

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

In the Matter of the Petition of

COMMUTER CENTRE ASSOCIATES

FILE NO. REZ-84-009
C.F. NO. 293129

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

Recommendation: The petition should be conditionally
 granted.

Introduction

Commuter Centre Associates proposes reclassification of a one block parcel addressed as 825 Western from Manufacturing to Metropolitan Commercial.

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

This matter was heard before the Hearing Examiner Tuesday, July 10, 1984.

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, Titles 23 and 24, as amended unless otherwise indicated.

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, and subsequent to site inspection by the undersigned, the following shall constitute the findings of fact, conclusions and the recommendation of the Hearing Examiner on this petition.

Findings of Fact

1. The subject property is located near the Elliott Bay waterfront between Marion and Columbia Streets to the north and south, respectively; and between Western Avenue to the east and Alaskan Way, to the west. It is a full "block."

2. The property is legally described as:

the easterly 134 ft. of Lots 1, 2, 3 and 4 of
Block 193, Seattle Tidelands, less portion
condemned under Superior Court Cause No.
626832 (Kroll 43E).

The proposed street address is 825 Western Avenue.

3. Applicant, Commuter Centre Associates, proposes to rezone the approximately .67 acre parcel from Manufacturing (M) to Metropolitan Commercial (CM), and replace existing development with a 13-story building of office, retail and residential use. The proposed building height is 160 ft.

4. Permissible uses for the M zone are delineated at Chapter 24.54, Seattle Municipal Code. They include designated manufacture of pharmaceuticals, food products and sheet metal items. Concrete mixing, auto assembly, electroplating, warehouse/wholesale and cold storage uses are also allowed. Generally, no front, side or rear setback is required; nor a minimum lot area for M zoned non-residential buildings. Section 24.54.160; 170. As provided in Section 24.54.150, the gross floor area of any non-residential building may not exceed two and one-half times the lot area. Section 24.54.180(B) prohibits the establishment of dwelling units in the M zone, except for watchman or caretaker's quarters, waterfront houseboat moorages and multiple dwellings and artist's studio/dwellings, all under specified conditions.

5. CM zone permitted uses include hotels, retail uses, and restaurants. Chapter 24.48, Seattle Municipal Code. Section 24.48.040, "Residential uses permitted outright," states conditions under which "apartment houses" are permitted in the CM zone.

6. From 1923-1957, the subject site was zoned Manufacturing. In 1957, the block was zoned to Metropolitan Commercial. In 1966, the subject block, along with a large area of the waterfront, was returned to M zoning.

7. The subject site is across from M zoning to the north and northeast, across Marion; to the south and southeast, across Columbia; and to the west, across Alaskan Way. The east adjacent "block", across Western Avenue, appears as the toe of CM zoning segment that continues east, up through First and Second Avenues.

8. Although the present zoning pattern reflects principally M zoning along Alaskan Way, with CM zoning beginning east of Western Avenue, several blocks north of the subject site are waterfront blocks that have been rezoned to CM in the last 10 years, according to the DCLU report, for housing and other mixed use projects.

9. The 1964 Comprehensive Plan designates the subject property as Central Business District, Office Financial. The May, 1984, Mayor's Recommended Downtown Plan designates the subject block as "Downtown Mixed Commercial", with a 160 ft. height limit. In DCLU's opinion, the proposed project generally conforms to the bulk and use regulations of that 1984 recommended plan.

10. The subject site is currently developed with the Commuter Building, the north half of which is a renovated office retail structure occupied by the Red Cabbage Restaurant and other tenants. This portion of the Commuter Building is adjacent to the Ferry Terminal pedestrian walkway connecting First Avenue to Pier 52 at Marion Street. First Avenue is roughly two blocks east of Western Avenue.

11. The suspended walkway presently is connected to the Commuter Building by steel beams. During demolition and construction proposed, the walkway would become free-standing and its pedestrian traffic detoured to the Marion Street north sidewalk. Proponent's checklist shows that the pedestrian detour route has been used previously with success.

