the proposal result in:

- (a) Increase in the rate of use of any natural resource?

— — X

(b) Depletion of any nonrenewable natural resource?

Yes	Maybe	No
—	—	X

Explanations:

(10) Risk of Upset. Does the proposal involve a risk of an explosion or the release of hazardous substances (including, but not limited to, oil, pesticides, chemicals or radiation) in the event of an accident or upset conditions?

—	—	X
---	---	---

Explanation:

(11) Population. Will the proposal affect the location, distribution, density, or growth rate of the human population of an area?

—	—	X
---	---	---

Explanation:

(12) Housing. Will the proposal affect existing housing availability, or create a demand for additional housing?

—	—	X
---	---	---

Explanation:

No, however, an inspection of this area will show a large area devoted to RM which is not developed.

(13) Transportation/Circulation. Will the proposal result in:

(a) Generation of additional vehicular movement?

—	X	X
---	---	---

(b) Effects on existing parking facilities, or demand for new parking?

—	X	X
---	---	---

	<u>Yes</u>	<u>Maybe</u>	<u>No</u>
(c) Impact upon existing transportation systems?	—	X	*
(d) Alterations to present patterns of circulation or movement of people and/or goods?	—	X	*
(e) Alterations to waterborne or air traffic?	—	—	*

Explanations: If a CG use is developed on the site, additional parking may be required. Commercial traffic could also be increased on 32nd Ave. NE + NE 143rd St. which are local access streets with minimum widths. This could cause safety problems as well as noise and congestion for the nearby residential properties.

(14) Local Services. Will the proposal have an effect upon, or result in a need for new services in any of the following areas:

(a) Fire protection?	—	—	X
(b) Police protection?	—	—	X
(c) Schools?	—	—	X
(d) Parks?	—	—	X
(e) Maintenance of public facilities, including roads?	—	—	X
(f) Other governmental services?	—	—	X

Explanations:

(15) Energy. Will the proposal result in:

- | | <u>yes</u> | <u>maybe</u> | <u>NO</u> |
|--------------------------------------------------------------------------------------------------|------------|--------------|-----------|
| (a) Use of substantial amounts of fuel or energy? | — | — | X |
| (b) Demand upon existing sources of energy, or require the development of new sources of energy? | — | — | X |

Explanations:

(16) Utilities. Will the proposal result in a need for new systems, or alterations to the following utilities:

- | | | | |
|-------------------------------|---|---|---|
| (a) Power or natural gas? | — | X | X |
| (b) Communications systems? | — | X | X |
| (c) Water? | — | X | X |
| (d) Sewer or septic tanks? | — | X | X |
| (e) Storm water drainage? | — | X | X |
| (f) Solid waste and disposal? | — | X | X |

Explanations:

New utility lines or alterations to the present system may be needed if a CB use is ever developed on the site.

(17) Human Health. Will the proposal result in the creation of any health hazard or potential health hazard (excluding mental health)?

— — X

Explanation:

- (18) Aesthetics. Will the proposal result in the obstruction of any scenic vista or view open to the public, or will the proposal result in the creation of an aesthetically offensive site open to public view? Yes Maybe No

Explanation:

Applicant proposes the installation of an attractive fencing and incorporate shrubs and ground cover is permitted. _____ X

- (19) Recreation. Will the proposal result in an impact upon the quality or quantity of existing recreational opportunities? _____ X

Explanation:

- (20) Archeological/Historical. Will the proposal result in an alteration of a significant archeological or historical site? _____ X

Explanation:

IV. ALTERNATIVES TO THE PROPOSAL

- (1) Briefly describe any alternative modifications to the proposal.
- a) Grant Petition With Restriction: This would allow property to be used in its most natural manner, however, a benefit to community could result from fencing, limiting access and planting shrubs and ground cover. (*contract rezone*)
- b) Zone extension for 25 ft. and conditional use for parking. This would allow some storage while the remainder of site would be used for parking with all yard and screening requirements.

(2) Briefly describe any alternative proposals including no action.

1) Deny Petition: This would allow improvement of parcel under current RM zoning, create more residential living immediately adjacent to CG development.

2) Rezone to less intensive use such as RD 7000. However, this would probably lead to a more pronounced conflict between residential and commercial uses.

The preparer hereby certifies that the information furnished in this Environmental Impact Assessment is true and accurate to the best of his/her knowledge.

