

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

Council land use action to allow an	)	C.F. 314113
approximately 5,000 s.f. accessory storage	)	Application #3018085
building to Fire Station 28, located at 5968	)	
Rainier Avenue South, in an	)	FINDINGS, CONCLUSIONS
environmentally critical area (Project No.	)	AND DECISION
3018085, Type V).	)	

**Background**

The proposed project is for construction of a new 5,400 square foot accessory storage building to house apparatus vehicles for the Seattle Fire Department's Urban Search and Rescue and Metropolitan Medical Strike Teams.

The proposal site is located at the southeast corner of the intersection of South Kenny Street and Rainier Avenue South just south of the Hillman City neighborhood in southeast Seattle. The approximately 82,000 square foot site is split zoned. The western third of the site is zoned Lowrise 3 Multifamily Residential the remainder of the site is zoned Single Family 5000 (SF 5000). The accessory use storage building would be located in the SF 5000 zoned portion of the site. The site is currently developed with Fire Station 28. The project requires Council concept approval for the City facility to allow the use in a single family zone. The accessory use storage building meets all applicable physical development standards for the SF 5000 zone.

Council concept approval and waiver of development standards for Fire Station 28 and the accessory storage building were originally granted in 2007. See Clerk's File 308679. However, financial constraints forestalled development of the storage building, and the Council approvals lapsed. Review by the Design Commission accompanied the original application.

The Department of Planning and Development (DPD) reviewed the proposed project and issued its Report and Recommendation on December 22, 2014. DPD recommends approval of the project, with two conditions to limit construction-related noise impacts.

The City Council's Planning Land Use and Sustainability Committee was briefed on the project, held a public hearing to accept comments on the project and DPD's recommendation, and made its recommendation to the full City Council on February 3, 2015.

**Findings of Fact**

The City Council hereby adopts the following Findings of Fact:

1. Fire Station 28 is located just south of Hillman City on Rainier Avenue South, adjacent to and south of South Kenny Street.

2. The site is split zoned with the portion fronting on Rainier Avenue South zoned LR3. Most of the easterly portion of the site, 54,384 square feet or 67%, is zoned SF 5000.
3. A large portion of the city is zoned single family, thus there are large numbers of people and property within the single family zone.
4. The Department of Finance and Administrative Services of the City of Seattle has submitted a land use application to construct an accessory storage facility on the site and to make other improvements.
5. In the Single Family zone, City Council concept approval is required for fire station uses, pursuant to Seattle Municipal Code (SMC) § 23.44.036 and § 23.51A.002.
6. Two public comments were received during the public comment period on the application, which ended on October 19, 2014. One commenter expressed concerns related to traffic and parking. Another expressed concern about the point of access for the apparatus vehicles, the location of the accessory building, and information provided on the plans submitted to DPD.
7. In making a recommendation to Council SMC § 23.76.050 requires that the DPD Director draft an evaluation of the proposal based on the standards and criteria for the approval sought and consistency with applicable City policies.
8. The DPD Director's written Analysis and Decision analyzes the proposal's compliance with each Land Use Code approval criterion and provides State Environmental Policy Act (SEPA) ordinance analysis. DPD issued a Determination of Non-significance, and recommends two SEPA conditions to mitigate construction noise impacts.
9. The Director finds that the proposal meets the relevant criteria for approval of a City facility in the SF 5000 zone. The Director also finds that the accessory storage building meets all the development standards established in SMC § 23.44.022 for institutions in single family zones.
10. The Director recommends that the Council grant the concept approval for the project.
11. The project is expected to generate loud noise during grading and construction. These impacts would be especially adverse to the surrounding residential area 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 surrounding properties are developed with housing and will be impacted by construction noise.

### **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. The proponent has demonstrated the existence of a public necessity for the use in a single-family zone. Specifically, fire stations including accessory storage for apparatus vehicles 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. In light of that, there is clear public necessity for fire stations and accessory uses within single family zones.
3. The surrounding area has been considered in the design, siting, landscaping and screening of the accessory structure. The structure is adequately set back from the abutting property lines and landscaped and screened from neighboring property. Design details, landscaping and finish materials will contribute towards mitigating the perception of height, bulk and scale and help the building fit into the neighborhood.
4. The limitations in the Noise Ordinance are not sufficient in this case to mitigate noise impacts.

### **Decision**

The City Council hereby **approves** in concept the proposed accessory use storage building to Fire Station 28 described in Clerk File 314113.

The applicant is required to comply with the following conditions:

#### **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.

Dated this \_\_\_\_\_ day of \_\_\_\_\_, 2015.

---

City Council President