

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

In the Matter of the Application of

THE SEATTLE WATER DEPARTMENT

FILE NO. CC-8604944
C.F. FILE NO. 295908

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

Introduction

The Seattle Water Department seeks Council conditional use authorization to construct a water disinfection facility at property addressed as 1509 South Spokane Street.

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 January 8, 1988. The DCLU Director appeared by Leslie Lloyd. No representative appeared for applicant and no member of the public was present to give testimony on the application.

Findings of Fact

1. The subject property is addressed as 1509 South Spokane Street in the City of Seattle. The legal description is in the application of record and is incorporated herein by reference.
2. The Seattle Water Department, applicant, operates a reservoir and water quality facility on Beacon Hill which is bounded on the west by 15th Avenue South, on the east and south by Jefferson Park and on the north by South Spokane Street.
3. The site is presently developed with a water quality building. Within this building is a laboratory where some water quality analysis is performed. Also on site is a gate house. Within the gatehouse are valves which control the flow of water from the reservoirs.
4. The Water Department proposes to add a 924 sq. ft. single story water disinfection facility to existing site development. On the plans of record the proposed building is denoted as the sodium hypochlorite building. The application and DCLU Report indicate that a sodium hypochlorite system is safer than the existing chlorine gas disinfection system.
5. Perimeter development includes Lowrise 3-zoned single family dwellings and low scale apartment buildings across 15th Avenue South (west of the site). South of the reservoirs, which are in the single-family zone, is the Veterans Administration Hospital. The Jefferson Park Golf Course and Fire Station No. 13 are also nearby.
6. The specific development site is interior and is visually separated from the above-described perimeter development by intervening landscaping and a grade change.
7. It is undisputed that while some construction impacts such as noise are anticipated, no post-construction impacts are expected. According to the application, "even noise from construction is minimal because construction site is far away from the nearest adjoining properties."

8. The subject area presently experiences no traffic congestion or parking shortage. That scenario is not expected to change as a result of the proposal.

9. The Water Department facility site retains the RD 5000 (duplex) and RM 800 (multi-family) zoning of Title 24, Seattle Municipal Code, because the site was and is in public facility use. Areas developed with existing public facilities were excluded from the 1982 city-wide, Title 23 rezoning pending establishment of a new category for open spaces and public facilities.

10. The site is also partially zoned SF 5000.

11. The public file contains no letters stating support for or opposition to this project. No witnesses from the public appeared at the public hearing before the Hearing Examiner to comment on the proposal.

12. The proposal is exempt from State Environmental Policy Act (SEPA) review because the 924 sq. ft. proposed development is less than 4000 sq. ft.

Conclusions

1. The Hearing Examiner has jurisdiction of Council conditional use applications pursuant to Chapter 23.76, Seattle Municipal Code. Seattle Municipal Code Section 23.76.036(A)(5) states that the City Council shall make the decisions on Council conditional uses and on other "Type IV" applications. The process for considering the application, to DCLU report and recommendation; to the Hearing Examiner public hearing; and to the ultimate Council decision is delineated at Seattle Municipal Code Section 23.76.038 - 23.76.056.

2. The DCLU report and the Hearing Examiner recommendation to the Council are to include an evaluation

...of the proposal based on the standards and criteria for the approval sought and consistency with the applicable goals and objectives of Seattle's land use policies...

Seattle Municipal Code Section 23.76.050.

3. The Title 23 adopted policies relating to single and multi-family uses are found at Chapter 23.16, Seattle Municipal Code.

4. Multi-Family Residential Areas Policy 17 addresses "Small Institutions and Public Facilities" in relevant part as follows:

...small institutions and public facilities shall be allowed to establish or expand in multi-family areas, provided they are compatible with the residential character and scale of the area...The provisions of this policy shall apply to all small institutions and public facilities located in multi-family areas...

The proposed use is a small 1-story facility that will be separated from perimeter low-scale residential development by extensive distance, landscaping and topography.

5. A public facility is defined in Policy 17's Implementation Guideline 1 as

...a facility owned, operated, or franchised by a unit of general or special purpose government for public purposes.

The proposed use qualifies as a public facility. It will be

designed to function as an improved water disinfection operation that will benefit the public.

6. Policy 17's third Implementation Guideline anticipates Land Use Code development standards to address issues of building height, bulk and setbacks; open space, landscaping and screening; noise; light and glare; and parking and transportation. Concerning the last category, Implementation Guideline 3 provides that

Increased traffic and parking expected to occur due to the establishment or expansion of the institution or facility shall not be permitted to create a serious safety problem or be a blighting influence on the surrounding neighborhood...

7. Specific Land Use Code standards for properties that retain the Title 24 designations, such as the subject property, have not been adopted. The Hearing Examiner agrees with the DCLU conclusion, however, that the project comports with the goals and objectives of the Title 23 multi-family policies. The 1-story building would be located within the interior portion of the existing Water Department land use pattern and separated from neighboring uses by distance and topography. No parking or transportation difficulties exist in the subject vicinity presently and no modified, permanent impacts would result from the proposal. Ref. Implementation Guidelines 5-8.

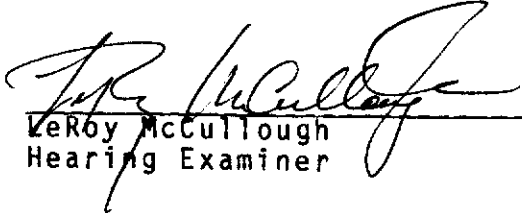
8. Although the general site is multi and single-family zoned, the precise development site is outside the Single Family zone. Notwithstanding same, it can be noted that the proposal is consistent with the Policy Intent of the Single Family Residential Areas Policy to control "location, scale, access...to reduce negative impacts such as noise, traffic and parking problems..." Seattle Municipal Code Section 23.16.002.

9. In the opinion of the Hearing Examiner, the precise relationship between properties still bearing Title 24 designations and the Title 23 procedures that may address the properties' development is insufficiently defined. The Hearing Examiner is nevertheless persuaded that the subject conditional use should be approved, without conditions, since the proposal is consistent with the theory and purpose of Title 23 development standards. Further, Multi-family Policy 17 states that it is applicable to all...public facilities located in multi-family areas." Finally, considering former Title 24 conditional use criteria, the proposed building will not be materially detrimental to the public welfare nor injurious to vicinity or zone property. Ref. former Seattle Municipal Code Sections 24.74.010, 24.30.050 Section 24.26.020, Section 24.16.030.

Recommendation

For the foregoing reasons, the Hearing Examiner recommends that the Council conditional use be granted.

Entered this 19th day of January, 1988.


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 reconsideration 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.