

FINDINGS AND DECISION

OF THE HEARING EXAMINER FOR THE CITY OF SEATTLE

In the Matter of the Petition of

HEATH PRINTERS by JOHN ERICKSON,
EHM ARCHITECTS, agent

FILE NO. CC-81-011
C.F. NO. 290836

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

Introduction

Heath Printers, petitioner, by John Erickson, EHM Architects, agent, requests the rezoning of property at 1617 Boylston Avenue from Multiple Residence Highest Density Variable Height (RMV 150) to General Commercial (CG).

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 December 4, 1981.

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. The property, which is the subject of the petition, is a parcel described as:

Lots 3 and 4, Block 8 of Union Addition
supplementary plat

with 88 ft. of frontage on the west side of Boylston Avenue and is 100 ft. deep.

2. A wood frame structure, built for residential use, is located on the northern 33 ft. of the parcel and a structure built for and in commercial use is located on the southern 55 ft. Both are used by petitioner in its business.

2. The subject site is zoned RMV 150 as is property to the north, west and east. Directly to the east is a parking lot for Seattle Central Community College. To the north is a single family residence and then apartment buildings on both sides of Boylston.

4. The request is for reclassification to CG. The site adjoins CG-zoned property fronting on East Pine Street.

5. Uses permitted in the CG classification include commercial and business uses such as light manufacturing, warehouses, automobile sales, wholesale outlets, etc. Heights are limited to 60 ft. and 100 percent lot coverage is allowed.

6. The property has been used by petitioner in its business for some time. The rezoning would bring the zoning into conformity with the use and allow petitioner to replace or renovate the buildings and expand the use.

7. Under the Comprehensive Plan the site is designated as Multi-Family High Density, Highrise. The Multi-Family Land Use Policies show a Midrise designation. Seattle Central Community College would receive a Major Institution designation under proposed policies so the parking lot across the street would be zoned accordingly.

8. A declaration of non-significance under SEPA was entered by the Department of Construction and Land Use for the proposal which included both the rezone and construction of an addition to the commercial building to replace the wood frame building.

9. Boylston Avenue is a 25 ft. wide roadway in a 60 ft. right of way. It does not meet commercial access standards. The Engineering Department recommends that consideration be given to requiring the street to be widened.

10. The site is in an area identified as needing future water supply and pressure improvements.

Conclusions

1. The requested rezone would be in the public interest by making a commercial use conforming. While a rezone for that purpose would not always be appropriate, here the property abuts upon other similarly zoned property and faces a parking lot. The past use of the property for commercial activity assures that neighboring property owners have no expectations about residential use of the site. Given those factors, a rezone would be beneficial in that the property is more likely to be maintained or upgraded.

2. The land use policy designation should be followed in most cases. This site is at the border of the designation and already is in a use intended for the adjoining area.

3. Because of the existing use and small amount of expansion that could occur after rezoning the substandard street should not be a problem.

Recommendation

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

The rezone petition should be GRANTED.

Entered this 10th day of December, 1981.


M. Margaret Glockars
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.