

FINDINGS AND RECOMMENDATION

OF THE HEARING EXAMINER FOR THE CITY OF SEATTLE

In the Matter of the Petition of

UNION PACIFIC EMPLOYEE CREDIT UNION

FILE NO. CC-82-005
C.F. NO. 291392

for an amendment to the Official
Zoning Map pursuant to Title 24,
Seattle Municipal Code (Ordinance
86300, as amended)

Recommendation: The petition should be CONDITIONALLY
GRANTED.

Introduction

Applicant-petitioner proposes to rezone a triangularly shaped parcel and vacate a portion of an adjacent street in order to construct a larger building to replace the current structure located at 5327 Denver Avenue South.

For purposes of this recommendation, all section numbers refer to the Seattle Municipal Code, Title 24, as amended (Ordinance 86300, as amended) 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 13, 1982.

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 and as a result of the personal inspection of the subject property and surrounding area by the Examiner, the following findings of fact and conclusions shall constitute the recommendation of the Hearing Examiner on this petition.

Findings of Fact

1. The subject property is a triangularly shaped parcel of approximately 600 sq. ft., developed with a 255 sq. ft. credit union building. The property address is 5327 Denver Avenue South. The legal description follows:

Lot 12, Block 6, of Mapel's Addition to the
City of Seattle, according to the plat
recorded in Volume 2 of Plats, page 17,
King County, State of Washington.

2. The subject site, zoned Duplex Residence High Density (RD 5000), is surrounded on all sides by General Industrial (IG) zoning.

3. The hypotenuse of the triangle-site faces Denver Avenue S. South of the lot is S. Brandon Street. A segment of Maynard Avenue S. is west adjacent. That segment is asphaltic and without curbs, gutters or permanent surfacing.

4. Railroad tracks line Denver Avenue S. Industrial uses are present directly across Denver Avenue from the subject site. Across Maynard Avenue S., to the west, the block is also industrially developed. To the southwest, several single family residences face S. Brandon Street; however, the total block composition includes some industrial usage fronting on S. Lucile Street, parallel to S. Brandon Street. The block south/southeast of the subject property is primarily in industrial use although two residential uses are present.

5. The nearest residential zone is the RD 5000 zone, located nearly five blocks to the southeast of the subject site bordered on the west by 7th Avenue South. A segment of 7th Avenue S. is one block east of and parallel to Maynard Avenue S.

6. Between the original RD 5000 zoning designation of 1957, and the present, approximately 80 blocks or portions of the area between Denver Avenue S., 1st Avenue S. and S. Fidalgo Street have been rezoned IG. The properties adjacent to and near the subject site were rezoned to IG in the 1970's.

7. The petitioner requests the rezone, street vacation and subsequent building expansion because the State of Washington Division of Savings and Loan has deemed the existing building to be inadequate for credit union operation. The credit union has operated in the present location for 13 years.

8. According to the project applicant, the advantages of the completed project include adequate housing, and enhancement of the area with appropriate landscaping. In addition the new, modular building would have a greater setback from the street with an expected decline in incidences of damage to the property grounds from vicinity truck traffic.

9. With regard to the action proposed in this application, a declaration of nonsignificance (DNS) has been prepared by the responsible official pursuant to the State Environmental Policy Act (SEPA) and Ordinance 105735, as amended, Chapter 25.04, Seattle Municipal Code, and is part of the record.

10. The owner of the commercial building directly across Denver Avenue S. recommended that action on the rezone application be postponed until the matter of the Maynard Avenue S. street vacation could be addressed; or in the alternative that the rezone application be denied. That witness was of the view that the angle currently provided at the Maynard-Denver Avenue S. intersection was important to vicinity truck traffic. That witness also related a belief that the segment of Maynard Avenue proposed for vacation experienced substantial car and truck traffic, taking direct issue with a statement in the project Environmental Checklist that traffic volume on that segment was low. The proponent testified that the segment is in a state of disrepair and experiences no heavy traffic volume.

