

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

In the Matter of the Appeal of

KOLB AND STANSFIELD AIA ARCHITECTS

FILE NO. MUP-82-048(V)
APPLICATION NO. 82-0079

from a decision of the Director of
the Department of Construction and
Land Use on a master use permit
application

Introduction

Appellants, Kolb and Stansfield AIA Architects, appeal the decision of the Director of the Department of Construction and Land Use (Director) to deny a side yard variance for property at 915 Terry Avenue, the Puget Sound Blood Center.

The appellants exercised their right to appeal pursuant to the Master Use Permit Ordinance, Chapter 24.84, Seattle Municipal Code.

Parties to the proceedings were: appellants represented by Paul Sikora, Diamond and Sylvester, and the Director represented by Jan Arntz, senior environmental specialist.

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

This matter was heard before the Hearing Examiner on August 25, 1982.

After due consideration of the evidence elicited during the public hearing, the following shall constitute the findings of fact, conclusions and decision of the Hearing Examiner on this appeal.

Findings of Fact

1. Appellants applied for a master use permit to demolish a blood bank building and establish use for future construction of a new building at 915 Terry Avenue, also known as 915-25 Madison Street. Two variances are required, one for a parking waiver, which was granted, and one to provide less than the required side yard which was denied. Appellants appeal the denial.

2. The subject property comprises 3/8 block in an L-shaped parcel with frontages on Madison Street, Terry Avenue, 9th Avenue and the alley. The site is zoned Community Business (BC) and is surrounded by the following uses: a hotel across Madison, hospital across Terry, the Catholic Archdiocese Chancery and low income housing adjacent to the south with alley separation, and a tavern and store in the northwest corner of the block.

3. The structure on the site houses the Puget Sound Blood Center (Blood Center) which is the sole site for collection and storage of blood products and performance of compatibility tests for an eight county region. In addition to those services the staff physicians provide consultation to other physicians and educational programs and research in specialized areas of hematology.

4. The location close by many major medical facilities is necessary for rapid response to the blood needs of those facilities.

5. The existing structure is inadequate to house the current and developing functions of the Blood Center. No other property was found in a central location meeting the needs of the Blood Center. The structure, therefore, had to be designed to meet the needs of the Blood Center on the subject site.

6. The functions of the Blood Center require auto access for emergency and other pick-up and delivery of samples and blood, enough space on one level to have all functions of the cross-match laboratory facility adjacent to each other, and space with flexibility for research laboratories. Research laboratories require a greater amount of space above the ceiling for electrical and other necessary systems.

7. The eastern half of the building, designed to meet the requirements on the oddly-shaped lot, would be six stories or 101 ft. high including mechanical penthouse.

8. Sections 24.44.120 and 24.62.040C(2) require that the distance between the part of a structure exceeding 60 ft. in height and any lot line be at least 20 ft., which can be measured from the centerline of an alley. A setback of 9 ft. is proposed requiring a variance of 11 ft. from the requirement.

9. Because the Blood Center is classified as an essential building for medical purposes, the Building Code imposes higher earthquake-resistive requirements. With the space requirements of the Blood Center's function the shear walls must be on the perimeter of the building. To offset the walls 11 ft. would make the three top floors unuseable. Moving the beams in is not possible because of the mechanical system.

10. There is no reasonably foreseeable detriment to the properties around the site. The alley intervenes between the site and Chancery which is well set back.

11. Numerous yard variances have been granted in the vicinity of the subject site including two for the adjacent office/residential tower because of its relationship to a landmark and a gymnasium addition to Odea High School because of the available space and functional requirements for a gym.

Conclusions

1. The property conditions are shown to be unique in this case: a necessary public facility with location requirements restricting it to an odd-shaped lot and which has functional requirements which, combined with lot shape, dictate the design and bulk of the building. With these conditions the strict application of the code requirement would deprive the property of reasonable development rights enjoyed by others in the vicinity.

2. In light of the unique conditions and variances granted to others, granting the variance requested in this case would not confer special privilege nor would it go beyond the minimum necessary for relief.


3. There would be no material detriment to the public welfare nor injury to other property caused by the granting of the variance.

4. The Comprehensive Plan would not be adversely affected.

Decision

The decision of the Director of the Department of Construction and Land Use is reversed and the requested relief of the side yard variance is GRANTED.

Entered this 2nd day of September, 1982.


M. Margaret Klockars
Deputy Hearing Examiner

Notice of Right to Appeal

The decision of the Hearing Examiner in this case is the final administrative determination by the City. Any further appeal must be filed with the Superior Court within 14 days of the date of this decision. Vance v. Seattle, 18 Wn.App. 418 (1977); JCR 73 (1981). Should an appeal be filed, instructions for preparation of a verbatim transcript are available at the Office of Hearing Examiner. The appellant must initially bear the cost of the transcript but will be reimbursed by the City if the appellant is successful in court.