

FINDINGS AND RECOMMENDATION

OF THE HEARING EXAMINER FOR THE CITY OF SEATTLE

In the Matter of the Application of

PAUL BLAUERT and CHARLES VIELE

FILE NO. CC-8502814

C.F. FILE NO. 295176

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

Introduction

Paul Blauert and Charles Viele request Council conditional use authorization to establish six floating home moorage sites in a Manufacturing zone at 933 North Northlake Way.

For purposes of this recommendation, all section numbers refer to the Seattle Municipal Code, Title 23, as amended, unless otherwise indicated.

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 December 5, 1986.

After due consideration of the evidence presented by the applicant, the information provided by the Director's report, 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. The total project proposed by applicants is to remove an existing dry dock and shed, to construct a 3-story structure for office-retail/parking/caretaker unit use, to establish five new floating home moorage sites and make one existing site conforming, to relocate two existing floating homes, to relocate existing moorage and finger piers and extend existing dock and to provide eleven accessory parking spaces.

2. Council conditional use authorization is required for the establishment of the six floating home moorage sites because the site is in a Manufacturing (M) zone. Section 24.54.100. Houseboats are permitted outright in the zone when the moorage has been established. Section 24.54.030. Caretaker's quarters would be permitted outright as an accessory use customarily incidental to the principal use of moorage. Section 24.54.120A. Shoreline approvals are also required and the Director conditionally granted the shoreline substantial development permit and shoreline conditional use.

3. The subject site is located at the north end of Lake Union about 350 ft. east of the Aurora Bridge. Waterway No. 23 is approximately 100 ft. to the west of the site.

4. The property is a waterfront lot with 91 ft. of frontage on North Northlake Way which street is approximately 12 ft. higher than the water. The total area of the property is 43,650 sq. ft. with some 2,700 to 4,500 sq. ft. of dry land and the remainder under water.

5. The existing development consists of a dry dock on pilings, nine floating homes and 20 open wet moorage slips. One other floating home exists but is not habitable because it is not connected to sewer and water. An issue about whether some of those open wet moorage slips have been added without benefit of permit surfaced but the Department of Construction and Land Use (DCLU) has investigated the situation and considers it resolved.

6. The area has a mix of uses including yacht and marine sales and offices to the east and west and to the north, across a railroad right-of-way and North 34th Street, are retail, office and residential uses. Near Waterway No. 23 is the Burke Industrial Center with commercial and industrial uses. There are no significant manufacturing uses in the immediate vicinity. The closest is some 1,000 ft. to the east.

7. The North Northlake Way right-of-way is 60 ft. wide with approximately 30 ft. used for travel. On the south side is graveled, head-in parking. On the north side is the railroad right-of-way which, the record indicates, has been purchased by Burke Industrial Center and is leased to certain businesses. The applicants' lease of ten parking spaces was not renewed and the spaces leased to the adjacent property.

8. The new floating home moorage would be surrounded by open wet moorage.

9. The floating homes on the property are the only ones in the immediate area.

10. The Seattle Shorelines Coalition representative suggested that the best use for the site would be as open wet moorage for recreational boats to relieve the pressure on the south end of the lake. It was also suggested that rehabilitation of the dry dock would be appropriate.

11. The Director, Department of Construction and Land Use, issued a determination of non-significance (DNS) pursuant to SEPA for this proposal. The DNS was appealed by Ed Strickland and the Seattle Shorelines Coalition. The determination was affirmed on appeal by the Hearing Examiner. Adverse impacts were identified in the document including view obstruction and increased parking demand.

12. As a condition of SEPA, a screen is required to be provided between the parking area and the water portion of the site where the floating homes would be located.

Conclusions

1. Houseboat moorage in an M zone may be authorized by the Council subject to the following conditions:

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 manufacturing usage by virtue of special attributes such as railroad access and proximity to established manufacturing development,

3. When the residential development is buffered by distance or screening from adjacent non-residential uses and vacant lots.

Section 24.54.100.A.

2. The nearby uses have been shown to be moorage and sales, neither of which would make the site undesirable for living purposes. The other uses proposed for the site also are compatible with residential use. There are no other conditions which would adversely affect residing there.

3. The special attribute of the site is its waterfront and

water location. Few other manufacturing uses have been established in the area so it would appear that there is not great need for land zoned for manufacturing in this area. The uses proposed by the opponents of the application as more appropriate, chiefly boat moorage, are not manufacturing uses. It appears that the site is neither needed nor better suited for manufacturing.

4. The proposed moorage site would be surrounded by open wet moorage. While this a non-residential use, it provides distance from more active uses and, therefore, buffering. The parking on the site would be screened from the moorage as well.

5. Since the site meets the conditions for Council conditional use, the approval should be granted.

Recommendation

The Council conditional use should be granted.

Entered this 22nd day of December, 1986.

M. Margaret Klockars
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Deputy Hearing Examiner

NOTICE OF RIGHT TO PETITION
FOR FURTHER CONSIDERATION

Pursuant to Section 23.76.054, Seattle Municipal Code, any person substantially affected by or interested in this recommendation may submit in writing a request for further consideration to the City Council. The request must be filed with the Council within fifteen days of the date of this recommendation and should be addressed to the City Council, Land Use Committee, Municipal Building, Seattle, Washington 98104.

The request should clearly identify specific objections to this recommendation and the relief sought; however, the person requesting further consideration 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 important information is missing, the Council may have the record supplemented pursuant to Section 23.76.054.E. As its public meeting the Council may allow oral or written arguments based on the record.