



**City of Seattle**  
Edward B. Murray, Mayor

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

**CITY OF SEATTLE  
ANALYSIS AND DECISION OF THE DIRECTOR  
OF THE DEPARTMENT OF PLANNING AND DEVELOPMENT**

**Application Number:** 3018085  
**Council File Number:** 314113  
**Applicant Name:** Ariel Bernfeld for Finance and Administrative  
Service Department  
**Address of Proposal:** 5968 Rainier Avenue South (Fire Station 28)

**SUMMARY OF PROPOSED ACTION**

Council Land Use Action to allow a one-story, 5,077 sq. ft. storage building for emergency response vehicles and equipment in an environmentally critical area. The building is accessory to Fire Station #28. No change to parking is proposed.

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 23.76.064)

**SEPA - Environmental Determination** - (SMC Chapter 25.05)

**SEPA DETERMINATION:** ☐ Exempt ☐ DNS ☐ EIS  
☒ DNS with conditions  
☐ DNS involving non exempt grading or demolition  
or involving another agency with jurisdiction.

**BACKGROUND DATA**

**Site and Vicinity Description**

The site is located just south of Hillman City in Southeast Seattle. The 81,586 square foot subject site is located at the southeast corner of the intersection of South Kenny Street and Rainier Avenue South. The site is split zoned with the portion fronting on Rainier Avenue S.

zoned Lowrise 3 and the back portion zoned Single Family 5000. Most of the property, 54,384 square feet or 67%, is zoned Single Family 5000.

The site is developed with an existing two-story fire station (number 28) permitted by Seattle City Council under DPD project number 3006373.

The development pattern in the area is largely small-scale residential along Rainier, with a few churches to the north on the same side of the street. Small scale residential development has been recently built across Kenny Street to the north. Single family residential development prevails to the east of the subject property.

South Kenny Street is partially improved with a roadway and sidewalk which terminates near the existing driveway along the north property line. Rainier Avenue South is considered an arterial and is improved with roadway, curb, gutter and sidewalk.

Most of the site is generally flat but the property rises about 17 feet along the northeast and east property lines. The site does have a mapped steep slope ECA. A limited steep slope exemption has been granted pursuant to review under this project number. All other ECA standards and requirements apply. All proposed development will be outside the ECA and its required buffer.

### Proposal Description

The proposed project includes the construction of a new 5,400 square foot storage building for urban search and rescue federal disaster cache. The building will be used primarily for the storage of Seattle Fire Department's Urban Search and Rescue (USAR) Apparatus vehicles as well as the Metropolitan Medical Strike Team (MMST) Apparatus vehicle. A secondary use will be the storage of ancillary vehicles used for special events. USAR and MMST are deployed, on average, less than two times a month each. The building will be accessed weekly by individuals for routine maintenance of the apparatus vehicles.

A gated driveway off South Kenny Street will be used to access the urban search and rescue storage building. The USAR building is proposed near the southeast corner of the site.

The storage building was originally reviewed and approved by Council during the review and permitting of the fire station replacement under DPD Permit 3006373. The fire station was constructed, but due to financing, the accessory building was never completed. The permit has since expired and a new Council approval is required.

### Seattle Design Commission

The original proposal reviewed under DPD permit 3006373 was subject to review by the Seattle Design Commission (SDC) because it is a City Facility. The Commission's role is to advise the project proponents in an effort to foster well-designed civic projects. The SDC reviewed the design on February, March and April of this year. The SDC supported the overall development proposal and program. For complete SDC actions and comments, the approved minutes from the meetings are available on the City of Seattle website located at

[http://www.seattle.gov/dpd/Planning/Design\\_Commission/overview/](http://www.seattle.gov/dpd/Planning/Design_Commission/overview/)

The Seattle Design Commission has elected to not review the subject proposal under DPD project 3018085.

### Public Comments

Two public comments were received during the public comment period which ended on October 19, 2014. One commenter expressed concern regarding a need for additional parking and potential traffic impacts. The other commenter expressed concern about the location of access for the USAR building, the proposed location for the building, and the quality of information provided on the plan set.

