

June 16, 2023

MEMORANDUM

To: Public Assets and Homelessness Committee
From: Ketil Freeman, Analyst
Subject: Development Standard Waivers for City Facilities - Clerk Files 314494 (Fire Station 31) and 314499 (South Park Community Center Field Lighting)

On June 21, the Public Assets and Homelessness (Committee) will have a briefing and public hearing and may make a recommendation to City Council on [Clerk File \(CF\) 314494](#) and [CF 314499](#). CF 314494 is an application by the Department of Finance and Administrative Services (FAS) to waive or modify certain development for the proposed Fire Station 31 located at 11302 Meridian Ave N. CF 314499 is an application by the Seattle Parks and Recreation (SPR) to waive or modify development standards for field lighting associated with the South Park Community Center redevelopment project located at 8401 8th Ave S.

This memorandum: (1) provides an overview of the process for Council consideration of waiver or modifications for City facilities, (2) describes the proposed waivers and modifications sought for each project, and (3) describes the content of two proposed Council Findings, Conclusions and Decision documents, which would approve the proposed waivers and modifications for each project.

Waivers and Modifications to Development Standards for City Facilities

For City facilities, the Council can waive or modify applicable standards.¹ That decision is informed by a required evaluation and recommendation by the Seattle Department of Construction and Inspections (SDCI), which includes a summary of public comment, and testimony provided at a Council public hearing.²

Fire stations and parks often require Council modifications and waivers because of their unique functional characteristics and because many are located in Neighborhood Residential and multifamily zones with more restrictive development standards.

¹ [Seattle Municipal Code \(SMC\) Section 23.76.064.](#)

² [SMC Section 23.76.050.](#)

Proposed Waiver and Modifications

On May 22, 2023, SDCI issued an analysis, affirmative recommendation, and State Environmental Policy Act (SEPA) threshold determination for each project.³ Fire Station 31 was also reviewed by the Seattle Design Commission, which recommended approval of the project.⁴ SDCI's recommendation for each project are contained in the applicable Clerk File. The recommendation for Fire Station 31 includes SEPA conditions related to protection of archaeological resources, should any be discovered during excavation of the site.

Recommended waivers and modifications for each project are summarized in the following tables:

Fire Station 31 – CF 314494

Development Standard	Code Requirement	Proposed Waiver or Modification
<u>SMC 23.45.570.F.3.a</u> <u>SMC 23.45.570.F.3.b</u> North Setback	Minimum side setback is 10' from a side lot line that abuts any other residentially-zoned lot. Additional side setback beyond the 10' minimum is required for portions of the structure where the structure depth extends beyond 65'.	Single story building volume at north side of proposed building will extend to the property line with no setback equating to 1,453 sq. ft. A small portion of level 2 and level 3 (equating to 91 sq. ft. per floor) will also extend into the additional setback required for building depth. This staggered area is graphically represented on the applicant's drawings submitted to SDCI on 2/21/2023 and supplementary material.
<u>SMC 23.45.570.F.3.b</u> South Setback	Additional side setback beyond the 10' minimum is required for portions of the structure where the structure depth extends beyond 65'.	The entire south edge of the proposed structure conforms to the 10' minimum setback requirement, but a portion of the southeast corner of the building (equating to 420 sq. ft. per each three floors) is proposed to depart from the additional setback required based on building depth. This staggered area is graphically represented on the applicant's drawings submitted to SDCI on 2/21/2023 and supplementary material.

³ Fire Station 31 (CF 314494) was reviewed under SDCI application number 3038025-LU. South Park Community Center field lighting was reviewed under SDCI application number 3034063-LU.

⁴ Minutes from the Seattle Design Commission's review of the project are available at: [Fire Station 31 - Design Commission | seattle.gov](https://www.seattle.gov/fire-station-31-design-commission).

Development Standard	Code Requirement	Proposed Waiver or Modification
<u>SMC 23.45.518.I.8</u> Retaining Wall at South Property Line	Bulkheads and retaining walls used to raise grade may be placed in each required setback if they are limited to 6' in height, measured above existing grade	Approximately 70' of the eastmost portion of the retaining wall along the public sidewalk on 113th Street will be taller than 6' above existing grade. Height above existing grade varies from 6' to a maximum of approximately 8'-7".
<u>SMC 25.11.040</u> Tree Protection	Tree removal is prohibited for existing exceptional trees on lots in Lowrise zones.	Remove three exceptional trees from the project site.

