

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

City Council concept approval and)	Clerk File 313665
modification of certain development)	
standards to allow the replacement of a City)	FINDINGS, CONCLUSIONS,
of Seattle Department of Information)	AND DECISION
Technology radio transmitter building)	
located at 8526 Roosevelt Way NE (DPD)	
Project No. 3016073, Type V))	

Background

The proposed project is an on-site replacement of an existing, one-story, 420 square foot radio transmitter building located at 8526 Roosevelt Way NE. The building, which is operated and maintained by the City of Seattle's Department of Information Technology (DoIT), was constructed and has remained in operation since 1962. Located inside the building is equipment that serves DoIT's radio and fiber optic networks. Those networks are critical to providing rapid and efficient dispatch of City services, including emergency services. The City's Finance and Administrative Services Department (Applicant) has submitted a land use application to replace the building with a new 713 square foot structure that would accommodate the growing amount of equipment necessary to serve the City's information technology needs. The Applicant owns the property upon which the existing building is located. Construction of the new, proposed building would require modification of the front yard, rear yard, and height increase development standards for Single Family zones. City Council concept approval is required to replace and expand the existing radio transmitter building, which is a City facility. City Council approval is also required to modify the development standards that apply on the site.

The Department of Planning and Development (DPD) reviewed the proposed project and issued a Revised Analysis and Recommendation of the Director on April 28, 2014. DPD recommends the project be approved. Pursuant to Seattle Municipal Code (SMC) Section 25.05.800, DPD determined the proposed project was categorically exempt from environmental review under the State Environmental Policy Act (SEPA).

This matter first came before the City Council's Planning, Land Use, and Sustainability Committee (Committee) on June 3, 2014. At that meeting, the Committee considered the merits of the proposal and held a public hearing to accept comments on DPD's recommendation. Also at its June 3, 2014, meeting, the Committee voted to recommend the full City Council approve the project and grant the requested modifications of development standards.

Findings of Fact

The City Council hereby adopts the following Findings of Fact:

1. The project site is a 1,950 square foot parcel located at 8526 Roosevelt Way NE and bordered on three sides by Maple Leaf Reservoir Park. The site is owned by the Applicant and zoned Single Family 5000.
2. Uses surrounding the project site include Maple Leaf Reservoir Park to the north, south, and east and small commercial structures to the west across Roosevelt Way NE. Farther north, larger multi-story residential and commercial buildings are located along Roosevelt Way NE. The project site is also proximate to several blocks of single family residential development.
3. Roosevelt Way NE is a designated arterial with curbs, sidewalks, and street trees.
4. Maple Leaf Reservoir Park contains a mapped steep slope Environmental Critical Area (ECA); however, the project site is fairly flat and all proposed development would be outside the ECA and required buffer area.
5. Existing development on the project site includes a 420 square foot radio transmitter building and an adjacent 180 foot monopole radio tower.
6. The existing radio transmitter building does not meet current building or seismic codes, has a leaking roof, and is at least partially comprised of materials that contain, or are assumed to contain, asbestos.
7. The Applicant has submitted a land use application to replace and expand the existing radio transmitter building located on the site. The monopole would remain at its current location.
8. The proposed new radio transmitter building, which would replace the existing radio transmitter building located on the project site, would include the following features:
 - One-story, 713 square foot structure;
 - Located in approximately the same location on the project site as the existing building;
 - Connected to the existing 180 foot monopole located on the site;
 - Surrounded by a new iron fence, consistent with the fencing at adjacent Maple Leaf Reservoir Park; and
 - Additional landscaping installed between the new building and the sidewalk along Roosevelt Way NE.

9. City facilities, including utility service uses, may be permitted in Single Family zones as a Council conditional use pursuant to SMC 23.44.036 and 23.51A.002. SMC 23.76.036 and 23.76.064 provide that the Council may waive or modify development standards for City facilities.