11. The Environmental Checklist, Transportation/Circulation, noted in response to the questions of the impact upon existing transportation systems and alterations to present patterns of circulation that

Existing transportation systems and patterns of circulation will be altered because of the vacation of Maynard Avenue South; however, a right turn from Denver Avenue South to South Brandon Street will be improved because upon expansion of the Union Pacific Employee's Credit Union, the turning radius is proposed to be increased to 30 feet. (Present traffic on this very short segment of Maynard Street is minimal to non-existent).

12. The declaration of nonsignificance (DNS) review considered the vacation as well as the proposed office building construction, and summarized:

There will be some minor construction impacts related to the closing of the street and the construction of the new office. The proposed new office building is in line with the type and scale of other buildings in the area. Required off-street parking will be provided. No significant effects are foreseen.

13. The subject Environmental Checklist was reviewed by the Seattle Engineering Department. Their Office for Planning had no objection to the proposed rezone but did suggest that curbs and sidewalks be restored or installed, "if none exist." A further recommendation was that any new driveways be approved by the Seattle Engineering Department through the street use permit process.

14. A Seattle Department of Community Development (DCD) memorandum stated that to date of the March 16, 1982, memorandum no comments had been received from the representatives of the Concerned Citizens of Georgetown, the Georgetown Service Center Medical and Dental Clinics, or any other concerned parties. DCD did recommend that some language be included to

...restrict traffic generated by this project from using routes through the residential core. Traffic should be prohibited on S. Homer Street and S. Orcas Street between 7th Avenue S. and S. Corson Street.

Conclusions

1. The petition should be granted. Since 1957, the original RD 5000 zone designations for the area have given way to General Industrial zoning and use although some single family residential uses of IG zoned property remain. Thus, the requisite showing of substantial change in circumstances since the original zoning has been met. Parkridge v. Seattle, 89 Wn.2d 454 (1978); Cathcart v. Snohomish County, 96 Wn.2d 201 (1981). And, the requested rezone would bring the subject property into zoning conformity with the surrounding land.

2. The subject property would appear to be more suitably zoned and used for industrial or business purposes as opposed to residential, particularly in view of the vicinity truck traffic, nearby railroad facilities and vicinity industrial development.

3. The checklist, reviewed by the Department of Engineering and proponent's witness, essentially state that traffic on the segment of Maynard Street requested for vacation is low and that closing the segment will not significantly affect transportation and circulation. This conclusion was contested by a witness in opposition. We conclude in accord with the final declaration of nonsignificance and with the direct testimony of proponent that as proposed the rezone/vacation will not have a significant detrimental impact on vicinity traffic. Project approval will allow a modular building with increased setback to be constructed similar in scope and design to the commercial buildings in the vicinity. In view of the foregoing, the rezone bears the necessary relationship to the public welfare. Parkridge v. Seattle, supra; Cathcart v. Snohomish County, supra. Chapter 24.72.

4. Accordingly, the recommendation herein is that the petition for rezone be granted. Due to the functional relationship of the property with its environs, the requested rezone is practical and reasonable notwithstanding results of the street vacation application. No conditions are recommended pursuant to the DCD memorandum as the traffic impacts of the project will be minimal and the residential area is sufficiently removed from the area of the proposed rezone. However, the recommendations of the Department of Engineering Office for Planning, per Finding of Fact 13, are adopted and incorporated herein by reference.

Recommendation

For each of the above reasons, the recommendation of the Hearing Examiner to the City Council is as follows:

The petition be GRANTED on the conditions that petitioner restore or install curbs and sidewalks, and on the further condition that any new driveways be approved by the Seattle Engineering Department through the street use permit process.

Entered this 24th day of May, 1982.


Leroy McCullough
Hearing Examiner

NOTICE OF RIGHT TO PETITION
FOR FURTHER CONSIDERATION

Pursuant to 24.72.090, Seattle Municipal Code , as amended, (Section 27.51 of the Zoning Ordinance 86300, 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.