

## FINDINGS AND DECISION

### OF THE HEARING EXAMINER FOR THE CITY OF SEATTLE

In the Matter of the Appeal of

QUEEN ANNE WEST SIDERS  
(SANDRA DEAN, CHAIRPERSON)

FILE NO. S-80-010

from a determination of the  
Superintendent of Buildings

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

#### Introduction

Appellant, Queen Anne West Siders, is a community group interested in land-use decisions involving the Queen Anne neighborhood. Appellant appeals the decision of the Superintendent of Buildings in connection with the application of David Crawford regarding property at 1910 12th Avenue West. The Superintendent has decided that an environmental impact statement completed in 1979 for a proposed 19 unit condominium on the subject property is adequate for a 24 unit apartment complex which Mr. Crawford currently proposes for the subject property.

The appellants exercised their right to appeal pursuant to Section 25.40 of the Zoning Ordinance (86300, as amended).

Parties to the proceeding were: the Superintendent of Buildings, City of Seattle, represented by Darcy Goodman, assistant City Attorney; David Crawford and Queen Anne West Siders.

This matter was heard before the Hearing Examiner on March 24, 1980.

For purposes of this decision, all section numbers, unless otherwise indicated, refer to the Zoning Ordinance (86300, as amended).

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. Mr. Crawford proposes to construct a 24 unit apartment building on the subject property which is legally described as follows:

Lots 12, 13, 14, 19 and 20 in Block 172, Supplemental Plat  
of Gilman's Addition to the City of Seattle, King County,  
Washington.

The project consists of two buildings: Building A on the lower portion of the site will be three stories over a basement. Building B will be four stories over a basement. The two structures will be connected by a surface parking lot with 18 parking spaces and an additional six spaces will be provided with access to and egress from 11th Avenue West. Each of the units will be one bedroom.

2. Last year the Two Company proposed a condominium complex for the subject property. A summary of the similarities and differences between the two proposals follows:

#### Two Company Proposal

19 condominium units  
2 buildings: A - lower  
portion, 4 stories;  
B - 3 stories  
22 parking spaces,  
6 above ground  
Access from 12th Ave.  
West only

#### Crawford Proposal

24 apartment units  
2 buildings: A - lower  
portion, 3 stories;  
B - 4 stories  
24 parking spaces, all  
above ground  
Access from 11th Ave. and  
12th Ave. West

3. After the Two Company abandoned the condominium project, Mr. Crawford purchased the subject property and proceeded to plan the apartment complex.
4. The subject property is a steeply sloping undeveloped parcel. Twelfth Avenue West reaches a dead end north of the property. As part of the proposed action, Mr. Crawford will extend 12th Avenue West approximately 150 ft. to provide access to and egress from the subject property. The proposed extension will be an undivided roadway 25 ft. in width. It will provide access to two driveways on the subject property and will dead-end five ft. beyond the second driveway.
5. The site is zoned RM 800 (Multiple Residence Low Density).
6. An application for a use permit was made on November 20, 1979.
7. In March, 1979, the City prepared a draft EIS for the Two Company proposal. The draft EIS contained extensive discussion about the impact of the condominium project. After the draft EIS was circulated to other agencies with jurisdiction and interested parties, a final EIS was prepared in May of 1979. Of most concern in the draft and final impact statements were the geology and soil conditions of the subject property, the traffic hazard and parking impact of the project, and the landscaping for the project.
8. According to the 1979 draft EIS, the soil conditions of the subject site are naturally unstable. It was concluded, however, that the project will actually stabilize the site and reduce landslide potential, although it was suggested that settlement of up to one inch could be expected over distance of 100 ft. along 11th Avenue West.
9. According to the EIS, the project, when considered with other development in the area, will substantially increase traffic along Gilman Avenue West and 12th Avenue West.
10. As to parking, the EIS concluded that the project, when considered with other development in the area, will result in an increase in parking demand in excess of the number of street parking spaces available.
11. As to landscaping, the EIS concluded that the landscaping plan proposed by the Two Company exceeded City standards. The plan included 8,000 sq.ft. of planting area. The EIS concluded that the development of the site will prohibit consideration of the site as part of the Queen Anne Greenbelt but added that the City had never been interested in making the subject property part of the greenbelt.
12. Mr. Crawford plans to plant 40 trees and a total planted area of 4,708 sq.ft. The reduction in planted area is caused by the fact Mr. Crawford is providing parking at grade, rather than underground. The site may appear aesthetically less pleasing than under the Two Company proposal as there will be more pavement and less vegetation.
13. The Superintendent has compared Mr. Crawford's proposal with that of the Two Company and reviewed the draft and final EIS. Based on this comparison and review, the Superintendent concluded that the impact of the two projects were substantially the same and that the previous EIS could be used for the new project under WAC-197-10-660. The Superintendent prepared a written statement setting forth such determination which was circulated as provided by WAC 197-10-660(3). A public hearing was held on January 21, 1980, in response to the written statement.