10. The following modifications of Single Family development standards are being sought:

Development Standard	Requirement	Proposed	Modification Amount
Front yards in Single Family zones SMC 23.44.022.K.2 and SMC 23.44.014.A.1	Minimum front yard of 20 feet	Front yard of 4 feet 3 inches	15 feet 9 inches
Rear yards in Single Family zones SMC 23.44.022.K.2 and SMC 23.44.014.B	Minimum rear yard of 10 feet	Rear yard of 2 feet 8 inches	7 feet 4 inches
Principal structures in Single Family zones that are nonconforming to front and/or rear yard requirements SMC 23.42.112.A.1	Height increase within yards limited to 5 feet	Height increase of 7 feet 8 inches	2 feet 8 inches

11. The project site is 30 feet in depth; thus, conforming to the minimum front yard (20 feet) and rear yard (10 feet) requirements for Single Family zones would prohibit any development on the lot. The proposed 23 foot depth of the new radio transmitter building is necessary to accommodate the equipment and wall construction needed to support the technical functions on the site.

12. The proposed 7 foot 8 inch height increase over the existing radio transmitter building is requested to accommodate mechanical systems that would be housed within the new structure.

13. During construction of the proposed new radio transmitter building, a 240 square foot portable unit would be temporarily installed near the project site to house equipment from the existing building that must remain operational in order to maintain necessary City services. A separate permit, not subject to City Council approval, would be required to locate the portable unit on City property.

14. Construction of the new radio transmitter building is expected to take about four months.

15. The Seattle Design Commission elected not to review the proposed project.

16. Pursuant to SMC 25.05.800, DPD determined the proposed project was categorically exempt from SEPA review.

17. SMC Section 23.76.050 requires that the DPD Director evaluate the proposed project based on the standards and criteria for the approval sought, and consistency with applicable City policies.
18. On April 28, 2014, DPD issued the Revised Analysis and Recommendation Director on the proposed project. The DPD Director found the proposal met the relevant criteria for approval of a City facility and for the modification of development standards in a Single Family zone. The DPD Director also recommended the Council approve the proposed modifications of development standards and grant the concept approval for the project.
19. No comments were submitted by affected City departments and/or other governmental agencies that have an interest in the proposed project. No comments were submitted during DPD's public comment period on the proposed project. No comments were submitted at the Committee's June 3, 2014, public hearing on the proposed project.

Conclusions

The City Council hereby adopts the following Conclusions:

1. The proposed facility is a City facility as defined in SMC 23.84A.006.
2. City facilities, including utility service uses, may be permitted in Single Family zones as a Council conditional use pursuant to SMC 23.44.036 and 23.51A.002.
3. The City Council also has authority to waive or modify development standards for a City facility under SMC 23.76.036 and 23.76.064.
4. The existence of a radio transmitter building on the project site is a public necessity: The existing transmitter building serves critical radio and fiber optic networks that support first responders, 911 communications, and the rapid and efficient dispatch of other City services that are essential to the protection of public safety and property. Additionally, the subject site contains an existing 180 foot monopole that serves the radio transmission devices in the existing building. The presence of the monopole necessitates that the new radio transmitter building be constructed on the same site as the existing radio transmitter building.
5. The requested modifications of development standards are necessary to accommodate the equipment and services the new radio transmitter building will support.

