

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

In the Matter of the Appeal of  
MARVIN AND JOYCE IRISH, ET AL.

FILE NO. MUP-83-017(W)  
APPLICATION NO. 83-061

from a decision of the Director of  
the Department of Construction and  
Land Use on a master use permit  
application

Introduction

After a public hearing in the above-entitled appeal, the matter was remanded to the Director of the Department of Construction and Land Use (Director) for consideration of the effects of the demand for new parking by the proposed project on the immediate area. The Hearing Examiner retained jurisdiction to consider parties' comments on and review any new decision. On June 3, 1983, the Director filed his revised decision with the Office of Hearing Examiner. Appellants' comments were filed June 10, 1983.

After reviewing the revised decision, appellants' comments, and the record established at hearing the examiner enters the following:

Additional Findings of Fact

1. In assessing the availability of parking in the immediate area of the proposed building, the Director considered the curb cuts along Greenwood Avenue north and south of the subject site, the bus zone and fire hydrant in front of the subject site, and some on-street parking on the west side of Greenwood and along N. 140th Street and concluded that on-street availability is limited.

2. In assessing potential demand for off-site parking generated by the proposed building the Director considered proximity to a bus line and bus stop and the small size of the proposed units, ten one-bedroom and five two-bedrooms.

3. It can be reasonably inferred that the Director, in reaffirming his declaration of non-significance, decided that despite the limited availability the increased demand would not cause a significant adverse impact.

4. In his decision not to condition further the permit to mitigate any adverse impact on on-street parking, the Director considered that the subject site is one of the last undeveloped sites along Greenwood in the area, none of the surrounding development has been required to provide parking at an increased rate and that Sections 23.45.32A4 and 23.54.20D, Seattle Municipal Code, restrict the Director's authority to require additional parking to those buildings with more than 20 units.

Additional Conclusions


1. The Director, in making his revised decision on the probable environmental impact of the project on parking, considered the actual conditions surrounding the site and the size and characteristics of the proposal. Recognition of some impact is implicit in his discussion of the limited availability and factors affecting the demand. While appellants have shown that there is very little available on-street parking they have not proved that his decision that the proposal's impact on parking would be significant, i.e., have more than a moderate effect on the environment, is clearly erroneous.

2. The Director's conclusion that even if there is an impact on parking the Code does not allow him to impose a condition requiring a greater provision for parking on-site was not contested by appellants and has support in the provisions of the Code. Section 25.04.500 states that the intent of the city is to incorporate mechanisms for mitigating or preventing adverse impacts into city ordinances dealing with that element of the environment. Recently adopted Sections 23.45.32A4 and 23.54.20D do just that by setting forth the standards and conditions which would allow a greater parking requirement. Those are inapplicable in this case because of the small size of the project. The Director's decision is not clearly erroneous.

Decision

The Director's revised decision is AFFIRMED.

Entered this 13th day of June, 1983.

  
M. Margaret Klockars  
Deputy Hearing Examiner

Notice of Right to Appeal Threshold Determination

The decision of the Hearing Examiner in this case is the final administrative determination by the City. Any further appeal must be filed with the Superior Court within 14 days of the date of this decision. Vance v. Seattle, 18 Wn.App 418 (1977); JCR 73 (1981). Should an appeal be filed, instructions for preparation of a verbatim transcript are available at the Office of Hearing Examiner. The appellant must initially bear the cost of the transcript but will be reimbursed by the City if the appellant is successful in court.

Notice of Right to Appeal Decision Reviewing Compliance With Section 25.04.210 (Substantive Authority to Condition or Deny Proposals)

Pursuant to Section 25.04.210, Seattle Municipal Code, a party to the hearing before the Hearing Examiner may file an appeal with the City Council no later than the 14th Day after the date the decision appealed from is filed with SEPA Public Information Center. The appeal must be filed with the City Clerk on the 1st floor of the Municipal Building. Rules have been adopted by the City Council governing the appeal procedure and should be reviewed prior to filing an appeal.