

FINDINGS AND DECISION

OF THE HEARING EXAMINER FOR THE CITY OF SEATTLE

In the Matter of the Appeal of

LAKE CITY SCHOOL SPARCC
from a decision of the Director of
the Department of Construction and
Land Use on a master use permit
application

FILE NO. MUP-82-026(V)

Introduction

Appellant requests an identifying sign to exceed the maximum allowed by the Seattle Municipal Code at 2611 N.E. 125th Street. An appeal was taken from the Department of Construction and Land Use (DCLU) denial of the requested variance.

The appellant exercised its right to appeal pursuant to the Master Use Permit Ordinance, Chapter 24.84, Seattle Municipal Code.

Parties to the proceedings were: appellant by Marlin J. Appelwick, Helenius and Appelwick; the Director of the Department of Construction and Land Use by Leslie Durkee.

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

This matter was heard before the Hearing Examiner on May 18, 1982.

After due consideration of the evidence elicited during the public hearing, the following shall constitute the findings of fact, conclusions and decision of the Hearing Examiner on this appeal.

Findings of Fact

1. The subject property is located on the south side of N.E. 125th Street between 26th and 28th Avenues N.E. The western portion of the site is zoned RD 5000 and the more easterly portion is zoned RM. The western and eastern margins of the streetscape are marked by some tree and vegetation growth.

2. The site is bordered on the west by RD 5000 zoning. RM zoning is north and east and RD 5000 zoning is directly south. Properties east of 28th Avenue N.E. are zoned Community Business (BC), General Commercial (CG).

3. The subject site, relatively level to N.E. 125th Street, is developed with a building formerly occupied by the Lake City Elementary School. The building is currently managed by the Lake City School Preservation and Recreational Community Center (SPARCC) as agent of Seattle School District #1.

4. Pursuant to the school use advisory committee process authorized in Section 24.74.021, the school building was reopened to its current use as a multi-purpose community center. Tenants include the Civic Light Opera, college classes, non-profit agencies providing community services and similar uses. Presently 19 tenants occupy the building.

5. Northeast 125th Street is a principal east-west, four lane arterial. The speed limit is 35 miles per hour (mph) along site. The total traffic count on an average weekday between 26th N.E. and 27th Avenues N.E. is 16,328 cars.

6. Directly across the street from the subject site is a church, a lawn sign for the church and a parking lot. The Villager apartments are located northwest of the site, directly across N.E. 125th. The remaining uses bordering the property include an accounting office, and additional multifamily residential uses.

7. The applicant proposes to erect a double-faced sign in the lawn area in front of the building's main entrance. The sign, to be perpendicular to N.E. 125th, would measure 12 ft. in length and 3 ft. in height. The lowest point of the sign would be approximately 2 ft. above ground level. In addition to identifying the facility as a community multi-purpose service center the sign would list the tenants of the building. The maximum allowed area for a sign in the subject zone is 15 sq. ft. Section 24.26.040, reference 24.16.050(F). The diagram of record, Director's Exhibit 1, was not drawn to scale, but shows that roughly 4 ft. of the sign's length would be dedicated to identifying tenants.

8. The Lake City Elementary School building was the first established for reuse pursuant to the School Use Advisory Committee (SUAC) process, allowing a variety of uses not otherwise permitted in the zone. We find in accord with the testimony of record that the issue of sign (size) restrictions was inadvertently not addressed. In contrast, the Monroe School SUAC decision of January, 1982, allows a sign of "no more than 32 sq. ft." in size even though that property is located in a Single Family Residence High Density (RS 5000) zone.

9. The one negative response to the proposal was subsequently withdrawn.

10. With regard to the State Environmental Policy Act of 1971 (SEPA) and Ordinance 105735, as amended, Chapter 25.04, Seattle Municipal Code, the action proposed in this subject application has been determined by the responsible official to be categorically exempt pursuant to the provisions of WAC 197-10-170.

Conclusions

1. The subject site is located on a busy four-lane arterial and adjoined by multifamily and business uses. Some tree screening of the central portion of the subject lawn exists. The former school building is located in a residential zone but is in use as a multipurpose building housing non-profit and other community agencies. Identification signage is allowed by the terms of the zoning ordinance. In bulk, scale and location in the residential zone the subject (school) building is unique. The foregoing constitute unique property conditions which justify some departure from the strict and literal application of the zoning ordinance. Section 24.74.030. Based on the location and surrounding of the subject property no material detriment to the public welfare is shown either in practical operation or in precedential effect.

2. It is clear from the record that at least one other school, Monroe, SUAC decision allowed for signage in a residential zone which was in excess of that typically allowed in the zoning code. Section 24.74.028, Special exceptions-Nonschool uses of school buildings, also a part of the Seattle Zoning ordinance, was invoked in the establishment of the Monroe SUAC regulations. We conclude that, accordingly, the requested variance relief for the Lake City school building would not violate the spirit of the Comprehensive Plan. It is noted that while the vehicle for public input on the proposal would have been different utilizing the SUAC guidelines, notice of this request for variance relief was to have

been provided per the Master Use Permit Ordinance, by mailed notice, the General Mailed Release and four placards on or near the site. Section 24.84.060. "Mailed notice" is defined as notice mailed to

all property owners, commercial lessees and all residents of the area within three hundred feet of the boundaries of the subject properties. For these purposes the real property tax roll as issued annually on microfiche by the County Comptroller and the address as listed in the latest addition of Polk's Directory or its successor publication shall be used....
Section 24.84.030(F)(2).

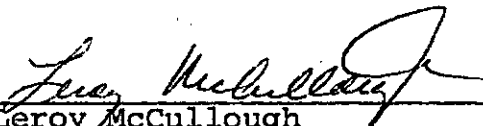
Therefore, the public interest would not necessarily be better served by reconvening the panel for one issue at hand.

3. However, the variance criteria are different from SUAC criteria. No variance may issue if the same would exceed the minimum necessary to afford relief. Section 24.74.030. The sign design of record, Director's Exhibit 1, was not drawn to scale. It would suggest, however, that approximately one quarter of the sign area would be used for listing tenants. While recognition of the service center by signage is appropriate and would not be an inconsistent privilege considering the circumstances, variance approval for the area designated for listing of tenants appears inappropriate and excessive. Accordingly, the variance is granted on the condition that the sign may identify the name of the entire facility to a maximum dimension of 9 ft. in length, 3 ft. in height.

Decision

The Director's decision is REVERSED and the variance is conditionally granted.

Entered this 1st day of June, 1982.


Leroy McCullough
Hearing Examiner

Notice of Right to Appeal

The decision of the Hearing Examiner in this case is the final administrative determination by the City. Any further appeal must be filed with the Superior Court within 14 days of the date of this decision. Vance v. Seattle, 18 Wn.App. 418 (1977); JCR 73 (1981). Should an appeal be filed, instructions for preparation of a verbatim transcript are available at the Office of Hearing Examiner. The appellant must initially bear the cost of the transcript but will be reimbursed by the City if the appellant is successful in court.