Decision

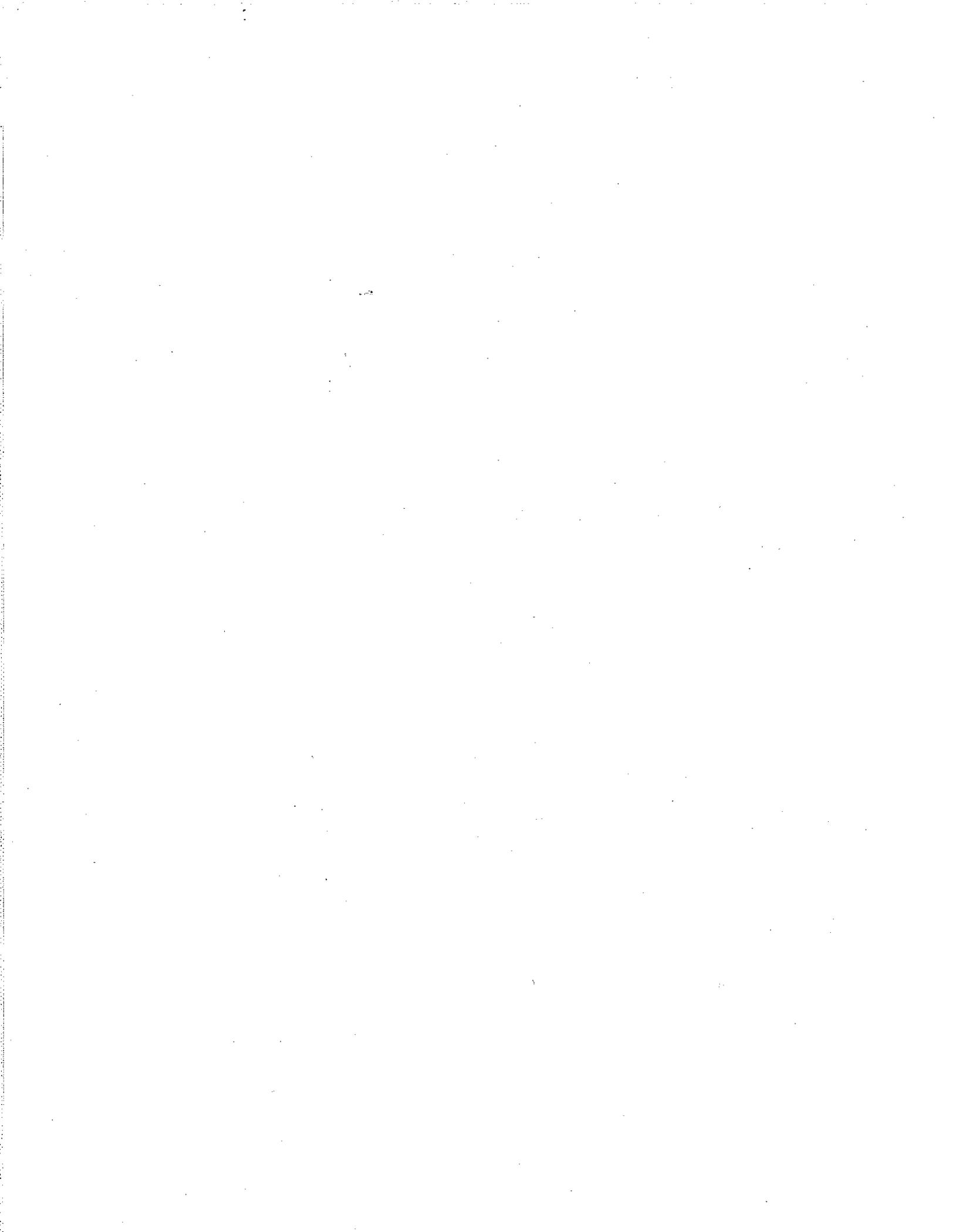
The City Council hereby approves in concept the proposed radio transmitter building described in Clerk File 313665 and GRANTS the following modifications of development standards for the project:

Modifications of Development Standards

Code Section	Code Standard	Modification Allowed
SMC 23.44.022.K.2 and SMC 23.44.014.A.1 Front yards in Single Family zones	Minimum front yard of 20 feet	Front yard of 4-feet 3 inches
SMC 23.44.022.K.2 and SMC 23.44.014.B Rear yards in Single Family zones	Minimum rear yard of 10 feet	Rear yard of 2 feet 8 inches
SMC 23.42.112.A.1 Principal structures in Single Family zones that are nonconforming to front and/or rear yard requirements	Height increase within yards limited to 5 feet	Height increase of 7 feet 8 inches

Dated this _____ day of June, 2014.

City Council President





City of Seattle
Edward B. Murray, Mayor

Department of Planning and Development
D. M. Sugimura, Director

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 CITY OF SEATTLE
 2014 MAY -8 PM 3:35
 CITY CLERK

CITY OF SEATTLE REVISED*
ANALYSIS AND RECOMMENDATION OF THE DIRECTOR
OF THE DEPARTMENT OF PLANNING AND DEVELOPMENT

Application Number: 3016073
Council File Number: 313665
Applicant Name: Carl Dominguez on behalf of the Finance and Administrative Service Department
Address of Proposal: 8526 Roosevelt Way NE

SUMMARY OF PROPOSED ACTION

Council Land Use Action to expand a public facility by allowing a new 713 sq. ft. radio transmitter building (City of Seattle, Department of Information and Technology). Existing 420 sq. ft. structure to be demolished.

