

FINDINGS AND DECISION

OF THE HEARING EXAMINER FOR THE CITY OF SEATTLE

In the Matter of the Appeal of

STATE OF WASHINGTON, DEPARTMENT
OF TRANSPORTATION

FILE NO. MUP-81-059(SE)
APPLICATION NO. 81149-0080

from a decision of the Director of
the Department of Community Development

Introduction

Appellant, the State of Washington Department of Transportation, (DOT) operates the Washington State ferry system. An appeal was taken from the decision of the Director of the Department of Community Development (DCD) to adopt the recommendation of the Fauntleroy School Use Advisory Committee (SUAC) which excluded commuter parking from the list of special exception uses approved for the Fauntleroy school located at 9131 California Avenue S.W.

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 Robert McIntosh, Assistant Attorney General, State of Washington, Department of Transportation; the Department of Community Development (DCD) by Elizabeth Edmonds, Assistant City Attorney; and the Fauntleroy Environmental Association, intervenors, by John E. Keegan, Cohen, Andrews, Keegan and Goultz, P.S.

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 October 22, 1981.

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 Seattle School District discontinued the Fauntleroy school from instructional use in June, 1981. The District does intend to retain the school property, however, for potential re-use.

2. The Fauntleroy school is located at 9131 California Avenue S.W. in the Single Family Residence High Density (RS 5000) zone. The vicinity's terrain is hilly. Although access to the school is steep from the west, the school itself is on somewhat of a plateau.

3. California Avenue is the east adjacent street to the school. North adjacent is S.W. Director Street, which runs in an east-west direction. Where California Avenue and Director Street meet near the northeast corner of the school building, a barrier has been erected so that western bound traffic would not use Director Street but follow the course of California Avenue to the ferry landing. An asphalt top playground is

located immediately west of the school building. Access to this playground area is via a 14 ft. wide driveway located on S.W. Director Street. Some basketball, tetherball and other permanent recreation type equipment has been installed in this playground area.

4. The Fauntleroy School Use Advisory Committee (FSUAC) was organized to recommend uses for the vacated Fauntleroy school, which uses might not otherwise be permitted in the zone. Four public meetings of this committee were held and several uses for the building considered. One use proposed by appellant and considered by the committee was that of the school playground area for a commuter parking lot.

5. FSUAC was composed of representatives from the Seattle School District, the Joint Advisory Committee on Education, and from the Fauntleroy community, including two persons whose residences were within 300 ft. of the school site. The DCD representative served as chairperson of that committee.

6. According to the credible testimony of the committee's chairperson, the major concern of the committee was that the types of uses approved for the building benefit the subject community, e.g., social service uses. Also considered was the economic vitality of the proposed use of the structure, as well as noise, light, glare, traffic and parking impacts on the vicinity. The committee also considered that on-site parking might be needed for approved building users.

7. The committee approved the following uses which were subsequently approved by the Director of the Department of Community Development:

- a. public and private day-care
- b. community center and private hall
- c. children's programs...
- d. programs for the elderly
- e. public non-profit health services
- f. education and rehabilitation programs for the handicapped
- g. community cultural activities
- h. community fund raising activities
- i. non-profit agencies providing community service and goods delivery
- j. recreational uses including private tennis school
- k. administrative offices of civic, social service, government, and religious organizations
- l. church use
- m. museum
- n. library
- o. public and private college
- p. university
- q. technical school
- r. arts and crafts school
- s. trade or business school
- t. adult evening education
- u. artist studio
- v. professional offices
- w. mini-storage
- x. non-hazardous light research facilities
- y. food preparation services in kitchen area and luncheon area use
- z. on-site maintenance caretaker.

The document noted that parking for the building users would be provided on the western playground area and that

all other requirements for the reuse and occupation of the Fauntleroy School shall be governed by existing zoning and building code requirements.

8. The Fauntleroy area in question has the status of inclusion in a residential parking zone (RPZ) which restricts overnight parking to residents. Prior to implementation of the RPZ, an estimated 200 cars of ferry patrons were parked or otherwise located in the immediate vicinity.

