

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

In the Matter of the Appeal of

MICHAEL NEWMAN

FILE NO. W-77-007

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, Michael Newman, filed an appeal from a declaration of non-significance prepared by the Superintendent of Buildings, hereinafter Superintendent, with regard to a proposed action to construct a 27-unit apartment building with 29 off-street parking spaces at 4739, 4747 and 4751 16th Avenue N.E.

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

This matter was heard before the Hearing Examiner on May 11, 1977.

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 subject property is located on the west side of 16th Avenue N.E. and about 80 feet from N.E. 50th Street. The site contains approximately 18,360 square feet. Three existing structures at 4739, 4747, and 4751 16th Avenue N.E. will be demolished.

2. The applicant proposes to construct on the site a three-story plus basement apartment structure containing 27 apartment units. Twelve of the units will have separate entrances and resemble townhouses. Fourteen covered off-street parking spaces and a bicycle storage room will be provided. An additional 15 off-street parking spaces will be located to the rear of the lot with access from the alley.

3. The subject area was recently rezoned from Multiple Residence High Density RMH 350 to Multiple Residence Low Density RM 800. The applicant filed his application for a building/use permit when the RMH 350 designation was still in effect so the provisions of that zone will control. Portions of the structure will be nonconforming within the RM 800 zone, but the height will not exceed 35 feet and will conform to RM 800 standards.

4. The appellant in an appeal letter dated April 7, 1977, alleged that the finding of no significant environmental impact is in error and that an environmental impact statement should be prepared. In addition, the appellant alleges that several adverse impacts of the proposal are not identified and such identification is necessary before mitigating measures may be imposed.

5. The appellant alleges that the checklist, Item 13, Transportation and Circulation, did not adequately deal with potential adverse problems. The appellant also alleges that the scale of the building and size is out of harmony with the building as it relates to Item 18, Aesthetics, of the checklist.

6. The appellant also raised issues with regard to the economics of rehabilitation and neighboring property values.

### Conclusions

1. An environmental impact statement is required pursuant to the provisions of the State Environmental Policy Act (SEPA) only when there is a major action that would have a significant adverse impact on the environment. An adverse impact is significant whenever more than a moderate effect on the quality of the environment is a reasonable probability.

2. In this case the appellant has failed to demonstrate by any credible evidence that the proposed action will have any significant adverse impact on the quality of the environment. The proposed action involves the construction of an apartment building in a multiple residence (RM 800) zoned area. Consequently, the zoning policies of the city clearly indicate that this is a suitable area for the location of a multiple residential structure.

3. The issues raised by the appellant in the appeal letter are adequately disclosed in the checklist. Item 13 discloses that there may be an increase in traffic due to the construction of the apartment building. There will be a small percentage increase in the number of vehicles utilizing the alley, but the appellant has failed to substantiate how this would result in any significant adverse impact. Allegations must be supported by substantial evidence.


4. With regard to bulk and setbacks, Item 18 of the checklist provides as follows: "Will the proposal result in the obstruction of any scenic vista or view open to the public, or will the proposal result in the creation of an aesthetically offensive site open to public view?" In this case, the appellant has failed to relate how the construction of an apartment building would result in an aesthetically offensive site. Certainly one can argue as to whether it is more pleasant to view a single-family residence as opposed to a multiple residential structure, however this is not the standard established in Item 18.

5. The issues raised with regard to the economics of rehabilitation and neighboring property values cannot be considered. WAC 197-10-360 provides specifically that the only matters to be considered in the threshold determination are those contained in the checklist. Although the appellant may want to argue broader issues, it is necessary in any proceeding of this type that there be a limited scope of inquiry and in this case the parameters are established by the checklist. The appellant has also failed to substantiate the issues related to mitigation.

### Decision

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

Entered this 24th day of May, 1977.

  
William N. Snell  
Hearing Examiner