

FINDINGS AND RECOMMENDATION

OF THE HEARING EXAMINER FOR THE CITY OF SEATTLE

In the Matter of the Petition of

TODD PACIFIC SHIPYARDS AND CITY OF SEATTLE
(DEPARTMENT OF CONSTRUCTION AND LAND USE)

FILE NO. CC-82-012
C.F. NO. 291731

for an amendment to the Official Zoning Map
and an amendment to the Shoreline
Environmental Classification of the subject
property pursuant to the Seattle Municipal
Code (Ordinance 86300, as amended)

Recommendation: The petition should be GRANTED.

Introduction

Applicants petitioned to change the shoreline environment designation and to rezone an area north of Harbor Island between the former and existing outer Harbor lines.

Other than as stated in the Findings below, 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, 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 August 11, 1982.

After due consideration of the evidence presented by the Petitioners, 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 project site is in Elliott Bay, Puget Sound, at the north end of Harbor Island and adjacent to the Duwamish River West Waterway.

2. Petitioner, Todd Pacific Shipyards, is in the business of government or commercial shipbuilding and repair, and is engaged in a new construction program that will allow the overhaul and repair of vessels 600-900 ft. in length. Petitioner is proposing to construct a pier approximately 350 ft. further into Elliott Bay and therefore applied to reclassify a 2 acre portion of the property, leased from the State Department of Natural Resources, to facilitate this construction and to construct a moorage for a large dry dock.

3. In recognition of existing vicinity development and uses; in order to clarify apparent discrepancies in mapping of zones and shoreline environments; and further to provide for "a consistent zoning pattern in relation to the Harbor Line", the Department of Construction and Land Use expanded upon the petitioner's request by adding 42 acres for consideration in their petition.

4. The total site proposed contains 44 acres of submerged land. The legal description appears in the record and is incorporated herein by reference. The subject site, primarily open water, does have physical extensions of commercial or industrial harbor facilities from vicinity industrial uses.

5. The petition is to reclassify the subject property from Single Family (SF 9600) to Heavy Industrial (IH) and the shoreline environment from Conservancy Natural (CN) to Urban Development (UD).

6. Principal uses permitted outright in the SF 9600 zone are single family dwelling units, floating homes, public playgrounds and similar uses. Section 23.44.06. Institutions, special residences, Planned Residential Developments and other uses may be allowed under Administrative Conditional Use stipulations. Section 23.44.14.

7. Dwelling units are generally prohibited in the IH zone as are motels, hotels, trailer parks and schools. Seattle Municipal Code Section 24.58.080. Chlorine, cement, potash and other manufacturing, however, is permitted outright in this zone, the most intensive. Chapter 24.58, Seattle Municipal Code.

8. The stated purpose of the CN shoreline environment is the preservation, regulation or restoration of an area to its natural state "as nearly as possible without human influence", Section 24.60.330, and the emphasis is on preservation and restoration of natural systems and resources. Marine construction, repair and dismantling are not permitted in the CN environment. Section 24.60.420.

9. The UD environment is to provide for efficient utilization of areas appropriate for commercial and industrial purposes by water dependent commerce and industry. Section 24.60.360. Marine construction, repair and dismantling, marine service stations, and similar uses are allowed in the UD environment. Section 24.60.420.

10. Adjoining Harbor Island is zoned IH.

11. The subject site is located between the Outer Harbor Line and Harbor Island. In 1969, the Outer Harbor Line was relocated to its existing location, approximately 600 ft. northerly, and encompassed 42 additional acres. Property, such as the subject property, not specifically included within a zone on the Official Land Use Map is declared Single Family 9600. Section 23.30.030. In July, 1982, pursuant to State Harbor Commission activity, a 2 acre extension west of the 42 acres and adjoining the Duwamish West Waterway also extended the Outer Harbor Line completing its present configuration.

12. With regard to the action proposed in this application, a declaration of non-significance (DNS) has been prepared by the responsible official pursuant to the State Environmental Policy Act of 1971 (SEPA) and Ordinance 105735, as amended, Seattle Municipal Code, Chapter 25.04, and is part of the record.

13. The environmental checklist acknowledges that new facilities permitted by the rezone may ultimately generate more traffic through Harbor Island which, per the credible testimony of the DCLU witness, has a parking problem. However, based on projected transportation improvements for the area, including that of the West Seattle bridge; and considering the support of Todd Pacific Shipyards for carpooling and as well the service of Harbor Island by transit, DCLU predicted no major traffic increase or problem as a result of the rezone. The same is adopted as a Finding herein. With respect to the 2 acre change sought by Todd Pacific Shipyard, that petitioner was of the view that the staffing level would not be affected by approval of the requested reclassification.

14. Correspondence from the State Department of Natural Resources indicated no objection to the proposed issuance of the DNS by DCLU. The Port of Seattle also concurred in the issuance of a DNS for this petition, noting their belief that the reclassification

...is appropriate for this area since it abuts similar zoning and is well suited for industrial and commercial marine uses...

Also of record is the State Department of Natural Resources DNS concerning the property leased to Todd Pacific Shipyards. The State Department of Game recommended that in order to maintain a balance, Kellogg Island, "an outstanding natural area along the Duwamish River", be changed from its UD classification to CN.

15. Noting the availability of water and fire hydrant service, the Seattle Water Department approved the application. The Seattle Engineering Department's Office for Planning projected that the proposed "rezone and possible development" might negatively impact Harbor Island parking and traffic circulation. The Hearing Examiner previous Finding, however, is contra.

Conclusions

1. Section 24.60.365 provides that the established environment classifications

...shall be superimposed upon and modify the Official Zoning Map of The City of Seattle... Such classifications and boundaries may be amended from time to time in the same manner as for map amendments in Chapter 24.72, subject to such approval by the Department of Ecology as may be provided by law.

2. Section 24.72.100 provides that Findings and Conclusions shall indicate how the proposal tends to implement the official policies and objectives of the City, including the Zoning Ordinance and the Comprehensive Plan. Accord, Section 23.34.02(C). General rezone criteria, Section 23.34.28, include: consideration of a match between established locational criteria and area characteristics; zoning history and precedential effect; zoning principles relating to compatible land use patterns, size configuration, and boundaries; and the evaluation of impacts, e.g. housing.

3. The petition should be granted. The proposal would serve to effectuate the goals, policies and objectives of the City of Seattle. Section 24.72.100; Chapter 23.34. The provisions of the Land Use Code are designed, inter alia, to maintain a compatible scale within an area and to achieve

...the efficient use of the land without major destruction of the natural environment and to direct development to sites with adequate services and amenities. Section 23.02.020.

The subject proposal would allow for efficient use (of the land) and would direct development to an appropriate water-commercial site. The proposal will also be consistent with the purpose of the Shoreline Master Program regulations; the development of the shoreline is controlled but will encourage water-dependent uses. Section 24.60.005. Chapter 90.58, Revised Code of Washington.

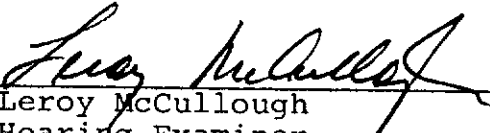
4. The proposed IH classification is consistent with vicinity development and zoning. As an extension of the Harbor Island classification, the rezoning is consistent with land use principles. Further, although the majority of the petition site is open water, some areas are affected by pier and other extensions from IH developed and zoned property. The rezone and reclassification will have no material detrimental impact on housing, public service or other factors.

Recommendation

The recommendation of the Hearing Examiner to the City Council is as follows:

That the petition be GRANTED.

Entered this 25th day of August, 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.