

FINDINGS AND RECOMMENDATION

OF THE HEARING EXAMINER FOR THE CITY OF SEATTLE

In the Matter of the Petition of
TOM BOLSER, et al.

FILE NO. CC-83-018
C.F. NO. 292848

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

Introduction

Petitioners, Tom Bolser, et al., request that property at 6517-7th Avenue S.W. be reclassified from SF 7200 to General Industrial (IG).

No correspondence or testimony was entered in the record in opposition to the petition.

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

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

This matter was heard before the Hearing Examiner on November 19, 1984.

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 findings of fact and conclusions shall constitute the recommendation of the Hearing Examiner on this petition.

Findings of Fact

1. The subject of the rezone petition is a .9 acre, 8.5 lot parcel on the west side of unopened 7th Avenue S.W. just west of West Marginal Way S.W. plus that portion of 7th Avenue S.W. adjoining this property. The legal description of the subject property is:

Lots 1-8 and the N 1/2 of lot 9, Block 2, Melville-Barth Addition lying east of 8th Avenue S.W. (unopened) together with that portion of 7th Avenue S.W. adjoining said property.

2. The subject property is zoned SF 7200 and adjoins property in the IG zone. It is in the West Duwamish Greenbelt, a designated greenbelt, and is designated as environmentally sensitive because of its slope and potentially unstable soils. The subject site and entire greenbelt area are undeveloped.

3. The parcel, made up of the northernmost seven lots, is in common ownership with the parcel across 7th Avenue S.W. to the east which has frontage on West Marginal Way S.W. The southernmost 1.5 lots are owned by the City of Seattle.

4. Petitioners request that the subject property be rezoned to IG to make the property available for use in connection with the tire facility which they propose to build on the adjacent property.

5. DCLU recommends that the rezone be approved but that the existing requirement for 70% of the site in greenbelt preserve be

maintained and that the height of any structure be limited to 30 ft. or that potential development attributable to the rezoned site not exceed three stories.

6. To the northwest, west and south is SF 7200 greenbelt. Those areas are undeveloped and heavily treed. To the north of the subject property is a parcel, similar in size to the subject site, which was rezoned from RS 7200 to IG with contract provisions in 1976. That property was not included in the designated greenbelt.

7. Petitioners will accept the recommended height limitation but the 70% greenbelt preserve requirement would render the rezone useless for their purpose of outdoor storage and potential expansion.

8. Petitioners have applied for the vacation of 7th Avenue S.W. to combine the properties on both sides. They have also proposed to trade land owned further up the hill in the greenbelt for the city-owned lots.

9. Petitioners are also applying for the removal of the greenbelt designation from the subject property. This application has not been consolidated with this reclassification petition.

10. The Director, DCLU, issued a declaration of non-significance (DNS) for the proposed rezone action. The DNS recognized potential soils and drainage impacts, removal of vegetation and displacement of wildlife, increase in noise, light and glare, traffic and parking and use of public services, energy and utilities, reduction in population and housing and change in land use. None of these impacts was regarded as significant.

11. The only access to the subject property is from West Marginal Way. There are streets platted though not open on the hillside above West Marginal Way. Because the platted streets run only between S.W. Morgan Street and S.W. Holly Street, a distance of approximately 700 ft., and those two street rights-of-way are only about 8 ft. wide, access for development of the area is not likely to be available.

12. The previous use of the site was by a sand and gravel company.

13. The subject property is more sparsely covered with trees than property above it on the hillside.

14. Lots zoned IG located in a Greenbelt Overlay District are to provide a greenbelt preserve of at least 40% of the lot area. Lots zoned SF within the Greenbelt Overlay District must provide at least 50% of the area as greenbelt preserve. In addition to those requirements found in Section 23.70.50, lots zoned IG must provide a restored greenbelt preserve of an additional 10% of the area and those zoned SF an additional 20%. Section 23.70.60.

15. Reports from petitioners' engineering consultants indicate that commercial development of the site is feasible. Recommendations are provided for site preparation and construction.

