

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

In the Matter of the Petition of

PAINE CORPORATION

FILE NO. 8602043
C.F. NO. 295703

for an amendment to the Official
Zoning Map pursuant to Title 23,
Seattle Municipal Code

Introduction

Paine Corporation requests a rezone from SF 5000 to C1/65' with contract limitations for property at 2200 22nd Avenue South.

No correspondence or testimony was entered in the record in opposition to the petition.

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 denied.

This matter was heard before the Hearing Examiner on November 2, 1987.

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. Paine Corporation has petitioned for a rezone of the half block of property at 2200 22nd Avenue South, between South Walker and South College Streets, on the east side to 22nd Avenue South, from SF 5000 to C1/65'. Petitioner proposes a property use and development agreement limiting the use and development to that described on plans received by the Department of Construction and Land Use (DCLU) on July 31, 1987.

2. Petitioner manufactures micro-circuits in two, 2-story buildings on the eastern half of the block containing the subject property. Office and engineering activities take place in a building nearby located on Bayview Street. Petitioner proposes to expand its operation by constructing a new building on the southern portion of the subject block with parking in a parking structure to the west and north.

3. Zoning on the north side of South Walker Street is C1. The SF 5000 designation continues west of 22nd Avenue South. To the south of the site is SF 5000 zoning. Development is single-family residences to the west and south with four houses facing on 22nd Avenue South and one on South College Street. To the north, across South Walker, is commercial development including a bowling alley.

4. The eastern boundary of the subject half block and the SF 5000 zone is a platted but undeveloped alley. Petitioner's representative reported that its petition for vacation of the alley has been granted by the City Council subject to approval of this rezone petition.

5. The site slopes down from west to east with the angle approaching 45 percent just west of the alley and on the southern

portion of the block. Because of potential soils instability some part of the site is designated as environmentally sensitive.

6. The Director issued a determination of non-significance (DNS) for the proposal subject to conditions requiring landscaping, controlling lighting, limiting hours of construction and requiring a soils report. She found less than significant impacts in the form of additional overcovering of the soils and drainage, new air emissions, removal of trees and groundcover, noise, loss of potential housing and residential population, increased traffic and parking, change of land use, some adverse aesthetic effects, an increase in bulk and scale of development and increased use of energy and utilities.

7. The Director recommended denying the contract rezone. If the rezone is to be granted she recommends that the building be sited along the eastern portion of the block so that vehicular access is removed from 22nd Avenue South.

8. The proposed office and manufacturing building would be located on the southeast portion of the lot with approximately 40 to 50 ft. of the building extending into the now SF-zoned portion. The building would be four stories or 60 ft. at its highest, at the southeast corner. Office use is planned for the two upper stories. A parking structure with three levels would extend west of the building along the west end of the lot. The upper level of the parking structure would be at the same level as 22nd Avenue South. Access and egress from the parking structure would be midblock on 22nd Avenue South. Truck access to the site and to surface parking at the northeast corner would be on South Walker.

9. The proposal includes 143 parking spaces. Required parking for the building would be 92 spaces.

10. The demand for parking is assumed by petitioner's representatives to be one space per employee. The possibility of decreasing that demand by encouraging transit use or carpooling was acknowledged.

11. The landscaping proposed includes a 5 ft. wide landscaping space along South College, wider landscaping space along 22nd South and berms south of the access driveway along 22nd, at the southwest corner and midblock along South College. Trees and shrubs would be planted along all margins and within the surface parking at the northeast corner of the site.

12. To continue operations, the petitioner proposes to demolish the existing building at the southwest corner leaving the building at the northeast corner until the new building is constructed. This approach dictates the placement and orientation of the new building.

13. Putting the entrance to the parking area on Walker Street rather than 22nd Avenue South would remove commercial traffic from a residential street and allow for a continuous berm and landscaping along that street.

14. Petitioner's representative testified that because of the topography, changing the access to parking from 22nd to Walker would probably cause the loss of one level of parking. The plans indicate that the loss would be approximately 40 spaces.

