RESOLUTION NO. 1342

A RESOLUTION OF THE CITY OF EDMONDS, WASHINGTON, ACCEPTING THE HEARING EXAMINER'S RECOMMENDATIONS REGARDING THE SWEDISH HOSPITAL SIGN SETBACK VARIANCE (PLN20150042) AND ADOPTING THE HEARING EXAMINER'S FINDINGS AND CONCLUSIONS AS THE CITY COUNCIL'S OWN.

WHEREAS, the hearing examiner conducted an open record hearing regarding a proposed sign setback variance for Swedish Hospital on October 8, 2015; and

WHEREAS, the proposed sign is a directional sign to direct traffic to the new location of the emergency room at the new Ambulatory Care Center addition of the Swedish Hospital; and

WHEREAS, on October 13, 2015, the hearing examiner adopted findings and conclusions and made a recommendation to the city council, all of which are contained in **Exhibit A**, which exhibit is attached hereto and incorporated herein by this reference as if set forth in full (hereinafter, the "Recommendation"); and

WHEREAS, the city council, after conducting a closed record review on November 2, 2015, agrees with the hearing examiner's Recommendation and would like to adopt the Recommendation as its decision on the matter;

NOW, THEREFORE,

THE CITY COUNCIL OF THE CITY OF EDMONDS, WASHINGTON, HEREBY RESOLVES AS FOLLOWS:

Section 1. The city council hereby adopts the Recommendation of the hearing examiner as its own findings of fact, conclusions of law and decision on application PLN20150042. The proposal set forth in PLN20150042 is hereby approved.

RESOLVED THIS 2ND DAY OF NOVEMBER, 2015.

MAYOR DAVE EARLING

ATTEST:

CITY CLERK, SCOTT PASSEY

FILED WITH THE CITY CLERK:	October 30, 2015
PASSED BY THE CITY COUNCIL:	November 2, 2015
RESOLUTION NO.:	1342

Exhibit A

CITY OF EDMONDS
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DEVELOPMENT SERVICES DEPARTMENT • PLANNING DIVISION

BEFORE THE HEARING EXAMINER FOR THE CITY OF EDMONDS

Emily Terrell, Hearing Examiner Pro Tem

RE: Swedish Medical Center Sign Variance PLN2015-0042	**RECOMMENDATION**

SUMMARY

The applicant is requesting a setback variance for a new freestanding sign at the Swedish Hospital campus. The new sign will direct motorists to the new Ambulatory Care Center entrance. The sign is proposed to be 6'10" tall and located within the street setback for 216th Street SW. The variance is to allow the sign within three feet of the public right of way instead of the 15 feet prescribed by code. As this is a public agency asking for the variance, EDCD 17.00.030.C requires the examiner to consider the variance and provide a recommendation to the Edmonds City Council. The examiner recommends the Council approve the variance with conditions.

TESTIMONY

Kernen Lien, senior planner for the City of Edmonds, summarized the proposal. Mr. Lien stated the hospital had recently moved its ambulatory care facility (emergency room) and that the variance would allow the hospital to put up directional signage to assist patients in finding the new entrance. The City's engineer looked at the proposal and did not bring up any sight distance issues. The sign will be inside a landscaped strip near a walkway. No pedestrian traffic will be impeded.

Tim Buell, is the project manager for the applicant. He stated the original request was for a 10 foot tall by six foot wide sign. The applicant reduced the sign size when they learned there were utilities under the landscape strip that would prevent them from constructing the foundation needed for such a large sign. The utility district has

commented on the current proposal and approved it. The applicant will submit a letter from the PUD as part of the building permit.

Alvin Rutledge, Edmonds resident, inquired about recent re-zonings and general sign issues in the area but did not speak to the present proposal.

EXHIBITS

The staff report and its nine attachments were admitted as Exhibit 1 during the hearing. Other exhibits admitted during the hearing include the staff PowerPoint (Ex. 2) and the applicant's rendering of the sign request (Ex 3).

FINDINGS OF FACT

Procedural:

1. Applicant. The applicant is the Swedish Medical Center. The owner is the Snohomish County Public Hospital District #2.

2. Hearing. A hearing was held on October 8, 2015 in the Edmonds City Council Chambers at 3:00 pm.

Substantive:

3. Site/Proposal Description. The applicant is requesting a setback variance for a new freestanding sign at the Swedish Hospital campus (Ex. 1, Att. 1 – 4). The hospital has recently completed a renovation that included moving the emergency room (the Ambulatory Care Center). The hospital has submitted a complete sign package and building permits have been issued for all but this sign. The sign is a directional sign to direct traffic to the new location of the emergency room entrance prior to crossing the intersection of 216th Street SW and a new road along the eastern side of the ACC addition. The proposal is to place the sign three feet from the property line with 216th Street SW rather than the 15 foot setback required by the Medical Use zone in order to provide enhanced visibility for patients attempting to reach the emergency room. The variance is required due to the height of the sign. Signs up to three feet in height are allowed within the 15 foot setback. The applicant proposes to construct a 6'10" sign.

4. Surrounding Area. Attachment 5 shows the extent of the project in relation to zoning and jurisdiction in the area. The neighborhood around Swedish is developed with a mix of commercial, institutional, multifamily and single family development. To the west across 76th Avenue is the Edmonds-Woodway High School complex and various medical/hospital-related businesses. The medical uses extend to the south as well as to the east toward Highway 99. Immediately adjacent to the north is a small

island of single family residential houses surrounded by multifamily development more typical of the location near Highway 99.