The following approvals are required:

Council Land Use Action – for concept approval and to waive or modify development standards for a City facility - (SMC Chapter 23.51A.002 and 23.44.036)

SEPA Determination – Exempt

* The Directors Recommendation includes changes to building size, location and construction. The report supersedes the report dated March 20, 2014.

BACKGROUND DATA

Site and Vicinity Description

The site is located within the Maple Leaf Reservoir and Park at the northeast corner of NE 82nd Street and Roosevelt Way NE. The 1,950 square foot parcel is located along Roosevelt Way NE and is bound on three sides, north, south and east by the Reservoir and Park property. The site is zoned Single Family 5000.

The site is currently developed with an existing one-story 420 sq. ft. utility structure which houses City of Seattle Department of Information and Technology (DoIT) radio and fiber optic networks. The radio transmitter building is used to provide support for first responders, as well as support for field personnel in other Departments. DoIT installs, maintains and operates networks that allow people to reach police, fire, courts, and law services. DoIT maintains and operates a number of other critical transmitter stations in the city of Seattle. This station was first established on this site in 1962 and has been in operation ever since. In 1999 the existing on-site radio tower was replaced with a 180 foot monopole adjacent to the utility structure.

Properties along Roosevelt Way NE include a variety of uses and structures. Small one-story commercial structures are located across from the subject lot on the west side of Roosevelt Way NE. To the south of NE 85th Street uses transition to single family. To the north near the intersection of NE 88th Street development consists of larger multi-story commercial and multifamily buildings. Single family residential structures prevail to the west of Roosevelt Way NE and east of the Maple Leaf Reservoir and Park. The Maple Leaf Reservoir, which is owned and operated by Seattle Public Utilities, was recently lidded to accommodate a new public park. Maple Leaf Reservoir Park, which is operated by Seattle Parks Department, opened in the fall of 2013.

Roosevelt Way NE is designated as an arterial and is improved with roadway, curb, gutter, sidewalk and street trees.

The site is generally flat but the property rises about five feet from the southeast corner to the northwest corner. The larger reservoir site does contain a mapped steep slope Environmentally Critical Area (ECA) along the south parcel lot line. All proposed development will be outside the ECA and its required buffer.

Proposal Description

The proposed project includes the replacement of the existing utility building with a new 1-story, 713 square foot utility building. The new building will house the same functions as the existing building, providing radio transmitter facilities for the rapid dispatch of City and County Services. The new building will also maintain the existing connection to the 180 foot monopole. The existing radio transmitter services are required to remain in operation during construction of the new building therefore a 240 square foot temporary portable unit will be situated on site adjacent to the existing building to the east. Once this equipment is moved from the existing building and set up to operate in the portable unit, the existing building will be demolished and a new building constructed in approximately the same location. The use of a portable unit to maintain necessary city services is being implemented to maximize construction efficiency and to minimize down time for the on-site operations. The portable unit will remain in place of the duration of construction, which is an anticipated to last approximately 4 months. A separate permit will be required to locate the portable unit within Parks and SPU property.

Once the new building is constructed and operational with the existing equipment, a new iron fence, consistent with the remainder of the park fencing, will replace the existing chain link fence. Additional landscaping is proposed between the building and the adjacent sidewalk along Roosevelt Way NE.

Seattle Design Commission

The Seattle Design Commission has elected not to review the subject proposal.

Public Comments

No public comments were received during the public comment period which ended on December 9, 2013.

ANALYSIS — COUNCIL CONCEPT APPROVAL

Public facilities, including utility service uses, may be permitted in single family zones as a council conditional use pursuant to Seattle Municipal Code section 23.44.036 and 23.51A.002. Development standards for public facilities in single family zones are found in Seattle Municipal

Code (SMC) Chapter 23.44. Section 23.76.064 includes provisions for the City Council to grant concept approval and to waive or modify applicable development standards, accessory use requirements, special use requirements or conditional use criteria for City Facilities. SMC 23.76.064 classifies this decision as a legislative action (Type V). The Finance and Administrative Services Department seeks a Council Concept Approval under SMC 23.76.064 to modify three development standards, as follows:

Table A		
Development Standard	Required	Proposed
SMC 23.44.022 K2 and SMC 23.44.014 A1	Front yard minimum 20 feet	Front yard 4'-3"
SMC 23.44.022 K2 and SMC 23.44.014 B	Rear yard minimum 10 feet	Rear yard 2'-8"
SMC 23.42.112 A1	Height increase within yards limited to 5 feet	Increase height 7'-8"

SMC 23.76.050 requires the DPD Director to prepare a written report on Type V application, which includes the following analysis and information:

1. The written recommendations or comments of any affected City departments and other governmental agencies having an interest in the application;

No written recommendation or comments were received from affected City departments and/or other governmental agencies that have an interest in the application.

