



City of Seattle

Department of Planning and Development

D. M. Sugimura, Director

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

**Application Number:** 3009024  
**Applicant Name:** Seattle Department of Fleets and Facilities  
**Address of Proposal:** 3829 Linden Avenue North (Fire Station 9)

**SUMMARY OF PROPOSED ACTION**

Council Land Use Action to allow a new 9,000 sq. ft., two-story fire station. Surface parking for five vehicles will be provided on the site. The existing fire station structures are 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 23.76.064)

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

**SEPA DETERMINATION:**  Exempt  DNS  MDNS  EIS

DNS with conditions

DNS involving non exempt grading or demolition  
or involving another agency with jurisdiction.

**BACKGROUND DATA**

**Site and Vicinity Description**

The subject site is the current location of Seattle Fire Station No. 9 in the upper Fremont area, near State Highway 99, addressed at 3829 Linden Ave N. The site, zoned L-1 (Lowrise One), is on a street of low scale multi-family dwellings. There is an alley behind the site that is platted at a wide 29.8 feet and paved to its full width behind the existing Station No. 9. In other portions of the block the alley is paved to an approximately 12 foot width.

Fire Station No. 9 is on a moderately sized parcel of land (13,356 sq. ft.) for such a facility. The station has been at this location since 1902, with the older of the two existing buildings having been built in 1921. The station occupies a strategic position in that it can access Aurora Ave. N. (Highway 99) in both the north and south bound directions, can access arterials in the east and west directions towards Ballard and Wallingford, and has a good route to the Green Lake neighborhood along Fremont Ave. N. or Stone Ave. N. The station location provides an unusually high degree of flexibility in both covering its immediate neighborhood and being able to provide backup assistance to stations in the Queen Anne, Ballard, Wallingford and Green Lake neighborhoods.



The alley behind the proposal site is a “dead end” in the southern direction, at a point directly behind the site, due to a steep topographical break. This area of greater than 40% slope has been granted a limited Environmental Critical Areas Exemption by DPD due based upon a finding that it appears to have been artificially steepened through grading of the Fremont Way N. right-of-way immediately to the south.

### **Proposal Description**

The proposed project would demolish both buildings on the site and replace it with a new 8,804 sq. ft. two-story fire station. The new station would be a two apparatus bay structure serving the existing engine company and the Department’s air fill services for the north end. Five staff parking spaces would be accessed from the alley where the garbage and recycling areas and an emergency generator would also be located. A “drop over enclosure” is proposed for the generator which is expected to reduce sound levels from its operation to 72dBA at 23 feet away during its monthly test runs or when used during a power failure condition.

As proposed the new Station No. 9 requires City Council approval of six departures from the Seattle Land Use Code. They are:

**Structure Height.** To allow portions of the proposed structure to exceed the height limits of SMC 23.45.009. Proposed is a height of 28 feet to the top of the roof (25 feet allowed), 30.9 feet to the top of parapet (29 feet allowed), and 39.87 feet to the top of a stair tower (35 feet allowed).

**Structure Width.** To allow the proposed structure to exceed the maximum allowed width SMC 23.45.570.D). Proposed is a structure width of 98 feet 48 inches (75 feet allowed).

**Structure Depth.** To allow the proposed structure to exceed the maximum allowed depth (SMC 45.570.E). Proposed is a structure depth of 84 feet 4 inches (72.8 feet allowed).

**Front Setback.** To allow the proposed structure to provide less than the required front setback (SMC 23.45.570.F.1). Proposed is a front setback of 12.5 feet (19.6 feet required).

Side Setback. To allow the proposed cistern structures to be in the required setback on the south side (SMC 23.45.570.F.3). Proposed are above ground rain cisterns located within 6.5 feet of the south side property line (16 foot setback required).

Flag Pole Setback. To allow a 45 foot tall flag pole with less than required setback from property line (SMC 23.45.009.D.1). The flag pole is proposed to be 1 foot 10 inches feet from the front property line (the required setback is half the height of the pole, 22.5 feet).

