

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

In the Matter of the Application of the

WASHINGTON STATE DEPARTMENT OF
TRANSPORTATION

FILE NO. 8805950
C.F. FILE NO. 296867

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

Recommendation: The application should be conditionally GRANTED.

Introduction

Applicant proposes to construct an 18,730 sq. ft. warehouse/shop to be occupied by the Seattle Engineering Department and subsequently by the Washington State Department of Transportation.

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

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 conditionally granted.

This matter was heard before the Hearing Examiner on February 15, 1989.

After due consideration of the evidence presented by the applicant, the information provided by the Director's report, and all evidence from the public hearing record, the following shall constitute the findings of fact, conclusions and recommendation of the Hearing Examiner on this application.

Findings of Fact

1. Applicant, the Washington State Department of Transportation (DOT), has applied for Council Conditional Use approval to establish and construct a single-story, 18,730 sq. ft. warehouse/shop on property addressed as 6431 Corson Avenue South. DCLU recommended conditional approval of the proposal.

2. The project site is in south Seattle within a triangle formed by Corson Avenue South, to the site's east; East Marginal Way, south of the site; and by South Michigan Street, north of the site. Interstate 5 is located northeast of the site.

3. More specifically, the site is located west adjacent to Corson Avenue South and south adjacent to South River Street and 7th Avenue South. The legal description is in the application of record and is incorporated herein by reference.

4. The level but irregularly-shaped proposal site contains approximately 12.1 acres and is presently developed with ten buildings, including the DOT District Office, a service station, a body and paint shop and a facility for equipment and material storage. See Exhibit 2.

5. In the southwest corner of the site, near the South River Street border, is an area used for outdoor storage of highway signs and containers. This area is the site for the applicant's proposed warehouse/shop building that would be 16 ft. high.

6. In the vein of intergovernmental cooperation, the proposal calls for the Seattle Engineering Department to occupy the new building for approximately 12 months during the Interstate -90 construction. SED needs to relocate from its present building, near Dearborn and the I-90 overpass, to warehouse and protect its equipment: signals, barricade operations and similar uses. After SED's use, the new building will then be converted to a DOT "One Materials Lab" and district stores warehouse. Following the completion of I-90 bus lanes, SED will relocate to a new building at 705 South Charles Street, this

7. SED and DOT will generally operate between 7:00 a.m. - 6:00 p.m. While SED will have roughly 70 employees in the new building, DOT will have approximately 45. DOT expects to have eight vehicles in its fleet; SED expects 12-15 in its fleet.

8. DOT will use 8000 sq. ft. of the new building for office supply equipment and the remainder of the building as a testing laboratory for highway, bridge and other materials.

9. The proposal site is zoned Industrial Buffer (IB) and Industrial General (IG 2). Properties across Corson Street are generally zoned Lowrise - 2/Residential Commercial and, northeast of the site, Industrial Buffer. These properties are developed with a mix of multifamily and business oriented uses.

10. The site is approximately one block from public transit. DOT projects that the proposal will cause the number of vehicle trips to increase by 35-40 vehicle trips per day. No traditional "peak period" is anticipated.

11. The proposal site is a former tide fleet that has been filled with miscellaneous materials. Approximately 132 wood pilings will therefore be driven for building support. This activity, which will not be inconsistent with the background area noise, will occur during regular business hours (8:00 a.m. - 5:00 p.m.).

12. Other environmental impacts include short-term construction impacts, e.g. reduced air quality from dust, heavy equipment fumes and construction traffic; increased stormwater; and construction noise. There will be long term increases in the amount of electricity and fuel consumption, in the noise level and in the amount of water runoff (to the on-site basin and through the sewer system). There would be no light or glare impact from the building except for night security lights.

13. DCLU concluded that existing City ordinances and provisions obviated the need for specific State Environmental Policy Act (SEPA) conditioning. For excavation, shoring and stormwater runoff, DCLU cited the Grading and Drainage ordinance; for air quality, the federal auto emission controls through the city's Air Quality Policy; street dust, mud and circulation through the Street Use Ordinance; street lane closures through Seattle Engineering Department regulation; and construction noise through the Seattle Noise Ordinance.

14. Per DCLU, the Land Use Code requires landscaping along Corson. The precise Land Use Code - DCLU requirements were still under review at the time of the Hearing Examiner hearing and recommendation; however, the requirements will generally include a minimum 5 ft. landscaped setback; 3 ft. - high screening of the surface parking areas; curbs and sidewalks; and street trees.

15. DCLU's sole recommended condition to the Council Conditional Use is that:

The owner(s) and/or responsible party(s) shall encourage the use of South River Street for access and egress by heavy equipment and government fleet vehicles to reduce traffic and noise impacts on residential uses along Corson Avenue South.