9. The ferry dock is approximately 1,000 ft. from the school playground. The Department of Transportation is seeking to provide overnight, off-street parking for patrons that work in the Seattle area and commute daily on the ferry as walk-on passengers from Vashon or Southworth. This, appellant reasoned, would reduce the number of patrons driving on the ferry. Accordingly, appellant applied, unsuccessfully, to have included in the permitted uses of the school area a commuter parking lot which would accommodate approximately 200 cars. The major periods of use would be after 7:00 a.m. on weekday mornings; between the hours of 3:00 p.m. to 7:00-7:30 p.m.; and on weekends.

10. The DCD representative estimated the square footage of the subject school building at 33,000 with approximately 25,000 sq. ft. of usable space, yielding a requirement of nearly 200 parking spaces for building users, according to that witness' testimony.

11. A day care center is the only current use of this school building. It is located in a previous kindergarten, ground level room near the driveway entrance to the playground. Its hours are from 7:00 a.m. to 6:00 p.m. Several requests for additional use of the building have come from, among others, a Montessori school and a senior center. According to the President of the Fauntleroy Community Service's Agency, the group organizing the use of the Fauntleroy site, the local YMCA and certain churches desire to use the school gym on evenings and/or weekends.

12. Ferry patrons presently have the option of using the north Lincoln Park lot for parking. This option may expire in April of 1982, by which date the Seattle Parks Department has indicated its need for those parking spaces, presumably for park users. Between 60-70 ferry patron cars currently use the Lincoln Park lot.

13. The Lincoln Park north lot is farther from the ferry terminal than the Fauntleroy school lot and, according to one commuter's testimony, less secure. At least one witness testified to commuting to Vashon from Seattle. Testimony favoring the commuter parking lot use was that the playground was visually blocked from the majority of surrounding residential properties; and that particularly in the summer, cars parked at Lincoln would be subjected to a greater risk of car prowling.

14. Approximately 340 persons of the general Fauntleroy community signed a petition "in one week" against the appellant's proposal. The petition states in part

The people of Fauntleroy do not want an overnight and weekend repository for ferry commuter auxiliary vehicles within our residential community (emphasis in original).

More specific objections from vicinity residents were that the appellant's proposed use would downgrade the neighborhood; would generate more neighborhood traffic, vandalism, debris, and noise; that a proposed more westerly barrier in Director Street would merely divert traffic to, in one instance 43rd Place, a 12 ft. wide street; that the playground is needed for recreation as there is an insufficient number of soccer fields and tennis courts in West Seattle; that the proposed commuter parking lot is removed from freeways and highways; that it would not be aesthetically pleasing; and that the proposed use would be a night use which the typical daytime noise factors would not be able to buffer.

15. Director Street is 14 ft. at its narrowest point. Opponents of the application felt that ferry pedestrians would be required, in several instances, to use Director Street which is unable to accommodate automobile traffic and the anticipated pedestrian traffic. The Transportation Committee of the Seattle City Council has been involved in seeking solutions to the ferry patron parking issue. Those contemplated of a long term nature have included a park and ride lot, 3-5 miles from the ferry terminal; the Westwood Village parking lot approximately 2 miles east of the terminal; and the Jefferson School approximately 2 miles northeast of the terminal. More short term options for consideration have included use of the north Lincoln Park parking lot, enhanced Metro service and enhanced van and carpool usage.

16. The Department of Transportation has the responsibility of developing a State Transportation Policy and Plan "to guide the development, maintenance, and operation of a comprehensive and balanced multi-mobile transportation system". Passenger ferry service is included in that charge.

17. The State Transportation Plan (1980) recognized that "inadequate parking for Ferry System passengers is a problem for local communities as well as ferry patrons." The recommendation was to

- A. DEVELOP PARKING AT EACH TERMINAL TO THE EXTENT CONSIDERED APPROPRIATE AS DETERMINED THROUGH A THOROUGH PARKING EVALUATION, AND DEVELOP OUTLYING PARK-AND-RIDE LOTS WITH CONNECTING SHUTTLE BUS SERVICE TO TERMINALS AS WARRANTED.

