

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

In the Matter of the Appeal of

MARGARET COUGHLIN

FILE NO. W-76-005

from an environmental determination  
of the Superintendent of Buildings

The appeal is DENIED and the determination  
of the Superintendent of Buildings is  
affirmed.

Introduction

The appellant, Margaret Coughlin, filed an appeal from a declaration of non-significance, hereinafter DNS, prepared by the Superintendent of Buildings, hereinafter Superintendent, with regard to a proposed action to construct an addition to the Lockview Nursing Home at 4646 36th Avenue West.

The appellant exercised her right to appeal pursuant to Section 20, Ordinance 105735.

This matter was heard before the Hearing Examiner on December 20, 1976.

Parties to the proceeding were the appellant, Margaret Coughlin, the Superintendent, represented by Ted Gacek, and the permittee, represented by Albert Hanan.

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. The Lockview Nursing Home, hereinafter Lockview, which is located in the Magnolia area at 4646 36th Avenue W., applied for a building permit to construct a 206 foot addition that would serve as an exit.

2. Lockview had been informed in 1974 by the State Fire Marshall, who also has the authority to enforce certain federal regulations, that an exit was required at the north end of the north wing in order to meet federal and state safety and fire requirements. Failure to provide the exit could result in Lockview's decertification as a participant in the Medicaid program.

3. The appellant filed a timely appeal on November 22, 1976, with the Hearing Examiner. The appellant alleges that the environmental checklist completed by John R. Reinking, owner of Lockview, was insufficient with regard to the answers to questions 10 and 20.

4. Question number 10 asks whether or not there are any plans for future additions, expansion, or further activity related to or connected with the proposal. This question is answered yes, that there are plans for a dining room and 5 beds and that plans have been submitted to the Building Department. The foregoing addition is the subject of litigation and no permit will be issued until the legal issues are resolved.

5. Question number 20 asks whether the proposal will result in an alteration of a significant archeological or historical site, structure, object, or building. Lockview has answered no. The record does not indicate that any determination has been made by any state or city preservation authority as to the historical value of Lockview. The appellant claims that the building has some historical value but there is no evidence to substantiate that contention.

6. The appellant has also expressed concern about a potential slide area located at the edge of the bluff. Lockview is located at least 100 feet from the bluff area.

7. WAC 197-10-365(2) provides that the purpose of the environmental checklist is to help the agencies involved determine whether or not a proposal is a major action. A person completing the checklist is to answer the questions as completely as possible with the information available.

8. WAC 197-10-360 provides that the Superintendent is to apply the questions in the environmental checklist to the total proposal to determine whether the proposal will result in a significant adverse impact upon the quality of the environment. The threshold decision is to be based solely upon this process.

#### Conclusions

1. Based on a review of the record there is no substantial evidence to indicate that the determination of the Superintendent to issue a DNS was not in conformance with the procedures established in Ordinance 105735 and the SEPA Guidelines. Ordinance 105735, Section 20(7) provides that the determination of the Superintendent is prima facie correct and that the burden of establishing the contrary is upon the appellant. In this case, the appellant has failed to meet that burden.

2. The environmental checklist contains adequate information and the appellant has failed to show where any incorrect or misleading information was provided. In the answer to question number 10, Lockview clearly indicated that it had future plans for development but that they were not related to the subject project. Question number 20 was answered in the negative and the appellant has failed to show by any evidence that the building has any historical value. The record also does not indicate that there are any slide problems in the area, and even if such problems were indicated, there is no showing as to any connection to the subject addition.

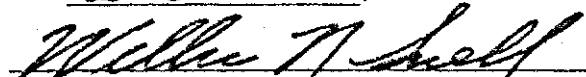
3. WAC 197-10-360 requires the Superintendent to base his threshold determination solely upon the environmental checklist. In this case, a review of the checklist clearly substantiates the decision of the Superintendent that there will be no significant adverse impact from the proposed project.

4. Lockview in this case is attempting to comply with certain federal and state requirements to provide a safety exit for the patients of the nursing home. The addition contains only 206 square feet and is completely separate from any other proposed plans or changes to the building. There is no indication in the record how this would in any way significantly impact the environment.

#### Decision

The appeal is DENIED and the determination of the Superintendent of Buildings is affirmed.

Entered this 23rd day of December, 1976.

  
William N. Snell  
Hearing Examiner