Date January 16, 1976

Signature *Edwin C. Lagerquist*
Edwin C. Lagerquist
Attorney for Applicant

Title

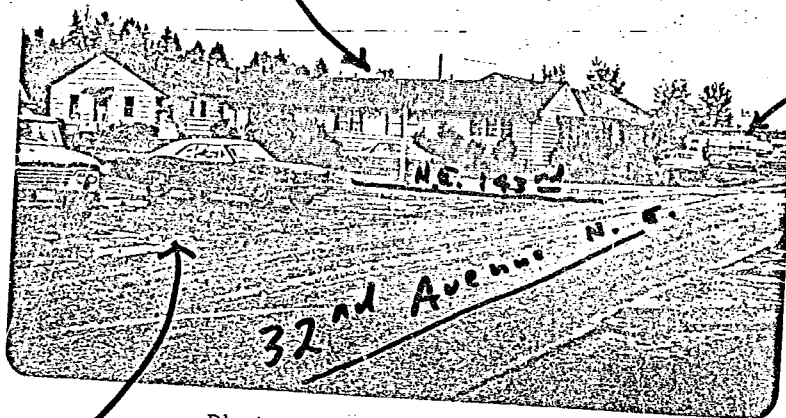
Approved By Rodney G. Proctor

Date 1/19/76

* Corrections in red indicated DCD comments.