12. The Commuter Building's south half is in use as a cheese and butter distribution center. It is not renovated. Completing the south end of the site is the 4-level Coleman garage and adjacent service station. The garage offers 160 parking spaces that are principally used for long term vs. intermittent parking. An additional area for 40 parking spaces is located on an adjacent surface lot.

13. Continuing south, across Columbia, the Kroll shows the Polson Building, said be in limited use by Ace Novelty Co. and other businesses. A mixed use building is directly north of the subject site, and a federal office building to the northeast. More directly east is the Columbia at Western Societe Candy site, approved for a 12-story mixed use project.

14. Other nearby existing and/or approved uses include the Watermark Tower at First and Spring (20 stories); the 1000-Second Avenue (on Second between Spring and Madison) at 41 stories; and the 35-story Harbor Steps developments near First and Seneca/Univerity. These are principally north, northeast of the subject site. The Harbor Steps development specifically includes residential uses. It, along with several other waterfront area projects, represents the trend to replace older warehouses and other structures between First Avenue and the waterfront with more modern residential and other uses.

15. Specific to the instant case, project applicant proposes demolition of the garage and Commuter buildings. For the Commuter Building, this would require 30-60 day closures of the Marion pedestrian overpass. The newly constructed building would offer 25,360 sq. ft. of retail space; 159,050 sq. ft. of office space and 30 residential units (total residential floor area of 49,076 sq. ft.). Also proposed is provision of 166 covered parking spaces and 8 surface spaces.

16. The present plan also calls for an upper floor stepped-back building profile. Corner decks would be offered at Floors 7-9 (office space), and at the other upper (residential) levels. The building setback will be approximately 23 ft. from the south adjacent Columbia Street. A 40 ft. wide view corridor is proposed via a Marion (north side) Street upper level setback.

17. Increases in noise levels ~~are~~ expected principally from construction activity. The long term noise level increase is not expected to be discernable above existing noise levels. Environmental Checklist, item 6. Light and glare, energy and other impacts are summarized in the DCLU Director's declaration of non-significance (DNS) dated May 2, 1984. That DNS imposed specific conditions relating to mitigation of construction impacts as well as conditions responsive to transportation and traffic considerations. For example, construction workers "shall be encouraged to carpool and utilize public transit..."; also, proponent is to "establish and maintain a Transportation Coordinator and staff... to implement alternative means for employee commuting."

18. The proposed site is within 800 ft. of many local and regional Metro transit routes. There is an uphill grade from the project site specifically to bus routes on Second and Third Avenues.

19. Existing intersection Levels of Service (LOS) are A (free-flowing, the best) at First at Marion; Western at Marion; Western at Madison; and Western at Columbia. The intersections at First at Madison and First at Columbia are at LOS B. Per the proponent's traffic (TDA, Inc.) study, some 1988 levels of service will deteriorate but will do so with or without the project completion projected for June 1988.

20. It is expected that the parking currently provided in the Coleman Garage can be accommodated in the vicinity and that the parking demand generated by the project will be addressed by the proposal.

21. DCLU recommended approval of the rezone on the condition that:

Landscaping along Western Avenue per approved plan shall be installed prior to occupancy. If existing street trees are damaged or must be removed during demolition/construction, they shall be replaced prior to occupancy.

No contract limitation was recommended. Project applicant and DCLU have reached agreement as to the landscaping element.

Conclusions

1. The Hearing Examiner has jurisdiction of this petition pursuant to Chapter 23.34 Seattle Municipal Code. Section 23.34.28 provides the following relevant factors to be considered in evaluating a rezone request:

match between established locational criteria and area characteristics

zoning history and precedential effect

zoning principles

impacts

neighborhood planning efforts

changed circumstances

Based on the criteria the rezone should be granted as recommended by the DCLU Director.

2. It has not been indicated that the subject site is a part of any overlay district nor subject to a Greenbelt Plan. Seattle Municipal Code Section 23.34.28.

