

FINDINGS AND DECISION  
OF THE HEARING EXAMINER FOR THE CITY OF SEATTLE

In the Matter of the Appeal of

QUEEN ANNE COMMUNITY COUNCIL

FILE NO. S-76-015

from a ruling of the Superintendent  
of Buildings

The appeal is DENIED and the Findings and Decision  
of the Superintendent of Buildings are affirmed.

Introduction

The appellant, the Queen Anne Community Council, filed an appeal taking exception to several of the findings of the Superintendent set forth in a Decision dated May 17, 1976 to issue a building/use permit and relating to property at 200 West Lee Street.

The appellant exercised its right to appeal pursuant to Section 25.40, Ordinance 86300, as amended by Ordinance 104795.

This matter was heard before the Hearing Examiner on June 21, 1976.

After due consideration of the evidence elicited during the public hearing, the following findings of fact and conclusions shall constitute the decision of the Hearing Examiner on this appeal.

Findings of Fact

1. On November 30, 1976 Dudley and Ekness, architects for the Seattle Housing Authority, hereinafter SHA, requested environmental approval for the construction of a six-story, 41,000 square foot apartment building at 200 West Lee Street.

2. The SHA is a governmental agency established by the City Council with power derived from state law. The proposed 59 unit building would house low income elderly and be constructed with federal funds.

3. The subject building site is zoned Multiple Residence High Density (RMH 350). A petition to rezone the area to RM 800 is pending before the City Council and if approved would make the building nonconforming.

4. The Superintendent prepared an environmental impact statement with regard to the proposed project in compliance with the State Environmental Policy Act of 1971 (RCW 43.21C).

5. The appellant filed an appeal on May 28, 1976, and submitted a further clarification on June 9, 1976. Exceptions were taken to findings no. 2, 6, 8, and 9 of the Superintendent's decision. In addition it was alleged that community input was not properly considered in the design of the building and that without design changes it would be totally out of scale with the neighborhood. An objection was also raised as to the dismissal of the King County Courthouse as an alternative site.

### Conclusions

1. The appeal is denied. The appellant has failed to show that the findings and decision of the Superintendent were incomplete or inaccurate in any substantial or significant degree.

2. The environmental impact statement prepared by the Superintendent meets the requirements of the State Environmental Policy Act of 1971 (SEPA) (RCW 43.21C).

3. The proposed project will result in an increase in density and the construction of a six-story building in an area where adjacent buildings do not exceed three stories in height. However, the proposed building is in conformity with the RMH 350 zone and there was no showing that the foregoing impacts are of such a major adverse environmental nature as to warrant an alteration of the Superintendent's decision.

4. Under the existing laws and ordinances of the city, the design of a building and aesthetic considerations are not subject to administrative review. Whether or not a public agency such as the SHA considered the objections of the Queen Anne Community Council in good faith is also not subject to review in this procedure.

5. The record clearly shows that SHA considered the old King County Courthouse as an alternative in response to community input. Other objections that were raised concerning the evaluation of alternatives in the impact statement were not specifically set forth in the appeal letter and cannot be considered.

6. The appellant has failed to sustain its burden to overcome the prima facie presumption that the decision of the Superintendent is correct.

### Decision

The appeal is DENIED and the Findings and Decision of the Superintendent of Buildings are affirmed.

Entered this 29th day of June, 1976.



William N. Snell  
Hearing Examiner