Wherever appropriate, parking lots should be located away from terminals and connecting shuttle bus service provided....

18. The Department of Transportation assessed that approximately 183 stalls could be striped for commuter parking in the west half of the playground and that 115-117 potential spaces would remain for other uses. The design report stated that

Since the commuter parking is needed only for overnight and weekend parking, it is anticipated that the area may be used for a playground or other purposes during weekdays.

That report further provided a cost estimate of \$30,000 and a suggested maximum ten year lease. Of the \$30,000, no amount is scheduled for surfacing although a DOT witness on cross-examination did state his opinion that resurfacing would be required within 10 years if the proposed use were allowed. Appellant would not consider the playground lot as a park and ride lot; accordingly no shuttle bus to the ferry is contemplated from this lot.

19. Representatives of the appellant testified to their willingness to cooperate with the City of Seattle Engineering and other Departments to restrict access to the playground to arterials; to maintain and resurface the playground as needed; and to cooperate in order to mitigate the noise and other factors attendant to the use of the playground.

20. Appellant considers the centralization of the commuter cars as a benefit to the community, i.e., the number of cars driving around in search of parking would be reduced. Appellant testified to a problem with securing the cooperation of the Westwood Village land owner and to the problem of coordinating schedules such that the shuttle buses involved in park and ride facilities would be run on a cost effective basis. If parking is not secured, appellant continued, a ferry overload may develop with more backup in the vicinity of the ferry. Lastly, appellant estimated generation of \$21,000 per year which would help maintain the school for community programs.

21. One witness, a traffic engineer, testified that all streets leading to the playground are local access streets and are designed to serve local use only.

Conclusions

1. The Hearing Examiner has jurisdiction of this appeal pursuant to Chapter 24.84, Seattle Municipal Code and pursuant to the provisions of Section 24.74.021, Seattle Municipal Code.

2. Pursuant to 24.74.021, the Hearing Examiner on appeal may authorize a use not otherwise permitted in a zone within an existing or former school building by promulgating school use criteria. The criteria are cited in the applicable ordinance.

3. Factors to be considered in approval include increased economic feasibility of continued operation of a public school; minimization of any adverse impacts of a use on the health and safety of the neighborhood; maintenance of the buildings and properties that they may revert to school use; and increasing the range of community and social services as well as educational cultural, social and housing opportunities.

3. Appellant has the responsibility of providing a state-wide transportation plan, part of which includes providing adequate ferry service. Appellant has recognized that ferry patron use of community parking space is a problem. Further, appellant has begun to analyze alternatives to the subject playground in its efforts to comply with its transportation plan.

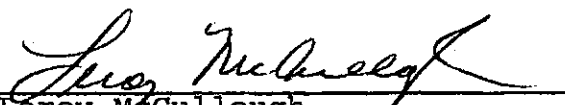
4. However, the decision of the Director should be and is affirmed. The maximum commuter time for the daycare center, 7:00 a.m., coincides (or conflicts) with a peak time for the use of the proposed commuter parking lot. Another peak period of use for the proposed commuter lot would be from 3:00 p.m. to 6:00 p.m., leading to a potential conflict with recreational and other uses. In addition, the weekend use would conflict with proposed or potential uses by neighborhood groups, such as the YMCA. In addition to the actual physical use of the area, the traffic pattern has the potential of increasing pedestrian hazard both in and about the subject playground area, and adversely impacting the neighborhood collector streets.

5. In addition, the use of the subject playground for overnight parking is to be distinguished from the use of the playground for parking for building users. The latter presents as more consistent with the spirit and purpose of the zoning code and with the public welfare of the subject vicinity. Section 24.74.010.

Decision

The Director is AFFIRMED.

Entered this 5th day of November, 1981.


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.