

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

In the Matter of the Application of

SEATTLE WATER DEPARTMENT

FILE NO. CC-82-010  
C.F. NO. 291766

for a council conditional use pursuant  
to the provisions of the Title 24,  
Seattle Municipal Code, (Zoning  
Ordinance 86300, as amended)

Recommendation:       The application be CONDITIONALLY GRANTED.

Introduction

Applicant seeks council conditional use approval to establish  
an underground water pumping station at 501-12th Avenue.

No correspondence or testimony in opposition was entered in  
the record.

For purposes of this recommendation, all section numbers refer  
to the Seattle Municipal Code, Title 24, as amended, (Ordinance  
86300, as amended) unless otherwise indicated.

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

This matter was heard before the Hearing Examiner on  
August 23, 1982.

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 subject property is located at 501-12th Avenue, at  
the northwest corner of 12th Avenue and Jefferson Street. The site  
is found at the southeast corner of the Seattle University athletic  
field. At the time of application the subject property was zoned  
RMV 150 (Multiple Residence Highest Density Variable Height).

2.   The east and west sides of 12th Avenue south of Jeffer-  
son Street are zoned General Commercial (CG). North of Jefferson  
Street, the east side of 12th Avenue is CG zoned. The vicinity  
is developed with apartments, single family residences,  
institutions and some commercial establishments.

3.   The Seattle Water Department proposes to locate an  
underground water pumping station on site as part of a First  
Hill Local Improvement District (L.I.D.) effort to improve  
water service in the area bounded generally by East Union  
Street on the north, Broadway on the east, East Alder on the  
south, and by Interstate 5 on the west. The pump will be  
located to the east of the L.I.D. area. Although the station  
will be located partly in the street right-of-way much of  
the development will take advantage of Seattle University property  
subterranean rights.

4. The proposed pump station will serve as a back-up to the Broadway station, another part of the L.I.D. proposal. The surface above the underground pump will appear as a landscaped street corner with sidewalk and benches. The preface to the Environmental Checklist notes that the two pumping facilities will

...increase the pressure head from the existing 420 ft. pressure zone to the new head of a 520 ft. pressure zone.

The resulting increase in elevation from 420 ft. to 520 ft. will serve to increase the minimum water pressure in the area and alleviate an existing low pressure problem. Additionally, the water currently available for fire protection is short of the 8,000 gallons per minute (gpm) minimally required to meet two major fires occurring simultaneously in this type of developed area. This standard for fire protection would be met by completion of the pump stations.

5. With regard to the entire L.I.D. project a declaration of non-significance (DNS) was prepared by the Engineering Department pursuant to the State Environmental Policy Act of 1971 (SEPA) and Ordinance 105735, as amended, Chapter 25.04, Seattle Municipal Code, and is part of the record.

6. At the time of the July, 1980 DNS, the current water pump design detail was less complete. Accordingly, the Environmental Checklist acknowledged that permanent pump station operation might increase existing noise. However, the current plan is to build the facility completely underground. In response to projected impacts remaining, expected to occur during construction, DCLU recommended that construction and grading occur "only during normal working hours, Monday through Friday, 8 a.m. to 5 p.m."

### Conclusions

1. The Council principal conditional uses permitted in the RMV 150 zone are the uses "set forth in Section 24.16.030". Section 24.36.030. Section 24.16.030, Seattle Municipal Code, allows "(f)ire stations...and other public utility service uses when necessary due to operating requirements..." See also Land Use Code Section 23.44.20, permitting the location of utility services uses in a single family zone when it is shown that the proposal satisfies a public necessity.

2. The referenced public utility service uses are permitted when authorized by the Council in accordance with Chapter 24.72. Section 24.16.030. Pursuant to Section 24.72.160

No conditional use...shall be recommended by the Hearing Examiner or authorized by the Council unless the applicable facts and conditions set forth in Section 24.74.010 for conditional uses or Section 24.74.030 for variances, are found to exist.

3. Section 24.74.010 authorizes an (administrative) conditional use if it is found that the same will not be materially detrimental to the public welfare or injurious to property in the zone or vicinity and as well will be consistent with the spirit and purpose of the zoning ordinance. The relevant portion of Section 24.74.030 adds the requirement that the authorization not prove contrary to the public interest.

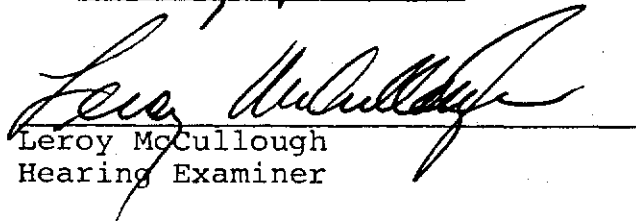
4. Based on the above the conditional use application should be granted. The application satisfies the requirements and spirit of the Seattle Municipal and Land Use Code provisions. The underground facility will have landscaped surface and

will accordingly not prove visually obtrusive nor incompatible with the vicinity development. DCLU has recommended a mitigating measure for construction related impacts. Accordingly, no material detriment or injury to the public welfare or property is foreseen. The project will not prove contrary to the public interest. Among the benefits to be derived from approval of the project are a needed increase in the area's water pressure, an improved water system, and the attainment of fire protection water standards for the subject area. The project will be consistent with the general purpose of the Land Use Code "to protect and promote public health, safety and welfare...through regulation and procedures..." That code's provisions, also designed to maintain a compatible scale within an area and enhance the streetscape and pedestrian environment, are consistent with the proposal. See also Section 24.06.020.

#### Recommendation

For each of the above reasons the recommendation of the Hearing Examiner to the City Council is as follows: That the conditional use be GRANTED on the condition that construction and grading occur only Monday through Friday, 8 a.m. to 5 p.m.

Entered this 27<sup>th</sup> day of August, 1982.

  
Leroy McCullough  
Hearing Examiner

#### NOTICE OF RIGHT TO PETITION FOR FURTHER CONSIDERATION

Pursuant to 24.72.090, Seattle Municipal Code, as amended, (Section 27.51 of the Zoning Ordinance 86300, as amended) any party 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 fourteen days after the date of mailing the recommendation of the Hearing Examiner and addressed to: City Council, Land Use Committee, Municipal Building, Seattle, Washington 98104.

The petition should state clearly and concisely the reason(s) why further consideration is necessary, and should refer specifically to any errors alleged to exist in the Hearing Examiner's Findings and Conclusions. The City Council's consideration of the petition will be based upon the record of the Hearing Examiner's hearing, and new exhibits or other evidence in support of the petition should not be submitted. In its discretion the Council may allow oral or written arguments based on the record when it considers the petition.