The Master Use Permit application was reviewed by Seattle Public Utilities (SPU) and Seattle Parks Department (Parks). Each department has conceptually approved the temporary portable trailer on Roosevelt Reservoir and Park property. The Finance and Administrative Services Department will be required to obtain a 'Request for SPU Real Property Service' prior to commencing construction which will specify the terms and conditions of the work completed on SPU and Parks property.

2. Responses to written comments submitted by interested citizens;

No public comments were received during the public comment period which ended on December 9, 2013.

3. An evaluation of the proposal based on the standards and criteria for the approval sought and consistency with applicable City policies;

Seattle Municipal Code (SMC) 23.51A.002 B includes standards and criteria for the proposed public facility use.

The proponent of any such use shall demonstrate the existence of a public necessity for the public facility use in a single-family zone. The public facility use shall be developed according to the development standards for institutions (Section 23.44.022 ~~SMC~~), unless the City Council makes a determination to waive or modify applicable development standards according to the provisions of Chapter 23.76, Subchapter III, Council Land Use Decisions, with public projects considered as Type IV quasi-judicial decisions and City facilities considered as type V legislative decisions.

The public facility utility structure already exists at this location within a single family zone. This utility structure provides critical radio and fiber optic networks to support first responders, 911 dispatches and rapid, efficient dispatch of other City services that are essential for protecting lives and property. The subject site contains an existing 180 foot monopole, permitted in 1999, which supplies the required radio transmission devices for the subject utility building. The location of the existing monopole necessitates the building to be located on this specific site. While the site is zoned single family the lot contains a City of Seattle Public Utility Reservoir and Park. In light of these facts, there is clear public necessity for this public utility building within a single family zone.

As noted above the public facility utility structure requires three modifications to development standards for institutions in single family zones pursuant to SMC 23.44.022.

A modification to the required 20 foot front yard is requested. The proposed structure will be located 4'-3" to the front lot line along Roosevelt Way NE, so a modification of 15'-9" is requested.

A modification to the required 10 foot rear yard is requested. The proposed structure will be located 2'-8" to the rear lot line, so a modification of 7'-4" is requested.

A modification to the allowed 5 foot height increase within non-conforming front and rear yards is requested. The proposed structure height will be increased by a total of 7'-8", so an increase of 2'-8" is requested.

The site is 30 feet in depth. Given the small lot size, conforming to the required front yard (20 feet) and the required rear yard (10 feet) would prohibit any development on the lot. The existing building is located 3'-8 5/8" to the front lot line. The proposed building location would increase the provided front setback to 4'-3". The building is proposed with a depth of 23 feet, the minimum necessary to accommodate the type of wall construction and equipment necessary to support the functions on site. The overall building footprint, with projections into the required front and rear yard, is necessary to provide a secure and long-lasting building housing radio transmitter equipment to provide dispatch of City services. The proposed 7'-8" height increase within the nonconforming front and rear yard is driven by internal operational requirements. The new proposed structure will accommodate most of the new required mechanical systems within the structure, minimizing visual and acoustic impacts to adjacent properties.

4. All environmental documentation, including any checklist, EIS or DNS;

The proposed public facility is categorical exempt from threshold determination and EIS requirements according to SMC 25.05.800 A2c Table B; the project proposal include the construction of a service building containing no more than 4,000 square feet gross floor area in a single family zone.

5. The Director's recommendation to approve, approve with conditions, or deny a proposal.

Based on the analysis provided, above, DPD recommends approval of the proposed utility service use in a Single Family zone with the requested modification to development standards as described in Table A.

RECOMMENDATION – COUNCIL APPROVALS

DPD **recommends approval** of the proposed utility service use in a Single Family zone with the requested modifications to development standards as described in Table A.

RECOMMENDED CONDITIONS

None

Signature: (signature on file)
Lindsay King, Senior Land Use Planner
Department of Planning and Development

Date: April 28, 2014

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