South Park Field Lighting – CF 314499

Development Standard	Code Requirement	Proposed Waiver or Modification
<u>SMC 23.44.012</u> Height limits	The maximum height permitted for any structure not located in a required yard is 30'.	Allow four athletic field light poles to exceed the maximum 30' height limit. The new light poles are proposed to be 70' in height.

Proposed Findings, Conclusions, and Decisions

Council staff has prepared a proposed findings, conclusions, and decision document for each project. These decision documents would approve the proposed waivers and modification and incorporate recommended conditions, if any, by SDCl.

Next Steps

The Committee will hold a public hearing on June 21, 2023. At that meeting the Committee may make a recommendation to City Council on either or both waiver applications.

Attachments:

- A. CF 314494 – Fire Station 31: Proposed Findings, Conclusions, and Decision
- B. CF 314499 – South Park Field Lighting: Proposed Findings, Conclusions, and Decision

cc: Esther Handy, Director
 Aly Pennucci, Deputy Director
 Yolanda Ho, Supervising Analyst

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

Council concept approval and waiver or
modification of development standards for
replacement of Fire Station 31 at 11302
Meridian Ave N. (Project No. 3038025-
LU/Type V).

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C.F. 314494
Application 3038025

FINDINGS, CONCLUSIONS
AND DECISION

Background

The proposed project is a replacement of Fire Station 31 with a new three-story structure and associated site improvements.

As proposed, the project requires City Council approval under Seattle Municipal Code (SMC) Section 23.76.064, which section also authorizes Council to modify development standards for City facilities. Four modifications from development standards are requested.

The Seattle Department of Construction and Inspections (SDCI) reviewed the proposed project and issued its Report and Recommendation on May 22, 2023. SDCI recommends approval of the project with two State Environmental Policy Act (SEPA) conditions related to protection of archaeological resources, should any be discovered during excavation of the site.

On June 21, 2023, the Council’s Public Assets and Homelessness Committee was briefed on the project, held a public hearing, and made its recommendation to the Council.

Findings of Fact

The City Council hereby adopts the following Findings of Fact:

1. The site for the new Fire Station 31 is located in the Northgate Urban Center at 11302 Meridian Ave N.
2. The site is approximately 30,516 square feet in size and is zoned Lowrise 2 with an M1 Mandatory Housing Affordability suffix (LR2 (M1)).
3. The City of Seattle’s Department of Finance and Administrative Services (FAS) has submitted a land use application to SDCI to replace Fire Station 31 at this new location.
4. In multifamily zones, fire stations that do not meet use and development standards may be permitted by the Council as a Type V land use decision under 23.76.064. In this case, the proposed station does not meet four development standards of the LR2 (M1) zone.

Development Standard	Code Requirement	Proposed Waiver of Modification
SMC 23.45.570.F.3.a SMC 23.45.570.F.3.b North Setback	Minimum side setback is 10' from a side lot line that abuts any other residentially-zoned lot. Additional side setback beyond the 10' minimum is required for portions of the structure where the structure depth extends beyond 65'.	Single story building volume at north side of proposed building will extend to the property line with no setback equating to 1,453 sq. ft. A small portion of level 2 and level 3 (equating to 91 sq. ft. per floor) will also extend into the additional setback required for building depth. This staggered area is graphically represented on the applicant's drawings submitted to SDCI on 2/21/2023 and supplementary material.
SMC 23.45.570.F.3.b South Setback	Additional side setback beyond the 10' minimum is required for portions of the structure where the structure depth extends beyond 65'.	The entire south edge of the proposed structure conforms to the 10' minimum setback requirement, but a portion of the southeast corner of the building (equating to 420 sq. ft. per each three floors) is proposed to depart from the additional setback required based on building depth. This staggered area is graphically represented on the applicant's drawings submitted to SDCI on 2/21/2023 and supplementary material.
SMC 23.45.518.I.8 Retaining Wall at South Property Line	Bulkheads and retaining walls used to raise grade may be placed in each required setback if they are limited to 6' in height, measured above existing grade	Approximately 70' of the eastmost portion of the retaining wall along the public sidewalk on 113th Street will be taller than 6' above existing grade. Height above existing grade varies from 6' to a maximum of approximately 8'-7"
SMC 25.11.040 Tree Protection	Tree removal is prohibited for existing exceptional trees on lots in Lowrise zones.	Remove 3 exceptional trees from the project site.