### **Landmarks Preservation**

A historic survey of the existing structures on proposal site was conducted by Susan Boyle at the request of the applicants. The results of the survey indicated that the building known as the Substation/Annex, built in 1921, might meet the criteria for landmark designation in the City of Seattle, but that the other building, the Station House built in 1953, was unlikely to.

Subsequently, the City nominated the Substation/Annex for Landmark Designation. On July 1, 2009 the Seattle Landmarks Preservation Board voted 5 to 4 in favor of designation. Because, under the rules for landmark designation, a majority of the 11 confirmed and appointed members of the board are required for a designation, the designation was denied. A referral of the Station House to staff of the Landmarks Board led to a determination that it was unlikely to meet the criteria for landmark designation.

### **Design Commission Review**

The proposal was presented to the Seattle Design Commission at three meetings (concept, schematic, and design development), obtaining unanimous support for the current design.

### **Public Comments**

Two comment letters were received by DPD. One letter, from the Fremont Neighborhood Council, signed by Norma Jones as its president, raises several concerns, the most strident of which requests preservation of the Substation/Annex building do to its perceived historic value. The letter also indicates potential inaccuracies in the SEPA checklist with regard to stormwater control, the stated wildlife present on the site; the proposal's potential to interfere with solar access to neighboring properties, and states that demolition of the Substation/Annex rather than adaptively reusing it would be a waste of significant energy embodied in the building.

A letter, from the Fremont Historical Society, signed by 12 individuals, argues that while the Substation/Annex building failed to obtain the majority of Landmark Board Member votes when nominated, it did receive a majority of those members present at the meeting, that many of the buildings which establish the character of Fremont do not meet the high bar for landmark designation but should nevertheless be preserved, and that Substation/Annex could be adaptively reused to provide space for the proposed cisterns.

Both comment letters were copied to the Mayor and to all Council Members.

### **Response to Public Comments.**

With regard to the use of SEPA authority to preserve buildings with potential historic significance, the Seattle SEPA Policy for Historic Preservation (SMC 23.05.675.H) states that a project rejected for nomination shall not be conditioned or denied for historical preservation purposed (except for

purposed of review of adjacency to a historic landmark or if the site has the potential to contain archaeological resources). One of the structures proposed to be demolished was rejected for nomination. The other structure proposed for demolition was reviewed for potential to meet designation criteria as a historic landmark and found lacking. Still the City could have chosen to have preserved one or both of the buildings. It is this Department's understanding that structure preservation options were carefully analyzed in the project development stages and it was decided that the necessary program elements could not be provided in the new fire station if either structure were to be preserved.

Comments relating to adequacy of information in the SEPA Checklist relating to stormwater infrastructure, wildlife present on the site, and interference with solar access of nearby properties were assessed during the SEPA review and given full consideration.

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

Fire stations in lowrise multifamily zones may be permitted outright when they meet the development standards for institutions. Fire stations that do not meet development standards may be permitted by City Council as a Type V land use decision. In this case, the proposed station does not meet six development standards of the L-1 zone. Those standards and the amount of departure from each are listed in the Proposal Description section above.

SMC 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 MUP).

Section 23.47A.004.D.3 includes criteria that must be satisfied to permit a public facility that does not meet development standards of the applicable zone:

*The project provides unique services which are not provided to the community by the private sector, such as police and fire stations; and*

The project provides a unique service as a fire station.

*The proposed location is required to meet specific public service delivery needs; and*

A fire station has been located at the Station 9 site since 1901. The site offers unique access to surrounding areas. As stated in the Project Description section above, the station occupies a strategic position in that it can access Aurora Ave. N. (Highway 99) in both the north and south bound directions, can access arterials in the east and west directions towards Ballard and Wallingford, and has a good route to the Green Lake neighborhood along Fremont Ave. N. or Stone Ave. N. The station location provides an unusually high degree of flexibility in both covering its immediate neighborhood and being able to provide backup assistance to stations in the Queen Anne, Ballard, Wallingford and Green Lake neighborhoods as well as areas further north and south.