BS:bg
10/3/75

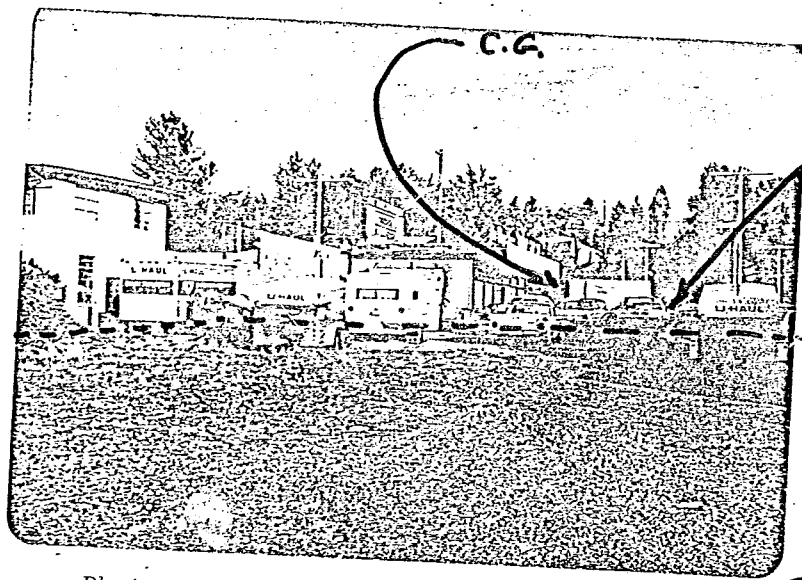
*RM. with C.G. lying
to East and South*



C.G. Zone

Photographer facing southeasterly

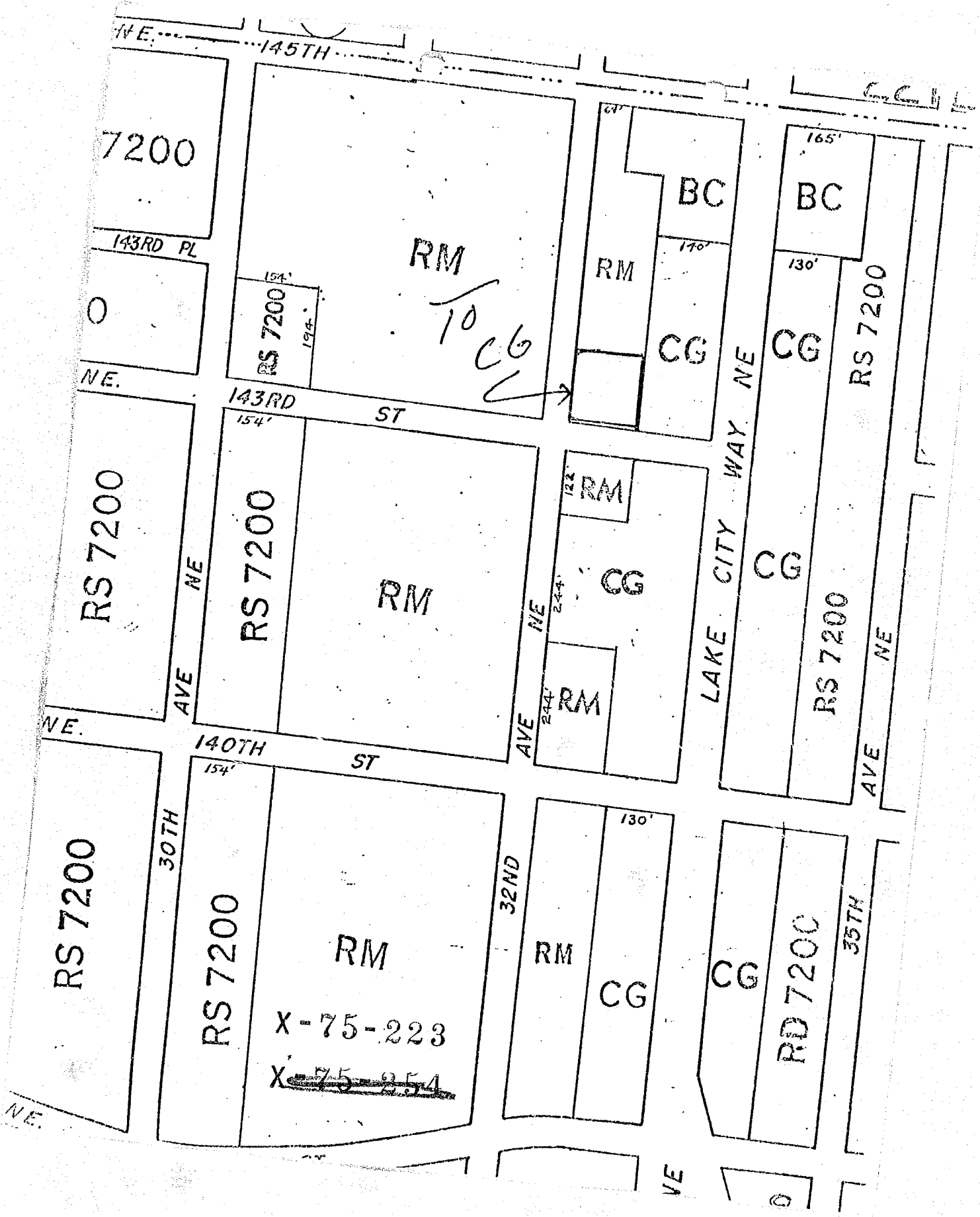
Subject Property



*Lake City Way
Hwy. 522*

*Subject
Property*

Photographer facing easterly



7200

143RD PL

0

NE.

RS 7200
154'
194'

RM

10
CG
↗

RM

BC

CG

BC

CG

RS 7200

143RD ST

RS 7200

AVE NE

RS 7200

RM

RM

CG

AVE NE

RM

LAKE CITY WAY NE

CG

RS 7200

AVE NE

NE.

140TH ST

RS 7200

30TH

RS 7200

RM

X-75-223

~~X-75-254~~

32ND

RM

CG

CG

RD 7200

35TH

NE.

VE

REZONING PETITION

PETITION TO CHANGE THE ZONING CLASSIFICATION OF REAL PROPERTY WITHIN THE
CITY OF SEATTLE

K-221E

DATE November 15, 1975

THE CITY COUNCIL
CITY OF SEATTLE
11th Floor, Seattle Municipal Bldg.
SEATTLE, WASHINGTON 98104

X-75-223

Honorable Members:

The undersigned, being owner(s) of the following described real property, owners authorized agent(s), or group of interested property owners, do respectfully petition for a CHANGE IN THE ZONING CLASSIFICATION OF SUCH PROPERTY as outlined below:

(PLEASE TYPE OR PRINT IN INK)

1. LEGAL DESCRIPTION OF PROPERTY TO BE REZONED

All of Lot 5, Block 6, Seattle
Suburban Home Tracts, Plat 5247/12
records, Volume 7, Plats, page 93,
records of King County, Washington

ZONING CLASSIFICATION
OF PROPERTY:

<u>PRESENT</u>	<u>PROPOSED</u>
East 1/2-GC	G.C.
West 1/2 RM	G.C.

2. OWNER(S) OF PROPERTY PROPOSED FOR RECLASSIFICATION

NAME

ADDRESS

LEGAL DESCRIPTION

Michael M. Vergillo and
11618 87th South

(same as 1 above)

Sandra A. Vergillo (husband and wife)

(contract vendees)

Irene Baird McDaniel

(same as above)

(contract vendor)

6. Justifications for Rezoning

1. This action shall bring classification into line with actual use. History will show that Parcel has been used for parking purposes on uninterrupted basis for approximately 15 to 20 years.
2. RM classification is undesirable in view of increased traffic on State Highway 522 (Lake City Way). This highway currently scheduled to be upgraded in order to handle greater traffic flow.
3. Reclassification will encourage higher and better use of subject Parcel in a compatible manner with the overall growth pattern.
4. Increased traffic flow at higher speeds has created an enormous ingress/egress problem for merchants. This is borne out by formal complaints currently on file with both City and State. The result is a necessity to widen existing C.G. zoning areas.
5. Present zoning pattern has created undesirable narrow strips which are back to back ie, apartment house adjacent to auto repair and body shops. This has confused and impaired the development of the RM strip lying on east side of 32nd Avenue N.E.
6. Requested zone change on 32nd Avenue N.E. has already been granted to sizable parcel lying to the south of N.E. 143rd Street.
7. Usage proposed by owner is merely a continuation of "historical use" parking. Access to 32nd Avenue N.E. is not critical and owner would not be adverse to installation of a zone buffer in the form of a botanical or artificial barrier.