3. In terms of changed circumstances and zoning history, it is clear that the trend encompassing the subject site is away from the traditional manufacturing warehouse use to mixed residential and retail development. Immediately east is the Societe Candy site, approved for mixed use development. Harbor Steps development is north, northeast and includes a residential component in its development. The subject block and many others have been reclassified at least once from Manufacturing to Metropolitan Commercial. Older warehouse uses are being replaced and the area between First Avenue the waterfront revitalized. The rezone could be viewed as precedent for similar rezones since the property is essentially surrounded by other M zone properties. This, however, would not appear as necessarily negative. In this regard it was observed that no correspondence or testimony adverse to the proposed rezone was received.

4. The requested Commercial classification is more consistent with the 1964 Comprehensive Plan site designation as "Central Business District, Office Financial." The site is currently zoned Manufacturing. Permitted Manufacturing zoning uses are in the nature of wholesale/warehouse, specified manufacturing, concrete mixing etc. New residential uses are not prohibited in the M zone. On the other hand, Metropolitan Commercial zoning allows commercial, retail restaurant, hotel and residential use. Office Financial Classification is more appropriate in this instance to CM zoning. The Hearing Examiner also notes that the proposed rezone is in general conformity with the May 1984 Mayor's Recommended Downtown Plan designation of the

block as mixed commercial. However, less emphasis is given to this element since that Downtown Plan is still in the nature of a recommendation.

5. Although the rezoned parcel would face M zoning, north, south and west, it would face like CM zoning to the east, providing an uninterrupted line of CM zoned blocks east of Alaskan Way. The land use pattern would not be unduly affected by the proposal, since retail and office use is proposed, which uses are consistent with vicinity existing and approved development.

6. In terms of impacts, long term noise levels would not be appreciably increased. The (1988) intersection levels of service would not be affected by the proposal. Unavailability of the Marion Street overpass would be temporary, and pedestrian re-routing has been successfully implemented previously. It is expected that long-term parking needs generated by the proposal should be accommodated by the more than 166 spaces to be provided. METRO transit routes are nearby, although up the easterly incline to First Avenues and beyond. Further, DCLU State Environmental Policy Act (SEPA) conditions to the DNS require transportation coordination for the project.

7. The rezone will alter the present land use of the site from some business-manufacturing to residential, office and parking use.

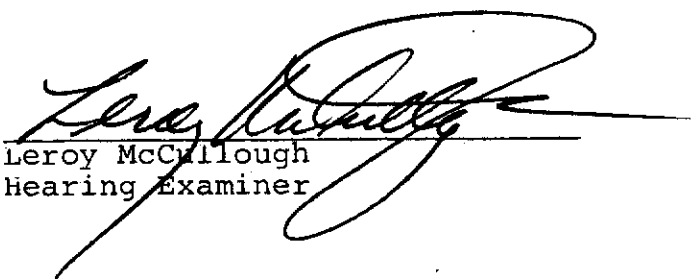
8. Finally, Section 23.34.28.A notes as a rezone criterion that "characteristics of the area to be rezoned should closely fit the adopted locational criteria for the proposed land use category." No adopted locational criteria appear for the CM land use category. However, it appears that the present area characteristics - burgeoning mixed use, including residential, development-fit the proposed CM land use category.

9. Based on the foregoing, the Hearing Examiner recommends that the rezone petition be granted on the landscape condition recommended by DCLU. The Examiner does not recommend that the action be restricted by way of a property use and development agreement (contract) since the land use trends and principles seem to support a land reclassification without regard to a site specific proposal.

Recommendation

That the petition be granted on the condition that landscaping along Western Avenue be installed prior to occupancy. If existing street trees are damaged or must be removed during demolition/construction, they shall be replaced prior to occupancy. DCLU may approve modifications to the landscape condition.

Entered this 20th day of July, 1984.


Leroy McCullough
Hearing Examiner

NOTICE OF RIGHT TO PETITION
FOR FURTHER CONSIDERATION

Pursuant to 23.34.14, Seattle Municipal Code, 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.