5. Adverse Impacts. No adverse impacts from granting the sign variance are anticipated. The placement of the sign within the street setback will not be significantly detrimental to the public health, safety and welfare or injurious to the property or improvements in the vicinity and same zone. The purpose of the variance is to allow the hospital to provide directional signage to patients looking for the Ambulatory Care Center (emergency room). The hospital remodel moved the emergency room entrance and without the sign patients used to the old layout could turn the wrong direction on 216th Street SW and needlessly delay their arrival at the emergency room. The signage improves the public welfare by allowing patients in need of emergency care to arrive at the emergency room with upmost efficiency. The sign will not block pedestrian paths or pose a sight distance hazard for pedestrians or motorists. The sign is part of a sign package which itself is associated with the hospital's master plan. The master plan implements the City's Comprehensive Plan "Medical" designation for this area and the requirements of the Medical Use zone. There are no critical areas on the site.

6. Necessity. The proposed variance is the minimum reasonably necessary to provide vital directional signage to patients seeking emergency care. The sign is a public structure being constructed to meet a public necessity rather than being predicated on any factor personal to the owner. It's location in the landscaping strip provides maximum visibility to meet the public need, whereas locating the sign 15 feet back from the right of way would place it in the parking area and significantly reduce its visibility.

CONCLUSIONS OF LAW

Procedural:

1. Authority of Hearing Examiner. Variances are Type III-B land use permits which require a public hearing and a decision by the Hearing Examiner (ECDC 20.01.003). In this instance, since the variance request is from a public entity (Snohomish County Public Hospital District #2) the action of the Hearing Examiner shall be a recommendation to the City Council in accordance with ECDC 17.00.030.C.

Substantive:

2. Review Criteria and Application. ECDC 16.62.020.B sets the setback for signs over three feet in height at 15 feet from the right of way. The applicant is requesting a variance to construct the sign within three feet of the public right of way. 17.00.030.C requires structures constructed by a public agency to comply with the zoning ordinance. When there is public necessity to build a structure that does not

comply with the zoning ordinance, the examiner is authorized to consider a variance. Swedish Hospital is a public agency proposing to construct a sign that does not comply with the zoning code with respect to setbacks. The proposed sign otherwise complies with ECDC 20.60 (Sign Code). ECDC 20.85 sets the review criteria for variances. Applicable criteria are quoted below and applied through corresponding conclusions of law.

ECDC 20.85.010: *No variance may be approved unless all of the findings in this section can be made.*

A. Special Circumstances. That, because of special circumstances relating to the property, the strict enforcement of the zoning ordinance would deprive the owner of use rights and privileges permitted to other properties in the vicinity with the same zoning.

> *1. Special circumstances include the size, shape, topography, location or surroundings of the property, public necessity as of public structures and uses as set forth in ECDC 17.00.030 and environmental factors such as vegetation, streams, ponds and wildlife habitats.*
>
> *2. Special circumstances should not be predicated upon any factor personal to the owner such as age or disability, extra expense which may be necessary to comply with the zoning ordinance, the ability to secure a scenic view, the ability to make more profitable use of the property, nor any factor resulting from the action of the owner or any past owner of the same property;*

3. Special circumstances justify the setback variance due to public necessity of providing the public with highly visible directional signage to the emergency care facilities as outlined in Finding of Fact No. 6.

B. Special Privilege. That the approval of the variance would not be a grant of special privilege to the property in comparison with the limitations upon other properties in the vicinity with the same zoning;

4. As described in Finding of Fact No. 5 above, granting the variance will not constitute the granting of special privilege to the property in comparison with other properties in the vicinity with the same zoning. The hospital emergency room is unique in this area and provides a valuable public benefit. A similar directional signage location would likely be granted to any institution providing the same public benefit.

C. Comprehensive Plan. That the approval of the variance will be consistent with the comprehensive plan;

5. The hospital is located in the Medical designation of the comprehensive plan. The renovation implements the hospital's approved master plan. All other signage for the hospital complies with the zoning code. This sign will provide a

public benefit by providing direction to the newly relocated emergency room facilities. The variance is consistent with the comprehensive plan.

D. Zoning Ordinance. That the approval of the variance will be consistent with the purposes of the zoning ordinance and the zone district in which the property is located;

6. As noted in Finding of Fact No. 5 above, the hospital is within a Medical Use zone. The sign is consistent with other signage permissible within the zone in terms of size. The directional sign will benefit the public by directing them to the new emergency room entrance. The proposal is consistent with the purpose of the zoning ordinance and the zoning district.

E. Not Detrimental. That the variance as approved or conditionally approved will not be significantly detrimental to the public health, safety and welfare or injurious to the property or improvements in the vicinity and same zone;

7. The variance will not be detrimental to the public health, safety or welfare and it will not be injurious to the property or others in the vicinity. The sign provides a public benefit in helping patients efficiently locate the emergency room. No sight distance or pedestrian walkways will be blocked.

F. Minimum Variance. That the approved variance is the minimum necessary to allow the owner the rights enjoyed by other properties in the vicinity with the same zoning.

8. As determined in Finding of Fact No. 5 and 6, the variance is the minimum amount necessary to allow the hospital to provide maximum visibility for the direction signage to persons looking for the emergency room entrance. This criterion is satisfied.

RECOMMENDATION

The examiner recommends the Edmonds City Council approve the variance application subject to the following condition:

1. Several utilities exist within the area of the proposed sign location. The owner/contractor shall be responsible for locating all utilities prior to installation of the sign. The sign shall not be constructed over the top of any utility unless approval has been granted by the applicable utility purveyor.

Exhibit A

Dated this 13th day of October, 2015.

Edmonds Hearing Examiner Pro Tem

Appeal Right and Valuation Notices

This land use decision is a recommendation to the City Council as authorized by ECDC 07.00.030.C.

Affected property owners may request a change in valuation for property tax purposes notwithstanding any program of revaluation.