~~X-75-254~~
X-75-223
Your
Seattle
Community Development

Paul E. S. Schell, Director
Wes Uhlman, Mayor



November 20, 1975

Mr. Michael Vergillo
11618 - 87th Avenue South
Seattle, Washington

Dear Mr. Vergillo:

In accordance with policies and procedures adopted pursuant to the State Environmental Policy Act of 1971 (S.E.P.A.), your application File No. X-75-223, for the rezoning of property located at N. E. 143rd Street and 32nd Avenue N. E. has been reviewed and a determination has been made that additional information is necessary to properly evaluate and determine the possible environmental effects of the proposed action.

Enclosed is an Environmental Impact Assessment Form complete with instructions. In order to avoid any additional delays in the processing of your application, you are urged to provide the information requested in this Form at your earliest convenience paying particular attention to a description of the use(s) that you propose.

If you have any questions regarding this matter, contact the Department Zoning Information Counter at 583-2720.

Sincerely,

Robert F. Hintz, Director
Environmental Management Division

RFH:CWL:bg

NE... 145TH ...

7200

143RD PL

0

RS 7200

RM

10 CG

RM

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NE.

143RD ST

ST

RS 7200

AVE NE

RS 7200

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AVE NE

RM

LAKE CITY WAY NE

CG

RS 7200

AVE NE

NE.

140TH ST

ST

RS 7200

30TH

RS 7200

RM

X-75-223

~~X-75-254~~

32ND

RM

CG

130'

CG

RD 7200

35TH

NE.

VE

~~X-75-254~~
Your City, Seattle

CITY OF SEATTLE
DEPT. OF COMMUNITY DEVELOPMENT

DEC 23 1975



Memorandum

OFFICE OF ENVIRONMENTAL MGMT. Date: December 11, 1975

To Director of Planning, Office of Policy Planning
From PAUL A. WIATRAC, P.E., City Engineer *Paul A. Wiatrak*
Subject Rezoning from RM-CG Property located N.E. corner of N.E. 143 St. and 32nd Avenue N.E.

The uses permitted in the proposed CG rezoning could generate sufficient vehicular traffic to create undesirable effects on the adjacent streets.

Both 32nd Avenue N.E. and N.E. 143rd Street have existing substandard right of way widths of 50 feet. The minimum standard for a commercial access street is 60 feet.

We therefore recommend the petition be withheld pending dedication of 10 feet of additional right of way on 32nd Avenue N.E. and on N.E. 143rd Street abutting the proposed rezone area.

RGB:1lh
cc: C. F. White

X-75-223

Your
Seattle
Department of Community Development

James Braman, Director



Wes Uhlman, Mayor

11-20-1975

Paul Wiatrak P.E.
City Engineer
City of Seattle

Dear Sir:

Attached for your review and comment is a portion of the Zoning Map portraying the petition of MICHAEL M. VERGILLO requesting rezoning from R.M. Zone to CG Zone of property described as follows:

Legal: WEST 1/2 LOT 5 BLK 6.
SUBURBAN HOME TRACTS

Location: NE CORNER OF N.E. 143rd St.
AND 32nd AVE NE.

Please comment by separate report (in duplicate) on the anticipated effect, from the Engineering point of view, on adjacent traffic facilities should this petition be granted and development occur as permitted by the new classification.

Since this matter will be considered by the City Hearing Examiner at public hearing on JAN 1975, we will appreciate receiving your report by ASAP.

Sincerely,

Paul E.S. Schell, Director

By: JAB
Robert F. Hintz, Director
Environmental Management Division

JAB
1/20/75

NOV 20 11 34 AM '75
SEATTLE ENG DEPT

K-221E

ZONING PETITION
PETITION TO CHANGE THE ZONING CLASSIFICATION OF REAL PROPERTY WITHIN THE
CITY OF SEATTLE

DATE November 19, 1975

THE CITY COUNCIL
CITY OF SEATTLE
11th Floor, Seattle Municipal Bldg.
SEATTLE, WASHINGTON 98104

X-75-223

Honorable Members:

The undersigned, being owner(s) of the following described real property, owners authorized agent(s), or group of interested property owners, do respectfully petition for a CHANGE IN THE ZONING CLASSIFICATION OF SUCH PROPERTY as outlined below:

(PLEASE TYPE OR PRINT IN INK)

1. LEGAL DESCRIPTION OF PROPERTY TO BE REZONED

All of Lot 5, Block 6, Seattle Suburban Home Tracts, Plat 2011-1-1-1 records, Volume 7, Plats, page 93, records of King County, Washington

ZONING CLASSIFICATION
OF PROPERTY:

<u>PRESENT</u>	<u>PROPOSED</u>
East 1/2-GC	G.C.
West 1/2 RM	G+C.

