

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

In the Matter of the Petition of

The DEPARTMENT OF COMMUNITY DEVELOPMENT

FILE NO. CC-81-006
C.F. NO. 290751

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

Introduction

Petitioner, Department of Community Development, requests reclassification from Community Business (BC) to General Commercial (CG) of property generally located between 12th and 14th Avenues South and Yesler Way and South Washington Street plus a 120 ft. depth on the south side of S. Washington and property east of 14th 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 October 9, 1981.

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 of the rezone petition is a 4.73 acre area located in the block bounded by 12th and 14th Avenues South, East Yesler Way and South Washington Street, at the northeast and northwest corners of the intersection of Yesler Way with 14th Avenue South, on the east side of 14th Avenue South between South Washington and Yesler Way, and the south side of South Washington Street between 12th and 14th Avenues South. (See Attached Map, Appendix A.) The property is legally described as:

Hill Tract Addition, Block 1, Lots 1-7 inclusive and Lots 9-12 inclusive, Hill Tract Add. Suppl., Block 15, Lots 1-5 inclusive; Yesler's Garden Tracts, unrec. Lots 2-11 inclusive, Lawton Tracts, unrec. Lots 14, 15, 17-21 inclusive; Terry's Fourth Supplemental, Block 1, Lots 4-9 inclusive and Terry's Fourth Addition, Block 2, Lots 9-13 inclusive.

2. The subject area is currently zoned Community Business (BC). Development includes residential uses in the form of apartment buildings and small structures. Petitioner states that there are a total of 60 dwelling units in the rezone area, 52 of which are in the block bounded by 12th and 14th, Yesler and Washington. The Kroll map shows 33 units in that block, 30 north of Yesler and 12 south of Washington, for a total of 75 not including those shown as dilapidated. In addition, there are vacant lots, a building housing a fraternal organization, a church, a tavern, restaurants, construction storage, office building, parking lot, auto repair and other miscellaneous uses.

3. The area to the west, northwest and south is currently zoned General Commercial (CG). Development of the property in that zone near the subject area includes warehousing, a motel, vacant properties, and cab storage. To the north, northeast, and east is Multiple Residence Low Density (RM 800) zoned property developed with a mix of varied residential uses and having some vacant lots. To the southeast is a small contract Multiple Residence High Density Variable Height (RMV 200) zone developed with an 86 unit housing structure for the elderly and a playground.

4. The petitioner requests the rezone as a means to encourage redevelopment of the area by increasing the number and intensity of uses permitted. The area, called the Yesler-Atlantic West area for study and planning purposes by the petitioner, was envisioned for a urban renewal-type of redevelopment until funds became unavailable. Now the intention is to assist in its redevelopment by encouraging private property owners and business people to rehabilitate or redevelop the properties.

5. As described by petitioner and DCLU, the area is in a blighted condition. Petitioner reasons that blight removal and job creation would be more likely to take place if the zoning were changed. While much of the properties' development is run down and vacant properties exist, there are exceptions to that description such as the Urban League office building, the structure housing the Royal Esquire Club which has recently been remodeled and refurbished and the church. Several uses exist which contribute to the unattractiveness of the area such as the cab storage in the next zone which has taken over some property in this zone and open storage of construction equipment in two different cases. The owner of the motel adjacent to the subject area is attempting to renovate that motel.

6. The BC zone is intended for a larger business center serving the needs of several neighborhoods or the community district. The types of uses permitted in the zone include retail store and personal service establishments, banks, business and professional offices, auto sales, and residential uses.

7. The CG zone permits non-retail commercial and business activity near major business districts under conditions intended to minimize conflicts with nearby residential areas. The types of uses that could be permitted are those included in the BC zone plus light manufacturing, warehousing, contractor storage yard, and major repair garage plus others as accessory uses to those uses. New residential units would require Council Conditional use authorization.

8. Some of the uses now present in the subject area are not permitted or only permitted under conditions and enforcement action has been underway for several years, at least in one case. The CG zone would permit those uses.

9. There are BC zones to the north, south and at Promenade 23 which are more desirable and reduce the demand for this BC zoned property, according to petitioner.

10. The petitioner opines that elimination of zoning differences with the adjacent CG zone would "facilitate land assemblage and would contribute to a unified commercial character for the area as a whole. It would thus become more likely that 'pioneer' firms in the area would be joined by other similar firms to establish an agglomeration of commercial uses."

11. A proposal by the University of Washington to establish a laundry facility in the main block of the area was pursued but failed for the university's inability to acquire all the properties in the block. A similar type of development is envisioned by the petitioner. The Madison-Jackson Economic Development Council, which functions as a chamber of commerce for the area, supports the petition as a means to make the area more attractive to the type of development such as that proposed by the University.

12. The adjacent CG zone contains considerable vacant property.

13. A representative of the board of the Royal Esquire Club expressed concern about the effect of the rezone on the club, the likelihood of improvement of the area when certain uses are legalized and the amount of information provided the community regarding the rezone and its affects.

14. The Yesler Terrace Community Council voiced concern regarding the affect that a rezone would have on the parking problems experienced at Yesler Terrace from the demand generated by Harborview, the downtown area and the downtown area workers.

15. The Comprehensive Plan designation for the properties west of 14th and south of Yesler is for commercial use. The property in the rezone area east of 14th and north of Yesler is designated for multi-family use.

16. A declaration of non-significance was issued by the Department of Community Development which found that the rezone itself would have no impact on the environment.

17. The Housing Preservation Ordinance could result in the imposition of a fee for the demolition of any of the housing units. Fifty-two of the 60 dwelling units are located in the main block that is viewed as the most likely for a large development project, according to petitioner. The effect on the housing units of a rezone should they remain, may be to improve the quality of the environment for those units or the quality may deteriorate, depending on the actual development that occurs.

Conclusions

1. The opinions offered by the Department of Community Development and Madison-Jackson Economic Development Council regarding the increased potential for desirable redevelopment form the only support in the record for the conclusion that the public interest would be served by the rezoning as proposed. There are several potential weaknesses in that conclusion, however. One, is the possibility that the storage uses that now exist would flourish and contribute further to the deterioration of the area. Another is that sufficient property could not be assembled for any envisioned project because of the existence of well-kept and valuable properties in the block that may not be available.

2. The potential for loss of considerable housing or the deterioration of the surroundings for that housing and the increased conflict of the uses in the zone with the adjacent residential zones and contribution to their deterioration or detracton from their desirability for development or redevelopment are effects that would not be in the public interest.

3. Since actual need for more CG zoning in the City was not shown and a preponderance of the evidence does not show that the public interest requires or would be served by the rezone, the petition should be denied.

Recommendation

The recommendation of the Hearing Examiner to the City Council is that the petition for rezone be DENIED.

Entered this 23rd day of October, 1981.

M. Margaret Lockars
M. Margaret Lockars
Deputy 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, Urban Development and Housing 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.