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CF 311027

FINDINGS, CONCLUSIONS AND DECISION
OF THE CITY COUNCIL OF THE CITY OF SEATTLE

In the matter of:)	C.F. 311027
)	
Clerk File (CF) 311027: Council Land)	FINDINGS, CONCLUSIONS
Use action to approve a request by)	AND DECISION
King County to use a residential)	
structure as a temporary office for)	
construction activities, related to a)	
separate request to upgrade and expand)	
the Barton Street Pump Station, located)	
at 8923 Fauntleroy Way SW (Project)	
No. 3010690, Type IV).)	

This matter involves the petition of King County ("County") which seeks Council approval to use an existing residential structure at 8923 Fauntleroy Way SW for a temporary construction services facility, related to a planned upgrade of the adjacent Barton Street pump station. The approval of the County's request is, under Seattle Municipal Code Section 23.51A.002B.4, a quasi-judicial Council land use action because it involves the long-term temporary use of an existing structure to support an expansion of a non-City owned public facility.

The adjacent Barton Street pump station, located within the Barton Street right of way near its intersection with Fauntleroy Way SW, is owned and operated by the County. Upgrades to the pump station that are confined to the right of way require a separate permit issued by the Seattle Department of Transportation (SDOT) that is approved under a separate ordinance.¹ The residence will be used for a term of up to 36 months, after which it will be restored to a residential use. Attachment 1 documents the location of the

¹ The first phase of the right of way approval required Council review and approval of concept plans of the upgrade under Resolution 31304. This was approved by Council on July 5, 2011.

residential structure and the scope of work in the right of way. Attachment 2 documents the conceptual footprint of the pump station and related features.

The County's request includes upgrades to the site that require the approval of a Substantial Shoreline Development Permit (SSDP) as provided in Seattle Municipal Code (SMC) Chapter 23.60. SSDPs are generally approved by the Department of Planning and Development (DPD). But SMC Section 23.76.036A requires the Council approve any related land use permits, here a SSDP, submitted concurrently with a request for a Council land use action. The upgrades under the SSDP include the pump station expansion, upgrades to public access, and enhanced landscaping. Attachment 3 shows the area of the project that is subject to the SSDP.

On February 24, 2011, DPD issued a recommendation to approve the County's request including: (1) all right of way improvements to support the pump station upgrade, and (2) the temporary use of the single-family residence; no conditions were recommended by DPD. DPD also recommended approval of the SSDP with two conditions.

The Hearing Examiner held an open-record hearing on March 23, 2011 and left the record open until April 8, 2011 to allow for the Hearing Examiner's site visit and the submission of additional documentation related to a proposed vehicle turnaround area that includes shoreline access. Following the close of the record, the Hearing Examiner issued Findings, Conclusions and Recommendations, also recommending approval of: (1) all right of way improvements related to the upgraded pump station, (2) the temporary use of the residence for construction services, and (3) the SSDP. The Hearing Examiner's recommendation included adoption of DPD's two recommended SSDP conditions.

On June 28, 2011 the matter came before a special joint meeting of the Transportation Committee and the Committee on the Built Environment (COBE). The special meeting was convened due to the combination of the quasi-judicial action and Council's separate review of the concept right of way improvements to be approved by a separate resolution. The joint committee first reviewed and deliberated on the quasi-judicial action. In their deliberations, staff briefed Council members concerning the applicability of land use regulations in SMC Chapter 23 on non-City projects located within the right of way. The joint committee agreed with staff's conclusion that use and development standards in SMC Chapter 23 do not extend into the right of way for the purposes of improvements to a non-City facility as reflected in the County's request. The joint committee did agree that the temporary use of the residential structure located on private property was subject to a Council land use action.

Following their deliberation, the joint committee voted to approve the temporary use of the residential structure; requested staff to prepare Findings, Conclusions and a Decision; and referred the matter to a full Council vote. The joint committee then separately considered the concept approval of the upgrades within the right of way.