2. OWNER(S) OF PROPERTY PROPOSED FOR RECLASSIFICATION

<u>NAME</u>	<u>ADDRESS</u>	<u>LEGAL DESCRIPTION</u>
Michael M. Vergillo and Sandra A. Vergillo (husband and wife)	11618 87th South	(same as 1 above)

(contract vendees)

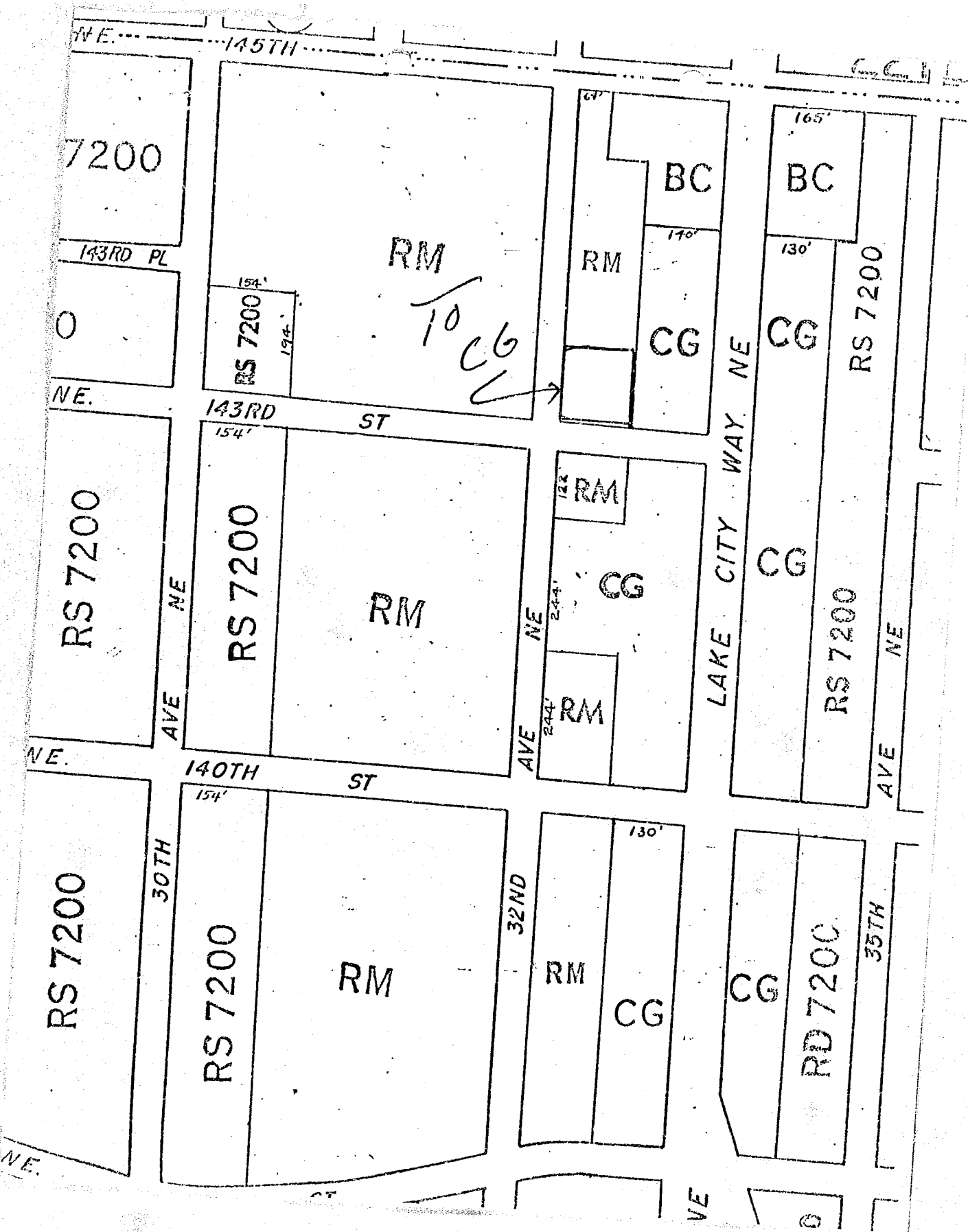
Irene Baird McDaniel

(same as above)

