

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

In the Matter of the Appeal of

R. C. HEDREEN CO.

FILE NO. S-77-013

from a ruling of the Superintendent  
of Buildings

The appeal is DENIED and the Findings and  
Decision of the Superintendent of Buildings  
is affirmed.

Introduction

The appellant, the R. C. Hedreen Co., filed an appeal from a written interpretation of Section 3.17, Ordinance 86300, as amended, by the Superintendent of Buildings, hereinafter Superintendent.

The appellant exercised his right to appeal pursuant to Section 25.40, Ordinance 86300, as amended by Ordinance 104795.

Parties to the proceeding were: the R. C. Hedreen Co., represented by William Rives, and the Superintendent, represented by Joyce Kling.

This matter was heard before the Hearing Examiner on September 21, 1977.

After due consideration of the evidence elicited during the public hearing, the following findings of fact and conclusions shall constitute the decision of the Hearing Examiner on this appeal.

Findings of Fact

1. The appellant, the R. C. Hedreen Co., proposes to construct a hotel at 1113-1121 Sixth Avenue. The legal description is: Lots 2 and 3, Block 17 of Boren's Addition.

2. The plans for the hotel show that the roof of the ballroom portion of the building would be located ten feet above grade elevation at 6th Avenue. The remainder of the roof area would be over ten feet in elevation from the street and connected by a stairway to the lower portion of the roof.

3. In order to provide incentives for the location of plazas open to the public and readily accessible from a street the zoning code provides for a floor area bonus under certain conditions. Section 3.17, Ordinance 86300, as amended, provides:

PLAZA

A continuous uncovered area which is accessible to the public at all times and which, if a floor area bonus is claimed in connection with the provisions of this Ordinance is either:

- a) At least ten (10) feet in depth extending along a street lot line, with a minimum area of five hundred (500) square feet and a minimum length of fifty (50) feet or the full width of the lot, whichever is less; or

- b) At least thirty (30) feet in width, extending from street to street; or
- c) On a corner lot, an open area with a minimum area of five hundred (500) square feet, and a minimum dimension of ten (10) feet, which is bounded on two (2) sides by the intersecting street lines; or
- d) At least five thousand (5,000) square feet in area, with a minimum dimension of sixty (60) feet, and is connected to a street by means of another plaza, an arcade, or a public way at least thirty (30) feet wide.

Such a plaza shall not at any point be more than ten (10) feet above or below the elevation of a connecting street at point of access thereto.

4. The appellant requested the Superintendent to provide a written interpretation of Section 3.17, Ordinance 86300, as amended, as it applies to the hotel project. On or about July 29, 1977, the Superintendent held that the portion of the plaza which is located more than ten feet above the elevation of the connecting street as measured from the point of access does not qualify for a bonus to floor area ratio. If the Superintendent had agreed with the appellant's interpretation up to three additional stories could be added to the height of the building.

5. Notice of the Superintendent's interpretation was published in the Daily Journal of Commerce on August 2, 1977, and a timely appeal was filed on August 15, 1977.

#### Conclusions

1. In reviewing the plain meaning of Section 3.17, Ordinance 86300, as amended, it is clear that the City Council intended that a plaza for which a floor area bonus is provided would be readily accessible from a connecting street. The purpose of the last sentence in Section 3.17 is to limit the location of a plaza qualifying for the bonus to a height of not more than ten feet above the elevation of a connecting street as measured from the point of access. Any other interpretation would permit the location of plazas at potentially excessive heights in relation to a street and defeat the purpose of ready accessibility.

2. The appellant contends that Section 3.17 should be interpreted to mean that a plaza is not to have an elevation more than 10 feet above or below the street at any point on the plaza where there is access to a connecting street, but that the height limitation does not apply to other areas of the plaza. Such an interpretation is not supported by the last sentence of Section 3.17. The clause "Such a plaza shall not at any point..." clearly refers to the entire plaza and does not permit the plaza to be broken into different levels exceeding 10 feet in elevation.

3. The appellant also contends that Section 3.17 should be interpreted to preclude application of the last sentence of the section to subparagraph (d). From a reading of Section 3.17 it is clear that the last paragraph is intended to apply to subparagraphs (a) through (d) and there is no basis for excluding subparagraph (d) from the restriction contained in the last sentence.

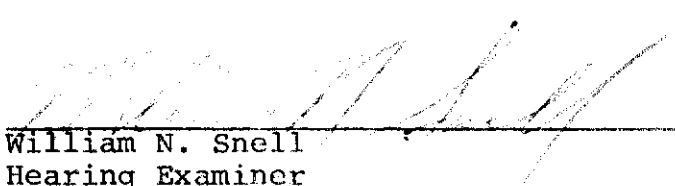
4. The appellant's contention that the Superintendent's interpretation will restrict the use of plazas in hilly

sections of the city may have some merit but the appropriate remedy is a legislative amendment.

Decision

The appeal is DENIED and the Decision of the Superintendent of Buildings is affirmed.

Entered this 24th day of October, 1977, pursuant to the authority granted in the Zoning Ordinance (86300) as amended by Ordinance 102290.

  
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William N. Snell  
Hearing Examiner

Notice of Appeal

The decision of the Hearing Examiner in this case is the final administrative determination and any further appeal must be made to the courts.