- Design of the station was reviewed by the Seattle Design Commission. On July 21, 2022, the Design Commission conditionally approved the design.

6. Public comments were received during the public comment period on the application. One commenter expressed concerns about the loss of exceptional trees on the site. Another expressed support for the project and inquired about associated street improvements.
7. The Duwamish Tribe requested an archaeological investigation of the site and requested notification if any artifacts are discovered during site excavation.
8. In making a recommendation to Council, SMC Section 23.76.050 requires that the SDCI Director evaluate the proposal based on the standards and criteria for the approval sought and consistency with applicable City policies.
9. The SDCI Director's written Analysis and Decision analyzes the proposal's compliance with each Land Use Code approval criterion and provides SEPA analysis. SDCI issued a Determination of Non-significance and recommends two conditions related to protection of archaeological resources.
10. The Director finds that the proposal meets the relevant criteria for approval of a City facility in the LR2 (M1) zone.
11. The Director recommends that the Council grant approval for the project with the requested modifications to development standards.

Conclusions

The City Council hereby adopts the following Conclusions:

1. The proposed facility is a City facility as defined in SMC Section 23.84A.006.
2. The proponent has demonstrated the existence of a public necessity for the use in a LR2 (M1) zone. Specifically, fire stations are essential for protecting lives and property and must be located in specific areas so that fire-fighters can rapidly and adequately respond to emergencies. Thus, there is clear public necessity for fire stations within Lowrise zones.
3. The design of the new fire station is informed by the size, dimension and orientation of the parcel, including its proximity to rights-of-way and neighboring structures.
4. The modifications to development standards are necessary to ensure that Fire Station 31 will be designed to meet fire service for its service area.

Decision

The City Council hereby GRANTS the following modifications of development standards for the project:

Development Standard	Approved Waiver or Modification
SMC 23.45.570.F.3.a SMC 23.45.570.F.3.b North Setback	Single story building volume at north side of proposed building will extend to the property line with no setback equating to 1,453 sq. ft. A small portion of level 2 and level 3 (equating to 91 sq. ft. per floor) will also extend into the additional setback required for building depth. This staggered area is graphically represented on the applicant's drawings submitted to SDCI on 2/21/2023 and supplementary material.
SMC 23.45.570.F.3.b South Setback	The entire south edge of the proposed structure conforms to the 10' minimum setback requirement, but a portion of the southeast corner of the building (equating to 420 sq. ft. per each three floors) is proposed to depart from the additional setback required based on building depth. This staggered area is graphically represented on the applicant's drawings submitted to SDCI on 2/21/2023 and supplementary material.
SMC 23.45.518.I.8 Retaining Wall at South Property Line	Approximately 70' of the eastmost portion of the retaining wall along the public sidewalk on 113th Street will be taller than 6' above existing grade. Height above existing grade varies from 6' to a maximum of approximately 8'-7"
SMC 25.11.040 Tree Protection	Remove 3 exceptional trees from the project site.

The applicant is required to comply with the following SEPA conditions:

Prior to Issuance of a Master Use Permit

1. The owner and/or responsible parties shall provide SDCI with a statement that the contract documents for their general, excavation, and other subcontractors will include reference to regulations regarding archaeological resources (Chapters 27.34, 27.53, 27.44, 79.01, and 79.90 RCW, and Chapter 25.48 WAC as applicable), the Inadvertent Discovery Plan (IDP) and that construction crews will be required to comply with those regulations.

During Construction

2. If resources of potential archaeological significance are encountered during construction or excavation, the owner and/or responsible parties shall:
 - a. Stop work immediately and notify SDCI (Land Use Planner) and the Washington State Archaeologist at the State Department of Archaeology and Historic

Preservation (DAHP). The procedures outlined in Appendix A of Director's Rule 2-98 and the Inadvertent Discovery Plan (IDP) for assessment and/or protection of potentially significant archeological resources shall be followed.

b. Abide by all regulations pertaining to discovery and excavation of archaeological resources, including but not limited to Chapters 27.34, 27.53, 27.44, 79.01 and 79.90 RCW and Chapter 25.48 WAC, as applicable, or their successors.