### **ANALYSIS — COUNCIL LAND USE ACTION**

Public facilities, including fire stations and accessory structures, may be permitted in single family zones as a council conditional use pursuant to Seattle Municipal Code (SMC) sections 23.44.036 and 23.51A.002. Development standards for public facilities in single family zones are found in SMC 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 allow a building accessory to an existing fire station within a single family zone. The accessory building will comply with all development standards within a single family zone.

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 recommendations or comments were received from affected City departments and/or other governmental agencies have an interest in the application.

***2. Responses to written comments submitted by interested citizens;***

As noted previously two public comments were received during the public comment period which ended on October 19, 2014. One commenter expressed concern regarding a need for additional parking and potential traffic impacts. The other commenter expressed concern about the location of access for the USAR building, the proposed location for the building, and the quality of information provided on the plan set.

City staff requested a number of corrections to the drawings to clarify location of access for the existing and new apparatus equipment, whether additional staff will be required to maintain building and apparatus vehicles, the location of the building in relationship to existing easements and additional screening proposed.

City staff then followed up by email with both commenters addressing each item of concern.


The Urban Search and Rescue (USAR) and Metropolitan Medical Strike Team (MMST) apparatus stored in the USAR building will be deployed, on average, less than two times a month each. The apparatus will access the site by Rainier Avenue S, through the existing driveway on the south property line to the USAR building. The apparatus will leave the site by way of S Kenny Street. There will be no additional staff located on site with the addition of the new building. No additional parking will be provided on site.

The plans have been updated to show that the USAR building will be located between 4'-7" and 7'-9" from the recorded easement along the south property line. A fence will remain in place on either side of the proposed building but will be removed at the building wall location. The plan also includes 8 new trees to be planted in the setback space between the building wall line and the driveway easement. The landscaping is intended to screen and provide a buffer between the building and the easement.

Each commenter person has been added to the notice list for the proposal.

**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 ) , 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.*

Fire station number 28 already exists at this location within a single family zone. Fire stations are essential for protecting lives and property and must be located in specific areas so that they can rapidly and adequately respond to emergencies. A large portion of the city is zoned single family thus there are large numbers of people and property within the single family zone.

The proposed accessory building will house the Seattle Fire Department's Urban Search and Rescue (USAR) Apparatus vehicles as well as the Metropolitan Medical Strike Team (MMST) Apparatus vehicle. A secondary use will be the storage of ancillary vehicles used for special events. The limited scope of work proposed will allow existing fire station building to continue service to the City residents without the need for a new building at a different site. In light of these facts, there is clear public necessity for this fire station accessory storage building within a single family zone.

The fire station meets all the development standards for institutions in single family zones pursuant to SMC 23.44.022.

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

The proposed public facility is subject to a SEPA threshold determination and EIS requirements according to SMC 25.05.800 A2c Table B, because the project proposal includes the construction of an addition to an existing service building that exceeds 4,000 square feet gross floor area in a single family zone. The SEPA analysis follows.

***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 fire station addition in a Single Family zone.

**RECOMMENDATION – COUNCIL APPROVALS**

DPD **recommends approval** of the proposed fire station use in a Single Family zone.

**ANALYSIS - SEPA**

The initial disclosure of the potential impacts from this project was made in the environmental checklist submitted by the applicant dated August 13, 2014 and annotated by the Department. The information in the checklist, supplemental information provided by the applicant, project plans, and the experience of the lead agency with review of similar projects form the basis for this analysis and decision.

The SEPA Overview Policy (SMC 23.05.665) discusses the relationship between the City's code/policies and environmental review. The Overview Policy states, in part, "Where City regulations have been adopted to address an environmental impact; it shall be presumed that such regulations are adequate to achieve sufficient mitigation subject to some limitation". The Overview Policy in SMC 23.05.665 D1-7, states that in limited circumstances it may be appropriate to deny or mitigate a project based on adverse environmental impacts.