16. The gross floor area of a structure on IG-zoned property may not exceed 2.5 times the area of the lot. Therefore, the approximately 46,000 sq. ft. of the subject property could support a structure of 115,000 sq. ft. DCLU points out this structure could be 11 stories high with 10,000 sq. ft. floors. Or this floor area could be added to a structure located on the

adjoining property if the parcels were to be combined.

17. The height limit for a structure in the SF 7200 zone is 30 ft.

Conclusions

1. The first area of inquiry in a request for reclassification of single family zoned property is whether the subject area meets the criteria for single family designation set out in Section 23.34.32. Since there are no structures in single family residential use, there is no increasing trend toward single family residential use and the area is not designated by an adopted neighborhood plan for single family residential use none of the locational criteria for single family zoning is present.

2. The general rezone criteria of Section 23.34.28 that are applicable in this case are B. Zoning history and precedential effect, C. Zoning principles, D. Impact evaluation, and H. Greenbelt plan. While no locational criteria have been adopted for industrial zones it should be recognized that sole access to the property from West Marginal Way is a factor in favor of commercial or industrial use of the property.

3. Though the 1957 zone classification was carried forward in the 1982 adoption of the Land Use Code, the discrete consideration of the site just north of the subject property in 1976 resulted in a change to IG zoning. It can be inferred from that change that the need for deeper parcels for IG use was recognized. The rezoning of the subject property could be viewed as a precedent for the rezoning of the property south of it though it appears that it is City-owned so less subject to development pressures.

4. DCLU points out in its report that the new zoning would merely continue the relationship of the IG area to the SF area but would move that boundary slightly. While the immediate proximity of a residential zone to an industrial zone is generally to be avoided in this case it is not so undesirable as usual because of the unlikelihood of development on the hillside.

5. The negative impacts from development under the new zoning would not likely to be great except for the scale of a structure built to allowable limits. An eleven story building, or greater if added to the floor area allowed by the adjoining property, would be out of scale with development in the larger area and would detract from the visual continuity of the greenbelt.

6. Since the site is in the Greenbelt Overlay District, specific consideration is to be given to the effects of the rezone on preservation or enhancement of greenbelt features. In this case the effects would likely be limited because of the site's location at the lower edge of the greenbelt and close to a busy thoroughfare and because of its former use by a sand and gravel company which means fewer trees and vegetation. The reduction in greenbelt area by the amount involved would not appreciably affect its buffering characteristics because of the slope and large greenbelt area involved. The report from the soils consultant shows that the stability of the slope can be maintained even with development on the site. The chief consideration is, then, the effect on the visual continuity of the greenbelt. DCLU's proposed conditions limiting the height of any structure and requiring that the greenbelt preserve remain at the 70% required under single family zoning are proposed to reduce the effect on the visual amenity. The height limitation is necessary. If the rezone is otherwise appropriate, however, the preserve standard of the new zone should apply because the

restriction on usefulness of the site would be disproportionate to the benefit.

7. Since the subject property does not meet the criteria for single family zoning, is well located for commercial or industrial use and joins other IG zoned property and the rezoning would not have substantial negative effects on the environment or on the greenbelt if the height of any structures is restricted, the approval of the rezone would benefit the public welfare.

Recommendation

The City Council should rezone the subject property to IG with the following condition:

The height of any structure on the subject property shall not exceed 30 ft. and that part of any development on other property attributable to the area of the subject property shall not exceed three stories.

Entered this 3rd December day of ~~November~~, 1984.


M. Margaret Klockars
Deputy Hearing Examiner

NOTICE OF RIGHT TO PETITION
FOR FURTHER CONSIDERATION

Pursuant to 23.34.14, Seattle Municipal Code, as amended, any party affected by a recommendation of the Hearing Examiner may submit a petition in writing to the City Council requesting further consideration. The petition must be submitted within fourteen days after the date of mailing the recommendation of the Hearing Examiner and addressed to: City Council, Land Use Committee, Municipal Building, Seattle, Washington 98104.

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