16. Proposed for future construction is another 150,000 sq. ft. area development to consist of administrative headquarters, automated fuel dispensing facility and parking for 520 vehicles. This development will be subject to a separate environmental and conditional use analysis.

17. No appeal was filed from the determination of nonsignificance on this present proposal and no comment letters were received from the public.

Conclusions

1. The Hearing Examiner has jurisdiction of this matter pursuant to Chapter 23.76, Seattle Municipal Code.

2. The proposal is properly considered as one for a "public facility," i.e. "a public project or city facility." Seattle Municipal Code Section 23.84.030"P." A "public project" is one

owned, operated or franchised by a unit of general or special-purpose government except The City of Seattle.

3. In that the proposal is to accommodate State of Washington and City of Seattle operations, it can also be properly considered as a city facility, cf. Section 23.84.030"P." A city facility is defined as "a public facility owned and/or operated for public purposes by The City of Seattle." Seattle Municipal Code Section 23.84.006 "C.".

4. The subject property is located in the Industrial Buffer (IB) and Industrial General zones (IG 2). Chapter 23.50, Seattle Municipal Code, is therefore applicable.

5. Permitted and prohibited uses in industrial zones are specified in Seattle Municipal Code Section 23.50.012(A) and its accompanying chart. While jails are prohibited in the zone, "other public facilities," supra, are allowed as Council Conditional Uses. Hence, the present application.

6. All conditional uses in the industrial zones must meet the criteria specified in Section 23.50.014. As the present proposal satisfies the criteria, the Hearing Examiner recommends that the Council Conditional Use be approved with conditions.

7. Regarding the first criteria, the proposal use will not be

...materially detrimental to the public welfare or injurious to property in the zone or vicinity in which the property is located.

Applicant proposes a 16 ft. high, 18,130 sq. ft. - area storage/warehouse building for the southwest segment of the lot. The proposed building, closer to 7th Avenue and Rivers Street, will be removed from the residential-commercial and residential development of Corson Avenue South. In addition, a minimum landscaped setback to Corson will be completed. Principally, the vicinity property south, north and west is zoned and developed industrial. The increased traffic, population and security lighting represent minor impacts. Construction impacts, such as pile driving, will be limited to routine business hours and will be temporary.

8. Benefits to the public will outweigh the negative impacts. Seattle Municipal Code Section 23.50.014(A)(2). Relocation of the City of Seattle shop to the proposal facility will facilitate preservation of existing inventory pending completion of the Interstate 90 bus tunnel. Following Seattle's use, the State Department of Transportation will engage in testing and storage of materials related to highway construction and maintenance. Given the industrial backdrop and the minor nature of the negative impacts, the benefit of improved, enhanced public transportation support facilities outweighs the negative

impacts of the proposal.

9. Required landscaping, screening and access controls will serve to "insure the compatibility of the use with the surrounding area and mitigate adverse impacts." Seattle Municipal Code 23.50.014(A)(3). Conditions recommended herein include applicant's compliance with a landscape - streetscape plan approved by DCLU. This plan will require at minimum a 5 ft. landscaped setback along Corson Avenue South. Although it is indicated that the landscaping and setback requirements are Land Use Code requirements, the Hearing Examiner recommends the condition as a means of providing distinct authority to DCLU to buffer the subject use from the residential uses along the east side of Corson Avenue South. Further, the Hearing Examiner recommends that the DCLU provision related to heavy equipment and fleet access (see Finding 15, above) be modified as follows:

The owner(s) and/or responsible party(s) shall establish and maintain the use of South River Street as principal access and egress for heavy equipment and governmental fleet vehicles to reduce traffic and noise impacts on residential uses along Corson Avenue South.

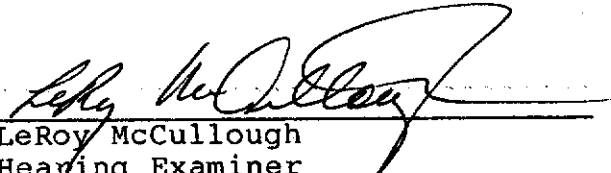
10. Imposition of the foregoing conditions will satisfactorily mitigate the negative impacts. Seattle Municipal Code Section 23.50.014(A)(4).

11. The proposal site is covered by no post-1983 Council - adopted neighborhood plan. Seattle Municipal Code Section 23.50.014(A)(5).

Recommendation

Based on the foregoing, the Hearing Examiner recommends that the City Council approve the Council Conditional Use application with conditions recommended in Conclusion 9 above.

Entered this 17th day of February, 1989.


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.