

FINDINGS AND RECOMMENDATION

OF THE HEARING EXAMINER FOR THE CITY OF SEATTLE

In the Matter of the Petition of

TOM McDERMOTT, et al.

FILE NO. CC-81-004
C.F. NO. 290732

for an amendment to the Official
Zoning Map pursuant to Title 24,
Seattle Municipal Code (Ordinance
86300, as amended)

Recommendation: The petition should be
CONDITIONALLY GRANTED.

Introduction

The petitioners seek to reclassify property located on the west side of Harbor Avenue S.W. extending 300 ft. north of the intersection of S.W. Florida Street and Harbor Avenue S.W. from Heavy Industrial (IH) to Community Business (BC).

For purposes of this recommendation, all section numbers refer to the Seattle Municipal Code, Title 24, as amended (Ordinance 86300, as amended) unless otherwise indicated.

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

This matter was heard before the Hearing Examiner on November 10, 1981.

After due consideration of the evidence presented by the petitioners, the information provided by the Director's report, and all evidence elicited during the public hearing, the following shall constitute findings of fact, conclusions and recommendation of the Hearing Examiner on this petition.

Findings of Fact

1. The subject property is a 37,300 sq. ft. area parcel located along the west side of Harbor Avenue S.W. at the intersection of S.W. Florida Street and extending northerly approximately 300 ft., legally described as

Entire block of unplatted land of the
SW ¼ of Section 12, Township 24 North,
Range 3 West, lying between Harbor
Avenue S.W., unimproved Fauntleroy
Avenue S.W. and unimproved S.W. Florida
Street (AKA tax lots 5, 15 and 17)
together with the adjacent vacated
portion of Fauntleroy Avenue S.W.

2. Topographically, the subject property presents as a level plateau abutting an undeveloped hillside (or bluff) to the west. Harbor Avenue, east adjacent to the subject parcel, is approximately 100 ft. wide.

3. The subject property is currently zoned Heavy Industrial (IH) and is developed with two single family dwellings and an accessory structure. The approved environmental checklist notes the absence of any substantial on-site flora.

4. The zoning designation of the west adjacent property was changed from Single Family Residence Medium Density to its current Manufacturing (M) designation in 1964. This adjacent property represents a starting point of the North Duwamish Head Greenbelt per the Urban Greenbelt Plan. The less specific Comprehensive Plan designates the west side of Harbor Avenue S.W. as "park and recreation-greenbelt." This adjacent property is also the subject of a rezone petition, currently under review. Reclassification is proposed from RS 7200 and M to RD 5000. Construction of 100 multifamily dwellings is anticipated.

5. The west side of Harbor Avenue S.W. is developed primarily with low density residential dwellings. Immediately south of the subject site is a warehouse, workshop and an office building under construction. Also, a multi-story office building is several hundred feet north of the site.

6. Across Harbor Avenue and south of S.W. Florida are Port of Seattle heavy industrial development uses. North of S.W. Florida Street and directly opposite the subject site are commercial uses, including Herr Lumber Building Supplies.

7. The present IH classification allows a variety of manufacturing and industrial uses. Community Business (BC) classification would permit such uses as banks, offices and residences.

8. The petition at issue requests the reclassification of the subject property to BC. Proposed is demolition of the existing on-site structures and the construction of a mixed residential and commercial structure. Parking and 10,000 sq. ft. of commercial space would be located on the ground floor and approximately 32 residential units on the four floors above. Access is proposed from S.W. Florida Street, which from west to Harbor Avenue S.W. is improved. West of Harbor Avenue S.W., Florida Street is unimproved.

9. Testimony in favor of the petition was varied. The Department of Community Development (DCD) Neighborhood Planner, an author of the currently proposed Admiral/City View Neighborhood Plan, noted that particularly on the west side of the Harbor corridor that the topography and area were restricted, yielding sites too small for development in line with the current zoning designation.

10. In a letter of November 3, 1981, the West Seattle Admiral Area Association Land Use Committee agreed with proponent that

- a. the existing IH zoning is incompatible with the community needs and desires for the parcel,
- b. the intended uses of multi-family, perhaps mixed with first floor commercial, are consistent with community desires.