Dated this _____ day of _____, 2023.

City Council President

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

Council waiver or modification of certain development standards to allow redevelopment of the South Park Community Center and to allow four light poles for athletic fields (Project No. 3034063-LU, Type V).))))))	C.F. 314499 Application 3034063-LU FINDINGS, CONCLUSIONS AND DECISION
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Background

As part of the South Park Community Center renovation, Seattle Parks and Recreation (SPR) proposes to renovate the existing playfield, replacing grass turf with synthetic turf, and installing four overheight athletic field light poles. The height of the proposed poles is 70 feet.

As proposed, the project requires City Council approval under Seattle Municipal Code (SMC) Section 23.76.064, which section also authorizes Council to modify development standards for City facilities. SPR requests one modification from development standards.

The Seattle Department of Construction and Inspections (SDCI) reviewed the proposal and issued its Analysis and Recommendation on May 22, 2023. SDCI recommends approval of the project.

On June 21, 2023, the Council’s Public Assets and Homelessness Committee was briefed on the project, held a public hearing, and made its recommendation to the Council.

Findings of Fact

The City Council hereby adopts the following Findings of Fact:

1. The South Park Community Center is located in the South Park Urban Village at 8401 8th Ave South.
2. The site is zoned Residential, Neighborhood, Small Lot (RSL)
3. SPR submitted a Master Use Permit application (Project No. 3034063-LU) for improvements to the South Park Community Center athletic fields. Among other things, the project includes grading, landscaping improvements, and the installation of four light poles with heights of 70 feet.
4. The Seattle Land Use Code sets a base height limit for structures RSL zones of 30 feet (SMC 23.44.012).
5. Pursuant to SMC 23.76.064 B, the City Council may waive or modify development standards for City facilities.

6. SPR seeks a City Council modification of the height development standard of the RSL zone to permit the proposed light poles.

Development Standard	Code Requirement	Proposed Waiver or Modification
SMC 23.44.012 Height limits	The maximum height permitted for any structure not located in a required yard is 30’.	Allow four athletic field light poles to exceed the maximum 30’ height limit. The new light poles are proposed to be 70’ in height.

7. SPR has designed the proposed light poles to minimize light and glare to adjacent properties and streets. Additionally, the lights incorporate internal and external shielding to minimize spillover effects.
8. SDCI received public comments on multiple topics related to the project and extended the comment period. Comments expressed concern about spillover light and glare from the project, increased traffic, hours of operation, safety of the materials used in the artificial turf. Comments also suggested additional features for the overall project including more sports courts, fencing and a running track.
9. SMC 23.76.050 requires that the SDCI Director evaluate the proposal based on the standards and criteria for the approval sought and consistency with applicable City policies.
10. SPR issued a Determination of Non-significance for this proposal on September 12, 2019, with an addendum on April 7, 2021.
11. SDCI reviewed the proposed project and issued its Analysis and Recommendation on May 22, 2023. SDCI recommends that the Council grant the proposed modification of development standards to allow light poles up to 70 feet.

Conclusions

The City Council hereby adopts the following Conclusions:

1. The proposed facility is a City facility as defined by SMC 23.84A.006.
2. The City Council has authority to waive or modify a development standard for a City facility under SMC 23.76.064 B.
3. Parks has demonstrated that the proposed light pole height is necessary to light the playfield sufficiently, and that the height of the poles will reduce light spillage and glare. Parks has demonstrated that light spillage and glare to adjacent residential properties will be further mitigated by shielded light fixtures and the field configurations.

Decision

Subject to the condition described below, the City Council grants the following modifications of development standards for the proposed improvements at Soundview Playfield.

Development Standard	Proposed Waiver or Modification
SMC 23.44.012 Height limits	Allow four athletic field light poles to exceed the maximum 30’ height limit. The new light poles are proposed to be 70’ in height.

Dated this _____ day of _____, 2023.

City Council President