

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

In the Matter of the Application of

CHARLIE VOS FOR THE SEATTLE
ENGINEERING DEPARTMENT

FILE NO. CC-8501749
C.F. NO. 295205

for a Council Conditional Use

Introduction

The Seattle Engineering Department requests Council Conditional Use authorization to expand a facility located in a residential zone.

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

This matter was heard before the Hearing Examiner on December 2, 1986.

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

After due consideration of the evidence presented by the applicant, the information provided by the Director's report, and all evidence elicited during the public hearing, the following shall constitute the findings of fact, conclusions and recommendation of the Hearing Examiner on this application.

Findings of Fact

1. The Seattle Engineering Department proposes to construct a 2720 sq. ft. addition and alterations to a present sewer maintenance facility addressed as 5960 Rainier Avenue South. Council conditional use approval is required.

2. The subject property consists of an irregularly shaped lot of 68,185 sq. ft. that is south adjacent to South Kenny Street. The westernmost 120 ft. of the lot, zoned Lowrise 3 (L-3), fronts on Rainier Avenue South, a heavily traveled arterial. The remaining easterly portion of the lot bears the Single Family (SF) 5000 designation.

3. The present sewer maintenance facility is on the SF 5000 zoned portion of the lot. It consists of a single story, 4797 sq. ft. concrete building with equipment bays, office, locker, toilet, tool and furnace rooms. The facility is separated from Rainier Avenue by a staging-storage area of gravel, sand and other materials.

4. The present facility has been used to store vehicles, as occasional office space for two supervisors and for locker and wash-up area for approximately 15 field workers.

5. Applicant proposes to expand the present facility for several reasons. Work on the Interstate 90 highway has displaced the Charles Street maintenance facility. Secondly, the work force has been expanded to include women. Third, applicant has increased storage needs. The proposed additions would house new women's locker rooms, a meeting room, enclosed storage and covered outdoor storage.

6. Applicant proposes landscaping as required by the Land Use Code to address aesthetic impacts. Exterior lighting is to be shielded or directed away from vicinity residential uses. The proposal will require no new roads or street improvements nor any increased fire, police or other public services.

7. The addition would be located more than 70 ft. from the east property line and approximately 20 ft. from the north property line. Minimum yard setbacks will be exceeded and the north facade will be modulated to reduce the appearance of bulk.

8. Proposed are 8 truck and 15 automobile parking spaces on site.

9. Vicinity development includes Seattle Fire Station No. 28 which is bordered on its north and east by the Seattle Engineering Department property. Development north, south and east of the subject site is primarily single family. Two churches fronting on Rainier Avenue South are within 600 ft. of the maintenance facility.

10. Included in the file is a DCLU affidavit that stamped and addressed public hearing notice was issued on October 29, 1986 to "applicant and to all property owners and all residents...of the property concerned and within Three Hundred (300) Feet of the boundaries" of the subject property. The record also reflects that public hearing notice was given by posting of "not less than four (4) placards in conspicuous public places" within 300 ft. of the subject property.

11. The public hearing before the Hearing Examiner was held December 2, 1986. To that date, no comment letter on the proposal was received by DCLU or by the Hearing Examiner. No testimony was submitted in opposition to the proposal.

12. The DCLU Director recommended to the Hearing Examiner that the conditional use application be granted.

13. With respect to the environmental (SEPA) analysis, DCLU attached the following conditions of approval

...During Construction

1. Landscaping shall be provided per approved plan prior to final occupancy of the addition.
2. Loud equipment, including but not limited to, pavement breakers, pile drivers, jackhammers, sandblasting tools, crawlers, tractors, compactors, drills, graders, compressors and other similar equipment is strictly limited to normal working hours (7:30 a.m. to 6:00 p.m.) on non-holiday weekdays.

Permanent Conditions of Approval

1. Maintenance of the landscaping shall be the responsibility of the owner(s).
2. All exterior lighting shall be shielded or directed away from adjacent residentially zoned lots.