(contract vendor)

6. Justifications for Rezoning

1. This action shall bring classification into line with actual use. History will show that Parcel has been used for parking purposes on uninterrupted basis for approximately 15 to 20 years.
2. RM classification is undesirable in view of increased traffic on State Highway 522 (Lake City Way). This highway currently scheduled to be upgraded in order to handle greater traffic flow.
3. Reclassification will encourage higher and better use of subject Parcel in a compatible manner with the overall growth pattern.
4. Increased traffic flow at higher speeds has created an enormous ingress/egress problem for merchants. This is borne out by formal complaints currently on file with both City and State. The result is a necessity to widen existing C.G. zoning areas.
5. Present zoning pattern has created undesirable narrow strips which are back to back ie, apartment house adjacent to auto repair and body shops. This has confused and impaired the development of the RM strip lying on east side of 32nd Avenue N.E.
6. Requested zone change on 32nd Avenue N.E. has already been granted to sizable parcel lying to the south of N.E. 143rd Street.
7. Usage proposed by owner is merely a continuation of "historical use" parking. Access to 32nd Avenue N.E. is not critical and owner would not be adverse to installation of a zone buffer in the form of a botanical or artificial barrier.



7200

143RD PL

0

RS 7200

RM

10 CG

RM

CG

BC

BC

CG

RS 7200

NE.

143RD

ST

RS 7200

AVE NE

RS 7200

RM

RM

CG

CG

RS 7200

LAKE CITY WAY NE

AVE NE

NE.

140TH

ST

RS 7200

30TH

RS 7200

RM

32ND

RM

CG

CG

RD 7200

35TH

NE.

VE

Your
Seattle
Department of Community Development

James Braman, Director

11-20-1975

Paul Wiatrak P.E.
City Engineer
City of Seattle

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Location: NE. CORNER OF N.E. 143rd St.
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Sincerely,

Paul E.S. Schell, Director

By: Robert F. Hintz, Director
Environmental Management Division

JAB
1/20/75

RECEIVED
NOV 28 1975



Wes Uhlman, Mayor

ROUTED TO	DATE	INITIALS
WGU		
JEA		
NO. 1		

No objection by the T&ED.
However, since 32nd Ave NE & NE 143rd Ave are not wide enough to meet minimum standards for commercial access streets, the City should consider obtaining additional funding to provide for the possibility that the entire block may eventually be rezoned.
JHS 12/8/75

REZONING PETITION
PETITION TO CHANGE THE ZONING CLASSIFICATION OF REAL PROPERTY WITHIN THE
CITY OF SEATTLE

K-221E

DATE November 15 1975

THE CITY COUNCIL
CITY OF SEATTLE
11th Floor, Seattle Municipal Bldg.
SEATTLE, WASHINGTON 98104

X-75-223

Honorable Members:

The undersigned, being owner(s) of the following described real property, owners authorized agent(s), or group of interested property owners, do respectfully petition for a CHANGE IN THE ZONING CLASSIFICATION OF SUCH PROPERTY as outlined below:

(PLEASE TYPE OR PRINT IN INK)

1. LEGAL DESCRIPTION OF PROPERTY TO BE REZONED

All of Lot 5, Block 6, Seattle Suburban Home Tracts, Plat 5000, records, Volume 7, Plats, page 93, records of King County, Washington

ZONING CLASSIFICATION OF PROPERTY:

<u>PRESENT</u>	<u>PROPOSED</u>
East 1/2 GC	G.C.
West 1/2 RM	G.C.

2. OWNER(S) OF PROPERTY PROPOSED FOR RECLASSIFICATION

NAME

ADDRESS

LEGAL DESCRIPTION

Michael M. Vergillo and
Sandra A. Vergillo (husband and wife)

11618 87th South

(same as 1 above)

(contract vendees)

