

FINDINGS AND RECOMMENDATION

OF THE HEARING EXAMINER FOR THE CITY OF SEATTLE

In the Matter of the Petition of

BELSHAW BROTHERS, INC.

FILE NO. CC-8502674
C.F. NO. 294155

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

Recommendation: The petition should be Conditionally
Granted.

Introduction

For purposes of this recommendation, all section numbers refer to the Seattle Municipal Code as amended 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 October 3, 1985, and the date of October 9, 1985, was set as the deadline for the submittal of additional documents for the record.

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

Findings of Fact

1. The subject site, is located at 2222 South Grand at the northwest corner of South Grand Street and 23rd Avenue South. The legal description of record is incorporated herein by reference. Applicant proposes to rezone the site from its present L-2 designation to CG for the purpose of constructing a 20,000 sq. ft., light manufacturing and warehouse structure.

2. The site, approximately 138 ft. by 164 ft., is presently being used as an unpaved parking lot. The east boundary is 23rd Avenue South and the Coleman Playground in a RD 5000 zoned area; half of the south boundary is an L-2 zoned parcel across South Grand Street that is developed with a church and the other half of the south boundary is the large CG designated area that also forms the west boundary of the subject site as it runs through the alley, separating and dividing applicant's adjoining present manufacturing facility from the subject site. The northern boundary is an L-3 zoned parcel that is developed with a large, 83-unit apartment building and adjoining that parcel is an L-2 zoned area which is developed with a mix of single and multi-family residences.

3. The site is one block east of Rainier Avenue South and the Hearing Examiner finds through credible testimony that the majority of the development in the area is commercial. The bakery equipment manufacturing facility adjoins the site, an auto repair business is located across the street and the commercial development along Rainier Avenue South is intense.

4. The Hearing Examiner finds that the intense commercial development is of medium rather than small scale.

5. Applicant's testimony indicated and the Hearing Examiner finds that the applicant's manufacturing facility has been in operation for sixty years and that the development of the area is compatible with his proposed expansion of facilities.

6. From the record the Hearing Examiner finds that a portion of the site was zoned commercial from 1923 to 1957, zoned RD 5000 between 1957 and 1982 and zoned L-2 since 1982. The adjoining CG area was so designated in 1957.

7. Through credible testimony of applicant the Hearing Examiner finds that the proposed rezone would direct truck traffic away from the residentially zoned areas and towards South Grand Street making the arterials, Rainier Avenue South and 23rd Avenue South, easily accessible.

8. The Hearing Examiner finds from the record that a separate partial alley vacation will be sought by the applicant to complement the proposed rezone.

9. The Hearing Examiner finds from credible testimony that applicant owns other adjoining CG zoned property on which parking and further expansion could be accommodated.

10. Through credible testimony the Hearing Examiner finds that the site in particular and the area in general is not suitable for residential use in consideration of the commercial development presently existing.

11. The Hearing Examiner finds that 23rd Avenue South and the higher elevation east of the site provides a break between the commercial use on the west side of 23rd Avenue South and therefore addresses the concerns of residential property owners in the area.

12. Ten foot wide heavy landscaping to the north boundary will be undertaken by the applicant and the Hearing Examiner finds that such landscaping will provide a break and create a buffer between the commercial use and residential use in the area.

13. From the record the Hearing Examiner finds that the area was economically depressed in the 1970's and that commercial development in the area is supported by businesses and the South Atlantic Community Council.

Conclusions

1. Relevant rezone criteria and considerations are found at Seattle Municipal Code Section 23.34.28:

- A. Match between established criteria and are a characteristics.
- B. Zoning history and precedential effect.
- C. Zoning principles relating to compatible land use patterns, size, configuration and boundaries.
- D. Impact evaluation.
- E. Neighborhood planning efforts.
- F. Changed circumstances.
- G. Overlay district.
- H. Greenbelt plan.

2. Locational criteria for L-2 are found at Seattle Municipal Code Section 23.34.38(A-F). The Hearing Examiner concludes the site is not residential in that

- A. The site abuts a large CG zoned area that is developed with rather intense commercial usage along Rainier Avenue South; adjoins a parcel developed with a church; abuts an eighty-three unit apartment complex that is designated L-3; and that it more appropriately creates a transition, geographically and by the arterial 23rd South, to the RD 5000 zoned area.

- B. As a portion of the site was zoned commercial from 1923 to 1957, zoned RD 5000 between 1957 and 1982 and since 1982 zoned L-2, and the abutting lot designated CG since 1957, the Hearing Examiner concludes that rezoning to CG is consistent with the area's commercial development and would not set an unwarranted precedent.
- C. It is concluded that a CG designation for the site would be more compatible with the area's present medium scale commercial development; and that the geographic and traffic created boundaries such as 23rd Avenue South, provide a break and transition to the RD 5000 area. It is concluded the property owners' concerns in the RD 5000 area have been met.
- D. Impacts during construction are concluded to be temporary in nature and not significant. It is concluded that present impacts to the residential use north of the site will be decreased or eliminated by directing truck traffic to South Grand Street and by the partial alley vacation to be undertaken by the applicant. It is concluded that heavy landscaping on the north boundary will adequately protect and buffer the abutting multi-family residential use.
- E. The South Atlantic Community Council has expressed general support for the proposal and the concerns of parking, truck traffic and construction impacts and these concerns are concluded to have been met. The Council had further suggested overall commercial zoning to encourage and promote economic development in this area.
- F. It is concluded that the area has changed due to the economic decline in the 1970's that caused the residential usage to decline and deteriorate and that commercial development is the focus the area. As defined in Seattle Municipal Code Section 24.06.080(C) the area fits said designation for CG usage.
- G. The area is not located in an overlay or greenbelt zone.

Recommendation

The recommendation of the Hearing Examiner to the City Council is as follows:

The petition should be granted subject to the following conditions:

1. The existing truck loading area shall be relocated from 22nd Avenue South to South Grand Street, and the truck loading area shall be approved by Traffic Engineering in the Seattle Engineering Department.
2. A detailed landscape plan shall be submitted at application for the Master Use Permit for the manufacturing and warehouse structure. Landscaping shall be provided per approved plan prior to final occupancy of the building. Maintenance of the landscaping shall be the responsibility of the owner(s).

3. Loud equipment, including but not limited to pavement breakers, pile drivers, jackhammers, sandblasting tools, crawlers, tractors, compactors, drills, graders, compressors and other similar equipment is strictly limited to normal working hours (7:30 a.m. to 6:00 p.m.) on weekdays.

Entered this 23rd day of October, 1985.

Roger Shimizu
Roger Shimizu
Hearing Examiner Pro Tempore

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 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.