

102-83-01

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

In the Matter of the Application of

DEPARTMENT OF ADMINISTRATIVE
SERVICES BY JAMES DEWEY

FILE NO. CC-83-019
C.F. NO. 290981

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

Introduction

The applicant, the Department of Administrative Services (DAS) by James Dewey, applied for a Council Conditional Use to locate a utility service use (radio tower) in a single family zone at 10820 Beacon Avenue South.

For purposes of this recommendation, all section numbers refer to the Seattle Municipal Code, Chapter 23.80, 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 April 23, 1984.

After due consideration of the evidence presented by the applicant, the information provided by the Director's report, 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. The applicant proposes to replace a water tower (which has been removed) with a radio tower to support antennae for police, fire and other public agency communications. The antennae had been mounted on the water tower and are now on a temporary pole.
2. The site selected by the applicant is one lot of a City-owned parcel divided into three at 10820 Beacon Avenue South on the northeast corner of the intersection of Beacon Avenue South and South Leo Street. The lot is odd shaped with a dog leg to Beacon Avenue South for access and contains approximately 8,685 sq. ft. The main body of the lot measures approximately 82 by 85 ft.
3. The site is in an SF 7200 zone which is developed with largely single family uses. Across Beacon Avenue to the west is multi-family development. The north and east sides are bounded by four lots developed with single family residences. The other two sides are bounded by the two new lots to be sold for single family development.
4. The tower needs to be 120 ft. high to accommodate the potential uses and would be 28.5 ft. from the nearest lot line.
5. A 12 ft. by 24 ft. prefabricated equipment shelter would be mounted on a concrete slab on the site. Landscaping

is proposed including shrubs along the fenced property lines, twelve trees and ground cover.

6. A study for the DAS was conducted by Spectrum Engineering Corporation to evaluate three sites for use as a radio receiving site. The consultants recommended the subject site as the best. The other site within the City, on Beacon Avenue South near Augusta Street, is also zoned for single family use.

7. The subject site was selected by DAS as the best site, in part, because of its physical attributes for radio reception, it would be a continuing use and has the opportunity for cost savings by use of some of the existing footings.

8. The facility would be unmanned so the only traffic generated would be for occasional service and inspection.

9. A declaration of nonsignificance (DNS) for the proposal in compliance with Chapter 25.04 and SEPA was issued by the Department of Construction and Land Use and is included in the file. Only minor construction impacts were found to be likely from the proposed action.

10. DCLU recommends imposing landscaping as a condition for approval.

11. The Seattle Design Commission reviewed preliminary plans and will be involved in the landscaping consultant selection.

12. Section 23.44.12.C.1 exempts radio aerials from the height limits of the zone except that the tower is to be no closer to the lot line than 50% of its height. This requirement cannot be met so that applicant requests that the City Council waive that limitation.

13. A permit for the 120 ft. tower has been granted by the Federal Aviation Administration.

14. There should be no interference with neighbors' television or radio reception. The Federal Communications Commission standards for licensure include this consideration.

Conclusions

1. Section 23.44.34A requires Council approval for the location of a utility service use in a single family zone. It states that "(l)ocation ... of these facilities in a single family zone must be shown to satisfy a public necessity."

2. Providing for public emergency service and other agency communication can be considered a public necessity. Further, the applicant has shown that use of the site is necessary to carry out that function. The other available city site in the area where the receiver must be is also zoned for single family use. The required showing has been made.

3. As disclosed in the DNS, there are not likely to be any environmental impacts which would have the kind of effect on the environment, including neighboring properties, that should be cause for concern about this site. DCLU's recommendation for a landscaping condition is appropriate to make the site more compatible with the residential uses in the area.

4. The Council may waive a development standard if it determines that a requirement must be waived or relaxed by Section 23.44.34.B. Here the requirement would result in a tower which is not high enough to serve its purpose or the necessity of using almost the entire three-parcel site at greater cost and eliminating two lots for residential development. The standard should be waived.

Decision

The application should be granted subject to the condition that the proposed landscaping plan be executed.

Entered this 26th day of April, 1984.

M. Margaret Klockars
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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.