#### Conclusions

1. The previous EIS may be used for the current project because:
  - (a) the 1979 EIS would have been adequate for Mr. Crawford's proposal,
  - (b) no intervening conditions have made the 1979 EIS misleading as applied to Mr. Crawford's proposal.

2. The soil report prepared by Neil H. Twelker Associates, Inc. for Mr. Crawford is substantially the same as that on which the previous EIS was based. The recommendations in the two reports are substantially the same: ground water on the site must be controlled and auger cast pilings must be used. Mr. Twelker's report suggested there might not be any settlement along 11th Avenue West as the EIS suggested.

3. Mr. Crawford's proposal might be considered a mitigation of the traffic impact of the earlier proposal. Access to and egress from the subject property will be from both 11th Avenue West and 12th Avenue West. This will result in a slight increase in traffic levels on 11th Avenue West but, in comparison to the earlier proposal, will reduce the traffic flow on 12th Avenue West which is less suited to handle increased traffic.

4. Mr. Crawford's proposal may create a lesser parking impact on the neighborhood than the Two Company project because of the fewer number of bedrooms associated with it. In both cases the parking impact is not significantly adverse because the parking survey on which the 1979 EIS was based revealed that there were 42-55 spaces within walking distance on the subject property.

5. There will be no substantial difference in view blockages as a result of the new proposal. Any increased view blockage will be minor because the upper building (Building B) is farther down the hill than in the Two Company project and will be sunken into the site so its height, as measured from average grade, will be 34.69 ft., as compared to 30.92 ft. for the earlier project. The difference in view impacts between the two projects is not significant.

6. Under Mr. Crawford's proposal, 4,708 sq.ft. will be planted as compared to 8,000 sq.ft. which were to be planted under the Two Company proposal. The appearance of the subject property will consist more of paving and building and less of landscaping. The difference in aesthetic impact between the two projects is not significant. Mr. Crawford's project will exceed City landscaping standards.

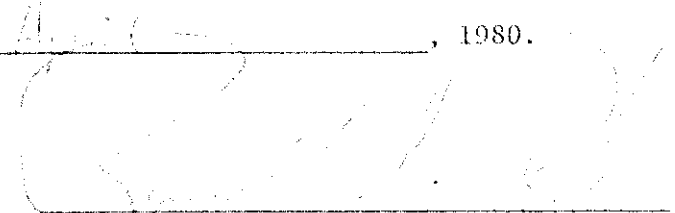
7. The Superintendent of Buildings is requiring Mr. Crawford to file a surety or cash bond in the amount of \$100,000 to provide funds for the City to take preventive measures or complete corrective repair work of adjacent private and public property. Such bond should be adequate for that purpose.

8. The Superintendent of Buildings is requiring Mr. Crawford to carry \$500,000 in liability insurance for the period of construction and for one year following project completion. Such insurance is carried to reimburse owners of adjacent property for damage caused by slides and settlement and should be adequate protection for the neighboring property owners.

#### Decision

For each of the above reasons the appeal is DENIED and the findings and decision of the Superintendent of Buildings are AFFIRMED.

Entered this 23 day of April, 1980.

  
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Russell S. Read  
Hearing Examiner Pro Tempore

#### Notice of Right to Appeal

Pursuant to Section 20A of the SEPA Ordinance (105735, as amended) a party to the hearing before the Hearing Examiner may file an appeal with the City Council no later than the fifteenth (15th) day after the date the decision appealed from is filed with the SEPA Public Information Center. The appeal must be filed with the City Clerk. Rules have been adopted by the City Council governing the appeal procedure and should be reviewed prior to filing an appeal.

The City Council will only review issues relating to compliance with Section 19, Ordinance 105735, as amended. Section 19 relates to substantive authority to condition or deny a proposal on environmental grounds.