15. Petitioner has been in this area about 36 years and currently employs approximately 90 persons. About 50 percent of the employees live in this general area. The firm cooperates with the State of Washington in a subsidy program for training employees. Among the workforce are southeast Asian refugees and immigrants. The firm is experiencing a high growth rate and will need another 60 employees, most of whom will come from this area. The other building on Bayview that now houses administration and engineering operations may be used for maintenance shop operations with the opening of this new building and an additional 20

to 30 employees could be needed for that operation. Without the ability to expand at its present site, petitioner would be forced to leave Seattle.

16. Representatives of various groups testified in favor of the rezone. The groups were South East Effective Development (SEED), the Neighborhood Business Council, the Business Assistance Program of the Seattle-King County Economic Development Council, the Rainier Chamber of Commerce and the Department of Community Development.

17. Supporters cite the need for economic development in southeast Seattle and view this rezone as an opportunity to retain a growing business with jobs for Seattle residents. The new development is expected to improve the appearance of the neighborhood and attract more investment to the area.

18. The policy encouraging midblock zone boundaries, as opposed to streets as boundaries, is seen by the Rainier Chamber of Commerce as a handicap to business growth in the area.

19. Two recent actions of the City Council were cited as examples of decisions recognizing the importance of a healthy business district. One adopted a business district plan where several half blocks facing single family-zoned properties were reportedly rezoned. The other involved the need of a business (Raketty) to expand into the SF-zoned lot behind for parking. In that case, unlike the instant case, that lot was not separated from the remaining SF zone by an intervening street. The City Council's decision is not available for consideration by the examiner.

20. The zoning in the area shows a general pattern of zone boundaries at streets rather than at midblock, with some exceptions. Many of the boundaries were established prior to the current policies.

21. No specific zoning history for the area was provided by DCLU.

Conclusions

1. Section 23.34.010 allows single family zoning to be changed to another classification only if the petitioner demonstrates that the area does not meet the criteria for single family designation. The locational criteria for single-family zones are found in Section 23.34.012. At least one of the criteria listed in subsection A must be present and the area either must comprise 15 contiguous acres, abut an existing single-family zone or demonstrate strong or stable single-family residential use trend or potential. The subject half block satisfies one of the locational criteria in subsection A in that it is an area which consists of blocks with at least 70 percent of the existing structures in single-family residential use since the definition of block requires consideration of two facing blockfronts and the facing blockfront contains four single-family residences to the west. The half block also is a part of or abuts a single-family zone. The section also provides guidance for establishing boundaries. Since the petitioner has not shown that the criteria for single-family designation is not met by the area, and they appear to be met, the strict reading of the language of Section 23.34.010 would disqualify the site for rezoning to another classification.

2. If the site were subject to rezoning, the criteria for commercial designation in Section 23.34.072 should be considered. The criterion in subsection B.1 is "the encroachment of commercial development into residential areas shall be discouraged." Generally commercial development has been concentrated at the lower levels of the slope and this rezone would result in commercial development higher on the slope than in the past, however, the site has not been used for residential development and the street would maintain a separation from the residential area. Therefore, the commercial designation may or may not be consider-

ed encroachment of commercial development into the residential area.

3. Subsection B.2 provides: "preferred configuration of commercial zones shall not conflict with the preferred configuration and edge protection of residential zones as established in the Single Family Policies." The record shows that the pattern in the area is to have zoning boundaries in the streets rather than midblock however this is contrary to the intent of the single-family policy to maintain blockfaces in compatible uses. The street and sufficient landscaping such as a solid berm and vegetation could define an edge and provide protection for the single-family zone and be more compatible with this policy.

4. Subsection B.3 encourages the use of transition zones or buffers and the facing of commercial uses across the street to each other and away from residential areas. Again, the proposal would appear to be contrary to this criterion for commercial area designation unless greater space was dedicated to the transition area with a solid berm and considerable landscaping.

5. B.4 criterion is: "compact, concentrated commercial areas, or nodes shall be preferred to diffuse, sprawling commercial areas." The small area of the rezone should constitute a commercial sprawl.

6. Subsection B5 provides: "the preservation and improvement of existing commercial areas shall be preferred to the creation of new business districts." The proposal would not create a new business district but would allow the expansion of existing business.