*The waiver or modification to the development standards is necessary to meet specific public service delivery needs; and*

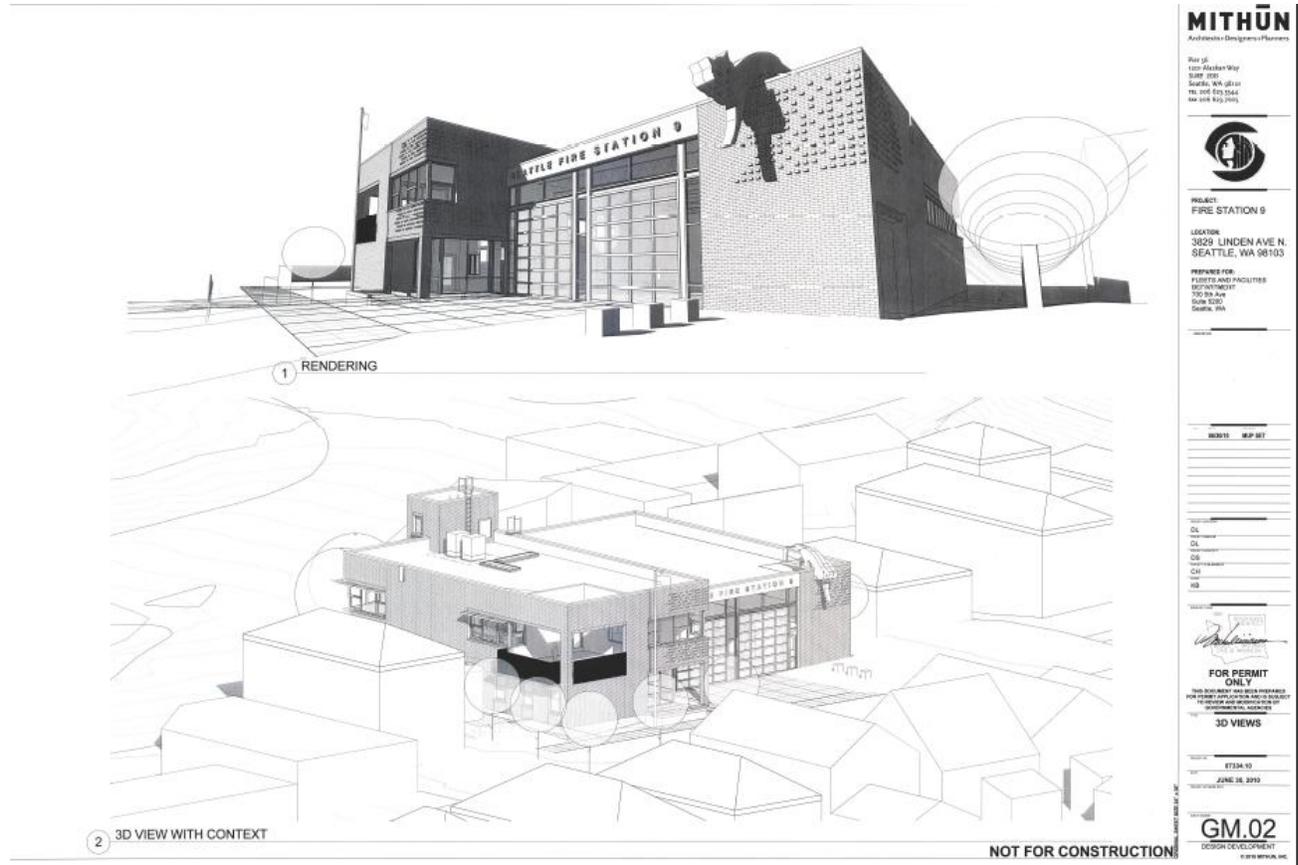
The Station 9 site, while in an excellent location to provide emergency service, is considered to have limited developable area in relation to the preferred size for modern, two bay stations like the one proposed. Critical area steep slopes on and adjacent to the site further reduce the developable area. The Seattle Fire Department does not want to move the Station 9 location from the existing location and lose its unique access and resulting low response times. Nor, does it want to condemn additional residential property adjacent to the site in order to meet more of the development standards for an institution in a lowrise zone.

