

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

In the Matter of the Petition of

PAUL BERRY, DEPARTMENT OF
ADMINISTRATIVE SERVICES

APPLICATION NO. 8501810
C.F. NO. 294211

for a council conditional use pursuant
to the provisions of Title 23, Seattle
Municipal Code, (Zoning Ordinance
86300, as amended)

Recommendation: The application should be conditionally granted.

Introduction

Applicant proposes to construct an addition to Fire Station No. 8, located at 110 Lee Street.

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

For purposes of this recommendation, all section numbers refer to the Seattle Municipal Code, 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 September 19, 1985.

Parties to the proceedings were: applicant, pro se. Malli Anderson appeared on behalf of the DCLU Director.

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. Applicant proposes to construct an addition to Fire Station No. 8 located at 110 Lee Street, to alter the fire apparatus entryway with a drive-through configuration and establish a new accessory parking area. As the subject site is located within a Duplex Residence 5000 (RD 5000) zone, council conditional use and development modification approvals are required.

2. The subject property is located atop Queen Anne Hill on the northwest corner of Lee Street and Warren Avenue North. The 200 by 210 ft. lot is developed with Fire Station No. 8, two tennis courts, two water towers and a television tower.

3. Applicant's plan is to construct two additions to the fire station to accommodate the new fire trucks that were funded through the 1-2-3 City Bonds. The proposal includes a 5.5 by 31 ft. addition on the north side of the existing station and a 7.5 by 31.5 ft. addition on the south side of the station. The proposal also includes an apparatus room renovation on the first floor, a rest room renovation on the second floor and providing six off-street parking spaces.

4. The additions are to allow the newer, longer fire trucks to fit into the fire station. The ingress and egress pattern for the ladder and pumper trucks would be changed to a position perpendicular to the present pattern. The trucks currently have to turn out onto Warren Avenue North to respond to a fire. The change in ingress and egress would allow the trucks to drive straight into the fire station when returning and straight out of the station to respond to a fire. The new pattern would involve left turning for the longer trucks. The off-street parking would be located where the existing driveway is currently located.

5. Development in the vicinity consists of a mixture of single and multifamily structures. Queen Anne High School is two blocks to the east of the site. The streets in the vicinity are narrow and have caused turning and access problems in the past.

6. The lot is designated as Public Land and will have a new zoning designation when the Public Land portion of the Land Use Code is adopted.

7. Five firefighters presently staff the premises and that number is not expected to increase in the foreseeable future. The same number of fire trucks and employee automobiles would be used in the foreseeable future that are used now, so there would be no long-term increase in noise or odors from this proposal. There would be a short-term increase in noise and odors from construction, but this increase is not expected to be significant.

8. Three Norway Maple trees and five flowering crabapple trees would be planted. One existing street tree and the lawn in the planting strip would be saved along with the existing landscaping along Lee Street. In addition to this, three types of shrubs and two types of ground cover would be planted around the new parking area and along Warren Avenue North.

9. Exterior lighting on the fire station would be shielded and directed away from the adjacent residentially zoned lots. The area and intensity of illumination and the location and angle of illumination would also be limited. Nonreflective surfaces would be used to help reduce glare.

10. The maximum facade width of 30 ft. is exceeded along both Lee Street (66 ft. 2 in.) and Warren Avenue North (53 ft.). However, the facade modulation along Lee Street and the landscaping along Warren Avenue North would minimize the appearance of bulk.

11. The existing side yard along Lee Street is 7.5 ft. The applicant proposes no side yard setbacks for the addition. However, the reduced setback would not significantly increase impacts to the residentially zoned lots in the vicinity. This is because the side wall is modulated to break up the bulk of the building, there would be street trees to soften the wall line, and there are no adjacent lots zoned Residential that would be impacted due to the large size of the lot. The nearest residential lots are across the street, and there would be adequate separation between those lots and the proposed addition to offset the impacts of a reduced side yard setback.

12. The proposed location for four parking spaces is currently the driveway for the fire trucks, so there would be no new paving in the front yard setback. The parking area will be heavily landscaped, so the impacts from locating the parking in the front yard are expected to be minimum. Automobiles are not allowed to back out onto the street. However, Lee Street and Warren Avenue North are residential streets that are not heavily travelled, so no material detriment is expected.

13. Three of the curb cuts already exist. The proposed landscaping should mitigate the impacts from another curb cut along Lee Street and a wide curb cut along Warren Avenue North. Although the curb cut on Lee Street would reduce onstreet parking, more off-street parking would be provided along Warren Avenue North in the existing driveway.

14. Six off-street parking spaces are to be provided. This is an increase in parking spaces over what presently exists on the site. No change in use is proposed, only a reconfiguration of the parking area access for the fire trucks, so the availability of parking in the vicinity would actually increase.