The chairman of that committee testified in favor of the petition but recommended that conditions be imposed (1) limiting building height to a maximum of 50 ft. (for compatibility of scale) (2) requiring a minimum front yard setback of 20 ft. from Harbor Avenue (to afford visual relief along the Harbor corridor), (3) prohibiting any parking variances and applying an on-site parking ratio of 1.75 to 1 (insufficient parking exists along Harbor Avenue). The chairman reasoned that the subject area should be viewed in a comprehensive manner; and that the proposed reasonable and necessary limitations facilitate a compatible, transition use from "BC to lighter density".

11. The principal petitioner questioned the propriety of imposing the parking ratio, had no objection to the height limit; but opposed the setback condition.

12. Adequate public transportation is available along Harbor Avenue S.W. No adverse impact on the capacity or availability of public facilities is foreseen.

13. With regard to the action proposed in this subject application, a declaration of non-significance (DNS) has been prepared by the responsible official pursuant to the State Environmental Policy Act of 1971 (SEPA) and Ordinance 105735, as amended, Chapter 25.04, Seattle Municipal Code, and is part of the record.

14. The environmental specialist's annotation to the environmental checklist noted that portions of the site were designated as environmentally sensitive (as a potential slide area). However, the annotation continues,

...as part of the review of construction permit a detailed soils investigation by a licensed soils engineer will be required with all recommendations incorporated into building design. Such measures will effectively eliminate significant adverse soils impact...

Conclusions

1. The petition should be granted. The proposal represents a practical and compatible response to vicinity topographics and to the historical development in the vicinity. For example, current vicinity development consists of low density residential uses with some warehouses, office buildings and similar commercial uses.

2. Further, the proposal is consistent with the Comprehensive plan and with the Admiral/City View Neighborhood Plan. The site is without the designated greenbelt area. The neighborhood plan would suggest the subject site as a transition area, which is proposed. The action proposed would offer the goal benefit of an industrial-residential buffer. It does appear reasonable to limit building heights to a maximum of 50 ft. to further this particular goal.

3. Adequate public facilities and public transportation are available. Approximately 32 units of housing would be added to the stock of Seattle by the proposal.

4. The proposed 20 ft. setback would prematurely burden the developer in terms of foundation design and other development principles. That condition is accordingly not recommended. Concerning the parking ratio, the supporting evidence was to the effect that Harbor Avenue would experience a lack of on-street parking. The Hearing Examiner recommends that that issue be deferred to the Department of Engineering.

Recommendation

For each of the above reasons, the recommendation of the Hearing Examiner to the City Council is as follows:

That the petition be GRANTED on the following conditions: (1) that maximum on-site building height not exceed 50 ft. (2) that the developer comply with the recommendations of the Department of Engineering relating to the ratio for parking and variances from the requirements of the code. As to the latter condition, the petitioner is to request the referenced information within fourteen days of the entry of this recommendation.

Entered this 24th day of November, 1981.

Leroy McCullough
Leroy McCullough
Hearing Examiner
Margaret Lockers

NOTICE OF RIGHT TO PETITION
FOR FURTHER CONSIDERATION

Pursuant to 24.72.090, Seattle Municipal Code , as amended, (Section 27.51 of the Zoning Ordinance 86300, as amended) any party affected by a recommendation of the Hearing Examiner may submit a petition in writing to the City Council requesting further consideration. The petition must be submitted within fourteen days after the date of mailing the recommendation of the Hearing Examiner and addressed to: City Council, Urban Development and Housing Committee, Municipal Building, Seattle, Washington 98104.

The petition should state clearly and concisely the reason(s) why further consideration is necessary, and should refer specifically to any errors alleged to exist in the Hearing Examiner's Findings and Conclusions. The City Council's consideration of the petition will be based upon the record of the Hearing Examiner's hearing, and new exhibits or other evidence in support of the petition should not be submitted. In its discretion the Council may allow oral or written arguments based on the record when it considers the petition.