

## FINDINGS AND RECOMMENDATION

### OF THE HEARING EXAMINER FOR THE CITY OF SEATTLE

In the Matter of the Petition of

R.D. LEE

FILE NO. CC-84-020  
C.F. NO. 293598

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

#### Introduction

R.D. Lee, by his agent, Keith Putnam, petitions for reclassification of property at 3021 S.W. Bradford Street from General Commercial (CG) to Lowrise 3 (L-3).

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 10, 1985.

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

#### Findings of Fact

1. The property subject to this rezone petition is a 39,478 sq. ft. parcel located at 3021 S.W. Bradford, on the hillside below Fauntleroy Way S.W. The site is located on the south side of Bradford Street beginning about 150 ft. west of Avalon Way S.W. The legal description is attached to the petition and is incorporated in this finding by this reference.

2. The CG zone which the site is part of extends along the west side of Avalon Way S.W. to south of Andover and north beyond Spokane Street. Across Avalon is a Heavy Industrial (IH) zone containing the Bethlehem Steel plant.

3. The subject site is vacant. Uses in the area, in addition to the steel plant, include a marine center and veterinary clinic on the north side of Bradford, a recycling center, lumberyard, a transitional care program for young adults (TRY) along Avalon and single family residences along Andover to the south. The property to the west of the subject site, with frontage on Fauntleroy, is vacant. Apartment development has received Council Conditional Use approval for the property directly across Bradford from the subject property. Above Fauntleroy Way to the west is a large SF 5000 zone. Most development in the area except for Bethlehem Steel, is under 30 ft. in height.

4. Petitioner proposes Lowrise 3 zoning to allow the development of three apartment buildings containing a total of 72 units. He received Council Conditional Use approval (X-79-060. C.F. 287785) subject to a series of conditions to establish 48 dwelling units on this site. RM 800 development standards apply to that approval. Those standards do not allow as much flexibility to recognize the peculiarities of the site as the L-3 development standards, nor as much density. Therefore, the petitioner requests the zone change.

5. The site, in addition to an average slope of 22 percent with some parts much steeper, is oriented so that its narrow end faces the street.

6. The S.W. Bradford Street right-of-way is approximately 20 ft. wide between Avalon and the western edge of the subject property. The roadway is only marginally improved. No utilities exist in Bradford.

7. Petitioner has arranged for the dedication of sufficient property to widen S.W. Bradford to 30 ft. from the subject property to Avalon Way.

8. Pedestrian access to S.W. Avalon would not necessarily be provided unless specifically required. Petitioner has offered to create such access.

9. Avalon Way S.W. is served by a bus route.

10. Fauntleroy Way S.W. is a designated scenic route.

11. The 37 ft. height limit on L-3 development would result in structures with roof lines considerably below the elevation of Fauntleroy Way S.W. The RM 800 standards which apply to the prior approval would limit the height to 35 ft. The subject site overlooks the steel plant but has views of the bay and cityscape. Better views are available from Fauntleroy and the residences above.

12. A determination of nonsignificance (DNS) was issued pursuant to SEPA (RCW 43.21C) and Chapter 25.05, Seattle Municipal Code, subject to three mitigating conditions. The impacts disclosed in the DNS are unstable soils, increased runoff, increased vehicle emissions, dust and noise during construction, a long-term increase in population, housing, traffic, energy consumption, light and glare, and different vegetation. Conditions imposed were the requirement of a landscaping plan, provision of a soils report and widening of S.W. Bradford Street to meet Engineering Department requirements.

13. A 1980 preliminary soils report for the site showed that if properly designed the development would improve the stability of the slope.

14. The subject site had been in some form of single family zoning until 1965 when it was rezoned to CG. The Mayor's proposed designation for this site to implement the Neighborhood Commercial Areas Policy is Lowrise 3 along with the property to the west and north. The property fronting on Avalon Way would remain commercial.

15. TRY expressed concern at the time of the Council Conditional Use application about the effect that loss of privacy would have on its residents. A condition requiring a view obscuring fence along the property line was imposed at that time and is agreeable to petitioner now.