Three of the requested development standard departures, front setback, side setback, and flag pole setback relate to locating the program elements on the unique site. Three of them, structure height, structure width, and structure depth, relate to the building configuration which a fire station requires and ways in which it does not fit within the lowrise multifamily development standards. All of them are necessary to allow this design for a fire station to be put on this site with the existing L-1 zoning.

Each of the requested departures can be considered independently to see how they allow creation of a new Fire Station Number 9 on the current fire station site in Fremont. Reduction of the required front setback to 12.5 feet allows adequate floor area in the station while still providing an acceptable landscaped setback along the street thereby preserving some compatibility with the multifamily residential neighborhood. Increasing the allowed structure width by approximately 16.7 feet and the structure depth by approximately 11.5 feet similarly allows for floor area sufficient to operate the fire station. Increasing the allowed structure height allows for provision of a hose/stair tower; a typical functional element of a fire station. Allowance of the placement of above ground cisterns 15 feet tall in a required side yard on the south side of the new fire station allows implementation of a green infrastructure element in an economically efficient manner making use of a foundation/floor remnant of the prior buildings on the site for structural support. Modifying the zone requirement that flag poles be set back a distance equal to half their height allows provision of a customary and appreciated feature of public buildings to be incorporated in a prominent manner on what will be a highly developed site.

*The relationship of the project to the surrounding area has been considered in the design, siting, landscaping, and screening of the facility.*

Site context has been an important element of the architectural design of the proposed new Fire Station Number 9. The resulting design expression, with recommended approval from the Seattle Design Commission, is of a civic building which reads as a fire station and which is of a scale to be as compatible as possible with the multifamily residential context in which it would be constructed. Materials chosen are durable and attractive; predominantly brick and glass. The drawing below provides a graphic representation of this relationship.



## RECOMMENDATION – COUNCIL APPROVALS

DPD **recommends approval** of the proposed fire station use in the L-1 zone with the requested modification to development standards as described in Project Description section above.

## ANALYSIS - SEPA

The initial disclosure of the potential impacts from this project was made in the environmental checklist submitted by the applicant dated June 24, 2010, 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 and may require SEPA mitigation.

### **Air Quality**

The Puget Sound Clean Air Agency (PSCAA) regulations require control of fugitive dust to protect air quality and will require permits for removal of asbestos (if any) during demolition. The owner and/or responsible party (ies) are required to comply with the PSCAA rules pertaining to demolition of projects with or without asbestos. This will ensure proper handling and disposal of asbestos, as well as demolition of structures without asbestos. No further SEPA conditioning is necessary.

### **Greenhouse Gas**

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.

### **Noise**

The project is expected to generate loud noise during demolition, grading and 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 surrounding properties are developed with housing and will be impacted by construction noise. The limitations stipulated in the Noise Ordinance are not sufficient to mitigate noise impacts; therefore, pursuant to SEPA authority, the applicant shall be required to limit periods of construction activities (including but not limited to grading, deliveries, framing, roofing, and painting) to non-holiday weekdays from 7:00 AM to 6:00 PM.

## **Long-Term Impacts**

Long-term or use-related impacts are also anticipated as a result of approval of this proposal including: increased height, bulk and scale on the site; increased traffic in the area and increased demand for parking; increased demand for public services and utilities; increased light and glare; and impacts to plants and animals.

