

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

In the Matter of the Petition of

SEATTLE SCHOOL DISTRICT No. 1,
Robert J. Hintz, agent,

FILE NO. CC-84-001
C.F. No. 293031

for an amendment to the Official
Zoning Map pursuant to Title 23,
Seattle Municipal Code (Ordinance
86300, as amended)

Introduction

Seattle School District No. 1 petitions for the reclassification of property at 4720-42nd Avenue S.W., part of the former Jefferson Elementary School site, from RM 800 to BC zoning.

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 granted.

This matter was heard before the Hearing Examiner on May 22, 1984.

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

Findings of Fact

1. The property which is the subject of the rezone petition is the southerly 400 ft. of the east half of the block bounded by S.W. Alaska and S.W. Edmunds Streets and 42nd and 41st Avenues S.W.

2. The entire block, described above, is the site of the former Jefferson Elementary School which property the school district has declared to be surplus to its own needs. The Seattle School Board has approved development of the site by the R.C. Hedreen Company.

3. The subject property is now zoned Multi-family Residence Low Density (RM 800). The remainder of the old school site is zoned Community Business (BC). The requested rezoning to BC of the subject property would make zoning classification of the entire site the same.

4. West and north of the school site is BC-zoned property along California Avenue S.W. and S.W. Alaska Street. That zoning meets General Commercial (CG) zoning further to the east along Alaska Street and Fauntleroy Way. Directly across the street to the east from the portion to be rezoned is RM zoning and to the south is SF 5000.

5. The subject property is topographically separate from the residential-zoned and developed properties to the east and south. It is some 10 to 15 feet above the street on 41st Avenue S.W. and the houses to the south are elevated some 10-20 feet higher than the nearest corner of the school property.

6. There is also separation between the residential properties and the subject property because of the 60 ft. wide Edmunds Street right-of-way and 80 ft. wide 41st Avenue S.W. right-of-way.

7. The two residences across Edmunds are oriented toward 41st and 42nd Avenues S.W. with only a garage facing Edmunds Street.

8. The area of CG zoning around Fauntleroy and Alaska has been expanded in 1958, 1969 and 1980.

9. No evidence of the zoning history of the subject site was offered.

10. The information provided by petitioner shows that the proposal is to redevelop the site with retail and office space with associated parking.

11. City land use studies have found need for more commercial zoning in the area, according to the petitioner.

12. The Junction Development Committee comprising West Seattle Truusted Properties, the Junction Shopping Center of West Seattle and the West Seattle Chamber of Commerce support the rezone. That committee's opinion is that "the rezone requested will appropriately allow mixed used development of the entire Jefferson block, enhancing the business and commercial vitality of the West Seattle Junction".

13. Metro has bus lines on Fauntleroy Way, Alaska Street and California Avenue, all close to the subject site.

14. The site is readily accessible from the three major arterials California Avenue S.W., Fauntleroy Way and S.W. Alaska Street so traffic generated by any development need not circulate through residential streets.

15. Utilities and other public services are available in the area.

16. The Engineering Department had no objection to the rezone so long as demand for parking generated by any development is accommodated on-site.

17. The map for the draft Neighborhood Commercial Areas Policies designates the school site, as well as property to the east of the site, as NC-3 with a 65 ft. height limit. The types of uses and development standards proposed for the NC-3 designation are similar to the permitted BC zone uses and bulk.

18. The map for the draft Neighborhood Commercial Areas Policies shows a multi-family designation for the property to the south of the subject site.

19. A declaration of non-significance (DNS) pursuant to SEPA has been issued by the Department of Construction and Land Use. The DNS is not in the record, however, the environmental checklist shows only a change in land use, fewer potential residents, potential of commercial uses instead of housing, though either would be allowed, additional traffic movement and more demand for public services and energy. Impacts of development would be reviewed when development is proposed.


Conclusions

1. Section 23.34.28 sets forth factors to be considered in evaluating requests for a zoning change. Though locational criteria have not been established for the BC classification the factors listed will be considered to the extent they are applicable and there is evidence in the record.
2. The only evidence of zoning history is the series of additions over the years to the nearby CG zoning which suggests a continuing need for more commercially-zoned property. Regarding precedent, the rezoning of this site is likely to add support to the proposal in the Neighborhood Commercial Areas Policy map to reclassify the property to the east as commercial.
3. Application of zoning principles shows that while the rezone would result in one kind of zoning and development facing another kind across two different streets, the different elevations of the two sides and the orientation of the existing houses to the south provide separation and minimize the incompatibility. A second consideration is the site itself which is now a block with two different zone designations but without an alley or other natural boundary to provide separation. The rezone would remove that inconsistency and allow for ease of development of the block.
4. The declaration of non-significance for the proposed rezone indicates that no significant adverse impacts on the environment are probable as a result of the rezone. No judgment has been made, apparently, about the effect of full development under the proposed zoning. The impacts noted in the environmental checklist are very general--more traffic generated by commercial use than by residential use, a change in land use to allow business as well as residential use, a reduction in the residential population potential, possible reduction in the potential number of housing units, and an increase in demand for public services and energy.
5. There is no evidence in the record of an adopted neighborhood plan for the area. The current draft of the Neighborhood Commercial Areas Policies and map would support the proposed rezone.
6. There is no evidence in the record that any overlay district applies to the subject site.
7. While the petitioner has not relied on any changed circumstances to justify the rezone it can be noted that the abandonment of the school use has occurred, which may not have been contemplated at the time the current zoning was adopted, along with the expansion of the commercial zones in the area which shows a continuing need for more land available for commercial development.
8. Views of the community may be given weight. Parkridge v. Seattle, 89 Wn.2d 454, 462, 573 P.2d 359 (1978). Here, groups interested in the overall development of the West Seattle business area support the rezone.
9. The record shows sufficient evidence of benefit to the public interest in terms of better land use relationships and providing more land zoned to allow for commercial use, if needed, to conclude that the rezone is necessary for the general welfare.

Recommendation

The petition should be granted.

Entered this 5th day of June, 1984.


M. Margaret Klockars
Deputy Hearing Examiner

NOTICE OF RIGHT TO PETITION
FOR FURTHER CONSIDERATION

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

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