

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

In the Matter of the Appeal of

MARGARET COUGHLIN

FILE NO. W-77-010

from an environmental determination  
of the Department of Community  
Development

The appeal is DENIED and the determination  
of the Department of Community Development  
is affirmed.

Introduction

The appellant, Margaret Coughlin, filed an appeal from a declaration of non-significance prepared by the Department of Community Development with regard to a proposed action to construct a 40-unit condominium residence at 3100-3124 West Commodore Way.

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

This matter was heard before the Hearing Examiner on June 1, 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 proponent, Condominium Builders, filed an application for a substantial development permit (no. 77-5) to construct a 40-unit condominium residence at 3100-3124 West Commodore Way. The proposed construction would consist of a three-story structure with a basement and would include 60 off-street parking spaces beneath the structure. The applicant additionally intends to widen the portion of West Commodore Way on which the subject property fronts to provide additional on-street parking at this location. The proposed structure would have a width of 280 feet extending along the West Commodore Way frontage and would have a maximum height of 35 feet above the average lot grade.

2. The subject property is situated on the north side of West Commodore Way and slopes rather significantly downhill towards the north where it meets the Salmon Bay Waterway. The site is undeveloped at the present time.

3. Property situated to the west and southwest of the subject property is zoned for and developed with multiple-family residential structures. Further in this direction is a large area of single-family residential development. To the east and southeast of the subject property is property which is zoned for and developed with industrial and other non-residential uses, although several single-family residential developments do exist in this area. Directly abutting the west margin of the subject property is an apartment structure, while abutting to the east is a marina.

4. West Commodore Way in this area consists of a 60 foot right-of-way, but it is developed to a width of only 24 feet and includes two lanes of traffic. There are no traffic counts for this portion of West Commodore Way since there has been no recent traffic studies by the City Engineering Department as a result of the fact that this department has not concluded that there is a significant traffic problem in this area. All traffic generated to the subject property by the proposed use would travel predominately through the industrial area to the east and southeast of the subject property.

5. The area to the west of the subject property has recently been characterized by an intensification with respect to the amount of traffic generated to this area. The establishment of Discovery Park, Commodore Park and the fish ladder by the Army Corps of Engineers have led to an increase in traffic on West Commodore Way and will continue to contribute additional traffic to this area as these uses increase in their popularity.

6. The Department of Community Development (hereinafter Department) in preparing a declaration of non-significance for the proposed action, considered the fact that Item 13a of the environmental checklist had been completed in the affirmative. This response acknowledged that the proposed action would result in the generation of additional vehicular movement. Further explanation by the proponent regarding this item stated that approximately 280 average daily vehicular trips would result from the proposed action. The appellant identified this particular checklist item as the primary issue of the instant appeal, but did not contest the accuracy of the projected increase in traffic to the site as approximated by the proponent. The appellant contends that the Department should have required an exact traffic count for West Commodore Way in this area and taken into consideration the traffic generated by other uses in this area in reaching the threshold determination.

7. The appellant identified other specific portions of the environmental checklist as being recognizable impacts that would result from the proposed action. These other alleged impacts include land use, public services, aesthetics and recreation. The appellant, however, did not go into detail with regard to these allegations nor specifically demonstrate that the Department had committed an error or omitted considering relevant factors with respect to these items in reaching the threshold determination.

8. The Department is cognizant of other environmental studies performed concerning other nearby developments including the establishment of the new parks in this area. The Department is consequently aware of the impacts of these other developments on this area.

### Conclusions

1. An environmental impact statement is required only when there is a major action that will have a significant adverse impact on the environment. An adverse impact is significant whenever more than a moderate affect upon the quality of the environment is a reasonable probability.

2. The appellant has in this case failed to meet the burden of proof and has not demonstrated that the proposed action will have any significant adverse impact on the quality of the environment. The appellant has not presented any credible evidence to indicate that a clear error has been made by the Department in reaching the threshold determination. The Department has identified the probable impacts of the proposed action and has independently considered the significance of these impacts and properly determined that there will be no significant adverse impacts.

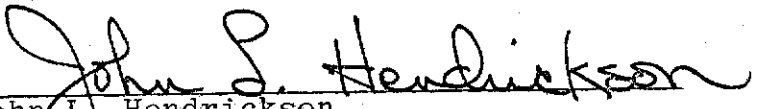
3. It is apparent from the recent increase in number of traffic generators to the west of the subject property that an exact traffic count may be called for by the City Engineering Department. However, this fact is properly within the jurisdiction of that department and it is not necessary for the proposed action to be enjoined until such time as a study is completed. The increased traffic in this area is caused by factors independent of the proposed action in question and consequently the study should relate to the area in general as opposed to this specific proposed action. The impact of the proposed action on transportation and circulation in this area will be insignificant, particularly when compared to the impacts of other surrounding uses and developments. The proposed action includes more than adequate accomodation for off-street parking and will include additional on-street parking spaces that should have a beneficial affect on West Commodore Way traffic.

4. The appellant has not properly raised any issue beyond the transportation and circulation issue since no detail has been provided as to the alleged error committed by the Department in reaching the threshold determination. The appellant has failed to show how any of the other issues are of such significance as to require an environmental impact statement or how the analysis of these issues was erroneous or inadequate.

#### Decision

The appeal is DENIED and the determination of the Department of Community Development is affirmed.

Entered this 16<sup>th</sup> day of June, 1977.

  
John L. Hendrickson  
Deputy Hearing Examiner

#### Notice of Appeal

The decision of the Hearing Examiner in this case is the final administrative determination. Any appeal must be made to the courts. Section 12, Ordinance 102228, the Administrative Code, sets forth the procedure for staying enforcement of an administrative order or decision pending judicial review.