Conclusions

1. The Hearing Examiner has jurisdiction of this matter pursuant to Chapter 23.76, Seattle Municipal Code. The Hearing Examiner is to conduct a public hearing and submit a recommendation to the Council by filing it with the City Clerk. The City Clerk is then to file the recommendation and record with the original application and transmit same to the Council. Seattle Municipal Code Section 23.76.052.

2. The establishment or expansion of certain public projects and facilities in single-family zones requires Council conditional use approval. Proposed is expansion of a sewer maintenance facility, i.e. a utility service use, located

partially in a single-family zone. Seattle Municipal Code Section 23.44.034. In multi-family zones, location or expansion of utility service uses, fire stations and similar uses is permitted outright so long as all development standards for institutions are met. Seattle Municipal Code Section 23.45.106.

3. With respect to the conditional use approval, Seattle Municipal Code Section 23.44.034(A) requires the proponent to "demonstrate the existence of a public necessity for location or expansion of the use in a single-family zone."

4. Proponent has demonstrated a public necessity for expanding the existing facility which happens to be located on property zoned single-family. The expanded facility would accommodate displaced workers from the Charles Street maintenance facility and provide needed storage space. It would also be responsive to the needs of the women who are joining the department work force.

5. Seattle Municipal Code Section 23.44.034 also requires that public projects and City facilities:

shall be developed according to the development standards applicable to institutions, Section 23.44.022, unless the Council determines that a particular standard must be waived or changed.

Section 23.44.034(B).

6. Seattle Municipal Code Section 23.44.022 includes a requirement that project landscaping be required for mitigation of visual and other environmental impacts and for integration of the building with the environment. The DNS conditions of record require an approved landscaping plan and maintenance of the landscaping. The proposal will also comport with the Seattle Municipal Code Section 23.44.022(I) requirement that lighting be shielded or directed away from adjacent residentially zoned lots.

7. Seattle Municipal Code Section 23.44.022(D) requires that the lot line of any expanding institution be located at least 600 ft. from the lot line of any other institution in a residential zone. Two churches are located within 600 ft. of the subject maintenance facility. However, the Hearing Examiner recommends that the Council specifically waive this particular standard. The addition is proposed for the eastern extremity of the lot, away from Rainier Avenue development and heavy traffic volume. Further, the proposed facility will be separated from Rainier Avenue by a large gravel, sand and materials staging and storage area. Thus, the expansion site is physically, functionally separated from the Rainier Avenue fronting institutions.


8. The 2720 sq. ft. addition to this 68,185 sq. ft. area lot will not impact potential and existing development patterns within the vicinity. Seattle Municipal Code Section 23.44.022(J)(1)(a). Yard setbacks are proposed that exceed the minimum required, Seattle Municipal Code Section 23.44.022(J)(2). In addition the facade to South Kenny Street (north) will be modulated to reduce the appearance of bulk. Finally, the 15 automobile and 8 on-site truck parking spaces proposed meet Code requirements for the proposal.

Recommendation

For the foregoing reasons, the recommendation to the City Council is as follows:

The dispersion criterion should be waived and the Council conditional use approved as proposed.

Entered this 10th day of December, 1986.


LeRoy McCullough
Hearing Examiner

Notice of Right to Petition
For Further Consideration

Pursuant to Seattle Municipal Code Section 23.76.054, as amended, any person substantially 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 fifteen days after the date of mailing the recommendation of the Hearing Examiner and addressed to: City Council, Urban Redevelopment Committee, Municipal Building, Seattle, Washington 98104. The request for further consideration shall clearly identify specific objections to the Hearing Examiner's recommendation, facts missing from the record, and the relief sought.

Pursuant to Seattle Municipal Code Section 23.76.054(D), if there is no request for further consideration Council action shall be based on the record established by the Hearing Examiner.

The City Council Urban Redevelopment Committee should be consulted for further information on the Council review process.