Findings of Fact and Conclusions

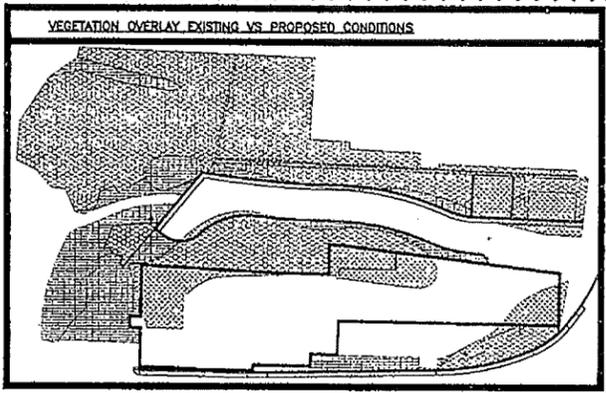
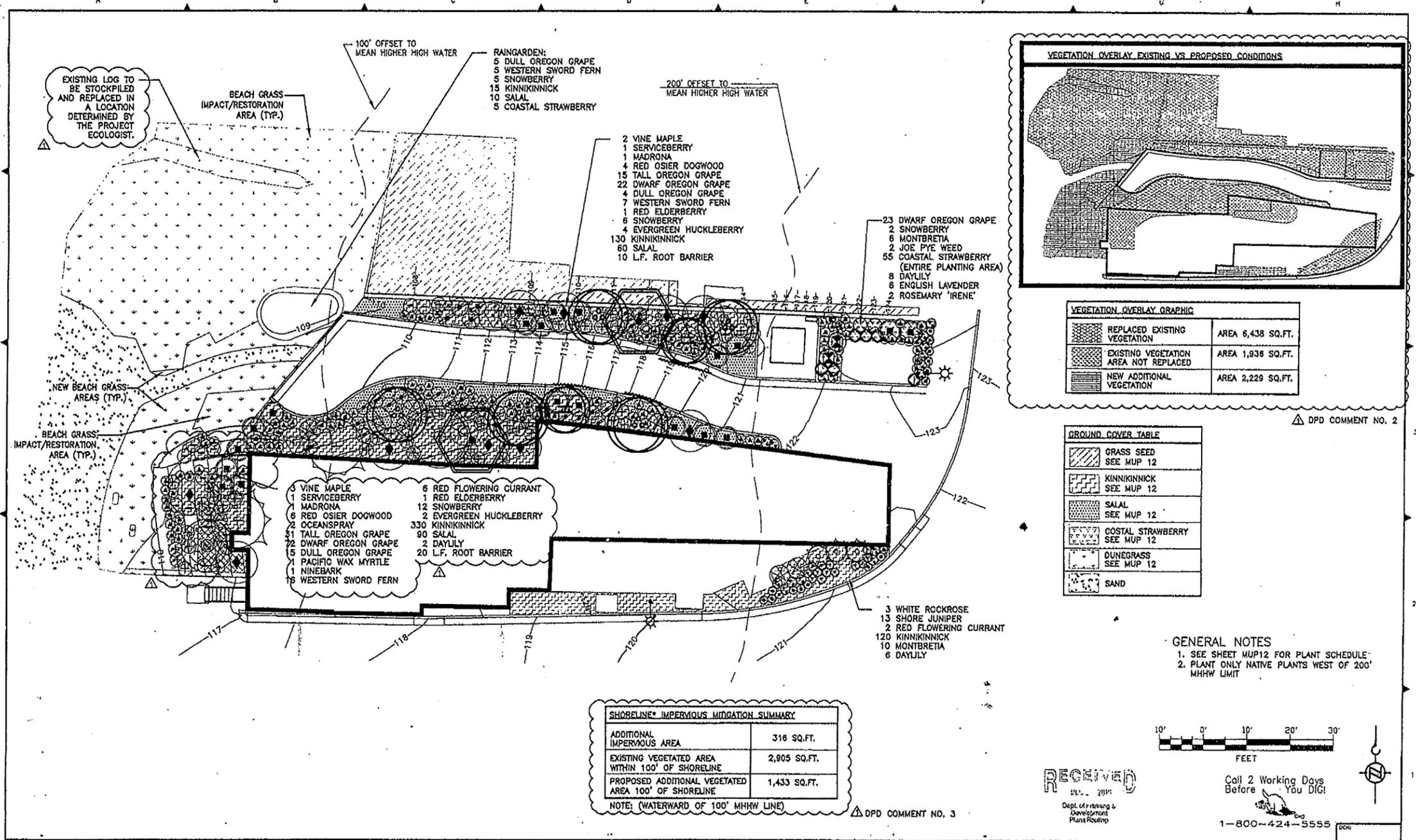
The Council adopts only those portions of the Hearing Examiner's Findings of Fact, Conclusions and Recommendation for C.F. 311027 that directly pertain to use of the residential structure at 8923 Fauntleroy Way SW for a term up to 36 months. The Council imposed no additional conditions on the permit other than those recommended by DPD.

Decision

The Council APPROVES King County's request to use a residential structure at 8923 Fauntleroy Way SW as a temporary office for construction activities to support the upgrade and expansion of the adjacent Barton Street Pump Station. The temporary use is permitted for a term up to 36 months.

Dated this _____ day of _____, 2011.

City Council President



VEGETATION OVERLAY GRAPHIC

REPLACED EXISTING VEGETATION	AREA 6,438 SQ.FT.
EXISTING VEGETATION AREA NOT REPLACED	AREA 1,936 SQ.FT.
NEW ADDITIONAL VEGETATION	AREA 2,229 SQ.FT.

GROUND COVER TABLE

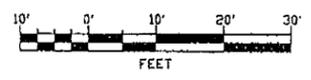
GRASS SEED SEE MUP 12
KINKINNICK SEE MUP 12
SALAL SEE MUP 12
COASTAL STRAWBERRY SEE MUP 12
DUNEGRASS SEE MUP 12
SAND

GENERAL NOTES
 1. SEE SHEET MUP12 FOR PLANT SCHEDULE
 2. PLANT ONLY NATIVE PLANTS WEST OF 200' MHHW LIMIT

SHORELINE IMPERVIOUS MITIGATION SUMMARY

ADDITIONAL IMPERVIOUS AREA	316 SQ.FT.
EXISTING VEGETATED AREA WITHIN 100' OF SHORELINE	2,905 SQ.FT.
PROPOSED ADDITIONAL VEGETATED AREA 100' OF SHORELINE	1,433 SQ.FT.

NOTE: (WATERWARD OF 100' MHHW LINE)



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MUP COMMENTS AND SITE PLAN UPDATES

No.	REVISION	BY	APP'D	DATE
		BB	KHH	11/8/10

OSBORN PACIFIC GROUP INC.
 2125 Western Avenue, Suite 502
 Seattle, Washington 98121
 206-224-8888 www.osbornpacific.com

FOR PERMIT REVIEW

DESIGNED/DRAWN: GAY/CL
 K.Huckler/B.Berthold
 PROJECT ENGINEER: SOLE
 DESIGN APPROVAL: ONE INCH
 1" = 10'
 PROJECT ACCEPTANCE: CONTRACT NO.
 E. GASKILL



DEPARTMENT OF NATURAL RESOURCES & PARKS
 WASTEWATER TREATMENT DIVISION
 BARTON PUMP STATION
 UPGRADE
PLANTING PLAN
 DATE: NOVEMBER 2010
 PROJECT FILE NO: 423830
 DRAWING NO: **MUP11**
 SHEET NO: 01

Attachment 3