

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

In the Matter of the Application of

SUNSET WEST CONDOMINIUM ASSOCIATION

FILE NO. CC-8503129
C.F. NO. 294143

for council conditional use pursuant
to the provisions of Title 23, Seattle
Municipal Code

Introduction

Sunset West Condominium Association requests Council conditional use authorization to allow one dwelling unit to be added to a 156 unit apartment building in a General Commercial (CG) zone at 6535 Seaview Avenue Northwest.

For purposes of this recommendation, all section numbers refer to the Seattle Municipal Code.

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

This matter was heard before the Hearing Examiner on September 10, 1985.

After due consideration of 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 application.

Findings of Fact

1. An application was filed by the Sunset West Condominium Association for a council conditional use to establish one additional unit in an apartment building located at 6535 Seaview Avenue N.W. The approval is required because the building is in a General Commercial (CG) zone.

2. The two existing buildings contain 156 units and are located partially over water immediately south of the Shilshole Bay Marina. The buildings were constructed in 1964 which was prior to the enactment of the Shoreline Master Program. First floor meeting room and storage space would be converted into a manager's apartment of about 576 sq. ft. floor area.

3. Seaview Avenue N.W., a major arterial, provides access to this property and the area. The street right-of-way is 100 ft. wide. The Burlington Northern railroad tracks are located on the east side of Seaview Avenue N.W. The street carries over 8,000 vehicles trips per day.

4. The subject property abuts the south end of the marina complex which includes a boat repair facility, immediately adjacent. To the south is the Elks Club and across Seaview Avenue to the east are small retail uses and residential uses on the upland lots.

5. The apartment complex is well separated from adjacent development by open space, landscaping and screening. Seaview Avenue provides separation from the retail uses on the east side.

6. Only internal remodeling would be involved with the addition of the unit so the bulk of the building would be unchanged.

7. The condominium complex provides 275 parking spaces where 157 would be required for the proposed number of units.

8. The proposed zoning under the Neighborhood Commercial Policies, according to the Director's report, is C1/40.

9. No environmental analysis was conducted pursuant to SEPA because the Director determined that the proposal is categorically exempt.

10. A question was raised regarding the authority of the Board of Directors of the condominium association to apply for the council conditional use for failure to comply with the Declaration of Condominium Ownership provisions.

Conclusions

1. For council conditional use authorization, a proposal must not be materially detrimental to the public welfare or injurious to property in the zone or vicinity, it must be consistent with the spirit and purpose of the land use code and it must meet the specific requirements for dwelling units in a CG zone set forth in Section 24.52.100A which are

1. When nearby or associated uses and other conditions in the immediate environs are not of the type to create a nuisance or adversely affect the desirability of the area for living purposes,
2. When residential development will not usurp land which is needed for and better suited to commercial usage by virtue of special attributes such as railroad access and proximity of established commercial development,
3. When structural bulk incident to residential use will not adversely affect surrounding development provided that in no event may RM 800 zone bulk regulations be exceeded.

2. The proposal meets the specific conditions of Section 24.52.100 in that the residential use of the area is already established and is not adversely affected by the other activity in the area because the nature of that activity and the separation of the apartment complex from the other activity. The land is already devoted to the residential use and so the addition of the one unit will not usurp land needed for or better suited to commercial usage. The conversion of the space to another dwelling unit will have no effect on the bulk of the residential use and therefore the building's compliance with the current bulk regulations is irrelevant.

3. The only potential for detriment to the public welfare or to the area is from the additional activity, however, adequate parking is available and the addition to the traffic on the street would be imperceptible. Therefore, authorization to establish the unit should not be materially detrimental and its compliance with the specific requirements for dwelling units in a CG zone shows that it meets the spirit and intent of the code.

4. Whether the application complies with the requirements of the declaration of condominium ownership is not within the Hearing Examiner's jurisdiction to resolve.

Recommendation

The council conditional use should be granted.

Entered this 16th day of September, 1985.

M. Margaret Klockars
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Deputy Hearing Examiner

NOTICE OF RIGHT TO PETITION
FOR FURTHER CONSIDERATION

Pursuant to Section 23.80.10.E, Seattle Municipal Code, any person substantially affected by or interested in this recommendation may submit a petition in writing to the City Council requesting further consideration. The petition must be filed with the Council within fourteen days of the date of this recommendation and should be addressed to the City Council, Land Use Committee, Municipal Building, Seattle, Washington 98104.

The petition should clearly identify specific objections to the recommendation and the relief sought; however, the petitioner should not include any additional evidence or exhibits as the Council's consideration will be based upon the record of the Hearing Examiner's hearing. If the Council determines that a factual error exists in the record or that importation information is missing, the Council may have the record supplemented at its discretion.