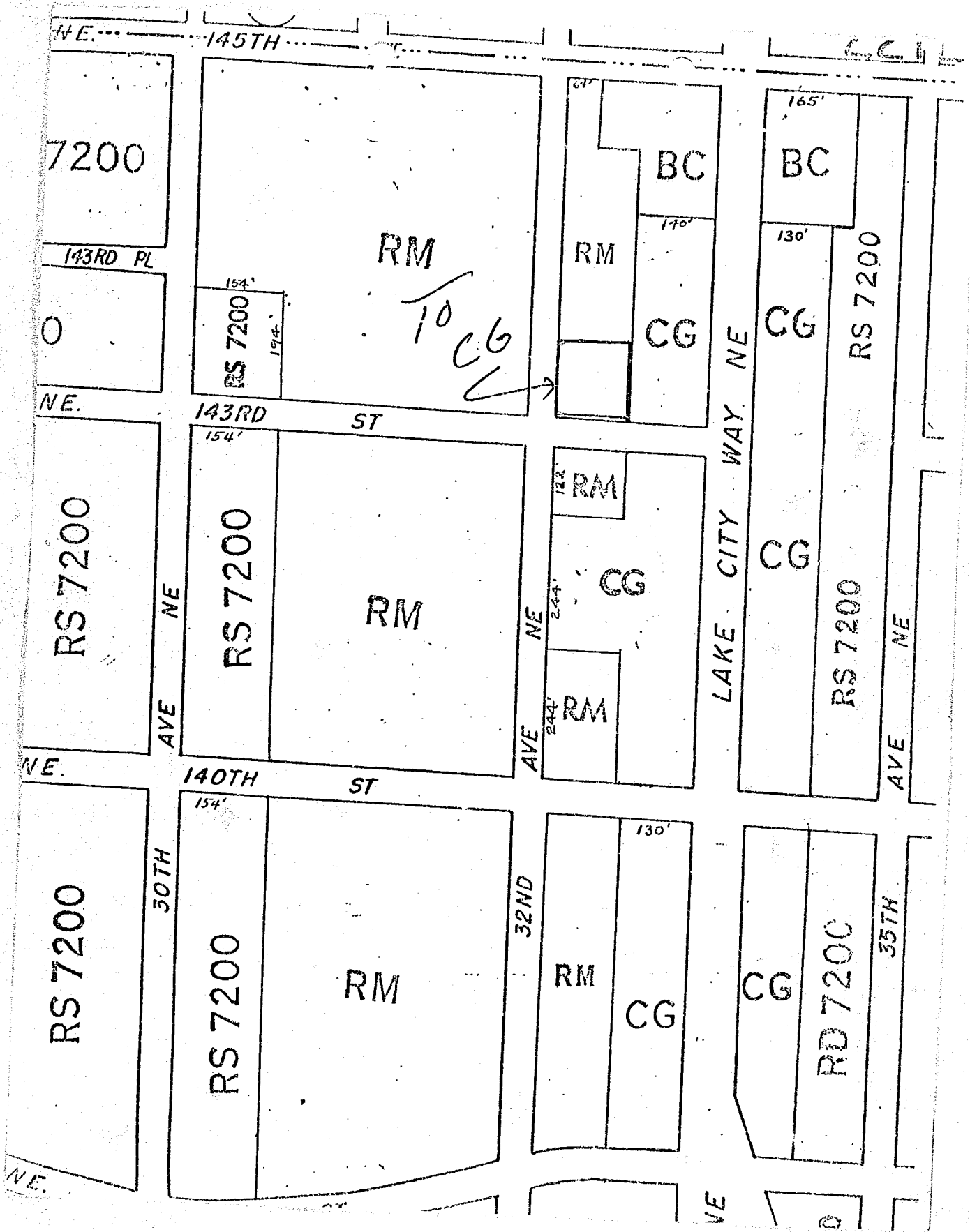
Irene Baird McDaniel

(same as above)

(contract vendor)

6. Justifications for Rezoning

1. This action shall bring classification into line with actual use. History will show that Parcel has been used for parking purposes on uninterrupted basis for approximately 15 to 20 years.
2. RM classification is undesirable in view of increased traffic on State Highway 522 (Lake City Way). This highway currently scheduled to be upgraded in order to handle greater traffic flow.
3. Reclassification will encourage higher and better use of subject Parcel in a compatible manner with the overall growth pattern.
4. Increased traffic flow at higher speeds has created an enormous ingress/egress problem for merchants. This is borne out by formal complaints currently on file with both City and State. The result is a necessity to widen existing C.G. zoning areas.
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7200

143RD PL

0

NE.

RS 7200
154'
194'

RM

10 CG

RM

BC

170'

CG

165'

BC

130'

CG

RS 7200

NE
AVE

143RD ST

RS 7200

154'

RS 7200

RM

NE
AVE

244'

122'

RM

CG

RM

LAKE CITY WAY NE

CG

RS 7200

AVE NE

NE.

140TH ST

RS 7200

30TH

154'

RS 7200

RM

32ND

RM

130'

CG

NE

CG

RD 7200

35TH

Lagerquist & McConnell
attorneys at law

~~X-75-254~~
X-75-223

November 14, 1975

The City Council
City of Seattle
11th Floor
Seattle Municipal Building
Seattle, Washington 98104

Re: Rezone Petition
Michael and Sandra Vergillo

Honorable Members:

This office has been asked by Mr. Vergillo to assist him in rezoning a portion of his property located at 14307 Lake City Way N.E. Enclosed is your form rezoning petition which we believe has been properly prepared and executed by the Vergillos. Also enclosed is our trust account check payable to your order in the amount of \$100.00 for filing fee purposes.