Long-term or use related impacts will likely be closely comparable to those already generated by the existing Fire Station Number 9 use. Hence, most long-term impacts are not considered significant because they are minor in scope.

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.

### **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 fire station, 28 to 40 feet tall, is expected to be reasonably compatible with the character of development anticipated in the Seattle Comprehensive Plan and provide appropriate transition to surrounding properties. While it would be taller than other development allowed in the zone at 30 to 35 feet, it would not be so much greater as to create a large height, bulk and scale inconsistency.

In addition, design details, landscaping and finish materials will contribute towards mitigating the perception of height, bulk and scale in that these elements will break down the overall scale of the building.

No further mitigation of height, bulk and scale impacts is warranted pursuant to SEPA policy (SMC 25.06.675.G.).

### **Traffic and Parking**

Traffic and parking impacts are expected to be substantially the same as those of the existing station. The path of emergency vehicles in and out of the building would remain unchanged. A single engine truck is expected to be placed at the station for the foreseeable future; just as in the current condition.

The number of vehicle trips, both of emergency and personal vehicles, is expected to remain unchanged from the present condition.

An existing traffic signal allowing emergency vehicle access on to Fremont Way N. would remain as would the signal at N. 39<sup>th</sup> St. and Fremont Ave. N. These two traffic lights provide safe, expeditious access to surrounding arterial streets.

No SEPA based conditioning of traffic and parking impacts is warranted.

### Noise

The project is expected to generate noise very similar to that generated by the current fire station on the site. This would primarily consist of operational noise from fire alarms and from sirens of emergency response vehicles when leaving the site. An emergency generator on the site would be tested periodically and otherwise operate only during power failures. The generator with its enclosure and exhaust muffler is designed and specified to generate 72 dBA of noise at 23 feet distance. This level is close to the expected daytime ambient noise in the area.

The site is close to residential uses, and alarms and sirens could be especially adverse in the early morning and in the evening. The Seattle Noise Control Ordinance exempts sounds created by fire alarms and emergency vehicles. Noise associated with sirens and alarms are an essential function of a fire station and are unavoidable. The Seattle Fire Department makes an effort to be good neighbors and uses discretion about when to activate sirens late at night or in the early morning.

No conditioning pursuant to SEPA authority is warranted.

### 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 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.

## **RECOMMENDED CONDITIONS - SEPA**

### During Construction

The following condition(s) to be enforced during construction shall be posted at the site in a location on the property line that is visible and accessible to the public and to construction personnel from the street right-of-way. If more than one street abuts the site, conditions shall be posted at each street. The conditions will be affixed to placards prepared by DPD. The placards will be issued along with the building permit set of plans. The placards shall be laminated with clear plastic or other waterproofing material and shall remain posted on-site for the duration of the construction.

1. All construction activities are subject to the limitations of the Noise Ordinance. Construction activities (including but not limited to grading, deliveries, framing, roofing, and painting) shall be limited to non-holiday weekdays<sup>1</sup> from 7am to 6pm. Interior work using equipment within a completely enclosed structure, such as but not limited to compressors, portable-

powered and pneumatic powered equipment may be allowed on Saturdays between 9am and 6pm, provided windows and doors remain closed. Non-noisy activities, such as site security, monitoring, weather protection shall not be limited by this condition.

Construction activities outside the above-stated restrictions may be authorized by the Land Use Planner when necessitated by unforeseen construction, safety, or street-use related situations. Requests for extended construction hours or weekend days must be submitted to the Land Use Planner at least three (3) days in advance of the requested dates in order to allow DPD to evaluate the request.

<sup>1</sup> New Year's Day, Martin Luther King Junior's Birthday, President's Day, Memorial Day, July 4, Labor Day, Veterans' Day, Thanksgiving Day and Christmas Day.

Signature: \_\_\_\_\_ (signature on file) \_\_\_\_\_ Date: February 10, 2011  
Scott Kemp, Senior Land Use Planner  
Department of Planning and Development

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