15. No letters opposing the project were submitted for the record.

Conclusions

1. The Hearing Examiner has jurisdiction of these proceedings pursuant to Seattle Municipal Code Chapter 23.80.

2. The subject property is located in an RD 5000 zone. It appears the Land Use Code (Title 23) does not address what requirements are necessary in order to locate or expand a fire station in an RD 5000 zone. Seattle Municipal Code Section 23.44.34. Therefore, standards clearly applicable to single family zones will be used in this case. Seattle Municipal Code Section 23.44.34.

3. The location or expansion of fire stations in Single Family zones must be shown to satisfy a public necessity and may be permitted only with Council approval. Seattle Municipal Code Section 23.44.34(A).

4. Public facilities shall be developed according to the development standards applicable to institutions, Seattle Municipal Code Section 23.44.22, unless the Council determines that a particular requirement must be waived or relaxed. Seattle Municipal Code Section 23.44.34(B).

5. New or expanding institutions in Single Family zones which are not designated as major institutions shall meet the development standards for uses permitted outright in Sections 23.44.08 through 23.44.16 unless modified elsewhere in this Section. Seattle Municipal Code Section 23.44.22(C).

6. Since the proposal does not affect the lot line, the dispersion criteria for expanding a public facility is complied with. Seattle Municipal Code Section 23.44.22(D).

7. No long-term increase in noise or odors would arise from this proposal. The short-term increase in noise and odors from construction is limited by the DCLU condition that use of construction equipment to be limited to normal working hours on weekdays. Therefore, this increase will not be significant. Seattle Municipal Code Section 23.44.22(G).

8. Additional landscaping per approved plan meets the landscaping requirements. Seattle Municipal Code Section 23.44.22(H).

9. This proposal meets the shielding of exterior lighting and glare requirements. Seattle Municipal Code Section 23.44.22(I).

10. The proposal does not exceed the height limit and meets the requirements for lot area. Seattle Municipal Code Section 23.44.22(J).

11. Public facilities are required to provide 10 ft. side yards. Seattle Municipal Code Section 23.44.22(J)(2). DCLU may permit yards less than 10 ft. but not less than 5 ft. after finding that the reduced setback will not significantly increase impacts to adjacent residential lots and there will be a demonstrable public benefit. The existing side yard along Lee Street is only 7.5 ft. However, the reduced setback will not significantly increase impacts to the residentially zoned lots in the vicinity. Allowing the existing side yard to be only 7.5 ft. allows for additional off-street parking spaces which is a demonstrable public benefit by decreasing the use of on-street parking.

12. The proposal does not meet several parking requirements of the Code. Parking is generally not allowed in the required front yard. Seattle Municipal Code Section 23.44.16(D)(2). Parking access and parking are to be designed as provided in Chapter 23.54. Seattle Municipal Code Section 23.44.22(L)(2). In contravention of Chapter 23.54 requirements, the parking is not fully screened, the curb cuts exceed the maximum permitted width, the separation between the curb cuts is less than the 30 ft. required and the curb cut flares exceed the 2.5 ft. maximum. However, the parking area's proposed landscaping would provide some screening. Since the proposed location for four parking spaces is currently the driveway for the fire trucks, no adverse impact or detriment to the surrounding vicinity would occur by providing the proposed parking in the required front yard. Since three of the curb cuts already exist and the proposed landscaping would mitigate impacts from another curb cut along Lee Street and a widened curb cut along Warren Avenue North, allowing such a waiver to provide additional off-street parking would yield a demonstrable public benefit. Pursuant to Chapter 23.54, seven off-street parking spaces are required but only six spaces are to be provided by the proposal. Since only five fire fighters will be on the site at any one time and an increase in parking over what presently exists on the site will occur, providing six spaces will be adequate.

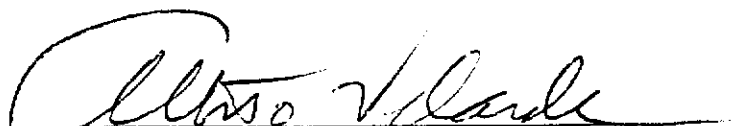
13. The record shows that the proposed use will be neither detrimental nor injurious to the public welfare or to the vicinity property.

Recommendation

For the foregoing reasons, the Hearing Examiner recommends that the proposed action be granted on the following conditions:

1. Landscaping shall be provided per approved plans prior to final occupancy of the building. Maintenance of the landscaping shall be the responsibility of the owner(s).
2. Loud equipment, including but not limited to pavement breakers, pile drivers, jack hammers, 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 weekdays.

Entered this 3rd day of October, 1985.


Alberto Velarde
Hearing Examiner Pro Tempore

CONCERNING FURTHER REVIEW

Pursuant to 23.80.10(E), Seattle Municipal Code, 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 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 this 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 important information is missing, the Council may have the record supplemented pursuant to Section 23.80.10(E)(3) or 23.80.10(E)(4). At its public meeting the Council may allow oral or written arguments based on the record.