

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

In the Matter of the Application of

PACIFIC NORTHWEST BELL

FILE NO. CC-82-021
C.F. NO. 292132

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

Introduction

Applicant, Pacific Northwest Bell, applied for Council conditional use approval to construct an addition to a public utility building in a manner not meeting the development standard for side yards at 1138 N.W. 63rd Street.

For purposes of this recommendation, all section numbers refer to the Seattle Municipal Code, Title 23, 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 March 15, 1983.

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 findings of fact and conclusions shall constitute the recommendation of the Hearing Examiner on this application.

Findings of Fact

1. Pacific Northwest Bell plans to construct an addition to its switching equipment building located at 1138 N.W. 63rd Street to allow conversion to an electronic switching system.
2. The property is located in an L3 zone and is surrounded by residential uses, apartment buildings, duplexes and single family residences.
3. The building provides 6 ft. and 2 ft. 6 in. side yards where Section 23.54.96C requires 20 ft. side yards.
4. The addition would be the full width of the building, 93.5 ft., at the first floor level and 32 ft. of the width at the second floor, extending the length of the building 21 ft. at the existing setbacks. Because the side yard development standard of 20 ft. is not met this addition requires Council conditional use approval.
5. The conversion from mechanical to electronic switching equipment would result in the elimination of seven jobs at this location. When the conversion is eventually completed there will be excess floor space which is projected to accommodate growth for at least 20 years.
6. The addition will result in a reduction of three parking spaces from the fourteen existing to eleven. This should be sufficient to handle demand since only four regular employees and occasional service representatives will use the building.

7. The existing landscaping will be replaced, if needed, and extended to landscape the new addition. The recommendation of the DCLU includes a condition that landscaping be provided on both side yards per approved plan.

8. Neighboring properties to the south receive excessive noise from the exhaust fan of the building's ventilation system. Neighbors fear that a larger building may cause more noise. The applicant has taken steps to have the ventilation system changed to reduce the noise. This alteration would be done during the construction of the addition.

9. The architectural style and materials of the existing building would be continued in the addition.

10. A declaration of nonsignificance was issued by the responsible official for this action pursuant to Chapter 24.04, Seattle Municipal Code, and the State Environmental Policy Act of 1971 (SEPA).

Conclusions

1. A conditional use may be granted if the proposed action would not be materially detrimental or injurious to neighboring properties and would be consistent with the spirit and purpose of the Land Use Code.

2. This proposal involves an addition to a building without the usually attendant increase in use-related impacts. The only areas for concern are the side yards and ventilation noise. The noise situation is being addressed by the applicant and a condition should be imposed to assure this problem is remedied. The 21 ft. extension of the walls with the shallow setback does not appear likely to cause any material detriment or injury.

3. The spirit and purpose of the Land Use Code for public utilities in lowrise zones is not readily ascertainable. Where the facility is already in existence and the addition is unlikely to cause any adverse physical or aesthetic impacts, it can be presumed that it would not violate the general spirit and purpose of the code which is to protect and promote public health, safety and general welfare.

Recommendation

The Council conditional use should be granted subject to the conditions that:

- 1) landscaping be provided on both side yards per approved plan; and
- 2) the ventilating system for the building be changed to alleviate the condition of excessive noise experienced by dwelling units south of the subject building.

Entered this 17th day of March, 1983.


M. Margaret Klockars
Deputy Hearing Examiner

NOTICE OF RIGHT TO PETITION
FOR FURTHER CONSIDERATION

Pursuant to Section 23.80.10.E, Seattle Municipal Code, any person substantially affected by or interested in this recommendation 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.