

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

In the Matter of the Appeal of

INTERNATIONAL TOWER, LTD.

FILE NO. S-77-022

from a ruling of the Superintendent
of Buildings

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

Introduction

The appellant, International Tower, Ltd., filed an appeal from a written interpretation, dated November 30, 1977, relating to the applicability of provisions of the zoning ordinance to a project at 625 South Weller Street.

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

This matter was heard before the Hearing Examiner on January 5, 1978.

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 subject property is located at 625 South Weller Street. The site is zoned Community Business (BC) and located within the International Special Review District (ISRDR).
2. International Tower, Ltd. proposes to construct a 99 unit residential structure for the low income elderly.
3. In a written interpretation, dated November 30, 1977, the Superintendent held that under the applicable zoning code provisions that 96 units could be built and that any number in excess would require a variance. The appellant filed a timely appeal.
4. Since the site is located within the ISRDR, the development regulations for the district are applicable. Section 24.83(b) of the development guidelines provide in part:

"Unless specifically modified by the development regulations, all provisions of the Zoning Ordinance shall apply in the special review district."

Section 24.924 establishes the bulk regulations for the ISRDR and these provisions do not contain a section on corner lot bonus.
5. The BC bulk regulations are set forth in Section 15.6. Section 15.62(b) of the BC bulk regulations provides that lot area requirements shall be as provided in Section

12.52, except residential tower structures as provided in Section 15.21(e).

6. A tower structure is defined in Section 3.21 as a building or building part, more than 60 feet in height and normally residential in design, which may or many not be built on top of a base structure.

7. Section 15.21(e) regulates the location and bulk requirements of tower structures in the BC zone. This section would not be applicable since the subject BC site does not abut a 4 year college or RMV zone which are the conditions imposed by Section 15.21(e).

8. Section 13A.52 which is incorporated by reference in Section 15.21(e) provides that the provisions of Section 22.31 relating to a corner lot bonus shall not apply.

9. One of the alternate means of determining lot area under Section 15.62(b) is the provision of Section 12.52 which in turn provides for a corner lot bonus in Section 22.31. The appellant claims that the corner lot bonus is applicable which would permit the construction of additional units.

Conclusions


1. The bulk regulations of the ISRD modify most of the bulk regulations in the BC zone but the corner lot bonus contained in Section 22.31 of the BC zone is not superceded by the ISRD regulations. Therefore, the provisions of the BC zone, which do not permit the applicability of the corner lot bonus to a residential tower, must govern.

2. The proposed structure is a residential tower. In reviewing the BC regulations governing a residential tower it is clear that the corner lot bonus is intended not to apply.

Decision

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

Entered this 17th day of January, 1978.



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.