

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

In the Matter of the Petition of

RUSSELL BUZZ KEYES, R.K. Investments

FILE NO. CC-82-011  
C.F. NO. 291758

for an amendment to the Official Land  
Use Map pursuant to Title 23, Seattle  
Municipal Code (Ordinance 86300, as  
amended)

Recommendation: The petition should be GRANTED.

Introduction

The petitioner requests reclassification of properties located on 8th Avenue North between Hayes and Garfield Streets, from Manufacturing (M) to Community Business (BC).

For purposes of this recommendation, all section numbers refer to the Seattle Municipal Code Title 24, as amended, unless otherwise indicated.

The Director's report, submitted by the Department of Construction and Land Use (DCLU), recommended that petition be granted.

This matter was heard before the Hearing Examiner on October 27, 1982.

After due consideration of the evidence presented by the petitioners, the information provided by the Director's report and all evidence solicited 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 subject site is in the Queen Anne Hill area on both sides of 8th Avenue North, bordered by Garfield and Hayes Streets.
2. The total site contains 1.5 acres, a portion of which, located on the eastern part of the subject site, lies within the Urban Stable-Lake Union Shoreline environmental designation of the Seattle Shoreline Master Program. This proposed rezone does not affect the environmental classification.
3. The surrounding area is diversified in its development, of moorages, offices, restaurants and a variety of commercial uses. On the west side of Westlake Avenue North are developments with manufacturing uses. An area, north, along Dexter and 8th Avenues North is zoned L-3 and contains residential area uses. Along Aurora Avenue North, the developments are BC-zoned, while the area to the north is M-zoned and developed with commercial and manufacturing uses.
4. The petitioner states that the primary purpose of the proposed rezone is to promote the development of multi-use buildings within the subject area, which would consist of commercial and residential uses, combined with underground parking. The petitioner has developed no concrete plans but conceptualizes the development as composed of structures with the lower stories for parking, retail and restaurant uses, and the upper stories for residential uses. As residential uses are prohibited within the existing M zone classification, the petitioner's proposed development requires a rezoning of the subject site. The petitioner, thus, proposes that the subject site be rezoned from M to BC.

5. The Comprehensive Plan designates the subject site and the surrounding area near South Lake Union as appropriate for industrial uses. As a result, these areas have been classified as M for light manufacturing. Under the draft of the new policy to update the Comprehensive Plan, however, the area is proposed for Commercial 1 and Neighborhood Commercial 3 designations. The policy generally states that the primary use in the commercial area shall be commercial, but provisions are made for residential uses to provide greater flexibility. The proposed rezone to BC would be of validity only until the new commercial policies and code are adopted by the City Council.

6. The BC zone classification proposed by petitioners is in general conformance with the new draft policy classification of C1 and NC3.

7. As noted above, the subject site is situated on its eastern portion within the Urban Stable-Lake Union Shoreline environment. The subject site does not, however, include any waterfront lot.

8. Under the existing M zone, warehousing and wholesaling and other uses are not permitted unless they are accessory to a water-dependent principal use. Within the US-LU environment, office uses are also prohibited. To correct this conflict, the Department is proposing an amendment to the Shoreline Program, to be submitted to the City Council for review in the very near future. This amendment would allow for the granting of conditional uses for office as well as non-water-dependent commercial usage, such as warehouse and wholesaling.

9. The proposed site is outside of the two major greenbelts of Queen Anne Hill.

10. All existing uses in the subject area are uses permitted in BC designations. There are no manufacturing or industrial uses in the subject area, and all other present nonconforming uses would be relieved from their nonconforming status.

11. The environment will be enhanced under the proposed rezoning, as a result of the increased development options.

12. In reference to the environment, BC zones are less intensive than M zones, and future development will be subject to environmental review and would require appropriate permits.

13. The City of Seattle's Engineering Department indicates that there are no objections to the proposed rezone on the condition that the streets be improved by the proposed developer to include curbs, planting strips and the necessary sidewalk replacement.

14. In reference to public utilities and services, the area is presently fully equipped and no adverse demands will be made on existing public utilities and services.

### Conclusions

1. Section 24.060.070 provides that the purpose of the BC zone is to provide for retail businesses serving the needs of several communities.

2. The proposed policies of the neighborhood commercial areas, C1 and NC3 provide for mixed commercial and residential development.

3. The petition should be granted. The proposal to rezone from M to BC would serve to further implement the goals and objectives of the proposed policies and would provide a more consistent classification with the development in the vicinity and zoning area, and general rezone criteria are met.

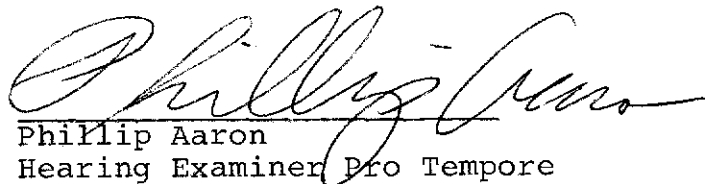
4. The development in the subject area contains numerous nonconforming residential uses that would be in conformance if the area is rezoned from M zone to BC zone.

### Recommendation

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

That the Petition be GRANTED.

Entered this 12<sup>th</sup> day of November, 1982.

  
Phillip Aaron  
Hearing Examiner Pro Tempore

### 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.