16. The Director recommends that the rezone be granted subject to certain conditions. Some of these have been incorporated in petitioner's proposal. All are agreed to by petitioner. The recommended conditions are:

1. That the applicant provide a pedestrian walkway to S.W. Avalon Way meeting Engineering Department design requirements.
2. That is (sic) a view obscuring fence be provided at the property line dividing the subject site and that of TRY; and
3. That sufficient property be dedicated to widen S.W. Bradford to 30 ft. in front of the subject property.

4. That pedestrian and vehicular access plans be submitted to the Department of Engineering for approval.
5. That a water main and fire hydrant be provided to meet Water and Fire Department requirements.
6. 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.

### Conclusions

1. Section 23.34.28 sets out the factors to consider in evaluating a request for a zoning change. Applicable factors are: A. Match between established locational criteria and area characteristics; B. Zoning history and precedential effect; C. Zoning principles; and D. Impact evaluation.

2. Many of the locational criteria for Lowrise 3 fairly describe the area and subject site. Fauntleroy Way and the slope separates the subject site from the large single family area west of Fauntleroy. The site is located downslope from the single family area with its low buildings and is below the scenic route so the 37 ft. height limit will provide protection for views. Public transit and arterials are nearby. The site is adjacent to the CG zoned area along Avalon and while development now is fairly small in scale, in the future the L-3 zoned development could provide a good transition from larger scale commercial development and the single family area to the west.

3. While there are no established locational criteria for the CG zone, the considerations required when evaluating a request to locate housing in a CG zone can be used as factors which make a good area for commercial zoning. Here, arterials are nearby to provide access but a fairly steep roadway must be negotiated. The steepness of the site also makes it undesirable for commercial development. The site's continued vacancy, despite CG zoning, shows it has not been needed for commercial development.

4. The zoning history of the site yields no helpful information except that no development has occurred under the CG zoning.

5. If common zoning principles are mechanically applied, the proposal would be found to be in violation. It would not face similar zoning across the street. It would be a small zone made up of only one property which might have been described at one time as a spot zone. On the other hand, it would provide a transition of development between the commercial area to the east and north and the single family areas to the south and west which is consistent with one common zoning principle.

6. As to possible environmental impacts, the slope stability should be improved with development. Though that could occur with commercial development as well, there has been no movement toward commercial development. The greatest, and perhaps only, negative impact would be from the increased traffic and circulation. Widening of the street is needed to handle traffic from 70-plus units and pedestrian access must be provided to allow transit usage. Petitioner agrees to provide street improvements including widening and pedestrian access. Construction noise is expected and, because there are residential units in the area, must be limited. With the conditions agreed to by petitioner, there should be no impacts which would outweigh the benefits to the public welfare of the additional housing opportunities.

7. Consideration of the general rezone criteria shows that, on balance, the public interests would be served by granting the rezone with a concomitant agreement which includes the conditions which have been agreed to and adopted by petitioner.

#### Recommendation

The rezone be granted subject to the following conditions:

1. That petitioner provide a pedestrian walkway to Avalon Way S.W. meeting Engineering Department design requirements;
2. That a view-obscuring fence be provided at the property line dividing the subject site and that of TRY;
3. That sufficient property be dedicated to widen S.W. Bradford Street to 30 ft. in front of the subject property;
4. That pedestrian and vehicular access plans be submitted to the Engineering Department and that approval be obtained;
5. That a water main and fire hydrant be provided to meet Water and Fire Department requirements; and
6. That the use of loud equipment during construction be limited to normal working hours (7:30 a.m. to 6:00 p.m.) and be used on weekdays only.

Entered this 24th day of October, 1985.

*M. Margaret Klockars*  
M. Margaret Klockars  
Deputy Hearing Examiner

#### Concerning Further Review

Pursuant to Section 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: Seattle City Council, Land Use Committee, Municipal Building, Seattle, Washington 98104.

The petition should state clearly and concisely the reasons 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.