The policies for specific elements of the environment (SMC 25.05.675) describe the relationship with the Overview Policy and indicate when the Overview Policy is applicable. Not all elements of the environment are subject to the Overview Policy (e.g., Traffic and Transportation, Plants and Animals and Shadows on Open Spaces). A detailed discussion of some of the specific elements of the environment and potential impacts is appropriate.

**Short-term Impacts**

The following temporary or construction-related impacts are expected: decreased air quality due to suspended particulate from building activities and hydrocarbon emissions from construction vehicles and equipment; increased dust caused by construction activities; increased traffic and demand for parking from construction equipment and personnel; conflict with normal pedestrian movement adjacent to the site; increased noise; and consumption of renewable and non-renewable resources.

Several adopted City codes and/or ordinances provide mitigation for some of the identified construction related impacts. Compliance with these applicable codes and ordinances will reduce or eliminate most short-term impacts, but impacts such as air quality and noise require further discussion.

#### Greenhouse gas emissions

Construction activities including construction worker commutes, truck trips, the operation of construction equipment and machinery, and the manufacture of the construction materials themselves result in increases in carbon dioxide and other greenhouse gas emissions which adversely impact air quality and contribute to climate change and global warming. While these impacts are adverse, they are not expected to be significant due to the relatively minor contribution of greenhouse gas emissions from this project.

No further conditioning or mitigation is warranted pursuant to specific environmental policies or the SEPA Overview Policy (SMC 25.05.665).

#### Noise

The project is expected to generate loud noise during construction. These impacts would be especially adverse in the early morning, in the evening, and on weekends.

The Seattle Noise Ordinance permits increases in permissible sound levels associated with construction and equipment between the hours of 7:00 AM and 10:00 PM on weekdays and 9:00 AM and 10:00 PM on weekends.

The limitations of the Noise Ordinance (construction noise) are considered inadequate to mitigate the potential noise impacts associated with construction activities given the proximity of residential uses. The SEPA Policies at SMC 25.05.675 B allow the Director to limit the hours of construction to mitigate adverse noise impacts. Pursuant to this policy and because of the proximity of neighboring residential uses, the applicant will be required to limit excavation, foundation, and external construction work for this project to non-holiday weekdays between 7:00 a.m. and 6:00 p.m. It is also recognized that there are quiet non-construction activities that can be done at any time such as, but not limited to, site security, surveillance, monitoring for weather protection, checking tarps, surveying, and walking on and around the site and structure. These types of activities are not considered construction and will not be limited by the conditions imposed on this Master Use Permit.

#### Earth / Soils

The ECA Ordinance and Director's Rule (DR) 18-2011 require submission of a soils report to evaluate the site conditions and provide recommendations for safe construction in landslide prone areas. Pursuant to this requirement the applicant submitted a geotechnical engineering study. The study has been reviewed and approved by DPD's geotechnical experts, who will require what is needed for the proposed work to proceed without undue risk to the property or to adjacent properties.

No additional conditioning is warranted pursuant to SEPA policies.

### Long-Term Impacts

Long-term or use related impacts should be mostly comparable to those already generated by the existing use. No increase in number of apparatus bays or crew is projected by the Fire Department with the additional of the accessory storage building. Hence, long-term impacts are not considered significant because they are minor in scope. The building will be larger so potential exists for height, bulk and scale impacts, which are discussed below.

Several adopted City codes and/or ordinances provide mitigation for some of the impacts. Specifically these are: the Seattle Building Code which provides prescriptive construction techniques and standards; and the Land Use Code which controls site coverage, setbacks, building height and use and contains other development and use regulations to assure compatible development. Compliance with these applicable codes and ordinances is adequate to achieve sufficient mitigation of most long term impacts.

### Greenhouse gas emissions

Operational activities, primarily vehicular trips associated with the project and the projects' energy consumption, are expected to result in increases in carbon dioxide and other greenhouse gas emissions which adversely impact air quality and contribute to climate change and global warming. While these impacts are adverse, they are not expected to be significant due to the relatively minor contribution of greenhouse gas emissions from this project.