7. The criterion in B.6 is that the capacity of the infrastructure not be exceeded. The additional development would not exceed the capacity.

8. Neighborhood and business district development plans adopted by the Council are to be considered. DCLU reports that there are no adopted plans for the area.

9. The B.8 criterion is that changes are to occur in an orderly and predictable fashion. While the proposed boundary change would be different from that contemplated by the Land Use Policies, it appears to be consistent with other changes in the area.

10. In addition to the general criteria for commercial area designation the specific locational criteria for the specific designation are to be considered. Those are contained in Section 23.34.080 for C1 zoning. Considering the overall site as the subject property it is in an auto-oriented commercial area along Rainier which is largely retail service in nature, however, the existing and proposed use is not retail or service. The existing character is one in which customers drive from one business to another. The physical conditions do favor designation as C1 as the site is readily accessible from a principal arterial. The space represents a large lot to accommodate commercial activity; there is limited pedestrian access on Rainier; a large off-street parking lot will be developed which as proposed would not be readily accessible from a major transportation corridor in that a residential street would have to be traversed but could be changed to a more direct access. The other physical condition favoring designation as C1 is the presence of edges to buffer the low density residential area which is not present unless incorporation of extensive berming and landscaping is accomplished. In general, these criteria for C1 are present so if the subject property is to be zoned commercial, C1 would be the appropriate designation.

11. The final step in the analysis of the rezone is to consider the general rezone criteria. First is required a consideration of the match between the established locational criteria and the area characteristics. That analysis has been done above and the conclusion is that while not all characteris-

tics match the criteria, with some redesign of parking access and landscaping the match is close enough. The second consideration is the zoning history and precedential effect. The existing pattern in the area of streets separating the commercial zone the residential zone would be continued so no precedent would be set.

12. The third general criterion to be considered is whether there are applicable zoning principles. The main principle for consideration is that like uses should face each other across streets. The proposed rezone obviously would be contrary to that principle but if rezoning is otherwise appropriate, the relationship could be improved by relocating the vehicular access and creating a solid berm with extensive landscaping along that boundary.

13. Negative impacts on the area from the proposed rezone are to be considered. Chief among those would be the traffic brought onto the residential street which, again, could be removed by the relocation of access. This would have the effect of reducing the parking to less than one space per employee and would necessitate a program of encouraging and assisting employees to make other transportation modes available and attractive.

14. As to the remaining general criteria, no neighborhood plan, overlay district or greenbelt plan is applicable. Further, the petitioner is not relying on any changed circumstances.

15. The restriction on rezoning single-family zoned areas to another classification in Section 23.34.010 requires the Hearing Examiner to recommend that the petition for rezone to C1 be denied. It is recognized, however, that there are other factors besides land use policies that may affect the Council's determination in this matter. If agreement can be secured from the petitioner to move the access to the garage to a nonresidential street and increase the separation between the two uses through landscaping techniques, the actual effect on the single-family area would be minimal and, though the zone relationship would be contrary to that encouraged by the policies, it would continue the general pattern in the area. The benefit to the community would be the retention of an existing, growing business, aesthetic improvement of the area and new jobs for area residents.

Recommendation

Based on Section 23.34.010A, the Hearing Examiner recommends that the rezone be denied.

M. Margaret Klockars
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Deputy Hearing Examiner

NOTICE OF RIGHT TO PETITION FOR FURTHER CONSIDERATION

Pursuant to Seattle Municipal Code Section 23.76.054, as amended, any person substantially 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 fifteen days after the date of mailing the recommendation of the Hearing Examiner and addressed to: City Council, Urban Redevelopment Committee, Municipal Building, Seattle, Washington 98104. The request for further reconsideration shall clearly identify specific objections to the Hearing Examiner's recommendation, facts missing from the record, and the relief sought.

Pursuant to Seattle Municipal Code Section 23.76.054(D), if there is no request for further consideration Council action

shall be based on the record established by the Hearing Examiner.

The City Council Urban Redevelopment Committee should be consulted for further information on the Council review process.

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