Your assistance in filing this petition and proceeding with your customary review is much appreciated. In the event you have any questions regarding the enclosures or other details of this reclassification which you would care to discuss, please so advise.

Very truly yours,

Edwin C. Lagerquist
Edwin C. Lagerquist

ECL:sm
Encl.
c.c. Michael and Sandra Vergillo

975 NOV 14 PM 4:47
FILED
CITY OF SEATTLE
S. J. CLARSON
COMPTROLLER AND CITY CLERK

REZONING PETITION

PETITION TO CHANGE THE ZONING CLASSIFICATION OF REAL PROPERTY WITHIN THE

CITY OF SEATTLE

DATE November 15 1975

DATE 11-14-75

\$100.00 FILING FEE PAID (SECTION 27-11 OF ZONING CODE, ORDINANCE NO. 97499)

THE CITY COUNCIL
CITY OF SEATTLE
11th Floor, Seattle Municipal Bldg.
SEATTLE, WASHINGTON 98104

RECEIPT NO. 50824
CITY TREASURER
CITY OF SEATTLE

[Signature]

Honorable Members:

The undersigned, being owner(s) of the following described real property, owners authorized agent(s), or group of interested property owners, do respectfully petition for a CHANGE IN THE ZONING CLASSIFICATION OF SUCH PROPERTY as outlined below:

(PLEASE TYPE OR PRINT IN INK)

1. LEGAL DESCRIPTION OF PROPERTY TO BE REZONED

All of Lot 5, Block 6, Seattle Suburban Home Tracts, Plat ~~less East 1/40'~~ records, Volume 7, Plats, page 93, records of King County, Washington

ZONING CLASSIFICATION OF PROPERTY:

PRESENT	PROPOSED
East 1/2 GC	G.C.
West 1/2 RM	C.G. GC

2. OWNER(S) OF PROPERTY PROPOSED FOR RECLASSIFICATION

NAME	ADDRESS	LEGAL DESCRIPTION
Michael M. Vergillo and Sandra A. Vergillo (husband and wife)	11618 87th South	(same as 1 above)
(contract vendees)		
Irene Baird McDaniel		(same as above)
(contract vendor)		

NOV 19 1975
CITY OF SEATTLE

FILED
CITY OF SEATTLE

6. Justifications for Rezoning

1. This action shall bring classification into line with actual use. History will show that Parcel has been used for parking purposes on uninterrupted basis for approximately 15 to 20 years.
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7. Usage proposed by owner is merely a continuation of "historical use" parking. Access to 32nd Avenue N.E. is not critical and owner would not be adverse to installation of a zone buffer in the form of a botanical or artificial barrier.

CITY COUNCIL TRANSMITTAL

TO: DIRECTOR, DEPARTMENT OF COMMUNITY DEVELOPMENT

C. F. # 282712

11/19/75

Date Sent:

November 17, 1975

DEPARTMENT OF ENVIRONMENTAL MGMT.

Subject:

Rezone petition of Michael Vergillo for property at NE 143rd Street and 32nd Avenue NE.

FROM: CHAIRMAN, PLANNING AND URBAN DEVELOPMENT COMMITTEE

ACTION
Required

282712-223

	Review and Return File With Your Answer to Sender
	Review and Answer Petitioner, Return File and Copy of Answer to Sender
XX	Review and Make Recommendations, Return File and Recommendations to Sender () In Duplicate
	Prepare Legislation and Return File to Sender

NOV 18 1975
 DEPT. OF ENV. MGMT.

Additional Information: _____

Paul Kraabel
 Signature

CITY COUNCIL TRANSMITTAL

DIRECTOR, DEPARTMENT OF COMMUNITY DEVELOPMENT

MAN, PLANNING AND URBAN DEVELOPMENT COMMITTEE

C. F. # 282712

11/19/75

Date Sent:

November 17, 1975

Reply Requested By: ENVIRONMENTAL MGMT.

Subject:

Rezone petition of Michael Vergillo for property at NE 143rd Street and 32nd Avenue NE.

NOV 18 1975
CITY OF SEASIDE, CALIF.

Required
X-25-223

	Review and Return File With Your Answer to Sender
	Review and Answer Petitioner, Return File and Copy of Answer to Sender
XX	Review and Make Recommendations, Return File and Recommendations to Sender () In Duplicate
	Prepare Legislation and Return File to Sender

Paul Kraabel
Signature