No further conditioning or mitigation is warranted pursuant to specific environmental policies or the SEPA Overview Policy (SMC 25.05.665).

### Height, Bulk and Scale

The SEPA Height, Bulk and Scale Policy (Section 25.06.675.G., SMC) states that *"the height, bulk and scale of development projects should be reasonably compatible with the general character of development anticipated by the goals and policies set forth in Section B of the land use element of the Seattle Comprehensive Plan regarding Land Use Categories, ...and to provide for a reasonable transition between areas of less intensive zoning and more intensive zoning."*

The proposed one story accessory storage building will be located in a Single Family 5000 zone and meet all dimensional development standards of the zone, particularly height and setbacks. Surrounding property to the north and south is zoned L-3 along Rainier avenue South and SF5000 behind similar to the subject site. A single family home abuts the site along the south and east property lines. The proposed building will be setback 34'-6" from the south property line and between 25'-91'-9" from the east property line so no height, bulk and scale impacts are expected along either boundary. Single family homes are sited across South Kenny Street which is about 150 feet away from the proposed building.

The new USAR storage building will include ten trees and eight shrubs in the southeast corner of the project to screen the building from the nearest single family residence. No further mitigation of height, bulk and scale impacts is warranted pursuant to SEPA policy (SMC 25.06.675.G.).

## **RECOMMENDED CONDITIONS - SEPA**

### **Prior to Issuance of a Demolition, Grading, or Building Permit**

1. If the applicant intends to work outside of the limits of the hours of construction described in condition #2, a Construction Noise Management Plan shall be required, subject to review and approval by DPD, and prior to a demolition, grading, or building permit, whichever is issued first. The Plan shall include the specific mitigation, and may include additional proposed management of construction related noise, efforts to mitigate noise impacts, and community outreach efforts to allow people within the immediate area of the project to have opportunities to contact the site to express concern about noise. Elements of noise mitigation may be incorporated into any Construction Management Plans required to mitigate any short-term noise impacts that result from the project.

### **During Construction**

2. Construction activities (including but not limited to demolition, grading, deliveries, framing, roofing, and painting) shall be limited to non-holiday weekdays from 7am to 6pm. Interior work that involves mechanical equipment, including compressors and generators, may be allowed on Saturdays between 9am and 6pm once the shell of the structure is completely enclosed, provided windows and doors remain closed. Non-noisy activities, such as site security, monitoring, weather protection shall not be limited by this condition. This condition may be modified through a Construction Noise Management Plan, required prior to issuance of a building permit as noted in condition #1.

Signature: \_\_\_\_\_ (signature on file) Date: December 22, 2014  
Lindsay King, Senior Land Use Planner  
Department of Planning and Development

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## **IMPORTANT INFORMATION FOR ISSUANCE OF YOUR MASTER USE PERMIT**

### **Master Use Permit Expiration and Issuance**

The appealable land use decision on your Master Use Permit (MUP) application has now been published. At the conclusion of the appeal period, your permit will be considered “approved for issuance”. (If your decision is appealed, your permit will be considered “approved for issuance” on the fourth day following the City Hearing Examiner’s decision.) Projects requiring a Council land use action shall be considered “approved for issuance” following the Council’s decision.

The “approved for issuance” date marks the beginning of the **three year life** of the MUP approval, whether or not there are outstanding corrections to be made or pre-issuance conditions to be met. The permit must be issued by DPD within that three years or it will expire and be cancelled. (SMC 23-76-028) (Projects with a shoreline component have a **two year life**. Additional information regarding the effective date of shoreline permits may be found at 23.60.074.)

All outstanding corrections must be made, any pre-issuance conditions met and all outstanding fees paid before the permit is issued. You will be notified when your permit has issued.

Questions regarding the issuance and expiration of your permit may be addressed to the Public Resource Center at [prc@seattle.gov](mailto:prc@seattle.gov) or to our message line at 206-684-8467.